

**MINUTES OF A REGULAR MEETING
CITY COMMISSION**

**CITY COMMISSION MEETING ROOM
CITY HALL
FORT LAUDERDALE, FLORIDA**

SEPTEMBER 17, 2002

Meeting was called to order at approximately 6:15 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kiseia
Sergeant At Arms - Sgt. Jordan

Invocation was offered by Dr. Diane Mann, Senior Pastor, 4th Avenue Church of God, followed by the recitation of the Pledge of Allegiance.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the minutes of the September 4, 2002 meeting. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: None.

Presentations

OB

1. Expressions of Sympathy

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Dr. Clifford Hoch.

2. Florida Recreation Development Assistance Program (FRDAP) Grant Award - Joseph C. Carter Park

Rona Silverman, Aide to Senator Mandy Dawson and Representative Christopher Smith presented to the Mayor and City Commissioners a grant award from the FRDAP in the amount of \$200,000 for renovations at Joseph C. Carter Park.

3. Magazine and Catalogue Recycling Awards

Commissioner Moore presented this year's Magazine and Catalogue Recycling Awards to the following winners:

Mayor Naugle clarified that the Waiver of Limitations had been voted down and stated he hoped this did

not prevent the property owner from applying again. He explained that if this continued to be a problem, they could have a motion to reconsider and then have a motion to defer so everything could be settled at the same time.

The City Attorney stated that if a motion was going to be made to reconsider and then defer, it would have to be from someone on the prevailing side. Commissioner Moore replied that he would like to try and accomplish that and asked that this be deferred.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to reconsider the motion. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Katz.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this matter until October 15, 2002.

Commissioner Katz stated that the setbacks were due to come before the Commission at a public hearing on October 1, 2002 at 6:00 p.m. Mayor Naugle stated that they were due for a first reading on that date.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Smith and Mayor Naugle. NAYS: Commissioner Katz.

Vacate a Portion of N.E. 17 Way - Brett Tannenbaum
(PZ Case No. 1-P-02)

(PH-5)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 5, and 12, 2002. (Also see Item PH-6 on this Agenda)

Applicant: Brett Tannenbaum
Request: Vacate a Portion of N.E. 17 Way
Location: N.E. Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

Motion made by Commissioner Moore and seconded by Commissioner Smith to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Katz stated that this was the same person who owned the properties and kept them in horrible condition. One of the reasons that the Homeowner's Association was anxious to do something was because the property had been allowed to deteriorate. This property owner was now asking for the vacation of two streets and in doing so would be taking streets from the public and putting them into a private situation. She stated that after he allowed the property to get in deplorable condition, he was now being permitted to vacate streets and privatize them for his own purpose. She felt the owner could develop this project in a more community-friendly way.

Mayor Naugle stated that he was under the impression that the neighborhood wanted the streets closed and city-wide principles of crime prevention had been adopted through environmental design. This would fortify the neighborhood and increase property values.

Commissioner Smith stated that he did not disagree with Commissioner Katz, and if he had a choice he

would prefer to have this project integrate better with the neighborhood. The truth was that this project was located in the worst part of the neighborhood so they needed to fence themselves in. He further

stated that this project had nice design characteristics.

Commissioner Moore asked if the property had any violations on it. Commissioner Smith stated that it had been under the control of the Nuisance Abatement Board for a few years, but at the present time was no longer under their jurisdiction.

Cecelia Hollar stated that she was not aware of any code violations on the property.

Alyson Goodwin, attorney, stated there would be pedestrian access and a 24-hour monitored guard gate would be at the entrance on 17th Way. Where there was no guard present, a buzzer would be located on the gate and pedestrians could gain access.

Commissioner Moore continued to ask what the purpose was for the buzzer.

Ms. Goodwin clarified that they were seeking a vacation of the streets, and therefore, they would no longer be a public right-of-way. The streets were closed five years ago for vehicular traffic in order to improve the Lake Ridge neighborhood. The reality was that there was still a crime problem in the neighborhood and it was large enough that the financing involvements stated they would not finance a normal non-walled project for that area.

Commissioner Katz remarked that the condos were going to cost in the vicinity of \$400,000 and asked what would happen if the cost was reduced. Ms. Goodwin stated then it might not be commercially feasible to build the project. She also stated that the property owner was also the developer of the project, and technically it was three companies all owned by Brett Tannenbaum.

Commissioner Moore stated that the back-up information stated that the closing of the right-of-way shall not adversely impact the pedestrian traffic. He felt if you had to identify yourself and ring a buzzer, you were adversely impacted. Ms. Goodwin clarified that pedestrians would not have to identify themselves and the only reason for the buzzer was to let the guard know the amount of traffic going through. If people did not want to ring the buzzer, they could walk a total of two blocks out of their way. She invited the Commissioners to hear input from the residents in the area.

Mayor Naugle stated that this Commission had tried different things in different neighborhoods and were willing to experiment. Some worked and some didn't, but if it helped to reduce crime and retrofit older neighborhoods to be more like the desirable communities, then an experiment worked.

Commissioner Smith agreed and stated that if a compromise was necessary perhaps a buzzer system could be contemplated without a guardhouse. He also mentioned that an adjacent neighbor had stated his concerns regarding access to his driveway and wanted to know if that matter had been resolved. Ms. Goodwin stated that options were suggested so that he could have an unobstructed ingress and egress to his property. She stated they had also suggested putting in grass and sidewalks. The property owner stated that as long as this was mentioned for the record, he would be fine with the alternatives being offered.

Commissioner Katz stated that she felt neighborhoods should understand that what sounded good for the present time, might not be a good idea for the future, and she believed that this type of development was very unfriendly.

Commissioner Moore asked if the applicant was contemplating fencing in the complete neighborhood.

Ms. Goodwin replied only the project which was a portion of the neighborhood.

Commissioner Moore asked why this property had been under the Nuisance Abatement Board. Ms. Goodwin clarified that her client had only owned the property for the last five years and many of the

problems were before he accumulated the property. All items had been resolved before that Board.

Mayor Naugle clarified that the property owner was negligent in regard to some matters, but now things had been improved.

Commissioner Smith disagreed and believed the problems were due to the property owner and he wanted him to accept that responsibility.

Brett Tannenbaum, owner, stated that there were drug arrests made on the property. He explained there were 264 hotel rooms and they paid for police detail in an attempt to control the properties. He stated that they followed the suggestions of the Nuisance Abatement Board and were under them for one year. Most problems have been taken care of and he stated that he was accepting responsibility for the problems at his properties.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-02-26

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17TH WAY (PLATTED AS 3RD ST), LYING BETWEEN BLOCKS 166 AND 167 AND BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET (PLATTED AS AVENUE "F") AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, OF SAID BLOCK 167; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 250 FEET IN LENGTH, BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Commissioner Smith stated that the applicant had filed a lawsuit against him for \$5 Million in regard to comments he had made at a public meeting, but the matter had been thrown out and he just wanted to make sure there was no conflict of interest.

Commissioner Moore asked what they were going to do about pedestrian accessibility.

Mr. Tannenbaum replied that the wall would not be a concrete jungle and would consist of aluminum sections with concrete and landscaping. Pedestrian gates would be located along 11th Street that would be controlled either with a keypad or card. The Planning and Zoning Board had suggested the buzzer system. He explained they were looking to unite the neighborhood and not separate it. Mr. Tannenbaum further explained that the banks would not fund the project without some type of security.

Mayor Naugle explained Commissioner Smith's conflict question to the City Attorney. The City Attorney replied that there would only be a conflict if there was a financial interest involved.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Moore and Katz.

Vacate a Portion of N.E. 17 Terrace - Brett Tannenbaum
(PZ Case No. 2-P-02)

(PH-6)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Notice of public hearing was published September 5 and 12, 2002. (Also see Item PH-5 on this Agenda)

Applicant: Brett Tannenbaum
Request: Vacate a portion of N.E. 17 Terrace
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close the public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: None.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-02-27

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 17TH TERRACE (PLATTED AS 4TH STREET), LYING BETWEEN BLOCKS 167 AND 168 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, OF SAID BLOCK 168 AND BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 168; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 200 FEET IN LENGTH, LOCATED 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Moore and Katz.

City Commission District Boundaries

(PH-7)

A public hearing to consider an ordinance establishing, pursuant to Section 7.12 of the City Charter, geographical boundaries of the four City Commission districts so that such districts shall be as approximately equal in population as practicable. Ordinance No. C-02-23 was published August 23 and September 15, 2002, and was approved on first reading September 4, 2002 by a vote of 5-0.

Paul Costanzo, Office of Community and Comprehensive Planning, stated that the Commission had

**MINUTES OF A REGULAR MEETING
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OCTOBER 1, 2002

Meeting was called to order at approximately 6:00 p.m. by Mayor Naugle on the above date.

Roll call showed:

Present: Commissioner Gloria Katz
Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Mayor Jim Naugle

Absent: None

Also Present: City Manager, F. T. Johnson
City Attorney, Harry Stewart
City Clerk, Lucy Kisela
Sergeant At Arms, Sergeant Waldman

Commissioner Smith entered the meeting at approximately 6:04 p.m.

Invocation was offered by Father Happy Hoyer, Our Lady Queen of Martyrs Church followed by the recitation of the Pledge of Allegiance.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve the minutes of the September 17, 2002 meeting. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore and Mayor Naugle. NAYS: None.

Presentations

OB

1. **Expressions of Sympathy**

The Mayor and City Commissioners presented an Expression of Sympathy to the family of Gentry Schultz Fry and Francis T. Coulter, Sr.

2. **Proclamation for "United Kingdom International Day"**

Ms. Liberty, Vice-President of Business Recruitment for Broward Alliance, accepted a Proclamation from the Mayor and the City Commissioners for "United Kingdom International Day" to be celebrated on October 1, 2002.

Ms. Liberty stated that the purpose of Downtown Discovery was to highlight Broward County and Downtown Fort Lauderdale. She thanked the County and the City for their support and cooperation. Frank Schnidman distributed Welcome Packages that had been given to the guests from the United

ORDINANCES

**Vacate a Portion of N.E. 17 Way - Brett Tannenbaum
(PZ Case No. 1-P-02)**

(O-1)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-26 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-2 on this Agenda)

Applicant: Brett tannenbaum
Request: Vacate a portion of N.E. 17 Way
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-26

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR NORTHEAST 17TH WAY (PLATTED AS 3RD ST), LYING BETWEEN BLOCKS 166 AND 167 AND BEING BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET (PLATTED AS AVENUE "F") AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, OF SAID BLOCK 167; ALL AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 250 FEET IN LENGTH, BEGINNING AT THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only.

Commissioner Katz stated that she was glad to see that the shadow box fence had been changed to an aluminum picket fence which meant that they were not going to close themselves off from the community. She further stated that she was not happy about the privatizing of the street nor the buzzer. She asked if a condition of the Commission's approval would be that if they failed to provide public access, the buzzer approval would be revoked. The Commission agreed.

The City Attorney explained that this ordinance was regarding a vacation and once a street was vacated it was done. He further stated that conditions could be placed on a vacation, but that would not reinstate the public nature of the road. There could be a cause of action to force the developer to abide by his contract, but the road would still be vacated.

Allyson Goodwin, on behalf of the applicant, stated that they would be willing to enter into an agreement regarding the buzzer.

Commissioner Katz stated that it would be up to the community to let the Commission know if public access was available to the site. Commissioner Smith stated that the community was very happy and

supportive about this project.

Rixon Rafter, President of Lake Ridge Civic Association, stated that this development replaced old buildings which 45 years ago were economy hotels and motels which were presently in deplorable condition. He further stated that the people living in those buildings were not a part of the community and had no respect for the community. He also stated that the issue regarding the buzzer and public access had been blown out of proportion. The community felt that this development was very good for the neighborhood, and they urged the Commission to support it.

Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioners Katz and Moore.

**Vacate a Portion of N.E. 17 Terrace - Brett Tannenbaum
(PZ Case No. 2-P-02)**

(O-2)

At the Planning and Zoning Board regular meeting on July 17, 2002, it was recommended by a vote of 5-1 that the following application be approved. Ordinance No. C-02-27 was published September 5 and 12, 2002, and passed on first reading September 17, 2002 by a vote of 3-2 (Katz and Moore). (Also see Item O-1 on this Agenda)

Applicant: Brett Tannenbaum
Request: Vacate a portion of N.E. 17 Terrace
Location: N.E. 17 Way and N.E. 17 Terrace, south of N.E. 11 Street
between N.E. 17 Avenue and Victoria Park Road

Commissioner Smith introduced the following ordinance on second reading:

ORDINANCE NO. C-02-27

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF NORTHEAST 17TH TERRACE (PLATTED AS 4TH STREET), LYING BETWEEN BLOCKS 167 AND 168 AND BEING BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, OF SAID BLOCK 168 AND BEING BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, OF SAID BLOCK 168; ALL AS SHOWN ON THE PLAT OF "PROGRESSO," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING A STRIP OF RIGHT-OF-WAY 200 FEET IN LENGTH, LOCATED 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 11TH STREET AND EXTENDING TO THE SOUTH, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle, NAYS: Commissioners Katz and Moore.
