

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 27, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:03 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himelberger, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgue gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

A discussion of waiving parking fees in the El Prado lot for Veterans' Day was added as Item 13c under New Business.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

John Oughton, resident, requested that the Commission consider repaving West Tradewinds Avenue in 2016, in keeping with other Town roadway improvements.

Courtney Stanford, representing the Chamber of Commerce, announced that the Chamber will partner with American Express Small Business Saturday on November 28, 2015 on the Windows-By-The-Sea campaign. All interested local merchants may participate.

Marie Chiarello, resident, addressed Item 13b, stating that two Commissioners have sided with the interests of contractors rather than the interests of Town residents. She stated that the Commission should have followed Staff recommendations and levied more stringent fines and fees on contractors who fail to meet deadlines.

Mary Ellen Renuart, resident, also addressed Item 13b, noting that the Town's fee schedule should differentiate between large and small projects. She did not agree with the proposal that the Town Manager should be able to grant extensions in the case of extenuating circumstances without a clearer definition of both circumstances and extensions. She also expressed concern with the Town's adherence to existing fines, and whether or not these fines serve as deterrents. She encouraged better vetting of these issues before fines are changed.

7. PUBLIC SAFETY DISCUSSION

a. VFD September 2015 Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

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

The Commissioners accepted the report without discussion.

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

Town Manager Connie Hoffmann reported on the recent improvements of the Town's tennis and bocce courts, including new surfacing or lighting. She added that the Basin Drive drainage project progress.

The Commercial Boulevard streetscape project i has encountered difficulties, including utility relocation issues and variances in the existing road base. The Florida Department of Transportation (FDOT) is requiring the Town to rebuild the roadway rather than just mill and resurface, which will be very costly. She said the change order assumes that all four quadrants of Commercial Boulevard will require rebuilding, however, Flynn Engineering anticipates that there may be a way to avoid some of those costs. Town Manager Hoffmann recommended that the change order be approved at a maximum amount so there is no delay to the project, but that staff and the Town Engineer will work to get those costs down.

Mayor Sasser asked if it would be possible to pave West Tradewinds Avenue as requested during Public Comment. Town Manager Hoffmann replied that funds are

budgeted for paving some Town roads in 2016 and that the Commission will decide on which streets.

9. TOWN ATTORNEY REPORT

Town Attorney Susan L. Trevarthen advised that the Town has received a request from a nontraditional party expressing interest in the Invocation program. She noted that, by law, this program is open to all interested entities. The requesting party will be placed among the rotation unless the Commission wishes to replace the Invocation with a moment of silence. It was agreed by consensus that the Commission would add the interested party to the rotation.

10. APPROVAL OF MINUTES

a. September 28, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Timing on the Construction of the Public Restrooms (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that bids to construct the restrooms could not possibly be awarded until December and it would be January 2016 before work began, which would move the project's timeline into the tourist season. It is anticipated that it would take five to six months to complete the building. Town Manager Hoffmann recommended that construction on this project not begin until approximately mid-April 2016, so as not to disrupt tourist season.

The Commissioners agreed by unanimous consensus to approve delaying construction until April 2016. Commissioner Dodd suggested using the property for additional parking until construction begins. Assistant Town Manager Bud Bentley advised that Staff would look into this, although he was not certain it would be an economically feasible use.

b. Policy for Requesting Speed Tables (Connie Hoffmann, Town Manager)

Mayor Sasser explained that Staff has developed policies to be followed by any individual, association, or representative wishing to request speed tables on a given street or within a neighborhood. Town Manager Hoffmann suggested that the request should be accompanied by a petition signed by 50% of the property owners on the street for which speed tables are requested. Emails from individuals would also be accepted as indications of support. Upon receipt of the petition, Town Staff would place this item on the Commission Agenda for further consideration.

If the Commission elects to proceed with the request, County traffic engineers would do a speed and accident study, which would then be submitted to the Commission. If the studies indicate a speed table is not warranted, the County would not cover it under the traffic engineering agreement and the Town would have to assume liability for it. Town Staff would determine the area that would be affected by speed tables and create a list of affected property owners. The proposing entity or person would then be asked to solicit these property owners' signatures indicating their support for the speed table request. She concluded that 50% of the affected property owners must agree for the Town to install the tables.

The Commissioners discussed the proposed policy, clarifying that a majority of at least 51% of property owners must approve. It was noted that this can be difficult if an area includes multiple rental or vacation rental properties.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve requiring 51% of affected property owners to sign the petition. Motion carried 5-0.

13. NEW BUSINESS

a. Amendment to State Contracting's GMP for the Commercial Boulevard Streetscape Project for the Cost to Rebuild the Roadway to FDOT Specifications (Connie Hoffmann, Town Manager)

Mayor Sasser recalled that Town Manager Hoffmann had explained this Item during the Town Manager report. The request is to approve the GMP with the understanding that it is a maximum amount.

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

b. Time Restrictions on Construction (Connie Hoffmann, Town Manager)

Town Manager Hoffmann recalled that in recent months multiple projects have exceeded the Town's six-month construction deadline. She noted that is a Town Code provision, not a Building Code requirement. In many cases, the Commission has been willing to reduce fines and asked staff to come back with a reduction in the amount of the fines.

She reviewed the Town's existing fine structure, noting that fines begin to accrue once construction has exceeded the six-month limit:

- 1 to 30 days: \$50 per day
- 31 to 60 days: \$100 per day
- 61 days and over: \$500 per day

Town Staff recommends that the fine of \$50/day for the first 30 days should remain, but the next levels of fines be reduced to \$75/day for 31 to 60 days and to \$100 for 61 days and over.

Staff also discussed whether or not the time frame for some major projects should be modified, possibly allowing more time for projects undertaken by multi-family residences, condominiums, or commercial buildings over a certain size. Another suggestion was modifying the extension period from six months to nine months. Staff also considered the possibility of allowing a short administrative extension, such as eight weeks total.

The Commissioners discussed the proposed changes, with Vice Mayor Vincent addressing the issue of extenuating circumstances. It was suggested that these could include renovations that reveal unexpected structural damage, although it was noted that contractor issues would be more difficult to prove. Commissioner Sokolow clarified that his objection to the current fine structure arose from a lack of desire to punish homeowners for having chosen poorly when selecting a contractor. He advised that while he did not take exception to the current fines, he was not in favor of levying fines on a property owner when a contractor is at fault.

Commissioner Dodd addressed the issue of nearby property owners affected by ongoing construction that fails to meet the six-month time limit or other Code requirements. He asserted that property owners, including unit owners in multi-family residences, must be held accountable for violations. He felt owners should continue to come before the Board and explain their situations. Commissioner Brown advised that the best way to address Code issues is to make sure the problem is fixed, which at times can only be accomplished through significant fines; however, he pointed out that these fines can also result in liens on a property that make it unsellable. He emphasized that any policy should not be so inflexible that the underlying issue cannot be addressed.

Mayor Sasser observed that he and other Commissioners have lived near properties that did not meet the construction deadline, and have experienced these properties' effects on the neighborhood. He agreed that having a property owner come before the Commission could be very effective in encouraging the completion of work; the Commission could then consider extenuating circumstances and the mitigation of fines. He concluded that property owners should not be able to request mitigation of these fines until they have completed work on the property: fines should continue to accrue while work is ongoing.

Commissioner Dodd made a motion, seconded by Mayor Sasser, to modify fines according to Staff recommendations, with \$50/day for the first 30 days, \$75 for the next 30 days, and \$100/day after 61 days.

It was clarified that Mayor Sasser had ceded the gavel to Vice Mayor Vincent before seconding the above motion. Commissioner Dodd further clarified that his motion did not include Staff's recommendation to allow an administrative extension, nor allow additional construction time to larger buildings.

Motion passed 3-2 (Vice Mayor Vincent and Commissioner Sokolow dissenting).

**c. Waive Parking Fees in El Prado Parking Lot on November 11, 2015
from 10 a.m.-12 p.m. for Veterans' Day Celebration**

Commissioner Brown advised that because the Veterans' Day event will take place in front of Town Hall, those parking spaces will be lost. He estimated that the event will last no longer than two hours, and recommended that parking fees in the El Prado lot be waived during that time.

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

14.COMMISSIONER COMMENTS

Commissioner Dodd reported that the Hillsboro Inlet meeting included an update on final permit approval from the Army Corps of Engineers. The uniform contract was also discussed and normal expenses were approved. A bonus of one week's salary for each employee was also approved. A special meeting is scheduled for November 2, 2015 to approve the millage rate.

Commissioner Dodd added that he had also received complaints regarding buses outside the Holiday Inn, with safety being the primary concern, as pedestrians must walk around these large vehicles.

Commissioner Brown stated that the Town will hold a Veterans' Day celebration on Wednesday, November 11, outside Town Hall, beginning at 10 a.m. He encouraged all residents to attend in appreciation of the Town's veterans.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. **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, CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

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

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

The Commissioners agreed by unanimous consensus that this Ordinance would be presented for second reading at the first Commission meeting in November, assuming sufficient time to advertise the Item.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

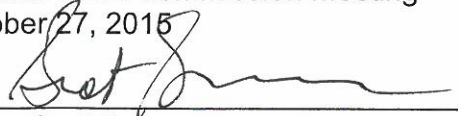
17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

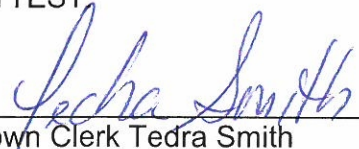
With no further business to come before the Commission at this time, the meeting was adjourned at 8:11 p.m.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
October 27, 2015

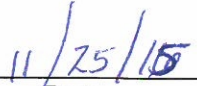


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date