

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, January 8, 2019  
6:30 PM**

**1. CALL TO ORDER, MAYOR CHRIS VINCENT**

Mayor Vincent called the meeting to order at 6:31 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, Assistant Town Manager Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

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

**3. INVOCATION**

Pauline Brooks McGuinness gave the Invocation.

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

Mayor Vincent advised that a representative of a property owner has requested that Item 12a be deferred until the next Commission meeting.

**Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to defer Item 12a to the next meeting. Motion carried 5-0.**

**5. PRESENTATIONS**

None.

**6. PUBLIC COMMENTS**

At this time Mayor Vincent opened public comment.

Ray Chehata, business owner, stated that changes to Town Code have repercussions that affect all residents and businesses. He urged the Town Commission to amend Code in order to become more progressive, being that there are so many businesses in the Town. Mr. Chehata stated that he inquired with Town on a way to move the musicians to where they are facing east in the right of way, which will solve the problems with the residents regarding congestion at the intersection and music bouncing off the buildings to the west.

Charles Mangano, resident, explained that "as built" paperwork for the area west of Bougainvillea Drive shows that the County and Town were negligent when this sidewalk was constructed. He also addressed the use of a traffic counter by the Broward Sheriff's Office (BSO) near this location, asserting that the traffic generated by a boat parade in December 2018 was not indicative of normal traffic in the area.

Bill Ciani, property owner, stated that trash pickup for his tenants is poor, with little accountability from the provider. He recommended that while a contract for residential trash pickup should continue, businesses should be permitted to contract with other providers so they will have more control over this service.

Mr. Ciani also addressed special events, pointing out that there is typically one special event in Town per weekend night. He felt this should continue in order to prevent special events from competing with one another. He concluded that signage is also a concern and Sign Code should be reviewed to ensure it is equitable.

Brian McSweeney, resident, expressed concern with Pelican Hopper service, which can be problematic if the regular driver is not present. He recommended that this issue be addressed at a higher level, recalling that when he recently spoke with a representative of this contractor, his concerns were not taken seriously.

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

## **7. PUBLIC SAFETY DISCUSSION**

### **a. VFD November Report (Chief Judson Hopping)**

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

## **8. TOWN MANAGER REPORT**

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

Captain Thomas Palmer of BSO addressed the concern raised by Mr. Mangano, explaining that a new traffic counter device was recently tested at the subject location. He apologized for any misunderstanding this may have created.

Town Manager Bud Bentley recalled meeting with residents of East Leisure Village to discuss potential improvements in the area, including a lighted Stop sign at the intersection. This sign has been purchased by the Town and will be installed shortly after it is received. He encouraged residents to share feedback on this device with Town Staff.

Town Manager Bentley continued that the Town's new website is operational, with corrections and modifications to come. Town Staff will work on the site's appearance and individual departments will address their content. He estimated that this process will take approximately six months to complete.

There were no incidents at the Town's recent New Year's Eve event. Staff has reached out to permit holders from this event to schedule a debriefing. Mayor Vincent will meet with Town Staff for the same purpose.

Foreclosure complaints have been filed against Florida Development Group (FDG) regarding multiple properties. FDG has not responded thus far regarding the settlement agreements discussed at the December 11, 2018 meeting. Further updates will be provided to the Commissioners on January 11-12, 2019. Town Manager Bentley advised that he and Special Projects Coordinator Debbie Hime are reviewing alternatives for the Town's 4<sup>th</sup> of July event in case FDG will no longer allow the Town to use its property as a staging area.

Regarding the Pelican Hopper, Town Manager Bentley stated that Town Staff is aware of problems with the contractor and its substitute drivers. Staff plans to meet with the contractor to review these concerns and encourage them to do a better job.

Mayor Vincent addressed the issue raised under public comment regarding trash pickup. Town Manager Bentley replied that Mr. Ciani is suggesting the Town amend its contract to allow commercial properties to select their own vendors. The Town's current policy seeks to limit and manage the number of trucks serving the Downtown area.

Mayor Vincent emphasized the need to ensure that the contractor properly addresses complaints. Town Manager Bentley explained that Mr. Ciani's complaint arose from a lack of service on Christmas Day, which is the only holiday recognized by the contract. Properties may arrange for a different pickup schedule if they wish, and Christmas pickup may be provided at an additional cost. The contractor uses a mechanical pickup system, which helps keep costs low. It is the responsibility of the property owner to manage the waste stream.

Mayor Vincent also requested additional information on the issue raised by Mr. Chehata. Town Manager Bentley advised that Mr. Chehata is requesting a license that would allow a musician to perform in a public right-of-way. The Town only licenses sidewalk cafés: it does not provide licenses for hostesses, musicians, or other private business operations within rights-of-way. He recommended if the Commission wants to explore this issue further, it can be heard as a future Agenda Item.

Vice Mayor Sokolow suggested that this issue be discussed by Staff and heard by the Town's Planning and Zoning Board before it comes before the Commission. Town Manager Bentley replied that further conversations will be held on this topic and an update will be provided at the January 22, 2019 Commission meeting.

Commissioner Malkoon asked if FDG has responded to the Town's foreclosure suit. Town Attorney Susan Trevarthen advised that the deadline for a response is January 16, 2019. The deadline for a response to the mitigation offer is January 11, 2019.

Mayor Vincent requested an update on the posting of beach signage, recalling that these signs are not being posted behind private property. Town Manager Bentley replied that these public information signs are placed at public access portals on the beach south of Pine Avenue. Smaller versions of the signs have been requested for some private properties north of Pine Avenue.

Mayor Vincent emphasized the relevance of this issue for public safety, noting that some individuals enter the public beach from private properties. Town Manager Bentley advised that a public-private partnership would be the best way to place signage on these properties. He concluded that Staff would report back to the Commission on the progress of this issue.

## **9. TOWN ATTORNEY REPORT**

Town Attorney Trevarthen announced an Executive Session will be scheduled in which she would seek advice regarding settlement negotiations and/or strategy related to litigation expenditures for *Ober v. Town of Lauderdale-By-The-Sea*, Case Number CACE14-06782(05).

#### **10. APPROVAL OF MINUTES**

- a. December 11, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

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

- a. Special Event Permit Application for Community Church Ocean Baptism on May 11, 2019 (Debbie Hime, Special Projects Coordinator)**
- b. 2019 Parking Permits for Turtle Monitoring Organizations (Sharon Ragoonan, Assistant Town Manager)**

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve 11a and 11b. Motion carried 5-0.

#### **12. OLD BUSINESS**

- a. Prohibition of Short-Term Tenancy Units on Lots 60 Feet or Less in Width, West of Bougainvillea Drive in the RM-25 District (Linda Connors, Development Services Director)**

This Item was deferred until the January 22, 2019 meeting.

- b. Town Manager Search Update (Connie Hoffmann)**

Consultant Connie Hoffmann provided an update on the search for a new Town Manager, stating that over 60 applications were received. A list of eight qualified candidates has been provided to the Commission: Gerald "Tony" Bryan, Andrew Berns, Colin Donnelly, Susan Grant, Glenn Irby, Alan Rosen, David Strahl, and Bill Vance. She briefly reviewed

this list and the candidates' qualifications. Resumes, cover letters, and interview notes were provided to the Commissioners with the applications.

The Commissioners took a brief recess at this time.

Commissioners Oldaker and Malkoon recommended that the names of Colin Donnelly and Susan Grant be removed from the list of candidates. The Commissioners agreed by consensus to the removal of the two names. Mayor Vincent also expressed reservations regarding candidate Bill Vance, but withdrew his objection following discussion of the circumstances of severance.

Ms. Hoffmann advised that she would seek to narrow the list of the six remaining candidates to four following skill testing and background checks. The shorter list will be presented at the January 22, 2019 meeting, after which candidates would be invited to the Town on January 30-31, 2019. Each candidate would meet individually with the Commissioners and be interviewed before the public.

### **13. NEW BUSINESS**

#### **a. County Proposed Historic Preservation Ordinance Amendments (Linda Connors, Development Services Director)**

Development Services Director Linda Connors explained that Broward County is preparing amendments to its Historic Preservation Ordinance and has requested comments from the municipalities on these potential revisions. The Ordinance was recently changed to require municipalities without their own historic preservation Ordinances to fall under the umbrella of the County Ordinance. As a result, Lauderdale-By-The-Sea enacted its own Ordinance in order to retain home rule, although that Ordinance has not been active. The Board of Adjustment members also serve as the Town's Historic Preservation Board.

Most of the Town's Historic Preservation Ordinance is similar to the County's existing Ordinance, with the key difference being that the Town requires that a property owner agree with the designation of his/her property as historic. This is not a requirement at the County level.

In 2019, the County is considering changes to the Ordinance that would require municipalities to be considered Certified Local Governments (CLGs). The CLG program is administered at the state level. Municipalities would be required to have a Historic

Preservation Board that meets four times per year and actively surveys historic resources. The Board's membership would be specific to this purpose, including historians, architects, planners, and others with knowledge or experience in historic preservation.

Broward County has requested that its municipalities submit comments on this potential change by January 30, 2019. A hearing on the proposed amendments will be scheduled for May 7, 2019, with a second reading to be held on May 21. Development Services Director Connors concluded by requesting that the Commission provide Staff with direction and comments on the proposed Ordinance amendment.

The Commissioners discussed the proposed amendment, with Mayor Vincent noting that the Town's own Ordinance will not be grandfathered in if the County Ordinance is amended. He stated that he was in favor of the Town retaining home rule regarding historic preservation. Vice Mayor Sokolow added that the Town should go on record to object to any loss of its sovereign rights.

Development Services Director Connors advised that Staff would send a letter to the County objecting to the proposed Ordinance amendment. They will continue to follow this issue and update the Commissioners on the status of the proposed amendment.

**b. Sign Code Workshop (Vice Mayor Sokolow)**

Vice Mayor Sokolow stated that he would like the Town to schedule a workshop to review Sign Code once a new Town Manager has been hired. He pointed out that both the Town and property owners spend significant time and funds reviewing Sign Code, which he felt would benefit from an update. It was determined that this Item will be added to the FY19 Action Plan at medium priority.

**c. Enforcement of State Laws Regarding E-Scooters (Vice Mayor Sokolow)**

Vice Mayor Sokolow advised that he felt a recent Fort Lauderdale Ordinance regarding these devices may be in violation of state law. He added that "e-scooters" seem to be inherently hazardous to both riders and nearby traffic, and the Town should take action to avoid state preemption in the event the state chooses to regulate the scooters.

Mayor Vincent noted that the state allows the Town to enact its own Ordinance if they wish to allow e-scooters in rights-of-way. He recommended maintaining the status quo at least until the state makes clear what action it wishes to take on these devices.

Town Manager Bentley requested direction regarding a potential Resolution that would formalize what the Town is currently doing to preserve the status quo. He pointed out that although the devices are prohibited in the Town, they are being picked up from rights-of-way as abandoned property. Staff is researching State Statutes with regard to how the parent company should be notified, as well as a potential fee structure related to the pickup of devices. A Resolution regarding the fee structure will be presented at a subsequent meeting.

Town Attorney Trevarthen clarified that when the prohibition of e-scooters in the Town is violated and they are retrieved from municipal property, the parent company is charged for the return of their devices. A Resolution and fee structure would formalize the processes necessary to return the property. Companies have been provided with a courtesy notice that e-scooters are not allowed within the Town, and signage has been posted to inform riders of the prohibition. Town Manager Bentley clarified that riders may not operate the scooters in the Town's street or on sidewalks, but may physically carry or push them through Lauderdale-By-The-Sea.

BSO Captain Tom Palmer advised that he has reached out to the Fort Lauderdale Police Department, which has received a legal bulletin addressing e-scooters. The bulletin provides a list of State Statutes that serve as the basis for violations. Fort Lauderdale's Ordinance allows for operators to place e-scooters in rights-of-way, but does not authorize their use on sidewalks. E-scooters are currently prohibited in Pompano Beach as well.

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

None.

#### **15. ORDINANCES – PUBLIC COMMENTS**

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

None.

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

None.

**16. RESOLUTIONS – PUBLIC COMMENTS**

- a. **Resolution 2019-01: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT TO PARTITION SUBMERGED LANDS WITH MARINA-BY-THE-SEA, LLC; APPROVING A QUITCLAIM DEED FOR A PORTION OF THE SUBMERGED LANDS; WAIVING THE PURCHASING MANUAL REQUIREMENTS FOR DISPOSING OF TOWN REAL PROPERTY; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENTS AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENTS; PROVIDING AN EFFECTIVE DATE (Bud Bentley, Town Manager)**

At this time Mayor Vincent opened public comment.

John Lanata, resident, stated that he supports Resolution 2019-01.

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

Commissioner Oldaker noted that Section 5.3 of the proposed agreement does not give the marina the right to fill in submerged land to bring it to the level of dry land.

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

**17. QUASI JUDICIAL PUBLIC HEARINGS**

None.

**18. ADJOURNMENT**

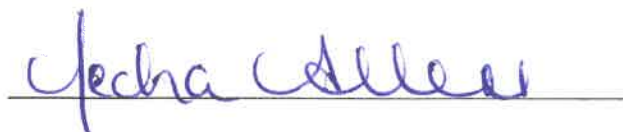
With no further business to come before the Commission at this time, the meeting was adjourned at 8:21 p.m.

A handwritten signature in dark ink, appearing to be 'CV', is written over a horizontal line.

Mayor Chris Vincent

Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
January 8, 2019

ATTEST:

A handwritten signature in blue ink, appearing to read "Tedra Allen", is written over a horizontal line.

Town Clerk Tedra Allen

A handwritten date "1-22-19" in blue ink is written over a horizontal line.

Date