

# APPROVED

## COMMUNITY SERVICES BOARD SPECIAL MEETING February 25, 2008- 7:00 P.M.

### CITY COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR 100 N. ANDREWS AVENUE

#### **Board Members**

|                      | <b><u>Present</u></b> | <b><u>Absent</u></b> | <b><u>Cumulative<br/>From 10/07</u></b> |                   |
|----------------------|-----------------------|----------------------|---|-------------------|
|                      |                       |                      | <b><u>(P)</u></b>                       | <b><u>(A)</u></b> |
| Marjorie Davis       |                       | A                    | 0                                       | 4                 |
| William Goetz        | P                     |                      | 4                                       | 0                 |
| Michael Kimmey       | P                     |                      | 2                                       | 2                 |
| Avery Dial           | P                     |                      | 4                                       | 0                 |
| Margaret Birch       | P                     |                      | 3                                       | 1                 |
| Fenel Antoine        | P                     |                      | 3                                       | 1                 |
| Emmett Kater         | P                     |                      | 3                                       | 1                 |
| P.J. Espinal         | P                     |                      | 1                                       | 3                 |
| David Maymon         |                       | A                    | 2                                       | 2                 |
| Tunde Ogunlana       | P                     |                      | 3                                       | 1                 |
| Christopher Priester | P                     |                      | 4                                       | 0                 |

#### **Staff Present:**

Margarette Hayes, Manager, Housing & Community Development  
Angelia Basto, Clerk Typist II  
Lindwell Bradley, Business Tag Supervisor, Code Enforcement

Margaret A. Muhl, Recording Secretary

#### **Call to Order**

Chair William Goetz called the meeting to order at approximately 7:08 p.m. and all stood for the Pledge of Allegiance. Roll call was taken and a quorum was present.

#### **Board and Staff Introductions**

Margarette Hayes advised the Board that members Avery Dial and Michael Kimmey had been reappointed to this Board by the City Commission.

Margarette Hayes introduced P.J. Espinal to the Board.

P.J. Espinal stated that she has been active in the community since about 1999 and served on the Community Area Planning Initiative, CLC, coordinating recycling in her community, a CERT volunteer, serves on the Crime Committee, and works on several Code Enforcement Committees.

Margarette Hayes proceeded to introduce staff who were present at tonight's meeting.

### **Election of Officers**

Margarette Hayes explained that the officers that would be elected this evening would serve until September 30, 2008.

Chair William Goetz explained the voting procedure to be followed for the election of officers.

Nominations were opened for the office of Chair of the Community Services Board.

Avery Dial nominated Michael Kimmey for Chair of the Community Services Board.

**Motion** made by Margaret Birch and seconded by Christopher Priester to close the nominations for the office of Chair. Board unanimously approved.

---

Michael Kimmey, as the new Chair of the Community Services Board, opened the floor for nominations for the office of Vice Chair of the Community Services Board.

Avery Dial nominated William Goetz as Vice Chair of the Community Services Board.

**Motion** made by Christopher Priester and seconded by Margaret Birch to close the nominations for the office of Vice Chair. Board unanimously approved.

Michael Kimmey and William Goetz were elected unanimously.

### **Approval of Minutes**

#### **June 11, 2007 Minutes**

William Goetz stated that on page 9 of the June 11, 2007 minutes he wanted to clarify that when he stated some programs were overlapping, he meant those between the action plan and the CDBG grants.

**Motion** made by Margaret Birch and seconded by Christopher Priester to approve the minutes of the June 11, 2007 Community Services Board meeting. Board unanimously approved.

#### **September 10, 2007 Minutes**

**Motion** made by Emmett Kater and seconded by P. J. Espinal to approve the minutes of the September 10, 2007, November 13, 2007 and January 14, 2008 meetings.

William Goetz stated that in the January 14, 2008 minutes on page 3, he wanted to clarify that when he suggested doing away with the ranking considerations, he meant that could be done as long as the relevant questions were incorporated into the application. He further stated that on page 3, he wanted to clarify that when he stated that this appeared to be subjective, he was not referring to Ms. Hayes' previous

comment about the Commission's priorities, but that he was referring to the grant selection process being subjective.

---

Ms. Hayes stated that the February 11, 2008 minutes had been e-mailed to the Board, and therefore, a separate motion would be required to approve those minutes.

Christopher Priester asked if those minutes could be enclosed in the Board's next packet, and then approved.

---

William Goetz advised that according to "Roberts Rules of Order" motions did not have to be made regarding the acceptance of minutes, unless corrections were presented.

The Board unanimously approved the minutes of the September 10, 2007 and November 13, 2007 meetings, and the January 14, 2008 minutes as amended.

Margarette Hayes advised that Mr. Ogunlana entered the meeting at approximately 7:22 p.m.

**Certificate of Public Convenience & Necessity Application**

Margarette Hayes stated that an application was presented on February 11, 2008 by Joseph Sager, but since there was not a quorum present at that meeting, a special meeting was called tonight to discuss this application.

Ms. Hayes stated that she received a copy of a memorandum this evening from Fenel Antoine that was issued by the Broward Consumer Affairs Division, and copies were distributed to the Board.

Lindwell Bradley, Business Tag Supervisor, Code Enforcement, stated that Mr. Sager, owner and operator of Summit Transportation, LLC, was seeking a certificate of public convenience and necessity for a rental car and chauffeur service. A photograph was shown of the vehicle to be used at the last meeting. The business would be home-based, and therefore, the location could not be advertised, nor could there be any employees at his home.

William Goetz asked how the memorandum was obtained from the Broward Consumer Affairs office. He further stated that he believed he had asked for some additional information to be obtained at the last meeting.

Ms. Hayes stated that she received the memorandum from Mr. Antoine this evening. She continued stating that Mr. Sager had already received approval from the County before the memorandum was issued.

Mr. Bradley explained that he had been informed by the City Attorney's office that safety issues would be handled through the Broward County inspections. He was further

informed that all other issues raised by this Board at these meetings were to be decided upon at that time.

Mr. Goetz asked if the dealer had been contacted about the installation of the additional seat. Mr. Bradley stated that he had not contacted the dealership.

Mr. Kater stated that was irrelevant at this point in time because they had established what had been done with the vehicle and all ramifications had been addressed. He further stated that the applicant had provided all necessary information in connection with his application.

**Motion** made by Emmett Kater to approve the application as presented.

Ms. Espinal stated that she did not believe they should be a “rubber stamp” board, but she did not want to delay anyone’s business either. She stated that she was also concerned about the additional seat being installed by someone other than the dealer. She wanted to know why Broward County was no longer accepting such vehicles.

Mr. Goetz stated that it was his impression that by putting in the additional seat, they were getting around the standards set by the County. Due to the memorandum distributed, he did not feel this application should be approved.

Ms. Hayes clarified that this Board did not necessarily “rubber stamp” such applications, but their function was to accept the application and forward their recommendation to the City Commission. She further explained that this Board was to review that the applicant had met all standards. She also stated that members of the public were present this evening and would speak in regard to this application.

Ms. Birch stated that the Board needed to be careful in what they did because their purpose was not to analyze or tear down and re-examine an application, but to make sure the applicant followed all necessary procedures. This applicant followed all procedures and it was not within this Board’s purview to reject his application.

Mr. Priester stated that he thought the purpose of tonight’s meeting was to hear from the public and then vote on the application. All pros and cons regarding this application were discussed previously.

Mr. Goetz stated that there was not a quorum last time, and therefore, the application could not be voted on, but he felt there could still be further discussion and additional information had been requested.

Chair Michael Kimmey proceeded to open the floor for public comment.

Joe Davis, B&L Service (Yellow Cab), stated that their employees were fighting daily for their fair shares on the streets. He stated that the subject vehicle circumvented the ordinance by adding additional seats so they would not have to enter the lottery to obtain permits from the County and such permits were now under review by the County. He advised that he had spoken with a dealership and asked about the installation of the additional seat, and he was told they would not install the seat. He urged this Board to

wait in making their decision until the matter was further reviewed and decided upon by the County. He added that there were no safety inspections conducted in connection with such seats.

Mr. Kater asked for further clarification of the issues being raised by Mr. Davis. Mr. Davis proceeded to explain the lottery system used by the County in issuing such permits.

Ms. Birch stated that Mr. Davis' case should have been presented to the County or the Board of Consumer Affairs. She continued stating that Mr. Davis was making a valid point, but this Board needed to remember what their role and responsibilities were. Mr. Davis stated that the applicant did follow all the necessary rules, but this Board should wait to take action until the County made their decision in regard to this matter.

Mr. Dial stated that if this Board approved the application, and then the County revoked the license, the applicant would not be able to operate the business anyway. At this point in time, the applicant had all the rights and privileges that go with such a license, and therefore, why should this Board not approve the application since his license was valid.

Mr. Goetz stated that he saw his responsibility as serving the citizens of Fort Lauderdale and making sure things were safe, and if he had questions regarding an application, he would not be comfortable in approving an application until all issues had been addressed.

**Motion** made by Margaret Birch and seconded by Emmett Kater to approve the application as presented.

Mr. Sager explained that the memorandum distributed had been taken care of through the insurance company, and it had been provided to every driver in the area that had similar vehicles. He further stated that the seat had not been installed to circumvent procedures, but installed as a requirement by the County. He reiterated that he did whatever was required of him, and asked if this matter could move forward.

Mr. Dial asked if Mr. Bradley believed this to be a complete application in light of the information presented this evening. Mr. Bradley stated that the City believed this to be a complete application, and the matter would not have been presented to this Board otherwise. Therefore, he was asking this Board to vote on the application this evening.

Ms. Hayes stated that this Board's recommendation would be to move the application to the next level which would be to have the application presented to the City Commission. She reiterated that all comments could again be raised during the public input at the City Commission level.

Mr. Goetz asked if the County was now issuing permits on such vehicles. Mr. Sager explained that the requested information regarding the additional seat had been addressed by his insurance company and sent to the County.

Mr. Priester stated they were here to vote tonight, and therefore, they need to move forward with the matter. Ms. Hayes confirmed.

Mr. Dial asked Mr. Sager to address for the record that the Chevrolet dealer at Federal Highway and 13<sup>th</sup> stated they would not install the additional seat. Mr. Sager reiterated that they did not have any evidence, and he had spoken to the sales person who he had purchased the vehicle from who stated that the seat could be installed. Due to the cost quoted by the dealer, he had the seat installed by an outside vendor.

Roll call showed: YEAS: 6 Board Members. NAYS: 3 Board Members. Motion carried 6-3.

**Good of the Order**

Mr. Kater stated that this Board needed to scrutinize their paperwork before the meetings to save time.

Mr. Priester asked how much in advance information was received by staff in connection with items on the agenda.

Ms. Hayes explained that in regard to tonight's application, Mr. Antoine had just presented her with the memorandum from the County. Generally, such information would have been sent to Mr. Bradley.

Ms. Birch stated that she wanted to caution this Board to be careful and to put forth an effort to leave their biased opinions outside the door. She felt the Board could be put in a bad position in some instances.

Mr. Goetz stated that he did not think that this Board was prohibited from doing research as long as the Sunshine Law was being followed. He believed it was hard to separate biases from an analysis.

Ms. Espinal stated that if the Board found anything that pertained to a decision they would be making, it would be proper to provide staff with such information. She believed that opinions could be provided and they should be fair and honest.

Ms. Hayes stated that if she had received the document prior to the meeting that would have provided her with the opportunity to verify the information.

Ms. Espinal reiterated that this Board would be advising the City Commission regarding this application, and the County could revoke licenses in the future, and the insurance company was also reviewing the matter. She explained that she was not in support of the application due to some concerns she had and would pass those concerns on to her Commissioner. She felt this Board should research matters and then provide such information to staff.

Ms. Hayes reminded everyone that the funding cycle process would begin in April, and the applications for the 15% of public services were due back to staff this Friday. All of them would be reviewed to ensure that they meet the eligible HUD national objective, and then the information would be distributed to this Board. She advised that this Board would have 2-3 weeks to review the information.

COMMUNITY SERVICES ADVISORY BOARD  
SPECIAL MEETING  
February 25, 2008  
PAGE 7

Mr. Goetz stated that since there had not been a quorum in the past, there had been no discussion regarding the application and the changes made to it. He said that staff had done a good job, but he would have liked to add some things to the discussion of the matter. He believed that some additional information should be submitted by the applicants, and asked if the matters could be raised at the next Board meeting.

Ms. Hayes stated that such issues would have to be discussed at the Board's next meeting. Mr. Goetz stated that he would e-mail staff his comments. She reiterated that a quorum of this Board was very critical the next couple of months.

Ms. Hayes stated that the Better Business Academy would be scheduled for discussion at next month's meeting.

Mr. Goetz stated that several items had not been discussed such as how to decide to allocate the monies available for the CDBG applications. Also, they needed to discuss the expansion of the duties of this Board to include cultural matters.

Ms. Hayes stated that there has not yet been any direction from the Commission in regard to expanding this Board's purview.

Mr. Goetz stated that he felt they needed to form some committees to work on some matters and then present the issues to the Board.

Mr. Kater stated that they needed to revamp the ranking system regarding the CDBG funds.

Ms. Hayes stated that such discussions could take place at next month's meeting.

Mr. Goetz reiterated that they needed to form committees, but that he realized they had to be approved by the City Commission. He believed it would be beneficial in the long run.

Mr. Priester stated that the Board Members represented various communities and had been appointed by individuals who respected them, and their job was to form an opinion based on community needs.

Ms. Espinal reminded everyone that they needed to work together and work through their differences, and creating another committee was the last thing they needed to do.

Mr. Goetz stated that the issue was complicated and they had not yet been able to arrive at a solution, and therefore, he was making a suggestion on how to expedite the matter.

Ms. Hayes stated that a process had been in place, but as new members were appointed to this Board new suggestions had been made in regard to changing the existing process. The issue was that there was only \$300,000 to be distributed, and there were \$12 Million of requests.

**Other Business**

None.

**Motion** made by Mr. Kater and seconded by Ms. Birch to adjourn the meeting. Board unanimously approved.

There being no further business to come before this Board, the meeting was adjourned at approximately 8.20 p.m.

Respectfully submitted,

Margaret A. Muhl,  
Recording Secretary