

**CITY OF FORT LAUDERDALE
CENTRAL CITY REDEVELOPMENT ADISORY BOARD (CCRAB)**

REGULAR MEETING

WEDNESDAY – December 7, 2022

3:30 P.M.

**CITY HALL – 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FL 33301**

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| I. | The Pledge of Allegiance | Ray Thrower
Chairperson |
| II. | Call to Order & Determination of Quorum | |
| III. | Introduction of Board Members and Staff | Ray Thrower
Chairperson |
| IV. | Approval of Regular Meeting Minutes
November 2, 2022 | Ray Thrower
Chairperson |
| V. | Florida Sunshine Law Presentation | D'Wayne Spence B.C.S.
Assistant City Attorney |
| VI. | Program and Project Status Update <ul style="list-style-type: none">• Rezoning Project• NE 4th Avenue Streetscape Project• Incentive Programs | Cija Omengebar
CRA Planner |
| VII. | Communication to City Commission | Ray Thrower
CCRAB Chair |
| VIII. | Old/New Business <ul style="list-style-type: none">• January agenda item suggestions<ul style="list-style-type: none">1. Façade and PBIP Funding Request• Miscellaneous | Cija Omengebar
CRA Planner |
| IX. | Adjournment | Ray Thrower
CCRAB Chair |

THE NEXT CCRAB REGULAR MEETING WILL BE HELD ON WEDNESDAY – JANUARY 4, 2023

Purpose: To review the Plan for the Central City CRA and recommend changes; make recommendations regarding the exercise of the City Commission's powers as a community redevelopment agency in order to implement the Plan and carry out and effectuate the purposes and provisions of Community redevelopment Act in the Central City Redevelopment CRA; receive input from members of the public interested in redevelopment of the Central City Redevelopment CRA and to report such information to the City Commission sitting as the Community Redevelopment Agency.

Note: Two or more Fort Lauderdale City Commissioners or Members of a City of Fort Lauderdale Advisory Board may be in attendance at this meeting.

Note: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone

needing auxiliary services to assist in participation at the meeting should contact the City Clerk at (954) 828-5002, two days prior to the meeting.

Note: Advisory Board members are required to disclose any conflict of interest that may exist with any agenda item prior to the item being discussed.

Note: If you desire auxiliary services to assist in viewing or hearing the meeting or reading agendas or minutes for the meetings, please contact the City Clerk's Office at 954-828-5002 and arrangements will be made to provide these services.

I. The Pledge of Allegiance

**Ray Thrower
Chairperson**

THE PLEDGE OF ALLEGIANCE

"I pledge allegiance to the flag of the United States of America,
and to the republic for which it stands,
one nation under God,
indivisible,
with liberty and justice for all."

III. Introduction of Board Members and Staff

**Ray Thrower
Chairperson**

**IV. Approval of Regular Meeting Minutes
November 2, 2022**

**Ray Thrower
Chairperson**



CITY OF FORT LAUDERDALE

DRAFT
REGULAR MEETING MINUTES
CITY OF FORT LAUDERDALE
CENTRAL CITY REDEVELOPMENT ADVISORY BOARD
WEDNESDAY, NOVEMBER 2, 2022 – 1:00 PM
CITY HALL – COMMISSION CHAMBERS
FORT LAUDERDALE, FL 33301

Board Members	Present/Absent	Cumulative Attendance	
		September 2022	August 2023
Ray Thrower, Chair	P	3	0
Edward Catalano	P	3	0
Linda Fleischman	P	1	0
Justin Greenbaum	P	2	1
Jason Hoffman	P	2	1
Shane Jordan	P	2	0
Joseph Maca	A	1	2
Christina Robinson	A	2	1
Scott Sheckman	P	1	0
Dennis Ulmer, Vice Chair	P	2	1

At this time, there are 10 appointed members to the Board; therefore, 6 constitute a quorum.

Staff:

Cija Omengabar, CRA Planner/Liaison
Clarence Woods, CRA Manager

Others:

Phil Schwab, FDOT Project Manager
Gorky Charpentier, FDOT Consultant
Troy Liggett, President, Middle River Terrace Neighborhood Association

Communication to the City Commission:

None

I. Pledge of Allegiance

The Board recited the Pledge of Allegiance.

II. Call to Order & Determination of Quorum

Chair Thrower called the meeting to order at 3:31 p.m. Roll was called, and it was noted that a quorum was present.

III. Introduction of Board Members and Staff

Board members and guests introduced themselves, including new members Scott Sheckman and Linda Fleischman.

IV. Approval of Meeting Minutes

- Regular Meeting: October 10, 2022

Motion by Mr. Catalano, seconded by Mr. Greenbaum to approve the minutes of the October 10, 2022 meeting. In a voice vote, motion passed unanimously.

V. Broward Commuter Rail Update

Phil Schwab, FDOT Project Manager

Mr. Schwab gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Mr. Schwab stated the City and County needed consensus about the New River to keep the project moving North. Meetings were ongoing considering funding, costs, and impacts. He stated the City and County must also recognize that the State BCR South project was independent.

Mr. Jordan asked about the FLL Airport “doughnut” hub and Mr. Schwab said this would include additional parking, busses, and shuttles. He noted the Airport wanted to “get out of the bus business” because they clogged the Arrivals area.

Ms. Fleischman asked how the Broward commuter rail would work with other rail and Mr. Schwab said it would share rail with Brightline and freight. Shared operations would be coordinated by FDOT. Mr. Schwab discussed bridge options for trains crossing the New River.

Regarding the impact additional trains would have on traffic, Mr. Schwab stated they had done analysis on stacking and signal changes to keep traffic moving. He said service hours were 5 AM until midnight, peak service was 6:30 to 8:30. Two trains would run per hour during peak and one train per hour at other times. He said the analysis would include impacts on Police and Fire response times. Parking at each station would vary from 300 to 500 spaces, per individual analysis.

Mr. Schwab described the timeline: the PD&E studies, then design, then construction. The studies should be completed by Summer 2023, then design would begin, and in 2024 they would secure funding to begin construction in 2025.

Mr. Schwab said renderings describing the tunnel/bridge alternatives, their entry/exit points and right-of-way impacts were available at:
www.BrowardCommuterRailStudy.com.

Troy Liggett, President of the Middle River Terrace Neighborhood Association, said increasing to eight or nine at-grade crossings per hour would have significant impacts on neighborhoods. He said the Council of Fort Lauderdale Civic Associations would host a City presentation regarding efforts to address this. Fort Lauderdale and Oakland Park were working together to get a bridge or tunnel to alleviate those impacts. Mr. Schwab said the state was looking at particular locations to determine the feasibility of tunnels or bridges. He noted the recent focus on safety due to the numerous accidents at trail crossings.

VI. Program and Project Status Update

- NE 4th Avenue Streetscape Project

Ms. Omengebar reported they were still working on the documents. They had asked the County to extend the grant agreement deadline to December 2024.

- Incentive Programs

Ms. Omengebar stated she was still working with one applicant and she hoped there would be a presentation in December.

- Rezoning Project

Ms. Omengebar said the project would be on the Planning and Zoning Board agenda for November 16. She had added a copy of the letter that was sent out and she and Lorraine Tappen, Principle Urban Planner, had posted signs in the area. She hoped the City Commission would vote on the item on December 20 and January 10. She asked the Board to be open to a special meeting in December if they needed to meet later than December 7 to further discuss rezoning.

- CRA Façade and Landscaping Program

Mr. Woods said Mayor Trantalis had voted against this the previous evening. He thought his reasoning was that there did not appear to be criteria for selecting recipients. Mayor Trantalis objected to painting and landscaping the home of someone who had the means to do it but kept their property badly. Mr. Woods had indicated there would be a vetting of each property.

Char Thrower asked if they had done means testing in the Northwest and Mr. Woods said they had not. He said they had targeted properties that were a drag on the community, without restrictions. This had led to property values appreciating in the area. He said they did not agree to working on an Airbnb property.

Ms. Liggett said he understood that for now, the grants would go to South Middle River until the rezoning was completed. In the future, Middle River Terrace might be eligible. Mr. Woods said after they addressed one area, they would look at the next area of need, identified by the Board and residents. Mr. Liggett said Mr. Woods and Ms. Omengebar had assured him that they would target funding for homes with long-time owners who occupied them. Mr. Woods said they would begin with homesteaded properties. If they had funds remaining, they may target investment properties that were dragging the

neighborhood down. Board members, staff, and Mr. Liggett discussed “first come-first served,” means testing and vetting for applicants.

Mr. Woods said in the Northwest, they had a pilot program that relied on the homeowner obtaining three quotes for the work. After the first round, they had partnered with Rebuilding Together Broward, who had staff to handle planning, identify contractors and procure supplies. Rebuilding Together Broward also did more work than the original program, such as addressing safety issues.

Mr. Catalano said 25 members of the South Middle River Civic Association and several City staff members had recently helped a disabled, elderly old homeowner with landscaping, painting, and power washing. He hoped this was the type of homeowner the program would target.

Chair Thrower and Mr. Woods reviewed for new Board members the program the Board had approved.

VII. Communication to City Commission

Ms. Omengebar referred to the Board’s April Communication to the City Commission regarding panhandling. Mayor Trantalis’s newsletter said the City Attorney had amended two ordinances to address obstructing the right-of-way or roadway. The Police had informed Ms. Omengebar that they had enforced the ordinance for a few days but the City Attorney had told them to stop. Chair Thrower recalled the Board’s Communication involved public relations. Ms. Omengebar stated they had posted “No Panhandling” signs around the City.

VIII. Old/New Business

- 06.04.22 Communication Update
- Tentative Special Meeting for Rezoning Phase II
- December agenda item suggestions
 1. Florida Sunshine Law Discussion

Ms. Omengebar agreed to ask the Assistant City Attorney to make a presentation to the Board. Chair Thrower pointed out that some Board members were also on neighborhood boards and needed to avoid discussion of Board agenda items at those meetings.

2. Rezoning Presentation of Proposed CC-MUD District

IX. Adjournment

There being no further business, the meeting was adjourned at 5:08 p.m.

The next meeting will be held on December 7, 2022.

[Minutes written by J. Opperlee, Prototype, Inc.]

V. Florida Sunshine Law Presentation **D'Wyane Spence B.C.S**
Assistant City Attorney



CITY OF FORT LAUDERDALE
OFFICE OF THE CITY ATTORNEY
SUNSHINE LAW PRESENTATION
TO THE CITY COMMISSION

PRESENTED BY:
D'WAYNE M. SPENCE, ASSISTANT CITY ATTORNEY

December 7, 2022

GOVERNMENT IN THE SUNSHINE LAW

ACCESS TO PUBLIC MEETINGS IS A CONSTITUTIONAL RIGHT

“**All meetings** of any collegial public body of the executive branch of state government or of any collegial public body of a county, **municipality**, school district, or special district, at which **official acts are to be taken** or at which **public business of such body is to be transacted or discussed**, **shall be open and noticed to the public** and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.” *Art I, s. 24, Fla. Const.*

[Emphasis added]

WHAT IS THE SCOPE OF THE SUNSHINE LAW?

“**All meetings** of any board or commission of any state agency or authority or of any agency or authority of any county, **municipal corporation**, or political subdivision, **except as otherwise provided in the Constitution**, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, **at which official acts** are to be taken **are declared to be public meetings open to the public at all times**, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.” *Section 286.011(1), Florida Statutes*

[Emphasis added]

THREE BASIC REQUIREMENTS

1. Meetings of public boards or commissions must be **open to the public**;
2. **Reasonable notice** of such meetings must be given; and
3. **Minutes of the meetings** must be taken and promptly recorded.

WHAT ADVISORY BOARDS ARE SUBJECT TO THE SUNSHINE LAW?

1. Subject to the Sunshine Law:
 - a. Advisory boards and committees delegated **decision-making** authority
 - b. advisory committees appointed by a single public official
2. Not Subject to the Sunshine Law
 - a. Advisory boards and committees delegated mere **information-gathering** authority
 - b. Advisory boards and committees delegated mere **fact-finding** authority
 - c. Staff committees without decision-making authority.

Sarasota Citizens for Responsible Government v. City of Sarasota, 48 So. 3d 755, 762 (Fla. 2010).

RECOMMENDATIONS ARE DECISIONS

The court in *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974) concluded that the committee served as the alter ego of the council in making **tentative decisions**, stated that “any committee established by the Town Council to act in **any type of advisory capacity** would be subject to the provisions of the government in the sunshine law.” *Id.* at 476.

WHAT IS A MEETING?

The Sunshine law is applicable:

1. to **any gathering**,
2. whether **formal or casual**,
3. of **two or more members of the same board or commission**,
4. to **discuss** some matter on which **foreseeable action** will be taken by the public board or commission.

Sarasota Citizens for Responsible Government v. City of Sarasota, 48 So. 3d 755, 764 (Fla. 2010). *And see City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); and *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969).

ATTORNEY GENERAL OPINIONS

Attorney General Opinions have also advised that if more than one “commissioner is in attendance at such a meeting, no discussion or debate may take place among the commissioners on those issues.” AGO 00-68. Accord AGO 98-79 (city commissioner may attend a public community development board meeting held to consider a proposed city ordinance and express his or her views on the proposed ordinance even though other city commissioners may be in attendance; however, the city commissioners in attendance may not engage in a discussion or debate among themselves because “the city commission’s discussions and deliberations on the proposed ordinance must occur at a duly noticed city commission meeting”). See also AGOs 05-59 and 77-138.

AGO 2000-68

“In sum, it is my opinion that it is not a violation of the Government in the Sunshine Law for elected city commissioners to attend other city board meetings and comment on agenda items that may subsequently come before the commission for final action. However, the city commissioners in attendance at such meetings may not engage in a discussion or debate about these issues among themselves.”

GOVERNMENT-IN-THE-SUNSHINE-MANUAL

“The Sunshine Law does not establish a lesser standard for members of advisory committees that are subject to the Sunshine Law. See *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994) (“[T]he Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials”). Nor is there an exception from the Sunshine Law for an advisory group created by a county commissioner and composed of volunteers. See Inf. Op. to Wallace, January 7, 2019, emphasizing that it is the nature of the functions of an advisory group that determines the application of the Sunshine Law, not the manner of their appointment or their volunteer status”
Sunshine Manual, p. 2

WHAT ARE THE CONSEQUENCES IF A PUBLIC BOARD OR COMMISSION FAILS TO COMPLY WITH THE SUNSHINE LAW?

1. Criminal penalties: A *knowing* violation of the Sunshine Law is a misdemeanor of the second degree. 60 days imprisonment and/or fine up to \$500
2. Removal from office
3. Noncriminal infractions: fine not to exceed \$500
4. Attorney's fees: assessed against the board or commission and individual members
5. Civil actions for injunctive or declaratory relief
6. Validity of action taken in violation of the Sunshine Law and subsequent corrective action
7. Damages

PURPOSE AND DUTIES

CENTRAL CITY REDEVELOPMENT ADVISORY BOARD

PURPOSE AND DUTIES OF THE CENTRAL CITY REDEVELOPMENT ADVISORY BOARD (ORDINANCE C-13-08)

- 1. To review the Plan for the Middle River South Middle River Sunrise Boulevard Community Redevelopment Area (Central City CRA) and recommend any changes to the Plan.**

PURPOSE AND DUTIES OF THE CENTRAL CITY REDEVELOPMENT ADVISORY BOARD (ORDINANCE C-13-08)

2. To make recommendations regarding the exercise of the City Commission's power as a community redevelopment agency in order to implement the Plan and carry out and effectuate the purposes and provision of the Community Redevelopment Act in Middle River South Middle River Sunrise Boulevard Community Redevelopment Area (Central City CRA).

PURPOSE AND DUTIES OF THE CENTRAL CITY REDEVELOPMENT ADVISORY BOARD (ORDINANCE C-13-08)

3. To receive input from members of the public interested in redevelopment of the Middle River South Middle River Sunrise Boulevard Community Redevelopment Area (Central City CRA) and report such information to the City Commission sitting as the Community Redevelopment Agency.



CITY ATTORNEY'S OFFICE CITY OF FORT LAUDERDALE

Alain E. Boileau, City Attorney
www.fortlauderdale.gov

VI. Program and Project Status Update

- **Rezoning Project**
- **NE 4th Avenue Streetscape Project**
- **Incentive Programs**

**Cija Omengebar
CRA Planner**

VII. Communication to City Commission

**Ray Thrower
CCRAB Chair**

VIII. Old/New Business

**Cija Omengebar
CRA Planner**

- **January agenda item suggestions**
 1. **Façade and PBIP Funding Requests**
- **Miscellaneous**

IX. Adjournment

**Ray Thrower
CCRAB Chair**

**THE NEXT CCRAB REGULAR MEETING
WILL BE HELD ON WEDNESDAY – January 4, 2023**