

April 21, 2021

## Village Council Meeting

### Attendance:

Denise Bryan  
Timothy Neal  
Leann Bruener  
Douglas Hodgson  
Richard Fulmer  
John Tomlinson  
Brendan Barry

### Also:

D. J. Doody  
Sean Swartz  
Bernard Pita  
Starr Paton

The roll was called and a quorum was determined.

Motion made by Mr. Tomlinson and seconded by Mr. Hodgson to appoint Mrs. Bryan as council president. Motion passed unanimously.

Mrs. Bryan presided over the meeting as Mayor Nelson was unable to attend.

The minutes from the March 10, 2021, council meeting were reviewed. Motion made by Mr. Hodgson and seconded by Mr. Barry to approve the minutes. Motion passed unanimously.

Mr. Tomlinson reviewed the accounts payable for April. All the bills were reasonable and ordinary. Motion made by Mr. Hodgson and seconded by Mr. Neal to approve the accounts payable. Motion passed unanimously.

Mr. Tomlinson reviewed the March 31, 2021, financial statement. Cash balance at the end of March was \$1,712,000, which was a \$229,000 increase over the same period last year. Mr. Tomlinson stated we are approximately \$20,000 short in ad valorem revenue collection but will probably make that up in April as the ad valorem receipts are due to the county. Building department revenues are \$131,000 year to date, approximately \$100,000 over budget amount. Expenses are in line with the budget. Motion made by Mr. Neal and seconded by Mr. Hodgson to approve the March 31, 2021 financial statement.

### Police Report:

Chief O'Brien stated a car had been reported stolen from the Beach Club parking lot following a weekend party. A guest drove the wrong car home as the key fob had been left in the car. The

car was located in the village and owners were called to pick up the vehicle. Chief O'Brien stated the Broward County Chiefs Association will be hosting the state training seminar at the Hard Rock this summer. Most departments use their forfeiture funds to contribute to the seminar expenses. As our police department does not have these funds he is asking the council to approve an expenditure of \$1,500 towards the seminar as the Chiefs Association is helpful in many areas of training to our department. Motion made by Mr. Tomlinson and seconded by Mr. Hodgson to approve the expenditure. Motion passed unanimously.

#### Code Compliance Report:

Bernard Pita reported he had received a report of several properties with artificial turf in the front of the residence. These properties will need a variance request. Measurements were made at the plaza for liquor license applications for First Watch, Cucina di Milano and Sushi Runner. Complaints regarding property maintenance at 3 Winnebago and a boat lift issue 19 Gatehouse Rd, were also addressed.

Public comments opened. There were none. Public comments closed.

#### New Business:

Mrs. Bryan asked the council to consider appointment of a director and alternate for the Broward League of Cities. Motion made by Mr. Barry and seconded by Mr. Fulmer to approve the appointment of Mrs. Bruener as a director and Mr. Neal as alternate to the Broward League of Cities. Motion passed unanimously.

Mrs. Bryan asked the council to consider an extension to the annual storm clean up contract with Ted Conner Landscape services. The fee structure and terms are the same as the last 15 years. Ted Conner Landscape has always been very responsive for us following any tropical storms. Motion made to approve the extension of the contract by Mr. Fulmer and seconded by Mrs. Bruener. Mr. Doody read the resolution by title only. Motion passed unanimously.

Mr. Doody asked the council to consider a special exception request from First Watch Restaurant which is seeking to expand their menu to include the sale of alcoholic beverages. This a quasi-judicial hearing. Mr. Doody stated that special conditions exist due to the proximity to another establishment located less than 300 feet away from the First Watch restaurant (Village Liquors and Fountains Lounge). Mr. Doody swore in Chris Hine, Director of Operations at the restaurant. Mr. Hine thanked the council for considering the application and explained that First Watch is expanding their alcohol program in all their new restaurants and transitioning it to the legacy locations. There will be no separate bar service at the Sea Ranch location. Hours of operation are 7:00 a.m. to 2:30 p.m. with no night or dinner service. They are offering seven different drinks which are premixed and unique to the First Watch branding. The brands are specific to First Watch as well and all drinks are pre-mixed with no option to add additional liquor to the beverages. Alcohol sales at a similar location in Coral Springs accounted for 2.72% to 3.8% of weekly sales in April to date, which is incidental in the restaurant business. It is meant to enhance the overall breakfast/brunch experience for patrons.

Public comments were opened. The owner of Village Liquors, Jay Abraham , spoke and was against the council approving the special exception. Mr. Abraham stated he felt this would adversely affect his business and stated he was told no other business would allow alcohol sales when he purchased the bar and liquor store from previous owner. Mr. Dragon Novakov who is opening Cucina di Milano in the plaza stated he will be serving wine and beer in his establishment when it opens in 2-3 months and has no problem with First Watch's request. The council discussed the request. Mrs. Bryan stated both Publix and CVS sell wine and beer. Mr. Tomlinson asked if the council can impose special conditions if the exception is granted. Mr. Doody stated they are able to do so. Mr. Barry thanked Mr. Hine for his presentation and asked about training of staff to insure patrons are properly served and that the beverages are consumed on premises and no "to go" cups are allowed. Mr. Hine stated that staff is trained and alcohol must be consumed at the restaurant. The council discussed the ending time of sales. Motion made by Mrs. Bruener and seconded by Mr. Hodgson to approve the special exception for alcoholic beverage sales for First Watch Restaurant subject to the menu provided and will be attached with the development order. Motion passed unanimously.

Mrs. Bryan asked the council to consider a request from Mr. Ralph Ellison, who resides at 4 Minnetonka Road to remove the code enforcement fine for the property he has acquired at 7 Gatehouse Road. Mr. Ellison acquired the property through bankruptcy proceedings from prior owner, Domicil LLC. The fine of \$203,000 was imposed due to property maintenance issues during the ownership of Domicil LLC. Mr. Ellison stated he would like to develop the property but cannot move forward if the fine is not reduced or relieved. He would have to let the property go into foreclosure and stated the property would continue to be in the current state if that should occur. The council previously agreed to reduce the fine to \$5,000 in August of last year and historically most cities will reduce fines to 10-30% of current fine. Mrs. Bryan asked the council to discuss and give their opinions. Mr. Barry stated he would be in favor of approving but felt the village may have some protection in the foreclosure process. Mr. Barry had walked the property and felt more should be done to clean it up and ensure safety of residents from the existing pool cover. Mr. Tomlinson was not in favor of reduction of fine as he felt it was not the council's obligation or burden to correct the situation that Mr. Ellison has acquired. Mr. Ellison responded that his priority is to develop the property as soon as possible and that he has been responsive to calls from the clerk's office regarding property maintenance. Mr. Hodgson also was against reduction of the fine. Mr. Neal stated he would like to see a scenario where Mr. Ellison pays some of the fine so that this property can move forward. Mrs. Bruener stated that she would reduce the fine to \$5,000 as a good will gesture to a current resident who wants to develop the property which would benefit all the neighbors after years of the property being an eyesore. The council further discussed administrative and legal costs. Mr. Ellison stated he would be willing to pay no more than \$5,000 which was agreed upon in August and that the Beach Club had already gouged him with legal and administrative fees for the past due assessments. Motion made by Mrs. Bruener to reduce the fine to \$5,000. Motion was seconded by Mr. Neal. The council discussed further. The roll was called. Mrs. Bruener, Mrs. Bryan, Mr. Neal and Mr. Fulmer voted to approve the motion to reduce the fine to \$5,000. Mr. Hodgson, Mr. Tomlinson and Mr. Barry voted against. Motion

passed 4-3. Mr. Ellison stated he will move quickly to have the building plans completed and start the project and will have the check to Starr tomorrow.

Mrs. Bryan stated the discussion of building code updates will be tabled until the May meeting. She would like to have a workshop with council members and Stephen Hans, our building official, as well as Bernard Pita before the next council meeting.

The May council meeting will be held on Wed. May 12, 2021 at 5:00 p.m. and the workshop will be held prior to the meeting on Wed. May 12, 2021, at 3:30 p.m.

Adjourn.