

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

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, March 13, 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. Trewarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Rabbi Bentzion Singer

Rabbi Bentzion Singer gave the Invocation

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Presentation item 5b was deferred to the April 10, 2012 Commission meeting.

Amendment to work authorization for Jamie Correa was added to the Consent agenda as item 11e.

5. PRESENTATIONS

a. A Proclamation was issued declaring April as Water Conservation Month. Mayor Minnet presented the proclamation.

b. A Proclamation declaring April as National Limb Loss Awareness Month was deferred to the April 10, 2012 meeting. This item was deferred to the April 10, 2012 Commission meeting earlier in the evening.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

John Boutin objected to the hardship caused by the enactment of the federal law Title III of the American Disabilities Act (ADA). He said the law Mandated that by March 15, 2012, all lodging establishments were to install independent pool lifts. Mr. Boutin believed it was hazardous leaving a 300-pound mechanical remote control chair available for general, unsupervised public use and costly (\$3,000 to \$5,000 per pool). He hoped the Town would waive permitting fees, if required.

Lawrence Wick was opposed to outsourcing the Town's parking service.

Pat Hodson thanked the Commission for including the ADA chair lift requirement of Title III on the agenda.

Gerri Ann Capotosto said the Irish Theater of Fort Lauderdale would be doing a spring production of Country Boy by John Murphy at the Cresthaven Theater, April 27 through 29 and May 4 and 5, 2012. Tickets could be obtained at www.oldschool.org.

Joan Garrett objected to having an outside entity manage the Town's parking service. It seemed the years the Town took to establish its autonomy was being dismantled by the subcontracting out of services normally handled by Town employees, such as police and code enforcement.

Edmund Malkoon was unable to see where the savings were coming from outsourcing the Town's parking service.

Rosa Michailiuk asked Mayor Minnet not to abstain from voting on the parking issue. Ms. Michailiuk did not support outsourcing the Town's parking service. Doing so would adversely affect current Town employees trying to support their families. She believed there were other ways to save money. Ms. Michailiuk urged the Commission to do the right thing.

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

7. PUBLIC SAFETY DISCUSSION

There were no public safety items for discussion.

8. TOWN MANAGER REPORTS

a. Chamber of Commerce Monthly Report

Town Manager Hoffmann reported that the Streetscape Project on north A1A was near completion. The Flamingo Drive drainage project was completed early.

Town Manager Hoffmann said a public meeting was held the previous week to discuss the design concepts for Bougainvilla Drive between the Town Hall and Pine Avenue.

There was a good turn out and a lively discussion of the alternatives. The design team would attend one of the condominium board meetings to present the concepts, and would report to the Commission at the March 27, 2012, Commission meeting.

Town Manager Hoffmann said a meeting to present several design concepts for the westernmost two blocks of Commercial Boulevard will be held in Jarvis Hall March 21, 2012, at 8:30 a.m. Letters were being sent out to property owners and notices delivered to business owners inviting them to attend and give their input. She said residents and businesses from other areas in Town were welcome to attend the meeting.

Town Manager Hoffmann discussed more delays in efforts to put traffic calming measures in place on Imperial Lane. Broward County Traffic Engineering refused to approve a speed table at that location, stating it was too close to the intersection. The Town appealed their ruling to higher-level County staff to no avail. Town staff was now deciding whether to come back to the Commission with the recommendation to remove the speed bump completely or move it back further into the neighborhood. The matter would come back to the Commission for further discussion.

Vice Mayor Sasser asked if Broward County staff indicated they might allow security arms. Town Manager Hoffmann believed the speed table was the only issue discussed.

9. TOWN ATTORNEY REPORT

Pursuant to Florida statute governing public meetings, Town Attorney Trevarthen announced the scheduling of an executive session to seek the Town Commission's guidance regarding the case of Palm Yacht & Beach Club vs. Lauderdale-By-The-Sea.

Commissioner Brown asked what the Town's obligations were to provide public beach access at the north end of Town.

Town Attorney Trevarthen replied the Town had no legal obligation to provide public beach access at the north end of Town or at any intervals along the beach, though they could if so desired.

10. APPROVAL OF MINUTES

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

- a. February 14, 2012, Regular Commission Meeting Minutes
- b. February 27, 2012, Special Organizational Meeting Minutes

11. CONSENT AGENDA

Items 11c, 11d and 11e were pulled from the Consent Agenda for discussion.

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

- a. Special Event Application for Easter Sunrise Service – Sunday, April 8, 2012
(Code Compliance Inspector Tuchette Torres)

This item was approved on consent.

- b. Special Event Application for Angel's Pediatric Heart House "Toes in the Sand" Event proposed for Saturday, April 21, 2012 (Code Compliance Inspector Tuchette Torres)

This item was approved on consent.

- c. Commission Approval of one (1) Hardship Permit Application – 4564 El Mar Drive (Town Clerk June White)

Commissioner Vincent asked whether there was any discussion on the request for tree trimming for the view of the apartments in that building.

Town Manager Hoffmann said Municipal Services Director Don Prince and the arborist the Town used for tree trimming, concluded some of the trees were in a poor condition and were impeding the growth of the sea grapes and the palm trees. Some of the trees should be removed and others trimmed back for control. She was unclear if this would completely satisfy the request of the building occupants, as they desired a clear view to the ocean. The tree maintenance would remove some of the current impediments to their ocean view, though not all. The sea grapes would eventually form a canopy that would again impede their view.

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

- d. Work Authorization for Additional Survey Information for the Commercial Boulevard West Streetscape Project (Assistant Town Manager Bud Bentley)

Vice Mayor Sasser wished to know why Town staff had not gotten a comprehensive survey to begin with.

Town Manager Hoffmann explained the designers have advised if they were going to redo the sidewalks in front of the businesses, they needed specific information, such as the location of doors, where one building ended and the other began. This was not information Town staff anticipated the designers would need.

Assistant Town Manager Bentley remarked a comprehensive survey was done of the original project area, but now when that area increased, additional information was required.

Vice Mayor Sasser questioned whether the Town would pay a pro-rated fee to the beginning of the project, or whether it was added to the project to avoid paying additional fees.

Assistant Town Manager Bentley replied the Town would pay an additional cost for a second mobilization. The rest of the cost was time and materials at the regular rate. Based on his discussion with the crew, the additional cost was approximately \$500.

Town Manager Hoffmann added the crew would take the original survey and add the new data points to their survey.

Vice Mayor Sasser asked how the area increased.

Assistant Town Manager Bentley said the designers had a concept that moved the angled parking to face south rather than north, and they would increase/replace the sidewalk area. Within the sidewalk area they would add landscaping.

Town Manager Hoffmann stated they did not anticipate the survey needed to include data on private buildings that abutted the Town's sidewalks.

Vice Mayor Sasser wanted Town staff to be smarter in how requests were made.

Assistant Town Manager Bentley pointed out Town staff could have chosen not to do the survey until the design team was selected, but this would have slowed the design process, which would be in conflict with the Commission's directive to fast track such projects.

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

e. Amendment to Work Authorization with Jaime Correa & Associates.

This item was added to the consent agenda earlier in the evening.

Commissioner Dodd asked who was responsible for the cost of the water main upgrade, the City of Fort Lauderdale or the Town.

Town Manager Hoffmann replied Town staff believed the expense should be the responsibility of the City of Fort Lauderdale, but the City of Fort Lauderdale disagreed.

Commissioner Dodd said he previously voted in favor of the streetscape design, but was deeply concerned with the near 50 percent reduction of the core parking spaces for

local businesses. He had a major concern with two plazas and a pavilion with no parking or load/unload area. Commissioner Dodd believed the Town needed to restore more parking spaces at the sacrifice of a few feet of the sidewalk café. He was unconvinced the second plaza would be well utilized and requested a proper diagram of the number of parking spaces.

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

12. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st 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.

Attorney Trevarthen read Ordinance 2012-01 by title.

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 2012-01 on first reading. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- b. **Ordinance 2012-06:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, SECTION 30-241, RM-25 DISTRICT – APARTMENTS TO PROVIDE CLARIFYING LANGUAGE AND CONDITIONAL USE REVIEWS FOR CURRENTLY PERMITTED USES; ARTICLE V. ZONING, SECTION 30-20, GENERAL PROVISIONS TO REVISE DEFINITIONS TO PROVIDE CLARITY AND DELETE UNUSED DEFINITIONS; AMENDING ARTICLE V. ZONING, SECTION 30-318, MINIMUM PARKING REQUIREMENTS, TO PROVIDE A LIMITED PARKING EXEMPTION IN EXCHANGE FOR BICYCLE

FACILITIES FOR HOTEL/MOTEL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2012-06 by title.

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 recommended updating lines 273-275 of the Ordinance to clarify new buildings must be at least 50 feet "landwards of the high water mark", so that it would be clearer that any new building additions would have to be 50 feet away from the water.

Commissioner Dodd made a motion to adopt Ordinance 2012-06 on first reading with the change to lines 273-275 as stated above. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- c. **Ordinance 2012-07: 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 THE PROVISIONS APPLICABLE TO THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

Attorney Trevarthen read Ordinance 2012-07 by title.

Mayor Minnet opened Ordinance 2012-07 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 2012-07 on first reading. Commissioner Vincent seconded the motion. The motion carried 5-0.

2. Ordinances 2nd Reading

There were no ordinances on 2nd reading.

13. RESOLUTIONS – PUBLIC COMMENT

- a. **Resolution 2012-09: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF BOARD OF ADJUSTMENT MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-09 by title.

Mayor Minnet announced the new members of the Board of Adjustment were: Helene Wetherington, Verence Rapaport, Henry Overton, Gerri Ann Capotosto, Arthur Franzcak, first alternate Helene Swinghammer. The second alternate position was vacant.

Mayor Minnet opened Resolution 2012-09 for public comment. With no one wishing to speak, she closed the public comment portion of the meeting.

Commissioner Dodd asked if the Commission needed to pass a resolution to move an alternate up to fill a vacant board position.

Town Attorney Trevarthen responded alternates filled in when regular members were absent. The Commission previously indicated if there was a board opening, an alternate would not automatically fill the position, and it would be the choice of the Commissioner whose selection resigned to choose a replacement. The new appointment would be formalized in a resolution.

Vice Mayor Sasser made a motion to adopt Resolution 2012-09. Commissioner Dodd seconded the motion. The motion carried 5-0.

- b. **Resolution 2012-10: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-10 by title.

Mayor Minnet announced the new members of the Planning & Zoning Board were: Alfred Oldaker, William Brady, William Patrick Murphy, David Chanon, Avi Braverman, first alternate Eric Yankwitt, second alternate was vacant.

Mayor Minnet opened Resolution 2012-10 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 2012-10. Commissioner Dodd seconded the motion. The motion carried 5-0.

- c. **Resolution 2012-11: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-11 by title.

Mayor Minnet announced the three members of the Audit Committee were: John Oughton, Benjamin Freeny and W. Patrick Murphy.

Mayor Minnet opened Resolution 2012-11 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 2012-11. Commissioner Dodd seconded the motion. The motion carried 5-0.

- d. **Resolution 2012:12: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ACKNOWLEDGING THE IMPORTANCE OF EARTH DAY; ENCOURAGING AND SUPPORTING ACTIVITIES AND EVENTS TO REMIND US OF OUR CONNECTION TO THE REST OF THE PLANET AND OUR RESPONSIBILITY TO PRESERVE AND PROTECT OUR ENVIRONMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-13 by title.

Mayor Minnet opened Resolution 2012-12 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 2012-12. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- e. **Resolution 2012-13: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING THE FLORIDA INLAND NAVIGATION DISTRICT'S CONTINUATION OF THE HILLSBORO LIGHTHOUSE AS A SAFE NAVIGATION AID FOR THE DISTRICT'S MARINERS; AND FOR PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-13 by title.

Mayor Minnet opened Resolution 2012-13 for public comment.

Mary Ellen Hines noted there were statistics, and numerous letters and emails of which the Coast Guard passed on only one letter. Therefore, the proposed resolution was based on one letter. Ms. Hines thought it incorrect to think anyone wished to turn the lighthouse off, but there were other ideas to shield the light from the lighthouse.

Gerri Ann Capotosto stated she preferred the safety provided by the lighthouse to vessels on the water. She believed Tallahassee refused to acknowledge and/or support that there were a variety of solutions regarding lighting for mariners and general public

safety that would not affect the turtles. Until they did, public safety had to be the first choice.

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

Commissioner Dodd remarked he had a problem balancing the safety issue with the light but saw little evidence to justify claims that the lighthouse light could cause turtles to move towards the light. Lacking evidence to substantiate taking steps to shield the lighthouse light in order to prevent impact to the sea turtles, safety to sailing vessels had to be the priority.

Commissioner Dodd made a motion to adopt Resolution 2012-13. Commissioner Vincent seconded the motion. The motion carried 5-0.

- f. **Resolution 2012-15: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A CHARTER REVIEW BOARD AND ITS MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-15 by title.

Commissioner Vincent suggested a method of selecting alternate members to the Charter Review Board. Each member of the Commission could signify their two preferences by writing their names from the remaining eight and submit it to the Town Clerk for a tally; the names selected by majority of the tally would be the two alternates. The Town Attorney would then recount the votes. He requested that each member of the dais sign their nominations for public records purposes.

There was Commission consensus to go forward with the method of selection for the alternate members.

Vice Mayor Sasser asked when the Charter Review Board would meet.

Town Attorney Trevarthen said the date had yet to be established. The Commission would decide when it would meet.

Mayor Minnet commented when she was a member of the Charter Review Board, the Board chose their meeting times.

Commissioner Brown inquired if the goal was to task the Charter Review Board with working on getting changes on the referendum for 2012. If so, he believed they would have to finish their work by July, and this would affect their meeting schedule.

Town Attorney Trevarthen responded, according to the Town's Charter, the items the Commission wished the Charter Review Board to address was permitted to go on the November 2012 election or wait until the 2014 cycle.

Mayor Minnet announced the new members of the Charter Review Board were:

- Ken Kugler - appointed by Commissioner Vincent
- Sandra Green - appointed by Commissioner Brown
- Yann Brandt - appointed by Commissioner Dodd
- David Wessels - appointed by Vice Mayor Sasser
- Susan Delegal - appointed by Mayor Minnet
- Charles Clark - appointed by Commission vote
- Ronald Piersante - appointed by Commission vote

Mayor Minnet opened Resolution 2012-15 for public comment.

Rosalie Malkoon questioned if the appointments to the three previous boards were done in a public forum.

Mayor Minnet said they were.

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

Commissioner Dodd made a motion to adopt Resolution 2012-15. Commissioner Vincent seconded the motion. The motion carried 5-0.

- g. **Resolution 2012-16: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF TOWN MEMBERS TO THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-16 by title.

Mayor Minnet acknowledged the appointment of the following persons to the Town's Firefighters Pension Board.

- Linda Collins – appointed by Commissioner Brown
- Ronald Polyasko - appointed by Commissioner Dodd

Mayor Minnet opened Resolution 2012-16 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 2012-16. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- h. **Resolution 2012-17: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA ESTABLISHING TIME LIMITS FOR PUBLIC PARKING IN THE TOWN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Attorney Trevarthen read Resolution 2012-17 by title.

Mayor Minnet opened Resolution 2012-17 for public comment. With no one wishing to speak, she closed the public comment portion of the meeting.

Assistant Town Manager Bentley said staff recommended the Commission keep the existing time limits.

Commissioner Vincent made a motion to adopt Resolution 2012-17 maintaining the current time limits on the meters at Bougainville Drive and Pomciana Street. Commissioner Dodd 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

Mayor Minnet announced on March 19, 2012 at 5:00 p.m. in Jarvis Hall there was a meeting for volunteers for the Easter By The Sea event. She added April 2nd would be the evening for stuffing the Easter eggs, and on April 7th, at 9:00 a.m., the Easter egg hunt would take place as well as a bonnet contest for adults and children, and a visit by the Easter Bunny.

Mayor Minnet explained she had abstained from the ranking of the parking services proposers due to a business conflict of interest with one of the applicants.

16. OLD BUSINESS

NOTE: Old Business item 16b was brought forward and considered prior to item 16a.

- a. **Ranking of Firms that Responded to the Parking Services Request for Proposal (RFP) (Finance Director Tony Bryan)**

Town Manager Hoffmann inquired if the Commission preferred to vote to determine if the Town should outsource its parking service.

Mayor Minnet asked if she had to recuse herself from the discussion on whether to outsource parking services.

Town Attorney Trevarthen replied the Mayor did not have to recuse herself from that discussion.

Commissioner Dodd questioned if the savings of \$124,000 included any financial allowance for Town Assistant Manager Bentley's time.

Assistant Town Manager Bentley said a portion of the Assistant Town Manager's salary was budgeted in the parking fund. Under the analysis, only half of that allocation to the parking fund would continue as a project management cost.

There was Commission consensus to proceed with the consideration of outsourcing the Town's parking services, and for staff to give the presentation. She asked for Town staff to address the question of income versus expense.

Assistant Town Manager Bentley stated the savings came from cost reductions. The contractor would not share in any of the meter revenues which went to the Parking Fund; it was not an incentive-based contract. Staff recommended Standard Plus Parking, and Republic Parking as the number one and number two ranked firms respectively. Upon Commission approval, staff would commence negotiations with the number one-ranked firm, and proceed to negotiate with the second ranked firm if satisfactory terms could not be reached with the number one-ranked firm.

Commissioner Brown asked staff to elaborate on what was meant by savings gained through greater efficiencies and the use of newer technology.

Assistant Town Manager Bentley explained that February, and part of March was the Town's heaviest demand for parking. He anticipated the outside contractor would adjust their staff's schedule to meet added demand. To his knowledge, the Town had not changed its parking staff schedules since the Town changed from 40 to 30 hours. It was a question of time and expertise, and a parking consultant would have more experience and know how to allocate their staff in advance. He stated another savings was Standard received a 50 percent discount from Digital for the pay stations, whereas the Town's best discounts were in the region of 25 to 28 percent. In essence, the outside source had expertise in the industry the Town could not afford in-house; this was the case for most of the services the Town presently contracted out.

Commissioner Brown wondered if it would get to a point where people would no longer be hired to put tickets on cars.

Town Manager Hoffmann indicated one parking service firm had a technology built into their vehicles that took pictures of license plates as they drove past a parked car. This allowed them to analyze how long a car had been parked in the space and if they exceeded the time limit. She noted though this was not built into the contract, but these were the kind of technologies now available in the industry that Town staff was not aware of. Another firm spoke of a parking sticker placed in parking spaces that sent a signal to indicate when the use of a space exceeded the amount paid. She said the

Town's pay stations currently altered parking staff, but we did not have that technology for the single parking spaces. The only way for the Town to remain abreast of the technology and not outsource the service would be to hire someone specifically to manage the parking system.

Assistant Town Manager Bentley remarked on the installation of computerized pay stations over the course of a year, both by Minto and the Town, but these required specialized maintenance and management for them to remain viable.

Commissioner Vincent inquired if the contract allowed the Town to oversee and suggest changes to the vendor. For instance, could the Town request personnel changes if there was community displeasure with the service provided by the vendor's staff.

Assistant Town Manager Bentley replied Town staff's intent was to draft a contract that contained provisions that allowed the Town to direct such changes.

Town Manager Hoffmann commented the language would be similar to the BSO contract.

Commissioner Dodd remarked on the advances in technology for many industries, including parking, noting the Town could not be expected to have in-house staff with the level of expertise to cover all services. However, the Town could rely on an outside contractor's expertise to recommend those advances that benefit the Town's needs; thus, he was in favor of outsourcing parking. He was not discounting the loyal service provided by the current staff over the years, but this was the fiscally and technologically responsible route to take.

Vice Mayor Sasser wanted to discuss what the plans were for displaced Town employees prior to placing his vote.

Mayor Minnet asked Vice Mayor Sasser if he wished to discuss the Town's plans for the current parking service employees under item 16b.

Vice Mayor Sasser wished the Commission to ask questions to give them an idea how the motion would be moved, if it was a simple vote of yes to outsource the service, knowing this would put the current employees out of jobs and benefits. Alternately, would it be the Commission's direction to move forward with the third party but adding the salaries and benefits back in.

Mayor Minnet reviewed item 16b related to the savings gained by hiring the parking contractor yielded a savings of \$124,000. She said the severance, vacation and sick leave payout to employees of \$28,000, would reduce the first year savings to \$96,500.

Town Manager Hoffmann reiterated both the number one and two ranked firms told Town staff they would hire existing employees for their slots with the exception of the parking supervisor position. The employees would be eligible for the three remaining

positions, providing they passed the contractor's background screening. Of the four current employees, one indicated no interest in moving down to an enforcement position. She directed the Commission's attention to the options Town staff laid out in the backup and questions related to transitioning: the contractor's hourly rate is less than what the Town currently pays these employees and the added costs to the Town if they required the contractor increase that rate. Another additional cost for consideration was if the Town were to pay towards the COBRA health insurance benefit for the current employees for a set timeframe.

Commissioner Dodd suggested the Town partly bridge the salary gap by paying half the difference in salary for six months and continue to pay the health care for the employees for that period as well. He realized this would reduce the Town's savings in the first year.

Commissioner Brown understood the objections by some in the community, but the Commission's decision was focused on running the Town more efficiently. He supported Commissioner Dodd's proposal to help ameliorate the pain of change, as it was generous and the best the Town could do.

Vice Mayor Sasser asked how long the transition period was expected to be if the Town outsourced the parking service, and would the six months advocated by Commissioner Dodd begin after the transition period.

Assistant Town Manager Bentley responded Town staff needed to first put a contract together and present the document to the Commission for approval. The transition benefits as proposed would begin from the day of the transfer of employment for a period of six months.

Vice Mayor Sasser felt the assumption was being made that the current employees wished to work for the new contractor; if they chose not to, how would the six-month transition benefits operate.

Commissioner Dodd believed if the Town's parking employees elected not to work for the new contractor, they were not be entitled to the six months of transition benefits.

Assistant Town Manager Bentley clarified the employees were entitled to severance, and pay out on accumulated sick leave and vacation leave regardless of whether they chose to work with the outside contractor.

Commissioner Brown disagreed with Commissioner Dodd's position, stating the Town should not dictate where its staff chose to seek employment elsewhere for the next six months. Under COBRA, they did not have to take any job for six months, let alone one dictated by the Town. He thought the purpose of the Town's continuing to pay their COBRA benefit was to give them six months of health coverage; if the Town was making a commitment to give this benefit, it should be given unconditionally.

Town Manager Hoffmann remarked on the issue of COBRA, the Town laid off one of its employees earlier in the current fiscal year and they did not receive any insurance benefits. The Commission needed to make a policy decision how that would be applied. If the current parking employees were to be granted this benefit, then consideration should be given as to how the past employee was treated.

Town Attorney Trevarthen acknowledged it was possible for the Commission to change its mind about policies as long as it was done in an even-handed manner. She sought clarification on two issues: 1) the Town would pay what was already being paid towards the parking staff's health insurance; 2) or the Town would cover the entire COBRA amount. Her understanding was the full cost of COBRA was greatly in excess of what the Town normally paid towards those employees' health coverage.

Town Manager Hoffmann affirmed the amount the Town would pay would be more than that currently being paid by the Town.

Town Attorney Trevarthen stressed the need for the Commission to be clear on which of the two was being included in the motion to be voted on.

Mayor Minnet questioned if a terminated employee immediately went to COBRA.

Town Manager Hoffmann said once an employee left the Town's employ, they had 60 days to determine if they wished to take advantage of the COBRA opportunity. This was the only option other than obtaining private health insurance.

Town Attorney Trevarthen concurred with the Town Manager. The Town's offer of added insurance benefits could be seen as an incentive to the parking employees to transition to the contractor's employee so there was continuity. However, if the benefit was given regardless of whether the employee chose to work with the outside contractor, this raised the question of how the employee laid off earlier was treated.

Commissioner Dodd stated he was mindful of setting such a precedent, and she felt the application of the abovementioned additional benefits for six months was specific to the parking employees' situation. The parking service employees were excellent at their jobs, knew the Town and members of the community, and the added benefits were being offered to cushion any decreases in salary along with employment with the contractor. He thought it should not be a general entitlement, as it seemed Commissioner Brown was proposing.

Commissioner Brown asked for clarification on the amount the Town would be paying the four employees for six months of COBRA payments.

Finance Director Bryan said the health insurance benefit was \$1,868 per month multiplied by six months. The additional six months proposal made by Commissioner Dodd to split the difference between what the employees were being paid now and the contractor's proposed rates was another \$5,400. This totaled \$17,000 plus the

previously mentioned \$28,000 under the terms of the current personnel policy of severance, 100 percent of the accrued vacation, and 25 percent of the accrued sick days. He stressed the amount of insurance the Town was paying was the cost the Town currently paid towards the four employees' health benefits.

Mayor Minnet noted the aim was to make the transition as easy as possible. Though it could be viewed in black and white, the emotional aspect was at the center of the discussion. The Commission was dealing with residents who were relatives or friends or neighbors. She was unsure if six months was sufficient and wondered if it should be increased to one year.

Vice Mayor Sasser pointed out there would be a period of some months prior to the six-month transition suggested by Commissioner Dodd. Once the savings to the Town for outsourcing began to lessen, it seemed better for the Town to simply retain the current parking employees as is.

Town Manager Hoffmann commented this was a three-year contract, and there would be significant savings in the subsequent years. In the first year the savings would be diminished somewhat by the additional costs of providing the extra transition benefits for six months. On the issue of how long the transition would take, the timeframe was about three months prior to the commencement of the six-month transition period advocated by Commissioner Dodd.

Mayor Minnet added the employees would continue to be paid 100 percent until the transition occurs.

Commissioner Dodd felt the reduction in the year one savings from \$124,000 to about \$80,000 was acceptable, considering in years two and three the savings would be \$124,000 each year.

Commissioner Vincent noted the amount to be saved was for a period of three fiscal years, though reduced in the first year by the amount of the six-months of added benefits.

Mayor Minnet commented, depending how the motion was worded, she might have to recuse herself from the vote in regards to ranking the firms, but not as it related to the employee benefits if they were separate issues.

Commissioner Dodd made a motion to approve the rankings recommended by staff. Commissioner Vincent seconded the motion. Motion carried 4-0. Mayor Minnet recused herself from the vote.

b. Direction on Employee Issues Related to Transition to a Parking Operations Contractor (Finance Director Tony Bryan)

This Item was discussed during the prior item.

Town Manager Hoffmann wished it clarified in the motion that the health insurance contribution would be made for employees who went to work for the contractor.

Finance Director Bryan clarified the \$17,000 he calculated consisted of the differential in salaries for three employees, as it was assumed the fourth employee would decline to work with the contractor. Then there was the Town's contribution to the insurance cost for all four employees. He recalculated the full insurance cost for the four employees, plus the two percent COBRA administrative fee, and this resulted in an additional cost to the Town of \$12,450 for six months. The approximate additional cost, above the \$28,000, would be close to \$18,000.

Mayor Minnet added the total of those two figures (\$46,000) was the amount by which the Town's first year savings would be reduced.

Town Attorney Trevarthen stated the motion on which the Commission would vote was to approve the staff recommendation, and to pay one half of the salary difference and the full COBRA health cost for six months for those parking service employees who transferred to the new vendor and continue to serve the Town in that capacity. Town staff anticipated the additional six-months of health insurance benefits would cost the Town about \$18,000 out of the first year's savings of the subject contract.

Commissioner Dodd made a motion to approve as stated by the Town Attorney. Commissioner Vincent seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.

Mayor Minnet recessed the meeting at 9:35 p.m. and reconvened at 9:50 p.m.

c. Pier Roof Sign (Town Planner Linda Connors)

Town Planner Connors reviewed the backup information on the pier roof sign.

Town Manager Hoffmann said she spoke with Louis Marcellos regarding the pier sign. He stated they were willing to invest in a sign that was more interesting and architecturally significant if the Town modified the sign code to allow the sign.

Commissioner Dodd said the prior sign looked to be on top of a navigational buoy. If Mr. Marcellos were to ask that the Town allow them to place the new sign close to the entrance to their car park, under the Town's existing sign codes, it was unlikely this could be approved. Commissioner Dodd found the sign to be architecturally interesting that promoted one of the Town's landmarks. Commissioner Dodd said this was a concern with the revised sign code and the need to protect the Town's existing nonconforming signs. He believed the code should permit such landmark signs.

Vice Mayor Sasser supported Commissioner Dodd.

Commissioner Brown favored allowing a new sign.

Town Attorney Trevarthen remarked there were two directions the Commission could vote. The first was the notion that the issue was related to the pier that had been there for a long time. The second would be to write something into the sign code that would be in the nature of a design bonus. If various specificities were met, the applicant would be entitled to a certain size and location for the sign based on a better design. She noted this should not be limited to older buildings, as newer buildings were just as eligible.

Vice Mayor Sasser made a motion to incorporate an allowance for historical/landmark structures to erect landmark signs, and for the relevant language to be incorporated into the sign ordinance revisions. Commissioner Dodd seconded the motion. The motion carried 5-0.

17. NEW BUSINESS

Item 17c was moved forward for discussion prior to 17a.

a. Discussion of Possible Topics for Charter Review Board to Consider (Town Manager Connie Hoffmann)

Town Manager Hoffmann said the list of items was compiled by she and the Town Attorney based on past discussions and the Commission was certainly at liberty to add other issues to the list.

Commissioner Brown was concerned about the process and timeframe for getting issues onto the ballot. In the case of a citizen's initiative, it would have to be complete by July to get on the November 2012 ballot. However, there was nothing in the Town's Charter that set a timeframe for any referendum proposed by the Charter Review Board. There needed to be clarification on how long the Charter Review Board would have to complete its task, the timeframe by which they needed to submit a report to the Commission, and would it be a full report or a report on specific items they wished to get on the November ballot. Commissioner Brown inquired whether it would be possible for the Charter Review Board to bring that before the Commission and then continue with the rest of their review. He referred to Section 6.6 in the Charter - Forfeiture of Office, which he felt connected with the County's new ethics laws for elected public officials. He did not think it was the intent of the Charter to eject someone from the Commission for a simple act, such as accepting a bottle of water at a public meeting. Commissioner Brown believed this was something the Charter Review Board should take a look at.

Commissioner Dodd wished to see the Charter Review Board work on the height limit and mapping the geographical area within the Town in which three over one was the legal maximum construction height. The present language was confusing.

Town Attorney Trevarthen clarified the Charter Review Board does not place anything on the ballot, as they were an advisory board to the Town Commission. The Commission decides what items go on the ballot. The guidelines and constraints on the Commission to get something on the ballot was placed by the Supervisor of Elections; not the Town's Charter.

Town Manager Hoffmann thought the Commission should set a timeframe for the Charter Review Board to present a report to the Commission.

Mayor Minnet recalled the Charter Review Board on which she served took eight months to comprehensively review the Town's Charter.

Commissioner Dodd felt it best to leave the timeframe decision to the Charter Review Board. There may be specific issues the Commission desired to make available for the November ballot. He thought the Board could review those issues first and then continue with the others.

Mayor Minnet found leaving the timeframe up to the Charter Review Board acceptable, suggesting they be provided them with the outline used by the previous Charter Review Board so they were familiar with the process.

There was a Commission consensus on the topics listed in staff agenda cover item.

b. Proposed Amendments to Chapter 3. Alcoholic Beverages (Town Planner Linda Connors)

Town Planner Connors went over the proposed amendments to Chapter 3. Staff recommended the removal of the distance requirement between churches and establishments that served alcoholic beverages. She believed the distance requirement between schools and establishments that served alcoholic beverages should remain.

Town Manager Hoffmann explained a church recently reoccupied the site after being gone for some time. A restaurant serving alcohol had opened in the area while the church building was vacant.

Town Attorney Trevarthen suggested to simply remove the distance requirement completely for both schools and churches, as the reference to schools pertained specifically to Broward County schools, of which there were none.

Town Planner Connors explained staff sought to clarify the definition of school, as the distance restriction did not apply to nontraditional schools, such as trade schools.

Commissioner Dodd concurred with staff's recommendations, as he did not wish to hinder the business district or future restaurants from locating in the Town due to code restrictions.

Commissioner Vincent supported staff's recommendation to remove the separation requirements.

There was a Commission consensus to direct staff to remove the paragraph containing the 500-foot distance restriction from churches and schools on new businesses that served alcohol.

c. Award of Neighborhood Improvement Grant for Fiscal Year 2011-2012
(Assistant Town Manager Bud Bentley)

This item 17c was moved forward considered prior to 17a.

Commissioner Brown asked, with regard to the A1A project, how far west of A1A would the gates be placed, as he was concerned with the free flow access and stacking. He supported moving forward with both projects.

Vice Mayor Sasser inquired if it was staff's recommendation to move forward with both projects.

Town Manager Hoffmann answered yes; that is, consider the Bel Air project for Fiscal Year (FY) 2012 and the HAT (Hibiscus Avenue, Allenwood Drive and Tropic Drive) project for FY 2013. The swale restoration could possibly commence in summer of 2012.

Commissioner Dodd wished to know if the Bel Air Civic Association would pay the continuing maintenance and insurance on the gates.

Assistant Town Manager Bentley replied the homeowners' association would provide for the maintenance of the security gates and the insurance.

Commissioner Dodd disclosed he met with the proposers of the HAT project. He complimented them on an idea that would greatly improve the drainage with the swale restoration and bring major upgrades to the landscape in the area.

Commissioner Dodd made a motion to move forward with both Neighborhood Improvement grants: Belair in FY 2012, and HAT in FY 2013. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

d. New Federal Swimming Pool Entry Requirements (Commissioner Chris Vincent)

Pat Hodson spoke with ADA (Americans with Disabilities Act) directly and reviewed the verbiage. She said they also expressed confusion as to what constituted a public/private pool. Previously, hotels and timeshares were private facilities, but this was recently changed to state they were considered public facilities, and they had a very short period of time to comply. On behalf of the Town's lodging facilities, she hoped they had the

Town's support as they moved forward with trying to get the requirement removed, or the time to comply extended.

Commissioner Vincent referred to the letter sent by various members of the United States Senate to the Department of Justice, and he wished to acknowledge and discuss the concerns of the Town's hoteliers. The new federal code compliance would take effect March 15, 2012, for the new installations for the ADA lifts for pools and spas. He stated it was not that businesses did not wish to comply, but there were problems with regard to the requirements and definitions as written in the new code, and there were many ambiguities that raised concerns with respect to the financial and aesthetic costs. Many state senators around the nation had concerns and expressed them in the letter and requested a delay in implementing the new code in order to formulate a more workable solution. The hotels and motels were a viable means to the Town's financial stability and success, and the Commission was being called upon for suggestions on how to communicate the Town's show of support. Commissioner Vincent felt this action would reiterate the state senators' concerns and emphasize the right of everyone to be heard before any local, state or federal government agency imposed laws that might have consequential impact.

Commissioner Dodd thought requiring all lodging establishments to fit their pools and with wheelchair lifts was a huge imposition on the tourist industry. He questioned if this could be drafted into a resolution, and whether the Town should request the help of the Florida League of Cities.

Town Attorney Trevarthen affirmed the Commission could direct that a resolution of support be drafted by Town staff.

Mayor Minnet indicated her willingness to take the matter to the Broward League of Cities as the Town's representative once the resolution was passed. She encouraged everyone affected to call their state representatives, as they wanted to hear from members of the public and not just elected officials.

There was Commission consensus to prepare a resolution in support of extending the time limit for ADA fixed lifts for pools and request clarification on requirements and definitions.

e. Advertising Second Reading for Ordinances (Town Clerk June White)

Town Clerk White stated if the Commission wished the two ordinances advertised for second reading separately, it would cost the Town \$879 for each advertisement. She asked if the Commission would consider having the second reading for both ordinances at the same meeting under one advertisement.

There was a Commission consensus to advertise Ordinances 2012-01 and 2012-06 together in one advertisement for the March 27, 2012, Commission meeting.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:30 p.m.

19. FUTURE AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White, CMC

Date

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MINNET ROSEANN ALEXIS	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MAYOR COMMISSION
MAILING ADDRESS 2000 3 OCEAN BLD #11E	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: TOWN <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY LAUD. BY THE SEA BROWARD	NAME OF POLITICAL SUBDIVISION: LAUDERDALE BY THE SEA
DATE ON WHICH VOTE OCCURRED MARCH 13, 2012	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Roseann Aminnet, hereby disclose that on MARCH 13, 20 12.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE COMPANY, OF WHICH I AM THE PRINCIPLE OWNER, HAS IN THE PAST DONE BUSINESS WITH ONE OF THE RESPONDERS

March 21, 2012
Date Filed

Roseann Aminnet
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.