

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

## **TOWN COMMISSION**

### **SPECIAL MEETING**

#### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, June 19, 2012**

**6:00 P.M.**

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

Mayor Roseann Minnet called the meeting to order at 6:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

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

#### **3. PRESENTATIONS**

Commissioner Brown indicated he previously voted to approve item 17b. He questioned whether it was appropriate for him to request the item be placed back on the June 26, 2012, agenda for reconsideration.

Attorney Trevarthen affirmed if on the prevailing side, a Commissioner could move to have that item reconsidered.

Commissioner Brown explained the item was a case involving a lien with a hefty fine on the property owner.

Commissioner Dodd said the Commission voted to accept Town staff's settlement recommendation, so it was not a hefty lien as Commissioner Brown suggested.

Mayor Minnet noted the request was to reconsider a previously approved agenda item at the July 26, 2012 Commission meeting agenda.

Commissioner Brown made a motion to reconsider Sandra Stella's application for relief of code enforcement liens at the June 26, 2012, meeting. Commissioner Vincent seconded the motion. The motion carried 3-2. Vice Mayor Sasser and Commissioner Dodd voted no.

a. Sewer Rate Study (Finance Director Tony Bryan)

Mike Burton and Erick Van Malssen of Burton & Associates reviewed the sewer rate study, their conclusions and recommendations, and other proposed alternative rate structures.

Mayor Minnet opened the meeting for public comment.

Arthur Franczak felt Mr. Burton's first study made more sense than the second. Mr. Franczak inquired how Mr. Burton determined the \$5.70 per kilo gallon rate, asking if the amount of kilo gallons of water usage for the study population was available. He asked why the ERU for multifamily was \$4.70 per unit, and the ERU for commercial was \$11.40 and the same for the single-family unit. A unit should be a unit, regardless of the zoned use. He believed if the Town Commission approved a single-family unit rate increase, people living south of Pine Avenue would pay 40 percent more in sewer rates than those living in Bel-Air and Terra Mar. He requested an explanation.

Rosa Michailiuk stated the Town's hotels were not always full. She tried to understand the presentation on the sewer rate, asking why everyone did not simply pay for what they used. The Town seemed to be conducting numerous studies and raising rates, when the goal should be to reduce the sewer rates in the current economic recession.

Patrick Pointu believed there was no reason to establish rates for potential demand when the Town already had figures of the real demand shown monthly by the meters. If he used more water, he would pay more. If the Town wished to create a minimum sewer maintenance fee uncorrelated to meter use, then that rate should be assessed through the ad valorem tax. The Town Commission advocated Lauderdale-By-The-Sea as one Town, yet approving the proposed sewer rates would result in dividing the Town by making some people pay for others.

Frank Herrmann remarked sewer charges should be included in ad valorem taxes or, preferably, by meter readings. He found the 21-page sewer report difficult to understand, with the exception of the charts, graphs and actual numbers that affected his five-unit apartment sewer charges. These charges were to be compared to the charges single-family homes were paying for the same number of kilo gallons of water use, plus the basic unit charges and service fees. It made no sense to him that the same kilo gallon charge paid by everyone was not based on the meter.

Margaret Winiarczyk believed it was fair to pay for the amount of water and sewer one used.

Bill Vitollo said he asked residents in the south part of Town what they paid for sewer and water and learned they paid close to what he paid. The only difference was the southern part of the Town owned the sewer pipes, whereas to the north end of Town the City of Pompano Beach owned the sewer pipes. Therefore, there was no maintenance cost to the Town residents in the north. He remarked businesses always

paid more regardless of their location. Residents should not pay the same rate as businesses made money from their land while the residents did not.

With no one else wishing to speak, Mayor Minnet closed the public comments.

Mayor Minnet asked Mr. Burton to address the issues raised by the members of the public such as why the Town did not charge everyone based on usage.

Mr. Burton replied the Town had a number of fixed costs in the sewer system that did not vary by usage, and they had to be paid regardless of whether the service was used. It was common in the utility business to consider fixed costs as a function of readiness to serve, which meant you had to be ready, and able to serve the demand customers made on the system at any given time. He said if the Town chose to do so, it could charge no base facility charge and everyone would only pay for what they used. In that case, the usage charge would be much higher, as it would have to have all the costs factored in it. Those residents that were present in the Town for only half the year would pay nothing in their absence, so the maintenance of the system would fall on those in Town year round. He believed it fair and equitable for the Town to have a base facility charge of some magnitude. They endeavored to scale it to the Town's actual fixed costs, and this was why they brought it down.

Mayor Minnet inquired when the new sewer rate for the southern part of the Town was adopted and whether it was the Pompano rate that was adopted.

Town Manager Hoffmann responded the Town adopted the Pompano rates plus the 25 percent surcharge Pompano charged in January 2011, so the sewer rates at present were identical throughout the Town. Regarding water rates, the north part of Town paid City of Pompano rates and the south part of Town paid City of Fort Lauderdale rates.

Mayor Minnet asked Mr. Burton to clarify why sewer rates were not paid in the ad valorem taxes and whether he was aware of any municipalities doing this.

Mr. Burton replied that paying for sewer service in the ad valorem taxes was very uncommon. Most municipal utilities had a separate enterprise fund for sewer and charged sewer rates.

Mayor Minnet noted one of the questions raised by a resident was regarding the two reports Burton had provided, which may have occurred because the first study was based on wrong information.

Mr. Burton replied the second report was simply an adjustment to the first study based upon clarifying information they received after the first report was complete. To some extent, it had to do with what the Town Manager said about the application of the 25 percent surcharge. He said they looked at the bill frequency analysis in 2011, examining all the Town's billing determinants to see how many bills were issued in the different classes, at the different levels of usage. He misunderstood the 25 percent surcharge,

as he thought the Town's current rates were over-recovering what they should be recovering, and those billing units were characterized against the 2012 estimated revenue. After meeting with the Commission, the Town Manager and her staff, they realized this was not the case, and the Town's rates were recovering sewer costs and should have been characterized against the 2011 revenues. Those were higher than the 2012 revenues, and they went back to the table and readjusted the entire analysis, as the reduction in revenue happening in 2012 over 2011 was due to the Town having fewer billing units and less flow.

Town Manager Hoffmann added as Town staff reviewed the draft of the first study with Mr. Burton and the Commissioners in individual meetings, it made no sense for Burton's remodeling to project the Town would generate the same amount of revenue in 2012. At that time, staff speculated it might be that the Sea Ranch Condominium revenue was still in the model Mr. Burton and his team used for the first study. She said they subsequently found out this was not the case; it was a different inaccurate assumption Burton & Associates made.

Mayor Minnet asked whether it was fair to say that there had been a misunderstanding in the first analysis and that Burton & Associates felt strongly that the data and recommended rates provided in the second study fairly reflected actual usage.

Mr. Burton affirmed this to be the case.

Vice Mayor Sasser asked who the proposed rates would affect.

Town Manager Hoffmann replied the proposed rates would affect only sewer customers from Pine Avenue and south.

Vice Mayor Sasser sought an explanation on equivalencies between the Town's rates and other municipalities. He questioned why the Town had one of the highest proposed revenues from single family units. He referred to Sunrise, Plantation, and Coral Springs, and questioned whether their lower single family rates was due to those cities charging businesses higher rates to keep residential rates low.

Mr. Burton indicated it was difficult to know an exact answer, without the full details of what was taking place in each of those cities. The Town had a very large number of multi-family units, as compared to single-family units, so the shift in the base facility charge from multi-family to single-family was larger than normally seen when they changed. He assumed those cities had a smaller proportion of multi-family to single-family units; thus, the Town's single-family rate would be higher due to the Town having less single-family units.

Vice Mayor Sasser said he had observed when the Commission decided to have the study done, that if the rate of one rate category decreased, then the rates of another category had to go up, and it appeared this was the case. Single-family units and

restaurants would see a significant rate increase, but multi-family and hotels rates would go down.

Mr. Burton agreed, with the exception of the hotels. He would have to analyze how hotels fit into the scheme of things.

Vice Mayor Sasser noticed the difference between the single-family and multi-family, but he did not see how it affected commercial units. He hoped to see that data at some future date. That is, the difference between hotels and restaurants and what their bill would look like under the proposed rates versus what they paid now.

Town Manager Hoffmann indicated that to gather such information on the commercial unit meant analyzing virtually every commercial account. No two accounts were the same in terms of the volume they used, the meter size or the number of equivalencies.

Mr. Burton affirmed this to be the case.

Vice Mayor Sasser realized the complexity of conducting the analysis, but those same complexities existed in multi-family uses, yet Mr. Burton's team chose ten representative units. The same could be done for the businesses. By taking a sample and analyzing the data, it allowed comparison and could be a way to simplify it.

Commissioner Dodd sought confirmation that the correct sewer bills for hotels/motels were based on the number of rooms.

Town Manager Hoffmann answered yes.

Commissioner Dodd thought the proposed model was extremely unfair. There were single-family residential, multi-family residential that had different numbers of rooms and room sizes, and there were hotels where it might only be one room. He believed hotels/motels were getting no benefit if they encouraged their customers to be environmentally responsible and reduce water usage; nor were they getting any credit when their rooms were not full and being charged regardless. Mr. Burton was asked for input on whether the American Waterworks Association meter equivalency idea was extended to hotels/motels and dealt with this particular nature of the problem.

Mr. Burton responded in the new rate proposal, hotels would not be charged by the room as they were charged currently.

Town Manager Hoffmann clarified they were charged by unit, not by room. For example, a two-room hotel unit was charged as a single unit.

Mr. Burton said in the proposed rates on both, the ten percent reduction or revenue neutral alternatives, hotels were considered commercial customers and would be charged based on meter size, not the number of rooms. An equivalency factor was applied based on meter size.

Commissioner Dodd felt this information was not clear in the report, and the recommendation represented a major change in the way the Town would charge hotels for sewer service. He asked how the proposed methodology made allowance for the usage of hotels/motels versus restaurants, wondering if it would be based solely on consumption; they would pay a base charge and then pay for their actual consumption based on meter size.

Mr. Burton replied in both cases they would pay the same base charge if they had the same size meter, and then they would pay for their actual consumption. If a restaurant had higher usage than a hotel with the same size meter, the restaurant would have a higher bill.

Commissioner Brown thought further explanation was needed about the reserve funds. The chart showed capital spending where the Town expected to face certain upcoming bills in 2012, 2013, and 2021. When speaking about the Town having a reserve fund, the public might assume this was for emergency repairs to the sewer system like a sewer line rupturing. He noted this was not what the upcoming bills on the chart in those years were intended for, as they were actual, known system repair costs for which the Town was going to be responsible.

Mr. Burton answered that was correct.

Commissioner Brown asked Mr. Burton to elaborate on the known expenses for the 2021 bill.

Mr. Burton pointed out the proposed model included a detailed Capital Improvement Program (CIP) that Town staff provided to them, and the CIP was a result of an analysis done by a previously hired engineering consulting firm the Town had hired. The analysis was based on bids other cities had received to make similar repairs.

Town Manager Hoffmann indicated the 2021 project would be a complete upgrade/rebuild of the Town's two lift stations that carried the sewage and pumped it up to the Pompano main. The cost for that project was estimated at \$1.1 million in 2012.

Commissioner Brown observed there were three components of the plan proposed by Mr. Burton: 1) the fixed costs to bring clean water to consumers and remove unclean water; 2) the actual water usage which reflected the probable wastewater flow; and 3) the reserve fund. He wanted people to fully understand the reserve fund was not based on some pie in the sky accounting number but was an actual reserve fund targeted towards fixed expenses the Town knew would come. The next question would be how that reserve fund would be built up, whether to do it gradually or closer to the time when the project would commence, and whether the funds should be collected via an assessment, a dramatic increase in rates.

Mr. Burton said it was an intergenerational equity issue as to why present rate payers should contribute to a reserve fund to pay for something that would benefit future rate payers. The Town had no debt in its sewer system, so the current rate payers were not being burdened with debt. Thus the Town's rates were based on cash requirements and no depreciation. He believed the proposed plan was very fair, particularly the alternative with the immediate ten percent reduction with the three percent rate increases in future years, as it was a rational program to build up a sufficient reserve fund to avoid borrowing in the future.

Vice Mayor Sasser believed it was very prudent to make an estimate of the cost of the 2021 project. If that estimate was off, and it was likely that it would cost more, the Town should be very conservative in setting the rates. Thus, it was better to be a little bit above the average stated in the report to ensure outlying expenses were covered.

Commissioner Brown concurred, stating they did not really cover in the presentation the significant capital expenses for 2012 and 2013, so the need for the reserve fund was real, and the question was how best to create it.

Mr. Burton clarified that from 2015 to 2020, there were no capital expenses assumed. If there were any major system failures, and it was very likely something might emerge, the reserve would be there to help deal with such eventualities.

Town Manager Hoffmann clarified a number of issues; the reserves were not only for capital projects but to ensure the Town had six months of operating expenses covered if anything traumatic happened. This was Mr. Burton's recommendation based on the Commission's request that he determine how much the Town should maintain in an operating reserve. Six months was the recommended timeframe, as the Town was a very small utility and did not have the cushion of the larger utilities. Secondly, there was considerable public comment both at the present and past meetings as to why the Town did not simply charge a price per gallon and do away with the base rate, and Mr. Burton addressed this matter several times in his comments. Town Manager Hoffmann was not sure that everyone grasped that portion of his presentation. Town staff asked Mr. Burton to look at what would happen to the volume rate if the Town had no fixed base rate other than the \$1.31 it cost to do the meter reading and billing. Town Manager Hoffmann recalled the volumetric rate went up to close to \$8.00 per gallon, and there would be dramatic changes in the bills for individual sewer customers. Mr. Burton had advised that because the Town had such a large snowbird population, if the Town went to a straight volumetric rate, the snowbirds would not be paying their fair share because the Town had ongoing fixed costs to cover that were a factor of peak demand in the season. She stated this led to a discussion on how to get closer to charging by volume than at the present time, as the Town was currently covering 40 percent of its fixed costs through the fixed rate. In the new rates proposed, that percentile dropped to 20, and much more was going to the volumetric rate. Town was getting closer to charging a volumetric rate as was requested by the public. However, she noted the Town was being prudent by not burdening the year round residents with the cost for that part of the service that benefited the snowbirds.

Commissioner Vincent stated the Town conducted an engineering study done on sewer maintenance needs, and this was the method by which the capital spending for 2013, 2014 and 2021 came about. For seven years, the Town had no increases in the sewer rate, and this became an issue the Commission needed to address. As Mr. Burton stated, he worked hard to establish a methodology that was equitable and efficient for all concerned. It appeared this had been accomplished. The Commission now had to make a decision on what was best to meet the present day-to-day needs and the capital improvements needs in subsequent years.

Vice Mayor Sasser questioned why the customer service admin charge of \$1.31 was not included in the reduced base rate of \$11.40 to determine equivalency.

Mr. Burton replied for the single-family rate, this would be the case, as they had one base facility charge and one admin charge. However, for the multi-family and commercial categories, there was only one meter to read and one bill per account so there would be only one customer service administrative charge for each account. He explained a schedule could be developed by meter size that would incorporate the \$1.31 into it rather than show that figure as a separate charge on the bill. The fixed rate percentile would be 21 percent when the customer service administrative charge was included.

Vice Mayor Sasser preferred to see how the commercial businesses were affected before voting. He wished to make sure he understood how the proposed methodology affected everyone before voting.

Town Manager Hoffmann clarified a tentative decision from the Commission was required as to which of the approaches they wanted implemented; it was not a final decision. Town staff needed to set a schedule for an ordinance to be adopted to approve the rate structure, and notification had to be sent out to all sewer customers of a public hearing date on the new rate structure. She noted this did not preclude Town staff from doing additional analysis as requested by the Commission, nor did it preclude modifying the rates where desired.

Mayor Minnet stated the matter would be discussed for quite a while, due to the need to adopt an ordinance. Notification would be made to commercial businesses, hotels and residents. She thought it was very important for everyone to understand the process was not embarked upon haphazardly, and many issues were uncovered by the Town Commission and staff. Everyone worked really hard to create one town and a decision had been made to utilize the same sewer rates as those in the northern part of Town. This did not work for some and was the reason for the present discussions. She commented the Town Commission and staff listened to members of the public, recognized the inequities involved in the rates, and it was unfortunate it was not an exact science. Lauderdale-By-The-Sea doubled its population during the winter months, and the needs of everyone had to be addressed at all times. The Town's administration needed to ensure that readiness for service was in place. She wanted to maintain the

right amount of reserves, so the next generation did not have to be hindered. Everyone was enjoying the services, but it was the Commission's fiscal responsibility to make sure the Town maintained the system for the future as well.

Commissioner Dodd made a motion to accept a 10 percent reduction in FY 2013, no increase in FY 2014, a 3.0096 percent increase FY 2015 - FY 2017, and a 3.85 percent increase for FY 2018 - FY 2022. Commissioner Brown seconded the motion. The motion carried 5-0.

Town Manager Hoffmann explained the need for the Commission to decide by on a date for a public hearing on the sewer rate ordinance. The Town Attorney previously advised that it was legally acceptable for the Town to send out postcards to alert consumers to the possibility of a sewer rate increase and the date of the public hearing. She questioned whether the Commission also wished her to again ask Fort Lauderdale to place that information on the utility bill, as they refused before on the grounds that all their customers would receive the notice.

Mayor Minnet inquired why the information on the utility bill could not specify the notice of possible rate increases and the public hearing date applied only to Lauderdale-By-The-Sea customers.

Town Manager Hoffmann responded Town staff would ask Fort Lauderdale to make that distinction.

Commissioner Brown supported mailing postcards rather than relying on the sewer bill, as the postcards were more likely to get the public's attention.

Town Manager Hoffmann felt it was possible to use both methods.

Mayor Minnet thought it was prudent to use both methods to disseminate the information, as there were some residents who voiced objections to the notice not being included in the utility bill last time. She requested discussion regarding a new contract with Fort Lauderdale at a future Commission meeting.

Town Manager Hoffmann suggested scheduling the public hearing for the Town Commission meeting on August 21, 2012 as Fort Lauderdale would require between four to eight weeks notification in order to post the notice on their utility bill.

There was a Commission consensus to hold a public hearing on the sewer rate ordinance on August 21, 2012. Notice of the hearing would be sent via postcards and on Fort Lauderdale sewer bills.

Mayor Minnet recessed the meeting at 7:30 p.m. and reconvened at 7:45 p.m.

- b. East Commercial Streetscape Project Schematic Design (Town Manager Connie Hoffmann)**

Mr. Steven Fett representing the design team, gave a presentation and indicated his design team was present to answer questions.

Mayor Minnet opened the meeting for public comment.

Spiro Marchelos was concerned that the trees shown in the renderings would block the view of the pier and the ocean. The area survived from 1941 to present without shade trees in the downtown area, and the beauty of the Town was to see the water and waves crashing on the sands. He stated placing the trees in the line of the sidewalks along the pier would produce extra work for the employees of the area businesses with an increase in bird droppings and tree debris. The business would agree to move their parking entrance, as long as the pier was grandfathered in regarding parking requirements; he noted Anglin's Pier had no parking problem, as people found ways to get to the pier. He mentioned the need for emergency vehicles to be able to access the pier, as safety came first.

Penny Dodd said the Town Commission received a signed petition from area businesses stating they were not in favor of the proposed plan that included arbitrarily doing away with many parking spaces, because they found this unacceptable. She worked with people who lived outside of the Town but traveled to Lauderdale-By-The-Sea to enjoy the restaurants and music, and they all told her that the one thing they enjoyed about the Town was being able to park close by. These persons indicated if they were unable to find parking after driving by their destination more than twice, they were likely to go elsewhere for their entertainment; they also preferred not to park in a garage. Local businesses were the life blood of the Town and without people coming to patronize the businesses it would no longer be a thriving, quaint tourist destination.

Bill Ciani believed the purpose and intent of the center of the Town was B1 and B1a zoning. The businesses had no desire to encourage sandboxes, weddings, or wading pools with tables in them. Parking places attracted patrons to spend money in the shops and restaurants. He stated the parking on A1A was to serve the shops and bring people to those businesses; removing the parking defeated the whole purpose. The businesses were getting by for the last 60 years, so it worked as it was currently. El Prado Park was more suited for such amenities.

Arthur Franczak stated his business was a block and a half away from the project. He questioned whether the design team did any cost benefit analysis as to whether the improvements would result in a return of money to taxpayers. Was it a beautification project or an investment? If the design team could convince him it was more of an investment he was more likely to support it. He felt if the proposed project eliminated parking spaces, the Town would have to build a parking garage in the future, and if this was the expectation, then the cost of the parking garage should be added to the project. His interest was in the survival of the Town's businesses and hoped the Commission's decisions would not harm them.

Ken Kugler stated the owners of the downtown businesses did not own the Town, and it amazed him that nonresident business owners sought to dictate doing what was in their best interest rather than what was best for the Town. He hoped the Commission voted unanimously in favor of approving the proposed east Commercial Boulevard project as presented with the exception of the sandbox. He wished it to be clear that parking spaces were being relocated not eliminated, and even those who suffered some kind of handicap would continue to gravitate towards the beach. People passed the businesses to get to the pier. Parking was not the problem; perhaps it had more to do with the rents being sought by the commercial property owners. Mr. Kugler mentioned there was considerable talk about what the downtown businesses did for the community of which he was unsure, but he was very aware of the things the Commission did for local businesses. He added the Town was a place where residents raised families for generations, and it was important to be forward thinking, living for today and planning for tomorrow. Experts should be hired and their recommendations listened to, as they had no ulterior motives, political or personal agendas, and they offered fully informed and educated recommendations based solely on objective factors rather than self-interest.

Janet Deni of Kilwins stated she was a business owner in the Town and spent a great deal of time in Lauderdale-By-The-Sea. She hoped both the residents and businesses were looking out for what was best for the community and that Town staff would devise a future plan for more parking in the community regardless of whether the Town Commission voted to approve the proposed plans. It was important that the proposed trees did not mess up the sidewalk, so businesses did not have to worry about cleaning up when they shed, and that patrons continued to see the beach and what was on the other side of the street.

Patrick Pointu thought the project looked nice, but wondered if now was a good time for the Town to spend money on beautification given the poor state of the nation's economy; residents and businesses were struggling with taxes. Many improvements had been made over the last few years in the Town; the El Prado area looked very good. He asked if the Town should put beautification projects on hold until the economy improved and choose instead to lower taxes.

Nectaria Chakas, on behalf of Aruba Café, thanked the design team and Town Manager Hoffmann for answering her questions and those of the business owners regarding the proposed project. They brought to the design team's attention a number of differences from the previous plan. She mentioned the two crosswalks in Block A on the north side and on the south side, in addition to the crosswalk at the terminus of Commercial Boulevard. They were concerned the latter crosswalk might impede traffic flow. The only access point they had for their vehicles was from Commercial Boulevard, and traffic needed to flow freely eastward and westward to access Aruba parking lot. By putting in the two crosswalks, more impediments were being added to that easy flow that could lead to a bottleneck, and therefore, they were requesting the elimination of the two crosswalks. She indicated they spoke with the design team about removing the

crosswalks, and they indicated the crosswalks were not necessarily set in stone, and she hoped they would be deleted.

Ms. Chakas felt the stage plaza was a great idea but was concerned about streets being closed. They hoped the Town would continue its present practice of consulting with the affected businesses when the Town wished to close the streets for events. On the issue of sand in the beach plaza, most businesses preferred a harder material than sand, as people were more likely to use it. She requested the proposed shade trees be changed to a palm tree to match the adjacent palm trees.

Patrick Potts realized the Town's businesses felt challenged by the parking situation, but the relocation of the parking could lead to changes for the better for business. Rather than palm trees, it would be nice to have a canopy of shade trees in certain spaces. He said having shade trees blocked the sun and allowed restaurants and shops to have sidewalk attractions and motivated people to get involved. He urged the Town Commission to move forward with approving the proposed design concept. The businesses should be brave and let the 31 parking spaces go, and the local community should continue to support the businesses when these changes were made. He believed if the project were approved, the Town would blossom far beyond what traditionally took place in downtown.

Louis Marchelos was excited for the proposed project to get underway and felt the Town should spend the money to improve downtown. However, after looking at some of the renderings, he felt the design proposed too many shade trees, and the beach plaza and the pool plaza would be better for El Prado Park, rather than in front of the busiest turnaround. The beach should be kept on the beach. He stated there were no public restrooms, and the added influx of people using the proposed amenities would overtax the restroom facilities of the nearby restaurants, such as the Pier, Aruba Beach Café and the Village Grille. The Town should consider including public restrooms in the project. He hoped it was an oversight that the pier fishing sign was missing from the presentation, as it was in the design presented in January 2012.

Pat Murphy described the process an eagle went through in its life span, drawing an analogy with the process by which the Town evolved, urging the Commission to vote yes on the project for the future of the Town.

Bill Vitollo noted the Town's businesses and restaurants had many of their requests pertaining to sidewalks, the turnaround and the lighting accommodated by the Town in the design. Though the beach plaza was somewhat large, businesses, such as Aruba Beach Café, indicated they liked the plaza and would use it. He felt if all the trees shown in the presentation were planted on the sidewalks, they would take away from the reason for the expanded sidewalks such as cafés. It seemed the large tree boxes were to be placed where the businesses planned to put tables. Businesses did not want trees blocking their storefronts and signs, though he understood the goal was to create a canopy coming down Commercial Boulevard. Mr. Vitollo stated the lost parking spaces were being relocated, and the Town owned a large lot that could be leased to the

businesses for 100 years if those businesses wished to build a parking garage. As a resident, he had no desire to pay to build a parking garage. He noted, in many areas people parked in garages and lots and walked, as they seldom were able to park directly in front of their destination.

Ron Piersante believed the Town had sufficient parking; at the Hollywood Boardwalk there was no parking in front of the stores and restaurants, with some parking lots located two to three blocks away. If people wanted to go to a particular destination, they would find a place to park. The aim of the project was to create an atmosphere that invited people to visit the Town. He commented if the restaurants and stores felt there was a parking problem, they could hire an expert to a study whether the Town's parking issues justified building a parking garage and, if so, the businesses could pay to build the garage. The Commission should do what was best for the Town, and most people supported the proposed project.

With no one else wishing to speak, Mayor Minnet closed the public comments.

Commissioner Brown expressed people were mostly unaware of how generous the Town's businesses were, how many events they supported and the things they did without seeking or getting any recognition for those good deeds. He thought the most recent design plan presented was a very good reflection of addressing the concerns heard from the businesses, and there was still room to do some tweaking. Parking remained the major issue, but the project was not only intended to benefit local businesses. The improvements were being paid for mostly with taxpayers' dollars and in some part by the businesses. There was no way to move the project forward and keep the existing angled parking, as the project would only be about drainage and, from the standpoint of the Town's taxpayers, this was not something the Commission should do. He doubted people visiting the Town would leave simply because they could not find parking in front of a store or restaurant, as he often had to park in a lot at least a block away when he went to many outside venues. He indicated the Town had the only Visitors Center in Broward County, but four other Broward municipalities were planning to open their own Visitors Center. If the Town did not make the necessary improvements, it would be difficult to compete with the other seaside cities currently renovating their tourist areas, and Lauderdale-By-The-Sea would no longer be the place people wished to visit. He stated his main concern was how long it would take to complete the project. He was concerned about the disruptions to businesses. When awarding the contract, Town staff should seek to include conditions and/or incentives for the contractor to employ a substantial workforce to complete the project in the shortest time possible.

Commissioner Vincent addressed the public comment that the proposed loss of the parking spaces could result in negative effects on local businesses, but when visitors came to the Town they booked into their hotel and proceeded to walk rather than drive around to the various attractions. Commissioner Vincent said the parking spaces that would be lost would be picked up in the immediate two-block area, so there would be no loss of parking. He noted the businesses' comments about moving the proposed area

enhancements to El Prado Park meant all that customer traffic would be diverted away from the downtown area and those businesses would lose. The Town needed to build something in the downtown corridor to attract more business to that area, as well as some type of promenade or vista to encourage visitors to come to the area and patronize the businesses. If the Town built what the design team proposed, the Town's hotels would be booked more than in the past, as visitors learned they had more entertainment. What was available at present was inadequate and people eventually would go elsewhere. The Town needed to keep up with the neighbors. As to the question of why do the beautification now in light of the poor state of the economy, the real question was whether the Town would be prepared to accommodate visitors when the economy began prospering again. He felt the Town needed to be in a position to offer a new, revitalized downtown area, possibly with new restaurants given the incentives the Town now offered for new businesses. The Town's Master Plan had been on the table for ten years, had been shelved and revisited over that time, and the current Commission wanted to move forward based on requests of residents, visitors and some businesses. Moving forward would enable the Town to become an incredible destination area locally, nationally and internationally. He reminded everyone the Town's hotel business currently had over 300 rooms underutilized, due to hotels either being closed or at minimum occupancy due to code violations. Hopefully, if and when the hotels became fully operational, it would coincide with the completion of the downtown improvements, and the loss of parking would be moot, as there would be a very significant increase in the amount of pedestrian flow.

Vice Mayor Sasser stated the one major decision for the Commission to make was whether parking in front of businesses was absolutely needed to enhance the growth of the Town; he felt the answer was no. Adding the extra parking nearby was sufficient compensation for the spaces that would be lost in the proposed design plan, and there could be discussions on a long term parking plan at a later date. He did not mean to trivialize the concerns expressed by business owners, but the issues mentioned should not prevent the Commission from voting to move the project forward and continue to address those issues. For instance, the tree canopy pertained to the number of trees and whether the canopy would sit higher or lower. Those were discussions that could take place after the vote to proceed.

Commissioner Dodd commented on a number of issues. With regard to eliminating parking spaces or just relocating them, the Town would be gaining a large number of parking spaces by the redevelopment of the Wings lot. With the beach 100 feet away, there was no need for a sandbox. He said the loss of 31 parking spaces would result in a loss in revenue of about \$150,000 a year, and the figures for the parking were skewed. If only Commercial Boulevard were considered, it was a matter of reducing 51 spaces to 28. This would halve the parking on Commercial Boulevard only. He asked staff to look into how the design could show crosswalks in the center of the Town right up against the edge of the roundabout, when the County recently told Town staff a roundabout had to be 60 feet away from the nearest crosswalk. He reiterated being 100 percent for the redevelopment of downtown, including resolving undergrounding and

overhead lines, as there appeared to be a high voltage pole and some electrical equipment where the proposed green area marked #10 on the plans would be located.

Commissioner Dodd was satisfied with the compromises in the block nearest A1A. The Town received petitions during the process of other improvement projects and the Commission listened. A petition was submitted by 29 businesses about this project to the Commission, yet the latter deemed the reduction of 51 parking spaces to 28 as acceptable. He thought, as a compromise, instead of the sand area, there was room to insert diagonal parking, as it took about 18 feet in width to do so. About five spaces on each side could be accommodated, leaving eight feet between the two rows of cars. The area could be used as a multifunction area, closing it off when there was a large event. In the entire time of his serving on the Commission, this would be the most difficult decision he would have to make thus far. There were some examples of other municipalities trying to reintroduce cars rather than eliminate them. The improvements on Atlantic Boulevard in Pompano Beach retained their parking spaces and not make the eastern block solely a pedestrian area. The Commission heard enough to move forward and if it did not work, then another solution would have to be devised to bring more cars to the Town's downtown area.

Mr. Fett addressed the issues commented on both by the public and the Commission. With regard to trees blocking views, some business owners were concerned with the visibility of the pier, while others were concerned with the mess the trees would create, as well as a low canopy obscuring storefronts. The latter was a priority for their landscape team, and one solution was to plant more mature trees, though this would be a greater expense. Branches would be trimmed at a height that did not obstruct the views of the storefronts. He believed there was a commitment by the Town to not allow trees and their canopies to hang low and hinder the line of vision of passing vehicles, and the trees would be spaced at 24 feet apart. Regarding the palm trees lining the Marcellos brothers' property, the trees proposed for that area would be planted in the Town's right of way, and they would be maintained by the Town. They were being planted there to help screen the parking lot, which was a mass of asphalt.

Town Manager Hoffmann affirmed the trees would have a high canopy and not block the storefronts or the view of the pier.

Mr. Fett commented on the matter of the crosswalks, noting their purpose was to create a safe pedestrian area, and to allow access to the plaza from a midpoint connection. He understood the Florida Department of Transportation (FDOT) would not allow a crosswalk without an ADA accessible ramp. This could prove cumbersome, so the crosswalk might be unmarked with the understanding that people would cross at that point anyway. Regarding the public comment on the number of people going to the beach, Town staff provided the design team with a memorandum containing specific statistics on the number of people going to the beach. Those statistics proved a significant percentage of people parked on Block A and headed to the beach, so strategies should be implemented to get people going to the beach not to park in Block A. He said this could include incentives to park further away, such as lower parking

rates, more restrictive time limitations to park in Block A. Mr. Fett indicated the design team sought to make the beach drop off area in the block closest to the ocean more accessible, so motorists could pass one another, hence they stretched the area back to 25 feet and proposed the curbless situation to prevent bottlenecks.

Town Manager Hoffmann commented the electrical pole mentioned by Commissioner Dodd would go underground in the current design plan.

Mr. Fett affirmed this to be true, the scope of the project called for undergrounding those electrical lines between the alleys.

Town Manager Hoffmann wished to see the brown wall depicted in the drawing modified to something more aesthetically pleasing.

Mr. Fett discussed the pier parking sign, stating it could be moved onto the larger area on the sidewalk, where it would give the sign greater visibility.

Mayor Minnet felt the most important factor was the multitude of conversations about this project had invited both the businesses and residents to voice their needs and concerns. She thought petitions were wonderful. The petition regarding this project contained signatures from people outside the area of concern, not directly affected by the changes. She urged when looking at a petition, it was important to recognize who signed the petition, how it was constructed with regard to verbiage, and X's should not qualify as signatures. In fact, a business owner in the affected area told her he had not signed the petition and wanted the east commercial improvements.

Mayor Minnet felt there was a need for public bathrooms in the Town's downtown area and now was the time to discuss their location. The design should at least incorporate the infrastructure for installing public bathrooms at a later time. She was excited to see the project come to fruition and how it would benefit the businesses, and she was happy to see the project move to its next phase, while continuing to iron out the concerns voiced.

Town Manager Hoffmann remarked public bathrooms were not included in the scope of project, as there had been discussion that it was better not to have public bathrooms right on Commercial Boulevard. That matter would come back to the Commission on a future agenda as to where the public bathrooms could be located, and Town staff was doing some research on the cost. She clarified that Commission approval was needed to authorize the design team to move to the final design plans, and they needed an immediate decision from the dais on the treatment of the second plaza to proceed. The three options presented were: a hardscape, a Bermuda lawn, and sand.

Commissioner Dodd asked if the Town would be covered if broken glass were found in the sand and someone walked on it or a child got hurt playing in the sand.

Attorney Trevarthen responded broken glass could turn up anywhere in a public area. As far as the Town's insurance via the League of Cities, the matter could be looked into further.

Mayor Minnet did not favor the sand concept and preferred an aggregate of seashell material that tied into the beach atmosphere of the area. She also liked the idea of the grass.

Commissioner Brown preferred the aggregate.

Commissioner Vincent favored the harder surface as well.

Vice Mayor Sasser echoed support for the aggregate.

Commissioner Dodd wanted the material to be neither sand nor turf.

Mayor Minnet said the Town Commission, staff and design team would continue having discussions with the businesses.

Town Manager Hoffmann commented there could only be minor tweaks. The issue of the trees and the pier sign would be addressed. The project was at the stage where the design had to be finalized, so she did not anticipate having continuous meetings with businesses that had questions about the project.

Commissioner Vincent wondered if the use of terrazzo would be clarified for the pavilion space and the stage.

Town Manager Hoffmann responded outdoor terrazzo was the recommended treatment for those areas. Town staff spoke to the building officials about the fact that the stage would be elevated 18 inches, and their opinion was that it required a handicap ramp, which affected the design of the entire plaza. Thus, the question was did the Commission want the stage to be raised. It would be simpler if it was not raised, but it was more functional as a stage if it was raised.

Mayor Minnet asked if there was any way to have the stage gradually increase in height, similar to that of a knoll, so handicap access was possible.

Mr. Fett replied, unfortunately the standards for a ramp and railing would not allow that within the space we had. With regard to the raised stage in the current design, the ramp was placed to the side, which meant the trees would be on the inside of the plaza. Without the raised stage, the trees could stay on the outside.

Town Manager Hoffmann stated she and the designers would work on a solution.

Vice Mayor Sasser spoke on the issue of the terrazzo on the stage, stating whatever was used it should be green to continue the design concept.

Town Manager Hoffmann assumed members of the Commission were satisfied with the color scheme, as no one spoke against it.

There was Commission consensus favoring the concept of the terrazzo design as presented.

Town Manager Hoffmann asked if the Commission would be comfortable with Town staff and the design team consulting with Mayor Minnet on the lighting choices, as she was a lighting expert, and there were a number of choices.

Mayor Minnet preferred not to take on the sole responsibility for lighting decisions. She would make her opinions known but wished not to be involved in the decision.

Town Manager Hoffmann indicated she would narrow down the lighting choices and bring those back to the Commission for consideration.

Commissioner Dodd was not in favor of the trees having to be moved into the center hardscape area. He preferred not having a raised stage.

Commissioner Vincent said if the stage were removed there would still be a 12-inch depression in the plaza, so there would still be an elevated area for events.

Town Manager Hoffmann asked Mr. Fett to clarify the depth of the plaza.

Mr. Fett replied on one end it was 18 inches and on the other it was 12 inches, due to the removal of the curb.

Mayor Minnet requested confirmation that the detail of the plaza would be under design exploration by Town staff and the design team.

Town Manager Hoffmann answered yes.

The Town Manager sought the Commission's input on the street furniture alternatives presented, noting the Town was limited to the type of furniture that could be used due to the harsh environment. The alternatives included the existing colorful plastic furnishings, a formal look of aluminum and wood, and a stark look of aluminum only.

Mayor Minnet thought the existing color recycled plastic composite was doing fine and she recommended staying with that design. The Commission concurred.

Commissioner Vincent made a motion to proceed with the design with the hardscape in the plaza, the exterior terrazzo on the stage and the pavilion plaza areas, the lowered stage, flexibility with landscape placement, address concerns about the pier sign, and to continue the use of the colorful furniture already used in the Town. Commissioner Brown seconded the motion. The motion carried 5-0.

4. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Marie Chiarillo thanked the Commission for passing the East Commercial Streetscape Project Schematic Design as presented, feeling sure the whole Town would appreciate the improvements eventually.

With no one else wishing to speak, Mayor Minnet closed the public comments.

5. REPORT

a. Parking Issues in the Downtown Core (Town Manager Connie Hoffmann)

Town Manager Hoffmann noted there was much discussion on this subject during the previous item.

There was no further discussion in regard to this report.

6. APPROVAL OF MINUTES

a. April 24, 2012 Regular Commission Meeting Minutes

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

7. CONSENT AGENDA

a. Cured In Place Liner Award (Municipal Services Director Don Prince)

Commissioner Vincent made a motion to approve item 7a on consent, including appropriations of the funds. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

8. RESOLUTIONS - PUBLIC COMMENT

a. **Resolution 2012-26:** General Continuing Construction Contract Bid Award for ITB 12-05-01 (Municipal Services Director Don Prince)

Attorney Trevarthen read Resolution 2012-26 by title.

Mayor Minnet opened the meeting for public comment. She closed the public comment upon receiving no input.

Commissioner Brown made a motion to adopt Resolution 2012-26. Commissioner Dodd seconded the motion. The motion carried 5-0.

**9. NEW BUSINESS**

- a. Budget Item – National League of Cities Membership (Town Manager Connie Hoffmann)

Town Manager Hoffmann noted the membership currently cost the Town \$800 plus, but the cost of that membership would triple in the next fiscal year. The Commission did not attend the National League of Cities (NLC) events as they were oriented to larger municipalities. She recommended not continuing with the membership.

Commissioner Brown volunteered to attend NLC events on the Town's behalf if need be, acknowledging the Town had done fine without participating in those events thus far.

Commissioner Dodd wondered if being a member of the NLC was added protection in the event the Town were to become involved a legal battle, as the NLC could help, though he did not see them coming to the aid of the Town's hotels over the swimming pool ADA compliance issue.

Town Manager Hoffmann explained the Florida League of Cities (FLC) would come to the Town's aid in such circumstances as they were our insurance carrier, whereas the NLC had a different agenda.

Mayor Minnet concurred, stating the FLC dealt with such matters, as well as doing other things on a national level. Therefore, the Town could stay involved legislatively on a national level through the FLC.

Vice Mayor Sasser made a motion to discontinue membership in the National League of Cities. Commissioner Dodd seconded the motion. The motion carried 5-0.

Town Manager Hoffmann indicated there was a display of floor samples for the new floor for Jarvis Hall at the back of the Hall, asking the Commission to look at the samples after the meeting and give her their individual feedback. She indicated Jarvis Hall would also be repainted, and get new chairs and a new ceiling.

**10. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. Mayor Minnet adjourned the meeting at 9:55 p.m.

