

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **ROUNDTABLE**

### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Monday, November 22, 2010**

**7:00 P.M.**

#### **1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Town Clerk June White, and Deputy Clerk Nekisha Smith.

Vice Mayor Dodd requested Parking be added to the end of the agenda. Mayor Minnet added it as item 2i.

#### **2. DISCUSSION ITEMS:**

- a. Ordinance 2010-18: Amending Section 30-313(31) Accessory Buildings and Structures - Approved 1st reading October 12, 2010 and deferred to the November 22, 2010 Roundtable to discuss concerns prior to 2nd reading December 7th (Vice Mayor Stuart Dodd)**

Mayor Minnet explained that she did not favor sheds within the Town. She had concerns as to how they would be monitored or enforced and whether residents would be required to take them down during hurricanes. Mayor Minnet did not believe sheds were an asset in the community. Commissioner Clotey asked whether the Ordinance required residents to take down their shed prior to an approaching hurricane, and if that person did not comply, would the owner of the shed be liable for the damage it caused. Attorney Trevarthen stated that was a private matter and the Town should not be in business of discussing private legal matters. Mayor Minnet stated that there would be further discussion regarding the ordinance when it came before the Commission for 2nd reading on December 7, 2010. She suggested that residents who had concerns should come forward at that time with their concerns.

There was Commission consensus to discuss the ordinance further when it came before the Commission on second reading.

There was no further discussion.

**b. Use of Pelican Hopper for New Year's Eve festivities (Commissioner Birute Ann Clottey)**

Commissioner Clottey asked the Commission to consider running the Pelican Hopper for New Year's Eve. She believed it would serve a dual purpose as it would be easier for residents and safer for everyone. She added that it would not cost the Town a lot money.

Commissioner Vincent believed the idea had merit; however the end time of 12:30 a.m. was too early. Commissioner Vincent also wanted to know the cost to the Town. Commissioner Clottey acknowledged that the time should be extended to 2:00 a.m. Assistant Town Manager Bud Bentley advised that the cost for the bus on the 4th of July was \$29 an hour for a minimum of 4 hours. He said that Finance Director Doug Haag spoke with Quality transportation and was assured that the Town could get a driver that night; however, at that time, they could not give confirmation that the cost per hour would be the same as overtime or premium pay may be involved. Assistant Town Manager Bentley suggested that the Commission could direct staff to talk to the three (3) event organizers, Aruba, Village Grille and Athena's to sponsor the use of the Pelican Hopper on New Year's Eve.

Vice Mayor Dodd favored the idea but was concerned with a single bus driver handling people that may have had too much to drink. He suggested that Town staff ask the event organizers to make sure taxis, and/or other forms of transportation were available.

Commissioner Sasser said he also wanted to see the cost involved and believed that staff should ask the event organizers if they were willing to sponsor the Pelican Hopper prior to making a decision. He also expressed concern regarding the route, and said clarification would help him make his decision. Mayor Minnet suggested expanding the route to include all of the local restaurants. Commissioner Vincent stated that consideration should be given to Bel-Air, Terra Mar and whether the Pelican Hopper would cross the bridge. Commissioner Sasser added that Town staff should also look into the possibility of hiring another person to be on the bus to help deal with those who had too much to drink. Mayor Minnet suggested Town staff look into the use of officers from the Citizens on Patrol to be on the bus during the specific hours of operation, extend the hours of operation to 6:00 p.m. to 2:00 a.m. and to determine the route, the cost and the liability. She asked whether staff could get the information back to the Commission for the December 7, 2010 Commission meeting. Assistant Town Manager Bentley said he would.

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Commissioner Sasser stated that during the holidays Broward County offered a free taxi service, Safety Cab, and asked that staff contact them to get more information.

There was Commission consensus to direct staff to get pricing for the use of the Pelican Hopper on New Year's Eve, to ask the event organizers whether they were willing to sponsor the use of the Pelican Hopper on New Year's Eve, to determine a route, to get information about the Safety Cab, and to report back to the Commission at the December 7, 2010 regular Commission meeting.

There was no further discussion.

- c. Expenditures exceeding 10% of Town's budget should be approved by referendum vote (Commissioner Birute Ann Clotley)

Commissioner Clotley stated that she was attempting to propose an idea and that the percentage could change. She explained that this would be for large non-emergency expenditures and believed the Commission should ask the tax payers as to whether the money should be spent on those items. Commissioner Clotley added that the cost a special election was not high and believed it would help with the planning process. Commissioner Clotley stated that there was much concern regarding increases in current expenditures and noted that the Town would be facing a large increase from BSO. She believed that input from the community was needed.

Commissioner Sasser and Vice Mayor Dodd expressed that they were not in favor of the proposal. There was Commission consensus to not move forward with this item.

There was no further discussion.

- d. Proposed Interlocal Agreement for Resource Recovery System in Broward County (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that there was an interlocal agreement between Broward County and the 26 municipalities that made up the Resource Recovery District. He said that there were still numerous unanswered questions and that many other cities hired consultants to help them understand the proposed contract and the alternatives available to them. Assistant Town Manager Bentley explained this agreement was a follow up to the resolution passed last year. He said that staff recommended bringing additional information, including any alternatives, to future meetings for discussion. He added that staff would inform the Commission of the actions taken by larger cities as their decisions influenced the success of the district.

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Commissioner Clotey requested that staff present the costs before any final decision were made. Vice Mayor Dodd questioned whether the Town had any other options and whether Choice Environmental was approached regarding an alternative. Assistant Town Manager Bentley explained that conversations were held with Choice Environmental regarding providing an alternative. He added that the City of Hallandale and the City of Miramar were good examples of cities that implemented alternatives to the proposed agreement.

Commissioner Sasser understood that the ability to negotiate the interlocal agreements were limited. He explained that there were parts of the proposed agreement that could affect the Town negatively. He was not convinced that staff could complete the research necessary before the December 31st deadline. Commissioner Sasser said he preferred that the Town go it alone as long as there were proper provisions in the agreement to protect the Town. Assistant Town Manager Bentley explained that the December 31 deadline only applied to the signing bonus and that the Town had two (2) years before the expiration of the current contract. He added that if enough municipalities signed the proposed agreement it would become the new agreement; however, if a lesser amount of municipalities signed the agreement it would become the 11th amendment to the current agreement. Assistant Town Manager Bentley pointed out that the signing bonus should not influence the Commission's decision because the potential savings to the Town could exceed that amount.

Assistant Town Manager explained that the Town also had the option to join the Resource Recovery District at a later date. Commissioner Sasser questioned whether the Town could terminate the agreement if it became the amendment to the existing agreement. Assistant Town Manager Bentley said he would review the existing agreements termination clause and notify the Commission at a later date.

Mayor Minnet asked Commissioner Sasser whether he was willing to be the liaison for this project. Commissioner Sasser agreed as long as there was not a conflict with Vice Mayor Dodd working on the recycling project.

There was Commission consensus to appoint Commission Sasser as the Commission liaison and to direct staff to find out the Towns' alternatives and report back to the Commission at a later date.

There was no further discussion.

- e. Sewer Rates (Town Manager)

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Assistant Town Manager Bentley gave a PowerPoint presentation of the proposed sewer rates. He reviewed the Towns' current sewer rates and explained that the rates in north end of town provided by the City of Pompano Beach were 73% higher for single family homes. He added that the rates for multifamily were 40% higher than the Towns' rate. Assistant Town Manager Bentley explained that the City of Pompano Beach billed commercial properties per unit, unlike the Town which billed by the meter and flow rate.

Assistant Town Manager Bentley explained that if the Town chose to adopt a rate system similar to the City of Pompano Beach, the single family rate would increase from \$7.60 to \$14.89. He added that the 2000 gallon allowance would be removed and duplexes would transfer to multifamily. Assistant Town Manager Bentley advised that the multifamily meter rates would be converted to a unit rate of \$14.26. He added that that the commercial rate would increase by 27% with no change to the flow rate.

Assistant Town Manager Bentley explained that the proposed rates would generate almost enough revenue to balance out the fund. He clarified that the increase allowed for enough revenue to be collected in the remaining eight months of the year so that the fund was balanced the following year. Vice Mayor Dodd explained that he was in favor of setting a rate that generated a zero deficit for the current fiscal year, rather than a loss of \$63,000. He said the rate could be decreased the following year. Vice Mayor Dodd proposed that staff generate the numbers necessary to balance the current years' sewer budget.

Commissioner Clotey wanted to see the residents pay the true amount of their sewer bill. She reiterated that the Town should not be using reserve funds to pay for wastewater management. Commissioner Vincent clarified for the residents that the proposed rate would eliminate the 2000 gallon allowance currently in place. He added that the City of Pompano Beach may raise their rates again in the near future, and questioned whether the Town would raise the rates again. Commissioner Vincent wanted to see how the City of Pompano Beach raised their rates in the past eight years to get a better understanding of any changes the Town may need to make in the future.

Commissioner Sasser explained that the issue needed to be resolved. He said that there were other issues that needed to be addressed, and questioned why the Town did not charge the same rate to everyone. He proposed allowing the City of Pompano Beach to bill everyone in Town, and have revenues come back to the Town to fund any sewer repairs needed in the future.

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Commissioner Sasser explained that Sea Ranch Condominiums sewers also needed to be addressed, as they were not under a contract with the Town or the City of Pompano Beach. He suggested that they be included in the contract with the municipality that owned the infrastructure.

Mayor Minnet said there was a consensus to move forward as quickly as possible so as to not diminish the reserve funds any further. Vice Mayor Dodd did not understand why the staff recommended maintaining the current flow rate when the Town was being charged the higher flow rate from the City of Pompano Beach. He reiterated that direction should be given to staff to come back with the figures necessary to balance the budget.

Commissioner Clotey explained that there were different charges for sewer service depending on the location in Town, due to the separate contracts in place. Assistant Town Manager Bentley explained that the City of Pompano Beach charged their established rate; however, the Town had a master agreement in place that allowed for the waste to be pumped through the City of Pompano Beach system and in turn the Town distributed the costs to the customers. He added that the City of Pompano Beach charged a higher user rate to the Town.

Commissioner Clotey reiterated that everyone should be charged the actual amount for their usage. She felt that the people in the south end of Town were being double taxed. Commissioner Clotey was concerned that there might not be enough time to accumulate the money necessary to replace the sewers in the south end of Town.

Mayor Minnet reminded the Commission that the sewer rate increase was one of the main reasons why the millage was kept at the same rate.

Commissioner Sasser questioned the role that the City of Fort Lauderdale played and the amount of revenue they collected regarding sewer service for the Town. Assistant Town Manager Bentley explained that they only handled the billing for the south end of Town. Mayor Minnet questioned whether the Town could take over the billing. Assistant Town Manager Bentley said that could not be done because the Town did not have the means to turn off the water.

Mayor Minnet reviewed the Commission options. Commissioner Clotey preferred the Town accept the losses for the current year and move forward with the increase. Commissioner Vincent agreed with Commissioner Clotey to have the Town incur the expenses in the first year. Vice Mayor Dodd and Commissioner Sasser preferred to begin billing the amount necessary to balance the budget at the end of the current year. Assistant Town Manager Bentley explained the options: 1) staff recommendations; 2) a change in the

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consumption rate to produce the revenue necessary to balance the budget; and 3) mirror the City of Pompano Beach sewer rates.

Commissioner Sasser reiterated that he wanted to find out whether Sea Ranch Condominiums had a service agreement directly with the City of Pompano Beach for sewers. Vice Mayor Dodd believed that was a separate issue that needed to be discussed by the Commission, at the next Roundtable meeting. The Commission agreed.

There was no further discussion.

**f.** Town Manager FY 2011 Performance Goals (Town Manager)

Vice Mayor Dodd stated that Town Manager Hoffmann was a true professional and did not believe this was top priority. Commissioner Sasser believed the most important item on the list was government efficiency. He added that the Town should operate within the budget.

There was Commission consensus to move item #21, Government efficiency, to item #1 on the list of Town Manager Performance goals.

There was no further discussion.

**g.** Parking Sponsorship Program (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that the program allowed a business to pay for a certain amount of meters which would be available to everyone. He said that in the case of the applicant, Bank United's meters would provide short term, thirty (30) minute parking. Assistant Town Manager Bentley added that the Town Manager needed authorization from the Commission to set parking time limits and establish the fee for the sponsored spaces.

Vice Mayor Dodd was in favor of the program and requested staff present the fee at the next Commission meeting for approval. Commissioner Clotney agreed with Vice Mayor Dodd. She questioned whether Parking Enforcement would regulate those time limits. Assistant Town Manager Bentley said that the bank would communicate with the Town to address those who abused the spaces.

There was Commission consensus to move forward and to have staff present recommendations at a meeting in January, 2011.

There was no further discussion.

**h.** Informal approval of FY 2011-2012 Community Development Block Grant (CDBG)

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Application (Finance Director Doug Haag)

Assistant Town Manager Bentley advised that the application was due to Broward County by December 1, 2010 and therefore requested informal authorization to submit the grant application. He advised it would come before the Commission on December 7, 2010 for official approval.

Vice Mayor Dodd inquired as to whether the amount was the maximum amount the Town could request. Finance Director Haag stated that the amount was formula based, based on population. He added that this was an FY2011-2012 application and the final grant award could be more or less than the amount indicated.

Commissioner Sasser asked whether the Town Attorney had looked over the application; he wanted to make sure there were no material changes to the requirements. Finance Director Haag said the draft grant application had not been submitted to the Town Attorney for review. He added that the terms and conditions dealt more with the Interlocal Agreement between the Town and Broward County.

Commissioner Clotey stated that the previous contract was different than the current one. She explained that the current contract was more lenient. Commissioner Sasser wanted to make sure that if there were any additional or different requirements, that the Commission would be fully aware of them. Mayor Minnet suggested that the Town's legislative representative be contacted for his support. Commissioner Clotey stated that it was a HUD contract and Broward County had to follow their requirements.

There was Commission consensus to move forward with this item and to have the Town Attorney review the grant application.

There was no further discussion.

i. Parking (Vice Mayor Stuart Dodd) ***THIS ITEM WAS ADDED EARLIER IN THE MEETING***

Vice Mayor Dodd said he attended the P&Z (Planning and Zoning Board) meeting where parking issues were discussed. He said he did not believe the Town had a parking problem and favored full relaxation of parking space requirements for restaurants, coffee shops, sidewalk cafes, delicatessens, and sub shops. Vice Mayor Dodd said the Town needed to fill empty store fronts rather than drive businesses elsewhere because they could not afford to purchase offsite parking to meet the current regulations. He believed the Commission needed to give more direction to staff and the sub-committees before additional time and effort was spent attempting to come up with a solution.

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Commissioner Clotley believed the parking code should be relaxed for hotels as well. Commissioner Vincent agreed there should be a full exemption on the parking requirements for the businesses as suggested by Vice Mayor Dodd. He said that he attended the Friday and Saturday evening events, with well over 300 attendees, and noticed that the Bougainvillea Parking lot had 50 empty parking spaces. Commissioner Sasser agreed. He wanted to move quickly and put this on the next Commission meeting agenda, while P&Z looked at relaxation of the code for hotels as suggested by Commissioner Clotley.

There was Commission consensus to move forward on restaurant and restaurant type uses and to exempt all parking restrictions for new businesses.

Mayor Minnet agreed that an exemption was in order. She believed that restrictions or guidelines were needed. Assistant Town Manager Bentley added that outdoor seating needed to be addressed as well. Commissioner Clotley wanted to know what the financial loss would be once this became effective as some businesses paid the Town for parking spaces. Assistant Town Manager said that Aruba, at one time, paid for parking, but not anymore and 101 Ocean paid approximately \$10,000 annually for ten (10) permits to park in the Town Hall parking lot. He added that Benihana leased an area for the purpose of landscaping and ingress and egress on their property. Assistant Town Manager Bentley stated that 101 Ocean would still have to pay under their current agreement. Discussion followed regarding retroactive exemption. Assistant Town Manager Bentley recommended that the exemption not be made retroactive.

There was Commission consensus to move forward with an exemption. Assistant Town Manager Bentley said he would discuss with the Town Attorney as to whether they move forward and hold a moratorium or a make a full code change with a Notice of Intent, and notify the Commission at the December 7, 2010 Commission meeting.

Commissioner Clotley suggested offering a new business a one (1) or two (2) year exemption. Mayor Minnet believed the Commission needed to think about the questions that arose and take the recommendations from the P&Z into account. She asked the Commission to direct their questions to staff where they would be addressed at the December 7, 2010 Commission meeting.

There was Commission consensus to direct questions to staff and to have the Town Attorney give recommendations at the next regular Commission

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meeting regarding full exemption of the Town Code parking requirements for new restaurants and restaurant type uses.

There was no further discussion.

3. OTHER TOWN BUSINESS:

4. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:45 p.m.



Mayor Roseann Minnet

ATTEST:

  
Town Clerk, June White

1/27/2011  
Date

