

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 27, 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 Attorney Susan Trevarthen, Acting Town Manager Bud Bentley, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Deputy Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pauline Brooks McGuinness

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

The Commissioners added a special event application as Item 17b.

5. PRESENTATIONS

a. Florida Legislative Update by Representative Moraitis (Mayor Scot Sasser and Commissioner Mark Brown)

State Representative George Moraitis provided a brief legislative update, stating that the recent session provided tax relief through a motor vehicle license rollback and sales tax holidays. Budget items affecting the Town include funding for Phase II Beach Renourishment, Port Everglades improvements, I-595 construction, and airport improvements.

Representative Moraitis also addressed the topic of vacation rentals, noting that he is an advocate for local regulation of these properties. The State Legislature ultimately determined that towns cannot prohibit vacation rentals, nor regulate the frequency or duration of these rentals. Communities may regulate parking, noise, registration of properties, signage, and other aspects of vacation rentals. Representative Moraitis asserted that he would raise this topic once more at next year's legislative session.

He continued that the Florida Department of Transportation (FDOT) has shown some resistance thus far to the Town's effort to install license plate reader cameras on traffic

light poles. Representative Moraitis will meet with FDOT on behalf of Lauderdale-By-The-Sea to request an exception or pilot program for the Town. He also sponsored condominium legislation that will allow associations to collect past due payments on maintenance assessments.

The Commissioners and Representative Moraitis discussed the Legislative Update, including the use of license plate reader cameras as a law enforcement tool, a sea oats planting event, the Representative's efforts to help the Town regulate vacation rentals, municipalities' inability to prohibit permitted concealed weapons at public meetings, and the protection and mitigation of coral reefs during the dredging of Port Everglades.

b. Vulnerable Population Registry and Special Needs Shelter (Chief Brooke Liddle)

American Medical Response (AMR) Chief Brooke Liddle introduced Bill Bradley of the Broward County Emergency Management Office. Mr. Bradley explained that residents are asked to follow a five-step emergency plan, including consideration of the need for shelter, preregistration for services, and preparations for pets. Creation of a personal identification card, including medical information, is encouraged. Individuals are asked to bring their own supplies to shelters.

Mr. Bradley advised that the Special Needs Registry is a three-part form that includes special needs sheltering and/or transportation. Registration for these services does not commit an individual to them. The Vulnerable Population Registry was created after Hurricane Wilma as a cooperative effort in which Broward County manages this database for the individual cities. Volunteer organizations, such as the Town's Volunteer Fire Department and other fire/rescue agencies, may make arrangements through the Emergency Management Office to pick up supplies to serve the residents of their towns.

c. Presentation of Proclamation recognizing Richard Bolt's Heroic Actions (Mayor Scot Sasser)

Mayor Sasser read a proclamation in which Town resident Richard Bolt was recognized for his actions to rescue and revive an individual found lying in the water. Both Pompano Beach Fire/Rescue and Ocean Rescue commended Mr. Bolt, emphasizing that his immediate and heroic actions made it possible to save the individual's life. The Town Commission congratulated and commended Mr. Bolt for his courage and judgment, and all present recognized Mr. Bolt with a round of applause.

6. PUBLIC COMMENTS

Edmund Malkoon, resident, stated that Thursday, May 29 is the date of the Annual Hurricane Seminar. Safety providers will be present to answer questions from the public.

Beverly Kennedy, resident, recalled that she had previously reported unlicensed and unprofessional individuals working on a neighboring house and using potentially toxic materials. Ms. Kennedy pointed out that the contractor has no CCC license, and that the owner of the material license denies using carcinogenic materials. She requested that the Commission take action to stop the project immediately.

Brian Gagas, co-owner of Gold Coast Scuba, stated that he is supportive of the upcoming Scuba Nation event.

Karen Chamberlain, resident, thanked all present who serve the community, and offered her support as an elected official in New Jersey if it is needed in the future.

7. PUBLIC SAFETY DISCUSSION

a. AMR April 2014 Report (Chief Brooke Liddle)

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

b. BSO April 2014 Report (Captain Fred Wood)

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

c. VFD April 2014 Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

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

Finance Director Tony Bryan provided the report, noting that the City of Pompano Beach had estimated the Town would see a substantial rate increase in its fixed monthly charges. He explained that the Town had been billed incorrectly during the previous months in 2014. Projections show that the Town is expected to pay roughly \$50,000 more to Pompano Beach by the end of the year than budgeted; however, Finance Director Bryan advised that this amount will be covered by the sewer fund contingency.

The Commissioners discussed the increase, including the possibility of asking Pompano Beach for proof related to their request. Finance Director Bryan explained that the Town's contract with Pompano Beach commits the Town to this reserve capacity, but noted that he has additional questions to resolve this issue. Town Attorney Susan

Trevarthen agreed to verify the Town's contract with Pompano Beach, and to meet with Staff to review the discussions they have had with that city.

b. April 2014 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the April 2014 Finance Report without comment.

c. Chamber of Commerce Welcome Center Monthly Statistics Report (Tedra Smith, Deputy Town Clerk)

The Commissioners accepted the Welcome Center Monthly Statistics Report without comment.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen reviewed the quasi-judicial consent process, which is described in Town Code. Unless an Item is pulled by the Applicant, a Commissioner, or a member of the public, it may be summarily approved, as with any Consent Agenda; if it is pulled, the Applicant may proceed with the quasi-judicial hearing or receive an automatic deferral until the next Commission meeting.

10. APPROVAL OF MINUTES

- a. April 7, 2014 Town Commission Workshop Minutes (Tedra Smith, Deputy Town Clerk)**
- b. April 8, 2014 Town Commission Meeting Minutes (Tedra Smith, Deputy Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve the April 7 and April 8, 2014 minutes. Motion carried 5-0.

11. CONSENT AGENDA

- a. Award of Contract to Facilities Pro-Sweep for Street Sweeping Services (Don Prince, Municipal Services Director)**
- b. Special Event Application for International Coastal Cleanup Proposed for Saturday, September 20, 2014 (Bud Bentley, Assistant Town Manager)**
- c. Proposed ScubaNation TV 2015 Show (Steve d'Oliveira, Public Information Officer)**

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

12. QUASI-JUDICIAL CONSENT

- a. **Setback Variance Application for 4324 North Ocean Drive requesting relief from Sections 30-242(b) of the Town Code to permit a side yard setback (SouthSide) of 4.5 feet where 7 feet are required; a side yard setback (NorthSide) of 6.5 feet where 7 feet are required; and a rear yard setback of 4 feet where 11 feet are required (Linda Connors, Town Planner)**

Commissioner Dodd made a motion to approve.

Mayor Sasser expressed concern with the Application, stating that the intent of Code is to preserve the Town's green space and views. Town Planner Linda Connors clarified that the subject property is an existing building which had been previously approved for a variance but allowed the time limit to expire. The footprint of the existing building is not being expanded.

It was noted that although the Applicant was present, he did not wish to speak on the Item.

Motion passed 4-1 (Mayor Sasser dissenting).

13. ORDINANCES

a. Ordinances 1st Reading

- i. **2014-03 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending the Lauderdale-By-The-Sea Code of Ordinances to repeal Chapter Nine flood prevention and control; to adopt a new Chapter Nine to adopt flood hazard maps, to designate a floodplain administrator, to adopt procedures and criteria for development in flood hazard areas, and for other purposes; providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner; Don Prince, Municipal Services Director)**

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

The Commissioners discussed the proposed Ordinance, clarifying that the Item is driven by changes to the State Building Code, which requires adoption of an updated Ordinance by August 2014. It also satisfies Federal requirements. References to State Building Code are included in the new Ordinance.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to adopt the Ordinance on first reading. Motion carried 5-0.

- ii. **2014-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 1 “General Provisions;” by creating a new section 1-13 “Fees;,” amending Chapter 17 “Streets, Sidewalks, and other Public Places;” Article VIII “Special Events;” by amending Section 17-113 “Applications;” providing for codification; providing for severability; providing for conflicts; and providing an effective date (Bud Bentley, Assistant Town Manager)**

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

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

b. Ordinances 2nd Reading

None.

14. RESOLUTIONS – PUBLIC COMMENTS

- a. **2014-18 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, adopting policies for the use of the Ocean and Dune Plazas and the Beach Pavilion by entities other than the Town; providing for conflict and for an effective date (Connie Hoffmann, Town Manager)**

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

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

- b. **2014-19 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, adopting a revised pay plan; providing for severability, conflicts, and for an effective date (Connie Hoffmann, Town Manager)**

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

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

15. QUASI-JUDICIAL PUBLIC HEARINGS

None.

16. COMMISSIONER COMMENTS

Commissioner Sokolow stated that he would like to place the hosting of a future League of Cities meeting on the June 10 Agenda.

Vice Mayor Vincent advised that a meeting with regard to the RRB lawsuit was rescheduled from May 19, 2014 to June 20, 2014.

Commissioner Dodd reported that a recent Hillsboro Inlet meeting featured a PowerPoint presentation on the working of the inlet and the costs of a flow meter. He also noted two recent *Sun-Sentinel* articles, one of which stated that the County has encouraged cities to create emergency temporary housing laws in the event of severe storm damage. The second article noted that more than 45 cities nationwide have passed laws targeting puppy mills.

Mayor Sasser thanked the Town's veterans and their families in honor of the recent Memorial Day holiday. He also expressed his thanks to the Aruba Beach Cafe.

Commissioner Brown invited businesses, condominiums, or organizations to contact him if they wished to participate in the 4th of July Parade. He reminded those present of the upcoming Hurricane Seminar, and concluded that a sea oat planting will be held in front of the Fountainhead on June 7, 2014.

17. OLD BUSINESS

a. Revising Resident Parking Permit Program (Bud Bentley, Assistant Town Manager)

Ken Brenner, private citizen, requested that the Commission reconsider any additional restrictions or limitations on this program, as he felt these would only affect unintended victims who use the existing resident parking permit program. He suggested that the current system be revised to allow appropriate enforcement of existing Code.

The Commissioners noted that a consultant was recently hired to perform a comprehensive parking study for the Town. It was recommended that the Town hear the consultant's input before revising the parking permit program, and that the consultant interview Town Staff to discuss their concerns. It was also noted that the issue may be addressed through stricter enforcement rather than additional restrictions. They also discussed the appropriate use of parking stickers to prevent individuals from abusing the program.

Asst. Town Manager Bentley clarified that the issue is not one of enforcement, as the Code does not tie parking permits to specific cars. Town Attorney Trevarthen added that Code provides for specific penalties related to misuse of parking permits.

Commissioner Brown made a motion, seconded by Commissioner Sokolow, to defer action on this Item until recommendations have been made by the parking consultant. Motion carried 5-0.

b. Reconsideration of Request for Shade Session re: Code Enforcement Liens on 3270 Spanish River Drive (James Ober v. Town of Lauderdale-By-The-Sea) (Susan Trevarthen, Town Attorney)

Attorney Trevarthen explained that a shade session may no longer be necessary. The Board may reconsider to assert or deny the Town's counterclaim against the litigant, or they may choose to take no further action and allow the shade session to proceed.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Action 1, no shade session, and proceed with the counterclaim seeking to enforce the liens in full. Motion passed 4-0 (Mayor Sasser recusing himself).

18. NEW BUSINESS

a. Budget Calendar (Tony Bryan, Finance Director)

Finance Director Bryan requested guidance regarding when the Commission would like to schedule the first and second hearings to adopt the budget. The Commissioners discussed prospective dates for the first public hearing, arriving at consensus for the first public hearing to be scheduled on Monday, September 8, 2014, at 6 p.m. The second public hearing for the budget was scheduled for Monday, September 22, 2014 at 6 p.m.

b. Special Event Application for a Caribbean Multicultural Day (Bora Bora) Event (Bud Bentley, Assistant Town Manager)

The Commissioners discussed the Application, including whether or not the proposed event would require a special event permit and other details about the event. Asst. Town Manager Bentley characterized the event as similar to the Town's Friday night musical events, with the primary difference being its location on private property. It would also include a use that differs from the normal zoning use of the property.

Asst. Town Manager Bentley advised that Staff only recently became aware of the Application and has unanswered questions. Andrew Dixon, Applicant, described the proposed event series, including its hours. The event would be scheduled twice per month throughout the summer.

The Commissioners requested more information about the proposed event, including frequency, anticipated number of attendees, parking considerations, noise and traffic, alcohol sales, security, and potential conflict with previously permitted events in the Town. It was determined that emergency personnel also have questions they would like

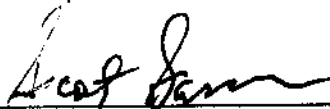
Lauderdale-By-The-Sea
Town Commission Regular Meeting Minutes
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to have answered before the event series is approved. Mayor Sasser recommended formal confirmation that the hotel owners have consented to the event.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to defer action until the June 10, 2014 Commission meeting. Motion carried 5-0.

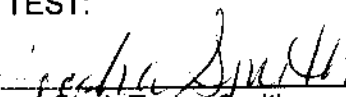
19. ADJOURNMENT

With no further business before the Commission, Mayor Sasser adjourned the meeting at 9:24 p.m.



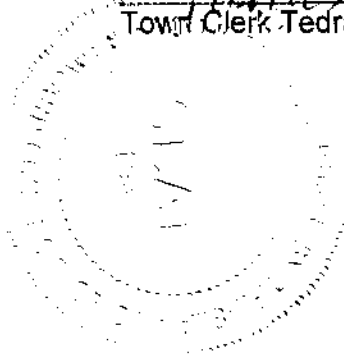
Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith

7-8-14
Date



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sasser Scot Wayne</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>	
MAILING ADDRESS <i>3271 Spanish River Dr</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Vanderdale-by-the-Sea</i>	COUNTY <i>Broward</i>	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>May 27th 2014</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Scott Sasser, hereby disclose that on May 27 20 14.

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Request for iron mitigation on house directly across the street from my primary residence

Date Filed

5/27/14

Signature

Scott Sasser

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.