

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 11, 2018
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:31 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, 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

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Item 12b be deferred to the January 8, 2019 meeting. The Commissioners agreed by unanimous consensus.

5. PRESENTATIONS

a. Christmas-By-The-Sea Update (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime thanked everyone who assisted with and attended the recent Christmas-By-The-Sea event, including the Volunteer Fire Department (VFD), the Municipal Services and Community Standards team, and Public Information Officer Steve d'Oliveira. More local businesses and restaurants participated in this year's event than ever before.

b. SaferWatch-Broward Application (APP) (Captain Thomas Palmer, BSO)

Broward Sheriff's Office (BSO) Captain Thomas Palmer explained that the SaferWatch Broward mobile app allows citizens the opportunity to record incidents as they happen. The app is free of charge.

Michael Riggio, also representing BSO, provided a brief presentation on the SaferWatch Broward app, which can be used to take photos, record videos, and send real-time alerts to BSO regarding suspicious incidents. It also allows law enforcement to communicate alerts to residents through the app. Since August 15, 2018, BSO has received approximately 200 tips, which have led to several arrests.

Mr. Riggio emphasized that the SaferWatch Broward app is not meant to replace 911 in the event of an emergency. The primary way to contact BSO for assistance will continue to be 911 for emergencies and 764-HELP for non-emergencies. Tips are, however, monitored in real time 24 hours a day.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Stuart Dodd, resident, addressed issues regarding the former Villa Caprice, Little Inn, and Holiday Inn parcels, pointing out that these properties have been vacant for over eight years and have accrued significant fines. He recalled that the most recent lien mitigation settlement by the Florida Development Group (FDG) was below the average settlement percentage. FDG has also been aware of the accrual rates of their liens.

Mr. Dodd urged the Commission to settle on a higher mitigation figure for these properties, as they have had a severe and long-term impact on the Town's commercial businesses. He also encouraged the Commission to pass the foreclosure Item (12a) at tonight's meeting for the message it will send regarding derelict properties.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD October 2018 Report (Chief Judson Hopping)

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

b. AMR November 2018 Report (Chief Brooke Liddle)

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

c. BSO November 2018 Report (Captain Tom Palmer)

Captain Palmer advised that the Winterfest Boat Parade will be held Saturday, December 15, 2018. The Commercial Boulevard Bridge will be locked in its upward position beginning at approximately 8:30 p.m. to accommodate the event. Message boards are in use to communicate this information to drivers, along with alternate routes out of the Town.

Vice Mayor Sokolow added that the Atlantic Boulevard Bridge will be closed on Friday, December 14, 2018 at 8:30 p.m. to accommodate Pompano Beach's Boat Parade.

Captain Palmer also addressed a concern regarding license plate reader (LPR) cameras, explaining that these automated recognition systems are governed by State Statute 316.0777. Information held by this agency is confidential and exempt from public records law, as its images and data may contain personal identifying information. An individual may, however, request his or her own license plate information.

Motion made by Commissioner Oldaker, seconded by Vice Mayor Sokolow, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. September Finance Report (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan advised that the September 2018 Finance Report includes preliminary year-end financial results for fiscal year (FY) 2018, as well as projected final numbers and significant variances.

The Commissioners accepted the report without discussion.

b. October Finance Report (Tony Bryan, Deputy Town Manager)

The Commissioners accepted the report without discussion.

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

Town Manager Bud Bentley introduced new Municipal Services Director Ken Rubach, who joined Town Staff the previous week.

A soft launch of the Town's new website is underway. Special Projects Coordinator Hime reviewed the new site, which will include improved search functions. Public notice for hearings, particularly governmental events, will be posted under "Important Notices," while entertainment-related information will remain on the "LBTS Events" page. The website is also available as a mobile app.

Town Manager Bentley recalled that the Commission had seen a presentation at the November 13, 2018 on dockless mobility devices or "e-scooters." At Vice Mayor Sokolow's request, a Discussion Item will be placed on the Agenda of the Commission's first meeting in January 2019. This will provide the opportunity to review data provided by Fort Lauderdale regarding their experience with the devices.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. November 13, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

Item 11d was pulled for additional discussion.

a. Approval of Half Day Holiday on Christmas Eve and New Year's Eve for Town Employees (Bud Bentley, Town Manager)

**b. Special Event Application for Sunday Night TV, February 3, 2019
(Debbie Hime, Special Projects Coordinator)**

**c. Development Services Building Improvements (Linda Connors,
Development Services Director)**

d. Lateral Point Repair (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach explained that Staff is seeking authorization for two sewer lateral repairs on the 4400 block of Bougainvillea Drive and two repairs on the 4400 block of El Mar Drive.

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve Item 11d. Motion carried 5-0.

**e. Purchase of Four Diesel Exhaust Filtration Systems (Tony Bryan,
Deputy Town Manager)**

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to approve Items 11a, 11b, 11c, and 11e. Motion carried 5-0.

12. OLD BUSINESS

**a. FDG Properties – Authorization to Foreclose on Code Liens owed by
the Florida Development Group (Susan Trevarthen, Town Attorney /
Bud Bentley, Town Manager)**

Town Manager Bentley advised that this is the third time this Item has come before the Commission. Staff has met with representatives of the Florida Development Group (FDG), who have submitted two mitigation request applications. This Item recommends that the Town proceed with foreclosure for any property with outstanding Code liens. If the mitigation requests are accepted and payment made, the affected property or properties would be withdrawn from foreclosure.

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

b. Prohibition of Short-Term Tenancy Units on Lots Less than 60 ft. in width west of Bougainvillea Drive in the RM-25 District (Linda Connors, Development Services Director)

This Item was deferred to the January 8, 2019 meeting.

c. Station 44's request to extend Saturday Night Music Special Event for Nine Months (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime recalled that in September 2018, Station 44 submitted an annual special event application to provide music at the southeast corner of Commercial Boulevard and Ocean Drive on Saturday nights. The Commission approved the permit for three months. The Applicant now requests that the permit be extended through October 1, 2019. Conditions of the permit are being updated.

Town Manager Bentley advised that Staff does not believe they can write a condition into the permit that would require Station 44 and Taco Craft, which has also submitted a special event application for live music on Saturday nights, to cooperate with one another to avoid conflicting music; however, Staff felt both businesses should be encouraged to cooperate on this issue and both permits should be issued.

Ray Chehata, Applicant, advised that he has discussed this issue with the owner of Taco Craft. At the January 8, 2019 meeting, Station 44 will submit an application for music on Friday and Saturday so the two businesses may alternate.

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

13. NEW BUSINESS

a. Special Event Application for Weekly Saturday Night Music at Taco Craft Starting January 5, 2019 (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Hime stated that this is a new Application from the owner of Taco Craft, which is expected to open in January 2019. She reiterated that Taco Craft and Station 44 have expressed a desire to alternate music on Saturday nights.

It was asked how music from both businesses would be monitored to ensure it is within noise limits. Town Manager Bentley replied that Code Enforcement uses noise meters to measure sound from the outside perimeter of the business in order to ensure it does not spill over into residential areas. He agreed that cooperation between the businesses will be a key factor in controlling noise.

Vice Mayor Sokolow made a motion to approve. [The motion died for lack of second.]

b. 2019 4th of July and Veterans' Day Chairs (Tedra Allen, Town Clerk)

Commissioner Oldaker volunteered to chair the 2019 4th of July event, and Commissioner Strauss offered to chair the 2019 Veterans' Day event.

c. Application for Relief of Code Enforcement Liens at 4546-4560 El Mar Drive (Linda Connors, Development Services Director)

Development Services Director Linda Connors stated that this request is a mitigation Application for FDG's central properties at 4546 and 4560 El Mar Drive. She provided slides of the buildings' condition and exteriors. Because many of the violations on these properties began accruing before their purchase by FDG, the backup materials distinguish between violations that began prior to FDG's ownership and those that began afterward.

At present, \$865,100 is owed to the Town on the properties at 4546 and 4560 El Mar Drive. The Applicant requests 90% mitigation of the fine, which would equal a settlement amount of \$86,510. Staff recommends that the Commission hear from the Applicant, determine the appropriate mitigation amount, and also determine whether or not the following non-attachment condition is acceptable: the Applicant has asked that any other FDG-owned properties with liens not be tied to them in the event they wish to sell a property. Staff requests that payment be required by January 11, 2019.

Before FDG purchased the subject property, \$367,000 in fines were owed on it. During the approval process for the purchase, liens accrued by approximately \$500,000. FDG purchased the property in December 2013. A site plan was approved in March 2015 and the original property was demolished in April 2015, bringing the property into compliance. Violations continued to accrue from December 2013 until demolition in April 2015.

Development Services Director Connors advised that while a site plan is typically active for 12 to 18 months after its approval, the property owner in this case has invoked the Governor's emergency declaration Statute to extend the site plan's applicability through 2022. Any time a gubernatorial declaration of emergency affects Broward County, an owner may request an extension to the approved development order.

Nectaria Chakas, representing the Applicant, advised that this is the first of two Applications on tonight's Agenda. It addresses the central FDG parcel, while Item 13d relates to the south parcel. FDG requests to settle its fines for 10%, along with the non-attachment request. They would also allow the Town to continue using the central parcel as a staging area for the annual 4th of July fireworks show.

Ms. Chakas explained that FDG has provided a check in the amount of 10% of fines for both the central and south parcels. She recommended that the Town consider FDG's ownership of additional properties within the Town, including the Plunge Hotel, which is located on a north parcel. FDG has increased that property's assessed value by \$20 million since its purchase. She addressed the fines that have accrued on the south parcel, pointing out that most of these were the result of conduct by the previous property owner.

Also, regarding the south parcel, Ms. Chakas advised that FDG proposes the Town may continue to use this property for parking and retain 100% of the net proceeds, rather than the current arrangement in which 50% of these proceeds go to FDG and 50% to the Town.

Mayor Vincent requested additional information on the intent of the site plan applied for by FDG in March 2015. Ms. Chakas replied that the Applicant did not proceed with the development of the central parcel due to costs and unavailability of funding. The costs of the north parcel had greatly exceeded what the Applicant had expected. Some violations on the central parcel were corrected promptly by the Applicant; however, other violations could not be brought into compliance without demolition or major renovations.

Commissioner Oldaker observed that FDG purchased the subject properties knowing that there were existing violations. While he recognized the successful development of the north parcel, he pointed out that none of the Applicant's improvements extended to the properties under discussion at tonight's meeting.

Town Manager Bentley clarified that the central and south properties were separated on the Agenda because of the difference in issues affecting them. He recommended that discussion remain focused on the central parcel at this time.

Vice Mayor Sokolow requested clarification of when FDG closed on the central property, as well as when fines stopped because of demolition. Development Services Director Connors advised that FDG closed on the central parcel in December 2013 and demolished the properties in April 2015, which brought the properties into compliance.

Vice Mayor Sokolow continued that the Town is receiving an additional \$72,000 per year in taxes based on the redevelopment of the Plunge Hotel. While he was uncertain whether or not 10% mitigation would be sufficient, he stated he was not in favor of punitive action in relation to the central parcel.

Commissioner Malkoon advised that he had spoken in favor of redevelopment of the subject properties at Commission meetings in previous years, as well as the architectural significance of the buildings on the central parcel. He emphasized the economic loss for the Town that resulted from FDG's inability to redevelop the property, as the lack of hotel space has affected other Town businesses.

Commissioner Strauss addressed the non-attachment request, pointing out that this in itself constitutes commingling of the Applications. He felt non-attachment decreases the incentive for the Applicant to take action on the properties, and recommended against voting in favor of this request.

Ms. Chakas also addressed the non-attachment request, stating that FDG would have no incentive to settle their issues if the Town can attach liens from other properties. She advised that she was not authorized to proceed if non-attachment is not granted.

Commissioner Malkoon asked if it would be possible to retain the attachments and approve a 70% mitigation reduction, which would equal 30% of the fines. He also recommended the inclusion of a condition stating any sale or development of the properties must be used for hospitality purposes. Town Attorney Trevarthen replied that while these proposals may be offered as conditions of lien mitigation approval, the Applicant will have 30 days in which to decide whether or not to accept this agreement. Ms. Chakas advised that FDG cannot agree to any type of restriction on the properties.

Commissioner Oldaker asked if development, particularly for hospitality use, would be prevented if any of the subject properties went into foreclosure. Town Attorney Trevarthen advised that filing of foreclosure documents initiates litigation that will either be carried through to completion or result in a settlement. In the event of a settlement, there may be multiple issues on which the parties are asked to come into agreement.

Commissioner Strauss asked if accepting mitigation payment for one or more properties would serve to remove those properties from the others with liens. Town Attorney Trevarthen explained that the Code Enforcement Statute allows the Town to pursue other properties within the same chain of title.

Commissioner Malkoon asserted that the Town has already lost a great many hospitality interests, and he felt there should be a policy to protect this industry as well as other Town businesses. He suggested an alternative solution in which the Applicant's mitigation amount would be 30% if the parcel is developed for hospitality and 43% if the parcel includes residential development. This recommendation would also continue the attachment of the properties.

Vice Mayor Sokolow commented that the Town should be cautious of adding too many attachments to mitigation, as this may preclude the Applicant from selling the properties unless they are all sold together. He was not in favor of selling the properties together, as this was not successful in the sale to FDG, and felt it would be more useful to remove the attachments and sell the properties individually. Vice Mayor Sokolow concluded that he felt 30% mitigation was too high and 20% was more reasonable.

Commissioner Malkoon made a motion to continue the attachment, offer a settlement of the fines to 30% (a 70% reduction) if the property is used for hospitality and 43% if the development and sale are used as residential. [The motion died for lack of second.]

Commissioner Oldaker recommended 40% mitigation for the central parcel, with the continued attachment of properties. Mayor Vincent suggested that if an acceptable settlement is determined at tonight's meeting for the south parcel, the Town may reconsider the attachment to the central parcel.

Ms. Chakas pointed out that the Applicant brought the subject property into compliance roughly one year after its purchase and one month after their site plan was approved. She reiterated that the violations on the central parcel were not the result of FDG's conduct.

Commissioner Oldaker made a motion to mitigate fines to a 75% reduction, payment of \$216,275 (25%) by January 11, 2019, with attachment to the other mitigation request.

Commissioner Oldaker clarified that his motion did not include a use restriction.

Ms. Chakas asked if the attachment to which Commissioner Oldaker's motion referred indicated the 4560 El Mar Drive parcel as well as the 4108 and 4110 El Mar Drive parcels, with no attachment to the north parcel. Commissioner Oldaker explained that his intent was only to link the central and former Villa Caprice parcels. The former Holiday Inn property, located at 4116 El Mar Drive, would not be attached.

At this time Mayor Vincent opened public comment.

Charles Mangano, resident, stated that plans for redevelopment of the former Holiday Inn property have been undecided for a number of years, and requested that any plans for this property be explained to the Town's residents.

Mayor Vincent stated that there is currently no application on record regarding the redevelopment of the former Holiday Inn property: instead, tonight's focus is on the central and south parcels. The overall foreclosure on all FDG properties, including the former Holiday Inn, was addressed under Item 12a in the event no agreement is reached regarding mitigation.

William Hennessy, resident, advised that his residence is near both the former Holiday Inn and Villa Caprice properties. He suggested that lien mitigation become the responsibility of a new property owner rather than the Applicant.

Mayor Vincent replied that the intent of this Item is to bring Code violations to a close, pointing out that the Applicant is currently in compliance for the central parcel but not for the south parcel. If the Applicant accepts mitigation, they will seek a permit to demolish the buildings in order to bring the properties into compliance so they can be sold without any attached liens.

Ron Piersante, resident, did not feel the Applicant's offer of 10% mitigation was sufficient, and recalled multiple presentations to the Commission by FDG to share plans for the properties. He added that FDG purchased the properties with full knowledge of the fines, and asked if a legitimate offer from a prospective purchaser could lead to mitigation of fines with new owners.

Bobby Kelly, resident, requested clarification of the terms "attachment" and "non-attachment" as they referred to other FDG properties.

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

Town Manager Bentley asked if the intent of Commissioner Oldaker's motion is to include Staff's recommendation regarding non-attachment, explaining that the attachment issue follows state law and does not need to be specifically stated in the motion. Only non-attachment of the properties would need to be specified. Staff's recommendation is that non-attachment should only be considered if the Applicant agrees to both settlements. Commissioner Oldaker confirmed that if both mitigations are accepted by the Applicant, the attachment would be lifted.

Mayor Vincent ceded the gavel to Vice Mayor Sokolow at this time.

Mayor Vincent seconded the motion. Motion failed 2-3 (Vice Mayor Sokolow, Commissioner Malkoon, and Commissioner Strauss dissenting).

Vice Mayor Sokolow made a motion for an 80% mitigation reduction (20% payment of total fines), to be paid by January 11, 2019. [The motion died for lack of second.]

The Commissioners took a brief recess at this time.

Vice Mayor Sokolow made a motion for 80% mitigation (20% payment of total fines), with the attachment of properties removed.

Vice Mayor Sokolow asserted that the Commission's goal is to have the subject properties sold and developed rather than taking punitive action against FDG. He also pointed out that foreclosure remains an option for the Town, but felt the properties were unlikely to sell in their current condition or with significant fines attached. The removal of attachment is also intended to help the properties be sold.

[The motion died for lack of second.]

Vice Mayor Sokolow made a motion to reject the Application. [The motion died for lack of second.]

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to mitigate to a 75% reduction, payment (\$216,275) due by January 11, 2019, with no attachment. Motion carried 3-2 (Commissioner Malkoon and Commissioner Strauss dissenting).

d. Application for Relief of Code Enforcement Liens at 4108 / 4110 El Mar Drive (Linda Connors, Development Services Director)

Development Services Director Connors advised that this Application is for the former Villa Caprice property. She showed slides of the subject property from the time of its initial Code review and identification of violations in 2012. When FDG purchased the property, there were already significant liens in progress. FDG requested that the Commission reduce these liens by 92.3% so they could purchase the property. Fines at that time had accrued to \$2.6 million. In 2013, the payment amount was reduced to \$300,000, part of which was applied to significant administrative fees that had accrued during the Code Enforcement process.

The reduction was approved with the stipulation that total renovation would be complete by December 21, 2015. This date was later extended by six months, with the \$300,000 payment held in escrow. Because FDG did not meet this deadline, the payment went toward the liens on the property.

Development Services Director Connors advised that the fines on 4108 and 4110 El Mar Drive total \$4.48 million. The Applicant has requested 10% payment, which would mean a 90% reduction in the liens to a payment of \$448,856.05. Before the purchase, \$1.14 million in liens had accrued on the property; after the purchase, this amount increased by \$3.3 million to reach the current total.

Development Services Director Connors observed that it is not Commission policy to accept mitigation payment before a property has been brought into compliance. The properties are still in violation. The Applicant has indicated they would be willing to demolish the properties by the end of January 2019 in order to bring them into compliance. The Commission is asked to determine a mitigation percentage, which would be applied once the properties have come into compliance.

The Town Manager would also be authorized to extend the deadline if there are any difficulties in obtaining a demolition permit. It was noted that asbestos is present in the building and must be removed prior to demolition. Florida Power and Light (FPL) will also need to remove connections before demolition.

The Applicant is also requesting non-attachment of the buildings for 4108 and 4110 El Mar Drive. If the buildings are not brought into compliance, the liens would not be released and payments would be credited against them. Mayor Vincent emphasized that the fines will continue to accrue until the properties are brought into compliance through demolition.

Vice Mayor Sokolow asked if the \$300,000 which became forfeit when the deadline was not met in 2015 has been applied toward the liens. Development Services Director Connors clarified that this amount applied to 4108, 4110, and 4116 El Mar Drive. She added that the administrative fees included legal fees associated with ensuring Code Enforcement had access to the property.

In addition, liens from the Villa Caprice and Holiday Inn properties were attached to the sale of a property at 4112 El Mar Drive, which meant the seller was required to pay a percentage of the lien per square foot. This totaled \$155,000, which has also been applied against the lien.

FDG currently allows the Town to use 25 parking spaces at the former Villa Caprice property, with a 50% division of profits between the Town and FDG. There is an agreement on offer to allocate FDG's share toward the lien amounts once payment has been made. This amount is estimated to be roughly \$80,000.

Vice Mayor Sokolow commented that he may be less willing to consider non-attachment of this property to the former Holiday Inn property. He reiterated, however, that the goal is to ensure the properties are sold.

Commissioner Oldaker stated that the condition of the subject properties has negatively affected the property values of neighboring residents, including condominium owners.

Commissioner Strauss observed that the accrual of \$3.3 million in fines is significant, and emphasized the effect of the properties on the Town. He asserted he would vote against any motion including non-attachment, but felt it would not be inappropriate to mitigate the fine by the amount that had already accrued when FDG purchased the property. Mayor Vincent pointed out, however, that FDG purchased the properties with knowledge of the existing fines, which were likely factored into the purchase price.

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

Vice Mayor Sokolow made a motion to mitigate 80% of the fine and collect payment of 20% and remove the attachment, with payment to be received by January 11, 2019. [The motion died for lack of second.]

Commissioner Oldaker asked how attachment of the Villa Caprice and Holiday Inn properties would play out in the event the former Holiday Inn is foreclosed upon. Town Attorney Trevarthen explained that all the subject properties are being foreclosed upon: only when the Applicant accepts mitigation would the foreclosure be amended. The Town expects to file for foreclosure within the week.

Mayor Vincent asked if the Commission wished to consider restricting the use of the property to hospitality only, or if they would allow the purchaser to develop the property within RM-25 zoning as they wish. Vice Mayor Sokolow observed that he was not in favor of restricting the rights of property owners under Code.

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, for 30% mitigation (70% reduction), with restrictions for hospitality use and attachment of liens across properties.

Town Attorney Trevarthen requested clarification that the motion was intended to incorporate Staff's recommendation for payment by January 11, 2019, and that the Town Manager be authorized to extend this deadline by up to 30 days in the event of complications in the demolition process. If the property is not brought into compliance, payment received by January 11, 2019 would be applied toward the existing liens. Commissioners Malkoon and Strauss confirmed that their motion and second included these stipulations.

Motion carried 4-1 (Vice Mayor Sokolow dissenting).

14. COMMISSIONER COMMENTS

Commissioner Malkoon wished safe and happy holidays to all present.

Commissioner Strauss recognized Special Projects Coordinator Hime's efforts toward the Christmas-By-The-Sea event, and thanked all who participated. He also noted that Hanukkah-By-The-Sea was well-attended, and recognized Rabbi Benzion Singer for organizing this event. He concluded that the iguana workshop also had strong attendance and recommended more events of this type be scheduled in the future.

Mayor Vincent, Commissioner Oldaker, and Vice Mayor Sokolow also wished happy holidays to all present. Vice Mayor Sokolow extended a welcome to Municipal Services Director Ken Rubach.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2018-42 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH WASTE MANAGEMENT INC. OF FLORIDA FOR RECYCLABLE PROCESSING SERVICES FOR A FIVE-YEAR TERM; WAIVING THE REQUIREMENTS FOR COMPETITIVE SOLICITATIONS SET FORTH IN SECTION IV OF THE PURCHASING MANUAL; PROVIDING FOR AN EFFECTIVE DATE (Sharon Ragoonan, Assistant Town Manager)**

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

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

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 the Items. Individuals wishing to speak on the Items were sworn in at this time.

- a. 2018-VAC-02 & 2018-VAC-03: Vacation and relocation of a portion of the public drainage easement and vacation of a temporary drainage easement for Silver Shores located at Garden Court / Folio # 494318270300 (Linda Connors, Development Services Director)**

Development Services Director Connors explained that the request is for vacation and relocation of a public drainage easement. The subject property is zoned RM-25 with a land use designation of Residential. The vacation and relocation were first approved several years ago for the construction of a multi-family project with a pool.

At the time the project's Site Plan was approved, the pool was designed to be 11.5 ft. wide, with an adjacent drainage easement. As the permitting process advanced, however, Broward County Health Department regulations applied, and they require a pool no less than 15 ft. wide for multi-family projects of this size. Increasing the size of the pool to meet this requirement meant the drainage easement would need to be moved further south.

There is an 8 ft. temporary drainage easement to the north of the pool, which is no longer necessary. The Applicant requests that this temporary easement be vacated. Development Services Director Connors concluded that the Application went before the Planning and Zoning Board, which recommended approval.

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

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

b. Ratify Conditional Use Development Order for Marina (226-240 Basin Drive) (Linda Connors, Development Services Director)

Town Attorney Trevarthen advised that the Commission was asked to recognize an interested party with regard to this Item. Peter Sampo, resident, formally requested this recognition, stating that the marina in question is very close to his home on Tradewinds Avenue. He resides at a distance of three residential lots and one commercial lot, approximately 300 to 400 ft., from the proposed marina. He also maintains a boat, dock, and seawall on the property, which will share the waterway with the marina, its construction equipment, and its service vessels. He expressed concern with the quality of the water within the vicinity of the marina.

Mr. Sampo concluded that his family also uses the waterway for activities such as paddle boarding and jet skiing, as well as for underwater maintenance on his boat. He felt these placed him in the position of an interested party.

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to recognize Mr. Sampo as an affected individual. Motion carried 5-0.

Development Services Director Connors stated that at the November 13, 2018 meeting, the Commission approved conditional use for a marina at 226 Basin Drive, as well as a Resolution establishing the marina mooring area. At that meeting, several amendments were made from the dais to the proposed conditional use order. Staff has made these amendments as directed by the Commission and is requesting that they be reviewed and ratified at this time.

In addition to amendments made from the dais, Staff is also requesting a condition to recognize the property line. With the marina mooring area and a forthcoming partitioning agreement, the property line will be modified to include submerged land. Staff wished to ensure that the setback line for the building footprint would not be located in the canal, but closer to the property's seawall, which is currently where the property line lies. In recognition of the narrowness of the property, Staff also asks that the marina mooring area be part of the lot, and the rear building footprint line for the upland property shall not extend waterward of the land side of the seawall.

Development Services Director Connors continued that one additional amendment is also new, although it was discussed at the November 13, 2018 meeting with regard to a pump-out station. Staff has written that when the marina owner constructs an Americans with Disabilities Act- (ADA-) accessible bathroom, they will also install a sewer connection and appropriate step-out for a future pump-out system sufficient to service the marina. At the same meeting, a Site Plan was approved to construct the ADA-accessible restroom. If the Applicant submits a Site Plan within six months, they may proceed without constructing this facility, and the Commissioners will be able to review the document for its ADA-accessible and sewer components.

Mayor Vincent recommended that the amendment regarding the restroom and pump-out station identify that these facilities will be for the use of marina patrons and occupants only rather than for public use. It was determined that language stating the pump-out station and restroom were not for public use would be added.

Ross Tannenbaum, Applicant, stated he did not object to any of the conditions offered at tonight's meeting.

Peter Sampo, interested party, explained that he understands there are Code liens on the marina property, and that the Applicant intends to seek mitigation for these liens. As the

Applicant is prepared to install a pump-out facility at the marina as part of the mitigation request, he confirmed that this would satisfy his concerns regarding the property, subject to the ability to make a subsequent presentation if conditions change at a later date.

Mr. Tannenbaum advised that he hoped to bring a mitigation request before the Commission in early 2019. If the current fines can be mitigated, he would be prepared to install a pump-out station.

At this time Mayor Vincent opened public comment.

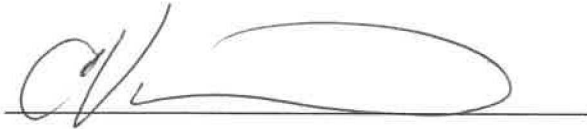
Ed Ellis, resident, advised that he was in agreement with the approach discussed by the Applicant and Mr. Sampo.

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve the ratification of the marina development order per the Staff recommendations, with the addition of changes as discussed. Motion carried 5-0.

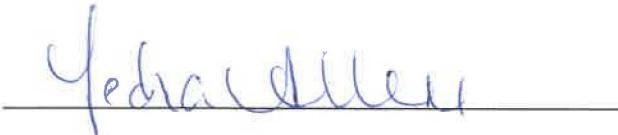
18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 10:09 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date