

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING  
MARCH 11, 2008**

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**CITY COMMISSION CONFERENCE MEETING      1:30 P.M.      MARCH 11, 2008**

Present: Mayor Naugle  
Commissioners Hutchinson, Rodstrom, and Teel and Vice Mayor Moore

Absent: None.

Also Present: City Manager – George Gretsas  
City Auditor - John Herbst  
City Clerk - Jonda K. Joseph  
Assistant City  
Attorney - Robert Dunckel  
Sergeant At Arms – Sgt. Harvey Jacques

**I-A – 2008 Neighborhood and Business Capital Improvements Programs – Grant Funding**

No discussion.

**I-B – Relocation of Delta Sigma Theta Sorority, Inc. Office to Former Tyrone Bryant Library Building in Osswald Park Necessitated By Relocation of Old Dillard Community School**

Phil Thornburg, Parks and Recreation Director, noted about a month ago the Commission had a discussion about the School Board using the Mizell Center. The Delta sorority is one of the not-for-profits locate in the Mizell Center. They are looking to relocate to the Old Tyrone Bryant Library. The Library anticipates vacating in June.

Desorae Jiles-Smith, Chair of Housing and Properties for Delta Sigma Theta Sorority, Inc. introduced Shirley Baker, President of Delta Sigma Theta Sorority, provided information about their organization, as to when it was founded, that it is a national organization, membership statistics and offered programs.

Alfreda Coward, Vice President of Program Planning for Delta Sigma Theta Sorority, Inc., explained the relationship between their national and Broward County local chapters. The Broward County chapter established a foundation in 1986. Delta's programs are funded through this foundation. They propose that the lease agreement be between Delta Educational Life Development Foundation and the City. Delta's 501(c)(3) information, which is current, has been provided to the City.

Ms. Coward indicated it is anticipated that the sorority and foundation would operate at the Old Tyrone Bryant Library and house certain sub-tenants, those being Mount Bethel, Sickie Cell and Ashanti Cultural Arts which are currently being housed at Mizell. They attempted to address every organization that would be displaced from the center. Those entities not included have expressed other intentions.

Ms. Coward noted the annexation agreement provides for the old Tyrone Bryant Library to be provided to the City for the City's purposes or to be demolished. The deed has not yet been formulated, thus at this time there are no restrictions on use of the library. In addition to those programs listed in the report and enumerated by Ms. Baker, there

are the health conference, Read America, Delta Gems and partnership with the American Cancer Society.

The following Delta members were introduced and spoke in support of the request: Brenda Snipes, Bernadette Norris Weeks, Pamela Adams, Barbara Jones, Theresa Gillis and Jasmine Shirley. Former Florida Representative Chris Smith and a representative of Mount Bethel, supporting the request, were also in attendance.

Ms. Smith concluded by expressing the view that this is a win-win for the City and Delta as Delta provides services in a building the City would not have to fund. Delta will provide for the building maintenance.

**Action:** Consensus approval, subject to the City Attorney working out language conditioning the lessee's use of the property being consistent with any conditions and restrictions associated with the City's acceptance of the property, and any lease agreement between the City and Delta be subject to confirmation by the Broward County Commission that use by Delta is in compliance with restrictions contained in the deed from the County to the City and the annexation agreement, and further conditioned upon compliance with all applicable land use and charter provisions for leasing of City property.

#### **I-C – Proposed Re-Allocation of Rental Car Surcharge to Tri-Rail**

Vice Mayor Moore wanted everyone to be aware of the impact of this surcharge and how certain projects in the City could be impacted. He mentioned the 7 Avenue - 9 Avenue connector. This is an attempt to redirect monies to an entity other than the Metropolitan Planning Organization (MPO). The Department of Transportation's Incentive Work Program utilizes these dollars. He felt the Commission should take a position on whether to support dollars being removed and directed to mass transit needs or continue to advocate for projects on the MPO list.

Commissioner Teel said that at the last MPO meeting this was discussed, but no consensus reached. Cities are interested in their projects but at the same time want to promote mass transit. She felt this is the first time that one is seeing the possibility of mass transit succeeding. Tri-Rail usage statistics as phenomenal due to the high cost of gasoline.

In response to Commissioner Teel, Vice Mayor Moore said the MPPO agreed to hold a workshop next month. He wanted a consensus by the Commission by the next meeting. Commissioner Teel wanted the MPO workshop to first be held. Fort Lauderdale is being jerked around regarding the 7 Avenue - 9 Avenue connector, in terms of ranking. She noted a number of County Commissioners have indicated that emphasis should move from highways to mass transit. It is important to keep Tri-Rail intact for the City's WAVE Project (Downtown Circulator). Now, there is question whether they can continue to operate Tri-Rail.

Mayor Naugle commented that the Commission is looking Vice Mayor Moore and Commissioner Teel for their advice as they serve on the MPO.

Vice Mayor Moore wanted to make it clear that favor mass transit but also understands the congestion at 7 Avenue and 9 Avenue.

In response to Vice Mayor Moore, Albert Carbon, Public Works Director, said that \$2 per day of a car rental charge goes to this fund. It is estimated that Broward County proceeds over a five-year period ending in 2013 would be slightly under \$90 million and in Palm Beach County for the same time frame, \$41 million.

Vice Mayor Moore pointed out that a car rental charge is paying this fee and that is most often a visitor. He did not want the Regional Transportation Authority (RTA) to handle tax dollars as they are not elected. Perhaps the best approach would be to add to the fee. The Regional Transportation Authority (RTA) has indicated without this funding, they may not receive federal funding in the manner that they hope to be funded for mass transit.

**Action:** Consensus approval to express to the Metropolitan Planning Organization (MPO) the City's opposition to the loss of the rental car surcharge. If there is need for a written position, this item will be placed on a future agenda.

**I-D – Proposed Policy – Initiation of a Rezoning – Petition Process Including Threshold Percentage Participation**

The City Manager noted in the past the guideline has ranged from 50% to 75%.

Greg Brewton, Planning and Zoning Director, explained in order to establish if there is support from a neighborhood, staff is recommending that guidelines be established, that is, how many participants of a neighborhood are needed, whether the percentage should be of the voting population of the neighborhood and of that percentage, how many should be in favor of a rezoning to establish there is support from the neighborhood itself. Guidelines should be established so as to not allow zoning changes to occur that would be in violation of the City's Comprehensive Plan. Staff believes that any changes made should not result in a neighborhood character change, and that spot zoning be created.

Mayor Naugle provided history on this topic. If the percentage is too high, nothing will ever be submitted. This government operates with elected officials who make decisions and those decisions may not be what the majority wants. He felt the threshold should probably be less than 50% because it may be impossible to get in touch with everyone in a neighborhood. He suggested the Council of Civic Associations make a recommendation.

Commissioner Teel asked how voter would be defined; what about renters and condominiums. She agreed with getting input from the Council of Civic Associations.

Mayor Naugle pointed out that whatever regulation is decided upon, there could be taking arguments.

Commissioner Teel questioned whether there should be an appeal process. She cited an example of a homeowner wanting to add a second floor for a nurse that at some point in time might be needed. Mr. Brewton noted there is always an opportunity for an individual property owner to request a change.

Commissioner Hutchinson recalled when she raised this, RS-8 was being discussed. She recalled the master plan process for Edgewood and a threshold of 75%. She

mentioned in Edgewood individual homeowner associations are only allowed one vote. She also wanted the Council's input. She was inclined to a higher percentage versus 50%, especially when it deals with the rezoning of an entire neighborhood.

Commissioner Rodstrom felt the Commission should first give the Council some direction. Mr. Brewton offered to provide the backup information to the Council.

Commissioner Rodstrom suggested 60% to 65% which would allow for rights and flexibility to change the zoning. It is difficult to get correct information to everyone. It is a matter of advertising. She asked if there would be public hearings. She liked the appeal process and exceptions ideas. She felt it is something that needs to move forward.

Commissioner Hutchinson noted that she brought it forward and asked for criteria to be developed. The City now has the RS-8 zoning category, but criteria is needed. She did not want to pay for the public outreach.

Mayor Naugle felt there could be a standard. Commissioner Hutchinson agreed. In response to Commissioner Rodstrom, Mr. Brewton indicated that staff would furnish the information.

Vice Mayor Moore felt the best way for the public to weigh in is with an ordinance and a standard for public input. There is already a process for individual property owners. For a neighborhood, it should be 75% of the households and the City should supply information to the civic association interested in the change. Each household should have one vote. For a civic association or condominium, perhaps they could have as many as five votes, but not commensurate to their number of units. Of those voting, there should be a high percentage in favor.

Mayor Naugle agreed with the idea of those voting there should be a high percentage in favor.

Vice Mayor Moore was not opposed to the Council providing input, but he felt they are looking for the Commission to make a decision.

Commissioner Hutchinson asked Mr. Brewton to see if any archived information on criteria could be found.

Commissioner Teel reiterated that care should be taken with respect to renters who should not be voters. She understood the idea is a percentage, 75% for example, of the individuals voting, and not 75% of the houses in the community.

Vice Mayor Moore felt the neighborhood would have to show proof that all property owners were noticed in writing.

**Action:** This matter was referred to the Council of Civic Associations for their recommendation. Commissioner Rodstrom asked that the Council be provided with backup information provided to the Commission. Commissioner Hutchinson asked that if it could be retrieved, criteria/information from previous cases be provided to the Commission and Council. See minutes for detail.

**I-E – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

Mayor Naugle announced that the case at 3101 SW 13 Street (CE03011008) has been removed from the agenda. Valerie Bohlander, Director of the Building Services, indicated that Joseph Scully, property owner, is not happy with the recommendation. Staff will conduct additional discussions.

**Continued – see below**

**II-A – Florida Forever Coalition – Request To Support The Creation and Funding Of A Successor Program To Florida Forever**

No discussion.

**I-E – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases**

In response to Commissioner Rodstrom, Mayor Naugle provided clarification of the process in staff arriving at a recommendation. The City Manager explained if there is a case that a commissioner wishes to take a second look, he would be happy to remove it from the agenda.

A general discussion ensued as to the City's goal. Commissioner Teel was concerned that as lending institutions are taking over foreclosed properties they are ignoring properties. Vice Mayor Moore felt in the cases of foreclosed properties where the lending institution has taken the property and liens are accruing, the City could make it an opportunity for attainable housing stock.

The City Manager indicated that staff is working on a plan to address the foreclosure issue.

Mayor Naugle asked if there is a list of lending institutions that are exhibiting poor business practices, he would like that information in order to contact local representatives.

Commissioner Teel raised the issue of fraudulent properties – artificially raised value. Mayor Naugle noted that in some cases, the lender is not concerned because they sell it as securities. The lender makes money on foreclosing it and making the loan transaction. Commissioner Teel was concerned that the FHA, while helping people who have over extended themselves, will also help fraud properties.

Vice Mayor Moore wanted a list of properties cited by the City and are now foreclosed and owned by a mortgage bank. Perhaps this could be scheduled on the Apr 1, 2008 conference meeting. The City Manager agreed to provide such a list and hoped to have a recommendation on the foreclosure issue by the Apr 1, 2008 conference meeting.

Mayor Naugle asked if there are conscientious lenders, he wanted to know those names as well.

Vice Mayor Moore pointed out that these properties are hurting adjoining properties.

Mayor Naugle noted this was discussed at the National League of Cities conference this week. He offered to furnish information on it.

**Action:** Case CE03011008, 3101 SW 13 Street was removed from the agenda by the City Manager. Consensus approval on all remaining items. With respect to properties under foreclosure, Mayor Naugle asked if there is a list of banks exhibiting poor business practices, he would like to contact them. Vice Mayor Moore requested a list of foreclosed properties that are owned by a mortgage bank and have been cited by the City for code violations. Mayor Naugle wanted to know the names of the conscientious lenders as well.

### **II-B – Resurrection of Coconut Island – Confluence of New River and Intracoastal Waterway**

**Action:** This item will be rescheduled to Apr 1, 2008 as Mr. Fiore was unable to attend. Mayor Naugle asked that correspondence from Donald R. Hall, dated Mar 10, 2008, provided to the Commission, be forwarded to Mr. Fiore.

### **II-C – City’s State and Federal Lobbyists Reports**

Mayor Naugle said that this item has also been removed from the agenda.

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 1:28 p.m. to 1:36 p.m.

### **EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:36 P.M.**

**The City Commission shall meet privately, pursuant to Florida Statute 768.28(16), relative to the following risk management claims:**

**General Liability File GL 05-814C – Gisele St. Arneault, Personal Representative – Estate of Massey, deceased.**

**Vehicle Accident – General Liability File VA GL 06-655 – Joseph Rainer**

### **MEETING RECONVENED AT 1:50 P.M.**

### **III-B – Board and Committee Vacancies**

See regular meeting.

### **IV – City Commission Reports**

#### **Galt Ocean Mile Presidents Council; Condominiums**

Commissioner Teel announced that Danille Carroll, Florida Office of Condominium Ombudsman, spoke to the Presidents Council at Galt Ocean Mile, and Ms. Carroll is available to speak to other groups. There is no state agency that handles co-ops.

#### **Oakland Park; hotel; Federal Aviation Administration ruling**

Commissioner Teel referred to the City of Oakland Park trying to build their tax base by allowing a 15-17 story hotel to be built at Interstate 95 and 62 Street. However, the Federal Aviation Administration ruled against it because of the height. She provided information from the FAA to the Mayor of Oakland Park. The applicant (developer) has sixty days to respond. She looked forward to the property being developed but did not want anything that would be hazardous.

#### Sea Turtle Lighting

Commissioner Rodstrom thanked the Assistant City Manager Gunn for her work on sea turtles.

Mayor Naugle noted the National League of Cities is discussing a new expenditure that may be authorized by Congress, environmental energy grants. They may allocate \$2 billion and possibly those funds could be used for sea turtle lighting.

#### Annie Beck House Relocation

Commissioner Rodstrom mentioned individuals involved with the Annie Beck House relocation to the park. A possible compromise has been reached that the House and nature center be placed together. They have applied for Broward Beautiful grant funding for landscaping. Commissioner Hutchinson noted the area was previously designated a wildlife habitat.

#### Road Closure; Northwest Progresso

Commissioner Rodstrom thanked the City Manager for the Northwest Progresso road closure.

#### Broward Cultural Council; cultural, arts and tourism board

Commissioner Rodstrom distributed a Broward Cultural Council brochure, with respect to grants. If the City gets a cultural, arts and tourism board operating, the City would be able to apply for some of the grants.

Commissioner Teel commented that in the meantime the City's grant writer could review the brochure.

Maryann Slough, Assistant to the City Manager, said staff is aware of these grants. The Southside School group applied for several. Most are instructor grants, thus they have also applied through Parks and Recreation.

#### Fire, Sunny Reach Acres

Vice Mayor Moore thanked the City Manager and the Fire Rescue Department for their actions at the fire last night which displaced many elderly. He also thanked the Salvation Army and Reverend Dr. Carter for allowing his church to be used as a shelter. He hoped the City could have a way to expedite the process of returning the property to livable space.



The City Manager mentioned those who helped and what was done. In response to Vice Mayor Moore, James Eddy, Fire Rescue Chief, said that an official determination has not yet been made as to the cause of the fire.

#### Liquor Store, 610 9 Avenue

Vice Mayor Moore thanked all those involved with the liquor store on 9 Avenue. He elaborated upon all of the problems associated with it. The occupants have been instructed to vacate the premises. If there is an appeal, he wanted to engage the community and flood the courthouse.

Commissioner Hutchinson asked if the store could remain open during any appeal. The Assistant City Attorney said that a bond would have to be posted.

#### Abandoned building at 24 Avenue and 6 Street

Vice Mayor Moore thanked staff for the boarding up of an abandoned building at 24 Avenue and 6 Street. He urged there be policing at the site to discourage vagrants.

#### Acquisition of Dr. Sistrunk's Homesite

Vice Mayor Moore asked about Broward County Commissioner Eggelletion's response concerning Dr. Sistrunk's homesite. Phil Thornburg, Parks and Recreation Director, said he has not yet heard from Commissioner Eggelletion's office and he was not sure if it was discussed this afternoon at the County Commission meeting.

Vice Mayor Moore noted that Dr. Sistrunk's homesite was previously on the list (Land Preservation Board). The property owner is a willing seller. He provided some history on the site, noting it was written about in 1964 in Jet Magazine. He hoped the could become a park site. With a pictorial in the magazine, it might be possible to erect a replica. Mr. Thornburg said that County staff has indicated they need direction from County Commissioner Eggelletion and for it to be brought forward to the County Commission.

Commissioner Hutchinson understood that the County Commission is not discussing 7A or 7B today in regard to the properties on them and they are not sure when the subject will come forward. Mr. Thornburg confirmed that is correct; staff does not believe it will be scheduled until March 25, if then.

#### Citizen Presentation; March 4, 2008; Code (Thomas and Julie Petkevich)

Commissioner Hutchinson referred to the Commission's last meeting, March 4, 2008 and the citizen presentation concerning the Code. It was resolved in the court system. The matter is settled and nothing could be done.

#### Sandwich Signs

Commissioner Hutchinson referred to another citizen presentation on March 4, 2008, where Donna Mergenhagen presented a petition for a sign code change to permit sandwich signs. She wanted to hear the Commission's input. As opposed to the entire city, Mayor Naugle indicated a pilot program for a special area would be possible.

Commissioner Hutchinson was interested in pursuing the idea. There are sandwich signs being used throughout the city.

In response to Commissioner Hutchinson, Valerie Bohlander, Director of Building Services, advised that since October, 2007, 176 signs have been cited and about 80-90 were sandwich board signs. These does not include when proprietors were not cited, but simply told the sign was illegal and should be removed.

Mayor Naugle did not want to consider this for the entire City, but was agreeable to a specified area.

Commissioner Teel commented there has been discussion for some time about a new sign ordinance. She asked about the status. Greg Brewton, Planning and Zoning Director, noted the City's consultant prepared a draft ordinance. Staff reviewed it and decided it was not what the City wanted. Sandwich signs were never a consideration. It would be compromising the Code as it relates to off-premise signage. As of the late 1990s this type of signage has been prohibited. Also, safety is an issue. One might have to step into the public right of way to get around a sign, as well as ingress and egress, and proliferation. As far as looking at the sign ordinance in general, it is on the list of work to do. Consultant fees would have to be budgeted.

Vice Mayor Moore asked about the fee for the previous consultant. Mr. Brewton did not recall the exact amount, but it was several thousand. Vice Mayor Moore was agreeable to listening to the 17<sup>th</sup> Street merchants, but he was concerned about the signage. He believed all businesses should be afforded the same opportunity.

Mayor Naugle said he is proposing a pilot program similar to what the Vice Mayor proposed with the two wheels on, two wheels off parking program. Vice Mayor Moore clarified that had to do with parking and it was a process whereby the neighborhood first approved it.

Commissioner Hutchinson believed other pilot programs have been done. Mayor Naugle concurred there have been many. For example, open container first for the beach and then it was made citywide.

The Assistant City Attorney referred to two wheels on, two wheels off and noted under the equal protection law, one may attack a problem in small increments. This is a different area of the law and it is laden with first amendment implications. The courts view it extreme strict scrutiny. There is the potential of opening the door to all sorts of off-premise advertising such as billboards.

Mayor Naugle had a problem with off-premise signs, but a sandwich sign on the sidewalk in front of a business is different. In conflict with the Assistant City Attorney's opinion, it has been done in the past on a neighborhood basis. With respect to newsracks, there was an ordinance that applied only to certain neighborhoods.

Commissioner Rodstrom commented that there is a lot of work being done on the north side of 17<sup>th</sup> Street. She could see how those businesses are having trouble; there is construction. The southern end is probably being impacted too. Perhaps, the pilot program could be for a specified time while the construction is going on.

Commissioner Hutchinson requested this matter be scheduled for the April 15, 2008 meeting, giving the City Attorney's Office time to look into whether it would be permissible and whether it is possible to implement in one area. She wanted input from Planning and Zoning and Building Services.

Commissioner Teel felt the City must be very careful about the relationship with billboards.

In response to Mayor Naugle, Commissioner Hutchinson understood it is not about off-premise; they want the sign close to their business; not on sidewalks or medians and vehicular and pedestrian traffic could not be impeded.

On a separate matter Vice Mayor Moore asked about the business called Off Broward and whether a citation was issued for the signage they erected. Ms. Bohlander indicated yes.

#### Expression of Sympathy; City Lobbyist Linda Cox

Mayor Naugle announced an expression of sympathy will be offered this evening for the family of Linda Cox, the City's lobbyist.

#### City Voicemail; Financing Offer

Mayor Naugle had received a voicemail on the City's telephone system for all City employees to receive discount interest rate on refinancing. It is a finance company that has been doing this across the country, tapping into governmental systems. He suggested a message be sent to all 828 extensions in regard to it.

#### Fire, Sunny Reach Acres

Mayor Naugle also thanked all City staff and the other organizations that helped with the displaced people from the fire last night.

#### **V – City Manager Report**

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:27 p. m.