

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 27, 2018
6:30 PM**

1. CALL TO ORDER, MAYOR SASSER

Mayor Scot Sasser 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 Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorneys Susan L. Trevarthen and Kathy Mahaffey, Municipal Services Director Don Prince, 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

Before the Invocation, a moment of silence for the victims and their families of the Mass shooting at Marjory Stoneman Douglas High School. Pastor James Corgee gave the Invocation.

Mayor Sasser expressed the Commission's condolences for the recent deaths of John McGuinness and Thomas William Carr.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Malkoon requested that a "Never Again" march be added as Item 13c.

5. PRESENTATIONS

a. Eating Disorder Awareness Proclamation

Mayor Sasser read a proclamation recognizing the week of February 25 through March 3, 2018 as Eating Disorders Awareness Week. Dr. Alyssa Segal, representing The Alliance, a nonprofit organization dedicated to outreach, education, and intervention for eating disorders, accepted the proclamation.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Charles Mangano, resident, stated his objection to any modification of Town Code 19-23. He pointed out that the Florida Department of Transportation (FDOT) had informed his family there was no other place to install a STOP sign at the corner of Bougainvillea Drive and Hibiscus Drive aside from their property. He did not feel there were public safety issues related to the space and asked that the Commission take no action in relation to it.

Marie Chiarello, resident, addressed the use of swales in Terra Mar. She felt this and other infrastructure issues should have been addressed with Town funds, and asserted that it is the Town's responsibility to take care of drainage and flooding issues for homeowners in this area.

Pat Ryan, resident, stated that she and her husband were very happy with their relocation to Lauderdale-By-The-Sea after one year.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD January Report (Chief Judson Hopping)

Commissioner Oldaker noted the number of elevator rescues listed in the report. Chief Judson Hopping of the Volunteer Fire Department (VFD) advised that there have been multiple false alarms at a single building. Vice Mayor Sokolow suggested following up with County or State entities regarding elevator inspections.

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

8. TOWN MANAGER REPORT

a. January 2018 Finance Report (Tony Bryan, Deputy Town Manager)

Commissioner Oldaker noted the increases in revenue for the Town's Parking Fund, asking if this increase was expected to recur throughout the year. Deputy Town Manager Tony Bryan replied that because parking revenues are conservatively budgeted, he expected to finish the current fiscal year with more revenue than anticipated.

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

Deputy Town Manager Bryan addressed technical difficulties affecting the recent Candidates' Forum, which was not broadcast or recorded as intended. Both the primary and backup recording devices used by the Town failed to work properly. Staff is working to obtain a video copy of the Forum to be made available on the Town's website, as well as on Channel 78, by the evening of February 28, 2018.

Commissioner Malkoon requested that a note be placed on the Town's website, as well as on Channel 78, to inform residents that the forum is available for view. Public Information Officer Steve d'Oliveira replied this would be done on the Town's home page.

Town Manager Bentley recalled that there have been recent complaints from individuals using the Town's tennis courts. Rules are being revised to address this situation and will be circulated among regular users of the courts. The rules do not come before the Commission for formal adoption.

Town Manager Bentley continued that the Commission has been notified of all applicants wishing to serve on the Board of Adjustment, Planning and Zoning Board, and Audit Committee. Opportunities to serve on these bodies are still available if residents wish to submit applications.

A field adjustment has been made to the Town's paving program to include Tropic Allenwood, which was not part of the original plan. A water main break in this area has made resurfacing necessary.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. February 13, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

- a. Parking Lot Security Cameras (Don Prince, Municipal Services Director)**
- b. Purchase of Elgin Pelican Street Sweeper (Don Prince, Municipal Services Director)**
- c. Construction Manager at Risk Ranking (Don Prince, Municipal Services Director)**

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

12. OLD BUSINESS

- a. Mathews Palm Club Design Award (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince advised that Mathews was selected for its response to an RFQ. Town Manager Bentley is in the process of negotiating a contract.

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

13. NEW BUSINESS

- a. Request to Approve a Revision to the Schedule of Authorized Positions for Development Services Department (Bud Bentley, Town Manager)**

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

Mayor Sasser recalled that he had discussed the presentation of written operational procedures for each position with Town Manager Bentley so projects underway at the time turnover may occur do not lose momentum. Town Manager Bentley confirmed that these procedures are being written.

b. Special Events at Plunge Beach Hotel (Debbie Hime, Special Projects Coordinator)

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, stated his objection to any special projects held at the Plunge Hotel, which is owned by the Florida Development Group (FDG). He pointed out that applicants for special events are not allowed to owe fees, taxes, permits, fines, or other charges to the Town, and FDG has accumulated nearly \$7 million in fines for its various properties since 2012. He did not feel an event on the property should be considered.

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

Town Manager Bentley explained that the language to which Mr. Piersante had referred was based on agreements written for sidewalk cafés. Town Attorney Susan Trevarthen advised that ownership of the Plunge Hotel is registered to an entity known as FDG North, LLC. FDG also owns a vacant lot north of Downtown as FDG Central. The subject property at the Plunge Hotel is owned by FDG South, LLC. Multiple entities have also owned these properties in the past.

Town Manager Bentley recommended that the Town continue to consider each special event application based on its own merit. Staff will revise the language of the agreement and place this Item on the Agenda of a workshop scheduled for October 27, 2018, to be reviewed by the new Commission.

Mayor Sasser noted that if the three entities are considered to be the same, the Town would not be allowed to plan an event that would place a July 4, 2018 fireworks display on the property owned by FDG Central. Town Attorney Trevarthen clarified that the fireworks display would be a Town-sponsored rather than an applicant-sponsored event. Special Projects Coordinator Debbie Hime noted that this property is typically secured during the month of March for the recurring July 4 event.

Vice Mayor Sokolow commented that while he agreed in sentiment with Mr. Piersante's comments, he did not believe they applied to the sponsors of charity events. He did feel, however, that Town events on FDG properties should be reconsidered. Commissioner Oldaker agreed, pointing out that FDG has not maintained their properties as required and no efforts have been made to address ongoing issues on the sites.

Town Manager Bentley stated that Staff feels any special events held at the FDG property and sponsored by applicants other than FDG may continue to be scheduled. A special event application held by the hotel itself may not be approved due to the multiple properties on which fines continue to accrue, including the FDG North-, Central-, and South-owned properties. Staff requests direction from the Commission to revise these conditions so they better reflect the Commission's intent.

Town Manager Bentley agreed to work with the Town Attorney to develop language establishing an Ordinance to address this issue while continuing current practice.

c. Never Again March (Commissioner Edmund Malkoon)

Commissioner Malkoon reported that some Town residents wish to hold an event in conjunction with a march planned in Washington, D.C. to prevent gun violence in schools. He explained that the Item is to request direction from the Commission to allow Staff to work with the resident to plan the event.

Town Manager Bentley stated that Town Staff is concerned with some items associated with the request, including whether or not the applicant will have sufficient funds to pay for expenses such as a Police detail from the Broward Sheriff's Office (BSO) or will be able to acquire insurance.

Town Attorney Trevarthen noted that because local organizers are proposing this event in relation to a nationwide event, some arrangements may be possible that would allow them to be affiliated with the larger event. It is not yet known whether or not this affiliation will be possible.

Vice Mayor Sokolow asked if the insurance requirement would be necessary if the event is sponsored by the Town. Town Attorney Trevarthen replied that if this were the case, insurance and a Police detail would not be issues. It was clarified that these issues would depend upon the scope and volume of the event. Vice Mayor Sokolow proposed giving the Town Manager discretion to authorize the march as a Town event, subject to limitations. The event would be held prior to the next scheduled Commission meeting.

Mayor Sasser stated that he opposed authorizing the proposed march as a Town event, as there are a number of variables, including the possible politicization of its message.

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve the event, subject to the conditions the Town Manager has outlined, rather than it being a Town-sponsored event. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Vice Mayor Sokolow reiterated that video of the recent Candidates' Forum will be available on the Town's website beginning February 28, 2018.

Commissioner Malkoon congratulated the Community Center on the recent "Sea Shorts" plays. He also thanked all the community volunteers who have served on the Town's advisory bodies for the past year, and invited residents to a breakfast on Thursday, March 1, 2018, at which the mayoral candidates will be in attendance.

Commissioner Vincent encouraged all residents to vote in the upcoming election scheduled for March 13, 2018.

15. ORDINANCES

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2018-10 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF THE FIFTH MEMBER SELECTED BY THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

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

Mayor Sasser noted that the Firefighters Pension Trust Board of Trustees had selected Jim Silverstone as its fifth member.

Vice Mayor Sokolow made a motion, seconded by Commissioner Vincent, 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 these items. Individuals wishing to speak on these items were sworn in at this time.

- a. 2018-CUS-01: Conditional Use – Waiver of the requirements of Article VIII, “Sign Regulations,” of Chapter 30 for one wall sign for the Nautilus Hotel at 4432 El Mar Drive (Linda Connors, Development Services Director)**

Development Services Director Linda Connors advised that the Applicant has undertaken several upgrades to the Nautilus Hotel and High Noon properties, including architectural review to implement more Midcentury Modern design. This includes the properties' signage. The Nautilus sign would use the same colors as the previous signage and would be updated to match the rest of the complex. The Town architect and Staff recommend approval of the Application.

Paul Novak, Applicant, advised that his intent is to replace an older neon sign on the property.

Mayor Sasser asked if the Commission should consider the fact that signs in the Midcentury Modern style often makes one letter larger than the rest. Town Attorney Trevarthen replied that this practice could be made subject to administrative approval by the Town's architect.

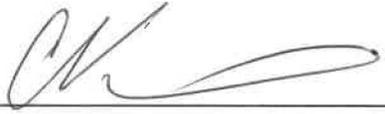
Mayor Sasser explained that his intent was to prevent applicants from incurring unnecessary costs for application procedures. Development Services Director Connors and Town Attorney Trevarthen agreed to look more closely into this issue.

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

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

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:55 p.m.

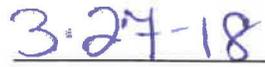


Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date