

**APPROVED**  
**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING**  
**CITY HALL 8<sup>TH</sup> FLOOR**  
**COMMISSION CONFERENCE ROOM**  
**THURSDAY, JUNE 16, 2011 – 10:00 A.M.**

**Committee Members Present**

Peter Partington, Chair  
Tony Irvine, Engineering  
Leona Lettsome, Parks and Recreation  
Tom Terrell, Public Works  
Mark Darmanin, Utilities  
Anthony Fajardo, Planning and Zoning  
Skip Margerum, Code Enforcement  
Robert Dunckel, Assistant City Attorney

**Staff**

Victor Volpi, Liaison, Senior Real Estate Officer  
Carrie Sarver, Assistant City Attorney  
Frank Snedaker, City Architect  
Dennis Girisgen, Public Works  
Diana Alarcon, Parking and Fleet Services  
Antoinette Butler, Parking and Fleet Services  
Randall Robinson, Planning and Zoning  
Barbara Hartmann, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**Call to Order**

Chair Partington called the meeting to order at 10:09 a.m., and stated this was a meeting of the City's Property and Right-of-Way Committee, a City Staff committee with the responsibility of advising the City Commission on matters affecting the dispensation of City property.

**ITEM ONE**

**APPROVAL OF MAY 19, 2011 MINUTES**

**Motion** made by Mr. Darmanin, seconded by Mr. Terrell, to approve the minutes of the May 19, 2011 meeting as presented. In a voice vote, the **motion** passed unanimously.

**ITEM TWO**

**CONSTRUCT A SIGN**

Address: 1226 NE 4 Avenue

Mr. Volpi advised that the sign would be attached to a building and would extend approximately 5 in. into the right-of-way. He provided the Committee with extra drawings of the proposed sign.

Attorney Dunckel said there were jurisdictional issues related to this Item. Mr. Irvine explained that the road in question is a State road and the Committee may make no recommendation. Mr. Volpi noted that the Committee may recommend that the State approve the Application.

Chair Partington explained that the sign would project into a right-of-way owned by the Florida Department of Transportation (FDOT), and the Applicant would require a permit from that Department. Mr. Irvine recommended that the Applicant's fee be returned, as the Committee could not act on the Item.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to return the Applicant's fee. In a voice vote, the **motion** passed unanimously.

Chair Partington asked if the site was on private property. Randal Klett, representing the Applicant, said it was, but added that he did not have a building permit because the sign would extend into the right-of-way. He did not know how far into the right-of-way the sign would project, although he estimated it was one to five inches. The property is an existing building, but the sign is not an existing sign.

**ITEM THREE**

**EASEMENT DEDICATION**

Address: 2220 NW 21 Street

Mr. Volpi said this would be a 10 ft. easement along the south side of Oswald Park to place an 8 in. water main.

Mr. Girisgen said the issue is the need to complete water main restoration for the neighborhood to the north of Oswald Park. There is no right-of-way that extends all the way to this area. The request is to go through the easement on the north side of the park.

Mr. Snedaker added that once major work was completed at Oswald Park, the City was required to include landscaping along the north property line as a screen for the neighboring homes. He advised that if this is damaged by placement of utilities in the easement, it should be replaced.

Attorney Dunckel asked if the City had placed the landscaping in a utility easement area, which is dedicated on the plat. Mr. Snedaker said the landscaping was a requirement of site plan approval.

Mr. Darmanin requested that one condition of approval be utility review, as he did not want the water main to take up the center of the corridor.

Mr. Irvine asked if the easement could be widened if necessary. Mr. Darmanin said it could. Mr. Irvine said he would recommend approval of the Application "as is," and dedicate more space to the easement if it is needed in the future by other utilities.

Attorney Dunckel suggested the Committee could grant an additional 10 ft. as part of the public utility easement, as he was concerned there may be a conflict with the existing landscaping. He noted that the right of a public utility to use the easement is superior to the need for landscaping.

Mr. Irvine asked if Oakland Park is considered to be a public utility within the City of Fort Lauderdale. Attorney Dunckel said it is.

Attorney Dunckel asked if sufficient due diligence has been done to support a motion to grant additional space to the easement. Mr. Darmanin said there did not appear to be any utilities currently in this space. Mr. Snedaker noted that there may be a dumpster enclosure encroaching into the area that would be added to the easement. Attorney Dunckel said the presence of the dumpster enclosure would be considered a vested right that has priority over the placement of public utilities, and asked what construction techniques would be used to place a line in the easement.

Attorney Dunckel said another question is how to implement the placement of the water main, and asked if this would require an engineering permit. Mr. Girisgen said normally this permit would be required, but raised the question of future maintenance of the landscaping, should the water main need work. Attorney Dunckel said this could be made a condition of the permit.

Mr. Darmanin pointed out that water main installation may also disturb the irrigation system, asphalt and palm trees in the area, among other considerations. He advised that it could be best to dedicate an additional 10 ft. elsewhere in the park instead of next to the original 10 ft. easement, and advised there are methods of construction that would allow for the restoration of the landscaping.

Mr. Terrell said the Application could be approved as is, and the Applicant would be responsible for restoring the landscaping, or the Application could be deferred until a representative is present to discuss the options. Mr. Darmanin pointed out that he was not in favor of deferral, as the Applicant would need resolution of the issue as quickly as possible.

Mr. Irvine asked if an agreement could be crafted to stipulate conditions of construction and maintenance into perpetuity. Attorney Dunckel said this would be possible, but advised it would not be consistent with a good neighbor policy.

Chair Partington asked Mr. Girisgen if the engineering permit for the work could include conditions. Mr. Girisgen said his main question was whether or not to treat the work as if it were a utility; if so, it could be specified that whenever work in the easement is necessary, the Applicant would require a new permit. This would ensure that the easement is restored to equal or better condition whenever work is done.

**Motion** made by Attorney Dunckel, seconded by Mr. Irvine, to recommend an engineering permit with appropriate conditions be issued to Oakland Park. In a voice vote, the **motion** passed unanimously.

**ITEM A**

**WALK ON**

Address: 701 S Andrews

**Motion** made by Attorney Dunckel, seconded by Mr. Terrell, to approve A. In a voice vote, the **motion** passed unanimously.

It was decided that Item B would be deferred until later in the meeting. The following Item was taken out of order on the Agenda.

**ITEM C**

**WALK ON**

Address: 3300 N Ocean Boulevard

Chair Partington advised that he had received a letter from the president of the Galt Mile Community Association, which reflects strong support for the Applicant's efforts to enhance his property. This letter was made part of the record.

Attorney Dunckel noted that the request was for vacation, or for a license to allow the Applicant to continue to park in the right-of-way. The space is currently not used for parking because the Applicant cannot get approval to re-pave it. Its parking is only accessible through the Applicant's private property. Chair Partington said there has been parking in this right-of-way for many years and the Applicant would like permission to re-pave and maintain the area.

Mr. Irvine asked why the Applicant could not obtain a building permit to re-pave the privately owned portion and an engineering portion to re-pave the portion in the right-of-way. Chair Partington explained that a permit could not be given to

allow private parking in a public right-of-way. Attorney Dunckel said the permit would not authorize parking, but would simply allow for re-paving.

Mr. Irvine asked if there would be additional changes to the area other than re-paving. Mr. Terrell said vacating the right-of-way could create a need for landscaping. Mr. Girisgen clarified that this would depend upon whether or not the area within the right-of-way is being used to satisfy the Applicant's on-site parking requirement. Attorney Dunckel confirmed that public parking cannot be used to satisfy parking requirements, but can be considered as part of a parking reduction.

Mr. Volpi said the Application came to the Committee when the Applicant requested a building permit to re-pave the area, and was informed it was in the public right-of-way.

Mr. Margerum asked how many parking spaces are on the property. Sam Kantzavelos, Applicant, said there were 48 to 50 spaces on his property. Mr. Margerum advised the standard is for one space per 100 sq. ft. of restaurant, which would mean 42 spaces were required. Mr. Girisgen pointed out that if the property was built before the 1950s, there would not have been any parking requirements at that time.

Mary Kantzavelos, Applicant, said the parking requirement was a condition before the business went into the property 22 years ago.

Mr. Terrell noted that paving the right-of-way has been permitted before now, and the request is for re-paving the area. He stated the Committee was only being asked to help the Applicant get the necessary permit for re-paving.

Attorney Dunckel asked the Applicants to describe what they wanted to do with the right-of-way. Ms. Kantzavelos said they wanted to beautify the property by re-paving the parking area and adding landscaping. Chair Partington asked if these actions on the Applicants' property would be subject to a building permit, as when a certain amount of work is done to an existing site, it would trigger current landscaping Code. Ms. Kantzavelos said this was what they wanted.

Chair Partington clarified there was no issue with parking in the right-of-way; the only issue was that it would cause a recalculation of the Applicants' parking requirement and whether or not the spaces in the right-of-way could be counted toward that requirement. Mr. Girisgen agreed, stating there would need to be some investigation into the on-site parking requirements as last approved. He added that Engineering looks at on-site paving for drainage purposes, but not for purposes of Code.

Chair Partington asked why investigation into the parking requirement would be necessary. Mr. Girisgen said recent cases have arisen in which the City Attorney's Office, Parking and Fleet Services, and the Engineering Department have cooperated on "how to handle these cases." Attorney Dunckel added that the cases in question have isolated circumstances.

Chair Partington asked if the original building is so old that the parking requirement was grandfathered in. Ms. Alarcon said this depended upon the Code requirements in place the last time a permit was received. If the Applicant was working on "more than 50%" of the lot, they would need to meet the current Code.

Mr. Girisgen noted that when landscaping improvements are made in rights-of-way, a revocable license agreement is usually required to ensure future maintenance. Mr. Kantzavelos said he was not proposing to re-landscape a strip on the property, although he could do this if it was required.

Mr. Irvine said the parking lot would be unusable if the City right-of-way was removed from it, and agreed the best course of action might be to give the Applicant some license to use the right-of-way as parking. Attorney Dunckel advised that the Committee issue the Applicant a permit for re-paving and re-landscaping, with the City retaining the right to maintain the landscaping.

Attorney Dunckel asked the Applicants how much landscaping they were comfortable taking on. Mr. Kantzavelos said the area currently has trees and grass, and stated he would maintain the grass. Ms. Alarcon advised that any landscaping in the area should follow the Master Plan for the Galt Mile. She said more information was necessary from the Parks and Recreation Department, particularly with regard to proper irrigation of the area.

Mr. Terrell said his preference would be to give the Applicant a permit for paving on his own property as well as one for paving the right-of-way, and allowing the permit process to determine what the landscaping would look like. Attorney Dunckel stated he did not want to impose the obligation of "landscaping to the extent of our Master Plan" on the Applicant, as he felt this was a City responsibility.

**Motion** made by Attorney Dunckel, seconded by Mr. Terrell, to recommend approval of issuance of an engineering permit for the paving and re-striping, and for landscaping, but not to the extent that the Master Plan requires landscaping.

Mr. Darmanin said if a permit is issued simply to let the Applicant re-pave the right-of-way, he did not believe further action by the Committee would be necessary. If any conditions or requirements regarding landscaping are added, however, they would enter a gray area. He reiterated that the best way to "let

sleeping dogs lie” would be to ask the Applicant to accept a permit only to re-pave the area.

Mr. Margerum asked if a permit for the private property would trigger landscaping requirements. Mr. Girisgen said it would if more than 50% of the private property was improved; in addition, Chair Partington noted that the Applicant could not count improvements to the landscaping in the right-of-way toward this requirement. He asked if Mr. Darmanin’s proposal was an **amendment** to the **motion**. Mr. Darmanin said the **motion** should be limited to “just giving the permit to re-asphalt the parking area.”

Ms. Alarcon pointed out that by Code, ADA requirements must be built into the private property. Mr. Margerum said there are three spaces on the private site. Mr. Girisgen explained that due to resurfacing, there was the possibility that additional handicap-accessible spaces must be added.

Attorney Dunckel stated that he would accept the **amendment** to his **motion** subject to there being no prejudice regarding the Applicant returning at a future date relative to landscaping. Mr. Darmanin agreed with this, noting that should the Applicants’ asphalt cause any damage to the sod, the engineering permit would require that the sod be replaced.

Attorney Dunckel explained to the Applicants that the **motion** would allow them to re-pave and stripe the right-of-way, and “save for another day the landscape issue.”

Mr. Terrell **seconded** the **amended motion**.

Chair Partington called the question. In a voice vote, the **motion** passed unanimously.

**ITEM D**

**WALK ON**

Address: 216 SW 28 Street

Mr. Volpi said this Application was to pave the right-of-way for private parking that has been in place for years. He advised it was for the paving of a parking area for a warehouse. The area is fenced, but parking has always been located in the right-of-way.

Ms. Alarcon stated she had a concern with the idea that this was a private parking area, as the parking was in the right-of-way and was “general public parking.” Mr. Volpi clarified that the parking was half in and half out of the right-of-way. Ms. Alarcon asserted that this still made for public parking.

Chair Partington clarified that as long as there was no signage labeling the area as private parking, they could approve the Application. Attorney Dunckel said he would prefer that the Applicant be present so he or she would understand that the Committee is not “granting what’s written here in the Application.”

**Motion** made by Mr. Terrell, seconded by Attorney Dunckel, to defer because the Applicant was not there. In a voice vote, the **motion** passed unanimously.

**ITEM E**

**WALK ON**

Address: 590 NW 7 Avenue

Sean Jones, Applicant, explained that his company was preparing to start construction on a development. After reviewing the title, it was determined that a utility easement on the property vacates a 50 ft. alley. They are seeking to remove the easement. The Applicant has received letters of no objection from Florida Power and Light (FPL) and the Utilities Department.

Mr. Darmanin said his letter of no objection stated that they would have no objection if, should utilities be found in the easement, they were relocated at the developer’s expense. Mr. Jones said he has worked out an arrangement with FPL to move the existing facilities; this removal should already be in progress.

Chair Partington observed that the easement would be vacated because there was no longer a valid public purpose for its existence. Attorney Dunckel said the right-of-way was vacated, but in the process retained the underlying utilities; the request is now to vacate the utilities.

**Motion** made by Mr. Irvine, seconded by Mr. Darmanin, that the Committee recommend vacation of the utilities as presented, with the provision that any existing utilities are either relocated or some other arrangement made to the satisfaction of [interested parties].

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

**ITEM B**

**WALK ON**

Address: 2617 NE 13 Court

Mr. Volpi explained that the Applicant would like to pave a right-of-way that has been used for private parking for many years.

Thomas Fox, representing the Applicant, said the request is to make a small cosmetic improvement to the area in order to bring it “up to par” with the adjacent

area. Attorney Dunckel advised that the Committee cannot sanction the use of a right-of-way for private parking. Mr. Fox said he understood this.

The Committee reviewed photographs of the site. Chair Partington noted that there was a sign posted on the parking area. Mr. Fox said the sign was for "Private Parking/No Parking," and he has since removed it. He explained that in previous years, the sign had referred to private parking for a guest house.

Mr. Girisgen confirmed that the Applicant would still need a permit to pave in the right-of-way. Mr. Fox said he has applied for the necessary permit.

Chair Partington asked if the Application would trigger an examination of parking requirements for the site. Ms. Alarcon said the examination would be necessary for the same reasons stated during the discussion of Item C. Chair Partington observed that because the Committee had approved the Application for Item C, they should also approve the current Application. Mr. Irvine pointed out that the restaurant in Item C seemed to have sufficient parking to meet its parking requirements; for this Item, the parking in the right-of-way appeared to be the only parking available for the site.

Mr. Girisgen said when a permit is approved for a site such as this one, those permits are later cited to the Engineering Department as a precedent. He said the City Attorney's Office has expressed a concern with allowing private use of a public right-of-way, especially for parking, as there are currently a number of cases in which individuals believe they are grandfathered in to have parking in a right-of-way when that is not necessarily the case.

Mr. Fox said there was a 1976 permit allowing the right-of-way to be paved for parking. He suggested that the Committee could make a one-time declaration, approving the paving only for the current property owner.

Mr. Girisgen said if the building and site plan were approved in the 1950s, before there were parking requirements in the City, it could be argued that the right-of-way was not private parking, which would make it easier to approve the Application. However, if the parking in the right-of-way is being used to satisfy on-site parking conditions, it must be resolved.

Ms. Alarcon stated there are site plans in which parking was supposed to be on-site, but a pool was developed to push the parking into the right-of-way. She felt strongly that the Application must be closely investigated to make sure a precedent is not established by mistake. She advised there are residential parking permit programs that would allow a right-of-way to be used for specific other uses.

Chair Partington asked if the concern was with allowing individuals to pave rights-of-way and perpetuate the appearance that it is private parking, and allow a site to be cited as a precedent for future parking in rights-of-way. Ms. Alarcon agreed this was her concern. Chair Partington said he was not sure this was a valid concern, as he did not believe Planning and Zoning would allow the spaces in the right-of-way to be counted toward a parking requirement in any case. Mr. Girisgen stated again that the issue was whether or not the spaces in the right-of-way were being counted toward on-site parking requirements.

Attorney Dunckel said he was in favor of deferring the Item until due diligence has been done to determine if the site was built before parking requirements existed. He pointed out that there is a 24 ft. setback on one edge of the property, as well as another setback, which may have been used for parking at an earlier time.

Mr. Darmanin pointed out that in addition to the issue of paving the right-of-way, there would be drainage requirements and other issues from a Utilities standpoint. Paver blocks or pervious pavement may be required depending upon when the site was built. He concluded that each case regarding paving for private use in a right-of-way is different.

Mr. Fajardo asked what would happen if the property is not grandfathered in. Attorney Dunckel said whatever action is taken should be done with all appropriate background information. Ms. Alarcon added that if the parking should have been on-site but was moved into the right-of-way, the Applicant could apply for a residential parking permit. She felt they could then reach an end result that would both protect City property and benefit the residents. She agreed that the Item should be deferred.

Mr. Fox said his research into the records of the property stated it was built in the late 1950s and the pool was added in the 1960s; the fence was added at a later time. He stated that the owner understands any future changes to the property will be subject to Code.

Chair Partington observed that while the paving would improve a “scruffy” area, the Application appears to be more of a test case than Item C had been. He noted that there are several instances of “backout parking” throughout the City that have been used for parking that is necessary to the function of a building. He added that had the Applicant constructed a new building on the site and wanted to park in the swale, the Committee would not allow the style of parking or the type of construction, as drainage and other issues would be involved.

Attorney Dunckel pointed out that there are two types of backout parking: parking that is totally in the right-of-way, and parking that is on private property but allows

cars to back out into the right-of-way. He noted that the latter type is permitted in some zoning districts.

Mr. Girisgen said he would defer to the City Attorney regarding precedent; while he did not mind issuing permits, he also did not want to cause harm to the City. Mr. Volpi agreed that other than not knowing when the property was built, he did not see a reason to defer the Application. He felt the Committee had the necessary information to proceed without knowing when the property was built, and advised that many more such cases would arise in the future.

Chair Partington advised that giving an owner permission to pave a right-of-way can reinforce the idea that the right-of-way is their parking space. Mr. Fox pointed out that in his research involving the site, he has not seen the City right-of-way designated as such; neither had he seen anything to indicate it could be privately owned.

Mr. Margerum said allowing the Applicant to repair the pavement did not give up the City's interest in the property. Ms. Alarcon stated that she would not like to see the Applicant spend the money on paving the right-of-way and then learn through research that the site plan required additional changes.

Chair Partington said the Item that was deferred earlier due to the Applicant's absence would provide the Committee with another opportunity to discuss these issues, and he was inclined to approve the Application.

**Motion** made by Mr. Irvine, seconded by Mr. Terrell, that the Committee approve the granting of an engineering permit to re-pave and patch this parking [area].

Mr. Darmanin said his intent would have been to vote to defer the Item, as he felt they should find out when the pool was built and whether it pushed some of the parking into the City right-of-way without a permit. If this is the case, Engineering could take steps if there are drainage-related issues; however, Engineering may not feel they have the authority to add a new condition to the permit.

Chair Partington asked if Engineering had the ability to require the Applicant to work on drainage issues when issuing a permit. Mr. Girisgen said if the site is already paved and impervious, he would not. Chair Partington explained that Mr. Darmanin's concern was this would set a precedent for re-paving areas and contributing to the City's drainage problems. Mr. Girisgen said if the request was for paving an area for the first time, he would require drainage conditions; if it is for re-paving, he would not.

Mr. Terrell reiterated that while he understood the drainage concern if the property is ever redeveloped, the Applicant was only asking to improve the

property with an overlay. Drainage considerations would only be required if the project required re-grading and starting over.

Ms. Alarcon said if the Committee defers the Item and allows time for due diligence to be done, and it is determined that the parking should be on-site, her Department can work with the Applicant through existing programs so he can “[do] what everybody else has to do.” However, if the Board approves the Application, it would allow the Applicant to go outside Ordinances and established procedures. She described the residential parking programs in place, and stated that compliance with these programs is required of other individuals.

Chair Partington said the due diligence might show that the private parking was relocated into the right-of-way “in the recent past.” He felt approval would strengthen the City’s position and allow them to require that the Applicant address drainage or other issues in addition to re-paving the right-of-way.

Mr. Volpi asked why the residential parking program did not apply to Item C. Ms. Alarcon said the parking in that case was “in an element where it presents itself as public parking;” in addition, the Applicants in Item C were paying for the expense of re-paving and re-striping rather than the City. They also did not plan any further beautification to the site. In Item B, the presentation is that parking is “strictly available for the residents,” and her concern was that parking was pushed into the right-of-way as items were added onto the site. This would appear to privatize the right-of-way, with which she had strong concerns.

Mr. Fajardo asked how the residential parking program is applicable to this particular Application. Ms. Alarcon said her biggest issue was that due diligence should be done before a permit is issued.

Chair Partington suggested that the **motion** be amended in order to reinforce the understanding that the parking in question is public parking.

Mr. Irvine **amended** his **motion** to emphasize that it is for paving public parking, subject to an engineering permit with conditions as [noted] by [Mr. Girisgen].

Mr. Irvine said he was concerned that this could “chase people away” who come before the Committee because they are seeking legitimate sanction to make repairs or improvements.

Attorney Dunckel asked what latitude Mr. Girisgen would have with regard to conditions: for example, would he have the latitude to require some form of drainage. Chair Partington said there is nothing to prevent Mr. Girisgen from researching the history of the site, and should he find that parking was relocated from private property into the right-of-way, Engineering could require the

Applicant to take additional action with regard to the right-of-way, as the situation resulted from the owner's error.

Attorney Dunckel said he did not feel permeable paver bricks would be appropriate, as these would make the property line appear to extend to the edge of the pavers, and asked if some other drainage mechanism would be used.

Mr. Terrell said permits for paving rights-of-way have previously required the property owners to maintain the drainage. He noted that requiring drainage would increase the cost of re-paving the right-of-way, and reiterated that the Applicant was simply trying to beautify the property.

Attorney Dunckel noted that not addressing drainage issues could create a problem in the future, particularly with regard to contiguous properties. He felt drainage conditions should be imposed on all similar applications that came before the Committee. Mr. Terrell said if the paving would be new, he would agree.

Chair Partington called the question. In a show of hands, the **motion** passed 6-2 (Mr. Darmanin and Attorney Dunckel dissenting).

**ITEM F**

**WALK ON**

Address: N/A

Mr. Volpi noted that the Application was to place rental bicycles, docking devices, and advertisements in various locations throughout the City.

Chair Partington recalled that the Committee has already approved a number of sites in principle. He noted that the Applicant must have "a certain critical number" of sites approved in order to implement B Cycle throughout the City, and asked if it was possible for the Applicant to proceed with some of the easier sites on their list.

Rod Feiner, attorney for the Applicant, said the last time B Cycle appeared before the Committee, they discussed issues including setbacks and zoning that would need to be considered for the prospective sites. He stated that an Ordinance scheduled for its first reading on Tuesday, June 21, would resolve the use, setback, and signage issues. He added that the Applicant understood any recommendations made by the Committee would be subject to the adoption of that Ordinance upon its final reading.

He reiterated that time elements are critical to the Application, as their agreement with Broward County has a roll-out date of October 31, 2011. The investment that B Cycle will make into the system, including the cost of the kiosks and permitting,

must be made by August 7. B Cycle feels they must have an “extreme level of comfort” that little more needs to be done by that date before they are willing to take the business risk of proceeding.

Chair Partington asked to know the minimum number of sites B Cycle must have approved in order to proceed. Jose Basulto, representing the Applicant, said the agreement with the County stipulates there must be 200 bicycles pending or 275 in the system in order to earn the \$311,000 that FDOT is putting toward the program; there are multiple factors relating to how many stations this will mean. He estimated that if 10 stations are approved at today’s meeting, the team could inform the Applicant that the minimum number will be achieved by the October deadline.

Mr. Basulto continued that three of the previously approved sites have been replaced, as they would have required FDOT approval rather than City approval.

Mr. Feiner stated for the record that the Applicant has met with Randall Robinson, Planner, who has helped them coordinate with various City Departments and find locations in which there are no conflicts with utilities or other considerations. He thanked Mr. Robinson on behalf of the Applicant.

Attorney Dunckel noted that a comment regarding relocation of landscaping appears in a number of locations, and asked at whose expense this relocation would be done. Mr. Basulto asserted that the Applicant would assume this expense.

Mr. Terrell noted that some sites make no designation regarding where they will get their power supply. Mr. Feiner advised that some of the sites will rely on solar panels. It was noted that one site will be subject to the Applicant’s finding AC power on their own, as they may not use City sources.

The Committee members discussed the first proposed location, 17 Street, and addressed concerns, including the relocation of irrigation equipment.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve the location of [site] number one. In a voice vote, the **motion** passed unanimously.

Ms. Alarcon stated she was strongly opposed to the proposed station in the second location, a City parking garage. She said she had asked the Applicant to consider moving the proposed site to another area, and there is no room for the station at the location listed on the Application. Mr. Darmanin recommended that discussion of this site be deferred to the end of the conversation.

With regard to power sources, Mr. Feiner said the Applicant understood they would have to pay for their own meter. He said Planning and Zoning had

provided the Applicant with a letter addressing this issue on May 9, 2011. The Applicant has taken no action contrary to the letter and understands the conditions.

It was stated that the Applicant had received some conflicting direction from various City Departments with regard to the site in question.

The Committee discussed the proposed site at a beach community center. Ms. Alarcon expressed concern with the Americans with Disabilities Act (ADA) accessibility of the sidewalk, noting that the rendering of the kiosk is not to scale. Mr. Basulto explained that the kiosk backs toward the building rather than toward the street.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve subject to the revisions discussed. In a voice vote, the **motion** passed unanimously.

Attorney Dunckel explained that the approval would include a provision that the site be subject to ADA requirements. Mr. Feiner said this was part of the proposed Ordinance.

The Committee discussed the proposed site near D.C. Alexander Park. It was confirmed that the station did not project into the sidewalk, and the Park is not deed-restricted.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

The Committee discussed the proposed site at Earl Lifshey Park. Mr. Robinson said the site was suggested by the Director of the Parks and Recreation Department. Mr. Basulto confirmed that the location would be away from the sidewalk, with a small connecting walkway; 5 ft. of shrubbery would be relocated to accommodate the station.

**Motion** made by Mr. Irvine, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

The Committee discussed the proposed site on Esplanade. Mr. Basulto advised two options are offered on this site, and the Applicant would be willing to proceed with the one the Committee preferred.

**Motion** made by Chair Partington, seconded by Mr. Irvine, to approve the double-sided site. In a voice vote, the **motion** passed unanimously.

The Committee discussed the proposed site at George English Park. It was confirmed that no parking spaces would be affected. Mr. Basulto added that the Applicant had discussed the work proposed at this Park by FDOT, and was not close to the utility's work area.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

The Committee discussed the proposed site at the library. It was confirmed that the site is owned by the City and leased to the County.

Attorney Dunckel said he believed the property was subject to leasehold by Broward County. Mr. Feiner said the Applicant would get documentation from the County stating they had no objection. Attorney Dunckel said this issue would need to be addressed as part of the license.

**Motion** made by Mr. Irvine, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

Attorney Dunckel advised that the Applicant planned to have "other sites within the City that are owned by Broward County," and noted that the Ordinance refers only to City-owned land. Mr. Fajardo said this issue was addressed in a section of the Ordinance.

The Committee discussed the proposed location at Birch Las Olas. Mr. Basulto said this location would be moved to a temporary space outside the fence for the duration of the Fort Lauderdale Boat Show. The station would be located on an existing concrete slab in order to prevent disturbance to any utilities.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

The Committee discussed the proposed location in the CRA, which is City-owned. Mr. Basulto explained there are two alternative sites proposed at this location.

Ms. Alarcon pointed out that an upcoming project will move two FPL light poles onto City property and the sidewalk and parking will be redone to make them ADA accessible on Las Olas Circle.

**Motion** made by Chair Partington, seconded by Mr. Terrell, for option 1. In a voice vote, the **motion** passed unanimously.

Mr. Robinson left the meeting at this time.

The Committee discussed the proposed location at Sebastian Street.

**Motion** made by Attorney Dunckel, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

It was noted that the approval of this site reached the minimum number of approved sites required in order for the Applicant to proceed.

The Committee discussed the proposed location in Willingham Park. Ms. Alarcon noted that there is already a great deal of bicycle and pedestrian traffic on the sidewalks in this area.

**Motion** made by Mr. Terrell, seconded by Mr. Darmanin, to approve. In a voice vote, the **motion** passed unanimously.

Chair Partington suggested if the Applicant moved further north, there was another prospective location nearby for a station. Ms. Alarcon advised the Applicant to contact her office with regard to a survey of this area.

Mr. Darmanin requested that they return to the discussion of proposed location 2, which was in the parking garage.

**Motion** made by Mr. Darmanin to defer the Item entitled Central Business District Parking Garage to a future meeting to allow the Applicant to search additional locations, where existing bike locations are currently, or any other location the Applicant would wish to see.

Mr. Terrell **seconded** the **motion**.

Mr. Irvine said he did not see how this site should be supported, and he felt it was best sent back to the drawing board. If it is deferred, he pointed out that it would come before the Committee again.

Mr. Feiner said if the Committee denied the Item with reasons on the record, the Applicant would seek another site.

Mr. Darmanin **withdrew** his **motion to defer**.

**Motion** made by Mr. Darmanin, seconded by Mr. Irvine, to deny the site listed as Central Business District Parking Garage.

Mr. Irvine said his reason for denial was that placing a station on this site "kills the City Park Mall" for pedestrian traffic. Mr. Terrell added that there are already designated bike areas near this location.

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

Chair Partington clarified that the sites approved today would not come back to the Committee; at this time, the remaining questions are about the engineering permits, building permits, and the proposed Ordinance.

Mr. Feiner asked if it would be possible for the approval of the sites to go before the City Commission at the same time the Ordinance went for its second reading. Attorney Dunckel confirmed he would attempt to have this done by the July 7 Commission meeting.

There being no further business to come before the Committee at this time, the meeting was adjourned at 12:45 p.m.

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