

APPROVED

COMMUNITY SERVICES BOARD MEETING June 14, 2010 – 7:00 P.M.

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

	<u>Present</u>	<u>Absent</u>	<u>Board Members</u> <u>Cumulative</u> <u>From 10/09</u>	
			<u>(P)</u>	<u>(A)</u>
Erika Baer	P		6	3
Michael Kimmey	P		7	2
Avery Dial	P		9	0
Margaret Birch		A	7	2
P.J. Espinal	P		8	1
Christopher Priester	P		6	3
James Currier	P		8	1
Nadia Locke		A	8	1
Donald Karney	P		9	0
Helen Hinton	P		6	3
Wendy Gonsher	P		8	1
Jeannine Richards	P		8	0
David Tilbury	P		5	1
Richard Whipple		A	4	1
Suzanne Higgins	P		3	1

Staff Present:

Angelia Basto, Administrative Support
Susan Batchelder, Assistant Manager of Housing & Community Development
Karen Reese, Economic Development
Skip Margerum, Supervisor, Community Inspections

Margaret A. Muhl, Recording Secretary

As of June 14, 2010, there are 15 appointed members to the Board, which means 8 members would constitute a quorum.

Call to Order

Chair Avery Dial called the meeting to order at approximately 7:02 p.m., and all stood for the Pledge of Allegiance led by Suzanne Higgins.

Roll call was taken. A quorum was present this evening.

Board and Staff Introductions

Staff members present this evening were introduced by Ms. Batchelder.

Approval of Minutes – May 10, 2010

Without objection, the minutes of the May 10, 2010 Community Services Board meeting were approved as presented.

Communications to City Commission

The Board recommends:

The City Commission take proactive steps to develop policy and regulations in regard to Certificates of Public Convenience and Necessity in connection with the operation of pedicabs in the City, such as those which currently exist in the cities of Gainesville and Orlando, Florida.

The Board supports the use of pedicabs as an alternative “green” transportation, and as such has approved a limited number of permits. The permits were awarded to new companies in order to promote healthy business competition, as well as to the company presently operating pedicabs in the City.

Motion made by Ms. Gonsler and seconded by Ms. Baer to submit this communication to the City Commission. Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, PJ Espinal, Wendy Gonsler, Helen Hinton, Michael Kimmey, Christopher Priester, and Jeannine Richards. NAYS: Suzanne Higgins, Donald Karney, and David Tilbury.

Cultural Arts and Tourism

Karen Reese thanked the Board for having Fort Lauderdale host the Cultural County Meeting held several months ago at the Executive Airport. She explained that Doug McCraw would speak to the Board this evening. He is the creator of Fat Village which is a development where warehouses had been converted into studios.

Doug McCraw stated the buildings are located along railroad tracks and are architecturally unique, along with being historic. He felt the area had potential to be developed into an arts district. He stated the area has a community of businesses that are art centric and very stable. He proceeded to explain the types of businesses located within the district. He added that one of the tenants had done the costumes and puppets for Lion King. He explained that the community has formed an Association and has created approximately 50 jobs. He wants to encourage the City in regard to such initiatives. He announced there would be an Art Walk on the 4th Saturday of every month. There would be a “Day of the Dead Festival” that he believes would be the best outreach done by the City to the Mexican Community. He proceeded to show the location of the District on a map.

Mr. McCraw explained that this type of village was envisioned 10 years ago and included in the Master Plan for the City. He emphasized that it was not just an arts district, but a creative district. He believes this is a foundation that demonstrates to the City that such possibilities exist.

Mr. Currier asked about future marketing for the district. Mr. McCraw stated they were presently working on a web site, and there would be future media marketing. He explained that presently there was not a public relations staff. He believes it is important for this to be indigenous and authentic. He advised there would be a kids' summer camp and three tenants would be participating with the idea that the children would learn and create a play. He explained the district consists of studios and commercial businesses. At the time, due to the present state of the economy, residential is not included.

Mr. Karney asked if the City could designate the district as an official Arts District. Mr. McCraw stated that such discussion is presently taking place. He stated they wanted the City to embrace what makes up a creative district.

It was asked if this district was an overlay with Flagler Village. Mr. McCraw explained that it supports Flagler Village. He stated that FAT stands for Flagler Arts and Technology.

Mr. Priester entered the meeting at approximately 7:25 p.m.

Ms. Reese stated it was a unique district, and urges everyone to visit the area.

Ms. Reese distributed some information regarding an exhibit that Mr. Karney had submitted. Mr. Karney stated the exhibit would be in three cities within the State of Florida. He proceeded to provide some information regarding the photographic exhibit. Ms. Reese stated they had contacted Washington, and there would be no charge for hosting the exhibit. A grant is available allowing the exhibit to be shipped. ArtServe would be hosting the exhibit during the second week of January, 2011.

Ms. Reese stated such exhibit is the result of the joint meetings and people taking the initiative to do such things. She explained this is how the cultural piece is supposed to work. She urged everyone to submit their ideas.

Mr. Dial stated that Ms. Reese is the Film Chair for the City. Ms. Reese explained she is the Film Commissioner for the City of Fort Lauderdale, and she works closely with various departments in the City. They welcome the film industry and attempt to accommodate them because they have a huge economic impact on the City. She stated that the City Commission is very supportive of this industry. She announced that "The Glades" would be airing on A&E in July which is a TV series. She stated the State Film Commission has received a \$250 million grant due to the incentive for such projects. Film permits have increased 58% since last year. She proceeded to explain the story behind "The Glades." She advised that another feature film came in and explained the areas that had been used in the filming. She proceeded to list some of the other work being filmed in the City.

Ms. Reese advised that she would speak with this Board in two months.

Certificate of Public Convenience & Necessity Applications

Ms. Batchelder advised that the City Commission is taking the second Tuesday in July and first Tuesday in August off.

Skip Margerum stated that applications for pedicabs were being presented this evening. He stated a letter was distributed to the Board which is from the Police Department who have expressed some concerns regarding pedicabs in congested areas. Accidents have occurred in the past, and in regard to one accident in particular, the operator had not been approved by the City and had been through a sublease that was not done correctly. Those licenses had been revoked.

Mr. Margerum stated that the first application was in connection with Orient Express which is operated by Mark Brown and Sean Doyle. They are requesting 20 certificates for pedicabs. Currently, there is one pedicab company (Oceanview) operating within the City who runs 20 such cabs. They have been in operation since 1997 and there have been no problems. He explained if all the requests were approved by this Board tonight, there would be 90 pedicabs operating within the City.

Orient Express

Mr. Margerum explained that the application is complete, and insurance would be updated before any certificates were issued.

Sean Doyle explained they were from Orlando and currently based in Universal Orlando Resorts, and have been operating there for over four years. The company has been in operation since 1990 where they began in Toronto, Canada. He proceeded to list other locations they operate in. The company also operates a mechanized rickshaw business in Arizona. He stated they would like to receive certificates for 10-20 rickshaws.

Chair Avery Dial asked about the company's financial information. Mr. Margerum explained that such information was provided to the City, but had not been included in the Board's packets.

Mr. Currier asked about certain areas regarding the rickshaws due to safety issues. Mr. Margerum referred to the letter from the Police Department addresses this type of transportation throughout the City.

Ms. Gonsler stated the Board needed to review all three applications because of the number of certificates being requested by all three companies.

It was asked if the areas would be increased where the rickshaws would be operating. Mr. Margerum explained the areas were the same for all the companies, and he proceeded to explain the locations. It was asked if there was a demand for these rickshaws. Mr. Doyle stated they were not completely familiar with the Fort Lauderdale area, and explained that Orlando had over 100 pedicabs in operation and were located throughout the City.

Mr. Margerum explained that the applications were provided to this Board in the order they had been applied for. He stated the current operator in the City was the next applicant.

Ms. Espinal asked about the negotiation of fares that was mentioned in the application. Mr. Doyle explained that a tip system was used in some locations, along

with a flat fee. They believed the flat fee would prevent "gouging." Ms. Espinal felt a lot was being left up to interpretation, and possibly there could be a potential for arguments and lawsuits. She felt more definitive lines needed to be set regarding fees. Mr. Doyle stated that normally a flat fee per person was used, and tips were greatly appreciated. Ms. Espinal felt that the drivers would be taken advantage of.

Mr. Margerum stated that licenses had to be provided for potential pedicab driver.

Ms. Gonsler asked if any research had been done regarding long-term health issues for such drivers. It was stated that some drivers feel it is good exercise, and they stay in good shape. There is a vague responsibility for the companies to hire the right individuals for this type of job.

Mr. Margerum stated that all three companies could make their presentations, and then the Board could make their decision.

It was asked about the relationship between the riders and the drivers. Mr. Margerum explained about the City issuing a business tax for the companies. This Board's recommendation, along with the City Commission approval, would dictate the number of permits issued. He further stated that the City did address citizen safety.

Mr. Doyle explained the process normally followed by the company in regard to their operation. He stated that safety was their number one concern, along with being fair to their drivers. He explained there were different types of cabs in the business, and proceeded to explain the type of vehicles they operated. He stated they stressed driver responsibility.

It was stated that Fort Lauderdale was very different from Orlando. Mr. Doyle stated they have worked in cities and for events that involved very heavy traffic, including the President's Inauguration. They handled the situation with ease and did not have any issues.

Oceanview Rickshaw

Mr. Margerum stated that Mr. Jay Alexander is the current permit holder of 20 permits and has operated in this City since 1997.

Mr. Alexander stated that his company also worked at the Inauguration. He stated that the pedicab vehicle in Washington, D.C. operated in a certain area. He continued stating that when they began operating in this City, they saw a vision for development and bike lanes. In 1997, Fort Lauderdale was ranked #2 for pedestrian and bicycle fatality. He proceeded to explain the features of the pedicab vehicle, and added that it is the safest vehicle to date. He explained they operated within a very contained area consisting of one and a half miles of beach area, and the Las Olas area. He added they leave the area at times, and they want to be a steward for the City. They are an alternative to transportation. He stated they have worked with the DDA in regard to transportation alternatives for the City.

Mr. Alexander further stated that for the first five years of their company's operation, they did not seek additional licenses. Now, there is a potential for growth. In the past,

other companies have attempted to operate this type of transportation in the City, but eventually left. He stated there is no uniform pricing, and that is an issue that should be addressed, along with mandatory safety features. He explained their locations of operations. He feels some of the ordinances should be amended covering background checks, training, mandatory seatbelts and maintenance checks, along with other issues. He explained some procedures followed by other cities. He explained they do not take passengers over bridges due to safety issues. He feels licenses for pedicabs should be capped. He is happy to share the road with creditable businesses. He feels more regulations should be put in place before any additional licenses are issued.

Mr. Doyle proceeded to explain some procedures used by other cities. Mr. Alexander explained the different types of vehicles that were available. He stated that uniform pricing should also be addressed. He stated their company charged by time which was \$1.00 per minute. It was asked if a clock was posted in the vehicle. Mr. Alexander stated there was no clock posted, but some cities did require this. Mr. Brown stated that some cities had stronger requirements than others, and included clock maintenance and turning signals.

ATNT Pedicabs

Seth Birch stated that issues have been addressed, and he thanked everyone for their consideration. He stated that he has been working with pedicabs for one year. Eventually, he would like to add vehicles to his operation.

Mr. Kimmey asked why all the companies were requesting 20 licenses. Mr. Alexander stated he has been applying for four years, and has over 150 cabs across the Country. He stated they are ready to grow, and run whatever the market could bear. He likes an open playing field because it creates diverse services and brings new ideas to the industry, whereby improvements could be made.

Ms. Higgins stated that she had served on the City's Beach Council Board for 15 years, and was in tune to events on the beach, and that pedicabs added an ambiance to the area. There are concerns about too many of these vehicles in a congested area, and therefore, she is hesitant to approve additional licenses.

It was asked if a method for strategy should be developed before additional licenses were issued.

Ms. Espinal stated that more pedestrian-friendly environments should be created for the Downtown area, but uniform procedures need to be developed before they move forward with these applications.

Ms. Richards stated that congested areas should be reviewed by the City Commission, along with this Board's recommendation.

Motion made by Ms. Baer that a committee be formed to assist advising the City Commission in connection with regulations for pedicabs, along with the number to be permitted.

Mr. Karney asked if companies were campaigning the City for these types of permits. Mr. Alexander stated he has not been actively lobbying the City for these permits since he first started the operation in this City. He had provided the City with information as to how these businesses operate in other cities.

Mr. Currier seconded the motion.

Ms. Higgins stated she did not want to see companies go out of business due to the City stopping growth in this type of transportation.

It was explained that the motion would only be tabling the issuance of additional permits until further research was conducted.

Chair Avery Dial asked if any number of certificates could be approved. Ms. Batchelder explained that the Board could approve any number of certificates they desired. She explained the procedure that was being followed. She cautioned the Board regarding the formation of a subcommittee because the City Commission was not in favor of such groups. She was not sure this Board had the capacity to conduct such research.

Ms. Gonsler feels they are sending a mixed message by only approving a certain amount of permits. If they feel regulations are to be determined, the issuance of permits should be postponed until that is done.

Ms. Hinton asked if certificates had been issued in the last four years. Mr. Margerum explained that original certificates had been issued in 1997, but he was not sure the last date when a certificate had been issued. He explained the process for issuing such certificates was very involved.

Ms. Espinal asked if the issuance of certificates could be postponed for a specific period of time so the matter could be reviewed further. Mr. Margerum explained that tonight the Board needed to determine how many permits should be issued, and such recommendation made to the City Commission. If the Board feels no further permits should be approved at this time, a re-application will have to be done before this Board. The entire procedure would not have to be followed. He was not sure if the process could be postponed.

Voting on the above motion failed. There were no votes in favor.

Mr. Tilbury stated that government should not be part of safety issues in connection with such types of transportation.

Ms. Hinton asked how many companies were presently offering this type of transportation in the City. Mr. Margerum explained that one company was in operation at this time who had 20 permits. Ms. Hinton stated there should be a fair market, and not just one company in operation.

Motion made by Ms. Higgins and seconded by Ms. Gonsler that this Board not approve any additional certificates for pedicabs at this time.

Mr. Kimmey stated there appeared to be a demand for this type of transportation, and he believes there should be a cap placed on the number of permits issued so there could be an equal playing field.

Ms. Espinal asked if this Board had the purview to issue a cap on such permits. Mr. Margerum explained that this Board was to either approve or disapprove the applications presented this evening.

Ms. Baer asked if each application could be voted on separately. Mr. Margerum confirmed.

The Board voted against the above-referenced motion to not issue permits at this time for pedicabs.

Motion made by Ms. Baer and seconded by Mr. Tilbury that this Board not approve at this time any additional permits for Oceanview Richshaw. Vote showed: YEAS: Erika Baer, Avery Dial, Michael Kimmey, Christopher Priester, Jeannine Richards, Suzanne Higgins, and Donald Karney. NAYS: James Currier, PJ Espinal, Wendy Gonsher, Helen Hinton, and David Tilbury.

Motion made by Mr. Karney and seconded by Ms. Espinal to grant ATNT Pedicab five permits.

Ms. Gonsher asked if ATNT were operating illegally within the City of Fort Lauderdale. Mr. Birch stated he was operating in other locations.

Vote showed: YEAS: Erika Baer, Avery Dial, Helen Hinton, Donald Karney, Michael Kimmey, Christopher Priester, Jeannine Richards, and David Tilbury. NAYS: James Currier, PJ Espinal, Wendy Gonsher, and Suzanne Higgins.

Motion made by Mr. Karney and seconded by Mr. Tilbury to issue Orient Express 10 permits.

Board discussion ensued regarding the number of permits to be granted, and whether there was a demand for the numbers being requested.

Mr. Kimmey stated that the companies explained they were requesting the certificates, but would only put into use the number that was needed.

Mr. Margerum explained that the City Commission could override this Board's recommendation.

Ms. Gonsher asked if there was a critical number needed to set up an operation in a new location. Mr. Doyle explained that a procedure has been established and would be followed no matter how many certificates were issued.

It was stated that the company presently operating in the City was more familiar with the City's needs, and they would be inclined to issue additional certificates to that operation.

Oceanview Rickshaw should not be penalized because they run a sound business. They are worthy of additional licenses.

Ms. Baer stated her motion to not approve additional certificates was not because of bad business practices, but that uniform regulations were needed. She did not feel additional cabs were needed until further research was done.

Ms. Batchelder stated that a motion had to be made regarding any communication going before the City Commission.

Ms. Hinton stated that by not approving the company additional certificates that presently operates within the City would be sending a mixed message. She understands the issue regarding the number of rickshaws on the streets, but feels it would be a disservice to an individual who serves the City.

Mr. Kimmey stated the company is running a great operation, and he feels the number of rickshaws should not be doubled. He stated that he was concerned about the total number of such cabs on the street.

Mr. Alexander explained that per City Ordinance he is required to insure all his pedicabs in the event they are all put on the road. Numerous, all cabs were on the streets at the same time. Numbers do vary due to the season. He felt that 30 were an ideal number to be on the streets. He stated a responsible amount of growth should be determined in the future, but there should be a moratorium placed on the number of cabs presently being operated. He believes competition is good because it brings in new ideas.

Vote showed: YEAS: James Currier, Helen Hinton, and Christopher Priester. NAYS: Erika Baer, Avery Dial, PJ Espinal, Wendy Gonsher, Suzanne Higgins, Donald Karney, Michael Kimmey, Jeannine Richards, and David Tilbury.

Motion made by Ms. Espinal and seconded by Ms. Gonsher to grant Orient Express five additional certificates.

Mr. Currier asked what minimum amount would make the company operate beneficially. Mr. Doyle stated that five would not work, and a minimum of 10 certificates would be needed. This would fall more into their business model. He discussed various scenarios of operation.

Mr. Kimmey asked if seven cabs would be beneficial with the caveat that more could be added in the future if there is a demand. Mr. Doyle confirmed, but would still have to discuss the matter with the owner of the company.

Vote showed: YEAS: Erika Baer, and David Tilbury. NAYS: Avery Dial, PJ Espinal, Wendy Gonsher, Suzanne Higgins, Helen Hinton, Donald Karney, Michael Kimmey, Christopher Priester, Jeannine Richards, and James Currier.

Mr. Currier stated that a sufficient number of vehicles would be needed for the company to make a profit.

Motion made by Mr. Kimmey and seconded by Ms. Espinal to grant Orient Express seven additional certificates. Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, Helen Hinton, Michael Kimmey, Donald Karney, and David Tilbury. NAYS: PJ Espinal, Wendy Gonsher, Suzanne Higgins, Christopher Priester, and Jeannine Richards.

Chair Avery Dial asked if the Board wanted to revisit issuing certificates to Oceanview Richshaw in an attempt to not send the wrong message.

Mr. Currier suggested they be granted five certificates.

Motion made by Mr. Currier and seconded by Ms. Hinton to grant Oceanview Richshaw five certificates.

Mr. Doyle explained the larger number of cabs they have on the streets enables them to give back more to the community.

Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, PJ Espinal, Helen Hinton, Michael Kimmey, Christopher Priester, Jeannine Richards, and David Tilbury. NAYS: Wendy Gonsher, Suzanne Higgins, and Donald Karney.

Mr. Margerum reminded the Board this would be their recommendation to the City Commission who would make the final determination as to the number of certificates being issued.

Motorized Certificates

ECO Cabs LLC

Mr. Margerum stated the applicant is requesting to operate four electric golf-type shuttle vehicles.

Jason Bagley explained about their vehicles and how they operate. The carts support six passengers. He proceeded to show some photographs to the Board. He stated the areas of operation for their vehicles. He explained there would be transparent flat-rate pricing, along with call ahead service. He added that discounts would be offered for multi-passengers. He believed this was an affordable mode of transportation that could be used to tour the City. He explained about his stakeholders in the company. He proceeded to outline his recommendations regarding pricing. The hours of operation would be 11:00 a.m. to 2:00 p.m. and 5:00 p.m. until closing times at restaurants and bars. The carts run up to 35 mph and meet all safety requirements. He added that the carts cost \$13,000 each, and would like to start his operation with four with the possibility of increasing that number based upon demand.

Ms. Gonsher asked if the carts would be capable of keeping up with the flow of traffic. Mr. Bagley stated that traffic moved slowly during the peak hours, and therefore, he did not believe there would be a problem.

Mr. Kimmey stated that these types of vehicles already were in operation in some areas, and income comes from advertising and there appeared to be no negative impacts on traffic.

Eventually, Mr. Bagley explained he would like to provide weekly or daily rentals as an alternate to a bike or moped.

Mr. Margerum added that Duck Tours had requested to operate a 45 passenger bus, but were not present this evening.

USA Transportation

Mr. Margerum explained that USA Transportation was requesting to have 36 chauffeured sedans/vans/limousine sight-seeing type vehicles.

Michael Soloman stated they want to legalize the vehicles they operate within this City. They are a wholly-owned company and all employees drive the vehicles. Their background checks exceed those done by the County. All drivers possess "hack" licenses. Drug screenings were done, along with in-house training. They are the only company in Broward, Miami-Dade, and Palm Beach Counties that has employee drivers operating luxury vehicles. They maintain \$10 million of auto liability insurance. The County requires \$100,000 to \$200,000 of insurance. They have contracts with most luxury resorts. He proceeded to list events they did not provide service. They are a hotel ground transportation provider. They are a pre-arranged service. He explained that their insurance changed as of June 1, 2010. All drivers wear uniforms, and photographs were provided.

Mr. Tilbury asked if any of the vehicles were hybrids. Mr. Soloman stated they were not due to the nature of the types of vehicles used.

Motion made by Mr. Kimmey and seconded by Ms. Espinal to approve applications submitted by ECO Cabs LLC and USA Transportation. Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, PJ Espinal, Wendy Gonsher, Helen Hinton, Michael Kimmey, Christopher Priester, Jeannine Richards, and Donald Karney. NAYS: Suzanne Higgins, and David Tilbury.

Other Business – CDBG Ranking Process

Ms. Gonsher suggested that this issue be tabled until the next meeting.

Motion made by Ms. Gonsher and seconded by Mr. Kimmey to table this item until the next Board meeting. Vote showed: YEAS: Erika Baer, James Currier, Avery Dial, PJ Espinal, Wendy Gonsher, Suzanne Higgins, Helen Hinton, Michael Kimmey, Christopher Priester, Jeannine Richards, and Donald Karney. NAYS: David Tilbury.

Annual Action Plan

Ms. Batchelder explained that changes had been made, and the individual awards were broken down for the City Commission. The Plan is for 2010/2011. There are four Federal Grants addressed: Emergency Shelter Grant, HOPWA Grant, CDBG

Grant, and the HOME grant. She provided an overview of what is going to be provided to the City Commission on June 15, 2010. She urged everyone to attend the Commission meeting if they had any comments to make. The Plan is due to be submitted to HUD in August.

Ms. Hinton asked about some of the names of the agencies that were listed and if correct information had been provided regarding the names. Ms. Batchelder confirmed the correct names of some of the agencies. She would check on the names to make sure everyone was correct.

Good of the Order

Ms. Batchelder referred to the conflict of interest issue at the last meeting. Therefore, since Ms. Hinton was a Board Member of H.O.M.E.S., Inc., the following would be read into the record. She stated they might be challenged on that issue since she did not have Ms. Hinton leave the panel at the time of the voting.

The Board's next meeting is scheduled for July 13, 2010.

The issue of missed meetings and reinstatement was raised by Ms. Hinton. Ms. Batchelder proceeded to explain the process.

Motion made by Ms. Higgins and seconded by Ms. Gonsler to adjourn the meeting. Board unanimously approved.

There being no other business to come before the Board, the meeting was adjourned at approximately 9:31 p.m.

Respectfully submitted,

Margaret A. Muhl,
Recording Secretary