

City of Fort Lauderdale



Meeting Minutes

Tuesday, February 16, 2021

6:00 PM

City Commission Chambers
100 North Andrews Avenue, Fort Lauderdale, FL 33301

Access Via:

<https://fortlauderdale.legistar.com/Calendar.aspx>

www.fortlauderdale.gov/ftv

www.youtube.com/cityoffortlauderdale

Cable Television - Comcast Channel 78 and AT&T U-verse Channel 99

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

STEVEN GLASSMAN Vice Mayor - Commissioner - District II

HEATHER MORAITIS Commissioner - District I

ROBERT L. McKINZIE Commissioner - District III

BEN SORENSEN Commissioner - District IV

CHRIS LAGERBLOOM, City Manager

JOHN HERBST, City Auditor

JEFFREY A. MODARELLI, City Clerk

ALAIN E. BOILEAU, City Attorney

CALL TO ORDER

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

ANNOUNCEMENT

Mayor Trantalis announced details regarding the virtual format of this meeting, including how members of the public can view and participate.

Pledge of Allegiance

Mayor Dean J. Trantalis

MOMENT OF SILENCE

Mayor Trantalis requested a Moment of Silence in recognition of the passing of longtime City employee Alethea "Dawn" Johnson, Chief Accountant in the Treasury Division of the City's Finance Department. Dawn served the City with distinction for more than 23 years.

AGENDA ANNOUNCEMENTS

Mayor Trantalis announced the following modifications to the Agenda:

CM-2 - Exhibit 7 was added to the list of attachments.

A copy is attached to these minutes.

ROLL CALL

Present: 5 - Commissioner Heather Moraitis, Vice Mayor Steven Glassman (participated telephonically), Commissioner Robert L. McKinzie (arrived at 6:20 p.m.- participated telephonically), Commissioner Ben Sorensen (participated telephonically) and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau, City Auditor John Herbst (participated telephonically)

Approval of MINUTES and Agenda

[21-0209](#)

Minutes for January 21, 2021 Commission Regular Meeting, January 29, 2021 Annual Commission Prioritization Workshop and February 2, 2021 Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Vice Mayor Glassman noted a correction to the January 21, 2021 Regular Meeting Minutes. City Clerk Jeffrey Modarelli confirmed.

Vice Mayor Glassman made a motion to approve this item as amended and was seconded by Commissioner Sorensen.

APPROVED AS AMENDED

Aye: 4 - Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

PRESENTATIONS

PRES- [21-0213](#)
1

Mayor Trantalis will present a Proclamation declaring February 16, 2021 as Anthony Ginsberg Day in the City of Fort Lauderdale

Mayor Trantalis presented a Proclamation declaring *February 16, 2021 as Anthony Ginsberg Day in the City of Fort Lauderdale*. Mayor Trantalis read the Proclamation in its entirety, recognizing Mr. Ginsberg's creation of a unique initiative for homeless voter registration engagement.

Mr. Ginsberg accepted the Proclamation, thanking the Commission for this recognition and all those who supported him in these volunteer efforts.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis explained the procedure and related details regarding how members of the public could speak on Consent Agenda items.

CONSENT AGENDA

The following Consent Agenda items were pulled by Commission Members for separate discussion:

CM-4 - Commissioner Sorensen

CONSENT MOTION

Approval of the Consent Agenda

Commissioner McKinzie made a motion to approve this item and was seconded by Vice Mayor Glassman.

Approve the Consent Agenda

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

- CM-1** [21-0160](#) Motion Approving an Event Agreement for Fort Lauderdale Concours - (Commission District 2)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

- CM-2** [21-0189](#) Motion Approving a Music Exemption for Riverwalk Fort Lauderdale, Inc. to Host the Broward Center for Performing Arts Concert Series - (Commission District 2)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

- CM-3** [21-0152](#) Motion Approving Grant Application to the Florida Inland Navigation District FY2021 Waterways Assistance Program - \$92,000 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

- CM-4** [21-0170](#) Motion Approving the Co-Sponsorship of the NSU Art Museum of Fort Lauderdale - World of Anna Sui Exhibit and Permitting the Display of Event Banners for a Period Longer Than 30 Days - (Commission Districts 1, 2, 3 and 4)

In response to Commissioner Sorensen's question, City Attorney Alain Boileau explained there were no conflict of interest concerns regarding Commissioner Sorensen voting on this item.

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

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

- CM-5** [21-0217](#) Motion Approving the 2021 City Commission Priorities - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CONSENT RESOLUTION

CR-1 [21-0163](#) Resolution Consenting to a Performance Extension for One Year for the Qualified Target Industry Tax Refund Program for Sixt Rent A Car LLC (Project Vista) - (Commission District 2)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CR-2 [21-0185](#) Resolution Approving the Submittal of a Grant Application for \$260,000 to the Florida Inland Navigation District for Bill Keith Preserve Shoreline Stabilization Phase II - Construction - (Commission District 4)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CR-3 [21-0161](#) Resolution Approving the Submittal of a Grant Application to the Florida Inland Navigation District for Riverwalk Floating Docks Phase II Construction - (Commission District 2)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CR-4 [21-0176](#) Resolution Approving the Submittal of a Water and Infrastructure Finance and Innovation Act (WIFIA) Loan Application to the United States Environmental Protection Agency for Stormwater Improvement Projects in Seven City Neighborhoods: Edgewood, Victoria Park, River Oaks, Durrs, Dorsey Riverbend, South East Isles and Progresso Village - (Commission Districts 2, 3 and 4)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CR-5 [21-0142](#) Resolution Approving a Dog Recreational Area within Riverside Park Neighborhood and the Execution of a Use and Occupancy Agreement between the Florida Department of Transportation and the City of Fort Lauderdale - (Commission District 4)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CR-6 [21-0159](#)

Resolution Approving the Design, Installation and Maintenance of Signal Control Box Wraps and Execution of a Community Aesthetic Feature Agreement with the Florida Department of Transportation for Signal Control Box Wrap Projects along East Sunrise Boulevard, North Federal Highway, and Dixie Highway within FDOT Right-of-Way - (Commission Districts 1, 2 and 3)

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CONSENT PURCHASE**CP-1** [21-0118](#)

Motion Approving Agreement for the Conversion of Backwash Pump No. 2 at the Fiveash Water Treatment Plant - Akerblom Contracting, Inc. - \$185,098 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

CP-2 [21-0166](#)

Motion Approving Consent to Assignment of Contract for Transcription Services to Elite Office Solutions, Inc. - (Commission Districts 1, 2, 3 and 4)

APPROVED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

RESOLUTIONS**R-1** [21-0204](#)

Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)

City Clerk Jeffrey Modarelli read the names of the Board and Committee nominees for appointment and/or reappointment at the upcoming March 2, 2021 Commission Regular Meeting.

City Clerk Modarelli read into the record the names of Board and Committee appointments and/or reappointments for Agenda item R-1.

Commissioner McKinzie introduced this Resolution which was read by

title only.

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

R-2 [21-0188](#)

Resolution Waiving the Competitive Solicitation and Selection Processes Contained in the Procurement Ordinance for Procuring Dredging Services at George English Lake - Waterfront Property Services, LLC D/B/A Gator Dredging - \$214,780 - (Commission District 1)

In response to Commissioner Moraitis' question, Raj Verma, Public Works Director, confirmed his preference not to close any boat ramps. As project schematics are developed, details will be addressed. Following the preconstruction meeting, he will inform the Commission of project details.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

R-3 [21-0167](#)

Quasi-Judicial Appeal of Planning and Zoning Board Denial of a Vacation of Right-Of-Way Application - Portion of NE 8th Street - Holman Automotive, Inc. - Case No. V19008 - (Commission District 2)

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

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing which was seconded by Vice Mayor Glassman. Roll call showed: **AYES:** Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman, and Mayor Trantalis.

City Attorney Boileau discussed details related to this item and said an appeal is not being heard tonight. The Commission is determining whether the appeal is adequate, i.e., did the Planning and Zoning Board (P&Z Board) follow the essential requirements of the law under the Unified Land Development Regulations (ULDR) and whether there was competent and substantial evidence to support that decision. He proffered that the P&Z Board did follow the correct ULDR provision. Further discussion ensued on aspects of a Commission vote to approve or deny a *De Novo* hearing.

Mayor Trantalis recognized Dennis Mele, 200 East Broward Boulevard, on behalf of the Applicant Holman Automotive. Mr. Mele explained a site plan is not a criterion for a road right-of-way vacation under the Code. He expounded on details of the P&Z Board discussions regarding this item. He requested the Commission adopt the Resolution approving a *De Novo* to hear the appeal.

Commissioner Moraitis explained her understanding that the P&Z Board requested to see a site plan for approval. Mr. Mele confirmed.

Vice Mayor Glassman explained his perspective, noting he watched the meeting and read the related meeting minutes. He agreed that competent and substantial evidence does not exist to support the P&Z Board's decision. City Attorney Boileau confirmed the ability to call for a *De Novo* hearing based on the applicability of one of the *De Novo* hearing criteria.

Commissioner Sorensen introduced this Resolution setting a *De Novo* Hearing on this item for March 16, 2021, at 6:00 pm due to: 1) a lack of competent and substantial evidence; and/or 2) a departure from essential requirements of the law to support the P&Z Board's decision. The Resolution was read by title only.

ADOPTED - Set De Novo Hearing for March 16, 2021, 6pm

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

R-4 [21-0151](#)

Quasi-Judicial Resolution Approving an Amendment to Site Plan Level III Development Permit to Reduce the Allocation of 297 Downtown Dwelling Units, Riverwalk Residences of Las Olas - Riverwalk Plaza Associates, LLC. - 333 N. New River Dr. East - Case No. UDP-A20007 - (Commission District 4)

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

Mayor Trantalis opened the public hearing.

Mayor Trantalis explained when the *Riverwalk Residences of Las Olas (Project)* was previously approved and a portion was dedicated for use as an *Assisted Living Facility a/k/a Social Service Residential Facility (SSRF)*, there were decreased parking needs.

Courtney Crush, Esq., on behalf of the Applicant, concurred. The Applicant for this approved *Project* is seeking to amend conditions associated with use as an *SSRF*, i.e., removal of the generator and a large fuel tank.

Ms. Crush said there is no parking requirement in the *Downtown Regional Activity Center (RAC)*. The Applicant will be submitting a future amendment to the *Project Site Plan* that would increase the number of parking spaces for the *Project* with the conversion of the existing planned 6th Floor Amenity Deck. This amendment will allow one parking space per dwelling unit for a total of two hundred ninety-seven (297) parking spaces.

City Clerk Jeffrey Modarelli swore in each person who signed up to speak on this Agenda item.

Mayor Trantalis recognized Debbie Picker, 347 N. New River Drive East. Ms. Picker confirmed support of this *Project* as previously approved. She expounded on aspects of the *Project*, related concerns and opposition to this amendment.

Mayor Trantalis recognized Gary Grayson, 347 N. New River Drive East. Mr. Grayson provided a video illustrating his opposition to the *Project* due to the small lot size, setbacks and wind studies.

A copy has been made part of the backup to this Agenda item.

Mayor Trantalis recognized Michael Wager, 347 N. New River Drive East. Mr. Wager spoke in opposition to the *Project* due to the small lot size, setbacks, area traffic and wind studies.

Mayor Trantalis recognized Sharon Miller, 347 N. New River Drive East. Ms. Miller spoke in opposition to this item, expounding on her

perspective.

Mayor Trantalis recognized Stan Eichelbaum, 411 N. New River Drive East. Mr. Eichelbaum spoke in opposition to this item, expounding on the process, concerns and recommending reapplication of the *Project* by the Applicant.

Mayor Trantalis closed the public hearing.

There being no one else wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing which was seconded by Commissioner Sorensen. Roll call showed: AYES: Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman, and Mayor Trantalis.

Vice Mayor Glassman corrected comments attributed to him earlier regarding this item, stating they were inaccurate. He explained his previous position opposing this *Project* as a member of the *Planning and Zoning (P&Z Board)*. Vice Mayor Glassman emphasized the current Commission did not vote on this *Project*. Vice Mayor Glassman explained the *Project* came before the P&Z Board because of the conditional use as a memory care facility and assisted living facility.

In response to Vice Mayor Glassman's questions, City Attorney Boileau explained this *Project* amendment is not a change of use. It is before the Commission because it is an administrative amendment requiring approval by the last approving body. This *Project Site Plan* was approved in 2017.

If this amendment is approved, references to a portion of the *Project's Conditional Use* as an *SSRF* and the associated State mandate for a generator room and fuel tank would be removed from the *Project Site Plan*. The *SSRF* is a conditional use that would eventually expire. Under the Code, the Applicant does not have to exercise this *Conditional Use*. The Applicant could increase parking spaces to allow one parking space per dwelling unit in the area currently designated for the generator and the large fuel tank. The Commission cannot revisit the *Project Site Plan*.

If the amendment is denied, the Applicant could proceed with the existing *Project Site Plan* and decide to include or exclude an *SSRF*. Items included in the amendment are not extensive enough to require a new *Project Site Plan* review process.

Mayor Trantalis recognized, Anthony Fajardo, Department of Sustainable

Development Director. Mr. Fajardo explained Code process procedures for amendments to site plans, expounding on related details.

In response to Vice Mayor Glassman's questions, Mr. Fajardo confirmed Project plans for this Agenda item, whether approved or disapproved, is what should be submitted to Permitting. Mr. Fajardo confirmed the addition of two dwelling units to the Project with the proposed amendment. Should this item not be approved, those two (2) allocated dwelling units would go back into the dwelling unit pool.

Vice Mayor Glassman clarified the *Project Site Plan* is not before the Commission tonight. The Commission is following the law as outlined by Staff.

In response to Mayor Trantalis' questions, Mr. Fajardo reiterated City Attorney Boileau's explanation as to denial or approval of this item relates to the operational use of the building as an *SSRF*, which is a *Conditional Use*. City Attorney Boileau explained if there is no *SSRF*, there is no State requirement for a generator or fuel tank.

Mr. Fajardo confirmed the allocation of the *Project's* two-hundred ninety-five (295) dwelling units were previously approved. Its operation as an *SSRF* does not relate to a decision on this item. He reiterated that if the *Project* does not operate an *SSRF*, a generator and fuel tank are not required. Further comment and discussion ensued.

Mayor Trantalis noted the Applicant had indicated there would be a future amendment that would include additional parking spaces.

In response to Vice Mayor Glassman's question, Mr. Fajardo said the Applicant indicated the original *Project Site Plan's* eight (8) hotel units have been removed and did not need to be included in this *Amendment*. Hotel units would not need to be allocated by the Commission.

Commissioner McKinzie commented on his perspective as a contractor, the process and the ability for the Applicant to omit plans listed in the original plans.

In response to Commissioner Sorensen's questions regarding the original *Project Site Plan* approved by the previous Commission, Mr. Fajardo commented on the tower separation for the proposed building and the neighboring *WaterGarden Condominium (WaterGarden)*. He explained aspects of the adopted *Downtown Master Plan (DMP)* for a sixty-foot (60') separation between towers. Towers should maintain thirty

feet (30') on either side.

The *WaterGarden* was approved prior to adoption of the current *DMP*. Its tower was located further to the west, closer than (30') feet to the property line. Mr. Fajardo discussed the flexibility of the prior version of the *DMP* as an intent-driven document. The Applicant's side adjacent to the *WaterGarden* is less than thirty (30') feet. It was adjusted to maintain access along the west side next to the bridge and preserve the pedestrian experience.

In response to Mayor Trantalis' questions regarding neighbor concerns of this property being utilized for vacation rentals, Ms. Crush explained minimal leases and expounded on details. There is no intention to operate on a short-term rental basis.

Ms. Crush explained details regarding the orientation of the building with its wider side facing the *New River*. She confirmed her understanding that the intent of this item to remove the large generator.

Mayor Trantalis commented on his perspective. This item addresses a slight modification to the Project previously approved by a prior Commission. The Applicant has agreed to add parking. A future proposed amendment to the *DMP* would require one (1) parking space per dwelling unit in all future structures.

Commissioner Sorensen introduced this Resolution approving the *Project Site Plan Amendment* which was read by title only.

ADOPTED - Approving Site Plan Amendment

Aye: 4 - Commissioner McKinzie, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

Nay: 1 - Commissioner Sorensen

PUBLIC HEARINGS

PH-1 [21-0164](#)

Public Hearing - Resolution Granting a Waiver of Limitations at 321 N Birch Road, Penthouse1, Slip 2, for the Installation of No-Profile Boat Lift - (Commission District 2)

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing which was seconded by Commissioner Moraitis. Roll call showed: AYES: Commissioner McKinzie, Commissioner Sorensen, Commissioner

Moraitis, Vice Mayor Glassman, and Mayor Trantalis.

Commissioner Sorensen introduced this Resolution which was read by title only.

ADOPTED

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

PH-2 [21-0236](#)

Public Hearing - Resolution Granting a Waiver of Limitations at 301 N Birch Road, Unit 8S, for the Installation of Four (4) Post Boat Lift - (Commission District 2) - Requesting Deferment to March 2, 2021

Vice Mayor Glassman made a motion to defer this item until the March 2, 2021 Commission Regular Meeting and was seconded by Commissioner McKinzie.

DEFERRED - Deferred to March 2, 2021.

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

PH-3 [21-0080](#)

Public Hearing - Quasi-Judicial Resolution Approving Historic Designation as an Archaeological Site, of the Property Commonly Known as Rivermont, Located at 1016 Waverly Road, Fort Lauderdale, Florida - Historic Preservation Board Case No. UDP-HPD20004 - (Commission District 2)

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

Mayor Trantalis opened the public hearing.

Mayor Trantalis noted this parcel is owned by the City.

There being no one wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing which was seconded by Vice Mayor Glassman. Roll call showed: AYES: Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman, and Mayor Trantalis.

In response to Vice Mayor Glassman's question regarding the status of

registering this site on the *National Register of Historic Places*, Mr. Fajardo explained details of ongoing work of Trisha Logan, Historic Preservation Officer, and Staff with the *Fort Lauderdale Historical Society* for May 2021 submission to the *Florida Department of State's Division of Historical Resources* and subsequent transmission to the *National Register of Historic Places*.

Vice Mayor Glassman introduced this Resolution which was read by title only.

ADOPTED - Approving Historic Designation

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

ORDINANCE FIRST READING

OFR-1 [21-0216](#)

First Reading - Ordinance Dissolving the Beach Redevelopment Board and Amending Section 2-219(a) of Code of Ordinances of the City of Fort Lauderdale - (Commission District 2)

Mayor Trantalis thanked everyone who participated on the Beach Redevelopment Board for their efforts. Vice Mayor Glassman echoed Mayor Trantalis' comments.

Vice Mayor Glassman introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

OFR-2 [21-0231](#)

First Reading - Ordinance Amending the Noise Ordinance Relating to the Construction of Large or Complex Projects (Transportation and Non-Transportation) Exemption for Time to Comply, Establishing an Alternative Approval Process Through the City Commission for the Approval and Revocation of Special Permits - (Commission Districts 1, 2, 3 and 4)

Mayor Trantalis commented on his perspective regarding this item. City Manager Lagerbloom explained his current authority to extend the hours of operation for construction project hours under the *Noise Ordinance (Ordinance)*. He can issue one (1) thirty (30) day permit and one (1) fifteen (15) day permit for a total of forty-five (45) permitted days. The *Broward County Convention Center Project* is an example of a project that could not be completed in a forty-five (45) days time period, and

there would be good cause to continue an extension of construction hours permitted under the *Ordinance* as determined by the Commission.

City Manager Lagerbloom discussed possible modifications. Discussion ensued on the *Ordinance* applying to both public and private projects. City Attorney Boileau suggested the amended *Ordinance* remain as proposed and published. When the City Manager has exhausted his authority, the proposed amended *Ordinance* provides additional Commission authority to determine and grant increased construction project operating hours. The City Manager's authority remains the same.

Mayor Trantalis recognized Sandy Swanson, 347 N New River Drive E. Ms. Swanson commented on her concerns regarding the extension of construction hours, expounding on her perspective and requesting the project at 333 New River Drive be exempt from the extension of construction hours. Mayor Trantalis commented should the project at 333 New River Drive seek an exemption, this would be addressed .

Commissioner Sorensen introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

ORDINANCE SECOND READING

OSR-1 [21-0220](#)

Second Reading - Ordinance Amending City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts to Adopt Airport and Heliport/Helistop Zoning Regulations and Creating Section 47-3.12 to Add Regulations for Nonconforming Obstructions Located Within the Airport Hazard Area, General Aviation Airport District, or Airport Industrial Park District - (Commission Districts 1 and 4)

Mayor Trantalis recognized Stephanie Toothaker, Esq., on behalf of the Applicant, *Inter Miami CF*. Ms. Toothaker confirmed *Inter Miami CF* intends to have a *Sports Management School* within the *Inter Miami CF Stadium at Lockhart Park (Stadium)*.

Ms. Toothaker explained her objection to this *Ordinance Amendment* at the *Planning and Zoning Board (P&Z Board)* Meeting was to ensure that a school would be a permitted use at the *Stadium*. She acknowledged Staff efforts to ensure a school would be a permitted use.

Ms. Toothaker expounded on her perspective regarding a school being an accessory use and requested clarification.

City Attorney Boileau explained details related to the DNL area, FAA standard noise metric used for all its studies of aviation noise exposure in airport communities under Florida Statute Chapter 333 (Chapter 333). The DNL area does not encompass the *Stadium* and there would be no impact. He expounded on his perspective that the *Sports Management School* would be a secondary or accessory use and related DNL details required under the *Ordinance*.

Ms. Toothaker discussed concerns regarding the accessory use zoning category does not include a school or educational facility as a primary or secondary permitted use and an accessory use is limited to 2,500 square feet. Schools fall into a zoning category. Further comment and discussion ensued. Ms. Toothaker discussed her interpretation of the *Ordinance Amendment* and suggested the language be more precise to ensure this accessory use would be permitted.

In response to Commissioner Moraitis' questions, City Attorney Boileau explained the *Amended Ordinance* language was crafted pursuant to what is required under Chapter 333 and details related to Aviation Advisory Board approval.

Vice Mayor Glassman commented that the *P&Z Board* denied this in a seven (7) to two (2) vote. He inquired if this item was time-sensitive and if Commissioner Moraitis, Ms. Toothaker and City Attorney Boileau could meet to address concerns. City Attorney Boileau confirmed the item is time-sensitive. The *P&Z Board* denied this item due to concerns raised by Ms. Toothaker.

Commissioner Moraitis confirmed the need for further dialogue to review and address concerns.

Anthony Fajardo, Department of Sustainable Development Director, explained the appeals process is initially subject to a *Site Plan Level 3* appeals with the *Aviation Advisory Board*. An appeal then would go to the *P&Z Board*. Should the *P&Z Board* not agree, the appeal could come before the Commission.

In response to Commissioner Moraitis' question, City Attorney Boileau explained the 2,500 square footage space area is based on State Statute. Commissioner Moraitis discussed her perspective and concerns regarding the possible restriction of plans for other educational

facilities at *Lockhart Park*. Mr. Fajardo said a school is defined in the *Unified Development Land Regulations (ULDR)* Section 47-35. Comment and discussion ensued.

Ms. Toothaker reiterated her concerns regarding interpretation of the *Amended Ordinance* and need for clarification of a school as a permitted use. She recommended working with Staff and City Attorney Boileau over the next two (2) weeks and defer the item. Commissioner Moraitis concurred. City Attorney Boileau confirmed.

Commissioner Sorensen made a motion to defer this item to the March 2, 2021 Commission Regular Meeting and was seconded by Commissioner Moraitis.

DEFERRED to March 2, 2021

Aye: 5 - Commissioner McKinzie, Commissioner Sorensen, Commissioner Moraitis, Vice Mayor Glassman and Mayor Trantalis

REQUEST FOR EXECUTIVE CLOSED-DOOR SESSION

City Attorney Alain Boileau requested, pursuant to Florida Statute Section 286.011(8), a Commission Executive Closed-Door Session on March 2, 2021 at 4:30 p.m. or shortly thereafter to discuss the following matter:

Lily Catherine Fruscianti v. City of Fort Lauderdale
Case No.: CACE 18-012293 (21)

The discussion is estimated to take approximately twenty (20) minutes.

ADDITIONAL COMMISSION DISCUSSION

In response to Commissioner Sorensen's inquiries, information was provided on the following topics:

City Manager Lagerbloom noted the Federal Courthouse process is moving forward.

City Manager Lagerbloom explained the next step for the *Emergency Medical Services (EMS) Substation* is its design. Funding is in place for the design work that is expected to begin later in the Spring.

City Manager Lagerbloom noted plans for the City of Fort Lauderdale Commission and Broward County Commission to meet as the *Unified*

Direct Procurement Authority (UDPA) to discuss the proposed *Joint Government Center*. March 9, 2021 is the proposed *UDPA* meeting date. There is one (1) item to approve, the release of the solicitation for the private partner. City Manager Lagerbloom requested Commission Members provide their availability.

City Manager Lagerbloom said the process for an Owner's Representative is moving forward should the Commission decide to build and replace the *Fiveash Water Treatment Plant*. The latest unsolicited proposal is under review.

Mayor Trantalis explained details of upcoming meetings with the Chief Executive Officer of *The Boring Company* in Las Vegas, Nevada, and Los Angeles, California, to observe and discuss its tunnels built at these locations. Those attending include City Manager Lagerbloom, Mayor's Chief of Staff Scott Wyman, Miami Mayor Francis Suarez and his staff, Broward County Vice Mayor Michael Udine and Broward County Tunnel and Railway Staff, and Florida East Coast (FEC) Technical Engineering and Construction Staff. Mayor Trantalis will provide an update to the Commission upon his return.

City Attorney Boileau provided an update on Staff efforts regarding the *Bahia Mar* for presentation to the Commission on March 2, 2021. The amount paid to date on outside counsel, *Weiss Serota Helfman Cole + Bierman (Weiss Serota)* is approximately \$4,600. The Commission allocated \$150,000 to *Weiss Serota* for general real estate matters. Further comment ensued.

Raj Verma, Public Works Department Director, explained efforts related to the *South Ocean Drive Bridge* and dredging of *Tarpon River* projects. Plans are on target to begin construction on the *South Ocean Drive Bridge* pending a funding decision and a meeting is scheduled with Broward County next week.

The *Tarpon River* dredging project consultant submitted a permit application two (2) weeks ago. Barring any unforeseen circumstances, the project is on target to begin at the end of April 2021. Broward County and the *Florida Department of Environmental Protection (FDEP)* have not provided a fixed timeline but will work with the City to expedite. Staff anticipates hearing from the *Army Corps of Engineers* within thirty (30) days.

Ben Rogers, Transportation and Mobility (TAM) Department Director, provided an update regarding discussions with Broward County for use

of Surtax funds for the *South Ocean Drive Bridge Project*. Application portions not approved by Broward County include decorative elements, utilities, etc. Negotiations are ongoing and the scope of work is being updated. Once finalized, the project's financial agreement will be reviewed with Broward County for receipt of funding.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 8:19 p.m.



Dean J. Trantalis
Mayor

ATTEST:



Jeffrey A. Modarelli
City Clerk




**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

REVISED

#21-0189

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager 

DATE: February 16, 2021

TITLE: Motion Approving a Music Exemption for Riverwalk Fort Lauderdale, Inc.
to Host the Broward Center for Performing Arts Concert Series -
(Commission District 2)

Recommendation

Staff recommends the City Commission approve a motion approving a music exemption for Broward Center for the Performing Arts concert series being held February 14, 2021 through April 25, 2021.

Background

On November 5, 2020, the City Commission approved an agreement with Riverwalk Fort Lauderdale for calendar year 2021 events held in the Riverwalk district (CAM 20-0811). The Broward Center for Performing Arts is hosting a weekend concert series within the Riverwalk district and has requested an exemption for music to be played until 11:00pm. Riverwalk Fort Lauderdale has been approved by Broward County to operate events and has satisfied the guidelines outlined in Broward County Ordinance 20-23.

City staff has been working closely with the event organizers regarding event topics, such as logistics, maintenance, and security as detailed below. The Police Department recommends approval of the closing of the City streets where appropriate, and event parking has been satisfactorily arranged. When applicable, amplified music was discussed, and the event organizers were advised of the noise ordinance and possible concerns.

The organizers will pay for all event costs and submit the required certificates of insurance. The event organizers will also secure all other necessary permits and licenses that are required from other agencies. Civic and merchant associations have been notified, as appropriate, regarding events in their respective areas. Specific event details are included in each event application as attached.

Where applicable, the City Commission authorizes amplified music for the events listed below.

Event 1: Broward Center for the Performing Arts Concert Series

Applicant: Riverwalk Fort Lauderdale, Inc.
Date/Time: Friday, February 13, 2021 (6:00 pm – 11:00 pm) – Sunday, April 25, 2021 (6:00pm – 11:00pm) *weekends only
Location: Broward Center for the Performing Arts Terrace/Backlot
Road Closing: No
Alcohol: No
Amplified Music: Yes - Tuesday, February 16, 2021 (6:00 pm – 11:00pm)*
Special Permission: Amplified Music/Extended Road Closure - Yes
Insurance Required: Yes
Banners: No
Pending Code Violations: No
Application Fee: \$0

****The event organizer has requested a special exemption for the weekend concert series to allow music for these events until 11:00pm from Saturday, February 13, 2021 through Sunday, April 25, 2021.**

Resource Impact

There is no fiscal impact associated with this item.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Building a healthy and engaging community
- Objective: Offer a diverse range of recreational and educational programming

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

Attachments

Exhibit 1 – 2021 Riverwalk Agreement
Exhibit 2 – Broward Center for Performing Arts Concert Series Site Plan
Exhibit 3 – Riverwalk Covid Safety Plan
Exhibit 4 – Approval by Broward County for Riverwalk Events
Exhibit 5 – Broward Center for the Performing Arts Safety Plan
Exhibit 6 – Broward Center for the Performing Arts County Approval
Exhibit 7 – Commission Memo 19-076

Prepared by: Carolyn Bean, Parks and Recreation

Department Director: Phil Thornburg, Parks and Recreation