

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING**  
**SEPTEMBER 20, 2011**

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**CITY COMMISSION CONFERENCE MEETING**

**1:32: P.M. September 20, 2011**

Present: Mayor John P. "Jack" Seiler,  
Commissioners Bruce G. Roberts, Charlotte E. Rodstrom, Bobby  
B. DuBose and Romney Rogers

Also Present: City Manager Lee R. Feldman (arrived at 2:00 p.m.)  
City Auditor John Herbst  
City Clerk Jonda K. Joseph  
City Attorney Harry A. Stewart  
Sergeant At Arms Sergeant Dana Swisher

**City Commission Reports**

Gas Tax Revenue

Commissioner Rodstrom advised that gas tax revenue has been extended to March. She wanted to make sure that staff monitor this and look for alternative funding sources if necessary.

Town Hall Meeting: Beach Area

Commissioner Rodstrom recalled that the Commission previously discussed having a town hall meeting in the beach area of the Community Redevelopment Agency. She wanted to report to the Central Beach Alliance at her upcoming meeting with them that the City is working on selecting a date for such a meeting. Mayor Seiler believed a date selection is all that is pending.

Holiday Tree: Community Redevelopment Agency (CRA)

Assistant City Manager Torriente noted that this item has been removed from the agenda so that staff may revisit the cost and possible alternatives. Mayor Seiler cautioned against too much of a delay on this item. Assistant City Manager Torriente indicated that there is a purchasing item on the regular meeting for the holiday decorations done every year. The tree would have been an enhancement. Commissioner Rodstrom noted the goal is to gradually reduce use of CRA funds for marketing. Assistant City Manager Torriente noted that in order to secure sponsors for the tree, it will likely need to be deferred until next year. However, staff will look at other enhancements for this year.

Barrier Island Parking Study

In response to Commissioner Rodstrom's desire to expedite the timeline for parking relief, Diana Alarcon, Director of Parking and Fleet Services, provided a verbal status report. Mayor Seiler referred to the parking garage in the Sunrise Lane area and suggested the owner be consulted as to a possible joint venture of adding more floors if a garage adjacent to the Bonnet House does not come to fruition. Commissioner Rodstrom believed the owner's intention is to expand the garage for a proposed condominium and may be looking for a partnership opportunity. This would be subject to securing financing. Some general discussion ensued relating to the study results. Ms. Alarcon advised that the study will be scheduled before the Commission after the public

**City Hall, 100 North Andrews Avenue, 8<sup>th</sup> Floor Conference Room and 1<sup>st</sup> Floor  
Chambers**

workshops. Commissioner Rodstrom elaborated upon how parking is a part of being able to change uses.

#### Events and Matters of Interest

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

#### Cardinal Gibbons High School, Sports Field Lights

Mayor Seiler commented on the lack of lighting spillage at a recent Cardinal Gibbons High School night game and that there were no other issues impacting the neighborhood. He remarked that the conditions imposed by the City have been positive.

#### South Federal Highway Construction

Commissioner Rogers reported on his inquiry to the Florida Department of Transportation relating to the timeline for the South Federal Highway construction project. It was suggested that the Public Information Office publicize this.

#### Police Department Customer Service; District III

Vice Mayor DuBose noted that the number of complaints from District III concerning customer service from the Police Department has reached a point where he is concerned.

#### Northwest Commercial Redevelopment Project

Vice Mayor DuBose asked that more attention be given to this project by staff because it is behind schedule.

#### Potential Annexation Areas; City/County Summit

In response to Vice Mayor DuBose, Mayor Seiler agreed that this should be scheduled on the upcoming City/County Summit and that staff analyze associated costs.

#### Upcoming City/County Summit

Mayor Seiler encouraged the Commission to request the City Manager schedule items of interest on the agenda.

#### **I-A – Reapportionment of City Commission Districts in Relation to U.S. Census Bureau 2010 Report**

The deadline for submittal of proposals was extended by two weeks. The City Attorney advised that he has received two proposals and anticipate receiving eight tomorrow.

#### **I-B – Proposed Relocation of Judge Shippey House from 2`5 SW 7 Avenue to 220 SW 3 Avenue – City Owned Property Currently Utilized for Pay Parking**

The City Manager reviewed the background information in Commission Agenda Report 11-1445. He indicated that it must be determined whether the proposed site is needed

for parking as it is currently a City-owned pay parking lot. The site can accommodate the house, but some preliminary DRC (Development Review Committee) processes must be completed. In response to Mayor Seiler, the City Manager explained that the Historic Preservation Board (HPB) is willing to hold a special meeting to make a determination in time for the September 30 deadline. Then, it will take several months to complete the entire process, including moving the house and establishing a lease agreement. Mayor Seiler noted that the plan was to have funding in place when the house is moved to a City location. He was concerned about the house being moved, and then sitting idle for an extended period. Commissioner Rogers agreed that the plan was to move and secure the house for approximately \$35,000. During the renovation period, Commissioner Rodstrom thought signage should reflect that a historic renovation is in progress. Commissioner Rogers thought funding will be obtained rather easily, once the house is moved. This is an H-1 (Historic Preservation) district, and the house will enhance the street and create more attraction to the Riverwalk. Mayor Seiler reiterated his concern that the house would be the City's obligation if the funds are not received after it is moved to the proposed location. He stressed that it has been made clear that if this house is moved, it will not be a City expense. Commissioner Rodstrom pointed out that the façade of the Annie Beck House was finished quickly after it was moved. The City Manager pointed out that the desired timeline would be included in the lease agreement. The proposed site is an active pay parking lot that generates approximately \$10,000 per month. He estimated that the house occupying the lot for a one year renovation period would result in the loss of approximately \$6,000 per month or \$72,000 per year. He stressed that a timetable is necessary to avoid further revenue loss. Commissioner Rogers thought the owner, Friends of Shippey House (FOSH), should be provided a reasonable timeframe to complete the renovations and raise funds; but, if the timeframe is not met, the owner must relocate the house. Vice Mayor DuBose questioned whether the City would become the house's owner if FOSH is dissolved. The City Attorney mentioned the Annie Beck House and confirmed that the City could become responsible.

Commissioner Rogers mentioned the timeliness of saving a historic building during the City's centennial. Mayor Seiler expressed desire to restore the building, but emphasized that conditions must be in place to ensure timely restorations and it is maintained. He was concerned about the City being wrongly accused of destroying a historic structure if the building is not properly maintained by the owner. It must be made very clear that whether the house is to remain at the proposed location depends upon the FOSH's success; it is not the City's obligation. He was concerned about what could occur with the Annie Beck House if the Broward Trust dissolves. Commissioner Roberts wanted to hear from the business community about the parking loss, and whether this will affect negotiations for the restaurant on the river. In order to avoid the parking revenue loss, the City Auditor raised the idea of moving the house to City property further north of 7<sup>th</sup> Avenue which may not be ideal, but would allow the house to remain within the same proximity. Commissioner Roberts thought this could be a possible temporary site to allow time to raise funds. Mayor Seiler pointed out that the house cannot be left at its current location because the property owner wants it moved. He elaborated upon a hypothetical temporary relocation scenario. Commissioner Rogers raised the idea of the house serving as a welcome center. Mayor Seiler thought a welcome center should be located on A-1-A or Federal Highway with more parking. In response to Mayor Seiler, Commissioner Rogers noted that he has not asked the Housing Authority whether the house could be moved to the Kennedy Homes location.

Diana Alarcon, Director of Parking and Fleet Services, responded to Commissioner Rodstrom's question about possible additional downtown parking and elaborated upon existing parking and usage. A general discussion on this point ensued. Commissioner Rogers thought there is not a lack of parking, rather a lack of managed parking. Sometimes parking is lost when redevelopment occurs. But, the H-1 district does not require any parking. Vice Mayor DuBose wanted to hear from the business community as he thought parking in this area is an issue. He commented on the overcrowded parking conditions at night. Commissioner Rogers thought people should be encouraged to walk to the nearby parking garage. Discussion returned to existing parking and usage.

In response to Commissioner Roberts, the City Manager explained that available parking is a factor within the River House negotiations. Commissioner Rogers noted his desire for the River House to be utilized as a restaurant, but thought the building would have to be repurposed. He elaborated upon other possible uses and the need to activate the Riverwalk. In response to Mayor Seiler, Stephen Scott, Director of Economic Development, explained that negotiations have been ongoing for some eight months and he thought the City should set a firm deadline

Mayor Seiler opened the floor for public comment.

Tim Petrillo, member of the Downtown Development Authority and Himmarshee Village Association, thought this house should be saved, but was concerned with the proposed location because there is a real and perceived parking issue in this area. He noted plans to implement valet parking on this lot. Considering the current economic downturn, he did not think this is the right time to reduce parking. He stressed that the River House is a critical component of the initiative to activate the Riverwalk. He recalled a time when the River House had 4,000 visitors per month. He predicted it will be opened as a restaurant because of the good location. He stressed that the funding aspect of the Shippey House is critical; and, although time is an issue, a prudent approach must be taken. Discussion ensued between Mayor Seiler and Mr. Petrillo regarding the proposal to include valet parking on the proposed lot and use of the River House. Mr. Petrillo pointed out that a structured valet system creates a public perception of parking availability. He indicated that many complaints are received about the Governmental Center parking garage. Commissioner Rogers suggested that the Stiles garage be utilized. Mr. Petrillo was uncertain if this could be a possibility. Ms. Alarcon thought the most significant deterrents for this garage are pricing and lack of public awareness. Mr. Petrillo noted that private lots increase prices throughout a given night which creates an issue with the public. He pointed out that uncertain weather deters people from walking. He thought a welcome center should be looked at when The Wave has been implemented to provide connectivity and reliable transportation. Mayor Seiler reiterated his belief that this is an inappropriate location for a welcome center. Mr. Petrillo maintained that the proposed parking lot is utilized to facilitate a number of Riverwalk events.

James Carris, Himmarshee Village business owner, indicated that he speaks on behalf of the Himmarshee Village business owners and expressed their support for saving the Shippey House, though the proposed site is not a good location because parking is a real and perceived issue. He also noted that people simply do not walk because of the weather. Any parking reduction will affect businesses in Himmarshee. He urged the Commission to consider other relocation sites for the house. He also expressed concern

that there is no concrete business plan, so the house may sit idle for a long time after relocation which would be detrimental to the area.

Charles Jordan, representing the Friends of Shippey House (FOSH), indicated that parking lots do not activate a historic district; in fact, a parking lot is not a legal use under H-1 zoning. The idea is to place parking around the perimeter to encourage visitors to walk around and observe the buildings. As for the potential loss of 13 parking spaces, he submitted and discussed a study completed by James Archer Architect, P.A., dated September 20, 2011, which is attached to these minutes. He noted that there are alternatives that could be explored. With respect to the business community's concerns, he noted that the neighborhood would like to find a solution that would work for everyone. In response to Mayor Seiler, Ms. Alarcon noted that she has not yet seen the study. Mr. Jordan thought it is worth losing 13 parking spaces to gain a historic structure within an historic district. He recalled the loss of approximately 30 parking spaces for the post office site under a prior Commission which he claimed was supported by some of the same business people opposing this 13-space loss. He advocated a comprehensive plan for the district and addressing parking separately. He went on to indicate that the streetscape is being restored. He submitted a 1928 Sanborn map which was made a part of the record. He thought the critical mass for the streetscape had been lost, but the proposed project is returning it which is a win-win for all. He thought that FOSH can work with local businesses to solve any problems. Commissioner Roberts wanted to clarify that the proposed lot is legal, but simply non-conforming.

Jackie Scott, representing the Friends of Shippey House (FOSH), indicated that FOSH has no desire to harm local businesses. She thought the house will fit in, enhance the area and is properly zoned. She indicated that an international company wants to do a major fundraiser; but, it cannot be scheduled until a determination is made as to whether the house will be moved. Further, there are community leaders who want to donate funds after a decision to move it has been made. As for the City's concern of being left with the responsibility of the house, she noted that FOSH will obtain a demolition bond. In response to Mayor Seiler, she explained that a demolition bond has not yet been secured without not yet knowing about relocation, nor has a written estimate of the cost been obtained. She believed it is in the neighborhood of \$4,000. FOSH is doing everything possible to make this project happen. She thought this area of the downtown has more available parking than any other area in the city. Although she respects the expressed concerns, she urged the Commission to approve moving the house to the proposed location. This is about placing a historic home in a location where it will have proper use and be enjoyed by the community.

Courtney Crush, Crush Law P.A., indicated that she is speaking on behalf of herself. She recalled that she became involved with FOSH for a fundraising effort to save a home that was lived in by someone who appears to have been an important part of the community's fabric. She noted that this location sounds delightful although it poses some parking concerns. She did not think that 13 parking spaces drive the 3,000-4,000 spaces in the area. She thought the proposed location is very desirable. She hoped the parking concern could be resolved in time for the September 30 deadline. She noted the challenges of FOSH moving forward with this project without knowing the location.

There was no one else wishing to speak.

Mayor Seiler thought the proposed location is ideal but, reiterated his concern about moving the house before the funding is in place. He thought if a location could be

announced, the parking challenges could be worked through for the long-term. He noted his email to the Housing Authority about whether the house could be temporarily placed at the Kennedy Homes site while the fundraising effort is moved forward. Discussion returned to the issue of parking. Greg Brewton, Director of Planning and Zoning, confirmed that changes that could be needed to other parking lots in the area would add to the non-conformity. In response to Commissioner Rodstrom, the City Attorney advised that his office in conjunction with staff will work to draft documentation to protect the City. Mayor Seiler thought that alternative parking could likely be created to make up for the lost spaces. Commissioner Rogers agreed that the proposed site is a good location that enhances the street and the historic district. He thought it possesses the elements to make it a successful venture. He believed it should be structured setting out a reasonable timeline and a back-up plan is in place if it is not met. Currently, all that is needed is approval to direct staff to apply for a certificate of appropriateness (COA). It will not be moved until FOSH can pay for moving and setting it up. Mayor Seiler requested that the agreement provide that the house cannot be moved to the proposed location if the conditions are not met. In response to Commissioner Rogers, he pointed out that the real timeline is by when the house must be removed from the other parcel. Commissioner Rogers explained that the COA requires an identified site that has been approved by the Historic Preservation Board. As was done with the Annie Beck House, the City Attorney noted that a building permit is also needed for the foundation of the proposed site.

Vice Mayor DuBose reiterated his concern about the possibility of the City having to assume responsibility for the Shippey House if FOSH is dissolved. He noted that the commitment to this house is apparent in the amount of staff time devoted. The City must be mindful of the staff expense and the parking revenue loss. He questioned whether the proposed location is appropriate. He expressed his opposition to the item. He supported FOSH's efforts, but clarified that he is weighing in on actual figures and the lack of a concrete plan. In response to Commissioner Rogers, Ms. Scott indicated that there is funding to move the house. She anticipated that donations will start coming in once a location commitment is made. Mayor Seiler was concerned about there being a short-term eyesore to the area if the project is not funded. He wanted the agreement to include tight timeframes and restrictions. Ms. Scott thought a temporary location makes fundraising more difficult. Mayor Seiler stressed that, otherwise, the City's cost for FOSH's fundraising will be \$72,000 per year in parking revenue loss. Ms. Scott explained that funds cannot be raised without permission to move the house, or even knowledge of where it will go. Mayor Seiler explained that FOSH could advise donors that the City will allow the house to be moved to the proposed location when the funding goal is met. This will allow approximately 1.5 years for the City to work with the Himmarshee Village Association on the parking issue. Commissioner Roberts referred to other similar projects where the refurbishing was very under-estimated. He wanted a business plan in place. He was willing to accept Mayor Seiler's compromise of a temporary location or not moving it until everything is in place, but maintained his reservations and those articulated by the Vice Mayor.

Mr. Jordan noted that the interim move would cost approximately \$20,000 more. Mayor Seiler remarked on the possibility that the current site owner may allow the house to remain on it past September 30. Mr. Jordan did not think that would be likely. He indicated that FOSH is comfortable with a timeline. The move can occur as quickly as a foundation permit can be granted. He thought that a slight extension may be granted. Mayor Seiler reiterated that he will not support moving the house without funding in place. As to the house being an eyesore, Ms. Scott questioned whether Mayor Seiler

would be comfortable with the house being moved if the façade is completed. In response to Mayor Seiler, the City Manager advised that a permit application could be turned around in 24 hours, assuming that it is complete. In response to Commissioner Rodstrom, Commissioner Rogers thought a mitigating factor is the enhancement that the house will provide for the street and this part of the Riverwalk. Plus it will activate this part of the Riverwalk. Commissioner Rodstrom wanted to find a way to offset the revenue loss and discussion ensued about it. In response to Ms. Scott, Mayor Seiler noted that FOSH should have the funds in place to complete the outside. Mr. Carris cited two previous similar efforts that did not have feasible plans of action and were unsuccessful. He warned that there are currently homeless issues in the Himmarshee area which would be exacerbated by an idle structure. He stressed that a business plan and funding are necessary. Mayor Seiler noted that staff must determine the cost. Commissioner Rodstrom stressed that FOSH must have the wherewithal to make this happen. Mayor Seiler agreed with Vice Mayor DuBose that FOSH should present the cost and staff be in a position to confirm it is reasonable.

As for a timeline, Mr. Jordan noted that if the COA is provided by the HPB tomorrow and a permit is obtained, the house can be moved onto its new foundation within the next month. Mayor Seiler emphasized that FOSH must have refurbishment funds before the house is moved onto the City's property. The agreement should provide that if the funds are not raised, the City will not be responsible for disposing of the house. In response to Commissioner Rodstrom's question about a demolition bond, Mr. Jordan explained that the maximum cost to tear down the house would be no more than \$15,000. Mayor Seiler wanted such information in writing. In response to Mr. Jordan's question regarding what will be required on the day of the move, Mayor Seiler indicated that a demolition bond should be included. Staff will review FOSH's submission to determine that the requirements to move the house have been met. He added that it should be reviewed by the City Auditor as well. The City moving forward with a COA is contingent upon the conditions. The City Manager was uncertain that the lease agreement could be authorized by the Commission prior to September 30. Ms. Scott was uncertain of the consequence if the house is not moved by September 30. Perhaps she can secure some extra time; the property owner wants to see a permit. The City Attorney advised that all that is needed is authorization from the owner to apply for the COA and the building permit. The building permit will be contingent upon the lease agreement. The COA would also be contingent upon the lease agreement. Commissioner Rogers pointed out that the conditions of the application are that it is an approved site, contingent upon there being an approved lease agreement and benchmarks in the lease are met in terms of permits and funding. Mayor Seiler thought an approved relocation should also be a contingency in the lease agreement. Since this is a City parking lot, the City Manager thought restoration of the lot should be included in the demolition bond. Mayor Seiler concluded that this is a conditional approval.

In response to Mr. Petrillo, Mayor Seiler asked that he as well as a representative of Himmarshee Village Association meet with Ms. Alarcon to address the parking issue. Commissioner Rodstrom raised that idea of looking into adding a floor to the Center for the Performing Arts parking garage.

#### **I-C – Bus Shelter Installation and Maintenance – Broward County Transit**

The City Manager noted this has been deferred at the County's request.

**I-D – Abandoned Residential Property Registration – Code Amendment**

The City Manager highlighted the concept that would be accomplished without any addition to staff and noted its use in other areas of the country and Florida.

Commissioner Rogers asked how it would be possible to maintain something that one does not own. The City Manager understood that mortgages are subject to federal, state and local laws. There is thus an inherent obligation to step into the property owner's shoes if the property is not being maintained. The City Attorney recalled the history on this topic wherein the Commission decided to amend the City's ordinance and proceed with a nuisance approach. All of those items in the maintenance and security section are a violation of the City's nuisance ordinance. He was concerned that this approach requires the mortgagee before a notice of default is issued and there is no mortgage that authorizes one to do anything before a notice of default is issued. There is no right of entry or to inspect. He did not know how this would be implemented. Also, there needs to be a study of the program's cost. There are two types of fees: regulatory must be revenue neutral and proprietary where a profit can be made. The program could not be retroactive. If the concept is approved, Mayor Seiler thought the City Manager could then look into the details.

Commissioner Roberts supported the concept. He thought the City could consult other municipalities that have a program in place. Commissioner Rogers thought it is important to be diligent, but based on ownership; to prioritize the worst cases and to find out when ownership changes hands. However, he did not think it is constitutional to mandate someone to do something with property that they do not own. If the bank uses a real estate agent, the real estate profession should be asked to cooperate. The City Manager believed the problem is in the interim period when the bank has initiated a foreclosure process and someone decides to walk away from the property. When the City places the nuisance lien on the property, banks balk at ultimately paying it. In response to Commissioner Rogers, the City Attorney explained the problem has been with the bank being slow in the sale after foreclosure, therefore ownership has not yet transpired. The nuisance ordinance places a special assessment lien on the property if the City fixes it. A special assessment lien is superior to the mortgage, therefore the City collects when the property is sold. The City has been regularly collecting on these liens at foreclosure sales. He agreed with Commissioner Rogers that if there is no recorded judgment as of the sale date, the City is behind. However, most of the problems are over a long period of time and there are already recorded liens. It is rare that the City loses a lien under the current program. Commissioner Rogers thought it could be problematic to require an inspection before a notice of default and would likely slow down the process when the City actually wants to help foreclosures get done and property returned to the tax roll. Commissioner Roberts wanted to move forward with the concept and see what could be implemented. In response to Mayor Seiler, the City Manager estimated there are thirty to fifty cities and counties in Florida with this type of program in place. Mike Maloney, Code Enforcement Manager, indicated that he spoke with Palm Bay, Miami-Dade County and Coral Springs. They are very satisfied aside from the legal aspects. It takes manpower initially to implement. Banks are accustomed to this type of program and keep properties in compliance. The City Auditor noted that it appears many programs were implemented in 2010 so there is some history. Mayor Seiler wanted to look at the concept. Commissioner Rogers noted that the feedback he has received is that there is not enough staff time, therefore a decision has to be reached whether this is a service that is worth paying for. Commissioner Rodstrom pointed out that there is also a backlog of foreclosures that have not sold. Commissioner Rogers did not think the

City receives any money from the foreclosures. He went on to point out that lot clearing liens seem to be addressed quickly. The City Manager confirmed for him that this work is done inhouse, but there is a backlog. Staff is looking into how to resolve the backlog which may be supplemental assistance during rainy season. Commissioner Rogers wanted a comprehensive examination of the proposed concept along with statistics on current processes as to cost-benefit. Mr. Maloney indicated that the current process works well, but there is a backlog on the actually grass mowing.

Mayor Seiler concluded there is a consensus to prepare a draft ordinance. Commissioner Rogers expressed concerns.

Note: 3:55 p.m. to CRA and returned to conference at 4:26 p.m.

### **III-B – Board and Committee Vacancies**

Mayor Seiler asked the City Clerk to contact Terri Murru to determine whether she is interested in reappointment on the Utility Advisory Committee. Regarding the Unsafe Structures Board's vacancy in the attorney category, Mayor Seiler asked the City Clerk to determine whether any attorneys awaiting appointment to other boards are interested in this position.

Budget Advisory Board                      A.J. Cross (Mayor Seiler – Reappointment)

Education Advisory Board                Austin Edward Scott (Commissioner Roberts)

Note: Please see regular meeting item R-01.

### **III-A – Communications to City Commission and Minutes Circulated for Period ending September 15, 2011**

#### **Marine Advisory Board**

**Motion** made by Mr. Guardabassi, seconded by Mr. Ross, regarding permit application SAJ-2011-02109 (LP-SLR): this application has been filed with the Army Corps of Engineers on behalf of the City of Fort Lauderdale, and was brought to the Board's attention by a concerned homeowner; inasmuch as Staff and this Board were not aware of this action, the Board feels that, as outlined in Section 8-34, the Marine Advisory Board or Staff should have been made aware of such application; they request that a review be made in a timely fashion, and brought to Staffs attention. A copy of the permit application is attached to this communication. In a roll call vote, the **motion** passed 10-0.

The City Clerk advised that although it is not official, it may be in the Commission's best interest to defer consideration of this item. A member of the Board requested deferral, but it has not been presented to the full board. Mayor Seiler recalled a conference call he and staff conducted with these individuals and noted there had been some confusion about the intent of the permit. Commissioner Roberts also noted an email that clarified it was no longer necessary. Mayor Seiler asked the item be deferred. Commissioner

Rogers wanted to make certain there are no plans to raise the bridge and Mayor Seiler advised he had given that assurance to the concerned homeowner. He requested that the report being prepared by staff be provided to the Commission.

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**City Manager's Reports** - None

There being no other matters to come before the City Commission, the meeting was adjourned at 4:37 p.m.