

**COMMISSION CONFERENCE**

**1:30 P.M.**

**MARCH 4, 2003**

Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager  
City Attorney  
City Clerk  
Sergeant Wheeler

**I-A – Fort Lauderdale/Hollywood International Airport - Proposed South Runway Expansion**

The City Manager stated that Randy Dunlap would give an update regarding the recent activities on this item. He further reminded everyone of the Public Hearing that was scheduled for March 5, 2003 at the Convention Center.

Commissioner Moore left the meeting at approximately 1:37 p.m.

Randy Dunlap, City's appointee to the Broward County Airport Task Force, thanked everyone for sending out the letters advising everyone of the public hearing and supporting the importance of it. He advised that two buses would be available at City Hall on March 5, 2003 at 4:00 p.m. to transport citizens to the Convention Center. He also announced that there would be a bus at the Lauderdale Isles Yacht Club so citizens from that area would have transportation.

Commissioner Moore returned to the meeting at approximately 1:38 p.m.

Mr. Dunlap stated that there was a conflict, which was very severe due to the people it would pull from the public hearing scheduled for tomorrow. He explained that Dickey Consulting was conducting a workshop tomorrow evening regarding sewers. He emphasized that this was very devastating to him because some of the spokespersons he was counting on to speak would be attending that workshop. He asked if the City could communicate with Dickey Consulting and consider a rescheduling of their meeting.

Commissioner Hutchinson stated that the public hearing would begin at 5:00 p.m., and the other meeting was scheduled to start at 7:00 p.m. She stated the challenge would be to get to the public hearing early and sign up so possibly those people could speak prior to having to leave for the other meeting. She stated further she did not know how the meeting could be cancelled due to the fact they had notified everyone through their newsletter of the meeting. Commissioner Hutchinson stated that the sewer meetings drew a lot of people, and reiterated that people needed to arrive at the public hearing early.

Mr. Dunlap stated that the report from the Clean-Airport Partnership re-emphasized that these were opinions. He stated that FAA had said very clearly in that meeting last week that the environmental impact statement was a process which would address all issues and concerns of not only the Clean Airport Partnership, but all other comments made by the public agencies from the EPA on down the line, and that the final product would be defensible and workable. He explained that group never lost an EIS battle in Court, and he felt their statement was stronger than the City's, County's or Hollywood's expert. He felt they needed to stay on track and support the process, and do whatever necessary to get the record of decision so they could see how the FAA would respond to the City's concerns.

Mr. Dunlap stated that one of the statements made by the Clean Airport Partnership at the meeting was that there was no magic number for the length of a runway. He stated that he was ready to take issue with such a statement because in this City there was a magic number. He explained that in 1994 when Dania Beach filed its lawsuit against Broward County to alter the development of the Airport, he believed that was a correct lawsuit. The original plan called for a 10,000' south runway, which would have been longer than the north runway and would have pushed more traffic onto the south runway and unfairly burden the neighborhoods on the south and to the west of that proposed runway. He explained further

that building a shorter south runway would push more traffic to the north runway and burden the residents to the north, west and east of that runway. He stated the "magic number" in Fort Lauderdale was 9,000' because it would create an environment in which the two runways would be used equally. He stated further that FAA would allow them with equal lengths of runways to land on the south runway and take off on the north runway when winds were coming from the west and vice versa. He explained that the bottom line was that the current plan proposed by the FAA eliminated over flights on the north end of John Lloyd State Park, which was, where citizens went to enjoy the park. The south end of the park that would be over flown with the current plan would have no over flights. The areas west of the runway would not have over flights under the current plan. He continued stating that if they built the shorter south runway both runways would be used for take-offs and landings, and the current Interlocal Agreement would be null and void, and while lawsuits were filed one after the other, planes would be taking off over neighborhoods and parks which were not necessary.

Mr. Dunlap reiterated that the 9,000' runway was absolutely the best alternative with the least impact on all citizens of Broward County. He stated there had been a lot of discussion regarding mitigation, and at the end of the day the south runway would be the City's mitigation. He emphasized that this runway would eliminate the diagonal runway.

Mayor Naugle thanked Mr. Dunlap for all his hard work and time and stated that he had represented the City very well. He also stated that everyone would be in attendance at the public hearing.

Commissioner Hutchinson stated that she had attended the workshop sponsored by the County, and she felt Stephen Howard had done a very bad job in regard to the Clean Airport Partnership. She stated it appeared that he believed that the City had only been involved in this process for a few months. She stated that the City had been involved since 1989, but actually was involved since the Airport began growing back in 1960. She continued stating that there had been a lot of discussion regarding the diagonal runway, and using it more. She stated that would be detrimental to this City. She proceeded to urge everyone to attend the public hearing scheduled for March 5, 2003. She also thanked Randy Dunlap for his hard work and stated he had begun this work before he was even a resident of this City.

The City Manager stated that parking would be provided for the individuals riding the buses tomorrow and a system would be put into place.

**ACTION:** No action taken.

#### **I-B – Certificates of Public Necessity and Convenience**

The City Manager stated that Mr. Bentley had distributed some information regarding this and there had been a typographical error in an earlier memorandum quoting the wrong section of the Code.

Bud Bentley, Assistant City Manager, stated that Article 27-46 had been included in the back-up material, and on page 27, column 9D it referred to the Broward County Code of Ordinance which contained the formula as to how the number of taxicab certificates were calculated. In the City Code it referenced County Code 22 ½ -11(3) which was the error, and it should state "County Code 22 ½-3." He explained that copies of that section were distributed to the Commission.

Commissioner Hutchinson clarified that there were 165,000 people, therefore, they were allowed 82 certificates. She asked if they were over the amount allowed. Mr. Bentley confirmed.

The City Attorney stated that was not exactly correct. He explained that they had 200 based on the 1979 population which was about 150,000. In the County Code, it stated that one got 200 for 150,000 people, and then after that for every 2,000 additional residents, one received 1 taxicab. He stated it was not the total population divided by 2,000.

Commissioner Smith stated they did not have any jurisdiction or authority to change it since it was a County ordinance. He further stated that after thinking about this, he felt there weren't enough available. He felt that they had a daytime population of about 5,000 people, and their City was different than just the base population. He felt they should open the process more and allow for more competition. He emphasized that he was not satisfied with how things were, but he did not know what ability they were provided to make any changes and felt it should be looked into.

Mayor Naugle stated that one suggestion was to have the Community Services Board provide the function of having public hearings to obtain input from citizens and the industry, and then make a recommendation to the Commission. He thought this had been done in the past, and possibly they could advise the Commission regarding taxicabs, cars for hire, and the other car services available.

Commissioner Smith suggested that a hearing possibly could be heard regarding the entire process. He felt that could be a reasonable way of addressing this matter.

Commissioner Katz asked if they were discussing the raising of the bar. Commissioner Smith confirmed. Commissioner Katz stated they would have to bring that before the County.

Mayor Naugle stated that Board could hold the public hearing and then make a recommendation to this Commission, and then the Commission could go before the County if it was not something the City could take care of.

Commissioner Katz did not think this was something the City could do.

The City Attorney stated that it was not unless they recommended over two based on the population. Commissioner Smith asked if the County had the jurisdiction and authority through the State Statutes. The City Attorney confirmed and stated they had such authority through the Charter.

Mayor Naugle remarked there was never any discussion about it being "inhabitants" or residents and including people in hotels and other daytime population. He stated the census had the number of full time residents, but there was a greater number of inhabitants of the City at times.

The City Attorney agreed and stated that number could probably be gotten from the hotel/motel associations.

Commissioner Smith asked that due to the wording of the County Charter would the City have a case stating the daytime population was greater.

The City Attorney stated that the wording was "inhabitants," but he felt it would give the City a case to distinguish themselves, and cause the County to amend the ordinance to address the number of hotels within the municipal boundaries.

Commissioner Smith stated the question was did people feel there were sufficient cabs available in the City. He further stated in most cities you had the option of flagging down a cab, but here you had to call ahead of time and then wait. Commissioner Katz stated she did not know if that was because there weren't enough cabs, or because the County passed a law which stated you could not hail a cab.

Mayor Naugle remarked the City did not have taxicab stands or places where they could accumulate to pick up fares. Commissioner Hutchinson suggested they research and see if the County had something in the Charter which would not allow individuals to hail cabs. Commissioner Smith stated he thought in the City Code it stated that people delivering into the City with licenses from outside the City could not pick up while in the City. The City Attorney confirmed that was so without a license from the City.

Mayor Naugle remarked that he had never received a complaint about not being able to get a taxicab.

Commissioner Smith stated he had not received such complaints either, but in his own experience he had the problem.

Commissioner Moore stated that the reason this was being discussed today was to see whether or not they legitimately had been advertising the process regarding this matter, and how a license could be obtained. He stated that a recommendation was made that it go to the Community Services Board to evaluate the necessity and that the City did not have an appropriate system of accuracy for legitimizing the necessity. He suggested they allow that Board to take on this issue. He stated he was disappointed in the back-up information that he received, because he felt part of the request was that they had asked for all of the work that Board had done in 1984 and the type of services and issues the Board reviewed. He reiterated if his request had not been clear, than he once again wanted to ask for such information so the advisory board could get an indication of what work they had done in the past. He emphasized they had dealt with things involving community services. He continued stating that the Board had been very limited in their authority and power, and he felt they should have a discussion regarding their areas of jurisdiction.

Commissioner Smith stated that he had received a letter from the pedicab services who felt this service was not regulated properly. He suggested that this should be included in the Code. Commissioner Moore agreed and felt it was important to have the Community Services Board review all the services available. Commissioner Katz stated they had come forward a few meetings ago with a list of matters discussed at previous board meetings, and possibly that list could be included and re-reviewed.

Commissioner Moore emphasized that the Community Services Board could play a better role in helping to address such matters.

The City Manager stated that they were clear in what Commissioner Moore had requested, but a number of things had changed from a regulatory perspective so in order to be complete they wanted to review why things had changed, and some of those changes were due to HUD rulings. He stated that the desired back-up material would be provided to the Commission.

**Action:** Information to be provided regarding the activities and jurisdiction of the Community Services Board from 1984. Community Services Board to address taxicab requests and review pedicab process.

#### **I-C – School Board of Broward County Long-Range Facility Master Plan Study for Public Schools**

The City Manager stated that this was a report on the activities of the Education Advisory Board. He stated that after the Commission's discussion, the School Board had proceeded to examine ways to fund their long-range facilities plan, and he had been asked by Lois Wexler to serve on the Financing Options Committee.

Leslie Carhart, Community and Economic Development Department, stated that the Committee was fairly large and broadly represented and they would probably only have 2-3 meetings, and their next meeting was not scheduled for at least 1 month.

The City Manager stated that he was comfortable in the fact that they would be listened to, and he felt it would be a hard working committee.

Ms. Carhart stated that she had 3 newspaper articles to distribute to the Commission, and one of which was an open letter written by Dr. Till to the Sun-Sentinel. She further stated they had been asked to sculpt a position statement for the Commission as it related to the School Board moving forward with a plan, along with funding options. She explained that they had met with the Education Advisory Board and prepared some language, which had been distributed, to the Commission, which addressed all pertinent issues. She believed it came down to 3 items. She stated that one of the things they were concerned about was the process itself and the coincidence of the negotiation of the Interlocal Agreement. Ms. Carhart stated the 3 big issues were:

1. Remove South Side School from the surplus, and not surplus other properties that speak to the issue of land banking.
2. The bulge moving through the system where they could look at lower levels of enrollment in the elementary schools, but they were expecting the numbers to increase in the high schools. Requesting the Commission's support insuring that Stranahan and Fort Lauderdale High Schools would be rebuilt.
3. Term, which referred to, rephased replacements and there appeared confusion as to the definition of those terms. Instead they wanted those 6 schools replaced.

Ms. Carhart also stated that she would notify the Commission the time of the March 18, 2003 meeting.

Commissioner Hutchinson stated that she wanted the Commission to hear from Cliff Iacino who had been involved in school issues since the early '80's, and she felt he could give another perspective in regard to facilities and the School Board.

Cliff Iacino stated that a good place to start was the article written by Frank Till whereby he stated that since 1983 to the present time there had been a rough parity between the money spent on schools to the West, as opposed to monies spent on the schools in the eastern corridor. He stated the sole purpose of the article was to dispell a notion that there was favoritism shown to schools out west. He felt this issue would be put to rest by laying out this case. Mr. Iacino stated that had Dr. Till gone back a few years earlier and reviewed the facts of that time period, a different picture would have emerged in the case he was attempting to make.

Mr. Iacino stated that 20 years ago a headline in the paper read: "Superintendent recommends closure of 11 schools." He stated that the School Board had voted to do that, and the plan at that time was to close 9 elementary schools, 2 middle schools, and in 1984 would tackle the high schools. He stated that 3 high schools would be targeted for closure, and Stranahan High School was No. 1 on the list in 1984. If those things had occurred, 10% of the school system would have been closed all concentrated on the eastern corridor. He further stated that when that headline hit the streets, there was uproar in the community and massive crowds gathered. He explained that one of the things the City did was that they had commissioned a report, which was done to refute the Foster Report. He stated that report could be a "fresh read," and could have been dated today. It took a broader approach and discussed the banded growth and natural cycles, and what a school meant to a community. In remembering those days, a lot of people thought the schools were being closed due to a decrease in enrollment, but that was not correct. At that time, there were 14 elementary schools and there were 300 empty seats. What they were facing was a school board policy being dictated by economics, which stated that a small school, with a small capacity and fully enrolled, was not economically viable because the dollars chased the student. The new

model for an elementary school was one, which would hold 850 students, but some of the schools out west were much larger

Mr. Iacino stated there was a natural conflict of "milk 'n honey budgets" out west, and schools that had to be subsidized on the eastern part of the City. He stated the City required subsidies to have the minimum curriculum programs, but out west the money was floating everywhere. He was not sure if this allocation had ever been worked out over the years.

Mr. Iacino stated that 1983 was the "water shed year," and was when the School Board decided to advocate their position to provide first-rate education in the eastern section of the County. He stated that 6-8 years prior to that time, the school system on the east side was of benign neglect which culminated in January, 1983. There was a decade when nothing took place on the east side of the City. He explained

that the Foster Report was a long-term vision which the School Board relied on, but there was no mention in the report about renovations or new schools to be built. The whole document was dedicated to school closures in two phases.

Mr. Iacino stated that as they looked forward studies could be done and they could respond, but he felt memos would not carry the matter forward, but the community needed to understand the historical basis of this issue. Even though there might be some parity regarding money, he stated they were so far behind that it was purely a "catch-up" game. He emphasized that they needed to get the message out. He stated that the School Board looked at this City and saw nothing but a flat line, and their recommended policy was one of benign neglect. He felt it was up to them to bring this forward to the public, and that Fort Lauderdale would not be a great City if it did not have a first-class public school system.

Mr. Iacino further stated that he was President of the Edgewood Civic Association and in their neighborhood they had a 10-acre site which used to be Edgewood Elementary School. He stated that to have such a site was a coveted situation. He stated they wanted the elementary school back. He asked for the Commission to put it on their "radar screen."

Mayor Naugle asked if the letter the Superintendent wrote could be used, along with photographs of schools out west, to show the eastern portion of the City's needs.

Ms. Carhart stated that some of the things that came up when they read this letter was that this would have been in the wake of the school closure issue, and because the communities rallied together to respond to those potential closures, that money was in the bond referendum and schools had been renovated in 1987. In factoring that money from 1987, she asked how much of it was recompense to the public controversy, which got put into the bond program. She went on to state that a certain percentage related to the mold and mildew problem, which was district wide because 23 of the 32 schools were on that list. She asked about the fairness of factoring in what some people considered a mistake. She stated at that time they also had the discrimination settlement and some of the funds were a backlog of recapitalization funding.

Commissioner Hutchinson stated she would like to know where they lost the money in those years.

Mayor Naugle stated that he recently had looked at the new elementary school on 19<sup>th</sup> Street and the new middle school and felt that they looked like warehouse boxes, and asked Commissioner Moore if he was happy with the architecture of those schools. Commissioner Moore stated he was not happy with the architectural design or the way the locations had been put together. He reiterated that the City did not have jurisdiction as a municipal entity. He stated that the whole concept was not done well.

Commissioner Smith stated the reason they did that was because they had taken a lot of criticism in the last decade because they had individually planned elementary schools, and those plans had cost a fortune. People were saying to put the money inside the schools, instead of outside.

Commissioner Moore stated that the municipal entity deserved some criticism as to what happened in the school system from the early '80's to the present time. During the mid '80's he had worked with the NAACP who went before the Commission and the School Board and stated the system was flawed. It was not called concurrency then, but they felt that was the answer. They felt there was a great deal of construction going on out west, and the School Board was putting tax dollars out west, but the developer was not contributing to their impact. He stated that Palm Beach County had concurrency when it came to schools and how it would prevent development from taking place or development, which had to contribute to the process in order to, establish the classrooms which were necessary.

Commissioner Moore further stated that there was also the legislature and voters saying they wanted class size initiative. When it came to the Edgewood School, they could now do things differently and the classrooms would be looked at for reduction of class size. He stated there was now the opportunity to deal with concurrency, and the County should push for it and meet with the School Board requesting them to file legislation that would permit it. He felt this was something the City should consider.

Commissioner Moore proceeded to ask: "What was a school?" He asked if it was a necessity to have 10 acres to build a school, and did they have the opportunity to reclaim a defunct shopping center and find a method to reclaim existing structures for a use for education. He further stated that they needed to focus on the Interlocal Agreement.

Ms. Carhart stated that the draft of the Interlocal Agreement had been circulated, and meetings were being held. She further stated that the Education Advisory Board was assured they would have the opportunity to provide input on that agreement. She continued stating that she had attended a meeting two weeks ago where they only reviewed the first 7 pages of that agreement in 2 ½ hours. She stated it was a 42-page document and they were hoping to have one interlocal for all the municipalities. She reiterated that the way it was written, it was difficult for lay people to understand.

Commissioner Moore stated that it was critical as to what was going to happen and it was unfair how it was being pushed down everyone's throat in the time line that was given. He felt there should be an entity to work as the coordinator. He stated that the League of Cities was requested to be the coordinator, but they said no because they knew what would happen to the relationship of municipal entities. Therefore, it made no sense for them to be that coordinator. Now, they were asking the Regional Planning Council to be the coordinator.

Ms. Carhart explained that the recommendation of the first workshop was that they ask the Regional Planning Council to be the coordinator or central mediator agency because they felt the discussions would be more productive.

Mayor Naugle asked about the deadline. Ms. Carhart stated the deadline was for May with the request of a 90-day extension.

Commissioner Moore reiterated that the extension was requested because the Interlocal Agreement was very difficult to understand and the timeline given was unreasonable. In the end, he felt there might be a change in thinking. His key point was that the legislature should instruct their advisors to extend the time period, and that they needed to work with the legislature regarding concurrency.

Commissioner Smith stated it appeared they had already missed the boat because it should have been out west when those schools were being built and the City was subsidizing those, but not getting any new

schools built. Commissioner Moore agreed. He stated it was now their turn to redevelop and putting concurrency in would create a greater burden on the redevelopment effort. He stated it was necessary, but reiterated that it should have been done 5-10 years earlier. Commissioner Smith stated that when they were developing ideas of what to build in the future, they were probably doing it on the current funding stream, but asked if there was any discussion of new money in the picture through a new bond referendum. Ms. Carhart stated that was what the current committee was looking at. Commissioner Smith stated it was important to make them understand the situation. Mayor Naugle stated that was what the policy statement was about. Commissioner Smith reiterated that they needed to say it more specifically in writing.

Commissioner Smith asked about the status of the South Side School. Mayor Naugle stated it was in the policy statement.

The City Manager stated that South Side School was surplus, and the asking price was \$4 Million. Commissioner Smith asked if the City had a strategy as to how to purchase it. He further stated there were \$2 Million from the County Land Preservation, and asked how the other \$2 Million would be gotten and when was it going to be done.

The City Manager stated that they clearly did not have it in the current budget, and they would have to come before the Commission with a plan as to how to raise the additional capital. Mayor Naugle stated that was included in the last line of Exhibit 1 of the policy statement. Commissioner Smith stated if they were going to do it and purchase it, a plan was necessary.

Commissioner Moore stated if they did not have a plan, he wanted to offer one, which was to have charter schools. Commissioner Smith stated that he did not think they could currently apply for money for charter schools because he believed there were limits involved.

Ms. Carhart stated that the policy was being revisited but she did not know the status of it. She further stated that prior to it being surplus, there was a proposed project there that involved Florida Atlantic University and NOVA Southeastern, and it was being called an urban charter but was a pilot initiative. She stated that such a partnership could still be an option for that site. Commissioner Smith asked why that couldn't become part of their policy and not just talk about it every six months. He suggested they ask the City Manager to devise a strategy to make it happen.

The City Manager stated that he appreciated the Commissioner's frustration, but the reason why they discussed land and property acquisition in shade meetings was because they did not want to tell the whole world their strategy. One of the "catch-22's" on the South Side site as to how to possibly acquire it, required a restriction on the use of the various monies they were seeking. He explained they wanted to get it as open space, but if they were to use that money it would preclude them from using the site as a school. But if they stated they might use it as a school, then they might not be eligible for the open space funds.

Commissioner Moore stated that if they really wanted to do something, they needed to take a position and obtain information about the availability, opportunity and benefits of a charter school run by a municipal entity. He suggested that the City Manager of Pembroke Pines come before the Commission to show how they were able to provide and build schools. He felt they needed to consider this option. He stated that when you looked at the park bond money, it did have conditions. He reiterated that he was not saying the charter schools were the way to go, but he felt they were not completely informed and they needed to address the pros and cons of such schools. He also suggested the matter be brought before the Education Advisory Board to get their input.



Commissioner Smith suggested that a time line be put on the matter so it would not drag on forever. He suggested they use June 1<sup>st</sup> as the deadline.

Mayor Naugle stated that it was offensive to talk about buying something that their City had paid for over and over again. He felt the strategy listed in the policy statement was to remove South Side Elementary School from the surplus list and not surplus any additional school properties located in the City, and set those properties aside for future schools at no cost to the City. He further asked why the City should be weak to tax people once again to buy the property. Commissioner Smith replied that otherwise the property would sit and crumble and be demolished by neglect, and another historical property would fall to the ground.

Commissioner Katz asked what stood in the way of the City going to the School Board enmass and asking them to remove schools from the surplus.

Commissioner Moore stated that the back-up information was clear that these were things to be done, but he felt they needed to have options if that did not work.

Commissioner Moore left the meeting at approximately 2:45 p.m.

Lu Deaner, Co-Chairman of the Education Advisory Board, stated they had begun hearing from School Board members regarding Dr. Till's letter. She stated that the design of the firehouse was exquisite and she felt the physical environment did impact education.

Mayor Naugle thanked the Education Advisory Board for their hard work.

John Wilkes stated he was happy that these issues were going to be addressed.

**Action:** Approved policy statement. Provide copy of the draft of the Interlocal Agreement to the City Commission.

## **II-A – Broward Partnership for the Homeless (BPHI) - State Legislative Proposal**

**Action:** Approved report.

## **III-B – Advisory Board Appointments**

### **Board of Trustees, Police and Firefighters Retirement System**

Mayor Naugle appointed Steven Camp for the Board of Trustees, Police and Firefighters Retirement System.

**Action:** Formal action to be taken at Regular Meeting

### **Budget Advisory Board**

**Action:** Deferred

### **Cemeteries Board of Trustees**

Commissioner Smith reappointed Joe Goldberg to the Cemeteries Board of Trustees.

**Action:** Formal Action to be taken at Regular Meeting

Code Enforcement Board

**Action:** Deferred

Community Appearance Board

Commissioner Hutchinson appointed Jennifer R. Kanser to the Community Appearance Board.

**Action:** Formal Action to be taken at Regular Meeting.

Community Services Board

Commissioner Smith appointed Jason "Jay" Taylor to the Community Services Board.

**Action:** Formal action to be taken at Regular Meeting

Economic Development Advisory Board

Commissioner Hutchinson appointed Andrew Mittleman to the Economic Development Advisory Board.

**Action:** Appointment to be considered at Regular Meeting.

Education Advisory Board

**Action:** Deferred

Nuisance Abatement Board

Commissioner Smith appointed Dill Hatchett for the Nuisance Abatement Board.

**Action:** Formal action to be taken at Regular Meeting.

Unsafe Structures and Housing Appeals Board

**Action:** Deferred

**IV – Commission Reports**

Neighborhood Recognition Policy

Commissioner Smith stated that the Council of Civic Associations felt frustrated that this was not moving forward. The City claimed it was the fault of the neighborhoods because they were not applying appropriately.

The City Manager replied that 32 had applied so far. Commissioner Smith asked what had been done so far outside of sending letters to the neighborhood presidents. The City Manager stated they had been

aggressive even though the neighborhoods might disagree, but letters had been sent out and they attempted to process what had been received.

Commissioner Smith remarked that the people were volunteers and they were counting on these people to bring the neighborhoods forward, but he wanted everyone to try harder to make this happen.

Commissioner Hutchinson stated that working harder was not the answer. She stated they needed to process the ones who had submitted applications. She continued stating that this was a great concept and the neighborhoods got nothing out of this but a letter from the Mayor stating they were recognized as an appropriate civic association. She wanted to get it out of the Planning and Zoning Office and move it to the Commission Office so it could move forward.

Commissioner Smith agreed and stated that they should proceed, but felt they should not stop and work harder to get the remaining neighborhoods.

Mayor Naugle suggested that the City Manager and the District Commissioners of the remaining neighborhoods work together to get them in the process.

Commissioner Hutchinson stated it was a shame that the City did not have a Neighborhood Services Office to do this type of work.

Commissioner Moore agreed that the Commission Office was the appropriate way to move forward on this matter because the neighborhoods that submitted their applications should receive recognition.

Dr. Elizabeth Hayes stated that their neighborhood had submitted their documents and had not even received an acknowledgment letter that the documents had been received, and that was about one year ago. She stated there were some perks involved which could be incentives for associations to be members of this group. She reiterated that they should have been acknowledged regarding the submission of their documents, and felt that once perks were known to be associated with this, people would become involved.

Commissioner Hutchinson felt they needed to work on the recognition and then they could move forward to include the perks.

The City Manager stated that they will return before the Commission in 30 days regarding their efforts and would recognize the neighborhoods that had submitted their documents.

Commissioner Katz asked why not establish a Neighborhood Services Office. Commissioner Hutchinson stated that was a great idea. Mayor Naugle stated that they could have this discussion in the Budget workshop. He further suggested that the City's website could be used in regard to the neighborhood recognition.

Commissioner Smith asked if the Council had encouraged their members to submit the documents. Dr. Hayes replied they had the same criteria at the Council and some people still had not submitted their documents and now were not being permitted to vote until they did so.

Commissioner Moore stated that one of the caveats to this concept was to make sure that any community on the website had an election process which should be done every other year so it would be legitimate. If no elections were held, then those communities would be removed from the website. Commissioner Smith suggested that minutes be taken also. Commissioner Moore stated that he did not want to get involved as the District Commissioner and since he represented them all he did not want to take sides.

Flea Market at Gay and Lesbian Community Center (GLCC)

Commissioner Smith stated that the GLCC held a flea market every other weekend at the community center, which was very successful, but the City was shutting them down. He explained they were calling it outdoor sales and it was a yard sale. He stated they were not asking for money and wanted to do this on their own, and the City was doing this because of code, but he felt the matter should be discussed. He stated the neighborhoods were in support of the flea market, and asked if they could find a way to allow non-profit groups to have such sales.

The City Manager stated they could go before the Board of Adjustment. He stated they were not shutting them down because they were successful, but there were rules and regulations which stated how often garage and yard sales were permitted.

Commissioner Smith suggested that the ordinance be amended.

Cecelia Hollar, Director of Construction Services, stated that the way code read today, no outdoor sales were permitted. She believed it had been the consensus of the Commission that this opened up the door to have outdoor sales activities. She stated if the Commission was seeking something limited just for non-for-profit organizations on a limited basis, they could work with the Legal Department to see how such criteria could be developed. She did not know if retail establishments could be restricted from having such sales.

Commissioner Hutchinson suggested they be given a special event permit. Ms. Hollar explained that was a different process through another division, and possibly this could be looked at as an alternative. Commissioner Moore cautioned everyone that these items were in the code for a reason, and he did not

want to see a flea market operation opening up in a redevelopment area. He felt more discussion was needed on this issue, and possibly there could be ways to conduct such sales.

Commissioner Smith suggested that they make a reasonable recommendation, which would not have a lot of consequences, and in the interim they should not shut down this group. Commissioner Moore reiterated that because a community was in support of an operation did not make it right.

Greg Kisela, Assistant City Manager, stated that they had received complaints about the flea market. Commissioner Smith replied that the complaint had been from a former disgruntled code enforcement officer of the City.

Lori Milano, Director Community Inspections, stated that they did not really address yard sales, but when it became more a business happening frequently then they go out and check the situation.

Commissioner Smith asked about the Farmer's Market. Ms. Milano stated that they were working on vendors on Davie Boulevard, but they had to be careful in addressing the corridor.

Mayor Naugle suggested that possibly special event permits could be issued and they could be rescinded if complaints were filed. Commissioner Smith agreed.

Commissioner Moore stated that he had a problem with people violating the law and then asking for favors.

David Leatty, board member of GLCC, stated that they had approached the City Commission two years ago regarding this and it was a yard sale, which was not illegal. Then, they started doing it more often at the neighborhood's request. He stated they were a community center and provided other services. It grew

to the point they were conducting it monthly and it was a good source of income. There was no real policing of the situation and the event proceeded. He stated when they had received the code violation, he went to the various departments and they were told to change their business license. Mr. Leatty stated there was no licensing procedure for them to go through in order to hold this event.

Mayor Naugle asked if anyone had mentioned a special event permit to him when discussing the matter. Mr. Leatty stated that was the next step, but he felt this should be an allowable use somewhere in the City's Code. Mayor Naugle explained that in order to amend an ordinance the matter had to go before the Planning and Zoning Board, but in the meantime they could apply for the special event permit.

Mr. Leatty stated they were told they could use their building and have the sale in doors. Ms. Hollar explained they would then have to change their use in order to do that. Mr. Leatty stated they would do whatever was necessary.

Commissioner Smith asked if a special event permit could be walked on at tonight's meeting in the interim while things were being worked out. The City Manager replied that it needed to be noticed.

**Action:** Agenda Special Event for March 18, 2003 Regular Meeting.

Commissioner Moore left the meeting at approximately 3:22 p.m. and returned at 3:23 p.m.

#### Sunrise East Access Road

Commissioner Smith stated that the Vice-President of Sunrise East Condominium contacted him and stated they used to access their building from Sunrise Boulevard, but when the State built the bridge they forced them to use the alley behind it, and were guaranteed a reasonable entrance to their building. Nothing happened and now the Fire Department was upset because the turn-around was not large enough for emergency vehicles. He explained they were asking for the City to help with a charrette so all

the property owners could gather and figure out some strategy as to how to make the road better and fit for use.

Richard Applebaum stated that in 1985 the City took the ingress and egress from the building, along with a walkway from Sunrise Boulevard to the building. The residents that they would take the alley and make it into a coded City street with a pedestrian walkway, along with providing sufficient landscaping. Nothing had been done. He stated there was no documentation in writing because only one person still lived in the building that was on the Board back in 1985. That person stated that they were a group of gentlemen and took each other's word.

Commissioner Smith stated they should have some meetings with City staff who understood road design and figure out what could be done, and then proceed to the State for funding.

Mayor Naugle asked if they could go through the neighborhood improvement process with assessments.

The City Manager stated that at the time the State did what they did, it should have been explored further. He reiterated that the Fire Department were the ones voicing their concerns because of egress to the building. He felt it was more than a traffic situation, which motivated this concern.

Otis Latin, Chief Fire-Rescue, stated that it slowed them down when they could not get into an area easily, but he would check with staff and find out the specifics involved.

Mayor Naugle suggested that this be placed on the Conference Agenda and find out what the State had paid for and what they had committed to do.

Commissioner Smith suggested that possibly a mini-charrette should be held regarding this matter before they came before the Commission. Mayor Naugle believed that the District Commissioner would have to get involved.

**Action:** Mini-charrette would be organized.

#### Evacuation of Movie Theatre, Nightclubs, and Restaurants

Commissioner Moore stated that people had called him regarding the recent fire at a nightclub out-of-state, and asked if the City would be contacting the operators of these business establishments regarding exits and the lighting around those exits. He further asked how often they were checked. He continued to state that he brought up these items also because while attending the Gateway Movie Theatre, he had exited the rear exit door and was trapped by a fence with barbed wire.

Otis Latin, Chief Fire-Rescue, stated that they did inspect the movie theatres and would check on the one mentioned by Commissioner Moore. Regarding the pyrotechnical matters, they had begun doing night inspections at the various clubs and they had good relationships with clubs and most had sprinkler systems. Commissioner Moore asked if pyrotechnics were permitted to be used. Chief Latin stated if used they had to obtain approval through the Fire Prevention Bureau and inspectors had to be on site. It was being checked and worked on.

#### Development Agreements

Commissioner Moore stated that he was very frustrated with the development agreements not being done on time. He stated that he had been working on three development agreements for the last several months. He stated further that he wanted them done on time because the community wanted to see something happen, and the tax base was decreasing due to not having the agreements, and the increment in the CRA was being lost each year because the development was not being built. Commissioner Moore continued stating that he had the following agreements that were not yet out of the

Legal Department: Sistrunk Plaza, Sweeting Estates, Bank of America, and the Konover site.

The City Attorney remarked that Sweeting Estates had not yet reached the Legal Department.

Commissioner Moore reiterated his frustration, but he wanted to find a way they could out-source this work. He stated that the JPI process was taking too long. He continued stating that a problem existed and they needed to find a way to address it. He suggested that some discussions had been held about having other legal entities paid to assist in this matter. He stated that he wanted to find a way to do this. He felt the Legal Department was doing an excellent job, but the cost of time was a lot of money and disappointment to a community who waited anxiously for their projects. He continued stating that he wanted to find the necessary money somewhere to get some outside assistance.

The City Attorney stated that there had been a number of unusual demands on the office, which normally were not made and had to be addressed immediately. He stated they were already looking at some code enforcement items and the enforcement of liens and the foreclosure of those liens to out-source that type of work and take that burden off of staff. He stated that he had come in on the tail end of the development agreement that was deferred today, and that had taken a tremendous amount of resources from his office over the last 5 months. He continued stating whether they needed outside counsel to do normal agreements he was not sure. He realized they were needed in certain areas, particularly in liens

because it was constant. He stated there were criticisms because sometimes the agreements were in the departments for a while. He reiterated that Sweeting Estates was not even in his office yet, and they were receiving complaints about it being delayed. He explained they got the agreements done relatively quickly and if they were the cause of the delays that matter would be addressed. He stated they should not take more than 1-2 weeks on any given project, unless it was involved in a negotiation.

Commissioner Moore stated that they had agreed to do out-sourcing in the past and he was disappointed that it had not yet been done. He felt the issue was how to deal with the CRA and to expedite the turnarounds. Commissioner Smith stated that it might not just be a Legal Department issue, but a citywide policy. Commissioner Moore reiterated that if something was on the table, but a larger project came along, it got pushed away due to the fact there were limited resources. He stated that competing interests were "beating everyone up." He suggested that they have pre-qualified attorneys set up to do the work and when needed could be called upon to help out.

Commissioner Katz asked where the money would come from to do this. Commissioner Moore stated that it was important and they could take it out of the General Fund Contingency. Commissioner Smith asked if they could use CRA funds.

Mayor Naugle stated that he wanted to caution everyone because he would rather they free up time by sending out liens and having development agreements done in-house. He stated that the County incinerators were an absolute disaster. He reiterated that he did not want large important deals contracted to outside counsel.

Commissioner Moore stated he was suggesting that the City Attorney get the pre-qualified attorneys and when the department was bottlenecked, the work could be sent out and they would not have to wait to get things done.

The City Attorney stated that first off, he had heard on a very selective basis a few projects, which had been held up, in his office. He stated that some complaints had been made because projects were held up in other departments, and it was anticipated that they would not get a one-day turnaround in Legal. He stated he needed to get the list and find out where the documents were and how many were being held up by the fact that legal review had not yet taken place. He believed he could then come back to the Commission with a recommendation.

Commissioner Moore stated there were options available, but he wanted to have the matter resolved.

#### County Workshop on Airport

Commissioner Hutchinson stated that Barbara Hall had said something interesting at the County Workshop on the Airport. She asked that regarding the Interlocal Agreement that they had signed with the County, if the County built something smaller would they be in compliance.

The City Attorney replied they would not be in compliance.

Commissioner Hutchinson further stated that they thought they would be so she just wanted to bring this up as a matter of information. She stated it appeared they were under the opinion that if they did not build something larger, and then they would be in compliance with the agreement. She thought she remembered there being some footage involved in this that the Commission had signed.

The City Attorney replied there was footage and he had talked to the County Attorney's office when the question was asked whether the agreements were enforceable. He stated that he had called Noel Heffer.

Commissioner Hutchinson remarked that Mr. Heffer did not answer the question. The City Attorney stated that he had informed Mr. Heffer of his position on the issue, and that he believed the documents were enforceable. He stated that the 9,000' was not necessarily enforceable, but the documents this City approved had a runway at a length, which would get rid of 1331, and the north/south and east/west runways would be equal in their operation in order to spread out the traffic. He believed if the County moved towards a master plan and they decided to delay the runway construction until after the master plan, he believed they would not be in compliance and would recommend the City go immediately to Court and stop all construction. If they wanted to plan the runway, then they also needed to build the terminals. The City Attorney stated it was his personal opinion that they entered into a development agreement, which was very specific, and the purpose was to share the wealth and move the traffic off the north to the south, and get rid of 1331. Therefore, there would be redundancy on the north and south, and they would not have to use 1331.

Mayor Naugle stated that possibly the City Attorney could speak at the public hearing regarding the City's position on the matter, as well as the City Manager.

#### 637 SW 15 Avenue

Commissioner Hutchinson stated that she wanted an update on 637 SW 15 Avenue. She stated that she was aware of some issues with HUD, but this had languished too long. She felt that HUD was changing gears, but the project needed to move forward.

The City Manager stated that his office would provide an update.

#### CVC Project on March 29, 2003

Commissioner Hutchinson stated that she had a CVC project scheduled for March 29, 2003, and they had been asked by Parks and Recreation to help fertilize the palm trees on the beach. She explained they would be on the beach from 7:00 a.m. for about 3 hours and urged people to get involved. She stated they needed about 50 people and they did sign-off on community service hours for students.

#### Beverly Heights Neighborhood

Commissioner Hutchinson stated that Beverly Heights neighborhood which was east of Federal Highway and bordered Broward Boulevard on the north, and the Himmarshee Canal on the south was going to go through a master plan process. She stated the City was going to participate, but not with funding. A new group known as Land Design was going to do it that was out of Charlotte and Tampa. She continued stating that they were encouraging Victoria Park and Colee Hammock to get involved since they bordered

the group. She stated they were also encouraging Greenberg Consultants to participate since it was close to their study and wanted to hold the first meeting in April.

Commissioner Hutchinson stated that the Summit had problems with parking, and the Parking Division had suggested this creative way to deal with the parking issues, and suggested the Summit contribute money for a master plan for this area.

#### City of Hollywood/Neighborhoods USA - 2004

Commissioner Hutchinson stated that the City of Hollywood was going to host Neighborhoods USA in 2004, and this would be an opportunity for the City's residents to participate. She stated that she was going to look to the Council to assist in organizing some neighborhood tours, and possibly the City's participation could be in-kind versus cash.



**V - City Manager Reports****Bond Sale**

The City Manager stated that today from 10:30 to 11:00 they had conducted their second bond sale through the Internet. He further stated they had received excellent ratings and the winner was Paine Webber at an interest cost of 4.458%. He emphasized that this had been the largest bond sale ever in the City and the rates reflect on the City's credit rating and how the whole operation had been viewed.

**Legislation for Special Taxing Districts**

The City Manager stated that there was proposed legislation to permit special taxing districts for the undergrounding of utilities.

Greg Kisela, Assistant City Manager, stated that they wanted authorization in time for Broward Days for the lobbyist. He stated they had informed the Utility Advisory Committee that it probably would not be done in time to get any local bills introduced, but they would pursue the matter.

Commissioner Smith asked if undergrounding was precluded from one of the things that could be paid for from special taxing districts. Mr. Kisela stated the issue was that the Safe Neighborhood had a limit on how much money they could raise. He believed there was a \$2 Million cap relating to operating costs, and a capital of \$500 per year. Mr. Kisela explained that they wanted to figure out a way to do this so the neighborhoods that wanted to underground and assess themselves could have an attractive financing mechanism available.

**Commission Reports** (Cont'd)**December 2001 Minutes**

Commissioner Moore stated that he had forgotten to make this request of staff and stated that at the Commission Conference meeting in December, 2001 they had discussed various issues, and one of the requests he had made was a review of the Fair Share Agreement that they had with the NAACP. He stated that he had never seen it and during a recent discussion with some citizens, it was mentioned they needed to make sure this had been done and could not find a copy of it. He asked for a status update on this issue.

There being no further business to come before the Commission, the meeting adjourned at 4:05 p.m.

**Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.**