

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 14, 2015
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 Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Planner/Assistant Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

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

Mayor Sasser announced that Pay by Phone, the Town's parking provider, donated an Apple sport watch to be awarded to an individual who parked in Town using this service on July 4, 2015. Commissioner Sokolow selected the winning account number and a backup number from a pool of 340 entrants.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Jerry Sehl, representing the Kiwanis Club, invited the Commissioners to a Founders Day event on July 29, 2015, between 6 and 8 p.m. He noted that t-shirts are now available.

Ina Marjakangas, business owner expressed concerns with the schedule of the Commercial Boulevard streetscape project scheduled for September through November. She stated that most of the in the Seagrape Commons building are new and may be adversely affected by the project, particularly if it extends into the holiday

season. She suggested that the construction phasing of the project be changed so these businesses are not affected later in the season.

Courtney Stanford, Chamber of Commerce President, asserted that she was also concerned for the Shops at Seagrape Commons, and agreed that the construction phase affecting this area should be shifted to an earlier time.

Ted Stefanic, with Village Pump Sushi, also requested that the streetscape improvement construction schedule be reconsidered.

Pai Dayon, representing Dr. Juice, emphasized the importance of modifying the construction schedule, particularly for new businesses.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

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

Town Manager Connie Hoffmann addressed the concerns raised by the proprietors of the shops at Seagrape Commons, noting that a representative from State Contracting is expected to attend the next Commission meeting and explain the schedule in greater detail. She pointed out that the schedule takes changing road and lane closures into consideration, and has been approved by the Florida Department of Transportation (FDOT). She mentioned that the Town had held two input for sessions on the streetscape project, and invited the property owners and merchants to give their input on timing, but only a few merchants showed up. She encouraged the individuals who spoke during Public Comment to attend the July 28 meeting to hear what the Contractor reports.

Town Manager Hoffmann continued that the County met with the three cities involved in the Segment II Beach Nourishment Project, which has increased in cost to roughly \$56 million. The County has asked the participating cities to pay their share of funding up front, on the assumption that Federal funds will not be available in a timely manner. The cities would be reimbursed for a portion of their payments as Federal funds are remitted to the County. The State Legislature has funded the project to its maximum limit. The Lauderdale-By-The-Sea portion of the project would begin in November or December 2015 and last through turtle season, with the second half of the project planned for November/December 2016.

Town Manager Hoffmann provided an update on fencing of the Florida Development Group's properties. She reported the construction fence was removed from the former Little Inn properties and would be replaced by fencing allowed under the code. A construction permit is necessary in order to allow an existing fence on the former Holiday Inn property to remain. The Town has communicated that FDG will be cited for that fence until they obtain a building permit for renovations at that site. They have a building permit for their northern properties (along Pine Avenue) and will be allowed to erect a construction fence there.

She concluded that Staff has invited a sidewalk chalk artist to spend time in the Town in October 2015. The Town will promote this artwork through press releases and Ambit Marketing outlets as a means to bring visitors to the Town and its businesses.

Vice Mayor Vincent suggested that the plywood on the windows and doors of the former Holiday Inn and other nearby properties be painted to make them more attractive. Town Manager Hoffmann advised that the property owner may be asked, but is not compelled to take this step by code.

Mayor Sasser requested clarification that the Beach Nourishment Project remains within the parameters approved by the Town Commission. Town Manager Hoffmann replied that this project will come before the Commission once more in the form of an interlocal agreement. She noted that the Town's maximum contribution according to this agreement may be slightly higher than what has been committed thus far (\$350,000 versus \$330,000). She explained that the Town was not being requested to pay its full share based on the volume of sand being put on the Town's beaches, because the County recognized we are doing this to help our neighboring municipalities.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. **June 9, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. **June 23, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

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

11. CONSENT AGENDA

- a. Monitoring Emergency Services Contract (Don Prince, Municipal Services Director)**
- b. Request to approve alcohol sales at Bugfest-By-The-Sea (Steve d'Oliveira, Public Information Officer)**

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

12. OLD BUSINESS

- a. Differential Parking Rates based on Length of Stay (Tony Bryan, Finance Director)**

Finance Director Tony Bryan recalled that at the June 9 Commission meeting, the Commission directed Staff to look into the implementation of an increase in parking rates based on length of time in parking spaces as suggested by parking consultant Desman & Associates. The suggestion was that rates increase dramatically after a set period of time in order to encourage beachgoers not to take up space downtown needed by the retailers and restaurants. After reviewing more than 18 months of parking data, Staff determined that this does not seem to be an issue, as 80% of parkers use spaces for three hours or less. The Commissioners agreed with Staff's recommendation to take no action.

13. NEW BUSINESS

- a. FY16 Budget: Ad Valorem Revenues (Tony Bryan, Finance Director)**

Finance Director Bryan advised that this was an informational item only. Property values have increased in Town by over 7%. But, if the Town adopts the rollback rate, the Town does not realize increased revenue from the increase in values. Only new construction produces new revenue, however, Mr. Bryan reported that reductions in property assessments directed by the Value Adjustment Board last year resulted in \$5.4 million being removed from the Town's tax rolls. This is approximately the same amount as the new taxable value added from new construction, so they offset each other. A recommendation regarding the millage rate will be made at a later time.

- b. FY16 Budget: Chamber of Commerce Request (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann noted that the current year's contribution to the Chamber of Commerce provides \$26,340 cash toward the operation of the Visitors Center, along with the

cost of maintaining the building and paying for utilities, which comes to an additional \$25,000 that the Town absorbs. This year, the Chamber of Commerce has requested a significant increase in the Town's cash contribution, totaling \$40,000, to support the Visitors Center. She noted that the Town has helped the Chamber secure \$20,000 from the Convention and Visitors Bureau (CVB). Town Manager Hoffmann concluded that because government pays approximately 75% of the cost of the Visitors Center, she did not find it unreasonable to ask the business community to pay the remaining 25%.

Courtney Stanford, representing the Chamber of Commerce, advised that the budget request would cover the salaries of the Center's two staff members. While the Chamber did not disagree that the business community should be asked to help sponsor operations at the Visitors Center, she advised that the Chamber is still working to build trust within the business community, which means funding may be slow in coming until businesses see the value of the organization.

The Commissioners discussed the request, with Commissioner Sokolow pointing out that the Chamber has 250 member businesses at different levels of membership. He expressed willingness to support a budget increase. Commissioner Brown noted that other sources of income for the Chamber include the Visitors' Guide, web advertising, and funds earned through events. He observed that the Chamber could become more involved in sponsoring Town events to raise revenue.

Ms. Stanford reminded Commissioners that, several years ago, the Town did support the Chamber with a contribution of \$40,000 and they were asking it return to that level. Town Manager Hoffmann advised that for one year in the past, the Town gave the Chamber additional funds to market and advertise the Town, but discontinued that funding because the Chamber could not report on the impact of that funding. She also pointed out that, during that period, the Chamber announced it no longer wanted to pay for the Christmas tree downtown nor sponsor Christmas-By-The-Sea. The Town had to absorb all of these costs. These factors, plus the additional money the Town helped secure for the Chamber from the CVB, led to a reduction in funding from the Town to which Ms. Stanford referred. She agreed with Commissioner Brown that fundraising opportunities remain for the Chamber.

Mayor Sasser stated that while the Chamber has done an excellent job in representing the Town, he was not certain that its value to the Town was equal to funding 75% of the Visitor Center costs. He confirmed that the Chamber has moved away from working with the Town on events, which decreases the value it can bring to the Town.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve 26%, or \$8000. Motion carried 4-0.

c. FY16 Budget: Proposed Capital Fund Budget or FY16 and Draft Capital Improvement Program through FY19 (Connie Hoffmann, Town Manager)

Town Manager Hoffmann explained that the proposed FY16 capital budget carries over funds from the current year to fund projects that were budgeted in FY15 but cannot be completed by September 30, when the fiscal year ends. These projects are 1) the mid-block projects on Commercial Boulevard, 2) the public restroom project, and 3) the Basin Drive drainage project.

Staff also proposes to continue the Neighborhood Grant Program with a budget of \$30,000. Funds will be budgeted annually to resurface streets according to priorities established in a resurfacing analysis. Other projects include sidewalk construction, Friedt Park improvements, and a small amount for drainage.

Approximately \$700,000 in funding for these projects will come from the Capital Fund balance. An additional transfer of \$1.6 million will come from the General Fund. After FY16, Town Manager Hoffmann pointed out that capital improvements are expected to decline dramatically. She requested input from the Commission regarding the projects included in the FY16 budget, and suggested a discussion be scheduled in the fall about the longer term plan for capital improvements.

Commissioner Brown noted that he has asked that Staff to review plans for the restroom's interior, as he felt the facility should include urinals as well as toilets. Mayor Sasser recalled that at a previous meeting, the Commission had voted to proceed with the project as is; however, Commissioner Brown could propose changing the direction of the project if he wished.

Commissioner Sokolow cautioned that adding a urinal would significantly increase the area of the restroom stalls, which was likely to trigger a complete redesign. Town Manager Hoffmann clarified that the architect has considered an option to provide urinals within the existing design, but has given no indication of how this might affect the project's cost. It was confirmed that portable toilets might still be required for the Town's 4th of July and New Year's Eve events.

Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to bring this Item back for discussion at the next meeting. Motion carried 4-0.

d. Voting Delegate for the FLC Annual Conference (Connie Hoffmann, Town Manager)

Commissioner Brown made a motion, seconded by Commissioner Sokolow, to nominate Mayor Sasser as delegate. Motion carried 4-0.

e. Introducing the Recycling Tote Program (Bud Bentley, Assistant Town Manager)

Assistant Town Manager Bud Bentley presented the proposed recycling tote program as an initiative to promote recycling, particularly in multi-family residential buildings and condominiums. Vicki Eckels, Waste and Recycling Coordinator, showed samples of the recycling totes. The Commission determined that the totes should be provided at no charge during the pilot phase of the program. The Commissioners, Vice Mayor, and Mayor stated their strong support for the project.

Commissioner Brown made a motion, seconded by Commissioner Sokolow, to move forward with the program and start with a pilot program in which the Town delivers a number of [totes] to each condo for free. Motion carried 4-0.

f. Performance Bonus for Finance Director (Connie Hoffmann, Town Manager)

Town Manager Hoffmann explained that she is allowed to give up to a \$1,000 bonus to an employee for exemplary performance and other criteria; however, any amount over this limit must be approved by the Town Commission. Finance Director Bryan meets two of the established criteria for a bonus: 1) he has saved the Town money through either actual savings or documented cost avoidance equal to at least 30% of his salary, and 2) he received an above average annual performance rating but is not eligible for a merit increase, as he is at the top of his salary range. She recommended that Finance Director Bryan be given a \$3,800 bonus which equates to approximately 10% of the documented savings.

Mayor Sasser emphasized the role of retention in determining a bonus, particularly when salary constraint is an issue. He noted the bonus would be a one-time award and would not accumulate over time; for this reason, he advised that he would be willing to increase the bonus amount.

Ron Piersante, member of the Town's Audit Committee, also spoke highly of Finance Director Bryan's performance, and recommended that the Commission consider awarding him a larger bonus.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, that each Commissioner grant a performance bonus of \$6,000. Motion carried 4-0.

**g. Broward County Regulation of Uber and Other Ride Services
(Commissioner Stuart Dodd)**

Town Manager Hoffmann advised that Commissioner Dodd wished to know if the Commission would be willing to entertain a Resolution, at the next Commission meeting, to urge the Broward County Commission to take a less stringent position with Uber in order to allow for greater market competition.

The Commissioners expressed support and it was determined that a Resolution urging the County Commission to relax its stance and negotiate reasonable regulation of the new ride service industry would be brought back at the next Town Commission meeting.

14.COMMISSIONER COMMENTS

Commissioner Brown extended his condolences to the family and friends of resident Michael Arker, who recently passed away. Mr. Arker was an accomplished architect, hotelier, and publisher of the By The Sea Future newspaper, and was well known in the Town.

Commissioner Sokolow thanked all involved with the recent 4th of July event, including Chief Jud Hopping, BSO Staff, Municipal Services Director Don Prince, and Assistant to the Town Manager Pat Himelberger.

Mayor Sasser advised that he represents the Town Commission on the Florida League of Cities' Urban Development Team, which has selected three topics of focus for the current legislative season: vacation rentals, backyard gun ranges, and public records. He has also contacted the League's Federal lobbyist with regard to the issue of sober houses.

15.ORDINANCES

Ordinances 1st Reading

- i. 2015-06 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 17, "Streets, Sidewalks, and Other Public Places" to update sidewalk café requirements and address insurance requirements for obstructions of public property, sidewalk cafés, and special events; providing for codification; providing for severability; providing for conflicts; and providing for an effective date (Bud Bentley, Assistant Town Manager)**

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

Asst. Town Manager Bentley recalled that the Commission has previously discussed these insurance changes and Code has also been revised to improve readability. Staff has recently been made aware that some companies required to provide insurance have taken large deductibles; Staff may make a recommendation on this at second reading.

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

Ordinances 2nd Reading

None.

16.RESOLUTIONS – PUBLIC COMMENTS

- i. Resolution 2015-23 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, requesting that the Florida Department of Transportation study Ocean Drive in the area of the Sea Ranch Shopping Center to evaluate the need for walkability improvement to improve the safety of pedestrian movement across Ocean Drive; authorizing the Town Manager to take any necessary action to implement the Resolution; and providing for an effective date (Bud Bentley, Assistant Town Manager)**

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

Asst. Town Manager Bentley advised that resident Barbara Cole has been an advocate for this analysis. It has been suggested that FDOT implement a crosswalk at the subject location, or at another, more appropriate location. The Resolution does not define the location of the proposed crosswalk. Mayor Sasser suggested that Sea Ranch Lakes be invited to participate in the proposed study.

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

- ii. Resolution 2015-24 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, granting and approving beach storm damage reduction easements to be conveyed to Broward County at the Beach Access locations identified in Exhibits “A” and “B” for the Broward County Shore Protection Project; providing for conflict, severability, and for an effective date (Connie Hoffmann, Town Manager)**

Mayor Sasser opened public comment.

Edmund Malkoon, resident, asked if the Town's Charter or Code requires additional approval from residents when property rights are transferred in this fashion. He also requested additional information on what the proposed easements would allow.

There being no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

The Commissioners discussed the Resolution, with Commissioner Brown stating his support for the easements, which have been discussed at two prior community meetings. He noted that his building signed the easement after having it reviewed by their attorney.

Mayor Sasser requested additional information on the Resolution. Town Attorney Trevarthen advised that there is no requirement for a popular vote on this item, as such language in the Town's Charter is limited specifically to the El Prado location. She noted that the language and definitions presented in the easement are in line with the recent presentation by the County at the June 23, 2015 Commission meeting.

Town Attorney Trevarthen pointed out that the easement preserves the Town's right to a dune walkover or boardwalk structure to preserve public access, if the structure does not interfere with any Federal project, for the next 50 years. Any structure built by the Federal government would need to fall within the scope of beach preservation activity. Commissioner Sokolow added that the intent of the Beach Nourishment Project is to restore the beach following an emergency.

Vice Mayor Vincent expressed concern with the possibility that the Town would need to secure permission from the Federal government if it wished to construct a walkover or similar public access. Town Attorney Trevarthen clarified that both Federal law and Florida common law are in favor of public access to the beach. She noted the easement's language is not fully clear but the Army Corps is not receptive to wording changes.

Commissioner Sokolow made a motion, seconded by Commissioner Brown, to adopt the Resolution. Motion passed 3-1 (Mayor Sasser dissenting).

17. QUASI JUDICIAL PUBLIC HEARINGS

a. Request for Driveway Exception for 4560 Seagrape Drive (Bud Bentley, Assistant Town Manager)

Town Attorney Trevarthen reviewed the guidelines for quasi-judicial items, and it was noted that there were no ex parte disclosures to be made. Individuals speaking on the Item were sworn in.

Asst. Town Manager Bentley showed a photograph of the subject property, pointing out that the property owners removed a paved swale and constructed new driveways. He advised that Staff had erroneously approved the project, as one section of the Code requires no more than 40% of the street frontage of a 75 ft. lot to consist of impervious surface. The driveway is 37 ft. wide, although the limit allowed by Code is 30.4 ft.

Mr. Bentley confirmed that the Commission has the authority to grant exceptions of this nature under Code Section 30-313.K.3.D.1. Staff recommended approval because the new driveway significantly reduced the amount of impervious area and the property itself was substantially improved.

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

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

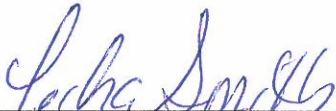
18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:23 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date