

8a

Town of Lauderdale-by-the-Sea

OFFICE OF THE TOWN MANAGER

Memorandum

Date: October 7, 2012

To: Mayor Roseann Minnet
 Vice Mayor Stuart Dodd
 Commissioner Birute Clottey
 Commissioner Scot Sasser
 Commissioner Chris Vincent

From: Connie Hoffmann, Town Manager 

Subject: Town Manager's October Report

Since I will not be present at the second meeting in October, I am providing an abbreviated Town Manager's report at this meeting.

Benihana's Right-of-Way (ROW) License.

At the February 8, 2011 Roundtable meeting, the Commission provided direction regarding a new license agreement with the Benihana Corporation should they want to continue licensing the ROW on West Trade Winds. The Commission consensus was to consider a new license if requested by Benihana and that staff would recommend new terms as appropriate.

We sent a draft license agreement to Howard Nelson, the attorney representing Benihana on February 22, 2011. We followed up several times including notifying Mr. Nelson that the new license fee would double since it would be based on the parking meter rate that took effect on September 14, 2011.

The license terminated on September 13, 2011 without Benihana responding to our proposed license or notifying us that they were removing their improvements from the Town's ROW. When we followed-up with Mr. Nelson, we were informed that he thought they wanted to negotiate a new license agreement. The Assistant Town Manager advised Mr. Nelson that if that was the case, Benihana should immediately show good faith by paying the \$20,987.50 annual payment provided for in the last license agreement with the understanding that the fees in the new license agreement would be retroactive to September 14, 2011.

There is a possible benefit to the area businesses of this delay in executing a new license agreement. The owners of Interior Digs, 285 Commercial Boulevard, have asked if the Town could restore the opening from West Trade Winds to the Town parking lot that services the businesses in their area. Currently a car traveling west on Commercial cannot make a U-turn at West Trade Winds (at the Bridge). The car must go south on West Trade Winds into the residential area or east on Basin Drive and make a U-turn and return to Commercial and then travel about 100 feet before turning into the Town parking lot in front of the businesses.

Traffic Engineer Molly Hughes looked at the area and spoke to owners of two of the businesses in the 200 block of Commercial about the traffic flow issues. Her conclusion was that there may be a viable traffic alternative if we could negotiate a cross access easement with Benihana. It would be reasonable to expect that Benihana would want to be compensated in some way (perhaps with a credit against the license fee increase we will be proposing). Prior to broaching this matter with Benihana, we seek the Commission's concurrence on that approach.

Development Services Department

As you know, Zoning & Code Enforcement Supervisor Jeff Bowman has left to take a position on the west coast of Florida in order to live closer to his daughter and Code Enforcement Officer Kim Williams has submitted her resignation, although she is able to work for the Town part-time in order to help with the transition.

We are looking at several experienced code enforcement professionals, but would also like to consider the possibility of contracting out code enforcement to a private company as a less costly alternative to staffing the function in-house. The obvious concern is whether a private company could be sensitive to our small town sensibilities. The City of Pompano Beach contracted code enforcement to Calvin Giordano Associates (CGA) in February of last year. I spoke with their City Manager who indicated he is very pleased with the way CGA's code enforcement personnel interact with the public. We met with a representative of Calvin Giordano this week who indicated they have almost doubled the code enforcement actions in Pompano in the time they have been there and also reduced Pompano's costs. He indicated they work with neighborhood associations to identify code issues that concern the neighborhood and issue courtesy notices first on non-life safety violations, giving property owners time to correct the issue before issuing violations. Given Jeff's departure and Kim's pending reduction in hours, we need some immediate help, so may hire someone on a temporary basis but, if the Commission does not object, we would also like to either entertain a proposal from Calvin Giordano or piggyback on one of their other contracts.

Flamingo Avenue Drainage Project

On October 3rd, Bud Bentley and Don Prince met with the property manager and the board members of Plaza East to talk about funding of the Flamingo Avenue Drainage Project. Bud explained that their share would be 55% (\$61,441) of the projected cost. The board acknowledged the drainage problem and seemed receptive to the cost sharing proposal and agreed to schedule it for discussion at their Board meeting the following day. Don Prince met with the property manager on October 5th and was advised that the Board would like to see a written agreement with the Town before

committing to the project and wanted something in that agreement committing the Town to maintain the drainage. We have asked the Town Attorney to expedite preparation of an agreement for their review.

North Ocean (A1A) Streetscape Project

Construction of this project has commenced. Helen Gray, who is assisting the Town with project oversight, noted today improper lane closures and ordered the contractor to immediately correct them. (The contracted CEI was off today; fortunately, Helen did a field check and observed the problem.)

Helen's status report on the project is attached.

Coral Reef Project

Dr. Goreau reports that the final adjustments on the installation have been completed and that calcification is already starting to occur on the artificial reef structure. Transplanting corals to the structure and filing the monitoring reports are the next steps his organization will undertake.