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FORT LAUDERDALE CITY COMMISSION
NOVEMBER 18, 2003**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
NOVEMBER 18, 2003**

Meeting was called to order at 6:07 p.m. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Christine Teel
Commissioner Dean J. Trantalis (arrived at 6:08 p.m.)
Commissioner Cindi Hutchinson
Commissioner Carlton B. Moore (arrived at 6:13 p.m.)
Mayor Jim Naugle

Absent: None

Also Present: Acting City Manager Alan Silva
City Attorney Harry A. Stewart
City Clerk Lucy Kisela
Sergeant At Arms Sergeant Sebragandio

Invocation was offered by Pastor Louis Abel, Trinity Lutheran Church of Fort Lauderdale followed by the recitation of the Pledge of Allegiance.

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB."

Presentations

OB

1. Community Appearance Board's "WOW" Award

Commissioner Teel presented the Community Appearance Board's "WOW" Award for District I (Xeriscape Award) to Ms. Maureen Coble of 2425 NE 26 Avenue. She stated that Ms. Coble's home was a mid-century ranch set in a yard of xeriscape principles with drought-tolerant plantings that were ecologically sensible. Some of the specimens used were Spanish Stopper, Bougainvillea and Florida Orchids.

Ms. Coble stated that xeriscape landscaping was wonderful and it saved water and looked beautiful.

2. Community Appearance Board's "WOW" Award

Commissioner Trantalis presented the Community Appearance Board's "WOW" Award for District II to Mr. Howard Boozer and Mr. Joe Childers of 732 NW 19th Avenue in South Middle River. He stated that the home was built in 1947 and represented an updated version of "Old South Florida."

3. Outstanding City Employees

Greg Kisela, Assistant City Manager, stated that he wanted to honor Carol Sayer for the development of a comprehensive filing system for the Traffic and Transportation section of the Engineering Department.

Mr. Kisela then honored Francisco Santos, James Hughes and Steve Schenck who assisted a female pedestrian who had been struck by a car by calling for assistance and flagging traffic around the scene.

Terry Sharp, Director of Finance, stated that he wanted to recognize Jeanette Sameem for her technical abilities to master various software packages and implement them.

Bruce Roberts, Chief of Police, stated that he wanted to present their employees of the month for the past two months. He stated for the month of September he wanted to recognize PSA Lisa James for her assistance during an armed robbery at Walgreen's on West Broward Boulevard. He then recognized Officer of the Month for September Officer Michael Lopinot who apprehended a suspect involved in a domestic dispute and armed robbery.

Chief Roberts continued to recognize Detention Officer Rolando Rivera for the month of October.

Chief Roberts then recognized Officers Anthony Johnson, Joseph Mogavero and Nick Bruce. He added that Officer Anthony Johnson also would receive a life saving award. He stated that these 3 officers had responded to a man jumping off the Third Avenue Bridge and rescued him.

Ernest Burkeen, Director of Parks and Recreation, stated that the Department wanted to recognize Jeff Stafford who was a part-time administrative aid at the Fort Lauderdale Aquatic Complex. He added that he had also taken over the duties of the Assistant Manager who had been on maternity leave for several months.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – 16th Annual Las Olas January Art Fair**(M-1)**

A motion authorizing the proper City officials to execute an event agreement with the **Las Olas Association** to indemnify, protect and hold harmless the City from any liability in connection with the **16th Annual Las Olas January Art Fair** to be held **Saturday and Sunday, January 3 and 4, 2004 from 10:00 a.m. to 5:00 p.m.** in the East Las Olas shopping district; and further authorizing the closing of East Las Olas Boulevard from S.E. 6 Avenue to S.E. 11 Avenue from 4:30 a.m. Saturday, January 3 to 10:00 p.m. Sunday, January 4, 2004.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1613 from Acting City Manager.

Event Agreement – James Jr. Fund Raiser**(M-2)**

A motion authorizing the proper City officials to execute an event agreement with the **James Jr. Fund Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **James Jr. Fund Raiser** to be held **Saturday, November 22, 2003 from 6:00 p.m. to 11:00 p.m.**; and further authorizing the closing of Sunrise Lane from N.E. 9 Street north to Sunrise Boulevard, from 3:00 p.m., November 22 to 1:00 a.m. on November 23, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1542 from Acting City Manager.

Event Agreement – International Candlelight Vigil**(M-3)**

A motion authorizing the proper City officials to execute an event agreement with **Covenant House Florida, Inc.** in connection with the **International Candlelight Vigil** to be held **Tuesday, December 9, 2003 from 5:00 p.m. to 8:30 p.m.** at the Esplanade.

Recommend: Motion to approve.

Exhibit: Memo No. 03-1615 from Acting City Manager.

Event Agreement – Holiday Home Tour**(M-4)**

A motion authorizing the proper City officials to execute an event agreement with the **Victoria Park Civic Association** to indemnify, protect and hold harmless the City from any liability in connection with the **Holiday Home Tour** to be held **Saturday, December 6, 2003 from 1:00 p.m. to 6:00 p.m., and Sunday, December 7, 2003 from 1:00 p.m. to 10:00 p.m.**

Recommend: Motion to approve.

Exhibit: Memo No. 03-1614 from Acting City Manager.

Event Agreement – First Year Anniversary Celebration (Anyways Bar) (M-5)

A motion authorizing the proper City officials to execute an event agreement with **Anyways Bar Inc.** to indemnify, protect and hold harmless the City from any liability in connection with the **First Year Anniversary Celebration** to be held **Friday, December 5, 2003 from 7:00 p.m. to 11:00 p.m.; and Saturday and Sunday, December 6 and 7, 2003 from 12:00 noon to 11:00 p.m.**

Recommend: Motion to approve.

Exhibit: Memo No. 03-1616 from Acting City Manager.

Tripartite Agreement – Performing Arts Center Authority (PACA) and Broward County (M-6)

A motion authorizing the proper City officials to execute a tripartite agreement with PACA and Broward County for financial assistance to the Performing Arts Center.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo NO. 03-1631 from Acting City Manager.

Contract Award – MGT of America – Executive Search Firm Recruitment for City Manager (M-7)

A motion authorizing the proper City officials to execute an agreement with MGT of America for the recruitment of the city manager.

Recommend: Motion to approve.

Exhibit: memo No. 03-1675 from Acting City Manager.

Executive Airport – Joint Participation Agreement (JPA) Florida Department of Transportation – Grant Funding Redirection to Security Enhancements (M-8)

A motion authorizing the proper City officials to execute a JPA with FDOT to accept a grant in the amount of \$688,000; a Supplemental JPA with FDOT for a grant in the amount of \$508,460.73; and a Supplemental JPA with FDOT for a grant in the amount of \$52,977.43 for grant funding redirection to security enhancements with no required Executive Airport matching funds.

Recommend: Introduce motion.

Exhibit: Memo No. 03-1602 from Acting City Manager.

**Increase Funds for Purchase Order No. 0300343
First Vehicle Services – Sanitation Fleet Maintenance****(M-9)**

A motion approving an increase to Purchase Order No. 03000343 issued to First Vehicle Services in the amount of \$72,013.78 for additional repair costs to Sanitation fleet vehicles.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: memo No. 03-1492 from Acting City Manager.

**Change Order No. 1 – MBR Construction, Inc. -
Project 10253 – Holiday Park Gymnasium Renovation Project****(M-10)**

A motion authorizing the proper City officials to execute Change Order No. 1 with MBR Construction, Inc. in the amount of \$31,200.07 for additional work associated with the Holiday Park Gymnasium Renovation project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-1490 from Acting City Manager.

**Change Order No. 1 – Weekley Asphalt Paving, Inc. -
Project 10692 – Annual Asphalt Resurfacing Contract –
Evergreen Cemetery Roadway Resurfacing Project****(M-11)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Weekley Asphalt Paving, Inc., in the amount of \$14,580 for the paving of the Evergreen Cemetery roadway.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 03-1585 from Acting City Manager.

Task Order No. 6, Amendment No. 2 – CH2M Hill, Inc. - (M-12)
Resident Project Representative Services – Excavation
And Removal of Lime Sludge, Fiveash West prospect Wellfield

A motion authorizing the proper City officials to execute Task Order No. 6, Amendment No. 2 with CH2M Hill, Inc. in the amount of \$84,651 for the provision of Resident Project Representative (RPR) services to properly control the Stanford and Sons lime sludge excavation and disposal contract.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1586 from Acting City Manager.

Task Order No. 13 – CH2M Hill, Inc. – Project 10365 - (M-13)
Temporary Program Management Office – Water and
Wastewater Master Plan Capital Improvement
Plan (WaterWorks 2011)

A motion authorizing the proper City officials to execute Task Order No. 13 with CH2M Hill, Inc. in the amount of \$514,756 for the third and fourth years of the lease for the temporary program management office at 200 North Andrews Avenue for WaterWorks 2011, for the period through March 2006. (Also see Item M-14 on this Agenda)

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1581 from Acting City Manager.

Task Order No. 17 – CH2M Hill, Inc. – Project 10444 - (M-14)
2004 Program Management Services – Water and Wastewater
Master Plan Capital Improvement Plan (WaterWorks 2011)

A motion authorizing the proper City officials to execute Task Order No. 17 with CH2M Hill, Inc. in the amount of \$8,067,459 for the provision of program management services for 2004 in conjunction with the implementation of the City's ten-year Water and Wastewater Capital Improvement Plan (WaterWorks 2011). (Also see Item M-13 on this Agenda)

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 03-1583 from Acting City Manager.

**DeMinimis Settlement Agreement – United States
Environmental Protection Agency (EPA) – Peele-Dixie
Wellfield Contamination**

(M-15)

A motion authorizing the proper City officials to execute the DeMinimis Settlement Agreement with EPA for the Peele-Dixie Wellfield contamination.

Recommend: Motion to approve.
Exhibit: Memo No. 03-1627 from Acting City Manager.

PURCHASING AGENDA

**Proprietary – Maintenance, Automated
Timekeeping System**

(Pur-1)

An agreement to purchase annual software and hardware maintenance is being presented for approval by the Public Services Department.

Recommended Award: Kronos, Inc.
Boston, MA
Amount: \$ 23,822.94
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1594 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the proprietary purchase.

Proprietary – Maintenance, Forensic Image Tracking

(Pur-2)

An agreement to annual maintenance and support is being presented for approval by the Police Department.

Recommended Award: Analysis Central System
Tiburon, CA
PC Professionals, Inc.
Lakewood, WA
Amount: \$ 32,730.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 03-1595 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the proprietary purchase.

742-8949 – Boat and Outboard Motor Maintenance**(Pur-3)**

A one-year agreement for boat and outboard motor maintenance is being presented for approval by the Police Department.

Recommended Award:	Joel's Outboard Service Fort Lauderdale, FL
Amount:	Per Unit Pricing
Bids Solicited/Rec'd:	18/2 with 1 no bids
Exhibits:	Memorandum No. 03-1569 from Acting City Manager

The Procurement and Materials Management Division reviewed this item and recommends awarding the proprietary purchase.

Mayor Naugle announced that Item M-7 had been deleted from the agenda.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel that Consent Agenda Item No. M-6 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore, and Mayor Naugle. NAYS: None.

Tripartite Agreement – Performing Arts Center Authority (PACA) and Broward County**(M-6)**

Commissioner Trantalis stated that he had pulled this item and stated that the City was contributing approximately \$300,000 from its parking revenues to the Performing Arts Center, and asked if this was a contribution they were committed to over long term or was it something that would be renewed annually. He further stated that if it was an annualized understanding, why were they contributing such an amount to an organization that was already profitable.

The City Attorney explained that this agreement was a product of an operations agreement which was a four-party agreement that was between the County, the City, the DDA, and another party (which he did not remember at this time). He further stated that the four-party agreement stated that the parties who built the garage would share the revenues. He stated the tri-party agreement was one wherein the City had agreed to the extent the revenues were net revenues, that the City would contribute their share of the agreement to the Performing Arts Center. He stated they were proposing that the agreement be extended for one year because a number of large maintenance items would have to be done over the next several years, and it would change the amount of money to be contributed, and the City did not want to share the revenues. The City wanted to make sure that the extraordinary maintenance items came out. He stated it was his understanding that this agreement was being proposed for a one-year extension.

Commissioner Trantalis clarified that this amount was an estimated amount in excess of the operation and maintenance costs of the parking garage. The City Attorney confirmed. Commissioner Trantalis asked who owned the garage. The City Attorney replied it was a joint venture. Commissioner Trantalis clarified that the City had the

option to hold back monies if they were to be used for operation or maintenance costs. The City Attorney confirmed.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Commissioner Moore asked about the fire exits which he had mentioned at the previous meeting.

Mayor Naugle asked if it was the Fire Chief's recommendation that a room be made available upstairs so that individuals could wait there until the item they were present for came up for discussion. Chief Latin confirmed.

Settlement of Workers Compensation File (M-16)
No. WC 99-10363 (Kenneth Hill)

A motion authorizing the proper City officials to settle Workers Compensation File No. GL 99-10363 with Kenneth Hill.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Settlement of Workers Compensation File (M-17)
No. WC 00-10434 (Dean Porio)

A motion authorizing the proper City officials to settle Workers Compensation File No. GL 00-10434 with Dean Porio.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Proposal for Permanent Installation of One-Way (PH-1)
Diverter – South Ocean Drive, Immediately North
Of Mayan Drive

A public hearing to consider a proposal for the permanent installation of a one-way diverter on South Ocean Drive, immediately north of Mayan Drive. Notice of public hearing was published November 6, and 13, 2003.

Mayor Naugle suggested that a speaker in favor of the project and one in opposition to the project each speak for 10 minutes, and then a show of hands could be taken. He added if additional comments had not been covered by the two speakers, then they would let other individuals speak for about 2 minutes. The City Commission agreed. Commissioner Trantalis commented that this could be the prototype on how to deal with future controversial issues at the meetings.

Dennis Girisgen, Traffic Engineering Department, stated that this public hearing was in response to the Harbor Beach Association asking the City to consider a one-way diverter. He explained that the diverter would be located on South Ocean Drive just north of Mayan Drive. He proceeded to show a drawing of the site.

Mr. Girisgen stated that this area was served by 3 primary accesses to State Road A1A and all were signalized. He stated those accesses were located at Harbor Beach Parkway, Mayan Drive and Southeast 23rd Avenue. He further stated that residents exiting the neighborhood and going north on South Ocean Drive had an option to go west on Mayan Drive, or go north on Ocean Drive. He explained if the diverter was installed traffic going north on South Ocean Drive would be required to turn left in advance of the diverter that would be installed in the northbound lane. He stated that two-way travel would be maintained on Mayan Drive and on South Ocean Drive north of the diverter. He further explained that access into the neighborhood would not be obstructed by the diverter. He proceeded to show a photograph taken at South Ocean Drive and Mayan Drive.

Mr. Girisgen further stated that they had conducted various traffic studies with the most recent having been done in September, 2003. He stated that police records indicated a crash history since January, 2001, and only one minor incident. He explained that the speed survey indicated that 85% of the vehicles were traveling at 32 mph or less. He stated that the volumes were 1300 vehicles on South Ocean Drive, and 2200 vehicles on Mayan Drive. He stated that based on the historical traffic data, they projected an increase between the off-season and peak season to be about 70%. He explained that they applied that rate to estimate what the numbers would be on South Ocean and Mayan Drives. He stated that it showed there to be 2300 vehicles on South Ocean per day, and about 3700 vehicles per day on Mayan Drive. He further stated that if the diverter was installed, it would remove about 1,070 vehicles per day north of the diverter on South Ocean Drive, and would add the same amount of traffic going west on Mayan Drive which would make the total eastbound traffic about 2900 vehicles per day.

Mr. Girisgen continued stating that they were estimating that the traffic signal at Mayan Drive and State Road A1A would process that level of traffic. He stated that it was harder to quantify the vehicles making the right turn, and 3 factors were involved in the delay. He explained that the existing left-turn storage was limited and blocked cars wanting to turn right on the red light. He stated that the second factor involved the bridge operation at the 17th Street Causeway because when the bridge was up they observed traffic backing up during peak hours beyond the intersection. He stated that the third factor was that whenever a diverter was installed, the actual traffic redistribution was very difficult to determine in advance. He explained that for these three reasons, they were recommending that the diverter be installed on a trial basis in order to see the actual impacts to the right-turn delay. He stated that they believed there were some quality of life benefits which could be derived from the diverter.

Mr. Girisgen reiterated that staff's recommendation was to approve the diverter on a trial basis with one contingency. He continued stating that typically they implemented such diverters with the oversized pots which could be removed later on in the future, and the Harbor Beach Association had asked for a diverter with more permanent features such as curbing, removal of asphalt, and landscaping. He stated they wanted the Association to be aware of the risk associated with such diverters, and if the Commission wanted

them removed in the future, that the Association would be responsible for paying for such removal and roadway restoration costs.

Commissioner Trantalis asked if the purpose of the diverter was to slow down traffic or reduce the amount of traffic. Mr. Girisgen explained it was to mainly reduce the amount of traffic. Commissioner Trantalis stated that most of the complaints he had received were in regard to speed and reckless driving. He asked if such things could be reduced through an alternate traffic calming mechanism. Mr. Girisgen stated they had been considered in the past, but the request before them was only for the diverter. He reiterated that was not the only way to calm the traffic or slow down the speed. Commissioner Trantalis asked if someone suggested other types of traffic calming devices would it be appropriate to include such things as part of the discussion and not only concentrate on the diverter. Mr. Girisgen agreed. Commissioner Trantalis stated that the diverter would narrow the road and deny escape routes for certain parts of the access road. Mr. Girisgen replied that most of the evacuations took place through 17th Street, and they did not anticipate that the diverter would overly restrict an emergency access route.

Commissioner Moore clarified that 85% of the cars were going 32 mph and below. Mr. Girisgen confirmed. He asked if there was any indication that vehicles were going at more dangerous speeds. Mr. Girisgen replied there were some in the range of 50-55 mph on the date they counted the traffic. Commissioner Moore asked if monies would be placed in an escrow account regarding this matter. Mr. Girisgen explained that they had not yet determined the mechanism to be used, and that could be a condition. He stated further if the Association was willing to pay and be responsible, he did not see any problem with that.

John Bradley, attorney for the residents of South Ocean Drive, stated that they were requesting a northbound closure of South Ocean Drive. He further stated that this only involved a northbound closure. He proceeded to show a map of the area, including where the diverter was to be installed. He stated the diverter was the same type that had been approved and installed in Harbor Inlet. He further stated that traffic volume was an immediate safety problem, and stated that two other traffic studies had been done before the one mentioned. He stated that the study referred to in the presentation had been done on a rainy day when traffic was unusually low. The traffic studies done in 2001 indicated there were over 3,000 cars per day on the subject roads. He added that the volume could be greater on a nicer day. He further stated that the studies indicated that the vehicles were constantly traveling over the posted speed limit. He stated that Officer Gavic recently wrote 80 tickets at Mayan Drive and South Ocean Drive for both speeding and running the STOP sign. He added there were no sidewalks on South Ocean Drive which was a narrow street. He reiterated that sidewalks were not a traffic calming device, but the diverter they were seeking was a traffic calming device. He further stated that other traffic calming devices which had been approved by the Commission in the past were complete closures in Harbor Inlet, roundabouts and speed bumps.

Mr. Bradley reiterated that the total width of South Ocean Drive was 21 9/10' and the lane they sought to close was less than 9'. He stated that Miami and Fort Lauderdale topped the nation in pedestrian fatalities. In addition, he stated that South Ocean Drive had become a loading zone for traffic haulers which blocked traffic. He proceeded to show photographs of traffic problems in the area.

Mr. Bradley stated that the Commission had recognized this to be an area-wide problem, and discussed problems in Harbor Inlet and street closures with roundabouts and speed bumps.

Mr. Bradley reiterated that this was not an issue of privatization and that they were not requesting an entire street closure. He stated as indicated by staff there would be no problem regarding emergency vehicles. He also stated that evacuation would move along 17th Street as also indicated by staff. He stated that the Commission needed to review the track record which was that for 7 months the entire street had been closed due to construction of the guardhouses at Harbor Beach Parkway and A1A and no complaints had been made. He stated that a request was probably going to be made for a global study which was an expensive and extensive study.

Mr. Bradley stated that the moving parties were willing to undergo a staff review at a 6-month interval to the extent that the issue was a temporary blockage, and the costs would be less than for a permanent solution. He added that the client, Owen Sloan, would write a check for the funding in its entirety. He stated there was a safety problem, and a solution was available that was less invasive than those previously approved, and a budget and means were being provided. He urged the Commission to support and approve staff's recommendation.

Dan Taylor, attorney representing the residents of Point of Americas I and II, stated that he had attended some meetings where comments had been made regarding the inconvenience, questions of safety, and property values. He felt staff had done an admirable job of highlighting the issues, but he did not think they had been properly addressed. He further stated that the grounds for disapproval of this project included that there had not been a valid traffic study, and that had been admitted by staff. He further stated that if one did the math, it estimated that there were 265 cars per hour on Mayan Drive which was 4.4 cars per minute. He stated that the total traffic for Mayan Drive was projected at 4,775 trips per day.

Mr. Taylor added that Barbara Drive had a turn-about with speed bumps. He stated he was referring to that issue because it had a dramatic effect on this matter. He further stated that comments were made how speed bumps attempted to divert traffic to other roadways which had been confirmed by staff. He stated that was another factor which would affect the numbers involved which had not been discussed. He reiterated the area consisted of about 3,000 units and there were only 3 ways in and out of the community.

Mr. Taylor stated that delays were known in regard to Mayan Drive. He added that staff had stated no safety issues were involved on South Ocean Drive, and therefore, he asked what was the issue and why were they closing down half of the roadway. He stated that 20 houses would not have a problem, but the remaining of the residents would be inconvenienced going north.

Mr. Taylor stated that the elderly residents were very concerned about the emergency services for the area, and part of the traffic study should have reviewed the emergency issues in regard to closing the streets. He stated that he was requesting that the diverter be denied because he did not feel there was valid justification. He recommended that all issues be considered and not just the effects for South Ocean Drive. He added that the

fact that the property owners on South Ocean Drive were willing to pay for this was not sufficient justification as to whether this was right for the community.

Mr. Taylor proceeded to show a photograph of a utility truck on Mayan Drive and explained that there were parking problems on all the streets, and not just on South Ocean Drive. He felt that was not a reason to close down half of South Ocean Drive. He stated the answer was that more enforcement be done in those areas.

Mr. Taylor stated the residents of Points of America I and II were proposing that an all encompassing study be done which would take into account the effects of the diverter on all residents of the area.

Mayor Naugle asked for a show of hands of the individuals in favor of the diverters, and then asked for a show of hands of the individuals opposed to the diverters.

Bob Stone, President of Point of Americas II, stated that they opposed the project. He added that in addition to Point of Americas I and II, the other condominiums that were opposed were Atlantic Towers, Breakwater Surf Club, Breakwater Towers, Everglades House, Lacocina, Lake Marion Apartments, Sky Harbor East, The Oceanage, Townhouse of Harbor Beach, and the residents of Harbor Inlet.

Commissioner Trantalis asked if the residents would agree to some other type of calming device besides the diverter for South Ocean Drive. Mr. Stone replied that they would consider being involved in the process. He further stated that the Point of Americas would never close the door on anything that would benefit the entire community, and wanted to be involved.

David Cassidy, 1600 South Ocean Drive, introduced his 12-year old son, Beau Cassidy, who had written a letter to the City last year and stated that he wanted to read it at this time.

Beau Cassidy read from his letter as follows:

"To Whom It May Concern: My name is Beau Cassidy and I live at 1600 South Ocean Drive and I am 12 years old. Every day when I walk my dogs down the street and back, I almost get run over by some kind of a moving van or car that were going at about 55 mph. I think it is important to make Harbor Beach very safe because there are kids in the area. When there are big trucks and someone wanted to ride their bikes to the Beach Club it was dangerous and I have been almost hit numerous times. He stated if something is not done eventually, an individual could get injured or die."

David Cassidy stated he was here tonight as a parent and a citizen and stated it was wonderful to see people patient about a subject. He stated that he understood everyone's concerns, but his concern was that he could not walk outside his door without being seriously worried about his son. He reiterated they were here tonight to talk about people's safety. He stated that many individuals walked on South Ocean Drive. He stated there had been a test for the closure for 7 months, and there had been no complaints nor were there any problems. He reiterated there was no need for any further surveys. He asked the Commission to do the right thing and not just consider convenience, but consider safety. He stated that he had almost been hit twice in the

past. He stated they welcomed anyone to walk, ride their bikes or drive their cars along South Ocean Drive and enjoy the community.

Richard Ewell, resident of Point of Americas II, stated that everyone had stated there were no complaints made during the 7 months when the road was closed. He stated there were many conversations regarding the delays and awkwardness of the situation. He stated who could they complain to because once the decision had been made to install the guardhouses, there was no choice and complaints were not made. He stated they all felt the impacts at that time. He asked why were studies not done south of Harbor Beach Parkway.

Mr. Ewell further stated that going north he always used Harbor Beach Parkway because if the bridge was opened, one could not get out of Barbara Drive many times or Mayan Drive because of traffic. He stated that all the comments made regarding emergency vehicles, trucks, and moving vans stated there were not enough access to the roadways. He stated they needed more access and not less, and the City should not make any further closures.

Michael Percasio, President of Harbor Beach Surf Club, stated that he was also a resident of South Ocean Drive. He further stated that the parking lot for the Surf Club was next to the new guardhouses, and they had received numerous comments from members regarding parking. He stated that he understood every action had a reaction and he was not pointing fingers at anyone, and stated they had attempted to do this very same thing 3 years ago with the NCIP project. He explained that the speed limit for the area was 25 mph, and 3 years when DOT conducted a study for the NCIP application and had based their study on 30 mph. At that speed limit, they had not met the criteria, and when the speed limit was lowered to 25 mph, they had then met the criteria. Then, road closures had been eliminated from the NCIP funding.

Mr. Percasio stated that he lived on the corner of Mayan Drive and South Ocean Drive and one Officer had given out 278 citations in a four-hour period at that corner.

Mike Oliver, 2618 Grace Drive, stated that Port Everglades was a major target for the southeast, and accepting this recommendation would remove a major exit for this area. He further stated there were only 19 homeowners involved and those individuals knew what they were buying at the time. He reiterated that the police should enforce the laws better.

Irving Baker, Point of Americas II, asked if the traffic survey had been done at the time that Barbara Drive had been closed was it creditable. He stated they were facing a pattern of exclusion and had not been involved in this process, but yet they were going to pay the price for the quick actions taken by the City such as having the beach opened 24 hours a day. He stated that the City had added insult to injury by removing a sand dune at 6:30 a.m.

Frank Ernert stated that he and his family own 7 residences in Harbor Beach and were against the diverter. He explained there were 19 homeowners involved who were concerned about safety, and traffic calming devices had been installed on roadways in the area. He further stated there were 3 ingresses and egresses for the neighborhood and one was being considered for closure which did not appear to be reasonable. He stated that the traffic was very heavy on Mayan Drive. He added that the neighborhood

had voted consistently and had contributed funds to upgrade their community. He stated that the people who would be adversely affected by the diverter outnumber the 19 homeowners. He believed that emergency vehicles would be affected, along with trash removal. He did not think special status should be given to the 19 homeowners.

Liz Garvin, Atlantic Towers, stated that she wanted to talk about the Fort Lauderdale Circle. She stated that the \$2.4 Million were monies in the NCIP funds for Harbour Inlet, Harbor Beach, and Harbor Isles. The improvements had not yet been done, and the \$480,000 were monies to be put towards the improvements from public grants, FDOT, and other taxable funds.

Ms. Garvin continued stating that they were the unrepresented neighborhood. She stated that in May, 1998 archaeologists had been hired prior to the construction of a high-rise complex and had unearthed the Miami Circle. She stated this 200 year-old history had been determined to be the ritual site where Indians had traded and held their ceremonies. Due to the State and monies from the taxpayers, it had been preserved. She proceeded to show a photograph of what she was referring to as the Fort Lauderdale Circle. She stated if archaeologists would be hired in 2,000 years to fulfill State required inspections prior to the construction of a high-rise and unearth the remnants of a circle containing a dolphin statute, a meeting house, and an elaborate dwelling. A site of anthropological significance was declared even though there was no record of its existence. She further stated that they were contesting tribal lands of Harbor Beach, Harbor Inlet and the condos non-tribal rights to cross the residential tribal lands. She urged the City to put in sidewalks or have the children stay in their own yards.

James Ergman, resident of Barbara Drive, stated that he wanted to address some of the concerns of the residents such as children's safety. He felt the new residents did not understand the concept of a thoroughfare. He stated he was not in favor of road closures or speed humps, and cared about the children and was sympathetic to their concerns. He stated further that these were law enforcement concerns and should be addressed. He stated that he hoped someone would come up with other alternatives besides road closures and speed humps because they were completely unnecessary. He added that this would create a snowball effect for additional road closures.

Jody Snook, Harbour Inlet, stated that she felt strongly about 1300 linear feet of road having to be closed. She believed it was an enforcement problem and there should be no diverters. She added that they needed to exit to A1A and they needed more than 3 exits from the area, not less.

James L. Cromie, Jr., South Ocean Drive, stated that he wondered how things got approved by the City without plans, and proceeded to present to the Commission plans which had fallen off the Inspector's truck in front of his house. He continued stating that traffic has increased in front of his house, and there was an alternative to a road closure. He stated they could block off the center lane and have everyone go south, and only a select few would not be able to go north.

Jim Lewis, Harbour Inlet, stated that they lived on a unique peninsula and he did not want the City to install the diverter. He stated no one had discussed SE 23rd Avenue. He added that if Harbor Beach Parkway was closed there would be increased traffic on SE 23rd Avenue, and there was terrible congestion already at this time. He stated if sidewalks were the answer for the Harbor Beach neighborhood, then he would gladly

contribute to the project. He reiterated they needed to get in and out of their neighborhood, and urged the Commission not to block them up.

Mary Kennedy, Atlantic Towers, stated she was concerned about people's safety. She suggested that the hedges be removed from the right-of-way and install sidewalks. She also suggested that the arms be taken off the gate or they should be left up because it was creating a safety hazard.

Charles Resta, South Ocean Drive, stated that staff recommended that Mayan Drive be the exit and entrance of choice, and the recent addition of camera activated light signals had greatly improved the intersection. He proceeded to show 2 pictures of the area. He explained if one stopped behind the pedestrian crosswalk and respected the bike lane, they could not see down A1A and anyone using Harbor Beach going north on A1A had to pull across the pedestrian and bike walks, and many accidents had occurred. He reiterated it was a dangerous intersection. He stated that the same applied coming into Harbor Beach Parkway from A1A because there was no turn signal. He proceeded to show a photograph of vehicles in the right-turn lane on Mayan Drive, and stated it was a controlled intersection.

Bob Ross, President of Harbor Beach Property Homeowners Association, stated they were in favor of the diverter and reiterated that this was a safety issue. He stated that comments were made about emergency evacuations and added that at such times people could go around the diverter because the larger lane was being left open. He stressed that the street was not being closed nor privatized, and were only asking for a safety feature for the residents.

Robert Carroll, Beach Attendant at Harbor Beach Surf Club, stated that the corner at Harbor Beach Parkway and South Ocean Drive was used as a parking area for members. He stated it was a dangerous area.

Abe Schonewedder, President of Ocean Age Association, stated that they had 180 owners who were against the closure. He stated there was a church on Mayan Drive and on Sundays the traffic was horrendous. He also added that there was a school there and traffic was congested on weekdays. He stated they needed another street for ingress and egress.

John Bauer, Member of the Economic Advisory Board, stated that he had the best interest of the community in his heart. He added that he lived in Points of America II and had seen many changes in the community. He felt the proposal being made was criminal. He stated that they had a tremendous volume of traffic in the area, and they should be increasing access to the neighborhood not reducing it.

Janet Bouzek stated that her husband was a gardener in the area and they were in favor of staff's recommendation. She stated that he had been hit by a car in the area and had equipment damaged due to speeding traffic. She did not think that a life was worth convenience.

Fran Turner, Breakwater Towers, stated that they were against the diverter. She stated there was a traffic problem because the individual houses had many people servicing them which caused the additional traffic in the area. She stated that children and dogs should be kept in their yards. She stated it was her understanding that sidewalks had

been offered to the community, but they had turned them down. She stated that comments made regarding no complaints being made during the 7 months the street was closed were incorrect. She stated that in regard to the police handing out tickets in the area, it contributed greatly to the revenue for the City, and people would learn to slow down. She added that trying to get out on 23rd Avenue was a nightmare. She urged the Commission not to approve the diverter.

William Mascola, South Ocean Drive, stated for convenience people wanted to cut through the neighborhood. He stated he had 3 small children and could not even push a stroller down the street due to the speeding traffic. He continued stating that there had been many accidents in the area and cars had ended up in their hedges and fence. He stated they were prisoners in their own home and neighborhood. He stated he was concerned about the safety of the children and animals in the area.

Rick Cardella, South Ocean Drive, stated that he was in fear for his life while mowing his lawn due to the speeding traffic. He stated they were afraid to walk their dog in the area. He urged the Commission to approve the diverter at least for a period of time and see how it worked.

Theresa McCann, South Ocean Drive, stated that she was compelled to speak because she felt Boe Cassidy deserved an apology from the adults in the room. She reiterated that this was not a privatization issue, but a safety issue and not just for 20 families. She stated they were all part of the same community and she believed that a tragedy was going to happen because when looking at the size of the roads and the volume of traffic, it was inevitable. She stated there was clearly a difference in numbers in favor and opposed to this project, and she asked if that was considered by the Commission when making their determination.

Mayor Naugle replied that they listened to the facts and attempted to make a decision regardless of the number of speakers for or against an item.

Tom Odkin stated they were here to protect their children who were prisoners in their own neighborhood because they cannot have the freedom enjoyed by others when they were growing up. He stated that accidents happened because intersections crossed, not because roads came together in the formation of a "T." He stated that more than 19 people were involved in this matter. He also stated that he had a letter from the Reverend of the Church in the area which was addressed to their homeowners association, and proceeded to read it as follows:

"I was asked by some of our members to express my views concerning the construction of a sidewalk on Mayan Drive and the partial closing of South Ocean Drive. As the Pastor of Church By The Sea and a future resident of Mayan Drive, I stand with those opposed to the sidewalk and have no objection to the partial closing of South Ocean. I am very concerned that we remain on the best of terms with our community members, and to do so I feel it important to respect their wishes concerning these projects."

Mr. Odkin further stated it should be safety over convenience.

Pat Casoria, South Ocean Drive, stated the speeds of the vehicles in the area were far above 32 mph. She stated if the matter was about numbers, then this was a done deal

and people had no real voice in the matter. She stated the issue was about safety. She stated when looking at real estate the key issue was location, location, location, and this matter should be about safety, safety, safety. She stated she came here as a good neighbor and citizen and wanted to leave here in the same way. She further stated that she felt badly about the hostility in the room tonight. She stated that the Commission was representing all the people and urged them to consider the safety involved. She reminded everyone there were other ways to exit and enter the area. She hoped the City would not wait around until something happened to take action. She suggested that this measure be temporary to see how things would work, and then permanent action could be taken. She urged the Commission to save a life.

Sylvia Scott (known as Melissa Slone), South Ocean Drive, stated that one thing which had not been addressed this evening was that South Ocean Drive north of Mayan was a popular recreational path for the entire community. She added people enjoyed the area for walking, roller blading, and cycling which was a benefit for everyone. She stated there had been an increase in the use of South Ocean Drive for leisure and physical activity which would continue as the population became more committed to fitness. She stated many tickets had been issued, but that had not remedied the problem. She urged the Commission to consider the diverter.

Steve Lipton, Point of Americas, stated that he kept hearing safety being mentioned this evening. In reading staff's memorandum, there were certain requirements that had to be met before barricading a street, but they had stated that conditions did not exist to barricade the northbound traffic. He stated there had only been one minor accident on the street. He further stated that there was an alternative available. He added that there was a sidewalk on Barbara Drive, and there were hedges along Ocean Drive to the street. He stated he was shocked when it had been stated this evening that an individual was prepared to buy the street. He reminded everyone that the Commission had refused to allow the developer of the Palazzo project the opportunity to buy City land, and therefore, they should not allow a City street to be purchased by one wealthy homeowner. He stated they should let that homeowner and the others in the area put in sidewalks and cut back their hedges. He stated he was opposed to the road closing, and the Commission was to do what was reasonable and fair.

Chris Keniston, South Ocean Drive, stated that she was opposed to the street closure. She stated when the beautification projects were first proposed, sidewalks had been offered for South Ocean Drive, but they were refused. In her opinion, the diverter had been tried during the 7 months of construction, and the only residents happy about that lived between Mayan Drive and Harbor Beach Parkway.

Howard Lewis, South Ocean Drive, stated that he was in favor of the diverter. He believed this matter was a safety issue, and the masses were only concerned about their convenience. He asked if individual's lives would be any more inconvenienced by turning 1300 feet sooner. He asked people to respect the children, neighborhood, and narrow streets and make that turn a little sooner. He stated that the City had removed the buses from the street due to safety, and the service vehicles were using a no-through street.

Sue Cassidy, South Ocean Drive, stated that if this was about numbers everyone might as well go home. She stated they were isolated on the street and only had one way in and out, and they did not have the opportunity to use another roadway. She added that their street was too narrow to have a sidewalk. She further stated that there were blind

spots on the road and police could not obtain an accurate read for radar. She stated that she had seen individuals with children and animals having to jump out of the way of traffic. She stated her son stayed on their property because he was afraid to go out into the road, and their dogs stayed in the yard also. She did not think that was a way to grow up.

Charlie Counsel, South Ocean Drive, stated there had been a lot of rhetoric this evening and he felt the Commission had heard both sides of the story. He further stated the issues were simple in his point of view. He stated that there was a road which was not designed for 3,000 cars per day, and there was a narrow street which curved and people were speeding. He stated there did not appear to be a budget for sidewalks and the diverter was a reasonable alternative. He asked for the Commission's support tonight for the diverter on a permanent basis.

Art Seitz stated that Fort Lauderdale had an appalling bicycle and pedestrian safety record, and the sidewalks along A1A were barely there and very narrow. The bike lanes recently put in were no more than 2' and a gutter. He felt people would be nuts to let their children ride on such lousy sidewalks and bike lanes, and once they crossed the \$70 Million Clay Shaw Bridge there was no bike lane. He felt such issues needed to be addressed. He stated they only needed to send a letter to FDOT asking for the problem to be remedied. He reiterated if they did not ask for something, they would not get it. He felt that speed bumps would be the only thing that would slow down traffic. He felt this was a classic case of a few people asking for something that would affect thousands.

Chris Howard, South Ocean Drive, stated that the previous speaker suggested that FDOT be contacted which was a great idea, but their recommendation was that the suggested egress for residents of Harbor Inlet be Mayan Drive. He continued stating that South Ocean Drive was too narrow. He remarked that many cars sped through the neighborhood, and added that he constantly jogged or rode his bike and always ran into incidents in the neighborhood. He stated there was just too much traffic on the street. He added that Mayan Drive was designed to tolerate more traffic than South Ocean Drive. He urged the Commission to support the diverter, and he did not feel it would hamper emergency vehicles. He added there were no problems for the 7 months when the street had been closed due to construction.

Burton Schiffer, Point of Americas II, stated that the population and traffic had not increased in the actual neighborhood, and the reason for an increase in traffic was because Barbara Drive had traffic calming devices and the traffic had shifted. He stated that the people on South Ocean Drive bought their properties knowing about the existing traffic and asked why they had a right to complain now.

Commissioner Trantalis left the meeting at approximately 8:17 p.m. and returned at 8:20 p.m.

Nancy Lovell, Breakwater Towers, stated that she was not in favor of the diverter. She stated that individuals were discussing safety of children, but what about the elderly who were the majority of residents and were concerned about exiting in case of an emergency. She added that she had kept her children in the yard when they were growing up.

Commissioner Moore left the meeting at approximately 8:20 p.m.

Helen Jackson, Everglades House, stated that some residents on Mayan had voiced their opinions against the diverter. She further stated that some people went through the "STOP" sign, but she felt it was partially obscured. She stated that Dania Beach was meeting concerning a similar problem because they had diverted traffic to another street through a road closure and now there were problems. She reiterated that this could cause a problem in this case.

Robert Klinger, Executive Director of Harbor Beach Property Owners Association, stated that they were 100% in favor of the diverter.

Annabelle McCarthy, Breakwater Surf Club, stated that there had been a terrible traffic condition in Harbor Beach and DOT had been contacted and the problem was remedied. She asked why were things being addressed when there were no problems. She felt it would be time to change when there was a reason. She stated she had never seen any accidents in the area.

Barbara Daniels, South Ocean Drive, stated that while her husband mowed and trimmed their yard, and many times had to step away due to speeding cars. She stated she was in favor of the partial closure.

A gentleman from the audience stated that driving down South Ocean Drive going north there was lots of landscaping encroaching into the roadway. He felt the people should move their landscaping back and there would be plenty of room for sidewalks and people walking. He reiterated that they wanted a country road in the middle of the City. He reiterated that the City had grown and was not a country town any longer.

Sarah Gardell, South Ocean Drive, stated that she walked her dogs daily and felt there was blatant disregard for pedestrians on that street. She stated that she wanted to see the traffic reduced, and was in favor of the partial closing.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, and Mayor Naugle. NAYS: None.

Mayor Naugle stated that many comments had been made in regard to the fact that possibly there was not enough room for sidewalks, and asked what was the width of the right-of-way. Mr. Partington replied that the right-of-way width was 50'. Mayor Naugle clarified that there was presently 21' of pavement, but the actual right-of-way of the City was 50', and therefore, there was approximately 15' on either side available for a swale. Mr. Partington confirmed and proceeded to show a photograph of the site.

Commissioner Trantalis stated that someone asked tonight if this was to be a contest between the many versus the few. He stated that he did not think that anyone really thought that, and that if it was simply one child or one adult whose life might be claimed due to an unsafe situation, then everyone needed to make the sacrifice and be sure that there were safe streets. He further stated they needed to review the justification for a street diverter. If its purpose was to reduce the volume of traffic, then it would do so but would not change the behavior of the drivers. He stated if the purpose of the diverter was to adjust the driving habits of the individuals, then the approach would fail.

Commissioner Trantalis continued stating that the issue of sidewalks arose, and he felt it would behoove them to undertake a cost estimate for installing a sidewalk on one side of the street, and if the cost was above \$30,000, possibly they could ask the man offering money to apply those funds to such a project. He believed they were trying to take people away from cars, and cars away from people. He stated that he had asked staff what other alternate traffic calming devices were available. He felt that approach had not been fully investigated because even if the diverter was installed, it would not change the driving behavior of the individuals. He further stated that he had driven up and down South Ocean Drive and the STOP sign at Mayan Drive was totally obscured. He felt other issues could be approached in attempting to solve this problem, rather than constructing a diverter which he felt would only complicate the situation.

Commissioner Trantalis stated that his recommendation was that they look to alternatives for traffic calming, rather than the diverter because he felt it would not solve the neighborhood's problems.

Commissioner Moore asked if there had ever been a different configuration offered to deal with the issue of traffic.

Mr. Girisgen stated that other options had been discussed, but the Harbor Beach Association was not in favor of such options. They chose the one-way diverter instead.

Commissioner Moore asked what were the other options that had been discussed. Mr. Girisgen stated that speed humps had been discussed. Commissioner Moore asked if there had ever been any discussion regarding one-way traffic for the subject roadways in order to address the issue of safety while controlling traffic, and still allowing the development of sidewalks. Mr. Partington replied that since the discussion had originated regarding the one-way diverter, he was not aware of any other discussions. During the discussions there had been talk about speed humps, and he stated it was the right of the neighborhood to follow the ordinance and petition for the closure, and that was what they had decided to do.

Mr. Bradley stated that about 2-3 years ago the issue of speed humps had been discussed, and in the early stages of this movement the issue of one-way traffic had been discussed and amended in view of the least intrusive measure which was a partial closure.

Commissioner Moore asked how was it seen that the one-way roadway would be more intrusive than the diverter. Mr. Bradley replied that to the extent there could still be travel by anyone in both directions instead of purely one-way.

Commissioner Moore asked for the configuration of the roadways to be shown once again. He asked further if any conversations had been held regarding this roadway to loop in a one-way section where there would be accessibility from A1A in and everyone would then be impacted by the volume of traffic, as well as utilizing markings or some other methodology of making it a separation of a walkway and a driveway. Mr. Partington stated that he remembered discussions had been held in regard to making the road one-way southbound, and that was not necessary in order to achieve the same objective as the partial closure. He did not remember any discussions regarding the issues raised by Commissioner Moore.

Commissioner Moore proposed some questions regarding the roadway configurations. Mr. Partington stated that Commissioner Moore was suggesting that Mayan Drive and South Ocean Drive be made one-way, and northbound traffic on South Ocean Drive would have to continue to Harbor Beach Parkway. Commissioner Moore asked if there was any opportunity at the intersection to do a different configuration which would allow vehicles to have the option to go west. Mr. Partington replied that if Mayan Drive was one-way east there would be no such opportunity.

Commissioner Moore stated that a neighborhood that had worked diligently and even paying for some of their amenities deserved support. He felt what was missing in this equation was a factor of absence of communication. He felt the individuals in the single-family homes had decided this would have a positive impact on the area for safety and lifestyle issues, but he felt they missed the inclusion of individuals who would be traveling the roadway. He stated that the Commission had set a policy to find ways of building consensus in neighborhoods, and that they were not going to consider any road calming devices or closing of roadways unless the neighborhood had built a consensus. He felt that had not taken place in this particular case. He stated that he wanted some methodology created to address the issues brought forth by the residents. He further stated that possibly some of the planting material was disrupting vision for the roadway, and he urged the Commission not to take any specific action this evening and encourage the community to utilize the Associations that had been omitted from the discussions and attempt to build a consensus in how to solve their problems.

Commissioner Teel stated that this did not surprise her at all because when the traffic calming devices were installed in a neighborhood, there was a rippling effect with consequences that no one anticipated. She stated if the individuals were at the end of the line, then they were unfairly impacted. She further stated that from the backup it appeared this diverter would be a reasonable solution to the problem that the neighborhood was experiencing. She stated that she believed everyone in the room tonight was concerned about safety, and she did not feel it was an age issue. She further stated that she had gone through the neighborhood several times at various times of the day. She advised that she had observed the hedges and bushes lining the street which appeared to be very close to the edge, and she wondered how cars could safely exit their driveways because of those hedges. She stated that she had also driven on Mayan Drive and it was not a large road to handle extreme volumes of traffic. She concluded that it was past the time of doing any closures or diverters, and she realized there was a problem on South Ocean Drive. She stated that the problem was that the people driving through the neighborhood were the lawbreakers, and she thought it was sad that individuals did not have respect for others. She felt some of the statements made were ironic and stated it probably depended on what side of the fence one was on.

Commissioner Teel reiterated that something had to be done and she did not feel the diverter was the answer. She stated that the bushes in the right-of-ways should be removed and sidewalks on the east side would provide a safer and more comfortable area for the people, and it would solve the problems for the cars backing out of their driveways. She felt the sidewalks would not be enough to slow down the traffic. She suggested that temporary speed humps be put in the area for a certain period of time and see how things worked.

Mr. Partington stated there were plastic speed humps which were more expensive than the permanent ones, and that they could be removed more easily.

Commissioner Teel stated further that the car carriers should be notified by the individuals contracting with them not to bring such trucks into the neighborhood. She reiterated that people needed to respect each other, and added that she had been offended by some of the behavior shown this evening. She added that the neighborhood had done a great job in their beautification programs.

Commissioner Hutchinson stated that there would never be a consensus in this neighborhood. She stated they could not gain consensus when they were beginning work with their assessment projects. She added that she was embarrassed by some of the attitudes this evening, and added further that the attitudes regarding street closures had not changed since she was first an activist. She stated that when Riverside Park started work on their master plan, it had been a contentious battle. She stated further she did not have all the perfect answers, and did not think the diverter was the answer, but she was willing to try it at least for a temporary amount of time. She reiterated that this neighborhood had a safety issue, and stated the hedges needed to be removed and the sidewalks should be installed in order to give them an opportunity to try things out.

Commissioner Hutchinson reiterated that she was embarrassed by the jeering and snipes made this evening, and reminded everyone that they were neighbors and lived in the same community. She felt some of the people tonight should be ashamed by their reactions and added that she was ashamed as their District Commissioner because she attempted to bring consensus to the groups. She urged everyone to attend the District Meeting and participate. She did not think there was sufficient support for the diverter this evening, and encouraged staff to meet with the Homeowners Association. She also urged the Commission not to take a position in regard to this matter this evening.

Mayor Naugle stated that in his neighborhood they were not allowed to place hedges close to the street, and he realized they were beautiful and tended to buffer the properties from the street. He added that they needed to reclaim the area and move the hedges, and that a sidewalk be placed on one side of the street. He stated that the Commission did not have to make a decision on this matter this evening.

Commissioner Moore stated that he agreed with Commissioner Hutchinson's recommendation, but felt there needed to be some further discussion regarding the hedges. He suggested that possibly plants could be placed in the roadway as a traffic calming device instead of the concrete diverter.

Commissioner Hutchinson stated that in looking at everyone who attempted to build consensus in Harbor Beach, she did not want to take away from them all the work they put into their projects. She felt no one would go away a winner or loser this evening. She felt the Commission wanted to support the safety issue on South Ocean Drive, but she did not want to dictate to them how to remedy the problem. She stated that she wanted them to seriously consider the sidewalks for one side of the street.

Commissioner Moore asked that the condominiums appoint a committee of 3 to meet with the Civic Associations so everyone would communicate on this matter. Commissioner Hutchinson stated that she wanted to look at the Harbor Isles group and have them choose individuals to represent them, and encouraged individuals to attend

with an open mind and who were willing to be consensus builders. She stated convenience was not an issue in her mind.

There was no action taken on this item.

Appeal of Planning and Zoning Board's Decision to Deny (PH-2)
Rezoning from CR to B-1 – De Novo Hearing – Lauderdale
Marine Center (PZ Case No. 5-Z-03)

At the July 16, 2003 Planning and Zoning Board regular meeting, the following application was denied by a vote of 8-0; on October 7, 2003, the City Commission deferred first reading to October 21, 2003 by a vote of 5-0; and on October 21, 2003, the City Commission deferred first reading to November 18, 2003 by a vote of 5-0.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to defer this item until December 16, 2003 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Historic Designation – LBJ Investments Inc. – Progresso (PH-3)
Plaza (PZ Case No. 28-H-03)

At the September 15, 2003 Historic Preservation Board regular meeting, the following application was approved by a vote of 6-0:

Applicant: LBJ Investments Inc.
Request: Historic designation
Location: Progresso Plaza – 901 Progresso Drive

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to close the public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING THE BUILDING AND PROPERTY DESCRIBED AS AN UNNUMBERED TRIANGULAR TRACT OF LAND LYING SOUTH OF BLOCK 214, OF THE TOWN OF PROGRESSO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 21ST STREET (NOW N.E. 9TH STREET) THENCE SOUTH 180 FEET, THENCE NORTHEASTERLY PARALLEL TO THE RIGHT OF WAY LINE OF THE FLORIDA

EAST COAST RAILWAY TO THE SOUTH LINE OF AVENUE "D" (NOW N.E. 9TH STREET), THENCE WEST 170 FEET ALONG THE SOUTH LINE OF AVENUE "D" (NOW N.E. 9TH STREET) TO THE POINT BEGINNING AND LOCATED AT 901 PROGRESSO DRIVE, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS.

Which resolution was read by title only.

Mayor Naugle disclosed that he had been to the wine establishment.

Commissioner Trantalis stated that he wanted to applaud the applicant for making the application for designation. He stated it was a very rich architecturally designed building in the City, and one of the few that were important to the City's heritage. He hoped this could be an example for such other structures.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Rezone RD-15 to RC-15 – Sovereign Development
VIII (PZ Case No. 14-Z-03)**

(O-1)

At the September 17, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 7-0. Ordinance No. C-03-38 was published October 23 and 30, 2003, and passed on first reading November 4, 2003 by a vote of 5-0.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-38

AN ORDINANCE CHANGING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, SO AS TO REZONE FROM RD-15 TO RC-15, ALL OF BLOCK "A", "CLAIR LAKE," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 28, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED BETWEEN SOUTHWEST 19TH AVENUE AND SOUTHWEST 18TH TERRACE, SOUTH OF SOUTHWEST 28TH STREET AND NORTH OF THE WESTERLY EXTENSION OF SOUTHWEST 30TH STREET, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND AMENDING THE OFFICIAL ZONING MAP AND SCHEDULE "A" ATTACHED THERETO TO INCLUDE SUCH LANDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Notice of Proposed Change – Extend Development of
Regional Impact (DRI) Buildout Date – Spectrum Business
Park Association (PZ Case No. 40-R-03)**

(O-2)

At the October 15, 2003 Planning and Zoning Board regular meeting, the following application was approved by a vote of 7-1. Ordinance No. C-03-40 was published October 25, 2003, and passed on first reading November 4, 2003 by a vote of 5-0.

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-84-55 AS AMENDED BY ORDINANCE NO. C-86-13, ORDINANCE NO. C-89-24, ORDINANCE NO. C-90-97, ORDINANCE NO. C-93-70 AND ORDINANCE NO. C-98-24 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES APPROVED AND AMENDED THE DEVELOPMENT ORDER FOR THE SPECTRUM DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED IN A PORTION OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST, SOUTH OF COMMERCIAL BOULEVARD, BETWEEN NORTHWEST 15TH AVENUE AND NORTHWEST 21ST AVENUE, WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; FINDING THE PROPOSED CHANGE TO THE SPECTRUM DEVELOPMENT OF REGIONAL IMPACT TO BE A NON-SUBSTANTIAL DEVIATION, PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW, PROVIDING FOR EXTENSION OF THE BUILDOUT DATE TO NOVEMBER 29, 2010, AND PROVIDING FOR RECORDATION.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

**Amend Chapter 28 – Increase Stormwater Management
Program Rates**

(O-3)

An ordinance amending Chapter 28 of the Code of Ordinances, entitled "Water, Wastewater and Stormwater," by amending Section 28-197 thereof to increase Stormwater Management Program rates effective December 1, 2003. Ordinance No. C-03-39 was published October 25, 2003, and passed on first reading November 4, 2003 by a vote of 4-1 (Hutchinson).

Commissioner Hutchinson introduced the following ordinance on second reading:

ORDINANCE NO. C-03-39

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "WATER, WASTEWATER AND STORMWATER," BY AMENDING SECTION 28-197 THEREOF, TO INCREASE STORMWATER MANAGEMENT PROGRAM RATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

Amend Section 26-8 – Impoundment of Vehicles

(O-4)

An ordinance amending Section 26-8 of the Code of Ordinances, entitled "Impoundment of Vehicles," providing for severability, providing for conflicts, and providing for an effective date. Notice of proposed ordinance was published November 8, 2003.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-41

AN ORDINANCE AMENDING SECTION 26-8, IMPOUNDMENT OF VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Amend Ordinance No. C-75-103 – Membership of the Citizens Board of Recognition

(O-5)

An ordinance amending Ordinance No. C-75-103 to revise the membership of the Citizens Board of Recognition by adding two appointments as follows: one past honoree from one of the categories that requires City residency excluding Exemplary Former City Employee; and Council of Fort Lauderdale Civic Associations president or designee. Notice of proposed ordinance will be published between first and second reading.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-03-42

AN ORDINANCE AMENDING ORDINANCE NO. C-75-103, EXPANDING THE MEMBERSHIP OF THE CITIZENS BOARD OF RECOGNITION TO INCLUDE ONE PAST HONOREE FROM ANY EXISTING AWARD CATEGORY

OTHER THAN EXEMPLARY FORMER CITY EMPLOYEE
AND THE PRESIDENT OF THE COUNCIL OF FORT
LAUDERDALE CIVIC ASSOCIATIONS, OR THE PRESIDENT'S
DESIGNEE.

Which ordinance was read by title only.

Mayor Naugle explained that the Council would nominate an individual, and then the Commission would have the item placed on their agenda and then vote on the nomination.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Commissioner Hutchinson asked if the Council would send a letter stating the name of their designee even though it had been stated that person was to be the President.

Mayor Naugle confirmed.

Downtown Master Plan

(R-1)

A resolution accepting the Consolidated Master Plan for the Downtown and discussing an amendment to Section 47-13.20, Downtown Regional Activity Center (RAC) Review Process and Special Regulations and such other sections of the United Land Development Regulations (ULDR) to provide requirements for the allocation of any dwelling units in excess of the 5,100 dwelling units presently permitted in the Downtown RAC. Notice of public discussion was published October 25, 2003; on November 4, 2003, the City Commission deferred consideration of this item to a workshop on November 12, 2003 and formal consideration on November 18, 2003.

Commissioner Moore left the meeting at approximately 9:15 p.m. and returned at 9:16 p.m.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, ACCEPTING
THE CONSOLIDATED DOWNTOWN MASTER PLAN
FOR THE DOWNTOWN REGIONAL ACTIVITY CENTER.

Which resolution was read by title only.

Commissioner Hutchinson stated that Beverly Heights was in the process of their master plan, and they had grave concerns regarding the linear park on the Himmarshee. She stated they did not have a problem if the matter was discussed in generalities, but the picture made everyone nervous. She asked if the picture could be removed. She added that everyone liked the concept.

Bruce Chatterton, Planning and Zoning Services Manager, stated that they had originally shown a greenwalk along the Himmarshee connecting Federal Highway to Las Olas, and since most of the area was outside of the study area for the Downtown Master Plan, they had agreed to remove it.

Commissioner Hutchinson stated they were discussing it in their own master plan and it would link up. She stated they also wanted to make sure that Broward Boulevard east of 8th Avenue would have the option for on-street parking and possible medians, even though the study did not extend that far.

Mr. Chatterton stated that there was nothing in the Downtown Master Plan which would influence that one way or the other.

Roll call showed: YEAS: Commissioner Hutchinson, Teel, Trantalis, Moore, and Mayor Naugle. NAYS: None.

Commissioner Moore asked if the area shown on the map had not been part of the study area.

Mr. Chatterton stated that they had shown the continuation of the greenway, but due to the concerns of the Beverly Heights neighborhood, the entire area was removed.

Proposed Changes to Employee Health Benefit Plan – Non-Bargaining Employees (Management and Confidential)

(R-2)

A resolution approving amendments to the existing PPO and EPN benefit levels of the City's non-bargaining employee health benefit plan; further approving the addition of a new EPN option and amendments to the prescription drug program; and further approving amendments to the employee bi-weekly deductions for health coverage effective January 1, 2004. (On November 12, 2003, the City Commission deferred consideration of this item to November 18, 2003.)

Commissioner Hutchinson introduced the following resolution:

RESOLUTION 03-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MODIFYING HEALTHCARE COVERAGE FOR PAY SCHEDULE I AND PAY SCHEDULE II NON-BARGAINING EMPLOYEES BY AMENDING PREFERRED PROVIDER ORGANIZATION ("PPO") AND EXCLUSIVE PROVIDER NETWORK ("EPN") BENEFIT LEVELS, ADDING A NEW EPN OPTION, AMENDING THE PRESCRIPTION DRUG PROGRAM, AND ADJUSTING BI-WEEKLY PAYROLL DEDUCTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Which resolution was read by title only.

Commissioner Hutchinson asked for further explanation of the City's share of the deficit which would be repaid this year with the \$2 Million budgeted for it, along with the savings from the reduction in the budgeted City contribution for non-bargaining employees.

Terry Sharp, Finance Director, explained that the \$2 Million was the amount discussed during the budget discussions where they stated that amount was needed to pay down on the deficit. Commissioner Hutchinson asked if it had anything to do with the discussion in reference to the extra 5% contribution. Mr. Sharp stated it did not.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Mayor Naugle stated he was glad the costs had been reduced, and he felt these were reasonable rights.

Commissioner Hutchinson left the meeting at approximately 9:17 p.m.

**Site Plan Level IV Approval/IOA – Royal Atlantic LLC
(PZ Case No. 135-R-02)**

(R-3)

At the April 23, 2003 Planning and Zoning Board regular meeting, the following application was **denied** by a vote of 3-6. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; on July 15, 2003, this item was deferred for consideration to September 3, 2003 by a vote of 5-0; and on September 3, 2003, this item was again deferred for consideration to October 21, 2003 by a vote of 5-0. (Also see Item R-4 on this Agenda)

All individuals wishing to speak on this item were sworn in.

Lois Udvardy, Planning and Zoning, stated that the Planning and Zoning Board had denied this application 3-6 on April 23, 2003. She stated the request was to construct a 12-story project consisting of 37 condominium units. She explained that the City Commission was considered the final authority for a Site Plan Level IV approval, and they were to determine if the proposed development was consistent with the Development Standards under the provisions of the zoning district in which the development was located.

Ms. Udvardy further stated that in July, 2002, the City Commission implemented zoning in progress for this area. She explained that the permitted height and density limits were reduced by 20%. She stated that the height had been reduced from 150' to 120' and the density from 60 dwelling units per acre to 48 per acre. She stated that this proposal met those requirements and limitations. She explained the proposed building had a height of 120' to the main roof deck. Pursuant to Section 47-12.5.D.1.d.i and ii, the applicant was requesting that the side and rear requirements be reduced to minimums allowed under Site Plan Level IV review. In accordance with Section 47-12.5.d.1.b and c, the side and rear setbacks were to be one-half the height of the building unless otherwise approved.

Ms. Udvardy advised that the applicant had submitted a narrative in response to neighborhood compatibility, and staff found that the height of the structure had not been sufficiently addressed. She stated there had been no discussion in the narrative

regarding the heights of adjacent developments. She further stated that the proposed yards should be consistent with those of adjacent developments, and the yards were required to provide for the flow of air and light. She stated that the applicant had not sufficiently addressed how the proposed reduction in yards and subsequent restriction of the flow of air and light was to be mitigated.

Ms. Udvardy stated that the Planning and Zoning Board had voted to deny this application due to their concerns regarding the height being incompatible with some of the existing buildings in the area.

Ms. Udvardy further stated that if the Commission approved this plan, then the following conditions were proposed by staff:

1. Construction Debris Mitigation Plan was to be submitted to include, but not limited to, the requirements of such plan to be approved by the City's Building Official.
2. Final DRC approval.
3. Site Plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. As recommended by the Broward County Historical Commission, archaeological monitoring was to be done during the initial ground disturbance for clearing and excavation for the site.

Commissioner Hutchinson returned to the meeting at approximately 9:24 p.m.

Debbie Orshefsky, attorney for the applicant, proceeded to introduce the developer and property owner Edwin Vertisota; general counsel, Don Derra; project architect, Aidan Fonz; project landscape architect, Mark Jacobson; and traffic engineer, Alan Tinter. She stated that she was also submitting a copy of everyone's credentials as part of the presentation materials to be reviewed.

Ms. Orshefsky proceeded to show a photograph of the site in question. She continued stating that the site was less than one acre which had been acquired by Royal Atlantic Developers in December, 2001. She stated the property had been vacant, but was an interesting site which posed wonderful opportunities. She explained it was adjacent to one of the widest sections of the Intracoastal. She stated that the developer had been advised that the site was zoned IOA and permitted a building of 150' and 48 units to the acre. By the time the developer made formal application in the fall of 2002, the Commission had declared zoning in progress in July, 2002, with an overall reduction in height of 20%. She stated that some other aspects of the IOA which had not been affected were the widths of buildings, and the maximum width allowed was 200'. She proceeded to show an aerial photograph of the site and explained the buildings in the area.

Ms. Orshefsky stated the project design was a typical Mediterranean style common in the area. She proceeded to show graphics of the building. She stated the dotted lines shown on the graphic were the alternative setback requirements as provided in the IOA zoning district. She stated that this project met such requirements. She proceeded to show various elevations of the building. She also showed a planned view of the site.

Ms. Orshefsky further stated that through the process they had worked with the surrounding neighbors who had submitted letters of support for the project. She stated

that they addressed all concerns while still complying with the design requirements of the City. She stated they had voluntarily offered to incorporate various streetscape improvements. She explained they took the sea of pavement and provided landscaping, crosswalks, and created an urban plaza pocket park in 6,000 sq. ft. of space. She added there would also be on-street parking.

Ms. Orshefsky continued stating that from the project site up Reyamar, they would create, construct and install intersection improvements. She stated that the plan before the Commission tonight had gone before the Central Beach Alliance on March 13, 2003, with 125 members in attendance and their newsletter had stated:

“At our last meeting (March 13, 2003) a majority of the members voted in favor of the Royal Atlantic to be built on Bayshore Drive.”

Ms. Orshefsky stated that in a memorandum dated April 23, 2003, the planning staff in regard to adequacy requirements stated:

“Staff concurs that the applicant has complied with these requirements.”

Ms. Orshefsky stated the applicant had submitted a narrative indicating that the proposal met Section 47-25.3 (neighborhood compatibility and design requirements) a and staff had stated as follows:

“Staff concurred that the applicant had complied with these requirements.”

Ms. Orshefsky stated with regard to staff determination:

“Staff finds that this proposal meets the requirements of the ULDR for a Beach Development permit with the side and rear yards being reduced as per ULDR Section 47-12.5.D.1 under a Site Plan Level IV review.”

Ms. Orshefsky continued to state that same position had been expressed by staff at the April 23, 2003 Planning and Zoning Board meeting. She stated at that meeting, Ms. Udvardy stated the following:

“Staff finds that this proposal meets the requirements of the ULDR for the development permit for the side and rear yards being reduced as per ULDR Section 47-12.5.D.1 under Site Plan Level IV review.”

Ms. Orshefsky further stated that in reviewing the transcript of the meeting, there had been a rather extensive discussion between members of the Board and Chris Barton, Planner. She stated that Mr. Barton in an effort to explain in more detail neighborhood compatibility he stated as follows:

“We can't measure it just on how it relates to one building, we have to look at the whole general context, not only in the IOA district, but back in the NBRA and across the beach into the ABA. We look around the property, not just what is immediately beside it. You have to consider the whole area, not just the adjacent building.”

Ms. Orshefsky stated that unfortunately that was not what the Planning and Zoning Board had done. She stated that staff's report given to the Commission had been more

non-committal and was more equivocal and raised two specific issues. She felt they had to acknowledge a reality which had occurred on March 12, 2003 because there had been a tremendous change in the Commission and there was a pervasive sentiment throughout the City reflected in newspaper articles which discussed a general change in slowing growth in the City. She stated that type of influence occurred as to how staff and others were to evaluate projects.

Ms. Orshefsky stated the issues now being raised were height and bulk. She stated that bulk was being defined as the setback issue. She explained they were a lot of criteria on how the Commission was to decide whether a project met the requirements of the ULDR. She stated the following sections were to be considered which were 47-12.6; 47-25.2; 47-25.3 (including various subsections on neighborhood compatibility, design and performance standards, neighborhood compatibility and preservation criteria, along with design and community compatibility criteria).

Ms. Orshefsky explained the Central Beach area had been slated for redevelopment since 1987 when a revitalization plan had been put in place. She stated that the building immediately adjacent to the project was 11 stories with a 20' setback with a height of 110' with a density in excess of 48 dwelling units per acre. In evaluating the character of the neighborhood, she stated they had identified 13 buildings within the area which were in excess of 12 stories. She explained they were all on the Intracoastal and 7 were within the IOA. She proceeded to show a map of the area.

Mayor Naugle asked which buildings were 12 or more stories. Ms. Orshefsky replied that those were 2800 Sunrise East Condominium, LeClub, and on Bayshore were the Americas on the Park, Birchcrest, Birch Pointe, Versailles, and Alhambra Place. She further stated that all of the current officers of the Central Beach Alliance, along with a number of the Board Members, lived in buildings which were larger than 12 stories.

Ms. Orshefsky stated that one of the key aspects of the Central Beach area was that there was an established development pattern of high and low stories along the Intracoastal. She proceeded to show a graphic of the massing of the buildings along the Intracoastal. She also stated there had been discussions about the separation between buildings and the only criteria listed was in the design and community compatibility which stated:

“Buildings should allow adequate space between structural masses for the passage of natural breezes.”

Aidan Fonz, Project Architect, stated that the breezes typically came from the ocean side and the building would receive the breezes from the east. He explained the higher the units, the greater the prevailing winds and the building had been designed with terraces. He stated the “wedding cake” design allowed for the free flow of air.

Ms. Orshefsky asked the architect to describe the building separations between the proposed Royal Atlantic with the Surf Club to the South and Bayshore Towers to the north.

Mr. Fonz explained that at the pedestal from the Surf Club to the Royal Atlantic, there would be a 20' separation which was adequate for air flow. In regard to Bayshore

Towers, the building was 20' from its property line and the separation would be 30'8", and as the tower went up the separation was increased to 60' at the upper levels.

Ms. Orshefsky stated this project was before the Commission because they were requesting an alternative setback in lieu of the setbacks as to half the height of the building.

Mayor Naugle asked if more light would go through if the setback was half the height of the building. Mr. Fonz replied that the portion beyond the triangle would be the only area that would have received more light.

Ms. Orshefsky stated that the separation was increased as one went up the building, and therefore, they had minimized the impact relative to the alternative setback standards. She added that there had been considerable discussions regarding appropriate height for the building, and suggestions had been made for a 10-story building but that was not possible. She stated it was not possible because when the property was purchased the zoning specifically permitted 150' and 48 units per acre, but when zoning in progress was declared the reduction of the building would create an economic hardship. She stated they did not feel that 2 stories less would increase how this project met the applicable criteria. She urged the Commission to approve the project as proposed.

Art Seitz stated that he felt nothing should be built on the beach over 55' in height, and if this project was approved there should be mitigation money paid by the developer.

Brad Heiman, Surf Club resident, stated that he was in favor of this project and he believed the developer was contributing money for improvements. He reiterated that this project should not be stopped.

Diane Smart, Central Beach Alliance, stated that they had bent over backwards to accommodate changes in plans for this project. She stated they had met as a membership discussing this project three times, and had met as a Board many times. She further stated that Ms. Orshefsky was missing the point regarding the development of the Central Beach area. She stated the ULI had talked about higher buildings in the center of the ridge, and lower buildings along the Intracoastal. She further stated that the character of Bayshore Drive was changing, but there was still mostly 2-3 story motels. She stated that neighborhood compatibility and height was an issue in this area. She further stated that the issue with this project was that it would create a canyon affect along Bayshore Drive, along with another project to be presented known as Aquatania. She added that Bayshore Drive was a special part of the beach, and the Central Beach Alliance felt they needed to look holistically. She added that she knew Surf Club members who were opposed to this project. She stated that Bayshore Drive should not be filled with 12 and 13 story buildings.

Commissioner Hutchinson stated that in staff's memorandum it showed that Diane Smart had spoken in favor of this project at the Planning and Zoning Board meeting.

Commissioner Moore left the meeting at approximately 10:03 p.m.

Ms. Smart confirmed and stated that they had found out that financial assistance had been offered by the Developer to several of the buildings in the area. As meetings

progressed, the attitude of the membership had changed and concerns were raised about the construction along Bayshore Drive.

Joe Campanella, Bayshore Towers, stated that Birch Crest was not on the water. He stated that they had not pointed out all the structures on the map and some of them were not in proportion to other buildings. He further stated that they were not opposed to development, but there was a lot of construction going on along Bayshore. He stated they needed to find out what was feasible for the neighborhood. Time changed things and changes took time. He reiterated that traffic was already heavy in the area and new construction had to be considered, and a thought process had to be maintained as to what was best for the area.

Cecelia Hollar, Construction Services Director, stated that she wanted to provide some clarification regarding the comments made by Ms. Orshefsky. She continued stating that the DRC did not approve development projects which were requesting modifications. She stated they reviewed the Code for compliance with the regulations. Additionally, she stated the requirements for addressing shadow and scale under neighborhood compatibility had been in the Code when the applicant applied for the proposed development.

Commissioner Moore returned to the meeting at approximately 10:08 p.m.

Ms. Hollar stated that the comments made by Ms. Udvardy and Mr. Barton were consistent. She stated that the comments were considerations and they concurred that the applicant had met the requirements of Code meaning that they had the right to ask the Planning and Zoning Board and the City Commission for approval of the modifications. She stated that Mr. Barton had stated that everything had to be looked at in totality and he was correct. She further stated that due to the Planning and Zoning Board's comments and recommendation of denial based on height, staff then reviewed it as an affect and presented the matter to the City Commission. She explained there was a relationship between height and setback, otherwise there would not be a requirement that stated as one went taller they had to setback half the height. She stated that when one started with the basic principle that the requirement was half the height of the building as one went higher, one might ask why that existed. She explained that in any zoning regulation a setback existed for the purpose of providing light and air. She stated that the less setback there was, the less light and air, and it was the burden on the applicant to demonstrate why the project proposed with the modifications met the standards so approval could be considered.

Mark Jette, Board Member of the Surf Club, stated that there were 3 points which led them to support this project. He continued stating that there had been a vacant lot for a long time causing vagrancy, dumping of trash, and pestilence. In their view, the project met Code and the question was whether the modifications being requested were substantial enough to warrant not proceeding with the project. He stated it was a relatively attractive project which would embellish the area, including the improvements promised, and that the traffic circle would provide traffic calming for the area.

Brad Heiman, Surf Club, stated that he did not know of anyone in their complex who was against this project.

Dr. Paul Bender, Americas on the Park, stated that his building was comprised of 18 stories. He stated the proposed project was beautiful and that “mom ‘n pop” motels were not going to spring forward consisting of 2-3 stories. He felt the developer did what was requested of him, and urged the Commission to vote in favor of this project.

Ms. Orshefsky stated that she wanted to clarify that the majority of this building met the one-half the height requirement, and at the point where it did not was at its highest point where the setback was 30’ or 40’ making a separation with the building to the north. She proceeded to show a series of computer generated photographs addressing comments made regarding the canyon effect. She stated the point where this building was the closest to its neighbor was where the greatest opening had been provided at the top. She proceeded to explain the photographs being shown.

Ms. Orshefsky stated that the position expressed by Ms. Hollar and staff’s comments were professional opinions passed on to the Commission, and then the Commission had to decide if the appropriate criteria had been met.

Commissioner Teel asked for further explanation regarding the interaction of the two buildings where they joined at the north end. Ms. Orshefsky explained it was angled because the street was curved and the buildings were not parallel to one another. Commissioner Teel stated if one viewed the buildings from across the street, there appeared to be no separation unless directly across from them. She stated it showed her total obliteration of the sky and no vision of across the waterway was possible. Ms. Orshefsky stated she needed to pretend she was walking along the street heading north.

Rafael Tabinas, graphics expert, explained where an individual would be walking in order to view the Intracoastal.

Commissioner Trantalis left the meeting at approximately 10:19 p.m. and returned at 10:21 p.m.

Commissioner Teel stated that it appeared there would be one great long wall removing any pedestrian experience. Ms. Orshefsky reiterated that pedestrians did not see all views. Commissioner Teel stated that as one traveled up the Intracoastal, they would also experience the same type of look. Ms. Orshefsky explained that this perspective was prepared to show the character of the Intracoastal frontage with varying elevations, and they had incorporated the Aquatania even though it had not yet been approved at the request of the CBA. Commissioner Teel reiterated it was a good illustration and served the point of showing what would happen when there were 3 large bulky buildings side-by-side.

Commissioner Moore stated if this building was 3 floors shorter would there be the same effects. Ms. Orshefsky replied that the building would be shorter, but it would not affect the separation between it and the other buildings. Commissioner Moore asked if there would be the same effects if the building was 6 floors shorter. Ms. Orshefsky replied it would. Commissioner Moore replied that there would still be the same impact on the view whether there were 3 or 6 floors less.

Mayor Naugle stated that these images were taken 15’ off the ground. Mr. Tabinas stated he was slightly lower than the pool deck when taking the shots.

Commissioner Moore stated that the impact from the waterway would be even lower than a pedestrian on the site. Ms. Orshefsky confirmed.

Mayor Naugle further stated that the drawings convinced him that this matter needed to go back to planning and zoning regarding compatibility and height. He stated that they needed to work more on those issues.

Commissioner Moore stated he was confused in regarding to those issues. He stated he was not sure what to review regarding compatibility and how far one should go in each direction.

Ms. Hollar explained that there was no distance and it was relative to potential impacts that the proposed development might cause. She stated it could be further away when looking at visual impacts or it could be closer when looking at shadow impacts. She stated that everything had to be related back to the impact.

Commissioner Moore asked if the Planning and Zoning Board had far reached when considering the Americas on the Park as a compatible range for measurement of this development. Ms. Hollar replied that from the impact of height, which was what the Board was speaking to, they were looking at what was the cumulative impact of the heights when all these buildings were put together. She stated that some of the pictures shown by the applicant proved that point. Commissioner Moore stated that in regard to compatibility, they were not talking about other projects in planning when evaluating compatibility, but just this particular development and its impact on existing properties. Ms. Hollar stated that was correct to an extent, but stated that they had a responsibility when knowing that something was proposed and it had gone through a public hearing or discussion to look at it in regard to the cumulative impact. She stated it might not have the same standing since it had not yet been approved.

Mayor Naugle stated that the applicant had introduced the project as part of their evidence. Ms. Hollar stated that it needed to be called to the Commission's attention only to that extent. Commissioner Moore stated that the applicant had mentioned the project at the request of the community.

Commissioner Moore asked when discussing compatibility was he to think about what he saw today with the proposed development, or should he also consider other projects that were going for approval. Ms. Hollar stated that the first and foremost product looked at was the ULDR and the zoning district the project was within. She explained they started from the requirement which was half the height, and anything after that became existing conditions, proposed projects, and cumulative impact of all of the above because at some point it could be that the fifth building in had a different impact than the first building at 18 stories. Things had to be looked at both in relation to what was there, what was allowed, and what was continually happening as a pattern of development.

Commissioner Moore asked regarding the setbacks and comments about wind movement and the design of the building were the architect's assumptions appropriate. Ms. Hollar replied that she was not a wind expert and she was not aware of their qualifications that had been submitted. She stated the simple answer was that the more space between the buildings, the easier for the wind to pass through.

Commissioner Moore stated that in looking at the adjoining structures and their height would it be inappropriate to feel that it would be compatible in heights due to the close proximity of the building. Ms. Hollar replied that the answer would be yes, but the building next to it had been constructed under different standards prior to the new rules. She further stated the buildings were similar in height.

Commissioner Hutchinson stated that she assumed this was part of the Planning and Zoning package as it related to the Bayshore Drive area development. Commissioner Teel confirmed. Commissioner Hutchinson further stated that it showed the various buildings in the area and the height of the buildings. She stated that the Planning and Zoning Board denied the application "...due to concerns and regard to the height being incompatible with some of the existing buildings in the area." She stated she saw buildings that were 16 stories, 10 stories, 11 stories, 12 stories, and continuing down the Bayshore corridor she did not see the neighborhood compatibility issue, and further stated that she was having difficulty understanding why Planning and Zoning had denied their request.

Ms. Hollar stated that if all buildings were at 18 floors would they be compatible, and at what point would one start creating a different type of development pattern than what had possibly been envisioned by the original plan, and what impact would it have over all. She further stated that she felt the point that Planning and Zoning was making was that there were tall buildings, but they also had buildings which were 6 floors, 8 floors, and 9 floors and there was a fluctuation and variety. She further stated that they felt at this location, it was inappropriate to have the proposed height because of a cumulative impact that was starting to create the vision shown in the photograph which showed a continuous wall effect.

Commissioner Teel stated that when talking about neighborhood compatibility, they needed to look at more than one strip along the Intracoastal. Ms. Hollar agreed. Commissioner Teel further stated that in looking across the Intracoastal, there were single-family homes and no opportunity for buffering due to the waterway. She stated her concern with Bayshore Towers, Royal Atlantic as proposed, and the potential of the Aquatania, if those 3 buildings were built as proposed she felt this was exactly what had been stated for quite a while and that was the "concrete canyon." She felt this was a combination which was beginning to impact on what neighborhood compatibility was to protect and address, such as air, light, scale, visual nuisances, and anything else negative to the neighborhood. She stated that neighborhoods as stated in the documents and in the testimony both from staff and others was that they look at a large area. She further stated if one looked at the older 2-story buildings in the area which were available for redevelopment, and put 10-14 story buildings on every lot, one could imagine what would be developed. She stated that having 3 such buildings in a row was frightening, and she felt that did not begin to show neighborhood compatibility.

Commissioner Teel stated that some of the individuals who had made comments this evening had confirmed what she had been concerned about for a lot time and that was the vacant lots that people lived near and their conditions, and people agreed to buildings just to obliterate the vacant lots. She felt that was what had happened in this case. She reiterated that she did not see this project as being neighborhood compatible.

Mayor Naugle stated that the exhibit which had been distributed had been prepared for tomorrow's Planning and Zoning meeting, and was not from their previous meeting.

Ms. Hollar stated that one of her favorite sayings was continually going to be that it was not possibly how tall the building was, but how one was going tall. She felt that was what the standard in the Code attempted to establish. She stated in looking at the drawing, as the building went up if the shaded area was not present, it would meet the Code and this conversation would not be taking place.

Commissioner Trantalis stated that many hours of discussions and negotiations had taken place in regard to this project. He continued stating that there was clearly an imperfect zoning code. He stated it was imperfect to the extent that the types of things the Central Beach area felt was appropriate for what should exist in terms of the building and future development, they felt the zoning code was inconsistent with the vision. It allowed buildings to be built too high, too dense, and too close to one another. He felt the drawing showed that in this case the building could have been higher and still compatible, and they were only looking at chopping off certain sections. Since the shaded portions were included, the matter came before the Commission and triggered the opportunity for the Commission to try and work with the existing zoning code in an attempt to make things work in accordance with the vision for the area.

Commissioner Trantalis stated that the concern was echoed over and over again tonight regarding the trend of the building in the Central Beach area. At the last meeting, he stated that he had spoken of the impact that the Palazzo complex would have had on the beach, and the point made was that the wall of buildings being anticipated around the Barrier Island was creating a stockade effect. He further stated it gave the impression that people were not wanted at the beach. He stated that the proposed building was a tower which was imposing, intimidating, and not a type of building that would encourage individuals to come to the beach. He reiterated that not everyone wanted the same type of environment, and therefore, opportunities had to be offered for everyone.

Commissioner Trantalis stated further that the proponent had shown this evening that there were many tall buildings in the area, and therefore, the proposed building should be permitted. He stated that very argument suggested that the project not be permitted because there were too many tall buildings inundating the area, and some had been successful developments and some had not been so successful. He stated there were plenty of high-rise structures. He felt additional tall structures would negatively impact the quality of life. He further stated that the zoning law existed and the Commission had to follow the law. In the discussions held attempting to arrive at a proper settlement for this proposal, they had worked out opportunities for mitigating the negative impacts this project would create. A compromise was worked out through improvements to be made in the neighborhood.

Commissioner Hutchinson left the meeting at approximately 10:52 p.m. and returned at 10:53 p.m.

Commissioner Trantalis continued stating that it was his decision that it was important to focus on the impact of the building, while still maintaining a sense of human scale. He felt a tall building would take away from the human scale and the quality of life they were attempting to establish. The neighborhood suggested 7-8 stories, while the applicant talked about 12-13 stories. Commissioner Trantalis stated he suggested 10 stories because he felt it would be a compromise. He stated they wanted to encourage

investment which would benefit everyone, and not just the people who wanted to make a quick buck and then move on. He stated whatever was built would impact the area forever. He stated that he had told the applicant that he would support their proposal if it was less than 12 stories, as long as it contained the mitigating aspects that had been included. He stated they were not able to reach an agreement. Therefore, for that reason and based on the considerations he had described, he could not support this project as presented.

Commissioner Moore stated that there were issues involved whereby the community would be receiving some amenities. He asked if they were attempting to reach a compromise, and when would they begin to measure the impact that these buildings would have on an area.

Commissioner Hutchinson asked if the applicant wanted to table this item and address some of the district Commissioner's concerns.

Ms. Orshefsky replied that she appreciated everyone's comments, but stated it was not possible to obtain the economic expectations they had when purchasing the property. She stated the amount of saleable square footage did not justify the purchase price. However, she further stated if the interest was not how high one constructed the building, but how one made it high, then if they took portions of the building and went higher such as 13-14 stories to recapture the square footage, such a proposition would be acceptable and provide a narrower building. She stated the real issue was that the return was made in a condominium through the square footage. She stated losing that through lowering the height of the building, it would not be economically feasible. She added they would consider recapturing the economics by making the tower higher. She stated the Commission had the right to consider a higher building.

Mayor Naugle added other criteria also had to be met. Ms. Orshefsky further stated that there was a considerable amount of building area possible within the half-the-height line once it went above the 12 stories that they were currently confined to. Mayor Naugle stated all the compatible issues were contained in the Code when the building was at 15 stories, and therefore, the Code had to be looked at in its entirety and not just a single line at a time. Ms. Orshefsky stated further that Section 47-25, page 498.1, addressed community compatibility criteria which were required. She stated they both stated: "... that building density and lower maximum height should be consistent with the proposed use, adjacent development, and as required under the Central Beach area." Mayor Naugle reiterated that other criteria had to be considered.

Commissioner Trantalis further stated that the Aquatania project had been mentioned several times this evening, and he was not sure of the number of floors because he had been told it was to be at 120' at the top of their highest level, and then another 20' for the mechanics. He stated the rumor on the street was that residents were looking to see what the Commission decided this evening because it would set the precedent for future development for the beach. He added for a statement to be made that a project would be economically unfeasible was incorrect. He stated they just would not make as much money as anticipated. He stated they had to weigh where money should not win out over quality development and quality of life issues.

Don Dare, Co-counsel, stated he had been involved with this project from the beginning, and wanted to state they were not being hard-headed by stating they were sticking with

12 floors. He added that hard and soft costs were fairly constant, and the variable was the price of land. He stated when the land had been purchased the rule was 15 stories and 48 units per acre, and they paid a price based on that number. He added that the zoning in progress then came into effect. He explained they had worked the numbers every which way, and at 10 stories they would lose money.

Mayor Naugle asked if any documents had been received from Mr. Barton or Planning and Zoning in writing. Mr. Dare replied he had not and stated it had been casual conversations during their due diligence. He stated they had received the information as to what could be built by reading the existing Code. He explained they could not construct a building that would lose money because it would not make sense. Mayor Naugle reiterated that was the problem when the Code was only partially read, individuals could be misled by taking things out of context. He explained that some developers ended up making more money by cutting down the number of units, lowering the height, and selling the units for a higher price which increased their profitability and lowered their risk.

Commissioner Trantalis asked if the applicant wanted to discuss the offer made by Commissioner Hutchinson in regard to tabling the item. Ms. Orshefsky declined the offer and stated they wanted to proceed with their proposal as presented.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 03-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, **DENYING** A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A CONDOMINIUM AND APPROVAL OF YARD MODIFICATIONS ON PROPERTY LOCATED AT 435 BAYSHORE DRIVE IN FORT LAUDERDALE, FLORIDA IN AN IOA ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

Which resolution was read by title only.

Mayor Naugle stated he was basing his vote on the recommendation of the Planning and Zoning Board and the reasons listed, and he hoped the applicant would return with something that would be more in keeping with those comments.

Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore, and Mayor Naugle.
NAYS: Commissioner Hutchinson.

**Plat Approval for "Royal Atlantic" Plat – Royal Atlantic LLC
(PZ Case No. 31-P-02)**

(R-4)

At the April 23, 2003 Planning and Zoning Board regular meeting the following application was approved by a vote of 9-0. On June 17, 2003, this item was deferred for consideration to July 15, 2003 by a vote of 5-0; on July 15, 2003, this item was deferred for consideration to September 3, 2003 by a vote of 5-0; and on September 3, 2003, this

item was again deferred for consideration to October 21, 2003 by a vote of 5-0. (Also see Item R-3 on this Agenda)

Mayor Naugle asked if zoning in progress was being done in regard to the amount of money received per unit for park impact fees.

The City Attorney replied they had not and were just beginning the study.

Commissioner Trantalis introduced the following resolution:

RESOLUTION NO. 03-173

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA APPROVING
A PLAT KNOWN AS "ROYAL ATLANTIC."

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, and Moore. NAYS: Commissioner Trantalis and Mayor Naugle.

Site Plan Level III/Conditional Use/RAC-UV – Tamatsu and Maizel (R-5)
Kobayashi and Charles March – Flagler Junction (PZ Case No. 130-R-02)

A resolution to consider an application filed by T. Kobayashi and C. March for approval of a Site Plan Level III/Conditional Use/RAC-UV. On October 21, 2003, the City Commission deferred consideration of the following item to November 18, 2003 by a vote of 5-0.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer second reading to Tuesday, December 16, 2003 at 6:00 p.m.

Commissioner Hutchinson announced that this was the last time she would vote regarding deferral of this project.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Northwest-Progresso-Flagler Heights (NPF) Community Redevelopment (R-6)
Agency (CRA) Bonds, Series 2003 A and B

A resolution authorizing the net revenues available for debt service be pledged to support the NPF CRA Bonds, Series 2003 A and B; and further requiring the Parking System maintain rates and fees sufficient to meet its routine operating expenses and coverage requirements for the bonds. (Also see CRA item No. 6 on the Conference Agenda)

Mayor Naugle announced that this item had been deferred.

Kim Jackson, CRA Director, agreed and stated this matter would come up on the CRA agenda this evening, and then the matter would be deferred until December 2, 2003.

Agreement – Milton Jones Development Corporation – Northwest Commercial Redevelopment Project (R-7)

A resolution authorizing the proper City officials to execute an agreement with Milton Jones Development Corporation for the Northwest Commercial Redevelopment Project. (Also see Item I-D on the Conference Agenda)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA AUTHORIZING EXECUTION OF AN AGREEMENT RESPECTING NORTHWEST COMMERCIAL REDEVELOPMENT PROJECT WITH MILTON JONES DEVELOPMENT CORPORATION BY THE PROPER CITY OFFICIALS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Intent to Convey Property to the Fort Lauderdale Community Redevelopment Agency (CRA) – Redevelopment of 1025-1033 Sistrunk Boulevard (N.W. 6 Street) (R-8)

A resolution determining and declaring the City's intention to convey certain public property located at 1025-1033 Sistrunk Boulevard (N.W. 6 Street) to the CRA for redevelopment within the Northwest-Progresso-Flagler Heights Community Redevelopment Area; and further designating a date and time for a public hearing to consider such proposal. (Also see CRA Items No. 1 and 2 on the Conference Agenda)

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTY TO THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY FOR REDEVELOPMENT WITHIN THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS COMMUNITY REDEVELOPMENT AREA, SAID PUBLIC PROPERTY HAVING A STREET ADDRESS OF 1025-1033 SISTRUNK BOULEVARD, FORT LAUDERDALE, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BELOW; DESCRIBING THE PUBLIC PURPOSE FOR WHICH THE LAND WILL BE USED BY THE

GRANTEE AND DESIGNATING A DATE FOR A PUBLIC HEARING
AND ADOPTION OF RESOLUTION IN ACCORDANCE WITH
CITY CHARTER SECTION 8.02.

Which resolution was read by title only. Roll call showed: Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Settlement of Code Enforcement Liens – Face Value (R-9)
Of \$5,000 or Less

A resolution delegating the authority to settle and release code enforcement liens having a face value of \$5,000 or less to the City Manager.

Commissioner Moore introduced the following resolution:

RESOLUTION NO. 03-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE
CITY MANAGER THE AUTHORITY TO SETTLE AND RELEASE
CODE ENFORCEMENT LIENS HAVING A FACE VALUE OF
\$5,000 OR LESS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis and Mayor Naugle. NAYS: Commissioner Moore.

Administrative Releases – Recorded and Defective or (R-10)
Extinguished Code Enforcement Orders, Affidavits and Liens

A resolution delegating the authority to execute administrative releases of certain recorded and defective or extinguished code enforcement orders, affidavits, and liens to the City Manager.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 03-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE
CITY MANAGER THE AUTHORITY TO EXECUTE
ADMINISTRATIVE RELEASES OF CERTAIN RECORDED
AND DEFECTIVE CODE ENFORCEMENT ORDERS AND
AFFIDAVITS; AND LIENS RENDERED UNENFORCEABLE
BY COURT ACTION.

Which resolution was read by title only.

The City Attorney explained that the issue was that liens were sometimes not recorded properly and a subsequent sale of the property took place, and therefore, the lien was

not perfected until after the sale, and then no Court action could be taken to perfect it. He stated there were a number of such liens out there, and requests were made for release, and the City would not release them. Therefore, they were suggesting that when the liens were determined uncollectable that they be able to charge an administrative fee in order to lease such liens.

Commissioner Moore stated the problem he had with that was that they were saying the process was mediocre and liens were not being appropriately done. He reiterated that he did not want to give staff the opportunity to continue not doing their jobs correctly.

Mayor Naugle stated that the matter was now corrected, but there had been problems in the past.

Commissioner Trantalis stated he believed he had a conflict of interest in regard to this matter and would abstain from voting.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Moore and Mayor Naugle. NAYS: None.

Proposed Lien Settlements – Special Master and Code Enforcement Board Cases (M-18)

A motion authorizing the proposed lien settlements for the following Special Master and Code Enforcement Board cases:

1. 3728 S.W. 12 Place (CE02020446) – Martha Menendez - \$77,400.

Commissioner Moore advised that this item had been pulled from the agenda.

John Simmons, Assistant Director Community Inspections, stated that he was not aware of this item being pulled from tonight's agenda.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Commissioner Trantalis asked what was going to be done in regard to this case and asked if they were going to foreclose.

The City Attorney stated they had not been foreclosing on properties for many reasons, and were gearing up in order to start that process. He stated some of the reasons were that the City was not able to maintain the properties they already owned. He added that after the first of the year he was hoping to hire an attorney that would be assigned to do foreclosures.

Commissioner Trantalis stated there was no incentive for the owner to improve the property. Commissioner Moore stated there was another way to address this problem, and that this property could be contracted out for foreclosure. He stated this Commission did not have any aversions to contracting professional services to get a job done. He suggested that they use whatever appropriate resource that was necessary, and there

were a lot of non-profits in the City who looked for opportunities to rehabilitate properties and take advantage of grants. He reiterated the problem was that the City had not taken the attitude to get things done.

Continued on page 50.

2. 2509 S.W. 9 Avenue (CE00111371) – Ronald T. Spann, Rev Liv Tr - \$9,300

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the item as recommended.

Commissioner Moore asked why they were being so harsh with the amounts for the violations listed for this property. Commissioner Hutchinson stated this property was in her neighborhood and had been a problem property for a long time.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

3. 2509 S.W. 9 Avenue (CE01010461) – Ronadl T. Spann, Rev Liv Tr - \$5,250

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

4. 1021 N.W. 25 Way (CE03030769) – Anthony Chao - \$77,250

Sam Halpern, representing Mr. Chao, stated that an individual named Vincent LaBella had purchased this property on December 13, 2001. The property was quit-claimed to Land Cast Investments on March 27, 2003, and then the property was sold to his client via a Warranty Deed on the same date. He stated the purchase price was \$108,000, and was an investment property which had been rehabilitated for Section 8 tenants. He explained that the title company had not recorded the mortgage or deed on this property until September 23, 2003. A Final Order had been mailed on April 17, 2003, to the former owner, Mr. LaBella. He explained it was an arms-length transaction.

Anthony Chao, owner, stated that Section 8 paid him \$1150, and the tenant paid \$100, and his mortgage was a little over \$1,000.

Commissioner Trantalis asked why staff was recommending 100%.

John Simmons, Assistant Director Community Inspections, explained he was trying to keep within what he felt was the direction of the Commission.

Mayor Naugle suggested that the property owner might want to seek damages with the title company regarding this property. Mr. Halpern stated that he did not know if the title company would be liable because when a mortgage was recorded it was not readily available in the computer records. Mayor Naugle remarked that possibly the seller had committed some type of fraud.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that a 20% reduction be approved regarding this matter.

Mr. Halpern stated that he was requesting the fines be totally abated, but would accept whatever the City was willing to grant. Mayor Naugle reiterated that he would suggest they attempt to recover the monies from the title company or whoever possible.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

5. 801 N.W. 14 Way (CE02102351) – L. Rizor, Jr. and Mary B. Rizor - \$5,500

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to table this item until December 2, 2003. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

6. 742 N.W. 10 Terrace (CE00051884) – Wesley Lovett and Johnny Bynes - \$152,100

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

7. 1467 S.W. 18 Avenue (CE02090642) – Christa Alban Lakaschus - \$850

Mayor Naugle announced that this item had been deleted from tonight's agenda.

John Simmons stated that regarding Item No. 1 the respondent was present but had been out of the room at the time the Commission had called it up. Mayor Naugle stated that the Item would be taken up at the end of the list.

8. 268 S.W. 32 Court (CE02110294) – Worldwide Yacht Sales & Charter - \$1,200

Peter Vaz, owner, stated he had no idea of the amount of violations that had to be complied with because the initial complaint had been for small electrical work and a small build-out for the parts department. He stated other violations had to be dealt with and due to delays the fines began to run.

Commissioner Trantalis asked what was staff's philosophy behind the reduction.

John Simmons, Assistant Director Community Inspections, explained that the owner had hired a contractor and architect before the matter had even gone before the Code Enforcement Board.

Commissioner Trantalis asked if the work involved was so minor that they had not thought to obtain permits. Mr. Simmons stated that generally when dealing with roof structures, someone should know that permits were necessary. He added that due to the courtesy notice sent by the City to the owner that had prompted him to start taking action.

Motion made by Commissioner Hutchinson and seconded by Commissioner Trantalis to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

9. 1220 Riverland Road (CE03031342) – John Greenfield - \$7,500

John Greenfield, owner, stated this had been his construction office and his partner had decided to renovate the building while he had been away on a job in Texas. He stated after discovering what his partner had done, he had gone to the City and filed for an after-the-fact permit.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

10. 537 N.W. 7 Terrace (CE03012074) – Ada Rappaport - \$4,700

Commissioner Moore asked if the City was going to purchase this property.

Kim Jackson, Director CRA, confirmed and stated there was a signed contract for the property.

Commissioner Moore asked if the fines were reduced who would be the benefactor of such action. Ms. Jackson stated that the seller of the property would benefit from such a reduction. She advised that the contract price had been negotiated and signed, and did not take this fine into consideration. She added that the lien had to be cleared before the closing.

Motion made by Commissioner Moore and seconded by Commissioner Teel to accept 50% of the lien amount.

Bryan Rappaport, representing the owner (his mother), stated that his mother was 82 years old and had dementia and lived in an ACLF since 1989. He advised that no one in the family knew of the problems at the property.

Commissioner Moore stated that this property had a long history of violations and felt the City was meeting the owner half-way regarding the lien and the property.

Mr. Rappaport stated that his mother had been unable to respond to the violations, and when he became aware and got involved he began resolving the issues.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

11. 2200 N.W. 6 Court (CE02022054) – Flamingo Capital Inc. - \$12,225

Joe Berg, new owner, stated the previous owner had passed away and the heirs had contacted their company to purchase the property which they had done on July 25, 2003. He stated they had brought the property into compliance on September 16, 2003. He stated they had received a board up permit on August 20th. He advised that the property was only worth about \$40,000.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

12. 647 N.W. 14 Terrace (CE00121091) – Viola B. Blount Estate - \$12,160

Commissioner Moore stated that the structure had been demolished.

Leon McCombs stated he was representing the interested party to the estate, Beres Muschett.

Motion made by Commissioner Moore and seconded by Commissioner Teel to reduce the lien to 15%.

Commissioner Trantalis asked why the Commissioner was willing to reduce the fine and were they rewarding the owner for keeping the violations intact until he had been compelled to demolish the structure. Commissioner Moore stated that when the person died the property had gone into an heirs estate. Someone she had taken care of had discovered the situation regarding the property and had come to the City to seek approval for demolition, and stated they would deal with the sibling issue later.

Leon McCombs explained they were going to Court to determine the rightful heirs of the property.

Roll call showed: YEAS: Commissioners Teel, Trantalis, Moore and Mayor Naugle. NAYS: Commissioner Hutchinson.

13. 1625 N.W. 7 Avenue (CE01031358) – Lionel and Merilyn Latour - \$4,160

Lionel Latour, owner, stated that he and his wife had purchased the property about 10 years ago. He explained that the garage had been enclosed for his grandmother, and had found out one year ago that the work had been done without a permit. He stated that he had a hard time finding a contractor for after-the-fact work.

Commissioner Moore stated that the person had acquired the home in its present condition and had inherited the violation. He further stated that the owner was not aware that he could homestead his property.

Commissioner Trantalis stated that additional violations had occurred since Mr. Latour had purchased the property.

John Simmons, Assistant Director Community Inspections, stated that they had received numerous complaints from neighbors, and work had been done without a permit. He added the property was in good shape at this time, and that was why he had proceeded with the 15%.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

1. 3728 S. W. 12 Place (CE02020446) – Martha Menendez - \$77,400

Continued from Page 45.

Motion made by Commissioner Hutchinson and seconded by Commissioner Teel to reconsider Item No. 1 under M-18. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Commissioner Hutchinson stated that the last time this item had been before the Commission, there had been a discussion regarding first-time homebuyers, and in the back-up material there was a letter stating that the owner agreed to sell the property to a first-time homeowner.

John Simmons, Assistant Director Community Inspections, stated that the Commission had directed staff to place this item back on the agenda once a first-time homebuyer had been found.

Commissioner Moore asked if the buyer met the Community Development Guidelines for a first-time homebuyer based on the criteria. Mr. Simmons stated that the purchaser was not going through the City and had produced the information that he had never purchased or owned a house previously. He explained that the buyer's mother was supposedly helping to provide the down payment for the property.

Mr. Simmons stated that the property was in good shape and he would agree to lowering the fines. He proceeded to show photographs of the subject property.

Bob Smith, representative of the owner, stated that the potential homebuyer had never owned property before.

Commissioner Moore stated that he wanted a first-time homebuyer to take advantage of the City's program to purchase the property.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the item as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Advisory Board/Committee Appointments**(OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Marine Advisory Board

Maria Freeman

Parks, Recreation and Beaches Advisory Board

Michael A. Natale
Robert Missal
Bob Hoysgaard

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 03-178

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FORT LAUDERDALE, FLORIDA, APPOINTING
BOARD MEMBERS AS SET FORTH IN THE EXHIBIT
ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners
Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

At 11:57 p.m., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Kisela
City Clerk