

**APPROVED
ECONOMIC DEVELOPMENT ADVISORY BOARD (EDAB)
MEETING MINUTES
CITY OF FORT LAUDERDALE
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
WEDNESDAY, APRIL 14, 2010 – 3:45-5:15 P.M.**

Board Members	Attendance	Present	Absent
Dev Motwani, Chair	P	4	0
Miya Burt-Stewart, Vice Chair	P	2	2
Ralph Riehl	P	4	0
Mark Krom	A	2	2
Sean de Vosjoli	P	3	1
Christopher Denison	P	4	0
Sheryl Dickey	P	3	1
Adam Sanders	A	2	2
Cort Neimark	P	4	0
Kenny Herskowitz	A	1	1

At this time, there are 10 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Stephen Scott, Economic Development Director
Patricia Smith, Economic Development Representative
Greg Brewton, Director, Planning and Zoning
Sharon Miller, Assistant City Attorney
Deborah Hernandez, Assistant Manager of Code Enforcement
Barbara Hartmann, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None at this time.

I. Call to Order, Introductions, and Chair Report

Chair Motwani called the meeting to order at 3:51 p.m. Roll was called and it was determined a quorum was present.

The Board members, Staff, and guests introduced themselves at this time.

II. Approval of March 10, 2010 Minutes

Motion made by Mr. de Vosjoli, seconded by Mr. Denison, to approve the minutes of the March 10, 2010 meeting. In a voice vote, the **motion** carried unanimously.

III. Sign Ordinance

Chair Motwani recalled that members of City Staff had been present at the last two meetings to participate in discussions of the Sign Ordinance. The Board is reviewing the Ordinance from an economic development standpoint, with emphasis on its impact on small businesses; they are interested in greater flexibility for businesses in terms of what is allowed.

Since the March 10 Board meeting, Chair Motwani and Mr. Scott have met with members of Planning and Zoning Staff to review the Code for “opportunities for improvement.” Chair Motwani felt there are minor changes that address both Code and legal issues and allow small businesses greater opportunity to promote themselves in the current economic climate.

Mr. Scott described these proposed changes as starting points for further discussion, and explained that Attorney Miller can provide insight into any potential legal impact of the changes. Chair Motwani added that the Board should ensure that none of the suggested changes would “put the City in a bind.”

Mr. Scott introduced Donna Mergenhagen, owner of Well Read Books, and advised she could provide a historical perspective on the issue of sandwich board signs.

Ms. Mergenhagen explained that in 2008, a group of small business owners on SE 17th Street had considered potential ways to compete for the attention of people on the street, including tourists and local residents. At the same time, there was “an effort of increased enforcement” to get rid of banners, sandwich boards, and other forms of promotion, many of which were “unattractive.”

Three of the merchants circulated a petition among the small business owners in the area, gathering 60 signatures. They also worked with signmakers and a local attorney to determine specs that “seemed reasonable for size, shape, and safety issues,” as well as guidelines for usage. When the petition was brought to a Conference Agenda meeting, however, there were “a number of objections.”

Ms. Mergenhagen distributed a handout of the petition, the “talking points” raised at the meeting, and the responses to the objections at the first meeting.

She stated that Planning and Zoning was asked to review some of the issues raised during this discussion, but the merchants' effort "fizzled out." Ms. Mergenhagen noted that one issue is the "selective attitude" regarding what constitutes a sign board. The merchants had attempted to consolidate public and private signage, including signs on the beach, parking signs, and signs on the sidewalks maintained by small business owners.

She added that while customers may visit chain or larger establishments in lieu of businesses that are no longer there, a much smaller percentage of this revenue comes back into the community than if customers frequented locally owned establishments.

She concluded that individuals on the street are more likely to see signage placed at eye level than signs on awnings. The merchants' proposed concept was "to maximize the dollars spent while people are here visiting."

Mr. Riehl commented that "selective enforcement" of Code affects small business owners disproportionately, and asked if this was the case. Ms. Mergenhagen explained that in 2008, the owners felt small businesses were being "hampered with" more enforcement than larger businesses. She noted that on 17th Street, there are many existing violations of sign Code, and recalled that larger establishments, such as Publix and Starbucks, were not cited for these in 2008.

She added that small businesses have a much smaller capital margin, and a sandwich board sign for roughly \$150 was a more affordable option than a more expensive bench sign.

Chair Motwani thanked Ms. Mergenhagen for expressing her concerns to the Board and providing documentation of her experience. He clarified that with regard to Code Enforcement, the Board must look at the Code itself, as well as what they can do to help modify it and create a "more business-friendly" Code.

Mr. Scott explained that in the meeting with Chair Motwani and Mr. Burgess, they had targeted "easier changes" for discussion.

The first of these was allowing sandwich board signs in private shopping centers, with the requirement that they be set up at opening and removed before closing. Signs would not be allowed in the public right-of-way. A simplified permitting process would ensure these signs complied with size restrictions and ADA requirements, and they would only be allowed to advertise for the business that puts the sign in place. Property owners would need to be named on the applications for the signs, and one sign per business would be allowed.

Ms. Hernandez noted that Code Enforcement receives complaints regarding or "inappropriate things" on signs, and asked if the content of signs could be limited

to the business' name, hours, and other basic information. Attorney Miller advised the City could "indirectly" manage this content. Director Brewton added that during the permitting process, businesses are required to describe the content of their proposed signs; he pointed out, however, that sandwich board signs could change from day to day, as with menu specials, and this would "probably be too much to ask of them." He suggested that the Ordinance could be written in a way to limit what could be displayed on signs.

Attorney Miller stated that business identification signs include "the name, trademark, or symbol of the business." The Ordinance could be revised to specifically "[permit] sandwich business identification signs."

She cautioned that a revised Ordinance should not attempt "to define 'offensive,'" and cited the example of shops placing "XXX" on their signs, which could not be controlled by Code Enforcement. She advised that this use, however, might not be considered "advertising a business."

Director Brewton agreed "the bulk of the conversation" regarding sandwich boards would focus on content. He noted that "supergraphics" could also be added, which might not be intended as part of the revised Ordinance.

Mr. Scott suggested that the Board discuss what they would or would not like to see allowed by a revised Code. Attorney Miller agreed that "the overall look" of signs should be discussed, and added that safety issues should also be considered, such as signs that are not "so distracting" as to disrupt traffic.

Ms. Mergenhagen showed photos that were taken at the time of the petition, which displayed a "range of sandwich signs" with different uses.

Ms. Hernandez warned that this could create "an enforcement nightmare," and proposed that the Code require lettering to be "permanent in nature" on outdoor signage. This would prevent "white boards" or chalk boards, or graphics that might be considered offensive. She reiterated that it would be very difficult to enforce signs that could change, and suggested that signs for "daily specials" state that such specials are offered and invite the viewer inside without changing on a regular basis.

Chair Motwani replied he understood that some businesses might put up "inappropriate" signage, but felt the focus should be on "most business owners," who are simply trying to attract customers. Mr. Riehl asserted that Code should not be developed "based on the ability for our Code Enforcement Department to enforce it," but should be made "to enhance the economic viability of our city."

Director Brewton explained that if a “loose” Code is created, the City receives many more calls complaining about what is allowed, which makes enforcement more difficult.

Chair Motwani noted that the proposed change would require signs to be adjacent to the business, and would appeal to pedestrian rather than vehicular traffic. He felt with the help of the City’s Legal Department, a Code that is “easy for [the City] to enforce” could be developed.

Ms. Hernandez clarified that while Code Enforcement also wants businesses to thrive, “the Code is only as good as it’s written,” and if it is not correctly documented, it would be of little help to businesses. Chair Motwani agreed the intent is to create a Code that encourages economic development, but not at the expense of “wasting City Staff or... resources.”

Mr. de Vosjoli offered the example of a hand-drawn sandwich board sign at Tarpon Bend, which is “pleasant and... not obstructive” and intended to attract pedestrian traffic. He suggested these signs might be appropriate specifically for pedestrian areas. Ms. Dickey agreed, noting that many individual neighborhoods in the City are “creating... business centers” and can place similar signage on private property next to pedestrian streets. She felt sandwich boards are appropriate for these business areas as well as shopping centers and strip malls.

Ms. Hernandez noted that Chapter 25 of the Code includes a list of “pedestrian priority corridors.” Ms. Dickey advised that not all such areas are listed in the Code, and she wished to ensure that newer and developing areas are included.

Attorney Miller suggested the criteria could include a minimum setback from the right-of-way for safety reasons.

Mr. Riehl noted that in the changes to Code proposed in 2004, the final pages of the report stated that there are “no special provisions” for variances to sign regulations unless a hardship is shown. He felt the City should be aware that there have been “many variances” for large companies, such as Publix, to allow off-property signs directing customers to their properties; these variances, he asserted, have “weakened” the sign Code.

Attorney Miller advised she could not speak to this issue, as she had “never heard of a variance” of this nature. She noted that the signs to which Mr. Riehl referred could be in place illegally.

Motion made by Ms. Dickey, seconded by Mr. Vosjoli, to amend the recommendation to include placement of sandwich boards on the private sidewalks of places of business, including those businesses along pedestrian corridors.

Mr. Riehl felt any changes suggested to the City Commission should be applicable to the different districts of the City.

Attorney Miller noted that there may be different size and location criteria for signs set farther back off the road than those placed near the road. Chair Motwani agreed there are “different issues” associated with the proximity of signs to rights-of-way, including safety concerns.

Mr. Scott added that the Board would not be able to think of all the possible issues that would come into play, and felt Staff members with different areas of expertise would be more likely to come up with these details. The Board would be limited to suggesting “what [they] would like to see.”

Mr. Denison commented that the changes proposed by the 17th Street merchants could provide some direction for the Board. Mr. Scott felt they could “be used for guidance.”

Ms. Dickey explained that her motion was intended “to include this language” as part of the Board’s recommendation, so a part of the community that is presently redeveloping would not be left out. She added that “pedestrian corridors” should include CRA redevelopment areas that are trying to bring back pedestrian traffic.

Mr. de Vosjoli agreed the recommendation would be “limited to the scope of what’s reasonable,” such as placing sandwich boards in pedestrian-driven areas; the recommendation would be less inclusive for areas without pedestrian traffic.

Ms. Hernandez proposed defining criteria for businesses rather than defined areas of the City, so the signs would be less likely to draw vehicular traffic.

Chair Motwani pointed out that during the earlier discussion of the proposed Ordinance change, issues such as safety and aesthetics were discussed as well. Attorney Miller stated she was hearing that businesses set back off the road presented a “simpler” issue, as they would be less likely to attract vehicular traffic than pedestrian.

Mr. Denison suggested that, based on today’s discussion, Staff might return to the Board with “a resolution or recommendation with more specificity.” Mr. Scott explained that the Board cannot direct Staff to act, and advised that instead of making specific recommendations to the Ordinance, the Board could “state our objectives,” such as “loosening” the sandwich board regulation in order to allow small businesses to use these signs within reasonable safety guidelines. He proposed that the Board state its goals, and if the City Commission agrees with them, they could direct Staff to take action.

Chair Motwani continued that the objective could also be to include pedestrian corridors or businesses and shopping centers that are set back from the road. Highlighting these areas would make the objective applicable throughout the City.

Motion made by Mr. Riehl, seconded by Ms. Dickey, that the Board would like the City Commission to consider loosening restrictions on what are commonly referred to as “sandwich board” signs, so that more businesses can benefit from their marketing value and promote business development in particular areas limited to pedestrian-dominated corridors or strip mall-type properties and shopping centers where businesses are set farther back from the road.

In a voice vote, the **motion** carried unanimously.

Ms. Dickey noted that discussion item 2 addressed under-canopy signs, and asked why the downtown area was specified in this item. Mr. Scott explained under-canopy signs are “already allowed everywhere else;” they are limited in the downtown and beach areas. The recommendation would expand the areas in which these signs may be used, with specific language adding the Sunrise Lane area and “the area just north of A1A and Las Olas.”

Chair Motwani continued that item 3 refers to the provision that any sign not in compliance with requirements for the central beach zoning district or the downtown RAC district will only be permitted in these districts if approved as a development of intermediate impact in the central beach district, or receives a Site Plan Level III permit in the downtown district.

He explained that outside the beach or downtown districts, the only way to get a variance is to prove a hardship to the Board of Adjustment; in these two areas, a variance may be obtained without going before the Board of Adjustment. The suggestion would expand on this, providing a process throughout the City so it is not necessary to cite a hardship in order to apply for a variance. This would allow for “criteria and a framework” for a variance throughout the City, as opposed to only the beach and downtown areas.

Attorney Miller explained that the two specified districts have general design guidelines in place and are subject to compatibility; she suggested that similar guidelines might be created to accompany this recommendation.

Director Brewton added that issues could arise with “what you could modify.” Chair Motwani noted that the Code could be written to exclude off-premises signage, such as the concern Mr. Riehl had cited earlier.

Item 4 was the creation of a primer or guide for getting a sign approved by the City. Chair Motwani stated that Mr. Burgess is working on a one-page document on “how to read the sign Code” so it is less intimidating for businesses.

Item 5 would allow a “pilot program,” such as projection of signs onto buildings. Attorney Miller advised that she was not aware of this issue; Mr. Scott explained this item had been a communication to the City Commission at an earlier meeting, and staff is “going to look into it.”

Chair Motwani continued that item 6 asked the City Commission to consider the proposed 2004 revisions to sign Code, subject to review by the Planning and Zoning Department. He noted that Mr. Burgess had been asked to review the suggested revisions and note “simple modifications” that the Board could recommend to improve sign Code from an economic development perspective. He added that this review is underway.

Item 7 recommended simplification of the sign application so it is “not so intimidating” for a business owner to apply for a sign. Chair Motwani noted Staff is already looking into this possibility as well.

Motion made by Mr. de Vosjoli, seconded by Mr. Denison, to approve items 2 through 7 as stated above. In a voice vote, the **motion** carried unanimously.

Chair Motwani stated that these items will move forward as recommendations to the City Commission, based upon the Board’s review of sign Code. He added that the Board would like to review the primer Mr. Burgess is working on, as well as any items identified by Staff from the 2004 study, at a future date, should the City Commission proceed with the Board’s recommendations.

Chair Motwani thanked the members of City Staff from various Departments for their input at this and previous meetings.

IV. Director’s Report

Mr. Scott informed the Board that at the last City Commission meeting, the Commission approved an Ordinance declaring the City a recovery zone for the purposes of receiving stimulus funding. This would make the City eligible for Recovery Zone Facility Bonds. If the Ordinance is approved upon its second reading, the Board will be asked to screen private business applicants for a \$12 million bond allocation. These recommendations would then go to the City Commission for approval.

He explained that at the next Board meeting, they will discuss this task, as well as the necessary timeline involved. While this will take effort on each member’s part, Mr. Scott emphasized that this responsibility is “a compliment to this Board.”

He asked that the members read the information he has provided in order to better understand the bond allocation; more information is available to be sent electronically upon request.

He added that the Board will be asked to determine which businesses applying for bond funds will have “the most economic development bang for the buck.” Monies are tax-exempt bonds to be used for capital improvements in existing and/or expanding businesses.

Chair Motwani encouraged the Board members to “get the word out” and encourage businesses to apply, as well as to educate themselves on the process.

Mr. Scott emphasized that the City does not have “\$12 million in the bank;” instead, they are offering “credit-worthy businesses” the opportunity to benefit from the tax-exempt bonds that only governments can normally get. Interest will be slightly lower than it would if the business went to a bank for a similar loan. The business is ultimately required to pay back this loan.

V. Old / New Business

Chair Motwani invited the Board members to attend the upcoming Business First breakfast at 7:30 a.m. at Hyatt Pier 66 on April 28, 2010. The findings of the recent Business First study will be presented at this time.

- **Communications to City Commission**

None at this time.

- **Better Meetings Academy Training – April 27 & June 7, 2010 @ 5:45 p.m., City Hall 3rd Floor**

There being no further business to come before the Board at this time, the meeting was adjourned at 5:28 p.m.