

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 13, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:33 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Commissioner Elliot Sokolow, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan Trevarthen, Finance Director Lisa Fuentes, 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

Father Michael J. Greer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Margaret Winiarczyk, resident, reported that she hoped to replace an existing damaged fence around her home with a wall that complements the building's architecture; however, because her house is adjacent to Friedt Family Park, one section of the existing fence may not be extended to the street. She explained that this extension would benefit both her home and the adjacent public space.

Mary Ellen Himes, resident, praised the recent tree lighting ceremony held by the Town and the activities held as part of the event. She requested that Pelican Hopper service operate on days or evenings when Town events are planned.

Jerry Sehl, resident, thanked the Town Commission, Town Staff, area businesses, and residents for their support of the Kiwanis Club in 2016.

Joan and Erik Schot, residents, invited all to a "Mingle and Jingle" event planned for Friday, December 16, 2016 at 6:30 p.m. at Assumption Catholic Church, to be followed by a concert.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO November 2016 Report (Captain Tom Palmer)

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

b. VFD November 2016 Report (Chief Judson Hopping)

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

c. AMR November 2016 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

a. Chamber of Commerce November Report (Tedra Allen, Town Clerk)

Courtney Stanford, representing the Lauderdale-By-The-Sea Chamber of Commerce, thanked Municipal Services Director Don Prince for the recent repainting of the Visitors' Center. She also recognized incoming Chair Dick Clark, who thanked the full Commission for attending the recent opening of the Farmers' Market. Mr. Clark continued that the Chamber of Commerce will hold its first annual meeting on February 3, 2017 at Coral Ridge Country Club. He invited the Town Commission and members of Town Staff to attend, and asked that Mayor Sasser formally address the meeting.

b. September Finance Report (Lisa Fuentes, Finance Director)

Finance Director Lisa Fuentes called the Commission's attention to the fact that fiscal year 2016 has not yet been closed, as some transactions will not be recorded until the end of the calendar year. She pointed out that the General Fund's year-to-date revenue

is \$12.3 million, not including appropriations. Approximately \$1.9 million was budgeted for fiscal year (FY) 2016, of which \$622,000 was transferred to other funds. \$1.2 million will remain in the General Fund.

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

Mayor Sasser thanked Town Staff, particularly Municipal Services Director Don Prince and Special Events Coordinator Debbie Hime, Town Staff, as well as the Volunteer Fire Department (VFD), Broward Sheriff's Office (BSO), and the many participating residents and businesses who helped to make Christmas-By-The-Sea a successful event.

Town Manager Bud Bentley addressed the fence issue raised during Public Comment, advising that he and Development Services Director Linda Connors plan to meet with the homeowner to discuss options. This issue is unique because the fence borders the park and cannot extend into the front setback.

Town Manager Bentley also addressed the Pelican Hopper issue raised during Public Comment, stating that evening service would be considered for next year's Christmas-By-The-Sea event. The Pelican Hopper is available during other holidays and Town events. With regard to tracking this service, there is the possibility of a second form of the mobile app that would allow for the tracking of a substitute vehicle when the Pelican Hopper is not available.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. November 15, 2016 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. November 29, 2016 Commission Workshop Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

Commissioner Vincent requested that Item 11c be pulled for additional discussion.

- a. Purchase of a Ford Escape (Don Prince, Municipal Services Director)**

- b. Excuse Absence for Commissioner Sokolow for the January 10, 2017 Town Commission Meeting (Tedra Allen, Town Clerk)**
- c. Special Event Application for Yoga & Meditation Classes (Debbie Hime, Special Projects Coordinator)**

At this time Mayor Sasser opened public comment.

Jebbie Melamed and Samantha Marchand, instructors, proposed that these classes be held on Tuesdays and Thursdays in the Community Building at sunrise. There will be no charge, and classes will accommodate both beginners and experts. Parking is not expected to be an issue, as classes will be held in the morning.

Town Manager Bentley stated that Staff recommends co-sponsoring the event, including payment of the application fee and provision of public information and notice. Town Attorney Susan Trevarthen added that permits will account for any liability associated with the classes.

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

- d. Special Event Application for Sunday TV Night Proposed for Sunday, February 5, 2017 (Debbie Hime, Special Projects Coordinator)**
- e. Accepting Donation from Mr. and Mrs. John Schmatz and Authorizing the Disposal of the Donation, which Requires Waiving Section V of the Purchase Manual (Bud Bentley, Town Manager)**

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

12. OLD BUSINESS

- a. FY17 Action Plan Setting Priorities (Bud Bentley, Town Manager)**

Town Manager Bentley advised that the documents before the Commission for approval reflect the steps taken at the November 29, 2016 Commission Workshop, with minor edits proposed by Staff. At the second Town Commission meeting of January 2017, the priorities will be included once more as part of the Town Manager's Report, with monthly status updates to follow.

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

13. NEW BUSINESS

a. Town Manager's Evaluation (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen stated that the time frame of this annual evaluation covers the period from April 26, 2016 through October 31, 2016. Town Manager Bentley received an average of 4.89 out of a possible 5. He thanked Town Staff and the Town Commission for their assistance over the past year.

b. Florida Development Group Update (Linda Connors, Development Services Director)

Development Services Director Linda Connors reported that a mitigation hearing was held during the October 25, 2016 Town Commission meeting for one of the properties held by the Florida Development Group. The Commission requested that Staff meet with the Florida Development Group (FDG) to discuss the redevelopment of properties on the south end of the Town, including properties on the El Mar Villa and Ocean Drive Hotel sites.

On December 1, 2016, a meeting was held between Mayor Sasser, Town Manager Bentley, Assistant Town Manager Tony Bryan, and the property owners and their representatives. The result was the plan of action attached as part of the Commissioners' Agenda Memorandum, which includes the following:

- Remove dead landscaping from the Ocean Drive Hotel site
- Improve, re-seal, and restripe Ocean Drive Hotel parking lots
- Remove "abandoned" signage and replace other signage on the Ocean Drive Hotel property
- Make small improvements to the El Mar Drive site, including temporary railings, grates, and exterior painting

FDG plans to begin work immediately on the landscaping, with the goal of completion by mid-January 2017. Other improvements cited above are intended to be complete by the end of February 2017. FDG representatives have estimated that \$90,000 will complete these projects, which will be undertaken while the group evaluates next steps with regard to the disposition of the two properties.

After reviewing the proposed landscaping plan, Staff believes it to be insufficient, and has suggested to FDG that they not only remove dead landscaping but make other improvements, such as mulching, refilling landscaping, and providing a more consistent buffer between the streets on El Mar Drive, Ocean Drive, and Palm Avenue.

Development Services Director Connors added that Code Enforcement has identified additional violations as well as those violations currently on record, some of which are related to the landscaping. These violations will accrue until the landscaping issues are properly addressed. Staff feels the proposed temporary site improvements will be sufficient to correct five of the pending violations on a short-term basis; however, there

are three additional violations related to structural maintenance and electrical issues that would not be resolved by the action plan. Staff does not anticipate that these violations will be corrected before FDG goes before the Special Magistrate, which means additional fines are likely to ensue.

Staff believes that the time frame estimated by FDG for a structural engineer to review the work is reasonable, and expects that work will be complete by February 28, 2017. An update is planned for the Town Commission meeting on that date.

Doug Barrow, owner's representative for the southern properties and General Manager of the northern properties owned by FDG, also gave a brief update on the northern property, which will be the Plunge Beach Hotel. Plunge East, which is located on the beach, is 95% ready for final walk-throughs, while the rooms in Plunge West are similarly 95% complete. The parking lot has been paved and striped and light poles are being erected. Bungalows are at 98% completion and awaiting final inspection before occupancy.

Mr. Barrow continued that the Plunge East and West properties are still awaiting fire pump inspections and building inspections before they may apply for a stocking permit. Site plan improvements include the installation of curbing, pavers, and landscaping, all of which are nearing completion. Roofing approvals are in the final stages.

With regard to the southern properties, Mr. Barrow reported that meetings with Mayor Sasser and Town Staff were very productive, and the ownership group, Hospitality Ventures Management Group (HVMG), has signed agreements to lead development of these properties.

Mr. Barrow advised that the southern property is in a significantly deteriorated state. HVMG plans to paint, landscape, and address parking and signage issues, as well as construct a website through which HVMG will communicate their plans. Phase 1 of the property's "pre-development" will include \$17,000 for landscaping, nearly \$25,000 for parking lot improvements, and nearly \$25,000 for painting and touch-ups. HVMG has already committed to landscaping maintenance contracts once the preliminary work is complete. The website is intended to show the progress of this process and serve as a communication vehicle to the Town Commission, Town Staff, and residents.

HVMG has committed to \$15,000 in improved signage, as well as \$80,000 for structural engineering evaluations of the property. FDG's plan includes an in-depth structural engineering evaluation of the properties at 4108, 4110, and the former Holiday Inn. Overall plans include renovation of the buildings at these locations once a thorough evaluation is complete.

Mayor Sasser asked if HVMG is aware of Staff's requests regarding landscaping. Mr. Barrow replied that he has committed to begin the cleanup phase, and that he plans to work closely with Development Services Director Connors regarding future requirements.

The goal is to eliminate as many Code violations as possible. He also plans to trim hedges along the front of the southern properties and comply with any other landscaping requirements that may be raised by Staff.

Commissioner Vincent requested clarification of the fines currently accruing for the southern properties. Development Services Director Connors replied that accrued fines for the El Mar Drive property are \$3,083,100, and \$5,100,000 for the two Villas properties. Commissioner Vincent asked if FDG was aware of structural issues with the southern properties at the time of purchase. Mr. Barrow stated that while he could not answer this question, HVMG's professional development team plans to look over these properties to determine their needs.

Commissioner Vincent also addressed the re-striping of the parking lot, asking if this area would remain dormant while HVMG determines its plans for the adjacent properties. Mr. Barrow responded that the group has been working with a valet parking company that is currently used within the Town, and plans to use this lot to address the Town's current parking deficit during the renovation process. He characterized this plan as an opportunity to alleviate some of the Town's parking challenges.

Mr. Barrow continued that once structural and engineering review has determined the validity of renovating the property, HVMG will address Code Enforcement issues and Federal Emergency Management Administration (FEMA) requirements for their properties. He anticipated that these reviews will be complete by May 9, 2017, at which time he would present substantial plans to proceed with redevelopment of the properties.

Commissioner Vincent asked if the ownership group plans to fast-track the renovation process, noting that the northern project is expected to be complete by this time. Mr. Barrow responded that funds are available and the contract between HVMG and the ownership is aggressive in its plans to accomplish various milestones. He reiterated that this will depend upon the feasibility determined by the structural evaluation, and suggested that the FEMA floodplain evaluation may decide whether the project will consist of renovation or new construction.

Commissioner Oldaker observed that residents in the area of the southern project see this currently blighted area on a daily basis and have become tired of seeing a project on which no progress is being made. He addressed issues of irrigation and maintenance, stating that he wished to see evidence that the short-term solutions will be substantial.

Commissioner Oldaker concluded that the property was purchased by FDG approximately two years ago, and asked why no progress has been made until now. Mr. Barrow recalled that some of the early fast-tracked plans and budgets fell apart, and that United States banking laws restricted funds coming from the Ukraine. More funds have been made available to the project within the last 60 days. He reiterated his commitment to regular attendance at Town Commission meetings to provide updates on the properties.

It was determined that the Commission was in consensus with regard to moving forward with the action plan, with emphasis on landscaping improvements. Development Services Director Connors confirmed that she would personally update Mayor Sasser on the progress of these improvements.

14. COMMISSIONER COMMENTS

Commissioner Oldaker praised the recent Christmas-By-The-Sea event, as well as the contributions to the event by Town Staff, BSO, and the VFD. He thanked Town Staff for their assistance during his first year as a Commissioner.

Commissioners Sokolow and Vincent also recognized Town Staff for their work on Christmas-By-The-Sea.

Mayor Sasser recalled that the Town's Menorah lighting ceremony is planned for Thursday, December 29, 2016 from 6 to 8 p.m. at the Pavilion in Connie Hoffmann Plaza.

Vice Mayor Brown advised that the Broward Metropolitan Planning Organization (MPO) recently issued its Five-Year Work Plan, which includes formal authorization of the El Mar Greenway project.

He continued that he serves on the Energy, Environment, and Natural Resources Task Force for the Florida League of Cities. This Task Force voted in favor of a statewide ban on fracking and oil development, both in- and outside the Everglades. He concluded that sea oat planting is planned for Thursday, December 15, 2016 at Starlight Towers.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. Ordinance 2017-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT CODE, OF THE CODE OF ORDINANCES TO UPDATE, STREAMLINE, AND CLARIFY SITE PLAN REQUIREMENTS AND DEVELOPMENT PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

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

Development Services Director Connors explained that Ordinance 2017-01 continues the cleanup and clarification of Chapter 30, Unified Land Development Regulations (ULDR).

This Chapter previously contained several outdated references to Broward County regulations, which have been deleted. Duplicated language has been eliminated as well.

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

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these Items. Individuals wishing to speak on these items were sworn in at this time.

a. 111 Commercial Boulevard – Request to Amend Conditional Use Development Order for Diamonds and Doggies (Linda Connors, Development Services Director)

Development Services Director Connors stated that the request before the Commission would amend the conditional use granted to Diamonds and Doggies, which was approved in 2011. This use included conditions related to the weight and number of dogs allowed on the premises, as well as the hours in which staffing was required. Code Enforcement has recently found that some of these conditions were not met; as a result, the business has requested that the conditions be amended.

The Application also came before the Town's Planning and Zoning Board at its November 2016 meeting. Upon review of the conditions approved in 2011, Staff noticed additional conditions that were placed upon the business as well, which they felt should be amended for purposes of clarification. These conditions were added by Staff to the amendment requested by the Applicant.

The conditions for which the Applicant requested amendment are as follows:

- The weight of dogs on the premises would be amended from 12 lbs. to 20 lbs.;
- The number of dogs allowed on-site would be amended from 15 to 25;
- Hours in which staff must be on the premises would be amended from 6:30 a.m.-10 p.m. to 7:30 a.m.-10 p.m.;

The Planning and Zoning Board recommends approval of the requests relating to the dogs' weight and staff hours, while recommending denial of the request related to the number of dogs allowed on-site.

Amendment of the following conditions was requested by Town Staff and recommended for approval by the Planning and Zoning Board:

- Showcases in the front window must be individually air-conditioned;
- A request that "teacup" and toy dog breeds may be sold would be deleted;
- A condition that dogs be provided from American Kennel Club (AKC)-registered breeders would be deleted, as breeders are not registered;
- All jewelry repairs must be done on the premises.

Development Services Director Connors reiterated that the Planning and Zoning Board approved all requests except the one relating to the number of dogs. This number would remain at 15. The owner of the business attended the Planning and Zoning Board meeting and offered no objection to the conditions proposed for amendment by Staff.

Commissioner Sokolow asked if the Planning and Zoning Board had discussed the possibility of increasing the number of dogs allowed on the premises before the Board voted on that condition. Development Services Director Connors reported that this proposed condition was discussed; however, as the square footage of the business has not increased, the Board felt the number of dogs allowed should not be increased.

Dominic Casale, Applicant, asserted that only one member of the Planning and Zoning Board did not approve an amendment to the number of dogs. He explained that 16 dogs are housed in the store's soundproof room, while eight cages are located in a middle room. Small dogs are typically housed together, particularly when sleeping.

Development Services Director Connors confirmed that one member of the Planning and Zoning Board had requested a letter from a veterinarian in support of increasing the number of dogs allowed. Three separate votes were taken, including a vote to increase the number of dogs allowed on-site if a veterinarian provided a letter to the Town Commission stating that small puppies may be caged together. This motion failed 2-3.

Mr. Casale stated that the business has operated under the conditions approved in 2011, with the exception of a time when 25 dogs were housed on the premises during a storm. He explained that the store has a high turnover due to the sale of dogs, and that dogs are regularly removed from their cages on the premises.

Commissioner Oldaker pointed out that there is a significant difference between small and large breeds, and requested information on the store's protocol if a larger breed is not sold while it is a puppy. Mr. Casale stated that this was unlikely to happen, but if a dog was not sold, it would be removed from the store.

Commissioner Oldaker also asked if the store's staff members work as a team or have individual job descriptions. Mr. Casale replied that if he himself is not present, a business partner and veterinary technician are often on-site and his staff is experienced in dealing with the dogs' needs. He also explained that some breeds, such as bulldogs, may arrive at a higher weight or gain weight more quickly than others.

Commissioner Sokolow stated that he did not wish to over-regulate a successful business and did not disagree with the Applicant's requests.

Vice Mayor Brown observed that he also did not disagree with the Applicant's requested amendments to the conditional use, but asked if the business might consider setting aside a small number of cages for shelter dogs. He explained that this might address the sometimes polarizing rhetoric that can arise in relation to discussions of pet stores. Mr. Casale replied that most shelter dogs are large dogs, which he characterized as harder to place in homes. He added that he would not be able to limit this practice to smaller dogs.

Vice Mayor Brown continued that the provenance of dogs sold in stores can also be an issue, and suggested that one way to defuse this issue could be to post breeder information inside the store. Mr. Casale stated that if the store posted this information, customers would seek out breeders directly rather than making a purchase from his business.

Mayor Sasser commented that while he was not originally in favor of the proposed conditional use amendments, he respects the opinion of the Planning and Zoning Board members, who discussed the issues thoroughly. He added that if the subject business were sold to another individual, the conditional use parameters would remain in place.

At this time Mayor Sasser opened public comment.

Bob Fleischman, resident, stated that he felt the Commission should grant the conditional use amendments as recommended by the Planning and Zoning Board, as well as the request to allow up to 25 dogs. He spoke strongly in favor of the Applicant.

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

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve the conditional use amendments recommended by Staff, with the exception of denying the increase to 25 dogs.

It was clarified that the motion referred not only to the three conditional use requests made by the Applicant, but also to the housekeeping items proposed by Staff.

Motion carried 5-0.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:58 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

1-10-17

Date