

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, May 2, 2017

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

***LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
CYNTHIA A. EVERETT, City Attorney***

Invocation

Pastor Ross Middleton, SouthCoast Church

Pledge of Allegiance

John Callanan, 8th Grade Eagle Scout

Roll Call

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

Quorum Established

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant at Arms Andy Pallen

E-comments submitted for this meeting are attached to these minutes.

Call to Order

Mayor Seiler called the meeting to order at 6:08 p.m.

[17-0562](#)

WALK-ON Motion Authorizing Execution of the Second Amendment to the Revocable License with the Belmar Development Associates, LLC for the Temporary Closure of the Public Right-of-Way Located on Vistamar Street, Breakers Avenue and Belmar Street in Association with the Construction of Paramount Condominium

APPROVED

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

Approval of MINUTES and Agenda

Mayor Seiler announced the following revisions and changes to items on tonight's Meeting Agenda:

PUR-1 - Revised Exhibit 3 - BID TAB

OFR-2 - Additional Exhibit Added - April 18, 2017 Planning and Zoning Board Meeting Draft Minutes

[17-0559](#)

Minutes for April 4, 2017 City Commission Conference Meeting, April 4, 2017 City Commission Regular Meeting, and April 13, 2017 Joint Workshop with Charter Revision Board

Commissioner Trantalis made a motion to approve the above noted minutes and the meeting Agenda which was seconded by Commissioner McKinzie.

APPROVED

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

M-3 [17-0506](#)

Motion to Authorize Rahn Bahia Mar, LLC. to Submit Development Permit Applications Relating to the Bahia Mar Property

Mayor Seiler announced his request for a 30-day deferral on item M-3. He stated this request for deferral is without prejudice to the rights of the City or any other parties' rights. It is being requested to gather additional documentation and information. Mayor Seiler encouraged all interested parties to continue to submit emails on this matter to the Commission.

Commissioner Trantalis made a motion to defer item M-3 to June 6, 2017 and was seconded by Commissioner McKinzie.

DEFERRED to June 6, 2017

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

PRESENTATIONS**PRES-** [17-0585](#)**1**

Welcome and Introduction of Consul General Rodolfo Rodriguez-Cambronero, Consul General of Costa Rica in Miami

Mayor Seiler welcomed Rodolfo Rodriguez-Cambronero, Consul General of Costa Rica in Miami. Mayor Seiler gave a brief historical overview of the similarities and growth of South Florida and Costa Rica due to the construction of railroads in the late 19th Century. He spoke of the similarities in tourism potential and attributes of both Costa Rica and South Florida as well as Costa Rica's high United Nations ranking in environmental sustainability and its economic attributes.

Consul General Rodolfo Rodriguez-Cambronero thanked Mayor Seiler and the Commission. Mr. Rodriguez-Cambronero discussed Costa Rica's eco-tourism industry, its highly trained innovative workforce and is home to 5% of the world's biodiversity. He expounded on

Costa Rica's economics and business potential, acknowledging Fort Lauderdale as a world-class business center and looking forward to moving forward as a partnership. Mr. Rodriguez-Cambronero also recognized the consolidation of the Sister Cities partnership with Quepos, Costa Rica, a world-class sports fishing destination. He expounded on the additional attributes of Costa Rica and the future of both cities working together to achieve trade and investment opportunities and goals.

Mayor Seiler presented Consul General Rodolfo Rodriguez-Cambronero with a nautical glass sailboat representative of the City's logo.

PRESENTED

PRES- [17-0586](#)
2

Proclamation declaring May 4, 2017 as Funding Arts Broward Day in the City of Fort Lauderdale

Vice Mayor Roberts requested Jayne Mills, President, Funding Arts Broward join him at the podium for the presentation of the Proclamation declaring May 4, 2017 as Funding Arts Broward Day in the City of Fort Lauderdale. Vice Mayor Roberts read the proclamation in its entirety.

Ms. Mills thanked Vice Mayor Roberts and the Commission for the Proclamation on behalf of Funding Arts Broward. She explained Funding Arts Broward is comprised of local arts lovers, both individual and corporate members whose entire funding goes to program funding in Broward County for a variety of visual and performing arts organizations, with a goal to keep the arts vibrant. Ms. Mills thanked everyone involved for their support.

PRESENTED

PRES- [17-0587](#)
3

Proclamation declaring May 8-12, 2017 as National Women's Lung Health Week/Turquoise Takeover Week in the City of Fort Lauderdale

Commissioner Trantalis requested Michael Garcia, Turquoise, Takeover Task Force Committee Member of the American Lung Association, join him at the podium for the presentation of the Proclamation declaring May 8-12, 2017 as National Women's Lung Health Week /Turquoise Takeover Week in the City of Fort Lauderdale. Commissioner Trantalis read the Proclamation in its entirety.

Mr. Garcia thanked the Commission on behalf of the American Lung Association for the Proclamation. He expounded on the effect of lung cancer on women and the desire to increase public awareness for

women to be tested and screened. Mr. Garcia thanked the City for partnership in this endeavor, noting turquoise is the color adopted by the American Lung Association to create awareness on this important topic. The Fire Department personnel will be wearing turquoise shirts during the week of May 8-12th in recognition of National Women's Lung Health Week.

PRESENTED

PRES- [17-0570](#)
5

Recognition of Participants in the first City of Fort Lauderdale's Neighbor Leadership Academy

Luisa Agathon, Senior Management Fellow Office of Neighbor Support, recognized the participants in the first City of Fort Lauderdale's Neighbor Leadership Academy Class. Ms. Agathon announced Hal Barnes, Neighbor Support Manager, and Barbara Weinstein, Board Member of the Council of Civic Associations. The goal of the Neighbor Leadership Academy is to build community leaders. The first 20 participants in the Neighbor Leadership Academy are from all four Districts and were selected in conjunction with the Council of Civic Associations. The participants are ready to put their learned skills into action and will be organizing a *Meet Your Neighbor Block Party* in September 2017 as part of a Community Service Project.

Ms. Agathon presented each participant with a City of Fort Lauderdale Neighbor Leadership Academy Certificate and a Neighbor Support Pin in recognition of their participation. The recipients included:

Wendy Ballantine-Willis - Edgewood
Esthel Brennan - Riverside Park
Peter Cooper - Coral Ridge Country Club
Laura Depenbrock - Imperial Point
Gina Fitzpatrick - Middle River Terrace
Roy Grimsland - Coral Ridge
Diana Hanford - Knoll Ridge Homeowners
Isaphene Knowles - Melrose Park
Frankie Lane - Rock Island
Anthony McFann - Poinsettia Heights
Marie McLaughlin - Tarpon River
Yelka Mikoliji - Lauderdale Isles
Pamela Miller - Harbordale
John Mulroy - Poinsettia Heights
Michelle Nunziata - Flagler Village
Damon Pointer - Victoria Park
Sherri Sloan - Croissant Park
Cathy Stubbs - Melrose Manor
Samantha Thomas - Shady Banks

Dennis Ulmer - Lauderdale Manors

Dennis Ulmer, Lauderdale Manors, addressed the Commission thanking Staff and noting next month would be his 50th year as a resident. He stated he was honored to be part of this class and acknowledged the strength of the neighborhoods, the support by Staff and the Commission.

Damon Pointer, Victoria Park, discussed this opportunity that allowed him to become involved locally and civically, confirming successful neighborhoods involve participation from both neighbors and the civic community. Mr. Pointer stated this class allowed him to adopt his own leadership style, recognize others, and work to bring multiple groups together for a consensus. He thanked the Commission, Ms. Agathon and all participants in the program for making this a reality.

PRESENTED

CONSENT AGENDA

Mayor Seiler announced the procedures for public comment on items on the Consent Agenda.

The Commission pulled the following items for separate discussion:

Vice Mayor Roberts - CR-6

Mayor Seiler stated item CR-4 would be pulled due to its Quasi-Judicial nature.

CONSENT AGENDA PUBLIC COMMENT

CONSENT MOTION

Approval of the Consent Agenda

Approve the Consent Agenda

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

CM-1 [17-0498](#)

Motion to Approve Event Agreements: Break Fast Sunrise, 2017 Lanakila Iki Canoe Ocean Challenge, STA Class of 87 Reunion/Dave Miller After Party and CSIA 5k Run

APPROVED

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

CM-2 [17-0499](#) Motion to Approve Event Agreements and Related Road Closings: Tarpon Bend Corn Hole Tournament and Wilton Manors Stonewall Parade & Festival

APPROVED

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

CM-3 [17-0412](#) Motion to Approve Beach Business Improvement District (BID) Funding for the XOXO: Love & Art on Fort Lauderdale Beach in the Amount of \$20,000

APPROVED

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

CM-4 [17-0538](#) Motion to Approve a Two Month Extension to the Las Olas Boulevard Corridor Improvement Project Construction Contract with Skanska USA Building Inc. for a Guaranteed Maximum Price of \$49,379,324

APPROVED

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

CM-5 [17-0407](#) Motion to Approve Professional Engineering Construction Services for Rehabilitation of the George T. Lohmeyer Wastewater Treatment Plant Pre-Stressed Concrete Cylinder Pipe Sequence A - CDM Smith, Inc. - \$71,660

APPROVED

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

CM-6 [17-0537](#) Motion to Terminate Agreements with Golf-Tam, Inc. for Construction of a Temporary Sanitary Sewer Line

APPROVED

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

CONSENT RESOLUTION

CR-1 [17-0564](#) A Resolution of the City Commission of the City of Fort Lauderdale,

Florida, approving an order form and agreement for the purchase of online legal research services from West Publishing Corporation, a Thomson Reuters business, and authorizing the City Attorney to execute the order form and any other documents necessary to complete the transaction

ADOPTED

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

CR-2 [17-0113](#)

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2017 - Appropriation

ADOPTED

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

CR-3 [17-0492](#)

Resolution to Accept a Grant from the National Recreation and Park Association for the Healthy Out-of-School Time Program - \$25,000

ADOPTED

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

CR-4 [17-0517](#)

Resolution Vacating a Water and Sewer Utility Easement (located north of West Broward Boulevard, west of Northwest 22nd Avenue, east of Northwest 25th Avenue, and south of the North Fork New River) - Riverbend Broward, LP - Case Number E16009

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

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

Commissioner Trantalis introduced this item that was read by title only.

ADOPTED

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

CR-5 [17-0576](#)

Resolution Approving a Memorandum of Agreement with the Florida

Department of Transportation for the Wave Streetcar Project - Request Deferment to a Date Uncertain

DEFERRED

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

CR-6 [17-0563](#)

Amendment to Resolution No. 17-46, Which Established the Infrastructure Task Force, Authorizing a Designated Board Member of the Planning and Zoning Board and the Budget Advisory Board to Serve in Lieu of the Chairperson

Vice Mayor Roberts requested a Joint Workshop with the Infrastructure Task Force to focus on its intent and direction. Mayor Seiler concurred. Commissioner Trantalis asked City Manager Feldman for a presentation to update the Commission on all aspects of the infrastructure needs to move forward with a complete picture of the entire infrastructure requirements for addressing by the Infrastructure Task Force. Commissioner Trantalis emphasized the importance of this issue and requested City Manager Feldman place this item on the next Conference Meeting Agenda to take the Commission through his analysis before a Joint Workshop with the Infrastructure Task Force. It will allow a complete and thorough understanding of all the issues and allow stakeholders to digest and thoroughly understand this large issue. City Manager Feldman stated he would recommend a three hour meeting. It was confirmed that dates would be circulated to determine a meeting date to include the Infrastructure Task Force.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who commented on the previous Infrastructure Task Force Meeting, recommending the Commission seriously address infrastructure issues. He noted the public's concerns with infrastructure issues including roads and seawalls rather than a new police station.

Commissioner Trantalis introduced this resolution that was read by title only.

ADOPTED

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

PURCHASING AGENDA

PUR-1 [17-0446](#)

Motion to Approve Contracts for Purchase of Stormwater Infrastructure Cleaning and Maintenance Services - All Liquid Environmental Services LLC and Hinterland Group Inc. - \$324,418

(two-year total)

APPROVED

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

PUR-2 [17-0479](#)

Motion to Approve Contract for Rehabilitation of Pre-Stressed Concrete Cylinder Pipe at George T. Lohmeyer Wastewater Treatment Plant - Metro Equipment Service, Inc. - \$4,228,000

APPROVED

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

PUR-3 [17-0485](#)

Motion to Approve Contract for 441 NW 7th Avenue Sewer Extension Project - Coramarca Corp - \$83,519

APPROVED

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

PUR-4 [17-0486](#)

Motion to Approve Contract for East Las Olas 12-Inch Force Main Replacement Project - V Engineering & Consulting Corp. - \$791,367

APPROVED

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

PUR-5 [17-0487](#)

Motion to Approve Change Order No. 2 for Fiveash Water Treatment Plant Hydrotreaters 3 & 4 Influent Pipe Modifications Project - RF Environmental Services, Inc. - \$93,388.46

APPROVED

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

MOTIONS

M-1 [17-0536](#)

Motion to Approve an Event Agreement with Historic Downtowner Saloon, LLC for a Crawfish Festival

Commissioner Trantalis made a motion to approve this item with the recommended extension of time until 11:00 p.m. and was seconded by Vice Mayor Roberts.

APPROVED

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

M-2 [17-0544](#)

Motion to Approve an Event Agreement with Shark Entertainment, LLC for Sandz Caribbean Festival

Vice Mayor Roberts discussed past issues relating to this vendor. City Manager Feldman stated there were past noise complaints at a previous event held at Snyder Park, noting this current event agreement's location is Mills Pond Park. Staff has discussed with the vendor the need to keep the noise and content controlled.

Mayor Seiler asked about the issues noted in complaints received about the previous event at Snyder Park. The vendor, Shark Entertainment's representative Damian Lleweln, addressed the Commission stating he was not at the Snyder Park event and the noise issues were due to the speakers facing the wrong direction.

Commissioner Trantalis suggested these issues should be addressed by private duty police officers on site, asking City Manager Feldman for an explanation. City Manager Feldman stated it was due to the speakers being placed in the wrong direction. Regular road patrol officers interacted and the music was not turned down to the satisfaction of neighbors. Mayor Seiler raised concerns about the event's content. Mr. Lleweln stated he would address the Commission's concerns with the DJ's. Commissioner McKinzie concurred with the concerns stated and did not want the event at Snyder Park duplicated at Mills Pond Park.

Mr. Lleweln confirmed the music volume and content would be appropriate. Commissioner McKinzie emphasized any deviation from what the Commission has requested would result in the event being over. Mayor Seiler asked Mr. Lleweln to give his cell number to the City Clerk.

Commissioner Trantalis made a motion to approve this item and was seconded by Commissioner McKinzie.

APPROVED

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

NEIGHBOR PRESENTATIONS**NP-1** [17-0580](#)

Dennis Ulmer - Remembering Memorial Day

Dennis Ulmer, 1007 NW 11th Place, addressed the audience recognizing the importance of remembering Memorial Day, commemorated on the last Monday in May. Mr. Ulmer spoke about Blue Star Families as those who have a family member serving in the

military. Gold Star Families are those that have lost a family member serving in the military. He expounded on these families' experiences during World War II and today, acknowledging their sacrifice. Mr. Ulmer encouraged everyone to recognize the importance of those who sacrificed for our freedom and to attend the City's Memorial Day Services.

Mayor Seiler thanked Mr. Ulmer for his outstanding leadership efforts to the City.

RECEIVED

NP-2 [17-0581](#)

Michael Rajner - Request the Fort Lauderdale City Commission Adopt Specific LGBT Protections in Non-Discrimination

Michael Rajner presented his request for the Fort Lauderdale City Commission to adopt specific LGBT protections for non-discrimination, noting the failed attempt of H.B. 17 that would have taken away home rule in the City. Mr. Rajner acknowledged Commissioner Trantalis's efforts as a member of an elected body to address the civil rights of the LGBT community. He discussed requests to the City Manager for changes in City policy to address the protection of those in the LGBT community.

Mr. Rajner passed out two handouts to the Commission related to the County's Human Rights Act, urging the Commission to adopt an Ordinance including protections for gender identity and sexual orientation.

Copies of both handouts are attached to these minutes.

RECEIVED

NP-3 [17-0582](#)

Rena Adams - Outdoor Street Lighting - Environmental Efficiency

Mayor Seiler recognized Rena Adams representing RCC Lighting and Chips and Wafers Energy Solutions, who gave a presentation on outdoor street lighting as it relates to the need for environmental efficiency. Ms. Adams discussed the street lighting problem along A1A affecting Sea Turtle hatchlings and nesting. Dr. Robert Adams, a material scientist, developed an led light with an integrated filter, which will serve to address sea turtle street lighting and the saving of fossil fuels. They have been working with FSWC and Ryan Henderson of the City Manager's Office to have demonstration lighting on the beach and requesting the assistance of the City to work with FDOT to move it forward. In response to Commissioner Trantalis's question, Ms. Adams stated they can replace or retrofit the existing lights along A1A. Ms. Adams expounded on their efforts to date, stating they are in the process of being certified by the State of Florida. City Manager

Feldman explained the progress to date working with the FDOT, District IV, and the City is assisting. FDOT and the Florida Department of Fish and Wildlife have not yet signed off. FSWC and FDOT need to approve the proposed lighting before a demonstration. Further discussion ensued.

RECEIVED

PRES- 4 [17-0579](#)

Recognizing the outstanding efforts of Sergeant Monica Ferrer in helping the City of Fort Lauderdale obtain the designation of a Purple Heart City

Mayor Seiler asked Richard Hunt of the Military Order of Purple Heart to come to the podium to recognize the outstanding efforts of Sergeant Monica Ferrer in helping the City of Fort Lauderdale obtain designation as a Purple Heart City. Mr. Hunt asked Sergeant Ferrer to join him at the podium. He noted Sergeant Ferrer has been an integral part of many cities receiving the designation. Mr. Hunt read the award in its entirety, presenting it to Sergeant Ferrer. Mayor Seiler noted representatives from the U.S. Navy, Marines, and Coast Guard in town for Fleet Week, acknowledging Sergeant Ferrer's work in welcoming those service members. He requested members of the community please take time out to acknowledge and thank those service men and women in town for Fleet Week, making them feel at home.

PRESENTED

NP-4 [17-0583](#)

Charles King - Fort Lauderdale Infrastructure

Charles King addressed the Commission on the City's infrastructure, discussing fines and other issues facing the City. Vice Mayor Roberts responded to Mr. Kings comments, correcting the record regarding Mr. King's comments.

RECEIVED

RESOLUTIONS

R-1 [17-0551](#)

Appointment of Board and Committee Members

City Clerk Modarelli read the Board and committee appointments for this Resolution as noted below:

BOARD OF ADJUSTMENT

Howard Nelson is appointed to the Board of Adjustment, as an alternate member, for a two year term beginning May 21, 2017 and ending May 20, 2019 or until his successor has been appointed.

CEMETERY SYSTEM BOARD OF TRUSTEES

Michael Ruddy and Myrna Pototsky are appointed to the Cemetery System Board of Trustees for one year terms beginning June 3, 2017 and ending June 2, 2018 or until their successors have been appointed.

CITIZENS POLICE REVIEW BOARD

James Teague is appointed to the Citizens Police Review Board for a one year term beginning May 2, 2017 and ending May 1, 2018 or until his successor has been appointed.

COMMUNITY APPEARANCE BOARD

Alexander Buschmann is appointed to the Community Appearance Board for a one year term beginning May 2, 2017 and ending May 1, 2018 or until his successor has been appointed.

NORTHWEST PROGRESSO FLAGLER HEIGHTS REDEVELOPMENT BOARD

Rhonda Glasco is appointed to the Northwest Progresso Flagler Heights Redevelopment Board to complete an unexpired term ending May 21, 2019 or until her successor has been appointed.

Commissioner Trantalis introduced the Resolution as amended that was read by title only.

ADOPTED AS AMENDED

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

R-2 [17-0423](#)

Quasi-Judicial Resolution Approving Plat Known as Riverbend Marina (located on the north side of SW 20th Street, west of Coconut Drive) - CRP LMC RB, LLC. - Case Number PL16005

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

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

Commissioner Rogers introduced the Resolution that was read by title only.

ADOPTED

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

R-3 [17-0424](#)

Quasi-Judicial Resolution Approving Plat Known as Lauderdale Propeller (located on the south side of State Road 84, north of Interstate-595 Highway) - Florida Marine Propulsion Corp - Case Number PL17001

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler opened the public hearing.

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

Commissioner Trantalis introduced the Resolution that was read by title only.

ADOPTED

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

R-4 [17-0304](#)

Quasi-Judicial Resolution Approving a Landmark Designation Commonly Known as the First Evangelical Lutheran Church of Fort Lauderdale and the Property Listed in the Legal Description Located at 441 NE Third Avenue - HPB Case H16016

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received.

Mayor Seiler requested an update from Staff and recognized Anthony Fajardo, Director of Department of Sustainable Development. Mr. Fajardo gave the Commission an update on this issue stating Trisha Logan, Planner III, Department of Sustainable Development, visited the site known as First Evangelical Lutheran Church of Fort Lauderdale (Church) to confirm no changes had been made to the site.

Mayor Seiler recognized Trisha Logan, Planner III, Department of Sustainable Development, confirmed she visited the site this morning and confirmed the only change to the existing condition illustrated in the February 22, 2017 video was the removal on one of the older stained glass window. She could not confirm when or who removed the window. The interior was somewhat ruffled, with the removal of copper wiring and mechanical equipment and some lights were removed from the exterior, most likely due to vandalism though the property was secured.

In response to Mayor Seiler's inquiry, Ms. Logan confirmed prior to the February 22, 2017 video, the stained glass windows had been removed and sold (in November 2016) and remain off site. The frames are in place and the windows have been boarded up.

Commissioner Trantalis discussed the removal of the stained glass windows, stating a permit was issued for their removal. Mr. Fajardo confirmed the original permit stated removal of the windows and boarding up the windows. Due to the fact they were not removing the frames, they did not need a permit to remove the windows. They only needed a permit to board up the windows. There was a notation on the building permit stating "for repair and replacement", stating it was not clarified if they were repairing the stained glass windows or replacing them.

Commissioner Trantalis discussed representations made to the Commission about removal of the stained glass windows and the associated transaction not being an "arm's length" transaction. Mr. Fajardo stated Staff has not done research into this issue. They have only researched the history of the windows during the 1978 and 1981 timelines. Staff has no information regarding recent transactions.

Commissioner Trantalis asked Ms. Logan about designating this building as historic, requesting Ms. Logan to explain its impact. Ms. Logan gave a breakdown of the process, stating it would only cover the exterior of the structure. The interior was not explicitly requested in the application for historic designation. Preservation to the interior of the building would only apply to things attached to the building. The

application for historic designation only speaks to the exterior of the structure. Ms. Logan clarified that though the historic designation was filed prior to the removal of the stained glass windows, current Code does not allow for interim protection measures for properties under consideration for historic designation. The process does exist in other cities and Ms. Logan gave an example of how it would be addressed.

Discussions continued on the Historic Preservation Board requiring the stained glass windows be replaced with stained glass windows identical to the ones removed. Evaluation and determination of this request would have to happen at the time of application with the Historic Preservation Board, i.e., replicating and replacing the structure's original stained glass windows or the stained glass windows recently removed that were installed in the late 1970's and early 1980's. In response to Commissioner McKinzie's question, Ms. Logan further expounded on the decisions to be made by the Historic Preservation Board regarding the appropriate stained glass windows. It was noted that the purpose of the Church is changing from being used for religious purposes to a secular purpose. Comments and discussions continued on aspects of physical changes to structures with historic designations and what aspects the developer or Historic Preservation Board would purpose as appropriate.

Mr. Fajardo clarified current requirements and standards for the Certificate of Application for Historic Preservation. In addition to the structure, it also includes and applies to the lot on which the structure is built. Stipulation of historic designation of only the building must be made by the Commission. Discussions continued on this issue and how this would be achieved. Ms. Logan confirmed this could be done.

Mayor Seiler opened the public hearing, requesting speakers not repeat their testimony made previously before the Commission.

Mayor Seiler recognized Rosalyn Scherf, 1060 Tyler Street, who corrected previous statements noting no current member of the Lutheran Church spoke in favor of historic preservation. Ms. Scherf stated she and her husband have been members for over 27 years. Ms. Scherf gave an overview of their history with the Church as well as their experiences relating to its sale and the stained glass windows.

Mayor Seiler recognized Christopher Brennan, 2721 NE 14th Street, who expressed his opinion of Mr. Knott's recent actions regarding the Church. Mr. Brennan requested the Commission take action against Mr. Knott.

Mayor Seiler recognized Reverend Paul Phadenhauer, 1842 Coral

Ridge Drive, who discussed his interim service and more recent service with the Church. He discussed the recent history of a proposed sale of the Church, subsequent changes to the proposed sale by the new pastor, and the current pending sale. Reverend Phadenhauer stated his support of preserving the Church.

Mayor Seiler recognized Robert Larsen, President of Flagler Village Homeowners Association (Association), who noted the Association voted in favor of preserving of the Church and their support of the developer. Their vision is to see the sanctuary and the facade of the Church preserved. Mr. Larsen commented on the proposed developer's presentation, stating it was highly regarded by the Association and benefits the neighborhood. Discussions continued on the safety of the structure, the Association Board's recommendations regarding aspects of its historic designation and its purchase for the proposed development.

Mayor Seiler recognized Tim Davis, 3212 Colony Club Drive, who spoke in favor of preserving this Church, stating there are organizations who could ensure this building is restored and maintained. Additionally, he questioned why the sellers allowed the building to fall into disrepair, their lack of acknowledgement of its historic nature, behaving suspiciously through the sales process and walking away with a large sum of money.

Mayor Seiler recognized Abby Laughlin, 425 Bayshore Drive, who stated this is not a historic preservation issue, it is a battle between two church governments over control. Ms. Laughlin commented the Commission should not be arbitrating this matter and is spot zoning. She recommended updating language in the Preservation Ordinance to allow for true Historic Preservation, stating this item could illustrate how adaptive rehabilitation could work well. Ms. Laughlin also commented on the inability to legislate perpetuity and the need to address specific matters to improve the process.

Mayor Seiler recognized Steve Glassman, 2821 N. Ocean Boulevard and on behalf of Broward Trust for Historic Preservation. He asked that the Historic Preservation Ordinance is respected. His previous testimony on this issue reflects his position, recommending the historic designation of this Church. Mr. Glassman suggested the site plan process could move parallel to the historic designation process and there is room for compromise and balance. He recommended modifying the Code to protect historic structures once the designation process has begun.

Mayor Seiler recognized Judy Summers, 400 NE 14th Way, thanked

the Commission for hiring Historic Preservation Officer Trisha Logan and for the Commission's hard work.

Mayor Seiler recognized Robin Merrill on behalf of First Lutheran Church. She thanked the Commission, discussing the historic aspects of previous efforts to save the historic post office. Ms. Merrill focused on the criteria for this building, stating the five criterion were met and the original intention of the building, recommending consideration be taken regarding the spiritual needs of the City.

Mayor Seiler recognized Count Rosenthal 1237 NW 4th Avenue, who discussed the adaptive reuse of churches and synagogues due to declines in usage. He encouraged the adaptive reuse of the Church as proposed by the developer along with the stained glass windows.

Mayor Seiler recognized Courtney Crush on behalf of Tahoe Investments, who submitted a site plan picture for preserving this structure. Ms. Crush discussed the history of discussions with the Historic Preservation Board. She reviewed the developer's plans for adaptive reuse of the Church, keeping the structure and repurposing its use and as illustrated in her submission to the Commission. Ms. Crush requested the Commission to allow the developer to continue to move forward, positively commenting on Ms. Logan's ability and input on this matter. She stated her client is willing to commit to keeping the structure and repurposing. She discussed Mr. Avital's efforts to purchase the stained glass windows previously sold. Discussions continued on ownership of the stained glass windows that were removed.

A copy of Ms. Crush's illustration submitted to the Commission is attached to these minutes.

Mayor Seiler recognized Itay Avital, designated representative of Tahoe Investments, who discussed the recent history of the stained glass windows. They are currently stored at the company who manufactured the stained glass windows. Mr. Avital stated he has an agreement to buy back the windows should the site plan move forward.

Mayor Seiler commented on the way the stained glass window issue has been handled.

In response to Vice Mayor Roberts's question, Ms. Crush explained how the Church would repurpose the multipurpose indoor/outdoor space. She also explained the uncertainty involved due to the current Ordinance and future recommendations by the Historic Preservation

Board. Commissioner Rogers commented on aspects of a possible deed restriction versus a designation and the significance of this structure. Commissioner Trantalis commented on the enforcement of deed restrictions as they relate to historic preservation, noting its difficulty. He also discussed the perspectives of the Association and the developer, expressing his concern with maintaining the integrity of the building over time and recommending repurposing. He also encourages community use, such as a possible meeting place. Further discussions ensued from the Commission on the need for consistency, the designation being consistent to follow intent, benefitting both the developer and the City.

Assistant City Attorney D'Wayne Spence stated designation protects the property and explained what the Code requires for a new development Certificate of Appropriateness that affects a historically designated property. Ms. Crush confirmed her client's willingness to do what is necessary as a result of historic designation. Further discussions continued on the issue of input from the Historic Preservation Board and the Commission's designation as to what portion of the structure is historic and should be preserved, i.e., the front, exterior facade, and the main part of the sanctuary, noting the interior cannot be preserved.

Assistant City Attorney D'Wayne Spence further expounded on the requirement of the Certificate of Appropriateness when an action affects a designated landmark site. He stated the record needs to support the Commission's findings and requested testimony supporting the fact that alterations beyond the historically designated facade would not affect the facade, i.e., the area of impact surrounding the facade and a factual basis for the Commission's conclusions. Commissioner Rogers clarified the criteria he referenced in the Code. Further discussions continued on the facade of the annex portion of the Church as it relates to concerns about previous statements made in other situations by the Historic Preservation Board. This portion of a designation would require a condition to address this issue. Assistant City Attorney Spence recommended the developer provide a site plan showing the existing Church, identifying the area the Commission is going to designate, suggesting what distance from that area would affect and would not affect the historically designated property. Ms. Crush confirmed she would be happy to do this, expounding on the current application before the Commission.

Commissioner Trantalis recommended a deferral on this item to allow this to be clearly delineated. Ms. Crush agreed and confirmed.

Mr. Avital confirmed his plans to keep the existing Church structure intact in entirety, noting the word facade is not accurate, stating the interior is one large interior space, with one small office on the left. Secondly, he will illustrate what the plans are for the structure. He commented on his concern about adding lengthy timelines due to delays and missing the market cycle. Ms. Crush confirmed running concurrent approval with the Development Review Committee and the Historic Preservation Board.

Mayor Seiler recognized Brad Schmidt, 700 SE 8th Street, who expressed concern regarding deferring to the developer for historic designation. Commissioner Rogers explained the goals of the Commission. Mr. Schmidt also stated his dismay should it be turned into anything other than a Church.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who stated his viewpoint on the history of the Church and its pastor. He recommended preserving public buildings.

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

Vice Mayor Roberts and Commissioner Trantalis confirmed the importance of the applicant being involved in the ongoing process with Staff.

Commissioner Trantalis made a motion to defer this item to June 6, 2017 which was seconded by Vice Mayor Roberts.

DEFERRED to June 6, 2017 - Define Parameters for Consideration of Historic Designation

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

ORDINANCE FIRST READING

OFR-1 [17-0422](#)

Quasi-Judicial - Ordinance - Rezone Portion of Site from Boulevard Business (B-1), General Business (B-2) and Intense Commercial Business District (B-3 County) to Heavy Commercial/Light Industrial Business District (B-3) - "Riverbend" - Riverbend Broward, LP. - 2201 W. Broward Boulevard - Case Z17001

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions

received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits and expert opinions received.

Mayor Seiler opened the public hearing.

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

Commissioner McKinzie introduced the Ordinance on First Reading that was read by title only.

PASSED FIRST READING

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

OFR-2 [17-0542](#)

Ordinance Amending the Unified Land Development Regulations by Amending Sections 47-6.11 - List of Permitted and Conditional Uses, Boulevard Business (B-1), Section 47-6.12 - List of Permitted and Conditional Uses, General Business (B-2), Section 47-6.13 - List of Permitted and Conditional Uses, General Business (B-3) and Section 47-20 - Parking and Loading Requirements, and Creating Section 47-18.46 - Medical Cannabis Dispensing Facilities / Case T17002

Mayor Seiler asked for an update from Staff regarding the Strike All Amendment (the replacement of language in a Bill, except the title) being debated in Tallahassee about to this Ordinance. City Attorney Everett gave an update on the House Bill, recommending the Commission continue moving forward with this Ordinance. Further comments and opinions ensued.

Mayor Seiler opened the public hearing.

Mayor Seiler recognized Kristen Maus, 1778 SE 25th Avenue, who stated she did not feel an ordinance should be passed simply to get something "on the books", stating language should be carefully considered. Mayor Seiler explained the reasoning involved, similar to what occurred with the vacation rental issue. Ms. Maus stated she would like to defer this item.

Mayor Seiler stated he was just handed the Strike All Amendment, 82 pages in length.

In response to Commissioner Trantalis's question, Ms. Maus stated she did not want this Ordinance to pass tonight due to it allowing too many dispensaries. She gave her reasoning for her opposition, her belief that the goal is total legalization, and it is not regulated enough. Ms. Maus recommended having a very strict ordinance in place on this issue, with the ability to modify it as necessary and expounding on her other recommendations for the ordinance.

Mayor Seiler asked Corey Staniscia, Government Relations with Tripp Scott and representing one of the possible dispensaries, for an update on the pending legislation. Mr. Staniscia confirmed there are currently seven permit holders and the proposed bill will possibly allow three to four additional permit holders.

Mayor Seiler recognized Flor Santesteban on behalf of Modern Health Concepts, one of the seven licensed dispensing organizations, who gave the Commission an update stating the vote for House Bill 1397, the Strike All Bill, was passed 107-9. Ms. Santesteban expounded on aspects of the Bill.

Mayor Seiler recognized John Loges, Detective Fort Lauderdale Police Department. He stated there is an approval process for licensing dispensaries, noting House Bill 1397 was the most restrictive and contains language as to who may have the dispensed product and the length of the doctor-patient relationship of 90 days. Discussions, comments and questions continued on the details and the regulations in House Bill 1397.

Mayor Seiler expressed his concern over the number of possible dispensary storefronts. Detective John Loges recommended the Commission pass the ordinance to allow for restrictions not in House Bill 1397. In response to Commissioner Trantalis's question, Detective Loges stated the cost could be market driven. Discussions ensued on the demands of the market and pricing. Ms. Santesteban confirmed there were approximately 15,000 registered in the State's Compassionate Use Registry, of which approximately 3,000 are actively ordering today.

In response to Vice Mayor Roberts's question, Detective Loges confirmed the drug monitoring program was recommended to be checked by doctors prior to issuing a prescription.

Commissioner Trantalis recommended passing a reasonable ordinance that makes sense for the patient while not allowing for proliferation. Further discussions on this topic ensued and included the need for a balance to address patient needs and market pricing,

the distance from safe zones such as schools, and the appropriate number of dispensaries.

Mayor Seiler asked Assistant City Attorney D'Wayne Spence to review a section of House Bill 1397 entitled "Preemption". Assistant City Attorney D'Wayne Spence noted this section of House Bill 1397 prohibits municipalities from enacting ordinances permitting or determining the location of dispensaries facilities that are more restrictive than locations of pharmacies licensed under Chapter 465. He also noted a distance requirement of 500 feet from public and private elementary schools and secondary schools. City Attorney Spence further expounding on the recommended zoning restrictions and proposed actions in other states.

The grandfathering in of a local municipal ordinance was confirmed as it relates to House Bill 1397 and further comments and discussions ensued. Anthony Fajardo, Director of Sustainable Development, explained the distance of 1,000 feet from elementary and secondary schools was determined due because the distance of 1,500 feet would limit the locations where dispensaries could be placed. Further discussions continued on the location of dispensaries and language in House Bill 1397.

In response to Commissioner Trantalis's question about aspects of the Pharmacy Code's impact, i.e., distance and quantity, Ms. Santesteban commented on the parking provision for dispensaries and asked for the parking aspect to be treated as a pharmacy code with 250 square feet per space rather than 150 square feet per space. Discussions continued on the need to regulate parking. Ms. Santesteban stated there is no doctor at a dispensary, only qualified patients are allowed inside a dispensary. They are only coming to pick up their medicine.

City Manager Feldman noted the short timeline remaining in the current legislative session. Adjustments can be made at the Second Reading of this Ordinance based on what the State Legislature adopts, recommending the Commission, collectively, adopt its desired Ordinance. City Attorney Everett stated this Ordinance focuses on zoning.

There was a consensus on a 1,500 foot distance from elementary and secondary schools.

Vice Mayor Roberts commented on his concerns about security issues regarding the use and regulation of pharmacy parking lots. Detective Loges stated he has been working with the Department of Sustainable Development to look at security measures and the licensing of security

guards. Vice Mayor Roberts requested Detective Loges recommend any additional security issues for the Ordinance between First and Second Reading. Mayor Seiler confirmed the Ordinance will not allow drive-thru dispensaries and discussed issues relating to allowing dispensaries in zoning areas B-1, B-2, and B-3. Discussions continued on surrounding municipalities providing this service and the requirement of dispensaries being licensed by the State in the Staff application paperwork.

Mayor Seiler recognized Flor Santesteban on behalf of Modern Health Concepts, one of the seven licensed dispensing organizations. She discussed the high level of regulation by the State, stating the specific conditions a patient must meet to receive this medicine, and reviewing the requirements for prescribing physicians. Additionally, only qualified patients will be allowed to enter the dispensary.

Mayor Seiler commented on the need to regulate and provide safe access. In response to Vice Mayor Seiler, Ms. Santesteban reviewed the process for qualified patients receiving prescribed medication and the control mechanism that will be in place, i.e., a central registry database.

Mayor Seiler asked Corey Staniscia, Government Relations Representative with Tripp Scott and representing one of the possible dispensaries. Mr. Staniscia suggested ranking dispensaries and discussions ensued on this and the ability of municipalities to implement regulations.

Mayor Seiler recognized Rodney Sanchez, Director of Security - Modern Health Concepts, who discussed the security measures their company will put in place at their dispensaries, stating they will be exceeding State requirements. Mr. Sanchez discussed the monetary security measure that will also be put in place, using a computer application and debit cards to reduce security concerns with cash transactions. Discussions on the home delivery of medication as noted in the State Statute ensued.

Mayor Seiler recognized Dennis Ulmer, 1007 NW 11th Place, who discussed the issues of 1,500 feet from schools, home delivery of medication, and the marketing of the marijuana card. Mr. Ulmer encouraged protecting the neighborhoods.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who commented that on a Federal level, marijuana is illegal. He recommended following the City of Hollywood's example of only allowing two dispensaries and increasing the distances from schools.

Mr. King voiced his concern of this mirroring the previous pill-mill situation, recommending following federal law.

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

Mayor Seiler requested City Attorney Everett and Assistant City Attorney Spence give the Commission a detailed update and summary of the State House and Senate legislation prior to the Second Reading of this Ordinance in order to allow for any necessary amendments.

Commissioner Trantalis introduced the Ordinance on First Reading as amended that was read by title only.

PASSED FIRST READING AS AMENDED - 1,500 feet - Section 5.C.2.(b.c.d.)

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

Mayor Seiler reiterated his request for members of the community to take time out to acknowledge and thank service men and women in town for Fleet Week.

ADJOURNMENT

There being no further business before the City Commission at the Regular Meeting of May 2, 2016, Mayor Seiler adjourned the meeting at 10:23 p.m.

John P. "Jack" Seiler
Mayor

ATTEST:

Jeffrey A. Modarelli
City Clerk

