10a

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, May 24, 2011
7:00 P.M.

DRAFT

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 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.

Vice Mayor Dodd left the meeting at 10:20 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Rabbi Bentzion Singer

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Dodd asked to move item 11h, Fishermen's Pier to the top of the Consent Agenda. He explained that unless an agreement was reached during this meeting, the Town may not have fireworks for the 4th of July. Vice Mayor Dodd also requested that New Business items 17d and 17g be moved to the top of New Business. Mayor Minnet granted the request and moved New Business items 17d and 17g to immediately follow the Consent Agenda.

Vice Mayor Dodd made a motion to excuse Commissioner Sasser from the Special Meeting on Thursday, June 2, 2011 at 7:00 p.m. Commissioner Vincent seconded the motion. The motion carried 5-0.

Commissioner Sasser requested the addition of an item for discussion on sidewalk cafes to obtain Commission consensus for staff to develop an easy process for businesses to add sidewalk cafes.

Mayor Minnet added Sidewalk Cafes as New Business item 17h, Discussion on Sidewalk Cafes.

Assistant Town Manager Bud Bentley stated that staff requested that Consent items 11f and 11i be pulled from the Consent Agenda for discussion.

5. PRESENTATIONS

a. Presentation of Proclamation proclaiming June 20 - 27, 2011 as Amateur Radio Week (Mayor Roseann Minnet)

Mayor Minnet read the proclamation into record.

b. Presentation on Traffic Issues (Town Manager Connie Hoffmann)

Traffic Consultant Molly Hughes gave a presentation on traffic issues. She discussed: 1) how pedestrian counts at the intersection of A1A and Commercial Boulevard, would be used to better understand the situation; and 2) the changes she asked Broward County and FDOT to consider, regarding how that intersection was controlled and, 3) the request to reduce the speed limit over the Intra Coastal bridge from 35 mph to 30 mph.

Ms. Hughes stated that the pedestrian counts were done in March, during peak season. A vehicular count on a Friday evening between 7:15 and 8:15 showed 915 pedestrians of which 98% of the people crossing the intersection; the vast majority crossed on the north side of Commercial Boulevard due to the availability of parking on the west side. Ms. Hughes stated that the Sunday peak hour was between 4:00 and 5:00 p.m., with results close to 700 pedestrians.

Ms. Hughes said there was excess room in the westbound left turn lane on Commercial Boulevard coming from the beach. She added that the Town had suggested the left turn lane be changed to also allow thru traffic. Broward County first wanted to try another solution so, beginning Thursday, May 26, 2011 at 6:00 p.m. that signal would be removed from the County's control system for three weekends (except for the Memorial Day weekend). She explained that the signal would react based on the number of cars instead of the Broward County traffic control system. Ms. Hughes added that if this did not work, other signal phases would be tried to allow traffic to balance itself out and get through the westbound lane faster.

Ms. Hughes said Municipal Services Director Prince requested that a 30 mph speed limit sign be placed on the Fort Lauderdale side of the Commercial Boulevard bridge, eastbound to slow traffic as it came into Town. She said FDOT was happy to comply, but after they did a speed study, they declined lowering the speed for safety reasons.

Town Manager Hoffmann asked for an explanation of how an "all red" signal phase at the intersection of A1A and Commercial Boulevard would work. Ms. Hughes explained that with the significant number of pedestrians at that intersection, taking the signal off the system as Broward County suggested would likely not help the pedestrian conflicts. She explained that by implementing an "all red" phase, no traffic would move for a period of time, so all pedestrians could cross in any direction at once. She believed this

concept could improve pedestrian safety. Ms. Hughes believed it would work best if it ran during the weekends.

Commissioner Clottey questioned the poles in the middle of the road on the north side of the intersection at A1A and Commercial Boulevard. She said they were unsightly and asked for Ms. Hughes' opinion in relation to the poles. Ms. Hughes believed they were there to keep people from turning over into the parking areas located there. She added that she had not been asked to get involved in that issue, but could see if there was something else that could be done temporarily. Mayor Minnet asked why those poles were put back up. Chief Llerena said he would check with the traffic supervisor and advise at a later date.

Commissioner Vincent inquired of the synchronization of the lights and how people would know when the all red phase was coming. Ms. Hughes said that some type of education would be necessary regarding the signal change.

Vice Mayor Dodd asked, if someone was traveling northbound on A1A and wanted to turn west onto Commercial Boulevard, if the signal was taken off the system would the light then work on demand to give a longer hold to clear backup traffic? Ms. Hughes said that was how it should work. She explained that the loop detectors would be the only indicators to the system controller.

Commissioner Sasser said that when the green arrow came on to allow cars on Commercial Boulevard to turn north on A1A, a sound occurred and when people hear that sound, they automatically start walking, even though the red hand is still up. Ms. Hughes said she would check into that. Commissioner Sasser believed more time was needed to cross, especially for the elderly and the signal at the turn from Commercial Boulevard onto A1A, or eastbound left lane, also needed to be longer.

Mayor Minnet thanked Ms. Hughes for her presentation and looked forward to her return with additional information.

There was no further discussion.

6. PUBLIC COMMENTS

Mark Brown stated that he had replaced Comcast Cable with AT&T U-Verse and discovered that Channel 78, the government access channel for the Town, was not available. He asked whether Town staff would look into making that channel available. Mr. Brown noted that the left turn lane for northbound traffic on A1A onto Commercial Boulevard west often backed up.

Tom Slaton agreed with Vice Mayor Dodd that other cities may have done the undergrounding utilities and believed the Town should look into their experiences. He suggested using more attractive poles, hang the power lines with exact duplicate droops, and put poles on both sides of the streets.

Louis Marchelos stated that the plans for the 4th of July were concealed from him. He said that while negotiating the use of the pier for fireworks and the use of the pier parking lot with Town staff, no one told him that there was going to be a Town sponsored music event. He said that he agreed to help the Town stay within their budget by accepting the original $10,000 offer, even though he would sustain a loss, provided the Town allowed his Saturday night, July 2, 2011 Special Event, and waived the Saturday night parking fees for one (1) year beginning immediately and complete access would be given to the pier parking lot on the 4th of July. He also wanted Vice Mayor Dodd and Code Officer Kim Williams placed under oath for full questioning by an independent counsel.

7. PUBLIC SAFETY DISCUSSION

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

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

Chief Llerena explained that the poles reference earlier were put back up on Commercial Boulevard because people traveling northbound on A1A were making illegal left turns into the Wings alleyway. Mayor Minnet asked whether the poles could have been put back up because people were trying to park in front of the shops. Chief Llerena suspected that may have been another reason.

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

Mayor Minnet asked for the number of firefighters that live in Town and how many did not.

Chief Paine stated that 37 were Town residents and 25 resided outside of Town. Mayor Minnet asked whether those numbers increased or decreased in the past 6 months. Chief Paine said it fluctuated, however the number of firefighters that were Town residents usually stayed at an even level.

Commissioner Vincent said he went on a VFD training session last week and found it to be very informative and professional.

Vice Mayor Dodd inquired as to whether there were special procedures that needed attention regarding hybrid car accidents. Chief Paine stated the VFD was in process of writing their own SOP (Standard Operating Procedure) which would have to get approved by the State and then distributed across the country. He added that the VFD insurance carrier offered training; they had not yet received training, but was looking into training with the City of Coral Springs and the Broward Fire Academy.

Commissioner Clottey asked whether the missing swimmer was a local person and how that person could be missing for so long. Chief Paine explained the couple that was swimming somehow got separated. VFD received a report of a possible drowning.

They sent the Jet Ski out, BSO and the helicopter began a search and the person was located approximately 200 yards east of the buoy without a dive flag; she was not in any distress.

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

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

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

8. TOWN MANAGER REPORT

Town Manager Hoffmann said she started to advertise for a Town Planner position which would be funded by salary for the Development Services Director; Assistant Town Manager Bentley would act as the Development Services Director. She explained that the Town was in need of someone with hands on planning skills and was recruiting both nationally and in Florida. Town Manager Hoffmann said she did make an offer to a Finance Director candidate and was waiting for the results on the medical test. She advised that Acting Finance Director Haag had agreed to stay on for several weeks to allow for a smooth transition.

Mayor Minnet inquired as to the status of the coral reef project. Town Manager Hoffmann said that conversations with Dr. Goreau indicated that the project would be pushed back to the later part of May due to the windy weather. She added that at this time, they were waiting for the contractor who would install the pins that hold the buoy and the structure in place.

Mayor Minnet asked whether staff could take a look at getting channel 78 on AT&T U-Verse. Town Manager Hoffmann stated that Public Information Officer d'Oliveira would contact AT&T about broadcasting the Town meetings.

Town Manager Hoffmann reported that the University of Miami design workshops were interesting to see how plans develop in a concentrated period of time. She said citizens, and property owners participated in the process on Saturday and kept coming back to give their input throughout the week. Town Manager Hoffmann stated that the University of Miami was scheduled to present their renderings on Thursday, May 26, 2011 at 6:00 p.m. She invited the public to attend.

Commissioner Sasser inquired of the job description for a staff planner and how it would fit into the overall strategy. Town Manager Hoffmann said that the role of the planner was to implement the Town's strategic vision from a planning perspective, and coordinate the development review process. She added that the person would also serve as the liaison to the Planning and Zoning Board and the Board of Adjustment. Commissioner Sasser asked if the Town Attorney fees approached an over budget situation yet. Town Manager Hoffmann said they were running over budget. She said

she and the Town Attorney would come back with an analysis at the June roundtable. Commissioner Sasser said he would like advice from the Town Manager and the Town Attorney as to how to structure the agreement. He asked whether the A1A project was on time and inquired as to when it will begin. Town Manager Hoffmann said the construction specs went out to bid and will come before the Commission at the June Regular Commission meeting. Assistant Town Manager Bentley said they looked to complete the construction by the end of December, 2011 with punch items completed in January 2012, but would not have definite answers until the bid was opened. Commissioner Sasser asked whether under building services options, had a 3rd party created the permit schedule yet and was Commissioner Vincent looking it over before it goes out for RFP? Town Manager Hoffmann said she already reviewed a draft fee schedule and they were in the process of making sure it would generate enough revenue to get the job done. She added that Commissioner Vincent would review it. Town Manager Hoffmann planned to bring it to the June Roundtable for discussion. Commissioner Sasser asked that an emphasis be put on timeliness in the RFP for building services.

Commissioner Clottey wanted to see a breakdown of legal fees for all major projects the Town had. Town Manager Hoffmann said the Town Attorney was already working on such a breakdown.

Commissioner Vincent asked whether peak season delays were factored in the timetable for the A1A project. Assistant Town Manager Bentley believed they were.

9. TOWN ATTORNEY REPORT

Mayor Minnet asked whether there was something in the Town Charter, Town Code, or a Town Resolution that required Town Attorney review. She also inquired of the Community Planning Act.

Attorney Trevarthen said there were provisions within the code that require the Town Attorney to draft and sign off on all agreements of the Town. Attorney Trevarthen stated that she and the Town Manager had discussed bringing this requirement before to the Commission to discuss whether they wanted to change it. She added that template forms were being created which would help diminish repeated review.

Attorney Trevarthen explained that the Community Planning Act would make big changes in the growth management system. She said that previously, the Commission expressed their concern with state mandates and added that, with this legislation, there would be fewer state mandates to be dealt with, such as school concurrency; it would no longer be a mandate should this legislation be signed into law. Attorney Trevarthen stated that cities within Broward County would experience less change as it was the Broward County Land Use Plan. She said the Department of Community Affairs would become a Division of a new department of Economic Opportunity.

Attorney Trevarthen reminded everyone of the essay contest and encouraged high school seniors of Lauderdale-By-The-Sea to submit their essays.

10. APPROVAL OF MINUTES

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

a. April 12, 2011 Roundtable Meeting Minutes

b. April 25, 2011 Roundtable Meeting Minutes

c. April 27, 2011 Special Meeting Minutes

d. April 27, 2011 Regular Commission Meeting

e. May 10, 2011 Roundtable Meeting Minutes

11. CONSENT AGENDA

Mayor Minnet removed items 11b thru 11k from the Consent Agenda for discussion. Items 11F thru 11i were taken out of order to be discussed first.

Vice Mayor Dodd made a motion to approve item 11a on consent. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

a. Interlocal Agreement Between Broward County and Lauderdale-By-The-Sea for Division and Distribution of Proceeds of the Local Option Gas Tax (Acting Finance Director Doug Haag)

This item was approved on consent.

1) Fifth Cent Additional Local Option Gas Tax on Motor Fuel Transit

2) Sixth Cent Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance

3) Local Option Gas Tax on Motor Fuel Ordinance

b. Acceptance from Broward County of a small parcel of roadway at 1760 Bel Air Way (Municipal Services Director Don Prince)

This item was pulled from the consent agenda for discussion.

Municipal Services Director Prince noted that Bel-Air Way should be Bel-Air Avenue.

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

c. Award of Tree Trimming Contract (Municipal Services Director Don Prince)

This item was pulled from the consent agenda for discussion, but there were no questions or concerns regarding this item.

Vice Mayor Dodd made a motion to approve staff recommendation to award the contract to All Florida Tree and Landscaping, Inc. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

d. Award of Monitoring Emergency Services Contract (Municipal Services Director Don Prince)

This item was pulled from the consent agenda for discussion.

Municipal Services Director Prince explained that this contract was for debris monitoring; in the event of a hurricane a monitoring firm oversees what the debris hauler takes to the dump and completed the documentation required for FEMA.

Mayor Minnet asked whether the service would be needed if no disasters occurred. Municipal Services Director Prince said that costs were not incurred unless the service was utilized.

Commissioner Sasser asked whether the Town needed to get approval from either O'Brien's Response Management, Inc. or Orange County, Florida prior to piggybacking. Municipal Services Director Prince said that O'Brien's Response Management, Inc., agreed and the Orange County Florida Disaster Debris Monitoring Services contract was pending attorney review.

Commissioner Sasser asked what the Town would save in comparison to PBS&J (Post Buckley). Municipal Services Director Prince explained that O'Brien's was a better contract financially for the Town, than the one with PBS&J..

Commissioner Sasser made a motion to approve staff recommendation to piggyback on the Orange County Florida Disaster Debris Monitoring Services (contract #Y10-114-A) with O'Brien's Response Management. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

e. Commission Approval of Application for Relief of Code Enforcement Lien at 1937 Ocean Mist Drive (Code and Zoning Supervisor Jeff Bowman)

This item was pulled from the consent agenda for discussion.

Mayor Minnet stated that there was a mathematical error on the paperwork, but it did not affect the settlement amount offered. She explained that the total amount of the lien

was $97,145.92 and the settlement offered was 24.7%, or $23,975.00. Mayor Minnet said that staff time totaled $845.92.

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

f. 4th of July Special Event Application from the Town's 4th of July Committee proposed for Monday, July 4, 2011 (Code Enforcement Officer Kimberly Williams)

This item was considered with item 11g and removed from this agenda. It was placed on the agenda for Special Meeting on May 26, 2011 at 5:45 p.m.

g. Award of Contract to the Zambelli Fireworks Manufacturing Company to produce the 4th of July Firework Shows in 2011, 2012 and 2013 (Assistant Town Manager Bud Bentley)

This item was pulled from the consent agenda for discussion.

Vice Mayor Dodd said he was not happy that an agreement could not be reached. He said he chose to allow the fishing pier owners to hold their event on the 4th of July even if it affected the Town's sponsored musical event. He said the fishing pier owners had plenty of time to raise their concerns appropriately and at this time, there was no lease to use the pier to set off fireworks. Vice Mayor Dodd suggested a short recess to meet with staff and the fishing pier owners to reach an agreement. He added that if an agreement was not reached during recess, he would not be able to obtain formal approval to proceed with the 4th of July event until the next Commission meeting.

Louis Marchelos did not want to meet in private; he wanted transparency.

Assistant Town Manager Bentley said that the proposal from the pier owners to resolve the issues, was for a 1 year contract at the reduced price of $10,000 as requested by the Town, plus approval of their Saturday night event on July 2, 2011 and a waiver of ongoing Saturday night parking fees for one year (approximately $2,600). Assistant Town Manager Bentley said the request to approve the July 2, 2011 Special Event would be withdrawn and submitted for approval as a Special Event Application, separately, and therefore, the Commission would only approve their existing permit.

Mr. Marchelos stated that he would like full access to their pier parking lot on the 4th of July. Vice Mayor Dodd believed that would not work due to BSO road closures; it was not safe or feasible. Mr. Marchelos said he could agree to an 8:00 p.m. street closure. Vice Mayor Dodd said he could not allow road traffic through the major part of an event. He believed the request was unreasonable.

Mayor Minnet asked if there would be sufficient time for additional discussion, if this item was removed from this agenda until tomorrow. Vice Mayor Dodd suggested having a special meeting prior to the University of Miami presentation on Thursday, May 26, 2011. Attorney Trevarthen stated a notice of special meeting would be required.

Commissioner Sasser asked whether there was a way to allow traffic down there before 8:00 p.m. with the knowledge of the site plan included in the backup. Assistant Town Manager Bentley said he could not give an opinion on that.

Commissioner Clottey asked who was on the 4th of July Committee. Vice Mayor Dodd stated there were advisors, but there were no committee members other than himself. Commissioner Clottey asked whether Vice Mayor Dodd asked all of the businesses in Town to participate in the entertainment. Vice Mayor Dodd thought it should be based on the downtown area; in the Town's center at Anglin Square. Commissioner Clottey said she was told by Mr. Marchelos that he offered a 50% food discount to Town residents, and Vice Mayor Dodd refused that offer. Vice Mayor Dodd said he had no recollection of that. Commissioner Clottey hoped something could be done to salvage this issue. She was concerned with the use of outside vendors when there were many Town organizations and local businesses that would have loved the opportunity to make the extra money.

Vice Mayor Dodd said he had one outside vendor to provide some relief to the restaurants to provide hot dogs and cold drinks at Anglin Square. He added that the VFD was providing water.

Mayor Minnet stated that every year the Commission choses a chairperson to coordinate and put together a Town sponsored event. She said the Vice Mayor was chosen for the July 4th event. She said if the Town wanted to continue with that process, then they need to give flexibility to whoever chaired the event. She recommended the Commission discuss the procedure at Thursday nights' special meeting, May 26, 2011 to determine whether they wanted the planning of Town events to go back into the hands of Town staff and do away with having a Commissioner as the chairperson.

Commissioner Vincent said this was what the Commission tried to avoid. He stated that the businesses in the downtown area, Aruba, Village Grille and 101 Ocean were approached, but the Beach Café was excluded. He asked for clarification as to why the Beach Café was not approached since they were located in the downtown district, and this was a Town event. Commissioner Vincent was concerned that the Beach Café and the Fishermen's pier were not told about the street closure. He said they discovered the road closure upon signing the contract. Commissioner Vincent did not want to see this re-occur next year.

Vice Mayor Dodd stated that the Town was providing toilets, recycling, garbage cans, cleanup, and tents for water stations on the beach; it was a Town event. He said it was difficult to decide whether to have only Town music, or to allow others to have an event within the Town event, and to permit the fishing pier owners to use their own musical event and shoot fireworks from the fishing pier. Vice Mayor Dodd objected to the allegations.

Vice Mayor Dodd made a motion to remove items 11f thru 11i from the agenda and to place on the agenda for Special Meeting on May 26, 2011 at 5:45 p.m. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

The item was removed from the agenda for Town staff to address the issues and negotiate with pier owners.

h. License Agreement with Fishermen's Pier, Inc. to shoot fireworks from the fishing pier (Assistant Town Manager Bud Bentley)

This item was considered with item 11g and removed from this agenda. It was placed on the agenda for Special Meeting on May 26, 2011 at 5:45 p.m.

i. Special Event Application from Fisherman's Pier for the 4th of July Weekend Celebration, proposed for Saturday, Sunday, and Monday, July 2-4, 2011 with a rain date of Tuesday, July 5, 2011 (Code Enforcement Officer Kimberly Williams)

This item was considered with item 11g and removed from this agenda. It was placed on the agenda for Special Meeting on May 26, 2011 at 5:45 p.m.

j. Annual Special Event Application from the Village Grill 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.

Commissioner Sasser inquired of the proposed street closures that were above and beyond what was done in the past and questioned whether it would interfere with Aruba's valet access. Assistant Town Manager Bentley explained there were some safety issues that caused concern, but would not interfere with the valet access. Commissioner Sasser asked whether staff spoke with the surrounding businesses. Assistant Town Manager Bentley said that the event would not go back further than it currently did on the northbound lane. He explained that it was limited to the alley. Commissioner Sasser did not favor partnering with Village Grille and 101 Ocean for parking. He did not believe the Town should get into the business of sharing revenue with private business.

Commissioner Clottey said many people looked for hotel rooms in the evening and closing the road would affect their business. She requested staff speak with the hotel owners. Assistant Town Manger Bentley said he would speak to them. He added that the road closure would not be every week, probably during peak season and in the summer only when there were larger crowds for safety reasons. Assistant Town Manager Bentley said they would coordinate with the surrounding hotels.

Vice Mayor Dodd asked whether the Village Grille paid for parking meters that were closed off during the event. Assistant Town Manager Bentley said they did. Vice Mayor Dodd asked that staff look into that as he believed that had been changed.

David Gadsby confirmed that he paid the weekly fee for the meters every time the Village Grill had an event, and paid per meter, per hour from set up time to closing time. He believed it was just under $400 a month for the meters on the north bound lane on El Mar Drive.

Vice Mayor Dodd asked that staff check the minutes of the previous Commission to see whether that was changed. Town Manager Hoffmann said that could be a provision in their agreement. Mayor Minnet believed staff should look into the minutes, find out what was done, what should have been done, and move forward from there. Assistant Town Manager Bentley asked that the Town Clerk pull the agenda item from the previous year.

Mayor Minnet believed it was important to have a crossing guard at A1A and Commercial Boulevard for certain periods of time. She said it was a matter of safety to everyone; pedestrians and drivers. Mayor Minnet explained that she was referencing Wing's crossing at A1A.

Assistant Town Manager Bentley suggested to move this item to the May 26, 2011 Special meeting to allow time to look at the cost for a crossing guard and determine the Village Grill parking meter issue. There was no objection from the Commission.

Vice Mayor Dodd made a motion to defer to the May 26, 2011 Special Meeting. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

k. 2011 International Coastal Cleanup, September 17, 2011 (Code and Zoning Supervisor Jeff Bowman)

This item was pulled from the consent agenda for discussion.

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

Mayor Minnet recessed the meeting at 9:20 p.m. and reconvened at 9:35 p.m.

Item 17d was brought forward and considered at this time for consideration.

17d. Commission approval of Applications for Relief from Code Enforcement Liens at 4001 Ocean Drive (Code and Zoning Supervisor Jeff Bowman)

Winnie Neubauer owner, and William Janulas appeared as representatives for Ocean Medical. Vice Mayor Dodd believed that not only should Ocean Medical pay 24.7%, but should also pay an additional $18,000 which was the expense incurred by the Town. He added that he was prepared to accept 24.7% of the total, $152,782.02. Ms. Neubauer said she never hired any of the attorneys and had no knowledge of them. She said she tried to do the best she could and did not know what else to do. Mr. Janulas explained that over the years, tanks were replaced, however, no permit had

been pulled for the last one and they were fined.

Vice Mayor Dodd reiterated his suggested settlement amount was more than fair. Mr. Janulas said it took almost 6 years for Ocean Medical to come into compliance.

Commissioner Vincent disagreed with the proposed settlement by Vice Mayor Dodd. He did not want to make Ms. Neubauer the victim when it probably was not her fault.

Commissioner Clottey said that when the Commission looked at liens, they looked at the type of violation. She said that even though it was not Ms. Neubauer's fault, two people died in that facility. She suggested that Ms. Neubauer re-negotiate with the Town Manager. Commissioner Clottey said she would accept a $20,000 settlement offer.

Mr. Janulas said he went after the contractors, which took time. He said that he and Ms. Neubauer provided a chronology that showed they were working weekly to resolve the issues.

Mayor Minnet stated that everyone needed to accept a level of responsibility.

Vice Mayor Dodd made a motion to approve $152,789.92 or 24.7% Commissioner Sasser seconded the motion. The motion carried 4 - 1. Commissioner Vincent voted no.

Item 17g was brought forward and considered at this time for consideration.

17g. BSO Negotiations Update (Town Manager Connie Hoffmann)

Vice Mayor Dodd believed it should be BSO's duty to pay for an officer who is hurt and that there should be something in the structure of the contract, to compensate when they were required to take care of officers on light duty or sick leave.

Commissioner Sasser stated that he was pleased with BSO service. He was disappointed that he was not in a position to negotiate with options, and that there was no cap on annual increases. He said the only recourse for out of control expenses, would be termination. Commissioner Sasser asked whether the Town had the ability to control the number of officers for which the Town paid.

Vice Mayor Dodd inquired as to whether the Town Manager had the authority to transfer deputies out. Lieutenant Colonel Cavollo explained that language was in the contract to allow the transfer outside the district at any time, as long as there was somewhere for the deputy to go.

Commissioner Sasser wanted more control with the ability to take out the light duty and off duty officers and asked whether the Town had the ability to keep Chief Llerena and Executive Lieutenant Cedano. Lieutenant Colonel Cavollo said they could only keep the District Chief, Chief Llerena, but did not have the right to deny a transfer for

promotion for an executive officer. Commissioner Sasser requested negotiations on a cap for overtime hours.

Commissioner Clottey did not like the idea of a 5 year contract; she preferred a 1 or 2 year contract. She believed a 5 year contract would inhibit the Town's control.

Mayor Minnet stated that BSO gave exceptional service to the community, but the Commission had to be fiscally responsible. She did not favor paying for disability as she believed that was why the Town contracted out, to avoid paying those fees. She inquired of the reduction in the pension cost and asked if BSO would stand by that reduction figure and not come back later with an adjusted figure. Lieutenant Colonel Cavollo said it was a true number that would not change and BSO did not submit increases for anything after October 1st. Mayor Minnet said she did not want a surcharge the following year to make up for the year before.

Town Manager Hoffmann requested direction on the recommendation to reduce the number of deputies by 1 and also on Commissioner Clottey's suggestion of a shorter contract.

Commissioner Sasser said it looked like a 1 year deal, price wise and the Town did have the ability to cancel at any time. Commissioner Clottey withdrew her suggestion.

Vice Mayor Dodd made a motion to reduce the number of deputies by 1. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Vice Mayor Dodd left the meeting at 10:20 p.m.

12. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

a. Ordinance 2010-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN REGULATIONS, TO REVISE PROVISIONS AND CLARIFY TERMS, REQUIREMENTS AND STANDARDS REGARDING SIGN REGULATIONS; FURTHER CREATING A NEW SECTION 30-510, SEVERABILITY REGARDING SIGN REGULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE Approved 1st reading at the April 27, 2011 Commission Meeting and deferred to the May 10, 2011 Roundtable for further discussion

Attorney Trevarthen read Ordinance 2010-16 by title.

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

Commissioner Sasser noted that Alley Oop took their banner down, but Argenti did not. He asked whether they were incurring a fine, and if so, should that fine be postponed until there was a solution to the other issues. Town Manager Hoffmann stated that Argenti was not under fine at this time and they had been advised of the situation and the option to cover the sign until the issue was resolved.

Commissioner Sasser made a motion to adopt Ordinance 2010-16 on second reading. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

b. Ordinance 2011-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, OF THE CODE OF ORDINANCES, TO AMEND PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE Approved 1st reading at the April 27, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-09 by title.

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

Commissioner Sasser said that Section 19-25(f) allowed for parking east of El Mar Drive for designated hardship permits. He inquired as to how that would be regulated. Assistant Town Manager Bentley explained that hardship permits were made with designated areas identified on the permit. He added that the permit must be displayed in the vehicle for easy viewing by a parking enforcement officer.

Commissioner Sasser proposed that staff be instructed to pilot or test a special parking space designated as the first space south of Commercial Boulevard on El Mar Drive as a multiple electronic motor vehicle parking space, provide temporary markings, and report back in 90 days. Assistant Town Manager Bentley stated that staff could be directed to convert a space and a code change would be required. He asked that the Commission not specify the space.

Mayor Minnet placed the item under New Business, 17i, Discussion of Electric Vehicles. Mayor Minnet stated that hybrids would be addressed at that time.

Commissioner Sasser made a motion to adopt Ordinance 2011-09 on second reading. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

13. RESOLUTION - "Public Comments"

a. Resolution 2011-15: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE BROWARD COUNTY COMMISSION TO NOT PASS ON ADDITIONAL CHARGES FOR REGIONAL SERVICES SUCH AS EMERGENCY 911 CALL CENTERS AND TO CONTINUE TO FUND THE BROWARD CRIME LAB; PROVIDING FOR AN

EFFECTIVE DATE (Discussed at the May 10, 2011 Roundtable)

Attorney Trevarthen read Resolution 2011-15 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.

Commissioner Sasser asked whether $550,000 was the correct amount or did the amount need to be changed. Town Manager Hoffmann suggested language "due to increased costs, the Town of Lauderdale-By-The-Sea found it necessary to reduce police staffing in our Town" be added. Attorney Trevarthen believed Commissioner Sasser questioned whether $550,000 was the Town's increased amount.

Town Manager Hoffmann suggested "whereas the Town was facing such a large increase in the cost of this contract with BSO due to ...., the Town had to make the decision to reduce staffing levels". Town Attorney Trevarthen said they could either add that language, or add a date to the $500,000. Mayor Minnet believed it should be up to staff to clarify.

Commissioner Clottey made a motion to adopt Resolution 2011-15 as stated. Commissioner Sasser seconded the motion. The motion carried 4 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. COMMISSIONER COMMENTS

Commissioner Vincent offered his condolences to the Boutin family. He thanked the University of Miami School of Architecture for their work and looked forward to their recommendations.

Commissioner Sasser offered his sympathy to the Boutin family.

Mayor Minnet offered her condolences to the Boutin family and called for a moment of silence.

Commissioner Clottey sent her condolences to the Boutin family. She stated that Diane Boutin was an extraordinary lady. She also offered condolences to Public Information Officer Steve d'Oliveira on the passing of his father. Commissioner Clottey said that the University of Miami exceeded her expectations and requested Town residents to submit their suggestions as soon as possible so they could be included in the presentation on Thursday, May 26, 2011. Commissioner Clottey inquired as to whether the electric vehicle item included hybrids as she may need to recuse herself since she owned one.

16. OLD BUSINESS

a. Input to Broward League of Cities on Proposed County Ethics (Town Manager Connie Hoffmann)

Mayor Minnet stated that she received revisions to the ethics ordinance from the Broward League of Cities. Attorney Trevarthen explained the task force that developed the ordinance met earlier today and listened to feedback received from the cities. She said the revisions before the Commission were a result of that meeting. Attorney Trevarthen said they agreed that the opt-out decision should be modified and tied to a municipality that had its own ethics code. She added that they also agreed: that the duties of the Inspector General should be expanded to include the rendering of advisory opinions; to define conflicts; to define relative; define limitations on gifts; and recommended a provision be added that no violation would be found where an official had relied in good faith, upon the Inspector General's opinion.

Mayor Minnet said she would make sure that the Commission's input would be brought forward to the Broward League of Cities Board of Directors and then move forward to the Broward County Commission. She questioned whether the Commission wanted to continue to have the Town Manager send the letter expressing their input to the Broward League of Cities.

Commissioner Sasser made a motion to approve to send a letter to the Broward League of Cities. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

17. NEW BUSINESS

a. Commission Approval to Schedule Budget Workshops and Special Public Hearings and to cancel the August 9, 2011 Roundtable meeting (Town Clerk June White) Discussed at the May 10, 2011 Roundtable

Town Manager Hoffmann suggested a brief special meeting be added prior to the June 14, 2011 Roundtable meeting to be able to vote on certain items, such as the LAP project. Mayor Minnet agreed that any time there was a time sensitive item staff should bring it forward for a special meeting and post it. She scheduled a special meeting on June 14, 2011. Town Manager Hoffmann asked for Commission availability for a proposed Budget Workshop on June 21, 2011 and a Special Meeting on July 26, 2011 to adopt the proposed fire assessment and proposed millage. Mayor Minnet asked for clarification on the meeting date in August. Clerk White advised it was August 23, 2011.

There was Commission consensus to accept the meeting dates proposed pending Vice Mayor Dodd's availability.

b. Commission Approval of one (1) Hardship Permit Application for Parkhill Apartments (Town Clerk June White)

Commissioner Clottey made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

c. Selection of the First Ranked Proposer to Provide Project Management Services

for the A1A Enhancement Project (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley said that 4 proposals were received from qualified local firms for RFP 11-01-01 Project Management Services. He explained that these services were referred to as Construction, Engineering and Inspection (CEI) services by the Florida Department of Transportation (FDOT). Assistant Town Manager Bentley said the evaluation committee recommended Carnahan Proctor as first choice and Metric as second choice. He requested that the Commission approve the ranking of the proposers and authorize the Town Manager to negotiate a contract with the number one ranked firm, Carnahan Proctor and Cross and if unsuccessful, to then negotiate with Metric Engineering and so forth.

Commissioner Sasser asked what the budget amount was for this service. Assistant Town Manager Bentley said nothing was budgeted for this service. He explained that it was previously noted to the Commission that if the construction bids came in lower than the engineer's estimate, the remaining grant money would help pay for the project management services.

Commissioner Sasser made a motion to approve the ranking of the proposers: 1) Carnahan Proctor & Cross, 2) Metric Engineering, 3) Calvin, Giordano & Associates, and 4) Consul-Tech and authorize the Town Manager to negotiate a contract with the #1 firm and if the negotiation was unacceptable to then negotiate with Metric Engineering, and so forth. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

d. Commission approval of Applications for Relief from Code Enforcement Liens at 4001 Ocean Drive (Code and Zoning Supervisor Jeff Bowman)

This item was taken out of order and discussed after the Consent Agenda.

e. General and Capital Fund Year End Transfers from Fund Balance (Acting Finance Director Doug Haag)

Acting Finance Director Haag requested Commission approval to transfer funds generated by the fire assessment fees in the amount of $70,384 from the general fund to the fire fund. He said the transfer would help to track the fire funds separately.

Mayor Minnet asked whether there was a stipulation that the Town was not allowed to collect interest on the $1 million Oriana money. Acting Finance Director Haag said he would find out.

Commissioner Sasser made a motion to approve the transfer of $70,384. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

f. Realty Services to Lease Town Warehouse (Public Information Officer Steve d'Oliveira)

Public Information Officer d'Oliveira explained that he received a call from someone with an interest in the building. Discussion followed as to whether the warehouse could be leased, while waiting for the sale of the building. Commissioner Vincent believed a stipulation could be put into the rental agreement.

Commissioner Clottey believed the Town needed a staging area outside of Town, in case of emergency. She said she needed to know how much storage space would cost before selling the building. Commissioner Clottey believed the Commission should look for a smaller, cheaper property just in case of a disaster.

Public Information Officer d'Oliveira stated that the person interested in the property was willing to lease a portion of the building back to the Town. Town Manager Hoffmann said that the Town would need an appraisal done and go out for Invitation to Bid (ITB) if the Commission decided to sell.

Commissioner Vincent suggested that staff move forward with negotiations with By-The-Sea Realty. He inquired of the cost to get an appraisal amount. Town Manager Hoffmann believed that the last appraisal cost approximately $1,300.

Commissioner Sasser agreed to move forward with a lease agreement with the By-The-Sea Realty Company. He suggested they add an exclusion in the contract to allow release of the agreement. Commissioner Sasser suggested that staff not get an appraisal until an offer was received. Mayor Minnet believed they should consider keeping the building in case of an emergency. She suggested they place this on a Roundtable for discussion regarding whether the building should be leased or sold. Commissioner Vincent believed they should have hard numbers in front of them in order to make a decision.

Commissioner Clottey agreed with Commissioner Vincent that they should explore all options and the options should have hard figures attached to them.

Commissioner Clottey made a motion to have Town staff explore all options, to look at costs to lease another facility that would fit the Town's needs, or the cost to purchase such facility and bring the information back to the Commission for their review.

Commissioner Sasser asked whether the motion would include instructing staff to get an appraisal on the warehouse building. He did not feel it was necessary since there was no offer. Commissioner Clottey did not believe an appraisal was needed at this point in time. The motion failed for lack of a second.

Commissioner Sasser made a motion to extend the meeting to 11:30 p.m.

Mayor Minnet was not willing to move forward without getting all the figures first. She requested the item be placed on a Roundtable for discussion and obtain additional information from the person interested in purchasing the building.

g. BSO Negotiations Update (Town Manager Connie Hoffmann)

This item was moved out of order for discussion after the Consent Agenda.

h. Sidewalk Cafe (Commissioner Sasser)

This item was added earlier in the evening.

Commissioner Sasser requested Commission consensus to instruct Town staff to put together a simplified process that would make it easy for any restaurant to come before staff, sign a paper and open a sidewalk cafe without going through the Planning & Zoning Board.

Mayor Minnet instructed Town staff to bring this before the Commission at the June 14, 2011 Roundtable meeting with backup information.

i. Electric Vehicles (Commissioner Sasser)

This item was added earlier in the evening.

Commissioner Sasser clarified that the proposal was for NEVs (neighborhood electric vehicles) or LSVs (low speed vehicles) such as the street legal golf carts and not hybrids. He added that it would be a pilot program; actual space to be determined.

Mayor Minnet said she favored the idea and directed Town staff to put the information together and place it on the June 14, 2011 Roundtable.

18. ADJOURNMENT

Commissioner Sasser made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:20 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

DRAFT

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White CMC Date