

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

## **TOWN COMMISSION**

### **REGULAR MEETING**

#### **MINUTES**

Jarvis Hall

*4505 Ocean Drive*

*Tuesday, June 28, 2011*

*7:00 P.M.*

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

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

#### **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **3. INVOCATION - Rabbi Bentzion Singer**

#### **4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Vice Mayor Dodd made a motion for an excused absence for Commissioner Sasser. Commissioner Clotey seconded the motion. The motion carried 4-0.

Mayor Minnet added New Business 17f, Discussion regarding dates for Congressmen West.

There were no further additions, deletions or deferrals.

#### **5. PRESENTATIONS**

##### **a. Broward League of Cities Update and Initiatives by Mayor Debby Eisinger**

Mayor Eisinger said that the Broward League of Cities provided quality services to all Broward County residents and local businesses. She said their main emphasis was the identification and the resolution of problems that affected the daily operations of Broward County's 31 municipal governments. Mayor Eisinger added that the League believed that by working together on common goals, municipalities would be more successful and productive in gaining support on issues pertaining to the welfare of their residents. On behalf of the League Mayor Eisinger thanked Mayor Minnet for representing the Town of Lauderdale-By-The-Sea as well as Commissioner Sasser and Commissioner Vincent for serving as the alternate representative. She said Mayor

Minnet was a tremendous asset to the Town, and to the residents of Broward County for her contributions on the Sustainability Committee, her involvement with the Broward County Environmental Initiative Survey, the Broward County Municipal Green Initiative Survey, and for her involvement with the Going Green Together program. Mayor Eisinger stated that the Broward League of Cities' General Membership Meetings were held the third Thursday of each month and stated that the entire Commission, the Town Manager, the Town Attorney, the Town Clerk and associate members were all invited to attend the monthly meetings. She also invited elected officials and public employees to take advantage of upcoming Workshops throughout the year, which would focus on leadership techniques and offer a broader understanding of the issues facing governmental agencies on municipal, county and state levels.

b. Presentation Regarding Educational Classes Regarding Town's Natural Resources - ie: Coral Reef (Thomas R. Carpenter, Director of Education - City College)

This presentation was to be re-scheduled.

c. Presentation of Life Saver Awards (Chief Brooke Liddle)

Chief Liddle presented Life Saver Awards to the following members of the Lauderdale-By-The-Sea Volunteer Fire Department: Danillo Goyochea, Job Maria, Jorge Pastore, Juan Sanchez, Chief Steve Payne, and Fire Administrator Daniel Chavez.

6. PUBLIC COMMENTS

Karen Cestarina, resident of the Tower of Port Royal said she and several residents of the community did not favor Fort Lauderdale's proposed 4 Tower Rental Development, to be built across the intracoastal waterway. She said she provided a petition of 200 signatures to the Planning and Zoning department and attended their meetings. Ms. Cestarina was concerned with traffic issues, additional burdens placed on police and rescue, lack of enforcement of their current regulations on property management, control over noise from motorcycles and parties, scarcity of background checks, and the installation of additional marine docks resulting in additional debris. She was advised to go before the Commission with her concerns.

David Sanedin believed that the Port Royale project would have an impact on Bel-Air residents and the Town should be concerned with depreciating property values along the intracoastal waterway. He said he also attended Fort Lauderdale's Planning and Zoning meetings to express the concerns of the residents of Bel Air and hoped that this Commission could soften the blow.

Arthur Franchez wondered how the Town could be so sure that they had one of the lowest tax rates in the county. He said that the taxes were not paid in mills, they were paid in dollars. Mr. Franchez asked that the Commission to multiply the millage rate by the appraised value of the properties and then compare the results to the other municipalities. He believed the results would be an eye opener. Mr. Franchez explained

that even though the millage rate was low, it could generate high taxes if the underlying property values were high.

Edmund Malkoon said he attended the services for Diane Boutin and reflected on how much she did for the community. Mr. Malkoon said she served on Town boards and the Chamber of Commerce, attended and spoke at many of the Town's official meetings, and cared about everyone. He asked that the Commission do something to honor her, such as naming a public facility after her. Mr. Malkoon asked that the Commission continue to prioritize the capital projects and to keep in mind the cost versus the benefit.

Rosalie Malkoon stated that as a resident, it was her responsibility to express her concerns or opinions. She said, in regards to the situation with Ms. Neubauer and the Ocean Medical Center discussion at the last meeting, she was upset with the harsh words, lack of compassion and disrespect given to Ms. Neubauer from the Commission. Ms. Malkoon believed the Commission owed her an apology.

Bill Vitollo believed the taxes should remain the same and not lowered. He said over the past 15 years the Commission talked about the sewers; it was time to get them done. Mr. Vitollo said the Commission should spend the \$1 million on green space that was intended for the beautification of El Mar Drive. He added that it would be great to purchase the street sweeper and get the streets cleaned once again. Mr. Vitollo favored the Terra Mar Entryway Improvement Project and the purchase of a new Ocean Rescue Vehicle for the VFD.

## 7. PUBLIC SAFETY DISCUSSION

### a. BSO Monthly Report - May 2011 (Chief Oscar Llerena)

Vice Mayor Dodd asked for an update on the non-emergency phone number. Chief Llerena stated that the public service answering service and the dispatch service would be handled at the Pompano Dispatch Center. He added that effective August 2, 2011 the new non-emergency number would be 954-786-4200.

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

### b. VFD Monthly Report - May 2011 (Chief Steve Paine)

Vice Mayor Dodd inquired of the rise in the number of people taking the Fire Fighter 2 classes. Chief Paine said there was an opportunity to take the class free of charge at the Plantation Fire Academy. He added that by the end of August 2011 the VFD would have four completely certified members. Vice Mayor Dodd asked everyone to support the VFD. He noted that this year was their 50th anniversary.

Commissioner Vincent said he was impressed with the professionalism the VFD had shown this Town particularly with Fire Administrator Daniel Chavez in the way he handled situations. Commissioner Clotey said she was proud that she voted to bring the VFD back.

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

c. AMR Monthly Report - May 2011 (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

Town Manager Hoffmann said staff was negotiating pricing for the project manager for the A1A Beautification Project. She said the contractor for the project arranged for a sub-contractor for landscaping that was FDOT approved. Town Manager Hoffmann advised the bid was forwarded to FDOT for their approval and hoped to award the bid in July 2011.

Town Manager Hoffmann said FDOT was scheduled to paint the Commercial Boulevard Bridge beginning July 5, 2011 through October 2011. She added that at various times throughout that period, one lane of traffic in either direction going over the bridge would be closed, with the possibility of closing the bridge entirely for 3 or 4 days. Town Manager Hoffmann stated that the Coral Reef Project was delayed due to weather conditions in April and May. She added that the Coast Guard permit expired and was currently pending approval for renewal.

Town Manager Hoffmann said that Pat Himelberger was looking into a new telephone system where the Town could piggyback off another governmental contract, saving the Town approximately \$18,000 a year.

Commissioner Clotey asked whether the Town's website could be made the hot spot for residents to communicate after a storm and whether it would cost money. Town Manager Hoffmann said it would depend on whether the Town's service was intact. She added that there would be no cost involved in setting it up, but the residents would need to use their own computers.

Town Manager Hoffmann said that Broward County proposed to enter into an extended agreement with Wheelabrator for the operation of the Resource Recovery Center that would provide for lesser tipping fees. She said staff would be looking at whether that was passed through to the Town under the current agreement with Choice Environmental. Mayor Minnet asked whether Choice Environmental would need to be notified if the Town wanted to place it on an agenda as to whether the Town should go out for an RFP. Town Manager Hoffmann said the contract expired in June

or July of 2012 and believed the contract called for a 6 month notice of intent to go out for an RFP, and the Town was required to negotiate with Choice Environmental prior to that. She said she would place a discussion item on the agenda in September or October 2011.

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

**9. TOWN ATTORNEY REPORT**

Attorney Dan Abbott had nothing to report.

**10. APPROVAL OF MINUTES**

There were no additions, deletions or changes to the minutes.

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

- a. May 26, 2011 Special Meeting Minutes
- b. June 2, 2011 Special Meeting Minutes
- c. June 14, 2011 Special (Shade Session) Meeting Minutes
- d. June 14, 2011 Special Commission Meeting Minutes

**11. CONSENT AGENDA**

Mayor Minnet pulled items 11a, 11b, and 11f from the Consent Agenda for discussion.

Commissioner Vincent made a motion to approve items 11c, 11d, and 11e on Consent. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

- a. Selection of the Ranked Proposers to provide Sanitary Sewer System Evaluation, Analysis and Engineering Services (Municipal Services Director Don Prince & Assistant Municipal Services Director Pat Himmelberger)

This item was pulled from the Consent Agenda for discussion.

Vice Mayor Dodd wanted to make sure the video information from TeleVac would be made available to the contractors. He thought it would be helpful to avoid any duplication of services. Municipal Services Director Prince said the DVDs were available with a complete picture of the entire Town's sewer system. He added that over the last few years the system had been repaired and cleaned and as of this date,

the system was in good shape. Town Manager Hoffmann added that the scope of services was almost complete for the evaluation of the sewer system.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

b. Primary Debris Emergency Services Contract (Municipal Services Director Don Prince)

This item was pulled from the Consent Agenda for discussion.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

c. Purchase of Street Sweeper (Municipal Services Director Don Prince)

This item was approved on Consent.

d. Award of contract to Ameri Sweeps, Inc. for Street Sweeping Services (Municipal Services Director Don Prince)

This item was approved on Consent.

e. Grau & Associates Extension Agreement (Finance Director Tony Bryan)

This item was approved on Consent.

f. Annual Special Event Application from Village Grille for Jazz on the Circle proposed for Friday nights from August 5, 2011 to July 27, 2012 (Code Enforcement Officer Kimberly Williams)

This item was pulled from the Consent Agenda for discussion.

Vice Mayor Dodd expressed concern over a previous permit where two vendors had and event together. He wanted clarification as to whether 101 Ocean would be included in the Village Grille permit or they would have their own permit.

Assistant Town Manager Bentley stated that 101 Ocean was a co-sponsor for the event and he would ask the Town Attorney as to whether 101 Ocean needed to be specified as such in the permit. He added that 101 Ocean would also be required to have insurance to serve alcohol.

Commissioner Clotey believed that at a previous Commission meeting the Commission agreed that a road closure would only occur due to safety reasons. Town Manager Hoffmann stated that language could be added as a condition that both sides of El Mar Drive could only be closed when deemed to be a public safety issue. Assistant Town

Manager Bentley said with Commission approval he would add that language to the permit.

Vice Mayor Dodd wanted to know whether the intention of the applicant was to close the road for four months only, in order for both the Village Grille and 101 Ocean to put tables in the median.

David Gadsby explained that the general recommendation was to close the street only during heavy pedestrian traffic events. Mr. Gadsby said he was not aware as to whether it was a BSO decision.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

## **12. ORDINANCES - PUBLIC COMMENTS**

### **1. Ordinances 1st Reading**

- a. Ordinance 2011-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VI "SIDEWALK CAFES;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Abbott read Ordinance 2011-10 by title.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2011-10 on first reading. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

- b. Ordinance 2011-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN REGULATIONS, TO PROVIDE DEFINITIONS AND REGULATIONS RELATED TO INFORMATIONAL SIGNAGE AND MULTIMODAL TRANSPORTATION FACILITY SIGNAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

Attorney Abbott read Ordinance 2011-11 by title.

Mayor Minnet opened the meeting for public comments.

Attorney Rod Finer said that the City of Hollywood, City of Pompano Beach and the City of Coconut Creek had executed contracts with B-Cycle. He added that the City of Fort

Lauderdale was pending second reading of their ordinance, and the City of Dania Beach and the City of Hallandale Beach were in the process. Mr. Finer stated that the B-Cycle program was a green form of transportation currently used across the county.

Vice Mayor Dodd expressed concern with the flow of the bicycles from one city to another and questioned whether that would be monitored. Attorney Fine said that Broward County would monitor the flow regularly to re-distribute the bicycles in the system. He added that during an event, if a bicycle dock became full, a bicycle could be connected to a light pole with a locking device, and B-Cycle would come later and re-distribute the bikes.

Commissioner Vincent asked whether there was a system in place for bicycle drop off. Attorney Fine said that the bicycles were equipped with devices, so that when the bicycle was dropped off, B-Cycle would be aware; it was all computerized.

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

Commissioner Vincent made a motion to adopt Ordinance 2011-11 on first reading. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

- c. Ordinance 2011-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "OFFICERS AND EMPLOYEES", SECTION 2-67 "SAME DUTIES" - Commission consensus at the June 14, 2011 Roundtable

Attorney Abbott read Ordinance 2011-12 by title.

Town Manager Hoffmann explained that she and the Town Attorney agreed that the Town Manager should be able to execute a contract for less than \$15,000, if done on Town Attorney approved forms.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2011-12 on first reading. Commissioner Clotey seconded the motion. The motion carried 4 - 0.

- d. Ordinance 2011-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VII, "JARVIS HALL;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Abbott read Ordinance 2011-13 by title.

Town Manager Hoffmann said that the Florida League of Cities advised there would be no impact on the Town's liability insurance.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2011-13 on first reading. Commissioner Clotley seconded the motion. The motion carried 4 - 0.

2. Ordinances 2nd Reading

13. RESOLUTION - "Public Comments"

- a. Resolution 2011-16: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE FIRE PREVENTION AND PROTECTION SERVICES FEE SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE Commission consensus at the June 14, 2011 Roundtable

Attorney Abbott read Resolution 2011-16 by title.

Mayor Minnet explained that this Resolution reduced the fire permit fees and fire inspection fees.

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

Chief Paine explained that the previous fees were based on the Broward County Ordinance, and after some research, he believed the fees could be reduced.

Commissioner Clotley made a motion to adopt Resolution 2011-16. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

- b. Resolution 2011-17: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - Commission consensus at the June 14, 2011 Roundtable to change procedure

Attorney Abbott read Resolution 2011-17 by title.

Mayor Minnet explained that this Resolution allows the Commission to go back to 2 Commission meetings per month.

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

Vice Mayor Dodd made a motion to adopt Resolution 2011-17. Commissioner Clotley seconded the motion. The motion carried 4 - 0.

- c. Resolution 2011-18: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PURCHASING MANUAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE

Attorney Abbott read Resolution 2011-18 by title.

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

Town Manager Hoffmann pointed out two typos in the manual; 1) page 21 - changed the number in the table from 200 to 2,000 and 2) page 48 - under professional consultants – changed “requirements in amounts up to fifteen thousand dollars (\$15,000) to remove the word “and” , insert a period and begin the next sentence with “any applicable state law, ....”.

Vice Mayor Dodd made a motion to adopt Resolution 2011-18 with corrections as stated. Commissioner Clotley seconded the motion. The motion carried 4 - 0.

#### 14. QUASI JUDICIAL PUBLIC HEARINGS

- a. Conditional Use Application - 111 Commercial Boulevard

Attorney Abbott swore in those wishing to testify.

Attorney Abbott asked whether any elected officials had contact with the applicant or was presented with evidence regarding this matter, outside of the email contacts presented in the backup (attached hereto as part of these minutes).

Vice Mayor Dodd said that he and his wife had researched Diamonds and Doggies. He added that they both had gone to the premises and were impressed with Mr. Casale’s care for the animals. He added that Mrs. Dodd contacted and received positive feedback from Mr. Casale’s veterinarian.

Commissioner Vincent said the he also visited the store and was extremely impressed.

Commissioner Clotley said she declined the opportunity to go to the premises but did speak with adjacent property owners.

Mayor Minnet said she visited the store in South Beach and looked forward to them coming to Lauderdale-By-The-Sea.

Attorney Abbott explained the application was for a conditional use for a pet shop and supply store, Diamonds and Doggies, in the B1 zoning district. He invited the applicant to produce their evidence.

Dominick Casale said they were a proud family owned business for over 30 years. He added that a new sleep room was constructed for the dogs and they had installed soundproof walls and ceilings. Mr. Casale hoped everyone would visit his store.

Commissioner Vincent had expressed concern with the vagueness of the condition regarding hearing the sounds of the dogs outside the premises. He believed the dog sounds should not supersede Town code in relation to complaints. Code and Zoning Supervisor Bowman stated that the language could be changed to reflect the Animal Code. Commissioner Vincent believed the weight limit at 10lbs was vague also, and needed to allow variances to protect the business owner as weight can vary. Mayor Minnet said that could be addressed during approval of the application.

Code and Zoning Supervisor Bowman stated that the location of the store was at 111 Commercial Boulevard. He added that staff placed 14 conditions on the application to mitigate any possible adverse impacts on adjoining properties. Code and Zoning Supervisor Bowman said that the Planning and Zoning Board reviewed the application, approved it on May 18, 2011 with recommendation for approval to the Commission. He said staff visited the site in South Beach, and found it to be compliant. Code and Zoning Supervisor Bowman stated that staff recommended approval of the application for conditional use.

Mayor Minnet asked whether the dogs would be evacuated should there be a hurricane warning. Mr. Casale said he had not yet ran across that problem, but should the need arise the dogs would go home with him. Mayor Minnet stated that a limit of 15 dogs was placed on the store. Mr. Casale said they had 12 cages, and probably would remain around that number. Mayor Minnet asked how often the waste would be removed. Mr. Casale said it would be removed to the waste disposal container daily and picked up 3 times a week. Mayor Minnet asked that if the need arose would Mr. Casale increase the weekly pickup. Mr. Casale said he would.

Commissioner Clotey asked whether there was an emergency contact person within or close to Town that would have access to the location. Mr. Casale said family lived in Town.

Assistant Town Manager Bentley stated that waste pickup was left up to the applicant, pending weather conditions.

Town Manager Hoffmann said that the conditional use regarding sounds from the dog's located onsite would be amended to read that the sounds would be consistent with the

code regarding dog noises. Assistant Town Manager Bentley pointed out that the applicant installed sound proofing and the small dogs produced low volume. Commissioner Vincent did not want to give opportunity for someone to jump on an occasional yelp should the dogs be taken outside the store, or when the door was opened. Town Manager Hoffmann suggested that it state the "when the doors to the store are closed". Mr. Casale stated that people come in and out of the store with dogs all day, and when the little dogs see big dogs, they bark at each other, and it usually is the dog coming in that does most of the barking. Mr. Casale said he was fine with the condition. Assistant Town Manager Bentley stated that the condition applied to the dogs located on site. Commissioner Vincent wanted to avoid having Code Enforcement called every time a visiting dog barked, and the owner get hit with a violation when it wasn't even the applicant's dog. Commissioner Vincent said if the applicant accepted the condition, he would be ok with it. Mr. Casale said he accepted it and pointed out that everything would be on tape.

The next item of concern was the weight limit; dogs would be no more than 10 lbs. Mayor Minnet suggested the dog's weight be within 10%. Mr. Casale said that sometimes, on a special order, such as a Husky or a German Shepard, the dog may come in at 15 lbs.

Assistant Town Manager Bentley explained that there was no concern from the Planning and Zoning Board providing exception to the rule.

Mayor Minnet asked whether keeping the weight limit at 12 lbs was acceptable. Mr. Casale and Commissioner Vincent accepted.

Mayor Minnet opened the meeting to public comments.  
Attorney Abbott swore in Bob Fleishman.

Mr. Fleishman asked the Commission to pass the conditional use permit for the applicant.

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

Commissioner Vincent made a motion to approve the Conditional Use Application for Diamonds and Doggies as amended that the weight of the dogs would not exceed 12 pounds. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

Mayor Minnet recessed the meeting at 8:45 p.m. and reconvened at 9:00 p.m.

## **15. COMMISSIONER COMMENTS**

Commissioner Clotey offered her condolences to the family of George Crossman and to Town Clerk June White for the loss of her mother. She encouraged everyone to attend the 4th of July ceremonies and watch the fireworks.

Commissioner Vincent also offered his condolences to Town Clerk White and her family for the passing of her Mother, and to the family and friends of George Crossman who passed away earlier in the month. He thanked Town staff for all the hard work they have done in the past months, as the Commission had placed a lot on their plate. Commissioner Vincent said there were many positive changes recently such as new pay stations, new seats at El Prado Park. He added that the A1A and Artificial Reef projects were soon to start and will have a positive effect on the Town.

Mayor Minnet thanked everyone for their public comments. She reminded everyone that the beach cleanup was Saturday, July 2, 2011 and again on July 5, 2011, to help clean up after the July 4th celebrations, and encouraged everyone to participate in the cleanup for half an hour beginning at the Pavilion at 9:00 a.m. Mayor Minnet thanked Vice Mayor Dodd for putting together the 4th of July celebration this year and hoped the weather would be better than it was in the past. She encouraged everyone to come out for the parade at 10:00 a.m. Mayor Minnet stated that it was budget time and the Commission needed to hear from the people as to which Capital Improvement Projects should go forward (sewage, drainage, beautification), and in what direction they wanted the Town to go within 5 years from now. Mayor Minnet extended her condolences to George Crossman's family. She said he was an asset to this community.

Vice Mayor Dodd thanked Aruba Beach Cafe and the Village Grille for their generous donation to the 4th of July celebration. He said there would be two water slides, one on the beach and one in El Prado park for the children, between noon and 4:00 p.m. and many events for the people to enjoy. Vice Mayor Dodd said he was pushing for drainage improvement for the downtown area and for one residential block to have drainage improvement, sewer removal improvement, swale restoration and street lighting. He believed that would have a greater impact than choosing to landscape one or two portals from A1A to the portal entrance.

## **16. OLD BUSINESS**

### **a. Terra Mar Entryway Improvement Project (Municipal Services Director Don Price)**

Municipal Services Director Prince said that with the help of the Civic Association a design for the entryway was developed. He said he received three quotes, and would receive good pricing for the electrical work by using the Town's electrical contractor. Municipal Services Director Prince said the Town's cost would not exceed \$30,000.

Mayor Minnet inquired as to who would maintain the lights and the gates. She also questioned the liability issue. Municipal Services Director Prince said a contract would come before the Commission which would address those concerns.

Commissioner Vincent asked who would be pulling the permits on this project. Municipal Services Director Prince stated that the Town would pull the permit and the sub-contractors pull permits under the Town's master permit.

Commissioner Clotey made a motion to approve with the Town's cost not to exceed \$30,000. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

## **17. NEW BUSINESS**

### **a. Determination of the Town's Voting Delegate to the Florida League of Cities' 85th Annual Conference (Town Clerk June White)**

Mayor Minnet said she would be attending the Florida League of Cities 85th Annual Conference.

Commissioner Clotey made a motion to nominate Mayor Minnet as the Voting Delegate to the Florida League of Cities' 85th Annual Conference. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

### **b. The Port Royale Development in Fort Lauderdale (Assistant Town Manager Bud Bentley)**

Assistant Town Manager Bentley stated that the City of Fort Lauderdale Planning and Zoning Commission voted 9-0 in favor of this project. He added that the project was pending a 30 day call-up, which would provide for a public hearing, ending July 15, 2011. Assistant Town Manager Bentley said that a Fort Lauderdale Commissioner would have to make the request for a call-up at their July 13, 2011 Commission meeting.

Commissioner Vincent asked whether the project would go forward if a Commissioner did not request a call-up. Assistant Town Manager Bentley said the project was approved only at the Planning and Zoning level. He added that staff would recommend that Cecilia Ward represent the Town should there be a call-up.

Mayor Minnet explained that this Commission needed to decide whether they wanted to get involved; whether they believed that this project would impact the Town of Lauderdale-By-the-Sea. She asked whether the Commission would want to call the City of Fort Lauderdale Commissioners as their process was different from the Town of Lauderdale-By-The-Sea.

Commissioner Clotey believed the Commission should get involved to help the residents in that area that would be affected. She added that it could happen in other parts the community in the future.

Vice Mayor Dodd was not in favor of spending taxpayer money to hire a consultant to find a loop hole in Fort Lauderdale's code that would restrict development of a property on the west side of the intra-coastal waterway. He explained that the project was quite a distance on the other side of the waterway, and he did not believe complaints regarding a view would be a legal argument. Vice Mayor Dodd stated that the Commission could not legally spend tax payer's money to obtain beach access.

Attorney Abbott stated that the expenditure would require that it benefited the residents. He added that it was probably unlikely that someone could file suit against a development for an obstructed view; however, a legal defense could occur if the development project did not meet the standards proposed in the development regulations.

Mayor Minnet did not believe taxpayer money should be spent on this issue, but did believe the Commission could call and express their opinions to the City of Fort Lauderdale Commissioners, and request they look at the project in more detail. She believed that the real issue was the impact on the intra-coastal waterway that would affect every part of the Town of Lauderdale-By-The-Sea along the waterway and the local marines, as far a health and public safety.

Attorney Abbott stated that the Commission was allowed to determine whether the expenditure would serve public good, and if so, it would go a long way. He added that it was not unheard of for one government to challenge a development project in another city.

Commissioner Vincent asked that if the Commission determined that the project would impact the intra-coastal waterway and in effect, the Town, would that be an example that the Town could pursue. Attorney Abbott stated that could be a defensible position for the expenditure of public funds. Commissioner Vincent noted that any construction on waterways had strict health and safety rules that the developers had to follow, which contained hefty fines.

Commissioner Clotley agreed to call the City of Fort Lauderdale Commissioners to try to get them to place the project on a Commission meeting for public hearing. She believed that by hiring someone to investigate, that person would be more aggressive and would find something quicker.

Mayor Minnet believed the actual impact was on the intra-coastal and the added boating activity, along with monitoring the waterway from a policing standpoint, and not on the debris.

Commissioner Clotley made a motion to approve. Commissioner Vincent asked whether this would tie the hands of the Commission, as it was written that Cecilia Ward would be hired to represent the Town if there was a call-up. Attorney Abbott said that it depended on the motion that was made.

Mayor Minnet requested clarification on the motion that up to \$1,500 would be used to hire Cecilia Ward only if the project was called up for review by the City of Fort Lauderdale Commission. Commissioner Clotley agreed that was her motion. The motion failed for lack of a second.

Commissioner Clotley made a motion to have the Town Manager draft a letter, which would be signed by the Town Commission, urging the City of Fort Lauderdale to

reconsider the Port Royale Project and outline the impacts the project would have on the Town of Lauderdale-By-The-Sea. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

c. Telephone System Replacement (Assistant Municipal Services Director Pat Himelberger)

Pat Himelberger stated that she was assigned the task of looking into an updated telephone system that had voice mail capabilities, and allowed direct calls to Town staff. She added that she received bids from several companies and the lowest bidder was the Town's current vendor, Avaya, also a state vendor. Ms. Himelberger stated that staying with the current vendor would allow the Town to keep the same phone lines.

Vice Mayor Dodd made a motion to approve the purchase of the telephone system from Forme Technology, utilizing the Avaya state contract in the amount of \$31,225.00. Commissioner Clotey seconded the motion. The motion carried 4 - 0.

d. Selection of the firms determined qualified to provide Continuing Professional Services for Municipal Construction, Repair & Maintenance Projects (Assistant Municipal Services Director Pat Himelberger)

Town Manager Hoffmann requested that the Commission approve all qualified firms except for Erdman Anthony as staff was still conducting reference checks.

Commissioner Vincent made a motion to all qualified firms except Erdman Anthony. Vice Mayor Dodd seconded the motion. The motion carried 4 - 0.

e. Ocean Rescue Vehicle Replacement (Fire Chief Steve Paine)

Chief Paine stated that the current vehicle was often in for repair due to deterioration and rust caused by the salty air. He explained the importance of the vehicle to beach rescue, to provide first aid and community service.

Vice Mayor Dodd asked whether the funds from the sale of the current vehicle be returned to the fire fund. Town Manager Hoffmann stated that if the vehicle was purchased with fire funds, the funds would go into the fire vehicle replacement fund, but if it was purchased out of the general fund, the money would go there.

Vice Mayor Dodd made a motion to approve the purchase of one unit at a cost of \$14,421.97 during the current fiscal year. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

f. Discussion regarding dates for Congressman West (Mayor Minnet)

This item was added earlier in the evening.

Vice Mayor Dodd stated that Congressman West requested to walk in the 4th of July parade.

Mayor Minnet stated that Congressman West requested one of the following dates: September 28th, October 17th, October 18th and October 20th.

There was Commission consensus to schedule the meeting for October 18, 2011, pending Commissioner Sasser's availability.

**18. ADJOURNMENT**

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:00 p.m.

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**



Mayor Roseann Minnet

ATTEST:

  
Town Clerk, June White

8-24-11  
Date

