TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 10, 2015
7:00 PM

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:02 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, 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

Commissioner Dodd requested an absence from the January 12, 2016 Town Commission meeting.

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

5. PRESENTATIONS

a. YEA! Award to LBTS (Commissioner Mark Brown)

Commissioner Brown explained that the Youth Environmental Alliance (YEA!), with which the Town had partnered with to plant sea oats, presented Lauderdale-By-The-Sea with their Municipal Government of the Year Award at its annual awards dinner. The award are butterfly garden plants, which will be planted within the Town. All present recognized Commissioner Brown for his work on the sea oats project with a round of applause.

b. Chamber of Commerce Presentation of Funds raised for the purchase of an ATV for the C.O.P. Program (Connie Hoffmann, Town Manager)

Dick Clark, CEO of Clark Leadership Consulting and member of the Lauderdale-By-The-Sea Chamber of Commerce Board of Directors, stated that the Town's reassuring environment is the direct result of the close relationship between the Broward Sheriff's Office (BSO), the Town Commission, and the Town's residents. When the Chamber learned that the Citizen Observer Patrol (C.O.P.) program's Beach Patrol ATV required replacement, they launched a fundraising project for a new ATV.

Courtney Stanford, President of the Chamber of Commerce, presented the Commission with a check for $15,500, stating that all funds were donated by members of the Chamber of Commerce.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, advised that there should be no buses on El Mar Drive. She also stated that she was opposed to the purchase of the Majestica Apartments property, as she felt the site was too expensive and would eventually lead to the construction of a parking garage on the site. She recommended that the Commission instead consider renovations of the Town Hall complex.

Patrick Ferguson, resident, stated that he is organizing a Stand for Sustainability event, which will be part of the People's Global Climate Change March on November 29, 2015. The event will begin at 11 a.m. in Fort Lauderdale with a march from the Riverwalk to Esplanade Park.

Edmund Malkoon, resident, also addressed the purchase of the Majestica Apartments property, and urged the Commission to take a closer look at the details of this prospective purchase. He concluded that it can be difficult for many residents to attend public meetings at 5 p.m.

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

7. PUBLIC SAFETY DISCUSSION

a. AMR October 2015 Report (Chief Brooke Liddle)

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

b. VFD October 2015 Report (Chief Judson Hopping)

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

c. BSO October 2015 Report (Captain Fred Wood)

Captain Fred Wood advised that the Town's license plate reader (LPR) camera system recently contributed to the recovery of a stolen vehicle. He added that the Chamber of Commerce donation of funds for the C.O.P. ATV is expected to contribute to a significant reduction of petty thefts on the beach.

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

8. TOWN MANAGER REPORT

a. Chamber of Commerce October 2015 Report (Tedra Smith, Town Clerk)

Commissioner Brown thanked Chamber of Commerce President Courtney Stanford for the Chamber's contribution for purchase of the ATV.

b. September 2015 Finance Report (Tony Bryan, Finance Director)

Finance Director Tony Bryan confirmed that preliminary reports for fiscal year (FY) 2015 show that the Parking Fund generated $1.4 million in revenue. He also noted that the FY15 budget called for a $1.5 million appropriation from the General Fund balance to balance the General Fund budget but, due to revenues exceeding budget and expenditures coming in under budget, only $400,000 would be needed from this fund's balance. Town Manager Connie Hoffmann advised that this means the Town will have roughly $1 million more in the General Fund balance than anticipated, and that money can be used to finance the CIP in future years.

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

Town Manager Hoffmann reported that the additional road work required on Commercial Boulevard will cost approximately $75,000 less than expected, as FDOT allowed some flexibility regarding design. She thanked the Mayor for attending the meeting with FDOT staff to get those concessions.

She noted that Teco Gas is still delaying the project. The project team is still trying to ensure that the project is substantially complete by Thanksgiving. The closing of intersections at Commercial Boulevard/A1A and Commercial Boulevard/Seagrape Drive will be done at night from November 18-19 to November 22-24 for the final laying of asphalt.

Regarding the buses on El Mar Drive, Town Manager Hoffmann noted that the Town is receiving complaints related to noise and exhaust fumes. Buses have been asked not to park on the sidewalk. The Town plans to reach out to the Florida Development Group to ask them to consider allowing the buses to instead use the former Holiday Inn parking lot. She was not certain that current conditions will allow for continued parking of buses on El Mar Drive. This issue will be brought before the Commission with a recommendation at a later time.

Mayor Sasser stated that businesses affected by the construction on Commercial Boulevard have requested that more work be done at night. The Town Manager said that this is already planned, with roadwork planned for four evenings between 11 p.m. to 6 a.m. Information on these closures will be posted on the Town's website. The Commissioners agreed by consensus that a Code Red Notification call should be sent out to residents informing them of the evening road and intersection closures caused by the roadwork.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. **October 13, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

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

11. CONSENT AGENDA

a. **Special Event Application from 101 Ocean and Village Grille for Sunday TV Night event proposed for Sunday, February 7, 2016 (Bud Bentley, Assistant Town Manager)**

b. **Authorization of a Parking License Agreement with the Florida Development Group to Provide Public Parking at 4108/4110 El Mar Drive (Bud Bentley, Assistant Town Manager)**

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

12. OLD BUSINESS

a. **Adoption of Work Plan Priorities for FY 2016 (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann recalled that the Commission provided Staff with guidance regarding priorities at a workshop meeting on October 27, 2015. She had summarized that direction in the document before the Commission for approval with the items perceived as their highest priorities are highlighted. She requested direction on any changes to be made.

Mayor Sasser asked if specific tasks or action items would be necessary to the document. Town Manager Hoffmann explained that she would use the document as a guide for the development of options to bring before the Commission at meetings. The Commission has the opportunity each month when the status report is presented to update the document as necessary.

Commissioner Brown requested clarification on whether or not the Town would empanel a Citizens' Visioning Board. Town Manager Hoffmann replied that she was awaiting further direction from the Commission on how they wish to proceed with this issue. She offered to bring back a list of options at the next Commission meeting. The Commission asked her to do so.

Commissioner Sokolow requested that the Town's marina issues be shown as a priority.

b. Review of SunTrust (221 Commercial Boulevard) Conditional Use for Paid Private Parking (Linda Connors, Development Services Director)

Commissioner Sokolow recalled that he had recused himself from voting on this Item when it was previously before the Commission. Town Attorney Susan Trevarthen clarified that he would only need to recuse himself in the event that the Commission voted upon the 21 unmarked parking spaces in the SunTrust lot, but would be able to vote on an Ordinance that would affect all private parking lots.

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, advised that the SunTrust private parking lot should post its rates, as there have been multiple complaints from visitors who did not know the lot's rates before parking there. He recalled that the recent parking study recommended that all private parking lots post their rates.

Development Services Director Linda Connors stated that in October 2014, the Commission asked Staff to review the Right Turn Only signage for this lot, which was found to have been required as part of the lot's original site plan. Staff also evaluated the 21 unmarked parking spaces approved in 2014, noting that there have been no complaints regarding these specific spaces. Staff recommends bringing back an Ordinance Amendment that will require all private parking lots to post their rates. If the Commission does not wish to amend the Ordinance, Staff strongly recommends that the

Commission review the conditional use approval granted to SunTrust and require that rates be posted in this lot.

Mayor Sasser asked if there are specific requirements of the type of signage needed for this lot. Development Services Director Connors noted that these specifications are included in Sign Code: for example, handmade or handwritten signage is not allowed. She added that paid private parking is the only use within the Town that is permitted to use sandwich board signs.

The Commissioners discussed the Item, with Commissioner Brown confirming that he has also heard complaints regarding the lack of posted rates. He suggested that the Ordinance Amendment also include a penalty clause that could be used to require private parking lots to post appropriate signage. Development Services Director Connors replied that the lots are subject to Code Enforcement. It was also confirmed that the right turn only signage from the subject lot is enforceable if it meets State requirements for signage and refers to a public roadway.

The Commissioners agreed by unanimous consensus to proceed with a revised Ordinance requiring private parking lots to post signage reflecting their rates.

c. Update on Negotiations regarding Purchase Price for Majestica Apartments Property (Mayor Scot Sasser)

Mayor Sasser thanked Staff for arranging the recent meeting between himself, Staff, the real estate broker, the Town's property appraiser, and the property owner, which resulted in the owner's verbal approval of a sale price of $2.75 million. Mayor Sasser noted that preliminary analysis suggested the property would provide around 40 parking spaces. He recalled that the recent parking study had determined that a parking garage were constructed on the existing A1A lot, would cost approximately $44,000 per space to construct.

Mayor Sasser continued that when the cost of demolition on the Majestica property is added to the cost of developing a surface lot, it would cost total roughly $75,000 per surface parking space. He observed that the appraisal takes into account the premium afforded the property due to the hot market. The end result of the meeting was that although the asking price is above the appraised value, the owner feels confident he can get this price. Mayor Sasser characterized the meeting as very cordial.

Town Manager Hoffmann commented that Staff is drawing up a new purchase agreement reflecting the reduced price of $2.75 million, which will be offered to the property owner for his signature. Mayor Sasser advised that he has signed an agreement to hold the property for 90 days at the original negotiated price of $2.8 million.

It was clarified that the public hearing on this Item would be scheduled for the December 8, 2015 Town Commission meeting. Public feedback at this meeting is strongly encouraged.

d. Possible Purchase of Majestica Apartments (Commissioner Stuart Dodd)

Commissioner Dodd proposed that the Chamber of Commerce reach out to Town businesses to determine if they are willing to contribute the difference between the appraised value and the owner's asking price, which is approximately $250,000. He pointed out that the Town's parking exemption program gave away roughly 120 parking spaces, which allowed many Town businesses to grow and expand as a result. If each of those beneficiaries donated $2000 per exempted space, that would cover the $250,000 differential.

Commissioner Brown opined that the parking exemption program should be characterized as a waiver of required parking for restaurants rather than "giving away" parking spaces. Vice Mayor Vincent added that the exemption program, like all the public improvements the Town has made, has benefited the Town's residents as well as its businesses. Commissioner Sokolow did not feel that businesses receive a disproportionate amount of Town revenues, as they help to raise property values for the entire Town. Mayor Sasser advised that he had reached out to some Town businesses to determine their interest in contributing toward the cost of the proposed purchase, but none expressed willingness to do so.

Commissioner Dodd responded that his intent was to determine if any businesses are willing to help bridge the gap between the asking and appraised price. He added that he would also be more supportive of the proposed purchase if the lot was restricted to ground-level parking only. He felt the issue of a parking garage should ultimately be presented for public referendum.

Town Attorney Trevarthen clarified that if the Town Commission wished to place the issue of a parking garage on a ballot, it could be presented as a Charter Amendment in March 2016. The issue could also be initiated as a citizen petition drive under Article IV of the Town's Charter. Commissioner Brown pointed out that the Commission should only consider placing the use of the property up for referendum if the Commission votes in favor of the proposed purchase after the public hearing.

13. NEW BUSINESS

a. Update on Street Resurfacing & Request for Direction on FY 2016 Resurfacing Projects (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that $150,000 was budgeted within the Capital Fund for street resurfacing in 2016. Municipal Services Director Don Prince estimates that this

amount is sufficient to pave three streets at a length of two blocks each. Her report noted that a number of streets have been repaved since the pavement condition study was done, all within the context of other projects or utility repairs.

Town Manager Hoffmann noted that a number of residents have requested the repaving of Imperial Lane, which was reevaluated by an engineering team and found to have deteriorated since the pavement condition study was done. Because it is inefficient to pave single streets in an area, Town Manager Hoffmann recommended that Codrington Drive and Thomas Way also be reevaluated to determine their condition. If they are found to be in need of resurfacing, a price for all three streets will be presented to the Commission. She also recommended that the next highest priority streets in the pavement condition study, which are within the North Silver Shores area, also be reevaluated and estimated.

Mayor Sasser asked if the $1 million to be moved back into the General Fund could be used toward additional street resurfacing. Town Manager Hoffmann advised that this could be considered as a potential use for these funds, as would drainage improvements that were still not funded in the CIP. Commissioner Dodd suggested that the Town consider doing more swale restoration, including addition of greenery, as this would also improve drainage.

The Commissioners agreed by unanimous consensus to proceed with the Town Manager's recommendation to reassess the priority of streets for resurfacing.

14. COMMISSIONER COMMENTS

Commissioner Brown noted that November 10, 2015 is the 240th anniversary of the United States Marine Corps, and congratulated all who have served in the Marines. He added that the Town's Veterans' Day program will begin outside Town Hall at 10 a.m. on Wednesday, November 11.

Commissioner Brown added that he had attended a recent Board of Directors meeting of the Downtown Fort Lauderdale Transportation Management Association (TMA), which operates the Sun Trolley. The route change extending into the Town was approved by the TMA's Board of Directors. It will be voted upon by the Fort Lauderdale City Commission on Tuesday, November 17. He asked that the Board consider provide a seat on the Board of Directors to Lauderdale-By-The-Sea and extending the Sun Trolley's hours on weekend nights in the future.

Commissioner Sokolow encouraged residents and businesses to attend the upcoming public hearing on December 8 regarding the potential acquisition of the Majestica Apartments lot.

Commissioner Dodd reported that the Hillsboro Inlet district has approved its budget. He was unable to attend the most recent Coastal Oceans Task Force meeting. He

continued that there have been five victories nationwide for municipalities that wish to regulate the sale of dogs from puppy mills, and that Deerfield Beach has passed one such ordinance.

15. ORDINANCES – PUBLIC COMMENTS

Ordinances 1st Reading

i. Ordinance 2015-20 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, 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.

Development Services Director Connors recalled that after receiving direction from the Commission at the October 27, 2015 meeting, Town Staff has included the following fine modifications for construction projects lasting longer than 30 days:

- 2nd 30 days: $75 per day
- 61 days or greater: $100 per day

Mayor Sasser noted that at present, owners appear before the Commission to request extensions after a project has exceeded the construction deadline. He suggested not allowing property owners to request extensions, but to come in after the project has been completed, as this would allow the Commission to make a clear determination of extenuating circumstances for mitigation of fines.

Development Services Director Connors noted that the application fee to request an extension is $500, and that Staff must research each issue with the Applicant; if the owner does not meet this time frame, s/he must apply for mitigation of fines. She agreed that it would be simpler for owners to request mitigation once construction is complete, as the Commission may then determine if the violation is egregious. Very few other municipalities place similar time limits on construction.

Town Manager Hoffmann clarified that the Mayor's suggestion would eliminate the Code provision that allows a request for extension of the construction deadline. Development Services Director Connors pointed out that eliminating the request for extension would also eliminate the notice requirement for an extension.

Commissioner Sokolow asked if the Ordinance is likely to stand up if challenged, as he felt it was in conflict with Florida Building Code, which does not set a time limit on the construction permit itself. He proposed eliminating the $500 application fee as well. Town Attorney Trevarthen replied that she would provide an opinion on this topic at second reading.

With regard to lowering fines, Commissioner Brown pointed out that higher fines are not always deterrents to individuals who are not motivated to complete their projects. He agreed that fines should be lowered and also agreed with Mayor Sasser's suggestion to use the mitigation process instead of an extension to the deadline. Commissioner Dodd agreed with the lowering of fines and modifying the process as well.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve the fine revisions on first reading, and ask that Staff incorporate Mayor Sasser's suggested amendments for second reading. Motion passed 5-0.

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)**

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

Development Services Director Connors recalled that upon first reading, the Commission had directed Staff to follow up on several concerns. As a result, Staff has decided to take a different approach with this Ordinance and asked that it be tabled until the January 12, 2016 meeting.

It was confirmed that due to the possible substantial nature of the change to the Ordinance, a new Ordinance to accomplish what is intended may have to be presented.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to table the Item until the January 12, 2016 meeting. Motion carried 5-0.

ii. **Ordinance 2015-14 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2015 RESTATED SOLID WASTE AND RECYCLABLE COLLECTION FRANCHISE AGREEMENT WITH WASTE PRO USA, INC.; AUTHORIZING A ONE YEAR EXTENSION OF THE FIRST RENEWAL TERM TO NOVEMBER 30, 2016; AUTHORIZING EXECUTION OF THE 2015 RESTATED FRANCHISE AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

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

Asst. Town Manager Bentley advised that Staff expects to resolve the remaining issues with Waste Pro USA, Inc. soon. He recommended that the Item be tabled until the November 24, 2015 Town Commission meeting.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to table the Item until November 24, 2015. Motion carried 5-0.

iii. **Ordinance 2015-15 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14.5, "PEDDLERS AND SOLICITORS," TO ADDRESS PROMOTIONAL ENTERTAINERS AND STREET PERFORMERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Pat Himelberger, Assistant to the Town Manager)**

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

Town Manager Hoffmann explained that this change clarifies certain issues, such as the desire to make Police Officers aware of promotional entertainers hired by businesses.

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

iv. **Ordinance 2015-18 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 3, VOLUNTEER FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES TO AMEND AND RESTATE THE TOWN OF LAUDERDALE-BY-THE-SEA VOLUNTEER FIREFIGHTERS' PENSION PLAN IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

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

Town Manager Hoffmann directed the Commissioners to p.3, paragraph 2 of the Ordinance document, where she noted the following amendment: the first sentence of this paragraph should be amended to "A *non-vested* member may voluntarily leave…"

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

16. RESOLUTIONS – PUBLIC COMMENTS

a. **Resolution 2015-45 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2014/2015 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2014/2015 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

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

Finance Director Tony Bryan advised that the most significant items in this Resolution is due to building services expenses exceeding budget, but which are more than covered by the corresponding building permit revenues.

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

b. Resolution 2015-47 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AND THE LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC.; AUTHORIZING EXECUTION OF THE MEMORANDUM OF UNDERSTANDING; AND PROVIDING FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)

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

Finance Director Bryan advised that this is related to the Ordinance approved upon second reading. The memorandum of understanding (MOU) documents the mutual consent between the two parties regarding the use of insurance premiums for retirement benefits.

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

c. Resolution 2015-48 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)

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

Town Manager Hoffmann explained that Commissioner Dodd has recommended the appointment of First Alternate John Lanata to fill the vacancy, with Commissioner Brown to determine who will then fill the position of First Alternate.

It was clarified that the new Commission will make new appointments to the Planning and Zoning Board and other Town advisory boards after it is seated in March 2016.

Development Services Director Connors confirmed that the Planning and Zoning Board will continue to meet on a monthly basis between now and March 2016. She noted that it is unusual for this Board to lack a quorum, and one Alternate position is still filled.

Commissioner Brown made a motion, seconded by Commissioner Dodd, for John Lanata to replace Patrick Murphy, and to defer the appointment of a new Alternate until the November 24, 2015 Commission meeting. 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 this item. Any individuals wishing to speak were sworn in at this time.

a. Conditional Use – Waiver of the Requirements of Article VIII, "Sign Regulations," of Chapter 30 for 106-108 Commercial Boulevard (Linda Connors, Development Services Director)

Development Services Director Connors stated that this request is for conditional use of Midcentury Modern signage. The Application is for Vincent's Restaurant at 106-108 Commercial Boulevard. The Applicant requests four signs where two are allowed by Code. The proposed sign has a larger font for the V and exposed neon lettering. The total square footage is 60 sq. ft. where 32 sq. ft. are allowed by Code. Staff recommends that the four signs be allowed, as well as a large V to a maximum of 4 ft., with the rest of the "Vincent's" sign to use 18 inch high letters. The remaining three signs would be 12 inches high.

The Commissioners discussed the Application, including letter size. It was noted that because the remaining letters of the "Vincent's" sign may only be 18 in., the size of the V will be slightly scaled down in order to remain proportionate. Vincent Foti, applicant, pointed out the size of the building on which the sign will be located, noting the sign will takes up only 6% of the entire building.

Development Services Director Connors noted that Staff's recommendation was to reduce the size of the original sign request. Mr. Foti asserted that the entire aesthetic of the request takes the building, façade, font, and other factors into consideration. He advised that if the remaining "incent's" of the sign is reduced to 18 in., it will detract from this overall aesthetic. The three remaining signs meet Code requirements.

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

Development Services Director Connors continued that Staff recommended the size reduction of the remaining letters to 18 in. in order to reduce the square footage of the sign. She clarified that the V was measured independently of the remaining letters. Marv Steigman, designer for the Applicant, advised that Midcentury Modern design considers the sign's white space to be as important as the lettering. He did not, however, feel that reducing the size of the V would result in a proportionate sign.

Commissioners Sokolow and Dodd expressed concern with the precedent that this type of sign could establish. Vice Mayor Vincent stated that he would be satisfied with requiring the "incent's" portion of the sign to be 24 in. or less in order to maintain the sign's proportion.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve the applicant's request, with the V not to exceed 4 ft. and "incent's" not to exceed 2 ft. Motion passed 4-1 (Commissioner Dodd dissenting).

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:53 p.m.

Mayor Scot Sasser

ATTEST:

Town Clerk Tedra Smith

12/8/15
Date