

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, January 13, 2015  
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 Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himmelberger, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION – Pastor Jim Goldsmith**

Pastor Jim Goldsmith gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

**a. Staghorn Coral Restoration Project (Steve d'Oliveira, Public Information Officer)**

Public Information Officer Steve d'Oliveira reported on progress on the joint project between the Town and Nova Southeastern University's Oceanographic Center to create a staghorn coral reef.. Planting in Lauderdale-By-The-Sea will occur in three locations starting at the end of January 2015, including out from Anglin's Pier, in an area south of Washingtonia Park, and near the *Copenhagen* wreck.

**6. PUBLIC COMMENTS**

Alex Kublickis, resident, expressed concern about Item 13b, which asks the Commission for direction on a possible Code change that would allow overnight stays on vessels moored at the Town's marina for up to 60 consecutive nights. He felt that it is unlikely to increase business within the Town and concluded that the proposed amendment would only benefit the prospective purchaser of the marina.

**7. PUBLIC SAFETY DISCUSSION**

None.

**8. TOWN MANAGER REPORT**

**a. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Connie Hoffmann reported that the Insurance Services Organization, which rates communities' firefighting capacity, has improved the Town's rating from a 3 to a 2, which will result in lower fire insurance premiums for commercial properties. The Commissioners congratulated the Volunteer Fire Department for achieving this improvement.

The El Mar restroom project will begin with a design meeting later in the week. In March two alternative conceptual designs will be brought back to the Commission. Town Manager Hoffmann invited the Commissioners to provide input on design features they would like to see incorporated into the building. It was decided that the possibility of additional uses of the building would be discussed further on the next Commission Agenda.

Municipal Services Director Don Prince reported that construction of the Pine Avenue drainage project between Bougainvillea and Poinciana Drives revealed several unmarked utilities which the contractor would have to work around. State Construction has submitted a \$30,000 change order, which staff recommends not be approved due to cost and timing. That particular tie in would be nice to have, but not essential and could be postponed to a later project.

It was decided by consensus that the Town Commission will meet on January 27, 2015 at 5:30 p.m. for a workshop to discuss goals for fiscal year 2015.

**9. TOWN ATTORNEY REPORT**

None.

**10. APPROVAL OF MINUTES**

- a. November 18, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. December 8, 2014 El Mar Greenway Workshop Meeting Minutes (Tedra Smith, Town Clerk)**

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- c. **December 9, 2014 Special Town Commission Meeting Minutes (Presentation of Parking Study Results & Recommendations) (Tedra Smith, Town Clerk)**
- d. **December 9, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

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

#### **11. CONSENT AGENDA**

Items 11d and 11e were pulled for additional discussion.

- a. **Special Event Permit for Lauderdale-By-The-Sea Turtle Fest (Pat Himelberger, Assistant to the Town Manager)**
- b. **Execution of Easement for Bus Shelter at 221 Commercial Boulevard (Pat Himelberger, Assistant Town Manager)**
- c. **Work Authorization for Comprehensive Planning Issues (Linda Connors, Assistant Development Services Director / Town Planner)**

**After discussion, Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve a, b, and c. Motion carried 5-0.**

- d. **Special Event Application for Sunday TV Night Proposed for Sunday, February 1, 2015 (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd suggested that the Town consider an agreement with a valet company for this event due to a lack of parking in the area.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to include valet services with normal insurance requirements. Motion carried 5-0.**

- e. **Special Event Application for Taste of the Beach proposed for Wednesday, February 25, 2015 (Pat Himelberger, Assistant to the Town Manager)**

Town Manager Hoffmann advised that Taste of the Beach will be held in Friedt Municipal Park rather than El Prado Park. Because this is a residential area, she requested that the decibel limit listed in paragraph 14 be amended so it may not exceed 60 to 65 dBc.

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

## **12. OLD BUSINESS**

### **a. El Mar Greenway Concept Decision (Connie Hoffmann, Town Manager)**

Greg Stuart, Executive Director of the Broward Metropolitan Planning Organization (MPO), and Jennifer Fierman of the Florida Department of Transportation (FDOT) showed a PowerPoint presentation including typical sections of the proposed El Mar Greenway. Ms. Fierman emphasized the need for the Commission and residents to remain involved with the process once the design phase begins.

She reviewed the typical sections, which included the following features:

- A widened median with multi-purpose lanes
- Opportunities for landscaping, benches, and other amenities
- Repurposing of one travel lane in each direction for one half-block on the north and south ends of the greenway
- Bringing the roadway and sidewalks into compliance with the Americans with Disabilities Act (ADA) standards

The Commissioners discussed the presentation, with Commissioner Brown noting that the El Mar Greenway would be part of a larger greenway project that will extend throughout the County. MPO Executive Director Stuart estimated that construction of the El Mar Greenway could begin within three fiscal years.

Commissioner Sokolow asked if power lines on El Mar Drive could be placed underground as part of the greenway project. MPO Executive Director Stuart noted that lines are being undergrounded in another municipality as part of the greenway project, but at that municipality's expense, as undergrounding is not typically part of projects of this nature. The Commissioners also discussed including Palm Avenue between A1A and El Mar Drive in the greenway if sufficient MPO funds are available.

**Commissioner Brown made a motion, seconded by Commissioner Sokolow, that the Town move forward with the El Mar Greenway conceptual design to allow the MPO and FDOT to begin the next steps of identifying a funding source and hiring a design team, with the understanding that the Town will continue with public input to discuss and refine all of the specific design elements.**

**At the recommendation of Town Manager Hoffmann, Commissioner Brown agreed to amend his motion to specify that the greenway would occupy the median, with an average width of 22 ft.**

**Motion carried 5-0.**

### **13. NEW BUSINESS**

#### **a. Veterans' Day Events (Commissioner Mark Brown)**

Commissioner Brown explained that in recent years, the Town's Halloween special event has become more labor-intensive and few Town residents attend the event. He recommended that the Commission consider replacing the Halloween event with a Veterans' Day event. The Commissioners agreed to discuss the Town's full slate of sponsored special events at the January 27 workshop.

#### **b. Overnight Stays on Boats at Marina in the B-1 Zoning District (Bud Bentley, Assistant Town Manager)**

Mayor Sasser opened public comment.

Hannah Hempstead, resident, provided the Commissioners with a petition signed by 50 residents in opposition of any change to the existing Code regarding overnight stays on vessels moored within the Town. She stated that the only beneficiaries of the proposed change would be the sellers and proposed buyer of the marina, and requested that current Code be enforced to prevent living aboard vessels.

John Lanata, President of the Morningstar Condominium Association, advised that he represents owners at 4337 Sea Grape Drive and a management company at 231 Marine Court, all of whom would be directly affected by the proposed Code change. He questioned the definition of the subject property as a marina rather than as a mooring facility and cited concerns including noise and pollution.

Susan Kaufman, resident, stated that live-aboard vessels differ greatly from traveling vessels. She advised that she has witnessed discourtesy, debris, noise, and boat traffic concerns near the marina, and concluded that 60 days is too long to allow individuals to remain aboard their boats.

Ed Ellis, resident, asserted that he has never witnessed the installation of a marina in a single-family neighborhood. He felt the proposed amendment should not be approved unless the marina's buyer purchase sewage pumping equipment for the site, and expressed concern with the potential for noise as well.

Scott Kuhn, resident, advised that residents have complained about undesirable activities at the marina. He noted the tendency for pollution to collect in the canal, and did not feel the dock site was prepared to become a working marina at this time.

Nancy Dvorak, resident, stated that the ecological impact of several boats in a small area would be significant and contribute to traffic issues.

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Shevaun Steward Kuhn, resident, said she did not feel a transient marina would improve the nearby residential area. She asked that the Commission review the increased number of calls to the Broward Sheriff's Office (BSO) in relation to vessels moored at the location since the previous summer.

Fernando Pulido, resident, did not feel the subject site was appropriate for the development of a marina, and would continue to generate complaints from the community to law enforcement.

Ron Piersante, resident, stated that the proposed amendment would benefit only the marina buyer and not the surrounding residents. He confirmed that the residents' concerns regarding noise are justified.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

Assistant Town Manager Bud Bentley advised that the marina has been in operation since the 1960s as a legal nonconforming use, as the Town's zoning Code does not include a designation for marinas. Staff recommends regulation establishing a conditional use permit be required in order for the marina to offer overnight stays. The permit would establish conditions to limit the impact of the facility on surrounding property.

Asst. Town Manager Bentley continued that enforcement would be the responsibility of the marina operator as a way to protect his investment, as the conditional use permit may be revoked in the event of noncompliance. The conditional use permit would prohibit noise after 10 p.m. and provide for the eviction of problem vessels at the Town's request. The proposed Code change would allow for transient boaters, but not live-aboard boaters.

Town Manager Hoffmann advised that this Item is on the Agenda because the prospective marina owner has stated that he would not proceed with the purchasing the marina property unless overnight stays were allowed. Staff and the Town Attorney's office has invested a great deal of time and research into investigating this matter and she felt this threshold issue of "stay aboards" needed to be decided before more time and energy is invested.

The Commissioners discussed the issue, noting that most of the public speakers expressing concern with the proposed Code change identified themselves as boaters.

BSO Captain Wood confirmed that there have been Police calls related to the property.

Mayor Sasser, Vice Mayor Vincent, Commissioner Brown, and Commissioner Sokolow agreed by consensus that they were not in favor of the proposed conditional use permit at this time, although Commissioner Dodd noted that he would be in favor of the use if it

were accompanied by stringent conditions to ensure the facility's compliance with Code. He felt that the marina needed stay aboards to be economically viable.

Asst. Town Manager Bentley advised that staff would be bringing forward an amendment to Chapter 5 of the Code to improve the language prohibiting habitation aboard vessels to allow for better enforcement of the existing Code. He clarified that he brought this up so that when that issue reappears on a subsequent Agenda, residents would not mistake that future Item for the same one they had addressed at tonight's meeting.

At this time the Commissioners took a brief recess.

**c. Town Manager Evaluation (Tedra Smith, Town Clerk)**

The Town Clerk advised that the overall rating of the Manager's performance by the Commission was 4.87 out of a possible 5. Commissioners briefly reviewed the document and confirmed their confidence in Town Manager Hoffmann.

**d. Discussion regarding removing required parking spaces to allow for outdoor dining at Chatham House Restaurant and Pa D's Pizzeria and Grille (Mayor Scot Sasser)**

Mayor Sasser explained that the subject property owner wants to add a sidewalk café to his business to increase exposure to a recessed property. Some parking spaces must be removed from the parking lot in order to accommodate a sidewalk café. Resident Jim Silverstone, representing the property owner, stated that the end result to the proposed change would be an improvement to the Town and the A1A corridor, and any risk would be assumed by the owner.

Asst. Town Manager Bentley advised that the applicable Code section states that legally established parking spaces may not be removed for a nonconforming use. He suggested that the owner consider reconfiguration of the parking lot in order to create more compact spaces and tandem/employee parking, which would result in a net parking increase rather than a deficit. The owner could then apply for an administrative adjustment.

The Commissioners discussed the Item, noting that parking has not historically been an issue on the subject property, as well as Staff's work toward a solution. They agreed by consensus to forward this Item to the Board of Adjustment.

**14. ORDINANCES**

**Ordinances 1<sup>st</sup> Reading**

None.

### **Ordinances 2<sup>nd</sup> Reading**

- i. Ordinance 2014-20 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, approving the First Amendment to the Restated Solid Waste and Recyclable Collection Franchise Agreement with Waste Pro USA, Inc.; authorizing a six-month extension of the first renewal term; authorizing execution of the First Amendment to the Restated Franchise Agreement; providing for conflicts, severability, and for an effective date (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment.

James Woods, stated that he is employed by Republic Services, which is a major solid waste/recycling company. He encouraged the Commissioners to accept requests for proposal (RFPs) for this service, as the industry is very competitive.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

Asst. Town Manager Bentley confirmed that the proposed amendment would extend the contract from June to November 2015, after which time the Town may send out an RFP for services if they wish. It was noted that the collection agreement with Waste Pro USA Inc. includes solid waste, recyclables, and bulk waste; the Town also has a separate disposal contract with Sun Bergeron.

Town Manager Hoffmann clarified that the Town would have to notify Waste Pro of its intent not to extend the contract in June and send out an RFP long before the contract expires in November.

**Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt this Ordinance on second reading. Motion carried 5-0.**

### **15.RESOLUTIONS – PUBLIC COMMENTS**

- i. 2015-01 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, opposing variance application P&Z #14-1100016 – A request for a variance to the height limitations of the Air Park Overlay Zoning District in the City of Pompano Beach, Florida, for property generally located at 1380 South Ocean Drive, Pompano Beach, Florida (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment.

Fred Goodman, resident, addressed the prospective development of two lots in the Pompano Beach overlay near his residence. He advised that the developer wishes to build to heights of 296 ft. and 190 ft. on these lots. Mr. Goodman expressed concern with the impact these buildings might have on traffic, as well as the precedent that approval of the variance might establish.

George Kilberg, resident, stated that development of the subject property should remain within the limits of Code.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

The Commissioners reviewed the Item, noting that the Town Planner's recommendation that the Town request that Pompano deny approval of the variance application. Several issues are noted in the Staff report, including Pompano Beach's variance and hardship procedures, which staff feels are not being abided by at this time. Mayor Sasser advised that residents of Terra Mar Island have been notified of a public hearing in Pompano Beach, which was delayed in order to allow input from those individuals. It was clarified that a vote in support of the Resolution would reflect objection to the variance.

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

- ii. 2015-02 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of Planning & Zoning Board Members; providing for conflict; providing for an effective date (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment.

Barbara Cole, encouraged greater participation in the planning process by younger residents.

Edmund Malkoon, resident, recommended providing an new opportunity for other residents who may wish to participate, or participate again, on Town advisory entities to submit applications.

With no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

Commissioner Dodd stated that he would provide a letter from former Planning and Zoning Board member Yann Brandt as part of the public record.

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**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to appoint Patrick Murphy to the Planning and Zoning Board. Motion carried 5-0.**

- iii. **2015-03 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of a member to the Audit Committee; providing for conflict; providing for an effective date (Tedra Smith, Town Clerk)**

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

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to appoint Ron Piersante to the Audit Committee. Motion carried 5-0.**

Town Manager Hoffmann noted that Mr. Murphy and Mr. Piersante had been Alternates to their respective Boards before their appointments at tonight's meeting. She advised that there are now vacancies in the Alternate positions.

#### **16. QUASI JUDICIAL PUBLIC HEARINGS**

None.

#### **17. COMMISSIONER COMMENTS**

Commissioner Dodd reported that there was no Hillsboro Inlet meeting. The Coastal Oceans Task Force recently met to prepare recommendations for implementation of a marine sanctuary by the appropriate governing body. He strongly asserted his support for the proposed sanctuary.

Mayor Sasser recognized the election of resident Paige Vincent to the Westminster Academy Winter Court.

Commissioner Brown expressed his condolences to the family and friends of resident Ben Freeny, who recently passed away. He also noted that the Sun Trolley is expected to extend its route into the Town in March 2015.

#### **18. ADJOURNMENT**

With no further business to come before the Commission at this time, the meeting was adjourned at 10:00 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

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ATTEST:

Tedra Smith  
Town Clerk Tedra Smith

2/10/15  
Date

## Tedra Smith

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**From:** Stuart Dodd <stu4boats@bellsouth.net>  
**Sent:** Tuesday, January 13, 2015 10:31 PM  
**To:** Tedra Smith  
**Cc:** Yann Brandt  
**Subject:** FW: Planning and Zoning Board

**Follow Up Flag:** Follow Up  
**Due By:** Tuesday, January 13, 2015 10:50 PM  
**Flag Status:** Flagged

Please find below the resignation letter from Mr. Yann Brandt – I would appreciate it if it could be included in the minutes.

Many thanks  
Stuart Dodd

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**From:** yann@yannbrandt.com [mailto:yann@yannbrandt.com]  
**Sent:** Friday, December 05, 2014 9:54 PM  
**To:** stuardodd@lauderdalebythesea-fl.gov  
**Subject:** Planning and Zoning Board

Commissioner Dodd,

As you are aware I have unfortunately been absent at recent P&Z meetings. Due to recent job changes, I have increased my travel tremendously and have been out of town during scheduled and extra meetings held. I am very fond of serving the Town and the P&Z board. However, I do not feel it correct that your voice, as my appointing Commissioner, be absent at this many meetings. Please know that I have always communicated by absence with Town staff to make sure an alternate has been available.

I have always prided myself on being the member that does not take all recommendations for granted and approve them without question. Often a losing vote 4-1, I always felt fulfilled to make the point for the institutional memory and long term vision for Lauderdale-By-The-Sea. As you make a recommendation to replace me on the P&Z board, please choose someone that will continue to question the status quo. A member that will not allow the strong agenda of the current administration to go unchecked. These are important times in Town.

I hereby resign from the Planning and Zoning Board, please forward along to the Town Clerk on my behalf.

Best Regards,

Yann Brandt  
242 Lombardy Avenue  
Lauderdale-By-The-Sea, FL 33308



## Town of Lauderdale-By-The-Sea

4501 N. Ocean Drive  
Lauderdale-By-The-Sea, FL 33308  
Phone (954) 640-4210  
Fax (954) 640-4211

Dear Residents Adjacent to the Silver Shores Waterway:

At the January 13<sup>th</sup> Town Commission meeting, the Commission will discuss allowing overnight stays on boats at an approved marina in a business zoning district. There are only three properties in Town that this could apply to and they are all located at the north end of the Silver Shores Waterway. One property has been operating a marina at this location since the 1960's. Since your propriety is on the Silver Shores Waterway, we wanted you to be aware of this discussion and have a copy of the attached agenda report.

The January 13<sup>th</sup> Commission meeting starts at 7:00 pm in Jarvis Hall. If you have an interest in this topic but cannot attend, you could drop off your comments to the Town Clerk Tedra Smith, or send her an email at [TedraS@lbts-fl.com](mailto:TedraS@lbts-fl.com) before Tuesday at 4:30 pm and she will provide copies to the Mayor and Commissioners. Commission meetings are shown on channel 78 (Comcast) and also on AT&T Uverse. You can see past Commission meeting on the Town's website.

Please feel free to call or email me if you have questions. If you would like to be added to my email list to receive information about the Overnight Stay Ordinance or the submerged land lease for the marina, (explained in the attached material), please send me an email with 'marina' in the subject line.

Best,

Bud Bentley

Assistant Town Manager

954-640-4212 or [ATM@lbts-fl.gov](mailto:ATM@lbts-fl.gov)

## Tedra Smith

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**From:** Bud Bentley  
**Sent:** Sunday, January 11, 2015 4:44 PM  
**To:** Assistant Town Manager; Chris Vincent; Connie Hoffmann; Elliot Sokolow; Karen Bertocci; Mark Brown; Markbro26@aol.com; Scot Sasser; stu4boats@bellsouth.net; Stuart Dodd; Tedra Smith; Town Attorney (Susan Trevarthen)  
**Cc:** Tedra Smith  
**Subject:** Overnight Stays on Silver Shores Waterway

FYI

**From:** Terry Paterson [mailto:terry@patersondevelopment.com]  
**Sent:** Sunday, January 11, 2015 1:09 PM  
**To:** tedras@lbts-fl.com; Bud Bentley; Linda Connors  
**Subject:** Overnight Stays on Silver Hores Canal

To whom it may concern,

Sky 230 agrees with all the Towns research and has no problems with the Towns recomendations.

Often i hear Town Commisioners voice concerns that "if we allow this for this one propety, what is stopping all the others from wanting the same thing?". Obviously there are many factors to that answer, but as far as Sky 230 goes, that will never happen. Sky 230 HOA will clearly say "No overnight stays now or ever in the future". And it would never be in a residential developments best interest to allow that in their own docks.

Terry Paterson  
President  
Paterson Project Management, Inc  
[www.Patersondevelopment.com](http://www.Patersondevelopment.com)  
Patco Windows, Inc  
[www.Patcowindows.com](http://www.Patcowindows.com)  
Sky 230 Townhouse Development  
[www.Sky230.com](http://www.Sky230.com)  
1512 SW 13th Ct  
Pompano Beach, FL 33069  
Cell: 954 410 0297

## Tedra Smith

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**From:** northrup.kathleen <northrup.kathleen@yahoo.com>  
**Sent:** Sunday, January 11, 2015 8:05 PM  
**To:** Tedra Smith  
**Subject:** Fwd: Town Marina Proposal

**Follow Up Flag:** Follow Up  
**Due By:** Monday, January 12, 2015 8:37 PM  
**Flag Status:** Completed

Sent from my Verizon Wireless Tablet

----- Original message -----

Subject:Town Marina Proposal  
From:"northrup.kathleen" <northrup.kathleen@yahoo.com>  
To:tedras@lfts-fl.com  
Cc:dscott8@ec.rr.com

Tedra:

I am the owner of two properties affected by the proposed marina and the issue of the submerged land rights.

· 4318 E Tradewinds and the Tradewinds Professional Building at the corner of East Tradewinds and Basin Dr.

I paid taxes on 1/19 of the submerged land rights for 8 years. Based on this I believe I have a legal right to 1/19 ownership of the submerged land rights.

If any individuals should have a right to the submerged land/water rights it should be the existing residents along the waterway.

No one should be given leased rights to the submerged land along the waterway that can impact my ability to use the waterway, or my ability to provide and use dockage at my personal dock or the dockage at my business.

Kathleen Northrup

Sent from my Verizon Wireless Tablet

## Tedra Smith

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**From:** jilennon@comcast.net  
**Sent:** Monday, January 12, 2015 8:35 PM  
**To:** Tedra Smith  
**Subject:** Commission Meeting Regarding Overnight Stays At Marina Notice

**Follow Up Flag:** Follow Up  
**Due By:** Monday, January 12, 2015 8:36 PM  
**Flag Status:** Completed

Hello Ms. Smith,

My name is Jacqueline Lennon, my husband Sean and I reside full time at 301 Tropic Drive.

As homeowners and taxpayers we are fully opposed to making any changes to our current ordinance. We feel it will negatively impact the town and its citizens. That is what should be of utmost importance to the Mayor and Commissioners and not revenue for a potential buyer. As stated in the Agenda Memorandum, Mr. Henne will not make Lauderdale By The Sea his home, since he needs to "fly in several times a year. "

Please confirm receipt of this email and that it was forwarded to the appropriate parties, since we will not be able to attend Commission meeting.

Thank you for bringing this to our attention.

Jacqueline & Sean Lennon

## Tedra Smith

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**From:** Rita Borgeson <ritaborgeson@hotmail.com>  
**Sent:** Tuesday, January 13, 2015 10:00 AM  
**To:** Tedra Smith  
**Cc:** Assistant Town Manager  
**Subject:** Marina

My first issue here is the delivery of the meeting notification which was dropped into our mailbox on Sunday January 11, 2015. No such notices should be delivered into a postal box by unauthorized persons. Certainly 24 hour advance notice is not a sufficient time frame for such a complicated issue.

Increased boat traffic up and down the canal will put additional strain on our sea walls.

Is there an environmental impact study available for the increased use of the waterway and how it will impact the waterway itself and surrounding properties ?

How much impact will this have on police/ fire services ?

Manatees are often I this basin canal- along with other sea life. What is the impact here.

If overnight stays are permitted at said marina, what will be the result if properties with dockage along the canal request that this be allowed at their docks. Parking , noise , litter and sewage disposal now become an issue in a residential neighborhood.

How often will environmental police be available to enforce arising issues ?

There are many more issues that need to be addressed and not enough notice has been given to the neighboring property owners to review and comment on this proposal .

Rita Borgeson, Milda Brieze  
4306 East Tradewinds Ave  
LBTS, FL 33308

Sent from my iPad

## Tedra Smith

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**From:** john.lanata2131@comcast.net  
**Sent:** Tuesday, January 13, 2015 12:00 PM  
**To:** Tedra Smith  
**Subject:** Basin drive Marina and purposed liveaboard regulations.

Dear Commissioners,

I am John Lanata a resident of 223 Marine Ct, Lauderdale by the Sea. I am also the president of Morningstar Condo Asso. In addition I represent the owners of 4337 Seagrape Dr, located directly north of Morningstar and the management company for 231 Marine Ct ,located directly west of Morningstar.

These three properties make up the east end and the south end of the yacht basin on the south/east side.

In a letter sent to you by Shevan Steward-Kuhn she points out the difficulties that have been occurring unchecked since the current owners and operator, absentee owners and then newly appointed manager, Bill Henne. I have observed what she describes and am in agreement with her comments.

Let me add some additional information. On two occasions I have found people passed out in our Seagrape court yard. They wandered in some time during the night and passed out near our washer and dryers. when they left in the morning they went back to the marina where ever they were visiting. Over the Christmas holidays one of the current owners, Tony, from the Orlando area was staying aboard his boat at the marina for about 10 days. His had kids running up and down the docks and screaming at night at each other. Just the type of behavior that bothers our home owners.

In addition Bill Henne , who is the potential buyer left for the Bahamas on 12/21/14 and returned on or about 1/2/15 and proceed to live aboard till I think 1/8/15.

this is the same person who knows full well the law and is suppose to be there as the manager to be sure no one is living on their boats. What's that all about. These are the people who will be enforcing the new by-law

I have a major issue with the length of the boats that the marina is currently renting to. Just yesterday a 80 plus yacht pulled in making it the 4th 75 to 80+ boat at the marinas. What gives them the right to have large yachts there blocking the water way. Clearly the marina was never built for yachts greater than 45 feet. If you look at the piling ,dolphin locations it becomes clear what the intent of the size boats were. Because the boats are so large it will be almost impossible for them to get in and out of the marina safely. Just last week one of the neighbors with a 56 boat tried to leave and had a very rough time of it almost crushed a docked boat at 231 Marine court. His navigation was impaired by the 80 footer docked there.

In short they placement of large yachts at the marina is a navational hazard. Not only that but the large yachts seem to violate the current by-law. if not the letter but surely the intent,

when i spoke to Bill Henne he said that all he was interested in for the live aboard situation was to be able to fly in , take a couple of day to provision his boat and leave weather permitting and stay maybe 5 days total. In reverse come back from a Cruise and do the reverse. take 2 or 3 days to clean the boat up get back on a plan and leave. That is what he wanted and that is what sounded reasonable to me. maybe this happens 4 -6 times a year.

what's before you is nothing like what Bill described that he wanted. i am in total opposition of the proposed by-law change.

Another issue is the physical condition of the marina. The electrical is dangerous and does not meet code. The conduit is sagging and in some areas is in the water. The docks are unsafe. The pilings are rotten and unsafe. The location of the pilings are not conducive to the type of boats that should be docked there.

Some where the by-laws there needs to be a stipulation that the boat are to be backed in. Most noise weather day or night comes from the cockpits of the boats. If the boats are backed in therein the noise is confined to the rear of the vessel. that noise goes towards commercial property not down the canal bothering the residences.

There is a major concern about discharge of waste into the dead end yacht basin. I don't believe some Micky mouse portable system will be adequate to handle the needs.

Some other items for consideration for live aboards is: who is to monitor the days aboard? Whats to prevent the yacht owners from renting their boats and having spring breakers on board for a week. In other words not only is the amount of time inappropriate but so are the conditions. I would ask you table or defeat this proposed by-law.

I would have thought the proper process would be to first get a submersed land lease that was agreed on by both parties. I have great concerns about the 1/19 share of the basin that Bill Henne owns. That means he is a partner of the towns. What about a capital improvement budget for the marina. I would suggest all these items be resolved before a by-law is considered.

I would like to be able to address the commission this evening but i do not know the process. please advise.

Thank you for your consideration.  
John Lanata

## Tedra Smith

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**From:** Ken Brenner <ken@interiordigs.com>  
**Sent:** Tuesday, January 13, 2015 12:23 PM  
**To:** Tedra Smith; scott Sasser; Mark Brown; Elliot Sokolow; Chris Vincent  
**Subject:** marina agenda item

For the record, as a resident in the area. I am not in favor of allowing the marina to provide overnight stays as is proposed on the agenda item 13b New Business.

Regards,

Ken Brenner  
258 Commercial Blvd.

**Tedra Smith**

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**From:** David Nixon <david.d.nixon@gmail.com>  
**Sent:** Tuesday, January 13, 2015 2:55 PM  
**To:** Tedra Smith  
**Subject:** Transient rental Marina

Very bad idea

Resentred By:  
Hannah Hempstead

January 13, 2013. To the Mayor, Vice, Major, Commissioners and Town Managers of Lauderdale-by-the-Sea:

The following people STRONGLY OPPOSE the changing of the existing code which forbids habitation on boats in the town of LBTS. ALL individuals below reside in the neighborhood along the waterway or in close proximity to the Basin Street Docks. You are welcome to discuss the project with any of these names individually. If requested, we can provide signatures to further promote our opposition.

Page 1 of 2

- Cathy Moore - 4243 E. Tradewinds Ave.
- April Holmes - 4243 E. Tradewinds Ave.
- Kathleen Northrup - 4322-4330 E Tradewinds Ave. AND 4318 E. Tradewinds Ave.
- Terrie Haddan - 4313 E. Tradewinds
- Dale Howell - 4313 E. Tradewinds
- Ginny Briscuso - 262 Miramar Ave
- Raymond Briscuso - 262 Miramar Ave
- Tom Carr - 254 Miramar Ave
- Marilyn Carr - 254 Miramar Ave
- Tony Ventrone - 250 Miramar
- Philip (Jerry) Sehi - 250 Miramar Ave
- Ron Kosiorek - 4318 E. Tradewinds, #2
- Cathy Kosiorek - 4318 E. Tradewinds, #2
- Hannah Hempstead --274 AND 275 Capri Avenue
- Herb Schwartz- 263 Capri
- Les Pratt - 270 Capri Ave
- Jan Pratt - 270 Capri Ave
- Shevaun Steward-Kuhn -258 Miramar Ave.
- Scott Kuhn - 258 Miramar Ave.
- Pam Roberts - 274 S. Tradewinds Ave.
- Tom Criqui - 274 S. Tradewinds Ave.
- Becky Fröhlich - 275 S Tradewinds Ave.
- June Lassell - 250 S. Tradewinds Ave.
- Norene Shiring Keyser - 4313 W. Tradewinds Ave.
- Fran Scheffler - 250 Capri Ave.
- Pamela Mereider - 266 Capri Ave.
- Larry Mereider - 266 Capri Ave.
- Peggy Silverstone - 278 Miramar Ave
- Jim Silverstone - 278 Miramar Ave
- Mary Ann Wardlaw - 279 Capri Ave.
- Ken Wardlaw - 279 Capri Ave.
- Yann Brandt - Ulvic Properties, owner 267 Capri
- Pam Lawrence - 262 Capri Ave.
- Alan Goldman - 235 Hibiscus
- Gail Goldman - 235 Hibiscus
- John McCall - 271 S. Tradewinds Ave.
- Judy McCall - 271 S. Tradewinds Ave.
- Wally Wijtczak - 282 Capri Ave.
- E. Pilar Wijtczak - 282 Capri Ave.
- Beth Kanaly - 263 S Tradewinds Ave.
- Nancy Dvorak - 267 S Tradewinds Ave.
- Louis Dvorak - 267 S Tradewinds Ave.
- John Lambrunides - 259 Capri
- Amy Lambrunides - 259 Capri
- Kenneth Brenner - 258 Commercial Blvd.
- Wayne Dillistin - 258 Commercial Blvd.

Leslie Rankin -- 273 Miramar Ave  
John Rankin -- 273 Miramar Ave  
Jeffrey Margaritell - 273 Miramar Ave  
Marsha Painter -- Basin Drive