

**LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL WORKSHOP
Jarvis Hall
4505 Ocean Drive
Monday, May 12, 2014
6:00 P.M.**

1. CALL TO ORDER—MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:00 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, and Deputy Town Clerk Tedra Smith.

2. PUBLIC COMMENTS

Mayor Sasser opened the meeting to public comment.

Arthur Makenian, President of the Hillsboro Lighthouse Preservation Society, explained that this Society is a nonprofit volunteer organization dedicated to the care and maintenance of the Lighthouse. The Society was reaching out to the four surrounding cities and townships, including Lauderdale-By-The-Sea, for financial assistance in the amount of \$4,200 each.

John Boutin, owner of the Windjammer Resort, stated that “kite boards” should be included in the definition of watercraft, as they move at a very high speed. He also felt motorized vessels and competition between vendors could affect the relaxed atmosphere of the beach.

Bill Ciani, private citizen, stated that he hoped individuals will be able to launch watercraft within a designated area. He emphasized the importance of diving and water sport activity within the Town.

With no one else wishing to speak, Mayor Sasser closed the public comment portion of the meeting.

3. DISCUSSION ITEM

a. Prohibition of launching watercraft from the beach or operating watercraft from the watercraft prohibited zone (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann recalled that the Commission had previously discussed amending Town Code to allow the launching of kayaks from the beach. At present, Code prohibits launching of any watercraft other than surfboards, skim boards,

or windsurfers, or operating any watercraft within the protected swimming area or within 300 ft. of the pier. This led to a wider discussion of watercraft, including rafts and paddleboards. Included in the Commissioners' backup materials are questions designed to provide direction for the Town Attorney and Town Staff in crafting prospective Code amendments.

Commissioner Brown suggested that the Code be simplified to allow any non-motorized watercraft to be launched from the beach, as he felt it is impossible to designate a specific launching area or control where people enter the beach. Vice Mayor Vincent agreed, stating that users of watercraft often police one another.

Commissioner Sokolow advised that the Town should use care in defining wind-powered watercraft, and asserted that he opposes launching motorized watercraft from the beach. Commissioner Dodd also felt care should be taken in defining powered watercraft, and concluded that corridors separating swimmers from watercraft could be designated so everyone may enjoy the ocean.

The Commissioners discussed the issue further, including whether or not there should be size limitations on watercraft. Mayor Sasser commented that he did not have an issue with watercraft such as kayaks, paddleboards, and wind-powered vessels.

Town Attorney Trevarthen confirmed that boat storage is not currently allowed on the beach, and that another statute prohibits aerial launching or landing of vehicles from the beach.

It was clarified that the Commission was in favor of allowing non-motorized watercraft to be launched from the beach. Town Manager Hoffmann asked if this meant launching would also be allowed near the pier.

The Commission further discussed the designation of launching sites for watercraft, noting that Code currently prohibits boats or other watercraft from being operated within 100 yards (300 ft.) north, south, or east of, or beneath, the pier. It was agreed that this distance would be maintained as a safety consideration. The requirement that watercraft be kept 100 ft. away from bathers would not be necessary, and it will remain unlawful to engage in kite surfing instruction on the beach.

b. Policies for the use of the Ocean and Dune Plazas (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised Staff has drafted proposed policies regarding the use of the new plazas downtown for the Commission's consideration. These policies would limit the number of times a given business could use the plazas within one year, define the types of events for which the plazas could be used, and set rental fees for plazas. Suggested policies and rental fees are included in the Commission's backup materials.

She noted the Commission was also being asked if they would like to require licensing for artistic or entertainment-oriented use of the Plazas. Such uses are currently prohibited as soliciting if the artist or performer is requesting payment for their activities. She noted that a caricature artist periodically shows up on weekends. A magician recently showed up and the people sitting in the plazas appeared to enjoy his show. He had been cautioned that he could perform and accept unsolicited gratuities but, under the code, he could not actively solicit payment. Town Manager Hoffmann explained that if the Town licenses these uses, some quality control could be exercised. If they do not require licensing, code enforcement became an issue. Right now, the Town was only taking action if the activity was causing a problem.

Commissioner Brown clarified that if allowing a business to rent one of the plazas meant that business could fence off or restrict public entry into the space for closed events, he would be opposed to it. He was, however, in favor of Town-sponsored events in the plazas that are open to the public. He suggested that this could begin on a trial basis in June and July, when the weekend musical events are not scheduled. Commissioner Sokolow agreed that the plazas should not be rented to private organizations or individuals, but maintained for the use of residents and visitors, with the possible exception of an event that could benefit the Town.

Mr. Ciani asked if the Town planned to take a position on artists performing or working in front of a local business, whether closed or open. Town Manager Hoffmann thought the artists could be licensed to operate within the two plazas rather than on the sidewalk.

Mayor Sasser observed that there was consensus among the Commissioners with respect to prohibiting private events. He asked to know the will of the Commission regarding moving the weekend musical events to the plazas from their current location. Commissioner Sokolow pointed out that while he did not oppose this, some events might wish to charge an admission fee, which could be difficult. He concluded that at least initially, this should be limited to a very few times per year.

Commissioner Brown did not agree, stating that he did not want to see restaurant and/or bar activity in the plazas. He reiterated that the plazas should remain open to the general public. He also recommended flexibility, as it may be necessary to modify policy over time. Mayor Sasser agreed that commercially-funded activities should be limited to a few times per year at first. Commissioner Dodd agreed that the plazas should be kept open to the general public, but advised he would not be in favor of moving the regular musical events to the plazas, as these spaces did not lend themselves easily to these events.

Town Attorney Trevarthen requested more feedback from the Commission regarding outside sponsorship of events, whether by nonprofits or by businesses. Mayor Sasser observed that in-Town businesses should be considered for sponsorship of plaza events, but did not feel this was appropriate for outside businesses. Commissioner

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Sokolow agreed with this. Commissioner Brown felt that if the Town allowed private organizations to sponsor events in the public space, they should not distinguish between local and outside organizations.

Town Attorney Trevarthen recommended that regulations on the use of the plazas be strict in the beginning but become more flexible over time, as needed. She also advised that regulation should be based on clearly enforced rules rather than any arbitrary decisions. Town Manager Hoffmann agreed, noting that allowing businesses from other communities, which may compete with Town businesses, to rent the plazas would not be well-received.

It was noted that the definition of events open to the public may include allowing the public to purchase tickets. Mayor Sasser commented that the potential sale of tickets is a gray area, as this might involve cordoning off a portion of the plaza.

It was decided that at present, sponsored events in the plazas would be limited to in-Town businesses and/or nonprofit organizations, with the applications for use of the plazas to come before the Commission for approval for at least the first year. Outside nonprofit organizations would be allowed one event per year.

Commissioner Brown returned to the issue of regulating individual artists or performers who wish to work in the plazas, asking if these individuals would need to be licensed or even invited by the Town. He felt this would be a more likely use than business-sponsored events, due to the size of the plazas.

Vice Mayor Vincent asked if it would be legally possible to prohibit a performer or artist who is not soliciting money from working in the plazas. Town Attorney Trevarthen replied that no such performers have been prohibited or cited thus far, although it is not uncommon for municipalities to have procedures in place for doing so. She advised that any such procedures must be very objective, and that there are procedural models in other cities that the Town can look to for guidance. Circumstances would include issues such as obstruction, noise, safety, and similar considerations, or in the event of a performer who is actively soliciting money rather than accepting donations.

Commissioner Brown proposed hiring Town-sponsored entertainers and establishing a modest fund for this purpose. This could result in better-quality performances than unsolicited artists, as well as provide control over specific types of entertainment. Town Attorney Trevarthen agreed that this would allow the Commission the maximum amount of control and discretion over performers, although she noted that this could come with greater demand on Staff.

Commissioner Sokolow recommended charging nominal license fees to performers for a specific time period in order to find out what type of responses it generated; however, he was not in favor of the Town spending significant funds to bring entertainers to the plazas. Vice Mayor Vincent and Commissioner Dodd concurred with this suggestion.

Town Attorney Trevarthen noted that this would mean the Town has less discretionary control over the entertainment in the plazas.

Commissioner Brown expressed concern with controlling non-entertainers who dress in costumes, as this has been problematic in other cities and locations and can lead to "strong-arm" tactics from these individuals for donations. He stated that he was not averse to the Town occasionally soliciting entertainers, particularly when no events are planned elsewhere in the Town. His primary concern was that the Police be allowed to control situations that could get out of hand.

Commissioner Dodd noted that if these individuals are required to apply for licenses, Town Staff could distinguish between entertainers and more opportunistic behaviors. He concluded that if more control is needed, or if the quality of performances is not what the Town wishes to see, licensing could be withdrawn in favor of sponsorship at a later time.

c. Special Event Procedures and Fees (Connie Hoffmann, Town Manager)

Town Manager Hoffmann explained that the Town is receiving more and more applications for special events, which can be time-consuming and often require the input of a member of senior Town Staff. She pointed out that when an approved event is actually staged, we do not have a Special Events Coordinator position and no individual Staff member is tasked with ensuring that events are held properly. She noted that, for larger events, the Assistant Town Manager often comes up to check the set up on weekends. She noted that applications are often submitted late and site plans can lack sufficient information forcing staff to keep asking for more specificity or finally redoing the site plans themselves. With the volume of special events increasing, this is becoming a problem. She requested the Commission's permission to enforce the rules for event procedures and fees more stringently, as the current lack of discipline places a greater burden on Staff.

Town Manager Hoffmann continued that the present event fee is only \$100, even for large or ongoing events. While there is a benefit to the Town from some of these events, they often include a money-making aspect for the organizer as well. She noted that the backup materials present suggestions for modifying event fees. Finally, for better control and public safety, Staff recommended having the Town and the Broward Sheriff's Office (BSO) oversee the policing and security activities on public property rather than the event sponsor supervising the off duty police details. The business or sponsor would be asked to reimburse the Town for the cost of the additional police presence.

Mayor Sasser asked if this greater control would mean the Town assumes additional liability for the events. Town Attorney Trevarthen advised that she has not been previously involved in this process, but would explore this question further with the assistance of BSO, which has its own legal counsel.

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Commissioner Sokolow stated he was supportive of Staff's proposals regarding event applications and fees, provided that they allow sufficient notice that rules will be enforced and that fees will increase, particularly for applicants who may have become used to less stringency and lower fees.

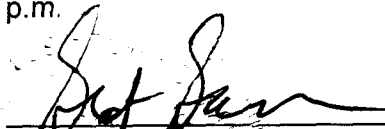
Mayor Sasser commented that the Town should keep regulations as simple as possible by enforcing the existing rules, and charging a higher fee for late applications. He agreed that fees should be based upon the size of the proposed events as well. Vice Mayor Vincent agreed, stating that following existing rules would be simpler than keeping track of overtime hours. He asserted that he was also in favor of the fee structure proposed in the backup materials.

The Commissioners agreed by consensus to double the fee for late applications in support of Town Staff. Mayor Sasser agreed that applicants should be advised that changes in fees, as well as adherence to the rules, are forthcoming.

Mayor Sasser concluded that from the present through Labor Day, ties would not be required at Town meetings.

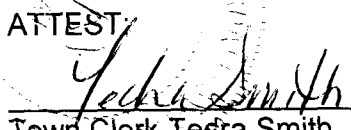
4. ADJOURNMENT

With no further business before the Commission, the workshop was adjourned at 8:24 p.m.

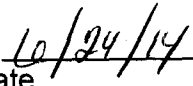


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date