

Approved
ECONOMIC DEVELOPMENT ADVISORY BOARD (EDAB)
MEETING MINUTES
CITY OF FORT LAUDERDALE
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
WEDNESDAY, FEBRUARY 10, 2010 – 3:45-5:15 P.M.

Board Members	Attendance	1/10 – 12/10	
		Present	Absent
Dev Motwani, Chair	P	2	0
Miya Burt-Stewart, Vice Chair	A	1	1
Ralph Riehl	P	2	0
Mark Krom	A	1	1
Patricia DuMont	P	1	1
Sean de Vosjoli	P	1	1
Christopher Denison (arr. 3:55)	P	2	0
Sheryl Dickey (arr. 3:56)	P	2	0
Christopher Pollock	A	1	1
Adam Sanders	A	1	1
Cort Neimark	P	2	0

At this time, there are 11 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Stephen Scott, Economic Development Director
 Karen Reese, Economic Development Representative
 Patricia Smith, Economic Development Secretary III
 Sharon Miller, Assistant City Attorney
 Diana Alarcon, Director of Parking and Fleet Services
 Greg Brewton, Director of Planning and Zoning
 Mike Maloney, Code Enforcement Manager, Building Department
 Terry Burgess, Zoning Administrator, Planning and Zoning
 Adrienne Ehle, Planner III, Planning and Zoning
 Jennifer Picinich, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

I. Call to Order & Introductions

Chair Motwani called the meeting to order at 3:49 p.m. Roll was called and it was determined a quorum was not yet present. The Board members, Staff, and guests introduced themselves at this time.

The following Item was taken out of order on the Agenda.

III. Update RFP Process for Beach Parking Study

Director Alarcon explained that the RFP for this study has been released and five proposals were received, of which three were shortlisted. The Evaluation Committee will meet again the following week to make their final selection and bring it before the City Commission to be awarded at the March 2 or March 16 meeting.

Chair Motwani advised he has seen a copy of the RFP, and recalled that the study was originally encouraged by a vote from the Board. He explained that the intent was to focus on parking Code as it relates to private development and lack of a mixed-use parking Code, which had led to concerns regarding development along the beach.

Director Alarcon noted that the Evaluation Committee had asked the three shortlisted respondents to point out where they had used shared-use, mass transportation, or public/private studies or analyses in the past. She added that they will also be asked, for example, to view a restaurant built into a hotel as available to more than hotel guests only, or as part of a shared-use concept. There will be both public and private components to the study.

She pointed out that Code must be addressed in conjunction with other issues, such as Sunrise Lane and Galt Ocean Mile, where there is only public use and no private parking is available. The study would investigate what would be the best Code for this area in order to prevent it from being a blighted retail community.

Ms. DuMont asked if the study is considered part of the Beach Master Plan. Director Alarcon explained it is a separate study, but the respondents have been asked to include the draft Beach Master Plan in their analysis so their recommendations "make sense" with the Plan.

Mr. Denison and Ms. Dickey joined the meeting at this time (3:55, 3:56 p.m.).

II. Approval of January 13, 2010 Minutes

Motion made by Mr. Riehl, seconded by Mr. de Vosjoli, to approve the minutes of the January 13, 2010 meeting. In a voice vote, the **motion** carried unanimously.

IV. Director's Report

Mr. Scott advised that the last three to four weeks have been busy with preparations for the Super Bowl, particularly the beach concert. For which he acted as the City's "point person" in coordinating with the NFL and various City Departments. The concert drew 20,000-25,000 people to the beach, and most feedback from that area has been positive. Business owners were pleased, and felt the event helped spur the local economy.

He recalled that the Board had seen a presentation on Recovery Zone Bonds at a previous meeting, and stated the Mayor has informed the City Commission that he would like the City's \$8 million in Economic Development Recovery Zone Bonds to go toward keeping the Courthouse downtown. This will be discussed further at the upcoming Conference Agenda meeting; the use of Facilities Bonds will also be discussed.

Mr. Riehl added that businesses on the beach were "elated" with the attendance at the concert.

Mr. Scott stated the goal for attendance was 25,000. The official count included three fenced areas on the beach; however, in addition to this, "half of the South Beach lot" was also full. Director Alarcon agreed that over 24,000 armbands were distributed, and it was estimated that people who did not try to get into the concert brought the total to 30,000.

Mr. Scott concluded that the event was "remarkably smooth" and received very few complaints.

Ms. DuMont reported that the Centennial Committee hopes to create a similar level of excitement, using the concert as "a study case" for the upcoming Centennial. Mr. Scott noted that the City considered the event a study case as well, as they hope to hold more events of this nature. Chair Motwani commended the planning of the event "front to back."

Motion made Mr. Riehl, seconded by Ms. DuMont, to "give kudos to" City Staff. In a voice vote, the **motion** carried unanimously.

V. Sign Ordinance

Chair Motwani recalled that the City Commission has tasked the Board with reviewing the Sign Ordinance and possibly recommending improvements. He stated that while some of the regulations included in the Ordinance have “good reasons for being there,” businesses in the current economic environment have good reason as well to want to expand their signage. He thanked the representatives of the Planning and Zoning and Code Enforcement Departments for attending today’s meeting, as they can help determine what opportunities exist for changes or recommendations.

Director Brewton advised that the Planning and Zoning Department is aware of the situations that exist with the current sign Code; an attempt to revise this Code on a City-wide basis failed some years ago. He suggested that members of this Department could assist the Board with their knowledge of the Code.

He introduced Planners Adrienne Ehle and Terry Burgess and Assistant City Attorney Sharon Miller, noting that Attorney Miller could offer insight into the legal aspects contributing to Code, particularly those that involve the City’s history.

Chair Motwani recognized Mike Maloney of Code Enforcement, who is often “on the front lines” regarding enforcement of the Sign Ordinance and other aspects of Code. Mr. Maloney pointed out that signs are not currently the “highest priority” for enforcement, and observed that the Department generally responds to complaints and attempts to avoid being hard on businesses, particularly in the current economic climate.

Ms. DuMont asked what the Board hopes to accomplish with this effort. Mr. Scott explained that Commissioner Rogers had asked the City Commission to let the EDAB “take a look at the sign Code” and review it from an economic development perspective, perhaps identifying ways in which it could be more friendly to businesses. He felt the process would involve a discussion of sign Code that would result in a series of recommendations going to the City Commission.

Chair Motwani added that the Board will address the Code in two parts, reviewing the first six sections and last six sections separately and coming up with comments and questions for Staff. The members will also ask individuals in the community to express any common themes or concerns that might also be addressed.

Ms. DuMont asked if specific sections of Code have been prioritized. Mr. Riehl advised that Commissioner Rogers had received feedback from many of his constituents who own businesses; in attempting to bring customers into their stores, they find themselves in violation of Code. Commissioner Rogers is

interested in the possibility of a temporary solution during the current economy. Mr. Riehl concluded that the Commissioners are hoping the Board might give recommendations on how to ease conflict between businesses and Code, and still “enhance businesses.”

Ms. DuMont suggested that the Board separate long- and short-term concerns regarding the Sign Ordinance, and asked if they might invite members of the community who can provide “street knowledge” on the subject. Chair Motwani agreed this could be helpful.

Mr. Denison commented that he had spoken to other boaters and members of the marine industry, and learned that the Miami Boat Show, for example, allows balloons and banners on the boats and the sidewalk, and are “very liberal” both on the beach and at their Convention Center. He recalled there have been issues at past Fort Lauderdale Boat Shows in which some signs were “struck down” due to violations of the Ordinance.

He concluded that during major events, all participants want to promote their involvement, and felt that the more liberal the City could be, the more helpful they would become, with exceptions for “outlandish” or vulgar signs.

Mr. Maloney remarked that it can be “a slippery slope” to allow more liberal policies for one industry or business and not another, and pointed out that it is difficult to be consistent with sign Code, as Code Enforcement does not have enough staff to cover the entire City. He explained that they would like to “temper” some displays of signage so it does not reach a point where the City “starts to look shabby.”

Mr. Denison advised that in the past, one boat broker at the Boat Show might have complained to Code Enforcement regarding another broker’s signs, and proposed that in the future, someone from Show Management might address this issue rather than the City.

Chair Motwani felt the issue should be whether a sign is creating an unsafe situation or contributing to clutter. He added that the regulation allowing an individual to report another individual for Code violation could also be addressed.

Mr. Scott pointed out that the City had allowed the NFL a good deal of freedom with its signs. Mr. Riehl and Mr. Denison felt the same policy should be applied to the Boat Show, although Mr. Denison allowed that some of the signs could “look like clutter.”

Chair Motwani suggested that Show Management could take the initiative and take some control over the Boat Show signage. Ms. Dickey cautioned, however, that Show Management is a business, and it would not be appropriate to let one

business enforce policy over others. Chair Motwani explained that this would be a case of Show Management “[regulating] their vendors” and exercising a degree of control over their signs.

Ms. DuMont observed that there are two issues: permanent businesses and special event opportunities. She recalled that Commissioner Rogers had expressed concern with signage he saw on streets or sidewalks, and proposed that specific geographic areas be identified to give the Board insight into the issue.

She asked when the City had last reviewed its own sign Code and compared it with that of other cities, as this might give Fort Lauderdale some direction.

Mr. Scott advised that Commissioner Rogers’ District is south of Broward Boulevard; some business owners on 17th Street have stated that they would like to be able to put sandwich boards in front of their shops, and other businesses have costumed workers in front of their establishments to attract attention. He felt this is an inconsistency that should be addressed.

Ms. DuMont commented that newspaper vendors and “people collecting money in the middle of the street” should also be addressed in the Board’s discussion. Ms. Dickey and Mr. Riehl agreed this should be considered as well.

Mr. Scott asked why sandwich boards are prohibited, as they can be “good business promotion” of special offers during a short period of time; he noted as well that despite this prohibition, these are “all over town.” There is also a current trend allowing “flag signs,” which resemble sails. He requested an explanation for these allowances.

Mr. Burgess explained that this is primarily an enforcement issue, as sandwich boards are prohibited “all over town.” Director Brewton advised that some reasons for this include signs blowing away or creating obstructions on the sidewalk. Previous City Commissioners did not feel unregulated sandwich boards contributed to a positive image for the City, as some would ultimately not be tasteful.

He recalled that the issue of sandwich boards arose again two years ago, as property owners on 17th Street petitioned the City Commission to revisit the issue. After viewing some of the signs, changing Code to allow these boards was not supported by the City Commission “for various reasons.”

Director Brewton added that should these signs be supported by the present City Commission, there must be criteria applied regarding how to secure them, as well as preventing them from obstructing pedestrian traffic.

Mr. Riehl pointed out that the City uses board signs to advertise parking in, for example, the South Beach parking lot. Mr. Mahoney replied that the City is exempt on some signage. Mr. Riehl stated the City's signage is pointed out as an example by business owners when they are cited for similar signage.

Chair Motwani agreed that the concerns Director Brewton had explained are also valid, and requested clarification on what constitutes a sandwich board so they can make a recommendation.

Mr. Burgess stated that sandwich boards are considered "snipe" signs, and include "any removable sign not secured or attached to the ground or a structure."

Ms. DuMont noted there are two determining issues: the sign itself and its location. Director Brewton confirmed these are the most important factors to take into consideration before making a recommendation, as these issues have come up in the past and would be addressed again if the Code is amended.

Mr. Maloney pointed out that any signs in public rights-of-way or in medians are "always illegal," as opposed to signs placed directly in front of individual stores. Attorney Miller explained that this is because a right-of-way is created for the specific purpose of public use, so the City must be very careful regarding what is placed there. Sidewalk cafés, for example, may use this space because their purpose is public, anyone may use the chairs, and owners take them in at night.

Attorney Miller continued that in the 1990s, Fort Lauderdale worked very hard to rid itself of billboards when a court ruling stated it is possible to limit "planned purchase" signs. Sign Code regulations are justified in setting limitations due to aesthetics such as blocking air, light, the view, and safety; this has enabled the City to prohibit off-premise signage. Any restriction must be based on "justifiable public purpose," including but not limited to certain zoning districts, size, font size, and other considerations. She pointed out that if these restrictions are not enforced for all signs, billboard companies may attempt to file suit.

She concluded that the Code is intended to be "a balance of economic development and... aesthetics and safety," and advised that these are the issues that have contributed to the development of the existing Code. A new City Commission and the present economy may feel there is cause for change.

Ms. DuMont recalled that recent efforts had changed the City's policy regarding sidewalk cafés within a specific geographical boundary, and asked if a similar boundary exists for sandwich board signs. Ms. Dickey noted that there is a similar regulation regarding banner signs, which may only be placed on commercially zoned streets. Ms. DuMont felt in order to study the issue

appropriately, the Board might wish to focus on specific geographical areas rather than attempt to “make a blanket ruling” for the entire City.

Chair Motwani agreed, pointing out that Code is written with specific areas in mind, such as downtown and the beach. The appropriate way of addressing the topic would be to find where, in the Code, a particular restriction might be best enforced or reconsidered. He added that there may be some areas the Board feels do not need modification.

Mr. Riehl suggested they might consider setting a target date for the approval of any given sign – for example, within 30 days. He also felt a member of City Staff be assigned to “shepherd each request for a sign permit,” particularly for new businesses, through the approval process.

Mr. Denison noted that new businesses are allowed a banner in lieu of a sign “for a limited period of time,” which is often not a sufficient length of time for the sign permit to be issued.

Mr. Burgess advised that this is not typically the case: only when signs do not meet Code will it take longer to issue a permit. Signs that meet Code are given a permit “usually within a week.” Director Brewton added that sign vendors often contribute to the length of the approval process “by their own doing.” He reiterated that obtaining a sign permit is not a lengthy process if signs are within Code.

Chair Motwani observed that the sign Code can often be intimidating to a small business owner. Director Brewton referred to the earlier proposal of “shepherding” a sign through the permitting process, and stated that owners can speak to members of the Planning and Zoning Department in advance of applying for a sign; these individuals will shepherd an owner through the process.

Mr. Riehl suggested a one-year temporary permit could be issued for “selected non-conforming signs,” such as “snipe” signs.

Ms. Dickey noted that Code states “all advertising connected with any project shall be included only on temporary builder signs.” She asked if this meant she could not lease or rent properties in advance without this information being included on the builder’s sign. Mr. Burgess explained this is an attempt to limit the number of signs in place on a site at the same time; smaller signs, such as “for rent” or “for sale,” do not require permits, and could be placed on the property.

Returning to the issue of sandwich boards, Chair Motwani commented that the biggest issues for signs on private property are safety and aesthetics, as the City does not want streetfronts lined with signs. Attorney Miller added that an

additional safety consideration is how much information “in little letters” may be allowed before this constitutes a safety hazard for drivers.

Mr. de Vosjoli asked if the interiors of strip malls, which include the sidewalks and parking lots, are considered private property. Director Brewton confirmed this. Mr. de Vosjoli stated he felt whatever signage the owners agreed upon, as long as it is not obstructive to the public, should be allowed in these sites. Ms. DuMont pointed out, however, that signage and promotional activity within these boundaries “is not going to attract business.”

Chair Motwani proposed that a monument sign near the street, containing the names of all businesses in a center, could solve this issue. Mr. Burgess agreed that these signs are “large and visible from the street.”

Ms. Dickey noted that many communities would like to promote businesses that are not located on their main thoroughfare, and would like to place signage for these businesses, perhaps with a directional arrow, on this thoroughfare. Attorney Miller advised that once again, the issue would be the criteria used to determine which businesses may be included on these signs. She explained that the City is working on this determination, which could include historic locations and could vary from one district to the next, such as the Riverwalk or beach districts.

Ms. DuMont expressed concern that if these issues are already under discussion, it could be wiser for the Board to wait for the final decision rather than acting on its own; in the long run, she observed, they could be “undoing good laws and rules” that were included in Code for a sound reason.

Mr. de Vosjoli felt certain aspects of Code could still be addressed, such as allowing temporary exceptions on major corridors, similar to what was allowed for the Super Bowl. He asked if there have been studies conducted to show the statistical increase in business created by sandwich board signs; if their proven success is above a certain threshold and the Board feels it is necessary, a temporary amendment could be enacted.

Ms. Dickey recommended asking representatives from various industries, such as the marine and real estate businesses, to address their issues with the Board.

Mr. Scott summarized that the primary issue discussed today was sandwich boards, and reminded the Board that the structure they had chosen for discussions of sign Code was to have two meetings about “general” issues and make potential recommendations at the third meeting. He confirmed that for the next meeting, event signage could be explored further; in addition, representatives of the sign, marine, and/or other industries could be invited to

speak to the Board. Chair Motwani proposed inviting an architect, or a representative of another profession who deals with signage “on a regular basis.”

Chair Motwani stated that the Board had discussed the actual Code, as well as the permitting process, and noted that the perception remains that “it takes forever” to have signage approved, which is a problem from the perspective of a business owner.

Director Brewton pointed out that the comments regarding the timing of the permitting process could be “outdated,” possibly based on a time in which the Department was overwhelmed with applications. He reiterated that, as a rule, the permitting process normally takes a week. Mr. Burgess confirmed this estimate.

He advised that he was familiar with sign contractors who may have said their plans are “sitting in Planning and Zoning and haven’t been approved” because the vendors disagree with the interpretation of the Code. Director Brewton emphasized that this is not a reflection of the process, but is related to the contractor’s issue with Code.

Mr. Burgess added that signs in specific areas, such as the beach or downtown, have to “go through another process” in addition to the regular permitting process.

Mr. Scott recalled the study, distributed at the January Board meeting, approved by Planning and Zoning seven years ago, which proposed changes that were not adopted. He asked if Director Brewton found the changes objectionable. Director Brewton replied he had no objection to the study’s findings. Mr. Scott advised that the Board may look at some of the changes proposed in the document and suggest them again; Director Brewton noted that “the entire document” had been recommended at the time, but was not ultimately approved by the City Commission.

Ms. DuMont felt the Board is ultimately trying to decide how they can help businesses today with their signage issues, and that this should be communicated to the speakers at next month’s meeting, in order to keep from becoming distracted by “other issues we can look at later.” Chair Motwani noted, however, that part of the issue facing small businesses may be the perception that the process is too long or that Code is too complicated. Ms. DuMont advised that this concern is a “longer-term” issue, and the Board could lose sight of their goal if they are distracted by it.

Director Brewton stated if there is a problem with the review process that is taking a longer period of time, a speaker with this issue should bring the permit application in question so it can be addressed as a specific issue rather than a

general statement. He explained he would like to be able to solve any issues of this nature as they arise.

Chair Motwani asked if the Board wished to extend the length of their next meeting in order to have more time to review the Ordinance. It was agreed by consensus that they would meet at 3:30 p.m.

VI. Old / New Business

- **Communications to City Commission**

There were no communications to the City Commission at this time.

There being no further business to come before the Board at this time, the meeting was adjourned at 5:19 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]