

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, Feb 14, 2017  
6:30 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 6:32 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, Town Attorney Susan Trevarthen, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, Planning Technician Juliana Cardona, and Town Clerk Tedra Allen.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Rabbi Bentzion Singer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Mayor Sasser requested that Item 12a, a request to amend Code Enforcement lien mitigation, be moved to the Consent Agenda as Item 11f. Town Manager Bud Bentley also asked that Item 11d be pulled from the Consent Agenda for discussion.

**5. PRESENTATIONS**

**a. Beachside Village Resort Proclamation**

Mayor Sasser read a Proclamation declaring February 14, 2017 to be Beachside Village Resort Day.

**6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Michael Pavorsky, resident, addressed the topic of vacation rental properties, stating that he lives in close proximity to three such properties. He recalled that at an earlier Commission meeting, another resident had suggested changing the minimum number of rental days from seven to three. He described the experience of living near these

properties, asking that the Commission not consider such a change. He cited noise, alcohol consumption, pool use, number of guests, and difficulty of enforcement as factors related to his request.

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

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO January 2017 Report (Captain Tom Palmer)**

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

### **b. VFD January 2017 Report (Chief Judson Hopping)**

**Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to approve. Motion carried 5-0.**

### **c. AMR January 2017 Report (Chief Brooke Liddle)**

**Commissioner Vincent made a motion, seconded by Vice Mayor Brown, to approve. Motion carried 5-0.**

## **8. TOWN MANAGER REPORT**

### **a. Chamber of Commerce January Statistics Report (Tedra Allen, Town Clerk)**

The Commissioners accepted the report without discussion.

### **b. December Finance Report (Lisa Fuentes, Finance Director)**

The Commissioners accepted the report without discussion.

### **c. Town Manager Report (Bud Bentley, Town Manager)**

Town Manager Bentley observed that the Town has been contacted by the United States Postal Service (USPS) in response to recent inquiries regarding options for a ZIP Code change. The USPS has requested an electronic file of the Town's boundaries in order to conduct further analysis on this issue.

Special Projects Coordinator Debbie Hime addressed sea turtle nesting season, which officially begins in March and extends through October. Sea turtles are protected under State and federal laws, and bright artificial lights can discourage female turtles from

approaching beaches and disorient young sea turtles by attracting them away from the ocean. In compliance with State law, the Town's beachfront streetlights are covered during nesting season. She asked that condominium dwellers turn off bright lights that shine directly toward the beach or ocean, place red covers on flashlights, and do not disturb nesting turtles or their eggs.

Town Manager Bentley added that there have been discussions by the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding a mechanism by which the Town's lights could be converted to a brighter light during the nesting off-season. He is working with the city of Fort Lauderdale to draft an agreement to this effect for FFWCC's consideration.

Town Manager Bentley also responded to Mr. Pavorsky's concerns stated during Public Comment, advising that pool regulations are being discussed with the Town Attorney. He recalled that the Town is working on an Ordinance that would extend vacation rental regulations to residents in multi-family dwellings as well. A minimum stay may not be imposed by the Town on vacation rental properties; however, the Commission may regulate activity at those properties.

Town Manager Bentley concluded that a vacation rental owner may not rent his/her property more often than once every seven days. There is no regulation, however, on how long a group may stay at the property, which means renters may have stays as brief as two to three days.

Mayor Sasser clarified that the Town is allowed to limit rentals to once every seven days because this regulation was on the books before the Florida Legislature took action; however, there is currently an effort within the State Legislature to remove municipalities' abilities to regulate these rentals in any way. Town Attorney Susan Trevarthen recommended that affected individuals reach out to their State senators and representatives and make their concerns known.

Mayor Sasser commented on the ZIP Code issue, suggesting that Town Staff look into ZIP-Code based websites such as Google Maps and others while the Town continues to investigate this issue. Vice Mayor Brown added that he has reached out to United States Congressman Ted Deutch, stating that the Town does not want the USPS to take unilateral action but to provide the Town with optional changes.

## **9. TOWN ATTORNEY REPORT**

Town Attorney Trevarthen requested a shade session to discuss the appeal of *Ober v. Town of Lauderdale-By-The-Sea* for the purpose of receiving guidance on settlement negotiations and strategy. This session was tentatively scheduled for February 28, 2017, at 5:30 p.m.

## **10. APPROVAL OF MINUTES**

- a. **January 24, 2017 Town Commission Workshop Minutes (Tedra Allen, Town Clerk)**
- b. **January 24, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

#### **11. CONSENT AGENDA**

In addition to Item 11d, which was pulled for discussion by Town Manager Bentley, Vice Mayor Brown requested that Item 11b also be pulled.

- a. **Crowder Gulf Emergency Debris Contract (Don Prince, Municipal Services Director)**
- b. **Special Event Application for Gracepoint Church Beach Baptism, Sunday, April 9, 2017 (Debbie Hime, Special Projects Coordinator)**

Vice Mayor asked if Gracepoint Church has decorated for past events on the beach with helium-inflated balloons. It was confirmed that there are no decorations for Church events.

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

- c. **Special Event Application for the Community Church for an Easter Sunrise Worship Service Proposed for Sunday, April 16, 2017 (Debbie Hime, Special Projects Coordinator)**
- d. **Continuing Services Contracts for Professional Services (Debbie Hime, Special Projects Coordinator)**

Town Manager Bentley amended the recommendation for Item 11d to approve contracts 2 through 7 as listed in the Commissioners' backup materials. He explained that Staff is withdrawing contract 1, which will be brought back at a later date. The following contracts were included in the Item:

- Carnahan, Proctor, and Cross
- Flynn Engineering
- Mathews Consulting
- Miller Legg
- Stantec Consulting
- Via Planning, Inc.

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

- e. Authorization to Finance Improvements at 2011 Coral Reef Drive (Lisa Fuentes, Finance Director)**
- f. Request to Amend Code Enforcement Lien Mitigation for 4660 North Ocean Drive (Plunge Hotel) (Linda Connors, Development Services Director)**

**Motion made by Commissioner Sokolow, seconded by Commissioner Vincent, to approve Items 11a, 11c, 11e, and 11f. Motion carried 5-0.**

## **12. OLD BUSINESS**

- b. Pelican Hopper Ridership Report (Tony Bryan, Assistant Town Manager)**

Town Manager Bentley advised that this report was divided into phases so Staff can better understand the data included in them before recommendations are made.

Assistant Town Manager Tony Bryan stated that Staff had sought to put most of the information in this report into an appropriate context. Ridership remained consistent by route, with no peak hours standing out. The Pelican Hopper consistently averages between 11 and 14 riders per hour. Regular riders surveyed for the report spoke highly of the driver.

With regard to the condition of the vehicle, Town Manager Bentley explained that the Town receives the bus from the County and contracts for its operations and maintenance. In the last two months, the vehicle was in operation roughly 20% of the time. Per contract, the operator provides the Town with a substitute bus when the Pelican Hopper is not available. The Town has requested a replacement bus from the County; however, because the County is primarily purchasing smaller propane-fueled buses and has a lengthy procurement process, none has been provided.

Vice Mayor Brown advised that he had raised the issue of the Pelican Hopper's service record with a representative of Broward County Transit (BCT) at a recent meeting of the Broward Metropolitan Planning Organization (Broward MPO), who had distributed materials noting that ridership in Lauderdale-By-The-Sea has declined by 9%. This figure is used to determine the size of the County subsidy that funds transit in the Town.

Vice Mayor Brown continued that the most popular destinations accessed each day by riders of the Pelican Hopper appear to be Publix and other destinations along the Galt Mile. The Town pays \$140,000 per year for the service, of which BCT provides \$51,000.

He concluded that the Pelican Hopper may not be realizing its potential ridership because it does not reach many of the Town's residents. While he was not in favor of eliminating public transportation within the Town, he felt ride sharing could provide more efficient and convenient service for Town residents.

Commissioner Sokolow observed that the geography and demographics of municipalities that offer ride-sharing services is very different from those of Lauderdale-By-The-Sea, and pointed out that the Pelican Hopper provides free services to the Town's residents, primarily senior citizens.

Mayor Sasser commented that he also felt strongly about providing transportation for senior citizen residents. He concluded that he was not in favor of moving forward with additional reports unless they address efficiencies, as he was not in favor of major changes to the service.

Commissioner Vincent also felt the Town should continue providing service through the Pelican Hopper, and did not take issue to its funding with taxpayer money, as the bulk of these funds come from the Town itself. While there may be improvements to be found, he felt the service it provides the community are significant.

Town Manager Bentley explained that a new contract with the Pelican Hopper will cost the Town an additional \$20,000 per year. He felt they should continue to study the service to determine if changes should be made, such as a change in days or hours of operation, and make recommendations.

**c. Extension of Solid Waste Bulk and Recycling Collection Services Agreement with WastePro (Tony Bryan, Assistant Town Manager)**

Assistant Town Manager Bryan recalled that Staff has extended the current agreement with WastePro by 90 days, with Commission approval, and are now requesting another 90-day extension to finalize negotiations. The contract will be presented at the February 28, 2017 meeting.

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

**13. NEW BUSINESS**

**a. Curtailing Balloon Release (Vice Mayor Mark Brown)**

Vice Mayor Brown explained that the first part of his proposal would add a new condition to the Town's special event permits, including movie and park use permits, while not curtailing the sale of balloons by local businesses. The proposal would allow entities to purchase and decorate with balloons, but would prohibit planned mass release of

balloons. This would only apply to events requiring special permits. He emphasized the non-punitive intent of the proposal.

Vice Mayor Brown recommended launching an educational program, using a flier produced by Special Events Coordinator Hime, encouraging individuals and businesses to ask that balloons not be released at their events and informing them of the risk to marine life.

The Commissioners discussed the proposal, with Commissioner Vincent noting that this provides an opportunity to increase awareness among residents and visitors. He was not, however, in favor of asking permit applicants to check a box on special event applications if the Town did not plan to hold the responsible party liable. Commissioner Sokolow agreed, pointing out that this could place constraints on vendors who sell helium-inflated balloons.

**Vice Mayor Brown made a motion, seconded by Commissioner Sokolow, to add a new check box to the Special Event Permit Application in which people would agree not to hold a planned mass release of balloons as a condition to getting a permit, and to move forward with a voluntary educational program in the Town. Motion carried 4-1 (Commissioner Vincent dissenting).**

#### **14. COMMISSIONER COMMENTS**

Commissioner Oldaker praised the Town's public safety Officers, including the Broward Sheriff's Office (BSO), American Medical Response (AMR), and the Volunteer Fire Department (VFD) for their quick and professional response to a recent auto accident.

Vice Mayor Brown recognized a recent show at the Community Center, and called the Town's attention to two more upcoming events there: the annual Art Exhibit by Town residents on Wednesday, February 22, 2017, from 6 p.m. to 8:30 p.m., and a performance of five 12-minute plays performed by Town residents on March 3, 4, and 5. Both events are free to the public.

#### **15. ORDINANCES**

##### **a. Ordinances 1<sup>st</sup> 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.

**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to table until February 28. Motion carried 5-0.**

**b. Ordinances 2<sup>nd</sup> Reading**

- i. Ordinance 2017-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6, BUILDING AND BUILDING REGULATIONS, TO RELOCATE TEMPORARY HOLIDAY AND SEASONAL LIGHTING AND TO UPDATE REQUIREMENTS FOR BUILDING LIGHTING AND NUMBERING; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Juliana Cardona, Planning Technician)**

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

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

**16. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2017-03 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2016/2017 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2016/2017 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE (Lisa Fuentes, Finance Director)**

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

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

- b. Resolution 2017-05 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PAY PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE AND A MOTION APPROVING A REVISION TO THE NUMBER OF AUTHORIZED POSITIONS (Tony Bryan, Town Manager)**

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

Town Manager Bentley added that in addition to a vote on the Resolution itself, this Item also requires a separate motion to amend the number of authorized positions.

Assistant Town Manager Tony Bryan advised that at present, the position of Assistant Director of Municipal Services is an authorized position, which Staff recommends changing to a lower-level supervisory position. They recommend decreasing the number of Maintenance II, adding a Maintenance III and change one Planning Technician position to a Planner position.

**Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve changing the number of authorized positions. Motion carried 5-0.**

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

## **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. Request for a Site Plan Amendment for 4245 North Ocean Drive (Daniel Inn, FKA Dolphin Inn Hotel) (Linda Connors, Development Services Director)**

Town Manager Bentley recognized Planning Technician Juliana Cardona, who has served with the Town for three years and will be moving on to another position.

Planning Technician Cardona explained that a Level II Site Plan Amendment application has been submitted for the Daniel Inn by the project architect. This application is required when a project increases the density and/or intensity of the site and requires review by the Planning and Zoning Board as well as final approval from the Town Commission.

The property is currently occupied by three one-story hotel buildings with grandfathered backout parking along Ocean Drive and Bougainvillea Drive. Nonconforming parking spaces will be removed as part of the Application's proposal.

The Applicant proposes to build a new three-story hotel building on the site and relocate the swimming pool to the west of this new building. They also propose improvements to the parking area, landscaping, and renovations to the three existing buildings. This will result in a total of nine new hotel units and will bring the total number of hotel units on the site to 30. This change increases the project's density to 49.6 units per acre.

The site is located within the RM-25-50 zoning district, which permits up to 50 hotel units. The enclosed building area for the new structure is 5849 sq. ft., and the total square footage for the entire site is 13,229 sq. ft. The building's maximum height is 33 ft., which complies with Code.

The Applicant is required to provide 30 parking spaces and plans to provide 28 spaces, of which 25% will be for compact parking spaces. The site will also provide 10 bicycle spaces in order to comply with the total requirement of 30 spaces. Improvements will be made to the backout parking along A1A and Bougainvillea Drive.

Both the Planning and Zoning Board and Town Staff recommend approval of the Application, with standard conditions to ensure that the project complies with Town Code and Florida Building Code. Planning Technician Cardona emphasized two of these conditions:

- Condition 13: Applicant shall secure a building permit for the project within 12 months of the date of the development order; once construction begins, the Applicant will have 18 months to complete it; in the event that the Applicant requires an extension of construction time, he would need to go before the Special Magistrate with that request
- Condition 17: prior to issuance of a building permit, the Town Clerk shall certify that the property owner does not owe any monies to the Town

Juan Justiniano, representing Cartaya & Associates, characterized the project as an improvement over the three existing one-story buildings. The new structure will add nine units to the 21 existing units on the site.

Mayor Sasser addressed the use of bicycle spaces to help the project achieve its required parking, cautioning that this is allowed by the Town with the intent of helping the development succeed.

The Applicant confirmed his understanding of Condition 17 as outlined by Planning Technician Cardona.

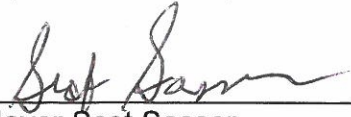
Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
February 14, 2017

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

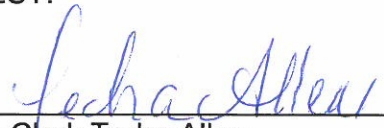
**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 5-0.**

**18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 8:05 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Allen

3-1-17  
\_\_\_\_\_  
Date