

# City of Fort Lauderdale

*City Hall*  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - DRAFT

Wednesday, January 21, 2015

1:30 PM

City Commission Conference Room

## City Commission Conference Meeting

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner***  
***ROMNEY ROGERS Vice Mayor - Commissioner - District IV***  
***BRUCE G. ROBERTS Commissioner - District I***  
***DEAN J. TRANTALIS Commissioner - District II***  
***ROBERT L. McKINZIE Commissioner - District III***

***LEE R. FELDMAN, City Manager***  
***JOHN HERBST, City Auditor***  
***JONDA K. JOSEPH, City Clerk***  
***CYNTHIA A. EVERETT, City Attorney***

Meeting was called to order at 1:52 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present:** 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Robert L. McKinzie

**Also Present:** City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Cecil Stone

## CITY COMMISSION REPORTS

### Events and Matters of Interest including followup on the Broward Metropolitan Planning Organization's Retreat

Members of the Commission announced recent and upcoming events and matters of interest.

#### Flight Pattern; Fort Lauderdale/Hollywood International Airport

Vice-Mayor Rogers had received a complaint about the flight pattern being changed. He questioned the why it was necessary and that the City was not notified. He wanted the City Manager to look into a modification. Mayor Seiler agreed. He felt space over Port Everglades should be used.

#### Bicycle Registration

In response to Vice Mayor Rogers, the City Manager advised that staff is looking into an online bicycle registration program.

#### Consolidation of E-911 Communications

Vice Mayor Rogers indicated he has received complaints including one about equipment. Concerning the computer aided dispatch software program, the City Manager advised that the County is preparing a request for proposals (RFP) for an upgrade. The City is maintaining its own radio system. A recommendation is being developed as to what the City's path should be over the next five years with regard to the physical radio. He believed that switching to the County in this regard may not be in the City's best interest due to reliability. There are issues on the County side with this, but they are not affecting the City.

#### Sober House

Mayor Seiler asked the City Attorney to look into ways to address this topic, perhaps with respect to parking and noise. Mayor Seiler and Vice-Mayor Rogers provided some feedback of concerns that have been conveyed to them.

#### Sunrise Recycling Center; NW 21 Terrace

Commissioner McKinzie advised that delivery trucks are eroding the swales and lining up in the roadway. Also, materials are stacked beyond the height of the retaining wall. He asked the City Manager to follow up.

Overflow of Students at Virginia Shuman Young Elementary School

Commissioner Trantalis asked that a resolution be adopted, for overflow of students from Virginia Shuman Young Elementary School who reside in the Priority Choice Area (Victoria Park, Colee Hammock and immediate surrounding areas) to attend Harbordale Elementary School. A general discussion followed including comments about Walker Elementary School.

Catherine Maus, president of Victoria Park Civic Association, explained that there are 150 seats allotted for the Priority Choice Area, but last year only 18 of 44 Victoria Park students were admitted. Other preferences, such as children of employees and military, are taking priority over their allotment.

During a general discussion on education, Walker Elementary was raised and Commissioner Trantalis indicated that the Superintendent indicated that more resources would now be focused on Walker.

There was consensus to walk on a resolution.

Broward County Homeless Continuum of Care Task Force

Commissioner Trantalis reported on his attendance at the most recent task force meeting. He recommended the Commission speak to the County Commissioners that represent Fort Lauderdale, asking that they address the City's needs.

NW 1 Avenue between Sistrunk Boulevard and 4 Street; Streetscaping

In response to Commissioner Trantalis, the City Manager advised there is about \$600,000 set aside in the Community Redevelopment Agency plan for a streetscape project. The original vision was something artistic. The challenge now has to do with the Competitive Consultants Negotiation Act. The project is not tied to a specific development. He has suggested creating a special assessment district along that corridor. Commissioner Trantalis emphasized his support in such a project.

Land Swap, Natchez (Barefoot Contessa, LLC) and City-Owned Sebastian Parking Lot Property

This matter was raised by Commissioner Trantalis. After a general discussion, Mayor Seiler asked that the Commission meet individually with the City Attorney and the matter come back before the Commission in that there is Commission consensus on the concept.

Foreclosure of Property in the Northwest

In response to Commissioner Trantalis, Mayor Seiler advised that he will be requesting this matter be scheduled for discussion by the Community Redevelopment Agency Board of Directors.

Aquablu Site Plan: Height

Commissioner Roberts questioned the Commission's intent with the recent Aquablu approval of a maximum height of 175 feet as to whether it included the mechanicals. The City Manager advised that the code does not include mechanicals when measuring height. Both Mayor Seiler and Commissioner Trantalis thought the thinking was that the 175 feet was all inclusive. Commissioner McKinzie noted that he was not serving at the time. Commissioner Roberts will meet with the staff on this matter.

**CONFERENCE REPORTS****CF-1 15-0047** INFORMATION TECHNOLOGY EMERGENCY PURCHASES

No discussion.

**CF-2 14-1588** PROPOSED LIEN SETTLEMENTS (SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES)

No discussion.

**CF-3 15-0053** CENTRAL BEACH MASTER PLAN PUBLIC IMPROVEMENT PROJECTS UPDATE - BEACH REPORTLas Olas Marina Expansion

In response to Mayor Seiler concerning the permitting timeline, the City Manager explained it depends on what information is required by the various permitting agencies. It could be short or as long as 18 months. The key issue is seagrass mitigation. The County staff is opposed to allowing the City to use Deerfield Island as a mitigation site. Commissioner Roberts was concerned about there being such a lengthy time frame. Vice Mayor Rogers pointed out the City will miss the window with the Florida Inland Navigation District which will result in a greater cost.

In response to Commissioner Trantalis, the City Manager advised the Bahia Mar portion is part of the entire proposal. The permit review time frame is an estimate.

Mayor Seiler thought it would be helpful to work with the pertinent Federal agencies.

**OLD/NEW BUSINESS****BUS-2 15-0092** VACATION RENTALS

Mayor Seiler opened the floor for public comment.

Hugh Chappell, 328 Coral Way, distributed advertisements concerning a property at 525 Coral Way. Some time ago the property owner attempted to start a bed and breakfast. The Code Enforcement Division was called and it was shut down. This area is not zoned for vacation rentals or hotels. It also does not meet state statute. The handout shows what is now operating like a hotel. He asked for Code Enforcement to shut it down again.

Daniel Wobby, 609 Coral Way, said he resides next door to the establishment referenced by Mr. Chappell. There are advertisements on the Internet for up to twenty people. He is opposed to such a use in this neighborhood.

George Coggeshall, 515 Coral Way, indicated he is concerned about the same issue mentioned. He believed there are other similar problems in this neighborhood. Mrs. Coggeshall said this has been going on for three years. There are noise disturbances at night.

Mayor Seiler explained that the Commission attempted to address this issue but the State pre-empted an action they were going to take. He agreed it is not appropriate. It is a quality of life issue. The City Attorney indicated that this may be a situation of oversight and followup from Code Enforcement from their previous actions. The State allows property owners to rent their homes as a vacation rental. Mayor Seiler asked if there are ways to impose additional restrictions. The City Attorney concurred that there are regulations in-place regarding such things. She suggested Code Enforcement shed more light on what they have attempted to do, then her office can look into this further. Some discussion followed as to time frame of this property and another on the street and when the State pre-empted the City. The City Manager believed there was litigation on one of these properties that ultimately led to formation of the short-term rental task force. In response to Mayor Seiler, the City Attorney advised it will probably be difficult to limit the number of unrelated individuals residing in a home. However, an event or a similar commercial activity would be different. Ultimately, it will be about enforcement. Vice Mayor Rogers noted that the legislature opened the door to limit the number of people. The City Attorney noted there are minimum housing standards as to space required per person, but ultimately it is a matter of enforcement and getting into the premises which may be difficult.

Mr. Chappell did not believe the exemption applies. The State has not taken away the City's zoning code. He wanted the City to challenge the statute. Mayor Seiler elaborated upon discussions county-wide through the League of Cities and the conclusion not to challenge the State. The City Attorney indicated there may be things on the books that would be helpful, but this is the first she is hearing about this property. Mayor Seiler felt it is not appropriate to be advertising occupancy up to twenty. Assistant City Attorney D'Wayne Spence understood that Mr. Chappell is saying that under the definition of vacation rental, it should be considered a commercial use not permitted in the zoning district. However, all of the city attorneys through the League of Cities are in agreement that it does prohibit the cities from enacting any regulation, including zoning regulations, that prohibit vacation rentals as defined in the statute. In response to Commissioner Roberts' question about using the zoning code that is already in place, Spence noted the case mentioned by the City Manager in 2012 that was denied on appeal. Mayor Seiler wanted to look at this matter from every angle, particularly the number of people in a single-family home. The City Attorney asked for information on this matter so that her office can look further into what can be done.

Charles King, 105 North Victoria Park Road, opposed short-term vacation rentals. Regulations need to be put in place.

There was no one else wishing to speak.

Vice Mayor Rogers pointed out that payment of a BED tax is required for such rentals. He suggested adopting an ordinance establishing a registration procedure. They could then be informed of required taxes. Commissioner Roberts noted what New York City is doing with Airbnb and similarities. The City Manager noted the need for enforcement staff. Vice Mayor Rogers also favored something that would limit the number of occupants and anything that would be helpful. The City Attorney advised that there is consideration toward amending the Unified Land Development Regulations to prevent the problem when the City was previously challenged.

## **BUS-1 15-0065** PRESS PLAY FORT LAUDERDALE: OUR CITY, OUR STRATEGIC PLAN 2018 PROGRESS REPORT

Structural Innovation Manager Amy Knowles highlighted information in Exhibit 2 slides relating to this matter. A copy of Exhibit 2 is attached to these minutes. Administrative Assistant Samantha Timko continued review of the slides.

Commissioner Trantalis asked about maintaining the painted intersections. The City Manager advised information will be forthcoming from Transportation and Mobility. They will be pressure-cleaned. Concerning Slide 12, Commissioner Trantalis was interested in removing residential to see commercial adaptive reuse.

The City Auditor noted an audit on performance measures several years ago. Most everything recommended is now coming to fruition under the current management.

### **BUS-3 14-1566 CITYWIDE SIDEWALK INSPECTION AND MANAGEMENT SYSTEM**

Public Works Director Hardeep Anand reviewed information in a slide presentation provided as Exhibit 4. Mayor Seiler and Vice-Mayor Rogers questioned whether the City has litigated a trip and fall case considering the City ordinance about an abutting property owner being required to maintain the sidewalk. Both the City Manager and City Attorney could not recall any. The City Attorney mentioned at one time a resolution was presented to notify the property owner of their responsibility, but there was not consensus support. Commissioner McKinzie felt it should be decided if the abutting property owner would be charged even if the tree that causes the problem was not planted by that property owner. He did not think it is common for cities to charge the homeowner for general maintenance. The City Manager commented that a sidewalk utility could be created with a monthly fee and the City takes over the full maintenance responsibility.

In response to Vice-Mayor Rogers, Anand said the cost for asphalt compared to concrete is \$5-6 and \$18 per square foot. In response to Commissioner McKinzie, Anand said the warranty period is one year. The thickness of sidewalks has been increased from four to six inches. If there is a contractor workmanship issue, it would be addressed. Commissioner Roberts felt Category 1, large vertical displacement, damage, should be the priority. He wanted to find a way for the City to assume the responsibility. If damage is caused by the property owner, the repair cost will be the property owner's responsibility. The City Manager explained that it is very difficult to prove that a property owner's actions are the cause. During a general discussion, Vice Mayor Rogers noted one strategy is to consider those areas where traffic is the worst. He wanted to consider asphalt. Both Commissioners Trantalis and McKinzie pointed out that asphalt does not last. Commissioner Roberts wanted to look at options including asphalt and other materials. The ordinance should allow for placing the responsibility on the property owner if it can be proven that the damage was caused by the property owner. Mayor Seiler agreed. Vice Mayor Rogers suggested sharing the cost between the City and property owner. Mayor Seiler agreed.

Mayor Seiler opened the floor for public comment.

Camille Hansen, member of Flagler Village Civic Association Board of Directors, indicated that she took photographs of all sidewalks in Flagler Village in need of repair and sent them to Lauderserv and to the Code Enforcement Division. She was told that repairs have to be approved by the Commission. The ordinance provides for financing and billing on the property owner's utility bill. She did not think that property owners realize they are responsible for the sidewalk.

In response to Commissioner Trantalis, Anand advised that new sidewalk would be more than \$6 per square foot but not more than \$18. Commissioner Trantalis thought this is something that could be done as a neighborhood project.

Abby Laughlin, representing Central Beach Alliance, noted the ordinance provides financing only for one to four-family units. She suggested it be amended to give opportunities for other types of properties. She did not think the ordinance is well known by people.

Vice Mayor Rogers suggested attention should be given to sidewalks associated with access to public parks.

Anand noted that when this matter was discussed by the Budget Advisory Board, it was suggested a workshop similar to what was done for stormwater and to invite public participation as to suggestions. Mayor Seiler suggested allowing multi-family developments to finance sidewalk improvements also. The City Manager added that the opportunity could also be given to commercial properties. Commissioner McKinzie was concerned about people who cannot afford it.

Ms. Hansen commented about a project that was not completed. The northwest corner of 3 Avenue and 4Street has been used for parking but the surface is broken and quite a mess. .

There was no one else wishing to speak.

## BOARDS AND COMMITTEES

### **BD-1 15-0054** COMMUNICATIONS TO CITY COMMISSION AND MINUTES CIRCULATED - period ending January 15, 2015

Commissioner Trantalis stepped out of the meeting during this item's discussion.

#### Education Advisory Board

*The City of Fort Lauderdale Education Advisory Board strongly encourages the Broward School Board to include a greater representation of community leaders when appointing members to the Board Oversight Committee. We believe this would offer more diverse opinions, and inspire more confidence in residents.*

*The Board of the Council is sending you this communication directly at this time since our next Meeting is not until January 13.*

*We want you to know that we share the Education Advisory Board's concerns. As you recall from Your presentation, skepticism about the successful implementation of the Bond Initiative was a great concern to our member HOAs and Civics. Your assurances that the Board Oversight Committee would carefully watch over the implementation were a big factor in convincing our members to support the Bond Initiative.*

*This is not an auspicious start to the process. We urge you and the other Commissioners to include representatives from local communities on the Board Oversight Committee.*

*We would be happy to continue this discussion before the School Board makes its final determination.*

Mayor Seiler suggested sending a letter to the School Board on behalf of the City. There was consensus agreement. He asked the City Clerk to handle.

#### Northwest Progresso-Flagler Heights Redevelopment Advisory Board

*Motion made by Mr. Lagi, seconded by Ms. Sanandres, to send a communication to the CRA Board to consider scheduling a joint workshop with the NPF CRA Advisory Board. In a voice vote, the motion passed unanimously.*

Mayor Seiler agreed to hold a joint workshop and suggested a time frame of March or April.

#### Planning & Zoning Board

*Motion made by Mr. Witschen, seconded by Vice-Chair Hansen, that the Board was interested when staff recommended the passage of the Florida-friendly landscape ordinance, that there also be other water-saving initiatives considered, which would place further emphasis on the reuse of water. In a voice vote, the motion passed unanimously.*

Jenni Morejon, Director of Sustainable Development, advised that this ordinance will be presented to the Commission in early February.

## **BD-2 BOARD AND COMMITTEE VACANCIES**

The City Manager advised that there is no membership maximum for the Parks, Recreation and Beaches Board. It is becoming quite large. The City Clerk offered to report back at 6 p.m. on the number of current members. Mayor Seiler requested an ordinance be brought forward. Vice-Mayor Rogers suggested a maximum of fifteen. Mayor Seiler asked for background information on the number of members that are term-limited.

Mayor Seiler suggested and there was agreement to appoint Genia Ellis to the Board of Adjustment as an alternate. Arleen Gross of the City Clerk's Office indicated the effective date would be the 31<sup>st</sup>.

Please see regular meeting item R-3.

## **CITY MANAGER REPORTS**

The City Commission convened the Executive Closed Door Session at 5:15 p.m. and adjourned at the end of the session.

### **EXECUTIVE CLOSED DOOR SESSION**

**THE CITY COMMISSION WILL MEET PRIVATELY PURSUANT TO FLORIDA  
STATUTE 286.011(8) CONCERNING WILLIAM DOHERTY v. CITY OF FORT  
LAUDERDALE, ET AL - Case No. 14-014173 (14)**