

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, January 25, 2011

5:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Scot Sasser, Commissioner Chris Vincent. Also present were Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. ITEMS OF DISCUSSION:

a. Beach Recreational Activities

Mayor Minnet allowed comments from the public.

Jason Wilson, Owner of Alley-Oop, thanked the Commission for holding the workshop. He explained that South Florida and the Town were prime locations for skimboarding and the activity in Lauderdale-By-The-Sea was the reason he relocated and opened his business within the Town. Mr. Wilson encouraged the Commission to embrace the beach culture because promotion of beach culture could result in an increase in tourism and revenues for the Town. Mr. Wilson suggested that each application for beach activity permits be considered on a case by case basis. He added that his company was willing to enter into a revenue sharing agreement with the Town if Alley-Oop were permitted to hold skimboarding camps on the beach. Mr. Wilson urged the Commission to consider his proposal or else his business ran the risk of closing.

Brian Kuszmar said that the Town was a great location for kayaking; however, there were no access points available along the beach. Mr. Kuszmar suggested the Town designate a specific location for kayaking. He explained that he was concerned with kitesurfing and saw the activity as a danger to the bathers. Mr. Kuszmar said there was no valid reason to ban skimboarding.

Tom Ralph, Chairman of the Surf Rider Foundation for Broward County, thanked the Commission for holding the workshop. He explained that all beach activities needed to work together in a safe manner and suggested the Town install an additional shower in El Prado Park. Mr. Ralph said public bathrooms were also needed which could increase

Town Commission Workshop Meeting Minutes
January 25, 2011

beach usage. He reminded the Commission that each beach recreational activity used their own etiquette. He submitted his comments and a copy of beach activity etiquette to the Town Clerk (hereto attached as part of these minutes).

Lea Townsend explained that there were numerous positive results that came from allowing various beach uses. She said that the monthly beach clean-ups were mostly attended by the recreational users.

Frank Herrmann questioned why the Town would object to allowing water sports. He said that he was in favor of allowing beach uses, including kitesurfing, as long as they did not become a danger to bathers. Mr. Herrmann suggested the Town implement as little regulation as possible and then adjust them when necessary.

Darla Cheshier explained that her children grew up on the beach and had respect for the earth. She said that sometimes there were too many regulations in place. She was concerned with losing watersports in Town.

Marvin Convissar was concerned with kitesurfing and explained that the sport could become dangerous to beach goers. He explained that the police informed several instructors of the rules; however, they were ignored. He urged the Commission to do something to protect the people.

Renee O'Neal said she enjoyed the activities on the beach and encouraged the Commission to support them. She was concerned with how far the Commission was willing to go to impose regulations in Town.

Mark Brown explained that most kite surfers did not know the current laws and suggested additional signage to make everyone aware of the rules. He believed that it was unfair that the Town did not allow beach chair and umbrella rental companies on the beach. He recommended allowing the rental companies as long as they had a permit and followed the rules implemented. He questioned where the Commission would draw the line and how they would micromanage recreational uses. Mr. Brown recommended installing volleyball nets on the beach which could attract more tourists and someday allow for tournaments to be held on the beach.

Charles Leachman explained that watersports were very important to the Town. He was not in favor of allowing private companies on public property. Mr. Leachman was concerned that the businesses and condominiums were now running the Town. He suggested opening all activities to the public and restricting what needed to be regulated.

Rick Iossi, Director of the Florida Kitesurfing Association, understood the concern from residents regarding kitesurfing. He recalled that in South Florida the only areas that banned kitesurfing were lifeguarded areas and certain parks. Mr. Iossi explained that as with any beach activity, accidents occur and some individuals did not follow the rules. He said that fatalities were rare and most accidents occurred to the user rather

Town Commission Workshop Meeting Minutes
January 25, 2011

than bystanders. Mr. Iossi explained that kitesurfing was a great activity to attract tourist.

Mayor Minnet clarified that the purpose of the workshop was to discuss recreational beach uses. She said that the Commission had no intention of banning any activities at that point.

Chris Ruben said he preferred that children enjoy activities on the beach rather than get into trouble somewhere else. He pointed out that the equipment used for the beach activities had advanced over the years to allow for additional safety. Mr. Ruben encouraged the activities and said they were good for the Town.

David Devins was concerned with kitesurfers who gave lessons on the beach. He said that he witnessed dangerous situations in the past. He suggested designating a specific area in Town to allow for lessons. Mr. Devins added that the walking of dogs on the beach was still an issue regardless of the rules that are currently in place. He said that additional enforcement was needed.

Mike LeBrach pointed out that the only complaints made tonight were regarding lessons given on the beach. He preferred that kitesurfers learn at another beach and then come to the Town to enjoy the activity. Mr. LeBrach said that he did not want to go to another beach to enjoy kitesurfing and that banning the activity was not the answer.

Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd thanked staff for the material provided in the backup. He reassured the residents that he was in full support of all beach recreational uses and that his only concern was kitesurfing lessons. He pointed out that the recently approved fishing ordinance made it legal to launch kayaks from the beach. Vice Mayor Dodd referenced the minutes from May 26, 2008 where he was in favor of self-policing, and a \$75 permit fee for kitesurfing. He said he was also in favor of designating two (2) areas for the activity, Pine Avenue and Palm Avenue. Vice Mayor reiterated that he was not in support of allowing kitesurfing lessons on the beach. He added that he was in favor of allowing umbrella and chair rental companies as long as there was room for competition.

Commissioner Vincent welcomed Alley-Oop to Town and hoped an agreement could be reached to allow the company to hold skimboarding camps on the beach. He explained that he was in favor of all recreational beach uses as long as changes could be made later on.

Commissioner Clotey clarified that the monthly beach cleanups were attended by many people other than recreational users, in contrast to a previous statement made. She said she was concerned with allowing kite surfing lessons on the beach. Commissioner Clotey said she would support kitesurfing lessons if the public were

Town Commission Workshop Meeting Minutes
January 25, 2011

willing to designate a portion of the beach for the use. She added that she also favored a permitting process and that she had no problems with all other beach uses.

Commissioner Sasser reminded everyone that the Town was a beach community. He said he was in favor of allowing businesses to apply for a permit; however recreational uses should be open to all. Commissioner Sasser wanted to settle any problems that hindered Alley-Oop from moving forward with holding skimboard camps on the beach.

Mayor Minnet explained that she was in favor of recreational uses on both a commercial and residential level. She questioned whether the Town could legally prohibit kitesurfing lessons on the beach. Attorney Trevarthen explained that there were existing park regulations in the Code that required a permit to conduct commercial activities. She said that additional language specific to the sport could be drafted to address the safety implications.

Mayor Minnet recommended staff move forward with the proposal received by Alley-Oop. She suggested that staff analyze the effectiveness of the current rules before any changes were considered. Commissioner Sasser questioned whether there was anything that needed to be addressed before Alley-Oop could continue with their plans. Town Manager Hoffmann explained that she needed clear direction from the Commission that she should execute an agreement with the company or if the Commission wanted the agreement to come back to a future Commission meeting for approval. There was Commission consensus to move forward with the agreement as soon as possible. Commissioner Vincent suggested charging a minimal fee to Alley-Oop so as not to diminish the company's profits. Town Manager Hoffmann explained that perhaps there could be a different arrangement with a business located within Town versus a business that came from outside of Town. The Town Manager said a fee structure could be created to phase in the revenue percentage requested by the Town.

Vice Mayor Dodd was in favor to giving the Town Manager direction to allow all recreational beach uses except kitesurfing lessons. Commissioner Clotey questioned whether they could give preferential treatment to a business located within Town versus a business that was not. Attorney Trevarthen explained that the regulation needed to have a rational basis, such as safety. She said that there were options that could be explored; however, the regulation needed to be based upon facts. Commissioner Clotey explained that she was in favor of giving Alley-Oop a break on the revenue sharing fee for a certain period of time. She did want to see some type of fee come to the Town for their use of public property.

Mayor Minnet asked that staff put something together that would work for the businesses. She reiterated that she was not in favor of allowing kitesurfing lessons on the beach.

Town Manager Hoffmann clarified that Commission direction was to disallow kitesurfing lessons on the beach. She pointed out that enforcement was difficult and asked that the kitesurfers in the audience inform those individuals giving kitesurfing lessons of the

Town Commission Workshop Meeting Minutes
January 25, 2011

rules. Mayor Minnet reminded everyone to please call the police if something was happening on the beach that should not be happening, such as dog walking on the beach. She encouraged residents to contact the Commission and Town Hall with any questions or concerns they had.

3. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:25 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White, CMC

2-23-11
Date

