

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP AGENDA MINUTES

Jarvis Hall

4505 Ocean Drive

Wednesday, July 28, 2010

5:30 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 5:30 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Scot Sasser, and Commissioner Chris Vincent were present. Also present were Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffman, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS OF DISCUSSION:

a. Reef Restoration Project - Exhibit Forthcoming

Mayor Minnet recognized Dr. Thomas Goreau, President Global Coral Reef Alliance.

Dr. Goreau gave a presentation regarding reef restoration. He said that the reefs were disappearing and communities needed to take the lead to keep them protected. He explained that reef habitats were damaged during the beach re-nourishment projects in South Florida due to dredging. He pointed out that Lauderdale-By-The-Sea and Fort Lauderdale did not have beach re-nourishment. Dr. Goreau believed that the best coral remained in Lauderdale-By-The-Sea and Fort Lauderdale.

Dr. Goreau stated that the coral reef was made from broken coral that was rescued from doomed reefs. He explained that through reef restoration, natural limestone was produced on the structure, which made the reef stronger and the corals grew faster.

Dr. Goreau believed that Lauderdale-By-The-Sea was the beach dive capital of the world. He said that this project would allow the Town to create a diving trail that would bring more visitors to Town. Dr. Goreau added that this project would be the first of its kind in the country and would put the Town of Lauderdale-By-Sea on the map as the leader in environmental restoration.

Dr. Goreau stated that the original plan was to power the buoys south of the fishing pier although he believed the snorkel trail would have been a better location. He added that

when the hurricane blew out the power supply he realized that restoration of the power supply would cost more than the project. Dr. Goreau said that due to the last hurricane the buoys were switched to solar power. He pointed out that the solar power buoys had to be built and were not available from a vendor. Dr. Goreau stated that the Coast Guard and the Navy used them and the costs were much higher.

Dr. Goreau explained that prices went up because of the time it took to get things in place. He said the original plan was to install 6 buoys and at this point he proposed to install 1 double power buoy for all the structures and 2 solar power buoys later; with that option a third buoy would no longer be needed. Mr. Goreau stated that although it was not essential at this time, and if desired, a second backup could be added later as the welding could be done within a week. He added that scheduling the installation of the moorings would take longer.

Commissioner Clotey asked for clarification that Dr. Goreau was proposing 1 buoy and 1 backup buoy at an additional cost of approximately \$4,700. Dr. Goreau explained that the shortfall was due to the price increase of the materials. He reminded the Commission that it took time to get the permits and there was nothing in the contract that addressed changes in prices. Commissioner Clotey questioned the advantage of having the third buoy. Dr. Goreau stated that if all the structures were placed in one location there would be no need for a third buoy.

Commissioner Clotey inquired of the advantage for 2 separate locations with 3 buoys; whether the reefs would be larger and what the additional cost would be. Dr. Goreau said they would be the same size but in 2 groups with each group getting twice as much power. He added it would delay the project as the 180 watt buoys would have to be built. Dr. Goreau said there would be an additional mooring installation cost and an additional cost for the other buoy, but not much more. Commissioner Clotey asked whether the end result would be a bigger reef. Dr. Goreau said it would be the same size but the material on them would grow faster because they would have more power. He added that having the reefs in one location created a bigger habit which had a critical effect on fish.

Dan Clark of Cry of the Water stated the price increased significantly with a 180 watt buoy. He said they preferred to use them until they discovered the price difference was approximately \$14,700. Mr. Clark said he did fundraisers and obtained some donations, approximately \$682; not enough to cover the difference. He said the project was originally designed to have the two 90 watt buoys plus the backup that stayed in the warehouse. Mr. Clark stated that the artificial reef could be built as planned. He added that it would be a better project if they could double the power. Mr. Clark explained that he had sought private funding to put the 3 buoy system in. He added that the project could be built as designed and advised that the second buoy could be delivered in 45 days.

Vice Mayor Dodd asked that once the limestone rock was formed and the current failed, or the solar buoy washed away, would the rebar begin rusting immediately. Dr. Goreau

did not believe it would. He said it depended on the thickness of the limestone which protected it. Vice Mayor Dodd asked whether any steps were being taken to keep the birds away from the solar panels. Dr. Goreau hoped the waves would wash them off. Vice Mayor Dodd asked whether it would be beneficial to pull the second buoy in during hurricane season. Dr. Goreau said the buoys should be able to withstand hurricanes.

Commissioner Vincent asked whether the currents affected the reefs differently than in other parts of the world. Dr. Goreau said the reef depended on the coral that was in the habitat. Commissioner Vincent asked whether beach erosion should be a concern. Dr. Goreau said he had not seen a lot of erosion in Lauderdale-by-The-Sea and hoped there would not be a beach re-nourishment project here. Commissioner Vincent asked how the reefs were powered world wide. Dr. Goreau said they used solar power on rafts in other parts of the world but had not used the solar powered buoys.

Commissioner Vincent asked whether battery power was considered. Dr. Goreau said it was inconvenient as they would have to charge them frequently. Commissioner Vincent asked whether data and photo updates could be supplied. Dr. Goreau said it was mandated by all the regulatory agencies to monitor the site and photographs were the best way to monitor.

Commissioner Sasser asked whether Dr. Goreau recommended utilizing the second buoy and use the first buoy as the backup. Dr. Goreau said he did. Commissioner Sasser asked whether the first buoy was fully completed. Dr. Goreau said a cable needed to be installed. Commissioner Sasser asked whether anyone tested the first buoy in the water. Mr. Clark explained that testing was done at the Marina where the buoy was built.

Commissioner Sasser asked for the estimated cost for annual maintenance. Mr. Clark said he could not give an exact amount until the first year was observed. He added that the maintenance was budgeted for \$10,000. Mr. Clark believed that, over time there would be little things that would need to be replaced. Dr. Goreau added that after the first year additional funding would be needed for maintenance or the project would stop.

Mayor Minnet asked whether the contract referenced who was responsible for the maintenance. Attorney Trevarthen stated that the contract was not completely clear but there were line items for maintenance of the system as referred to by the representatives of the project.

Mayor Minnet said she favored protecting the reefs as it protected against erosion and encouraged tourists. She also believed the Commission needed to be prudent with tax payer dollars and needed a better understanding of what the company was providing to the Town. Mayor Minnet believed there were holes in the contract. She wanted to know what responsibility the company had and where the Commission wanted to go with the contract. Dr. Goreau stated that they under budgeted the project.

Mayor Minnet believed they needed to work closer with Town staff to review and revise the contract. She said there were too many variables in the contract that needed to be determined. Mayor Minnet asked whether wind power was considered instead of solar power. Dr. Goreau said it was not considered under the permit as the permit called for solar power. He added that a new permit for wind power would be necessary and the cost would be high. Dr. Goreau said they installed wind projects but the winds were variable. He said that in the future he would use wave power.

Interim Town Manager Hoffmann asked for clarification on the amount of money they were asking for. Dr. Goreau clarified they would need \$5,000 for the 3rd buoy plus \$4,700. Mr. Clark explained that \$15,000 was allocated for 3 buoys and \$10,000 of that amount was 2nd the draw. He explained that \$5,000 was allocated for after the backup buoy was in the water. Mr. Clark said they did not have the money in their account to pay the buoy manufacturer as it was designed to be available after the project was built. He explained that the first buoy cost \$11,500 and the additional \$1,500 to pay for it was taken from other line items in their budget leaving \$3,500 instead of \$5,000. Interim Town Manager Hoffmann asked Mr. Clark to clarify that he was looking for an additional \$4,700 and approval to draw down the \$5,000 at this point. Mr. Clark said he was.

Interim Town Manager Hoffmann asked what guarantee Mr. Clark had with the buoy manufacturer that he would not raise the prices again. Mr. Clark said he would have a better contract to make sure the buoy manufacturer would not the raise cost. Interim Town Manger Hoffmann said that some permits were very specific and yet Mr. Clark advised that the revised plan would be ok under the terms of the existing permit. Interim Town Manager Hoffmann asked how they planned to accomplish that. Mr. Clark explained that he had asked to have the right to be able to move the structure around within his work area to minimize any impacts; permission was granted. Interim Town Manager Hoffmann asked that Mr. Clark show where that was stated in the permit. She felt that should be a condition within the Commission's decision. Mr. Clark said it was with the State Department of Environmental Protection that he had the conversations with and who had sent the divers out to review the project location.

Commissioner Vincent asked what agency was responsible for signing off on the final survey. Mr. Clark said that once everything was in place they would have to fill out a number of forms and send them to the agency.

Commissioner Vincent questioned the state mandated monitoring aspect of the project. Mr. Clark said that monthly monitoring was required during the first year; was built into the contract with the money was available. Mr. Clark explained that the second year and third year monitoring requirements changed to quarterly and years 4 and 5 required annual monitoring. Commissioner Vincent asked what the cost projection was for the second and third year. Mayor Minnet believed it would be proportionate. Dr. Goreau explained that after one year the Commission would have to assess whether they want to continue the project and also look at a management and protection plan for the waters.

Mr. Clark clarified that the Town signed a letter from the National Fisheries Service during the permitting process stating that the Town would be responsible for maintaining the project or have it removed.

Commissioner Vincent wanted to make sure the contract addressed the storage of the second buoy and who would be responsible for it. Mr. Clark said he preferred the Town stored it.

Mayor Minnet asked whether Dr. Goreau would be open to re-negotiating the contract for clarity purposes. Dr. Goreau said he had no objection.

Interim Town Manager Hoffmann believed Dr. Goreau needed to get the permitting agency to send a letter saying it was ok to use only 1 buoy.

Vice Mayor Dodd asked whether they could go ahead with the one buoy. Dr. Goreau said they could and the second one could become the backup with hopes that it would be superior to the first one. Vice Mayor Dodd did not want to delay the project for the second buoy. Mr. Clark had no problem as he wanted to resolve the cost issue. He did not want to put the buoy in the water and then the Town refused to pay the final draw because all 3 buoys were not received. Mr. Clark wanted to resolve the monitoring issues and the wattage per buoy as well.

Vice Mayor Dodd asked whether the current buoy was able to put out 180 watts. Dr. Goreau said it was. Vice Mayor Dodd believed that if the growth began at the proposed rate it would put the Commission in a position where they could decide whether to spend additional money on a second buoy. Dr. Goreau said he did not want the Town to think that they violated the contract.

Commissioner Clotley asked whether the current contract was binding. Attorney Trevarthen said she had addressed several questions regarding the contract. She said the contract was enforceable but lacked detail. Commissioner Clotley asked whether the Commission supported additional funding. She asked what would happen if a donation was received for the amount needed and would they be able to move forward. Attorney Trevarthen explained that if someone gave a donation the contract would have to be reviewed.

Commissioner Sasser believed there was nothing stopping this project from moving forward with the current buoy. He supported the project, but favored moving forward with building a second buoy and funding the second buoy, but only through the terms of a new contract. Commissioner Sasser believed that the current contract was in breach and wanted negotiations of a new contract to include copyright, liability and delivery obligations to protect both parties.

Commissioner Vincent inquired as to where the donation and/or future donations would go. He believed they should go to the Town and needed to be addressed in contract.

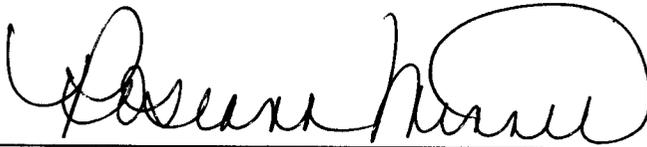
Mayor Minnet said the Town needed to protect their natural environment and also needed to be prudent with the taxpayers' money. She believed that the Commission needed to look for additional funding through other venues and clarify the contract.

The Commission directed staff to meet with Dr. Goreau and revise the contract, resolve the breach issue, to move forward as quickly as possible adding performance requirements to the contract, and modify payment schedules and come back before the Commission. Mayor Minnet added that a budgetary line item would be required regarding future maintenance issues of the project.

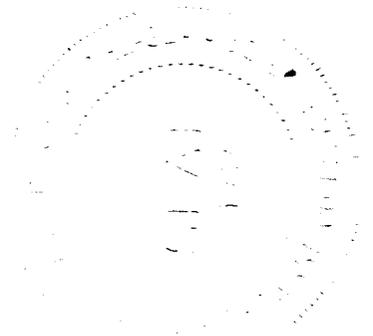
Commissioner Clotley stated that she knew a resident who was willing to donate the \$11,000 that was needed to get the project going. Mayor Minnet thought it was generous for someone to donate the money but she believed they needed to clarify a contract and determine who would own the artificial reef and who would be responsible for it. She hoped the donor would continue to consider.

4. ADJOURNMENT

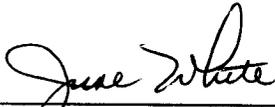
Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 7:00 p.m.



Mayor Roseann Minnet



ATTEST:



Town Clerk, June White

8-27-10

Date