

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, November 8, 2011

7:00 P.M.

1. CALL TO ORDER, VICE MAYOR STUART DODD

Vice Mayor Stuart Dodd called the meeting to order at 7:00 p.m. Also present were Commissioner Birute Ann Clottey, Commissioner Chris Vincent, Commissioner Scot Sasser, Town Attorney Susan L. Trevarthen, Assistant Town Manager Bud Bentley and Town Clerk June White. Mayor Roseann Minnet was excused.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Manager Hoffmann said her report would include discussion and direction on funding publicity for the Town with the second World Record attempt by Allen Sherrod.

5. PRESENTATIONS

There were no presentations.

6. PUBLIC COMMENTS

Vice Mayor Dodd opened the meeting for public comment.

Lawrence Wick stated that Marie White's Santa's Coming To Town event would take place December 10, 2011, 12:00 to 3:00 p.m. He added that Walgreens will provide pictures; toys, candy canes, cookies and juice would be available for each child. Other sponsors included 101 Oceans, Aruba Village Grill, Lenore Nolan-Ryan and Blue Sea Courtyard and the Volunteer Fire Department (VFD). Mr. Wick requested a waiver of the \$100 processing fee and permission to place boxes for unwrapped toy donations to "Toys for Children's Sake", which would be picked up December 18, 2011. He wished everyone a Happy Thanksgiving.

Kai Stadler said that in June 2009, the Commission approved short-term rentals if they met certain Town guidelines, such as paying taxes and safety standards. He noted three of the six owners of the Marina Village town homes contracted with his company, Tropical Vacations Group, to rent their units short-term. Mr. Stadler said that two years into the agreement, the president of the Marina Village Homeowners' Association (HOA) no longer wished to permit short-term rentals and informed those owners at their last HOA meeting he intended to prevent such activities. While he did not think it was an individual's personal preferences to deal with Town ordinances, he was requesting Town staff's help to enforce the existing statutes pertaining to short-term rentals.

Arthur Franczak distributed a handout of a Florida statute and a Pompano Beach memo to the members of the dais, stating a year ago Pompano Beach passed a sewer rate increase and was later alerted to the existence of the Florida statute contained in the handout, which he read. He claimed Pompano Beach sent out the memo indicated in the handout as an attempt to comply with the statute, but they were informed by their city attorney the memo was insufficient. Pompano Beach then called a special meeting, vacated the ordinance, rescinded the rate increase, provided an adjustment in the form of a refund to customers for overcharging them and recommended the process with a sewer rate methodology. He showed his sewer bill dated December 12 to February 22, for which the Town gave no information in the residents' sewer bills about any rate increase. Mr. Franczak asked that the Town take a similar action to that of Pompano Beach in compliance with the Florida statute.

With no one else wishing to speak, Vice Mayor Dodd closed the public comment portion of the meeting.

7. PUBLIC SAFETY DISCUSSION

There were no reports for consideration.

8. TOWN MANAGER REPORTS

a. Town Manager's Report

Town Manager Hoffmann stated FEMA was changing the flood zone maps throughout Florida and advised that approximately 343 property owners in Lauderdale-By-The-Sea would be affected and that flood insurance rates would change.

Municipal Services Director Don Prince stated that Town's website contained two links: The first provided a listing of three public meetings FEMA would hold, November 14, 15, and 16 that anyone from the public could attend. The second link connected to a Broward County website that had an interactive map; one could click on that map and locate one's property, then click on the property to show the old rate and whether that rate would change. He noted some residents not previously required to have flood insurance, would now be required to do so. For anyone with concerns and questions, FEMA would have representatives at the meetings to address them.

Town Manager Hoffmann stated that FEMA was requested to provide a list of residents and properties that would be affected. FEMA stated they were unable to do so and directed residents to the map on the website and suggested they attend the public hearing(s). Town Manager Hoffmann encouraged residents to check the map to see if their property would be affected.

On the issue of staffing Code Enforcement, Jeff Bowman left the Town's employ in early October, and the second code officer, Kim Williams, gave notice of her resignation. She would work on a part time basis through December. Town staff discussed with the Commission in October the possibility of contracting the service out, as the City of Pompano Beach had done this in February 2011 with Calvin Giordano & Associates. She spoke with Pompano's City Manager and Assistant City Manager who stated they were very pleased with the results. Town staff requested and received a proposal from Calvin Giordano, but the dollar amount they proposed was more costly than the Town staffing the position in-house, including benefits. Town Manager Hoffmann said they would go back to Calvin Giordano and ask about the possibility of lowering the cost down to at least match the Town's cost to hire code staff. However, time was growing short, and Assistant Town Manager Bentley was making inquiries in an effort to recruit someone to fill a code position if the Town were unable to reach an agreement with Calvin Giordano. She explained a full report would be presented at the November 29, 2011, Commission meeting.

Town Manager Hoffmann stated the initial recruitment for the position of Town Planner was unsuccessful; one of the top two candidates turned down the position down and the other withdrew. She noted Planner Linda Connors was brought in on contractual basis to pick up Mr. Bowman's planning work and take on additional planning duties. The Town Manager, Assistant Town Manager and Town Attorney were all please with Ms. Connor's work so she was offered the permanent full time position of Town Planner, effective late November. Ms. Connors accepted.

Town Manager Hoffmann said that when the planning priorities schedule was created, the assumption was there would be a full-time Town Planner on staff by the first of August and much of the work to be done by the Town Planner had to be set aside. She pointed out that Town staff would recommend the Town retain Cecilia Ward to finish up priority numbers two and three; number one was near completion, and at the Commission's next meeting, there would be an ordinance for adoption on final reading. She asked if the dais wished a brief explanation of some of the priorities.

Vice Mayor Dodd said he received a request for Town staff to justify the continued use of Ms. Ward, which was coming up under item 11c.

Town Manager Hoffmann stated the first priority was to remove the requirement for Mediterranean style architecture from the Town code and substitute a preference for Mid Century Modern. The hope was to adopt that ordinance in September 2011, but a new Notice of Intent (NOI) was needed. The Planning & Zoning (P&Z) Board delayed

the process by about a month and a half with their request for a marketing study. She indicated that priority would be completed by the end of November. The second priority was to study issues relating to the redevelopment of existing hotels, the obstacles preventing them from redeveloping and, if there were factors in the Town's code or practices stalling that process. Town Manager Hoffmann stated the plan called for revised ordinances to be adopted by the end of January; the initial part of the study has been completed. A planning intern had interviewed hoteliers. Ms. Ward was retained to prepare the interview questions and review the results. She remarked the next step called for the Town Planner to devote 80 hours translating the results into what code changes if needed. However, there was no Town Planner so that portion of the plan could not be executed. She stated Ms. Ward worked on a part time basis for the last two months to fill in some of the gaps of Town Planner, but she worked 123 hours over the past two months, whereas a full time Town Planner would have worked 360 hours, and she was not working only on the planning priorities for the Town. Town Manager Hoffman stated the new schedule on the hotel project required the Commission to adopt an NOI, which Town staff would bring to the Commission in December. Ms. Ward would make a presentation to the Commission in January on what the issues were and the possible solutions; the matter would then go to the P&Z Board with the Commission's guidance on drafting the ordinance to make the revisions needed in February. First reading would be in March and the second in April. She said that the project could be speeded up if the first reading took place before it went to the P&Z Board, or if the first reading was scheduled at the Commission's second meeting in February. The Commission would not have the benefit of the P&Z Board's minutes, but Town staff could relay what transpired at the P&Z meeting.

Town Manager Hoffmann said further sign code revisions was the third priority, to Town address such issues as wall, banner and pole signs. That project was to begin in July and should have been completed by January; however, it had yet to begin. Town staff could start the process of getting the first revisions done by taking the matter to the P&Z Board on December 21. Ms. Ward would draft those revisions, assuming the Commission approved the authorization for her employment; Ms. Ward confirmed she could complete the revisions in time to take to the P&Z Board in December, and the Commission could adopt those changes in January and February 2012.

Priority number six was the adoption of architectural design guidelines for commercial and multifamily residential projects. She stated the schedule called for the project to begin in October and the process completed by March 2012; it was clear several more months would be needed, as it involved hiring either an architectural or urban design firm to draft the guidelines or, the Town could build on another city's existing guidelines and modify them to suit the Town's needs.

Town Manager Hoffmann recommended that in order to move the above projects forward, the Town retained Ms. Ward's services through December and January to pick up those duties that would have been the Town Planner functions over the last several months. Ms. Ward was very familiar with all the projects, and Town Manager Hoffmann believed she could complete them expeditiously; relying on the new Town Planner to do

this work would cause the latter to be torn between dealing with the day-to-day planning issues facing the Town, and the priorities projects which required concentrated attention.

Town Manager Hoffmann responded to Mr. Franczak's comments regarding proper notice of sewer rate increases. She said it was Town staff that alerted Pompano of their failure to follow state statute with regard to proper noticing of sewer rate increases. Thus, the Town was aware of what to do when its own sewer rates had to be increased, and there were numerous discussions on the dais to that effect. She stated The Town's sewer bills were calculated and mailed by the City of Fort Lauderdale on a contractual basis. When Town staff asked that the bills include the required notice on the sewer bills, Fort Lauderdale stated they did not separate the Town's sewer bills from their own and the notice of an increase would end up on Fort Lauderdale's bills as well. Town Manager Hoffmann said staff consulted with the Town Attorney and other consultants that did rate studies throughout Florida and were advising using postcard notices was legally sufficient. The Town sent out a relatively large postcard to every Town sewer customer, explaining the Town's proposed rate increases along with other information about the actual increase, including the date of the public hearings at which the rate increase would be discussed.

Town Attorney Trevarthen concurred, the postcard was legally sufficient.

Town Manager Hoffmann requested Commission direction regarding the request for funding for the second World Record attempt by Allen Sherrod on December 1. John Boutin of the Wind Jammer Hotel successfully spearheaded the publicity for the first attempt along with Steve d'Oliveira, and it was well covered by the local news and regional networks, bringing the Town considerable publicity. She noted Mr. Boutin proposed the businesses put money together and have the Town match the funds to create an event around the December 1 attempt, to attract favorable publicity for the Town. The idea was to promote the proximity of the reef, as it was a good news story that would get Lauderdale-By-The-Sea "on the map" and talked about. Town Manager Hoffmann said the suggested matching amount was \$3,000 to hire a radio station to broadcast from the Town during the three-day event. Town Manager Hoffmann commented the Town did not have a special event application for the project, and the next Commission meeting was November 29, three days before the event. She was passing the information along verbally, as no written request was made.

On the matter of the flood insurance, Commissioner Sasser thought Town staff needed to alert residents who would no longer need flood insurance.

Town Manager Hoffmann reiterated the Town's notification was letting residents know the information was on the County's website where the interactive map was located. As FEMA said, it was not possible to send individual notices out to residents as to whether they were now required, or no longer required, to have flood insurance.

On the issue of Town planning priorities and the Sun Sentinel missing the advertising date, Commissioner Sasser had no desire to see the Town charged twice for the same

notice. Town Clerk White explained she sent the notice to the newspaper on time and, for some reason, they did not run the notice on the requested date. She was not informed until after the fact. Commissioner Sasser wanted it clearly reflected that the failure of the notice to run timely in the Sun Sentinel was due to the latter's error and not the Town's.

During the months of September and October, Ms. Ward was the acting Town Planner, for which she was paid \$10,000. Commissioner Sasser wondered why some of the work Town Manager Hoffmann mentioned needed to be completed, was not done during those two months. He noticed the projects were behind due to the Town not hiring a staff planner in August; thus, if Town staff was aware of this fact in August, why were the abovementioned priorities not included in Ms. Ward's list of tasks. He asked why the Town needed the services of Ms. Ward, a Town Planner and an Urban Design Forum just to change the Town's sign code. Town Manager Hoffmann replied Ms. Ward was not assigned additional tasks during September and October due to her limited availability. She has other clients to serve.

Commissioner Sasser said it appeared Ms. Ward's work was more time driven rather than task driven; thus, part of the problem was her having insufficient time to accomplish the tasks. As she was hired part time, the added tasks would have required more than part time, and she was not available for additional time.

Town Manager Hoffmann affirmed this to be the case. On the hotel project, she noted the intern had difficulty getting hotels to respond to our request to do the interviews; rather than the expected ten days, it took three weeks. Nine hotels completed the interviews, but that was through persistent efforts on the part of the Town's intern.

Commissioner Sasser wondered if there would be a way for Town staff to catch up with the projects on which they were behind. Town Manager Hoffmann stated the tasks would be completed but not in the original timeframes.

Commissioner Sasser was aware the Commission had been trying to look at the sign code for some time, and two businesses had come to request relief. He sought assurance all that was possible was being done to help those businesses.

Town Manager Hoffmann stated the sign code project was not falling behind; it was the architectural design guidelines, for which no one was clamoring, that were behind schedule. However, there were businesses requesting relief from the sign code. As Town staff came closer to presenting the revised sign ordinance, the Commission could decide whether they wished to compress the time to adopt the ordinances; at present, the policy was a month between first and second reading; if it was not a controversial matter, the readings could be done in back-to-back meetings.

On the matter of required staffing to change the sign code, she believed the urban design firm mentioned by Commissioner Sasser would not be needed to the extent originally estimated. Town Manager Hoffmann remarked the original strategy to change

the code was to have Ms. Ward work six hours on that project, with the Town Planner putting in 65 hours, then \$10,000 was the estimated sum to hire an urban design firm to draw up the ordinance, make presentations, etc. She said most cities spent upwards of \$50,000 to revamp their sign code, bringing in urban design firms to create many visuals to explain the impact; she did not envision the Town taking such steps. When Town staff met with Ms. Ward the previous week, they examined three other cities' sign codes and found some of their guidelines applicable to Lauderdale-By-The-Sea. The decision was made to select those relevant to the Town, draft a document and, only at that point, use the services of an urban design firm if necessary to create some of the form-based language in the ordinance, such as those describing the dimensions and appearance of signs.

Commissioner Sasser preferred going to one qualified entity than multiple ones, as it was easier to track the progress of the work.

He saw the information on the Benihana license and thought at one point the Town was discussing negotiating parking relief; he requested an update on the matter.

Assistant Town Manager Bentley stated there had been no activity on the Benihana license and parking issue in the last two weeks.

Commissioner Sasser asked if there were any updates on the coral reef project, as he heard at some point the Town would be going back to the drawing board for a completely new design of the buoys.

Town Manager Hoffmann said that right after the buoys were installed, there was an unexpected storm with very high seas. People witnessed the buoys flipping in the water and turning back up in the wave action; this led to the destruction of the solar panel on one and a twisted panel on the other buoy. She said the decision was made to pull the buoys in and rework the weights, replace the solar panels and angle them differently.

Vice Mayor Dodd concurred, stating water was getting under the solar panels, sweeping through and causing considerable stress on the panels; the panels would be brought down on top of the buoy to strengthen it structurally. Town Manager Hoffmann noted that Dr. Goreau's people expected completion of the work in two weeks, after which the buoys would be redeployed.

On the issue of paying Ms. Ward \$10,000, Town Manager Hoffmann said the Town agreed to pay Ms. Ward \$5,000 for each of the two months for 160 hours; she worked only 123 hours, as she helped find Linda Connors, who had a lower billing rate than she. Ms. Ward suggested Ms. Connors could do some of the tasks at less cost and save the Town on expenses. She noted another factor that led the Town to fall behind was Jeff Bowman's unexpected departure; he handled a great deal of zoning work and was involved in a lot of other planning issues due to his vast historical knowledge in that arena. When the Town was notified of his pending departure, Ms. Ward stopped what

she was doing and met with him in order to gather as much information as possible to help the Town in his absence. She felt this was time well spent.

Commissioner Vincent stated the Town had a contract with Global Reef making them responsible for maintaining the buoys for the first year, after which the Town would take over. He inquired as to whether the Town secured, or had proof of Global Reef's financial ability to repair damages and if not, what would be the repercussion if they could not make such repairs.

Town Manager Hoffmann stated that the Town had not secured any form of bond with Global Reef. She believed Global Reef was in the process of trying to raise the money to repair the buoys, as the Town had not made its payment to Global Reef for the failed installation.

Commissioner Vincent asked whether the Town could secure in escrow all payments that were not completed to Global Reef, to ensure the cost of any repairs needed in the first year were covered by the contract obligation.

Attorney Trevarthen replied it appeared Town Manager Hoffmann already withheld payment in relation to the performance being deficient. This was the only leverage the Town had in the arrangement with Coral Reef, as the latter was not a party from which the Town could obtain the usual assurances it preferred in its agreements.

On the issue of flood insurance Commissioner Vincent believed there were some banks that forced mortgage holders to have flood insurance, regardless of whether FEMA deemed it necessary. On the Town's matching funds for publicity on Allen Sherrod's second World Record attempt and the issue of a short timeframe, he asked if the Commission could request a special event application, and could such an application be approved in the three-week timeframe.

Assistant Town Manager Bentley responded the request for funds for the first attempt was not deemed a special event because it was not officially opened to the public. Staff's intent was to approve the request administratively for the second attempt.

Commissioner Vincent thought the second attempt would be more of an event open to the public. Town Manager Hoffmann stated it depended on what the businesses proposed.

Commissioner Vincent noted that in order for the Commission to consider matching funds with the businesses seeking to do an event, there would have to be some proof they collected the dollars the Town was asked to match. He was aware the Commission approved \$1,000 for a dinner had the record been broken, and he asked for that request to be withdrawn from the table and have the previously approved \$1,000 go toward matching any funds requested if approved.

Commissioner Clottey understood the buoys would be repaired by the parties that installed them; they were awaiting the arrival of parts from California. Regarding the suggestion to have a radio station at the World Record attempt event, Commissioner Clottey asked where the station would be located, as the occupants of the hotels and area residents might not want a radio station broadcasting in such close proximity for three days.

Town Manager Hoffmann responded there was no distinct plan as yet; there was a discussion on what could happen, and that the radio might be the best use of the funds to get the word out about the event. There was also a question as to whether Mr. Sherrod should try to break the record closer to the pier; people might walk out and watch the progress of the attempt. She reviewed the Town's code, and no scuba diving was allowed within 300 feet of the pier; thus, it was not a guideline that could be waived.

Attorney Trevarthen concurred.

Vice Mayor Dodd received a number of calls from residents that using taxpayers' dollars for a congratulatory dinner was not appropriate. If the funds had to do with bringing publicity to the Town, it was a justifiable use. He urged Town staff to do all it could to encourage the event, as it created considerable free advertising and publicity.

Commissioner Sasser thought using taxpayers' dollars in the subject manner was not suitable. The advertising would not be free if the Town was matching the funds as requested. He had no desire to squash enthusiasm or undermine the emotional attachment to the event, and he supported the efforts in the World Record attempt, but he could not feel right spending taxpayers' dollars in this manner. This was an event that should be fully supported by the business community, as they were the ones benefiting the most. He pointed out there were no details of how the funds would be applied, nor did there appear to be time to have all these questions answered.

Commissioner Vincent agreed a Town match of \$3,000 was too high, and he felt a match of \$1,500 to be more appropriate, to which the previously approved \$1,000 should be applied. The funds were being used to market Lauderdale-By-The-Sea and, therefore, appropriate.

Commissioner Clottey suggested Town staff bring more details for the Commission at its next meeting. She suggested doing a cost/benefit comparison before approving any matching funds, as an effort to reach a broader audience should be made; she was unwilling to make any commitment until she had a clearer understanding of how the funds would be spent.

Commissioner Vincent felt some Town funds could be approved by the Commission if the businesses presented proof of the funds collected that would be matched and how they would be utilized, such as for activities and publicity. For the present, the Town needed to make a gesture of commitment, so the businesses could gather the

necessary information for presentation at the November 29 Commission meeting for a final vote.

Vice Mayor Dodd stated the item could be placed on the November 29 agenda. A motion was needed to approve the Town Manager's Report.

Commissioner Sasser made a motion to accept the report. Commissioner Clotley seconded the motion. The motion carried 4-0.

b. September 2011 Finance Report

Finance Director Tony Bryan noted the figures contained in the report were preliminary, as they were subject to change until all the invoices for work completed in the previous fiscal year were submitted. The overall result for the Town's finances was positive.

Town Manager Hoffmann noted since the report was completed, Town staff processed additional invoices for capital projects. When the Town Commission received the audited fiscal yearend report, the expenditures would be somewhat higher than those reflected.

Commissioner Sasser made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 4-0.

9. TOWN ATTORNEY REPORT

There was nothing to report.

10. APPROVAL OF MINUTES

a. September 12, 2011, Special Public Hearing Minutes

b. September 26, 2011, Special Public Hearing Minutes

Commissioner Vincent made a motion to approve the minutes as listed. Commissioner Clotley seconded the motion. The motion carried 4-0.

11. CONSENT AGENDA

Vice Mayor Dodd pulled item 11a from the Consent Agenda for discussion.

Commissioner Vincent made a motion to approve Items 11b and 11c on the Consent Agenda. Commissioner Sasser seconded the motion. The motion carried 4-0.

a. Sea Turtle Grant Application for El Prado Parking Lot Pedestrian Lighting

Commissioner Sasser thought the Town already got hoods for the lights and other items and solved the problems related to the sea turtles.

Town Manager Hoffmann replied the hoods were on the lights that put the Town in compliance with the regulations regarding lighting that distracted the sea turtles. However, by doing so, it created extremely dark conditions for people in the parking lot, and this represented a safety issue Town staff sought to address by installing pedestrian lights that were sea turtle friendly.

Commissioner Sasser made a motion to approve the above application. Commissioner Clotey seconded the motion. The motion carried 4-0.

- b. Commission approval of two (2) Hardship Permit Applications (Town Clerk June White)

This item was approved on Consent.

- c. Authorize Purchase Orders for JC Consulting (Cecelia Ward) to Complete Planning Priorities #2 and 3 (Assistant Town Manager Bud Bentley)

This item was approved on Consent.

12. ORDINANCES – PUBLIC COMMENTS

1. **Ordinances 1st Reading**

- a. **Ordinance 2011-20: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION 2-1 "LOBBYING REGULATION" OF ARTICLE I "IN GENERAL" OF CHAPTER 2 "ADMINISTRATION" TO ESTABLISH A LOBBYIST REGISTRATION SYSTEM IN ACCORDANCE WITH SECTION 1-19 "CODE OF ETHICS FOR ELECTED OFFICIALS" OF THE BROWARD COUNTY CODE OF ORDINANCES BY PROVIDING FOR DEFINITIONS, REPORTING OF LOBBYING ACTIVITIES, PENALTIES, AND IMPLEMENTATION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Attorney Trevarthen read Ordinance 2011-20 by title.

Vice Mayor Dodd opened the meeting for public comment.

Mark Brown hoped the Town Commission could find a way not to make the subject process cumbersome by a need to fill out paperwork whenever members of the Commission spoke with persons classified as vendors of the Town. It seemed the tone

of the ordinance was transparency but it could be overly restrictive as to mere pleasantries between elected officials and the general citizenry.

With no one else wishing to speak, Vice Mayor Dodd closed the public comment portion of the meeting.

Attorney Trevarthen clarified the proposed ordinance was prepared in response to the new Broward County Ethics Ordinance that applied to municipal elected officials. Within the County's ordinance, though indirectly, was contained language that lobbyists had to register with the Town prior to engaging in lobbying. She stated the subject ordinance accomplished the purpose of creating a lobbyist registration system, as the Town did not have one, and it was very similar to Broward County's system of and that of other Broward County cities. On the comment made by Mr. Brown, the Town's ordinance affected only lobbyists and their lobbying activities; the County's Code of Ethics Ordinance did address vendors in relation to the acceptance of gifts by elected officials.

Commissioner Vincent wished to know if the proposed ordinance affected both paid and volunteer lobbyists, such as an individual lobbying on behalf of a local vendor.

Attorney Trevarthen stated the definition was not triggered by that, and it was specific as to whether a lobbyist was paid or not. However, as to the registration fees to lobby, those fees were waived if the lobbyist was a volunteer.

Commissioner Sasser made a motion to adopt Ordinance 2011-20 on 1st Reading. Commissioner Vincent seconded the motion. The motion carried 4-0

2. Ordinances 2nd Reading

- a. **Ordinance 2011-18: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SETTING JANUARY 31, 2012 FOR THE TOWN'S 2012 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2012 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON TUESDAY, NOVEMBER 8, 2011 THROUGH NOON ON TUESDAY, NOVEMBER 22, 2011, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICERS TAKE OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Vice Mayor Dodd opened the meeting for public comment. With no one wishing to speak, He closed the public comment portion of the meeting.

Commissioner Sasser made a motion to adopt Ordinance 2011-18 on 2nd Reading. Commissioner Clotney seconded the motion. The motion carried 4-0.

13. RESOLUTIONS – PUBLIC COMMENT

There were no Resolutions for consideration.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were none for consideration.

15. COMMISSION COMMENTS

Commissioner Clotey thanked everyone who contributed many hours, creative advice, and donated money and prizes to the Halloween event. The hayride and petting zoo had to be canceled but would be rescheduled for a later date. She expressed gratitude and appreciation for the many expressions of condolence on loss her brother.

Commissioner Vincent commended Commissioner Clotey for an enjoyable Halloween event; there was inclement weather the entire day that thankfully broke just as the event began. He wished everyone a Happy Thanksgiving.

Vice Mayor Dodd stated, on behalf of the rest of the Commission and the community, their thoughts and prayers went out to Commissioner Clotey and her family on the recent loss of their family member. He echoed thanks to everyone who worked to make the Halloween event an enjoyable one despite the weather. Vice Mayor Dodd looked forward to the seminar the Town Attorney would conduct for the Commission on the County's Ethics Ordinance, as he understood that beginning in January elected officials could no longer even enjoy a cup of coffee at any event unless they paid for it. He wished good luck to candidates running in the upcoming elections.

16. OLD BUSINESS

There was no Old Business for consideration.

17. NEW BUSINESS

a. Designated Areas of Beach for Launching Watercraft (Town Manager Connie Hoffmann)

Town Manager Hoffmann believed it was last February when the Town held a public session on regulating recreational activities on the beach. The issue was briefly discussed, and the Commission delayed the discussion on whether there should be a designated area on the beach to launch watercraft to the next fiscal year. She stated the Town's code said it was unlawful for any person to operate or pilot a boat or other watercraft within 100 yards of the fishing pier, and it was prohibited to launch or land boats, rafts or crafts of any kind upon Town beaches except in the case of an

emergency. At present, there were people launching kayaks on the beach but no complaints had been received.

Commissioner Sasser said the subject issue was not a high priority for him. He would favor moving consideration of the matter to a date certain.

Commissioner Vincent concurred, asking if the police chief received any complaints.

Chief Llerena replied no complaints were received. His research revealed there were a number of Town ordinances in which the subject matter was addressed, and there was some ambiguity with regard to kayaks.

Vice Mayor Dodd believed the ordinance contained language relevant to launching boats or crafts off the beach. He recalled favoring two designated areas, one north and one south, where kite surfers would be allowed to enter and exit the water, as well as others being able to launch and recover anything that floats. Vice Mayor Dodd believed it was a good idea to have designated areas, suggesting even if an ordinance was not passed, there was little harm in posting notices that stated kite surfing, sailboats, skis, personal watercraft, and kayaks were allowed to be launched from those portals.

Commissioner Vincent questioned, in the way the present ordinance was written, could Town staff erect a sign that superseded how that aspect of the ordinance.

Town Manager Hoffmann replied it would not change the code but, as Chief Llerena pointed out, the situation was a complaint-driven enforcement, and no complaints had been received with regard to kayaks.

The Commission did not pursue this matter further.

b. Discussion of SR A1A/North Ocean Drive Landscape and Hardscape Enhancement Project Streetlight footer complex (Assistant Town Manager Bud Bentley)

Vice Mayor Dodd opened the meeting for public comment.

Edward Malkoon asked why was the information was not known when the initial surveys were being conducted and why the subject matter was raised. He wondered if the areas would match and have the same impact, or would each area be different. He felt \$22,000 was a bit high and questioned whether it was possible to reallocate some of the money being spent in capital improvements in the southern part of the Town to cover the costs.

Commissioner Sasser asked why the concrete could not be removed in the subject location, if the concrete was removed around everything else.

Assistant Town Manager Bentley replied a concrete sidewalk is about four to five inches thick, and it could be broken into pieces prior to removal or lifted in once piece, at which point it would break apart on its own. A two-foot thick, reinforced sidewalk with steel rebar required a different process, as it was probably poured to a different strength than a regular concrete sidewalk. On the issue of how the information was unknown earlier, the Town did not survey the subject area; the designers relied on aerial views to layout their product. He walked the areas and he saw no difference between the spread footer and the regular concrete.

Project Manager Raoul Mederos said none of the curb ramps or handicap access ways would be touched. They would stay in place and act as a natural barrier between two surface treatments.

Commissioner Vincent wondered if the original design of the ten locations could be modified to go with each footer, and the footers would each have a different design; he asked if Town staff explored his suggestion of taking out up to an inch and a half and using a one-inch paver, then cement it down to the top of that. This was a way to reduce the project cost by a third and keeping the original design.

Mr. Mederos remarked being unsure how the depth of the removal of the concrete footer would make much of a difference in the cost estimate, as it would still take about the same effort. Though the areas were small, they were next to a light pole, and the machines to cut through such concrete were typically larger, as they were used for roadway applications and very large driveways.

Assistant Town Manager Bentley commented if the decision was made not to adjust the design, they would meet with the contractor to firm up cost estimates and alternatives.

Commissioner Vincent wanted to see more exploration of options before doing a complete change at all ten locations.

Mr. Mederos stated right before laying pavers, there was a bedding course of sand to level out where the pavers would sit. The concrete underneath would be uneven, but the layer of sand evened out the surface.

Commissioner Clotey thought if the concrete could be ground down and placing the pavers on top would not present a safety issue, she wished to see the design done the original way. She was not ready to approve the subject item.

Commissioner Sasser agreed. This was the face of the Town, and doing it right was very important; he preferred the option of the one-inch pavers versus regular pavers, particularly if this reduced the cost.

Assistant Town Manager Bentley indicated the project should be completed in July, as it was time sensitive. The Town did not want to be in the position of delaying the contractor and adding time to the project, nor did they wish to inconvenience the

neighbors by keeping the areas open. He said Town staff would construct the design as directed by the Commission, as efficiently as possible, whether it was a one-inch or three-inch removal. He requested the Commission to direct staff to begin construction. Commissioner Sasser stated he appreciated and respected Assistant Town Manager Bentley's and the project staff's opinions and expertise. He did not want the Town to pay a two-inch paver price for one-inch pavers; the estimated cost seemed too high.

Commissioner Vincent concurred that a harder look at the cost numbers was needed.

Assistant Town Manager Bentley remarked the west side did not have the same type of conflicts. The discussion was to build exactly as planned, and he would ask that on the west side, Town staff be allowed some latitude to shift the bases, as long as the integrity of the design was maintained. By shifting them, some of the expense could be avoided.

Commissioner Sasser summarized the motion to investigate options, and to keep the design to the original plan in as many areas as possible. He inquired of the timeframe.

Assistant Town Manager Bentley replied the four that were under construction had to be addressed immediately. The others had not been laid out in the field; when this was done, Town staff would know exactly what the adjustments would be. He indicated staff would give the Commission an update when the findings were complete.

Commissioner Vincent thought the motion should include that work on the east side would keep to the original design using one-inch pavers. Another motion for the west side once the information was gathered could be made at a later meeting.

Commissioner Vincent made a motion as noted above with regard to the east side of the project, and to investigate options and report findings to the Commission on the west side. Commissioner Sasser seconded the motion. The motion carried 4-0.

Commissioner Sasser commented on Commissioner Vincent's point regarding the dais' direction on Town funds for marketing purposes.

Commissioner Vincent thought the Commission voted to entertain a plan from the businesses, pending the presentation of supporting documentation at the November 29 Commission meeting. His cap was \$1,500, including the previously approved \$1,000.

Town Attorney Trevarthen pointed out the vote was only to accept the Town Manager's Report. There was discussion only regarding the issue of Town funds for the publicity event.

Vice Mayor Dodd said the decision was to place it on the November 29 agenda.

18. ADJOURNMENT

Town Commission Regular Meeting Minutes
November 8, 2011

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Vice Mayor Dodd adjourned the meeting at 9:00 p.m.

19. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

12-19-11

Date

