

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, August 19, 2014
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:01 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, Town Attorney Susan L. Trevarthen, Town Planner Linda Connors, Finance Director Tony Bryan, Municipal Services Director Don Prince, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – PAULINE BROOKS MCGUINNESS

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was noted that Consent Agenda Item 11g would be pulled for discussion.

5. PRESENTATIONS

**a. Presentation by Dr. David Gilliam of Nova Southeastern University
on a proposed project to create a Staghorn Coral Reef in the near
shore waters of LBTS (Connie Hoffmann, Town Manager)**

Dr. David Gilliam provided a brief presentation on the proposed Staghorn Coral Reef Project, noting that Nova Southeastern University has worked to establish Staghorn Coral nurseries off Broward County's shores. He explained that once a number of colonies have been established from the nurseries, they will fragment and produce new and self-sustaining colonies.

The nurseries use concrete platforms, PVC arrays, and "floating trees," and are continuously maintained and monitored to determine how to best improve Staghorn Coral recovery. Two new sites are proposed for 2015, one of which is Lauderdale-By-The-Sea. The University will evaluate the coral's recovery as well as its effect on the community as a whole. No difficulties are anticipated with the permitting process.

Dr. Gilliam also provided information on the Dive Bar project, which established approximately 1000 colonies over a total area of 150 sq. m. The proposed Lauderdale-By-The-Sea project would provide twice this number of colonies over a two-year span.

Town Manager Connie Hoffmann advised that the project would cost \$59,000 over a five-year period, with most costs occurring in the first two years. Commissioner Dodd recommended that the Town request Port Everglades restoration funds as they become available to help fund this and additional projects.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to authorize proper Town officials to execute a contract with NSU to permit, implement, and monitor this project for a period of five years. Motion carried 5-0.

6. PUBLIC COMMENTS

John Boutin, noted that the upcoming Mermaids-By-The-Sea event will feature an attempt by diver Allen "The Grouper" Sherrod to break a world diving record. Mr. Boutin concluded that a budget for this event will be presented to the Convention and Visitors Bureau and the Commission in the near future. Allen Sherrod, Barbara Wynns, and Richard Black also spoke in favor of the event.

Paul Novak, resident, addressed Item 16a, the parking exemption program, and noted that all exempt parking spaces on the eastern side of the divide are gone. He noted that this is an obstacle to new businesses on the east side, and advised against limiting or discontinuing the exemption program.

Ellen Kirby, resident, stated that streetlights are needed on Neptune Avenue between Sea Grape Drive and Tradewinds Drive.

7. PUBLIC SAFETY DISCUSSION

a. BSO July Report (Captain Fred Wood)

Town Manager Hoffmann stated that electrical wiring has been completed for installation of license plate reader cameras. An estimated installation date is forthcoming.

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

b. VFD July Report (Chief Judson Hopping)

Commissioner Brown requested that the Town Manager track the use of mutual aid fire and emergency services from Fort Lauderdale. Volunteer Fire Department (VFD) Chief Judson Hopping advised that while there is no automatic aid agreement between the

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Town and Fort Lauderdale, there is a local mutual aid agreement with all Broward County municipalities. He confirmed three instances of mutual aid to the Town during the past eight months.

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

c. AMR July Report (Captain Brooke Liddle)

AMR Captain Brooke Liddle further clarified some of the incidents involving mutual aid, pointing out that incorrect units are sometimes dispatched to emergency calls; in addition, HAZMAT calls automatically require a response from other local units. Mutual aid may be dispatched at a municipality's request or as a standard response to a certain level of alarm. It was determined that Town Manager Hoffmann would provide the city of Fort Lauderdale with a letter clarifying the number of times mutual aid to Lauderdale-By-The-Sea has been necessary.

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

8. TOWN MANAGER REPORT

a. July 2014 Chamber of Commerce Report (Tedra Smith, Town Clerk)

Town Manager Hoffmann noted that a correction to this report was provided to clarify the number of website visits, which is currently 11,168 for the year 2014.

b. July 2014 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

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

Town Manager Hoffmann advised that a primary election will be held at Jarvis Hall on Tuesday, August 26, 2014. Parking spaces lot will be free to voters.

The Commissioners addressed the issue of streetlights raised by Ms. Kirby during Public Comments. Municipal Services Director Don Prince reported that he contacted Florida Power and Light (FPL) in 2011-12, and they established nine areas in which light poles could be erected; however, only one resident of the area agreed to allow poles on his/her property. Placing lights in the neighborhood requires easements from property owners. Vice Mayor Vincent asserted that lighting in the area should be made a priority.

d. Managing Solid Waste – Progress on Several Fronts (Bud Bentley, Assistant Town Manager)

The Commissioners discussed how to best promote the recycling program to condominium and commercial residents. Asst. Town Manager Bud Bentley explained that properties with overflowing dumpsters are provided with information on recycling, which would help them to better manage their solid waste. If there is no response to this outreach, Code Enforcement will follow up on the issue.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. July 22, 2014 Special Town Commission Meeting Minutes (Tedra Smith, Town Clerk)
- b. July 22, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve 10a and 10b. Motion carried 5-0.

11. CONSENT AGENDA

- a. A/C Maintenance Services Award (Don Prince, Municipal Services Director)
- b. Request for free parking for the Lauderdale-By-The-Sea Women's Club (Tedra Smith, Town Clerk)
- c. Lauderdale-By-The-Sea Garden Club request for parking for Jarvis Hall Events (Tedra Smith, Town Clerk)
- d. Refurbishing the Pirate Ship / Playground equipment (Don Prince, Municipal Services Director)
- e. Parking reduction at 215 Commercial Boulevard (Linda Connors, Town Planner)

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve Items a through e. Motion carried 5-0.

- f. Special Event Application from Windjammer Resort for Allen "The Grouper" Sherrod's attempt to reclaim his World Record Dive, proposed for Wednesday through Saturday, September 17-20, 2014 (Bud Bentley, Assistant Town Manager)

Commissioner Dodd suggested the placement of a notice for this event on the dive buoy in the Town. Town Manager Hoffmann pointed out that due to space limitations, notices are only placed on the buoy for events co-sponsored by the Town.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve 11f. Motion carried 5-0.

- g. Commission consent to the Transfer of the Solid Waste, Bulk Waste, and Recycling Collection Services Agreement from Progressive Waste Solutions to Waste Pro USA, Inc. (Bud Bentley, Assistant Town Manager)**

Commissioner Brown expressed concern with the transition of waste collection services to a new contractor, which can lead to disruptions in service. Asst. Town Manager Bud Bentley invited representatives of the new vendor, Waste Pro USA, Inc., to address this issue. Damon Stinson, Site Manager, confirmed that Waste Pro USA has acquired the existing waste containers not owned by the Town and will re-brand and replace them as necessary at no cost to the Town. The carts, which are owned by the Town, will not be re-branded.

Asst. Town Manager Bentley recalled that in 2012 the Commission entered into a restated agreement, which authorized renewal of the waste collection contract through June 2015, with a timing mechanism to allow for changes to the contract. The Town Manager will provide a report and recommendation to the Town Commission by December 2014, at which time the Commission may decide to renew the contract or place it out for bid.

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

The Commission took a 15-minute recess at this time.

12. ORDINANCES

Ordinances 1st Reading

- i. Ordinance 2014-07 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 20, “Utilities,” of the Town’s Code of Ordinances by amending Article II, “Sanitary Sewer System,” Section 20-19 “Rates and Charges” to adopt revisions to the Schedule of Rates and Charges for Sanitary Sewage Collection, Transmission and Disposal Service; and providing for severability, conflicts, and an effective date (Tony Bryan, Finance Director)**

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

Finance Director Bryan provided a brief presentation on the proposed Ordinance, recalling that the Town's overall sewer rates were reduced by 10% in 2013, remained the same in 2014, and are projected to increase by 3.5% every year thereafter, beginning in FY 2015. The impact of this projected increase on each average single-family home would be \$1.80 per month or \$21.60 per year. For multi-family residences, the impact of the increase would be \$.51 cents per month or \$6.12 per year, based on average use.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve scenario 1 as reflected in the Ordinance. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).

- ii. Ordinance 2014-11 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 15, “Police,” article III “Alarm Systems,” of the Code of Ordinances to require audible alarm systems to automatically terminate at fifteen minutes after activation and to be monitored; providing for severability, codification, conflict, and an effective date (Captain Fred Wood, BSO)**

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

The Commissioners discussed the proposed Ordinance, clarifying that Code applies to all audible alarm systems, including alarms for both Police- and fire-related services. It was noted that the Ordinance is intended to apply only to false alarms rather than active alarms, and only to those systems that are external to a building and may constitute a nuisance to neighbors.

Town Attorney Trevarthen advised that Staff will consult further with the VFD for additional information and clarification before the second reading of the Ordinance.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to adopt on first reading with revisions. Motion carried 5-0.

- iii. Ordinance 2014-12 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 17-113 “Application,” in Article III “Special Events” of Chapter 17 “Streets, Sidewalks and other Public Places,” of the Code of Ordinances, to clarify the deadline for Applications for Special Events; providing for codification, severability, conflicts, and for an effective date (Susan Trevarthen, Town Attorney)**

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Town Attorney Trevarthen recalled that the Commission had reviewed special event fees at an earlier special meeting, including fees to be charged if applications were filed less than 60 days prior to the event. The proposed Ordinance would remove the reference to this time frame from Code, allowing a related Resolution to determine the appropriate length of time.

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

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

Ordinances 2nd Reading

- i. **Ordinance 2014-06 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 13 “Noise” of the Code of Ordinances to amend the sound levels in the Commercial Noise Zone, address audible alarm systems, amending noise limits in Chapter 13; regulate generator noise on construction sites, revise the measurement of sound levels, adopt definitions, and otherwise amend the Town’s Noise Regulations; providing for severability, codification, and an effective date (Bud Bentley, Assistant Town Manager)**

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

Town Attorney Trevarthen clarified that there is no specific exemption to the Ordinance for non-construction-related generators.

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

- ii. **Ordinance 2014-08 – An Ordinance of the Town of Lauderdale-By-the-Sea, Florida, deleting Article I, “In General,” Article II, “Development Review,” Article III, “Platting and Subdivision Regulations,” Article IV, “Site Plan Procedures and Requirements,” and Article IX, “Reserved,” of Chapter 30, Unified Land Development Code; adopting Article I, “In General,” Article II, “Development Review,” Article III, “Reserved,” Article IV, “Development Permits – Applications, Requirements, and Review Procedures,” and Article IX, “Appeals,” of Chapter 30, Unified Land Development Code; providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner)**

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.

- iii. **Ordinance 2014-09 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 1-2, Definitions and Rules of Construction generally of Chapter 1 “General Provisions” of the Code of Ordinances, to update Definitions applicable to the entire Town Code; providing for codification, severability, conflicts, and for an effective date (Linda Connors, Town Planner)**

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

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

13.RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2014-26 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting a revised pay plan; providing for severability, conflicts, and for an effective date (Connie Hoffmann, Town Planner)**

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

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

- b. **Resolution 2014-31 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the 2013/2014 Fiscal Year Budget, appropriating said amounts to specific designated accounts in accordance with the attached Exhibit “A” to the specific designated funds; authorizing expenditure of those amounts in accordance with the budget as amended; providing for conflicts; providing for severability; and an effective date (Tony Bryan, Finance Director)**

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

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

- c. Resolution 2014-32 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting a revised Personnel Policies Manual; providing for severability, conflicts, and for an effective date (Connie Hoffmann, Town Manager)**

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

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

- d. Resolution 2014-33 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, authorizing and incorporating changes in the Town's Purchasing Manual; providing for repeal of any conflicting resolution, severability, and an effective date (Tony Bryan, Finance Director)**

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

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

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. Site Plan Review – 205-215 Commercial Boulevard (Linda Connors, Town Planner)**

Town Attorney Trevarthen reviewed the quasi-judicial process for all present.

Town Planner Linda Connors advised that the Application is for a 1500 sq. ft. addition to a commercial building on Commercial Boulevard. The Commission has previously approved a parking reduction to allow retail in this space. Since previous approval of the Application, the Applicant has added plans for additional drainage and landscaping.

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

Town Planner Connors noted that the Applicant also requests an administrative adjustment to extend the building's existing 3 ft. overhang by 1 ft. It was confirmed that this adjustment will need to be continued to the September 9, 2014 Commission Agenda.

Mayor Sasser opened public comment on the administrative adjustment, which he closed upon receiving no input.

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Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to delay until September 9. Motion carried 5-0.

15.COMMISSIONER COMMENTS

Commissioner Brown advised that he had attended a recent Florida League of Cities seminar on climate change and sea level rise. He noted that sea levels are expected to rise 2 ft. between the years 2048-2066, and asked if the Commission wished to have a presentation including recommendations for the Town in response to this change. The Commissioners declined to see the presentation. Commissioner Brown concluded that planting sessions for sea oats are scheduled for September 20 and 27, 2014.

Mayor Sasser reminded all present of the fish fry to be held by the Property Owners' Association, which is scheduled for Thursday, August 21 from 6-9 p.m.

Commissioner Dodd reported that the Hillsboro Inlet Commission selected Bank United from the respondents to a recent RFP. He added that he has invited a Commissioner from another municipality to attend the next Town Commission meeting and provide a presentation on puppy mills.

16.OLD BUSINESS

a. Public Hearing for the Parking Exemption Program (Linda Connors, Town Planner)

Town Planner Connors stated that the restaurant parking exemption program requires a public hearing at least six months prior to the program's expiration date of March 7, 2015. This Agenda Item includes the section of Code establishing the exemption program, as well as a copy of the parking study related to the program. While Staff recommended holding the public hearing at this time, they felt that any detailed discussion of the exemption program should take place when the entire parking study is presented. The Commissioners agreed by unanimous consensus to accept Staff's recommendation.

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

b. Town Attorney Hourly Rate (Tony Bryan, Finance Director)

Town Attorney Trevarthen requested that the Commission consider the rate included in the firm's retention letter, which is a 3% increase. This letter does not include future years. Mayor Sasser expressed satisfaction with the request as stated in the letter.

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

- c. At the August 20, 2013 Commission Meeting, the Commission requested that this Item be brought back before the Commission in 2014 – Setting a Development Fee for an Art in Public Places Program (Commissioner Stuart Dodd)**

Commissioner Dodd spoke in favor of encouraging art in public places, pointing out that developers are unlikely to make voluntary contributions to the beautification of the Town. The Commissioners agreed by 4-1 consensus to have Staff present this concept at a subsequent meeting. Commissioner Sokolow stated his opposition to the proposal, as he felt there is a lack of opportunity for new development in the Town.

- d. Update of Chapter 10 – Solid Waste (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley provided the Commissioners with a rough draft of an Ordinance that would replace Chapter 10 of Town Code. He noted that the Ordinance will expand the Town's policy and practice on container sharing, which currently allows property owners to open accounts that will provide either carts or dumpsters to their tenants; if the owners choose not to open these accounts, they must be opened by the tenants themselves. The draft Ordinance would allow tenants to share recycling carts with adjacent properties.

Another change proposed by the Ordinance would require the Town's commercial businesses to recycle, with the Town providing their recycling carts. He estimated that this would cost the Town \$10,000 over two years. Finally, the Ordinance proposes rollback service for carts, which would address the issue of carts left out for extended periods of time. Code Enforcement would roll carts back into properties for account holders at a cost of approximately \$5-\$10 each.

The Commissioners discussed the draft Ordinance, noting that rollback service was once provided to the Town as part of the existing waste management contract. Commissioner Brown expressed concern that this portion of the Ordinance could result in a trend of micromanagement. Commissioner Sokolow also stated his opposition to the rollback fee. It was also noted that the Town has not yet determined if the proposed cart sharing program would result in a material change to the contract.

The Commissioners agreed by consensus of 4-1 (Vice Mayor Vincent dissenting) for Staff to continue working toward a cart sharing program, but determined that an incentive program to encourage recycling would be preferable to mandating commercial recycling. There was no consensus to proceed with rollback service.

17. NEW BUSINESS

- a. Application for Relief of Code Enforcement Lien at 4628 El Mar Drive (Tides Inn) (Linda Connors, Town Planner)**

Town Planner Connors advised that there are currently total lien fees of \$118,950 against this property for property maintenance violations and structural specifications. The property has since closed to the public and has undergone renovations that have brought it into compliance with Code. Staff supports the request to reduce total lien fees to \$5000.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to reduce lien fees to \$5000. Motion carried 5-0.

- b. Appoint Alternate Member to the Planning and Zoning Board (Linda Connors, Town Planner)**

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to nominate Gerri Ann Capotosto as second alternate. Motion carried 5-0.

- c. Appoint Member to the A1A Corridor Advocacy Group (CAG) (Linda Connors, Town Planner)**

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to appoint Edmund Malkoon and Jeff Harrison to the CAG. Motion carried 5-0.

- d. Bonus for Municipal Services Worker Jimmie Ray (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann explained that she has already granted Mr. Ray's family a bonus of \$1000 in recognition of his work toward \$25,000 in savings to the Town, and requested that the Commission consider granting his family an additional bonus. Town Attorney Trevarthen confirmed that the Commission may award a bonus based on work performance.

At this time Mayor Sasser ceded the gavel to Vice Mayor Vincent.

Mayor Sasser made a motion for a bonus of \$50,000, pursuant to the Town's bonus policy, in recognition of the money saved to the Town.

Town Attorney Trevarthen also clarified that awarding a bonus at the Commission level could create an example that could be looked to in the future, but noted that the example would take into account the specific circumstances of the award. Mayor Sasser noted that he has consulted Town Manager Hoffmann with regard to rectifying the Town's life insurance policy, which would prevent the establishment of a precedent. Commissioner Sokolow advised that he would support a motion in favor of a lesser amount.

The motion died for lack of second.

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Commissioner Sokolow made a motion, seconded by Commissioner Dodd, for a bonus of \$20,000. Motion carried 4-1 (Mayor Sasser dissenting).

e. Sick Leave Donations (Mayor Scot Sasser)

Mayor Sasser explained that several Town employees had dedicated their sick days to Mr. Ray during his illness, and recommended that their generosity be recognized by returning those sick days to the employees.

Vice Mayor Vincent made a motion, seconded by Commissioner Brown, to give employees their sick days back. Motion carried 5-0.

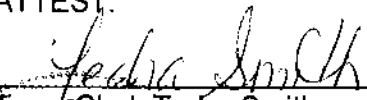
18.ADJOURNMENT

With no further business before the Commission at this time, the meeting was adjourned at 10:47 p.m.

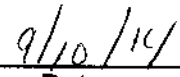


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date

