TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 12, 2019
6:30 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:37 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Town Attorney Susan L. Trevarthen, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, Project Manager Kathy Margoles, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Manager Bud Bentley advised that Item 17a has been withdrawn.

5. PRESENTATIONS

a. Lauderdale-By-The-Sea Garden Club Presentation (Steve d'Oliveira, Public Information Officer)

Allison Zach, representing the Lauderdale-By-The-Sea Garden Club, presented the Town Commission with "Pollinator Gardens in a Pot," to promote the Town's Butterflies-By-The-Sea program which are part of the Garden Club's efforts to make the Town a certified Community Wildlife Habitat with the National Wildlife Federation. The Club hopes to plant 150 new pollinator gardens at homes and in common areas throughout the Town to raise public awareness about pollinators and promote native plants.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

7. TOWN MANAGER RECEPTION

It was determined that the Town Manager Reception would be moved to the end of the Agenda.

8. PUBLIC SAFETY DISCUSSION

a. AMR February 2019 Report (Chief Brooke Liddle)

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. VFD February 2019 Report (Chief Judson Hopping)

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

9. TOWN MANAGER REPORT

a. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bentley advised that while incoming Town Manager Bill Vance will officially take over this position on Monday, March 18, 2019, he will remain for some time to facilitate transfer of information. He thanked all present for the opportunity to serve the Lauderdale-By-The-Sea community.

Town Manager Bentley also addressed the upcoming El Mar Drive renovation, noting that if the Florida Department of Transportation (FDOT) allows the Town to construct this project, it will be a more successful project. He added that the redevelopment of the Florida Development Group (FDG) South parcel will have a significant impact on the Town and its economy.

10. TOWN ATTORNEY REPORT

None.

11. APPROVAL OF MINUTES

a. February 26, 2019 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

12. CONSENT AGENDA

a. Proposed Budget Timeline (Tony Bryan, Deputy Town Manager)

b. Fire Station Improvements – Design (Ken Rubach, Municipal Services Director)

c. Construction Trailer at 4333 Poinciana (Bonnan By The Sea) (Linda Connors, Development Services Director)

d. Authority to Execute Federally Funded Subaward and Grant Agreement for Hurricane Irma (Tony Bryan, Deputy Town Manager)

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve 12a, 12b, 12c, and 12d. Motion carried 4-0.

13. OLD BUSINESS

a. Sale of FDG South to Concord Wilshire Capital, LLC and Stay on Town's Foreclosure Lawsuit (Susan Trevarthen, Town Attorney / Bud Bentley, Town Manager)

Town Attorney Susan Trevarthen recalled that this Item was briefly discussed at the February 26, 2019 meeting, as the time frames of the delay requested by the purchaser were different from those anticipated by the Commission. Staff has provided an Agenda Memo with the details of the agreement, including a chronology specifying how the

purchaser hopes the contract will move forward. The contract would only become effective if the Town agrees to the stay of foreclosure lawsuit.

Staff recommends approval of the additional stay if the following conditions are met:

- The Town agrees to move forward based on their understanding of the parties involved: the contract includes an assignment clause which states the assignments that may occur will remain with the same controlling interest
- The Town requires the buyer to submit an application for Site Plan and lien mitigation within 90 days after the effective date of the contract, which is estimated to be mid-June 2019

Town Attorney Trevarthen pointed out that while the Town is not a party to the contract, the contract establishes a time frame within which the purchaser will come to the Town for approvals. The Town Commission will have an opportunity to review the proposals for lien mitigation and redevelopment of the property.

Alicia Lewis, representing the purchaser, agreed to the conditions stated by Town Attorney Trevarthen. Steve Sirang, CEO of Concord Wilshire Capital, LLC, provided some background information on the ownership, which involves a partnership with Lee Pillsbury and TLG Investment Partners.

Nectaria Chakas, representing FDG South, stated that her client is in agreement with the conditions proposed.

Town Attorney Trevarthen explained that the first 120-day stay period will run three weeks longer than originally planned. If the buyer submits Site Plan and lien mitigation applications by the 90th day, the Town delegates the authority to her to go to court and approve the second 151-day stay.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve that the first 120-day stay will last through July 17 rather than July 1, 2019, and authorizing the Town Attorney to agree to a second stay for up to 151 more days upon a. her receipt of written confirmation from the buyer and seller that the contract has not been assigned, and b. her determination that the buyer has submitted their lien mitigation and site plan applications to the Town by the 90th day. Motion carried 4-0.

14. NEW BUSINESS

a. Application for Relief of Code Enforcement Lien at 4319 W. Tradewinds Ave. (Linda Connors, Development Services Director)

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to reduce the mitigation fee to $500, with all fees due within 30 days. Motion carried 4-0.

b. Town Participation in the Broward League of Cities 62nd Annual Gala (Commissioner Oldaker)

Commissioner Oldaker advised that the Broward League of Cities encourages all its members to participate in its Annual Gala.

Vice Mayor Sokolow made a motion, seconded by Commissioner Strauss, to purchase a table of 10. Motion carried 4-0.

c. LBTS Chamber Request to Park Vehicles in the El Mar Median Lanes on April 12, 2019 (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime explained that the general manager of the Plunge Hotel has indicated valet service may be overextended on this date and unable to park cars in the median. The Chamber has requested the use of "Special Event Parking Only" signs directing individuals to park their own cars in the median.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve event parking only in the El Mar Drive median lanes. Motion carried 4-0.

d. Authorize Negotiations to Acquire Approximately 300 sq. ft. from the Community Church Lauderdale-By-The-Sea, 4433 Bougainvillea Drive (Bud Bentley, Town Manager)

Town Manager Bentley recalled that Phase 2 of the A1A parking lot renovations include rebuilding of parking on Bougainvillea Drive and Ponce de Leon Drive. The Town needs approximately 300 sq. ft. at the tip of this property to accommodate a shift in the road, which will allow for the addition of a turn lane to the south. The acquisition of the subject parcel would accomplish this without the loss of several parking spaces. Code requires that the Commission authorize any negotiations for the purchase of property.

Town Manager Bentley continued that once there is a purchase contract with the church, notice must be published 30 days in advance of any Commission action on this contract.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

e. Town Resident Jarvis Hall Rental Request (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira stated that Town resident Brenda Albach, Director of the Sea Shorts Festival, has requested the use of Jarvis Hall for another series of plays. As there is a Town Resolution preventing residents from renting Jarvis Hall more than four times per year, an exception has been requested.

Mayor Vincent recommended the addition of a stipulation that would specify this exception can only be made one time, as it was the result of a misunderstanding.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve on a one-time basis. Motion carried 4-0.

15. COMMISSIONER COMMENTS

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve an excused absence for Commissioner Malkoon. Motion carried 4-0.

Mayor Vincent, Vice Mayor Sokolow, Commissioner Oldaker, and Commissioner Strauss each thanked Town Manager Bentley for his years of service to the Lauderdale-By-The-Sea community. All present recognized the Town Manager's contributions with a round of applause.

16. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

i. Ordinance 2019-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE I "IN GENERAL" OF THE CODE OF ORDINANCES TO UPDATE REGULATIONS REGARDING CONSTRUCTION SITE

OPERATION, MAINTENANCE AND ABANDONMENT, CONSTRUCTION OFFICE REQUIREMENTS, AND REQUIREMENTS FOR PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

Development Services Director Linda Connors explained that this Ordinance amends regulations for construction site operations and maintenance, specifically outlining when construction fences are required and how long they may remain in place, placement of construction waste and recycling containers, and road surface maintenance. While these are regulated in the Town's Code, the state also has a process through which these requirements may be preempted under certain circumstances. This allows abandoned projects to remain in a state of suspended activity, which has had a negative effect on the Town in the past.

To address these issues, Staff reviewed Chapter 6 regulations and suggested specific language to define the abandonment of construction activity. Work shall be considered abandoned if no inspections are called and passed within any 90-day period. This correlates with building permit requirements. Other specifications, such as lack of physical evidence of construction on the site, would also constitute abandonment.

If a building official determines that a site has been abandoned, Code requires the owner to remove all objects and temporary structures and apply for a fencing permit. Vacant properties must also install irrigation and sod the site with grass.

Two additional issues are related to the proposed Ordinance: one provides for construction offices, subject to location criteria and duration of time, and the other addresses portable storage units. Secured storage containers may remain on-site during inclement weather, although unsecured containers must be removed. Staff recommends approval of the Ordinance on first reading and the scheduling of a second reading for April 9, 2019.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve.

Mayor Vincent commented that while the state allows for the extension of permits, this can result in instances of abuse, including the uses of property under construction. He recommended that the Commissioners review the proposed Ordinance to ensure they fully understand it prior to second reading.

Motion carried 4-0.

b. Ordinances 2nd Reading

None.

17. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2019-02: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDED AND RESTATED AGREEMENT BETWEEN THE TOWN AND BROWARD AMBULANCE D/B/A AMERICAN MEDICAL RESPONSE ("AMR") FOR PRE-HOSPITAL EMERGENCY MEDICAL SERVICES ("EMS"); APPROVING THE FEE SCHEDULE FOR EMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

This Item was withdrawn from the Agenda.

b. Resolution 2019-05: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, TO EXPRESS THE TOWN'S OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING SEISMIC AIR GUN BLASTING; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE (Kathie Margoles, Project Manager)

At this time Mayor Vincent opened public comment.

Catherine Uden, representing Oceana, thanked the Commission for placing the proposed Resolution on the Agenda. She noted that this is a bipartisan issue, as the entire Florida Congressional delegation and both Senators have sent a letter to the Secretary of the Interior requesting that he remove the state from this plan.

As there were no other individuals wishing to speak at this time, Mayor Vincent closed public comment.

Mayor Vincent pointed out that Town Attorney Trevarthen has made changes to the Resolution template to ensure the action is specific to Lauderdale-By-The-Sea, including references to diving, dune and coral reef restoration, and others.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:30 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

3-26-19
Date