TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, July 12, 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 Stuart Mayor Dodd, Commissioner Birute Ann Clottey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or deferrals.

5. PRESENTATIONS

a. Proclamation proclaiming July 18, 2011 as Sara "Buby" Meyer Day (Mayor Roseann Minnet)

Mayor Minnet presented the proclamation.

b. Proclamation proclaiming July 25, 2011 as Joseph Barbara Day (Mayor Roseann Minnet)

Mayor Minnet presented the proclamation.

c. Presentation of Home Town Hero Award by the President of the Lauderdale-By-The-Sea Property Owners Association (Dennis Ritchie)

Dennis Ritchie presented the Home Town Hero award to Louis Marchelos and presented certificates of appreciation to Marie Chiarello, Ken Brennar, Wayne Dillistin and Jim Silverstone.

6. PUBLIC COMMENTS

Ben Freeny said many people worked hard to get this Commission elected and everyone was satisfied with the way things were going for the Town and looked forward to more progress. He believed that most citizen reactions to the University of Miami presentations were that nothing would get done and the presentation would end up on a shelf. Mr. Freeny said this was where leadership came into play. He asked the Commission to think about the actions of the past and try to move forward. Mr. Freeny said you cannot always lower or keep the same millage rate.

Edmund Malkoon was happy with the decision to go back to two regular Commission meetings per month due to the workload. He suggested the Commission look at the Commission procedures resolution again regarding length of time for each Commissioner to speak. Mr. Malkoon believed that each Commissioner should come to the meeting ready to vote. He asked whether phase 1 of the pavilion drainage project in the CIP (Capital Improvement Plan) would be in addition to the 2nd phase. Mr. Malkoon inquired as to whether the drainage projects included swale restoration projects suggested by Chen & Associates, or replaced the swale restoration project.

7. PUBLIC SAFETY DISCUSSION

Chief Llerena said that Tuesday, August 2, 2011 was BSO's 28th Annual National Night out Against Crime event. He requested permission to utilize El Prado Park from 6:00 p.m. to 9:00 p.m. Town Manager Hoffmann added that Chief Llerena would like the Town to co-sponsor the event.

Vice Mayor Dodd made a motion to approve BSO's 28th Annual National Night out Against Crime, co-sponsored by the Town. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

Commissioner Clottey requested additional information on the drowning that occurred on July 4th. Chief Llerena described the incident. He said the investigation was ongoing.

8. TOWN MANAGER REPORT

There were no questions for the Town Manager.

9. TOWN ATTORNEY REPORT

Attorney Trevarthen requested Commission advice as to when to schedule a shade session in the litigation of Palm Club vs. Lauderdale-By-The-Sea.

The consensus of the Commission was to schedule the meeting for July 26, 2011 at 4:30 p.m.

10. APPROVAL OF MINUTES

There were no minutes on the agenda for approval.

11. CONSENT AGENDA

a. Use of Jarvis Hall for the Property Owners Association of Lauderdale-By-The-Sea, Inc. (Municipal Services Director Don Prince)

Commissioner Sasser believed the Town was to pick up the liability for the scheduled POA (Property Owners Association) meeting, provided there would be no alcohol served. He said that sometimes the POA served wine and cheese and wanted to be certain that the applicant was notified of that rule prior to their meeting. Municipal Services Director Prince said there was no mention of alcohol on the application. Commissioner Sasser asked whether the applicant would have to sign the liability if they served alcohol. Municipal Services Director Prince said he would contact the POA and advise them.

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

b. Lauderdale-By-The-Sea Garden Club Jarvis Hall Use in FY 2012 (Municipal Services Director Don Prince)

Vice Mayor Dodd asked whether this would conflict with the Municipal Election. Mayor Minnet said that the Commission chose to move the March Elections to coincide with the Presidential Elections in January. She asked that the Garden Club be notified that the Presidential Primary Elections and the Municipal Elections were to be held on January 31, 2012.

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

c. Planning Priority #2 - Planning Research for Code Modifications to Support the Hotel Industry (Town Manager Connie Hoffmann)

Commissioner Sasser made a motion to approve retaining the services of JC Consulting to assist with this project. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

d. Parking Budget Amendment (Finance Director Tony Bryan)

Commissioner Clottey said that this was just a bookkeeping entry but people at home thought that the Commission was being asked to approve an additional $55,000 in the budget for parking. She asked that a footnote be added in the financial records without having to ask for that allocation. Commissioner Clottey did not agree that it would make that much difference on a bookkeeping entry. She did not want people thinking the Commission was approving an additional $55,000; she preferred the expenditures be monitored another way.

Vice Mayor Dodd stated that the agenda item showed the net result was the same. He believed it was correct to record the Duncan costs for all to see, rather than net it out of the revenues. Vice Mayor Dodd believed it made it clearer as to how the money was divided.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 4 - 1. Commissioner Clottey voted no.

12. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

13. RESOLUTION - PUBLIC COMMENTS

a. Resolution 2011-19: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A FEE FOR CONDITIONAL USE PERMITS; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-19 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.

Mayor Minnet explained that the new levels were added for clarity.

Commissioner Sasser questioned whether anyone applied for a permit before the deadline. Town Manager said yes. Vice Mayor Dodd explained that he was not happy with the pricing breakdown and he felt that the costs were padded. He believed the applicant should pay the realistic costs and request clarification from staff. Assistant

Town Manager Bentley explained that staff took a cost average to process a conditional use permit. He noted that there was a cost associated with everything that staff did. Town Attorney Trevarthen explained that, in the example cited, attorney charges were listed twice because changes occurred during the process that required additional review. She said that if additional review was not necessary, the applicant was not charged for that service.

Mayor Minnet questioned who determined the different levels of the approval process. Town Manager Hoffmann stated that criteria to determine which level were adopted a few months ago by the Commission. Commissioner Vincent questioned the number of conditional use applications the Town could expect to receive. Assistant Town Manager Bentley said that other than the three most recent applications received, none were submitted to the Town within the past three years, but that we could expect more as the amendments to the business uses permitted in Town called for conditional use permits for quite a few types of businesses.

Commissioner Vincent made a motion to adopt Resolution 2011-19. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

b. Resolution 2011-20: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CARNAHAN PROCTOR AND CROSS, INC. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR HARDSCAPE AND LANDSCAPE ENHANCEMENTS ALONG A1A IN THE AMOUNT OF $77,669.36; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-20 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.

Mayor Minnet asked for an explanation of why the cost for a project manager increased to 15.8% of the construction bid for CEI (Construction, Engineer, Inspection) Professional Services, when staff thought it would be approximately 12%-15% of the construction bid amount. Assistant Town Manager Bentley explained that FDOT had advised the Town the average amount for a project engineer was 12.1% of the engineers construction cost estimate. He said the construction bid had come in considerably under the engineer's estimate, but there was still a lot of paperwork that needed to be submitted by Carnahan Proctor and Cross and they still had to be on site every single day during construction.

Commissioner Sasser inquired as to whether this project was still under budget. Assistant Town Manager Bentley said it was. Commissioner Sasser asked for

an explanation of the costs that could be incurred if the project went beyond 150 days. Assistant Town Manager Bentley explained that the project manager's time on the job was dependent on the construction company, and should the project go beyond 150 days, there would be liquidated damages of $500 a day charged to the construction contractor and paid to the Town. He added that the project manager would be paid for additional time through the collection of those liquidated damages. Commissioner Sasser said that as long as the Town was not upside down or losing money, he was satisfied. Assistant Town Manager Bentley stated that additional payment to the Project Manager would not amount to more than $500 a day.

Mayor Minnet asked whether staff could include in the contract that if the project ran over that it could not exceed $500 a day. Assistant Town Manager Bentley explained that there could be realistic delays, such as weather, that would not justify liquidated damages, so it was not a guarantee.

Commissioner Clottey made a motion to adopt Resolution 2011-20. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. COMMISSIONER COMMENTS

Commissioner Vincent passed on Commissioner Comments.

Vice Mayor Dodd thanked everyone who volunteered for 4th of July celebration including Town staff, the local business owners, and everyone who made financial contributions. Vice Mayor Dodd sent his condolences to the family of the child who died on beach.

Commissioner Sasser thanked everyone involved in the 4th of July event. He said the event went very well including the fireworks Commissioner Sasser sent his condolences to child's family.

Commissioner Clottey also sent her condolences to the child's family. She congratulated Louis Marchelos as the POA's Hometown Hero. Commissioner Clottey said that the Broward MPO (Metropolitan Planning Organization) discussed many issues during their meetings that did not directly impact the Town, but did impact the residents and users of public transportation and the roads and highways throughout Broward County. She said she was notified that, because construction dollars were going further, the long-planned project for traffic calming and beautification of A1A at the Galt Ocean Mile area would begin next summer. She explained that the project would change the 4 lane road along A1A from Oakland Park Boulevard to Lauderdale-By-The-Sea's border, into a 6 lane road with a median and sidewalks. Commissioner Clottey believed the Commission needed to give more consideration to the southern part of A1A, to include more beautification and landscaping at the south entrance to Town and also at the Commercial Boulevard entryway at the bridge.

Mayor Minnet thanked Vice Mayor Dodd and his wife, Penny for the 4th of July event. She sent her condolences to the family whose child had drowned. Mayor Minnet said that beach cleanup was the first Saturday in August and Congressman West would attend. She invited everyone to participate. Mayor Minnet reminded everyone of the upcoming Prescription Drug program kickoff. She encouraged the other Commissioners to join the committees of the FLOC (Florida League of Cities). Mayor Minnet asked the residents to get involved with budget discussions and if they had any questions to contact the Commissioners or the Town Manager.

16. OLD BUSINESS

a. Downtown Core Drainage (DTCD) (Phase 1) (Municipal Services Director Don Prince)

Municipal Services Director Prince advised that he had reviewed the drainage design developed by Holland for the Pavilion area with Chen Moore and Associates and they agreed it was consistent with the stormwater master plan. He had updated the permit and hoped to get this done before the tourist season began.

Mayor Minnet asked whether the drainage design would hold up under the Town's current infrastructure program. Municipal Services Director said that once the drainage was in it would stay there and would be tied into the remaining drainage projects.

Commissioner Sasser asked whether this could be delayed until after Labor Day. Municipal Services Director Prince said he spoke to the businesses on that block and all but one preferred to get it done now. Commissioner Sasser asked how the traffic flow would be affected. Municipal Services Director Prince said he would try to keep as much of the road open as possible, and would attempt to begin work as early as 3:00 a.m. He advised that there would be some street closures.

Commissioner Vincent asked when the permit expired on this project. Municipal Services Director Prince explained that the FDEP (Florida Department of Environmental Protection) permit was good for 5 years, and the other was good for 1 year, but had renewed that one, and therefore, they had 1 year to move forward with the project.

Vice Mayor Dodd made a motion to approve items 1 and 2 as recommended by staff:

1) Authorize the Town Manager to execute the construction contract and any documents necessary for the completion of the Downtown Core Drainage Project (Phase 1) including change orders that do not, in the aggregate, exceed 20% of the contract price.

2) Waive the purchasing policy to allow the Town Manager to piggyback the Fort Lauderdale contract (11713) with GPE Engineering Contractors, with modifications. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

Town Manager Hoffmann asked when they could begin the project. The Commission authorized the project to begin as soon as possible.

b. Budget: Draft 5 year Capital Improvement Plan (CIP) (Town Manager Connie Hoffmann)

Town Manager Hoffmann reviewed the plan and explained that over a five year period, $4.1 million would be allocated from the Capital Fund balance for a variety of projects and the balance of the $1 million allocation from the Oriana Developers would also be expended for El Mar Drive improvements. She said that $1.5 million would be used from the Capital Assets Reserve over a five year period for the CIP, leaving some of those funds to replace Town vehicles, street lighting and other Town assets. Town Manager Hoffmann explained that $2.5 million would be used from General Fund Balance to fund the remaining projects.

Town Manager Hoffmann pointed out that the Town historically transferred money from the General Fund to the Capital Fund to help pay for projects. She explained that the amount transferred was reduced last year from $1.5 million to $1.1 million and another reduction (to $875,000) was proposed for next year due to the need to free up funds in the General Fund to cover the increase in the BSO contract. Town Manager Hoffmann added that the Parking Fund would pay for some of the projects in the five year CIP. She explained that there would also be a transfer from the Sewer Fund to the General Fund; however the Commission would not know which projects were needed until the sewer analysis report was done.

Town Manager Hoffmann said that a project manager was needed to oversee a CIP of this size and that position was proposed in the CIP budget as of the beginning of the fiscal year. She added that position would no longer be needed once the projects were complete.

In response to a question posed during Public Comments, Town Manager Hoffmann explained that the CIP did not provide funds for swale restorations. She said that the projects in the plan were for drainage systems.

Town Manager Hoffmann pointed out that when a specific street was shown in the plan for streetscape or drainage improvements, the project did not consist of the entire street; only a portion due to lack of funding. She requested direction from the Commission whether to include streetscape improvements to the drainage project proposed for Bougainvilla Drive.

Town Manager Hoffmann recommended the Commission include streetscape projects on Commercial Boulevard from West Tradewinds Avenue to Seagrape Drive, on South A1A (including an entryway feature) from Palm Avenue to Datura Avenue, on two portal streets, and for North A1A later in the five year plan. Town Manager Hoffmann suggested the Town apply for an FDOT grant to complete the work on North A1A and she advised the Commission that grant funds from FDOT had to be applied for years

before they were actually available. She suggested the Commission also include a streetscape project on Commercial Boulevard from Seagrape Drive to A1A later in the five year plan. Town Manager Hoffmann reviewed the proposal for combined streetscape and drainage projects on one half of El Mar Drive and on Commercial Boulevard from A1A to the Pavilion. She advised that there was not enough funding to complete both the north and south sides of El Mar Drive, and a Commission decision on which section they wanted to do first was needed to move forward.

Town Manager Hoffmann explained that there were other projects included in the CIP such as neighborhood improvement projects, parking improvements, traffic calming, reef monitoring, public signage and street resurfacing in the neighborhoods. She requested direction from the Commission on the projects they wanted to do, particularly in the first two years of the plan.

Mayor Minnet questioned the amount of money the Town currently had in the Sewer Fund and the when the Commission could expect to receive the sewer analysis report. Town Manager Hoffmann explained that staff was waiting for the continuing service agreements with the firms ranked via RFP and would then ask the top-ranked firms for the cost to do the report. She said that the firms would then advise the Town when the report would be available. Town Manager Hoffmann noted that, as of September the Sewer Fund had a balance of approximately $1.5 million.

Commissioner Clottey questioned whether there were any other projects planned for south A1A. Town Manager Hoffmann said there was not; however to add the additional block from Datura Avenue to Commercial Boulevard would cost an additional $840,000. Commission Clottey believed that it was beneficial to the Town to aesthetically upgrade that area. She suggested postponing any work to Pelican Square for one year to complete a project on A1A all the way from Palm Avenue to Commercial Boulevard.

Commissioner Vincent explained that he was concerned about only completing portions of a street rather than the entire street. He agreed with Commissioner Clottey that South A1A needed work. Commissioner Vincent recommended including South El Mar Drive and Commercial Boulevard, from West Tradewinds Avenue to the ocean into the plan. He explained that FDOT was currently working on North A1A and suggested that the Town begin working from South A1A and work towards the north. Commissioner Vincent recommended postponing the North El Mar Drive project until FY 2015/2016 in order to pay off the Town parking debt. He added that he also wanted to add bathrooms to El Prado Park which could be done by postponing the money allocated for the Basin Drive drainage project.

Commissioner Sasser thanked the Town Manager for producing a plan that did not call for any additional loans or raising taxes. He agreed with Commissioner Clottey that work was needed to upgrade the southern part of A1A. Commissioner Sasser questioned whether the south El Mar Drive project could be postponed to complete the south A1A and Commercial Boulevard from West Tradewinds Avenue to the ocean

projects. Town Manager Hoffmann said that could be done. She advised the Commission that the projects were scheduled in a way to alleviate traffic problems during construction, therefore working on south A1A and south El Mar Drive simultaneously was going to be difficult. Town Manager Hoffmann explained that because of the funds already available, several of the projects could be front loaded; however, she was concerned with managing several large projects at one time. Commissioner Sasser recognized the Town Manager's concern and reiterated that he preferred to put off the south El Mar project and move forward with the south A1A project followed by the Commercial Boulevard project from West Tradewinds Avenue to the Ocean. He added that, if it was necessary to break the Commercial Boulevard project into two, he would prefer to complete the end west of A1A first.

Vice Mayor Dodd explained that he preferred to complete all of Bougainvilla Drive rather than only a portion of the street. He said that he was also concerned with doing too many projects at one time. Vice Mayor Dodd explained that he agreed with Commissioner Clottey that even if the south El Mar Drive project need to be postponed, the Town would greatly benefit from a project on south A1A (Palm Avenue to Commercial Boulevard).

Mayor Minnet agreed with the Commission to expand the south A1A project to Commercial Boulevard. She advised that residents were beginning to question why the Commission had not yet decided to spend the remainder of the million dollars which was designated to only be used on El Mar Drive, but stated that she had no problem postponing the south El Mar Drive project. Town Manager Hoffmann explained that the Commission wanted to complete both the streetscape improvements and drainage at the same time, so as not to dig up the roads twice. She said that the $900,000 remaining in the funds provided by the Oriana developers was not enough money to even complete half of the drainage on El Mar Drive. Mayor Minnet suggested that the money for the portal projects could be redirected to other projects such as the south A1A project.

Commissioner Vincent explained that the portals at the south end should be included in the south A1A project to make it a complete package. He added that once south A1A was completed, they could work on the El Mar Drive project. Commissioner Vincent believed that this would make all of south A1A a complete package within fiscal year 2013-2014. He wanted to avoid jumping around Town and piece mealing.

Commissioner Clottey said that when the Bougainvlla Drive drainage project was done they should, at the same time, spend money on landscaping that area. Commissioner Clottey believed El Mar Drive should be completed back to back; finish the south end and progress immediately to the north end.

Mayor Minnet was in agreement to move the El Mar Drive projects into the future and expedite the Commercial Boulevard project from West Tradewinds Avenue to the Ocean.

Town Manager Hoffmann asked whether the Commission wished to incorporate the streetscape with the drainage project for Bougainvilla Drive. The consensus of the Commission was to include streetscape and to complete the project as soon as possible. Town Manager Hoffman asked whether the Commission wanted to defer the two blocks east of A1A on Commercial Boulevard until later in plan. The Commission agreed that the west end of Commercial Boulevard was in more need than the east end, but the project could be broken up if needed. Vice Mayor Dodd and Mayor Minnet believed it was more important to complete the east end of Commercial Boulevard. Commissioner Vincent stated they would need to fast track the eastern end of Commercial Boulevard to get the permitting done so the project could be completed in two years. Vice Mayor Dodd said they would need to time it properly to get it done during the slow season for the businesses.

Town Manager Hoffmann requested a decision on the two eastern blocks of Commercial Boulevard. Mayor Minnet suggested designing it the upcoming year and begin construction the following year. Commissioner Sasser stated that east of A1A to the ocean on Commercial Boulevard and A1A south from Commercial Boulevard to Palm Avenue were top priorities. Town Manager Hoffmann inquired of the area along Commercial Boulevard west of A1A to the bridge. Commissioner Sasser said it depended on whether the parking debt was paid off. Mayor Minnet believed the discussion would go off to the wayside if they paid off the parking debt. Town Manager Hoffmann suggested they consider the parking debt item at this time and then come back to the CIP.

Commissioner Clottey believed that if they start the design work for Commercial Boulevard (West Tradewinds Avenue to the ocean), it may take longer to get the permits for the east end of Commercial Boulevard. She added that should not hinder the Town from working on west Commercial Boulevard. Commissioner Clottey said that all of Commercial Boulevard was a priority. She believed that with luck, they may be able to start next year.

Mayor Minnet recessed the meeting at 9:15 p.m. and reconvened at 9:20 p.m.

c. Parking Debt (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated that SunTrust was willing to reduce the prepayment penalty to 80%. She said that Commission direction was needed on the issue before she attempted to negotiate the prepayment penalty down further. Town Manager Hoffmann added that she had reviewed the loan agreement terms and any prepayment of the principal amount would trigger the prepayment penalty and it would be calculated on the amount that was prepaid. She stated that the General Fund would need to loan the Parking Fund the money to pay off the loan. Town Manager Hoffmann said that over a five year period the parking fund could pay back the general fund $885,000, which would result in approximately $500,000 to $580,000 less available from the General fund to finance the CIP than shown in the draft CIP. Town Manager Hoffmann explained further that so far in the current fiscal year, the parking revenues were running ahead of

budget. She believed it was probable that the parking fund could repay the General fund more than the projected amount. Town Manager Hoffmann noted the Town would save approximately $271,000 in interest, minus the $80,000 prepayment penalty, if the parking loan was paid off in full.

Mayor Minnet believed the Commission would need to weigh the pros and cons when considering whether to pay off the parking loan. She added that parking revenues were increasing due to the new parking meter technology and increased parking rates.

Commissioner Sasser asked whether any capital projects would be removed from the CIP plan if the loan was paid off. Town Manager Hoffmann said yes; towards the end of the five years about $500,000 worth of projects would lack funding. Commissioner Sasser believed the Town Manager would find the money necessary to complete those projects.

Vice Mayor Dodd asked whether this was the first time that SunTrust Bank was willing to lower the penalty. Town Manager Hoffmann said it was. Vice Mayor Dodd agreed that the Town still had the option to take out a new loan later, probably at a lower rate. Commissioner Clottey said that originally she was against paying off the parking loan, but now favored the idea. Town Manager Hoffmann said the Capital Improvement Plan was not set in stone and would be looked at every year. She added that if a project fell off now, it could reappear in the future.

Town Manager Hoffmann stated that a discussion would be needed eventually to determine the amount of fund balance the Commission wanted to maintain in the General fund.

Commissioner Vincent stated that he was against paying off the loan originally also, but he was now in favor.

Commissioner Sasser made a motion to direct the Town Manager to negotiate down the Parking Loan prepayment penalty with SunTrust Bank and report back at the next Commission meeting. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

17. NEW BUSINESS

a. Bid Award for Project ITB 11-04-02, SR A1A/North Ocean Drive Enhancement Project to Horizon Contractors, Inc., in the amount of $491,204.00 (Assistant Town Manager Bud Bentley)

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

c. Budget - Non-Profit Donation Requests (Town Manager Connie Hoffmann)

This item was brought forward to be discussed prior to item 17a.

Mayor Minnet stated that the Area on Aging requested an increase due to a change in census population numbers. She added that the amounts requested by Women in Distress, Family Central and Kids Voting Broward stayed the same, as in the current year.

Commissioner Clottey believed that any amount the Town paid over $862 to the Area on Aging would result in the Town subsidizing other communities. She explained that other cities paid only a percentage of what was requested of them. Commission Clottey believed the Area on Aging was asking too much as many residents did not get aid because of the income formula that was set. Ms. Lederberg said the formula used was based on state mandate matching. Commissioner Clottey had a problem calling it a fair share. She believed it was a donation and should be referred to as such. Commissioner Clottey said the other towns that were not paying the amount requested were significantly larger than Lauderdale-By-The-Sea.

Commissioner Vincent stated that 28 out of 31 municipalities paid the amount requested by the Area on Aging.

Commissioner Vincent made a motion to approve all 4 requests in full. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Budget - VFD Budget Request (Town Manager Connie Hoffmann)

Town Manager Hoffmann said the VFD budget request was $754,000 for fiscal year 2011-2012. In addition, the VFD was requesting a new fire engine, which she supported. Town Manager Hoffmann explained that $325,000 would be budgeted for that purchase, a portion of which would come from the fire vehicle reserve.

Commissioner Clottey inquired as to what had changed since last year to make it necessary to purchase a new fire truck at this time. Chief Paine said it was the age of the equipment and the national safety standards. He added that the oldest truck was at least 20 years old and the repair costs kept going up. Vice Mayor Dodd asked whether the VFD was willing to waive their 4% raise. He also asked whether there was a sound financial basis for selling the truck and buying a new one. Chief Paine stated they were prepared to have an independent study done. He added that national standards recommended that a truck that old be replaced. Vice Mayor Dodd said he would rather postpone the allocation of a new truck until the information was received to show that it was time to replace the vehicle.

Commissioner Sasser said that the fire assessment would not go up and asked where the money would go when the fire truck was sold. Town Manager Hoffmann said the money would go back to the Town as the Town purchased the truck originally.

Mayor Minnet questioned why the cost of medical exams almost doubled, and why payroll taxes decreased when the VFD requested an increase in salary. Chief Paine explained that every member was required to have an annual exam; some were more costly due to the age requirement. Treasurer Silverstone said the payroll taxes went down because the Fire Marshall position was included in their budget last year and was now a contractual position.

Commissioner Clottey asked what it would take to get beach rescue out there on patrol every day during summer. Chief Paine explained that a mandate had been issued to have the Ocean Rescue Squad out there every day throughout the summer.

Mayor Minnet stated that she had concerns regarding the 4% salary increase. She asked that Chief Paine take that back before the VFD to see what they could do. She believed there was agreement among the Commission to go forward with the purchase of the fire truck, after seeing the hard facts regarding financial necessity. Town Manager Hoffmann said if the Commission wanted to see the 4% increase in salary lowered, they would have to re-negotiate. Town Manager Hoffmann said she would work with VFD to bring back the analysis as to why a new truck was necessary.

Commissioner Vincent made a motion to approve the VFD budget as presented; pending re-negotiations regarding 4% salary increases. The motion failed for lack of second.

Commissioner Sasser made a motion to approve as presented with the 4% salary increase and the purchase of the new truck pending analysis. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

d. Chamber of Commerce Request for funding for FY 2012 (Town Manager Connie Hoffmann)

Mayor Minnet said that the Chamber of Commerce was requesting $38,861 for the Welcome Center. Mr. Novak explained the reason for the $4,000 increase was to cover staff costs to run the Visitor Center.

Vice Mayor Dodd thought that the $10,000 the Chamber of Commerce received from Broward County was supposed to be reimbursed to the Town. Town Manager Hoffmann explained that the agreement with the Chamber of Commerce provided that if they received money from Broward County for the operation of the Visitors Center, the Town's contribution would be reduced by $10,000. Since the County's contribution was for the Visitors Guide, the Town was not entitled to any of the money per the agreement. Mr. Novak said the $38,861 was for payroll for the Welcome Center. He added the Chamber of Commerce was the only organization marketing the Town right now.

Commissioner Vincent made a motion to approve as is. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

e. AT&T U-Verse (Public Information Officer Steve d'Oliveira)

Mayor Minnet recalled a resident asked about having U-Verse broadcast the Town meetings. Public Information Officer d'Oliveria said there were 2 costs involved: $7,000 in equipment, and $7,200 annually for a second T1 line. Mayor Minnet asked whether any other residents had requested this. Public Information Officer d'Oliveria said no.

Vice Mayor Dodd inquired of the cost to broadcast Town meetings to Direct TV and Dish Network users and asked whether the Commission wanted to spend money to benefit a small number of residents. Mayor Minnet suggested they hold off; unless more requests were received the Commission should not move forward at this time.

The consensus of the Commission was not to move forward at this time, and not to include it in the budget for fiscal year 2011-2012.

f. No Smoking at Pavilion and Portals (Vice Mayor Stuart Dodd)

Vice Mayor Dodd did not believe smoking should be allowed in covered public areas. He suggested providing areas away from the pavilion.

Vice Mayor Dodd made a motion to ban smoking in covered public areas. The motion failed for lack of a second.

Commissioner Vincent requested a legal opinion. Attorney Trevarthen said she could investigate and prepare an ordinance to that effect should the Commission decide to pursue it. She added that bus shelters may not be within the Town's control.

Commissioner Clottey was concerned as to who would enforce it. Town Manager Hoffman concurred. Commissioner Sasser was also concerned with enforcement. Vice Mayor Dodd said it did not need to be enforced by the police and could be taken care of by the ordinance and signage and self-policing. Town Manager Hoffmann suggested placing no smoking signs and hope that would discourage people from smoking.

There was Commission consensus to install no smoking signs.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:45 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk June White, CMC

8-24-11
Date