

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
WORKSHOP MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 23, 2018
5:00 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 5:11 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, 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. PUBLIC COMMENTS

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

3. DISCUSSION ITEMS

a. FDG South Status Report (Linda Connors, Development Services Director)

Town Manager Bud Bentley stated that because the Florida Development Group (FDG) was in the process of offering the property for sale at an earlier date, the Commission elected to allow this process to continue for some time. A number of interested parties have expressed the following concerns regarding the FDG property:

- It is overpriced for its condition
- There are millions of dollars' worth of liens against the property, which creates risk for the developer
- Should a developer wish to proceed with development of the 4116 Ocean Boulevard property, s/he must go through a process laid out in the Town's Charter to receive development plan approval, after which time construction must begin within six months

Town Manager Bentley emphasized that these concerns increase risk for any developer who might wish to purchase the site. One possible resolution is having Town Staff work with FDG to resolve the lien issues associated with the property. Another potential solution is foreclosing on the liens. A foreclosure judgment would result in a court-ordered sale in which the Town may only bid up to its lien amount. If another bidder purchases the property, the court would pay the Town's lien amount from the proceeds of the sale.

Town Manager Bentley concluded that Staff hopes to improve the marketability of the FDG property. It may be possible to bring a proposal from FDG before the Commission at the November 13, 2018 meeting, which would include some payment of liens.

Town Attorney Susan Trevarthen advised that while the Commissioners may discuss all aspects of this process, no official action can be taken in a workshop setting.

Commissioner Strauss expressed concern with the ongoing delays of the process involving FDG's properties, pointing out that this is of concern to the Town's residents. He requested that a timeline be established, and that potential options or possibilities be set forth for the process so the Commission may make a decision.

Vice Mayor Sokolow asked if it is possible one or more of FDG's buildings would eventually go before Broward County's Unsafe Structures Board. Town Attorney Trevarthen replied that her understanding is the buildings are not considered unsafe.

Commissioner Oldaker asserted that the Town should establish a schedule to which FDG must commit, pointing out that the developer has made numerous presentations regarding these properties but has consistently failed to follow through on them. Mayor Vincent noted that while the Town may move toward foreclosure, they cannot force FDG to develop the property.

Town Attorney Trevarthen explained that there are two major considerations regarding the property: the liens, which may be mitigated by a vote from the Commission, and the possibility of demolition by FDG, which would negate their right to build to a nonconforming height on the parcel between A1A and El Mar Drive. The Commission would not have the authority to grant this right to build to any purchaser after demolition occurs.

In order to preserve nonconforming rights, FDG must submit a site plan for redevelopment, and construction would be required to begin within six months. The Commission would have discretion on whether or not to delay the construction deadline.

In order to retain nonconforming rights, the new site plan would need to be approved prior to demolition.

Mayor Vincent confirmed that this issue may be revisited by the Commissioners through individual meetings with Town Staff as well as at a subsequent Commission meeting. Town Manager Bentley reiterated that Staff hopes to bring the Item back at the November 13, 2018 meeting with details regarding foreclosure proceedings. At that time the Commission may make an informed decision on how they wish to proceed, and FDG will have refined any offers they wish the Town to consider. The Commissioners agreed to this proposal by consensus.

b. Town Manager Recruitment (Connie Hoffmann)

Connie Hoffmann, with whom the Town has contracted for the recruitment of a new Town Manager, provided the Commission with a draft recruitment brochure for this position. The brochure includes information about the Town, its residents, primary issues and challenges, and what the Town is seeking in a Town Manager, based on discussions with the Commissioners.

The Commissioners discussed the brochure, with Mayor Vincent noting that key challenges and ongoing projects include the possibility of dealing with recovery from natural disasters. Commissioner Oldaker emphasized that Lauderdale-By-The-Sea is a barrier island, which could complicate hurricane scenarios. Commissioner Malkoon agreed, noting that emergency plans must apply to the Town's residents and businesses as well as to its government.

Commissioner Oldaker continued that another important aspect of the position is the open-door relationship between Town residents and the Town Manager. Commissioner Malkoon noted that the brochure refers to the Town's Charter, which specifies a Manager/Commission form of government. Ms. Hoffmann commented that the brochure also addresses difficulties and challenges the Town may face so there is a clear understanding of how the Town Manager is expected to respond to any issues that arise.

Ms. Hoffmann continued that a recruiter typically reviews all applications for a position and eliminates those that are unqualified. The recruiter also typically conducts background searches on potential candidates, followed by a screening interview to determine suitability. This would be followed by a lengthier interview and a presentation of potential candidates to the Commission, as well as a list of those candidates not

recommended for advancement through the process. She could not estimate how many suitable applicants might apply for the position.

Ms. Hoffmann continued that the brochure should be complete by the end of October 2018 and sent out via email to city managers and assistant city managers throughout the state of Florida. The Town will also place an ad on the International City/County Managers' Association and Florida League of Cities websites. The Charter does not mandate the venues used in the recruitment process.

Ms. Hoffmann continued that she and Staff decided against including a date in the first advertisement. A second ad with a deadline could be placed on the same sites in early December. Candidates could be brought before the Commission for interviews and/or community receptions by late February or early March 2019. The new Town Manager would likely begin in April 2019.

The Commissioners also discussed potential compensation for the position, with Town Manager Bentley recommending that to secure an experienced Town Manager, it may be necessary to pay compensation toward the top of the salary range from \$140,000 to \$165,000, with room for negotiation.

c. FY18 Action Plan Year-End Report (Bud Bentley, Town Manager)

Town Manager Bentley noted that when the annual Action Plan is typically reviewed at year's end, Staff and the Commissioners often identify items that can be removed from the plan due to changing circumstances. He has rolled over continuing items into the fiscal year (FY) 2019 Action Plan based upon past direction from the Commissioners. He also asked the Commission to identify the top five priorities for the FY19 Action Plan if possible.

Commissioner Oldaker suggested that the Action Plan be placed on the Commission Agenda on a more frequent basis so it can be addressed if there is a need. Town Manager Bentley recalled that Commissioner Oldaker had also requested the Action Plan be moved from the Town Manager Report to a stand-alone item under Old Business, which will be implemented in November 2018.

d. Proposed FY19 Action Plan (Bud Bentley, Town Manager)

The Commissioners reviewed the proposed FY19 Action Plan, with Town Manager Bentley pointing out minor edits to the document, including consideration of scale and

compatibility as part of site plan reviews. Vice Mayor Sokolow expressed concern with the objective nature of this statement, which he felt was too vague. Mayor Vincent agreed that this language could result in unintended consequences.

Town Attorney Trevarthen stated that the amended language does not modify Code or plan requirements, although in certain circumstances, Staff exercises a level of discretion. She pointed out, however, that there is little administrative authority allocated to Staff for these decisions, as most authority remains with the Town Commission. She characterized the amended language as a guiding principle for decisions.

Vice Mayor Sokolow observed that if the Town exercises its discretion in a case where an application meets all Code requirements, this could result in liability. Town Attorney Trevarthen replied that if all Code requirements are met, the process for approval leaves no room for discretion; however, some processes do allow for discretion, such as variances or specific aspects of a site plan.

Commissioner Malkoon addressed a section of the Action Plan referring to the implementation and restoration of Midcentury Modern architecture, stating that the Town's Architect should be able to review some projects in development. It was clarified that the need for architectural review does not apply to single-family homes or duplex properties under current Code.

Commissioner Malkoon also noted that the Town has yet to undertake a survey of architecturally significant properties to add them to a Florida Master Site File survey. Development Services Director Linda Connors advised that this survey has not been included in the Town's budget, and that the Town may seek matching grant opportunities for this purpose. The survey would identify Town properties that have historic characteristics. It was determined that this would be added under Goal 3.

Commissioner Malkoon asked if discussions are still ongoing regarding the possibility of seeking Water Taxi stops within the Town. Town Manager Bentley noted that this was listed on p.17 under Item 6.35. Mayor Vincent explained that the Town's hoteliers are still interested in providing stops for this service. It was noted that Water Taxi stops may be developed in conjunction with stops provided by Pelican Hopper service.

Town Manager Bentley referred the Commissioners to p. 8, Items 2.3 and 2.4, which refer to traffic calming devices and technology budgeted for FY19. Funds are budgeted toward further improvement of the pedestrian/cyclist experience through implementation of features such as crosswalks and curb cuts throughout the entire community. He added

that development of streetscape plans for neighborhoods may include features such as drainage, lighting, and sidewalks if the communities want them.

Mayor Vincent commented that the Town could also take advantage of Harbor Drive and Basin Drive, which run east to west, by enhancing their alleyways and creating a visual experience that could attract pedestrians and cyclists away from Commercial Boulevard and develop beach access routes.

Town Manager Bentley noted that one project currently underway would replace all of the Town's Florida Power and Light (FPL) streetlights with LED lighting, as well as moving the Town's lights under the control of FPL. Solar devices are still being implemented on street signs in some areas, such as Terra Mar and Bel Air.

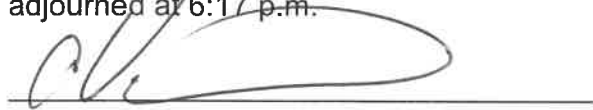
The Commissioners agreed by consensus to accept strike-throughs on pp. 11-12 of the Commission priorities listed in the FY19 Action Plan. The document will come back before the Commission at a subsequent meeting for further discussion.

e. Town Manager Evaluation (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen advised that the Town Manager's contract requires an annual written performance evaluation as well as a meeting of the Town Commission to discuss the evaluation. Scores have been tabulated and resulted in an average score of 4.83. out of 5. It was determined that Mayor Vincent would meet with Town Manager Bentley and return to the full Commission with a recommendation on compensation.

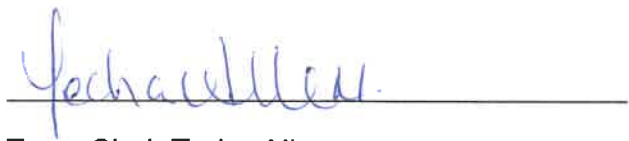
4. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 6:17 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date