

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 24, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:05 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant to the Town Manager Pat Himmelberger, Assistant Development Services Director/Town Planner Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, 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

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to grant Commissioner Mark Brown a leave of absence for this evening's meeting. Motion carried 4-0.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC SAFETY DISCUSSION

a. BSO January 2015 Report (Captain Fred Wood)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve the report. Motion carried 4-0.

b. AMR January 2015 Report (Chief Brooke Liddle)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 4-0.

c. VFD January 2015 Report (Chief Judson Hopping)

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

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

Town Manager Connie Hoffmann advised that the community rating system, which determines the price of flood insurance for commercial properties, has recently changed the manner in which communities are rated. This is expected to raise the flood insurance rate for most communities. One way to combat this possibility is to appoint a committee, which will meet at least once each year and include two Town employees and two individuals from outside Town government. A Resolution establishing the committee will be brought back at a subsequent meeting. The Commissioners agreed by unanimous consensus to proceed with this process.

Town Manager Hoffmann continued that the Florida Development Group's lien mitigation deadlines are provided in the Commissioners' backup materials. The group has met its first two deadlines, with the third deadline approaching. Drawings have been submitted by the Group and discussed with Town Staff.

The County's beach re-nourishment project has yet to procure a permit from the Army Corps of Engineers, which must be secured before federal funding is made available. The County is also seeking more funding from the State.

Municipal Services Director Don Prince reported that two sea oat plantings are scheduled at 4517 and 4628 El Mar Drive from 9 a.m. to 12 p.m.

Town Manager Hoffmann concluded that the list of priorities adopted at the February 10 Commission meeting are now included in the Commissioners' backup documents.

Commissioner Dodd observed that the Commissioners' Work Plan includes an item regarding the conditional use of a pet store within the Town. He requested an update from the Town Attorney on this item.

b. January 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

c. January 2015 Chamber Report (Tom Balcom, Chamber; Tedra Smith, Town Clerk)

Chamber of Commerce Chairman Tom Balcom stated that Taste of the Beach will be held on Wednesday, February 25 from 6 p.m. to 9 p.m. in the former soccer lot in Friedt Family Park. Tickets may be purchased online at www.lbts.com , in person at the Chamber of Commerce, or at the door.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen requested that an attorney-client shade session be scheduled, pursuant to Florida Statutes 2860118, regarding settlement negotiations and strategies in relation to the litigation of *Palm Beach Yacht & Beach Club v. Lauderdale-By-The-Sea*.

10. APPROVAL OF MINUTES

- a. January 27, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. February 15, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- c. February 17, 2015 Special Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve all three. Motion carried 4-0.

11. CONSENT AGENDA

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

a. Basin Drive Drainage (Don Prince, Municipal Services Director)

Commissioner Dodd advised that while he had been an early advocate of going out to bid on this project, he felt it was appropriate to retain a proven contractor that has done good work in the past; therefore he supported Staff's recommendation.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 4-0.

b. Parking Permits for Turtle Monitoring Organizations (Bud Bentley, Assistant Town Manager)

c. Town Manager Vacation (Connie Hoffmann, Town Manager)

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve Items b and c. Motion carried 4-0.

d. Purchase of a Prototype Parking Sign for the South Ocean Parking Lot (Assistant Town Manager)

Ass't Town Manager Bud Bentley advised that Town Parking Staff requested that the sign include the name of the appropriate parking lot. He concluded that the Commission is asked to authorize the purchase of a prototype sign for approximately \$6300.

Town Manager Hoffmann added that Staff recommends the purchasing manual requirements be waived for the production of the prototype sign, although they will be followed when signs for the Town's other parking lots go out for bid. The intent is for parking lot identification signs to be distinct from the Town's way-finding signs and use a more international symbol for parking.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to suspend the purchasing manual recommendation on this Item because it is a single prototype. Motion carried 4-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. Ordinance 2015-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Section 30-241, “RM-25 District – Apartments and Lodging,” of Division 2, “Districts,” of Article V, “Zoning,” of Chapter 30, Unified Land Development Regulations of the Code of Ordinances, to update the regulations pertaining to the activities permitted on rooftop uses currently allowed in the RM-25 district and delete obsolete provisions; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)**

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, stated his opposition to the Item, as his residence is located in a residential zoning district that abuts RM-25 zoning. He advised that allowing rooftop uses on buildings with fewer than three stories would allow activities on seventeen properties within two blocks, some of which would directly overlook neighboring residential properties.

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

Assistant Development Services Director/Town Planner Linda Connors recalled that at the December 9, 2014 Town Commission meeting, Staff was asked to review the rooftop use regulations in the Town's Code. These uses are currently located in RM-25 zoning districts. Staff took this review to the Planning and Zoning Board in a workshop format.

Staff proposes the following amendments to the Rooftop Use Ordinance:

- Allow rooftop uses on buildings with three or fewer stories rather than buildings with three stories only;
- Maintain the prohibition of permanent structures on the roof for buildings with transient uses, such as hotels, while allowing benches, planters, and kitchens 30 sq. ft. or less in size on structures with non-transient uses;
- Allow the rooftop use to encompass the area limited to 35 sq. ft. of the roof area, which will be calculated using the entire footprint of the floor below;
- Clarify the measurements of how to evaluate the visibility of temporary objects;
- Confirm that hot tubs and pools are considered permanent structures and are therefore not allowed on rooftops;
- Delete the duplicative requirement of having a rooftop use on a site plan while also requiring conditional use approval for rooftop uses and activities;
- Add a time frame in which passive recreational activities are not allowed: in this case, from 10 p.m. to 7 a.m.

Assistant Development Services Director/Town Planner Connors continued that Staff also recommends the following amendments for RM-25 zoning districts:

- Change the section on height to more closely reflect the Town's charter;
- Delete outdated language referring to seawalls, foundations, and storm drainage.

She concluded that the Planning and Zoning Board recommended that measurements be taken from any right-of-way, rather than only a street right-of-way, in order to ensure that Staff can address the concerns of property owners located across the canal.

It was clarified that non-permanent rooftop uses were already allowed on up to 35% of the footprint of the floor below flat roofs of three-story structures in the appropriate zoning district. Vice Mayor Vincent asserted that he favored allowing a higher

percentage of square footage to be used, particularly on buildings with existing balconies on the floor below the rooftop use. Assistant Development Services Director Connors pointed out that buildings not yet constructed may include larger balconies, which would significantly increase the square footage of rooftop uses.

Commissioner Dodd expressed concern with the possibility of leaving temporary objects unattended on rooftops for up to 14 days, as these could be blown off buildings by strong winds. Assistant Development Services Director Connors clarified that the proposed Ordinance would require temporary objects to be removed from rooftops in the event of a hurricane watch or warning issued by Broward County. Objects must also be removed if the building is vacated for 14 days. Commissioner Dodd stated that temporary objects should be brought indoors each day.

Commissioner Sokolow pointed out that bringing temporary objects indoors each night would present an enforcement issue. He also addressed the 35% footprint requirement, noting that walling off a portion of usable space did not serve a clear purpose.

The Commissioners discussed the proposed Ordinance further, noting that rooftop uses would be conditional and could be repealed in the event that negligence occurred. Assistant Development Services Director Connors reported that the Planning and Zoning Board had also discussed expansion of the area in which rooftop uses may be located. Town Manager Hoffmann requested that the Commissioners provide Staff with direction on how to proceed with the area requirement.

Assistant Development Services Director Connors /Town Planner suggested that regulating temporary items on rooftops could be made a requirement of the conditional use: property owners would receive a warning or Commission review the first time an unsecured item is blown off a rooftop, with revocation of the conditional use permit if a second offense occurs. Town Attorney Trevarthen added that this language could be included in Town Code rather than as a condition of approval if the Commissioners preferred.

With regard to rooftop uses in residential neighborhoods, Assistant Development Services Director/Town Planner Connors recalled that the Planning and Zoning Board felt noise generated at three or more stories would travel farther than noise generated at the ground level. This had led to the recommendation that rooftop uses be closed from 10 p.m. to 7 a.m. The Board agreed that the existing noise Ordinance could be used to regulate disturbances.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to pass on first reading. Motion carried 3-1 (Vice Mayor Vincent dissenting).

It was clarified that the Ordinance would be presented for second reading at the March 10, 2015 meeting.

The Commissioners took a brief recess at this time.

b. Ordinances 2nd Reading

- i. Ordinance 2015-03 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30, Unified Land Development Regulations of the Code of Ordinances, by Amending Article I, “In General,” Division 2, “Administration and Boards,” to create a Public Art Board; and Creating Article XII, “Public Art Program;” providing for codification, severability, conflicts, and an effective date (Linda Connors, Town Planner / Assistant Development Services Director)**

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

Commissioner Dodd observed that he did not feel it was necessary to reduce the 1% figure, referenced in the backup materials, to 0.5%, as he felt developers should be required to include attractive architectural features. Commissioner Sokolow, however, pointed out that only a limited amount of development is available in the Town. Assistant Development Services Director /Town Planner Connors clarified that single-family residences are excluded from this proposed Ordinance, although it was noted that multi-family residences are included.

Commissioner Dodd made a motion to pass the Ordinance on second reading, with the proviso that [it includes] 0.5% as it is in the backup. Mayor Sasser ceded the gavel to Vice Mayor Vincent and seconded the motion. Motion failed 2-2 (Vice Mayor Vincent and Commissioner Sokolow dissenting).

It was clarified that the Item could only be revisited on a future Agenda if requested by one of the dissenting voters.

15. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2015-07 – 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)**

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

It was noted that although the Town had placed notice of the Audit Committee opening on the Town’s website, there were no new respondents.

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Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to appoint Yann Brandt to this position. Motion carried 3-1 (Vice Mayor Vincent dissenting).

- b. Resolution 2015-09 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, Approving the Conceptual Design and Typical Section for the El Mar Greenway to be located in the median of El Mar Drive; providing for conflict, severability, and for an effective date (Connie Hoffmann, Town Manager)**

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

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 4-0.

16. QUASI JUDICIAL PUBLIC HEARINGS

None.

17. COMMISSIONER COMMENTS

Mayor Sasser extended the Commission's thoughts and prayers to Commissioner Mark Brown and his family, and to the family of Ben Freeny.

Commissioner Dodd reported that the Coastal Oceans Task Force recently met and continued to formulate recommendations on the proposed marine sanctuary. Hillsboro Inlet also met and approved expenses for January and February. A beach located south of the Inlet has been tilled in advance of turtle season.

Commissioner Sokolow also extended best wishes to Commissioner Brown and his family.

18. ADJOURNMENT

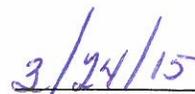
With no further business to come before the Commission at this time, the meeting was adjourned at 8:27 p.m.



Mayor Scot Sasser

ATTEST:


Town Clerk Tedra Smith



Date