

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

ROUNDTABLE MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, April 12, 2011

7:00 P.M. or soon thereafter

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 8:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Scot Sasser, and Commissioner Chris Vincent were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan Trevarthen, Town Clerk June White and Deputy Clerk Nekisha Smith.

Mayor Minnet added Short Term Rentals as item 3t, Pantry of Broward, Inc. as item 3u, and Announcement of an Essay Contest as item 3v.

2. PUBLIC COMMENTS

Arthur Franczak was against the expansion of the A1A parking lot as he did not believe it would solve the problem. Mr. Franczak believed the A1A parking lot was a failure due to its location and the fact that people would have to cross 2 lanes of traffic to visit the downtown area. He said it would be better if the parking lot was located on the other south side of Commercial Boulevard. Mr. Franczak did not favor the idea of giving the parking lot away to a developer.

Dick Wyzanski said that the Parkhill building was the only building on a portal that was leased. Mr. Wyzanski said when he moved in he purchased a hardship parking pass from his landlord which allowed him to park on the portal or on the other side of Hibiscus Avenue. He added that as of last year parking was no longer allowed at the portals from 9:00 p.m. to 6:00 a.m. and therefore, the 6 hardship permit holders at Parkhill were notified that they could no longer park there and had to park on Hibiscus Avenue. Mr. Wyzanski requested that the parking overnight at the portals be reinstated and allow the meters on Hibiscus Avenue to make money for the Town. He said having the residents park there would also discourage party parking.

Marvel Mayfield said she lived on Hibiscus Avenue and El Mar Drive for 7 1/2 years and up until last year she was able to park at the portal overnight. She said by taking that away it created undue hardship for the residents in that area; she had to walk a block at night, in the dark, on a deserted street, in all types of weather, carrying groceries. Ms.

Mayfield believed it was unsafe and did not make sense since there was available parking where she lived. Ms. Mayfield asked that the Commission separate their decisions on the portals from the rest of the parking code provisions and consider the needs of long term residents.

Marie Chiarello believed Code Enforcement needed more help and due to the paperwork they had to complete, they were not able to go outside and see the overflowing garbage, dirty roofs, broken driveways, Christmas lights and renovation materials. Ms. Chiarello believed Town Code should be followed and if the violation was not taken care of, a second fine should be applied. She believed that Code Enforcement should address broken driveways and overflowing garbage in Town prior to going forward with the master plan.

Geri Capotosto thanked the Commission for supporting the neighborhood beautification project for the 2011 budget. She noted that Terra Mar was unique in that their entryway was by way of a bridge. Ms. Capotosto hoped that the Commission would support Terra Mar Island's components of their entryway and move forth in developing a program that would provide some design leeway so that uniqueness could be supported, and help them be more competitive in the real estate market.

Bill Vitollo did not believe the Town should pay for the Terra Mar Island gates. He said the residents of Terra Mar Island paid for and maintained their gates as well as their signs and their lighting. Mr. Vitollo did not feel the Town should own Terra Mar Island gates; the Town could pay for the pilings on each side of the gate instead for beautification purposes. Mr. Vitollo pointed out that the residents paid \$40 a year that paid for the insurance, the lighting, and the electric bill. Mr. Vitollo stated that he was against short term weekly rentals unless; he preferred the code be changed to allow monthly rentals.

3. DISCUSSION ITEMS

a. Presentation of Analysis of Town's Planning & Land Development Regulations and Recommendations for Further Action by Planner Cecilia Ward (Town Manager Connie Hoffmann)

Town Manager Hoffmann introduced Cecilia Ward, professional planner, hired to review planning regulations and documents in order to identify and provide an overview of needed changes. She explained that the Comprehensive Plan had never been updated to reflect the recommendations in the 2004 Master Plan and only a few changes had been made in the Land Development Regulations (LDRs) that reflected the goals of the master plan.

Ms. Ward explained that key principals and goals of the Town's Comprehensive Plan were not fully supported by the Town's Land Development Regulations. She gave a presentation of her findings and recommendations. A detailed listing of Ms.

Ward's "Findings and Recommendations" are hereby attached to and made part of these minutes.

Vice Mayor Dodd was concerned with the cost to implement Ms. Ward's recommendations and questioned the source of funds. Commissioner Vincent inquired of recommendations for the hotel/motel industry, particularly allowing them to have restaurants. Ms. Ward stated that boutique hotels that served breakfast would allow for higher room rates.

The Commission agreed that changes had to be made to the master plan, the Town Charter and the Land Development Regulations.

The Commission directed the Town Attorney and Town Manager to meet with Cecilia Ward to group items together, recommend the priority order of the things that needed to be done, and bring them back to the Commission to determine priorities.

b. Neighborhood Improvement Program (Town Manager Connie Hoffman)

Town Manager Hoffmann stated that the Commission had previously directed staff to proceed with the neighborhood improvements program. She said however, that there was no definition as to what a neighborhood was and no decision on the components that would be included in the Town's funding. Town Manager Hoffmann requested direction on whether certain components would be allowed, provided the neighborhood agreed to maintain them and insure them.

The Commission agreed to the following neighborhood definitions as outlined by Town Manager Hoffmann:

- a. Lauderdale Surf & Yacht Estates (Codrington Drive, Imperial Lane, and Thomas Way)
- b. Tropic Drive, Hibiscus Avenue, and Allenwood Drive
- c. South Seagrape (S. Seagrape Drive, Garden Court, Lake Court, Marine Court, Shore Court)
- d. South Silver Shores (Tradewinds Drive south of Commercial Boulevard, Miramar Avenue, Capri Avenue)
- e. North Silver Shores (Commercial Boulevard to Pine Avenue, including north Seagrape Drive.
- f. North Bougainvillea Drive and North Poinciana Street
- g. South Bougainvillea Drive and South Poinciana Street
- h. Terra Mar
- i. Bel-Air

Entryway signs, entryway pillars, entryway lighting, entryway enhanced landscaping, and entryway road surface treatment were considered allowable and accepted by the Commission. In addition, the Commission accepted street furniture, public art, bus shelter or shade at a bus stop, and holiday lighting displays (non-secular) as allowable

items.

The Commission agreed to move forward with the Terra Mar Project as proposed by the Terra Mar Homeowners Association, but directed the project come back for formal approval once the costs were available; the Terra Mar Association was to sign an agreement that they would maintain the security features and insure them.

The Commission agreed that future projects consisting of security issues and ongoing maintenance costs, such as cameras, gates and guardhouses, would be considered on a case by case basis.

c. Proposed Revisions to the Town's Purchasing Manual (Town Manager Connie Hoffmann) Deferred at the March 8, 2011 Roundtable 2011

Vice Mayor Dodd recommended that the Audit Committee review the document and submit their recommendation. Mayor Minnet requested that staff contact the Audit Committee. Town Manager Hoffmann agreed to get the document out to the Audit Committee and set up a meeting with them to obtain their recommendations.

Town Manager Hoffmann believed the current Purchasing Manual did not allow for the use of modern purchasing techniques and asked the Commission to authorize her to utilize an RFQ process in order to have multiple qualified vendors with particular professional abilities, such as an Architect or an Engineer. She added that would eliminate the need to be constantly issuing RFPs, save time, and would make the pricing on such services more competitive, as it would give the Town the ability to negotiate with several vendors while still abiding by Florida's CCNA.

There were no objections from the Commission. Direction was given to move forward with the RFQ process and with the Audit Committee review of the purchasing manual.

Town Manager Hoffmann said the RFQ process would be used to select a firm to do the engineering and landscape architecture work necessary to design the downtown drainage project.

d. Possible Expansion of the A1A Parking Lot (Assistant Town Manager Bud Bentley & Town Manager Connie Hoffmann)

Mayor Minnet stated that she was not in favor of pursuing this property as it was not a priority at this time. There was Commission consensus not to pursue the acquisition of property for a possible expansion of the A1A parking lot at this time.

e. Design Direction for El Mar Drive (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated that there have been many ideas on what the cross-section of El Mar Drive should look like. She said that Commission direction regarding the number of lanes, width of the sidewalk, the median and multipurpose lane was

needed before staff and RMA could cost out the project..

Commissioner Clotley believed there should be 4 lanes, sidewalks and leave the median the same as recommended by the MPSC (Master Plan Steering Committee) in their July 20, 2010 proposal. She believed the condition of some of the swales were in need of upgrading as well.

Vice Mayor Dodd and Mayor Minnet favored 4 lanes as in the MPSC July 20, 2010 proposal.

Commission consensus was to go forward with a minimum 6 foot wide sidewalk; 4 lanes as per the MPSC recommendations in their July 20, 2010 proposal; and incorporate as much green space as possible in the swales.

f. Community Center Participation Fees (Commission Requested)

Mayor Minnet believed the Commission should look at options to allow all residents, full or part time, to use the Community Center.

Town Manager Hoffmann suggested an individual class fee. She said that our current policy allowed annual renters to use the Community Center for free but did not allow for 2 or 3 month renters. Town Manager Hoffmann suggested a daily fee, reducing the lease term requirement to a minimum of 2 months with a lower payment of perhaps \$15. Mayor Minnet wanted to keep it from being a burden to staff and suggested creating a simple policy.

There was Commission consensus to allow a minimum of 2 month rentals with proof of lease or hotel statement to use the Community Center without charge; allow a per class fee and a weekly fee; Town Manager to determine fees.

g. Code Enforcement Issues

i. Code Enforcement (Commissioner Birute Ann Clotley)

Commissioner Clotley believed that prior to branding the community there were some properties in Town that required maintenance. She said the Town needed to devise a way to check the properties, both residential and commercial, especially the hotels. Commissioner Clotley suggested a type of rating program. Mayor Minnet inquired of the number of code enforcement officers currently employed by the Town. Town Manager Hoffmann said Code Enforcement was budgeted for one full time and one part time person. She explained that one of those positions became vacant in January 2011 and the other position had become involved in other work.

Town Manager Hoffmann suggested that staff come back before the Commission with recommendations on what the Code Enforcement priorities should be, whether it was hotels or other type of code issues, and whether there should be more than one full time

and one part time position. She said at that time staff would submit different types or class of code issues for Commission review.

Mayor Minnet stated that many buildings, including businesses and condominiums were close to 40 years old and should be looked at as well.

Commissioner Clotley asked whether 6 month or annual inspections could be instituted on these type of problematic properties. Attorney Trevarthen stated that would be Town policy; could require additional inspections. Commissioner Sasser and Vice Mayor Dodd believed the Chamber of Commerce could be involved in making the Town aware of problem properties.

Vice Mayor Dodd believed the fire department could do additional inspections, and favored bringing the Code Enforcement Division up to the level in which it needed to be in to perform effectively. Mayor Minnet agreed that a full Code Enforcement staff was needed.

Town Manager Hoffmann stated that staff could ask the Chamber of Commerce to obtain the hotel room number where the problem existed when the Chamber received a complaint.

ii. 4116 Ocean Drive Report (Town Manager Connie Hoffmann)

Development Services Bowman clarified that a NTA (Notice to Appear) was not issued to the property manager as the report indicated, as the building had been shut down and it was determined that the NTA did not need to be issued.

h. Report on Status of Priorities Set for the Town Manager (Town Manager Connie Hoffmann)

Town Manager Hoffmann said that in the process of doing this report she realized that many non-priority items had been worked on. She suggested that everyone review the report and ask each other which projects were priority. Town Manager Hoffmann pointed out that there has been a good deal of discussion implementing master plans projects, yet that was not on her work plan. She suggested a re-order of the priorities list.

Commissioner Clotley asked for a status update on the BSO contract. Town Manager Hoffmann indicated that he first negotiating session was scheduled.

There was Commission consensus to move the priority called "Accelerate Recycling" off this year's list and add to next year's list when the Choice Environmental contract expired.

Commissioner Clotley inquired of public restrooms. Town Manager Hoffmann stated that the Commission had voted them off the priority list. Mayor Minnet believed that

"Restrooms" should be addressed in the master plan and in the RMA report as to location and cost.

Commissioner Sasser questioned whether the Coral Reef agreement was finalized. Town Manager Hoffmann said the agreement was executed and the Town received word of a tentative start date of April 22, 2011 but that the deployment of the artificial reef structure would not occur until late May, pending good weather conditions.

Attorney Trevarthen suggested adding a check box for Priority to the Agenda Item Request Form. Mayor Minnet believed that to be a great idea. There was no objection from the Commission.

i. Schedule Workshop Dates (Town Manager Connie Hoffmann)

The Commission agreed to schedule the following:

Monday April 26, 2011 6:00 p.m., a Commission Workshop on citizen input regarding the Master Plan.

Saturday, May 21, 2011, 9:00 a.m. to 5:00 p.m. - design charrette with the University of Miami School of Architecture - public invited

Monday, May 23 thru Wednesday, May 25, 2011, 9:00 a.m. to 5:00 p.m. -University of Miami design team at work - public invited

Thursday, May 26, 2011, 6:30 p.m. - Commission Workshop with the University of Miami's public presentation of their designs and recommendations

j. Retention of Second Code Enforcement Special Magistrate (Assistant Town Manager Bud Bentley)

Attorney Trevarthen explained that with a second Code Enforcement Magistrate issues with calendar conflicts or conflict of interest would be avoided. She suggested a rotation method for equal amount of cases and for the second Magistrate to become familiar with the community.

The Commission agreed to move forward with recommendations to retain a second Code Enforcement Magistrate under a rotation method.

k. Resource Recovery Board's proposed 12th Amendment to the ILA (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley said that the amendment was in the interest of all participating cities; it minimized increases in the tipping fee and addressed the effective date. He said that staff recommended this item be placed on the April 27, 2011 Commission agenda for approval.

Commissioner Sasser asked whether the Town would be locked in for next year or whether the decision would be for the following year. Assistant Town Manager Bentley

said the Town would continue to be a participant in the Resource Recovery Board until an amendment to the agreement was approved. He noted that the City of Miramar had issued an RFP for alternative disposal options which would allow any city to participate. Town Manager Hoffmann explained that the Town was locked into the ILA unless it expired or they voluntarily let the Town drop out.

It was the consensus of the Commission to move forward and to place this item on the April 27, 2011 Commission agenda.

I. Revisions to the Parking Code (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that he proposed revisions to Chapter 19 of the Town Code and changes in the parking rates. He said they moved things around to improve readability, added 3 new definitions, addressed motor vehicles, overnight parking, and swale parking. Assistant Town Manager Bentley said there were no changes to the \$25 ticket penalty but staff recommended an increase in the delinquent fee from \$12 to \$15 and recommended allowing 30 days, rather than 10 days, to receive payment to avoid late notices crossing in the mail with those that paid. He added that another revision was that after 60 days, there would be a \$20 late fee.

Assistant Town Manager Bentley said shorter time limits for specific spaces in the Oceanfront Center would change and meter rate increases were proposed. Mayor Minnet preferred that all the meters on the western portion of Commercial Boulevard had the same hourly meter rate.

It was the consensus of the Commission to do the following:

- 1) Allow hardship permits parking east of El Mar Drive overnight
- 2) Allow public parking until 11:00 pm on Friday and Saturday nights east of El Mar Drive
- 3) Have the same rate on the street for west Commercial Boulevard as in front of the stores
- 4) Consider a 21 day payment deadline versus proposed 30 days
- 5) Limit resident parking permits to residents only (not business owners)
- 6) Place an implementing ordinance on the April 27, 2011 Commission agenda for 1st reading
- 7) Place a resolution on the April 27, 2011 Commission agenda to approve new meter rates
- 8) Place a resolution on the April 27, 2011 Commission agenda to ask FDOT for permission to put meters on Commercial Boulevard.

m. Suspend Roundtable Meetings (Vice Mayor Stuart Dodd)

Vice Mayor Dodd withdrew this item due to the late hour.

n. Pelican Hopper Survey (Public Information Officer Steve d'Oliveira)

Mayor Minnet believed that due to the current issues, an additional bus stop at the Imperial Point Hospital was not necessary at this time. She stated that the issue of funding the Pelican Hopper should be addressed during budget time and the bus stops should be analyzed at that time also.

The Commission agreed there would be no additional stop at Imperial Point Hospital.

- o. Ordinance 2011-06: Proposed Amendments to Chapter 30-313 (32), Generators and Related Fuel Storage Tanks (Development Services Director Jeff Bowman) Adopted on 1st Reading March 22, 2011

Vice Mayor Dodd put this on the Roundtable to allow additional time for thought. He said no issues arose since the discussion on March 22, 2011.

Town Manager Hoffmann said that staff provided additional language that stated that the property owner could place the tank in a portion of the setback, only if there was no space to place it in the back yard.

Commissioner Sasser said that one of the concerns expressed was whether it would cause danger to the neighbors. Mr. Bowman said he had discussed the safety issue with the Fire Marshall. He said that if the 5 foot setback could not be met, the setback could be reduced to 3 feet within the property line.

The consensus of the Commission was to follow staff recommendation to allow the Town Manager to approve a waiver to the minimum tank setback requirement, provided the tank is set as close as possible to the building, fully screened, and the tank is set back a minimum of 3 feet from the property line; the owner must show proof that the tank cannot be placed in the rear yard. This language was to be incorporated into the ordinance for second reading on April 27, 2011.

- p. Ordinance 2011-07: Conditional Uses within the Business District and Conditional Use Procedures (Development Services Director Jeff Bowman) Adopted on 1st Reading March 22, 2011

Town Manager Hoffmann stated that staff recommended parking garages be added as a conditional use since the Commission had expressed a desire to see the private sector develop a garage.

Development Services Director Bowman said the Town received a request for a Pet Shop to kennel some animals. He added that the request included retail and jewelry in the same location. Mr. Bowman requested the Commission consider this as a conditional use also.

Attorney Trevarthen pointed out new language in the ordinance that stated that the Town Manager shall determine if the request was a level 1 amendment or a level 2

amendment, through consideration of the requirements of Section 30-54(m)(4)c of the Town Code.

Vice Mayor Dodd said he was not in favor of retail of pets and jewelry. Mayor Minnet believed there would be certain standards they would have to maintain. Town Manager Hoffmann said it would require monitoring. Director Bowman explained that by adding Pet Shops as a conditional use, the Commission could consider each one individually, and entertain it with conditions or deny it.

Mayor Minnet reminded the Commission that the Ordinance would be on the April 27, 2011 Commission agenda for 2nd reading and could be changed at that time should the Commission so desire.

The consensus of the Commission was to incorporate staff's recommendation to add parking garages and pet shops as a conditional use for 2nd reading.

q. Proposed Ordinance 2010-16 Amendments to Chapter 30 Article VIII Sign Regulations (Development Services Director Jeff Bowman)

Director Bowman indicated that staff recommended that the Commission hold off the proposed changes regarding pole and pylon signs and sandwich signs to allow time to consider design styles and the visual impact these changes would have on the community. He added that staff recommended approval of the remaining amendments for this ordinance.

Vice Mayor Dodd inquired of the Code regarding signs on the ends of buildings. Director Bowman stated that Town Code said that signs had to front a street, but there were alternatives in some instances, such as going through the variance process.

The consensus of the Commission was not to consider sandwich signs and defer the changes on pole and pylon signs for now and follow the recommendations of staff.

r. Creation of Advisory Charter Review Board (Town Clerk June White) Requested at the November 15, 2010 Special Workshop - Deferred at the February 8, 2011 Roundtable

This item was deferred to after the March 9, 2012 elections.

s. Wine Bar Update (Town Manager Connie Hoffmann)

Attorney Trevarthen explained that the Commission had asked whether a Wine Bar could be included as a conditional use. She said that her research determined that Beer and Wine would be the way to go. Attorney Trevarthen added that the Commission previously indicated that they did not wish to have Beer and Wine as a conditional use they wanted to focus only on the Wine Bar; therefore, she did not include Wine Bars as

a conditional use in the ordinance.

There was no further discussion.

t. Short Term Rentals (Commissioner Birute Ann Clottey)

This item was added earlier in the evening.

Commissioner Clottey explained that the previous Commission set the minimum period on short term rentals to 7 days with the understanding that several court cases would be watched. She explained that the short term rental issue was being worked through the State Legislature and if the Town did not change their current ordinance before June 1, 2011, they would not be able to change it in future. She suggested changing the short term limit to 28 days.

Attorney Trevarthen explained further that the House Bill had been amended to grandfather existing regulations prior to June 1, 2011. She said the current regulations were safe under that amendment should the Bill go forward. Attorney Trevarthen stated that the shorter the stay, the greater risk of a challenge. She added however, that the current code had strong provisions, and if they were not followed, the license could be revoked.

Commissioner Sasser requested to see the number of licenses that have been revoked, those businesses that were in violation of the code. Director Bowman stated that there were a total of 16 that were taken to the Code Enforcement Board for non-payment; 3 of them have not yet complied. Mayor Minnet believed the process was working.

No changes were to be made to the existing ordinance.

u. The Pantry of Broward, Inc. (Mayor Roseann Minnet)

This item was added earlier in the evening.

Mayor Minnet stated that at the last Broward League of Cities meeting, Mayor Frank Ortis of Pembroke Pines asked that the cities provide information regarding The Pantry of Broward, Inc., a non-for profit organization that assisted low income citizens and senior citizens within Broward County. She asked whether the Commission would be interested in advertising The Pantry of Broward on Channel 78. The Commission was silent on this issue.

There was no further discussion.

v. Announcement Regarding Essay Contest (Town Attorney Susan L. Trevarthen)

This item was added earlier in the evening.

Attorney Trevarthen explained that the law firm, Weiss Serota Helman Pastoriza Cole & Boniske, P.L. was celebrating their 20th anniversary this year. She added that in honor of that milestone, they were sponsoring an essay contest for Lauderdale-By-The-Sea high school seniors. Attorney Trevarthen explained that the essay entitled "Why My Town is Special" should be no longer than 500 words and submitted online at essays@wsh-law.com

She added that winners would be selected by a panel of three judges and the winning essay will win \$1,000 for the writer, and will have the opportunity to read the essay at a future Town Commission meeting; first day of submission was April 19, 2011 and the last day was May 17, 2011.

Attorney Trevarthen requested that the information regarding the essay contest be placed on the Town website. There was no objection from the Commission.

4. OTHER TOWN BUSINESS

5. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:40 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White

5/26/2011
Date

