

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 12, 2016
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:03 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, 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, 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

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Presentation by Sun-Bergeron about the Recycling of Municipal Solid Waste (requested by Commissioner Brown)

Commissioner Brown recalled that a recent article in the *Sun-Sentinel* had suggested that the County's recycling program was not being implemented as intended, with recyclable materials ending up in a landfill. He requested information and assurance from Mr. Bergeron that the contract is being carried out according to the Town's wishes.

Lonnie Bergeron, representing Sun-Bergeron, stated that in July 2015, there was debate at the County level regarding whether or not certain waste to energy facilities would be closed. As a result, the County's 17 municipalities began using Sun-Bergeron for their recycling needs. As Sun-Bergeron had no recycling facility at the time, materials were hand-sorted until a facility was procured. He invited the Commissioners and residents to tour the facility and assured the Commission that only non-recyclable materials were being landfilled by Bergeron.

Vice Mayor Vincent asked if the agreements between Sun-Bergeron and Southern Waste Systems and acquisition of Southern Waste by Waste Management would affect the Town's existing disposal agreement in any way. Mr. Bergeron replied that it would have no effect during the initial term of the agreement, but he could not say what would happen after that. He concluded that Sun-Bergeron would honor all its contracts, at least through the first term. Mayor Sasser asked that Assistant Town Manager Bud Bentley review the terms of this contract and make sure Sun Bergeron is living up to them.

b. Guardian ad Litem Day Proclamation

Mayor Sasser read the Proclamation aloud, stating that January 12, 2016 is Guardian ad Litem Day in Lauderdale-By-The-Sea. Laura Davis, representing the Guardian ad Litem program, encouraged residents to become involved with this program, as over 900 children are currently awaiting the help of a volunteer. She may be reached at 954-831-0628 for more information.

6. PUBLIC COMMENTS

Mayor Sasser advised that historically, the Town has allowed candidates for public office to use this time to announce their candidacy. Campaigning from the podium or the dais, however, is not allowed.

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, recommended that the Town take steps to inform residents of filings for public office, and requested information on the process by which candidates might qualify for office if they lived outside the Commission seat district.

Jerry Sehl, resident, announced that the Town's Kiwanis Club has committed to raise \$3,000 to assist a homeless family in securing housing. Individuals interested in assisting with this program may find more information at www.lbts-kiwanis.club.

Yann Brandt, resident, announced his candidacy for the Commission seat currently held by Commissioner Stuart Dodd.

Alfred "Buz" Oldaker, resident, also announced his candidacy for the Commission seat from the southern district.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD November 2015 Report

Chief Judson Hopping reported that a recent donation allowed the Volunteer Fire Department to purchase rescue breathing masks for large and small dogs and cats. He added that the VFD also participates in a car seat program that teaches individuals how to install these devices.

8. TOWN MANAGER REPORT

a. November 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

b. Chamber of Commerce November & December 2015 Reports (Tedra Smith, Town Clerk)

Courtney Stanford, of the Chamber of Commerce, invited the Commissioners and residents to attend a breakfast meeting with Broward County Sheriff Scott Israel at the Coral Ridge Country Club on January 22, 2016. More information is available on the Town's website under the "Events" heading.

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

Town Manager Connie Hoffmann invited all present to attend an open forum on Tuesday, January 19, 2016 at 7 p.m. in Jarvis Hall, to provide input on the issues residents feel the Town should focus on for the next five to seven years. A light dinner will be served at the event. A survey is also available on the Town's website for those unable to attend. Information from the meeting and survey will be assembled over the next month and will be presented to the Commission for consideration as part of a Strategic Plan.

A letter was received from the city of Pompano Beach, informing the Town of the rate they will charge to process sewage in 2016. The rate increase is less than expected, which will result in a savings of approximately \$40,000 in the Town's sewer budget.

Nova Southeastern University has issued a report on the condition of the staghorn coral out-planting project. The mortality rates have increased since the summer dive, which they believe is a result of unusually warm weather in the fall and wave action at the near shore location. More coral will be out-planted in the winter at the deeper sites only.

The Commercial Boulevard mid-blocks project is complete, with the exception of installation of the correct pavers for one section of the project.

The recycling tote program has been rolled out, and approximately 2400 totes have been distributed to most of the Town's multi-family residences.

Commissioner Brown requested that the next Town Manager's Report include a status update on the progress and time frame of various hotel construction projects underway throughout the Town, such as construction of the hotel on El Mar Drive or at the former Holiday Inn property. Town Manager Hoffmann replied that she will highlight this information in her next report.

Commissioner Brown commented that the Broward Metropolitan Planning Organization (MPO) is committed to helping the Town develop a project to address the need for more visitor and beach parking. He suggested that the Commission segregate any parking/transportation project(s) from the rest of the Town's Strategic Plan and seat a Town task force to explore the parking situation, with input from experts as needed.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that because Commissioner Stuart Dodd was not present at tonight's meeting, she and Town Manager Hoffman had decided to postpone further discussion of the parking garage question until the January 26, 2016 meeting.

Mayor Sasser asked Town Attorney Trevarthen to respond to a question raised by Ms. Cole during Public Comment, regarding what would happen if no individual from a particular district qualified for office. Town Attorney Trevarthen replied that the Town's Charter provides for qualifying individuals from other districts to run for office from a district in which no one has qualified. If the Commission wishes, they may address this issue through an Ordinance to amend the scope of this Charter provision, or they may place a question on this portion of the Charter directly onto the ballot. She offered to bring a memo listing these options to the next Commission meeting.

10. APPROVAL OF MINUTES

- a. November 24, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. December 8, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 4-0.

11. CONSENT AGENDA

- a. Purchase of a Replacement Pump for the Seagrape Lift Station (Don Prince, Municipal Services Director)**

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Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve Item 11a. Motion carried 4-0.

b. Dune Restoration – El Mar Parking Permits (Don Prince, Municipal Services Director)

Commissioner Brown explained that on February 27, 2016, the Town's ninth sea oats planting project will occur at 4616 El Mar Drive. The cost of the project is covered through \$5000 in County grant funds as well as private donations. Special event parking on El Mar Drive will be available for volunteers.

Commissioner Brown made a motion, seconded by Commissioner Sokolow, to approve Item 11b. Motion carried 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Mayor Sasser announced that he is running for reelection as Mayor of Lauderdale-By-The-Sea.

Commissioner Brown stated that the Broward MPO recently awarded a contract to a company seeking creative solutions to bicycle and pedestrian safety issues. He has requested that this team address these issues specifically in Lauderdale-By-The-Sea.

Commissioner Brown added that the Community Center will put on six short plays written by Town residents, including one by Public Information Officer Steve d'Oliveira. He encouraged all residents to attend these plays on Friday, Saturday, and Sunday, January 22, 23, and 24.

Mayor Sasser noted that Commissioner Brown is unopposed for his Commission seat.

Vice Mayor Vincent expressed his condolences to the Behan family on a recent death in their family.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st 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 30-221, “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 NONCONFORMING 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 PROVIDING NOTICE REQUIREMENTS FOR DUPLEX DEVELOPMENT; 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.

Development Services Director Linda Connors recalled that the proposed Ordinance was discussed in depth at the December 8, 2015 meeting, including provisions that acknowledge split lot duplex properties as nonconforming uses with requirements. Owners of these split lot properties must provide a maintenance agreement if they wish to redevelop their properties as anything other than a single-family residence on one half of the lot. Side setbacks on these lots are reduced from 8 ft. to 3 ft., and property owners would be allowed to increase another setback accordingly.

Development Services Director Connors continued that in the past, the Town has typically only been notified of division of duplex lots after the fact when property owners request a zoning letter that could not be provided under Code. To ensure that owners are aware of this issue, the Town will record documents reflecting that duplex lots may no longer be divided in the future. Lots previously subdivided will be considered legal nonconforming uses and will be subject to applicable standards. She added that she will confer with

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Florida Building Code advisors regarding whether both halves of a duplex must be brought up to Code before they can be renovated.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

b. Ordinances 2nd Reading

- i. Ordinance 2015-08 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS,” BY AMENDING SECTION 5-1, “DEFINITIONS,” TO CLARIFY THE DEFINITION OF WATERCRAFT; AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, “DEFINITIONS,” TO PROVIDE DEFINITIONS RELATED TO MARINA USES; BY AMENDING DIVISION 2, “DISTRICTS,” OF ARTICLE V, “ZONING,” TO RENAME SUBDIVISION G, “BUSINESS ZONING DISTRICT REGULATIONS,” TO “B-1-A DISTRICT REGULATIONS,” TO DELETE SECTION 30-260 TO ELIMINATE DUPLICATION, TO AMEND SECTION 30-261, “B-1-A DISTRICT – BUSINESS,” TO REORGANIZE REQUIREMENTS FOR CONDITIONAL USES, AND TO AMEND SECTION 30-271, “B-1 DISTRICT – BUSINESS,” TO CORRECT REFERENCES AND PROVIDE FOR CONDITIONAL USE REVIEW OF MARINAS AND IDENTIFY SPECIFIC REQUIREMENTS FOR MARINA USES; BY AMENDING SECTION 30-311, “BOATS, BOAT LIFTS, BOATHOUSES AND ANCHORAGE,” TO AMEND AND CLARIFY THE REQUIREMENTS FOR DOCKING AND MOORING OF WATERCRAFT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Mayor Sasser opened public comment.

Rosalie Malkoon, resident, stated that the proposed Ordinance is difficult to understand as written.

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

Assistant Town Manager Bud Bentley advised that the Item be withdrawn, as Ordinance 2015-17, an updated version of the Item, will come before the Commission on January 26, 2016.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to withdraw the Ordinance. Motion carried 4-0.

- ii. **Ordinance 2015-20 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, SECTION 6-12, “TIME LIMITS FOR COMPLETING CONSTRUCTION AND REPAIR,” TO MODIFY FINES AND CLARIFY REQUIREMENTS; 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 made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

16.RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2016-01 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, MODIFYING PARKING PERMIT FEES EFFECTIVE OCTOBER 2015, OCTOBER 2016, OCTOBER 2017, AND OCTOBER 2018 TO PROVIDE FREE PARKING AT THE TOWN HALL PARKING LOT FOR TOWN SPONSORED EVENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

Mayor Sasser opened public comment.

Barbara Cole, resident, observed that there may be areas in Town in which parking may be switched from parallel to angled parking, or where parking may be shared between properties. She suggested that beachgoers not be allowed to park for a full day in the A1A lot or other prime parking areas.

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

Assistant Town Manager Bud Bentley noted that no changes are proposed to residential parking rates as part of this Item. He also pointed out scrivener's errors in the backup materials:

- Memorandum line 2: change “Commission” to “Manager;”
- Attachment A, footnote 7: insert “at Town Hall or” before “Jarvis Hall,” and place a period after “events.”

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Mayor Sasser asked if community center events or civic organizations would be able to request parking waivers directly from the Town Commission if their request is not approved by Staff. Town Attorney Trevarthen confirmed that they would be able to make this request from the podium, as there is no formal appeals process.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for hearing quasi-judicial Items, and the Commissioners disclosed ex parte communications on this Item. Commissioner Sokolow disclosed that he had a conversation with the owner, Mayor Sasser disclosed that he had a phone conversation with the owner. Individuals wishing to speak on the item were sworn in at this time.

a. Conditional Use – Waiver of the Requirements of Article VIII, “Sign Regulations,” of Chapter 30 for 112 Commercial Boulevard (Linda Connors, Development Services Director)

Development Services Director Connors stated that the request is for an exception for a Midcentury Modern sign for Sloan’s Ice Cream Shop at 112 Commercial Boulevard. The Sign Code allows signs in the Midcentury Modern style to be exempt from certain regulations, as this is the Town’s preferred architectural style. The requested sign is a hanging sign of 35.7 sq. ft., which is greater than the Code requirement of 32 sq. ft. Staff found the proposed sign not to be reflective of the characteristics of Midcentury Modern style. Architect Tony Abbate also found the sign not to be reflective of this style. For that reason, Staff does not recommend approval of the Application, as it does not qualify under Code provisions.

Development Services Director Connors continued that Staff has not worked with the Applicant to alter the sign in order to help it qualify for approval. The recommendation against approval is based entirely on the sign’s size, which would be approved if it were 32 sq. ft. or less in size.

Bill Ciani, representing the Applicant, reviewed the terms of composition of Midcentury Modern signage, which he characterized as “anything goes,” including a single shape or repetitive shapes that interact with one another in a playful manner to draw attention to advertising. He felt the proposed sign complied with the materials used in Midcentury Modern signs, and referred to photographs in the Applicant’s backup materials that demonstrated this.

Commissioner Brown commented that because he was not widely knowledgeable about Midcentury Modern style, he would defer to experts, such as members of Town Staff. He added that while he is typically inclined to support a waiver, the dispute is over a single

size and design, which he felt could be revised to meet Code requirements. He concluded that the Commission has set Code requirements for the Downtown area in order to establish a level of uniformity in that area.

Mr. Ciani responded that the Applicant would be willing to modify the sign in order to qualify for approval. It was clarified that should the Application fail, the Applicant would be able to submit a different request at a later date. Mr. Ciani stated that the Applicant would be willing to defer the Item for modification.

Commissioner Sokolow observed that the sign did not appear to be indicative of Midcentury Modern architecture. Vice Mayor Vincent noted that there are no other existing stores on Commercial Boulevard that meet Midcentury Modern requirements.

Development Services Director Connors noted that all signs on a single business must be consistent in style, and approval of the requested sign would mean the Applicant must change its existing signage to be consistent with the proposed sign. She also clarified that while the Midcentury Modern style is preferred, it is not a requirement for new signage. Town Manager Hoffmann noted that standards and criteria for this designation are included in Town Code in order to identify the Midcentury Modern style.

Mayor Sasser commented that the Commission should reconsider the requirements for Downtown signage.

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, stated that she did not wish to see signs such as the proposed hanging sign in the Downtown area, and that the Town selected Midcentury Modern as its style of choice for a reason.

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

It was determined that the Applicant would withdraw the Item until the second scheduled meeting in February 2016 in order to modify the Application.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to defer the request to the second meeting in February 2016. Motion carried 4-0.

18.ADJOURNMENT

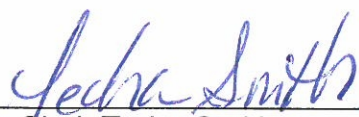
With no further business to come before the Commission at this time, the meeting was adjourned at 8:52 p.m.

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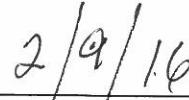


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date