

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, June 9, 2015  
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, Assistant to the Town Manager Pat Himelberger, Town Planner/Assistant Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Rabbi Bentzion Singer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

**a. BROWARDNEXT Presentation (Broward Planning Council)**

Barbara Blake Boy, representing the Broward Planning Council, provided an overview of Broward Next, which will update the Broward County Land Use Plan. The original Broward County Land Use Plan and the Broward County Comprehensive Plan featured a lower-density, automobile-oriented, and suburban model.

Broward Next will review the document as a whole in order to implement a 21<sup>st</sup> century vision. Ms. Blake Boy briefly reviewed the history of development in Broward County, noting that resiliency planning, attainable housing, Complete Streets and transit, intergovernmental relations, and post-disaster planning will each play a role in the updated Land Use Plan.

An ad hoc steering committee identified several goals for Broward Next, including the following:

- Streamline the County Land Use Plan amendment process;
- Develop thresholds to require County Land Use Plan amendments at significant levels of development;
- Allow the transfer of development rights;
- Reevaluate and promote walkable, transit-oriented mixed land use areas;
- Target new development in Downtown areas and around major transit and rail stations;
- Revisit the County's existing limitation of 50 housing units per acre;
- Develop a multimodal level of service and impact analysis for transportation;
- Prioritize and strengthen the implementation of Complete Streets;
- Determine the effects of climate change and sea level rise on public infrastructure.

Henry Snizek, Deputy Director of the Broward County Environmental Protection and Growth Management Department, advised that preliminary recommendations are underway for Broward Next and will result in the creation of an entirely new Land Use Plan consisting of three sections:

- Regional issues;
- Traditional land use planning;
- Policies supported without County regulation or funding.

Mr. Snizek concluded that the update is a two-year process. Substantive recommendations will be compiled and presented to the Broward Planning Council by the end of 2015 and the County Commission by the end of 2016.

The Commissioners discussed the presentation, with Commissioner Dodd recommended that Broward Next consider the importance of protecting the ocean reefs for residents and tourists. Commissioner Sokolow agreed that the Land Use Plan amendment process should be modernized. Commissioner Brown and Vice Mayor Vincent expressed concern with continued development in a County that is approaching the limits of its growth.

**b. Update on the Segment II Broward County Shore Protection Project  
(Commissioner Mark Brown)**

Commissioner Brown explained that letters were recently sent by the County to beachfront property owners, requesting that they sign easements to allow sand to be placed on the beach as part of the County's beach re-nourishment project. He advised that because both the letter and the easement agreement were confusing, a meeting was held to clarify this issue for property owners and condominiums. He concluded that tonight's presentation was intended to bring this information to a broader audience.

Nicole Sharp, Broward County Beach Program Manager, stated that the County now has all the necessary permits to proceed with the re-nourishment project. Construction is expected to begin in fall 2015.

Chris Creed, coastal engineering consultant, stated that easements are necessary because the project is a Federal shore protection initiative, constructed and maintained by the Federal government, the County, and local municipalities.

Mr. Creed explained that property owners along the shoreline were sent a letter describing the need for the easement, which would give the Federal government permission to access privately held portions of the beach between a hard seaward property boundary, such as a seawall or bulkhead, and the erosion control line. Even if no fill is currently required, the easement is still requested in case of a major storm event. The easement would provide perpetual access to maintain the Federal project.

Mr. Creed concluded that the County is actively pursuing easements so the project may begin by the end of 2015. He noted that there are two outstanding publicly held parcels controlled by the Town at Pine Avenue and Washington Avenue, for which easements are also requested. Town Manager Connie Hoffmann noted that the easements requested of the Town will be presented at the next Commission meeting for approval.

Commissioner Brown requested clarification that providing easements will not permit public access to private land. Ms. Sharp confirmed that the easement is intended for temporary construction access only. It was also clarified that vendors would not be allowed access to private property due to the limits of the erosion control line, and sand will not be placed atop recently planted vegetation, such as sea oats. Mr. Creed emphasized that the Army Corps of Engineers is sensitive to private property rights. Commissioner Brown concluded by encouraging residents to sign the easements so the re-nourishment project may proceed.

Mayor Sasser requested an update on the caveats of approval returned by the Town with regard to its agreement to the re-nourishment project. Ms. Sharp replied that these caveats have been placed into the Town's agreements, including a \$350,000 not-to-exceed limit within the interlocal agreement. Mayor Sasser advised that the Town Attorney would review the easements requested of the Town.

## **6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Dr. Kelly Henson-Evertz, requested that the Town support a ban on candy-flavored tobacco products. She reviewed statistics related to tobacco use and illness, emphasizing the need to keep these products out of the hands of children.

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Jerry Sehl, President of the Lauderdale-By-The-Sea Kiwanis Club, requested that the Town support the Kiwanis Club and Volunteer Fire Department in funding the upcoming Halloween event. He provided the Commissioners with a flier listing the Kiwanis Club's involvement in upcoming Town events.

Lt. Col. Robert Smith, USAF (Ret.), resident, stated that the Town's language approving a boat lift or other mooring device should include a grandfather clause for individuals who installed these devices when the waterway behind Coral Ridge Drive was unincorporated, as well as for successors of the current property owners. He also advised that measurements should be taken from the seawall rather than the property line, as the seawall determines where mooring devices are installed.

As there were no other members of the public wishing to speak at this time, Mayor Sasser closed public comment.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. Crime Statistics Report (Captain Fred Wood)**

Broward Sheriff's Office (BSO) Captain Fred Wood reported a 16% increase in crime in 2014, but noted that meant 21 additional crimes. Factors contributing to the 2014 statistics included a spate of larcenies on the beach, which are crimes of opportunity. He also felt the fact that beach patrol vehicles were out of service for part of the year contributed to the opportunity. Capt. Wood advised that BSO developed brochures with crime prevention tips for tourists and distributed them via the Lodging Association. The brochures, and the repair of the beach patrol ATV, had a positive effect in reducing the thefts. Captain Wood concluded that crime in the Town is not typically of a violent nature.

## **8. TOWN MANAGER REPORT**

### **a. Chamber of Commerce Welcome Center April Report (Tedra Smith, Town Clerk)**

Courtney Stanford, President of the Chamber of Commerce, advised that the monthly report now includes both initial hits to the Town's webpage and activity on subpages, including visits to individual businesses. That accounts for the big spike in website statistics.

### **b. April Finance Report (Tony Bryan, Finance Director)**

The Commissioners accepted the report without comment.

**c. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann introduced Miles Terry, Manager of Parking Operations for Republic Parking in Lauderdale-By-The-Sea. Republic assumed the Town's parking contract in May 2015. Mr. Terry will be on-site 40 hours per week.

Town Manager Hoffmann added that Finance Director Tony Bryan has reviewed the replacement plan proposal from the vendor for the Town's license plate reader system and concluded it was not in the Town's financial interest to execute it. She advised that the final two blocks of the Commercial Boulevard streetscape project will begin construction during the summer and that construction will take longer than originally estimated due to the complexity of maintaining traffic and handicapped accessibility.

Town Manager Hoffmann concluded that the Town's preliminary tax roll data shows a 7.5% increase in the values of existing properties. New construction accounted for \$5.4 million which will generate little in additional property tax income.

**9. TOWN ATTORNEY REPORT**

None.

**10. APPROVAL OF MINUTES**

- a. April 28, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)
- b. May 12, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)

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

**11. CONSENT AGENDA**

Items 11e and 11f were pulled for discussion.

- a. Special Event Application for Open Water Extreme Race from Pier to Pier proposed for Saturday, September 5, 2015 (Bud Bentley, Assistant Town Manager)
- b. Special Event Application for International Coastal Cleanup event proposed for September 19, 2015 (Bud Bentley, Assistant Town Manager)
- c. Work Authorization for Ambit Advertising and Public Relations for Strategic Marketing Plan Implementation (Pat Himelberger, Assistant to the Town Manager)

**d. Final Extension of the CAP Government's Building Plan Review and Inspection Services Contract (Bud Bentley, Assistant Town Manager)**

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

**e. Sewer Refunds (Tony Bryan, Finance Director)**

Commissioner Brown stated that he is supportive of these refunds. Commissioner Dodd noted that although the Town is duty-bound to pay only four years' worth of refunds, the Commission has elected to provide refunds for all five years.

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

**f. 4<sup>th</sup> of July Celebration Special Event Application (Chief Judson Hopping)**

Commissioner Sokolow suggested that the following language be added to the conditional use permit as Condition #17: "The Florida Development Group is authorized to allow public parking at their 4116 Ocean and 4660 El Mar properties on the 4<sup>th</sup> of July." It was clarified that the Florida Development Group would be able to charge a parking fee.

**Commissioner Sokolow made a motion, seconded by Commissioner Brown, to pass Item F on the Consent Agenda with the above condition. Motion carried 5-0.**

At this time the Commissioners took a brief recess.

**12. OLD BUSINESS**

**a. Report on the Solid Waste Collection Contract – Option to Renew (Bud Bentley, Assistant Town Manager)**

Assistant Town Manager Bud Bentley explained that the Town had extended the first term of the solid waste collection contract until November 30, 2015, in order to become acquainted with the new contractor, WastePro, and to address any necessary changes in contract language. Most of the proposed language changes are clarifications and descriptions. WastePro has made significant changes to its service operations, which resulted in improvements for the Town. Because these issues are not fully resolved, however, Staff recommends that the first term of the contract be extended until November 30, 2016.

It was clarified that when WastePro's second term is up for renewal at the end of November, it would be the full three- to five-year term, as only the first term would be

affected by the proposed extension. The Commissioners expressed their satisfaction with WastePro's services thus far, noting that some issues have already been addressed as they arose.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to extend the contract to November 2016. Motion carried 5-0.**

**b. Report on Navigational Channel (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley explained that there are two issues involved in this Item, one of which would affect all of the Town's eight canals and one of which addresses the yacht basin. The proposal would change the definition of a navigable channel by increasing the mooring area allowed on either side of this channel. In response to the issue raised at public comments, Asst. Town Manager Bentley advised that this change would not affect any existing infrastructure in the water, such as a dock or boat lift. In a narrower canal, this would be a more beneficial change for property owners mooring vessels there.

With regard to the yacht basin, Staff suggested that due to its uniqueness, navigation and mooring in the basin be addressed through a conditional use application, which would come before the Town Commission and require public notice to surrounding property owners.

Mayor Sasser opened public comment on Item 12b.

John Lanata, President of the Morningside Condominium Association, stated that he was in favor of conditional use permits for the yacht basin, as proposed by Staff. He suggested that the Commission pursue the acquisition of uplands in the subject area, which would allow them more control of waterway uses and the ability to make improvements.

Bob White, resident, did not feel the marina has been properly operated in recent years, or that the Town should attempt to acquire the marina.

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

The Commissioners discussed the Item. Vice Mayor Vincent requested clarification of how the navigable waterway change differed from the proposed conditional use of the yacht basin. Asst. Town Manager Bentley explained that Staff would bring back an Ordinance with new definitions of the navigable channel, which will include language allowing the Commission to alter that definition in the basin. Town Attorney Trevarthen added that this draft Ordinance would be reviewed to ensure that concerns such as those raised earlier by Lt. Col. Smith regarding legally permitted structures were not

affected. It was clarified that surveys for mooring are taken from the land pin and not from the seawall.

The Commissioners agreed by unanimous consensus to have Staff proceed in preparing an Ordinance.

**c. FY 2016 Budget – Costs of Off Duty Deputy for Pedestrian Control in High Season at the Commercial / A1A Intersection (Captain Fred Wood)**

Capt. Wood recalled that the Commission discussed traffic concerns at this intersection at the April 28, 2015 meeting, including, the possibility of hiring off-duty Deputies for pedestrian control. Capt. Wood advised that based on the cost projections and benefits, he would not recommend this solution as cost-effective. Other suggestions regarding this intersection include revised signal timing and meeting with Broward County traffic engineers to determine other potential solutions.

Capt. Wood advised that BSO Officers who have dealt with issues at this intersection have made suggestions on how it can be improved, and he will share these with the Town Manager. Vice Mayor Vincent suggested that consideration of a pedestrian overpass be revisited. Town Manager Hoffmann noted that the consensus among traffic engineers was that there was not sufficient space at this intersection for a pedestrian overpass.

**13. NEW BUSINESS**

**a. FY 2016 Budget Analysis of Sewer Rates (Tony Bryan, Finance Director)**

Finance Director Tony Bryan recalled that in fiscal year (FY) 2014, consultant Burton & Associates had presented the Commission with alternative scenarios on when to implement sewer rate increases, as well as projected revenues and capital expenditures through 2021. He explained that he revised these scenarios for the current fiscal year as follows:

- Scenario 1: the Burton projection, updated to reflect actual revenues through FY 2014 and projected FY 2015
- Scenario 2: forgoing any increase in FY 2016 and continuing to implement the 3.5% increases in 2017 and beyond
- Scenario 3: implementing 2.5% increases instead of the 3.5% increases recommended by the Burton study

Finance Director Bryan advised that Scenario 1 projects a \$460,000 shortfall at the end of FY 2022; Scenario 2 projects a shortfall of \$736,000; and Scenario 3 projects a

shortfall of \$780,000. He recalled that the original Burton projection estimated a shortfall of approximately \$1 million. Staff's recommendation is to continue with the 3.5% increases and continue to revisit this issue each year.

The Commissioners discussed the scenarios, ultimately deciding it would be best to act now without delaying increases until a later time. Commissioner Dodd added that he would like to see the Town's payment to Pompano Beach for sewer treatment negotiated to a more reasonable figure. Town Manager Hoffmann clarified that because wastewater from the Town goes through Pompano Beach's pipes to the Broward County treatment plant, Broward County's fees are a pass through via Pompano and greatly impact the Town's sewer rates. She noted that what Commissioner Dodd was referring to was a capacity fee that the County charges each big user for their share of the expansion costs of the Copans Road plant based on projections each city made over a decade ago of how much sewage they would eventually produce. For reasons she has been unable to discern, the Town greatly overestimated the amount of sewage it would produce back in the early 2000s. Unless another city needed LBTS's reserve capacity for growth, we are stuck with that fee. She had approached Pompano to see if they needed that capacity, but they reported they are also under their original projections.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Staff's recommended 3.5% increase (Scenario 1). Motion carried 5-0.**

**b. Budget Timetable (Tony Bryan, Finance Director)**

It was noted that a new date would need to be determined for a budget hearing, as one proposed date falls during Rosh Hashanah. It was decided that the first public hearing would be held on Friday, September 11, 2015 at 6 p.m., while the second hearing would be on Monday, September 28 at 6 p.m.

**c. Parking Partnerships (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley explained that the Town has an opportunity to gain roughly seven parking spaces located on Bougainvillea Drive from a private property owner, and the Commission is interested in pursuing a parking partnership. The parking spaces would be located at the Dolphin Harbor Inn, which was subject to a nuisance abatement case approximately 18 months ago; since that time, the Town and BSO has worked with the property owner to make substantial improvements. The property remains under the jurisdiction of the Code Magistrate and some fees are still owed the Town. Town Manager Hoffmann advised that payment of those fees would be a condition of the parking partnership, as the Town and the property owner would be sharing revenues.

**Commissioner Dodd made a motion to support Staff's recommendation to go forward with any potential means of increasing the available parking spaces.**

Commissioner Sokolow asked how the seven proposed spaces would be differentiated in the subject lot. Asst. Town Manager Bentley replied that the spaces would feature signage and meters. The spaces would be located within an RM-25 zoning district and classified as temporary. Town Attorney Trevarthen stated that in concept, these spaces would not differ from other Town spaces located on private property.

**Commissioner Brown seconded the motion. Motion carried 4-1 (Commissioner Sokolow dissenting).**

It was confirmed that this Item would come back before the Commission for approval once a contract has been drawn up.

**d. Code Requirements for a Wall Surrounding a Generator – Sec. 30-313(u) (Commissioner Stuart Dodd)**

At this time Mayor Sasser opened public comment.

Greg Lambert, resident, stated that when he had applied for a permit to install a generator on his property, the permit was denied due to a Code requirement for a concrete wall to surround the generator. He noted that professionally-installed generators often feature an enclosed sound shield, as opposed to gas-powered emergency generators. Mr. Lambert concluded by requesting that the Ordinance requiring a wall be amended.

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

The Commissioners discussed the Item, with Commissioner Dodd suggesting that the best course of action could be determining an acceptable noise level created by a generator. Town Attorney Trevarthen recalled that a member of the public had addressed regulations for generators at a previous meeting, as that individual also felt Code was in need of improvement on this issue.

The Commissioners agreed by consensus to have Staff research this issue further and make recommendations. Vice Mayor Vincent also advised that Code should address safety issues related to generators.

**e. FY 2016 BSO Budget (Tony Bryan, Finance Director)**

Finance Director Bryan stated that Town Staff received a preliminary estimate from BSO for its FY 2015-16 budget request. This estimate, which comes to \$4,072,606, represents an increase of \$221,511 over the current budget. Primary drivers of this increase include a 2.5% salary increase, \$30,000 for retirement benefits, \$70,000 for life and health insurance, and capital outlay for vehicles. Staff recommends that the

Commission accept the request. The Commissioners agreed by unanimous consensus to accept the recommendation.

#### **14. COMMISSIONER COMMENTS**

Commissioner Dodd reported that there had been an initiative at the Coastal Oceans Task Force meeting to weaken recommendations for a marine preserve from Key Biscayne to Martin County, although this initiative ultimately failed. He also noted that Staff has done a great deal of work in preparing lien recommendations presented at recent meetings, only for the lien mitigation amount to be reduced by the Commission. He added that he had a similar concern regarding the waiver of the eleven parking spaces discussed at the May 12, 2015 meeting, as these were provided to a business that already lacks sufficient parking. He felt the burden for these spaces would ultimately fall upon the Town rather than the businesses that benefit from this provision.

Commissioner Dodd continued that the Town has an ongoing issue with trash bins being left out after trash pickup, and suggested that Town Staff develop recommendations for how to address this and other trash abuses through penalties. Asst. Town Manager Bentley noted that this can be addressed through Code citations, which would first provide a courtesy notice, followed by a notice of violation. Commissioner Dodd requested that this topic be placed on the next Agenda for further discussion and/or action.

Commissioner Sokolow requested that Lt. Palmer of BSO provide information on the upcoming July 4<sup>th</sup> events and their associated traffic plans. Lt. Palmer reported that the parade will begin at 10 a.m., with periodic road closures throughout the parade route. He also stated that the Florida Department of Transportation (FDOT) and the United States Coast Guard have approved closure of the Intracoastal waterway bridge in down position to allow vehicular traffic to leave the barrier island following the fireworks display. Incoming traffic to the Square will be shut down at approximately 8 p.m. to allow for pedestrian movement. He recommended that residents use alternate travel methods to and from these events and avoid driving Downtown.

#### **15. ORDINANCES**

##### **Ordinances 1<sup>st</sup> Reading**

None.

##### **Ordinances 2<sup>nd</sup> Reading**

- i. **2015-05 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 19-26, “Parking Permits,” of Article II, “Parking, Stopping or Standing,” of Chapter 19,**

**“Traffic and Motor Vehicles,” of the Code of Ordinances, to update the requirements for Resident Parking Permits; and providing for codification, severability, conflicts, and an effective date (Bud Bentley, Assistant Town Manager)**

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

The Commissioners discussed the proposed Ordinance, with Commissioner Dodd asserting that residents who are also business owners should be subject to business owners' restrictions during the hours in which their businesses are open. Asst. Town Manager Bentley advised that changes relating to this suggestion are on pp.4-5 of the backup document. He cited the example of an individual returning after that individual's business has closed for the day. Town staff feels this owner should be subject to the same restrictions as anyone with a resident permit. Town Attorney Trevarthen added that the Ordinance states a qualified commercial owner may park within 600 ft. of the property s/he owns.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to accept Staff's recommendation with revisions as stated by Asst. Town Manager Bentley. Motion carried 5-0.**

## **16.RESOLUTIONS – PUBLIC COMMENTS**

- i. 2015-18 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, establishing Parking Fees effective June 15, 2015 and October 18, 2018; providing for conflicts; providing for severability; providing for an effective date (Bud Bentley, Assistant Town Manager)**

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

Commissioner Brown requested clarification of the new parking rates once Resolution 2015-18 has passed. Finance Director Bryan explained that the Resolution includes the rate increases proposed by Desman Associates in their parking study, which were reviewed at a previous meeting.

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

- ii. 2015-19 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, updating Development Review Fee Schedule; providing for conflicts; providing for severability; providing for an effective date (Linda Connors, Assistant Development Services Director / Town Planner)**

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

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

- iii. **2015-20 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting the Town's Comprehensive Emergency Management Plan; establishing the line of succession during the absence or disability of the Town Manager; providing for conflicts; providing for severability; providing for an effective date (Don Prince, Municipal Services Director)**

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

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

## **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. Any individuals wishing to speak were sworn in at this time.

- a. **Conditional Use to Operate Watercraft Sales and Rentals in the B-1 Zoning District (239 Commercial Blvd., Unit 101) (Linda Connors, Town Planner / Assistant Development Services Director)**

Town Planner/Assistant Development Services Director Linda Connors stated that the Applicant, who recently opened the Sea Grape Surf Shop, wishes to lease and sell watercraft items, which is allowed under Code as a conditional use if the following criteria are met:

- Land use compatibility;
- Sufficient site size, specifications, and infrastructure to accommodate the proposed use;
- Compliance with the Comprehensive Plan and Code of Ordinances;
- Proper use of mitigative techniques.

At the most recent Planning and Zoning Board meeting, the Board reviewed the Application and recommended approval with a number of conditions, which are included in the backup materials. Staff recommends approval of the development order, with the following two additional conditions to ensure compliance with Broward County's daily

turtle survey during turtle season:

- Operator shall ensure that all rental equipment is removed from the beach and returned to 239 Commercial Blvd. by 7 p.m., or by 8 p.m. during daylight savings time;
- There shall be no delivery of beach chairs or umbrellas to Lauderdale-By-The-Sea beaches before 10 a.m. during turtle season.

The Commissioners reviewed the Application, clarifying that conditional use approval prohibits business transactions from occurring on the beach. Asst. Director Connors added that off-premise vending is not permitted on any of the Town's beaches. The Applicant is also required to abide by State law with regard to loading, unloading, or parking in designated spaces when delivering provisions to the beach. Should the vendor violate the conditions of approval, the issue may be brought before the Town Commission once again for revision or withdrawal.

Mayor Sasser expressed concern with how the size or number of rental items may take up the Town's beach space. There are no limitations on where items may be delivered or placed on the public beach. Commissioner Dodd expressed concern for the level of advertising permitted on the rented beach umbrellas and chairs. Asst. Director Connors added that Staff strongly opposes permitting any type of signage not located on the rented items themselves.

Commissioner Sokolow stated that he felt the Town is attempting to over-regulate the issue of advertising on beach amenities, and pointed out that placing the company name on the items may make it easier for the Applicant to recover his or her property.

Rocky Narain, Applicant, explained that his shop requires a \$300 deposit for rental equipment, which is made either online or in the store. Items are delivered to the sidewalk, where renters then walk them onto the beach.

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

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt Staff's recommendations. Motion carried 5-0.**

**b. Amendment to Conditional Use Application for 216 Commercial Blvd.  
– Paid Private Parking (Linda Connors, Assistant Development  
Services Director / Town Planner)**

Asst. Director/Town Planner Connors recalled that in May 2014, the Commission approved conditional use for paid private parking at the subject location. At that time, four parking spaces were allocated for a restaurant located at the site, with the remaining spaces to be used for paid private parking. The conditional use at that time

did not allow meters at the site. The Applicant is now requesting an amendment of that conditional use to allow parking fees to be collected by either a parking attendant or a multi-space pay station.

The Planning and Zoning Board has recommended that the Town Commission approve the requested amendment, with the following modifications:

- Any fee for the use of the parking spaces may be collected by a) use of a parking meter pay station to be installed on the property or b) collected through the use of a parking attendant;
- If a parking meter pay station is used, the Applicant shall have adequate signage on-site to inform the public that the parking lot is a private parking lot and not a municipal lot.

The Planning and Zoning Board also requested, and the Applicant agreed, that pay station receipts must provide notice that the lot is private, as well as contact information. The Board supported Staff's recommendation for these conditions.

Asst. Director Connors advised that in the past, the Commission has requested that any monies owed to the Town by an Applicant be identified. There are several Code fines, including special event security, valet parking, and sidewalk café fees, which are owed to the Town by the applicant's various enterprises. Staff is also pursuing a damage claim for an alleyway, and the Building Department is pursuing correction of an ADA-accessible parking space at the Fisherman's Pier parking lot. The property owner has also constructed a concrete walkway to allow pedestrians into the site without the necessary site plan amendment or building permit. (*Errata Note: Town staff subsequently reported to the Commission that this latter statement was in error. This change was approved by the Town Engineer at the time of construction.*) The landscaping at the subject lot is also currently overgrown with weeds and requires maintenance.

Staff recommends approval of the amended development order, which will allow the use of a multi-space parking station, only after the property owner has paid all monies owed to the Town, corrected the ADA-accessible parking space, amended the site plan, received a building permit for the recently added walkway, and maintained the parking area. All of these are conditions of the proposed development order.

It was clarified that signage and receipts would confirm that the lot is in no way operated by the Town. The lot's signage will also reflect that the Town mobile pay app does not apply. Asst. Director Connors advised that Exhibit 3 of the development order clarifies the signage that must be used, which will inform the public that the lot is private, include the price of parking, and provide contact information for the lot operator.

**Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to extend the meeting until 11:15. Motion carried 5-0.**

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Commissioner Dodd asserted that he did not feel the Town should consider the Application until the Applicant has addressed the fines and violations accrued on the subject property to the Town's satisfaction.

Nectaria Chakas, representing the Applicant, stated that the placement of pay stations will allow the Applicant to set an hourly rate rather than a flat fee, which will encourage turnover in the lot. She confirmed that the Applicant is also willing to work with Town Staff to develop appropriate signage in order to avoid confusion.

With regard to the walkway installed by the Applicant, Ms. Chakas advised that the contractor informed the Applicant that changes were made with the permission of the City Engineer as well as an official from the Building Department. The Applicant plans to work with Staff to secure the necessary site plan amendment. She requested that the development order not reflect the specific dollar amount listed under Condition 19. Town Manager Hoffmann reiterated that all monies owed to the Town must be paid before the Applicant may exercise the conditional use permit, if granted. Any payment plans that may be negotiated are unrelated to the conditional use.

At this time Mayor Sasser opened public comment.

Spiro Marchelos, Applicant, stated that he felt Staff's presentation had included erroneous information regarding Code violations and fines on the subject property.

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

Mayor Sasser observed that there may be upcoming negotiations regarding the damage claim related to the alleyway; for this reason, he suggested that the conditional use require resolution of each outstanding item rather than a specific dollar amount. Town Attorney Trevarthen noted that Condition 19 states \$25,946 is the amount owed to the Town as of May 12, 2015, which may differ from the amount currently owed.

Commissioner Dodd observed that a subsequent contractor could be less conscientious than the Applicant if the development order is not carefully written. He stated that the lot in question should be used by visitors to the pier and not by beachgoers, which may be difficult to enforce if meters are installed. He proposed that the conditional use permit include language clarifying that spaces are not to be used for beach parking.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to extend the meeting until 11:30.**

Town Attorney Trevarthen noted that there is no condition requiring that the lot be operated as a valet service for the pier lot. Asst. Director/Town Planner Connors added that the original conditional use for the subject site allowed the option of valet service for

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businesses located at 216 Commercial Blvd.

Ms. Chakas stated that the subject lot is separate from the Fisherman's Pier parking lot, which strives to prevent beach parking. The subject site allows beach parking and may valet cars from businesses to this lot.

Commissioner Sokolow pointed out that the Applicant already holds a conditional use permit to operate the lot in the absence of pay stations. He and Vice Mayor Vincent stated their agreement with Staff's recommendation. Commissioner Brown expressed concern with the disagreement regarding the dollar amount owed by the Applicant as of May 12, 2015. Town Manager Hoffmann advised that this is a changing amount as the fine continues to accrue, and the Applicant must pay whatever is owed.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve, subject to the dollar amount being paid in full to Staff's satisfaction. Motion carried 5-0.**

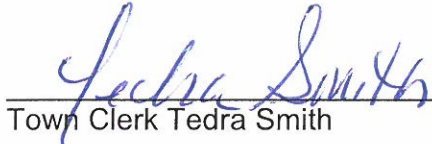
#### 18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 11:24 p.m.



Mayor Scot Sasser

ATTEST:

  
Town Clerk Tedra Smith

7/14/15  
Date