

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 4, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:31 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, 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

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Sasser requested that discussion of a ride-sharing promotional weekend be placed on the Agenda as Item 13a.

5. PRESENTATIONS

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

Mayor Sasser read a Proclamation establishing October 2016 as Domestic Violence Month. Representatives Angelica Brodeur of Women in Distress Broward County addressed the topic as well, emphasizing the importance of prevention.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

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

Municipal Services Director Don Prince addressed preparations for Hurricane Matthew, which included removal of outdoor objects and shuttering of Town Hall buildings. If power is lost during the storm, the Town has an agreement with Pompano Beach to maintain its lift stations using telemetry and generators. He urged residents to evacuate in the event of a Category 4 or stronger storm, and emphasized the need to make individual preparations to their homes and/or businesses as well.

Commissioner Vincent requested additional information regarding the availability of emergency services during the storm for residents who elect to remain on the barrier island. Captain Tom Palmer of the Broward Sheriff's Office (BSO) replied a mandatory evacuation is typically put into place once a hurricane warning is in effect. Once a Declaration of Evacuation is put into place and sustained winds have reach beyond 40 miles per hour, vehicles will be removed from the roadway. Emergency services, such as Fire and Rescue, will not be able to respond.

Town Manager Bud Bentley added that the Town will post storm information on the Town's website. The County will activate its 3-1-1 number 24 hours a day once a hurricane warning is in effect. The Town's emergency operating center will be relocated from Town Hall to Holy Cross Hospital under warning conditions as well.

Municipal Services Director Don Prince added that storm surge is the greatest threat to the barrier island.

Assistant Town Manager Tony Bryan added that bulk waste pickup scheduled for Thursday has been rescheduled for Saturday at this time. Residents are asked to bring in any bulk waste placed outdoors for pickup.

Assistant Town Manager Bryan continued that the Town's website will provide information throughout the storm, as it is hosted outside the Town. The Town's phone and email systems, however, are hosted at Town Hall and will be offline in the event of a significant storm. Information will also be provided via the Code Red system.

Development Services Director Linda Connors advised that when a hurricane watch is in effect, Florida Building Code requires all contractors and property owners to secure their buildings appropriately. Code Enforcement is visiting construction sites to remind contractors and owners of these responsibilities.

Captain Palmer added that if a mandatory evacuation order is given, individuals returning to the barrier island after the order is lifted must have proper identification, as access will be limited during post-storm cleanup. In the event of the implementation of

mandatory evacuation and the flotilla plan, the bridge will not operate on its normal cycle, but will remain in the downward position for longer periods of time in order to facilitate passage of vehicles. Staff will determine when Town Hall will close following a conference call with County officials on Wednesday, October 5, 2016.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that while the Town prevailed in the case of *Ober vs. Town of Lauderdale-By-The-Sea*, a motion for rehearing has been filed, and five associations have come forward with requests to be heard as part of this rehearing. The Town is looking into its response to the motion, and is assisted by the City, County, and Local Government Law section of the Florida Bar, as well as several cities.

She continued that other cases in which the Town is engaged in litigation are related to properties at 1724 Bel Air Drive and 240 Imperial Lane. In the case of 1724 Bel Air Drive, the Town had forced the bank to sell the property following foreclosure, but a notice was filed seeking to vacate the sale and the bank has filed a motion asking the court to recognize its continued interest in the property. In the case of 240 Imperial Lane, the bank is actively foreclosing against the owner and the Town continues to monitor the case. The Town is asking to be made whole in both cases.

10. APPROVAL OF MINUTES

- a. **September 26, 2016 2nd Public Budget Hearing Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

- a. **Special Event Application for BC Surf and Sport Skim Scare 9 Skim Boarding Competition proposed for Saturday, November 5, 2016 (Debbie Hime, Special Projects Coordinator)**
- b. **Special Event Application for Marie White's "Santa is Coming to Town" proposed for Saturday, December 10, 2016**

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

12. OLD BUSINESS

- a. **Purchase of 4410 Bougainvillea Drive – Majestica Apartments (Tony Bryan, Assistant Town Manager)**

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, urged the Commission to consider less expensive alternatives to the purchase of the proposed property, including valet parking and promotion of ride-sharing services. He also suggested adding a second level to the existing footprint of a Town lot.

Mr. Malkoon also recalled that the vote in favor of moving forward with this purchase at the September 26, 2016 meeting was 4-1 to proceed with negotiations for the parcel at the average appraised price. After the vote, the Mayor and Town Manager Bentley discussed this process, with both concluding that if the seller rejects this offer, the purchase would not come back before the Commission. He asked why the new proposal, which is for more than the average appraised amount, was now before the Commission once again.

Ron Piersante, resident, stated that the Town needs to square the parking lot in question through the purchase of the subject property. He emphasized the importance of providing more parking in the Town and the use of monies from the Parking Fund to purchase the lot.

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

Town Manager Bentley addressed the concern raised by Mr. Malkoon regarding the previous vote, explaining that Staff was authorized to offer the average of two appraisal rates; however, this was not identified as a last and final offer. The offer was made in writing and rejected, after which Town Staff explored alternatives for compromise. The seller then made a counteroffer on which their agent would forgo his commission of \$108,000, resulting in a price of approximately \$44,000 over the average appraisal rate. Approval of the purchase at this rate would require at least a 4-1 majority from the Commission. The Town has also offered the seller two parking permits for the proposed lot, each of which has a value of \$55/year.

Town Manager Bentley continued that the language of this offer includes a provision that if all tenants have not left the building by August 1, 2017, the seller may extend the closing for 30 days if he wishes to begin eviction proceedings. The Town also has the option in this case of withholding \$10,000 per tenant in order to pursue either eviction or a moving schedule. This provides the Town with options regarding the closing date. He concluded that Staff recommends approval of the Item.

Mayor Sasser requested clarification of whether or not Item 12a is consistent with the motion made at the September 26, 2016 meeting. Town Attorney Trevarthen replied that her interpretation of the motion at the previous meeting was that it authorized Staff to make an offer; there was nothing in the motion to prevent the Item from being brought

back. It would also have been possible for one of the four Commissioners who voted in favor of the motion to bring it back for reconsideration.

Commissioner Sokolow stated that he had not anticipated significant movement by the seller on the proposal, and was now in favor of its approval.

Details of the proposed purchase contract were as follows:

- Purchase price of \$2,700,000
- Contract to include two non-transferable parking permits (one to the seller and one to the real estate broker)
- Real estate broker agrees to forego his 4% commission, resulting in a reduction of the total cost to \$2,592,000, which represents a savings of \$108,000 to the Town

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

13. NEW BUSINESS

a. Ride-Sharing Idea (Mayor Scot Sasser)

Mayor Sasser asked that the Commission consider asking Town Staff to investigate ride-sharing options, to include specific options and ideas that would not involve a subsidy provided by the Town to ride-sharing companies. He explained that this could bring visitors to and from Town in a successful manner that has not yet been considered.

Vice Mayor Brown recalled previous discussion of this Item, stating that he had requested the opportunity to place an Item on the Agenda at which representatives of Uber, the Chamber of Commerce, and Ambit Marketing could provide details of the proposed event. He noted that Uber was willing to invest in a unique promotional mobile app that would apply only to bringing visitors to Lauderdale-By-The-Sea, as well as working with the Town to establish a bank account through which both entities could provide a portion of the cost.

Vice Mayor Brown estimated that the Town's contribution would be no more than a maximum of \$10,000 from the Parking Fund, which would cover both a partial subsidy and a portion of the advertising cost. He emphasized the importance of the proposed subsidy to the event. He concluded that he would like to place the Item on the Agenda so more details could be provided to the Commission from the Town's partners in the proposed event.

Commissioner Sokolow stated that his earlier objections, which included opposition to spending Town money to subsidize a profit-making company, have not changed. He did not feel a weekend event could provide reproducible results and strongly opposed

providing any subsidy to Uber. Mayor Sasser agreed that he also did not wish to subsidize Uber. Vice Mayor Brown asked that the Item be placed on a future Agenda so the Town's prospective partners could provide greater detail on the event, pointing out that any subsidy provided by the Town would go to the rider rather than to Uber. He did not feel he could support an event, however, that did not include a subsidy.

Mayor Sasser stated that he remained uncomfortable with an event that would require Town funds for a subsidy for purposes other than marketing. Vice Mayor Brown explained that he did not want early discussion of the proposal to be limited in this manner before full details are presented by other parties who would have a stake in the event.

Commissioner Oldaker commented that he was willing to revisit the proposal and hear additional details of the proposed event, although he was not certain he would be supportive of the plan once it was fully presented. Commissioner Vincent added that he would like to see the potential benefit of the proposed event before committing to any type of subsidy, and expressed concern that the subsidy could be perceived as desperation on the part of the Town, which he did not wish to suggest.

Commissioner Sokolow pointed out that Uber's business model could make a weekend event into an expensive proposal. He felt it would be more beneficial to Town businesses to offer special promotions on their own than to participate in an event that subsidizes a profit-making business.

Mayor Sasser suggested that there may be middle ground yet to be identified on this issue. Vice Mayor Brown advised that entities such as the Pelican Hopper are private businesses receiving a partial subsidy from the Town.

The Item died for lack of motion.

14. COMMISSIONER COMMENTS

Mayor Sasser and Commissioner Vincent emphasized the importance of planning and evacuation in the event of a hurricane warning, as emergency services would be unavailable during a storm.

Commissioner Sokolow and Commissioner Vincent congratulated Captain Palmer on his promotion to Police Chief.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

i. Ordinance 2016-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER

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**12, LICENSES, OF THE CODE OF ORDINANCES, BY
DELETING CERTAIN SIGN RESTRICTIONS FOR MARIJUANA
BUSINESSES; 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 Oldaker, to approve. Motion carried 5-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2016-38 – A RESOLUTION OF THE TOWN OF
LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING A 5%
INCREASE IN TOWN COMMISSIONER SALARIES, EFFECTIVE
October 8, 2016; DIRECTING THE APPROPRIATE TOWN OFFICIALS
TO EFFECTUATE THE 5% SALARY INCREASE FOR THE TOWN
COMMISSION; PROVIDING FOR CONFLICT, SEVERABILITY, AND
FOR AN EFFECTIVE DATE (Lisa Fuentes, Finance Director)**

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, stated that he felt the proposed 5% increase could be greater, considering the work done by the Commissioners on behalf of the Town.

Edmund Malkoon, resident, also spoke in favor of the increase, recommending that additional information on Items be included in the backup materials in the future.

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

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-1 (Mayor Sasser dissenting).

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

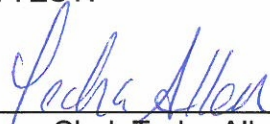
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With no further business to come before the Commission at this time, the meeting was adjourned at 7:40 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

11-15-16

Date