

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 27, 2015
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, Assistant to the Town Manager Pat Himmelberger, Assistant Development Services Director/Town Planner Linda Connors, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and 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

It was determined that the discussion of Town sponsored events, deferred from the January 27, 2015 workshop, would be added to tonight's Agenda as Item 13c.

5. PRESENTATIONS

a. Citizen Observer Patrol Annual Awards and Promotions (Captain Fred Wood)

Broward Sheriff's Office (BSO) Captain Fred Wood recognized Bill Johansen and Major Lou Barbara for 500 hours and 1000 hours of service respectively to the Citizen Observer Patrol (COP). Rocky Narain was recognized for a 266% increase in hours from the previous year, and the Michael San Miguel Top COP Award was presented to Major Lou Barbara.

Capt. Wood also made the following promotions:

- Lisa Quaranto, promoted to Sergeant
- Dan Ford, promoted to Sergeant
- Les Kafka, promoted to Sergeant

All present recognized the award winners and promoted individuals with a round of applause.

b. Presentation of the Schematic Design for Commercial Blvd. Streetscape from A1A to Seagrape by Architectural Alliance (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann advised that this project will complete the streetscape on the final two blocks of Commercial Boulevard. Hugh Johnson, Principal Landscape Architect of Architectural Alliance, showed a PowerPoint presentation on the schematic design of the project.

He noted that median landscaping would be removed, vehicular lanes realigned, and bike lanes added. When the sidewalks are widened, the drainage inlets will move to the new curbs. Door threshold elevations will be standardized, and lighting, landscape and paving materials will be consistent with those on the western blocks of Commercial Boulevard.

The Commissioners discussed the improvements, requesting that bollards be used in this phase of the project. Mr. Johnson explained that bollards could be placed at the corners of streets with heavy pedestrian traffic. Warning strips will be placed in the sidewalk pavement where backout parking remains. Bougainvillea trellises will be placed at the end of the parking areas on both North and South Bougainvillea Drive. Benches and outdoor cafés may be accommodated on the wider sidewalks in the second block of the project, and the visibility of businesses and signage is maintained through careful placement of the trees in the sidewalk. A crosswalk alternative, consisting of colored material rather than stamped asphalt, was shown. Staff and Architectural Alliance recommended against the use of stamped asphalt due to cost and the poor wear that Fort Lauderdale is experiencing with it. It was noted that simple white striping was also an alternative, similar to what will be done at the A1A/Commercial intersection.

Town Manager Hoffmann advised that the business owners who attended the design workshops wanted the project constructed in August and September, rather than in May as originally planned.

The Commissioners agreed by unanimous consensus to proceed with the project as presented, including the requested timing of the construction phase.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, addressed the topic of solar lighting, noting that many of the Town's interior streets do not have sufficient lighting. He encouraged the Commission to consider lighting these areas if they elect to proceed with the solar project.

7. PUBLIC SAFETY DISCUSSION

a. BSO Dec. 2014 Report (Captain Fred Wood)

It was noted that the Town's license plate reader (LPR) cameras assisted in the recent recovery of a runaway.

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

b. VFD Dec. 2014 Report (Chief Judson Hopping)

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

c. AMR Dec. 2014 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

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

Town Manager Hoffmann noted that the Pelican Hopper's ridership increased year-over-year by 15% in October and December 2014 and by 24% in November 2014. She added that the Town has not yet received a response from the Oriana Board of Directors regarding their willingness to share in the costs associated with relocating an unsightly Florida Power and Light (FPL) pole. She concluded that the temporary relocation of the Farmer's Market to the front of Town Hall was successful on several fronts, and that the Market would be invited to relocate there permanently, with the exception of Sundays on which events are scheduled at Jarvis Hall.

b. November 2014 Finance Report (Tony Bryan, Finance Director)

c. December 2014 Finance Report (Tony Bryan, Finance Director)

Finance Director Tony Bryan presented the reports, which the Commissioners accepted without comment.

d. Chamber of Commerce Welcome Center December Statistics Report (Tedra Smith, Town Clerk)

Courtney Stanford, representing the Chamber of Commerce, presented the report, which the Commissioners accepted without comment. Ms. Stanford reminded all present that Taste of the Beach will be held on February 25 at Friedt Park from 6 p.m. to 9 p.m.

e. Additional Uses of Restroom Building & Site (Connie Hoffmann, Town Manager)

Municipal Services Director Don Prince has requested a small storage space in the building, and BSO has asked for a shaded area for parking of its all-terrain vehicle. Both these requests may be accommodated in the building's design. It was noted that the Commission will be able to choose between two prospective designs for this building in March.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that a bill filed at the State level would preempt the Town's medical marijuana regulations.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

Commissioner Dodd requested that Items 11a and 11c be pulled for comment.

a. Special Event Application from the Village Grille and 101 Ocean for St. Patrick's Day Event proposed for Monday, March 17, 2015 (Bud Bentley, Assistant Town Manager)

Commissioner Dodd commented that he felt this event may attract more than 200 attendees. It was noted that BSO will provide a Police presence based on past attendance rather than the current estimate.

b. Special Event Application from Athena By The Sea for St. Patrick's Day Event proposed for Monday, March 17, 2015 (Bud Bentley, Assistant Town Manager)

c. Special Event Application from Florida Community Support Organization for a 5K Beach Run from Pompano Beach Pier to Anglin's Pier proposed for Saturday, March 21, 2015 (Bud Bentley, Assistant Town Manager)

Commissioner Dodd asked if there was any conflict with multiple entities wishing to organize very similar events, as Kiwanis has proposed a similar pier-to-pier run. It was noted that no other organization has contacted the Town with regard to sponsoring the event.

Commissioner Brown requested assurance that the Applicant has agreed to some of the conditions proposed by Town Staff, such as provision of waste and recycling receptacles along the route. It was clarified that this is a standard condition. Assistant Town Manager Bud Bentley assured the Commission that Staff will meet with the Applicant to ensure they fully understand their responsibilities.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve 11a and 11c. Motion carried 5-0.

d. Waiver of Restriction on Town Engineer Contract (Connie Hoffmann, Town Manager)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve [Items] 11b and 11d. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Solar Street Lights (Don Prince, Municipal Services Director)

Municipal Services Director Don Prince reported that solar lighting can be expensive depending upon the desired level of lighting and the design of the poles and fixtures. Costs are estimated between \$4,000 and \$10,000 per light with a pole. He noted that if this project moves forward, workshops will need to be held to determine the location and level of lighting, and recommended a demonstration project of at least two lights if the Commission elects to advance the Item. It was noted that this project is not currently part of the Five-Year Capital Improvement Program.

The Commissioners discussed the lack of available grant funds to defray costs, as well as the fact that FPL can install traditional lighting at minimal monthly cost to the Town. It was noted that most property owners do not wish to grant easements to FP&L for the installation of lights, although solar lighting may be installed almost anywhere within the Town's rights-of-way that receive direct sunlight. Battery life of solar lighting may also be adversely affected by an ocean environment.

Given the very substantial cost of solar lighting, staff was suggested that the Commission may wish to delay this project until there have been technological

improvements that may decrease costs. The Commissioners agreed by consensus to defer the matter for now, but reconsider it at their FY 2016 priorities meeting.

b. Application for Relief of Code Enforcement Lien at 255 Hibiscus Avenue (Linda Connors, Assistant Development Services Director / Town Planner)

Assistant Development Services Director Linda Connors advised that the subject property was foreclosed in November 2007, with a final judgment entered in 2012. J.P. Morgan Chase Bank took title of the property in December 2013 and, following eviction proceedings, took possession of the property in December 2014. At that time the bank worked quickly to bring the property into compliance. Fines are currently \$333,310. Town Staff has divided the cases into violations occurring under the original ownership and violations issued to J.P. Morgan Chase, both of which are listed in the backup materials. The total amount the bank proposes to pay is \$10,000.

The Commissioners discussed the Item, with Commissioner Brown asserting that the bank could have made repairs on the property once they took title rather than waiting until they took possession. Town Attorney Trevarthen advised that the Town's position is that all liens are potentially collectable in this case, particularly those issued after final judgment. There is trial court precedent that an owner is liable for fines incurred between final judgment and sale to another entity.

Commissioner Dodd noted the length of time between foreclosure and the bank's possession, and recommended a minimum 25% mitigation of the total, plus Staff costs. There was consensus among the Commission that the bank's offer was far too low and that they would be more inclined to a 20% to 25% mitigation.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, for 25% plus Staff costs.

Asst. Development Services Director Linda Connors requested that the motion also include the Town Attorney's review of valid and viable liens. Commissioner Dodd restated his motion as follows: **motion for payment of \$83,195 plus administrative fees (\$650)**. Vice Mayor Vincent seconded the amended motion.

Motion carried 5-0.

c. Discussion of Town Events

Mayor Sasser explained that there are three Town events each year which rely heavily on volunteer efforts by residents. He also noted that Commissioner Brown had proposed replacing the Town's Halloween event with a Veterans Day event.

Mayor Sasser suggested that the full Commission assist with upcoming Town events rather than having an individual Commissioner chair each event. Commissioner Dodd cautioned, however, that this could lead to complications under the Sunshine Law. It was proposed that Town businesses could also play a larger role in planning these events.

It was suggested by the Mayor that Town events would be limited to Christmas-By-The-Sea, Bugfest, Turtlefest, and July 4th, with no Easter or Halloween events. Town Manager Hoffmann pointed out that a citizens' or veterans' organization could organize a Veterans Day celebration, with the Town participating by financial contribution. Commissioner Brown emphasized the importance of a Veterans Day event, whether sponsored by the Town or by a civic group. It was agreed that a dedicated Commission liaison would still be identified for the 4th of July event.

At Commissioner Brown's request to seek public input on this proposal, the Commissioners agreed to place this proposal for a vote on the next Agenda.

14. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. Ordinance 2015-01 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 14.5 “Peddlers and Solicitors” by Creating Article III “Street Performing” to provide for permitting and regulation of street performances; and providing for codification, severability, conflicts, and an effective date (Pat Himelberger, Assistant to the Town Manager)**

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

Assistant to the Town Manager Pat Himelberger recalled that in 2014, Staff communicated concerns to the Town Commission regarding the lack of regulation of street performance in public areas. Staff and the Town Attorney prepared an Ordinance including the following key elements:

- Defines what a performance may consist of
- Defines public areas
- Proposes the following hours for street performance: Sunday-Thursday, 10 a.m.-10 p.m., and Friday-Saturday 10 a.m.-10:30 p.m.
- Limits performance sites to a 20 ft. radius and requires 30 ft. distance from another performer and 8 ft. sidewalk clearance
- Provides for a permit with background clearance and an appeal process for revocation or suspension

- Requires performers to maintain a clean performance site, abide by the noise Code
- Prohibit harassment or coercion of passerby
- Provides that performers may accept contributions but may not verbally solicit donations

It was clarified that performers are not required to display visual credentials at all times, but would be asked to show them upon request. Captain Wood advised, however, that he would prefer performers to have credentials on display. Vice Mayor Vincent asked that the credential not display the Town's seal in order to prevent the appearance of endorsement.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve, and to explore the concept proposed by the Chief. Motion carried 5-0.

- ii. **Ordinance 2015-02 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 5, “Beaches and Waterways,” Article II, “Beach Regulations,” of the Code of Ordinances, to permit approved special event activities on the beaches; amending Chapter 14.5 “Peddlers and Solicitors” to address vending and promotional entertainers; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Assistant Development Services Director / Town Planner)**

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

Asst. Development Services Director Linda Connors advised that the Commission requested that Staff review this Ordinance following a discussion of solicitation at the November 18, 2014 meeting. Staff has reviewed the appropriate Ordinances and made the following suggestions:

- Allow solicitation on the beach if in conjunction with a Town-approved event
- Revise the reference to garage sales for greater clarity
- Add definitions “promotional entertainer,” “solicit,” and “solicitation,” and clarify the definitions of “vending” and “vendor”
- Add language prohibiting vending or promotional entertainment within 250 ft. of Commercial Boulevard, Ocean Boulevard, and El Mar Drive, with the exception of professional promotional entertainers operating within a sidewalk café boundary or 4 ft. of the confines of the premise of a business with which the vendor is associated
- Update requirements for vendors’ licenses, provide procedures for suspension/revocation of this license, and clarify language related to notice and procedures for the appeal of a suspension/revocation

Commissioner Dodd expressed concern that vendors near the entrance to the beach may be too close to El Mar Drive according to the above restrictions. Town Manager Hoffmann advised that if the Ordinance is passed, vending on the beach may only occur in conjunction with special events.

The Town Attorney noted there is some overlap of this Ordinance with the Code governing park permits, which will need to be revisited at another time.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt on first reading. Motion carried 5-0.

- iii. **Ordinance 2015-03 – 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 I, “In General,” Division 2, “Administration and Boards,” to create a Public Art Board; and creating Article XII, “Public Art Program;” providing for codification, severability, conflicts, and an effective date (Susan Trevarthen, Town Attorney)**

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

Town Attorney Trevarthen recalled that in August 2014, Staff was instructed to develop a proposal for a public art program. The Ordinance creates this program, defines public art, and creates a Public Art Board to work with Town Staff and develop guidelines governing the public art program. The scope of the program does not apply to any single family, but does apply to multi-family projects of construction value of more than \$1 million and non-residential projects of more than \$750,000. She reviewed the choices of compliance with the proposed program, which were described in the backup materials.

Commissioner Brown expressed concern with whether or not most qualifying developers would be able to raise funds for the necessary fees. It was suggested that a tiered fee system or a lower fee cap would address this issue. Town Attorney Trevarthen advised that her staff considered sample ordinances from other jurisdictions, noting that most local governments require a 1% fee from public developers, though fewer require a fee from private development. Commissioner Sokolow and Vice Mayor Vincent requested more information on fee structures prior to second reading of the Ordinance. It was noted that the Ordinance would also go before the Planning and Zoning Board before returning to the Commission for second reading.

Commissioner Sokolow stated that he was not in favor of this ordinance.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to pass the Ordinance on first reading, pending further discussion on second reading. Motion carried 4-1 (Commissioner Sokolow dissenting).

b. Ordinances 2nd Reading

None.

15.RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2015-04 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, authorizing and directing the appropriate Town Officials to execute a grant agreement for funding \$16,462.00 through the Broward County Community Development Block Grant Program for Fiscal Year 2014/2015 for Senior Center activities; authorizing the expenditure of matching funds in the amount of \$47,538.00; providing for conflict, severability, and for an effective date (Tedra Smith, Town Clerk)**

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

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

16.QUASI JUDICIAL PUBLIC HEARINGS

None.

17.COMMISSIONER COMMENTS

Commissioner Dodd reported that the ruling depth at Hillsboro Inlet, following the removal of a large volume of sand, is 15 ft. as far as the lighthouse. The Inlet will use a beach raking device on the south shore in order to avoid testing the hardness of the sand.

Commissioner Dodd also addressed the marina issue discussed at the January 13 Commission meeting, suggesting that some of the individuals who spoke on this issue could participate in a subcommittee advising the Commission on appropriate regulations for the marina. He concluded by noting that the National Oceanic and Atmospheric Association (NOAA) has proposed regulations to help the recovery of the environment in Biscayne Bay, stating that creation of a marine sanctuary in Lauderdale-By-The-Sea would accomplish a similar goal.

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Mayor Sasser advised that because the Town's life insurance program requires mandatory participation by the Commissioners, he has filled out the necessary application.

18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:48 p.m.

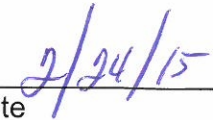


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date