

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 29, 2016
7:00 PM**

- 1. 6:30 RECEPTION FOR COMMISSIONER STUART DODD**
- 2. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:02 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Commissioner-Elect Alfred Oldaker, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. INVOCATION**

Pastor James Corgee gave the Invocation.

- 5. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

- 6. PRESENTATIONS**

- a. Proclamation Recognizing Commissioner Dodd's Service**

Mayor Sasser read a proclamation in appreciation of Commissioner Dodd's service to the Town for the past eight years, citing several of the Town's accomplishments and key issues in which he played a significant role. All present recognized his dedication with a round of applause.

Commissioner Dodd congratulated Commissioner-Elect Alfred "Buz" Oldaker on his election to the Commission, and thanked several Town Staff members, organizations, and individuals for their service and assistance. Mayor Sasser and the remaining Commissioners also recognized Commissioner Dodd for his service.

- b. Proclamation Recognizing Connie Hoffmann's Service**

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Mayor Sasser also read a proclamation in appreciation of the work of Town Manager Connie Hoffmann from April 2010 to the present day. All present recognized her contributions and commitment to the Town with a round of applause. Mayor Sasser also noted that the Town will rename its Ocean Plaza the Connie Hoffmann Ocean Plaza, and a plaque in her honor will be placed at the site.

c. 20 Year Fair Share Award Presentation (Mayor Scot Sasser)

Edith Lederberg, Executive Director of the Aging and Disability Resource Center, presented the 20 Year Fair Share Advocacy Award to Lauderdale-By-The-Sea for its commitment to ensuring the rights of older Americans. She also recognized resident Sandra Booth, who was recently elected to the Broward Senior Hall of Fame in appreciation of her volunteer work. Mayor Sasser requested that a table be reserved for Town representatives at the Broward Senior Hall of Fame Breakfast on May 6, 2016.

7. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Yolanda Berardini, representing the Garden Club, stated that orchids have been mounted in trees along Commercial Boulevard. She thanked the Town Commissioners, Staff, and Chamber of Commerce for their support of the Orchid Walk project, which will be held from 5:30-7:30 p.m. in all four plazas on Commercial Boulevard on Thursday, April 7, 2016.

Dick Clark, resident, stated that the caliber of the Town Commissioners and Staff was clearly reflected at tonight's meeting, and recognized Town Manager Hoffmann in particular for her commitment to the community.

Rosanne Minnet, resident, thanked Commissioner Dodd and Town Manager Hoffmann for their dedicated service to the Town. She congratulated Commissioner-Elect Oldaker as well.

Edmund Malkoon, resident, thanked all the candidates who participated in the recent election and congratulated the re-elected and newly elected members of the Commission. He also thanked Town Manager Hoffmann for her service. Mr. Malkoon continued that he has worked with members of the Garden Club on the Orchid Walk installation, and congratulated the Garden Club on their efforts.

Bill Vitollo, resident, also congratulated the re-elected and newly elected Commissioners and thanked Town Manager Hoffmann for her service to the Town. He also stated that the re-sealing of parking lots, as discussed at the March 8, 2016 meeting for the Gardens By The Sea condominium, should not involve the level of work described during that discussion. He felt this would lead to fewer businesses and residences making the effort necessary to re-seal their lots.

Ron Piersante, resident, recognized Commissioner Dodd and Town Manager Hoffmann for their service to the Town.

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

8. NEW BUSINESS RELATED TO ELECTION RESULTS

a. Certification of Election Results (Tedra Smith, Town Clerk)

Town Clerk Tedra Smith read the election results at this time. The Commissioners accepted the results without discussion.

b. Seating of New Commission

Commissioner Dodd departed the dais at this time and Commissioner Oldaker assumed his chair.

c. Oath of Office (Tedra Smith, Town Clerk)

Town Clerk Smith administered the Oath of Office to the Mayor and Commissioners at this time.

d. Remarks by Newly Seated Commission

Commissioner Brown thanked the residents of the Town for their support, and noted issues he hoped to address in his second term, including the progress of the El Mar Greenway and transportation and parking issues.

Commissioner Oldaker also thanked the Town residents for their support, and emphasized the importance of the small-town oceanfront environment of Lauderdale-By-The-Sea for its residents, businesses, and visitors. He urged the public to participate in the Town's governmental processes.

Mayor Sasser thanked all present for their support in both the recent election and the past few years. He noted the importance of the Town's planning process for the future, and stated that he looked forward to realizing these achievements with the help of Town Staff and the Town Commission.

9. PUBLIC SAFETY DISCUSSION

a. VFD February 2016 Report (Chief Judson Hopping)

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

10. TOWN MANAGER REPORT

a. February Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without discussion.

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

Town Manager Hoffmann advised that engineers have determined the reason for unusually high sewage charges from the town of Pompano Beach to be water infiltration into the Town's sewer pipes. This is likely the result of rising groundwater. She recommended that the Town return to its earlier practice of lining these pipes, which extends the life of the pipe by a minimum of 20 years. Staff will work to prioritize the pipes that must be lined and present these recommendations at a subsequent meeting.

Since the bids for the public restroom project came in unexpectedly high, Staff has worked to modify the project's design in order to reduce these costs as much as possible. Vice Mayor Vincent has provided additional expertise on this issue. Staff will also present recommendations on this Item at a subsequent meeting.

Phase two beach renourishment is now complete, and the Palm Avenue portal is no longer the gateway to renourishment in the Galt Ocean Mile area. Town Manager Hoffmann also praised the Orchid Walk project, which she felt would be beneficial to the Town. Municipal Services Staff, along with Yolanda Berardini, Bonnie Clark, Edmund Malkoon, and other volunteers, placed the orchids in the trees.

11. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen requested that an Executive Session be scheduled to discuss the Palm Yacht and Beach Club case.

Commissioner Brown recalled a recent news article that referred to the city of Fort Lauderdale using funds collected for its water system for other purposes. He noted that the Town pays Fort Lauderdale a 25% surcharge for this service in addition to utility fees. Commissioner Brown stated that if the surcharge has been used for any purposes other than improvement of the utility, he would like the Town to consider taking action to recoup this fee.

Town Attorney Trevarthen advised that a training session will be scheduled for the benefit of new Board members seated after the recent election. In addition, a two-hour training session may be scheduled to update the Commissioners on amendments to the Broward County Code of Ethics if it is the Commission's desire.

12. APPROVAL OF MINUTES

- a. **February 23, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. **March 8, 2016 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

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

13. CONSENT AGENDA

- a. **Special Event Application from Gracepoint Church for Sunday, April 24, 2016 (Debbie Hime, Special Projects Coordinator)**

At this time Mayor Sasser opened public comment.

Kelly Flowers, representing Gracepoint Church, proposed the following revisions to the Application, including rescheduling of the event to May 15, 2016 in order to avoid conflicts and reducing the expected number of participants to approximately 100 individuals and 50 vehicles. The time frame would also be narrowed from 8 a.m. to 12 p.m.

Ms. Flowers continued that the event was held the previous year in Pompano Beach. It will be a beach service, including worship and music. Free parking is not requested for the event.

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

Assistant Town Manager Bud Bentley confirmed that the above changes have addressed Staff's previous objections to the event.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve with revisions stated above. Motion carried 5-0.

14. OLD BUSINESS

None.

15. NEW BUSINESS

- a. **Special Commission Workshop (Connie Hoffmann, Town Manager)**

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Town Manager Hoffmann recalled that a brief meeting to review procedures is typically held after an election. She suggested that this meeting be combined with a workshop meeting to review the details of the Draft Strategic Plan. The meeting was scheduled for April 12, 2016 at 5:30 p.m.

b. Approving Amendments to the Personal Code of Conduct for the Town Commission (Susan Trevarthen, Town Attorney)

Town Attorney Trevarthen advised that the Commissioners were asked if they wished to make changes to the Personal Code of Conduct, which was originally drafted by the 2010 Town Commission. The Code of Conduct is designed as an agreement between members of the Commission rather than as a regulation or legally enforceable obligation.

Two changes were recommended:

- Key Statements of Principle should note applicable laws from Broward County;
- New paragraph was added regarding the one-way nature of communication under Sunshine Law compliance.

Mayor Sasser further clarified the Sunshine Law, explaining that one Commissioner may comment to another on Town business; however, the second Commissioner may not respond on a one-on-one basis without violating the Sunshine Law. If an issue arises that must be shared among Commissioners, it is shared through Staff.

Commissioner Sokolow made a motion, seconded by Commissioner Oldaker, to approve the revised Code. Motion carried 5-0.

c. Selection of a New Town Manager (Mayor Scot Sasser)

Mayor Sasser emphasized the importance of the position of Town Manager, and recommended that the Commission select Interim Town Manager Bud Bentley for this position. A member of the Commission will then be selected as Liaison to discuss the terms of the position with the new Town Manager and the Town Attorney.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve Bud Bentley as the permanent Town Manager, with Mayor Sasser as Liaison to work with the Town Attorney on this contract. Motion carried 5-0.

d. Selection of Chairperson for the Town's 4th of July Celebration (Bud Bentley, Ass't Town Manager)

Ass't Town Manager Bentley advised that Staff has begun planning for this event. Vice Mayor Vincent nominated Commissioner Oldaker who accepted the nomination to serve as Chair.

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Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to appoint Commissioner Oldaker as 4th of July Chairman. Motion carried 5-0.

e. Orchid Walk Opening Celebration Event (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime thanked Staff and volunteers for their support on this upcoming event, which will be staged in all four plazas on West Commercial Boulevard with live music. She invited all residents to attend the event beginning at 5:30 p.m. on Thursday, April 7. In the event of inclement weather, a rain date would be scheduled.

16. COMMISSIONER COMMENTS

Commissioner Sokolow welcomed Commissioner Oldaker to the Town Commission.

Commissioner Brown advised that the Broward Metropolitan Planning Organization (MPO) is in discussion with the County Commission regarding the possibility of placing a one-cent sales tax on the November 2016 ballot, with all funds going toward either transportation or infrastructure. Discussions between the MPO and the County have been inconclusive, and the choice that will ultimately be proposed by the County is unlikely to be satisfactory to the MPO, which favors a distribution that would provide 35% of the surtax revenue to municipalities. In Lauderdale-By-The-Sea, this would equal approximately \$654,333 each year, which could be used for projects such as street resurfacing, traffic calming, and other Town initiatives.

If the County Commission's plan is unacceptable to the municipalities, the municipalities are asked to place their own referendum on the November 2016 ballot, using a process that requires resolutions to be adopted by enough municipal governments to represent 70% of the population of Broward County. Commissioner Brown stated that he would be prepared to provide a full briefing and/or presentation on this topic if necessary, clarifying that the only vote that would come before the Commission would be one to determine whether or not the Town is in favor of placing a referendum on the ballot for the residents of Broward County to express their views.. The Commission would not be asked to take a position on the surtax itself.

Commissioner Oldaker thanked Town Staff for their assistance with his transition from Commissioner-Elect to Commissioner.

Vice Mayor Vincent welcomed Commissioner Oldaker and congratulated Commissioner Brown and Mayor Sasser on their re-election.

Mayor Sasser recognized the work of Town Clerk Tedra Smith in relation to the recent election, praising her professionalism and congeniality.

17. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. Ordinance 2015-17 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS" BY AMENDING SECTION 5-1, "DEFINITIONS" TO CLARIFY THE DEFINITION OF WATERCRAFT; AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, "DEFINITIONS", TO PROVIDE DEFINITIONS RELATED TO MARINA USES; BY AMENDING DIVISION 2, "DISTRICTS" OF ARTICLE V, "ZONING", TO RENAME SUBDIVISION G, "BUSINESS ZONING DISTRICT REGULATIONS" TO "B-1-A DISTRICT REGULATIONS", TO DELETE SECTION 30-260 TO ELIMINATE DUPLICATION, TO AMEND SECTION 30-261, "B-1-A DISTRICT – BUSINESS" TO REORGANIZE REQUIREMENTS FOR CONDITIONAL USES, AND TO AMEND SECTION 30-271, "B-1 DISTRICT – BUSINESS" TO CORRECT REFERENCES AND PROVIDE FOR PERMITTED USE OF MARINAS, IDENTIFY SPECIFIC REQUIREMENTS FOR MARINA USES, AND REORGANIZE REQUIREMENTS FOR CONDITIONAL USES; BY AMENDING SECTION 30-311, "BOATS, BOAT LIFTS, BOATHOUSES AND ANCHORAGE," TO AMEND AND CLARIFY THE REQUIREMENTS FOR DOCKING AND MOORING OF WATERCRAFT AND PROVIDE A PROCESS AND REQUIREMENTS FOR THE DESIGNATION OF MARINA MOORING AREAS; BY AMENDING SECTION 30-318, "MINIMUM PARKING REQUIREMENTS" TO MODIFY PARKING REQUIREMENTS FOR MARINAS IN A YACHT BASINS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Bud Bentley, Ass't Town Manager / Linda Connors Development Services Director)

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

Mayor Sasser advised that Staff recommends that this Item be tabled until the April 26, 2016 meeting.

Commissioner Oldaker made a motion, seconded by Vice Mayor Vincent, to move the Item to April 26, 2016. Motion carried 5-0.

18. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2016-08 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH THE FORT LAUDERALE TRANSPORTATION MANAGEMENT ASSOCIATION, INC. TO EXTEND THE SUN TROLLEY GALT LINK SERVICE NORTH TO WASHINGTONIA AVE FOR A SUM NOT TO EXCEED \$25,000 IN THE FIRST YEAR OF SERVICE; PROVIDING FOR AN EFFECTIVE DATE. (Connie Hoffmann, Town Manager)**

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

Commissioner Brown explained that this was a technical Item correcting language in the Town's contract with the Downtown Fort Lauderdale Transportation Management Association (DFLTMA) in order to allow the annual fee to reflect cost increases. He emphasized the importance of this transit service to the Town.

Town Attorney Trevarthen further clarified that the revised agreement would allow for increases by mutual consent.

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

- b. **Resolution 2016-09 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF _____ AS VICE-MAYOR; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE**

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

It was determined that Commissioner Brown would serve as Vice Mayor for the new term.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to nominate Commissioner Brown to serve as Vice Mayor for the next two years. Motion carried 5-0.

19. QUASI JUDICIAL PUBLIC HEARINGS

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None.

20. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:07 p.m.

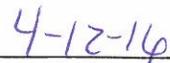


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date