

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 22, 2014
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Attorney Susan Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himelberger, Finance Director Tony Bryan, Municipal Services Director Don Prince, BSO Captain Fred Wood, AMR Chief Brooke Liddle, VFD Chief Judson Hopping, and Deputy Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pastor James Corgee

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was noted that the following change to the Agenda would be made: a discussion of whether or not to schedule the second May meeting after the Memorial Day holiday would be added as Item 17i.

5. PRESENTATIONS

6. PUBLIC COMMENTS

Mayor Sasser advised that he followed up on the issue of short-term rentals with the Town's State Representative, George Moriatis. A letter from Representative Moriatis stated that he has co-sponsored legislation that would allow local governments to regulate vacation rental properties, although this legislation has been met with some resistance. The current version of this legislation would allow local governments to prohibit vacation rentals of less than seven days only.

At this time Mayor Sasser opened the meeting for public comment.

John Boutin, owner of the Windjammer Resort, thanked the Town Commission and Staff for allowing the Relay for Life team to participate at the recent Lauderdale-By-The-

Sea Fest. He advised that a Relay for Life event is planned in El Prado Park on May 26, 2014, and invited the community to attend. Mr. Boutin concluded that the Town should ensure that any short-term rentals leased for a period of less than six months pay the required bed tax.

Bill Ferrante, resident, asserted that background checks should be conducted for tenants of short-term rentals. He pointed out that the owners of these properties are not on-site to ensure the safety and security of the Town's residential neighborhoods.

Janet Horner, President of the Courtyard on Bougainvillea Homeowners' Association, and Audrey Mannoni, resident, reported that there has been a recent problem with adult soccer players in Friedt Park, who are disturbing the nearby residential neighborhood by trespassing and argumentative and/or threatening behavior. While residents have contacted the Police multiple times, this behavior has continued.

Bob Fleishman, resident, advised that the Town's zoning Code is being ignored by the operators of short-term rentals. He requested that the Town Commission provide a conflict of interest document and formal presentation to the Town's legislative representatives on behalf of the residents whose safety is affected by this rental activity.

Town Attorney Susan L. Trevarthen responded to the suggestion of background checks, stating that because this would make the Town's regulation of vacation rentals more stringent, it may conflict with preemption. She concluded that she would investigate this possibility for the Town.

Mayor Sasser encouraged the residents to reach out to the Town's State Representative and State Senator and continue to express their concerns with short-term vacation rentals.

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

7. PUBLIC SAFETY REPORT

a. BSO March Report (Captain Fred Wood)

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

b. AMR March Report (Chief Brooke Liddle)

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

c. VFD March Report (Chief Judson Hopping)

Mayor Sasser thanked the Volunteer Fire Department for their assistance in the Town's recent Easter holiday activities.

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

8. TOWN MANAGER REPORT

a. March 2014 Finance Report (Tony Bryan, Finance Director)

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

b. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Hoffmann reported that there is a cooperative purchasing agreement with Fairfax County, Virginia, that would allow for the purchase of automated license plate reader (ALPR) cameras and other safety-related equipment. The Town is part of this purchasing consortium, and therefore may access this contract. The Commissioners agreed by unanimous consensus to pursue the purchase through this contract, which provides for both equipment and installation.

Town Manager Hoffmann reported that with regard to hotel Code Enforcement, the Broward Sheriff's Office (BSO) made a number of arrests and the Fire Marshall closed four unsafe rooms at the Dolphin Harbor Inn. The Town will pursue a nuisance abatement case against the property. Similarly, the Villa Caprice property was brought before the County Unsafe Structures Board, which directed the property owner to submit acceptable reconstruction plans to building officials, but did not require repairs of the property in a specified time period.

There have been numerous meetings with representatives of the new owner of hotel properties on the north end of El Mar Drive. The Town is optimistic that these properties will be redeveloped in an appropriate fashion, and Code violations corrected.

Town Manager Hoffmann noted that the Commissioners were provided with a mid-year report on the Town's strategic plans, goals, and tasks. It contains an update on the sale of Bougainvilla parking permits. All purchasers of these permits are Town residents.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to allow [Town residents] to purchase Bougainvilla parking permits for three month periods. Motion carried 5-0.

c. Chamber of Commerce Welcome Center Monthly Statistics Report (Tedra Smith, Deputy Town Clerk)

It was noted that the Commissioners had been provided with an email showing that the Town's quarterly payment has been made in contrast to what the Chamber of Commerce's financial report indicated.

Mr. Mark Silver requested, on behalf of the Chamber, that the Town Commission expand the parking exemption program to retail businesses located west of A1A, and continue to seek additional parking areas. He felt this program, as well as the possibility of a parking garage, would help the Town bring in more desirable retail and restaurant establishments.

Mayor Sasser noted that he has met with the Chamber of Commerce and is interested in cultivating a more positive and open relationship between the Town and the Chamber. He thanked Mr. Silver for his input.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen stated there was no report at this time.

10. APPROVAL OF MINUTES

- a. **February 25, 2014 Special Commission Meeting Minutes (Ethics Training)**
(Tedra Smith, Deputy Town Clerk)

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

- b. **February 25, 2014 Town Commission Meeting Minutes (Tedra Smith,**
Deputy Town Clerk)

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

11. CONSENT AGENDA

- a. **Settlement of Claim by E&M Equipment Corp. for the North Bougainville Drive Project (Bud Bentley, Assistant Town Manager)**
- b. **Renewal of Agreement with Grau & Associates for 2014 Audit (Tony Bryan, Finance Director)**
- c. **Award of Contract to Zambelli Fireworks Manufacturing Company to Produce the 4th of July Fireworks Show (Bud Bentley, Assistant Town Manager)**

Commissioner Brown asked if, within the \$40,000 total budget for the 4th of July event, other funds may be freed as well for additional fireworks. Asst. Town Manager Bud

Bentley noted that the fireworks show is intended to last approximately 20-25 minutes, which is a 10% increase from the previous year, and did not recommend allocating more money for this purpose.

It was clarified that the Chair of the event may solicit sponsorships from local businesses and individuals if he or she wishes. The Mayor of Sea Ranch Lakes has also expressed interest in working with the Town on the 4th of July event.

Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to approve the award of the contract to Zambelli. Motion carried 5-0.

d. East Commercial Pressure Washing Services Award (Don Prince, Municipal Services Director)

Commissioner Dodd expressed concern with the frequency of the Town's pressure cleaning, as he had felt it could damage the pavers' surface. Municipal Services Director Don Prince explained that the equipment specified in the Town's RFP would have no detrimental effect to the pavers themselves, although the frequency of cleaning could affect the sealant.

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

e. Park Permit for the Barefoot Wine Beach Clean-Up Event (Bud Bentley, Assistant Town Manager)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Items A, B, and E. Motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

13. RESOLUTIONS

- a. Resolution 2014-16 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of an Alternate Member to the Audit Committee, providing for conflict; providing for an effective date (Connie Hoffmann, Town Manager)**

Mayor Sasser opened the meeting for public comment, which he closed on receiving no input.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to appoint Ron Piersante. Motion carried 5-0.

14. QUASI JUDICIAL HEARINGS

None.

15. COMMISSIONER COMMENTS

Commissioner Dodd advised that Hillsboro Inlet is currently at a good depth. Turtle monitoring times have recently improved, and monitors will be required to be present by 9 a.m. in order to mark nests without delaying dredging operations.

He added that the Coastal Oceans Task Force was recently presented with a lecture on ocean energy and the Gulf Stream, as well as environmental issues regarding marine life. The proposed generators will be approximately 600 ft. deep and located 13 miles off the coast of Miami.

Vice Mayor Vincent recognized the Town's recent successful Easter events, including the sunrise service held on the beach.

Mayor Sasser thanked all involved with the Easter events, which were well-attended despite the weather, and extended best wishes for the health of the Marchellos family.

16. OLD BUSINESS

a. Development of 4345 El Mar Drive (Bud Bentley, Assistant Town Manager)

Asst. Town Manager Bentley advised that this site became Town property as of April 3, 2014. Staff recommends that the property be used for restrooms and parking. The Commission is asked to provide policy direction, after which a design professional would be selected and a proposal presented.

The Commissioners discussed the redevelopment of the site, including the restroom issue. Commissioner Brown recommended that any restroom building reflect the dominant architectural style of the Town. Commissioner Dodd noted that the existing building on the site has nine backout parking spaces in an area where parking is at a premium. He also advised reaching out to the adjacent property owner to determine whether the appearance of this property could also be improved. Both Commissioners agreed that demolition of the existing structure on the property should proceed.

Commissioner Sokolow advised that no final decision has been made regarding the use of the site for restrooms. Mayor Sasser concluded that the Commission must decide if a single restroom is sufficient on El Mar Drive. He agreed, however, that demolition of the existing structure should proceed, to be followed by a decision on the location and design of a restroom.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to authorize the Town to demolish the [existing] building.

Mayor Sasser encouraged the Commission to select locations for the proposed restrooms and make a recommendation for the use of the subject site. Vice Mayor Vincent agreed that a restroom is needed to serve the beach and pier areas as well.

Commissioner Brown asked if the subject site could be used for interim parking once demolition is achieved. He offered the following amendment to his motion: **Motion to authorize the Town to demolish the building, and if possible, make an interim use of the existing parking spaces there. Motion carried 5-0.**

b. Commission Noise Ordinance Field Visit (Commissioner Stuart Dodd)

Commissioner Dodd advised that he and other members of Town Staff are not available on the previously selected date for the Field Visit, and requested that the Commission select another date. It was also noted that residents of the Oriana have requested that the field visit include noise readings from their building. The Commission decided by unanimous consensus to hold the field visit on May 30, 2014, beginning at 8 p.m. Town Manager Hoffmann noted she could not attend, but Assistant Manager Bentley would be there.

17. NEW BUSINESS

a. Commission Ranking of the Respondents to the Town Engineer Request for Qualifications (RFQ) (Bud Bentley, Assistant Town Manager)

Asst. Town Manager Bentley noted that the process required by the Competitive Consultant Negotiations Act (CCNA) was followed by the Town's Selection Committee, which narrowed the field of respondents down to three top-ranked three firms. All three were present at tonight's meeting to make their presentations to the Commission.

The first presentation was made by Flynn Engineering, which noted the firm's location in Town which allowed for very responsive service, services provided to the Town in the past, the priority that would be given to the Town contract, staff introductions, and efficiency of service. Mr. Flynn emphasized that he personally would serve as the Town Engineer. The second presentation was made by R.J. Behar & Company, which emphasized the firm's focus on public sector clients, services, experience in various disciplines, and experience with other agencies and municipalities. The third

presentation was made by Calvin Giordano & Associates, which touched on their previous work with the Town on code enforcement, an overview of services and disciplines, assistance with grants and promotions, and diversity of staff.

Town Attorney Trevarthen clarified that municipalities are required by Statute to consider a firm's qualifications first. Once a ranking is made, the municipality and the firm may then pursue negotiations on the contract, including cost. It was also confirmed that any motion made on this Item should include a ranking of the firms.

The Commissioners and Town Staff briefly discussed the firms and their presentations, including Staff's reasons for their rankings, addressing past experience with the Town, size of the firms, subcontracting of specialized work, the Town's needs from an engineering standpoint, and the differences between the firms. Asst. Town Manager Bentley gave a brief overview of the Town Engineer's function, which is to assist in plan review, right-of-way permitting, and design work, among other disciplines.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to rank Flynn Engineering first, R.J. Behar second, and Calvin Giordano third and direct Staff to start negotiations with Flynn. Motion carried 5-0.

b. Commission Direction on Neighborhood Grant Program (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that the Town did not have a successful application for a Neighborhood Grant this year. As a result, the Bel Air Civic Association has asked if they may apply for a second grant. She noted that there is no mention of a second grant in Town policy.

The Commissioners discussed the request, noting that funds for neighborhood grant improvements could be used instead for other Town improvements, such as municipal park enhancements. It was also suggested that other neighborhoods may be interested in applying for a second round of grant funding.

The Commissioners agreed by consensus that neighborhood applicants may receive multiple grants if other neighborhoods that have not yet received a grant are not applying for the same funds.

c. Lauderdale-By-The-Sea Fest Recap and American Cancer Society Donation (Pat Himelberger, Assistant to the Town Manager)

Assistant Pat Himelberger reviewed the recent Lauderdale-By-The-Sea Fest, which was held on April 5 and 6, 2014. She presented the Commission with a plaque from the event planner, and noted that total Town expenses were \$3,727 but were covered entirely by revenues. It was noted that the Relay for Life and Sea team staffed the event's beverage tent with the understanding that the Town would consider sharing in

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some of the net revenue. She recommended a donation of \$800 from net revenue to the Relay for Life and Sea team.

Asst. Himelberger added that visitors were encouraged to patronize Town establishments while in Town for this beach-related festival through a passport program which offered prizes for visiting the businesses. The businesses that participated were pleased with the results.

Staff sought Commission direction on whether to plan for this event again in the 2015 budget.

The Commissioners discussed the event, pointing out that in the future local restaurants may wish to participate, and street closures may be handled differently with additional signage. Mayor Sasser recommended that the event have a central theme in the future, and noted that some vendors may be subject to change.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve donating \$800 to the American Cancer Society, and to have [the event] again in 2015. Motion carried 5-0.

d. Friedt Park Improvements (Don Prince, Municipal Services Director)

Municipal Services Director Prince referenced concerns raised during the Public Comment portion of the meeting on the issue of soccer players behaving in an argumentative and threatening manner to neighbors of this park. It is Staff's recommendation that the soccer goals be removed from the park, and that a committee of residents be formed to determine how the park may best serve the neighborhood.

The Commissioners discussed the recent incidents and confrontations as well as possible improvements. Commissioner Brown recommended constructing a regulation-sized bocce court as well as converting the soccer field into another sports facility, and supported the idea of a citizens' committee that would include enthusiasts of various sports. Vice Mayor Vincent cautioned against removing facilities aimed at serving younger children in the community, although he agreed with removal of the soccer goals.

The Commissioners also discussed whether or not removal of the goals would discourage the unwanted behavior, and whether deterrent signage was appropriate. Mayor Sasser observed that the improvements needed in the park would cost significantly more than the \$30,000 available in the neighborhood grant budget, and recommended that the committee make proposals for the changes they would like to see.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to remove the goals and to also move forward with seeking applicants for a citizens' advisory committee. Motion carried 5-0.

e. Application for Relief of Code Enforcement Lien at 1936 Waters Edge (Linda Connors, Town Planner)

Asst. Town Manager Bentley recalled that the Town recently revised its mitigation relief process in order to allow potential purchasers to negotiate reduced liens. The purchasers are then committed to correct Code violations within a specific amount of time. If the purchaser fails to make the correction, the full amount of the lien would then be applied to the property.

The subject property failed to connect to the sewer system in 2009 and was taken before the Special Magistrate in 2013. The fine has accrued for 421 days. The property has two mortgages totaling more than \$900,000, and has two pending foreclosures. The prospective buyer cannot enter into a short sale with the bank until he has negotiated with the Town.

Dominic Casale, Applicant and potential buyer of the property, requested that the fine be reduced to 1% in light of the cost of improvements he would make to the property.

The Commissioners discussed the request, noting that the current property owner would lose the house to foreclosure. It was confirmed that Mr. Casale plans to homestead the property. Past mitigation has been settled at a varying level of percentages, from 3%-4% to 20%. Vice Mayor Vincent asserted that the Town should not allow the property to go into foreclosure and continue as an eyesore in its community.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, for mitigation to 3% plus administrative fees. Motion carried 5-0.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, that the Applicant has 90 days to close and 30 days after closing to correct any Code violations and make payment to the Town. Motion carried 5-0.

f. Application for Relief of Code Enforcement Liens for Ocean Medical Center, LLC (Linda Connors, Town Planner)

Town Planner Linda Connors stated that the Applicant is seeking 100% relief from the lien placed on the property, including administrative costs. In order to comply with Code, the Applicant needed to apply for a parking lot permit, provide new striping, remove illegally constructed parking spaces, and complete other required work on the property. Staff recommends that the Commission determine the amount they are willing to mitigate, add the \$500 Special Magistrate administrative fees, and make settlement

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contingent upon full payment being made to the Town within 30 days of Commission approval.

Michelle Klimko, attorney representing the Applicant, Ocean Medical Center, stated that the original violation, dated March 22, 2013, required parking lot and design criteria, including landscaping, that met zoning Code approval, as well as relocation of parking spaces and possible restriping of the parking lot. There have been multiple meetings between the Building Department, the Florida Department of Transportation (FDOT), and the contractor, eventually resulting in the requirement of a new set of drawings. The request for full mitigation is due to an email dated October 1, 2013, which stated the Town had no objection to allowing the Applicant additional time to complete the project.

The Commissioners discussed the request, noting that the issue first came before the Special Magistrate in March 2013, with fines beginning to accrue in August when new plans were brought before the Town without the requirement of ingress/egress. Town Planner Connors reviewed the timeline as well as the changes to the plans, also clarifying that at the time of the October 1 email, she had not been aware that fines were already accruing.

It was noted that the original Code violation was not severe. The Commissioners also stated that while they could not agree to 100% mitigation, 10% to 20% would not be unreasonable. When it was suggested that both the Town and the applicant had contributed to the delays, Town Planner Connors asserted that the Town worked diligently with the Applicant to arrive at an agreement, but that the Applicant continued to submit plans that were not responsive to the Town's comments, which delayed the project.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to extend the meeting until 11:30. Motion carried 5-0.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve mitigation to 10% plus administrative fees and payment within 30 days. Motion carried 5-0.

g. Business Directory – Commission Direction (Pat Himelberger, Assistant to the Town Manager)

Asst. Himelberger noted that part of the Town's Strategic Marketing Plan includes the creation of a pocket-sized map listing the Town's businesses and restaurants both east and west of A1A. She recommended that a map be displayed in the Town's Downtown buoy/kiosk, and requested Commission direction regarding whether or not to include businesses on both sides of A1A in this directory.

The Commissioners discussed the possibility of adding wayfinding signs in the vicinity of the western plazas, as well as ways to accommodate the east/west divide on maps or

other printouts. It was determined by consensus that the directory in the buoy kiosk should include the businesses on both the east and west sides of the highway.

h. Segment II Beach Nourishment Project (Connie Hoffmann, Town Manager)

Town Manager Hoffmann recalled that the Commission had taken a position that the Town would be willing to provide up to \$350,000 toward the Segment II Beach Nourishment Project if it could be paid over a three-year term. This project's primary benefit will be to Fort Lauderdale and Pompano Beach, with only the taper extending into Lauderdale-By-The-Sea. The County has prepared an interlocal agreement for the three participating cities with very different terms, including an open-ended time period and no solar limit on local costs.

The Commissioners discussed the project, with Commissioner Dodd stating he did not wish further delays to affect tourism or the condition of coral. Vice Mayor Vincent suggested that the Town retract its original offer of \$350,000. Commissioner Sokolow felt the Town should continue its commitment to the project. Mayor Sasser stated that protection of the coral reef and beach re-nourishment should not be left up to the federal government, and asserted that he would be in favor of standing by the Town's original commitment or withdrawing support for the project altogether.

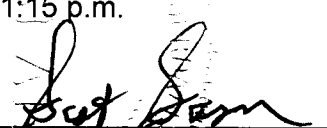
Commissioner Brown made a motion, seconded by Commissioner Dodd, that the Commission notify the County that the Town is willing to stand by the previous commitment made to contribute \$356,000, spread out over three years, and (the County has to] repair any damage that might occur wherever they are going to put the sand. Motion carried 4-1 (Vice Mayor Vincent dissenting).

i. Choose a date for 2nd Commission Meeting in May

The Commissioners agreed by unanimous consensus to hold the second May meeting on May 27, 2014.

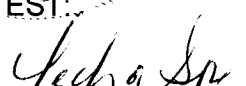
18. ADJOURNMENT

With no further business before the Commission, Mayor Sasser adjourned the meeting at 11:15 p.m.

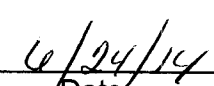


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date