

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 12, 2017
5:00 PM**

1. RECONVENE NOVEMBER 28, 2017 TOWN COMMISSION SPECIAL MEETING

Mayor Sasser reconvened the Special Meeting begun on November 28, 2017 at 5:30 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 Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

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

4. DISCUSSION ITEM

a. FY 18 FLC Legislative Agenda (Bud Bentley, Town Manager)

Town Manager Bud Bentley explained that approval of this Item can facilitate the Town's response to outreach by the Florida League of Cities (FLC) during the State Legislative session. If the Commission takes a position on FLC's priorities, they may respond quickly; if no position is taken, any item to which the Town wishes to respond must be scheduled as a Commission Agenda Item.

The Commissioners discussed the Item, with Vice Mayor Brown noting that in the past, each FLC Committee was charged with developing two priority legislative items, which were then voted upon by the League of Cities to determine lobbying priorities within the Florida Legislature. This year's process is different due to the State Legislature's attempts to preempt home rule on a variety of issues: as a result, each FLC Committee adopted one Resolution opposing preemption of home rule as its top priority. He recommended that the Town adopt the full slate of legislative priorities, even though not all of them directly affect the Town.

Mayor Sasser asked if the League of Cities lists any specific goals related to the opposition to preemption of home rule. Town Attorney Susan Trevarthen replied that while general law may result in preemption of home rule, FLC's position is clearly in favor of opposing preemption in areas that traditionally focus on home rule. She did not feel the League's overall position constituted reason for concern.

Vice Mayor Brown emphasized the scope of the State Legislature's efforts toward preemption of home rule, recalling that last year's House Bill (HB) 17 would preempt all local governance of business activities.

The Commissioners agreed by unanimous consensus to support the Legislative Agenda of the Florida League of Cities.

b. State Preemption of Local Government Tree Protection (Bud Bentley, Town Manager)

Town Manager Bentley advised that the State Legislature has introduced a specific bill that would preempt tree protection at the local level. He noted that Broward County's tree protection Ordinance covers all County municipalities, unless individual cities have their own Ordinances which are equal to or more restrictive than the County Ordinance. The proposed State legislation would regulate tree protection at the State level.

Vice Mayor Brown recalled that the recent Hurricane Irma resulted in damage to a great many trees, which may have contributed to power outages throughout the Town. He emphasized the need for the Town to coordinate with Florida Power and Light (FPL) to ensure that trees within the Town are properly trimmed and maintained, as a State bill would preempt this local oversight.

Commissioner Vincent commented that the Town does not seem to have the option to preempt any existing rules by the County or State regarding tree preservation. He noted that the State bill encourages entities to engage in discussion and compromise on a city-by-city basis. He also pointed out that when trees must be removed, mitigation of removal can place an inordinate financial burden on individual property owners. This can create a disincentive for owners to prune and maintain their trees.

Commissioner Sokolow characterized the proposed preemption as an attempted power grab by the State Legislature. He stated his support for opposing preemption on this issue.

Mayor Sasser asked if the Commission wished to enact local Ordinances to regulate tree trimming, preservation, or other issues for purposes of grandfathering. He also requested additional input on how the Town might best oppose Senate Bill (SB) 574, which would preempt home rule regarding tree preservation.

Town Attorney Trevarthen recommended addressing this priority with the Town's lobbyist. She also suggested either relying on the Town's general endorsement of FLC's Legislative Agenda or drafting a separate Resolution to address tree protection.

Town Manager Bentley recalled that when Terra Mar experienced regular power outages, an inspection was conducted into the reasons why, which determined that FPL does not trim trees on properties where owners have aggressively resisted them in the past. Town Staff worked with individual property owners to resolve these issues and allow for tree trimming, which significantly decreased the Terra Mar power outages.

Town Manager Bentley clarified that Town regulations, which address zoning and site plan aspects of tree protection, are not challenged by SB 574. He recommended that the Town continue to allow the County Ordinance to address needs regarding trees.

Mayor Sasser stated that he would be in favor of a Resolution opposing the preemption of home rule by Broward County on this issue. Commissioner Vincent observed that the County Ordinance should be reviewed, as it may have unintended consequences for some of the County's individual municipalities, including financial burdens for property owners as well as the effects of root growth on private and public property.

It was determined that a Resolution opposing SB 574 would be drafted for approval at the January 9, 2018 Commission meeting.

5. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 6:02 p.m.

A handwritten signature in blue ink, appearing to read "Scot Sasser", is written over a horizontal line.

Mayor Scot Sasser

Town of Lauderdale-By-The-Sea
Special Town Commission Meeting
December 12, 2017

ATTEST:

Tedra Allen

Town Clerk Tedra Allen

1-9-18

Date