

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 15, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Commissioner Elliot Sokolow, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, 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

Pastor Larry Trotter gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was determined that Items 12a and 12b, which would set the Town's strategic priorities for 2017, would be discussed in detail at a Commission Workshop, as these were very lengthy Items. Mayor Sasser recommended that Item 12a focus on the scheduling of this workshop.

5. PRESENTATIONS

a. LBTS 69th Anniversary

Mayor Sasser advised that all present would take a brief break to enjoy refreshments in honor of the Town's 69th anniversary.

b. Beach Raker Presentation

Municipal Services Director Don Prince introduced General Manager Andrew Greener and Operations Manager Ray Thompson of Beach Raker, who provided a brief presentation on the company's cleaning methods and equipment. Beach Raker has over 200 clients in Broward, Dade, and Monroe Counties. They use a series of Kubota tractors to rake the tide line, as well as seaweed and Barber surf rakes, a sand sifter, beach tech,

and other equipment. Material is custom-fitted for these operations in-house. No seaweed is removed from the beach, but is instead raked and buried.

On the upper portion of the beach, a Barber surf rake is used to mechanically clean the sand and remove debris from the beach. Trash is removed in a hopper and disposed of at Beach Raker's property. Screened equipment is used to remove smaller debris from the sand. In some areas, employees physically walk behind the equipment to ensure that no debris is missed. Kubota front-end loaders are used to guard against erosion.

Regarding turtle nest management, Beach Raker has invested in GPS equipment that is used to record every turtle nest found on the Town's beaches. This typically comes to more than 3000 nests. Beach Raker does not mechanically rake or clean the beach during turtle season until all nests have been accounted for and mapped. The company has several employees who are accredited to manually reestablish nests if necessary.

Vice Mayor Brown asked how frequently the equipment for small debris removal is used in high-traffic areas. Mr. Thompson replied that this equipment may not be used above the wrack line during turtle season; out of season, however, it is used at least once per month. Another piece of equipment is used as a sifter, which removes small debris such as cigarette butts. Only dry sand may be fully sifted. This equipment is typically used on a higher portion of the beach in order to prevent shell removal.

Mr. Thompson continued that the company has a permit from the Florida Fish and Wildlife Commission (FFWC) to bury seaweed on the beach at the tide line. The depth to which seaweed is buried depends upon conditions and the amount of material.

Commissioner Vincent asked if Beach Raker calculates the tonnage of debris removed from the beach and how it is disposed of. Mr. Greener explained that while Beach Raker once separated plastic from other debris to recycle it, this was not determined to be cost-effective for the company. They typically fill two 20-yard trash containers per month.

Mayor Sasser requested additional information on turtle nesting precautions. Mr. Greener advised that the GPS unit used by Staff is accurate to a depth of 3 ft. If turtle nests are washed out by conditions, Beach Raker may not work on the beach until nests have been reestablished.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Ina Marjakangas, business owner, thanked the Commissioners for the recent Boo-By-The-Sea event, which served in part to showcase several of the Town's small businesses located west of Seagrape Drive. She recommended improved signage and visibility to encourage pedestrians and tourists to walk west toward these businesses, and proposed extending the temporary sign permit period for new businesses and allowing businesses

to use the walkways in front of their stores. She also requested the suspension of special permit fees for businesses to the west.

Debra Lyons, resident, also thanked the Commissioners for Boo-By-The-Sea and spoke on behalf of the small businesses located west of Seagrape Drive. She felt the event showcased this underused portion of the Town.

Adanice Villafuerte, announced a Thanksgiving Day meal and event for the community, to which all are invited. The first serving will be from 11 a.m. to 12:30 p.m. and the second serving will last from 12:30 to 2 p.m. Jarvis Hall will be decorated for the event on November 22 at 6 p.m. and volunteers will receive their assignments on November 23. Details may be found at www.floridasupport.com.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO October 2016 Report (Captain Tom Palmer)

Vice Mayor Brown noted that the Citizen Observer Patrol (COP) program has been reinstated by the Broward Sheriff's Office (BSO). Captain Palmer confirmed that this occurred during the summer, shortly after incidents in Texas and Louisiana.

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

b. VFD October 2016 Report (Chief Judson Hopping)

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

c. AMR October 2016 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

a. Chamber of Commerce October Monthly Report (Tedra Allen, Town Clerk)

The Commissioners accepted the report without discussion.

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

Vice Mayor Brown recalled that the El Mar Greenway project welcomed a new project manager at a recent meeting that included Town Staff and representatives from the Broward Metropolitan Planning Organization (MPO). He expressed confidence in the new project manager's ability to work with the Town and bring the project to fruition.

Vice Mayor Brown continued that he recently met with the Lauderdale-By-The-Sea Lodging Association to explain the Greenway's time frame. The Association's concerns included potholes, lack of lighting, and flooding on El Mar Drive, which they hoped would be addressed in the interim before the Greenway project is complete.

Town Manager Bud Bentley advised that similar issues were raised at the previous month's meeting, and a decision was made to review these issues on a one-on-one basis with individual properties. The Assistant Town Manager and Municipal Services Director Prince are in the process of scheduling these meetings after the Thanksgiving holiday.

Mayor Sasser emphasized the necessity of addressing safety issues right away, and asked to know the next steps in the public process. Vice Mayor Brown advised that while there were discussions of the Town hiring its own engineer from a pool of pre-approved contractors so preliminary work can be done, this cost was determined to be higher than FDOT's flexible threshold, and the Town did not take this step. FDOT may not issue a request for proposal (RFP) on the project until July 2017, when their new fiscal year begins. An engineer is expected to be chosen for the project by fall 2017. The groundbreaking date could not be estimated at this time.

Mayor Sasser congratulated Special Events Coordinator Debbie Hime on the successful Boo-By-The-Sea event, and agreed that the Town will look for other events focusing on the western part of the Town.

Town Manager Bentley advised that a ribbon-cutting ceremony for the El Mar Plaza Restroom project has been suggested for December 7, 2016, before the Christmas-By-The-Sea event. The facility will become operational at that time. Mayor Sasser urged all present to see the new signage at the entrance to East Tradewinds Avenue.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen announced that the Town was one of the parties requesting an update to the joint statement on sober home facilities by the U.S. Department of Housing and Urban Development and the U.S. Department of Justice, which addressed the interpretation of the Fair Housing Act as applied to local governments. An updated statement includes language that may be used to address the most severe situations in communities with multiple sober homes. While the updated statement does not change the current situation in the Town, it could have an effect if a party wished to open an additional sober home in the community.

Mayor Sasser emphasized that the Town continues to work on this issue with U.S. Representatives Ted Deutch and Lois Frankel. He characterized the statement as good news for the Town.

10. APPROVAL OF MINUTES

- a. October 4, 2016 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. October 25, 2016 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

Vice Mayor Brown made a motion, seconded by Commissioner Oldaker, to approve [both October 4 and October 25]. Motion carried 5-0.

11. CONSENT AGENDA

Vice Mayor Brown requested that Item A be pulled for additional discussion.

- a. New Pelican Hopper Contract (Debbie Hime, Special Projects Coordinator)**

Vice Mayor Brown commented that the Pelican Hopper program does not seem to be working very well, as its cost is now \$160,000/year or a subsidy of roughly \$25 per resident of the Town. The Pelican Hopper's route to the Galt Mile, Holy Cross Hospital, and other locations also subsidizes riders who do not live in the Town. Issues with the service include the length of the vehicle's circuit, which is not convenient for most riders.

Vice Mayor Brown concluded that the Town should consider finding out how many other Broward municipalities provide community bus service. He pointed out that the federal government's mass transit subsidy program, which provides funds to the County, may not continue into the future. He also recommended an updated ridership survey. There may be alternatives, such as shortened routes and centralized pickup points, which could make the service less expensive.

Town Manager Bentley advised that Staff's recommendation on this Item is to approve the new contract, although it does not request the allocation of any additional funds and Town Staff plans to provide some of the evaluation data described by Vice Mayor Brown. He confirmed that if the contract is approved at tonight's meeting, it will provide the option for two one-year renewals. The agreement may be terminated by convenience by action of the Town.

Commissioner Sokolow requested more information on existing Pelican Hopper statistics, and agreed that service should not be interrupted until a decision is made. Special

Projects Coordinator Debbie Hime noted that weekly ridership and mileage is provided by the contractor, and will be reviewed for daily and hourly ridership figures.

Assistant Town Manager Tony Bryan advised that Town Staff has noticed that ridership decreased for nine consecutive months in 2015, and reached out to the County to determine if this trend was specific to the Town and/or the Pelican Hopper. He has heard from County representatives that ridership issues are not unique to the Town, but are system-wide, with no identified cause at this time.

Assistant Town Manager Bryan added that the Town is paying one of the lowest subsidy rates for community bus service in Broward County, due in part to its piggyback on the Dania Beach contract. He concluded that the total amount in the contract does not include the subsidy the Town receives from the County.

Commissioner Vincent recalled that in a prior discussion of the route, the Town had determined they could not subsidize the Pelican Hopper without a corresponding subsidy from the County. Assistant Town Manager Bryan replied that this was true. The Town's contribution pays for fuel, driver costs, and vehicle maintenance. Commissioner Vincent emphasized the importance of ridership to continuing the service.

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to approve the extension of the contract. Motion carried 5-0.

- b. F-150 Truck Purchase (Don Prince, Municipal Services Director)**
- c. Bollard Purchase (Don Prince, Municipal Services Director)**
- d. Authorize an Extension to the CAP Government Contract for Building Services (Linda Connors, Development Services Director)**
- e. El Mar Plaza Restrooms (Don Prince, Municipal Services Director)**
- f. Motion to Authorize the Town Manager to Issue Written Notice to Waste Pro of the Town's Desire and Intention to Exercise the Second Renewal Term of the Solid Waste, Bulk Waste, and Recycling Collection Services Agreement (Tony Bryan, Assistant Town Manager)**

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve Items 11b, c, d, e, & f. Motion carried 5-0.

12. OLD BUSINESS

- a. FY16 Work Plan – Final Action (Bud Bentley, Town Manager)**

b. FY 17 Action Plan – Setting Priorities (Bud Bentley, Town Manager)

It was determined that a Commission Workshop would be held on Tuesday, November 29, 2016 at 5:30 p.m. The workshop will be open to the public, although no public participation is planned. It was noted that no formal action may be taken at a workshop.

13. NEW BUSINESS

a. Hardship Parking Permits (Tony Bryan, Assistant Town Manager)

Assistant Town Manager Bryan explained that Town Staff has received regular requests for hardship parking permits for the current fiscal year, and is asking the Commission to consider these requests and provide direction. Staff also requests policy direction on certain issues, pointing out that one hotel that is requesting hardship permits has sufficient required parking. Staff wishes to know how to respond to requests of this nature from properties.

Staff has also received several requests for hardship permits in the Washingtonia Avenue area, which is oversubscribed. They would like direction on how to address this issue as well, such as providing permits in an alternate area like the El Prado parking lot.

Mayor Sasser asked if any requests are above and beyond what was granted the previous year. Assistant Town Manager Bryan replied that the net requests have decreased by one from the previous year.

With respect to the Tides Inn, which has requested hardship permits although they have sufficient parking, Mayor Sasser noted that the business has made renovations to the property, resulting in a shortage of practical spaces. It was clarified that hardship permits require parking to occur in designated metered spaces: businesses may not use residents' spaces.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve the over-allocation. Motion carried 5-0.

b. Zip Code Change (Vice Mayor Brown)

Vice Mayor Brown advised that the Town's U.S. Representative is willing to raise the issue of securing a ZIP code change for the Town. He requested guidance from the Commission regarding whether or not the Town should seek a ZIP code of its own, or if the Town should instead ask the Postal Service to recognize Lauderdale-By-The-Sea addresses within the existing ZIP code.

Resident Edmund Malkoon recalled that he had investigated this issue in 2008, after the Town had requested that the Postal Service look into the ZIP code issue. The party responsible for the study has stated that another request may not be made until 2018.

The Commissioners agreed by consensus to look into the options available to the Town from the Postal Service before taking any action.

14. COMMISSIONER COMMENTS

Commissioner Oldaker complimented the recent Boo-By-The-Sea event.

Commissioner Vincent also praised Boo-By-The-Sea, which was well-received by all participants. He felt it provided needed exposure for the businesses on the west side of Town. He praised the Town's Veterans Day event as well and recognized Vice Mayor Brown for his efforts in beginning this new tradition.

Commissioner Sokolow advised that he will meet the first Town Commission meeting in January 2017.

Vice Mayor Brown spoke highly of Boo-By-The-Sea as well, and thanked the participating businesses. He recognized Commissioner Vincent's work on the Veterans Day celebration. He concluded by pointing out that the most recent sea oats planting involved a partnership with a diversion program offered by BSO, and recognized the work done by young people participating in this program.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. Ordinance 2016-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 12, LICENSES, OF THE CODE OF ORDINANCES, BY DELETING CERTAIN SIGN RESTRICTIONS FOR MARIJUANA BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

It was clarified that this Ordinance represented a Code change in order to be consistent with a ruling from the Supreme Court.

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

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2016-34 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING THE DEVELOPMENT REVIEW FEE SCHEDULE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

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

- b. Resolution 2016-35 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING SPECIAL EVENT, PARK USE, PLAZAS AND PAVILION, JARVIS AND INCLUDE STREET PERFORMING FEE SCHEDULES (Debbie Hime, Special Projects Director)**

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

Vice Mayor Brown expressed concern with the clarity of these fee schedules, pointing out that fees are selectively waived at times. He suggested that the standards of the waiver policy be clarified further. Town Manager Bentley explained that certain long-standing annual events, including Easter-By-The-Sea and the menorah lighting ceremony, have been recognized by the Commission as established community-based events that bring in no revenue, and their fees are therefore waived.

Town Attorney Trevarthen also recommended clarification of the policy, such as specifying those events for which fees are regularly waived. It was noted that the administrative and use fees are typically waived for the use of the plaza for these annual events. Town Manager Bentley advised against placing limitations on the Commissioners' prerogative to waive fees if they find it appropriate.

Commissioner Sokolow asked if it would be best to add language to the Resolution regarding the Commission's right to waive fees at its discretion. Town Attorney Trevarthen confirmed that this could be done through the addition of language citing a determination of public benefit.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve with the amendment that either the application or use fees, or both, may be waived by the Commission upon a finding of public benefit.

Commissioner Vincent addressed the licensing of street vendors, requesting information on the Town's policy toward vendors approaching pedestrians or customers. Assistant Town Manager Bryan recommended that BSO be contacted through its non-emergency number if this issue arises.

Motion carried 5-0.

Town Manager Bentley requested direction from the Commission regarding the long-term use of Jarvis Hall by some entities. Vice Mayor Brown recommended continuing to review these applications on a case-by-case basis instead of committing to long-term contracts for these groups.

Town Attorney Trevarthen emphasized the importance of Code, noting that Jarvis Hall may be rented for the purposes of "[a] meeting, concert, lecture, exhibit, board meeting, or other community or civic event." Code does not contemplate the regular use of the Hall as a place of business. There are also monthly users, such as the Garden Club. She cautioned that allowing weekly indefinite use by some entities could result in Jarvis Hall being perceived as the home of certain events, which could preempt its use by other groups.

Town Attorney Trevarthen continued that Jarvis Hall may already be rented for private events in addition to Town events. She recommended that the Commission make a policy decision on whether or not to allow this type of use for non-Town-sponsored activities. It was determined that the Commissioners would discuss this issue on a one-on-one basis with Town Manager Bentley and Town Attorney Trevarthen before making a decision regarding policy.

- c. Resolution 2016-40 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2017/2018; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (Lisa Fuentes, Finance Director)**

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

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Vice Mayor Brown noted that the Town currently receives federal funding for the operation of the Community Center, and cautioned that they consider the possibility that these funds may no longer be available in the future.

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

- d. Resolution 2016-41 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING AN ALTERNATE PLANNING AND ZONING BOARD MEMBER TO FILL A VACANCY ON THE BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE (Lisa Fuentes, Finance Director)**

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

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to appoint Cari McCormick as first alternate to the Planning and Zoning Board. Motion carried 5-0.

- e. Resolution 2016-42 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR 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 clarified that the only change proposed is to the regularly scheduled meeting time, which would now officially become 6:30 p.m. Prior changes discussed at workshops but not formally approved are also included in the Resolution.

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

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

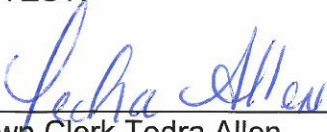
With no further business to come before the Commission at this time, the meeting was adjourned at 8:57 p.m.

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Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

12-13-16

Date