

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

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:05 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant Town Manager Pat Himelberger, Finance Director Tony Bryan, Town Planner Linda Connors, Municipal Services Director Don Prince, and Deputy Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pauline Brooks McGuinness (Representing the Bahai Faith)

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

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

- Item 5b, the 2014 VFD Awards Ceremony presentation, will be deferred until March;
- Items 17d and 17e have been added, and backup information is available.

5. PRESENTATIONS

a. Strategic Marketing Plan Update (Pat Himelberger Assistant to Town Manager)

Kathy Koch of Ambit Marketing reviewed steps taken to implement the marketing plan, including:

- Ads placed in the Boston and New York newspapers online travel supplements
- Collaboration with the Chamber of Commerce to print a walking map for inclusion in a brochure;
- Press releases and social media promoting the grand opening of the streetscape project resulted in favorable press coverage;
- Increasing the Town's visibility through partnership with the Convention Visitors Bureau.

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Future efforts will include the placement of branded signs with social media icons in scenic areas throughout the Town, as well as continuing support of events through advertising and public relations.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Edmund Malkoon, President of the Property Owners' Association (POA) of Lauderdale-By-The-Sea, invited Town residents to a Meet the Candidates Forum on Thursday, February 27, at 7 p.m. in Jarvis Hall.

Carla McBrine provided a flier on the first annual Pier to Pier 5K Beach Run, which will take place between the Pompano Beach Pier and Anglin's Fishing Pier on Saturday, March 15, at 8 a.m. Proceeds will benefit the American Lung Association and Adelante Caring Hearts with Helping Hands.

John Boutin of Windjammer Resort emphasized the importance of the recent streetscape project to both residents and tourists, and asserted that the Town's marketing efforts will have a positive effect in the coming decade.

Bob Fleishman stated that the most important issue facing the Town is the purchase of homes in single-family neighborhoods for seasonal or periodic rental. He requested direction from the Commission or the Town Attorney on how this issue could be resolved.

Bill Vitollo addressed Item 17a, Ordinance to regulate Pet Shops, stating that he hoped the proposed Ordinance would not retroactively affect an existing pet store in the Town, which has complied with all current regulations. He also noted that 24-hour parking behind businesses on Harbor Drive could have a negative impact on nearby residences.

Marie Chiarello thanked Mayor Minnet for her years of service to the Town.

Ron Piersante cited some of the Town's accomplishments during Mayor Minnet's term of office, including a steady millage rate, reductions in utility taxes, increase in emergency reserve funds, and overall revitalization of Commercial Boulevard.

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

7. SAFETY DISCUSSION

a. AMR January Report (Chief Liddle)

Commissioner Dodd made a motion, seconded by Commissioner Vincent, to approve the AMR January Report as presented. The motion carried 5-0.

b. BSO January Report (Captain Wood)

Captain Fred Wood of the Broward Sheriff's Office (BSO) advised that the new non-emergency telephone number for communications and dispatch is (954) 973-7222.

Commissioner Dodd made a motion, seconded by Commissioner Vincent, to accept the BSO January Report as presented. The motion carried 5-0.

c. VFD January 2014 Report (Chief Hopping)

Commissioner Dodd made a motion, seconded by Commissioner Vincent, to accept the January 2014 VFD Report. The motion carried 5-0.

8. TOWN MANAGER REPORTS

a. Chamber of Commerce Monthly Statistics Report

The Commissioners were advised to review these statistics, as they reflect a downward trend for the third consecutive month. The Commission accepted the report without further discussion.

b. Town Manager Report (Town Manager)

Town Manager Connie Hoffmann reviewed the report, including:

- The Commercial Boulevard streetscape projects were named the best Public Works Project of 2013 by the Florida chapter of the American Public Works Association;
- The Superstorm Sandy sand project is nearing completion, although the placement of sand in front of the Fountainhead has not yet been resolved;
- The final sculpture for the plazas is completed, and a celebration for the Northwest Plaza has been planned for March 6.

The Commissioners briefly discussed the Superstorm Sandy project, noting that when turtle season is over, the Town could purchase sand to place in front of the Fountainhead. They also discussed placement of campaign signs in public rights-of-way as well as on private property without permission. Commissioner Brown recommended Town staff just remove them as soon as possible. Town Manager Hoffmann reviewed the current response by Code Enforcement to incorrectly placed signs. It was recommended that candidates, rather than property owners, be held responsible for these signs.

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Town Attorney Susan L. Trevarthen provided a brief update on the ongoing RRB asset litigation, explaining that this issue is currently in mediation and not subject to the Sunshine Law. She advised that the Mayors of five cities will meet with County representatives on February 26 and March 4 to work toward a settlement before all parties meet again on March 12. Town Manager Hoffmann requested that she be named alternate for Commissioner Vincent in the event he is unable to attend the proceedings.

Commissioner Dodd made a motion, seconded by Commissioner Vincent, to name Connie Hoffmann as alternate to the second day of litigation meeting on March 12, 2014 at 9:30 a.m. The motion carried 5-0.

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

The Commission accepted the report without further discussion.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen recalled that the Town had first adopted regulations for vacation rentals in 2009, when the issue was under litigation in several cities throughout the State. The Town does not allow stays of less than seven days. Vacation rental properties are required to identify vacation rental agents who must be available on demand.

Shortly thereafter, the State Legislature passed a law that invalidated local governments' ability to add or increase regulations of vacation rentals. Because Lauderdale-By-The-Sea had adopted its regulations into Code before the State Legislature acted, the Town may continue to enforce its regulations, although it may not amend them due to the preemption of State law. In the current session of the Legislature, a bill has been introduced that would remove the preemption and return regulation to the cities. It is not known at this time whether the bill will pass without amendment.

Town Manager Hoffmann concluded that this provides an opportunity for the Town's residents to speak out on this issue to their State representatives and provide specific examples of how vacation rentals negatively affect their communities. Mayor Minnet encouraged residents to make their concerns known to Town Staff, including Code Enforcement, as well. She characterized the issue as one of home rule. It was noted that the Town Commission had previously passed a Resolution urging the State Legislature to take action regarding short-term rentals.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

- a. **Parking Permits for Turtle Monitoring Organizations (Bud Bentley Ass't Town Manager)**

Commissioner Dodd made a motion, seconded by Vice Mayor Sasser, to approve. The motion carried 5-0.

- b. **Approve change order in the amount of \$11,385 for West Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) with State Contracting & Engineering Corporation for additional excavation and dewatering and authorize a budgetary transfer for that amount plus \$5000 for FDOT required engineering oversight. (Connie Hoffmann Town Manager)**

Commissioner Dodd made a motion, seconded by Vice Mayor Sasser, to approve. The motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

- a. **Ordinances 1st Reading**
 - i. **2014-12 – 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 (Vice Mayor Scot Sasser)**

Mayor Minnet opened the meeting for public comment, which she closed on receiving no input.

Vice Mayor Sasser advised that while Town regulations already govern the sale of tobacco products, the items in question do not contain tobacco. The Ordinance would serve to prevent the sale of nicotine products to minors.

Vice Mayor Sasser made a motion, seconded by Commissioner Dodd, to approve Ordinance 2014 on first reading. The motion carried 5-0.

- b. **Ordinances 2nd Reading**

None.

13. RESOLUTION – PUBLIC COMMENTS

None.

14. QUASI JUDICIAL PUBLIC HEARINGS

None.

15. COMMENTS

Commissioner Dodd congratulated Commissioner Brown on the recent planting of sea oats. He added that the Hillsboro Inlet community is working to permanently modify a permit that would allow them to maintain the Coast Guard Beach. He encouraged all Town residents to participate in their civic duties, including voting in the upcoming election. Commissioner Dodd concluded by thanking Mayor Minnet for her service to the Town.

Commissioner Vincent also thanked Mayor Minnet for her service.

Commissioner Brown thanked the volunteers, which included students and tourists, who assisted in the planting of sea oats. He noted that, in the future, both the State and Federal governments are likely to mandate sustainable management plans for beaches, which will place greater responsibility on towns, residents, and businesses. He advised that at a future meeting, he will propose reserving Town funds to begin an ongoing dune preservation program. He concluded by thanking Mayor Minnet for her service and professionalism.

Vice Mayor Sasser also recognized Mayor Minnet's service to the Town, as well as her respect and patience to Commissioners, staff, and residents.

Mayor Minnet thanked the Commissioners for their comments, and stated that she hoped the Town could maintain its momentum, accomplishments, and positive atmosphere.

16. OLD BUSINESS

None.

The Commission took a 10-minute recess at this time.

17. NEW BUSINESS

a. Ordinance to Regulate Pet Shops (Commissioner Dodd)

Dominick Casale, owner of Diamonds and Doggies, advised that both Animal Control and the Department of Health have regularly inspected his business and have neither found violations nor issued citations. He described the conditions maintained in his store and the information provided to customers who purchase puppies. Mr. Casale concluded that the proposed Ordinance was prejudicial and arbitrary, would not serve

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the public interest, and could force his business to close. He requested that the Ordinance not be adopted for these reasons.

The Commissioners discussed the proposed Ordinance, noting that six nearby municipalities have adopted more stringent Ordinances than the one presently before the Commission, including banning the sale of some pets. Commissioner Dodd clarified that while he had heard no negative feedback regarding Mr. Casale's business, the Town has no rules to govern the activities of other pet stores that might wish to open. He expressed concern that the breeders who supplied a store with puppies could be operating puppy mills.

Commissioner Brown stated that other municipalities had adopted ordinances following specific incidents that had not occurred in Lauderdale-By-The-Sea. He felt requiring Mr. Casale's business to provide detailed information on breeders in advance would place a burden on his business.

Vice Mayor Sasser confirmed that Mr. Casale provides paperwork when puppies are sold at his store, as well as free veterinary care if necessary. He proposed investigating the issue further to determine reasonable regulations while not placing business in jeopardy.

Commissioner Vincent characterized Mr. Casale's business as a role model for pet stores. He also commended Commissioner Dodd's concern for the welfare of animals sold in those stores. He recommended deferring the Ordinance until a later date, as he did not feel there was a need for further regulation at present.

The Commissioners discussed the proposed Ordinance further, determining that Mr. Casale's expertise could assist the Commission in arriving at suitable regulations for pet stores. Commissioner Dodd agreed that the Item could be deferred for six months. Town Attorney Trevarthen suggested that in order to ensure similar businesses might operate to the same high standard as Mr. Casale's business, the Commissioners could consider regulating how the business is conducted or removing the use from the Town's business district, which would allow Mr. Casale's store to remain as a nonconforming use.

b. Request Restaurant Exemption (Linda Connors Town Planner)

Town Planner Linda Connors explained that the request would clarify the interpretation of the restaurant parking exemption Ordinance. This Ordinance includes a definition that allows only full-service restaurants to participate in the exemption program; however, in practice, restaurants that allow ordering from single menus and do not consistently provide table service have also been approved, even though they would not qualify under the definition as written in Code. She concluded that if the Commission supports the use of a more relaxed interpretation of the definition, an Amendment to the Code will

be presented to revise the eligibility requirements for the parking exemption program. The Commissioners agreed on this support by unanimous consensus.

c. Converting Temporary Parking to Permanent Parking on Harbor and Basin Drives (Bud Bentley Ass't Town Manager)

Assistant Town Manager Bud Bentley advised that during construction, three temporary parking spaces were created on Harbor and Basin Drives. Staff would like to convert these to permanent spaces. He noted that a property owner has expressed concern regarding one temporary space, but felt the Town's proposal to install a fence at the property line could help alleviate this concern. David Rom, the property owner in question, confirmed that construction of a fence would resolve the issue.

Commissioner Brown pointed out that individuals are not asked to provide proof that they are employees when they purchase reduced-rate parking passes for private businesses. He recommended that passes be issued to businesses rather than their employees. Vice Mayor Sasser suggested that the Town reserve the right to place restrictions on these parking spaces in the future.

Mr. Bentley stated he would provide the Commissioners with copies of the Code provision regulating employee parking, noting that the Commission establishes how parking permits are issued by Code or by Resolution. All three spaces are located in the public right-of-way.

A motion was made by Commissioner Dodd, seconded by Vice Mayor Sasser, converting the temporary parking to permanent parking on Harbor and Basin Drives. The motion carried 5-0.

d. Issues to Assist Voters on Election Day (Mayor Roseann Minnet)

Mayor Minnet noted that Assumption Catholic Church would not be available as a voting venue and all non-absentee voters will be required to cast their votes at Jarvis Hall. Signs will be posted at Assumption Catholic Church directing residents to vote at Jarvis Hall, postcards will be sent to residents, and the information will appear on television and in *Town Topics*. The Mayor recommended that this information also be distributed at condominiums.

Town Manager Hoffmann described a shuttle service that could be provided from Assumption Catholic Church to Jarvis Hall on Election Day until 5 p.m. The Commissioners discussed the possibility of providing a shuttle, noting that service might also be needed from 5 p.m. to 7 p.m. Commissioner Brown stated, however, that arriving at the correct polling place is part of each voter's responsibility, and signage will be posted at the Church directing voters to Jarvis Hall. He also recommended that regulations governing placement of campaign signs and tents near polling places be

clarified for candidates, as this placement could be affected by the maximization of parking at Jarvis Hall.

Town Attorney Trevarthen stated that the Town's Sign Code provides an exemption from the ban on placing signs in public rights-of-way or government property on Election Day; however, placement is still subject to State and Federal restrictions, which require signs to be no less than 100 ft. from a polling place. She added that any campaigning activity must take place in an area where it will not interfere with the operations of the polling place and preserves parking, traffic flow, and pedestrian safety.

A motion was made by Vice Mayor Sasser that the Town does provide the shuttle on election day until 5 p.m., and also that the tents could be set up in the grassy area of Town Hall, and free parking in El Prado Park be provided for voters.

Commissioner Dodd requested that the motion be divided into three separate motions. Vice Mayor Sasser restated his motion as follows: **motion [to provide] free parking in El Prado Park for voters, in an area designated by Staff, and that tents could be set up in the grassy area of Town Hall. Commissioner Vincent seconded the motion. The motion carried 5-0.**

A motion was made by Vice Mayor Sasser, seconded by Commissioner Vincent, to run the shuttle until 5 p.m. The motion carried 3-2 (Commissioners Brown and Dodd dissenting).

e. Agreement with AT&T to run their wires underground on El Mar Drive in the vicinity of Anglin's Square (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that AT&T would place its lines underground between two alleys along El Mar Drive at a cost of approximately \$26,000. She noted that this cost could increase slightly depending upon the time necessary for completion, and requested authority to approve up to a 10% increase in expense.

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

18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:24 p.m.



Mayor Scot Sasser

ATTEST:



Deputy Town Clerk Tedra Smith



Date