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TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, February 28, 2012
7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

New Business items 17c was moved forward for discussion immediately following Public Comments.

5. PRESENTATIONS

a. Employee of the Month (Town Clerk June White)

Town Clerk White announced Karen Gates as Employee of the Quarter for the first quarter of 2012. Ms. Gates began employment September 22, 2008 and has since excelled in her duties. She is an asset to the Town.

b. Revision to Design Concept for the East Commercial Boulevard Streetscape Project (Town Manager Connie Hoffmann)

Town Manager Hoffmann said numerous discussions and public meetings occurred since the design concept was first presented in January to the Town Commission and many revisions were made to those concepts. She emphasized the proposed project was still in

the conceptual design phase. A more detailed design would be presented in the coming months.

Traffic consultant Molly Hughes said the project team favored trying both the All-Red Phase at A1A and Commercial Boulevard, also known as the Exclusive Pedestrian Phase on Friday night, Saturday, and Sunday up to a nighttime hour. If approved, it would be a trial, implemented in a couple of months or in conjunction with the proposed project. She said both Broward County and FDOT looked upon it favorably. The project team took some traffic counts recently to determine if it was possible to run a similar phase in the evenings during the week.

Mayor Minnet thought it would be good if the approval for the exclusive Pedestrian Phase was in time for the next season.

Ms. Hughes replied she would speak with FDOT and the County to see whether it was possible to enact it prior to the subject project's commencement/completion.

Steven Fett reviewed revisions to the design concept in detail via a PowerPoint presentation, covering input received from property owners and residents and how the design team had modified the design to reflect that input. In cases where the design team had not modified the design, Mr. Fett explained the reasons for that decision. Ms. Hughes focused on areas where additional parking was created and where parking had been reduced.

Mayor Minnet thanked the project team for meeting with the Town's residents and businesses to address their many concerns.

Town Manager Hoffmann sought direction to move forward with the design concept, whether as presented or with modifications. She noted it was critical to discuss what should be done in Block 3 and the costs associated with it.

Mayor Minnet opened the meeting to public comments.

Paul Novak felt the design was a good one. He believed parking was a main issue and suggested a Commission workshop to discuss parking concerns. If the parking spaces had to be lost, the Town should consider building a parking garage.

Pat Murphy supported the proposed the design, as well as a parking garage.

Ben Freeny believed it was time to move forward. He acknowledged that affected parties were trying to protect their own special interest. Mr. Freeny did not consider parking an issue.

Diana Kugler thought the Town had sufficient parking. If more parking was desired, then building a parking garage was a possibility, but the parking issue should not delay the project.

Ron Piersante agreed that parking should cause no further project delays.

Verenice Rapaport stated any need for more parking could be rectified in a variety of ways and should not delay the project.

Louis Marcellos supported the idea of building a parking garage as a joint venture between the Town and other entities as a multilevel facility at the A1A lot. He believed the Town should look to create a state-of-the-art facility that welcomed visitors to the Town.

Bill Ciani believed sufficient parking and accessibility were essential to the success of a commercial area. The latest design concept got much closer to what he envisioned for the Town.

Spiro Marcellos believed any development action should include plans for a parking garage and public bathrooms.

Guy Contrada believed there were still some concerns. He referenced narrowing the road to one lane on the south side of Block 2. He thought this should be addressed to ensure cars could get around people that parallel parked. He indicated on Block 1 the middle plaza should be downsized to make the street wider. He felt the turning radius at the pavilion should be bigger to allow a smoother transition of the traffic. Mr. Contrada believed a parking garage was a good idea, as it would be well utilized.

Nectaria Chakas, representing Aruba Beach Café, opined the businesses needed to have the vehicular traffic feel comfortable driving through Block 1 and entering Aruba the parking lot. Their parking lot and the access on Commercial were the only ones they had, so if cars were discouraged from entering, it would be detrimental to their business.

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

Commissioner Vincent asked how pedestrians could be educated or informed about the All-Red phase.

Ms. Hughes said the use of signage would alert people to the unusual condition. The state and the County expected the Town to have police officers at the intersection for the first several weekends of the All-Red Phase. She said a great deal of fanfare and the presence of uniformed officers would awaken people to the changes, as well as heavy-emphasis striping. The officers would remain until some safety and pattern recognition were evident.

Commissioner Vincent opined there would be adequate parking during the construction phase of the project, as there were parking lots along A1A and El Mar Drive that were seldom filled during the day. The need to use those lots would raise awareness of the available parking in the Town. He favored a sooner rather than later approach to building a

parking garage. The Town had to keep up with its neighbors. Commissioner Vincent believed the proposed project was the right approach.

Town Manager Hoffmann commented the water main along Commercial Boulevard was ten inches wide until it reached A1A, after which it was six inches wide. She said both the fire marshal and the project engineers felt the time to widen the water main would be when the road was dug up for the proposed project. Fort Lauderdale, who owned the water system, agreed to the wider water main if the Town paid for the upgrades. Upon review of the Fort Lauderdale agreement, Town staff disagreed that the Town was responsible for payment. Town Manager Hoffmann said staff wished to fast track discussion in order to have these upgrades built into the proposed project. She said the Town could expand the waterline and Fort Lauderdale could reimburse the Town at a later time. This would result in an additional cost to the project for additional design and construction.

Mike Buick with Chen Moore stated they collected all the utility information for the area and determined the need to change the size of the pipe. In their review of the records and discussions with the City of Fort Lauderdale, the six-inch water main was installed in the 1950s or 1960s, so it was relatively old. They anticipated a construction cost of about $200,000.

Commissioner Brown supported the redevelopment project in the downtown area, but he asked that the Town take its time and give the affected businesses and the public the maximum opportunity to have input. Since the January 17 meeting, every issue raised by the public or businesses had been further addressed in subsequent presentations by the design team. He was satisfied and ready to move forward with Block 1 and 2, with the inclusion of the water main upgrade.

Commissioner Brown thought it was better to defer Block 3 until 2013. On the parking issue, he noted that parking on Commercial and El Mar Drive was restricted on Friday and Saturday nights to accommodate the music. These were the two busiest nights of the week, yet visitors and locals were still able to find parking. Commissioner Brown thought the plan to permanently remove parking spaces would have little effect on the existing dynamic. He said parking should not be a reason for further delay of the proposed project. There was available parking within close proximity to downtown. He was not prepared to support a parking garage at present. Commissioner Brown thought a planning study could be conducted on the parking garage issue to determine whether it was needed and placed in the CIP.

Commissioner Vincent understood the need for the water main upgrades, but he had concerns regarding the cost. He felt Fort Lauderdale should pay to maintain its own infrastructure up to its own standards particularly with regard to the water supply coming into the Town and for public safety. Fort Lauderdale referred to the upgrades as a "development project", which he wished to be clarified, as there were no new buildings or structures being erected. This was a streetscape project.

Commissioner Dodd asked how many parking spaces the Town had in the downtown area being redeveloped.

Ms. Hughes replied about 120 spaces in the study area, not including the A1A lot, which was outside the study area. The new spaces on Bougainvilla Drive would be extended just beyond the south alley.

Commissioner Dodd asked how many parking spaces where available when the first study was presented. Ms. Hughes said 120 spaces, which were initially reduced to 80 in the first design concept presented in January.
Commissioner Dodd recalled the Commission directed the design team to rethink the situation, and the number of spaces was increased to about 90. Ms. Hughes stated 90 would be the number if you counted the additional spaces from the reconfiguration of other lots such as the A1A lot.

Commissioner Dodd asked how the design was affecting the parking. A major concern was the formal and informal plaza areas. That area currently had 12 spaces, and he wished to see renditions from the design team to illustrate how the design would work with both plazas. Was the end product sufficient to compensate for the loss of the spaces? There was the possibility of narrowing the plaza to make room for some parallel parking on one side. The plaza closest to the pavilion could be a possible location to put the disabled parking area to compensate for the loss of disabled spaces. Commissioner Dodd said he could support the present design concept, but these were things he hoped to see at the next design phase.

Ms. Hughes noted the current design maintained the same number of handicap parking spaces, though the two that were in the turning loop in Block 1 had to be moved in order to remove the parking element from the pedestrian area.

Town Manager Hoffmann said decisions needed to be made now as the project team was ready to move into the schematic design phase, and they needed direction on what they were to design.

Mr. Fett stated design graphics were represented in the renderings in a generic way. As the process moved forward the team and the Town might theme the two plazas differently; one plaza might be more formal than the other. He said Block 2 seemed to be the greater area of concern to the businesses about parking. Though pedestrianization of public spaces and the removal of vehicular space altogether could be considered, he believed cars should at least be allowed to travel through the space, as their slow rate of speed allowed car passengers to view storefronts.

In Block1, the consensus of the design team was that the sacrifice necessary to create parallel parking in which they could provide a maximum of three spaces on one side and two on the other, was not worth it. He noted this might result in the loss of a plaza, the retention of the existing median, or remove the potential for the sidewalks on either side having table seating or sufficient shade trees.

Town Manager Hoffmann questioned how wide the more formal plaza was.

Mr. Fett answered 26 feet, including the built in benches.

Town Manager Hoffmann noted if parallel parking was added on each side of the street in Block 1, that would cut 17 feet out of the width of the plaza. That, combined with adding three feet to each traffic lane to accommodate the parallel parking, would make most of the plaza disappear.

Mr. Fett felt the design team would argue that, at those dimensions, it would become a median rather than a public space. It could be landscaped for beautification.

Vice Mayor Sasser thought a parking garage was important and wished for staff to explore creative ways to fund such a project other than with taxpayer dollars, such as using the parking fund. On the issue of the curvature in Block 1, he wondered what separated the plaza from the roadway. If the curvature did not have a curb and was marked differently, essentially there would be space for a car to pull up there but not offer the ability for a car to do so.

Mr. Fett suggested the red line indicated in the rendering was just the surface of the road, but some sort of sidewalk distance was needed, so as pedestrians emerged from the plaza, they were not walking onto a surface that could be occupied by a car. It was better to have some visual separation between the plaza and the roadway.

Vice Mayor Sasser was concerned with passengers being offloaded, rather than cars parking.

Town Manager Hoffmann pointed out this was taking place in front of the pavilion now. The space in the rendering was only one foot narrower than the existing space, so offloading of passengers could still happen.

Vice Mayor Sasser supported Blocks 1 and 2; Block 3 should be done right, even if it meant delaying this portion of the project. He thought one of the goals was to drive foot traffic west; to do this, the sidewalks had to be widened to match the sidewalks going east, so coming over the bridge had a look of continuity into the eastern block. If the water main needed to be upgraded Town staff should get Fort Lauderdale to agree to pay for all, or most of the cost. He was comfortable with no parking in Block 1.

Commissioner Dodd concurred with widening the water main and determined it was Fort Lauderdale's financial responsibility. He too supported the postponement of Block 3.

There was Commission consensus for the project team and Town staff to move forward with the project design for Blocks 1 and 2. Block 3 would be deferred to a later time as a separate project.

Town Manager Hoffmann stated Block 3 would likely be grouped as a project with the block between Bougainvilla Drive and Seagrape Drive. Staff would examine it further for the CIP in the upcoming budget discussions.

Mayor Minnet asked if it was imperative to incorporate the restriping of the A1A lot. She said, in reality no spaces were being lost, as they were being relocated to another area. The re-design of the sidewalks meant more people would walk over from the A1A lot into the downtown area. She was not in favor of adding any parallel parking in Block 1 area. She requested the design team look at the turning radius without sacrificing the plaza.

Town Manager Hoffmann suggested doing the restriping of the A1A lot independently to allow Town staff to move forward more quickly. The issue of adding parking on Bougainvilla would be included for discussion on an upcoming Town Commission agenda.

Commissioner Vincent did not want any parking in Block 1, though he preferred to err on the part of public safety in the design and not lose the pedestrian area. He supported moving forward with Blocks 1 and 2; Block 3 should be postponed.

Town Attorney Trevarthen summarized the Commission's direction to staff for a motion as follows: delay Block 3 to a separate capital project in the CIP; accept the proposed design for Blocks 1 and 2; approve proceeding with the increase in size of the water main from six to ten inches, with a strong effort to get Fort Lauderdale to cover the costs for the upgrade; and examine safety and other considerations with regard to the turning radius in Block 1.

Vice Mayor Sasser made a motion to move forward as stated above by the Town Attorney. Commissioner Vincent seconded the motion. The motion carried 5-0.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Tom Dunn said his wife observed offensive messages written on T-shirts in a store front display across from Aruba's. Mr. Dunn spoke with a Chamber of Commerce representative, who informed him there was little that could be done in light of the First Amendment. He advocated a boycott of such stores as a last resort if they did not move such merchandise further into the store, out of the public's vision; they were offensive to the Town and its reputation.

Steve Gagas stated he supported item 17g that advocated the promotion of more diving in the Town, particularly during lobster mini season.

Edmund Malkoon believed reliable data and statistics were needed in order to ease restrictions on the hotel/motel industry. He thought occupancy and revenue per available room were key components in plotting trends. Mr. Malkoon suggested establishing some type of monitor, possibly through the Welcome Center. He urged the Town to let Spicola

Park remain as a green connector from Municipal Park to El Prado and the beach. The space should not be paved over to build a parking lot.

Spiro Marcellos hoped to put the Anglin's Fishing Pier's sign back up. He appreciated any assistance from the Town in this endeavor, as it was very important for the visibility of the pier and the consumers.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting. She stated item 17c would be moved forward for discussion.

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report – January 2012 (Chief Oscar Llerena)

Commissioner Dodd requested an update on the cameras.

Chief Llerena stated that negotiations for the installation of cameras were near an end.

Commissioner Brown stated a number of people expressed the need for more police presence in their community; specifically Tropic Drive.

Chief Llerena said police were strategically placed pending crime trends and specific crimes that took place at various hours. He added, when most persons were home the police concentrated their attention on the thoroughfares. Chief Llerena believed it had been some time since an incidence of crime had been reported in the Tropic Drive area.

Commissioner Brown asked if the police would be willing to set up random checkpoints on cyclists, such as in front of the Sea Ranch shopping plaza where signage was posted. He believed this would alert cyclists that they were required to obey the same traffic signals as other vehicular traffic.

Chief Llerena indicated there were rights and responsibilities for both cyclists and motorists. For the past two weekends, BSO had an ongoing bicycle plan, but he was unsure if setting up bicycle checkpoints was the best route. He said officers were providing education in several ways, using certified bicycle deputies for this purpose. They found the problems were confined mainly to weekends. Chief Llerena monitored the situation continuously and would update the Town Manager on the outcome of their ongoing plan.

Mayor Minnet asked if it was a consideration to reduce the speed limit from 35 mph to 30 mph on A1A for increased safety.

Chief Llerena noted he did not have a strong background in traffic, but he knew that in Lauderdale-By-The-Sea, the existing speed limit was relatively low and resulted in less serious injuries and fatalities.

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

b. VFD Monthly Report – January 2012 (Chief Riley Paine)

Commissioner Brown questioned the status of a lawsuit the VFD (Volunteer Fire Department) filed against BSO in 2007. Deputy Chief John Louvaris replied the suit was dismissed when the VFD came back into service and the outcome was on file in the Broward County Courthouse.

Commissioner Brown stated it was important for the BSO and VFD to work together in serving the Town. He queried if the VFD was properly registered with the state and federal government as far as being allowed to solicit charitable donations, and for people who made such donations to deduct them from their taxes. In the past he reviewed the Florida VFD's registration with the state, but did not see the Town's VFD among them.

Deputy Chief Louvaris affirmed the VFD accepted donations; he would confirm the VFD's registration with the state and relay his findings to Commissioner Brown. Commissioner Brown said he had no wish to see the VFD, or anyone who deducted such donations from their taxes get in trouble.

Commissioner Brown believed it was a waste of water to test fire hydrants, particularly in light of the Town's water restrictions. He was aware that, in order to flush the hydrants properly, the water had to get to certain pressure level. He wondered if it were possible to develop a system to capture and redirect some of the water for irrigation or to fill the pumper truck. He asked if the VFD had done any research on how other departments tested their hydrants without wasting gallons of water.

Deputy Chief Louvaris responded they were already looking into the matter, noting they tried not to test their hydrants during drought conditions. When the Cities of Pompano Beach and Fort Lauderdale tested their hydrants, they placed signs on them, but the VFD had no control over that water flow.

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

c. AMR Monthly Report – January 2012 (Chief Brooke Liddle)

Commissioner Dodd made a motion to accept the report. Vice Major Sasser seconded the motion. The motion carried 5-0.

8. <u>TOWN MANAGER REPORTS</u>

a. Chamber of Commerce Monthly Report

Paul Novak, Chamber representative, read into the record the Chamber's statistics for the Welcome Center for the month of January. Mr. Novak stated when they received a complaint about a motel they reported it to the Town. If the motel/hotel was a Chamber member, they contacted the owner to let them know about the complaint. Mr. Novak remarked that hotel statistics were tracked through a service called Smith Travel. He reported to them on a monthly basis on the various categories of data they requested. If the Town Commission wished the Chamber to look into making this service available, they could. Smith Travel provided breakdowns for the cities of Fort Lauderdale and Pompano Beach, as well as for high-end and low-end motels.

Commissioner Vincent inquired the reason for the increase in ad responses last month from 18 to 186. Mr. Novak said it was difficult to say as advertising was an inexact science.

Mayor Minnet suggested the Chamber could include information on what the advertisements were. Then the Commission could see how the Welcome Center advertised: print material, internet, etc.

Commissioner Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Finance Report – January 2012 (Finance Director Tony Bryan)

Commissioner Dodd emphasized that parking revenues increased while revenues from parking tickets decreased. He favored the new parking meter system. It indicated consumers were correctly paying for their parking spaces.

Commissioner Vincent also favored the new parking meter system. He asked whether Finance Director Bryan conducted any comparison between the revenue gained from parking meters versus the loss of revenue from parking tickets. It appeared the revenue from the meters exceeded that from tickets. Mr. Bryan affirmed it was a net gain.

Commissioner Vincent observed new accounting line items that had to be instituted as a result of the CAP contract were a wash. The Town was now making the payments and other expenditures, as well as taking in the revenues since CAP had taken over building services.

Finance Director Bryan confirmed the revenues were flowing through as well as the expenditures.

Commissioner Vincent said there should ultimately be an increase in revenue because, even though the rates were reduced, permits would be pulled by persons who were prevented from doing so due to the high rates. He questioned why line item the sewer fund budget for sewer and water, was $65,000 lower.

Town Manager Hoffmann pointed out the bulk of the expenditures in the sewer fund were in the payments the Town made to the City of Pompano Beach under the Master Sewer

Agreement. The Town staff had under budgeted that account by about $85,000, forgetting that last years' expenses were reduced by an equivalent credit to the Town by City of Pompano Beach for prior years' billing errors. She reminded the Commission the Town's flows were higher than usual due to a large amount of rain during October and November during which infiltration occurred through the manholes. She added that sewer line maintenance would reduce infiltration. Town staff had already installed manhole guards, as well as accelerating work on the laterals.

Finance Director Bryan noted there was a budget resolution item later in the agenda, which would address some of the sewer issues.

Commissioner Vincent made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. Parking Exemption Program Bi-annual Report

Mayor Minnet observed the Town was now 33 percent towards the total allocation goal.

Commissioner Vincent asked how the parking exemption was advertised.

Assistant Town Manager Bentley replied the Town's primary contact was directly the business owners. The Town had a very stable ownership, particularly in the oceanfront center, and all were aware of the exemption program when they marketed their projects. He said Town staff did some additional follow up with business owners in the Commercial Boulevard west area.

Town Planner Linda Connors explained Town staff went to the restaurants she had not already personally spoken with, to discuss the parking exemption and the sidewalk café programs. Some expressed interest and Planner Connors emailed the information to them. Others were interested but unable to afford participation at present.

Town Manager Hoffmann asked if Planner Connors received phone calls from restaurants that were interested in locating to the Town.

Planner Connors received several calls from people interested in establishing a business in Lauderdale-By-The-Sea. If it was a restaurant, she informed them about the Town's parking exemption program. Two or three restaurants contacted her about opening restaurants in the Commercial west area. Though they had yet to come in, they were aware of the parking exemption and sidewalk café programs.

Vice Mayor Sasser stated that the slow growth and the 33 percent was exactly what the Town Commission wanted, as it allowed for sidewalk cafés.

Mayor Minnet commented there was a total allocation of 120 parking spots, and 33 percent of them were being utilized by three existing and one new business.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen acknowledged a Commission consensus to schedule a training seminar for the newly appointed advisory board and committee members on April 3, 2012, at 6:00 p.m. The Commission would appoint the members of the Charter Review Board on March 13, 2012.

Mayor Minnet referred to a resident's question regarding store front window displays. She queried the parameters the Commission had to control window displays.

Town Attorney Trevarthen clarified the request from the member of the public was to address merchandise in the store windows that they found offensive and not representative of the image the Town envisioned. There were two approaches mentioned by the resident; the "carrot" approach and the "stick". The "carrot approach" was simply asking the business owner if they were willing to make changes, and others could do the same. There was no real legal limit on this, as it could be done on a one-on-one basis. If it got to the point where the Town wanted to consider more of a "stick" or regulatory approach, she would have concerns, as there were limits placed by Florida Statute. Anything that was obscene could be acted on by the Town, but she was unsure if the examples given by the resident would be considered obscene.

10. APPROVAL OF MINUTES

Commissioner Dodd made a motion to approve the minutes as listed. Commissioner Brown seconded the motion. The motion carried 5-0.

a. January 24, 2012, Regular Commission Meeting Minutes

11. CONSENT AGENDA

There were no items on the Consent Agenda.

Mayor Minnet recessed the meeting at 8:35 p.m. and reconvened at 8:50 p.m.

Mayor Minnet moved item 17a forward for discussion.

12. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

a. **Ordinance 2012-03:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RENEWING AN EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO CHOICE ENVIRONMENTAL SYSTEMS, INC. TO OPERATE THE ONLY SOLID WASTE AND RECYCLABLE COLLECTION SYSTEM IN THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA; PROVIDING FOR THE TERMS,

CONDITIONS, AND STANDARDS FOR SAID FRANCHISE; PROVIDING FOR CONFLICTS, AMENDMENTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

Assistant City Manager Bentley said Vice Mayor Sasser was the Commission liaison and he was very helpful in providing insight and guidance during this process.

Commissioner Brown commented if he were on the Commission in 2011, he would have voted to put the whole contract out to RFP. He thought the negotiation process, though lengthy, had worked well.

Commissioner Dodd opined the proposed ordinance greatly exceeded his expectations. As Choice Environmental was maintaining a list of persons choosing not to get recycling carts, they would be noticed and encouraged by the Town to recycle. He said on the issue of indemnification, the language did not indemnify Choice Environmental from filing a lawsuit against the Town if the commercial rate got too high and businesses began to complain. Choice should consider finding a way to address this aspect of the agreement.

Vice Mayor Sasser made a motion to adopt Ordinance 2012-03 on first reading. Commissioner Dodd seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

b. **Ordinance 2012-04:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, TO DELETE AND REPLACE ARTICLE VIII. SIGN REGULATIONS IN ITS ENTIRETY, IN ORDER TO REORGANIZE THE EXISTING SIGN REGULATIONS FOR EASE OF USE AND INTERPRETATION AND TO REVISE AND CLARIFY DEFINITIONS, REQUIREMENTS AND STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Minnet opened the meeting for public comment.

Louis Marcellos stated the pier rooftop sign that came down in a hurricane would be a nonconforming sign. With the rejuvenation of the area it was essential to reinstall the sign; the plans for the east redevelopment showed trees would partially block the view of the pier. He believed the pier was the focal point of the Town, making the sign essential. Mr. Marchellos preferred a sign with the old design from the 1960s to 2000, adding "Anglin's Fishing Pier, Lauderdale-By-The-Sea" to the sign. This would clear up any confusion of the pier being a Fort Lauderdale pier.

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

Commissioner Brown felt it was already possible under existing law for the Town to go after a sign as an illegal sign; this meant there was a way to determine if a sign were legal or not. Adopting the ordinance would not change this. It only created new categories of signs, while some signs would not be permitted.

Cecilia Ward affirmed this to be the case, stating anyone presently displaying a legal, nonconforming sign, would continue as such after the subject ordinance was enacted. She added it would only take affect if the property was redeveloped or there was new development.

Commissioner Brown had no wish to see businesses and hotels/motels with signs that had been up for many years suddenly cited and forced to go through a process to come into compliance. He had no problem with regulating signs for new development or redeveloped sites, and he sought staff's assurance that adopting the proposed ordinance would not create problems for the Town's businesses.

Town Attorney Trevarthen said this was correct, as there was no amortization period in the code; if the original application showed the sign as legal and conforming at the time it was erected, this was acceptable with the exception for the conditions of new development or redevelopment. For Illegal signs that had always been illegal, non-conforming signs, the Town would have to decide how to address those.

Commissioner Vincent hoped with the adoption of the ordinance, illegal signs would become legal nonconforming. On the issue of the pier sign, the legal nonconforming category should apply.

Ms. Ward pointed out the proposed code carried forward the way the existing sign code read. There were other mechanisms, such as variance provisions, etc., to address illegal signs. She stated if a sign was removed, the new one had to comply with the existing code.

Commissioner Vincent inquired if the rules would still apply if the sign was removed by an act of nature. Ms. Ward responded such language was not in the sign code.

Town Attorney Trevarthen affirmed, once a sign no longer existed, it fell into a different category than a nonconforming sign that remained posted. If the Commission so desired, they could direct staff to draft such language.

Vice Mayor Sasser observed if a sign blew down, it was not voluntarily taken down by the property owner.

Ms. Ward responded the pier's sign would be considered legally abandoned after being gone for seven years. She pointed out there were added considerations given to unique circumstances, such as taking a sign down for safety reasons, as in a hurricane.

Town Attorney Trevarthen was unsure of how the Town's variance criteria would apply to the Pier's desire to re-erect the old sign, and she would investigate the matter for the second reason.

Vice Mayor Sasser asked if any criteria would be established by the Town as to hanging signs, such as how they were to be attached.

Ms. Ward directed the dais' attention to page 19, where a number of standards were detailed.

Vice Mayor Sasser questioned what constituted a holiday and who decided that.

Ms. Ward responded the code allowed for string lighting around windows, which was now prohibited. There was some language on the kind of illumination, but it was difficult to specifically cover every form of holiday lighting. Instead, they sought to identify a period when it was logical to have up such lighting.

Vice Mayor Sasser asked if window coverage and the vacancy of a store would be dealt with in the code where windows stayed exposed. He asked if some decoration was allowed, and could it be enforced. Planner Connors was unsure.

Town Attorney Trevarthen indicated she worked on a similar program for other cities, and it was separate from what the Commission was presently dealing with. If it was the Commission's desire to incorporate such standards, she could investigate the matter and attempt to devise language for inclusion in the Town's sign code.

Vice Mayor Sasser wanted something more pleasant to look at.

Commissioner Dodd wanted to know why March 27, 2001, was selected. Town Attorney Trevarthen believed each time the code changed it began a new period.

Ms. Ward concurred. In her research of the Town's LDRs (Land Development Regulations) 2001 was the last time the whole code was modified to some degree.

Commissioner Dodd asked what would happen if the Town lost the records of a permit and the owner was positive the sign was legal when it was first erected. He believed this was the situation with the original pole sign at the pier. There was the issue of responsibility, as well as the term nonconforming signs; in reading section 907.913 correctly, only pole and pylon signs qualified as nonconforming signs.

Town Attorney Trevarthen clarified the language stated only pole and pylon signs would be allowed to remain despite the prohibition going forward; this was separate from the general rule affecting nonconforming signs. Regulations affecting roof signs were located elsewhere in the code in the general nonconforming language.

Commissioner Dodd wondered if Town staff had any idea as to the ratio of conforming to nonconforming signs. He questioned whether it was possible to get an estimate on nonconforming signs.

Ms. Ward replied, 1) the study in the field compared signs in the community with compliance with the Code; and 2) staff did not view every file to determine if they were permitted at some specific point in time. Town staff sought to establish if there was a prevalent style of signage that was acceptable, so upon reading the code, a change could be recommended. Town staff also responded to the community's request to look into including such signs as wall signs and hanging signs.

Vice Mayor Sasser inquired as to the time period for holiday lighting of November through February, wondering about lighting for other holidays, such as St. Patrick's Day, and if the code would prevent decorative lighting on those days.

Ms. Ward said if the decorations were lit, they would not be allowed under the revised sign code.

Vice Mayor Sasser felt this would have to be revised, as he had no objection to lighting for the celebration of a specific holiday. He asked about permanent store lighting, such as in the storefront of Doggies & Diamonds. He found the lighting there gave the storefront a lift, but thought the new code might classify it as noncompliant.

Planner Connors affirmed such permanent storefront lighting was classified as noncompliant and would remain as such. She spoke with the owner of that business on a number of occasions and told him of the various meetings that he could watch online and provide feedback. However, Town staff received no comments on this subject from any of the business owners at prior meetings, nor after the provision was made not to allow strip lighting in windows.

Vice Mayor Sasser said he did not object to such lighting if it was done well.

Town Attorney Trevarthen commented it was possible to establish a time limit around the particular holiday as an alternative to the November to February timeframe.

Mayor Minnet noted Vice Mayor Sasser sought clarification on how the electronic signage versus the LED lighting would be treated.

Town Attorney Trevarthen thought it was possible to devise language in the sign code that separated a line of white lights around a window from the whole concept of electronic signage.

Vice Mayor Sasser directed staff to explore this possibility.

Mayor Minnet concurred there were many businesses in Town that decorated for every holiday, such as Fourth of July, Easter, St. Patrick's Day, etc. Thus, the language in the

proposed code had to be revised to ensure businesses could continue to have illuminated signs for various holidays, as this was the character of Lauderdale-By-The-Sea.

Planner Connors asked if holiday lighting was to be specifically allowed in the business district, or generally.

Mayor Minnet said for the business district only. She thought it was a point for consideration, why a homeowner should be barred from lit signage celebrating a particular holiday. They could be allowed for a set period of time. Mayor Minnet asked staff to address the issue of electronic signage versus simple illumination, and for the Town Attorney to devise language that allowed for lighting versus signage.

Town Attorney Trevarthen commented there was a definition of electronic signs in the Town's code, specifically line 1037 of the ordinance that dealt with architectural lighting that illuminated building walls, features or landscaping. This was not considered signage. The edging around window lighting was not considered a part of the electronic sign prohibition. It was the portion of the revised code that mentioned strips of lighting around windows as prohibited that should be removed without affecting the prohibition of electronic signs.

Mayor Minnet indicated that was correct.

Commissioner Brown asked if the sign issues of Alley Oop and Argenti Jewelers had been addressed. Planner Connors said they were.

Town Manager Hoffmann pointed out the banners Alley Oop designed and manufactured were not legal under the existing or proposed sign code, as they were too big; under the proposed code, they would only be allowed to have one hanging sign. Having two such signs would block the store to the east of them. The storeowners of Alley Oop had been informed the banners would not comply with the proposed sign code; they could have a banner, which was classified as a hanging sign, but it must meet the code requirements. On the issue of the lighting around windows, she believed there was prior discussion by the Commission to allow it. She asked that the Commission consider limiting the colors of such lighting.

Mayor Minnet stated staff had to include in the code a specified temperature for LED lights as the temperature dictated the color.

Town Manager Hoffmann hoped to prevent overly bright lights, such as red.

Town Attorney Trevarthen summarized the contents of the motion based on the discussion above: restoration of historical sign language; change seasonal sign language to specify a before and after time frame and not just the November to February limit currently in the ordinance; ensure line of lighting around windows was allowed, taking into account the temperature of LED lighting, with the general rule of it not being bright and colorful; staff should check into the treatment of roof signs and whether variance criteria applied as it pertained to the pier; adding language for window coverage.

Town Manager Hoffmann noted the issue of window coverage might not be included in the time available before second reading.

Town Attorney Trevarthen concurred that it was a significant change, as in other cities it involved a lot of discussion and public input. There was a desire to move forward and the issue of window coverage could be a separate item.

Vice Mayor Sasser was willing to deal with the window coverage as a separate item to allow public input.

Mayor Minnet recommended placing the window coverage issue on the Commission's April agenda.

Vice Mayor Sasser made a motion to a adopt Ordinance 2012-04 on first reading with the revisions as stated above by Town Attorney Trevarthen. Commissioner Dodd seconded the motion. The motion carried 5-0.

2. Ordinances 2nd Reading

a. **Ordinance 2012-01:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-155, "DEFINITIONS", TO PROVIDE CLARITY FOR BUSINESS DISTRICT USES; BY AMENDING SECTION 30-181, "ESTABLISHMENT OF ZONING DISTRICTS" TO IDENTIFY THE EXISTING B-1-A ZONING DISTRICT; BY AMENDING ARTICLE V, "ZONING", DIVISION 2, "DISTRICTS", TO PROVIDE BUSINESS DISTRICT REGULATION PURPOSES AND SUPPLEMENTAL REGULATIONS, MODIFY THE PERMITTED AND CONDITIONAL USES IN THE B-1-A AND B-1 DISTRICTS AND PROVIDE REGULATIONS FOR CONVENIENCE STORES AND FOR OUTSIDE SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

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

Town Attorney Trevarthen previously advised staff that the item should be advertised in a different manner. Therefore, staff requested the ordinance be pulled from the agenda to re-advertise per statute, for the March 13, 2012 Commission meeting, where it would come back for Commission consideration on first reading.

b. **Ordinance 2012-02:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, ARTICLE II, PARKING,

STOPPING OR STANDING, OF THE CODE OF ORDINANCES, TO AMEND PARKING PERMIT AREAS AND TIME LIMITS AND PROVIDE AUTHORITY FOR DESIGNATION OF ADDITIONAL PARKING PERMITS BY RESOLUTION IN ORDER TO ADDRESS THE PARKING NEEDS OF THE TOWN; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

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

Commissioner Dodd made a motion to adopt Ordinance 2012-02 on second reading. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

a. **Resolution 2012-07:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2011/2012 FISCAL YEAR BUDGET; APPROPRIATING SAID AMOUNTS TO SPECIFIC DESIGNATED ACCOUNTS IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A" TO THE SPECIFIC DESIGNATED FUNDS; AUTHORIZING EXPENDITURE OF THOSE AMOUNTS IN ACCORDANCE WITH THE BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE

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

Vice Mayor Sasser made a motion to adopt Resolution 2012-07. Commissioner Dodd seconded the motion. The motion carried 5-0.

b. **Resolution 2012-08:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS

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

Commissioner Dodd made a motion to adopt Resolution 2012-08. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were no quasi-judicial items for public hearings.

15. COMMISSION COMMENTS

Commissioner Dodd recently attended a Hillsboro meeting at which sand restoration was discussed, and considerable concern was expressed about trucking sand in and sand compatibility issues. However, most offshore sites from which sand was sourced had been severely depleted leaving very few options with regard to sand for sand restoration.

16. OLD BUSINESS

a. Reconsideration of Decision to Not Contract with Someone to Manage Town Events (Vice Mayor Scot Sasser)

Ron Piersante remarked the public elected the Commission to run the Town, not to run special events. Though a Commissioner could chair such committees, he supported the idea of the Town hiring a special events planner. That person would coordinate and take care of the "nuts and bolts" of the events.

Vice Mayor Sasser recalled that the Town Attorney indicated members of the Commission could continue to manage such events, now that Broward County's new ethics codes had to be considered. His goal was not to hire anyone to manage the Town's events. The intent was to coordinate the events with consistency. He agreed a member of the Commission could still chair committees, but designated staff would attend to the details of planning to consolidate the procedures.

Commissioner Brown felt members of the Commission should not chair the committees of Town's events, particularly when it included fundraising to offset costs in light of the County's new ethics rules. He thought the Town should hire a professional marketing firm to coordinate all events rather designating a Town staff member unless the staff member had other duties, nor should the Chamber solely shoulder such a responsibility. The Town needed a marketing strategy.

Commissioner Dodd acknowledged chairing an event committee was an enormous amount of work for everyone involved. His only caveat in considering hiring someone to organize the Town's events was to closely monitor such expenditures.

Town Manager Hoffmann explained there were two aspects to the Town events: 1) the event organizer; and 2) marketing the event. Both duties were separate. The Town needed to decide whether to contract with an events company to serve as event coordinator, or use a Town employee.

Commissioner Vincent thought Halloween, Easter and Fourth of July should be maintained and managed by the Town Commission and staff. There was no budget for marketing for those events.

Vice Mayor Sasser questioned who would coordinate the other events.

Town Manager Hoffmann believed Pat Himelberger, Assistant to the Town Manager, would coordinate the Family Fun Week event, and Steve d'Oliveira would coordinate the Lobster Fest. She felt it was possible to coordinate the events less expensively by contract than having a full-time staff person do it.

Vice Mayor Sasser preferred to give the Town Manager the freedom to make the decision. There was a need for consistency in how events were handled.

Mayor Minnet concurred this was within the Town Manager's scope of duties and should be left to her to decide.

Town Manager Hoffmann stated she could present a budget on management services for Town events for the Commission's consideration.

b. Proposed Amendments to Chapter 30 of the Code to Support Hotel Uses (Town Planner Linda Connors)

Vice Mayor Sasser noticed the removal of off-street requirements for such special accessory uses, questioning if there was a cap involved.

Town Manager Hoffmann explained the amendment pertained only to hotel rooms with 100 rooms or more, of which there were currently two, and they had more than adequate parking to accommodate restaurant use onsite.

Commissioner Brown asked whether a Bert Harris claim could be triggered by a hotel whose property was devalued due to the Town's action. He asked if the language "discouraging hotel conversions to residential" should be removed, leaving in "encouraging the development of existing sites for new hotels".

Town Attorney Trevarthen clarified the language was only in the cover memo, and the ordinance sought to move the residential uses from a permitted category to a conditional use category. She saw no situation where the conditional use procedural treatment was sufficient to constitute an inordinate burden.

Commissioner Dodd thought there could be a bit of simplification in the ordinance as to height. He asked how nonconforming buildings would be dealt with. Commissioner Dodd suggested the height be defined as it was specified in the Town's Charter.

Town Attorney Trevarthen said the language in the proposed ordinance was from the existing code and no charge to that language was proposed. The height language was currently part of the Town's RM25 code. There was a separate provision in the code that discussed nonconforming buildings being able to continue. She believed in either 2009 or 2010, the Town made its code language parallel to that of the Charter. Nonconforming would always be in a different section, as the conforming section was where the restriction was first set.

Commissioner Vincent viewed the proposed amendments as a way to encourage a large hotel locating in the Town with less restrictions so as to enhance the area.

17. NEW BUSINESS

a. Application for Relief of Code Enforcement Lien at 4315 W. Tradewinds Avenue (Assistant Town Manager Bud Bentley and Code Officer Tuchette Torres)

This item was considered prior to Ordinances.

Mayor Minnet acknowledged, in addition to the payment to the Town, the property owner paid the delinquent solid waste collection bill of $101.49.

Commissioner Dodd noted this was not the first time the property owner was cited for the offense; citations were issued June 10 and October 6, 2010.

Property owner Jill Levy did not recall receiving citations for the above dates. This was not her main residence. She lived in Fort Lauderdale, and the property was an investment property; her mail was forwarded to her home address.

Commissioner Dodd asked whether citations for the two earlier violations were sent to the property owner and, if so, had they been cleared.

Assistant Town Manager Bentley stated the citations were issued and the property was brought into compliance; it did not get to the Special Master stage.

Commissioner Dodd questioned why a third citation needed to be issued. The notice of the violation was received on October 30 informing the property owner they were being fined $100 per day. He asked why it took them until November 17 to comply.

Ms. Levy responded the notice was sent to her husband and she did not open the mail. As soon as she became aware of the citation, she took care of it. She sought to prevent any future occurrence by electing to handle such mailings personally.

Property owner Brian Bower stated the minute he and Ms. Levy found out they were delinquent, they rectified the matter. They did not frequent the home, but went by once or twice a month to pick up the mail.

Commissioner Vincent made a motion to approve staff's recommendation to mitigate the lien to $385.00. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

b. Parking for Public Safety Building (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley went over the details of the parking options for the Public Safety Building. Staff sought direction from the Commission on whether this was important enough for inclusion in the next fiscal year's budget, and what kind of parameters should be

given for staff to develop the concept. He stated the primary question was the amount of green/open space the Commission desired for the front of Jarvis Hall, or were they in favor of a possible drop-off connection. A third consideration to maximize or increase the amount of parking was to create an exit westbound to Bougainvilla, as this would address a concern of the police and fire rescue on getting an avenue of quick response both east and west.

Commissioner Vincent desired the input of the Town's public safety personnel.

Assistant Town Manager Bentley said the Commission was not being asked at present to decide on a concept. He clarified that Town staff sought to get Commission feedback on whether it was something for future consideration in the next budget.

Commissioner Vincent supported further consideration by Town staff.

Town Manager Hoffmann inquired if the Commission wished to maintain green space in front of Jarvis Hall or was willing to entertain some connector between the two parking lots. Secondly, how much green space did the Commission wish to maintain in Spicola Park.

Commissioner Dodd felt it was important to evaluate how much parking was needed before deciding on green space and/or connectors.

Town Manager Hoffmann pointed out the matter had been evaluated, and Town staff knew 25 parking spaces were needed for BSO, AMR, and the 12 Public Works employees that now parked in the A1A lot.

Mayor Minnet observed the only plan that afforded that number of spaces was Exhibit 5.

Commissioner Dodd wondered if in Exhibit 7 the exit through the park could be eliminated, as that would give 22 spaces.

Mayor Minnet requested a motion to extend the meeting to 11:30 p.m.

Vice Mayor Sasser made a motion to extend the meeting until 11:30 p.m. Commissioner Dodd seconded the motion. The motion carried 5-0.

Vice Mayor Sasser agreed it was important for consideration in the next fiscal year. He too wanted to maintain green space. Town staff needed to do more research to give the Commission a better idea of how much green space could be preserved based on the number of parking spaces needed.

Commissioner Brown added the VFD needed a place to park the fire truck and their cars driven to the fire station. He believed Town staff should do another calculation for more than 25 parking spaces.

Commissioner Vincent reminded the Commission that the area where the pool and trailer once were, was never green space, though it was now, and the new parking spaces would occupy areas that were once a pool or a building.

Vice Mayor Sasser asked if the pool was simply filled in and, if so, was the area stable enough to bear the weight of a parking lot full of fire trucks.

Assistant Town Manager Bentley replied Town staff pulled the permit and filled in the pool. He would look into the stability of the area and relay the information to the Commission.

Mayor Minnet preferred not to see the green space in front of Jarvis Hall disrupted.

The Town Commission directed staff to research parking scenarios but not to disrupt the green space in front of Jarvis Hall.

c. Appointment of Advisory Board Members to the Planning and Zoning Board, Board of Adjustment and Audit Committee (Town Clerk June White)

This item was considered immediately following Public Comments.

Mayor Minnet noted at the Organization Meeting of February 27, 2012, the Town Commission and staff discussed how the selections would be made.

Town Attorney Trevarthen mentioned the Town's code required the Commission to specify which person was the first alternate and the second alternate.

Town Manager Hoffmann commented the Audit Committee needed to meet as soon as possible.

Town Attorney Trevarthen indicated, once selected by the Town Commission, the Audit Committee could meet, but the resolutions formalizing the appointments would be passed at the next Commission meeting.

Mayor Minnet stated nine persons sent in their resumes for appointment to the P&Z (Planning & Zoning) Board.

Vice Mayor Sasser observed there were seven people that applied for appointment to the BOA (Board of Adjustment) to fill seven positions. He noted as one person was not allowed to serve on two boards at the same time, the two applying for both boards could be appointed to the BOA accordingly, leaving seven persons to fill the positions on the P&Z Board.

Commissioner Dodd asked: 1) could a chairperson on any of the boards serve for two consecutive terms; 2) should the Town Attorney draft a resolution as to attendance re: the "three strikes, you're out"; and 3) would the original format be adhered to, whereby if a board member resigned, would the member of the Commission who appointed them select

their replacement, or would an alternate be moved up to the position and the alternate position filled by someone new. On the issue of the chairperson position, Commissioner Dodd felt chairpersons should not hold the position for two terms consecutively.

Mayor Minnet believed the Town's Charter permitted the P&Z Board and the BOA members to choose their own chairperson.

Town Attorney Trevarthen affirmed this to be the case. The current code, Section A1F of 30-6 for the P&Z Board, stated if a chair or vice chair was reappointed to the board following an election he or she was eligible to be selected by a majority vote of the new board to serve as chair or vice chair. Town Attorney Trevarthen recalled the code for the BOA was identical. If the Commission wished to create an absence limitation for the P&Z Board and the BOA, this could be done via an ordinance. She stated there was nothing in the code that pertained to resignations; such a decision could be made by Commission consensus.

Commissioner Dodd preferred to see language on absence limitation included in the code. Regarding replacing board members that resigned, he believed if a Commissioner appointed someone who later resigned, the same Commissioner should be permitted to decide whether to fill the position with one of the alternates or someone completely new.

Mayor Minnet sought feedback from the Commission on including language that if a board member missed three consecutive meetings, they should be removed from that board; and for a Commissioner to be allowed to select the replacement for a board position from which their previous selection resigned.

There was Commission consensus for language on absence limitation for inclusion in the current ordinance.

Mayor Minnet acknowledged the following board/committee appointments:

Planning & Zoning Board appointees:

- Alfred Oldaker by Commissioner Dodd
- William Brady by Vice Mayor Sasser
- William Patrick Murphy by Mayor Minnet
- David Chanon by Commissioner Vincent
- Avi Braverman by Commissioner Brown
- Eric Yankwitt - 1st Alternate by Commissioner Dodd
- David Gilman - 2nd Alternate by Vice Mayor Sasser

Board of Adjustment appointees:

- Helene Wetherington by Vice Mayor Sasser
- Verenice Rapaport by Mayor Minnet
- Henry Overton by Commissioner Vincent

- Gerri Ann Caposto by Commissioner Brown
- Arthur Franzcak by Vice Mayor Sasser
- Helene Swinghammer-1st alternate by Mayor Minnet

Audit Committee appointees:

- Benjamin Freeny by Commissioner Vincent
- John Oughton by Commissioner Brown
- W. Patrick Murphy by Mayor Minnet

Mayor Minnet acknowledged all newly appointed board members. She thanked those present at the meeting for attending, as well as sending commendations to those members of the public who previously served on those boards.

d. Appointment by Town Commission of a Town Elected Official for Voting Membership and an Alternate to the Broward County Metropolitan Planning Organization (MPO) (Town Clerk June White)

Vice Mayor Sasser made a motion to appoint Commissioner Mark Brown as an alternate member to the MPO. Commissioner Dodd seconded the motion. The motion carried 5-0.

e. Selection of Chairpersons for the Easter By The Sea, 4th of July, and Halloween Events (Mayor Roseann Minnet)

Commissioner Brown sought assurance that acting as honorary chairperson would not involve any fundraising responsibilities; such activity would be done by some other person(s).

Town Attorney Trevarthen stated it was a policy issue as to whether Commission members that chaired Town event committees would continue to engage in that aspect of the event planning or delegate it to someone else. On the issue of the ethics, she reminded the Commission she issued a safe harbor opinion to each member of the dais. Broward County's ethics ordinance stated if an elected official was in the process of raising money for a Town-sponsored charitable event, such activity was allowed and exempt from exposure.

Vice Mayor Sasser supported the idea of the Commission, as a body, chairing the committees.

Town Attorney Trevarthen explained the issue of having more than one Commissioner chair an event committee meant having to notice every meeting according to Sunshine Law requirements. If the chairperson position was truly honorary with all the work being done by staff, it should not matter, but if the Commission and staff would be working together on the events, then this could be an issue if more than one Commissioner served on a committee.

Mayor Minnet believed a Commissioner's presence on a Town event committee was something the community desired. Historically, residents and businesses liked to see a member of the Town Commission chairing such committees, with staff doing most of the work. There was also the possibility of the Town no longer hosting such events, though no one suggested that.

Assistant Town Manager Bentley remarked on not hearing anything with regard to a volunteer effort. In his experience, community volunteers did not respond as well to a staff-led event and responded more to an event led by a Commissioner. Mayor Minnet concurred, stating a resident indicated this to her as well.

Commissioner Brown sought clarification that for Town-sponsored events, their costs were offset by the monies raised at the event; thus, conceivably, the honorary chairperson of the particular event committee could elect not to do fundraising. They could engage in all other activities, but their failing to do any fundraising would not adversely affect covering the cost of the event.

Mayor Minnet said the costs for the three events were already covered in the Town's budget. Solicitations for donations were over and above the event costs.

Commissioner Brown reiterated his concerns with fundraising for Town-sponsored events, Broward County ethics laws and the possible appearance of wrongdoing.

Mayor Minnet suggested Commissioner Brown not serve on any of the Town-sponsored event committees. She felt, historically, it was important for members of the Commission to so serve, and she was proud to do it.

Commissioner Vincent believed the Town Attorney addressed the ethics issue sufficiently and disagreed with Commissioner Brown's position. His decision on whether to be an honorary chairperson was his to make.

Commissioner Dodd concurred as to the Town Attorney's rendering of the safe harbor opinion to each member of the Commission on the subject matter.

Mayor Minnet acknowledged a Commission consensus for the appointment as honorary chairperson of the following members of the Commission to the committees for the specified Town events for the next two years:

- Mayor Minnet - Easter 2012
- Commissioner Vincent - Fourth of July 2012
- Commissioner Dodd - Halloween 2012
- Vice Mayor Sasser - Easter 2013
- Commissioner Brown - Fourth of July 2013
- Mayor Minnet - Halloween 2013

f. Consideration of Town's Position on Efforts to Shield or Turn out the Hillsboro Lighthouse Light (Mayor Roseann Minnet)

Mayor Minnet said this was a resolution that came from Commissioner LaMarca; she wished to know where Commissioner Dodd stood on the issue.

Commissioner Dodd wished to explore applying a shield, so the immediate waters at the base of the lighthouse would be shadowed rather than illuminated. This historical lighthouse was the strongest lighthouse along the whole United States eastern seaboard. Though he supported the sea turtle programs, he had to err on the side of human safety and support shielding rather than turning off the light, so he fully supported keeping the light on and explore shielding it. He wished to see it as a resolution on the next Commission agenda.

Vice Mayor Sasser concurred.

Mayor Minnet acknowledged a Commission consensus to direct Town staff to place a resolution on the March 13, 2012, Commission Agenda.

f. Lobster Mini-Season Dive Event Co-Sponsorship (Public Information Officer Steve d'Oliveira)

Mayor Minnet indicated her support for the event, noting her only concern was with safety, as many people who dove were not certified; she requested the Town's public safety officers be aware of the event and patrol it accordingly.

Public Information Officer d'Oliveira understood, stating when Chief Llerena saw the item he contacted him. They thought to bring in someone from BSO or the Florida Marine Patrol to speak on the safety aspects at the lobster catching class.

Commissioner Vincent asked whether the cost for the event was being pulled from special events or incentive programs.

Town Manager Hoffmann replied the funds would come from Department 519's special events budget, as well as from the line item for marketing; no monies would be coming from the incentive program budget, as this represented the potential for grants. The marketing costs were $5,000, and $2,500 would come from the special events line item.

Commissioner Brown supported the event and wondered who was organizing it.

Mr. d'Oliveira said he was coordinating the business community effort to promote the event. He felt confident in being able to attract many divers to the event; the feedback from the business community thus far had been very good, as was their willingness to help.

Commissioner Vincent inquired if anything was being done to promote the Air & Sea Show in Lauderdale-By-The-sea or involve the Town in any way, whether alone or in conjunction with the City of Fort Lauderdale.

Town Manager Hoffmann said there had been some discussion on this but the thought was that the Town would benefit from the overflow of visitors, due to its proximity to Fort Lauderdale.

There was Commission consensus to move forward with the lobster dive event.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:12 p.m.

19. FUTURE AGENDA ITEMS

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White Date

DRAFT