8b

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

ROUNDTABLE MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, January 11, 2011
8:25 P.M.

DRAFT

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 8:25 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Manager Connie Hoffmann, Town Attorney Susan Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

Mayor Minnet added "Town Hall Meeting" as item 2j and "Alley-Oop" as item 2k. She said that Alley-Oop was a new business in Town wanted to make people aware of their grand opening on Friday, January 14, 2011 at 11:00 a.m.

2. DISCUSSION ITEMS:

a. Wine Bars (Vice Mayor Stuart Dodd)

Vice Mayor Dodd believed wine bars were overlooked when considering business uses. He asked for Commission support to include Wine Bars as allowable use.

Commissioner Clottey asked how a wine bar was classified. Attorney Trevarthen said she would look at it with staff and determine the classification. She added that currently the Town did not allow free standing bars. Mayor Minnet believed it was a good idea but may fall under bar use and should be looked into.

There was Commission consensus to look into wine bars. Mayor Minnet believed that wine bars could be addressed during item 2f, under the code amendments.

b. Possible Route Expansion for Pelican Hopper to stop at Imperial Point Medical Center (Public Information Officer Steve d'Oliveira)

Public Information Officer Steve d'Oliveira said that the request came in from a resident. He said that Broward County Transit did not think it was wise to expand. Public Information Officer d'Oliveira asked whether staff should survey the community. Vice Mayor Dodd said that the tourists believed that the Pelican Hopper was very helpful. He said he favored increasing ridership in any way possible. Vice Mayor Dodd suggested that the bus driver hand out surveys to obtain input from the riders. Commissioner Vincent suggested that perhaps Imperial Point Hospital could assist.

Mayor Minnet was concerned that if a bus stop was added it may result in the elimination of one. She did not want that to happen. Mayor Minnet inquired as to whether there was a cost to add a bus stop. Town Manager Hoffmann said there was no additional cost. She explained that Broward County Transit was concerned with the amount of time needed for the route.

There was Commission consensus to gauge Town interest and contact Imperial Point Hospital for suggestions.

c. 2010 New Year's Eve Event: After Action Report (Development Services Director Jeff Bowman)

Assistant Town Manager Bentley stated that unanticipated events affected some of the business due to the crowd. He said staff spoke with the business owners, who also spoke among themselves and recommended solutions for future events. Chief Llerena said that the event was a success as there were no arrests or injuries. He believed there was a lack of communication between staff, the business owners and BSO regarding a plan. Chief Llerena explained that there were three (3) times the amount of people than were estimated at the New Year's Eve event and BSO had to bring in extra deputies to assist.

Chief Llerena said that BSO had a plan in place for Christmas by the Sea. He explained that such a plan was not relayed to the business owners for the New Year's Eve event, such as an emergency road closure, which he recommended for next year's New Year's Eve event. Mayor Minnet asked if there had been emergency road closure last New Year's Eve. Chief Llerena said no and pointed out that this New Year's Eve fell on a Friday, and next year will fall on a Saturday. He said BSO will have a plan in place for next year.

Mayor Minnet asked that the possibility of an emergency road closure be included in next year's event application. Vice Mayor Dodd believed that the businesses could work together and arrive at a solution for next year and he hoped that the alley would be open as another access to the pier parking lot, and the possibility of having valet parking on El Mar Drive. Commissioner Clottey believed the event had a great turn out. She thanked the business owners for their support of the Pelican Hopper and hoped to have it available for next year's event.

Commissioner Sasser wanted to ensure where people were to set up, how many people would actually have an event and take all things into consideration to make sure this did not happen again and to avoid road closure.

Assistant Town Manager Bentley said that staff would coordinate with the businesses and have one event plan, exercise that plan, and have a Town representative there to address any issues that may arise.

Mayor Minnet stated that would all be part of the application process.

d. 4th of July Fireworks Show - Bidding Alternatives (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley believed the Town would save money by bidding the fireworks contract for multiple years rather than annually. He added that they could safeguard the Town with contract provisions. Commissioner Clottey said she wanted to see a back-out clause in place when the negotiations occurred. Mayor Minnet agreed.

Commissioner Vincent asked whether there would be a back-out clause in case the pier could not do it. Town Manager Hoffmann said staff would address the possible scenarios and have provisions in place.

Mayor Minnet suggested that the Commission present their concerns to the Town Manager so that they could be addressed when preparing the contract. Commissioner Sasser also wanted a back-out provision regarding the quality of the fireworks. Mayor Minnet pointed out that the fireworks were on the pier but the pier did not actually do the fireworks. Town Manager Hoffmann explained that staff's intent was to obtain multi-year contracts with both the pier and the fireworks company, but under separate contracts.

There was Commission consensus to move forward.

e. Coral Reef Agreement (Town Manager Connie Hoffmann)

Vice Mayor Dodd suggested the Town move forward to get the project up and running as soon as possible.

There was Commission consensus to move forward with agreement.

f. Proposed Amendments to the Land Development Code regarding Conditional Uses, Development Review Procedures, Generator Regulations, Notice of Intent (NOI) Process, Regulations of Walls and Fences, and Architectural Standards and Review Criteria (Director of Development Services Jeff Bowman)

Community Development Director Bowman explained that staff requested Commission approval to prepare a resolution authorizing the issuance of a NOI (Notice of Intent) for the January 25, 2011 Commission meeting. He added a public hearing would occur in February 2011 for the above mentioned items. Director Bowman said language would be drafted for procedures having to deal with conditional uses and generators. He said staff would also look at the NOI process that was discussed at a previous Commission meeting. Director Bowman said fences and walls that were discussed at a previous Commission meeting would also be addressed and was scheduled to go before the Planning and Zoning Board on January 19, 2011.

Vice Mayor Dodd was concerned with the time and work spent on the fence issue. He questioned the number of properties it would affect or whether it was for one property.

Director Bowman said it would not affect single family or duplex properties but would affect multi-family units. Vice Mayor Dodd believed that a decision was made 2 years ago. He requested an investigation that this was not for one individual and wanted a copy of the minutes from that time. He believed the property may be better off going through the variance process.

Commissioner Vincent asked whether the Commission voted that they did not have to have the 25% circulation. Attorney Trevarthen explained that what was before them was not a particular change; it was to obtain authorization to proceed with the NOI.

Commissioner Clottey said that residents were concerned that they would not be able to see the ocean between buildings as they walked along El Mar Drive. She did not want to do anything to change the view such as a 6 foot fence or shrubbery. Attorney Trevarthen pointed out that the Commission could vote against having the fence item as part of the NOI when the resolution came forward.

Commissioner Vincent did not want to prevent the option for privacy. Vice Mayor Dodd agreed but stated that there was a difference between privacy and a fortress.

Commissioner Sasser questioned whether the Commission was to prioritize these issues tonight or whether the Town Attorney had to do the work first. Attorney Trevarthen said there was not much work left to bring the NOI back. She added that the NOI would be worded generally by subject matter. Attorney Trevarthen said that the Commission could give direction as to whether to eliminate or include certain issues in the NOI or wait until the NOI came before them as a resolution. Commissioner Sasser asked whether wine bars could be thrown in for consideration. Attorney Trevarthen said it could be considered as a conditional use but she preferred to analyze it first. She suggested adding a seventh item to the NOI to evaluate wine bars. Commissioner Sasser questioned the location of the storage tanks and whether there were any criteria for them. Director Bowman said there were criteria in place. Commissioner Sasser suggested that when looking at this, they should consider the larger tanks and how they would fit in with the code.

Commissioner Vincent clarified that the El Dorado Club, which consisted of many units prompted the fence issue; not one individual. He explained that it affected many individuals.

There was Commission consensus to move forward with staff recommendations.

g. Broward Leaders Water Academy (Town Manager Connie Hoffmann)

Mayor Minnet said she previously attended the academy and found it very informative regarding Broward County's water needs. Commissioner Clottey agreed to attend the kick-off on January 19, 2011. Town Manager Hoffmann said she would provide the schedule to Commissioner Clottey.

h. Review of the Master Plan Steering Committee's recommended modifications of the 2004 Town Master Plan (Town Manager Connie Hoffmann)

Town Manager Hoffmann corrected the number of lanes on page 2, paragraph 4 as two (2) lanes rather than four (4) lanes and on page 5, under Community Identify #2, corrected "eastern" to "western".

Commissioner Sasser explained that the MPSC tweaked the 2004 Master Plan; the Town was not reinventing the whole master plan.

Commissioner Sasser believed the Commission should discuss whether the multi-purpose lane, used for walking, jogging and bicycling, should be on the outside or the inside lanes along El Mar Drive. He said the MPSC (Master Plan Steering Committee) recommended using the inside two (2) lanes as the multipurpose lane.

Vice Mayor Dodd pointed out that the MPSC's recommendation were the two (2) lanes nearest the median. Commissioner Sasser confirmed. A question was raised regarding a possible problem regarding bicycles on the inside lane. Town Manager Hoffmann said that staff would look at the legality. Vice Mayor Dodd believed that people will walk wherever they want to walk and the same for bicycles. He believed the safest thing was to reduce the speed limit on El Mar Drive. Mayor Minnet concurred.

Commissioner Sasser agreed with the MPSC's statement that they keep the hospitality focused year round by encouraging small scale resorts, hotels and motels, and limiting residential development on El Mar Drive. He asked how realistic that was and how they would accomplish that. Mayor Minnet pointed out that it was addressed on page 9, #9. Commissioner Clottey said she received a lot of complaints regarding some of the hotels in Town and the reports on Trip Advisor were not good for the Town. She thought that perhaps Code Enforcement could get involved.

Town Manager Hoffmann suggested taking out "residential and townhouse" and emphasize that they want to support, maintain and enhance the hospitality industry. She said that once the Commission gave her direction to that effect, she will bring in experts in the hotel industry and in the smaller scale hotel industry to bring recommendations on specific implementation strategies to make it happen. Mayor Minnet hoped it would include a nuisance and abatement ordinance to correct the problem that Commissioner Clottey had mentioned.

Commissioner Sasser questioned the absence of public restrooms. Town Manager Hoffmann said the restrooms were an implementation detail. Commissioner Clottey referred to the gateways and stated that previously FDOT did not allow signs in the median and asked whether staff could try again to get signs in median. Town Manager Hoffmann said they could work on that after we establish the Town's brand. Commissioner Sasser asked whether something should be in the plan referring to a neighborhood grant program. Town Manager Hoffmann said it would be in the implementation plan. Vice Mayor Dodd questioned whether the Town actually owned

the land to do the 5 foot sidewalks at the north beach access entries. Town Manager Hoffmann said that project was already done. She added that there was more that can be done, such as adding benches, a shower, etc. Mayor Minnet believed the people in the north needed to be involved in that as she heard that the condo owners did not want showers or additional seating. Town Manager Hoffmann questioned whether the Commission wanted the north beach access in the master plan. Mayor Minnet still believed that input from the people in the north was needed before a decision was made. Town Manager Hoffmann said that once the Commission reviewed the plan and decided, there would be a series of public input sessions.

Mayor Minnet believed that an interpretive station was important. She said the Town had snorkeling access that people were not aware of and believed something should be put up as to identify where it was located as soon as possible. Commissioner Sasser agreed.

The Commission agreed to discuss the following items in more detail on the January 25, 2011 Commission meeting: El Mar Drive to determine which lanes would be the interior and exterior lanes and to encourage small scale resorts, hotels and motels on El Mar Drive.

Commissioner Clottey asked whether the Commission wanted to extend this to A1A and Bougainvilla Drive. Vice Mayor Dodd believed it should be. He said the survival of the Town was dependent on the hotel/motel industry and favored anything that could prevent residential development on the oceanfront. Mayor Minnet suggested that instead of limiting the hospitality industry to just "El Mar Drive", change it to say "Lauderdale-By-The-Sea".

There was Commission consensus to put this on the January 25, 2011 Commission meeting agenda to determine which lanes would be the interior and exterior lanes on El Mar Drive to determine what can be done to retain the hospitality industry in Lauderdale-By-The-Sea.

i. Sea Ranch Condominium Sewer (Vice Mayor Stuart Dodd)

Vice Mayor Dodd suggested Sea Ranch Condominium pay the City of Pompano Beach directly for their sewers. Commissioner Clottey believed that the Commission previously agreed to that. Town Manager Hoffmann said that this was not discussed particularly. Mayor Minnet believed it should be discussed during the second reading of the ordinance at the January 25, 2011 Commission meeting. Town Manager Hoffmann said she met with some building managers and they expressed their concern with absorbing the increase in one shot. Commissioner Sasser stated that this was not just a rate issue. He explained that when the Sea Ranch Condominium was annexed they specifically asked to be put on the Town's master agreement, which never happened.

Commissioner Sasser pointed out that he and Commissioner Clottey, who live in the north part of Town, paid the City of Pompano Beach directly. He added that Sea Ranch

Commissioner Sasser pointed out that he and Commissioner Clottey, who live in the north part of Town, paid the City of Pompano Beach directly. He added that Sea Ranch Condominium paid the Town, even though they are not part of the Town agreement. Commissioner Sasser believed that a determination regarding where Sea Ranch Condominium belonged was necessary. He suggested that the Town either go to the City of Pompano Beach and ask to have Sea Ranch Condominium placed under the Town's master agreement, which he believed the City of Pompano would not agree to since the sewer infrastructure belonged to the City of Pompano Beach, or just tell Sea Ranch Condominium to pay the City of Pompano Beach directly. Commissioner Sasser believed that Sea Ranch Condominium sewer belonged to the City of Pompano Beach, but at least they would have made an effort.

Commissioner Sasser asked whether it was legal for the Town to collect sewer fees if the Town did not own the infrastructure and the repair and maintenance of the infrastructure was the responsibility of the City of Pompano Beach.

Mayor Minnet stated that Sea Ranch Condominium maintained their lift station. She wondered whether other condominiums maintained their lift stations. Town Manager Hoffmann stated that staff was looking into that.

Town Manager Hoffmann explained that staff had searched everywhere and determined that there was no agreement or declaratory judgment with Sea Ranch Condominiums, but at some point the Town began paying their bills, even though a letter from previous Town Manager Bob Baldwin to the Condo Association did not commit to do that. Commissioner Sasser repeated that it was not just a rate issue; it was an issue as to where Sea Ranch Condominium belonged.

Mayor Minnet believed the questions needed to be answered before a decision was made. Vice Mayor Dodd believed that this Commission had to make a decision to rectify what happened in the past and move forward.

Mayor Minnet believed it could be voted on at the January 25, 2011 Commission meeting as separate item from the sewer rate ordinance.

Attorney Trevarthen said she had not been asked to research this issue. She asked whether the Commission wanted to devote significant time and resources into tracking down information to prove or disapprove that the Town should have done something that they did not, although she did not believe it was wise to proceed. Mayor Minnet believed the Commission needed to move forward on the sewer issue.

There was Commission consensus to move forward.

j. Town Hall Meeting

This item was added at the beginning of the meeting.

Mayor Minnet wanted to invite all the representatives on a State, County and local level to come together for a Town Hall meeting. Vice Mayor Dodd agreed as long as there would not be verbal disagreement.

There was Commission consensus to move forward.

k. Alley Oop

This item was added at the beginning of the meeting.

Commissioner Sasser recalled the Commission discussing the possibility of a community involvement with Alley Oop expressing some of the things they wanted to do on the beach. Town Manager Hoffmann said a workshop was scheduled for January 25, 2011 at 5:00 p.m. regarding recreational uses on the beach such as kite surfing, skim boarding, etc. She added that Alley Oop was invited and that all the different groups would be notified along with condominium and hotel owners.

3. OTHER TOWN BUSINESS:

4. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:00 p.m.

DRAFT

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White Date