

**COMMUNITY SERVICES ADVISORY BOARD MEETING
FEBRUARY 14, 2005 – 7:00 P.M.**

**CITY COMMISSION CHAMBERS – 1ST FLOOR
100 N. ANDREWS AVENUE**

Board Members

	<u>Present</u>	<u>Absent</u>	<u>Cumulative From 10/03</u>	
			<u>(P)</u>	<u>(A)</u>
Robert Brady	P		12	2
Jennie Brooks	P		11	3
Marie Conroy		A	9	2
Marjorie Davis		A	5	9
John Hurley	P		6	8
Robert Pascal	A		12	2
Sanford Rosenthal	P		14	0
Robert Smith	P		14	0
William Goetz	P		5	1
Michael Kimmey	P		4	1
Alfred Imgrund	P		2	0

Staff Present:

Margarette Hayes, Community Development

Margaret A. D'Alessio, Recording Secretary

Guests

Kevin Green
Jesse Gaddis
Leslie King
Michael Gaddis

Call to Order

Chair Robert Brady called the meeting to order at approximately 7:00 p.m. and roll call was taken and a quorum was present.

Approval of Minutes – January 10, 2005 Meeting

Motion was made by Jennie Brooks and seconded by John Hurley to approve the minutes of the January 10, 2005 Meeting. Board unanimously approved.

New Board Member Updates

Margarette Hayes stated that no new appointments had been made to this Board, but an appointment will be made at tomorrow's City Commission meeting.

Funding Cycle Workshop/Training

Margarette Hayes said that several Board Members were new and unfamiliar with the process, and therefore, invited any Board Member to come to her office for training.

Sanford Rosenthal stated that it might be more professional if the Board Members divided the list of applicants for visitation purposes.

Chair Robert Brady asked if a preliminary list of applicants could be supplied to the Board. Ms. Hayes confirmed.

Chair Robert Brady proceeded to welcome Dr. Goetz to the meeting at approximately 7:10 p.m.

Information Updates:

Selection Method For Allocation of Six CPCN/Taxicabs

Margarette Hayes stated that the City Attorney has been working on this information at the request of the Community Inspection's Office. A draft document has been provided and the matter is tentatively scheduled for the March 1, 2005 City Commission Agenda. She said the Board would be updated regarding the matter.

Chair Robert Brady stated that it appeared that the City Attorney's Office is recommending the allocation of an additional six permits. He continued stating that he wanted to read a motion regarding the allocation of the six permits. He read the motion as follows:

Motion made by Robert Brady that the Community Services Advisory Board recommends to the City Commission that the process by which the additional six permits be issued for vehicles for hire (CPCN) taxicabs is as follows, to wit: (1) That the process be a lottery type system where we will put names on cards and physically draw six individual cards from a basket. (2) The applicants must be permitted in Broward County Florida. (3) That the applicants must be owner/drivers. (4) The applicants must pay any fees or costs applicable. (5) That the Community Services Advisory Board shall review all permit applications and hold public hearings on an as needed basis prior to entering names in the lottery. (6) The City of Fort Lauderdale shall enforce this recommendation as deemed appropriate.

Chair Robert Brady said that in support of the motion he wanted to remind everyone that this would benefit the owners/drivers, and those not living abroad, buying and leasing such vehicles, and individuals familiar with the industry since they were the driving force. He said that he wanted the Board to review the applications to make sure that the requirements were being met. He explained that the regulation of the taxicab industry was for safety purposes.

Chair Robert Brady reiterated that this would benefit the small person in the community and protect them, and no favoritism would be shown.

Jennie Brooks asked if applications had been submitted for such permits. Chair Robert Brady stated that it was his understanding the individuals were "knocking down the doors" to obtain such permits. Jennie Brooks stated that she was in support of granting such applications, but asked if one person was attempting to obtain more than one

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permit. Chair Robert Brady stated that it was his understanding that one individual was attempting to obtain all six permits. Jennie Brooks stated that was a cause for concern. Chair Robert Brady explained that was why they wanted to change this for individual owners/drivers. He added that there were approximately 60 individual owner/drivers in Broward County.

Jennie Brooks asked further that if an applicant did not receive a permit at this time could they be part of another lottery in the future. Chair Robert Brady explained that the names would be kept for future lotteries, but since another census would not be conducted for another five years, they would be holding the remaining names for such period of time. Chair Robert Brady stated that he wanted everyone to be interviewed in order to make sure that no permits would be granted to an owner/driver with an unsafe vehicle. Jennie Brooks asked how the matter would be handled for a company who had 30 drivers.

John Hurley clarified that owner/driver meant that only one person could file one application, and therefore, the language should be clarified further. He further asked if priority was to be given to an individual who never had a permit under paragraph 1. He further asked if individuals already owning permits could also be included in the lottery.

Chair Robert Brady clarified that this pertained to an individual owner/driver. He stated that priority would be given to individuals who did not already have a permit. He gave as an example that Red Cab, Madden Investments or Hurley Investments of Fort Lauderdale could not apply for six permits, but if an owner/driver applied for his vehicle that application would be accepted.

John Hurley stated that he did not think the language was clear and suggested that it be clarified.

Chair Robert Brady suggested that the language read "that the applicants must be individual owners/drivers. The Board agreed.

Sanford Rosenthal asked if permits could be bought from an individual. Chair Robert Brady stated that he did not think the permits were transferable.

Jesse Gaddis clarified that owner/driver permits were issued in Broward County through a lottery and could not be transferred for six years. He stated that the applicants for the proposed permits would be individuals who had already won a County permit through a lottery.

John Hurley suggested that the County language be applied to this matter.

Sanford Rosenthal asked if more than six individuals could be chosen in case a person selected decided to pull out.

Chair Robert Brady suggested that a provision be added to the language stating that the permit could not be sold for a certain specific period of time, and if that was done, then the City would revoke the license and issue it to another applicant.

Alfred Imgrund asked if the individual applicant would pay the municipality for the license.

Jesse Gaddis stated that a fee did apply. He stated there were 847 licensed cabs in Broward County, and there were 200 cabs duly licensed in both the County and the City

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of Fort Lauderdale. He stated there is a fee to enter the lottery. Requirements included 3 years of driving experience, and if the permit is won then it could not be sold or transferred for six years. He added that he had been in the City since 1960, and began his business with 10 taxicab licenses in 1963. He said that he had purchased about 13 small companies. He explained it is difficult for a taxicab company to operate if it was not connected with a larger system. He stated he had a dispatch system costing over \$2 Million, which had been recently updated.

Alfred Imgrund asked if Mr. Gaddis's company owned Fort Lauderdale permits, and if so, what was the cost to obtain them. Jesse Gaddis stated that he had bought out City Cab and ABC Cab. He explained that the fee cost about \$125. Alfred Imgrund asked if the license could be sold. Jesse Gaddis stated that a single license could be sold, but multiple licenses under an entity could not be sold separate from such business. He added that Broward County had language stating that such license could not be sold for six years.

Jesse Gaddis stated that taxicab drivers were independent contractors and did not receive benefits. He added this was a very dangerous profession.

Chair Robert Brady stated that if an individual was attempting to "flip" the license, then it should revert back to the City, but for someone putting in time to the business deserved any benefit that could be obtained in the future.

Jesse Gaddis stated that the inclusion of a time limit in the language would resolve the concerns he had.

John Hurley stated that money is invested in a liquor license and a bar becomes successful. Therefore, a person had put in "sweat equity" into a business, and he felt the license should be transferable. He asked who would give up their license after seeking it.

Chair Robert Brady explained that the licenses had to be renewed yearly.

Jesse Gaddis stated that in Broward County if someone died, then the license was transferable to that person's estate. The same happened if someone became disabled. Otherwise, there were no provisions for the transferring of licenses. He felt that was fair.

John Hurley and Chair Robert Brady agreed.

Jesse Gaddis further stated that at one time there was no lottery for the cab drivers, and for years he supported such a lottery. He stated that if a company needed additional licenses and if a driver wanted to sell his license, then the company should be able to buy it at the going price.

Chair Robert Brady stated that the driver would benefit from the sale.

Jennie Brooks stated that there did not appear to be any type of procedure in the County for licenses not being used, excluding death or disability.

Jesse Gaddis explained that if licenses were not used, they would revert back to the County.

Margarette Hayes explained that such conditions could be included in the language.

Jennie Brooks stated that applicants not currently licensed by the City were to be considered for such permits. Chair Robert Brady explained that individuals already having City permits would not be permitted to apply. Jennie Brooks asked if language could be included stating the applicant was not to be associated with another company because then they could drive for those companies in the City who already had existing permits.

Chair Robert Brady replied that the vehicle, company and driver would be licensed, but the driver could not "jump ship." Jennie Brooks stated that she believed that could be done.

Jesse Gaddis stated that in Broward County there were already a number of drivers who owned their own cabs and permits, and operated under their own name. He stated the drivers could still affiliate themselves with other companies.

Jennie Brooks reiterated her concerns regarding the matter. Jesse Gaddis stated that in affiliating with another company, the driver was just being permitted to purchase insurance at a lower cost and participate in a dispatch service. Jennie Brooks reiterated that if someone owned their own business, then they should already have access to such things. Jesse Gaddis stated that the ordinance required 24/7 service, and it was not possible for an individual to supply such service with only one cab because 80% of all taxicab business came over the telephone.

Jennie Brooks further stated that if an individual was affiliated with a larger company, the company would be paid by the individual. Jesse Gaddis confirmed and stated the company would be paid by the driver for dispatch service and insurance. Jennie Brooks stated the owner/driver should own his own company and have his own insurance, and be independent of other companies. Jesse Gaddis stated it would not be practical.

William Goetz seconded the previous motion. He further stated that the process should be a lottery system. He also stated that the amount of permits should be omitted. Chair Robert Brady stated it was just a legality. William Goetz stated that the wording in #5 should be: "The Community Services Board, on an as needed basis, shall hold public hearings, review and approve applications for the lottery."

Chair Robert Brady stated that he accepted William Goetz's amended language to the motion.

William Goetz asked if the larger companies permits were reviewed and permitted on a yearly basis.

Jesse Gaddis stated it was not done for the larger companies because they had been around a long time, and had property rights in their companies and licenses. He said such companies could not be put out of business at the drop of a hat.

William Goetz stated that he had brought this issue up as a point of information. Chair Robert Brady explained that last year the Board discovered that the City Commission had previously issued the licenses and had developed the procedure. William Goetz stated further that in terms of health benefits for the individual drivers that possibly the companies provide such benefits.

Leslie King, 1851 NE 62nd Street, asked if a proposal could be drafted and put on the web site for integrating new cab drivers into the community fairly. Chair Robert Brady

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stated that this is a public meeting. Leslie King stated that e-mails could be sent and comments made and drafts could be rewritten until clearer versions were submitted.

Chair Robert Brady stated this could not be done due to the Sunshine Law. Ms. King asked if further explanation could be provided in that regard. Chair Robert Brady referred Ms. King to Florida Statute Nos. 58 and 59.

John Hurley stated that there was a perception that the little person should be more involved in the taxicab issue because the "little fishes" were not able to join in at the table. He felt that Ms. Brooks did not want the little person beholden to the larger companies.

Chair Robert Brady stated that this language would help the smaller individual drivers, and after that, the free market enterprise could rule.

John Hurley stated that he was concerned that the form might be fair, but the substance might not be due to how the system was developed. Chair Robert Brady stated that there was a limit as to how long they "could hold the hands of the individuals." John Hurley suggested that this matter again be reviewed after one year. Chair Robert Brady suggested that a time limit be placed on the transfer of the licenses, and that the City would retain jurisdiction over the permits.

Jennie Brooks stated that she had a problem with the proposed document. She felt that all input should be received and voting delayed until the verbage could be amended. She did not think they should rush through the issue. She suggested that input be supplied by the Board Members.

Margarette Hayes explained that after tonight the actual motion would be part of the record if passed, and then be submitted to the City Attorney's office for recommendation to the City Commission. Chair Robert Brady stated that this had to be done before March 1, 2005, and this Board would not be meeting before the next City Commission meeting. Jennie Brooks asked if this had to be decided by March 1, 2005. Margarette Hayes stated that the projection was that this matter would be placed on the Commission's agenda for the March 1, 2005 meeting, but it would be up to the City Attorney's determination.

Jennie Brooks stated she was not familiar with this and had some concerns. She stated that she wanted the right verbage to be developed. She added that she also wanted to check with the County regarding their policy. She stated that she did not feel comfortable voting on this item at tonight's meeting.

Margarette Hayes said there was no guarantee that this item will be on the March 1, 2005 Commission Agenda.

Jennie Brooks stated that she would prefer to wait until the Board's next meeting to vote on this issue. She believed this document was too vague for an independent owner/driver to be placed into a lottery and not be affiliated with another business, which they could possibly benefit from.

Albert Imgrund proceeded to call the question and asked that the motion be re-read with the amendments.

William Goetz stated that a motion could be made to table this issue until the next meeting.

Chair Robert Brady stated that a motion was already on the floor. William Goetz stated that he believed a Motion to Table would take precedence over the previous motion. Chair Robert Brady stated that according to Robert's Rules of Order the previous motion needed to be voted on. He explained that the motion could be voted down, and then a Motion to Table could be made. Jennie Brooks stated that even if there is a motion on the floor, the matter could be tabled. William Goetz agreed.

Chair Robert Brady explained that the motion as amended would now be voted on by the Board.

Margarette Hayes asked that the amendments be clarified.

Chair Robert Brady stated that William Goetz had made an amendment to (5).

Jennie Brooks stated that the Motion to Table should take precedence, and no vote should be taken on the issue.

John Hurley recommended that the Board vote on the Motion to Table this matter.

Motion made by Jennie Brooks and seconded by William Goetz to table this matter until March 14, 2005 at 7:00 p.m. A "yeah" and "nay" vote was taken, and the motion failed.

Chair Robert Brady proceeded to have the Board vote on the previously amended motion. A "yeah" and "nay" vote was taken, and he stated that the motion passed.

Jennie Brooks stated that she would not vote on something that she did not understand. She stated that the matter should not move forward if a Committee Member did not understand the issue. She reiterated that if more than one Committee Member did not understand the matter, the item should be tabled.

Chair Robert Brady stated that the issue passed and they were moving forward. He stated that the vote was 6-2.

Jennie Brooks asked if she could question the vote to see if another Board Member did not understand the issue.

John Hurley explained that if another Board Member had the same concerns, then the motion would not have passed.

Jennie Brooks asked why she was not being given the opportunity to research this matter so she could make an informative decision. Chair Robert Brady stated that this issue had to be voted on prior to March 1, 2005. Jennie Brooks disagreed and stated that the matter could be discussed at the next meeting.

William Goetz asked if there was anything in the Sunshine Law that prevented a Board Member from sending out proposed motions as long as no discussion took place. Chair Robert Brady explained that was the procedure to be followed, and such policy had been followed previously. He stated that matters could not be discussed among the Board Members, but concerns could be relayed through Ms. Hayes. William Goetz suggested that such a procedure be followed in the future to alleviate problems.

Jennie Brooks stated that this same type of situation had occurred to her previously, and to be part of this Board she wanted to be able to vote on matters comfortably, and

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therefore, information should be distributed to the Board prior to the meeting. She stated that she sat on other boards and information was distributed for review prior to the meetings.

Motion made by Jennie Brooks that information be provided to the Board Members in a timely manner for their review prior to the scheduled meeting.

Jennie Brooks added that if information was distributed at the meeting and not available for prior review, then the issue should be postponed for a vote until the Board's next scheduled meeting so everyone would be able to understand the matter. She felt the present process was not right. She stated that she was upset that she had not been granted the privilege to research the issue and vote at the Board's next meeting.

William Goetz suggested that the issue regarding material being received in advance of a scheduled meeting be placed on the Board's next agenda for discussion purposes. Chair Robert Brady confirmed.

Alfred Imgrund asked if the motion was withdrawn regarding advance motion.

Motion made by William Goetz and seconded by Robert Brady to table the issue regarding advance notice and that it be placed on this Board's next agenda. Board unanimously approved.

Other Business

Chair Robert Brady stated that the Mayor and Commissioner Moore asked him to meet with Ms. King regarding the issue of water, including quality, quantity and conservation.

He stated that the Waterworks 2011 Program includes additional water allocations for the implementation and construction of capital improvements for the water system in Fort Lauderdale.

Ms. King is asking that this Board make a recommendation to the Commission to amend the ordinance to include this within this Board's responsibilities and jurisdiction. Commissioner Moore is in favor of this and asked that the Board listen to Ms. King. He stated further if the Board determined to propose an ordinance, then someone would write it and submit it to the Board for input.

William Goetz asked who presently had jurisdiction over such matters. Chair Robert Brady stated that the City Commission had jurisdiction over these issues. He recommended that everyone visit the City's web site and review the Waterworks 2011 Program. He stated that there is presently no Advisory Board overlooking this matter. He added that the Board would also act as a Grievance Board for individuals not being able to pay their water or sewage bills.

Chair Robert Brady clarified that the proposed ordinance would be written by the City Attorney's Office, and then it would be presented to this Board for their review. He stated that this would be a lengthy process.

Robert Smith asked if this Board was empowered to enter any part of the City. Chair Robert Brady confirmed, and stated this Board was involved in all types of community service.

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John Hurley stated the issue was whether this Board wanted to accept the added responsibility of dealing with the entire WaterWorks project. Chair Robert Brady emphasized that the issue did not have to be decided upon this evening. He stated that it was a good idea, and he hoped the issue would proceed forward.

Leslie King stated that the Chair did a good job explaining the three points to be considered in regard to the Grievance Committee, which included advocacy of water conservation, utilization of water, and serving as an advisory board to the WaterWorks 2011 project and offering any assistance that might be needed.

Ms. King explained that water was very important to everyone. She stated that after moving here, she noticed that the water in her bathtub was sea green. She realized that the color could not be changed, but that the red sand could be removed. She stated that she wanted to do a volunteer project that affected her life. She discovered there was no community board for either water or air. She stated that she met with Commissioner Moore who referred her to Robert Brady. She stated that Robert Brady was very helpful and positive in moving forward with representing this issue. She further stated that the \$230 Million allocation for the building of a new water plant was very exciting. She believed the individuals involved were very dedicated to improving the City's water. She emphasized that she was interested in seeing the water issue represented in the City.

Sanford Rosenthal asked if this was not more of a County issue, than a City issue. Ms. King stated that the issue could involve both the County and the City. She stated that she was presently working with the City because she lived here and wanted to start at the local level. She added that the plant served the entire County. Sanford Rosenthal stated that he believed the County should be involved. Ms. King stated that the City was independent of County involvement, but the ball could begin rolling without involving the County.

Chair Robert Brady stated that the WaterWorks 2011 Program was a City project.

Ms. King stated that she liked that Sanford Rosenthal saw a bigger picture and she agreed with him, and added that she would not discount any communications with the County.

Alfred Imgrund asked if Ms. King was present this evening as a private citizen. She confirmed. Alfred Imgrund asked if Ms. King was in any way connected with the City or County government. Ms. King replied she was not, but would like to volunteer her services as a member of the Community Services Board regarding water issues. Alfred Imgrund asked if Ms. King had an e-mail address so the Board could contact her. Ms. King stated that her e-mail address was: LeslieLLKing@hotmail.com. She stated that the Chair of this Board had her mailing address and phone number if anyone wanted it. She stated that she would prefer to be contacted at this point in time through her e-mail address.

Jennie Brooks asked for further clarification as to how this Board would be involved in the water program.

Chair Robert Brady stated the Board would overlook the WaterWorks 2011 Program. He urged all Board Members to view the program on the City's web site. He added that the Board would also review water quantity, quality, conservation and capital improvements.

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Jennie Brooks asked if the WaterWorks 2011 Program was in any way connected with the South Florida Water Management District.

Margarette Hayes explained that the program was a City initiative. She stated the oversight of the program would fall to this Board if the Commission approved the matter.

William Goetz stated that if additional duties were given to this Board, then they should consider changing the Board's name to the Community Environmental Services Board.

Chair Robert Brady stated that he also was a pilot and would like to oversee the quality of the air.

Motion made by Robert Brady that the Board further investigate and move forward regarding this issue.

Chair Robert Brady asked if there was a general consensus of this Board to get involved in these matters. He stated that he brought items before the Board for expediency purposes.

Margarette Hayes stated that this matter would be placed on the Board's agenda for their next meeting. Chair Robert Brady asked if the appropriate members of City staff regarding this issue could also be present at the next meeting.

John Hurley suggested the following acronym for this Board: "Community Overseeing Environmental Rules Concerning Everyone."

Chair Robert Brady left the meeting at approximately 8:11 p.m. Vice Chair John Hurley would preside as Chairman for the remaining portion of the meeting.

Motion made by Jennie Brooks and seconded by William Goetz to adjourn the meeting. Board unanimously approved.

There being no further business to come before this Board, the meeting was adjourned at 8:12 p.m.

Margaret A. D'Alessio
Recording Secretary