

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 9, 2016
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgie gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Sasser stated that he would like the Commission to add a discussion of the procedure for the selection of a Town Manager as Item 13c, and the possibility of changing the parking charge for people with handicapped parking permits as Item 13d.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

Mayor Sasser opened public comment.

Alfred "Buz" Oldaker, resident, noted that the Broward Sheriff's Office (BSO) captured three thieves in his neighborhood, and thanked them for their successful effort. He continued that more street lighting is needed in his neighborhood.

He added that the Town should discuss the issues surrounding the marina further with residents as well as Town Staff, and should hold public meetings for the purpose of this discussion. He did not feel the many complex issues surrounding the marina were fully understood by the residents.

Yann Brandt, resident, addressed Item 12a, parking in lieu of payment (PILOP), noting that the parking exemption program resulted in strong growth along Commercial Boulevard. However, this growth has reached a saturation point, and there are now some negative effects associated with this program. He recommended that the Item be brought back to the Planning and Zoning Board for more thorough discussion.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO January 2016 Report (Captain Fred Wood)

Captain Fred Wood advised that BSO received a call from an observant resident early in the morning regarding young men acting in a suspicious manner. Deputies were dispatched and a BSO helicopter out doing its nighttime beach patrol was able to Deputies from surrounding municipalities and a K-9 unit were also dispatched, eventually resulting in an arrest of the young men for stolen vehicles and other property.

Capt. Wood concluded that residents of the neighborhood acted in a safe manner by remaining in their homes while Police activity occurred. He reminded all residents to keep their vehicles locked. Mayor Sasser suggested an educational campaign encouraging residents to keep their outside lights on at night.

Vice Mayor Vincent requested an update on traffic backing up at Benihana's, as he has received complaints from residents of the Silver Shores neighborhood. He asked that BSO look into the valet parking at this establishment. Capt. Wood confirmed that he will address this issue with personnel.

8. TOWN MANAGER REPORT

a. Chamber of Commerce January 2016 Report (Tedra Smith, Town Clerk)

Chamber Report accepted without discussion

Town Manager Connie Hoffmann noted that the Town's Welcome Center is now closed on Sundays, as the Chamber of Commerce has not yet received funds from the Broward Convention and Visitors Bureau as expected. Commissioner Brown advised that these funds have been approved and will be presented at a subsequent meeting.

b. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Hoffmann reminded the Commissioners that there will be a meeting on Friday, February 12, 2016 at 8:00 am with members of the Town's business community.

Town Manager Hoffmann continued that the League of Women Voters will host a Candidates Forum at Jarvis Hall on Thursday, February 25, 2016, at 7 p.m. Questions from the public are encouraged and may be submitted through a link on the Town's website.

Paving will begin on Wednesday, February 10 on Basin Drive and Tradewinds Avenue.

The Town has issued a building permit to the Florida Development Group's contractor for the former Clarion Hotel. FDG has hired a new architect- their third- to redesign the former Holiday Inn and Villa Caprice hotels. Architectural drawings are expected to be submitted for review in March.

Mayor Sasser announced that Town Manager Hoffmann has submitted her resignation, effective April 15, 2016. He recognized her contribution to the Town and wished her the best in all future endeavors.

Mayor Sasser requested that a notice be placed on the Town's website to encourage independent as well as party-affiliated voters to participate in the March 15, 2016 Presidential Primary Election.

9. TOWN ATTORNEY REPORT

Commissioner Dodd requested clarification of whether or not the newly elected Commission will be sworn in at the Town Commission meeting following the municipal election. Town Attorney Susan Trevarthen replied that the date is dependent upon when the Supervisor of Elections certifies the election results. Results must be certified at least two days prior to any swearing-in ceremony.

Commissioner Dodd recommended establishing a fallback date for a special meeting if certification is not complete in time to hold the swearing in at the March 22 meeting. Commissioner Sokolow agreed. Commissioner Brown was not in favor of a special meeting for this purpose. It was determined that the regularly-scheduled meeting of March 22nd would be cancelled and be rescheduled for March 29, 2016 at which time the swearing-in ceremony would take place.

10. APPROVAL OF MINUTES

a. January 12, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

b. January 26, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

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

11. CONSENT AGENDA

a. Special Event Application from the Community Church for an Easter Sunrise Service Proposed for Sunday, March 27, 2016 (Bud Bentley, Assistant Town Manager)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve 11a. Motion carried 5-0.

b. Fire Assessment, Fire Inspections, & Fire Plans Review Fee Study (Connie Hoffmann, Town Manager)

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

12. OLD BUSINESS

a. Further Discussion about PILOP (Payment in Lieu of Parking) (Connie Hoffmann, Town Manager)

Town Manager Hoffmann explained that if a business cannot meet the parking standards required by Code, a payment in lieu of parking (PILOP) would allow them to pay a certain dollar amount in exchange for approval. This money would go into a reserve fund to be used to expand parking or to implement new parking technologies.

She noted the Commission had earlier expressed interest in having participants in a PILOP program pay an amount equal to the cost of one parking permit in the A1A parking lot. In researching and reviewing this issue, however, Staff has determined that such a program could be problematic, as there is no clear answer on where to develop further parking. Town Manager Hoffmann reviewed the pros and cons of a PILOP program.

She noted that the Item would also need to go before the Planning and Zoning Board before coming back to the Commission.

The Commissioners discussed the Item, with Commissioner Dodd noting that before the existing parking exemption program was introduced, there were many empty storefronts Downtown. He encouraged Staff to consider all alternatives, noting that there is sufficient parking in the Town to meet all but the highest demand, and recalling that

before 2008, the high cost of having to provide parking had a negative effect on development.

Commissioner Sokolow agreed, noting that it was structurally and financially unlikely for new stories to be added to existing buildings on Commercial Boulevard. He felt the issue was the location of future business growth. Vice Mayor Vincent commented that it would be more likely for new stories to be added to existing buildings if they were converted from retail to office space.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to pass this issue to the next Planning and Zoning Board once it is seated, with that Board to make a recommendation to the Commission. Motion carried 5-0.

13. NEW BUSINESS

a. Loud Machinery Use (Mayor Scot Sasser)

Mayor Sasser explained that he has received multiple calls from residents regarding the use of loud machinery on Sundays. The callers expressed a desire for one day of the week in which they would not be subjected to this noise and his intent in bringing the Item forward was to allow the Commission to discuss whether they should act to restrict use of loud machinery on one day per week.

Vice Mayor Vincent noted that Sea Ranch Lakes restricts full service work or deliveries on certain days. He was in favor of a similar Ordinance within the Town.

Commissioner Dodd pointed out that the noise level created by some machinery can rise to a volume at which a Code complaint could be triggered. He agreed that the Town should consider such an Ordinance.

Town Manager Hoffmann clarified that contractors currently may not engage in construction, drilling, repair or maintenance, land clearing, filling, or landscaping on Sundays. Commissioner Dodd suggested that lawn maintenance be included in this list of exclusions.

Commissioner Brown also agreed with prohibiting loud noise on Sundays, and suggested that the Commission also consider adding other noises associated with machinery to the list of banned activities, such as gas leaf blowers. Commissioner Sokolow agreed as well. Vice Mayor Vincent cautioned that the Commission should ensure that any prohibitions apply only to professional vendors and not to individual residents who are performing their own work.

Town Attorney Trevarthen advised that she would provide the Commission with a range of options on this Item.

b. Removal of buildings to construct private parking on Commercial Blvd. (Linda Connors, Development Services Director)

Assistant Town Manager Bud Bentley advised that this item also relates to the PILOP program discussed earlier. He showed a PowerPoint presentation including photos of Anglin Square, noting that while buildings could be removed by property owners in order to provide parking, this would be inconsistent with the desired atmosphere and walkability of the area. He continued that this may affect future economic viability as well, which cannot be accurately predicted.

Assistant Town Manager Bentley noted that Fisherman's Pier is owned by a single entity and includes a surface parking lot as well as various businesses. While he felt it would be economically viable if the owner demolished a single building to create surface parking, the impact on Anglin Square would be undesirable from Staff's perspective. He advised that if this issue is a concern, it should be referred to the next Planning and Zoning Board, along with PILOP, for further discussion.

The Commissioners agreed by unanimous consensus to refer this Item to the next Planning and Zoning Board.

c. Discussion of procedure to replace Town Manager (Mayor Scot Sasser)

Mayor Sasser noted that April 1, 2016 will be the last day the Town Manager will be physically present, although her actual resignation date is April 15th. He asked if the Commission wished to make any decisions regarding her successor, or if their preference was to allow the next seated Commission to address this issue. He pointed out that if the Commission agrees to postpone this Item to the next Commission, it may be necessary to appoint an Interim Town Manager.

Mayor Sasser opened public comment.

Barbara Cole, resident, praised Town Manager Hoffmann's accomplishments during her tenure with the Town and thanked her for her service. She suggested that the Commission consider renaming the Dune Plaza in honor of Town Manager Hoffmann.

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

The Commissioners discussed the Item, with Vice Mayor Vincent pointing out that the Town's Charter requires that an Acting or Interim Town Manager must be appointed before the Town Manager's resignation takes effect in order to prevent a gap in the position. Town Attorney Trevarthen advised that this is the only requirement of the Commission in selecting a new Town Manager: many other options are open to them, from promotion of existing Staff to a national search. An Interim or Acting Town

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Manager must be appointed by Resolution if the Commission decides to defer selection of a new Town Manager to the next Commission.

Commissioner Sokolow recommended that the appointment of an Acting/Interim Town Manager be placed on the next Commission Agenda, and proposed that Assistant Town Manager Bentley be appointed to this position. Commissioner Brown suggested that this appointment be made effective April 1, 2016.

Commissioner Brown stated he believed that the selection of the next Town Manager should be deferred to the next Town Commission.

The Commissioners agreed by consensus to leave the final decision to the next Commission, and to address the appointment of Assistant Town Manager Bentley as Interim Town Manager on the next Agenda.

d. Discussion of a change in the cost of handicapped parking (Mayor Scot Sasser)

Mayor Sasser advised that he has received calls from individuals with disabilities who have been ticketed, and/or had to pay the parking meters within the Town, although these individuals are not charged parking fees on State highways. He suggested that the Town reconsider whether or not to charge fees on ADA-accessible spaces, noting that any loss of revenue would be minimal.

Assistant Town Manager Bentley clarified that a handicap parking tag or sticker allows the user to park in any on-street parking space free of charge for up to four hours; however, there is a charge at most of the Town's surface parking lots.

The Commissioners agreed by consensus to eliminate this charge which will require an amending ordinance or resolution on a future Agenda.

14. COMMISSIONER COMMENTS

Vice Mayor Vincent noted the fifth anniversary of Burger-fi, which opened its first restaurant in the Town. The chain now has 80 restaurants and has served more than one million customers in Lauderdale-By-The-Sea alone.

Commissioner Dodd encouraged all residents to exercise their right to vote in the upcoming municipal election.

Mayor Sasser advised that Development Services Director Linda Connors attended a recent meeting of the Terra Mar Island Homeowners Association to discuss the topic of vacation rentals. He thanked for doing that.

Commissioner Sokolow stated that he had received an email regarding a recent resolution passed by the city of Coral Springs. The resolution urges the federal government to place additional pressure on the nation of Iran to release American hostage Robert Levinson, who is a resident of Coral Springs. He proposed placing a similar resolution on the next Agenda. The Commission concurred.

Commissioner Brown noted that the upcoming municipal election is likely to be the last one held in the month of March if pending State legislation is passed. He urged all residents to vote in the municipal election, even if they cannot vote in the Democratic or Republican Presidential primaries.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. **Ordinance 2016-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, “DEFINITIONS,” TO ADD AND MODIFY DEFINITIONS RELATED TO DUPLEX USES; BY AMENDING SECTION 30-137, “NONCONFORMING USES AND STRUCTURES,” TO ADDRESS NONCONFORMING SPLIT LOT DUPLEX DWELLINGS; BY AMENDING SECTION 20-221, “RD-10 DISTRICT – DUPLEX,” TO ADDRESS NOTICE FOR DUPLEX DEVELOPMENT; BY AMENDING SECTION 30-241, “RM-25 DISTRICT – APARTMENTS AND LODGING,” TO CLARIFY THAT SPLIT LOT DUPLEX PROPERTIES ARE SUBJECT TO THE NON-CONFORMING USE AND STRUCTURE REQUIREMENTS OF SECTION 30-21 AND REQUIRE THAT ALL DUPLEX DEVELOPMENT MUST COMPLY WITH CERTAIN NOTICE REQUIREMENTS; BY AMENDING SECTION 30-242, “RM-25 DISTRICT – REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS,” TO ELIMINATE THE REQUIREMENT FOR CONDITIONAL USE APPROVAL OF SINGLE FAMILY AND DUPLEX USES ON LOTS LESS THAN 60 FEET IN WIDTH AND PROVIDE NOTICE REQUIREMENTS FOR DUPLEX DEVELOPMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

Vice Mayor Vincent thanked Development Services Director Connors for her work on this Ordinance.

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

16.RESOLUTIONS – PUBLIC COMMENTS

None.

17.QUASI JUDICIAL PUBLIC HEARINGS

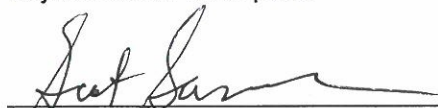
a. Withdrawal of Variance Application for 1821 West Terra Mar Drive (Linda Connors, Development Services Director)

Development Services Director Connors explained that this Application for a rear setback variance was withdrawn by the Applicant after the Board of Adjustment recommended denial.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to accept the Applicant's withdrawal of the Item. Motion carried 5-0.

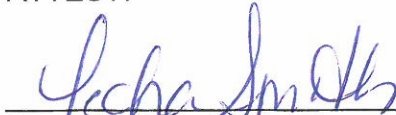
18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:28 p.m.

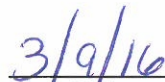


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date