

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 27, 2017
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:32 p.m. Also present were Vice Mayor Mark Brown, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Acting Town Attorney Kathy Mehaffey, 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

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

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

Mayor Sasser expressed the condolences of the Town Commission and Town Staff to the family of former Mayor and Commissioner Kenneth Wardlaw, who passed away in June.

5. PRESENTATIONS

a. AMR Officer Recognize Presentation (Chief Brooke Liddle)

Mayor Sasser read a Proclamation recognizing June 27, 2017 as Lahiri Garcia and Paul Besaw Day in honor of the two AMR employees who recently lost their lives in the line of duty.

b. CAFR Presentation (Grau & Associates)

David Caplivski, representing Grau and Associates, provided an overview of the Town's Comprehensive Annual Financial Report (CAFR). The audit received an unmodified opinion, which means its financial reporting was free of any material misstatements.

The Town's net position for governmental activities was \$33,206,000, of which \$7,043,000 was unrestricted and available for spending. This reflects a slight decrease of \$277,000 to the General Fund. With regard to business activities such as the Sewer and Parking Funds, the ending net position was \$14.2 million, of which \$5.2 million was unrestricted. These activities received a net increase of \$1.6 million.

Compliance Reports show that there were no deficiencies noted in internal controls, and the Town is in compliance with the investment Statutes of the State of Florida. The CAFR includes a management letter reflecting one finding related to the fire application fee, which is in the process of being refunded by the Town. This was not considered a significant deficiency.

John Oughton, resident, thanked the Town's Finance Department and the Town Commission for their close watch on how Town funds are spent.

Ron Piersante, resident, added that Grau and Associates responded to all questions asked by the Town's Audit Committee.

Backup materials related to the CAFR are available on the Town's website.

c. Nova Staghorn Update (Nova Southeastern University)

A representative of Nova Southeastern University provided a brief update on the ongoing staghorn coral planting project, which is done in partnership between the Town and the University. Staghorn coral has experienced a significant decline in population since the 1970s and 1980s due to disease. In 2006 it was listed as Threatened under the Endangered Species Act. One of the goals of the planting project is to promote the recovery of this species.

The partnership between Nova Southeastern University and Lauderdale-By-The-Sea began in October 2014. Monitoring is required by both the State and the university's scientific objectives.

Nova has outplanted over 2500 corals at five sites, covering an area of roughly 3000 sq. meters. All sites show population growth, although planting in shallow water is less successful due to higher wave activity and temperatures. Benefits to the entire reef community are becoming apparent as different species use the coral as habitat. Plans for the future include further partnerships to increase the size of the nursery and bring in coral from the Florida Keys to increase genetic diversity.

Vice Mayor Brown asked if mitigation is required due to the deepening of the channel at Port Everglades, and how the Town might benefit from this mitigation. It was clarified that negotiations regarding mitigation have not yet been finalized, although one suggestion is an increase in outplanting activities due to the success of new nurseries.

Mayor Sasser advised that Public Information Officer Steve d'Oliveira and Vice Mayor Brown are available for further contact and involvement regarding potential environmental mitigation.

d. Hurricane Preparedness (Don Prince, Municipal Services Director)

Municipal Services Director Don Prince noted that Lauderdale-By-The-Sea is located in a mandatory evacuation zone. Information is available at Town Hall, on the Town's website, and on Channel 78. The Volunteer Fire Department (VFD) typically assists residents who may require assistance in putting up shutters or other protective structures.

Town Manager Bud Bentley added that the VFD also maintains a vulnerable population list for those who may need assistance in evacuating. In the event of evacuation, a member checks on the individuals on this list.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Scott Mulheron, contractor, recalled that he was also present at the Town's June 13, 2017 meeting. Since that time, he has spoken with Development Services Director Linda Connors with regard to a request to reduce a permit fee for 1900 South Ocean Boulevard. While he was informed that the Commission planned to reduce this fee by 50%, he asked that they consider further reducing the fee to \$500.

Charles Mangano, resident, stated that he wished to appeal the issue of a sidewalk on Hibiscus Drive. He asserted that his family has maintained the area for several years and received a permit to repair plumbing on a portion of the property that the Town claims to own. He concluded that he would continue to appeal this issue.

Paula Mangano, resident, also addressed the Hibiscus Drive issue, stating that she was surprised the Town would claim ownership of the subject property, which she has maintained. She advised that she would also continue to appeal this issue.

Edmund Malkoon, resident, noted that he hoped to hear information on the possibility of a bioswale in Friedt Park, which is both less expensive than other alternatives and more environmentally friendly.

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

7. PUBLIC SAFETY DISCUSSION

a. AMR May 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. May Finance Report (Tony Bryan, Assistant Town Manager & Acting Finance Director)

The Commissioners accepted the report without discussion.

b. Chamber of Commerce Welcome Center May Statistics Report (Tedra Allen, Town Clerk)

Courtney Stanford, representing the Lauderdale-By-The-Sea Chamber of Commerce, reported that one goal of the Welcome Center is driving pedestrian traffic to this asset. Mayor Sasser recommended that the Chamber reach out to Special Projects Coordinator Debbie Hime with respect to marketing research.

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

Town Manager Bentley addressed the permitting issue raised by Scott Mulheron, noting that a Resolution to change the Town's permit fee schedule is on tonight's Agenda. He also recalled that the Hibiscus Drive sidewalk issue was first raised at a previous meeting, where it was decided that the Town's project would be delayed for at least 90 days so further discussions could take place. Staff has not yet been able to schedule discussions with the Mangano family, but has tabled the matter until they may be held. Mayor Sasser urged both parties to meet in order to bring the issue to a conclusion.

Town Manager Bentley also reported that Staff is meeting on-site with resident Yara Bashoor to address the parking issues she had raised at a previous meeting.

Acting Town Attorney Kathy Mehaffey recalled that two years ago, the Town adopted land use and business regulations providing for the location of a medical marijuana retail center. In November 2016, Florida voters approved an amendment that broadened the scope of availability and use for medical marijuana, and in June 2017, the State Legislature has adopted a new bill that significantly increases the number of licensed growers in the state and the dispensaries they may supply. This means the pool of applicants seeking places to establish medical marijuana retail centers is likely to increase as well.

Acting Town Attorney Mehaffey noted that the recently adopted bill permits local governments to ban medical marijuana dispensaries. If a local government does not ban these dispensaries, however, they may regulate them no more strictly than

pharmacies. This means dispensaries may be located within any zoning districts that allow a pharmacy.

The Town has three options, all of which would necessitate Code amendments in order to be consistent with State law:

- Ban dispensaries outright
- Permit dispensaries openly, as with pharmacies
- Revise the manner in which pharmacies are treated under Code in order to regulate medical marijuana dispensaries in the same way

Acting Town Attorney Mehaffey recommended that the Town implement a zoning-in-progress status while regulations are amended to conform to State requirements. This would freeze any current applications submitted by medical marijuana dispensaries.

Vice Mayor Brown requested clarification of zoning-in-progress. Acting Town Attorney Mehaffey explained that it is similar to a moratorium, as it indicates the local government is proceeding with new regulations on specific subject matter, and any applications would be held until this process is complete. Vice Mayor Brown asserted that he would not support a ban on dispensaries in the Town, as medical marijuana was approved by an 84% majority of the Florida electorate and 62% of Lauderdale-By-The-Sea residents.

Commissioner Vincent requested more information on the preemptive vote taken by the Town Commission prior to adoption of the State bill. Acting Town Attorney Mehaffey replied that in 2014 the Commission adopted two Ordinances: one that establishes significant business regulations for medical marijuana dispensaries, and a land use Ordinance establishing distance and locational requirements for dispensaries located in the B-1A zoning district. Both Ordinances are more restrictive than current State law.

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to approve implementing zoning-in-progress. Motion carried 4-0.

9. TOWN ATTORNEY REPORT

Acting Town Attorney Mehaffey requested an Executive Session in order to obtain guidance and advice in the matter of *Palm Yacht and Beach Club, Consolidated v. Town of Lauderdale-By-The-Sea*. A date and time will be posted once the meeting has been scheduled.

10. APPROVAL OF MINUTES

- a. June 13, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

a. Proposed Broward County Bus Shelters (Debbie Hime, Special Projects Coordinator)

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Friedt Park South End Renovations (Don Prince, Municipal Services Director)

Municipal Services Director Prince advised that in 2014, the Commission created a committee to focus on the revitalization of Friedt Park. The committee has accomplished nearly all of its goals thus far. He introduced Hugh Johnson of Architectural Alliance, who stated that his team worked with Town Staff to review the site and the sports complex.

The team created a number of conceptual sketches based on Staff's comments, and Staff selected concepts for additional consideration. Mike Jarvis, also representing Architectural Alliance, reviewed the proposed designs for the area, including both grass and paved spaces. Municipal Services Director Prince clarified that neither concept would remove mature oak trees.

Municipal Services Director Prince advised that because the end of the fiscal year is approaching, it is unlikely this project could move into a construction phase before the end of FY 2017; however, Staff would like the Commission's approval on some aspects of the project before it reaches the construction phase. These include replacement of an existing ficus tree with five mature oaks, as well as moving a fence to increase the amount of available shade.

Commissioner Sokolow commented that the multi-use scheme seemed to offer greater purpose. Mayor Sasser observed that small individual or Town events could be held in the multi-use area. He emphasized the need to provide sufficient lighting. Municipal Services Director Prince stated that another question for the Commission relates to the incorporation of parking into the space. He pointed out that a nearby church would also be able to use a parking area as necessary. Vice Mayor Brown suggested that the

church may wish to partner with the Town to extend paved parking into a grassy area. Town Manager Bentley confirmed that Staff remains willing to have further discussions on this topic with the church.

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to execute the work authorization with Architectural Alliance for Conceptual Site Plan Option #1, remove the ficus tree and replace it with five oak trees, move the northern playground fence line, and add additional parking. Motion carried 4-0.

b. FY 2018 Non-Profit Funding Request (Tony Bryan, Assistant Town Manager & Acting Finance Director)

Assistant Town Manager Tony Bryan explained that Staff has reached out to nonprofit entities usually funded by the Town to confirm their donation requests. He noted that there are only minor differences between the FY 2017 and FY 2018 funding requests. All organizations were invited to attend tonight's meeting in order to respond to any questions the Commission might have.

Sheila Smith, CEO of 211 Broward, stated that this organization served 303 residents of Lauderdale-By-The-Sea in FY 2017. Their services are available around the clock to connect individuals with various services.

Edith Lederberg, representing the Aging and Disability Resource Council, advised that this agency is required by State and federal law to raise a 10% local match for their funding. Their request is for \$9325, which increased by 2% due to a corresponding increase in the amount of funding provided by the State.

Mayor Sasser noted that the FY 2017 request from the Broward Children's Center was \$7500. They are requesting \$8000 for FY 2018. The Broward Regional Health Planning Council's request is for \$2000, which is the same as the previous year.

A representative of the Hillsboro Lighthouse Preservation Society stated that the Town's FY 2017 contribution helped fund the preservation of turn buckles on the Lighthouse. He described some of the projects and efforts undertaken by the Society in recent years and provided the Commission with a turn buckle from the Lighthouse.

Karlene Chung, representing Women in Distress, advised that the Town's FY 2017 donation assisted 17 residents of Lauderdale-By-The-Sea with various services. They are requesting the same amount of \$3000 for FY 2018.

The total requested nonprofit donations for FY 2018 came to \$29,825.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve the FY 2018 donation requests. Motion carried 4-0.

The Commission took a brief recess at this time.

c. Request for Proposals for State Lobbyist Services (Bud Bentley, Town Manager)

Town Manager Bentley stated that this Item is related to whether or not the Town should secure the services of a lobbyist to approach the State for assistance regarding the Palm Club sewer project.

Vice Mayor Brown noted that there is widespread support for the provision of funding to replace septic tanks throughout the state with connection to municipal sewer systems. He felt it was likely the State Legislature will appropriate funds for this purpose during its next session, and pointed out that without a lobbyist to advocate for the Town, it may be difficult to secure any of this funding.

Commissioner Vincent made a motion, seconded by Vice Mayor Brown, to authorize an RFP for lobbyist services. Motion carried 4-0.

d. FY17 Action Plan (Bud Bentley, Town Manager)

Town Manager Bentley explained that the Town has had a formal Strategic Plan for approximately five years, which has helped Staff direct its energies toward issues the Commission has prioritized. He suggested that the Strategic Plan be reviewed at the beginning of the next fiscal year to determine what has or has not been completed, and that the Commission confirm which items will be carried over to the next year and add any new issues on which there is consensus.

The Commissioners agreed by consensus to review the Strategic Plan and update its action items at the beginning of FY 2018.

14. COMMISSIONER COMMENTS

Vice Mayor Brown reported that the July event in Jarvis Hall will be an Open Mic Night on July 12, 2017, from 7-8:30 p.m.

Mayor Sasser reminded all present of the Town's upcoming Fourth of July event. A parade is scheduled for 10 a.m. and fireworks will begin at 9 a.m. Activities in El Prado Park, including a water slide and refreshments, will begin at 11:30 a.m. He encouraged residents to use alternative means of transportation to see the fireworks show.

Mayor Sasser continued that the previous week, more than 250 lbs. of debris was removed from the reef beneath Anglin's Pier by 97 volunteer divers. Two small nurse sharks were rescued. He recognized Anglin's Pier and Gold Coast Scuba for their assistance in this event.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2017-21 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, MODIFYING THE SCHEDULE FOR PARKING PERMIT RATES EFFECTIVE OCTOBER 2015, OCTOBER 2016, OCTOBER 2017, AND OCTOBER 2018, IN ORDER TO ESTABLISH NEW HOURLY AND DAILY RATES IN THE SOUTH OCEAN PARKING LOT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE(Tony Bryan, Assistant Town Manager & Acting Finance Director)**

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

Assistant Town Manager Bryan noted that the proposed rates for the South Ocean parking lot would be slightly higher than the rates of other lots. The lessor, Flamingo East, would receive 85% of net revenues from this lot. He pointed out that this lot only seems to fill when other lots are already full.

Mayor Sasser observed that raising rates for this lot would not make it more likely that the lot would be filled. He also advised that this lot is typically viewed as a Town parking lot rather than a private facility. He recommended keeping the lot rates the same and taking other measures, such as providing more signage, to increase its usage.

Vice Mayor Brown characterized the South Ocean lot's use as primarily seasonal, adding that he would like to know how prices in the Town's lots compare with those of other local communities. Commissioner Vincent asked if the lot's revenue is not meeting the lessor's expectations. Assistant Town Manager Bryan replied that he would bring revenue information back at a subsequent meeting, recalling that the lease agreement specifies a minimum rate.

The Item was withdrawn by Staff.

- b. Resolution 2017-24 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING (MOU) TO ASSIST MUNICIPALITIES THAT HAVE AGREEMENTS WITH SUN-BERGERON SOLID WASTE SERVICES WITH EXPLORING SOLID WASTE PROCESSING AND DISPOSAL OPPORTUNITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (Tony Bryan, Assistant Town Manager & Acting Finance Director)**

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

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

- c. Resolution 2017-25 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE BUILDING PERMIT AND INSPECTION FEE SCHEDULE; PROVIDING FOR 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.

Development Services Director Linda Connors stated that while the previous fee schedule required a full permit fee when renewing an expired permit, this amendment proposes a tiered rate, which allows permits for the same property to be renewed at 25% during the first six months after expiration and 50% during the next six months. Thereafter, a new permit would be required.

Vice Mayor Brown asked if approval of this Resolution would have resulted in further reduction of Mr. Mulheron's permit fee. Development Services Director Connors replied that Mr. Mulheron may apply for a new permit under this amended fee schedule if it is passed at tonight's meeting.

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

- d. Resolution 2017-26 – 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 (Bud Bentley, Town Manager)**

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

Town Manager Bentley stated that the position of Finance Director will be re-titled as Deputy Manager. There will be no change to the number of positions available.

Vice Mayor Brown observed that because all hiring for positions other than Town Manager and Town Attorney is done by the Town Manager, he did not feel the Commission should constrain the Town Manager's hiring practices or the titles of positions. Commissioner Sokolow noted that this amendment would also require changes to the titles included under Code in relation to succession. Commissioner Vincent added that Staff must ensure that the amendment would not affect the Town Manager's duties as described in the Charter.

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

17. QUASI JUDICIAL PUBLIC HEARINGS

Acting Town Attorney Mehaffey explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these items. Individuals wishing to speak on these items were sworn in at this time.

- a. Case Number 2017-V-03: Byron Revocable Trust, Kelly Byron, Trustee (Applicant) – Request to construct an in-ground swimming pool three and a half (3 ½) feet from the side property lines where five (5) feet are required, and to construct a deck at various setbacks, including flush with the side property lines where two and a half (2 ½) are required in the RM-25 Zoning District (Linda Connors, Development Services Director)**

Development Services Director Connors explained that the request is for a variance to allow for a pool 3.5 ft. from the property line where 5 ft. are required, and for construction of a deck at various setbacks, including 0 ft., from the side property line, where 2.5 ft. are required. The property is located in the RM-25 zoning district and is an existing town home. The development includes 16 units, nine of which currently have pools and decks in a style similar to what is requested.

Staff has reviewed the application and determined that Code criteria were met. The Board of Adjustment voted 5-0 to recommend approval of the variance request. The pool will be located behind a fence. Staff did not receive any communications in support or opposition to the application.

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

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, 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 9:05 p.m.

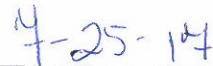


Vice Mayor Mark Brown

ATTEST:



Town Clerk Tedra Allen



Date