

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 28, 2017
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:35 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Finance Director Lisa Fuentes, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, 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

None.

5. PRESENTATIONS

**a. Town Proclamation Honoring U.S. Navy SEAL William "Ryan" Owens
(Steve d'Oliveira, Public Information Officer)**

Mayor Sasser read a Proclamation in honor of United States Navy SEAL William "Ryan" Owens, who lost his life serving his country. He noted that Mr. Owens' father is a resident of the Town.

**b. Florida Development Group Update (Linda Connors, Development
Services Director)**

Doug Barrow, representing the Florida Development Group (FDG), displayed interior and exterior photographs of the Plunge Beach Hotel, which is scheduled to open soon. He added that the property has been featured in a number of local articles, which also provide destination information for the Town.

Mr. Barrow also gave an overview of the progress made on FDG's south properties, including painting, landscaping, and other improvements made since the project was last discussed before the Board. Improvements to the Villa Capri include exterior painting and boarding.

FDG has launched a web page, www.4116oceanproject.com, on which residents may follow the progress of improvements. It will include current updates to the property as well as a section that allows residents to comment on this progress. Mr. Barrow concluded that he is comfortable FDG has addressed most of the issues discussed before the Commission at its January 24, 2017 meeting. FDG will communicate regularly with the Town on the properties' progress and seek to address any issues in a timely manner.

With regard to an engineering report for the properties, Mr. Barrow advised that FDG has submitted a preliminary schedule to the Town's Building Department for review. They will need additional time to evaluate the report's structural details, which show that some items, such as balconies, may require removal.

Commissioner Vincent asked if FDG was comfortable working within the existing footprint of the building. Mr. Barrow stated that he would like to change the main entrance from Ocean Drive to valet-only drop-off and pickup service on El Mar Drive. FDG will need to review the potential financial impact of this proposal, as well as the possible conversion of rooms to larger suites. FDG remains committed to improvements on the property.

c. Overview of FY 2017 Strategic Marketing Group (Debbie Hime, Special Events Coordinator)

Special Events Coordinator Debbie Hime introduced Kathy Koch of Ambit Marketing, which has administered the Town's Strategic Marketing Plan over the last five years. Ms. Koch updated the Commission on this plan, which seeks to attract visitors and locals to Lauderdale-By-The-Sea, and takes local, national, and international events that may affect tourism in the Town into account.

Ms. Koch advised that Visit Florida, the state's tourism and marketing organization, provides deeply discounted advertising to its members, which include the Town. There is current discussion in the State legislature regarding the possible elimination of this organization, which would have a significant impact on the Town, as they would be less able to reach national markets without these discounts.

Ms. Koch advised that the Strategic Marketing Plan is designed to ensure that all messages and communication strategies are unified and focused on attracting local and out-of-town visitors to Lauderdale-By-The-Sea. Advertising positions the Town as a desirable year-round location and aims to increase the number of visits to the Town. Efforts focusing on out-of-state traffic and colder climates occur during the winter months, while summer months target the Florida market. The Plan negotiates low advertising rates and value-added positions and partnerships. It also targets geographies and

demographics, which show increased interest from the 35-to-44 market. The media buy is intended to drive traffic to the website.

Ms. Koch reviewed the fall/winter ad buy, which reaches northern climates and participates in partnership with the Greater Fort Lauderdale Convention and Visitors' Bureau (CVB). It will also target Pandora listeners in New York, Boston, Chicago, Philadelphia, and Dallas between November and February.

Programmatic native advertising enables the Town's message to be inserted directly into premium websites. This effort will also target cities in the northeast and Midwest. Retargeting will place the Town's banner ads on sites customers visit after researching Florida vacations. This method is highly personalized and has been very successful in the past. The Town will also be featured in the CVB's Vacation Book, which reaches out-of-state and international prospects.

The upcoming spring/summer ad buy will modify the Town's message to the drive market, which includes both the State of Florida and southern states. Highlights of this campaign include outreach through AAA, TripAdvisor, and inserts in 10 Florida newspapers and other local publications, including *Lifestyle* and *Travel Host* magazines. Local markets will also be targeted through e-blasts.

Ms. Koch concluded that Ambit Marketing has made presentations to various community groups within the Town that are interested in marketing, including the Chamber of Commerce and local hotels, restaurants, and other businesses. She emphasized the importance of partnerships with both Visit Florida and the CVB in enhancing Lauderdale-By-The-Sea's economic development.

Special Projects Coordinator Hime added that the Town is also looking at cooperative advertising with specific hotels, and is developing a page on the Town's website to feature local events.

Mayor Sasser commented that he would like to better understand how marketing is measured in order to determine which efforts were successful. Commissioner Oldaker asked if there are efforts to target the cruise market. Ms. Koch explained that this is an expensive market to enter: there have been discussions of providing a bus to bring visitors from the port to the Town, but this has not been attempted thus far due to expense. Special Projects Coordinator Hime added that the Town should reach out to its hoteliers regarding these possible efforts, as one-night stays can be difficult for that industry.

Commissioner Vincent requested additional information on State legislative efforts to eliminate Visit Florida. Ms. Koch advised that the Speaker of the State House is opposed to this organization and feels it is a waste of money. The initiative arose from debate about lack of transparency and accountability by Visit Florida. The most recent initiative would result in steep funding cuts to the agency. She emphasized the importance of Visit Florida to the marketing industry, particularly for coastal cities.

Special Projects Coordinator Hime provided a brief presentation on TripAdvisor's premium destination partnership, explaining that additional dollars were added to the Town's budget to help it become a major player through this platform. The Town can manage its own content and ads on its TripAdvisor portal, and has established a focus group to collect this content. Local businesses may also enhance their listings on TripAdvisor.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Anthony Delia, business owner, stated that he was supportive of valet parking as a means to relieve traffic in the Town.

Joyce Murray, resident, invited Town residents to an interdenominational effort to collect medical mobility aids, such as canes, walkers, wheelchairs, and crutches, which will be held on March 11, 2017 at Assumption Church from 2 to 4 p.m. Volunteers will be present to provide tax receipts as needed. Information about this event will be available on the Town's website.

Ms. Murray also provided copies of outreach letters seeking to provide a local child with spina bifida with a Freedom Concepts Tricycle designed for children with spina bifida. Town Manager Bud Bentley added that a fundraiser for the child is planned for April 2017 in Jarvis Hall.

Edmund Malkoon, resident, addressed the pay meter area in the A1A parking lot, which is very dark. He suggested that the Commission consider improving the lighting in this area.

Courtney Stanford, Chamber of Commerce President, invited all present to a beach party on Saturday, March 4, 2017, to celebrate the addition of sand to Broward County beaches by local, State, and federal sources. Attendees will gather at Jarvis Hall at 11 a.m. and take the Sun Trolley to the Fort Lauderdale Beach at Birch State Park.

Bill Ciani, property owner, stated that he was asked by tenants on Commercial Boulevard to address parking issues. He characterized the current location of parking as a short-term remedy, and recommended considering a parking garage as a long-term solution for both parking needs and alleviation of traffic congestion.

Mr. Ciani also addressed Friday night road closures, asserting that businesses on El Mar Drive are building their brands at the expense of businesses on Commercial Boulevard. He felt closing Commercial Boulevard from the west side of El Mar Drive to A1A would level this playing field and be more inclusive to all businesses.

Dick Clark, Chairman of the Lauderdale-By-The-Sea Chamber of Commerce, addressed the issue of proposed funding cuts to Visit Florida and Enterprise Florida, noting that the Chamber of Commerce strongly opposes any such reduction. He cautioned that the bill in question has already passed the Appropriations Committee, and emphasized the need to keep apprised of this ongoing issue.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. January 2017 Finance Report (Lisa Fuentes, Finance Director)

The Commissioners accepted the report without discussion.

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

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

Town Manager Bentley noted that the Town is prominently featured in the CVB's Vacation Playbook. He pointed out that this is the result of work done by the Town Commission over the past five years, as well as support from Broward County. Should the Commission seek to take an official position on the legislative issues concerning Visit Florida or any other legislative items, he would place this on the Agenda for the next scheduled meeting.

Town Manager Bentley continued that notices related to the issue of illegal separations of duplexes have been recorded to advise potential buyers that this can no longer be done.

A copy of the updated Action Plan is attached to the Commissioners' backup materials, as is an exhibit listing the largest Code fines currently levied against properties in the Town. An online surplus auction is scheduled for March 6, 2017.

With respect to Mr. Ciani's request made during Public Comment, Town Manager Bentley explained that Friday night events are sponsored by the Village Grill and 101 Ocean. They are considered private events by these two businesses. Any individuals wishing to participate in the event should contact its organizers. The current permit extends through May 2017. Another special event permit would be sought before the event returns in December 2017.

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Vice Mayor Brown requested that an Item regarding the appointment of a Chairman for the 4th of July and Veterans' Day events be placed on the next Agenda.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. **February 14, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

11. CONSENT AGENDA

- a. **Work Authorization No. 6 for Ambit Advertising and Public Relations for Remainder of Strategic Marketing Implementation FY 2017 (Debbie Hime, Special Projects Coordinator)**
- b. **Special Event Application for Recurring Event in Green Turtle Plaza on the first Thursdays, March-May 2017 (Debbie Hime, Special Projects Coordinator)**

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. **Application for Relief of Code Enforcement Lien at 1948 Ocean Mist Drive (Linda Connors, Development Services Director)**

Development Services Director Linda Connors explained that this request would mitigate liens in place due to the failure to establish a garbage pickup account. The Town followed required Special Magistrate procedures regarding this Item; however, the property owner did not receive notification of the hearing(s) in a timely manner. Once he was aware of the issue, he established an account and the property came into compliance.

The property was in violation for 88 days at a cost of \$50/day, totaling \$4400. The property owner also owes \$250 in administrative fees. He has offered a settlement of \$250, or 6%

of the total fee, as well as the \$250 administrative fee, for a total of \$500. The mitigation application fee itself is \$500. Staff recommends that the Commission hear from the owner and make a determination on the case, requiring that payment of the \$250 administrative fee be due by March 28, 2017.

Development Services Director Connors added that in the future, policy will require the payment of the \$250 administrative fee at the same time as the mitigation application fee so the Commission does not have to include this sum in any calculations.

Development Services Director Connors advised that new owners are informed of the need to establish a garbage pickup account through a courtesy notice; the only address to which notice may be sent is the address the owner has established through the Broward County Property Appraiser's Office. It did not appear that anyone was living in the house at the time notice was sent, nor did the property appear to generate any garbage at the time.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to mitigate the fee to zero, with the \$250 administrative fee to be due in 30 days. Motion carried 5-0.

**b. Setting Fees and Usage Policy for the Rental of Jarvis Hall
(Commissioner Buz Oldaker)**

Commissioner Oldaker recalled that the Commission had discussed this topic at a previous meeting. He recommended streamlining the rental process so it can be easily managed by the Town Manager without requiring Commission approval on a case-by-case basis.

Town Manager Bentley explained that Staff has prepared a sample Resolution regarding recurring rentals, which had not been previously addressed. He requested input from the Commission on whether or not to proceed in developing a policy.

Mayor Sasser emphasized that the Commission should be able to make a decision on whether or not an event benefits the Town. He felt civic or nonprofit organizations from within the Town should be granted greater flexibility than other entities that might seek to rent the facility. Commissioner Vincent felt there should be a template by which Jarvis Hall could be rented administratively, with language in any ensuing Resolution that would allow prospective users to come before the Commission to request changes. Commissioner Sokolow did not feel a public venue should be used for commercial purposes.

Town Attorney Susan Trevarthen observed that if a Resolution is adopted on this issue, changes may be made via Resolution at a subsequent meeting. Mayor Sasser recommended that the Item be brought back for further discussion at a later meeting in

order to address any remaining ambiguities. It was determined that the Item would be discussed at the March 14, 2017 meeting.

14. COMMISSIONER COMMENTS

Commissioner Vincent expressed his condolences for the passing of longtime resident David Gambetta.

Vice Mayor Brown reminded all present that the Community Center will present a series of five 12-minute plays on March 3, 4, and 5, 2017. The plays are written, directed, and acted by Town residents. The event is free of charge.

Vice Mayor Brown also commented that the Commission is seeking solutions to the Town's parking issues. He emphasized that the current valet program is a trial program, and the Commissioners and Staff are listening to feedback from residents and businesses. They are also considering other options as well.

Mayor Sasser also stated his condolences to the Gambetta family. He concluded by addressing Town events, pointing out that the Friday night event was created solely by Town businesses and has been very successful. While he felt additional businesses may wish to participate in that event or create a similar one, he cautioned that there was no reason to shut down the event in question.

Commissioner Sokolow addressed the Town's marketing program, stating that as it becomes more successful and drives more visitors to the area, traffic congestion is a natural result of this success. He agreed that the Commission would make a decision on the pilot valet program when more information is available.

15. ORDINANCES

a. Ordinances 1st Reading

- i. **Ordinance 2017-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE II, "DEVELOPMENT REVIEW," TO REVISE FLEXIBILITY RULES FOR RESIDENTIAL UNITS ON PROPERTIES DESIGNATED FOR COMMERCIAL LAND USE; AND BY AMENDING THE BUSINESS DISTRICTS TO REVISE DEVELOPMENT REQUIREMENTS, REORGANIZE THE SECTIONS, ADD NEW CONDITIONAL USES, ADDRESS REQUIREMENTS FOR MIXED USE DEVELOPMENT, AND MOVE RELEVANT SUBSECTIONS TO SECTION 30-11, "DEFINITIONS," AND SECTION 30-313, "GENERAL PROVISIONS"; PROVIDING FOR CODIFICATION,**

SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors explained that this Ordinance would amend the Town's business districts. The Agenda Item has been revised to include the line numbers affected by the proposed Ordinance.

This Item reflects one aspect of the Town's Strategic Action Plan, which is "to preserve the LBTs way of life." It also supports maintenance of the Town's walkability. Town Staff realized that mixed use was not allowed east of A1A, although it already exists in that area. The proposed Ordinance suggests eight major improvements:

- Clarify height restrictions, including limiting lots smaller than 50 ft. to two stories and all other lots to three stories
- Prohibit the subdivision of lots to less than 25 ft. in width
- Prohibit any new parking along primary street frontage as of the date of the Ordinance's adoption, and require removal to the maximum extent feasible without losing required parking for any redevelopment
- Prohibit curb cuts on Commercial Boulevard for any redevelopment
- Require buildings to have a storefront on primary streets, with storefronts on both streets if they occupy a corner lot
- Add architectural diversity and require features that create shade
- Reduce front setback requirements in order to bring buildings closer to the street, with the exception of Ocean Drive
- Allow mixed use east of A1A within 250 ft. of Commercial Boulevard

The Ordinance went before the Planning and Zoning Board in December 2016 and will go back before that advisory body with changes on March 1, 2017. One request made by this Board was to require 40% of façades to provide architectural diversity rather than the original proposal of 25%. If the design is sufficiently strong, however, the Development Services Director may reduce the 40% requirement to 30%.

Development Services Director Connors continued that Staff also suggests relocating definitions of mixed use to the Definitions Section of Code, and clarifying that non-residential use is required on the ground floor and may not be located above residential uses. Other changes relocate restrictions on lot coverage and floor area. An affidavit of understanding would require owners to acknowledge that their residential property is located in an area where special events may take place.

Staff also suggests that mixed use requires one parking space per residential unit to be provided on-site. Short-term rental would be prohibited in buildings with four or more units. This also represents a change from what was originally presented to the Planning and Zoning Board, which would have required short-term rental in these buildings. Call

centers would be designated as a conditional use, as this use can present special circumstances for adjacent businesses.

Vice Mayor Brown requested clarification of the requirement to build new structures all the way to the sidewalk. Development Services Director Connors explained that this would extend buildings to the property line rather than the sidewalk. The reasoning behind this requirement includes intent to encourage pedestrian interest. Businesses also complain that it is difficult to see their stores because of cars parked in front of them. She clarified that this rule would not affect Plaza buildings.

Commissioner Sokolow observed that this requirement would be inconsistent with existing conditions on both sides of the street, extending to the Plazas. He asked if there were any concerns regarding claims that nearby property values might be affected. Town Attorney Trevarthen replied that while such claims may or may not be valid, she saw no potential additional liability from the Ordinance.

Commissioner Vincent asked if it would be possible for a developer to purchase one of the Plaza properties, and if so, whether or not the Town might be able to purchase the space behind these properties. Town Attorney Trevarthen recalled that this concept was discussed several years ago, although it is considered unlikely. She pointed out that the lots in question have been platted, and were originally dedicated, for parking use.

Town Manager Bentley requested clarification of how the proposed Ordinance would address a building with outdoor dining in the front and a storefront set back to accommodate this area. Development Services Director Connors replied that the Ordinance would not affect the outdoor dining aspect, as it would be considered within the building even in the absence of a wall.

Mayor Sasser addressed mixed use east of A1A, asking if the Ordinance addresses any existing mixed use in this area. Development Services Director Connors confirmed this. Mayor Sasser also suggested that the area east of A1A would be an appropriate location for short-term rentals, as this is where most of the Town's hotels are located. He suggested that the language addressing short-term rentals in buildings with four or more units be amended to state that this prohibition only exists west of A1A, or to allow short-term rentals in these buildings only within 250 ft. of Commercial Boulevard.

Town Attorney Trevarthen advised that it is possible to enact a geographic limitation within which short-term rentals are prohibited. She further clarified that beyond 250 ft. of Commercial Boulevard, there is no provision for residential use within business districts. Development Services Director Connors added that this extension would take effect within 250 ft. of Commercial Boulevard to both the east and the west.

Commissioner Vincent advised that he would like to hear additional discussion of this proposal from the Planning and Zoning Board at its March 1, 2017 meeting.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to pass on first reading but remove the prohibition of short-term rentals in the east B-1 [district] east of Seagrape Drive. Motion carried 5-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these Items. Individuals wishing to speak on these items were sworn in at this time.

a. Corporate Center by the Sea, Inc. Conditional Use Application for Paid Private Parking in the B-1 Zoning District (Linda Connors, Development Services Director)

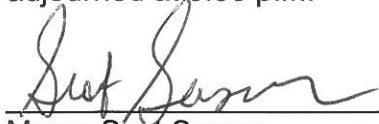
Development Services Director Connors explained that this conditional use request seeks to allow paid private parking in the B-1 zoning district. Paid private parking was originally approved for the subject property in 2011. This parking is used after hours by the Aruba for overflow parking. The request is before the Commission because the approval was non-transferable and a change of ownership occurred. There have been no complaints regarding the building. The Planning and Zoning Board also recommends approval.

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

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.

18. ADJOURNMENT

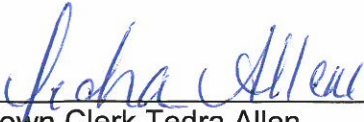
With no further business to come before the Commission at this time, the meeting was adjourned at 8:58 p.m.



Mayor Scot Sasser

ATTEST:

Lauderdale-By-The-Sea
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Town Clerk Tedra Allen

3-14-17

Date