

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, May 23, 2017  
6:30 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Town Attorney Susan Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

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

**3. INVOCATION**

Rabbi Bentzion Singer gave the Invocation.

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

None.

**5. PRESENTATIONS**

**a. Bugfest (Steve d'Oliveira, Public Information Officer)**

Public Information Officer Steve d'Oliveira advised that the sixth annual Bugfest will be held from July 25-29, 2017. Events include concert and diving events, an Adopt-a-Reef seminar, and the Gold Coast Pier Cleanup. An additional concert is scheduled to benefit Dive Hard, a Chicago-based organization that assists veterans with disabilities. Prizes will include \$20,000 in dive trips and gear.

**b. LBTS Garden Club Proclamation**

Mayor Sasser read a Proclamation recognizing May 23, 2017 as Garden Club Day. The Orchid Walk recently won the Clyde D. Ware Award and placed second in the Deep South Region of the National Garden Club's Roadside Beautification category.

**c. 2017 EMS Week (Chief Brooke Liddle)**

Mayor Sasser read a Proclamation recognizing May 21-27, 2017 as National Emergency Medical Services Week.

## **6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Bob Fleishman, resident, praised the Town Commission Staff for enforcing the improvement of a property that had been in severe disrepair. He also commended the Commission for its plans to settle of multiple lawsuits.

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

## **7. PUBLIC SAFETY DISCUSSION**

### **a. AMR April Report (Chief Brooke Liddle)**

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

### **b. BSO April Report (Captain Thomas Palmer)**

Vice Mayor Brown asked if Captain Thomas Palmer felt it would be wise to expand the placement of security cameras throughout the Town in light of recent public safety incidents. Captain Palmer replied that he and Municipal Services Director Don Prince plan to meet with representatives of a company that can provide additional wireless cameras near the El Mar Drive public restrooms and the South A1A parking lot.

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

## **8. TOWN MANAGER REPORT**

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

Courtney Stanford, representing the Lauderdale-By-The-Sea Chamber of Commerce, announced that Dave Gatsby and Lucke Ricciuti, of the Beachside Village Resort, are being honored as the Small Businesspeople of the Year.

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

The Commissioners accepted the report without discussion.

Town Manager Bud Bentley reported that a new Finance Director will begin working with the Town in June 2017.

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

Town Manager Bentley advised that Friday, May 19, 2017 is the last night of musical events for the season. He noted that the sponsoring businesses plan to continue these events next season.

Commissioner Oldaker asked if citations can be expected for individuals who do not comply with the Town's irrigation regulations. Town Manager Bentley replied that public information and warnings are usually sufficient for compliance.

**9. TOWN ATTORNEY REPORT**

Town Attorney Susan Trevarthen provided an update on litigation against distressed residential properties within the Town, beginning with 2011 Coral Reef Drive, which the Town placed in receivership. The receiver has completed repairs to the property's seawall and restored its sewer connection. These expenses will be first in priority, regardless of the disposition of the property. Insurance is expected to be in place for this property before the beginning of hurricane season.

The property at 240 Imperial Lane is presently in full compliance and is in foreclosure. The Town is in the second-place position in this action. The property owners plan to seek lien mitigation for the property.

The property at 1724 Bel Air Avenue is not in compliance and fines continue to accrue. In 2008, a satisfaction of mortgage was recorded for the property; however, at a later date, the bank pursued a successful foreclosure. The most recent information regarding this property is that a third party has engaged in criminal fraud in recording the satisfaction. The Town has pursued its own foreclosure liens against the property.

Town Attorney Trevarthen also addressed *Ober v. Town of Lauderdale-By-The-Sea*, which has been certified as an issue of great public importance by the Fourth District Court of Appeal. This certification has been provided as grounds for appeal by the Town. Notice to invoke discretionary jurisdiction of the Florida Supreme Court has been filed by the Town. The opposing party in this suit must file its brief on jurisdiction by the end of the week.

Town Attorney Trevarthen recalled that multiple local governments and agencies, including the cities of Miami, St. Petersburg, and Coral Gables and the Florida Association of County Attorneys have also filed notices to invoke jurisdiction in this case.

**10. APPROVAL OF MINUTES**

- a. May 2, 2017 Town Commission Workshop (Transportation Workshop) (Tedra Allen, Town Clerk)**
- b. May 9, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

#### **11. CONSENT AGENDA**

Vice Mayor Brown requested that Item 11a be pulled for additional discussion.

- a. Coastal Dune Restoration Grant Program (Don Prince, Municipal Services Director)**

Vice Mayor Brown advised that this grant is a matching grant of \$5000 from Broward County. In the past, the Town has used these grant funds to purchase sea oats; however, as sea oats plantings on the Town's beaches have recently been completed, he and Municipal Services Director Prince have applied for these funds to remove invasive plants on the beaches and plant native species in their stead. The Garden Club will assist in developing a nursery so the Town has a source of clippings to plant on beaches.

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

- b. Purchase of Ford F-150 (Don Prince, Municipal Services Director)**
- c. Sixth Annual Bugfest-By-The-Sea July 25-29, 2017 (Steve d'Oliveira, Public Information Officer)**

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

#### **12. OLD BUSINESS**

- a. Hibiscus Avenue Sidewalk Design Selection (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince introduced a PowerPoint presentation on this Item, which is part of the fiscal year (FY) 2017 plan to make the Town more pedestrian-friendly. Staff has conducted a study in conjunction with the Florida Department of Transportation (FDOT) that suggests three options for the Hibiscus Avenue sidewalk

design. He clarified that while one option lists five potential parking spaces, a sight triangle at Hibiscus Avenue and Seagrape Drive is likely to result in only a single space under this plan.

Jay Flynn, representing Flynn Engineering, showed renderings of the following three options:

- Exhibit 1: sidewalk connection to Seagrape Drive only, including Americans with Disabilities Act (ADA) access; replacement of parking spaces with sidewalk and landscaping
- Exhibit 2: addition of two parking spaces and a sidewalk and landscaping alongside Seagrape Condominiums; shifting of center lane 3 ft. to the left
- Exhibit 3: sidewalk connection to Seagrape Drive and provision of a single parking space alongside Seagrape Condominiums

Mr. Flynn noted that both Exhibits 1 and 2 would require milling and resurfacing the roadway to encourage the flow of drainage. All three options would include a sidewalk connection to A1A and a crosswalk at Bougainvillea Drive. It is also possible to leave the area unchanged, allowing pedestrians to walk in the roadway.

Mr. Flynn continued that there are encroachments into the right-of-way in the subject area which may be affected by any of the three possible solutions. He further clarified that a sidewalk would be added only to the north side of the street.

Vice Mayor Brown observed that it might be possible for the Town to capture additional space, as the property line of an adjacent parcel is somewhat recessed, in addition to narrowing the roadway lanes from 12 ft. to 10 ft. in width. He stated that he would like to see another option that takes this additional space into account, and would also like to know if residents of the subject area have been surveyed to determine whether or not they would like a sidewalk in this location.

Commissioner Sokolow noted that the existing conditions in this area have been in place for several years without incident. He pointed out that there are other areas of the Town where pedestrians walk in roadways despite the existence of sidewalks. Commissioner Oldaker asserted that the street in this location is very busy, particularly during the tourist season, and that families and children live in the surrounding neighborhood. He felt safety in the area should be improved for pedestrians.

Mr. Flynn stated that there is no opposition to the proposed sidewalk and landscaping by nearby residents, most of whom are not in favor of parking near the condominiums. The owner(s) of a nearby salon, conversely, are more concerned with maintaining the parking spaces near this business.

At this time Mayor Sasser opened public comment.

Peter Stevens, resident, stated that he is a resident of the Sea Tides Condominium. He was not in favor of parking spaces in addition to the sidewalk. He agreed that more work may be necessary before a decision is made.

Elisa Giambettiste, resident, echoed Mr. Stevens' concerns.

John McKean, resident, confirmed that parking on the side of the roadway is a recent development. He felt a sidewalk is needed in the area rather than the existing parking spaces.

Ron Piersante, resident, recalled that a sidewalk was first proposed for the subject area some years ago. He pointed out that pedestrians, including children, walk in the roadway where there is no sidewalk, and the area is regularly used as a cut-through. He was in favor of a sidewalk.

Charles Mangano, resident, advised that there have been no recent accidents in the subject area. He asserted that an agreement regarding placement of the STOP sign on his property has been in place for several years. He recommended deferring the Item until a more agreeable solution can be proposed.

Paula Mangano, resident, stated that parking meters should not be placed on or near the land she owns at the subject location. She felt no changes should be made.

Carmeline Mangano, resident, commented that no additional parking meters are needed in the area. She felt a sidewalk would lower her family's property values.

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

Town Manager Bentley stated that he would like to withdraw the Item for at least 60 days until Town Staff can consult more closely with residents of the surrounding neighborhood. The Commissioners agreed by unanimous consensus.

The Commission took a brief recess at this time.

### **13. NEW BUSINESS**

None.

### **14. COMMISSIONER COMMENTS**

Vice Mayor Brown advised that at 7 p.m. on May 24, 2017, a program called "The Storytellers" will be presented at the Community Center. This program will feature the stories of 12 residents of Lauderdale-By-The-Sea.

**15. ORDINANCES – PUBLIC COMMENTS**

**a. Ordinances 1<sup>st</sup> Reading**

None.

**b. Ordinances 2<sup>nd</sup> Reading**

None.

**16. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2017-14 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND INCORPORATING CHANGES IN THE TOWN'S PURCHASING MANUAL; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE (Bud Bentley, Town Manager)**

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

Commissioner Oldaker requested that this Item be deferred to a later date. Town Manager Bentley agreed to withdraw the Item until any questions may be addressed.

- b. Resolution 2017-17 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A BOARD OF ADJUSTMENT MEMBER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Tedra Allen, Town Clerk)**

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

Mayor Sasser recommended the appointment of Ron Piersante as an Alternate member of the Board of Adjustment, and the appointment of Tom Macek as a regular member.

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

- c. Resolution 2017-18 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING FLORIDA DEPARTMENT OF TRANSPORTATION'S GREENWAY PROJECT FM# 437786-1; PROVIDING FOR CONFLICTS;**

**PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE  
(Bud Bentley, Town Manager)**

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

Vice Mayor Brown explained that the Town must pass this Resolution to show continued support for the El Mar Greenway project as it moves into its engineering and design phase.

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

It was determined that the remaining three Resolutions would be read into the record and discussed at the same time. Public comment would also be opened on all three Resolutions at once. The Commissioners would vote upon each Resolution separately.

- d. Resolution 2017-16 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH JAMES EDMONDSON; AND PROVIDING AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**
- e. Resolution 2017-19 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR DELRADO, INC. D/B/A EL DORADO CLUB VS. TOWN OF LAUDERDALE-BY-THE-SEA; AND PROVIDING AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**
- f. Resolution 2017-20 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR THE PALM YACHT & BEACH CLUB VS. TOWN OF LAUDERDALE-BY-THE-SEA; AND PROVIDING AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

At this time Mayor Sasser opened public comment on Resolutions 2017-16, 2017-19, and 2017-20.

Roseanne Minnet, resident, asked if the Commission has legally bound the Town to the settlement of these Items. She recalled that in March 2006, a referendum was placed on the Town's ballot to extend existing height limits into the newly annexed north portion of Town. The referendum resulted in an extension of the Town's existing height limits by a margin of 25 votes.

Ms. Minnet noted that the issue had been very controversial, and spoke in favor of the height limits, which help to maintain the atmosphere of the Town. She emphasized the need for the Commission to communicate this issue to the Town's residents before making a commitment to a settlement.

Edmund Malkoon, resident, pointed out that due to the season, a great many Town residents were not present to be informed about this issue, which could have a significant effect on taxpayers. He added that aside from notice on the Town's website, he had seen no communication informing the Town of the upcoming vote on this issue.

Mr. Malkoon also pointed out that when the annexation occurred, the Town, County, and State had agreed in writing that when an annexed area is brought into a municipality, it is subject to that municipality's rules once a Comprehensive Plan Amendment including the annexed area has been adopted. He concluded that the Town's Charter states the Commission may not approve any zoning by Resolution, Ordinance, or appeal without first going through a Charter referendum.

Mayor Sasser advised that the Commission has also received a written letter from the Board of Directors of the Royal Coast Condominium, which specifically opposes Resolution 2017-16.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment on Resolutions 2017-16, 2017-19, and 2017-20.

Vice Mayor Brown observed that the Commission has taken Town-wide consideration of the proposed settlements into account, as settlements of this magnitude would have an impact on the entire Town. He felt the possibility that proceeding with, and potentially losing, the suit supersedes any impact it would have on more directly affected properties. He concluded that settlement of the cases does not guarantee that the subject properties will ever be developed.

Town Attorney Trevarthen reaffirmed that the Town believes the settlement is proper and enforceable, as described at the May 9, 2017 meeting. The Harris Act is specifically designed to encourage settlement between private property owners and municipalities, and the proposed settlements are structured in a way to implement this Act's legislative intent. Settlements must be approved by the court.

Town Attorney Trevarthen also addressed the question of whether or not the Town will be legally bound to the settlement of the cases, stating that the Commission will vote on this decision at tonight's meeting. If the vote is in favor of accepting the settlement, the Town will then move forward to the court for approval.

Commissioner Sokolow commented that it would be irresponsible for the Commission to gamble with potentially millions of Town dollars in fighting the lawsuits in order to

deprive the Palm Yacht and Beach Club of a sewer connection. He also agreed that allowing the subject properties the right to build to a height of 15 stories does not guarantee that such development would occur.

Commissioner Vincent advised that the atmosphere of the Town has never been jeopardized in the past by the height limits referenced in the 2006 referendum. He agreed that the Town is not guaranteed a win if it takes the cases to court.

Commissioner Oldaker stated that he also felt settling the cases was a wiser decision than proceeding with a court case that carried potential risk for the Town's finances.

Mayor Sasser concluded that once the cases have been settled, the transcripts of the Town's Executive Sessions discussing the cases will be made public. He encouraged any interested individuals to read these transcripts once they are part of the public record.

**Vice Mayor Brown made a motion, seconded by Commissioner Vincent, to approve Resolution 2017-16. Motion carried 5-0.**

**Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve Resolution 2017-19. Motion carried 5-0.**

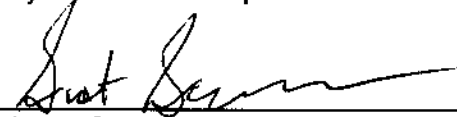
**Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve Resolution 2017-20. Motion carried 5-0.**

#### **17. QUASI JUDICIAL PUBLIC HEARINGS**

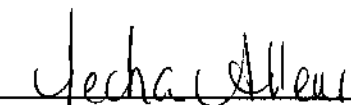
None.

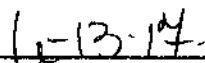
#### **18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 8:39 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Allen

  
\_\_\_\_\_  
Date