

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 12, 2018
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:32 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Town Planner Sue Leven, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Larry Trotter gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

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

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

John Graziano, resident, stated that at a recent Town workshop, the Terra Mar Civic Association requested the consideration of three items. The first is flooding on East Terra Mar Drive, which has been addressed and will require quarterly maintenance. The second item is bridge repair, of which the residents have been advised that funds were committed

from the city of Pompano Beach as well as from the Town. He requested that a weight limit sign be posted on the bridge.

The third item is the neighborhood grant application submitted by Terra Mar. Mr. Graziano explained that the neighborhood is requesting the addition of LED lights to their entrance gate, as well as solar lights on 14 poles to illuminate street signs. He concluded that he would like to see the Town's Marketing Plan encourage people to move to Lauderdale-By-The-Sea.

Charles Mangano, resident, stated that a streetlight has gone out over a STOP sign in his neighborhood. Although this has been reported to Florida Power and Light (FPL), there has been no response thus far, and FPL has indicated that they believe the light belongs to the Town. He advised that drivers often ignore the STOP sign, creating a safety hazard.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

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

Municipal Services Director Don Prince addressed the concern raised by resident Charles Mangano under Public Comment, stating that he has communicated this issue to FPL and requested that the problem be resolved.

Town Manager Bud Bentley noted that the Town participated in a Mayors' Gala event in October 2017, and requested clarification of whether the Town wishes to participate again in 2018. The Commission agreed by consensus to participate at the \$2000 level.

Town Manager Bentley continued that a 25-cent parking rate increase is scheduled to take effect on October 1, 2018. This will be the first such increase in three years. The Town remains at or below the average parking rate for Florida beach communities.

Broward County Transit (BCT) is preparing to construct a bus shelter in front of Assumption Church and is coordinating with the Church regarding this project. Three new

shelters will be installed throughout the Town within the next year once easements have been procured.

Town Manager Bentley, Municipal Services Director Prince, Town Engineer Jay Flynn, and Vice Mayor Sokolow recently attended a meeting with the Florida Department of Transportation (FDOT) to discuss the El Mar Greenway project. The Town has offered to work directly with FDOT's contractor for additional drainage, sidewalk, and lighting improvements. FDOT is considering this compromise internally and will inform the Town of its decision.

Vice Mayor Sokolow advised that once the El Mar Greenway project begins, FDOT will effectively take ownership of El Mar Drive, which means the Town may not contract simultaneously with other providers on the project. FDOT plans to include conduits to accommodate electrical lines and a sprinkler system, but will not install either feature. FDOT will mill and resurface all of El Mar Drive except a portion at Commercial Boulevard which is already complete. The project is expected to go out to bid in January 2020, with an estimated two-year time frame for construction.

Vice Mayor Sokolow concluded that the project is likely more expensive than it would be if the Town undertook it alone. While the Town may seek to contract directly with FDOT's contractors, there is also the issue of whether or not the Commission is comfortable waiving the Town's purchasing requirements and awarding a contract based on bids submitted to FDOT.

Town Manager Bentley reported that Town Staff met with members of the business community on May 22, 2018 to discuss multiple issues, including sidewalk cafés and noise concerns. Most businesses are comfortable with the current regulations. Staff measured noise levels at multiple locations and identified two noise-related issues. Code Enforcement is working with these businesses to address this concern.

Commissioner Malkoon requested additional information on the drainage issue at Terra Mar. Municipal Services Director Prince explained that regular maintenance is scheduled for these drains. Improvements to the seawall area have helped alleviate the drainage problem. Decisions regarding ongoing maintenance will be made during the budget process.

Commissioner Malkoon also asked if an inspector has been selected for the Bel Air seawall. Municipal Services Director Prince confirmed that this process is underway.

Commissioner Oldaker addressed the bus shelter to be constructed in front of Assumption Church, asking if the design of this or other shelters could be customized or modified. Town Manager Bentley replied that the only such modification on previous shelters resulted in adjustment of the required easement. He was not aware of any other municipalities that have modified BCT's shelters.

Commissioner Oldaker also expressed concern with noise in the Downtown area, pointing out that in windy conditions, this noise is easily spread throughout other parts of the Town. He urged Staff to keep this issue under control.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that the Commissioners have received an update on the Palm Club litigation. While final judgments have been issued to implement the settlement, an appeal of the intervention order is pending, which means the litigation has not been fully concluded.

10. APPROVAL OF MINUTES

- a. May 8, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. May 22, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

It was requested that Item 11d be pulled for additional discussion.

- a. Buoy Maintenance Services Award (Don Prince, Municipal Services Director)**
- b. Emergency Debris Contractor (Don Prince, Municipal Services Director)**

- c. Special Event Permit Application for Community Church Ocean Baptism on Saturday, October 6, 2018 (Debbie Hime, Special Projects Coordinator)**

Commissioner Malkoon made a motion, seconded by Commissioner Oldaker, to approve Items 11a, 11b, and 11c. Motion carried 4-0.

- d. Application for Relief of Code Enforcement Lien at 1965 South Ocean Boulevard #203 (Linda Connors, Development Services Director)**

Town Manager Bentley advised that Salvatore Russo, Applicant, had provided photographs to be added to the record. Mr. Russo had also asked to speak to the Town's building official and Fire Marshal. Town Manager Bentley recommended that the Commission approve the Item, and he would facilitate the discussion between the Applicant and the officials.

Mayor Vincent noted that Staff recommends the Commission approve a 100% reduction of the lien amount.

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

12. OLD BUSINESS

- a. Request to Extend the Deadline for Marina Code Fine (Linda Connors, Development Services Director)**

Town Manager Bentley recalled that the owner of the marina had addressed the Commission at the May 22, 2018 meeting to provide advance notice of discussions with a property located to the west. Once a new owner has closed on this property, the two owners plan to arrive at an agreement involving a common area of the waterway, to which both have equal rights for moorage. Staff recommends allowing the two owners additional time for the transaction to close and the two owners to reach an agreement. At that time, the marina owner will be able to submit a single site plan, including any supporting documents required of the adjacent property owner. The extension is recommended until October 10, 2018.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve the extension to October 10, 2018 as presented. Motion carried 4-0.

13. NEW BUSINESS

a. Analysis of Sewer System Funding (Tony Bryan, Finance Director)

Deputy Town Manager Tony Bryan stated that this analysis is an informational item. It is a multi-year projection of funding and expenditures related to the Town's sewer system, comparing the current status to an original projection conducted in 2012. The results show that the Town is performing better than expected according to the original projection by an average of \$320,000/year. The current plan extends through fiscal year (FY) 2022.

Deputy Town Manager Bryan continued that in FY 2016, the Commission adopted an Ordinance that called for a 2.5% increase in the sewer fee over two years. The Town is currently in the second year of this period. The plan also calls for a 3.5% increase over the last three years of the plan, which are FY 2019-2022.

b. 2018 Neighborhood Grant Application from Terra Mar (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime stated that the Terra Mar neighborhood is requesting replacement of their existing gate arms, as well as solar lights for street poles.

Commissioner Malkoon asked if Items 13b and 13c could be voted upon together. Town Attorney Trevarthen recommended that the items be voted upon separately, as the two projects request different types of improvements.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve the Terra Mar grant. Motion carried 4-0.

c. 2018 Neighborhood Grant Application from Bel Air Residents Civic Association (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Hime continued that the Bel Air grant application makes three requests: security cameras at each of the neighborhood's entrances, updated entry monument signs at both entrances, and landscaping and lighting improvements at both entrances.

Municipal Services Director Prince addressed the request for security cameras, stating that while Staff is not opposed to this request, they feel the security cameras recently

approved for the Town will be expanded in the future. Staff recommends that any cameras added to a neighborhood belong to a single integrated system that is controlled by law enforcement. Mayor Vincent clarified that the Bel Air Residents Civic Association will not have to provide insurance for these cameras.

Commissioner Malkoon made a motion, seconded by Vice Mayor Sokolow, to approve.

Commissioner Malkoon further clarified that his motion was to accept the grant application for Bel Air, including Staff's recommendation of Broward Sheriff's Office (BSO) monitoring of cameras as well as Town responsibility for liability insurance.

Town Manager Bentley suggested that this item be discussed further at a workshop later in the year, where Staff can review the entire camera program and resolve any issues relating to policy. He also requested that representatives of the Bel Air neighborhood state whether or not they are in agreement with the recommendation.

Dave Saindon, representing the Bel Air Residents Civic Association, stated that the cameras are intended for the protection of the neighborhood. He spoke in favor of BSO monitoring the system.

Motion carried 4-0.

d. Voting Delegate for the Florida League of Cities (FLC) 92nd Annual Conference (Tetra Allen, Town Clerk)

Commissioner Malkoon made a motion, seconded by Vice Mayor Sokolow, to appoint Commissioner Oldaker as voting delegate. Motion carried 4-0.

14. COMMISSIONER COMMENTS

Commissioner Oldaker provided an update on the Town's 4th of July celebration, recognizing Municipal Services Director Prince and Staff for placement of flags throughout the Town in advance of the event. The Grand Marshal of the 4th of July parade will be Town resident Bill Johansen, who is a volunteer with BSO's Citizen Observer Patrol (COP) program. He encouraged the business community and residents to participate in the parade.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. **ORDINANCE 2018-23 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO DELETE CERTAIN PERMITTED, CONDITIONAL USE AND ACCESSORY USES AND RELATED CRITERIA FOR THE ANNEXED AREAS, LYING GENERALLY NORTH OF PINE AVENUE; DELETING PREVIOUSLY APPLICABLE LAND DEVELOPMENT REGULATIONS FROM THE FORMER BROWARD COUNTY CODE CHAPTER 39 WHICH HAVE BEEN INCORPORATED INTO CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

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

Town Manager Bentley advised that this Ordinance has taken a great deal of time to prepare, and recognized the work done by Staff, the communities, and the previous Town Commission to complete it.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen 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. Site Plan Modification for 4625 N. Ocean Drive (Sea Garden) (Linda Connors, Development Services Director)

Sue Leven, Town Planner, explained that this Item addresses density. When small apartment-style hotels originally came into being, they were typically rented by residents who spent their winters in Florida. Over time, however, individuals have become more likely to rent a house or condominium, or to spend only part of the winter in the Town, which means apartment hotels are no longer used the same way. As a result, many units were broken down into smaller units without modifying the exterior of the buildings.

Because the majority of this work was done without permits, the Town checks to determine if the properties have the correct number of units according to their last permitted plan when their owners file for permits, request business tax receipts, or apply for short-term rental licenses.

The Sea Garden property began as 16 units located on two properties: 4625 and 4633 N. Ocean Drive. Over time, the number of units increased to 19. The owner proposes 18 units on a single parcel, which was achieved through unity of title. Units with kitchens require 1742 sq. ft. of lot area, while units without kitchens require only 871 sq. ft. The current proposal is for seven units with kitchens and 11 without, which can be accommodated within the existing lot area.

The parking requirement is for 18 spaces; the property provides 17 spaces, including one Americans with Disabilities Act (ADA) –accessible space and four compact spaces. The Town has asked the Applicant to include landscaping on the north and south ends of the property, which forced them to give up one space. To make up for this space, the Applicant has provided parking for four bicycles, which is allowed by Code. Staff recommends that the Commission approve the Site Plan modification.

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, 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 7:38 p.m.

A handwritten signature in black ink, appearing to be 'CV', written over a horizontal line.

Mayor Chris Vincent

ATTEST:

A handwritten signature in blue ink, appearing to be 'Tedra Allen', written over a horizontal line.

Town Clerk Tedra Allen

A handwritten date '7-5-18' in blue ink, written over a horizontal line.

Date