

# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION

### REGULAR MEETING

#### MINUTES

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, May 11, 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 Clotley, Commissioner Chris Vincent, Commissioner Scott Sasser, Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffmann, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the invocation.

4. ADDITIONS DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet added Consent Agenda item 9B - Cerebral Palsy Volleyball Tournament. She also pulled items 12a and 12b as they were not advertised. She advised they would appear on the June 8, 2010 agenda. Mayor Minnet requested the Commission address the appointment of the P&Z (Planning & Zoning Board) before the appointment of the BOA (Board of Adjustment) under item 14A. Commissioner Clotley added Permits for Block Parties under New Business item 15B.

5. PRESENTATIONS

- a. Presentation by Christine Sawyer from BSO External Affairs concerning the "Operation Medicine Cabinet" take-back event scheduled on May 22, 2010 at Jarvis Hall (Chief Llerena)

Christine Sawyer, Prescription Drug Abuse Specialist for BSO said that the program was designed to spread awareness. She explained that the program was fully funded by stimulus funds from the Department of Justice and that the program should continue to receive funding for the next fiscal year. Ms. Sawyer explained that South Florida became ground zero for prescription drug abuse and in 2007 there were 3 times more people dying of prescriptions drugs abuse than overdoses in South Florida.

Ms. Sawyer said "Operation Medicine Cabinet would take place on May 22, 2010 from 10:00 a.m. to 1:00 p.m. She explained that every type of prescription would be accepted except needles which could be taken to the VFD for disposal.

Mayor Minnet thanked Chief Llerena for bringing this event to the Town.

**6. PUBLIC COMMENTS**

Liliana Pomareda thanked the Commission for addressing the parking issue at Freidt Park. She turned in a Special Events Application to the Town Clerk for a block party on N. Tradewinds Avenue. She was surprised that the party was classified as a special event and that she needed to pay the \$100 application fee. She said it was just a small party for the neighbors, not a special event. She requested the Commission waive the \$100 application fee.

Daniel Halpert said the way to resolve problems was by listening to each other even if they were not happy with what was said. He said the voters were looking to see how genuine and sincere the Commission was to each other and the residents. Mr. Halpert said that the person who used the word "totalitarian" at the last meeting should understand what the word really means. He thought everything could learn from each other.

Vincent Ragusa explained that he called Town Hall last week and spoke to a very nice individual. He said he was so happy with the service that he gave her a card and flowers to show his appreciation. He explained that he spoke to her boss and she was very appreciative and that he wanted to see more of this type of service in the future.

Linda Ritchie, President of the POA (Property Owners Association), said that Commissioner Clotey objected to televising the POA meetings because she thought they were a political group. She said the POA was very involved in the community and did not understand why they were labeled as a political committee. Ms. Ritchie said her personal views had nothing to do with the POA and outside the POA she would continue use her Constitutional rights to voice her opinions. She urged all residents to join the POA.

**7. PUBLIC SAFETY DISCUSSION**

**8. APPROVAL OF MINUTES**

**a. April 12, 2010 Roundtable Minutes**

Mayor Minnet noted a correction in the minutes of a resident's name.

Vice Mayor Dodd made a motion to approve the minutes of the April 12, 2010 Roundtable. Commissioner Sasser seconded the motion. The motion carried 5 – 0.

**b. April 13, 2010 Regular Meeting Minutes**

Vice Mayor Dodd made a motion to approve the minutes of the April 13, 2010 Regular Commission Meeting. Commissioner Sasser seconded the motion. The motion carried 5 – 0.

**9. CONSENT AGENDA**

Mayor Minnet pulled item 9B for discussion. Vice Mayor Dodd pulled item 9A for discussion.

- a. Installation of Turtle Shields. Although this item is within the Manager's purchase authority, we would like to make sure the Commission is comfortable with the aesthetic appearance of the shields. Director Prince will have a sample to show the Commission (Municipal Services Director Don Prince)

Vice Mayor Dodd requested to see a sample of the shield. Don Prince, Municipal Services Director, showed a sample of the shield and explained that the shield was for the teardrop lights currently installed in the Minto parking lot. He said that the Fish and Wildlife Conservation thought this was the best option for the Town at this time.

Commissioner Clotley asked if these were the same shield used by the City of Ft. Lauderdale. Director Prince confirmed they were.

Mayor Minnet asked that in the future the all of the specifications be the same so the Commission understood what they were comparing. Director Prince said he took the sample to each vendor to ensure he was receiving an identical product. Mayor Minnet asked if this was the same gauge used by the City of Ft. Lauderdale. Director Prince confirmed it was. Mayor Minnet asked for confirmation that the bidder that was being recommended was Anchor Marine Canvas. Director Prince said it was.

Vice Mayor Dodd made a motion to approve the installation of turtle marine shields by Anchor Marine Canvas for \$1815.00. Commissioner Vincent seconded the motion. The Vice Mayor pointed out that being in the Marine business he had done business with many canvas companies in Ft. Lauderdale but not Anchor Marine and therefore, there was no conflict of interest. The motion carried 5 – 0.

- b. Special Event Application for United Cerebral Palsy's 25<sup>th</sup> Annual Corporate Volleyball Challenge (Interim Assistant Town Manager Bud Bentley)

Mayor Minnet said she was pleased to have the event back in Lauderdale-By-The-Sea.

Matthew Coin said the event coordinators could not reach an agreement last year with the hotel which led to the event moving to the City of Hollywood. He said all of the plans were in order this year and that the public was invited to attend the event.

Commissioner Sasser made a motion to approve the Special Application Permit for the United Cerebral Palsy's 25<sup>th</sup> Annual Corporate Volleyball Challenge. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

**10. ORDINANCES - PUBLIC COMMENTS**

**1. Ordinances 1st Reading**

- a. Ordinance 2010-05: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING THE PROVISIONS APPLICABLE TO THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE (Town Attorney Susan Trevarthen)

Attorney Trevarthen read Ordinance 2010-05 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak she closed the public comments portion of the meeting. The motion carried 5 - 0.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-05. Commissioner Sasser seconded the motion. The motion carried 5 – 0.

**2. Ordinances 2nd Reading**

**11. RESOLUTION - "Public Comments"**

- a. Resolution 2010-07: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Town Attorney Susan Trevarthen)

Attorney Trevarthen read Resolution 2010-07 by title.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak she closed the public comment portion of the meeting.

Commissioner Clotey said the Commission previously agreed that the Chamber of Commerce would submit a monthly report along with the other reports. Mayor Minnet said that it could go under the presentations and did not need to be a separate item.

Commissioner Sasser made a motion to approve Resolution 2010-07. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- b. Resolution 2010-11: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING THE COMPENSATION OF AND APPOINTING CONSTANCE HOFFMANN AS INTERIM TOWN MANAGER UNTIL THE TOWN APPOINTS A TOWN MANAGER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-11 by title and clarified that it repealed and replaced the previous resolution appointing the Interim Town Manager and reflected the changes made to the compensation amount.

Mayor Minnet opened the meeting for public comments.

Liliana Pomereda asked whether a recruiting agency was used to find the Interim Town Manager. Mayor Minnet explained that staff would contact her with an answer.

Commissioner Sasser questioned if the compensation amount was adjusted to reflect the number of days in certain months. Attorney Trevarthen confirmed that was the reason for the change in the amount.

Vice Mayor Dodd made a motion to approve Resolution 2010-11. Commissioner Vincent seconded the motion. The motion carried 5 – 0.

## **12. QUASI JUDICIAL PUBLIC HEARINGS**

- a. Commission is being asked to extend the approval of a site plan (Ocean Terrace Beachside Condominium, 4564 El Mar Dr.) for an additional six (6) month time period by the owners Architect - Staff recommends six (6) month extension (Development Services Director Jeff Bowman)

This item was addressed earlier in the meeting.

- b. Commission to approve the placement of a shed located at 101 Commercial Blvd. Town Ordinance 30-313 (31) requires Commission approval of accessory buildings and a shed is considered an accessory building (Development Services Director Jeff Bowman)

This item was addressed earlier in the meeting.

## **13. COMMISSIONER COMMENTS**

Commissioner Sasser explained that after reviewing the Senior Center agreement some of the tasks given to them were unnecessary and that they successfully completed their audit with Broward County. He said he would add to the next Roundtable meeting an item regarding fees to the Senior Center for part time residents. Commissioner Sasser explained he was scheduled to meet with the Interim Town Manager and Interim Assistant Town Manager to begin reviewing the contract with Choice Environmental.

Commissioner Clotey explained that it would cost over \$12 million to improve the Town's infrastructure for the storm water runoffs. She said the Commission had a choice to make and they needed to come up with a plan. Commission Clotey said she wanted to see emphasis on the design aspect of the project so the Town could be eligible to apply for stimulus funds. She explained that this issue should go to referendum so the residents could choose how pay for the project rather than the

Commission making the decision. Commissioner Clotley said she was a member of the POA and believed everyone was entitled to their opinion. She explained that she wanted to be fair to every organization and not allow only one organization to do it. Commissioner Clotley said she was happy with the results of the Senior Center Audit and looked forward to seeing the name changed to the Community Center.

Mayor Minnet thanked the Garden Club for their District Spring Meeting and encouraged everyone to join the Garden Club. She thanked staff for the CIP workshop and said the storm water was not always a pay as you go system; the Town did have a Storm Water Utility Fee at one time. Mayor Minnet wanted to see a plan put together to resolve the storm water issues. She said the change to the tennis court parking was working and thanked Linda Ritchie for her efforts regarding the POA. Mayor Minnet said she was in favor of televising the POA meetings. She encouraged everyone to get involved with the 4th of July event and explained that the parade began on Sunday at 11:15 am. Mayor Minnet said there was a picnic in the park with music and food and the fireworks show was at 9:00 p.m. on the pier.

Commissioner Vincent explained that the CIP workshop pointed out that some of the problems in Town were a result of swale issues. He said that situations like this occurred due to lack of maintenance over the years and hoped this would allow for a proactive approach in the future. Commissioner Vincent said the citizens needed to be proactive at their home and businesses to help with the storm water issues.

Vice Mayor Dodd said he was privileged to be the Town's representative at the Law Enforcement of Broward memorial service. He said there was no Hillsboro Inlet meeting to report and that he attended the Waste Management Earth Day event at the recycling plant. Vice Mayor Dodd said he would put the issue of recycling on a future Roundtable or Workshop agenda for discussion. He explained that the Town may need an ordinance to encourage recycling. He thanked Interim Town Manager Hoffmann for her professionalism and asked that everyone focus on the big picture.

#### **14. OLD BUSINESS**

##### **a. Appointment of Board Members (Town Clerk June White)**

The order for appointment of Board Members were reversed earlier in the evening

##### **1. Planning & Zoning Board**

Commissioner Clotley was under the impression that she was next in line to begin the selection of members based on the format previously chosen by the Commission. There was discussion regarding the selection process and it was the consensus of the Commission to begin the selection process with Commissioner Clotley.

Commissioner Clotley selected Lawrence Wick.

Vice Mayor Dodd selected Alfred Oldaker.

Commissioner Sasser selected Yann Brandt.

Mayor Minnet selected George Hunsaker.

Commissioner Vincent selected Ben Freeny.

Commissioner Clotley selected Joe Couriel however, his application was not received and his appointment was not recognized. Commissioner Clotley selected Dennis Ritchie. Clerk White explained that Mr. Ritchie was no longer interested. Commissioner Clotley selected Eric Yankwit as the 1<sup>st</sup> alternate.

Vice Mayor Dodd selected John Oughton as the 2<sup>nd</sup> alternate.

Mayor Minnet verified the names of the individuals selected.

**2. Board of Adjustment**

Commissioner Vincent asked whether applicants that were not selected for the P&Z could be appointed to the BOA. Mayor Minnet confirmed they could be chosen for the BOA.

Vice Mayor Dodd selected Arthur Franczack

Commissioner Sasser selected Ray Wolowicz.

Mayor Minnet selected Henry Overton.

Commissioner Vincent selected Helen Swinghammer.

Commissioner Clotley passed.

Vice Mayor Dodd selected Bernice Rappaport.

Commissioner Sasser selected Cecil Hanes as the 1<sup>st</sup> alternate.

Mayor Minnet verified the names of the individuals selected.

Interim Manager Hoffmann confirmed that the applicants were contacted regarding the Board and Committee seminar scheduled for May 12, 2010 and most verified that they were available to attend the meeting.

Vice Mayor Dodd made a motion to approve the P&Z members as selected.  
Commissioner Sasser seconded the motion. The motion carried 5 – 0.

Vice Mayor Dodd made a motion to approve the BOA members as selected.  
Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Award of Bid for Annual Electrical Maintenance Services. ITB # 10-03-01 (Municipal Services Director Don Prince) Deferred at the April 27, 2010 Commission Meeting**

Mayor Minnet questioned why both Imperial Electric and Universal Electric bid so low. She was concerned that the companies may take longer on the job to make up the missing funds. Director Prince said he never had a problem with the current contractor. Mayor Minnet said she was happy that the references came back ok. She wanted Director Prince to ask ahead of time how long the project would take.

Commissioner Vincent suggested that if they clocked 3 hours last year for a project, then make sure they clock the same amount of time this year.

Commissioner Vincent made a motion to approve Universal Electric Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- c. Award of Bid for Annual Streetlight Maintenance Services. ITB #10-03-02 (Municipal Services Director Don Prince) Deferred at the April 27, 2010 Commission Meeting

Mayor Minnet questioned the same amount of low bidders. Director Prince said that Universal Electric's references checked out.

Vice Mayor Dodd made a motion to approve Universal Electric. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- d. Discussion and or action regarding the Chamber re-roof (Municipal Services Director Don Prince)

Vice Mayor Dodd inquired as to how the quotes were received. Director Prince said he contacted the vendor personally. Vice Mayor Dodd asked whether Director Prince met with the contractor. Director Prince said he met with each vendor to put money in budget. Vice Mayor Dodd wanted to go out for a proper RFP. He said originally he wanted to patch the roof, but not anymore.

Director Prince said that the Town Engineer would be needed to go out for RFP to obtain a detailed explanation of what was needed. Vice Mayor Dodd said he wanted it done professionally.

Interim Assistant Town Manager Bentley said it depended on the cost effectiveness as to whether they should go out for RFP. Mayor Minnet asked for the estimated cost to have the Town Engineer do the RFP. Director Prince said he would get that information.

Vice Mayor Dodd asked whether Director Prince knew what was needed in order to get the best companies to bid apples to apples. He said he was prepared to waive the RFP if Director Prince came back with 6 professional price quotes.

Commissioner Clotey suggested they ask for a longer warranty. She said one company offered a 12 year warranty.

Mayor Minnet asked whether there was enough time to get it back in time for the June 8, 2010 Commission meeting. Interim Assistant Town Manager Bentley said the second meeting in June would be more appropriate.

**15. NEW BUSINESS**

- a. Commission approval to set Calendar from May through September 2010 (Town Clerk June White)
- 1) Schedule dates for Fire Assessment, Budget and Trim workshops and public hearings.

It was the consensus of the Commission to accept the dates and times as suggested by staff.

- 2) Reschedule the September 28, 2010 Commission meeting due to the Jewish Holiday of Sukkot. Recommend September 27, 2010 at 7:00 p.m. or immediately following the 5:01 p.m. 2nd Public Hearing on the FY 2010-2011 budget.

Clerk White advised that some dates could not be changed as they were set by Broward County. Vice Mayor Dodd asked whether they could be scheduled for 7:00 p.m. wherever possible. Interim Town Manager Hoffmann advised that the rules were very specific regarding deadlines for advertisement.

Commissioner Sasser wanted to make sure all necessary information would be discussed ahead of time. Commissioner Clotey asked whether the meeting on May 25, 2010 could start at 5:00 p.m. and if it did not finish in time for the regular meeting at 7:00 p.m. then perhaps they could finish it on May 26, 2010. Mayor Minnet pointed out that there was a Roundtable on May 26, 2010 at 7:00 p.m.

Discussion continued confirming scheduled meetings.

Mayor Minnet asked whether each Commissioner would meet with Interim Town Manager Hoffmann personally. Interim Town Manager Hoffmann encouraged the Commission to set individual meetings with her to address any concerns they may have.

Interim Town Manager Hoffmann said a revised version of the calendars would be sent out by the end of the week. Vice Mayor Dodd stated that there may not be a need for two full meetings in August. Commissioner Clotey stated that traditionally meetings were not held in August.

- 3) Commission recess during the month of August.

Vice Mayor Dodd suggested having one meeting in August and if staff did not have enough items they could cancel it. Mayor Minnet reminded the Commission of the Florida League of Cities Conference August 19<sup>th</sup> through the 21<sup>st</sup> and encouraged the

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Commission to attend. The Commission set August 24, 2010 as a tentative Commission meeting.

Mayor Minnet inquired as to when the dress down code would begin as traditionally it ran from June through September. Commission Clotley request it start at the next meeting. The Commission agreed.

Commissioner Clotley addressed permits for block parties. She said even though the applicant turned in her request late, she wanted to see the permit approved. Commissioner Clotley was concerned with charging \$100 for a block party. Commissioner Clotley recommended approving the special event application.

Commissioner Vincent was concerned on where the line should to be drawn. He believed it needed to be addressed with BSO for public safety reasons.

Mayor Minnet asked for a history on why this came before the Commission. Development Director Bowman said he had not yet seen the applications.

Attorney Trevarthen said she could work with staff on a revision to the code but was concerned that staff had not yet seen the application. She advised that staff had to approve the application before Commission approval.

Commissioner Clotley had no problem continuing the item to the next meeting as long as the applicant knew it would be on the next agenda. Commissioner Vincent asked whether this type of permit have been given before and whether the applicant was only concerned with the fee. Director Bowman said in the past 10 years he never saw an application for a block party. Commissioner Vincent asked whether there ever was a street closure for just 4 homes. Director Bowman said no. Mayor Minnet was concerned that staff had no information and stated that the application was handed to Town Clerk during public comments. .

Vice Mayor Dodd was against closing the street and Commissioner Sasser did not want to put up any roadblocks. Commissioner Vincent believed the Town had a permit process for a reason.

Mayor Minnet inquired of the dates for the Florida League of Cities Conference. Interim Town Manager Hoffmann stated they were August 19<sup>th</sup> through August 21, 2010 and did not conflict with Commission meetings. Mayor Minnet advised the Commission that the conference was at the Diplomat Hotel in the City of Hollywood.

Mayor Minnet said she was open to schedule a meeting in August at any time. Vice Mayor Dodd wanted it later in the month. Commissioner Clotley asked whether the decision could be put off until July. Mayor Minnet stated that the August meeting was tentative but Commissioner Clotley could have an excused absence should they have a meeting in August. She asked Clerk White to place the item on an agenda in July 2010 for a final decision. The Commission was in consensus for a tentative Commission meeting on August 24, 2010. They agreed there would be no Roundtable.

Commissioner Sasser requested clarification regarding notification regarding the placement of a shed located at 101 Commercial Blvd. Director Bowman explained that a notice was required for a quasi judicial hearing. Commissioner Sasser asked how long before it would be resolved. Director Bowman advised that there was a 15 day notification process and proper advertisement.

Commissioner Vincent wanted the permit fee waived. Director Bowman advised that the fee went through Broward County.

Vice Mayor Dodd inquired of 2 other complaints that were put in at the same time. Director Bowman said they were being monitored daily.

Commissioner Sasser explained they were trying to come up with an idea for artificial turf. He believed it was ridiculous to ask them to put in grass where grass would not grow. Commissioner Sasser was in favor of leaving it the way it was. He instructed staff to look at alternatives. Commissioner Sasser thought the Commission would deal with the other issues at a roundtable.

**16. TOWN MANAGER REPORT**

Interim Town Manager Hoffmann said the progress report was a work in progress.

Commissioner Sasser said he expected a report on the major projects. He also wanted an individual and comprehensive list of other projects from each Commissioner. Commissioner Sasser believed that would avoid anything from falling through the cracks.

Commissioner Clotey inquired of the status regarding the payout investigation. Interim Town Manager Hoffmann said she should have a detailed report by the next meeting. Commissioner Clotey said she would personally like to see an audit done to clear up any allegations.

Vice Mayor Dodd wanted the Interim Town Manager to look at the figures and come back to the Commission with recommendations.

**16. TOWN MANAGER REPORT**

**17. TOWN ATTORNEY REPORT**

**18. ADJOURNMENT**

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:30 p.m.

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**

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\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:



\_\_\_\_\_  
Town Clerk, June White

7-29-10

\_\_\_\_\_  
Date

