

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

Special Hearing

MINUTES

Jarvis Hall

4501 Ocean Drive

Tuesday, July 28, 2009

5:01 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotney were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS OF DISCUSSION:

- a. Resolution 2009-18: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN'S GEOGRAPHICAL BOUNDARIES, KNOWN AS FIRE PROTECTION ASSESSMENT AREA - TOWNWIDE; ESTABLISHING THE ESTIMATED RATES FOR FIRE PROTECTION SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL FOR FIRE PROTECTION ASSESSMENT AREA - TOWNWIDE; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Michael Burton, Burton and Associates, reviewed his 2009 Fire Assessment report. Mr. Burton stated that the current rate structure remained the same and property classes remained the same. He stated that the FY09-2010 fire budget was projected at \$989,987. Mr. Burton explained that Scenario 1 reduced the fire assessment rate from \$130 to \$121.08 and Scenario 2 delayed the need for annual rate increases of approximately 3.25% until FY2013.

Mr. Burton explained that a survey showed an average assessment at \$151.72, and Lauderdale-By-The Sea at \$130, fell below that average. Mr. Burton said that either scenario would provide sufficient revenues. He recommended scenario 2.

Commissioner Silverstone clarified that if the fire assessment rate was changed to \$121.08 it would meet the needs of the fire department and if it was left at \$130 it would allow for reserves. Mr. Burton agreed and added that the costs for beach patrol type services had been excluded.

Commissioner Dodd was concerned with the legal use of assessment and the full cost recovery in relation to accidents, as the VFD responded to every medical call and put it down as training. He asked where the fine line was and whether it was legitimate. Mr. Burton referred to rulings on 2 Supreme Court cases, 1 was the North Lauderdale case and the other was a Lake County case. He said fire rescue services were defined to include first response for life stabilization, medical aide, and basic life support type services. He said advance life support transport, such as providing intravenous or advance type drugs would not be considered fire rescue. Mr. Burton added that advanced type EMS transport could not be included in fire assessment. Mr. Burton explained that it was determined that it was ok to supply initial first aide and later turn it over to EMS. Mr. Burton stated that medical training had been determined by the courts as a legitimate function of fire rescue services to be considered first response.

Vice Mayor McIntee stated that whether medical training, first response, or whatever it is called it was first response to an emergency call. He added that VFD did not transport patients. Vice Mayor McIntee asked Mr. Burton whether he agreed that there was no problem with VFD going on first responder calls as long as advanced first aide, IV, or transport did not take place. Mr. Burton agreed. Vice Mayor McIntee asked whether fire assessment money could purchase vehicles and equipment. Mr. Burton said that was legitimate. Vice Mayor McIntee asked that if the VFD went with the \$121.08, and that scenario left no reserves, funds would have to be located to replace any equipment. Mr. Burton stated that was correct. Vice Mayor McIntee asked whether historically, monies were put aside to recycle old fire trucks. Mr. Burton said yes. Vice Mayor McIntee stated that Lauderdale-By-The-Sea fire trucks were 15 years old and would need to be replaced and that no program had been set up for replacement. He believed Lauderdale-By-The-Sea should go with the \$130 so that new equipment could be brought in.

Commissioner Clotney stated that some trucks were owned by the Town and others were purchased by the VFD with their own money. She asked if the reserve would be the Town's reserve. Mr. Burton said it would have to be worked out between the Town and the VFD. Mr. Burton recommended a replacement program in addition to reserves.

Commissioner Dodd asked whether the replacement of trucks fell under the VFD budget. Mr. Burton did not recall a replacement in the budget. Manager Colon stated that in prior years, during BSO Fire, \$100,000 reserve per vehicle was supposed to be put aside. She added that BSO used their own vehicles. Manager Colon stated that

75% of the fleet was the property of Lauderdale By-The-Sea and under the agreement with VFD maintenance and repair was the responsibility of VFD. She added that future purchases of equipment were shared by the Town and the Town took title and leased the equipment to the VFD. Mr. Burton believed there should be a budgetary line item in addition to planning for reserve. Manager Colon reminded Mr. Burton that at that time the rate was \$260 which allowed for an adequate reserve. She added that rate was reduced to \$130 and there was not enough for reserve. Commissioner Dodd believed it was the responsibility of the fire department to include money for the replacement of equipment in their budget. Mr. Burton agreed and added that if not included in the VFD budget then Lauderdale By-The-Sea could figure it in.

Mayor Minnet asked whether the \$130 would be a working capital reserve and whether they could add to that in the future to make a purchase. Mr. Burton said yes.

Mayor Minnet read Resolution 2009-18 by title.

Commissioner Clotley and Vice Mayor McIntee wanted to keep the fire assessment at the current \$130.

Commissioner Dodd stated that cut backs were made by vendors and employees and VFD had made none. He had a problem with medical training. He believed the VFD should spend money on a pump for the boat. Commissioner Dodd said he was against \$130 unless the VFD cut back on their expenditures in order to provide funds.

Commissioner Silverstone asked whether Commissioner Dodd had spoken to Chief Perkins regarding the statements made. Chief Perkins stated that 2 pumps had been purchased. Commissioner Silverstone asked when was the last time Chief Perkins had a conversation with Commissioner Dodd regarding the VFD budget. Chief Perkins said there were none.

Commissioner Dodd asked whether there was fire training on the medical calls. Chief Perkins stated that when they went out on a medical call there was training regarding location of streets, addresses, and fire hydrants.

Commissioner Silverstone wanted to keep the fire assessment at \$130.

Vice Mayor McIntee pointed out that the VFD had 2 portable fire pumps. He said it was a \$6,000 pump that did not stay in the marina where it could be stolen.

Commissioner Clotley inquired as to how much of the budget would be put aside for replacement of trucks. Chief Perkins said that perhaps by end of year VFD may be able to have reserves. Commissioner Clotley asked whether Chief Perkins would consider changing his request for a 4% increase. Chief Perkins said he would have to bring it before the Board.

Commissioner Dodd stated that hydrant testing was a routine test throughout Town. He asked whether checking them during medical calls was done. Chief Perkins stated they did not. Commissioner Dodd said he was interested in going out on medical calls and on the boat to learn more.

Mayor Minnet asked what the cost would be if they reduced to \$121.08. Mr. Burton said it would be approximately \$30,000. Manager Colon believed that if the Commission approved \$121.08, and as long as expenditures did not out do their revenues, there would be no need for another study until 2012.

Commissioner Clotley, Commissioner Silverstone, Vice Mayor McIntee, Commissioner Dodd and Mayor Minnet agreed to go with Scenario 2 at \$130.

- b. Resolution 2009-19: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; STATING THE PERCENTAGE AMOUNT OF THE PROPOSED RATE DOES NOT EXCEED THE ROLLED BACK RATE; ANNOUNCING THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mayor Minnet read Resolution 2009-19 by title.

Manager Colon reviewed the 3 choices as 1) keeping the current millage rate at 3.9990 would indicate a tax decrease of 10.80%; 2) adopting the rolled back rate of 4.4829 which would generate the same revenue and indicate a zero percent change; and 3) the maximum allowable taxable levy of 5.2076 which would represent an increase of 16.16%. Manager Colon advised that the Town could survive at 3.9990 millage rate and would reserve the \$904,000 millage reserve and any other cuts that would be discussed would be incorporated.

Manager Colon found the old Vision Workshop plan and pointed out the many projects that the Town had completed such as the current El Mar project, the A1A project, the portals, the pavilion, and seagrape. She stated that once the completed projects were removed and the proposed projects remained, including the streetscape project, those were the numbers that needed to be updated.

Commissioner Clotley explained that some people would get a tax increase because their assessed value went up 3% by law.

Commissioner Dodd stated that the Town's portion of the tax bill was approximately 20%. He added that the Town had no influence over what the actual tax bill would be as it included Broward County taxes. Manager Colon stated that if there was an increase of 25% the increase was not Town tax.

Vice Mayor McIntee inquired as to whether any other Town's/Cities taxes had gone down. Manager Colon stated the list would go out as soon as they were published.

Mayor Minnet believed that it was the responsibility of the Commission to do whatever they could to save tax dollars. She believed the Commission should not take their 5% increase. Mayor Minnet felt \$12,000 for Group Insurance for a part time position was a lot of money and asked the Commission to take another look at that. She questioned whether the dues and subscriptions for Sister Cities International were needed in the budget. Mayor Minnet pointed out that Training increased to \$6,000 from \$3,500. She suggested that if all Commissioners wanted to attend the Florida League of Cities meeting next year they should room together or with other County Commissioners and save money.

Mayor Minnet suggested that under the Executive Town Manager, that Town Topics be changed to twice a year. She added that the current annual cost was \$14,800 plus \$7,800 for postage and additional \$1,900 dollars for folding and tabulating. Mayor Minnet believed that by cutting back the Town Topics to twice a year would reduce the budget. Mayor Minnet talked about streets and parks under Municipal Services, line item 532, replacing decorative poles and signs at \$22,000. She believed there should be money for signage and suggested that dollars be allowed only for 8 decorative poles instead.

Mayor Minnet suggested budgeting \$10,000 for the Tennis program, \$10,000 for the Swimming Program and \$10,000 for other activities. She stated that would save \$4,000, reducing the budget for Children's Activities in Recreation from \$34,000 to \$30,000. Mayor Minnet stated that the concert series increased to \$10,000. She believed it could go back to \$5,000 and work with other University's and/or businesses to bring in cultural events at lower costs. Mayor Minnet stated that the budget for Special Events had been cut down. She believed it could be tightened up more. She recommended \$2,000 for Halloween, \$35,000 for 4th of July, \$4,000 for Christmas by the Sea, \$1,500 for Easter, \$2,500 for Christmas banners, and miscellaneous special events at \$2,500. Mayor Minnet stated that would decrease the budget by \$16,500.

Commissioner Silverstone wanted to increase parking on the beach fees. He believed the Town Topics should be put on line or take a survey in order to remove some names on the list for mailing. Commissioner Silverstone wanted to see how the Swimming program worked before recommending a withdrawal. He believed the concert series should be increased by 5% or more.

Commissioner Clotey believed that if another \$20,000 donation by Broward County Vice Mayor Ken Keechl was received for the Chamber, that amount should come off the budget. She believed the medical benefits should remain at the current amount and the Senior Center should go out to bid.

Commissioner Dodd agreed to forgo the wage increase. He advised he would go to the League of Cities and believed it should be limited to 3. Commissioner Dodd hoped to see a line item in the budget for beach patrol. Manager Colon advised that a special account had been opened separately for beach patrol.

Vice Mayor McIntee believed training was crucial for any job and the League of Cities was a tremendous learning opportunity. He stated that he and the Mayor did not take health benefits as they had their own and therefore, should not penalize anyone on the dais. Vice Mayor McIntee stated that fire inspection funds go to the Town and believed that those funds could pay for beach patrol. Vice Mayor McIntee stated that many people that attend the senior program come from outside of Town. He believed they should be charged a small fee. Vice Mayor McIntee agreed to go with the majority on the 5% increase. Vice Mayor McIntee stated that the El Prado parking lot was open and the funds received had not yet been computed. He suggested putting the same type of meters in other parts of Town. Vice Mayor McIntee inquired of the figures allotted for special events and asked how often were the funds completely used. Manager Colon stated Halloween and Easter had always been used and July 4th fluctuated the past 3 years. Vice Mayor McIntee believed the special events were big ticket items for the kids and was against cutting them.

Mayor Minnet stated that there was a recommendation made to charge a nominal fee for residents and non-residents at the Senior Center. She added that other municipalities charge both residents and non-residents for Community Activities and believed it was something the Commission should look at. Mayor Minnet agreed there was a loss of revenues on beach parking due to the permitting and the Commission should address that. Mayor Minnet advised there were no donations for non-profits this year and last year there was \$12,350.00

Manager Colon clarified that the Town would not pay for expenditures of beach patrol as that was up to VFD to fund their activities as per contract. She added that if changes were approved she would make the changes prior to the public hearings. Manager Colon recommended a transfer of funds to Capital Improvement Fund. Manager Colon requested that although Management and Department Directors were not going to take COLA raises that the Commission recognize the employees and give them some amount of the COLA.

Commissioner Silverstone recommended the Commission apply the savings to the employees and recommended the current millage rate 3.9990 remain the same.

Mayor Minnet reviewed the items discussed:

- 1) Town Commission salaries reduced to \$58,425.
- 2) Group insurance to remain the same.
- 3) Eliminate Sister Cities International from dues and subscriptions
- 4) Training to remain at \$6,000
- 5) Town Topics – Discussion:

Commissioner Clotley said there were some people out there that did not use a computer. Mayor Minnet asked whether Commissioner Clotley would consider quarterly. Commissioner Clotley wanted to keep the Town Topics at every 2 months. Commissioner Silverstone wanted to see it on line and have a survey for people to opt out of mailings. Mayor Minnet stated that the estimated cost for Town Topics was \$14,800, \$7,837 for postage and \$1,925 for sorting folding and tabulation.

It was agreed that Town Topics would be placed on line with an offer for people to opt out of mailings.

- 6) Reduce the decorative poles down to 8 at a savings of \$4,000.
7) Recreation, Children's' activities reduce from \$34,000 to \$30,000. The Commission was not in consensus. Discussion:

Manager Colon explained that some of the Tennis participants were interested in swimming and Tae Kwon Do. She concurred the program could be reduced \$4,000. Commissioner Silverstone stated that soccer would be coming back along with basketball. Staff concurred that the program could be reduced to \$30,000. Commissioner Dodd preferred to keep it at \$34,000.

Children's Activities remained at \$34,000.

- 8) Concert Series to \$5,000. Commissioner Clotley suggested \$7,500. The Commission agreed.
9) Special Events to remain at \$64,000.
10) Should the Chamber receive a \$20,000 donation from the County for the Visitors Center that amount should be reduced out of the budget.

It was the consensus of the Commission that should the Chamber receive the \$20,000 donation from Vice Mayor Ken Keechl, the Chamber would only receive \$8,000 from the Town.

There were no other recommendations.

Mayor Minnet inquired of a percentage range on a COLA raise for the employees. Manager Colon stated that everyone knew how the inflation was and asked for a 2.5 increase. She noted that the employees that were cut from 40 to 30 hours received more than at 2.5% pay cut. Vice Mayor McIntee recommended a 2.5% COLA raise for employees. Manager Colon suggested that everything else should be transferred to the Capital Improvement Fund. The Commission agreed.

Mayor Minnet read Resolution 2009-19 by title.

It was the consensus of the Commission to adopt the Resolution with a millage rate of 3.9990.

4. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:40 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White

9-10-09
Date

