

City of Fort Lauderdale

City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - DRAFT

Tuesday, January 6, 2015

6:00 PM

City Commission Chambers

City Commission Regular 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 6:04 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, Sergeant At Arms Sergeant Luan Muluski and Sergeant Ed Wenger (9:39 p.m.)

Vote Roll Call Order for this Meeting

Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

Invocation

Pastor Bill Knott, Abiding Savior Lutheran Church

Pledge of Allegiance

Led by Commissioner McKinzie

Mayor Seiler called for a moment of silence to honor the family of James Theodore "Ted" Fling, 2010 Citizen of the Year, former advisory board member and former president of Victoria Park Civic Association.

Approval of MINUTES and Agenda

15-0040 APPROVAL OF MINUTES for October 21, 2014 Conference Meeting, October 27, 2014 Joint Workshop with Beach Redevelopment Advisory Board and October 31, 2014 Riverwalk Workshop

No public comments were submitted by email for the January 6, 2015 regular meeting.

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to approve the noted minutes.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PRESENTATIONS

PRES-1 15-0043 COMMUNITY APPEARANCE BOARD WOW AWARD FOR DISTRICT I

Commissioner Roberts presented the WOW Award to Fred Gray and Ron Stuart for improvements made to their home in Imperial Point. Community Appearance Board member David Bowles assisted with the

presentation.

PRES-2 14-1591 PROCLAMATION DECLARING JANUARY 14, 2015, AS WAR
MEMORIAL AUDITORIUM 65th ANNIVERSARY DAY IN THE CITY
OF FORT LAUDERDALE

Commissioner Trantalis presented the proclamation to Orlando Castellano, auditorium manager. Castellano thanked the Commission and invited the public to attend a 65th anniversary event.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

Motion made by Vice-Mayor Rogers and seconded by Commissioner Trantalis that all Consent Agenda items be approved as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CONSENT MOTION

CM-1 14-1602 EVENT AGREEMENTS: Icarus Florida Ultrafest Spring, Fort
Lauderdale Greek Festival, Floranada Day, Rufferfest #39, Where
the Cars Are, Moss New River Extravanga and Las Olas Sunday
Market

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-2 14-1603 EVENT AGREEMENT AND RELATED ROAD CLOSING: Dolphins
Cycling Challenge

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-3 14-1615 PURCHASE OF PROPERTY INSURANCE - \$2,033,021

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-4 15-0012 ADDITION OF NEW CLASSIFICATION - SENIOR POLICE
RECORDS TELETYPE OPERATOR AND CHANGE IN PAY GRADE
FOR INFORMATION TECHNOLOGY SECURITY ANALYST

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-5 14-1558 GRANT ACCEPTANCE - SNYDER PARK - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - Recreational Trails Program - \$200,000

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-6 14-1576 GRANT APPLICATION - MEMORIAL DAY WEEKEND BEACH ACTIVITIES - Broward County Cultural Tourism Program - \$20,000

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-7 14-1633 AGREEMENT FOR FLORIDA AIDS WALK AND MUSIC FESTIVAL - AIDS Healthcare Foundation d/b/a Postivie Healthcare

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-8 14-1641 GRANT ACCEPTANCE - \$43,114 - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - Countywide Solicitation - Operation Trend Buster IV

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-9 14-1643 GRANT ACCEPTANCE - \$72,557 - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - Countywide Solicitation - Urban League of Broward County Substance Abuse Prevention Program

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-10 15-0027 GRANT APPLICATION - Broward County Enhanced Marine Law Enforcement Program - \$126,740

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-11 14-1616 REVOCABLE LICENSE FOR TEMPORARY CLOSURE OF PUBLIC RIGHT OF WAY ON VISTAMAR STREET, BREAKERS AVENUE AND BELMAR STREET - construction of Paramount Condominium - Belmar Development Associates, LLC

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-12 14-1629 BLU ON MARINA BOULEVARD - MAINTENANCE MEMORANDUM OF AGREEMENT FOR STREETSCAPE LANDSCAPING IMPROVEMENTS ON STATE ROAD 84 WITH FLORIDA DEPARTMENT OF TRANSPORTATION AND ASSUMPTION AGREEMENT WITH BLU 84, LLC

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CONSENT RESOLUTION

CR-1 14-1574 CONSOLIDATED BUDGET AMENDMENT TO FISCAL YEAR 2015 BUDGET - APPROPRIATION

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CR-2 14-1133 PERFORMING ARTS CENTER AUTHORITY FISCAL YEAR 2015 BUDGET AND TRI-PARTY GRANT AGREEMENT FOR FUNDING THE CENTER

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CR-3 14-1637 A1A PEDESTRIAN BRIDGE - CONSENT TO ASSIGNMENT AND ASSUMPTION OF AGREEMENT FROM A1A TRADER, LLC TO DIAMONDROCK FL OWNER, LLC AND ASSIGNMENT OF PERMITS

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PURCHASING AGENDA

PUR-1 14-1584 ENGINEERING SERVICES FOR LAS OLAS MARINA DREDGING PROJECT - Coastal Systems International, Inc.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-2 14-1598 PROPRIETARY - PURCHASE OF PROJECT MANAGEMENT DATA INTEGRATION CONSULTING SERVICES - \$45,860 - Enstoa, Inc.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-3 14-1642 GRIT CHAMBER REHABILITATION AT LOHMEYER WASTEWATER TREATMENT PLANT - \$1,267,957.93 - David Mancini & Sons, Inc.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

RESOLUTIONS

R-2 15-0039 QUASI-JUDICIAL - DE NOVO HEARING - APPLICATION FOR INSTALLATION OF ABOVE-GRADE COMMUNICATIONS SERVICE FACILITIES AT EIGHT RIGHT OF WAY LOCATIONS

Applicant: Crown Castle NG East LLC

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED RESOLUTION SETTING PUBLIC HEARING AND EXTENDING DATE TO FEBRUARY 3, 2015

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CITIZEN PRESENTATIONS

CIT-1 15-0031 ART SEITZ - Fort Lauderdale Beach - City

Removed from agenda.

CIT-2 15-0035 CHRISTOPHER SHARP - Status of Investigation of Employee Concerns in Public Works Department

Removed from agenda.

CIT-3 15-0032 BENJAMIN PROWS - Bicycle Safety

Benjamin Prows was not present.

CIT-4 15-0033 CARL JR. GRANT - Campaign for Equal Liberty Fiscal Sponsorship

and Legislation

Carl Grant was not present.

CIT-5 15-0034 MICHAEL VANCE – Police

Michael Vance was not present.

RESOLUTIONS

R-1 14-1582 QUASI-JUDICIAL - AMENDMENT TO SITE PLAN LEVEL IV
DEVELOPMENT PERMIT FOR TIFFANY HOUSE - ESCAPE HOTEL
- 2900 Riomar Street - Case 1-ZPUD-08

All individuals wishing to speak on this matter were sworn in.

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

There being no individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner McKinzie to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

R-3 15-0021 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS -
vacancy information provided under Conference Item BD-2

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

- | | |
|---------------------------|---|
| Beach Redevelopment Board | Christian R. LUZ (Commissioner Roberts) |
| Nuisance Abatement Board | Dale Hoover (Consensus) |
| | Donald Ray Karney III (Consensus) |
| | Lorraine Saunders (Consensus) |
| | Cindy Smith (Consensus) |
| | Robert L. Wolfe Jr. (Consensus) |
| | Gustav L. Schmidt (Consensus/Alternate) |

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts

and Mayor Seiler

PUBLIC HEARINGS

PH-1 14-1537 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS - PUBLIC PARTICIPATION

NOTICE - site plans, conditional use and plats - Case T14010

Director of Sustainable and Economic Development Jenni Morejon highlighted the background related to this item, its purpose and the proposed process contained in the Commission Agenda Memorandum 14-1537.

Mayor Seiler opened the floor for public comment.

Gus Carbonell, 1457 NE 4 Avenue, felt that the current process is acceptable. Neighborhoods are notified. There should not be a one-size-fits-all process, but rather applied only for major projects. Commissioner Roberts advised that this would only apply to Site Plan Levels III and IV.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner Roberts to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis asked who would monitor authentication of the process. Morejon said the applicant would be required to provide an affidavit during a certain time frame prior to the Development Review Committee (DRC) and Planning & Zoning Board (P&Z) meetings. Staff will not be attending the meetings. Some civic associations only meet quarterly or annually. The Planning and Zoning Board did not want to delay projects. A case would not be heard at a DRC meeting without the affidavit being provided. The affidavit is required 10 days prior to the DRC meeting along with a written report, documenting when the meeting took place, who was present, a short summary and any presentation material. She confirmed for Commissioner Trantalis that a neighborhood association could provide its own report, which would be packaged with the staff report that goes to the P&Z and Commission. The information would be considered.

In response to Commissioner Roberts, the City Manager advised that civic associations are encouraged to go through the process to become a recognized association. It is unfair to staff and the applicant to identify unrecognized groups. Commissioner Roberts felt that there are active, longstanding associations that have not registered with the City. The City Manager agreed but noted that some type of a standard must be created. Commissioner Roberts asked that the City's staff liaison with the Council of Civic Associations encourage the Council to have unrecognized associations become recognized. Mayor Seiler commented that the Council also would like these associations to become recognized as well because they are then part of their group. The City Manager assured the Commission that staff will work on getting groups into recognition status.

Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PH-2 14-1539 FIRST READING OF ORDINANCE AMENDING CITY'S

COMPREHENSIVE PLAN - UPDATING WATER SUPPLY PLAN AND
GENERAL SANITARY SEWER, SOLID WASTE, DRAINAGE,
POTABLE WATER AND NATURAL GROUNDWATER AQUIFER
RECHARGE ELEMENT - Case T14011

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt that the plan should include sanitary considerations for the homeless population. He advocated for public restrooms.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner Roberts to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PH-4 14-1630 MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR RENTAL CAR WITH
CHAUFFEUR SERVICE - Airport2Port, Inc.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, suggested that this service is being micromanaged.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Vice-Mayor Rogers suggested this be delayed until the County moves forward in the interest of not setting an undesirable precedent. Commissioner Roberts questioned why Fort Lauderdale is the only municipality in the county involved in this process. Vice-Mayor Rogers pointed out that the application is inconsistent because applicants can choose sightseeing, but the rate schedule is based on specific locations. Mayor Seiler was unsure how to deny an application when the applicant has supplied everything. The City Attorney recommended that if the applicant meets criteria, she would not advise denial. If there are larger issues to explore, the Commission can do so going forward. Vice-Mayor Rogers noted that the ordinance is not part of the backup. It is inconsistent for the application to indicate this is a sightseeing vehicle but the rate schedule provides for people to be taken from place to place. Mayor Seiler felt the concerns are valid but he felt they should be addressed in amending the ordinance otherwise it is somewhat arbitrary. Transportation and Mobility Director Diana Alarcon said staff has been working with industry professionals. This particular applicant considers himself a chauffeur as opposed to someone who conducts sightseeing tours. An old application was used. In response to Vice-Mayor Rogers, Alarcon explained that insurance and financial information is required as part of the application. The City Manager added that the applicant in Agenda Item PH-5 has not purchased the vehicles and did not want to do so until assured that a certificate would be issued. In response to Commissioner Trantalis, Alarcon explained applicants must first receive a permit from the County. In that the City cannot change the County's regulations, Commissioner Trantalis questioned why the City gets involved. The City

Manager advised that it is primarily a county function throughout the state. However, from a policy standpoint, there was a great concern about the number of taxis and other vehicles for hire that would be operating and patrolling the streets looking for fares. Control on the number of certificates issued has been successful. There is less congestion in the tourist areas. There are about 200 certificates for drivers allowed to pick up in the city. Anyone can drop off. Commissioner Roberts felt this should be revisited. There may not be enough today. Vice-Mayor Rogers agreed. He felt it is a disservice to rubber stamp. The City Manager indicated that he has concerns about the ride-sharing economy of Uber and Lyft. He suggested taking action on the two items presented tonight and staff will present an ordinance imposing a moratorium until a ride-sharing ordinance is enacted.

Alarcon advised there are two pending applications for shuttle/limousine services.

Vice-Mayor Rogers wanted to wait for the County to address ride-sharing because the County is the overriding authority for transportation. The City Manager advised that the County held a workshop on this topic earlier today.

Commissioner Roberts favored approving this item if there will be a moratorium on further approvals including the two pending applications. The City Manager noted that a moratorium cannot be imposed tonight; an ordinance will have to be acted upon. The City Attorney advised that generally a moratorium does apply to any applications in process. Commissioner Trantalis felt the intention is to put the applicants of the pending application on notice that their applications will likely not be approved pending outcome of ride-sharing topic by the County. Commissioner Roberts was not comfortable as it stands. Mayor Seiler felt there should be some notice before discontinuance.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

APPROVED

Aye: 3 – Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler

Nay: 2 – Vice-Mayor Rogers and Commissioner Roberts

PH-5 14-1631 **MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR RENTAL CAR WITH
CHAUFFEUR - Fenix Transportation, Inc.**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, was opposed to comments made during discussion of this item. He supported Uber. People want a ride-sharing program. He went on to elaborate on issues concerning homelessness.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner McKinzie to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Motion made by Commissioner Trantalis and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 4 – Commissioner Trantalis, Commissioner McKinzie and Mayor Seiler

Nay: 2 – Vice-Mayor Rogers and Commissioner Roberts

ORDINANCES

O-1 14-1578 **SECOND READING OF ORDINANCE ESTABLISHING A PERMANENT PARKLET PROGRAM - Case 7T13**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, opposed the item.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-2 14-1521 **FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - INCREASING LIEN SEARCH SERVICE FEES**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned how the revenues would be spent. He discussed the enforcement costs associated with new laws. Safety should be a priority. He supported the item.

There was no one else wishing to speak.

Commissioner Trantalis was concerned about the extent of the increase. He believed the fee must be commensurate with the actual cost of conducting a lien search. He did not want to create an onerous charge in order to keep up with other municipalities. The City Manager believed the fee is justified for the work. The City Auditor shares a similar concern however and he has agreed to provide justification for the second reading. This involves several staff members. Commissioner Roberts pointed out that the Commission asked the Budget Advisory Board to review fees occasionally and make sure they are commensurate with services rendered.

Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-3 14-1423 **FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES - UPDATING WATER SYSTEM BACKFLOW PREVENTION PROGRAM**

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, expressed concerns about flooding and how City funds are spent. He advocated for the homeless.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinance, which was read by title only.

PASSED FIRST READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUBLIC HEARINGS

PH-3 15-0016 QUASI-JUDICIAL - DE NOVO HEARING - CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF RIVERMONT HOUSE - 1016 Waverly Road - Case H14014

Commissioner Trantalis advised in his discussion with Stephen Tilbrook on behalf of the Applicant, Tilbrook expressed the viewpoint that Commissioner Trantalis would not profit if he voted for or against this case. A question has been raised to the City Attorney that he has a conflict of interest because he represented the next-door neighbor, David Kyner, in the purchase of 20 feet along the border that the two property owners shared. The purchase was from two previous owners before the Applicant. He believed the current homeowners are suing the bank that sold them the property. Mayor Seiler indicated that Mr. Tilbrook has indicated Mr. Kyner is not involved in the lawsuit. In response to Commissioner Trantalis, Attorney Stephen Tilbrook of Gray Robinson P.A., representing the Applicant, said that if Commissioner Trantalis' representation has ended, he did not believe there is a conflict of interest. The Applicant is not asserting any conflict.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, said he believed Commissioner Trantalis has a conflict of interest.

Mayor Seiler asked if anyone else believes there is a conflict. No one came forward. Members of the Commission proceeded to announce with whom they had spoken and/or site visits made concerning this matter.

Tilbrook reviewed a list of items being submitted for the record. The list is attached to these minutes. He noted particulars about this application. Being in the Sailboat Bend Historic District, a certificate of appropriateness is required for all demolition and new construction. The Applicant initially intended to expand the existing home but after investigation and advice of her architect and engineers, she applied for a certificate of appropriateness for demolition because there was nothing to restore. There are six lots, but the home is located on Lots 1, 2 and 3. The application was filed in July of 2014. The Historic Preservation Board reached an agreement that the home was not a contributing structure, but the Board requested additional information about the archaeological resources at the site. An archaeological assessment and demolition management plan were presented to the Board and the Board unanimously approved the certificate of appropriateness subject to following demolition procedures outlined in the management plan.

Architect Leo Hanson reviewed his experience and credentials in historic preservation. He reviewed slides related to this matter, which are attached to these minutes. Several additions to the home were made between 1915 and 1947. The building permit application in 1947, after a hurricane, indicates a project cost of \$20,000 that equates today to roughly \$200,000. In 1950, there were significant changes also. In reviewing the slides, he explained what he believed occurred: The height of the house was raised, the house was rebuilt and a basement was added in 1947. Some materials were reused. Windows and doors were moved. He elaborated on materials used and how they reveal time periods. There are no photographs or records of the original materials.

James Witt reviewed his experience and credentials as an engineer and general contractor. He investigated the site in question. It has gone through at least four substantial events which he expanded upon. All historical elements in the interior are gone. The home's current condition is very poor. In order to be in compliance with building codes, about 80 to 90 percent of the home would need to be removed. None of the structural components meet current criteria. There is nothing to restore and therefore not practical or feasible.

Archaeologist Robert Carr reviewed his experience and credentials. He provided a detailed report on his archaeological phase one assessment of Lots 1-6, the entire property. The report was submitted into the record by Mr. Tilbrook at the beginning of the presentation (Exhibits 4 and 5). Most of the site was positive for pre-historic materials. A phase one assessment was previously done for 416 Palm Avenue, which is the adjacent property to the west. He noted the findings of that assessment. Most of the property was recognized as having been disturbed. The midden that exists on the Applicant's property extended onto 416 Palm Avenue. He has requested information on the monitoring and phase two of the 416 Palm Avenue property but has not received anything. He highlighted the demolition management plan and noted it is similar to others including that for Tarpon Park. Properly implemented, the plan will do the best possible job for preserving what part of the site still exists. He has worked with the project architects for demolition and construction of a new home at this site. The method is appropriate for respecting and protecting the archaeological resources at the site. He believed the owner and project team have that goal. He would not have worked with them if he did not think it could be done the right way.

In response to Mayor Seiler, Carr advised that the management plan is the same as what was submitted to the Commission at their last meeting, except that a staging area has been identified.

Tilbrook continued review of the slides.

Tilbrook advised that the information was well-received by the Historic Preservation Board (HPB), which determined the demolition plan was reasonable and appropriate. They asked that a second hearing be devoted to an archaeological management plan. They determined that the plan was reasonable and appropriate for the use of this property, which allows only single-family homes. This application only involves demolition; there will be a new application for the new home. There are conceptual plans for the new home which were presented to the HPB and the board was pleased with those plans. He noted how the project is in compliance with the City's Unified Land Development Regulations and two of the listed criteria in 47-24.11.C.4.c. Only one criterion has to be met. Neither the building nor the site is a locally-designated landmark. The house is located in the historic district but due to extensive modifications the home is no longer contributing to the historic district. The property also no longer has significance as a historic architectural or archaeological landmark. The house does not have the significance of a historic architectural landmark. The site has significance due to its archaeological resources. The inherent value of the site does not lend significance to the house. The value of the site can be preserved through a demolition management plan and construction plan under the guidance of an archaeologist and also by following proper procedures set forth in the City and County codes. If any significant resources are discovered, work will be stopped and Broward County's archaeologist will be consulted. He noted support from the Sailboat Bend Civic Association and several neighbors. He urged the Commission to follow the HPB's determination.

In response to Mayor Seiler, Assistant City Attorney D'Wayne Spence explained that the issue raised by James Brady in his January 2, 2015 letter is about the level of participation by the Broward Trust for Historic Preservation. The Trust does not meet the standing of a party to this matter, but it does not prevent them from participating in the proceedings.

Steve Glassman, representing Broward Trust for Historic Preservation, read in part from a letter, which is attached to these minutes, addressing the issue of standing. He noted he is also speaking on behalf of the adjacent property owner, David Kyner. In response to Mayor Seiler, Glassman indicated that the Trust did not participate in proceedings before the Historic Preservation Board or the Sailboat Bend Civic Association.

Attorney James Brady of Arnstein & Lehr LLP, said that in order to speak on behalf of a person who is not present, the individual must be a registered lobbyist. Additionally, when a party is represented on a legal matter, one must have a license to practice law in Florida. This would set a peculiar precedent.

Mayor Seiler did not believe the Trust is a party to this matter and he would not treat it as such. He also did not believe the Trust could legally represent an individual. There was consensus agreement that the Trust is not a party.

Raymond Cox, no address provided, suggested the City bid on purchase of the property and it be used as a public park with restrooms.

Steve Glassman, representing the Broward Trust for Historic Preservation, reviewed a list of items being submitted for the record. The list is attached to these minutes.

Brady stated that those who are not a party in a quasi-judicial proceeding cannot submit evidence in the hearing.

Glassman went on to read from a prepared statement, which is attached to these minutes.

Susan McClellan, representing the Broward Trust for Historic Preservation, provided documents for the record including her resume as a historic preservation architect and read from a prepared statement, which is attached to these minutes.

Joe Holland, representing the Broward Trust for Historic Preservation, read a historic preservation assessment by historic preservation specialist David Baber. A copy of the assessment that is also Exhibit of information provided by Steve Glassman is attached to these minutes.

Marla Dumas, representing the Broward Trust for Historic Preservation, noted that microfilm evidence located by McClellan shows that work was done during a significant period of 1940 and 1941 that the Sailboat Bend Historic District recognizes. Buildings that are nearly 100 years old change over time. The historic materials will not stay intact. Changes to the interior do not affect the ability to consider a building as contributing. Testimony about the line showing an addition to the house is not true. It had to do with reinforcement of a porch in 1941. It was an architectural improvement to make the house lasting. It is common to enclose porches on historic homes. When the house was built originally there was no air conditioning. The changes over time are appropriate. She referenced a drawing that explains the porch that was provided for the record. She went on to discuss the code's criteria for a contributing structure, three of which apply to this house as follows: The house is an important example of the cultural significance; a vernacular style was built which can be recognized in and of itself; the importance to this home is the people who lived there. She elaborated upon the craftsmanship; another code criteria. She believed the dormer is original. She recommended that an unbiased third party evaluate the property because of the differing opinions being expressed.

Michelle Williams of the Florida Public Archaeology Network reviewed her experience and credentials. She has been working to preserve the Rivermont site since 2011. She discussed local Native American history, which Mayor Seiler said is not in dispute. The issue is with the home; there is agreement that the site has significant value. Williams went on to say that the vast majority of sites that still survive in South Florida have been destroyed during construction processes. The Rivermont site is the last site of its size, importance and caliber on the New River. Any archaeological project on the site will be destructive. Removal of the historic home and subsequent construction of a new home will be much more destructive than a well-planned and monitored rehabilitation. In many places of North America, old homes save archaeological sites. Unfortunately the short-term desires of individual homeowners often take precedence over the cultural heritage of an entire community. Local government offers the highest level of protection for archaeology sites. She stressed the importance of preservation.

Sarah Nohe of the Florida Public Archaeology Network and a member of the Broward Trust for Historic Preservation reviewed her experience and credentials. This evening there has been compelling evidence in support of the Rivermont House. Demolition should not be allowed. She referenced Historic Preservation Board (HPB) Consultant Merrilyn Rathbun's report. The home and site together are among the most important historical resources in Fort Lauderdale. Demolition of the house would destroy the site. The application should be denied. The Applicant has attempted to discredit Rathbun's work. She pointed out that Mayor Seiler said previously he was unsure whether the HPB did everything they should to protect the site. She noted the City made historic preservation important when it was designated as a Certified Local Government. The State has recommended saving this house and the County has expressed grave concerns. Also, the State Archaeologist has asked the Seminole Tribe to provide their input. She suggested archaeological and architectural mediation, that is, a third party. She read a portion of the City's code on historic preservation. The burden of proof is on the Applicant to demonstrate how she has met the code's criteria for demolition. City staff has said the Applicant failed to meet the criteria and the Broward Trust agrees. There are no guarantees the Applicant will retain the property if demolition is granted. Many developers obtain approvals and then sell their properties. The presentation clearly shows that the Rivermont House is a key contributing structure in the Sailboat Bend Historic District based on its prime example of early vernacular architecture in South Florida that has weathered 100 years. The house was associated with George and Virginia Shuman Young and their construction company. She elaborated on evidence submitted with respect to other significant people who owned and resided in the home, and who contributed to Fort Lauderdale history. The application does not meet the criteria for a certificate of appropriateness for demolition.

HPB Consultant Merrilyn Rathbun reviewed her credentials and qualifications for her position as historic consultant to the City's Historic Preservation Board. She is an employee of the Fort Lauderdale Historical Society who has a contract with the City to provide consulting services to the HPB. Her subject as a local historian is the built history of the city from 1913 to 1929. However as research director of the Historical Society, she has had to expand that period. She provided a history of how the contract has evolved. A significant deliverable pursuant to the contract is a memorandum on cases that go before the HPB each month. The memorandum includes a historic context of the property, information about the applicant's proposed project and analysis of the appropriateness of their project under City criteria and standards of the Secretary of the Interior and her recommendation. For the past 14 years, she has provided more than 500 memoranda to the HPB.

Abby Laughlin, 425 Bayshore Drive, felt there will always be a gray line when it comes to matters of historic preservation but character assassination should not ever be used as a justification. She was disappointed in such attacks on staff and the City's historic consultant. She felt it would be a dangerous precedent to discredit Rathbun's memorandum while hundreds of previous ones have been accepted. She suggested transferring preservation rights. If a property owner wants to demolish a historically significant building, they should contribute financially to another historically important project. She encouraged out of the box thinking.

Dave Parker, 801 Middle Street, said he is treasurer and an active board member of the Sailboat Bend Civic Association. He read a letter from Susan Gillis to the City Commission, opposing the demolition. A copy of the letter that is also Exhibit 8 of information provided by Steve Glassman is attached to these minutes. He also summarized his letter on this matter, concerning the Board's vote, ownership, and the process being transparent. His letter is attached to these minutes.

L.F. Rosenthal, 1237 NW 4 Avenue, felt that the Applicant's attorney has submitted substantial evidence but the opponents have only submitted their subjective opinions. He felt that historic evidence should have been presented, such as a postcard, photograph or letters describing the house. He did not believe the home is historic.

Donna Mergenhagen, 3034 NW 69 Court, said she attended a district meeting 15 years ago at which residents asked their commissioner to support them in holding a developer to the promises he made. Ultimately the developer was not held accountable. This has happened in other projects as well. The current situation is a complex debacle but it also presents opportunities. She suggested reassessing the need for a dedicated historical officer. Additionally perhaps the City should institute completion bonds and tie promises to the issuance of certificates of occupancy. She also suggested developing a process to add variances to property covenants so responsibility is transferred with sale of the property and clarifying ownership status of each applicant at every public hearing.

Charles King, 105 North Victoria Park Road, said he has a degree in history. He did not see why it is important to preserve this home. He felt it would be more productive to have a statue of William Lauderdale. He felt that the historical community should focus on the real history of the city.

Architect Bob Tuthill said he was hired by the Applicant to restore the house. Leo Hanson was then asked to join. Everyone had good intentions to restore the property. Once he and Hanson got involved and evaluated the property, they determined that the reality is this house was demolished years ago. Maybe 10 percent of the original material is intact. The basement was constructed in stages over time. It was devastated in 1947 and rebuilt at a cost of \$20,000 which was quite expensive at the time. The beams underneath are from 1947, which was confirmed by the engineer. He elaborated on building materials and time frames when they were used.

In response to Commissioner Roberts, Economic and Sustainable Development Director Jenni Morejon confirmed that the staff recommendation is in the form of Rathbun's report, which does not support demolition. The Historic Preservation Board voted 6-0 in favor of demolition.

Tilbrook in rebuttal said the Applicant wants to make reasonable and appropriate use of the property. The property is zoned for single-family home use. They have a comprehensive and professional plan for managing any impacts to the midden site. The Applicant wants to be treated fairly and equally with other similarly situated applicants. The City conducted demolition on another midden site at Tarpon Park with a plan overseen by Robert Carr. The neighboring property owner, David Kyner, submitted two certificates of appropriateness for demolition and construction on this midden site, both of which were approved by the HPB. Mr. Kyner now chairs the HPB. There has been no credible expert testimony to counter their evidence. He asked the Commission to follow the HPB's determination.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner Roberts introduced the resolution to approve the certificate.

Commissioner Trantalis made some introductory comments about the topic of historic properties in the city in general. The Sailboat Bend area was created relating to historical significance by ordinance. The

Applicant knew she was buying in a historic district. It does not appear that there was ever a history of trying to save the house. There seems to have been a hodge podge of attempts to give it relevance for the era it represented. He wanted to separate the house from the site for discussion. There is no dispute that the site has historical significance. He wanted to ensure that the site is preserved and not built on. He understood that the HPB Consultant does not recommend demolition partly in order to preserve a style vernacular to the area. Looking at the neighborhood, he did not see any single style. It appears the decision of demolition was made by previous owners who destroyed the 1915 house. He read from Hanson's report that although the site has archaeological significance, that does not transfer to the house or relevant to demolition of the house so long as potential impacts to the archaeological resources are appropriately managed and mitigated. He supported demolition of the house. He did not think it violates a sense of dignity and historical perspective. There should be a restriction that nothing can be built on or beyond the existing perimeter which has already been compromised by construction of the existing house.

Vice-Mayor Rogers felt the procedure has been open and transparent. He did not think that ownership is an issue. The analysis should be on the greater weight of evidence. He felt the expert testimony that has the greatest weight is the detailed analysis of the structure. Once a structure has been rebuilt, when does one draw the line as to how it is determined to be historic. If it is down to 10 percent of the original structure, they are fooling everyone by trying to convince them it is historic, which is contrary to the guidelines of historic preservation. The HPB unanimously voted for demolition. The neighborhood also voted 13-0 to support demolition. He believed Carr's testimony on how to address demolition was thoughtful and concise. He wanted to incorporate the HPB criteria for demolition. In response to Vice-Mayor Rogers, the City Attorney advised that because this is a de novo proceeding, the Commission decides upon conditions if any. He was uncertain whether he supports Commissioner Trantalis' suggestion to adopt deed restrictions and questioned if the City has such power.

Commissioner McKinzie said he is comfortable with the evidence and supported demolition. The structure has been altered far beyond the original.

Commissioner Roberts agreed that the site should be preserved. The house has been altered. At his request, the City Attorney confirmed there is no issue with ownership. He felt that the City has complied with the County ordinance in order to proceed. He liked Abbey Laughlin's revenue-generating idea perhaps in the future. He wanted to add the eight HPB criteria.

In response to Commissioner Trantalis' motion impose a deed restriction, Assistant City Attorney D'Wayne Spence indicated that only conditions that are necessary to ensure compliance with the criteria should be implemented. The motion died for lack of a second.

Vice-Mayor Rogers pointed out that if the HPB rejects the Applicant's request for a building permit, the matter will be presented to the Commission.

Motion made by Vice Mayor Rogers and seconded by Commissioner Roberts to add the eight conditions imposed by the HPB to this case.

Mayor Seiler expanded on and agreed there is no dispute over ownership. He believed the house was demolished years ago. He believed that the site is significant, and he believed the Applicant agrees based on who they have hired. He commended the team of experts. He agreed with Vice-Mayor Rogers that it is significant that Sailboat Bend Historic District and the HPB voted in favor of demolition. He was concerned about the attempt to discredit and make personal attacks.

Commissioner Trantalis pointed out that he cannot vote in favor because he does not trust the process that the balance of the midden will be protected.

ADOPTED Resolution Approving Certificate as amended to include eight conditions of Historic Preservation Board

Aye: 4 – Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

Nay: 1 – Commissioner Trantalis

REQUEST FOR CLOSED DOOR

The City Attorney requested a closed door meeting for January 21, 2015, to discuss matters related to *William Doherty vs. City of Fort Lauderdale, Case No. 14-014173 (14)*.

There being no other matters to come before the Commission, the meeting was adjourned at 10:22 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jonda K. Joseph
City Clerk