

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 10, 2014
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 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, Municipal Services Director Don Prince, Finance Director Tony Bryan, Broward Sheriff's Office Captain Fred Wood, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Item 17c, addressing a Broward County traffic study, was added to the Agenda.

5. PRESENTATIONS

a. Presentation of the Comprehensive Annual Financial Report (CAFR) (Tony Bryan, Finance Director)

Finance Director Tony Bryan introduced Grau's Audit Manager Jennifer Wasserman, who briefly reviewed the Comprehensive Annual Financial Report (CAFR). The Town received an unmodified (or "clean") opinion. The Town's total net assets position at the end of the fiscal year was nearly \$43 million. Finance Director Bryan clarified that the total net position includes the Town's fixed assets, such as buildings and roadways.

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

6. PUBLIC COMMENTS

At this time Mayor Sasser opened the meeting to public comment.

Stephanie Clark, of Cry of the Water, advised that the comment period is underway for an environmental assessment of the Broward County Shore Protection project. She encouraged residents to request a new environmental impact statement to protect the near shore environment.

Dan Clark, of Cry of the Water, provided a brief update on the BioRock project, including the condition of the beacon and buoys, removal of fishing line, securing of a mooring line, and silt on the near shore reef and bottom.

Tracey Plunkett, representing Villas by the Sea Condominiums, emphasized the need to find a solution to recent Florida Power & Light (FPL) outage issues. She noted that equipment is available to place on meters and protect residents from surges.

Beverly Kennedy, resident, stated that she wished to meet with the Town Manager and Town Engineer to discuss the licensing of contractors working within the Town. She cited the use of potentially toxic materials in roofing repairs at a local site.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

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

Town Manager Connie Hoffmann reported that by December 2014, the Town will no longer be able to use the Minto lot for parking as Minto will be proceeding with construction on the site. The preliminary analysis of the Town's tax rolls has been delivered, reflecting a 6% increase in overall property values. She advised that former Deputy Town Clerk Tedra Smith has been appointed as permanent Town Clerk, noting she had earned the promotion through her performance in an Acting capacity.

Commissioner Brown recommended the addition of umbrellas over parking pay stations to protect against both weather and glare. Vice Mayor Vincent added that there have been recent issues in the Silver Shores community of items placed in the right-of-way, and suggested the placement of reflectors to prevent parking in these areas.

Regarding the FPL issues raised during Public Comment, Town Manager Hoffmann advised residents that representatives of FPL's maintenance group will appear at the June 24, 2014 Town Commission meeting.

Town Manager Hoffmann also addressed the issue raised by Ms. Kennedy during Public Comment, stating that she has verified the license of the contractor in question and Building Code inspectors have verified that the work is being done to Code. Vice Mayor Vincent suggested requiring subcontractors to register with the Town. There was

discussion of the legality of providing Town-issued decals for subcontractors. Commissioner Sokolow noted it was his understanding that, although some cities did this, it may violate state statute. Town Attorney Susan L. Trevarthen agreed to look further into this issue.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

Items B and C were pulled for discussion.

- a. Sewer Lateral T-Liner Award (Don Prince, Municipal Services Director)**
- b. Special Event Application from Athena by the Sea for Saturday Nights Music Entertainment Proposed for Every Saturday July 5, 2014 and Ending May 30, 2015 (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd expressed concern for the public safety related to this Application, as well as dissatisfaction with its site plan. He concluded that the Application should come back before the Board at the June 24, 2014 Commission meeting once these concerns were addressed.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-1 (Commissioner Dodd dissenting).

- c. 4th of July Celebration Special Event Application (LBTS VFD)**

Commissioner Brown encouraged Town businesses and organizations to email Town Staff if they wished to participate in the parade and/or donate to offset the cost of the holiday events.

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

- d. Broward League of Cities Meeting (Commissioner Sokolow)**
- e. Allocation of Funds for the Design of Roadway Lane Realignment of Commercial Blvd. in the Block of the A1A Intersection and Bougainvillea Drive**

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve Items A, D, and E. Motion carried 5-0.

12. ORDINANCES

a. Ordinances 1st Reading

Ordinance 2014-05 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 5 “Beaches and Waterways” of the Code of Ordinances, to consolidate definitions, clarify the use and definitions of watercraft, eliminate certain restrictions on non-motorized watercraft, and clarify waiver requirements; providing for codification, severability, conflicts, and for an effective date (Connie Hoffmann, Town Manager)

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

The Commissioners discussed the wording of the amendment, including the removal of references to rafts and boats from line 179 in order to clarify the intent of regulating motorized watercraft. Line 169 will be amended so the 25 ft. exclusion would refer to both bathers and fishermen. Town Attorney Trevarthen suggested the deletion of a reference to boats from line 181 for consistency.

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

b. Ordinances 2nd Reading

None.

13. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2014-21 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of members to the Friedt Park Improvement Plan Committee; providing for sunset of the committee; providing for conflict; providing for an effective date (Don Prince, Municipal Services Director)

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

Commissioner Brown recommended that the individuals appointed to this Committee seek input from users of the park, including parents.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve all eight applicants to the Committee. Motion carried 5-0.

The following individuals were appointed to the Committee: Orazio Arcidiacono, Buster Celestino, Wolfgang Gebell, Ann Marchetti, Ron Piersante, Robert Porges, Alan Robins, and Mike Rolfs.

- b. Resolution 2014-22 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, repealing the prior Town Code Policy for the reduction of Code Enforcement Fines of Liens; establishing a new procedure for requesting reduction of Town Code Enforcement Fines and Liens; providing authorization to the Town Manager; providing for conflict, severability, and an effective date (Bud Bentley, Assistant Town Manager)**

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

Town Attorney Trevarthen noted that the time at which payment of these liens must be made is left to the Commission's discretion.

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

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. Sea Lord Hotel and Beach Club – Request to Extend Site Plan Development Order for Three Months (Linda Connors, Town Planner)**

Town Attorney Trevarthen reviewed the quasi-judicial process, and the individuals wishing to speak on this Item were sworn in.

Town Planner Linda Connors reviewed the Application, noting that the site plan for construction of a new hotel was approved by the Commission in December 2013. The Applicant has requested an extension to secure the building permit. There was an administrative adjustment to the side setback.

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

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-1 (Mayor Sasser dissenting).

15. COMMISSIONER COMMENTS

Commissioner Brown announced that the sea oat planting in front of the Fountainhead Condominium with employees of JM Family was a successful event. The Youth Environmental Alliance has committed \$10,000 in grant funds they have received to match the Town's \$10,000 commitment toward the planting of sea oats on the beach.

Commissioner Sokolow stated that he attended the Broward League of Cities Board Meeting the previous week, and invited the Commission to attend the upcoming League meeting to be hosted by Lauderdale-By-The-Sea on July 10th.

16. OLD BUSINESS

a. Sign Code Review (Linda Connors, Town Planner)

Town Planner Connors reminded the Commission that enforcement of the Sign Code provisions for window signs had been delayed during the Commercial Boulevard construction but began earlier in the spring. She noted that the only restrictive amendments to Sign Code were related to window decals and overhead signage; other amendments were primarily for purposes of reorganization and clarification.

Since mid-April 2014, Code Enforcement Officers have been focusing on window signage within the Town. If a sign is not in compliance, a courtesy notice allows the owner 60 days to bring signs into compliance. No notices of violation have been issued thus far. The majority of Sign Code violations found involve signs that exceed the maximum window coverage.

Town Planner Connors showed examples of signs not currently in compliance, as well as compliant signage. She also explained how the size of window signage is calculated according to Code.

Staff's suggestions for modifying Sign Code include the following:

- Eliminate the maximum size limitation of 15 sq. ft.;
- Increase allowable letter size to 18 in.;
- Allow alternative way of measuring sign boxes.

The Commissioners discussed the presentation, clarifying that Staff does not have the authority to allow variances to the Sign Code. Different types of signage were also reviewed, and it was suggested that some businesses might prefer alternatives to window signs, such as awning signs.

Mayor Sasser added that he has received no complaints regarding existing signage so wondered why enforcement was necessary. While some Commissioners suggested maintaining flexibility in Sign Code enforcement, Town Attorney Trevarthen pointed out that making sign enforcement discretionary could raise constitutional issues as signs are protected by free speech in some ways.

It was determined by consensus that the Commission would discuss Staff's recommended changes to Sign Code further at an upcoming Special Meeting.

b. Direction on Noise Ordinance (Connie Hoffmann, Town Manager)

Town Manager Hoffmann noted that the Commissioners had taken noise measurements during music performances as part of a field workshop, and requested direction on whether or not changes to the Noise Ordinance are necessary and/or desirable.

The Commissioners agreed that the current allowable decibel level is too loud and noted that the Town allows a higher decibel level than other nearby municipalities. They discussed lowering the allowed decibel level as well as establishing a set distance at which sound should be measured.

Vice Mayor Vincent made a motion to lower the allowable decibel level to 80, measured from 100 foot for outdoor music. The motion died for lack of second.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to reduce the allowable sound levels to 85 DBA or DBC measured at 100 foot from the source of sound, and indoor music measured at the property line.

Commissioner Dodd clarified that his motion did not seek to establish different noise levels for day and night.

Motion carried 4-1 (Vice Mayor Vincent dissenting).

c. License Plate Reader Camera Quotes (Connie Hoffmann, Town Manager, & Captain Fred Wood, BSO)

Town Manager Hoffmann recalled that the Town had reached out through a US Communities Cooperative Purchasing Agreement to look into the purchase of license plate reader cameras. The vendor provided three quotes for camera equipment that met the RFP specifications. Staff recommends purchasing the system through Safeware Inc., using the subcontractor NDI to supply, install and maintain the system. Captain Fred Wood of the Broward Sheriff's Office (BSO) advised that NDI is both vendor and manufacturer of their equipment, and that other Departments were impressed with the user-friendly nature of the software and NDI's service.

The Commissioners discussed the prospective purchase of the cameras. Commissioner Brown advised that he and State Representative George Moraitis will be participating in a conference call with the Florida Department of Transportation (FDOT) to request placement of the license plate reader cameras on light poles, and requested that Captain Wood consolidate his findings in a document to be provided to both FDOT and Representative Moraitis. He explained that he hoped to encourage FDOT to make it easier for towns to install these cameras by showing their effectiveness as a deterrent to crime.

Town Attorney Trevarthen recommended that the Commission waive the purchasing manual for this purchase as LPR equipment was not a specific line item in the Safeware contract, although the contract allowed for the purchase of a variety of non-specified public safety equipment. She noted that Safeware had solicited competitive proposals and the Town staff was recommending the lowest cost proposal.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve the staff recommendation and to waive the purchasing manual for the purchase. Motion carried 5-0.

Town Attorney Trevarthen provided a brief update on the Town's suit against Iron Sky, noting that Iron Sky has failed to respond to the suit, resulting in a clerk's default. The Town must pursue a final default to collect the monies owed to it.

17. NEW BUSINESS

a. FY 2015 Budget Analysis of Sewer Rates (Tony Bryan, Finance Director)

Finance Director Bryan reviewed the multi-year rate structure plan proposed by the Town's sewer rate consultant, Burton, in 2012. This plan called for a 10% reduction in sewer rates in FY 2013, which the Commission enacted, static rates in FY 2014, and annual 3.5% increases through FY 2022, with some borrowing required in FY 2021 to rebuild the lift station. Much of the sewer system infrastructure repair work has been accomplished at a lesser cost than originally anticipated. As a result, roughly \$630,000 in savings in capital expenditures is anticipated, and significantly less borrowing is anticipated.

Finance Director Bryan explained various scenarios he had prepared for the Commission to consider. The first scenario follows the Burton plan of 3.5% rate increases each year from FY 2015 thru 2022. Another scenario assumes forgoing any rate increase in FY 2015 and implementing the 3.5% rate increases in 2016 thru 2022. The final scenario assumes a 2.5% rate increase each year from FY 2015 thru FY 2022. Town Manager Hoffmann clarified that the three scenarios assume different levels of borrowing in FY 2022, ranging from \$300,000 to \$700,000.

The Commissioners discussed the alternative scenarios. Commissioners Sokolow and Brown stated that it would be responsible to keep the borrowing down by implementing small, continual rate increases as recommended by Burton rather than deferring to a later Commission to make the decision. Mayor Sasser and Vice Mayor Vincent declared that they were in favor of forgoing the 3.5% increase in FY 2015 and re-evaluating the rates the following year.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to raise the sewer rates by 3.5% next year. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).

The Town Manager advised that the rate increase would be brought back at a future meeting in the form of an Ordinance for approval.

b. Application for Code Fine Relief for 4108 and 4110 El Mar Drive (Villa Caprice) and 4116 Ocean Drive submitted by the contract purchaser, Florida Development Group (Bud Bentley, Assistant Town Manager)

Asst. Town Manager Bentley noted that a document including background information on the Code relief policy was distributed to the Commissioners, along with a second document containing proposed language for a mitigation agreement for the contract purchaser. He clarified that document #2 reflects agreement reached by the Town staff and the Applicant, which differs from previous documentation provided to the Commission at an earlier time.

The Commission took a brief recess from 9:45 to 9:55 to give individual Commissioners time to review the new documents.

When the meeting reconvened, Asst. Town Manager Bentley noted that the Villa Caprice parcel consists of two properties, 4108 and 4110 El Mar Drive, with different Code violations. The third property, 4116 Ocean Drive, is a separate parcel. The purchase contract which the purchaser, Florida Development Group, allowed him to review is a standard commercial purchase agreement that had a contingency requiring Town approval for the liens to be mitigated to a settlement amount of \$300,000 which would be paid from the seller's proceeds. Staff recommends approval of the terms of the mitigation request as presented in document #2, subject to final approval by the Town Attorney and to the Commission's discretion regarding the final amount.

The Commissioners discussed the Application, pointing out that the current proposal presents a more reasonable time frame in which the improvements may be met than an earlier one. Town Attorney Trevarthen added that the Town retains the ability to amend the details of the mitigation conditions, such as lengthening the time frame, if the Applicant presents good cause.

It was noted that the property will continue to be a blight on the Town if the sales agreement does not proceed. The Commission encouraged the Applicant to become familiar with Town Code and Charter so they may work within those guidelines in redeveloping the properties.

Town Attorney Trevarthen assured the Commissioners that approval of the Application would set no precedent, as there are many unique factors affecting the proposal. Ross Beckerman, representing the Applicant, thanked the Commissioners for the opportunity to present their Application, and recognized the Commission's concerns.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve the code lien mitigation to an amount of \$300,000 as presented by Staff in document #2, subject to Town Attorney review. Motion carried 5-0.

c. Broward County to do a Traffic Study at Washingtonia Ave. and Seagrape Dr. Intersection

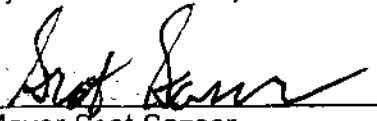
Vice Mayor Vincent explained that he has heard concerns from several members of his neighborhood with this intersection, as there is a Stop sign in only one direction. This has led to incidents in which the sign is often run or the drivers observe only a "rolling stop." He asked the Commission to direct Staff to ask Broward County to perform a traffic study at this location for the safety of drivers, cyclists, and pedestrians.

Town Manager Hoffmann clarified that the study could be done at no cost to the Town, and suggested that additional enforcement in the area could also address this issue.

The Commissioners agreed by unanimous consensus to direct Staff to ask for the study.

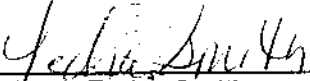
18. ADJOURNMENT

With no further business before the Commission at this time, the meeting was adjourned at 10:35 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith

7-8-14

Date