

**APPROVED**  
**SPECIAL PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING**  
**CITY HALL, 4<sup>TH</sup> FLOOR**  
**COMMISSION CONFERENCE ROOM**  
**THURSDAY, SEPTEMBER 25, 2008 – 10:00 AM**

**BOARD MEMBERS PRESENT**

Peter Partington, City Engineer  
Tom Terrell, Public Works Facilities Manager  
Tony Irvine, Surveyor  
Anthony Fajardo, Planner III  
Carol Ingold, Parks & Recreation Supervisor  
Bob Dunckel, City Attorney

**STAFF**

Lindwell Bradley for Michael Maloney, Code Enforcement  
Victor Volpi, Senior Real Estate Officer  
Diana Alarcon, Assistant Parking Services Manager  
Hilda Testa, Recording Clerk, Prototype, Inc.

**CALL TO ORDER**

Mr. Partington called the meeting to order at 10:02 a.m., and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public rights-of-way.

Following roll call, it was determined that a quorum was present.

**ITEM ONE:**                    **MOT/SE 2<sup>ND</sup>. STREET BETWEEN SE 3<sup>RD</sup> & 4<sup>TH</sup>**  
**AVENUES/STREET CLOSURE**

ADDRESS OR GENERAL LOCATION: 350 SE 2<sup>ND</sup>. Street

Stiles Corp would like a positive recommendation to close SE 2<sup>nd</sup>. Street between SE 3<sup>rd</sup>. & 4<sup>th</sup> Avenues for 3 weeks to repair the roof on the residential condo building located at 350 SE 2<sup>nd</sup>. Street. The roof is leaking. It will require a crane placed in the right-of-way to accomplish the repairs.

Ms. Frenesi Gurganian from Stiles Construction explained the project included re-roofing requiring a crane, with road closures by Bob's Barricades, Inc. between 3<sup>rd</sup> and 4<sup>th</sup> Avenues. The closure would last three weeks following permit issue.

Mr. Partington requested clarification on the detour during construction. Scott Goss from Bob's Barricades stated the detour would be south of Las Olas via on 4<sup>th</sup> Avenue, which is a private roadway with right-of-way easements. There followed a discussion by

the Board members regarding the use of a private road as a detour route. Mr. Irvine agreed to check on the public right-of-way and access easements.

Mr. Irvine expressed concern regarding recent problems with cranes falling from perches both locally and along the eastern seaboard, and the possibility of the crane becoming detached from the base and falling across 3<sup>rd</sup> Avenue.

Ian Schwartz from Stiles Construction explained the crane could not tip over unless the limits were exceeded. The load would be monitored by computer in the cab and would not allow the load to exceed the limit of the crane. The crane would be on outriggers, which would provide added strength. Mr. Schwartz stated most of the accidents that occurred over the last few years involved tower cranes. In the proposed project, a hydraulic crane with outriggers would be used with a tonnage capacity far exceeding anything being lifted for the project.

Derrick Forth from Beyel Brothers Crane and Rigging explained 99.9% of the crane accidents were human error involving undermining the computer safety features, inaccurate inspections, or improper installation of the crane. Mr. Irvine expressed concern over just such operator error and negligence. Mr. Forth agreed and assured the Board he had the same concerns, and the cranes would go through third party inspections and would be safe to operate. The crane would never reach 20% of capacity during the proposed project. Mr. Forth continued, "Cranes are not unsafe. People are unsafe," and stated Beyel Brothers maintained an excellent safety record. All cranes, crane operators, and erectors would be experienced and certified.

John Bettua from Stiles Construction explained there had been no crane accidents on Stiles' projects as the company focused on crane safety, especially following recent accidents. Mr. Bettua stated there would be safety crews following up on the crane companies, and insisted on third party inspections.

Mr. Terrell agreed with Mr. Irvine's concerns, but reminded the Board this type of project was being encouraged in the downtown area, and a crane would be necessary to complete the project. Mr. Schwartz noted the Safety Director, Mr. Bettua, would be on the job site every morning and afternoon to check the cranes, and stated once the crane was erected it would not be moved from place to place. Mr. Bettua explained the crane would be inspected each morning prior to use.

Mr. Schwartz cited recent work done on the Commercial Bank Building where two cooling towers were replaced using a crane. The job was completed in a two day timeframe.

Mr. Bradley asked about the crane's arc. Mr. Forth explained the 370 foot arc described in the application demonstrated the worst case scenario, in the case of "catastrophic failure", and was the smallest crane possible to complete the work.

Mr. Schwartz explained the roof was damaged during Hurricane Wilma, had never been repaired, and was currently allowing moisture to leak underneath the roofing materials. Mr. Schwartz stated nothing heavier than insulation and roofing materials would be removed with the crane. Mr. Forth used photographs and drawings to explain the operation of the crane.

Mr. Partington asked for information regarding security measures in case of a hurricane. Mr. Bettua assured the Board there was a hurricane plan, including total shut down of the site and removal of the crane three days prior to the expected storm.

Mr. Partington requested information on the pedestrian access closures and the impact on the neighboring playground. Mr. Schwartz explained the playground was accessed through the building, not by way of the street. Mr. Forth explained an Armed Forces cargo net would be used, which was graded for 10,000 pounds. Everything being removed from the roof would be sealed inside the net, and deposited into a trash bin. There followed a discussion of possible pedestrian routes.

Mr. Dunckel cited "Pedestrian Control for Closure of Sidewalks", which stated efforts should be made to ensure both sides would not be closed at the same time to pedestrians. Mr. Partington noted the current wording for the revocable license would allow both sides to be closed to pedestrians. Mr. Irvine asked why the north side would need to be closed. Mr. Bettua stated a determination would be made once the staging was completed and the safety of the public could be ensured. The Board proceeded to discuss the safety of the pedestrians and the children at the playground. Mr. Partington requested Stiles touch base with the neighboring school to provide safety assurances.

Mr. Dunckel noted the revocable license prohibited use of the public right-of-way for staging of materials or construction activities, and questioned the location of the crane running contrary to what the City allowed. Mr. Partington asked for the day-to-day activities planned for the area. Mr. Schwartz described removal of the roofing materials in the morning, new roofing being flown up, staged, and installed on a daily basis. All demolition could not be done at one time due to weather concerns. The dumpsters for the old roofing materials would be located in the parking spots. New roofing materials would be off loaded from the trucks and immediately taken up to the roof.

Mr. Irvine noted the request was not just for a road closure, but also to use the right-of-way for construction operations. Mr. Irvine felt the Board would see "more and more" of this type of construction and felt the Board needed to find a way to address the issues.

Mr. Terrell pointed out the City encouraged underground parking garages and reduction of parking lots which did not allow for cranes for necessary repairs to the tall buildings.

Mr. Partington stated the policy in the past was not to allow storage, staging of materials, and construction activity in the right-of-way. Mr. Partington also noted the materials being discussed could be moved relatively easily if needed. Mr. Dunckel noted the "progression of events" and the same materials not allowed in other construction scenarios. Mr. Terrell drew a different distinction between construction on the beach and using taller cranes with a small footprint on the site, and in the future the cranes would need an even bigger footprint to perform required maintenance. Mr. Dunckel stated the City Commission would ultimately have to set new policy.

Mr. Partington pointed out the request was not contrary to any ordinances for the revocable license, but was a departure from previous policy. Mr. Dunckel observed the previous policy was due to the fact the public right-of-way was not to be privatized. Mr. Volpi opined since there was no other reasonable way to perform the work, the request should be built into the revocable license. Mr. Irvine asked if there was another way to accomplish the work, regardless of cost. Mr. Schwartz asserted since the fires in Miami where roofing material caught on fire from the melting tar, hot kettles could no longer be placed on the roof. The tar must be melted on the ground and be pumped into a trough, dumped onto the roof, then brought back down to the ground. None of the work can be done through the building or the freight elevators due to the fumes, so the only way to get the tar up to the roof was with the crane.

Mr. Bettua asked if the situation would be improved if nothing was stored in the right-of-way during non-working hours or over the weekend. The crane would still be present, but the materials and the dumpsters would be moved. Mr. Dunckel felt that would be closer to staying true to the principals used in the past. Mr. Forth suggested a dump truck could be used instead of dumpsters. Mr. Dunckel expressed appreciation for the applicant's willingness to be flexible and help stay within the City's standard practices.

Mr. Irvine asked if the cranes should be licensed separately. Mr. Dunckel felt the same revocable license could be used for both the construction and the crane operation.

Mr. Dunckel returned the discussion to the pedestrian access closure on the north side of the site. Mr. Partington reminded the Board Stiles had agreed to bring the school into the loop. Mr. Forth expressed concern with the children in close proximity to the hot tar kettles being "flown" to and from the roof, and suggested the sidewalks be closed. Ms. Alarcon asked if the tar could possibly be blown by the wind and hit the children on the playground, to which Mr. Forth stated it was possible for the wind to carry the tar as far as the playground.

Ms. Alarcon noted the parking spaces would need to be included in the revocable license, and expressed concern regarding damage to the parking area and the sidewalk. Mr. Dunckel stated provisions were made for repairs in the revocable license, and suggested before and after photographs be taken of the area.

Mr. Partington felt a recommendation should be made to ask the school to not use the playground for the duration of the project. Mr. Schwartz felt the only restriction would need to be on the days the tar was being used. Mr. Irvine suggested restricting the use of tar to certain hours of the day. Mr. Schwartz noted no one was present from the roofing company, and did not feel comfortable with being restricted to an exact time of the day due to weather constraints. Mr. Terrell suggested Stiles speak to the roofing company regarding possible recommendations or solutions.

Mr. Irvine reiterated the license should restrict the use of tar before certain hours allowing the school to use their playground. Mr. Partington suggested the restriction be for the plan to include a safety plan for the children to be approved by the City Engineer, but not include a time restriction. Mr. Irvine noted the school needed to sign off also on the plan. Ms. Ingold suggested a temporary tent be erected over the playground equipment. Mr. Dunckel advised hot tar would go right through the tent.

Mr. Bradley asked if any other locations were considered for placement of the crane. Ms. Gurganian explained the north side was the only place allowing for the reach. Mr. Forth used pictures to demonstrate the current area was the only place allowing for the swing of the crane.

Mr. Terrell asked if other roofing methods were discussed with the property owner. Mr. Schwartz explained the condo association would only accept the same roofing material currently on the building. Mr. Dunckel asked about crane insurance. Mr. Bettua explained all subs working for Stiles are completely covered with ten million dollars in insurance.

Ms. Alarcon asked for an estimated timeline on the MOT. Mr. Partington stated the work was subject to a revocable license, and the earliest the City Commission would consider it would be the October 18<sup>th</sup> meeting. Ms. Alarcon noted another MOT involving partial closures in the immediate area would be starting in three to four weeks. Mr. Partington suggested Stiles touch base with FPL for specifics of the other project.

Mr. Dunckel noted ordinarily for the purposes of the revocable license the owner of the building would be the licensee to allow for liens on the property. Mr. Dunckel did not feel the law allowed liens against the condominium, and felt the licensee in this case would be the owner of the building, Stiles, and the crane company jointly and severally to cover all bases.

Mr. Irvine requested assurance at no time during the operation would the swing range of the crane be outside of the area of proposed closure. Mr. Forth explained the swing radius would be only ten feet beyond the building, and would not go beyond the proposed closure.

Mr. Partington suggested approval should be subject to the following:

- No staging and storage of material other than the crane.
- The crane would be used only for maintenance purposes. No activity related to new construction.
- Development of a written safety plan for the adjoining school to be approved by the City Engineer prior to going before the City Commission.
- The north sidewalk be closed.
- Time period not to exceed twenty-one calendar days, with the standard allowances for time extensions.
- Ten million dollar crane insurance with the City as an additional insured.
- Three licenses including the owner of the land, Stiles, and the crane company would all be licensees jointly and severally.

**Motion** made by Mr. Partington to recommend approval of the application with the discussed provisions, which died for lack of a second.

Mr. Dunckel asked for clarification on the third party inspections. Mr. Bettua explained the third party inspections would be done prior to operation of the crane. Every morning the crane operator would be responsible for performing a crane inspection before use. Mr. Bettua noted the third party inspection was not required, but was completed for all crane work done by Stiles. Mr. Dunckel requested the third party inspection, and daily inspections by the crane company, with logs to be available, be added as a condition to approval. There followed a discussion of the value of additional inspections.

**Motion** made by Mr. Partington, seconded by Mr. Dunckel, to recommend approval of the application with the discussed conditions.

Mr. Forth asked if there would be a time limit on daily work. Mr. Partington explained the MOT would contain restrictions on the working hours, compliant with City Ordinances.

In a voice vote, the motion passed unanimously.

Ms. Gurganian agreed to serve as point of contact with the City Attorney. Mr. Dunckel requested a copy of the deed from the Association. Ms. Ingold asked when the project would begin. Mr. Partington stated the start date would depend on when the application went before the City Commission. Mr. Dunckel stated once the application was

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approved by the City Commission work could begin immediately. Mr. Partington suggested work would begin certainly by November.

There being no further business to come before the Committee the meeting adjourned at 11:04 a.m.

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