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

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:40 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, 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, Project Manager Kathie Margoles, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence in memory of the 2018 tragedy at Marjory Stoneman Douglas High School.

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Eating Disorder Awareness Week Proclamation (The Alliance for Eating Disorders Awareness)

Mayor Vincent read a Proclamation in recognition of February 25 through March 3, 2019 as Eating Disorder Awareness Week.

b. Broward County Commissioner Lamar Fisher to Address the Commission (Mayor Vincent)

Broward County District 4 Commissioner Lamar Fisher emphasized his dedication to the eight Broward cities he represents. He has worked closely with Lauderdale-By-The-Sea in the past and hoped to provide a voice for the Town at the County level. He encouraged all residents to reach out to his office if they need assistance.

c. Girl Scout Troop 10171 Presentation (Mayor Vincent)

Mayor Vincent introduced representatives of Girl Scout Troop 10171, who gave a presentation on the dangers to sea turtles and other marine life presented by plastic straws. The Troop requested that the Town adopt an Ordinance banning the use of plastic straws and advocated for a "Skip the Straw" campaign for restaurants. Other coastal communities, including Fort Lauderdale, Dania Beach, and Hallandale Beach, have already joined this effort. The Town was also encouraged to adopt a green program that encourages restaurants to use environmentally friendly products for carry-out items and refrain from use of plastics.

Mayor Vincent praised the Scouts' resilience and tenacity in discussing this campaign with the Town Commissioners. He invited the public to express their opinions on this issue at this time.

JoAnn Cantrell, visitor, spoke in favor of a ban on plastic straws, pointing out that trade vendors and manufacturers are beginning to recognize this issue and propose solutions for it.

Susan Steinhouser, resident of Coconut Creek, emphasized the timeliness of a ban on plastic straws, as preemption at the state level is a possibility. She pointed out that this may attract additional visitors and swimmers to communities that do not use single-use plastic products. She concluded by advocating for a solar cooperative in Broward County.

"Riley" the Sea Turtle, resident, advised that single-use plastics affect other marine species and birds in addition to sea turtles.

Danielle Del Sordo, resident, pointed out that plastic straws cannot be recycled and are easily blown by wind. Improper disposal can endanger humans as well as wildlife. She was in favor of the proposed ban on plastic straws, suggesting that this may be financially helpful to restaurants.

Charles Bennet, resident, spoke in favor of the proposed straw ban, expressing concern for the impact of plastic and other pollution on the shore and in the ocean.

Adele ---, resident, spoke in favor of the proposed straw ban, stating that paper straws are an acceptable substitute for plastic. She noted the positive impact a straw ban could have on the perception of the Town to tourists.

Brandesee Pierce, resident, advised that he works to raise awareness of sustainability issues and the environmental dangers presented by single-use plastics. He was also supportive of the proposed straw ban.

Commissioner Malkoon suggested that an Ordinance recently passed in Fort Lauderdale could be used as a template for the Town's proposed Ordinance. Commissioner Strauss agreed, noting that the presentation had cited the lack of biodegradability of single-use plastics.

Vice Mayor Sokolow encouraged the Town to proceed with the proposed Ordinance, but was not in favor of adopting the Fort Lauderdale model. He recommended that Staff reach out to Town businesses to determine the time it would take for them to switch to more sustainable products.

Commissioner Oldaker requested that any direction to Staff be made in the form of a vote in order to show the Commission's commitment to sustainability for the community.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to have Staff draft an Ordinance banning plastic straws in Lauderdale-By-The-Sea. Motion carried 5-0.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Desiree Clemente, resident of Fort Lauderdale, noted the amount of plastic pollution in nearby oceans and on beaches. She did not feel plastic straws were necessary due to the accessibility of straws made from alternative materials.

Catherine Uden, advised that on November 30, 2018, incidental harm authorizations were issued, which allows for this type of activity off the Eastern coast. The area protected by Florida's recent Amendment 9 extends only three miles offshore in the Atlantic Ocean.

She emphasized the importance of protecting Florida's beaches for the tourist and recreational economies, and requested that the Commission pass a Resolution opposing air gun blasting and offshore drilling.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD January 2019 Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

a. November Finance Report (Tony Bryan, Deputy Town Manager)

The Commissioners accepted the report without discussion.

b. December Finance Report (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan called the Commissioners' attention to the increase in wastewater treatment rates. The greatest component of the charge paid by the Town to Pompano Beach for wastewater treatment has increased by approximately $10,000/month.

Commissioner Oldaker requested clarification of C.A.P. Government Inc.'s time frame for billing. Deputy Town Manager Bryan advised that this time frame can vary. The Town fully reconciles every charge included on this monthly bill, which requires additional time.

The Commissioners accepted the report without further discussion.

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

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. January 22, 2019 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

b. January 31, 2019 Special Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

Item 11a was pulled for additional discussion.

a. Special Event Application for Weekly Sunday Music at Taco Craft Starting March 3, 2019 (Debbie Hime, Special Projects Coordinator)

Mayor Vincent stated that while he was willing to approve the special event Application, he would like to restrict the times at which music is played outdoors, particularly for a Sunday evening event. He requested that the 10:30 p.m. breakdown be changed to 9 p.m., adding that he has discussed this with the Applicant, who did not take issue with the change.

Commissioner Oldaker recalled that he had shared the Mayor's concerns regarding a Sunday evening music event. While he agreed with the proposed time change, he suggested that the decibel level be adjusted as well. He also addressed Staff's recommendation that the event be approved for an initial period of three months, March 3 through May 26, 2019, with the Town Manager authorized to approve the next nine months. Commissioner Oldaker agreed with this proposal.

Commissioner Strauss also agreed with the three-month initial approval period, as well as the time restriction providing for breakdown at 9 p.m. He pointed out that winds can carry noise outside the performance area to nearby neighborhoods.

Mayor Vincent spoke in favor of scheduling a workshop to address sound and signage issues.

Mayor Vincent also noted the request to waive the $250 fee because the Application was submitted between 30 and 59 days in advance. He noted that Taco Craft could benefit from the waiver of this fee so they can begin promoting their business during the season.

Vice Mayor Sokolow observed that there have been numerous complaints regarding noise levels from the subject area of the Town, and agreed with the proposed time limit. He added that the decibel level is already further restricted after 10 p.m., and proposed that this might be scaled back for the Applicant on a trial basis to determine if the event results in noise issues. He also agreed with the initial three-month approval. Commissioner Malkoon also agreed with the three-month approval period and the 9 p.m. breakdown, although he was not in favor of waiving the $250 fee.

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve with the ending at 9 p.m. on Sunday nights, not waiving the $250 fee, and sticking with the protocol of a three-month period. Motion carried 5-0.

b. Special Event Application for Beach Workout on Sunday, April 7, 2019 (Debbie Hime, Special Projects Coordinator)

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Designating Ridesharing Pick-Up Locations (Bud Bentley, Town Manager)

Town Manager Bentley explained that this proposal arose from conversation with a new Town business whose Fort Lauderdale location includes a designated area for ridesharing pickups. He characterized the system as similar to ridesharing at the Fort Lauderdale-Hollywood International Airport, which allows individuals to leave a terminal and access a central ridesharing pickup area.

The Town would construct this area beginning in May 2019. Town Manager Bentley advised that with advance planning, the location could include installation of conduits, landscaping and sidewalk improvements, benches, and a future canopy cover. He emphasized that the pickup area would not operate full-time and may not be the only proposed location. The issue was raised by Staff in recognition of the possibility of future needs during the tourist season and special events.

Vice Mayor Sokolow asked how the designation would be communicated to ridesharing services or riders in need of pickup. Town Manager Bentley replied that Fort Lauderdale has designated two such locations, which required significant coordination. The intent is for the customer to use his/her mobile app, which shows the pickup location, to call a driver. Signage would also be posted for when the designated area is in use.

Town Manager Bentley continued that ridesharing companies would be encouraged to use this location as a drop-off point, as it is positioned to provide easy access in and out when Commercial Boulevard is closed or there is other significant congestion. There would be no penalty for companies that did not choose to use the location. The improvements planned for the area, such as wider sidewalks, would increase its compatibility with the Americans with Disabilities Act (ADA).

Commissioner Oldaker observed that the proposed location is close to an alley near the A1A parking lot, which could result in increased jaywalking, and suggested that further research be done into this possibility.

The Commissioners agreed by consensus to direct Staff to coordinate with local businesses and ridesharing companies for the design and implementation of a designated ridesharing location, including the additional research recommended by Commissioner Oldaker.

b. Application for Relief of Code Enforcement Lien at 4337 Seagrape Drive (Linda Connors, Development Services Director)

Development Services Director Linda Connors stated that the lien for which the Application seeks relief resulted from dock construction without a permit, which was a repeat violation. Photographs are included in the Commissioners' backup materials.

The subject property is currently owned by Seagrape Drive Property Inc. Its former owner was the Coral Springs Investment Group, in which the current owner was also involved. Since 2007, there have been approximately 30 different Code citations on this property,

10 of which resulted from work without permits. The property has been cited twice with regard to its dock.

This violation went before the Special Magistrate, who gave the owner 20 days to comply at a rate of $100/day due to the repeat violation. After 20 days passed, the Special Magistrate ordered that the fine be increased to $500/day. The total fines due are $277,000. The Applicant has requested a 98% reduction, which equals a fine of $5000.

The property was in violation 570 days after notice was issued to the property owner, and 550 days after the violation order was issued. The cost of obtaining an after-the-fact permit was $346. The owner has advised that the cost of securing a general contractor was $1000, although no supporting documentation has been submitted for this claim.

In addition to the 10 Code violations for work without a permit, the property owner has also been cited for a lack of business tax receipts (BTRs), failure to have or pay a garbage account, property maintenance, landscape violations, and storage of boats or cars on the property. In one case, fines had accrued to $3500, but were mitigated to $0 by the Special Magistrate.

Mark Stern, representing the Applicant, asserted that the owners have experienced financial and other hardships related to the subject property. The primary owner is no longer able to maintain the property on her own, and no one was available to assist her in its management.

Mr. Stern advised that the owners were informed by the Building Department that engineers, County entities, and the Environmental Protection Agency (EPA) must be involved in order to issue and close the permit. Through work with the Building Department, the owners eventually determined that they could secure an after-the-fact permit without these additional efforts.

The owner is currently seeking to sell the property, which has accrued significant debt and is experiencing additional issues that have led to financial hardship. The property is now in foreclosure. Mr. Stern concluded that the Commission may assist the owners by allowing them to move on with their lives with regard to the property. He characterized the situation as administrative and the fines as exorbitant, and requested substantial mitigation.

Mayor Vincent observed that some of the Applicant's expenses were the result of poor judgment, which he did not feel contributed a financial hardship. He also pointed out that

the costs associated with an after-the-fact permit could be much more onerous than those experienced in this case, as the state of the property may constitute a public safety concern. He did not feel it was accurate to describe the issue as administrative.

Mayor Vincent requested clarification of the property's custodian during the time the fines accrued. Mr. Stern replied that while Ann Vitale is the president of the corporation, her son was in charge of the property and made decisions on her behalf.

Commissioner Oldaker stated that minimizing the nature of the violation was inaccurate, citing the accrual of significant fines for the violation.

At this time Mayor Vincent opened public comment.

John Lanata, resident, advised that he lives next door to the subject property. While it has been properly maintained in the past, he pointed out that it is currently derelict and in foreclosure. He characterized the work without a permit as maintenance, and suggested the owners might have fallen victim to unscrupulous parties when seeking an after-the-fact permit. He recommended showing lenience to the owners.

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

Commissioner Oldaker asked if there is currently a fully executed contract for the property. Mr. Stern confirmed this, adding that the owners expect closure related to the property later in the week. Commissioner Oldaker noted that the basin area has been the focus of significant attention by the Commission, and felt resolving this issue would allow them to move forward.

Commissioner Strauss requested confirmation that the permit has been closed out and the violation has been fully addressed and corrected. Mr. Stern confirmed this as well. Vice Mayor Sokolow commented that taking Mr. Lanata's comments into account, as well as the satisfactory inspection of the property, the work seems to have been completed correctly, and stated he was in favor of accepting the Applicant's mitigation offer.

Vice Mayor Sokolow made a motion in favor of the offered settlement of $5000, which is a 98% reduction of the $277,000 fine, to be paid within 30 days. [The motion died for lack of second.]

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to adjust the settlement to 10%, and close within 30 days on all administrative fees paid. Motion carried 4-1 (Vice Mayor Sokolow dissenting).

14. COMMISSIONER COMMENTS

Mayor Vincent reminded all residents that the A1A marathon and half-marathon will be run on El Mar Drive on Sunday, February 17, 2019, beginning at approximately 7:15 a.m. The majority of runners are expected to pass through the Town by 10 a.m. Downtown parking spaces on El Mar Drive between the alleyways will be closed that morning until BSO deems it safe to reopen them.

Traffic on El Mar Drive will be permitted only in the outside lanes. BSO and COP personnel will assist with traffic from feeder roads between A1A and El Mar Drive and will monitor cars leaving parking spaces on El Mar Drive. Cars leaving El Mar Drive at this time are encouraged to leave a few minutes early. The Farmers' Market will open at their regular time of 9 a.m. and close at 2 p.m.

The 7th annual Community Center Art Exhibit will be held on Wednesday, February 13, 2019 in Jarvis Hall from 6 p.m. to 8:30 p.m. The work of local artists will be featured, and admission is free.

Mayor Vincent also requested that the Town's flag be lowered to half-staff on Thursday, February 14, 2019 in recognition of the 2018 tragedy at Marjory Stoneman Douglas High School.

Commissioner Oldaker requested that Town Staff look into the period of time the Governor has requested that flags be lowered in memory of the victims of the recent tragedy at Suntrust Bank.

Commissioner Oldaker continued that e-scooters are being operated within the Town, some of them recklessly. He also noted that he met with the city manager of Weston, Florida, who complimented Lauderdale-By-The-Sea. He concluded by wishing all present a happy Valentine's Day.

Commissioner Malkoon expressed his condolences to the friends and family of longtime resident Loyola Gray, who recently passed away.

Commissioner Strauss recognized the representatives of Girl Scout Troop 10171 once more for their presentation earlier in the meeting. He continued that many residents would like to hear updates on the state of the pier, and suggested Town Staff create a monitoring system so residents can find this information.

Town Manager Bentley advised that when the pier was significantly damaged by Hurricane Irma, preexisting damage was exposed by the storm. The pier has been cited and has gone before the Special Magistrate multiple times. In January 2019, the contractor and engineer provided a status report to the Special Magistrate. He proposed that they be invited to make a presentation to the Commission and the community on the state of the pier and the complexity of the damage at the second Commission meeting in March 2019, when the new Town Manager will be present.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2014-04 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING WILLIAM "BILL" VANCE AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN WILLIAM "BILL" VANCE AND THE TOWN ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Mayor Vincent)

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, recognized the significant progress made by the Town since 2010. She hoped the Commission would continue this progress with the new Town Manager, and that this transition would continue with improvements to El Mar Drive, the pier, the basin, and other key areas.

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

Mayor Vincent recalled that after William "Bill" Vance was selected as Town Manager at the special meeting of January 31, 2019, the Mayor, Town Attorney, and Town Manager Bentley had negotiated the terms of his employment contract with him, quickly reaching a conceptual agreement. The current Town Manager's contract was updated by the Town Attorney, and terms were revised to clarify meaning and reflect Mr. Vance's status as a new employee. The proposed agreement is attached to the Resolution as Exhibit A.

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

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:23 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

2-26-19
Date