

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 25, 2014
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:05 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Planner Linda Connors, Finance Director Tony Bryan, VFD Chief Judson Hopping, and Deputy Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pauline Brooks McGuinness

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Sasser advised that the following changes would be made to the Agenda:

- Addition of Item 16a, workshop items for April 7 meeting;
- Addition of Item 17e, request from Aruba's to host a charity event.

5. PRESENTATIONS

a. VFD Award Ceremony

Volunteer Fire Department Chief Judson Hopping presented awards for service to four members of the VFD.

6. PUBLIC COMMENTS

Mayor Sasser opened the meeting for public comment.

Former Mayor Roseann Minnet requested consideration of her application to the Planning and Zoning Board.

Edmund Malkoon, President of the Property Owners' Association, invited all present to an information session on medical checkups scheduled for Thursday, March 27.

Louis Marchellos, of Fisherman's Pier Inc., requested that the Special Magistrate extend free employee parking in the 216 lot until work on the lot is complete.

With no else one wishing to speak, Mayor Sasser closed the public comment portion of the meeting.

7. SAFETY DISCUSSION

a. AMR February Report (Chief Liddle)

Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve the AMR February Report as presented. Motion carried 5-0.

b. VFD February Report (Chief Hopping)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the VFD February Report as presented. Motion carried 5-0.

c. BSO February Report (Captain Wood)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the BSO February Report as presented. Motion carried 5-0.

8. TOWN MANAGER REPORTS

a. Town Manager Report

Town Manager Hoffmann reviewed the report, noting that a final default letter was sent to Iron Sky, the contractor selected by the Town to purchase and install license plate reader cameras. The Town Attorney will file suit to recoup funds already paid.

She reported the Scuba Nation show featuring Lauderdale-By-The-Sea will air on the weekends of April 18-20 and 25-27. Lauderdale-By-The-Sea Fest will be held in El Prado Park on Saturday and Sunday, April 5 and 6.

The Commissioners requested further discussion of the issue raised during Public Comments by Mr. Louis Marchellos. Town Attorney Susan L. Trevarthen advised that any changes to this order must be made by the Code Magistrate. The Commissioners determined by unanimous consensus that this issue would be added to the Agenda as Item 17f.

Commissioner Brown provided a brief update on his efforts to pave the way for installation of license plate reader cameras in Florida Department of Transportation (FDOT) which FDOT will not currently allow. He has requested that a pilot program be

allowed in Lauderdale-By-The-Sea. The State Secretary of Transportation is considering this request.

Town Attorney Trevarthen advised that if a motion is made, it is to include a condition that it be made effective March 29, 2014, as the letter of termination to Iron Sky carried an effective date of March 28. Commissioners Sokolow and Dodd accepted this recommendation in accordance with the Town Attorney's recommendation.

A motion was made by Commissioner Sokolow, seconded by Commissioner Dodd, that the Town should go back to RFP to obtain services similar to those that [the Town has] previously entered into a contract with Iron Sky for, effective March 29. Motion carried 5-0.

It was also noted that the Town would await a price from State Contracting for the Bel Air drainage project, phase 2, before determining whether or not to send this project out for bid to drainage contractors.

b. Chamber of Commerce Welcome Center Statistic Report (Tedra Smith Deputy Clerk)

Laurie Madenfort, Interim Director of the Chamber of Commerce, advised that the Town's recent investments in its future growth, including the new streetscapes, offer additional possibilities for business owners, such as vendor-named umbrellas for outdoor dining. Mayor Sasser recommended looking further into the issue of vendor-named umbrellas.

c. February 2014 Finance Report (Tony Bryan Finance Director)

The Commission accepted the report without further discussion.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen requested an Executive Session regarding the case of Palm Club v. the Town of Lauderdale-By-The-Sea.

10. APPROVAL OF MINUTES

Mayor Sasser requested that his name be listed as the presenter of Ordinance 2014-02, which addresses the sale of nicotine delivery devices.

11. CONSENT AGENDA

None.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. Ordinance 2014-02 – An ordinance of the Town of Lauderdale-By-The-Sea, amending the Code of Ordinances by creating Section 14-33 “Sale of Nicotine Vaporizers or Liquid Nicotine”: providing for codification, severability, conflicts, and an effective date (Mayor Sasser)**

Mayor Sasser opened the meeting for public comment, which he closed on receiving no input.

The Commissioners discussed the proposed Ordinance, clarifying that BSO Officers are empowered to enforce Town Code along with Code Enforcement Officers.

A motion was made by Vice Mayor Vincent, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

13. RESOLUTION – PUBLIC COMMENTS

- a. Resolution 2014-06 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea authorizing the Town Manager or her designee to apply for a Transportation Alternative Program Grant; authorizing the Town Manager to execute a grant agreement and maintenance agreement with the Florida Department of Transportation to maintain the grant-funded improvements; providing for severability, conflicts and providing for an effective date (Pat Himmelberger Assistant to the Town Manager)**

Mayor Sasser opened the Item for public comment, which he closed on receiving no input.

It was clarified that a grant application is being submitted to the Broward Metropolitan Planning Organization (MPO) for the streetscape on the remaining two blocks of Commercial Boulevard. Commissioner Brown expressed confidence in the application, which would address the lane misalignment issue at Commercial Boulevard and A1A among other goals.

A motion was made by Commissioner Dodd, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

b. Resolution 2014-08 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida providing for the appointment of Planning and Zoning Board Members; providing for conflict, providing for an effective date (Connie Hoffmann Town Manager)

Mayor Sasser opened the Item for public comment, which he closed on receiving no input.

Mayor Sasser reviewed the procedure for nomination of appointees to Town advisory entities, which were included in the backup materials.

The following names were placed into nomination by the Commissioners: Roseann Minnet (Comm. Brown), Yann Brandt (Comm. Dodd), Chuck Clark (Mayor Sasser), David Chanon (VM Vincent), and Charles Potts (Comm. Sokolow). Patrick Murphy (Comm. Brown) was nominated as first Alternate and William Brady (Comm. Dodd) was nominated as second Alternate.

A motion was made by Commissioner Dodd, seconded by Vice Mayor Vincent, to approve the slate of nominees. Motion carried 5-0.

c. Resolution 2014-09 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida providing for the appointment of Board of Adjustment members; providing for conflict; providing for an effective date (Connie Hoffmann Town Manager)

Mayor Sasser opened the Item for public comment, which he closed on receiving no input.

The following names were placed into nomination: Sandra Booth (Mayor Sasser), Helene Wetherington (VM Vincent), Carmen Miller (Comm. Sokolow), Carolyn Zaumeyer (Comm. Brown), and Charles Baclet (Comm. Dodd). Gerri Ann Capotosto (Mayor Sasser) and Verence Rapaport (VM Vincent) were nominated as first and second Alternates.

A motion was made by Commissioner Dodd, seconded by Commissioner Sokolow, for the slate of nominees. Motion carried 5-0.

d. Resolution 2014-10 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida providing for the appointment of members to the Audit Committee; providing for conflict; providing for an effective date (Connie Hoffmann Town Manager)

Mayor Sasser opened the Item for public comment, which he closed on receiving no input.

The following names were placed into nomination: Patrick Murphy (Comm. Sokolow), John Oughton III (Comm. Brown), and Ben Freeny (Comm. Dodd).

A motion was made by Commissioner Dodd, seconded by Vice Mayor Vincent, to approve the slate of nominees. Motion carried 5-0.

- e. 2014-11 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida providing for the appointment of Town Members to the Firefighters Pension Trust Fund Board of Trustees; providing for conflicts and for an effective date (Connie Hoffmann Town Manager)**

Mayor Sasser opened the Item for public comment, which he closed on receiving no input.

The following names were placed into nomination: Robert Oughton, III (Mayor Sasser) and Linda Collins (VM Vincent).

A motion was made by Commissioner Sokolow, seconded by Vice Mayor Vincent, to appoint [the two nominees]. Motion carried 5-0.

14. QUASI JUDICIAL PUBLIC HEARINGS

None.

15. COMMISSIONER COMMENTS

Mayor Sasser noted that Easter-By-The-Sea will be held on April 19 from 9:30-11 a.m. Volunteers are invited to help prepare eggs at Jarvis Hall on April 11 at 6 p.m.

Vice Mayor Vincent congratulated Mayor Sasser on conducting his first full Commission meeting as Mayor. Commissioner Sokolow offered his congratulations as well.

16. OLD BUSINESS

a. Workshop Agenda

Commissioner Sokolow noted that the upcoming April 7 Workshop Agenda included several issues, including special event street closures and noise levels, on which residents and business owners might wish to speak. He recommended hearing only Items 3 and 4 at the April 7 workshop and moving Items 1, 2, 5, and 6 to another date and time.

The Commissioners decided by consensus that Items 3 and 4 would be heard at the April 7 Workshop, while Items 1, 2, 5, and 6 would be scheduled for a date in May.

Mayor Sasser added that the issue of Town Code policy regarding medical marijuana should also be addressed at a future meeting. He recommended that this be a future Agenda Item.

17. NEW BUSINESS

a. Enforcement of the Town's Sign Code (Linda Connors Town Planner)

Town Planner Linda Connors explained that prior to construction improvements on Commercial Boulevard, businesses were sent letters in January 2014 advising them of the types of window signage allowed. Sign Code was not enforced until construction was complete. She noted Lauderdale-By-The-Sea has the most liberal provision in our Sign Code among nearby municipalities regarding the percentage of window coverage allowed by signs.

She showed photos that illustrated actual examples of compliance and non-compliance with the current sign regulations. Town Planner Connors emphasized that Sign Codes can be complicated and that Code Enforcement will work with businesses to help them find a way to meet Sign Code requirements. Town Manager Hoffmann encouraged businesses to meet with Code Enforcement to discuss signage before investing in any signs or making changes in signage.

The Commissioners discussed the presentation, noting that the intent is to bring businesses into compliance as gently as possible. Town Attorney Trevarthen noted that there are no grandfathering provisions in Code for window signs, which are considered temporary signs. Town Planner Connors noted that both letters sent to businesses included a summary of window signage regulations. As a next step, courtesy notices will be sent to those businesses whose signs are not yet in compliance.

b. Election Signs (Commissioner Dodd)

Commissioner Dodd recalled that this issue had arisen after a candidate's sign required much staff time and a ruling from the Town Attorney. He recommended that the Commission adopt a voluntary agreement for candidates to sign, which would limit the type and placement of their election signs within the Town.

The Commissioners discussed the backup materials provided on election signs, noting that the proposed changes to the Sign Code would affect signage on both private and public property. Commissioner Brown asserted that private homeowners should be allowed to place signs on their own property if they wish; on the other hand, he felt signs illegally placed on public property should be brought to Town Hall and a fine levied against the candidate who placed them there. Town Attorney Trevarthen advised that a

penalty of this nature would be in violation of the First Amendment if it were enforced only against candidates. Commissioner Brown agreed with the proposal to have candidates for office sign a voluntary agreement regarding election signs, even though it would not be a legally binding Code.

A motion was made by Commissioner Dodd, seconded by Commissioner Sokolow, to amend Section 30-502-N-5 to remove the 5 ft. setback requirement, and amend [Section] 30-508, which is [the Town's] zoning districts, throughout all of them, to clarify that that one sign per candidate per election issue is allowed, with the modification suggested by Commissioner Sokolow; to amend [Section] 30-502-N, subsection 6, which will also state that number of one sign per election, candidate, or issue; and consider whether there is any way to be clearer about the prohibition and regulation of portable movable signs. Motion carried 5-0.

c. Selection of Chairpersons for the Town's 4th of July and Halloween Celebrations (Connie Hoffmann Town Manager)

Vice Mayor Vincent volunteered to serve as Chairperson for the Town's Halloween celebration, and Commissioner Brown volunteered to serve as Chairperson for the 4th of July event.

d. Review of Commission Meeting & Administrative Procedures (Connie Hoffmann Town Manager)

Commissioner Brown proposed the following changes to the manner in which public comments are heard:

- Prior to each meeting, individuals will be notified that they must sign up to make public comments;
- Individuals would not be allowed to sign up other individuals for comment;
- More than one person would not be allowed to come to the podium at the same time;
- Individuals who sign up for public comments would not be allowed to give their time to other parties;
- Rules would be posted at the signup desk for audience members not already familiar with procedure.

Vice Mayor Vincent observed that it could be difficult to monitor or enforce a prohibition on allowing an individual to sign up another individual to make a public comment. It was determined that this prohibition would be removed from the proposed changes. The Mayor will make a final announcement advising individuals to sign up for public comment at the opening of each meeting.

Mayor Sasser advised that in the event that the Vice Mayor is not present and the Mayor wishes to pass the gavel in order to make a motion, a provision could be made to

allow him or her to pass the gavel to any other Commissioner. Town Attorney Trevarthen agreed that this would be an appropriate solution.

A motion was made by Commissioner Sokolow, seconded by Commissioner Dodd, to pass comments 1 through 5 by Commissioner Brown, with the voluntary withdrawal of comment #2; therefore leaving the following:

- 1. Mayoral announcement at the beginning of the meeting;**
- 2. Not allowing multiple people to come to the podium;**
- 3. Not allowing people to give their speaking time to someone else;**
- 4. Change to provide for what happens when the Mayor wants to pass the gavel and the Vice Mayor is absent;**
- 5. To change the order of business to reflect what [the Town] customarily does, which is Public Safety discussion before Town Manager Report.**

Motion carried 5-0.

e. Request for Utilization of Water Plaza & Pavilion by Aruba

Mayor Sasser explained that he was contacted by representatives of Aruba Beach Café, who informed him that the Broward Sheriff's Office (BSO) has asked them to help with an upcoming charitable event in May 2014. The request included the use of the Ocean Plaza. He noted that there is currently no policy in place for the Plaza's use by a private business.

Town Manager Hoffmann advised that the application is for the Ocean Plaza as well as the Pavilion, and noted the proposed plaza use policy includes a rental fee for any use of the Plaza, with varying levels of rental fees for different types of uses. She recommended that this policy be enacted very soon, as various entities want to use these public spaces.

Town Manager Hoffmann noted that the proposed event is indicative of the need for a workshop regarding special event applications. She pointed out that applications must be submitted at least two months in advance, among other issues. It was suggested that Staff could bring back a recommendation regarding the event on the next Consent Agenda, including more information on the nature and size of the event.

However, upon clarification that the event was not a fundraiser as initially indicated, the Commissioners determined by unanimous consent that the request to use the Plazas be denied.

f. Special Magistrate Recommendation

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Vice Mayor Vincent stated that in light of the employee parking issue described by Mr. Louis Marchellos during Public Comment, he would like to know where staff stands regarding Mr. Marchellos' request. Assistant Town Manager Bud Bentley stated that a policy decision was made by the Special Magistrate to grant additional time, which ended on March 18, 2014. At present, staff is working with the engineer to facilitate final plans for the lot in question.

Assistant Town Manager Bentley added that once complete plans for the lot are submitted, the Town will process them as quickly as possible; however, this would require the Special Magistrate to change his final order and allow employee parking to continue on the property for another period of time. The Commissioners also discussed the amount of time that has already elapsed with regard to plans for the lot in question, and the additional time that might be necessary for its completion. The real-time estimate for completion of the lot, assuming that plans are provided to staff the following week and go before the Planning and Zoning Board in April will allow the applicant to apply for permits in May.

A motion was made by Vice Mayor Vincent to give the Special Magistrate the Town Commission's recommendation for an extension.

It was determined that a time limit should be placed on the recommended extension. Vice Mayor Vincent amended his **motion** as follows: **motion to give the Special Magistrate the Town Commission's recommendation for an extension until June 1. Motion seconded by Commissioner Brown. Motion carried 5-0.**

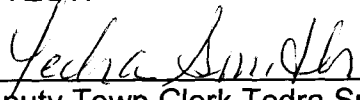
1. ADJOURNMENT

With no further business before the Commission, Mayor Sasser adjourned the meeting at 10:06 p.m.



Mayor Scot Sasser

ATTEST:



Deputy Town Clerk Tedra Smith

5/13/14
Date

