

**APPROVED**  
**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING**  
**CITY HALL, 8<sup>TH</sup> FLOOR**  
**COMMISSION CONFERENCE ROOM**  
**THURSDAY, NOVEMBER 20, 2008 – 10:00 AM**

**COMMITTEE MEMBERS PRESENT**

Peter Partington, City Engineer  
Mark Darmanin, Public Works  
Tony Irvine, Surveyor  
Anthony Fajardo, Planner III  
Carol Ingold, Parks & Recreation Supervisor  
Bob Dunckel, Attorney

**STAFF**

Victor Volpi, Senior Real Estate Officer  
Dennis Girisgen, Public Works – Land Development Manager  
Deborah Hernandez, Code Enforcement  
Ed Udvardy, Public Works  
Hilda Testa, Recording Clerk, Prototype, Inc.

**CALL TO ORDER**

Mr. Partington called the meeting to order at 10:00 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:**                    **APPROVAL OF OCTOBER 16, 2008 MINUTES**

**Motion** made by Mr. Darmanin, seconded by Mr. Irvine, to approve the October 16, 2008 minutes.

Mr. Irvine requested the title “Board Members” be changed to “Committee Members” in the minutes.

In a voice vote, the motion passed unanimously.

**ITEM TWO:**                    **ALLEY CLOSURE**

ADDRESS OR GENERAL LOCATION: 455 SE 24<sup>th</sup> Street

Mr. Volpi stated NCY Construction Inc., would like a positive recommendation to close a 16’ alley north of 455 SE 24<sup>th</sup> St. for approximately one year (until November 15, 2009) for the purpose of constructing a storm drainage (Exfiltration) system, grading & paving.

Ms. Courtney Crush, representing the owners of the hotel under construction, explained the closure would be for approximately one year. The request includes an alley running along the west side of the property, and an alley running east and west.

Ms. Crush explained the site plan included a requirement for drainage and repaving. A neighboring property was experiencing drainage problems on the western portion of the alley, and requested the work be expedited. The work would require a two week closure.

Ms. Crush provided photographs of the site, and discussed safety issues during construction. Ms. Crush summarized the request:

- To expedite drainage and paving project
- To allow for alley closing during the construction

Ms. Crush felt a revocable license would be necessary since the construction would take more than 48 hours.

Mr. Dunckel asked about the construction phases of the alleys. Ms. Crush explained the drainage work to alleviate the drainage problems for the neighbor would be a two to three day process, and a separate MOT for that request was pending. Mr. Dick Whalen, NCY Construction, stated the repaving work would be done at a later date.

Mr. Partington asked about the drainage work being requested. Mr. Whalen explained there would be a couple of storm drains with an exfiltration trench. Mr. Partington requested further information on the rationale for keeping the alley closed longer than the needed construction time. Ms. Crush explained though all precautions would be taken, there could still be a risk for falling debris from the eleven-story building.

Mr. Irvine asked if the closure would only be necessary during construction hours, to which both Ms. Crush and Mr. Whalen expressed agreement. Mr. Partington noted a staging area on the west end of the lots, being used to store materials. Ms. Crush stated Code Enforcement did not allow storage on the lot, and the storage was being moved into an adjacent garage.

Mr. Partington noted a rental apartment directly behind the site, and asked how access would be maintained to the apartment. Ms. Crush admitted a problem in the past with access to the apartment during the pouring of concrete. The sixteen foot alleyway running east to west has since been cleared and no longer poses a problem. Ms. Crush confirmed the adjoining property owners were aware of the proposal under discussion, and were present in the Committee meeting.

Mr. Barry Mandelkorn from Ruden McClosky, representing the adjoining apartment building owner, explained there were ten parking spaces in the front of the building on 23<sup>rd</sup>, and eleven spaces to the rear of the building currently covered with sand due to the current construction. Mr. Mandelkorn stated tenants have been affected by the construction, and would like to continue to use the south alley to access State Road 84.

Mr. Mandelkorn noted the owner was aware of the site plan, and understood the necessity of cooperating, but felt accommodations could be made to lower the impact to the tenants. Mr. Mandelkorn objected strongly to the alley being closed for one year. Mr. Mandelkorn stated the applicant picked the site knowing it was a tight construction site, accepted the burdens associated with that, and the apartment tenants should not be burdened with the site selection.

Mr. Mandelkorn stated the tenants could come off Federal Highway, make a right on 23<sup>rd</sup>, pass the adjoining property to the west, and use another alley to access the property. This option would not be to the liking of the tenants, due to the only available exit being south on Federal Highway.

Mr. Irvine asked for the most crucial time window to the tenants for access to the alley. Mr. Mandelkorn assumed going to and coming from work would be the most crucial times, but didn't feel that assumption was fair, due to varying work hours. Mr. Mandelkorn suggested the staging was possible in the alley while still allowing access. Mr. Caldwell Cooper, Cooper Properties, suggested the use of catch nets. Mr. Dunckel confirmed the use of catch nets was already required.

Ms. Crush observed the tenants used 23<sup>rd</sup> as their primary access, and felt the residents would be safer with the added closures. Mr. Mandelkorn disagreed, stating the residents preferred the north/south access and a one year closure would adversely affect the tenants. There followed a discussion on possible entrance/exit routes for tenants.

Mr. Dunckel felt exiting Federal Highway from the alley was an accident waiting to happen. Mr. Dunckel explained the law allows for road closures, and the tenants would have a reasonable option, going south along the alley. Mr. Dunckel suggested the closure be structured so as to narrow down the times the alley to the north would be closed, and to provide additional consideration to the tenants.

Mr. Whalen stated the construction times were 8:00 a.m. to 7 p.m. Ms. Crush felt the applicant could identify other opportunities to accommodate the apartment tenants. Mr. Udvardy asked how many tenants were affected. Mr. Mandelkorn stated there were fourteen apartments. Mr. Udvardy asked if people other than tenants used the alley. Mr. Mandelkorn noted a law firm to the west of the apartments, so conceivably the law

firm may use the alley also. Ms. Crush stated the law firm was consulted and would use the access directly off the north/south alley, and had no objections to the closure. Mr. Udvardy pointed out probably fewer than fifteen vehicles a day used the alley.

Mr. Dunckel suggested the parties return with a more refined plan to narrow down closure hours. Mr. Mandelkorn agreed to get more input from the tenants. Ms. Crush also agreed to provide notification to the tenants. Mr. Darmanin asked about the construction on the northern portion of the property. Ms. Crush expressed a desire to sit down with Mr. Cooper prior to the paving project to discuss timing for the project. Mr. Darmanin suggested the entire project be discussed at the same time instead of a number of discussions at later dates. Ms. Crush explained the paving project would not happen for approximately one year. Mr. Darmanin suggested the impact to Mr. Cooper's property might be minimized by doing all the work at once, and suggested discussions regarding a phase package versus a complete package.

**Motion** made by Mr. Irvine, seconded by Mr. Darmanin, to recommend approval of the requested closure of the southern portion of the T-alley in block 130, allowing closure of the alley between 10:00 a.m. and 3:00 p.m. during days of construction. Any activity taking place outside of those hours be attended by flagmen. The activity shall not close the alley for any more than fifteen minutes at one time. There would be no closure allowed while traffic is in the alley.

Mr. Mandelkorn requested the motion be tabled to allow Mr. Cooper time to contact the tenants.

Mr. Partington asked if the applicant was agreeable to the delay. Ms. Crush stated the preference would be to go to the City Commission sooner, but also wanted to be respectful of the tenant's situation.

Mr. Dunckel did not wish to continue the matter to a later date as the tenants have no right to have the alley open. The tenants would have reasonable access even with the alley closed. Mr. Dunckel felt the rights of the parties were balanced in the motion, and felt there should be a vote.

There followed a discussion regarding wording of the time frame in the motion.

Mr. Dunckel felt the issue should not be left to a referendum vote of the tenants. Ms. Crush suggested any mutual agreement between the parties be allowed to modify the motion. Mr. Girisgen asked if a fifteen minute delay would be the worst case scenario under the motion. Mr. Irvine stated access in the alley could be delayed by fifteen minutes, but there would still be other access. The tenants could be inconvenienced by a fifteen minute delay, but would not be trapped.

Mr. Mandelkorn noted the fifteen minutes could not be monitored. Mr. Girisgen asked if there would be restraints on how often the fifteen minute closures could take place. Mr. Mandelkorn stated under the current motion there would be no time restraints. Mr. Dunckel explained the flagmen could open and close the alley on demand of the tenants.

Mr. Dunckel suggested an amendment to the motion regarding the flagmen's ability to open the alley on demand. Mr. Irvine felt the motion should state no construction be taking place adjacent to the alley when there is traffic in the alley. Mr. Irvine noted the flagmen were not suggested to open on demand, but to close on necessity. The flagmen would be able to stop the cars from entering the alley if needed for safety. Mr. Dunckel suggested removing the fifteen minute restriction, since the flagmen would be available to start and stop traffic.

**Motion** amended by Mr. Irvine, seconded by Mr. Darmanin, to recommend approval of the requested closure of the southern portion of the T-alley in block 130, allowing closure of the alley between 10:00 a.m. and 3:00 p.m. during days of construction. Any activity taking place outside of those hours be attended by flagmen. There would be no closure allowed while traffic is in the alley.

There followed a discussion regarding wording of the amended motion.

By a show of hands, the motion passed unanimously.

Mr. Partington called for discussion on the closures of the alley for three weeks for final construction. Ms. Crush reminded the Committee the applicant was requesting to do a seventy-two hour fix immediately. Ms. Crush stated a portion of the closure could be deferred if the property owner would rather. Mr. Mandelkorn stated the owner would prefer to have the drainage issues handled all at the same time.

Mr. Mandelkorn proposed the property owners talk with the contractor regarding all available means to put the improvements in with minimal closure. Ms. Crush felt the closure would be approximately seven to fourteen days for drainage and paving work. Mr. Mandelkorn suggested the east/west closures be coordinated, to which Ms. Crush agreed.

Mr. Mandelkorn asked if the proposed ten day closure could be staged to perform the work at night so as to minimize the closure. Mr. Irvine stated night work would not be allowed. Mr. Irvine suggested the temporary drainage work be done as soon as possible, with the main part of the drainage work to be done towards the end of the construction work to allow for any needed repairs from the lengthy construction time. Ms. Crush asked if a supplemental or separate application would be required. Mr. Irvine

stated the current application could be worded to include the drainage work on the front end and the back end.

Mr. Girisgen pointed out the construction debris would go into the exfiltration ditch, plugging up the ditch. Mr. Girisgen also noted a one year warranty going into effect at the end of the job. Mr. Partington asked if the fourteen day north/south alley closures, subject to City Engineering could be added to the revocable license. Mr. Dunckel expressed concern with tackling the east/west alley since the closure would totally deprive access to the tenants. Mr. Dunckel suggested the parties meet to work something out regarding the tenants during the closure period.

Ms. Crush explained more information on construction requirements for the east/west alley closure needed to be studied. The timing could then be discussed with Mr. Mandelkorn.

Mr. Partington suggested the applicant return with an additional proposal addressing both the east/west and north/south alleys, including time frames toward the end of the construction period.

**Motion** made by Mr. Dunckel, seconded by Mr. Irvine, to defer the issue of the north/south construction.

In a voice vote, the motion passed unanimously.

**Motion** amended by Mr. Irvine, seconded by Mr. Darmanin, to recommend approval by the CRA Board to grant the requested easements for the two CRA properties at NE 3<sup>rd</sup> Avenue and 6<sup>th</sup> Street, and at NW 9<sup>th</sup> Avenue. The easements should also include all necessary utility relocations.

In a voice vote, the motion passed unanimously.

**ITEM THREE:**                    **STAGING YARD**

ADDRESS OR GENERAL LOCATION: 2301 NW 22<sup>nd</sup> Street

Mr. Volpi explained Lanzo Construction for Church of Christ Holiness Unto the Lord Inc. would like a positive recommendation to allow a Staging Yard at 2301 NW 22<sup>nd</sup>. Street as part of Broward County's North Central County Neighborhood Improvement Project.

Mr. Pablo Riano, Lanzo Construction, explained the staging area was being requested to store equipment and materials. The site was chosen due to its size and the convenient location.

Mr. Riano provided materials showing the construction site with six foot fencing and signage in place. Mr. Partington asked for more information regarding the overall project. Mr. Riano described a two year project for the Department of Water and Waste Water to replace old water mains, sewer mains, and drainage, with additional improvements to the streets, sidewalks, and landscaping in the area from 31<sup>st</sup> Avenue to 26<sup>th</sup> Avenue, and from 19<sup>th</sup> Street to 26<sup>th</sup> Street.

Mr. Riano explained the land was previously not annexed to the City, but now falls under the City's jurisdiction, which required the Committee's approval to continue. Mr. Partington asked about standard conditions required for WaterWorks projects. Mr. Irvine stated the requested project would have a bigger impact than the WaterWorks project.

Mr. Riano felt the project might not to go into the right-of-way in the future. Mr. Irvine emphasized utilizing the right-of-way would not be an option. Mr. Partington asked about the current traffic plan for trucks. Mr. Riano stated 22<sup>nd</sup> Street was currently in use, with access to 21<sup>st</sup> Avenue, and this route was the only route used by the trucks.

Mr. Girisgen asked about sediment control and storm water pollution prevention plans for the site. Mr. Riano stated plans were in place and being utilized at the site as a part of the permitting for the project. Mr. Girisgen clarified, asking specifically about a plan to keep "truck wash" sediment from being brought on to the City roadways. Mr. Riano explained the site was a couple of hundred feet from the road, was well fenced and had screening. Mr. Partington asked about the truck traffic. Mr. Riano confirmed the trucks use a parking lot to the east, and the adjacent church driveway.

Mr. Partington asked how the truck dirt and sediment was stopped from being brought out to the roadway and through the church lot. Mr. Riano stated the permitting required watering of the streets on a daily basis for dust control. Mr. Girisgen requested the Committee require a sediment control plan in any motion, including best management practices to avoid tracking dirt on the roads.

Mr. Irvine requested information regarding impact to the neighboring school. Mr. Riano stated the project was located to the west of the school. The County rules require construction operations be stopped during the times children are entering and leaving the school.

**Motion** made by Mr. Darmanin, seconded by Ms. Ingold, to approve the request based on a sedimentation plan reviewed by the City Engineer.

Mr. Irvine asked if there would be an restrictions on the height of material allowed to be stockpiled. There followed a discussion regarding proper wording of the motion.

**Motion** amended by Mr. Darmanin, seconded by Ms. Ingold, to approve the request based on a sedimentation plan reviewed by the City Engineer. Height of materials stored on the west boundary line not to exceed the fence height.

In a voice vote, the amended motion passed unanimously.

**ITEM FOUR: EASEMENT (RIGHT-OF-WAY)**

ADDRESS OR GENERAL LOCATION: 2401 Eisenhower Boulevard

Mr. Volpi explained TransMontaigne Terminals LLC would like a positive recommendation to place three (3) 12" carrier pipes in 16" casings in SE 10<sup>th</sup> Avenue from SE 24<sup>th</sup> Street to SE 22<sup>nd</sup> Street to connect two of their Port Everglades Facilities.

Michael Gootman, Prime Engineering, provided a brief overview of the project using maps and photographs of the area. Mr. Gootman requested an easement to drill three twelve-inch pipes in the right-of-way. The pipes would be contained within another sixteen inch pipe, and would be in accordance with the DOT standards. Inert gas would be contained between the interior pipe and the outer pipe, with continual monitoring of the pressure.

Mr. Gootman described the right-of-way as twenty-five feet adjacent to the applicant's property. In response to questions by Mr. Partington, Mr. Gootman explained the pipes could carry petroleum products, including gasoline and diesel fuel. Mr. Volpi stated the right-of-way currently contained an eight inch force main, located four foot below grade.

There followed a discussion regarding the mechanism used to allow privately owned equipment to be placed in a right-of-way. Mr. Dunckel explained the right-of-way was held in trust for public purposes. Mr. Dunckel did not feel the Committee had the authority to allow an easement for public purposes. The only circumstance Mr. Dunckel could recall in the past was done pursuant to a revocable license, since the private interest would have to give way to the public interest. Mr. Partington agreed a revocable license would be the only way to legally allow the request.

Mr. Dunckel stated as an abutting owner the applicant could take fee simple title to the half of the right-of-way abutting the property. Mr. Irvine pointed out according to the drawings provided the west property owners would actually be the abutting owners.

Mr. Partington provided the following options for the applicant:

- Continue to pursue through the Committee for a revocable license, which would have a requirement for the right-of-way to be abandoned if needed by the City at a later date
- Applicant could request a vacation of the right-of-way, and obtain rights privately to install the pipes.

Mr. Gootman stated the applicant would like to continue with the revocable license option. Mr. Darmanin asked who owned the force main already in place in the right-of-way. Mr. Gootman was unaware of the ownership. Mr. Darmanin stated the owner would need to be located before any work could be done around the force main. Mr. Partington also suggested any other unknown equipment in the right-of-way would need to be identified.

Mr. Darmanin suggested the applicant be required to identify anything located in the right-of-way, and the owner of the pipes by soft dig or any methods the applicant wished to apply. Mr. Irvine explained at one time the port permitted piping, and the port should be contacted to check their records, and to check for any port permitting requirements for installing pipes.

Mr. Gootman noted on the City of Hollywood side of the construction the port was involved in the process, requiring a letter of approval from the port. Mr. Dunckel suggested deferring the item to receive more information from the port rather than simply requiring an approval letter.

Mr. Partington summarized stating the drawing set did not clearly identify other pipe and equipment in the right-of-way, or the owner of any equipment or pipes. Mr. Darmanin suggested the owner of the existing force main be identified, followed by a discussion with the port prior to making a motion to vacate the right-of-way. Mr. Girisgen requested a requirement be included to add the pipe to the Florida One Call system.

Mr. Gootman requested the Committee take into consideration this is a common situation in port areas, and TransMontaigne would be willing to provide a standard agreement with the City. Mr. Partington emphasized the Committee would not be prepared to move forward with the process to approve the application without additional information regarding existing equipment in the right-of-way.

Mr. Volpi asked if the owner of the force main would need to appear before the Committee. Mr. Partington stated the Committee was only asking for information regarding the existing equipment and the ownership. Once the information was obtained, the Committee would be willing to look at the application again.

Mr. Dunckel stated the present equipment owner's right to be there may be superior to the public right-of-way, and the owner and time of placement was necessary to make a determination. Mr. Volpi suggested the applicant perform title searches, speak with neighboring property owners, and check with the port to determine the owner. Mr. Gootman asked how much information would be needed to satisfy the Committee, for example, if no information could be obtained. Mr. Partington stated the Committee had concerns with not knowing what else was in the right-of-way.

Mr. Irvine suggested the applicant also speak with adjoining owners regarding the possibility of vacating the right-of-way. Mr. Darmanin suggested the level of due diligence performed would be examined as much as the information obtained.

**Motion** made by Mr. Dunckel, seconded by Mr. Irvine, to defer the item.

In a voice vote, the motion passed unanimously.

**ITEM FIVE:**                    **VACATION OF RIGHT-OF-WAY**

ADDRESS OR GENERAL LOCATION: SE Corner of Federal Hwy & E. Sunrise Blvd.

Hope Calhoun with Ruden McClosky for Holman Automotive, Inc. would like a positive recommendation to vacate NE 7<sup>th</sup> Avenue from NE 9<sup>th</sup> Street to E. Sunrise Blvd. The applicant believes this right of way is no longer needed for public use. Garbage truck and emergency vehicle access will be provided over the proposed vacation as well as an easement for existing utilities.

Hope Calhoun, representing Ruden McClosky, explained the applicant was requesting a vacation of the full length of the right-of-way from 9<sup>th</sup> to Sunrise. Ms. Calhoun provided a letter from DOT approving the request.

Mr. Dunckel requested the owners and uses be identified along 7<sup>th</sup> Avenue southward from Federal Highway. Ms. Calhoun explained Holman Automotive owned the east side of 7<sup>th</sup> Avenue, with various lots owned by a separate family. The Hub Plaza owned the other side of 7<sup>th</sup> Avenue. Cross access easements were executed so no adjoining property owners would lose access.

Mr. Irvine stated the easement would function as a road, with the applicant "using a subterfuge" to merge ownership. If the section is needed for access, it would be a road, and per Code, would need to be maintained as a road. If the area was to be reconstructed as a road, a vacation could not occur.

Mr. Partington asked what a vacation would achieve. Ms. Calhoun stated a full site plan had not yet been developed, and the applicant was attempting to make available all the

space in order to determine the site plan. Mr. Partington asked, and Ms. Calhoun confirmed, garbage trucks and emergency vehicles used the access. Mr. Dunckel stated it would be a reservation of a governmental service as easement, since the area continues to serve a public purpose.

Mr. Irvine suggested another portion be vacated and used as a turnaround, however he would not be able to support saying the area was not longer needed for a public purpose and then make the area a public purpose area following the vacation. Mr. Irvine expressed concern with re-tooling a right-of-way which did not need to be re-tooled. The area above Sunrise would obviously be useless, so a vacation of some portion coming south from Sunrise would be acceptable. An area needed for public use should be left open for public use.

Mr. Darmanin stated the Committee should wait until a site plan was developed, including the relocation of utilities, then vacate the entire 7<sup>th</sup> Avenue portion. Ms. Calhoun stated all utilities were contacted, and the applicant was awaiting responses. The applicant was not sure any utilities were even located in the area. Mr. Darmanin stated water and sewer were present. Ms. Calhoun stated the applicant was not sure how to develop the site plan without knowing what areas would be available.

Mr. Fajardo asked if a right out of the area was possible. Ms. Calhoun stated DOT would not allow for a right out due to the curb. Mr. Fajardo noted Planning would not support the redevelopment due to the desire to maintain the open view to Parker Playhouse. Mr. Fajardo suggested a completed site plan would help with support for the project. Ms. Calhoun stated no buildings would be placed in the area, and the request was mostly to maintain a unified site.

Mr. Partington stated precedent had definitely been set for vacating lengths just south and north of Sunrise. Mr. Irvine asked for clarification of the proposal. Ms. Calhoun stated there would be both emergency and public access. Mr. Irvine stated the area would then revert to a right-of-way.

Ms. Calhoun asked for a discussion relating to Mr. Irvine's suggesting of vacating a portion for a turnaround. Mr. Dunckel stated the site plan would need to be structured. Mr. Partington asked if the applicant could return with drawings showing the turnaround area, and even in the absence of a site plan, have the proposal considered. Mr. Irvine agreed.

Ms. Calhoun asked for the requirements for a turnaround. Mr. Partington stated a sixty foot diameter pavement, allowing for a 70 foot right-of-way, such as a cul-de-sac or T-turnaround. Bob Bamonte, Holman Enterprises, stated a sixty-foot turnaround would eat up the entire property, and asked if the Committee would compromise and allow the vacation of a small area without requiring the turnaround. Mr. Partington provided the

example of Alpine Jaguar building a turnaround between their property and the adjoining residential property. There followed a discussion, using the site drawings, of various options.

Mr. Irvine stated the applicant was still arguing for a non-conforming use, and did not feel the Committee could even “entertain the notion.” Mr. Dunckel suggested the proposal be tabled, and the applicant return to the Committee with possible turn around options as the Committee would not approve “in the abstract.” The Committee was not prepared to vacate the whole of 7<sup>th</sup> Avenue. Mr. Holman stated the goal was to unify the property, while using the area legally, and asked if the turnaround could be located somewhere other than at the end of the property. Mr. Partington stated the Committee would be agreeable to other options, and suggested Mr. Holman look at the turnaround on 16<sup>th</sup> as an example.

**Motion** made by Mr. Dunckel, seconded by Mr. Darmanin, to table the item.

In a voice vote, the motion passed unanimously.

**ITEM SIX:**                    **VACATION OF ALLEY**

ADDRESS OR GENERAL LOCATION: SE Corner of Federal Hwy & E. Sunrise Blvd.

Hope Calhoun with Ruden McClosky would like your positive recommendation to vacate the 15' alley in Block 219 of Progresso from Holiday Park north to E. Sunrise Boulevard. The “Alley” is not improved. A two story building has been constructed over this alley and the applicant believes there are not any existing utilities.

Ms Calhoun explained the project included an existing alley platted by original plat many years ago, and was currently not being used. Mr. Partington confirmed with Ms. Calhoun there was no public usage in the area. Mr. Darmanin stated a private storm drain was the only utility in the area. Mr. Irvine stated the south portion was previously vacated.

**Motion** made by Mr. Dunckel, seconded by Mr. Darmanin, to approve the request.

In a voice vote, the amended motion passed unanimously.

**ITEM SEVEN:**                    **MASTER ARMS ON CITY OWNED PROPERTY**

ADDRESS OR GENERAL LOCATION: Birch Ocean Front Sub 19-26 Sand Beach

Jose Guerrero with FDOT would like your positive recommendations to place two (2) mast arms on City of Fort Lauderdale property (sidewalk on the beach) located at the end of Riomar Street, just west of the "Wave Wall". The placement of the mast arms will still allow a 5' walking area from the edge of the foundation to the wall on the beach side and a 4' walking area on the road side.

Mr. Juan Comacho, design consultant for DRMP, provided exhibits to the Committee, and explained the proposal was for an easement to provide a mast arm signal. The proposal is at the request of the Hilton Hotel. Mr. Comacho also confirmed DOT warranted the signal.

Mr. Dunckel asked about the easement on the east side. Mr. Irvine stated the right-of-way for A1A was located at the curb line.

Mr. Dunckel asked why such a large area was needed for a mast arm. Mr. Irvine explained the construction was monstrous. Mr. Comacho stated there would also be maintenance pull boxes below grade in the easement.

Mr. Dunckel asked about the easement area on the west side. Mr. Comacho stated the easement was only on the east side, with DOT's easement on the west side. Mr. Partington felt DOT and the City both had easements on the west side. Mr. Partington stated an engineering permit would be needed.

Ms. Ingold stated the pole on the southwest corner compromised ADA access. Mr. Irvine stated typically DOT liked to maintain control of the right-of-way returns. Mr. Partington asked about the pole not being ADA-compliant. Mr. Comacho stated the layout was designed to meet ADA, with four feet being desirable, minimum of thirty-six inches. Mr. Comacho stated the back of the curb to where the pole would be located would meet the ADA requirement.

Ms. Alarcon explained per consent decree the City agreed to five foot throughout the City for new construction where the five feet would fit. Mr. Partington stated DOT had their own set of standards based on the prevailing ADA standards. Mr. Dunckel suggested FDOT assert jurisdiction to the returns or provide for the five foot requirement.

Mr. Partington suggested, due to the heavy pedestrian traffic in the area, the pole be relocated to a private easement. Mr. Prizlee, with the Beach CRA, explained the area was laid out twenty years ago, with conduit installed years ago, to allow for a signalized intersection. Mr. Prizlee requested the applicant look at the drawings to see if any of the originally laid conduit could be used as opposed to tearing out the road. Mr. Comacho stated the conduit would not be on pull boxes. Mr. Prizlee asked the drawings be consulted to make sure. Mr. Prizlee stated there was an existing portal,

and it would be nice if the signal could be moved back. Mr. Comacho stated the mast arm was chosen because it allowed for the least amount of impact.

Mr. Partington asked if the signal could be moved to the east as opposed to being placed in the middle of the walkway. Mr. Fajardo stated Planning expressed concern with the proposal as the Code required a minimum seven foot sidewalk on the beach, and a Master Plan asking for even wider sidewalks. Mr. Fajardo requested the proposal be redesigned to move the signal out of the way.

Mr. Comacho stated the signal on the west side was as close to the road as the standards allowed, five foot from the foundation, with approximately ten feet from the pole to the wall. Mr. Partington asked if the pole could be moved closer to the wall. Mr. Girisgen felt the pole on the east could easily be moved and still have the double arm, with only a larger foundation being needed.

Mr. Partington suggested Mr. Comacho meet with others on the Committee to discuss the issue, including Planning, Mr. Girisgen, and Mr. Partington, to discuss options. Mr. Prizlee asked approval not be given until commitment was received from DOT to maintain the existing deteriorating signals.

Ms. Ingold noted the area was designated as a scenic highway with a promenade, and adding the pole looked awful. Mr. Comacho pointed out the poles were the same throughout the corridor.

Mr. Partington expressed concern with the mechanism by which the Committee would allow the pole in the City controlled beach location. There followed a discussion regarding the easement issues for the area. Mr. Girisgen asked if the City already owned a ten foot easement on the east side. Mr. Irvine stated the City right-of-way extends into the curb line in the area.

Mr. Irvine expressed concern with granting an easement without more detail concerning what would be placed in the easement. Mr. Volpi noted the hotel asked for the signal pursuant to a warranted traffic study. Mr. Partington noted the Committee would not argue the necessity of the signal. Mr. Partington suggested the Committee grant the easement subject to DOT and their consultants working with the City Engineer and the Planning Director on the placement of the pole, and subject to the warrants met by the signal, and subject to revisiting the placement of the signal pole on the west side of the road. Mr. Irvine noted the applicant would then be completely redesigning and re-presenting the entire proposal.

Mr. Girisgen submitted the pole and signal cabinet should not obstruct the intersection. Mr. Comacho noted the proposed area would be adjacent to the existing cabinet. Mr. Partington suggested Mr. Comacho meet with Planning and the City Engineer, and then

return to the Committee. Mr. Darmanin asked utilities be added to the proposed drawings. Mr. Comacho stated the utility information would be available in the next week, and would be added to the proposal.

Mr. Irvine requested an easement be obtained to remove the pole and the cabinet from the sidewalk, and suggested any improvements on the west side would positively impact decisions made for the east side. There followed a discussion regarding viable options for the placement of the poles.

Mr. Dunckel encouraged the private easement option. Mr. Dunckel also reminded the Committee members the City, until proven otherwise, had jurisdiction over the easement. The Committee should move forward on the issue based on the belief that the City had jurisdiction.

**Motion** made by Mr. Dunckel, seconded by Mr. Darmanin, to table the item.

In a voice vote, the motion passed unanimously.

There being no further business to come before the Committee the meeting adjourned at 12:28 p.m.

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