

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 9, 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, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, 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

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

The Commissioners agreed by consensus to hear Item 15ai immediately following Item 12, Old Business.

5. PRESENTATIONS

a. Pastor Goldsmith Proclamation (Steve d'Oliveira, Public Information Officer)

Mayor Sasser read a Proclamation recognizing Tuesday, May 9, 2017 as Pastor Jim Goldsmith Day.

b. Municipal Clerk's Week Proclamation (Steve d'Oliveira, Public Information Officer)

Mayor Sasser read a Proclamation recognizing the week of May 7-13, 2017 as Municipal Clerks' Week.

c. "National Police Week" and "National Police Officers Memorial Day" Proclamation (Captain Tom Palmer, BSO)

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Mayor Sasser read a Proclamation recognizing the week of May 14-20, 2017, as National Police Week and May 15, 2017 as National Peace Officers Memorial Day.

d. Florida Development Group Update (Doug Barrow, FDG)

Doug Barrow, representing the Florida Development Group (FDG) and Hospitality Ventures Management Group (HVMG), reported that progress continues at FDG's properties, including structural reports and a planned meeting between the development team and Code Enforcement. FDG hopes to develop a full budget and comprehensive timeline for the ongoing projects.

FDG is close to making a decision on a project architect and has already engaged a structural engineer and design consultant. Mr. Barrow estimated that a comprehensive plan may be completed within the next 60 days. The firm's primary goal for branding is to create a "diver-centric" resort.

Mayor Sasser requested an estimated timeline within which FDG believes the properties may be occupied. Mr. Barrow replied that the different properties are likely to be completed at different times. He advised that the first phase of the project will be shovel-ready by September 2017, with a full set of plans and a full branding outline. He felt the former Villa Capri may be complete within 12 months, while the former Holiday Inn is more likely to take 18 months from the start date of September 2017. No delays related to funding are anticipated.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Ellen Zavell, President of the Lauderdale-By-The-Sea Lodging Association, addressed Item 13c, which deals with branding signage on West Commercial Boulevard. She stated that the Town's hoteliers support this initiative, including signage that could direct first-time visitors to hotels, restaurants, and stores in the Downtown district beginning at the bridge.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD April Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Bud Bentley, Town Manager)

Development Services Director Linda Connors introduced Sue Leven, who has recently joined the Town's Development Services Department as the Town Planner. Her primary responsibilities will include working with the Board of Adjustment as well as signage and other special projects.

Mayor Sasser noted that the Farmers' Market will close for the season on Sunday, May 7, 2017. He added that "Americana"-themed banners will be placed throughout the Town in May as part of the preparations for the coming 4th of July celebration.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. April 25, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

It was requested that Items 11c and 11e be pulled for additional comment.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve 11a, 11b, and 11d. Motion carried 5-0.

- a. License Agreement with the Florida Development Group – 4th of July 2017 (Debbie Hime, Special Projects Coordinator)**
- b. Special Event Application for Broward County's International Coastal Cleanup Saturday, September 16, 2017 (Debbie Hime, Special Projects Coordinator)**
- c. Special Event Application for Green Turtle Plaza's Continuation of "Third Thursday Art Stroll" in June, July, and August 2017 (Debbie Hime, Special Projects Coordinator)**

Ina Marjakangas, business owner, requested that permit fees be waived for the Third Thursday Art Stroll. Local artists are expected to participate in the event, which celebrates

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the area and culture of Lauderdale-By-The-Sea by featuring artists' work placed in local businesses west of Commercial Boulevard.

Special Projects Coordinator Debbie Hime advised that the fee associated with this event is \$500, which would cover three months. Staff has no issues with waiving the fee for this event.

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve, including waiving the fees. Motion carried 5-0.

d. 2017 4th of July Celebration Special Event Applications (Debbie Hime, Special Projects Coordinator)

e. Authorizing an Extension of the CAP Government Contract for Building Services to August 26, 2017 (Linda Connors, Development Services Director)

Commissioner Vincent noted that because other local municipalities have been unable to complete an analysis of this extension or the hiring of a new service provider, Staff is unable to make a recommendation on this Item. He stated that due to the complexity of the RFP for these services, the contract would likely be delayed even longer than four months.

Town Attorney Susan Trevarthen advised that the prior extension of this contract was pursuant to a waiver of the purchasing manual. This requested extension would require the same waiver. She added that Town Staff wishes to further examine the contract before authorizing a more lengthy extension.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to authorize the extension for four months and authorize Staff to negotiate an appropriate contract. Motion carried 5-0.

Town Attorney Trevarthen recommended that any longer commitment be brought back before the Commission as a future Agenda Item.

12. OLD BUSINESS

a. Marina – Status Report on Code History and Fines (Linda Connors, Development Services Director)

Development Services Director Connors recalled that at the April 25, 2017 Commission meeting, the Commission requested that the owner(s) of the Silver Shores Marina be invited to tonight's meeting, with Staff to provide a status report on the history of Code Enforcement issues related to this property. Since 2012, the marina has received 38 Code

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citations, courtesy notices, and violations, generating a total of \$381,500 in fines. These violations include the following issues:

- Condition of piers and docks
- Condition of parking lot
- Accessibility
- Docked boats exceeding the allowable length

All these issues are currently in compliance; however, at the May 25, 2017 Special Magistrate hearing, Staff plans to request additional fines. These include \$3000 for docking boats in excess of the agreed-upon length. Because this is a recurring violation, Staff may proceed directly to the Special Magistrate hearing instead of providing the responsible parties with a courtesy notice or citation. Staff will request a fine of \$500/day for each violation.

Staff will also present cases related to trash on the marina's docks and damaged walkways. They are also requesting a finding a fact related to watercraft rental without a business tax receipt (BTR) or conditional use permit. The marina has since come into compliance regarding the rental of boats. Should they request a conditional use agreement related to this rental, the request would go before the Planning and Zoning Board as well as the Town Commission.

Commissioner Oldaker asked for more information regarding the length of boats docked at the facility. Development Services Director Connors explained that a provision in Town Code allows the Town Manager to determine the length of boats allowed at a given location; during the marina's ongoing approval process, Town Manager Bud Bentley spoke with both representatives and neighbors of the facility and identified two slips that could accommodate an 80 ft. boat. At times, three boats exceeding this agreed-upon length have been recorded at these slips. The Town has provided a record of these violations to the Special Magistrate.

Commissioner Vincent expressed concern that the violations may have occurred for a significant time in the past, resulting in continued operation of the marina under unsafe conditions. Development Services Director Connors replied that while she did not recall a specific incident leading to identification of this violation, community input was a factor, as Code Enforcement does not typically enter private property to check compliance.

Joey Boothby, representing the Silver Shores Marina, explained that he is currently the majority owner of the facility. He has relieved the former marina manager of his duties and plans to bring the property to an appropriate level of service. He has provided new signage for the marina, engaged a professional management company to help oversee the facility, and taken action to remove unsavory tenants, including the party responsible for watercraft rental without the proper permissions.

Commissioner Vincent asked how frequently Mr. Boothby has visited the marina over the past decade. Mr. Boothby estimated that he has visited the facility up to 12 times. He

confirmed that he would not dock a vessel he owned at the marina on a permanent basis, and reiterated his commitment to making repairs.

Vice Mayor Brown stated that the primary issue seems to be the adoption of best management practices, including having a full-time manager on or near the property to respond to any problems that may arise. He recommended that Mr. Boothby consider meeting with neighbors of the marina to determine best practices for the facility.

Commissioner Sokolow commented that the Silver Shores Marina is not intended to be a fully functioning transient marina with fuel docks. He advised Mr. Boothby to continue working with Town Staff to establish an appropriate timeline for improvements.

Mr. Boothby reported that the parking lot at the facility has been brought into compliance with Code, and finger piers have been replaced with new docks featuring electrical upgrades. He agreed that he would like to hear from neighbors of the marina, who are most directly affected by the property's needs.

Mayor Sasser observed that portable pump-out facilities might be preferable to a permanent station. Mr. Boothby did not feel a pump-out station was necessary, as the marina is not a live-aboard facility, but confirmed that he would be willing to add a station if that would satisfy the property's neighbors.

John Lanata, resident, asked for a timeline for repairs to the marina. He emphasized that quality of life is a major issue for the property and its neighbors. He felt the conditional use process should address most of the marina's shortcomings.

Commissioner Oldaker asked if Mr. Boothby has submitted all the documentation necessary to permit repairs and improvements to the marina. Mr. Boothby replied that he is reviewing the documents and has an idea of what improvements would be necessary. He acknowledged Mr. Lanata's concerns and concluded that he is willing to work with Town Staff to resolve the marina's issues.

Commissioner Oldaker also agreed with Vice Mayor Brown's suggestion that Mr. Boothby reach out to the marina's neighbors and perhaps formalize their participation in the improvement process. He was not confident that the community's concerns have been fully heard, and suggested that the Commission consider scheduling a workshop to hear further input.

b. Status Report: Partitioning of Ownership of the Silver Shores Waterway Submerged Land (Bud Bentley, Town Manager)

Town Manager Bentley advised that the Silver Shores Marina was platted in 1952, resulting in the creation of the Silver Shores Waterway. The developer retained ownership of the submerged land. As part of the property's subdivision, its owners received permission to build docks.

In the 1980s, the owner of the property's submerged land stopped paying property taxes, which resulted in a judicial process and tax sale. When there was no purchase of the submerged land, Broward County transferred the deed to the Town. The deed included 18/19ths, or roughly 95%, of the submerged land. The remaining 1/19th had been transferred to another party many years earlier.

Town Manager Bentley emphasized that the property represents an undivided interest, which means the Town owns 95% of the property's submerged land, with the remaining 5% owned by the Silver Shores Marina. This differs from the platting of all the Town's other canals, which were dedicated to the Town for public purpose use.

The plan for the marina has always included partition of the Town's interest, which means the Town would transfer another 5% of the submerged land to the Silver Shores Marina. The final cost of this transfer would be made after the Commission makes a decision regarding the marina's mooring area. This issue will go before the Planning and Zoning Board in May 2017 and would then be brought before the Commission in June.

Town Manager Bentley requested input from the Commission regarding whether or not the partition document meets the policy direction the Commission desires, or if the Commissioners would like Staff to add consideration of any new issues or items. He also noted that the submerged land has no value to any other parties, as the marina is surrounded by private property with no public access.

Mayor Sasser concluded that this Item was presented for informational purposes and did not require a vote.

The following Item was taken out of order on the Agenda.

15. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2017-07 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-271, “B-1 DISTRICT – BUSINESS,” TO REVISE REQUIREMENTS FOR MARINAS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

Development Services Director Connors recalled that in 2016, the Town added Marinas as a conditional use within the B-1 district, which allowed the Silver Shores Marina to come forward and apply for conditional use, with the regulation set forth in Code that the

Florida Clean Marina program be implemented. During completion of the application, it was determined that the marina was not eligible to meet the guidelines of this program.

As a result, the language in Code was amended to include language requiring the marina to implement the Florida Clean Marina program's best management practices, which are applicable as standard practices for facility operations. Within 30 days of approval, the marina must submit a Clean Marina Best Practices Implementation Plan for approval and monitoring by the Town Manager. The Plan may be reviewed and modifications required by the Town Manager as necessary on an annual basis to ensure continued operation that is consistent with best practices.

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

The Commissioners discussed the Ordinance, with Commissioner Sokolow requesting more information on Florida Clean Marina best practices before voting on the Item. Development Services Director Connors replied that the requirements of the Florida Clean Marina program are lengthy. The Town's intent is to have the marina and Town Staff review best practices that they agree are applicable, such as a hurricane preparedness plan and signage related to the disposal of waste and/or hazardous materials. Other practices, such as those related to the pumping of fuel, do not apply to the facility and need not be addressed.

Mayor Sasser commented that these practices should be reviewed by Staff and the marina owner before the Commission votes on the proposed Ordinance. Development Services Director Connors explained that the Ordinance would place a framework in place for the determination of best practices. She did not feel an answer would be prepared before second reading of the proposed Ordinance.

Commissioner Vincent and Commissioner Oldaker agreed that additional clarification of Clean Marina Best Practices and/or definition of the term "Clean Marina" is necessary. Vice Mayor Brown noted that the Ordinance's language would empower the Town Manager to approve the facility's Clean Marina management practices, which he felt would be better left to the Town Commission. Commissioner Sokolow concluded that he felt it was unlikely any Commissioner would have sufficient knowledge of Florida Clean Marina standards to establish best practices.

Commissioner Sokolow made a motion to adopt the Ordinance on first reading.

Commissioner Vincent recommended that the Commission hear further clarification of Florida Clean Marina best practices or remove the reference to these standards altogether. Development Services Director Connors explained that the marina's application would be asked to include a statement that they would implement the Florida Clean Marina program's best management practices, which would be identified within 30

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days of approval. She pointed out that this would provide the Planning and Zoning Board, the Commission, and the community with an opportunity to see these practices listed.

Commissioner Vincent seconded the motion. Motion carried 5-0.

Mayor Sasser concluded that he would be satisfied with an Ordinance that allowed the Commission to have final approval of the marina's application.

The Commission took a brief recess at this time.

16. NEW BUSINESS

- a. Plaintiffs' Proposals to Settle Palm Yacht and Beach Club, Delrado, and Edmondson Lawsuits: The Palm Yacht & Beach Club, Inc. v. Town of Lauderdale-By-The-Sea, Case No. 09-028548 (03); Delrado, Inc. v. Town of Lauderdale-By-The-Sea, Case No. 09-028554 (03); and Edmondson v. Town of Lauderdale-By-The-Sea, Case No. 09-028566 (03) (Susan Trevarthen, Town Attorney)**

Town Attorney Trevarthen advised that due to the amount of information on these settlements, as well as the long-running status of these cases in the community, this Item will be presented at both tonight's meeting and the May 23, 2017 meeting, subject to direction.

In 2000, the northern end of Lauderdale-By-The-Sea was incorporated into the Town. In 2006, the Town Commission considered a petition to amend the Town Charter in order to extend the existing height limits that applied on the southern end of the Town into properties within the northern annexed area. This petition was approved by Town voters at a March 14, 2006 election.

Following the decision to apply these height limits, four property owners, which are the entities listed above, sued the Town. These properties are located on the eastern side of Ocean Boulevard in the northern end of the Town. In 2009, all four suits were consolidated under the Palm Yacht and Beach Club name and case number, as they shared many common factors. In 2015, one of the four original plaintiffs, Coastal Arms, withdrew its suit and entered into a settlement.

Under the direction and authorization of the court, the three remaining parties engaged in mediation and have explored settlement of the lawsuit. All three plaintiffs have two claims related to the height limits in common:

- Compensation for the impact of the height limit pursuant to Florida's Harris Act, in response to which the Town filed a motion to dismiss;

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- Claim to vested rights pursuant to an annexation entered into by the Town with the South Beach Civic Association, a group of property owners located in the northern end of the Town.

Town Attorney Trevarthen noted that one plaintiff, the Palm Yacht and Beach Club, also has a unique claim in relation to a 99-unit cooperative on the west side of Ocean Boulevard. Their complaint alleges that they are entitled to have the Town install a sanitary sewer system for this property.

Should the Town Commission approve the three settlements before them, all three remaining claims for monetary damages arising from the height limits, which are alleged to be approximately \$16 million, would be dropped. The Palm Yacht and Beach Club would also give up its claim to be able to build structures taller than the northern height limits for a 1 acre recreational parcel. The other plaintiffs would give up their claim for damages in exchange for the right to be able to build to County height limits.

The settlement with Palm Yacht and Beach Club would also grant the Town utility easements so the Town can install the requested sanitary sewer system. The same terms and conditions in place for other sewer improvements in the northern part of the Town would apply. All parties would bear their own attorneys' fees and costs. A number of additional details would apply in the cases of the two plaintiffs respectively seeking additional height and County setback requirements, as these plaintiffs have not filed specific plans of development thus far.

Town Attorney Trevarthen recommended that this Item be brought back for further consideration at the May 23 Commission meeting.

Mayor Sasser asked if the settlements are related to height limitations in the southern end of the Town. Town Attorney Trevarthen clarified that this is not part of the decision. She added that the Town's motion to dismiss on the grounds that the plaintiffs had sued prematurely, having no development plans, prevailed, although the plaintiffs have indicated that they would pursue their rights to appeal when these plans arose.

Mayor Sasser observed that because the Palm Yacht and Beach Club is in need of a sanitary sewer system, this installation in exchange for height limits on the eastern side of Town seems to be the right action to take. He concluded that it would be best to put this issue behind the community. Vice Mayor Brown agreed that the lack of a sewer system could easily create an environmental issue for the Town and that this potential threat should be addressed. He felt continuation of the suits would be expensive and not productive for the Town.

Commissioner Vincent requested clarification of tonight's vote on this Item. Town Attorney Trevarthen confirmed that approval of the Item would not be final, but would provide a second opportunity for residents of the Town to come forward and be heard on this issue. Commissioner Vincent agreed that the septic situation at the Palm Yacht and Beach Club

should be addressed, and that further expenses related to these suits would not be fiscally responsible of the Town.

Commissioner Sokolow also agreed that installation of a sewer system is long overdue. He pointed out that the height agreement of the settlement did not guarantee that they plaintiffs would build to greater heights than allowed by Code. Commissioner Oldaker commented that while \$16 million is a significant amount of money for the Town, he did not feel the Commission should risk more by continuing the suit.

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, asked if the Commission's decision on this issue must go back to the community for a referendum, as the Town had previously voted on a related Charter Amendment. He also asked how the plaintiffs could be allowed to sue for monetary damages in this case.

Town Attorney Trevarthen explained that the Town's motion to dismiss the Harris Act claims was successful; however, this decision cannot become final until the remaining issues of the case are addressed, and motions by the Town to dismiss other counts were not successful. Should the Town decide to continue fighting the case, the potential outcome remains unknown.

Dan Abbott, also representing Weiss Serota Helfman Cole & Bierman, advised that the Harris Act statute includes a mandate for parties to discuss settlement before going before a jury. This procedure requires parties who feel they have been burdened by a government regulation, such as the height limitation, to submit their claims to the government, which will then decide if they wish to offer relief. Not applying the subject regulation is one of the government's allowed responses.

Ron Piersante, resident, stated that he was in agreement with the Commissioners and in favor of the proposed settlement.

Larry Salay, resident, expressed concern with the cost of the proposed sewer system installation for Palm Yacht and Beach Club. He also asked if the plaintiffs planned to build a high-rise building on the ocean, noting that this development would add significantly to the Town's tax rolls.

Town Attorney Trevarthen noted that the plaintiffs annexed into the Town were entitled to build to a height of 15 stories prior to annexation. This remained in place until the 2006 Charter Amendment referendum, which applied height limits in the north. The settlement would provide the plaintiffs with the right to build to 15 stories in lieu of having the Town pay monetary damages and not allowing construction to this height. She reiterated that the settlement avoids the possibility of the Town losing the case and paying additional damages.

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Town Manager Bentley added that while the Palm Yacht and Beach Club may sell their property, it is located in an area zoned for single-family homes, which means they could not construct a large facility there. Regarding the cost of sewer installation, the estimated cost is \$3 million or less.

Town Attorney Trevarthen also noted that the net revenue from the annexed properties would exceed the Town's net expenses in serving these properties. There is no specific commitment to install sewer service to the Palm Yacht and Beach Club; however, this service is one option for expenditures in the north end of the Town.

Mayor Sasser added that grant funds may be available to assist with the cost of sewer installation. He concluded that it is imperative that the Commission develop a communication plan for disseminating information on the proposed settlement to the Town.

Bob Fleishman, resident, recalled that at pre-annexation Town meetings prior to the Charter Amendment referendum, the neighborhoods to be annexed were promised installation of a sewer system. He felt the Palm Yacht and Beach Club was treated unfairly by an earlier Town Commission by being deprived of a sewer connection.

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

Mayor Sasser advised that the Commission would vote upon each plaintiff's settlement individually. Approval of each settlement would advance the Item to the next Commission meeting, which is scheduled for May 23, 2017, for further discussion as necessary.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve Exhibit A, the Edmondson tentative settlement. Motion carried 5-0.

Commissioner Sokolow made a motion, seconded by Vice Mayor Brown, to approve Exhibit B on the Delrado settlement to move it forward. Motion carried 5-0.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve the Palm Club settlement agreement and move it forward to the next meeting. Motion carried 5-0.

The Commissioners agreed by consensus to have Staff begin researching the availability of federal or State grant funding toward sewer installation. They also directed Staff to implement a communication plan prior to the next scheduled meeting to make the public aware of the proposed settlement.

**b. Application for Relief of Code Enforcement Lien at 2020 Waters Edge
(Linda Connors, Development Services Director)**

Development Services Director Connors explained that this is a mitigation application for a property that went into foreclosure in 2012. Some liens were placed against the property after foreclosure.

The following violations recorded for the property are still valid:

- Dock in disrepair
- Garbage account
- Overall maintenance of the property

Fines against the property have accrued to \$128,800. In addition, another \$1000 in administrative fees apply, bringing the total charge to \$129,800. The request for mitigation would forgive 96.12% of these fines, with a total payment of \$5000.

Vice Mayor Brown asked if the longest-running violation against the property, disrepair of the dock, had a significant impact on neighboring properties or the surrounding community. Development Services Director Connors replied that this violation had an impact on neighboring waterfront properties, and that the violation was not addressed for over 500 days. She also noted that the lack of overall maintenance to the property affected the surrounding community.

Howard Elfman, representing the Applicant, advised that when the bank was granted access to the property, they began addressing violations. The dock proved to be problematic, as it was a concrete dock with a wooden structure on top of it. The bank sought a response on how to make repairs from the U.S. Army Corps of Engineers, which took more than five months. The rest of the property has been renovated and is currently for sale.

Commissioner Sokolow asked why maintenance of the property took five months to bring into compliance. Mr. Elfman stated that this may have been related to access to the property: if a resident remains in the home after foreclosure, the bank has no access to the property until they have left.

Vice Mayor Brown commented that while the Town has historically been lenient in reducing fines, the property was not properly maintained for a total of 161 days. He felt mitigation to 20% of the total fine would be more appropriate.

Commissioner Vincent observed that administrative fees constitute roughly 5% of the total fine. He pointed out that while the Town's standard for mitigation encourages banks to bring foreclosed properties into compliance sooner rather than later, the bank took action once they were granted access to the property.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, for 10% plus \$1000 administrative fee, payable within 30 days or reverting back to the full amount. Motion carried 4-1 (Commissioner Oldaker dissenting).

c. Branding of West Commercial Business District (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Hime advised that the Town is holding more events in the West Commercial Business District to promote more interest in this area. Discussions have been held with approximately 30 businesses located along Commercial Boulevard. In the course of these discussions, it has been noted that there are more banners and signage used along El Mar Drive throughout the year than along West Commercial Boulevard.

Merchants along West Commercial Boulevard have requested more banners and buoys to be interspersed with the Town's regular branding banners. Funds have already been budgeted for the manufacture of three more buoys, two of which would be placed at the foot of the Commercial Boulevard bridge to promote pedestrian activity in this direction. Staff is also considering placement of more icon logos in the Town's Plazas and promotion of the area as the Bridge Walk District. More meetings are planned with West Commercial Boulevard businesses to flesh out an entire branding package.

Mayor Sasser advised that Bridge Walk may not be the best choice for branding this district, suggesting that Orchid Walk might be more appropriate, since pedestrians are not actually encouraged to walk over the bridge. Special Projects Coordinator Hime explained that signage along El Mar Drive and A1A encourages pedestrians to "take the Bridge Walk" toward the west. She agreed that the Orchid Walk could be included in promotional materials for the area.

Mayor Sasser also recommended further discussion of branding efforts with Ambit Marketing, focusing primarily on a more appropriate name. Special Projects Coordinator Hime agreed that Staff would continue branding conversations with business owners in the area and bring the results back to the Commissioners at a subsequent meeting.

Ina Marjakangas, business owner, emphasized the need for greater promotion and attention to this district, which features significantly fewer signs than the eastern corridor. Rents on eastern A1A are significantly high, which means it is more likely that large bars and restaurants would be the only businesses that can survive in that area.

17. COMMISSIONER COMMENTS

Vice Mayor Brown stated that he found the May 2, 2017 Transportation Workshop to be helpful and informative. He felt it laid significant groundwork for the address of transportation issues in the Town.

Commissioner Oldaker thanked Town Staff for hanging the seasonal "Americana" banners and flags. He added that they also did a good job maintaining the Town during the recent Air and Sea Show.

18. ORDINANCES

b. Ordinances 2nd Reading

- i. Ordinance 2017-06 – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA, APPROVING THE 2017 RESTATED SOLID WASTE AND RECYCLABLE CONNECTION FRANCHISE AGREEMENT WITH WASTE PRO USA, INC.; AUTHORIZING THE SECOND RENEWAL TERM FOR A PERIOD FROM MAY 18, 2017 TO NOVEMBER 30, 2021; AUTHORIZING EXECUTION OF THE 2017 AMENDED AND RESTATED FRANCHISE AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Assistant Town Manager)**

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

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

19. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2017-15 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2016/2017 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2016/2017 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Tony Bryan, Acting Finance Director)**

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

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

20. 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. Individuals wishing to speak on these items were sworn in at this time.

a. Conditional Use – Waiver of the Requirements of Article VIII, “Sign Regulations,” of Chapter 30 for one wall sign for the High Noon Beach Resort at 4418 El Mar Drive (Linda Connors, Development Services Director)

Development Services Director Connors explained that Staff has approved the Applicant’s conditional use of signage on their main building. The wall around the property at 4416 El Mar Drive has recently been constructed and the Applicant is seeking to place a smaller version of their sign on this wall; however, one of the sign’s decorative features is larger than what is allowed by Code. All other features of the sign meet Code requirements.

Paul Novak, Applicant, advised that the restaurant’s sunburst logo is slightly larger than Code restrictions.

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

b. Conditional Use – Waiver of the Requirements of Article VIII, “Sign Regulations,” of Chapter 30 for 4245 and 4301 El Mar Drive (Linda Connors, Development Services Director)

Development Services Director Connors stated that the subject properties, the Sea Spray and the Santa Barbara, were recently purchased by the same owners and are being branded together. A feature of the proposed sign, the letter “S,” is larger than what is allowed by Code, but is consistent with the Midcentury Modern architectural style preferred by the Town. At 4245 El Mar Drive, the “S” is 13.5 in. in size, while at 4301 El Mar Drive the “S” is 24 in. The wave is also larger than Code allows.

Dennis Williams, Applicant, advised that the logo is used throughout the properties’ documentation and branding.

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

21. ADJOURNMENT

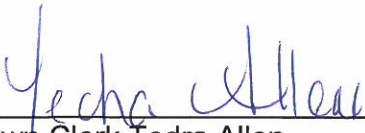
With no further business to come before the Commission at this time, the meeting was adjourned at 10:15 p.m.



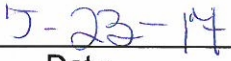
Mayor Scot Sasser

ATTEST:

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 9, 2017



Town Clerk Tedra Allen



Date