

City of Fort Lauderdale

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



Meeting Minutes

Tuesday, November 21, 2017

1:30 PM

City Commission Conference Room

City Commission Conference 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***

ROLL CALL

Present 5 - Commissioner Romney Rogers, Vice Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Robert L. McKinzie, 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 Wilgienson Auguste

No e-comments were submitted for this meeting.

CALL TO ORDER

Mayor Seiler called the meeting to order at 1:39 p.m.

CITY COMMISSION REPORTS

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

Commissioner McKinzie arrived at 1:41 p.m.

Commissioner Rogers commented on the Metropolitan Planning Organization's 40th Anniversary Event, the Cordova Road Design Meeting, and the Fort Lauderdale International Airport's Noise Compatibility (FLL Noise Compatibility) Meeting. There was Commission consensus on the need to have a representative from the Federal Aviation Administration attend the FLL Noise Compatibility Meetings. He noted that Friday, November 24, 2017 was the deadline for submitting claims to the Federal Emergency Management Agency (FEMA).

Commissioner Rogers confirmed the 17th Street Transportation and Mobility Working Group Meeting on Monday, November 27, 2017 from 10:00 a.m. - 12:00 p.m. in the City Hall 8th Floor Break Room. Discussions ensued on Broward County's participation in this meeting and plans for a bypass road. The Commission acknowledged the accessibility and responsiveness of Alan Cohen, Assistant to Broward County Administrator, regarding pertinent issues. Commissioner Rogers noted the upcoming King Tides, December 2-5, 2017.

Commissioner McKinzie discussed authorization delays for sewer line repair work in District III, causing neighbor concerns about safety issues resulting from temporary barricades and metal plates covering roadways. City Manager Feldman confirmed he would address this issue. Commissioner McKinzie asked Paul Berg, Director of Public Works, to keep the community informed. Further discussions ensued on this topic. The Commission discussed the impact of roadway changes in traffic corridors, i.e., narrowing of lanes and roundabouts.

In response to Mayor Seiler's question about the reaction to the removal of the 15th Avenue stop sign in Colee Hammock, City Manager Feldman confirmed he had not received complaints. Mayor Seiler noted receiving one complaint. Discussion ensued on traffic patterns, raised intersections and congestion in the Colee Hammock area. City Manager Feldman confirmed this area would be monitored. Comments ensued on alterations to the Las Olas Boulevard and SE 15th Avenue intersection, allowing large trucks to turn onto SE 15th Street.

Commissioner McKinzie discussed requests for speed calming measures in District III areas with low volumes of traffic and speeding vehicles. Mayor Seiler commented on the need for an objective standard policy. Further discussions on traffic calming measures ensued.

Vice Mayor Roberts discussed concerns in District I relating to Code Enforcement, stating the need for a more aggressive approach to enforcement of chronic violations and recommended establishing a threshold criteria. The Special Magistrate process is too slow for chronic violations. Vice Mayor Roberts requested City Manager Feldman and City Attorney Everett review this issue and develop recommendations for the Commission at an upcoming Conference Meeting. Further discussions ensued on the current process, the possibility of implementing a criminal process and alternative solutions. City Manager Feldman commented on the issuance of civil citations for Code violations.

Vice Mayor Roberts discussed issues raised during his attendance at the recent National League of Cities Meeting in Charlotte, North Carolina. One issue is the national opioid crisis and participation in a class-action proceeding against pharmaceutical companies. Mayor Seiler recommended pursuing this and expediting the process by the end of next week. In response Commissioner Trantalis' question, City Attorney Everett confirmed hiring outside counsel for this purpose would not require a Request for Proposal (RFP). Mayor Seiler requested City

Attorney Everett expedite this recommendation. City Attorney Everett discussed the need to determine an assessment of all costs, resources and damages incurred. City Manager Feldman confirmed Fire Rescue and Police have incurred time and resources. Further comments and discussions ensued on this point. Vice Mayor Roberts suggested researching actions of other local municipalities. Mayor Seiler expounded on the idea regarding joining a class-action proceeding, discussing the retention of a law firm. Mayor Seiler asked City Attorney Everett to review 3-4 legal firms and present a recommendation to the Commission. City Attorney Everett confirmed. Vice Mayor Roberts also commented on the issue of state preemption of local government, commenting that local municipalities need to advocate for themselves on this issue. He also commented on aspects of the light-rail system in Charlotte.

Commissioner Trantalis discussed the public hearing on Bahia Mar scheduled for December 5, 2017, noting the lengthy duration at previous public hearings. He discussed the possibility of the Commission setting aside a separate date for this public hearing or having it heard earlier in the evening. City Manager Feldman stated the Commission would need to vote on two items regarding Bahia Mar, the site plan and the consent under the lease. He asked if these two items could be combined, confirming previous public comments had been heard. Commissioner Trantalis asked City Manager Feldman to review any items that could be deferred.

The Commission also discussed scheduling an agenda item to select an engineering consulting firm (consultant) to address infrastructure needs. City Manager Feldman discussed his analysis and recommendation for the selection of this consultant. Mayor Seiler asked City Manager Feldman to provide this information to the Commission in advance to allow for a thorough review. City Manager Feldman confirmed he would provide this information to the Commission shortly. There was a consensus that this item should be on the December 5, 2017 Regular Meeting Agenda. Discussions ensued on other issues being deferred to December 19, 2017 or after the holidays.

Mayor Seiler discussed his attendance at the Village Square Event also attended by Broward County Administrator Bertha Henry. Discussions with Administrator Henry on important issues included homelessness, cleaning up the area around the County Library (Library) and allowing use of the Stockade to address needs of the homeless. Further discussions ensued on various County Commissioner's positions on these issues. He also commented on the efforts of the Heart to Heart organization, addressing the needs of senior citizens in the community.

[17-1402](#)

Communications to the City Commission

***Economic Development Advisory Board (EDAB)
Wednesday, November 8, 2017***

Communications to the City Commission

Motion made by Ms. Maier, seconded by Mr. Budwig, to send the EDAB's priorities to the City Commission:

- 1. Message and branding*
- 2. Expansion of BEAMS program*
- 3. Incubator/accelerator/pipeline/entrepreneurship programs, and how to do business with in the City/business readiness training*
- 4. Involvement with CRAs*
- 5. Explore using existing City resources to create pipelines for Economic development*

In a voice vote, motion passed unanimously.

Mayor Seiler agreed with each of the EDAB's recommendations. Discussions ensued on the interpretation of messaging and branding. Commissioner Trantalis commented on the need for a more proactive approach to developing messaging materials, i.e., books and pamphlets. Further discussions ensued on efforts of the Business Alliance to attract business to the City, focusing on branding and messaging. Commissioner Trantalis suggested working through the Public Information Office to promote branding and messaging, discussing examples and the need to diversify. Further discussions and comments ensued on budgeting for messaging and branding efforts. Mayor Seiler suggested moving forward and expanding items 2 through 5. Further comments and discussions ensued on these recommendations.

Mayor Seiler recognized Alfred Battle, Deputy Director Department of Sustainable Development. Mr. Battle expounded on BEAM's and EDAB's efforts and recommendations to enhance programs, making them more dynamic and emphasizing the Fort Lauderdale brand. He suggested scheduling a future Commission Conference Meeting item to present and discuss their recommendations. Further comments and discussions ensued on the need for the EDAB to research each of the recommendations and develop a business plan for presentation to the Commission. Mayor Seiler confirmed the Commission's consensus on endorsing all EDAB's recommendations.

Commissioner Trantalis requested Mr. Battle research the results to date of Triangle Services, a funded business incubator program, and provide an update to the Commission.

DRAFT

***Infrastructure Task Force Committee
November 6, 2017***

Communication to the City Commission

Member Edward Kwoka made the motion, seconded by member David Orshefsky recommending the City Commission adopt a new stormwater rate methodology based upon the trip generation cost apportionment and recommends using the bond validation process immediately thereafter to validate said methodology. This recommendation is made with the provision that there be no transfer of stormwater enterprise funds into the General Fund other than for direct expense recovery and to exclude ROI.

In a voice vote, the motion carried unanimously.

City Manager Feldman gave a brief background on this communication, clarifying the wording of the ITFC's previous communication to the Commission. He confirmed the ITFC dropped the word *consider* and recommended moving forward with the trip generation methodology and to confirm there would be no issue with this methodology when validating the bond.

Mayor Seiler asked if any other municipalities are using the trip generation methodology. City Manager Feldman confirmed he is not aware of any others in the state using this methodology. Discussions ensued on receiving a legal opinion about the validity of this methodology. Further discussions ensued on issuing a bond.

City Auditor Herbst stated this is a novel approach that could ultimately be decided in court. He also commented that this methodology approach is due to the City's type of building inventory. Further discussions ensued on the current methodology and the trip generation methodology. Discussions ensued on bond counsel fees when using this new methodology. City Attorney Everett commented on her concern about the methodology, asking if Stantec has validated this methodology

within the industry. Mayor Seiler recommended a legal opinion on this issue.

City Manager Feldman reviewed the history of addressing this infrastructure need with the Commission and Stantec. Mayor Seiler commented on possible future litigation due to disproportionate bills. Discussions ensued on developing a rate structure and rate adjustments. Commissioner Rogers recommended a cost-benefit analysis for the possibility of a law suit challenge to the trip generation methodology, serving to decide the best avenue to pursue. There was a consensus to validate the bonds issued for stormwater improvements. Mayor Seiler requested a presentation at a Conference Meeting in January 2018 that would allow the Commission to make a determination on how to proceed.

OLD/NEW BUSINESS

BUS-1 [17-1421](#)

Cemetery System Updates

Forensic Audit

In response to Mayor Seiler's request, City Auditor Herbst reviewed his work and recommendations regarding issues relating to the Cemetery System. Chair Dr. Michael Ruddy discussed the discrepancies discovered in the forensic audit (Audit), requesting Anthony Brunson, Anthony Brunson, P.A., give a summary of the Audit.

Mayor Seiler recognized Anthony Brunson, Anthony Brunson, P.A., 333 Las Olas Boulevard. Mr. Brunson addressed the Commission reviewing the Audit findings that covered a two-year period from October 1, 2014 through September 30, 2016. It focused on the assessment of costs associated with financial noncompliance and other noncompliant matters dealing with internal controls impacting the rules of the process, i.e., individual buyers should not own more than six property plots. Mr. Brunson reviewed the last page of the Audit focusing on the financial impact, expounding on details and citing examples.

Mayor Seiler commented on discounts given to resident contracts, the need for clarification and the financial impact of the Audit's two-year period. In response to Commissioner Rogers' question, Mr. Brunson commented on the Audit methodology and Carriage not identifying resident and nonresident contracts. Chair Ruddy confirmed the lack of records to back-up resident and nonresident contracts.

Chair Ruddy confirmed the Board's desire to delve further into

Carriage's records, stating there has been a lack of oversight. He confirmed this is a leadership decision. Apparent problems should be dealt with immediately and additional issues should be based upon legal opinions. In response to Mayor Seiler's question, Michael Elliot, Esq., in-house counsel for Carriage Services, stated he did not wish to respond to financial concerns raised in the Audit. Mr. Brunson discussed the financial impact of not following established rules and procedures. Further comments and discussions continued about lost revenue and recovering these funds.

Board Member Dennis Ulmer confirmed there is an established price list. Chair Ruddy commented on private for-profit entities' interaction with governmental agencies, suggesting this is what allowed the process to take place. Further comments and discussions ensued on seeking recovery for items, i.e., interest.

Mayor Seiler requested City Auditor Herbst, City Manager Feldman, and City Attorney Everett develop a plan to address these financial issues and come back to the Commission with recommendations. Vice Mayor Roberts discussed issues he would like City Auditor Herbst, City Manager Feldman, and City Attorney Everett to research and advise the Commission. Further comments and discussions ensued. Chair Ruddy recommended starting from an informational position.

Board Member Vicki Mowrey discussed the Board's agreement to seek an extension from Mr. Brunson to include an audit of 2017 to determine if these issues are still ongoing. Mayor Seiler suggested Carriage may be able to provide the necessary information. Commissioner Rogers emphasized these issues need to be addressed immediately. Mayor Seiler concurred, confirming this will be done when City Manager Feldman, City Auditor Herbst and City Attorney Everett report back to the Commission in January 2018.

Michael Elliot, Esq., in-house counsel for Carriage Services, confirmed submission of numerous written responses to the City regarding the issues raised. He discussed having an open dialogue with the City Attorney's Office.

Short-Term Maintenance Plan

Chair Ruddy discussed the need for a short-term maintenance plan to address issues on an ongoing basis. Board Member Mowrey commented on the short-term maintenance plan given to Carriage nine months ago that remains unfulfilled, including re-sodding bare areas of the cemeteries. Further comments and discussions ensued on this

issue.

City Manager Feldman discussed his prior recommendation for a Cemetery Master Plan, expounding on the details of this approach. He stated his position that cemeteries should be part of the City's Parks and Recreation Department. In response to Commissioner Trantalis' question, City Manager Feldman recommended the contract with Carriage be terminated and to contract a new vendor. Discussions ensued about a termination clause and the expiration date in the Carriage contract. City Attorney Everett stated the current contract with Carriage expires in September 2018. Mayor Seiler said a closed-door session should be convened to discuss this issue.

Board Member Ulmer confirmed the basis of the short-term maintenance plan was the result of the Commission's recommendation at the last Joint Workshop. He also confirmed that on November 9th, Carriage was unresponsive to questions presented by the Board.

Commission Approval for Private Estates

Chair Ruddy discussed private estates that result in the Board being in an awkward position. He confirmed the need for the Board to hold a Special Meeting to address this issue. City Manager Feldman commented on changing the current delegated authority. Discussions ensued on this point. Chair Ruddy commented on the outdated rules and regulations and the timeframe in which they were enacted. Reviews and comments ensued on delegating private estate decisions. Mayor Seiler confirmed a consensus for the Board to come back to the Commission with updated rules and regulations. Chair Ruddy confirmed.

Mayor Seiler recognized Board Member Mowrey who confirmed a Request for Proposal (RFP) has been issued for a Cemetery Master Plan. She commented on the issuance of two private estates not approved by the Commission.

Mayor Seiler recognized Vice Chair Patricia Hayes who commented that Carriage is not following Ordinance requirements to maintain records of the individuals buried in plots. In response to Mayor Seiler's inquiry on this issue, Mr. Elliott stated Carriage will provide Stacy Spates, Board Liaison, with updated cemetery maps in the near future. Further discussions ensued on this topic. Vice Chair Hayes also commented on Carriage's actions regarding the highest and best use of plots.

Mayor Seiler reiterated City Manager Feldman, City Auditor Herbst, and City Attorney Everett will develop an action plan to address issues and

concerns raised during this discussion to be presented to the Commission at the Conference Meeting on January 23, 2018.

Mr. Elliott commented on Carriage's request to the Board about receiving an updated report on the areas in need of re-sodding.

In response to Commissioner McKinzie's question, Stacy Spates, Board Liaison, updated the Commission on Carriage's response to the request for a short-term corrective maintenance progress report and their lack of cooperation over the past several months. Ms. Spates expounded on conversations and communications with Carriage regarding requested work and their performance. Ms. Spates confirmed she would keep the Commission updated regarding the progress reports.

Mayor Seiler requested Vice Chair Hayes inform him immediately should Carriage not provide the required plat information by their next Board meeting. Board Member Vicki Mowrey discussed conversations with the Carriage Manager regarding her inquiry about selling plots according to the plat, noting his response.

Mayor Seiler reiterated the Commission's total support of the Board and their efforts.

BUS-2 [17-1410](#)

Update on Sober Homes Regulations

City Manager Feldman gave a brief review on the history of this issue, stating this agenda item allows the Commission to provide direction on a policy that would be brought back as an Ordinance in January 2018.

Vice Mayor Roberts reviewed the Sober Homes issue, commenting on the need to protect neighborhoods while complying with federal and state law. He commented on being proactive on this matter, abuses at Sober Home locations and the need to apply an appropriate methodology for licensing Sober Homes in neighborhoods. The City of Delray Beach's Ordinance and Sober Homes Study was discussed.

In response to Mayor Seiler's question, City Attorney Everett addressed the time needed to review the effect of Delray Beach's Ordinance. She expounded on legal issues relating to addiction being classified as a disability, ways to move forward, their impact on current Code, and the City Attorney's Office's proposed plan to address this issue for presentation to the Commission. Further discussions and comments ensued on Delray Beach's Sober Homes Ordinance.

Mayor Seiler confirmed a consensus to move forward with the proposed

language mirroring the Delray Beach Ordinance. Commissioner Rogers noted this issue will need a redefinition of *family* and will impact numerous areas of current Code. Further comments and discussions continued on ways to develop an Ordinance, the effect of the national opioid crisis, and the importance of being proactive to ensure neighborhoods are not adversely impacted.

In response to Commissioner Trantalis' question regarding distance requirements, Anthony Fajardo, Director of Sustainable Development said there are distance requirements for these types of facilities. City Attorney Everett discussed the rights of protected classes. Assistant City Attorney Gustavo Ceballos said that Sober Homes and group homes are considered residential uses. Mr. Fajardo commented on social service residential facilities that provide both services and a place of residence for individuals. Further discussions ensued on the nuances involved in different types of health service facilities. Further comments and discussions ensued on treatment centers not being residential facilities, permanent and temporary residential facilities and zoning.

Mayor Seiler stated the First Reading of the proposed Ordinance would be at the second Commission Meeting in January 2018, stating this will allow for input and review by the Planning and Zoning Board. Any amendments could be made before the Second Reading. City Attorney Everett confirmed.

BOARDS AND COMMITTEES

BD-1 [17-1400](#)

Board and Committee Vacancies

The Commission discussed Board and Committee resignations and appointments. City Clerk Jeffrey Modarelli read the names of appointees for the Resolution being voted on at the November 21, 2017 Commission Regular Meeting.

A copy of the Resolution is attached to these minutes.

Mayor Seiler confirmed the consensus appointment of Sheila Jones to the Central City Redevelopment Advisory Board. Discussions ensued on other possible board appointments for the December 5, 2017 Regular Meeting. City Clerk Modarelli confirmed he would research possible appointees to the Central City Redevelopment Advisory Board.

CITY MANAGER REPORTS

None.

ADJOURNMENT

Mayor Seiler adjourned the Conference Meeting at 4:47 p.m.