

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 25, 2017
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Vice Mayor Brown called the meeting to order at 6:31 p.m. Also present were Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was decided by unanimous consensus that Ordinances 2017-09 and 2017-10 would be tabled until August 15, 2017 so Mayor Sasser could be present to participate in their discussion.

5. PRESENTATIONS

a. BugFest Presentation (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime reported on the 6th annual BugFest, which begins with a kickoff party at the Plunge hotel. Events will include a SCUBA art show in Jarvis Hall, an end-of-mini-season party, underwater cleanup at Anglin's Pier, seminars for the Adopt-a-Reef Citizen Science program, and the Diveheart Music Festival.

Vice Mayor Brown suggested that as BugFest continues to grow in popularity, the Town consider adding an element to next year's event to encourage removal of lionfish, as these are an invasive species in South Florida. He thanked Special Projects Coordinator Hime and Public Information Officer Steve d'Oliveira for their work on BugFest.

6. PUBLIC COMMENTS

At this time Vice Mayor Brown opened public comment.

Charles Mangano, resident, thanked the City Commission for their work toward resolving recent issues on Hibiscus Avenue that have affected the Mangano family. He requested that no more work be done on this project until all facts have been made clear regarding the subject property.

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

7. PUBLIC SAFETY DISCUSSION

a. AMR June 2017 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

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

Commissioner Oldaker observed that revenues from the Florida Power and Light (FPL) utility and franchise taxes seem to be below expectations. Deputy Town Manager Tony Bryan replied that as of the end of June, the taxes are at approximately 91% of where they were expected to be. He could not estimate at this time where these taxes will be at the end of fiscal year (FY) 2017, as different revenues come in at different times of the year.

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

Town Manager Bud Bentley requested Commission consensus on adding Frame-n-Art as a sponsor of the Third Thursday event in Green Turtle Plaza, as one of the event's regular sponsors will not be present in August. The Commissioners agreed by unanimous consensus.

Town Manager Bentley also requested consensus to renew the Zambelli fireworks contract, which currently has one year remaining. The Commissioners also agreed to this renewal by unanimous consensus.

Town Manager Bentley advised that the Town has received notice from the Florida Department of Transportation (FDOT) that design firms have been ranked for the ongoing El Mar Greenway project. The highest-ranked firm has met with the Town regarding this project in the past. FDOT will meet with the firm on August 10, 2017 to begin negotiating an agreement.

The Town continues to work toward the disposition of Town-owned property at 1480 South Ocean Boulevard. This is not considered an inhabitable space. The Town acquired this property in 2002 for nonpayment of taxes. When investigation is complete, Staff will present this item to the Commission for their decision on its disposal.

Town Manager Bentley stated that an Item will be presented in August or September regarding the status of the marina. The occupant continues to operate under a dispensation by the former development director to allow encroachment into the navigable channel. When this decision was first made, there was expectation that the issue would be resolved within a matter of months; however, as the issue has continued, Staff will request policy direction from the Commission.

Deputy Town Manager Bryan also addressed closing costs for the former Majestica Apartments, stating that when the Commission was first asked for its approval to purchase this property, the closing costs had yet to be determined. The request was for the actual purchase price of the property only. Closing costs have since been determined to be just over \$11,000. Staff will bring back an Agenda Item to specifically request a budget Amendment for the payment of these costs.

Vice Mayor Brown further addressed the El Mar Greenway project, explaining that the Town is working to ensure that both FDOT and the Broward Metropolitan Planning Organization (Broward MPO) meet their commitments to the project's schedule. As of July 1, 2017, both entities put their contracts for the greenway project out for bid. Once a price has been agreed upon, the project will advance into its design and engineering stage.

Vice Mayor Brown continued that the Town Manager's Report also notes that the Town's contract with the Pelican Hopper has been renewed for an additional year. He pointed out that the current vehicle has no identifying wrappings, which makes it more difficult for potential riders to access this service. He concluded that he found this ongoing issue to be frustrating, as it does not promote ridership on this route.

Commissioner Vincent asked if the Town Manager's Report could identify the property located at 4617 El Mar Drive, which has accrued significant Code fines. Town Manager Bentley advised that specific information on this property, including the ongoing Code violation, will be forwarded to the Commissioners.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen confirmed that an Executive Session is scheduled for August 15, 2017 at 5:30 p.m.

10. APPROVAL OF MINUTES

- a. **June 27, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. **July 11, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

Items 11a and 11b were pulled for additional discussion.

- a. **4410 Bougainvillea Award of Demolish Contract (Don Prince, Municipal Services Director)**

Commissioner Oldaker recalled that the lowest bid for this contract was significantly lower than others. Municipal Services Director Don Prince advised that he has reached out to three local municipalities for additional information regarding this contractor, which has a crew that works exclusively on demolition projects.

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

- b. **2017 Street Resurfacing Program (Don Prince, Municipal Services Director)**

Municipal Services Director Prince explained that a significant portion of the Town's southern section was resurfaced in 2016. The streets listed in this Item are the remaining facilities for which funds were budgeted in 2017. Once they are complete, all streets south of Pine Avenue for which other projects are not planned will have been resurfaced.

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

- c. **Special Event Application for Village Grille's Patriots Fan Day Bus Transportation on Monday, December 11, 2017 (Debbie Hime, Special Projects Coordinator)**
- d. **Special Event Application for Plunge Hotel Patriots Beach Parties December 9 and 10, 2017 (Debbie Hime, Special Projects Coordinator)**
- e. **Special Event Application for Chabad Lauderdale-By-The-Sea's Community Chanukah Festival proposed for Sunday, December 17, 2017 (Debbie Hime, Special Projects Coordinator)**

- f. Special Event Application for Sunday TV Night Proposed for Sunday, February 4, 2018 (Debbie Hime, Special Projects Coordinator)**
- g. Special Event Application from the Village Grille and 101 Ocean for Friday Nights Music Entertainment November 2017 through October 2018 (Debbie Hime, Special Projects Coordinator)**
- h. Special Event Application for St. Patrick's Day Celebration March 17, 2018 (Debbie Hime, Special Projects Coordinator)**
- i. Event Application from the Village Grille and 101 Ocean for Friday Nights Music Entertainment November 2017 through October 2018 (Debbie Hime, Special Projects Coordinator)**
- j. Lauderdale-By-The-Sea Garden Club request for parking for Jarvis Hall Events (Tedra Allen, Town Clerk)**
- k. Lauderdale-By-The-Sea's Woman's Club request for free parking (Tedra Allen, Town Clerk)**

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve 11c, 11d, 11e, 11f, 11g, 11h, 11i, and 11j Motion carried 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. FY 18 Recommended Budget (Tony Bryan, Deputy Town Manager)

Town Manager Bentley submitted the annual recommended budget for FY 2018, which is a continuation of the policy direction established by the Town Commission. It includes a summary of the Five-Year Action Plan with references to specific projects from this Plan. The overall all funds budget decreases by 24%, which is due to the number of capital projects as well as the reduction of transfers between funds.

The Town maintains its current number of full-time equivalents (FTEs) for both employees and contracting partners. As the overall General Fund decreases, the removal of contingencies, transfers, and building services line items shows that the underlying operating budgets increase by 2.8%.

The millage rate is recommended to remain at 3.6873, and rollback is 3.4711. The difference between these two rates is a net \$488,940, which is proposed to be transferred to capital projects. This reflects the projects that the community has expressed an interest

in undertaking and completing. Staff recommends that the public review the proposed budget and is willing to meet with interested neighborhood organizations or individuals.

Town Manager Bentley noted a correction to the table on p.2 of the budget document, where two errors did not reflect contributions to fund balance. These errors do not affect the expenditure budget.

Vice Mayor Brown advised that the budget Resolution establishes the Town's spending priorities and millage rate for the forthcoming year. Two public hearings will be scheduled to take comments and feedback on the budget and millage rate. The first public hearing will be scheduled for 6 p.m. on Wednesday, September 13, 2017, and the second will be scheduled for 6 p.m. on Monday, September 25, 2017. He encouraged Town residents to attend these meetings and offer comments.

14. COMMISSIONER COMMENTS

Vice Mayor Brown thanked Sea Watch for its recent sponsorship of a beach cleanup and coral reef educational event. He also recognized an event in Green Turtle Plaza featuring music and outdoor displays.

Commissioner Oldaker thanked Town Staff for their work on the FY 2018 budget. He also expressed confidence that the Town will perform its due diligence regarding the ongoing Hibiscus Avenue issue so all parties can reach an agreement.

Commissioner Oldaker added that some constituents have mentioned parking fees for individuals who have keys to the tennis court. As these individuals must pay an annual fee in order to procure keys to the court, he suggested that their parking fees be waived while they are using tennis facilities.

Vice Mayor Brown pointed out that this waiver would not apply to the residents who use other outdoor sports facilities, and this disparity could be burdensome to Staff. Commissioner Oldaker noted that users of other facilities, such as the basketball court, have not already paid a fee to the Town. Commissioner Sokolow added that the Town provides parking permits at a low cost. The item died for lack of further action.

15. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2017-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY CREATING A SECTION, “PROHIBITED USES,” AND BY AMENDING DEFINITIONS, REGULATIONS, STANDARDS AND PROHIBITIONS RELATED**

TO MEDICAL MARIJUANA USES TO PROHIBIT MEDICAL MARIJUANA RETAIL CENTERS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

This Item was tabled until the August 15, 2017 meeting.

- ii. **Ordinance 2017-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 12, “LICENSES,” OF THE CODE OF ORDINANCES, BY DELETING SECTION 12-25, “MARIJUANA BUSINESSES”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

This Item was tabled until the August 15, 2017 meeting.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2017-29 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING AN ACTING TOWN MANAGER TO SERVE IN THE EVENT THE TOWN MANAGER IS ABSENT OR DISABLED; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Bud Bentley, Town Manager)**

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

Town Attorney Trevarthen explained that this Item is before the Commission because they previously approved a change to the Town's pay plan, which provided a new position structure and title(s). This required the reordering of succession. In the absence of Town Manager Bentley, Deputy Town Manager Bryan would serve as Acting Town Manager. Next in the order of succession would be Assistant Town Manager Sharon Ragoonan and Development Services Director Linda Connors respectively.

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

- b. Resolution 2017-39 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; ANNOUNCING THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Tony Bryan, Deputy Town Manager)**

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

Commissioner Sokolow stated that the Resolution should be passed as is, with the caveat that if no unforeseen items are added to the budget before the upcoming budget hearings, the millage rate could be lowered if needed. Commissioner Oldaker agreed with this suggestion.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion passed 4-0.

- c. Resolution 2017-31 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE TOWN; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN'S GEOGRAPHICAL BOUNDARIES KNOWN AS THE FIRE PROTECTION ASSESSMENT AREA TOWN-WIDE; ESTABLISHING THE ESTIMATED RATES FOR FIRE PROTECTION SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL FOR THE FIRE PROTECTION ASSESSMENT AREA TOWN-WIDE; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

Vice Mayor Brown requested clarification of Staff's recommendation regarding the fire assessment. Town Manager Bentley confirmed that the recommendation is for no change in the assessment, which is consistent with a fire assessment study conducted in 2016. The recommended rate will continue to remain the same unless there are escalating costs that were not taken into consideration.

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

Town Manager Bentley continued that the Town has the second-lowest fire assessment rate in Broward County. The percentage of the Town's fire protection costs that is paid by the fire assessment fee is 100%. No fire/rescue expenses may be paid from the fire assessment fee.

Deputy Town Manager Bryan recalled that in recent years, the Town has brought specific budget items related to the Fire Department's operating budget before the Commission, along with items from the Department's capital budget; however, operating expenses are not presented separately this year due to the compressed timeline on which the budget process is being carried out. The Fire Department's operating budget is essentially flat, as they are asking for only a \$1971 increase. Their total capital budget for FY 2018 is \$107,500, which includes the estimated costs of a personal watercraft, all-terrain vehicle (ATV), mobile data terminals, and a station alerting system. These items were approved by consensus.

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to adopt the Resolution. 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 7:31 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen



Date