

Town of Lauderdale-By-The-Sea

Special Town Commission

Agenda

Tuesday January 24, 2023

5:00 PM



Jarvis Hall
4505 N. Ocean Drive,
www.Lauderdalebythesea-fl.gov

Special Town Commission

Tuesday, January 24, 2023, 5:00 PM

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4505 N. Ocean Drive,

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. DISCUSSION ITEM

- 2.a. RESOLUTION 2023-06: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PURCHASE AGREEMENT FOR THE REAL PROPERTY LOCATED AT 4512 BOUGAINVILLE DRIVE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE AGREEMENT.
[1-25-23 AM 4512 Bougainvillea Property Purchase Agreement.pdf](#)
[Ex1 Resolution 2023-06 Purchase of 4512 Bougainvillea Drive.pdf](#)

3. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.



Town Commission Agenda Item Report

Meeting Date: January 25, 2023

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: Old Business

Subject Title: RESOLUTION 2023-06: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PURCHASE AGREEMENT FOR THE REAL PROPERTY LOCATED AT 4512 BOUGAINVILLE DRIVE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE AGREEMENT.



Explanation: The property located at 4512 Bougainville Drive is a nine-unit multi-family property. It is located directly north of the current Fire Station as well as directly west of the public safety complex. Staff is interested in purchasing this property for future Public Safety needs.

At the January 11, 2022 meeting, the Commission accepted a Comprehensive Organizational Evaluation and Operations Audit of the Volunteer Fire Department (VFD). The Audit revealed significant deficiencies regarding the operational space for the VFD stating that current area dedicated for our VFD did not meet current requirements and more space was necessary for equipment storage, bunkrooms, and other facilities.

BSO, AMR, and the VFD Administrative offices have been housed in a former hotel that was purchased in 2008, with no significant improvements to the building being made since that time. It, like the VFD building, also does not meet the current professional standards, nor does it provide sufficient space for the daily operations of our emergency services personnel.

Over the last several years, the Commission has delayed significant improvements to both the Fire Station and Public Safety Administrative offices while they contemplated how they wanted to move forward with necessary improvements. In the FY23, the Commission took the first steps in authorizing significant improvements to these inadequate spaces by approving an increase in the fire assessment to be allocated toward undetermined facility improvements.

Also included in the FY23 Budget were funds, in the amount of \$25,000, for a grant professional to seek out and secure potential grant funds that could be used for the Town to consider improvements to these facilities. Staff is looking to secure a consultant to assist the Town in applying for and processing grant applications.

Purchase of the apartment building would provide additional land in the ideal location necessary to make improvements to the existing public safety complex or building a new public safety facility. If for some reason the property was deemed no longer beneficial to the Town's future plans, the property could be resold or repurposed for another municipal use.

The current owner has expressed interest in selling the property, which makes urgent action necessary.

Town staff ordered two appraisals required by the Town's Purchasing Policy when investigating a property purchase. The appraisals indicated the property was valued at \$2.4 million and \$3.375 million. The property is currently rented with a monthly income of \$12,400.

At the November 9, 2022, meeting, the Commission authorized staff to enter into negotiations for the acquisition of the Property. The negotiated price the Seller agreed to is \$3.6 million payable in one lump sum.

Because the Purchase Agreement requires the Seller to provide acceptable evidence of marketable title prior to closing, staff recommends that the Commission waive the requirement that Seller provide the Town with evidence of marketable title prior to approving the Purchase Agreement.

If purchased, the Town would continue to operate the property as an apartment building until such time as the future use of the property is determined. During the time that the rental units are being utilized, staff recommends that the Town hire a property management company to manage the property.

While funds are currently available in the Parking and General Funds to complete the transaction, staff is enlisting the assistance of financial professionals to provide the best options for securing funding for the property. Staff will present these options along with our recommendation on how to move forward prior to closing for Commission consideration.

Recommendation: Staff recommends that the Commission approve the attached Resolution, waiving the Purchasing Manual requirement for the Seller to provide evidence of title prior to this hearing, approving the Commercial Contract attached hereto as Exhibit 1 for the purchase of the Property, and authorizing the Town Manager to execute the same on behalf of the Town and to take any and all actions necessary for the purchase of the Property in accordance with the Commercial Contract. Because the purchase price exceeds the average of the appraisal values, this item requires supermajority approval by four out of five of the Town Commissioners.

Exhibits:

Ex.1 – Resolution 2023-06

Ex.2 – ExA to Ex1 – Purchase Agreement

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WHEREAS, Ben Knowles (the “Seller”) has decided to sell the property at 4512 Bougainvilla Drive (the “Property”) and has given the Town the option to purchase the Property; and

WHEREAS, pursuant to Section IV.J, on November 9, 2022, the Town Commission authorized negotiations with the Seller for the acquisition of the Property; and

WHEREAS, after negotiations, the Seller has agreed to sell the Property to the Town for \$3.6 million (the “Purchase Price”) to be paid in in one lump sum (the “Lump Sum Payment”); and

WHEREAS, on December 23, 2022, the Town published notice of this proposed purchase in a newspaper of general circulation in the Town; and

WHEREAS, the Town Commission has waived the requirement that Seller provide staff with evidence of marketable title prior to approving the Purchase Agreement (as defined below), because the Purchase Agreement requires the Seller to provide acceptable evidence of marketable title prior to closing; and

WHEREAS, the Town Commission finds that is in the best interest of the Town and its residents to approve and authorize execution of a purchase agreement for the Property (the “Purchase Agreement”).

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION
OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

SECTION 1. Recitals. The foregoing “**Whereas**” clauses are hereby ratified and confirmed by the Town Commission, and incorporated herein.

SECTION 2. Purchase Agreement Approved. The Purchase Agreement, attached hereto as Exhibit “A,” is hereby approved.

SECTION 3. Authorization to Execute the Agreement. The Town Manager is hereby authorized to execute the Purchase Agreement, in substantially the same form as attached Exhibit “A,” together with such non-substantial changes as are deemed necessary by the Town Manager and approved as to form and legal sufficiency by the Town Attorney.

SECTION 4. Implementation. The Town Manager and Town Attorney are authorized to take all actions necessary to implement the Agreement.

SECTION 5. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED on this 24th day of January, 2023.

MAYOR CHRIS VINCENT

Attest:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney