

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 14, 2017
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, 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 James Corgue gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Manager Bud Bentley advised that the Applicant of Item 17a has requested this Item be postponed until the November 28, 2017 meeting. Staff has no objection to the request.

Nectaria Chakas, representing the Applicant, explained that deferral is requested because new information has very recently been added to the Agenda, Staff Report, and backup materials regarding the Application. The Applicant would like additional time to explore his options further, including continued outreach to neighbors of the property.

Commissioner Sokolow noted that he would abstain from voting upon this Item.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to defer Item 17a to the November 28, 2017 meeting. Motion carried 4-0 (Commissioner Sokolow abstaining).

John Staszal, owner of the property located at 4431 West Tradewinds Avenue, stated that he felt it is unacceptable to postpone an Agenda Item shortly before it would be discussed. He asserted that his rights as a property owner were being violated, and asked that the Town follow the law rather than grant the variance.

Steve Nagy, owner of a property south of the subject location, requested a point of contact from Town Staff, should he be interested in redesigning or modifying the request. Town Manager Bentley replied that any information the Town has regarding Item 17a will come from Development Services Director Linda Connors. He also suggested that affected neighbors communicate directly with the Applicant's counsel, as Staff may be informed of potential changes later during the process.

Town Manager Bentley continued that Item 17a is before the Town Commission because mistakes were made by Town Staff, including the Town's contractor. He apologized to the Commission, the adjacent property owners, and the public at large for these errors, adding that weaknesses within the Town's management and information systems have been identified and are being addressed.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Jeff Torode, resident of Pompano Beach, reported that the Pompano Beach Water Taxi would like to come to Lauderdale-By-The-Sea in the future. The business has engaged in extensive discussions with the Fort Lauderdale Water Taxi regarding connectivity between municipalities.

Mr. Torode has met with Development Services Director Connors and it was determined there is a minor issue with Town Code, as the Water Taxi does not fit easily into any existing Code category. He hopes to launch the service in Pompano Beach in December 2017 and in Lauderdale-By-The-Sea shortly afterward.

Edmund Malkoon, resident, recalled that he had expressed concerns at the October 24, 2017 Commission meeting regarding a potential Charter Amendment on elections and the Amendment process itself. He advised that if the Charter is to be updated, an

Amendment should be introduced on the Town's next ballot in order to avoid challenges to election results. He requested additional clarification of the process described in the backup materials for Item 15b.ii, including the continuation of districts within the Town and a qualifying period under the Charter, among other concerns.

Ron Piersante, resident, recalled that when the Commission established the Town's millage rate, it was reduced by an amount that would result in a loss of roughly \$198,000 in revenue to the Town. He had felt at the time that this would bring little savings to the Town's residents. Mr. Piersante reported that his overall taxes were reduced by \$22.32 and his Lauderdale-By-The-Sea taxes were raised by \$1.69.

John Stazsel, resident, stated that the November 28, 2017 meeting, to which Item 17a was deferred, would occur when he is not scheduled to be in town. He asked if the Item might be postponed to a different date. He also asked if Commissioner Sokolow would be willing to disclose the nature of his conflict of interest related to this Item.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO October Report (Captain Tom Palmer)

Broward Sheriff's Office (BSO) Captain Tom Palmer announced that Deputy Ben Koos has been named Deputy of the Month. He recognized the Deputy's recent accomplishments, which included an arrest following an investigative stop and arrest of an individual accused of stalking.

Capt. Palmer also warned holiday shoppers to take precautions when traveling with valuables in their vehicles by securing these items out of plain view. Commissioner Vincent requested additional information on how quickly vehicles can be broken into and looted. Capt. Palmer explained that criminals use different tools and devices to punch holes into vehicles within seconds.

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

b. AMR October Report (Chief Brooke Liddle)

Ron Piersante, resident, thanked American Medical Response (AMR) Chief Brooke Liddle for the prompt response to an individual's recent injury and praised the organization's professionalism.

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

8. TOWN MANAGER REPORT

a. September Finance Report (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan provided a brief overview of the Town's preliminary year-end financial results, stating that the year was financially secure despite the costs associated with Hurricane Irma. These costs came to approximately \$177,000, prior to any anticipated reimbursements from the Federal Emergency Management Administration (FEMA). General Fund expenditures came to roughly \$800,000 less than budgeted, and revenue was \$175,000 more than budgeted. Revenues for the Sewer Fund are expected to be on target and expenditures are lower than anticipated.

Regarding the Fire Fund, the Town purchased a new communication system, for which approximately \$300,000 had been budgeted. Actual costs were \$91,000 below this amount. The Parking Fund's revenues came in more than \$500,000 over what was budgeted and is projected to decline by an estimated \$1 million.

Commissioner Sokolow asked if the State of Florida is expected to charge the Town for cleanup services on A1A following the hurricane. Deputy Town Manager Bryan replied that this is not anticipated.

Town Manager Bentley noted that because hurricane cleanup was completed within 30 days, the Town is eligible for 90% reimbursement from FEMA and another 5% from the State. These percentages decrease if the time frame extends beyond 30 days.

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

Public Information Officer Steve d'Oliveira stated that on Thursday, November 16, at 7:00 p.m., the Volunteer Fire Department (VFD) will provide a demonstration on the danger of putting a frozen turkey into a deep fryer.

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Town Manager Bentley addressed the question raised during Public Comment regarding the Pompano Beach Water Taxi, advising that Town Staff will follow up on this issue with further review, including a look at the criteria used by Fort Lauderdale for water stops.

Town Manager Bentley also addressed comments regarding the deferral of Item 17a, noting that the property located south of 4437 West Tradewinds Avenue appears to be the most affected by the variance request. He recommended that the Commission consider this property owner's potential absence from the November 28, 2017 meeting.

Town Attorney Susan Trevarthen stated that the Commission has broad discretion in its decision related to the deferral of Item 17a. They may make a motion to reconsider the date certain if they wish. Ms. Chakas, representing the Applicant of Item 17a, indicated that the Applicant objects to postponement of the Item to a date later than November 28, 2017.

Vice Mayor Brown asked if a special meeting might be held in order to hear the Item at a time when all parties are available. Ms. Chakas could not confirm that the Applicant would be available for a special meeting on December 5, 2017, or on another date that same week.

Mr. Stazsel noted that he may not be available for a meeting on December 12, 2017, and would need to review his schedule to determine if he could attend a special meeting on December 5. He added that he may be able to change plans in order to be available on November 28.

Mr. Stazsel asked what might happen if the Commission is divided 2-2 when they vote on the Item, as Commissioner Sokolow has abstained. Town Attorney Trevarthen explained that if the vote is 2-2, a motion to approve the Item would fail.

Mr. Stazsel asked if public record regarding Commissioner Sokolow's conflict of interest would be available. Town Attorney Trevarthen replied that the Commissioner would file the necessary documentation, and Town Clerk Tedra Allen would send copies of the documentation to Mr. Stazsel.

It was confirmed that the Item would be deferred to the November 28, 2017 meeting, as voted upon earlier.

Commissioner Oldaker requested an update on the status of the former Holiday Inn property, recalling that the owner's representative had agreed to provide these updates

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on a regular basis. He also asked if the Commission should plan for transition regarding a liaison to meetings with the Florida Development Group (FDG), as Mayor Sasser currently serves in that capacity. Mayor Sasser confirmed that he was willing to continue as liaison and work with whomever is appointed to take over this role when his term of office has ended.

Town Attorney Trevarthen cautioned that two members of the Commission may not attend meetings with FDG due to the constraints of the Sunshine Law; however, members of Town Staff may coordinate with both Commission representatives, and public meetings may be scheduled with more than one Commissioner if necessary.

Development Services Director Linda Connors reported that FDG has submitted a Site Plan Amendment for the former Holiday Inn/Villa Caprice property, now known as Ryf. Staff is reviewing the application for completeness and will return it to FDG so they may respond to any questions or meet any additional Code requirements.

FDG has also submitted architectural review for both the east and west portions of the property, and has gone before the Special Magistrate, who has tasked them with a deadline by which certain criteria must be met. Development Services Director Connors recommended that a subsequent meeting with the Special Magistrate, scheduled for Thursday, November 16, 2017, be rescheduled until January 2018 so progress can be made with the application.

Commissioner Oldaker also asked for clarification of what Town Staff considers to be special events, as well as the permitting process for these events. Special Projects Coordinator Debbie Hime replied that these are events on public property to which the public is invited and more than 25 people are expected to attend. Park permits are required for private events, such as weddings or reunions, to which more than 25 people are expected to attend.

Commissioner Oldaker commented that he has discussed Charter issues with the Town Attorney, including circumstances in which the State might supersede the Town's Charter. He suggested that the Charter be amended to include a statement addressing any potential items that might result in State involvement. Town Attorney Trevarthen advised that State law creates a procedure of this nature only if the Town's Charter provisions are found to be unconstitutional. State law does not give the Town the ability to administratively "clean up" its Charter by removing items that have been superseded by State Statute: should this occur, it must be addressed on a ballot.

Commissioner Oldaker requested that the Commission discuss when and how Ordinances are added to Municode, as well as when they are codified. He pointed out that the site does not seem to have been updated in some time, and is missing Ordinances that should have been codified.

Deputy Town Manager Bryan explained that when the Commission adopts an Ordinance, the Town Clerk uploads a pdf copy of the Ordinance to Municode, which publishes it to the website with a designation stating it has been adopted but not yet codified. Conflicts are reviewed with the Town Attorney's Office and addressed appropriately. Once the Town has approved these changes, the Ordinance can be codified on the website, which takes approximately three to four weeks. Deputy Town Manager Bryan continued that this process includes some deficiencies, and has also identified weaknesses in the Town's process, which Staff is working to correct.

Mayor Sasser encouraged Town Staff to work with Municode to ensure that Ordinances are uploaded on the site in a timely manner once they have been approved. Town Manager Bentley added that once the two Ordinances presented at tonight's meeting are approved, Town Staff will order a limited number of new Code books and recycle the existing copies. This will ensure that the Town's written documents are as up-to-date as possible.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. **October 24, 2017 Special Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. **October 24, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

- a. Special Event Application from LBTS Restaurants for New Year's Eve Celebration Sunday, December 31, 2017 (Debbie Hime, Special Projects Coordinator)**
- b. Special Event Application from Beach Village Resort (BVR) for Patriots Weekend and Fan Transportation December 8-11, 2017 (Debbie Hime, Special Projects Coordinator)**
- c. Hardship Parking Permits (Sharon Ragoonan, Assistant Town Manager)**

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

12. OLD BUSINESS

- a. Final Ordinance Revisions to Address Codification of Annexation Codes (Linda Connors, Development Services Director)**

Development Services Director Connors explained that the Town is entering the final phase of incorporating regulations for annexed areas into Town Code, as indicated under Item 15b.i. The Ordinance changes several uses from the previous County zoning districts to conditional uses. Staff will present another Ordinance for consideration in the future, addressing whether or not these uses should be deleted.

Development Services Director Connors requested input from the Commissioners regarding whether to review this upcoming Ordinance once it has been presented to the Planning and Zoning Board or to make this a referendum Item. The Town's Charter does not allow the addition of uses to Code without a referendum; while the Town Attorney is confident that the Charter allows uses to be deleted as a matter of right, a referendum would be necessary to add these uses once again in the future.

Commissioner Vincent asked what would happen if the question is placed on a ballot for referendum and fails. Town Attorney Trevarthen replied that if this occurred, the uses proposed for deletion would remain in the Code.

Town Manager Bentley stated that if the Commission decides the item should be placed on a ballot, there is no urgency related to the proposal. It may go to referendum in 2018 or in a later year. Town Attorney Trevarthen noted that if the Commission wishes the item

to go on the March 2018 ballot, it must be presented for first reading at the November 28, 2017 Town Commission meeting, followed by a hearing before the Planning and Zoning Board and a second reading on December 12.

Town Manager Bentley suggested that Staff prepare the Ordinance and take it to the Planning and Zoning Board, with the understanding that the Commission will make the referendum decision at a later date. The Commissioners agreed by consensus to review a list of the uses proposed for deletion before making a decision on how to proceed. Town Manager Bentley agreed to provide the Commissioners with this list, which will also be provided to the Planning and Zoning Board.

13. NEW BUSINESS

a. Contract Report (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen advised that the Town has recently begun using a new program called Vendor Registry, which tracks all the Town's contracts. It can be used to track contracts that will be up for renewal, bid, or expiration within the current fiscal year.

Town Manager Bentley added that this software has been of great assistance to Staff, as it prevents them from coming too close to renewal deadlines. He reviewed the backup materials provided to the Commission, explaining that it allows Staff to look ahead to their future workload. At present, all contractors are performing well and will be eligible for renewal as long as they continue to provide reliable service.

Town Manager Bentley continued that because some vendors renew automatically, they do not appear on the document as being up for renewal during the fiscal year. Staff is reviewing all files to determine if there are other automatically renewing contracts, as they should appear on the list. The Commissioners agreed by unanimous consensus that they did not object to renewal of the contracts included in the list.

b. Town Manager's Evaluation (Tedra Allen, Town Clerk)

Town Clerk Allen advised that according to the Town Manager's contract, he must undergo an annual evaluation. Town Manager Bentley's average evaluation score is 4.83. The Mayor and Commissioners praised his job performance, particularly during the recovery phase after Hurricane Irma.

The Commissioners took a brief recess at this time.

14. COMMISSIONER COMMENTS

Vice Mayor Brown reported the death of Town resident Buster Celestino. He and Mayor Sasser extended their condolences to his family and friends.

Mayor Sasser thanked Town, BSO, and VFD Staff for their work on the recent Veterans' Day event.

Commissioner Oldaker recalled that at the October 10, 2017 meeting, he had addressed the issue of mitigation for the property located at 240 Imperial Lane. He corrected a misstatement he had made regarding the listing of that property, clarifying that the property is listed for sale on MLS.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. Ordinance 2017-12 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO INCORPORATE APPLICABLE ZONING DISTRICTS FOR THE ANNEXED AREAS, LYING GENERALLY NORTH OF PINE AVENUE, INTO THE CODE OF ORDINANCES, TO APPLY CONDITIONAL USE REQUIREMENTS TO CERTAIN EXISTING PERMITTED USES IN THOSE DISTRICTS, AND TO MAKE RELATED CHANGES TO THE DEFINITIONS, REGULATIONS, STANDARDS AND SUPPLEMENTAL REGULATIONS APPLICABLE THROUGHOUT THE TOWN; 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.

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

- ii. Ordinance 2017-13 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 7, “ELECTIONS,” OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR A CONTINGENT QUALIFYING PROCEDURE IN THE EVENT NO CANDIDATE MEETS THE GEOGRAPHIC AREA RESIDENCY REQUIREMENTS FOR ANY TOWN COMMISSION SEAT DURING THE QUALIFYING PERIOD, AMEND THE DEADLINES FOR QUALIFICATION FEES, AND PROVIDE FOR THE TIME THAT ELECTED MUNICIPAL OFFICIALS TAKE OFFICE; AND PROVIDING FOR 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 explained that the intent of Ordinance 2017-13 addresses the Town’s voting process and requirements. Commissioners are elected to two seats from the northern and two seats from the southern part of town. Candidates must live in their own districts. At first reading, the issue was raised regarding what might happen if there were multiple candidates for one district but no candidates in the other, which could result in a vacancy and/or special procedure or election.

Following the 2016 election, the Commissioners requested that the Town Attorney look further into this issue and try to create an Ordinance that would potentially address the problem. The proposed Ordinance revises the Town’s election rules by allowing a candidate who does not live in the correct district to run for a district’s seat on a contingent basis. The contingent qualification provides that the Town may hold a prospective candidate’s paperwork and fee until the final date on which the candidate may qualify; only when the qualifying period closes would Town Staff know there is a prospective candidate from a foreign district.

Town Attorney Trevarthen continued that between the first and second readings of the proposed Ordinance, Staff received input, questions, and scenarios from the Commissioners and the public. The Ordinance includes new language that addresses whether or not a candidate may submit paperwork to run for both district seats. The

Ordinance allows for a candidate to file paperwork for a contingent candidacy while also filing for the seat in his/her own district. It would allow the first two individuals who file for a contingent candidacy to compete for the seat, determined by the date on which s/he files.

Town Attorney Trevarthen continued that she has drafted language to address the possibility of two candidates who file in their own district as well as in the foreign district through contingency. Should no one living in the latter district file for candidacy, this could result in two candidates running against each other in the contingency district and no candidates in their own district. The proposed language would allow the first candidate to file within his/her home district as the only candidate for that seat, while the second candidate would automatically qualify as the only candidate for the seat from the foreign district.

Vice Mayor Brown recommended that the section of Code dealing with election qualifications and procedures be presented to the public for referendum. He suggested that the Town consider eliminating district qualifications and allowing candidates to run for seats on an at-large basis.

Commissioner Vincent observed that adopting contingency guidelines could result in candidates running for office without opposition. Town Attorney Trevarthen advised that reversal of districts would only happen if a single candidate is running for each seat.

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to approve as modified by the Town Attorney. Motion carried 5-0.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2017-45 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE BUILDING PERMIT AND INSPECTION FEE SCHEDULE; PROVIDING FOR 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 Connors explained that this amendment is intended to ensure that the Town's fee schedule is consistent with the Town Engineer's fees, which recently increased due to renewal of the Engineer's contract.

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

- b. Resolution 2017-46 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2016/2017 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2016/2017 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

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

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

- c. Resolution 2017-47 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DECLARING THE TOWN-OWNED COMMERCIAL UNIT LOCATED AT 1480 SOUTH OCEAN DRIVE TO BE SURPLUS PROPERTY; AUTHORIZING THE DISPOSAL AND APPROVING THE CONVEYANCE OF THE PROPERTY TO THE 1480 INTERNATIONAL CONDOMINIUM ASSOCIATION; PROVIDING FOR CONFLICT, SEVERABILITY AND FOR AN EFFECTIVE DATE (Sharon Ragoonan, Assistant Town Manager)**

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

Commissioner Sokolow asked if the property in question could be of any use to the Town. Assistant Town Manager Sharon Ragoonan replied that Public Safety officials have deemed the property uninhabitable, making its use unlikely for any purpose other than storage. Town Attorney Trevarthen added that the condominium association is taking

over the property with acknowledgement of its lack of use. It was also confirmed that the unit was built according to permitted plans.

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

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these Items. Individuals wishing to speak on these items were sworn in at this time.

a. Variance Request for 4437 West Tradewinds Avenue (Linda Connors, Development Services Director)

This Item was deferred to the November 28, 2017 meeting.

b. Request Site Plan Approval to construct an eight (8) unit residential building at 4433-4437 Poinciana Street (Linda Connors, Development Services Director)

Development Services Director Connors stated that the Application is a Site Plan request for an eight-unit residential structure. The site for this prospective development is currently a vacant lot. The Applicant plans to build four units each on two floors. The total enclosed building area is slightly over 12,500 sq. ft., with nearly 3000 sq. ft. of open terrace, balconies, and roof decks.

The project has undergone architectural review and uses the Town's preferred style of Midcentury Modern. Development Services Director Connors showed an original rendering of the project, which was reviewed by the Planning and Zoning Board at its October 18, 2017 meeting. The Board recommended approval of the project with the following conditions:

- The property's central tower must be lowered from 45 ft. to 39 ft. 5 in.
- Applicant shall incorporate architectural scoring or an alternative Midcentury Modern architectural feature for the northwest façade, to be reviewed and approved by the Town Architect

Development Services Director Connors confirmed that the Applicant has agreed to both conditions. The Planning and Zoning Board recommended approval of the Application.

The development order for the project also includes standard recommendations that are asked of all applicants, including a landscape plan. Staff recommends that the landscape plan attached to this Application may be amended to take the survival of plants into consideration. The landscape plan must not be allowed to fall below Code requirements.

Commissioner Vincent asked if the Planning and Zoning Board's request for architectural features on the property's northern and southern walls. Development Services Director Connors clarified that these features were recommended for the property's northwest wall, as it would have an otherwise blank façade. The Applicant has submitted an alternative proposal that will be sent to the Town Architect for review.

Commissioner Vincent also asked if the property's roof will be used for activities. The Applicant's architect replied that the roof includes access to four terraces that serve the second-story units. Lowering the stair tower will not hamper access or headroom leading to this amenity.

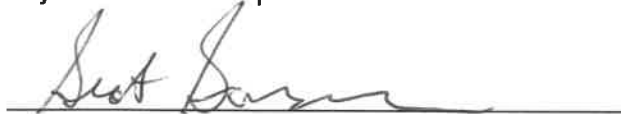
Commissioner Oldaker asked if neighborhood feedback was provided when the project went before the Planning and Zoning Board. Development Services Director Connors stated that property owners within 300 ft. of the subject site were noticed; no negative comments were received.

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

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

18. ADJOURNMENT

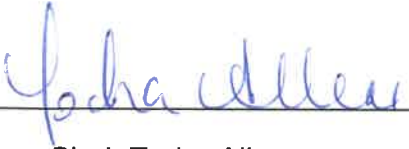
With no further business to come before the Commission at this time, the meeting was adjourned at 9:11 p.m.

A handwritten signature in dark ink, appearing to read "Scot Sasser", is written over a horizontal line.

Mayor Scot Sasser

ATTEST:

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Town Clerk Tedra Allen



Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Sokolow Elliot Paul		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Lauderdale-By-The-Sea Town Commission	
MAILING ADDRESS 1430 S. Ocean Blvd Apt 10A		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Lauderdale-By-The-Sea	COUNTY Broward	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 11-14-2017		NAME OF POLITICAL SUBDIVISION: Lauderdale-By-The-Sea	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Elliot Sokolow, hereby disclose that on November 14, 20 17 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☒ inured to the special gain or loss of Robert Gordon, by whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The company by which I am employed and partially own, Engineered Air, LLC is an air conditioning contractor which has had Dex Homes as a customer. Mr. Gordon is a principal of Dex Homes. Additionally, it is my understanding that Engineered Air, LLC will be the air conditioning contractor on the home under construction at 4437 West Tradewinds Avenue. The agenda item is for approval of a variance on that home.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed 11-15-17

Signature Elliot Sokolow

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

