TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 9, 2018
6:30 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Senior Code Compliance Inspector Bethany Banyas, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. U.S. Congressman Ted Deutch

United States Congressman Ted Deutch briefly addressed the meeting, stating that he recently completed the first term of a Climate Solutions Caucus, which is a bipartisan group concerned with issues such as sea level rise. The group has reached out to climate experts and advocates, as well as local governments and industry in South Florida, who hope to address this issue in terms of infrastructure and investment.

A roundtable discussion on red tide is scheduled for Friday, October 12, 2018 at the Greater Fort Lauderdale Chamber of Commerce. Congressman Deutch encouraged residents to reach out to his staff with their concerns.

b. Domestic Violence Awareness Month (Tedra Allen, Town Clerk)

Mayor Vincent read a Proclamation recognizing October 2018 as Domestic Violence Awareness Month. Patricia Omana, representing Women in Distress of Broward County, accepted the Proclamation on behalf of this organization.

c. National School Lunch Week Proclamation (Tedra Allen, Town Clerk)

Mayor Vincent read a Proclamation recognizing the week of October 15-19, 2018 as National School Lunch Week. Maria Piedrehita accepted the Proclamation on behalf of the Broward County School Board.

d. Christmas-By-The-Sea Presentation (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime announced that preparations have begun for the annual Christmas-By-The-Sea event, which will be held on Wednesday, December 5, 2018 at 6 p.m. Between 5000 and 6000 people attended the 2017 celebration. Sponsorships are currently available for the event.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Charles Mangano, resident, stated that he will meet with Staff to discuss possible solutions to the ongoing issue on Bougainvillea Drive and Hibiscus Avenue. He did not believe the five-unit commercial building at this location could accommodate four parking spaces. He also felt a speed limit sign posted near this intersection could help alleviate traffic issues.

Vincent Bolocofsky, resident, advised that he had written to the Commissioners regarding issues affecting the Town's beaches, including trash and offshore drilling. He requested that the Town consider resolutions banning plastic straws and smoking on the beach, as well as a resolution against offshore drilling on the Atlantic Coast.

Danielle Del Sordo, resident, also requested a resolution opposing seismic blasting and offshore drilling, as these practices are harmful to multiple forms of marine life and can

lead to environmental disasters, economic losses, and adverse effects on health. Over 75 Florida municipalities have passed resolutions of this nature.

Brandesee Pierce, resident, also requested a resolution against seismic blasting and offshore drilling. He pointed out that beaches generate local revenue and cited the impact of red tide on coastal communities. He also recommended that the Town consider adopting a resolution banning plastic straws and use ocean-friendly products on its properties.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD September 2018 Report (Chief Judson Hopping)

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

Mayor Vincent noted that a safety hazard exists for pedestrians on Bougainvillea Drive due to an illegal turn movement on Commercial Boulevard. He asked if information is available regarding accidents at this location. BSO Captain Tom Palmer replied that there have been no crashes involving pedestrians at this intersection. He pointed out that Phase 2 of the A1A parking lot includes the reconfiguration of Poinciana Street and Bougainvillea Drive to accommodate a turning area, which should stop the illegal turn movement.

8. TOWN MANAGER REPORT

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

The Commissioners accepted the report without discussion.

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

Town Manager Bud Bentley addressed red tide, stating that the Town participates in a daily conference call with County emergency operations for updates on this issue. Miami-Dade and Palm Beach Counties are experiencing greater concentrations of Red Tide than Broward County, and there have been no fish kills reported in Pompano Beach, Fort

Lauderdale, or Lauderdale-By-The-Sea within the last several days. He recommended that beachgoers pay attention to irritation of the eyes or throat, which indicates the presence of Red Tide. In the absence of other health issues, these symptoms typically subside once a person has left the environment. Exposure to Red Tide can be windborne. There is no mandate against using the beaches.

Commissioner Strauss addressed the proposed parking loyalty program, in which the Town would partner with Pay by Phone. In addition, he recommended that this program allow the use of American Express in order to provide residents and visitors with more choices.

Commissioner Oldaker recalled that there have been discussions of improving the existing annual parking permit system so users do not have to come to Town Hall to renew their permits. He also suggested that the Town consider providing a license plate frame, as well as additional colors and graphics for front license plates.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. Authorization to Purchase Fourteen (14) Global Metro Multi-Space Parking Pay Stations (Sharon Ragoonan, Assistant Town Manager)

b. Authorization to Execute a Parking License Agreement with Wen Holdings, LLC for Eastward Strand Hotel and Suites (Sharon Ragoonan, Assistant Town Manager)

Commissioner Oldaker complimented Staff for identifying these parking spaces and incorporating them into the parking program. Assistant Town Manager Sharon Ragoonan confirmed that this is the first time the Town has entered into a parking license agreement with this property. The owner recently appeared before the Special Magistrate to address a series of maintenance violations and was given a compliance date of November 1,

2018, by which certain requirements must be met. No fines are currently accruing on the property.

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

c. **Special Event Application from Beachside Village Resort for Patriots Fan Transport on December 9, 2018 (Debbie Hime, Special Projects Coordinator)**

d. **Special Event Application from Village Grille for Fan Day and Bus Transportation on Sunday, December 9, 2018 (Debbie Hime, Special Projects Coordinator)**

e. **Agreement with C.A.P. Government for the Payment of Legal Fees Related to Buena Vista Oceanside, LLC vs. Town of Lauderdale-By-The-Sea (Linda Connors, Development Services Director)**

Motion made by Vice Mayor Sokolow, seconded by Commissioner Oldaker, to approve Items 11a, c, d, and e. Motion carried 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. **Application for Relief of Code Enforcement Lien at 5000 N Ocean #1511 (Linda Connors, Development Services Director)**

Senior Code Compliance Inspector Bethany Banyas stated that in November 2017, a notice of violation was issued for work without a permit, including interior demolition and renovation, to the owner of record at that time. The unit was brought into compliance on May 31, 2018. Work on the property was extensive and had begun without first complying with the asbestos remediation process.

A fine of $100/day ran for 99 days, totaling $9900. The Applicant is requesting an 86% mitigation of this amount and offers a settlement of $1400. Costs to correct the violation were reported in the amount of $163,477.89. A mitigation application fee of $500 has

been paid, as have hearing costs in the amount of $350. Staff recommends that any payment be required within 30 days, or by Friday, November 9, 2018.

Vice Mayor Sokolow asked what issue had prompted the work on the property. Senior Code Compliance Inspector Banyas replied that the property has gone through both mold and asbestos remediation. A Servpro franchise became involved in the work due to water intrusion, but did not pull a permit for their work, as they were not licensed as a general contractor. Permits are required for mold remediation that requires structural ingress into the property. The violation was identified by the Fire Marshal during an inspection of the property.

Commissioner Oldaker asked how Servpro became involved in the work, as the property has a doorman. He noted that the unit looks like it went under a complete demolition and renovation.

Dion Mortenson, representing prior property owner Jack Mortenson, explained that his father was not present when work took place on the property. After Servpro failed to pull a permit, a general contractor was hired to take over the work, and all permits have been closed and the property sold. He was not aware of how Servpro accessed the property.

Mr. Mortenson clarified that the initial goal of work on the property was mold remediation; however, asbestos and other issues then came to light, which led to the decision to sell the property once work was complete.

Commissioner Strauss expressed concern with the magnitude of the violation, which affected not only the subject property but the rest of the building in which the unit was located. Mayor Vincent agreed, pointing out that the work disregarded the tenants of neighboring units. He characterized the Code violation as extreme, and did not recommend mitigation, as the Applicant's primary issue is with Servpro.

Vice Mayor Sokolow pointed out that Servpro took advantage of the Applicant, who has paid all fees and costs associated with compliance. He felt requiring them to pay the unmitigated amount would be unfair. Mayor Vincent noted, however, that granting mitigation in this case could set an unwanted precedent that did not protect residents of a building from a potentially serious problem.

Vice Mayor Sokolow made a motion to accept the Applicant's $1400 mitigation request, payable by November 9, 2018. (The motion died for lack of second.)

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, for the full amount of $9900, to be paid by November 9, 2018. Motion carried 3-1 (Vice Mayor Sokolow dissenting).

14. COMMISSIONER COMMENTS

Commissioner Strauss invited all present to the Veterans' Day event at 10 a.m. at Town Hall on November 11, 2018.

Commissioner Oldaker and Mayor Vincent extended thoughts and prayers on behalf of the Commission to residents of the Florida Panhandle who will be affected by Hurricane Michael.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

i. **Ordinance 2018-28 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 18, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES, BY AMENDING SECTION 18-1, "ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER" TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FOR LOW-INCOME SENIORS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

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

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

a. **Resolution 2018-28 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR REPRESENTATION AT HEARINGS BY THE BROWARD COUNTY MINIMUM HOUSING / UNSAFE STRUCTURES BOARD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

Development Services Director Linda Connors explained that this resolution allows the Town to be assisted by Broward County on the Unsafe Structures Board. The previous agreement providing this assistance has recently expired.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. **Resolution 2018-33 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION, WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING FOR AN EFFECTIVE DATE (Vice Mayor Sokolow)**

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

Vice Mayor Sokolow advised that Amendment 1 would significantly affect the Town's revenue and would apply only to a certain gap in property value, which could result in unfair distribution. He felt the Amendment would accomplish little while decreasing the Town's revenue by $174,000.

Mayor Vincent commented that he was not in favor of the resolution, as he did not believe the Amendment would create inequity for the Town. He pointed out that the homestead

exemption seems to be working in relationship to property value increases, which results in increasing taxes.

Commissioner Oldaker pointed out that while the Amendment's effect on Lauderdale-By-The-Sea might be minimal, its effect on larger municipalities would be significant. Vice Mayor Sokolow noted that passage of the Amendment would result in either a $174,000 shortfall or a need to raise the Town's millage rate for all residents to recover this loss. He felt it was unfair because individuals or businesses not paying the homestead rate are already asked to pay a higher rate.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 3-1 (Mayor Vincent dissenting).

c. **Resolution 2018-34 – A RESOLUTION OF THE TOWN COMMISSION OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING AND RE-ADOPTING THE BUILDING PERMIT AND INSPECTION FEE SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Sharon Ragoonan, Assistant Town Manager)**

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

Assistant Town Manager Sharon Ragoonan explained that this resolution would lower the fee associated with the Board of Appeals and reduce the percentage used to calculate the value of construction. The recommendations are the result of feedback received by customers who sought building permits, as well as a study by Town Staff.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

d. **Resolution 2018-35 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE TOWN OF LAUDERDALE-BY-THE-SEA'S TITLE VI PROGRAM FOR SUBMITTAL TO THE FEDERAL TRANSIT ADMINISTRATION REGIONAL CIVIL RIGHTS OFFICE; PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE DATE (Debbie Hime, Special Projects Coordinator)**

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

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve. Motion carried 4-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:57 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

10-25-18

Date