

10 a.

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, March 27, 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 Harlene Kennedy, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor James Corgee

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Brown asked to include public comments after the presentation on the Town branding logos.

Mayor Minnet stated there would be public comments after all the presentations were concluded.

5. PRESENTATIONS

- a. A1A North Enhancement Project – Final Update (Project Manager Raul Mederos)

Raul Mederos stated the project was substantially complete. The overall project scope came in under budget, due to the elimination of the work in front of the Sea Ranch Center. All the landscaping was under warranty.

Town Manager Hoffmann said the low construction bid, along with other savings achieved, allowed the project manager cost and fulfilling the ADA requirements requested by the Florida Department of Transportation (FDOT) to be covered within the

original project budget. She noted Mr. Mederos had been very responsive to community concerns.

Mr. Mederos explained the Town was in compliance with the FDOT ADA standards. However, there was a concern that a curb at the corner of Sea ranch Condominium B by the ADA ramp, may present a tripping hazard. Several long-term solutions were being considered by Town staff.

Vice Mayor Sasser thanked Mr. Mederos and Town Staff for doing an excellent job on the project. He questioned if the ADA issue was something staff should have caught from the beginning.

Mr. Mederos understood during the design period of the subject project, several FDOT staff commented that the ADA ramps should be upgraded, but the comments were not stated as demands. The matter was not pursued, and it was more likely FDOT's and not the Town's fault, as it was FDOT's staff that reviewed the plans.

Vice Mayor Sasser questioned if the need to upgrade the ADA ramps was something an engineer should be aware of.

Town Manager Hoffmann stated the designers of the project were Post, Buckley, and they were not present at the meeting to respond. It seemed because FDOT did not require the work as part of the project, it was left out to save money.

Vice Mayor Sasser wondered if it was possible for the present or a future Town Commission to change the color of the crosswalks.

Mr. Mederos was unsure and suggested Director Prince contact the vendor to find out.

Commissioner Dodd asked if the raised area in front of Sea Ranch Condo was part of the ADA requirements.

Mr. Mederos replied only the six-inch curb.

Commissioner Dodd was concerned that the raised area could pose a trip feature, particularly for someone in a wheelchair.

Mr. Mederos pointed out a very similar ramp existed at Pine Avenue, and the curb itself was a part of the ADA template.

Director Prince informed the Commission that Town staff would paint the area yellow and he would contact the condominium manager to learn whether they were willing to enter into an access agreement. This would allow the Town to eliminate the curb, go onto their property and make the required slope.

Commissioner Vincent thought the Town received a valuable education in terms of ADA compliance when doing new road construction and adding features and elements around the Town.

Mayor Minnet thanked Mr. Mederos for being responsive to the residents, businesses and condominiums throughout the project.

b. Branding the Commercial Area of Lauderdale-By-The-Sea (Assistant to the Town Manager Pat Himelberger)

Town Manager Hoffmann introduced Andrew Hillier, President, and Andy Royston, Creative Director of Tangled Spider, the firm hired to help brand the commercial district. They gave a PowerPoint presentation depicting their design ideas.

Mayor Minnet commented the branding presentation would be posted on the Town's website for everyone to make comments and pick which brand concept they preferred.

Town Manager Hoffmann stated the presentation would be on the public cable channel 78, and on the Town's website. There would be a link to www.monkeysurvey.com where the public could indicate which of the three concepts they preferred. The first concept was the addy chair and the pelican. The second concept had colored blocks with the various seaside icons, and the third concept was the nostalgic postcard look. She said staff would gather the results of the survey and present it to the Commission at the April 10, 2012 meeting. The Chamber was being asked to send an email blast to businesses, urging them to give their feedback too, and emails would be sent to the 200 email addresses the Town had on file asking for participation. Town Manager Hoffmann noted the Town owned the copyright to the branding elements presented, and various vendors could be licensed to create a wide variety of products.

Mr. Hillier commented once the final logo was approved, they would create brand rules to ensure the integrity of the brand was maintained from a trademark standpoint.

Commissioner Brown questioned if the slogan "Relax... You're Here" was open to public feedback.

Mr. Hillier answered yes. The "Relax... You're Here" slogan was suggested based on their experience in the industry, its availability for use, and their belief that it was a true representation of the atmosphere of Lauderdale-By-The-Sea.

Town Manager Hoffmann suggested Ms. Himelberger add an item to the survey about the tagline, inviting residents/businesses to offer alternate taglines if they wished.

Mr. Hillier noted they would investigate any other taglines suggested to ensure they were not being used elsewhere.

Town Manager Hoffmann said the Town had already purchased the domain name for that particular tagline.

Commissioner Brown stated the City of Pompano also used a pelican, though it was very different from the one being suggested for the Town.

Mr. Royston saw the City of Pompano Beach pelican. He felt had it no personality, unlike the one advocated for the Town. There would be no conflict issues.

Vice Mayor Sasser wondered if it made more sense to use all three designs, as it seemed more important to have the ability to blend the designs as desired.

Mr. Royston agreed that from a branding standpoint there had to be some degree of flexibility, but repetition was also the key in establishing a brand. To use all three designs would require more creative time from his team. The key elements were the colors, the pelican and the chairs, as those were the main impressions to communicate as representative of the Town.

Vice Mayor Sasser thought the blocks design appeared to be the most versatile, as they displayed both the pelican and the addy chair.

Mr. Hillier affirmed this to be the case.

Vice Mayor Sasser questioned how the vertical lines on the chair back would be prevented from being lost as the design grew smaller.

Mr. Hillier stated there were different ways to render the design elements in smaller products.

Vice Mayor Sasser asked if was possible for the Town to control the quality of the design to prevent someone producing a logo with the lines faded out.

Vice Mayor Sasser felt it was very important in business to protect one's brand.

Mr. Royston replied the Town could establish a series of vendors of choice to ensure quality control was in place. It was always possible to get work done cheaper, so the situation had to be monitored.

Commissioner Vincent commended Mr. Royston, his team and Town staff for all the hard work put into the presentation. He liked all three designs and had no wish to eliminate any of them; the possibilities for merchandising were endless and could make the Town stand out from other beachside communities in the country.

Commissioner Dodd noted Mr. Royston and Mr. Hillier did an excellent job in capturing the spirit of Lauderdale-By-The-Sea.

Vice Mayor Sasser said if he had to make a choice, he preferred the blocks design.

Commissioner Brown asked if it were possible to receive public comment after the presentation while it was fresh in everyone's mind.

Mayor Minnet concurred. She emphasized the need to make a timely decision on the brand, as the entryway features, banner signs, etc. depended on that decision. The matter would be back before the Commission at its first meeting in April, so it was important to know the direction desired.

Mayor Minnet opened the meeting for public comment.

Spiro Marcellos pointed out pelicans lived on a pier not a chair, so a pier or a fishing element should be worked into the design, and maybe a symbol for cocktail drinks.

Town Manager Hoffmann indicated the creative team was asked to prepare a logo concept that included the pier, but the design did not work due to the linearity of the pier. They discussed the possibility of including a fishing rod with a line and hook on one of the blocks. They would further explore pier options.

Robert Karley agreed with incorporating the pier or sandy beaches in the design elements. He believed the pelican was already named Melvin after Melvin England, one of the Town's founders. He thought the designs had a good color scheme and looked good.

Patrick Pointu stated he would not vote for any of the three designs, though there were elements in each design he liked. In meeting with tourists coming to the Town in the last few weeks, none of them mentioned anything about chairs; they mentioned the pelican, the beach and palm trees. He felt the beach element should be branded more but liked the concept of the blocks and the creative story in the branding.

John Boutin liked the concepts a lot and thought the colors were great; the pelican was wonderful as a draw, as it brought out the imagination in everyone when they saw the image. Naming the pelican might define the image more than the Town wished. There was already Pelican Square. He said the blocks design was exceptional and he immediately identified with the chairs. Relaxation was a very significant image for the Town and a more common theme than fishing. The beachscape should be incorporated into the design somehow. He suggested, after the branding process was complete, the Town consider naming one of its streets Pelican Boulevard to highlight the pelican element in the brand.

A female speaker said she liked all the designs, suggesting incorporating a wave or having the pelican move around to different areas of the Town; it seemed endless what could be done with the designs presented.

A female speaker echoed support for the three designs. She recalled a slogan that might not have been official: Lauderdale-By-The-Sea for the rest of your life.

Mayor Minnet urged Chamber members present to encourage other Chamber members to go online and give their feedback.

Katrina Rice questioned when the survey would be posted on the Town's website.

Town Manager Hoffmann stated the survey would be posted on the Town's website by the next day, as staff needed to add some more information.

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

c. Design Concept for Commercial Boulevard West Streetscape Project (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated this was another signature project for the Town, covering the two blocks on Commercial Boulevard from Sea Grape Drive to the bridge over the Intercoastal waterway. The assignment was to deal with all the public areas, both the parking lots and the street.

Hugh Johnson of Architectural Alliance, Jay Flynn of Flynn Engineering, and traffic planner Molly Hughes of Hughes Hughes Inc. gave a PowerPoint presentation about the streetscape project.

Mayor Minnet asked if the amount of parking spaces increased or decreased in Plan B.

Mr. Johnson replied there currently were 127 parking spaces. Plan B had a net loss of ten parking spaces between the four areas. This was based on following the Town's code for nine-foot spaces. There was a provision in the code that allowed for eight-foot parking spaces in 25 percent of the Town's spaces. If compact spaces were added into Plan B, six or seven of the lost spaces could be recovered.

Commissioner Dodd said he spoke with the design team regarding an idea to avoid back out parking. Rather than using the nine feet of recovery space, if cars pulled into the parking spaces closer to the bike lane that would leave an extra gap at the front of the parking space between the parking space and the 31-foot wide sidewalk. He thought this would be sufficient space to create a small slip road to allow cars to move forward and exit forward into the slip road.

Mr. Johnson found the idea interesting and would consult with the traffic planner. It occurred to him there was a safe sidewalk to step onto after parking, but how could motorists be prevented from backing out onto the road.

Commissioner Dodd felt posting signage to prevent such actions was possible. Perhaps the 31-foot sidewalk could be reduced to 27 feet, for example.

Mr. Johnson pointed out the 31-foot sidewalk was made up of clear spaces in front of stores and landscaping between the stores.

Commissioner Vincent believed the proposed project was the most important for the Town, but the area needed a more functional design, one that was pedestrian friendly. The concern was how to get the visitors, pedestrians and consumers to explore the western area of the Town. This could be facilitated by creating another functional pedestrian friendly atmosphere. He thought Scheme A did not solve the issue with the vehicular traffic. Scheme B allowed the complete use of all that property to create a promenade that permitted a variety of uses, such as outdoor cafés. For this reason, Scheme B seemed better, and though Commissioner Dodd's suggestion was interesting, it brought vehicles closer to pedestrians as they entered into the buffer area, which was what he sought to avoid. He said, currently, it was a hazard to parallel-park on Commercial Boulevard, but the diagonal parking in Scheme B would create a recovery zone. The two or three-month delay of the project in order to get FDOT's approval and to get it right was irrelevant.

Mr. Johnson said the Town owned the property right up to the storefront.

Town Attorney Kennedy added the Town-owned property had a provision that it remain for public use.

Commissioner Brown attended the meeting the design team held to present the design concept of the project to business owners and observed none of them voiced any serious objections. They appeared to like both plans. The design concept for Blocks 1 and 2 of Commercial Boulevard had been approved and were more standalone in their design. This project covered Blocks 5 and 6. He thought it would be helpful to see the design for Blocks 3 and 4 to ensure they were more consistent with Blocks 5 and 6. He was not advocating for the design of the four blocks to be approved at the same time but wondered if it were possible to do a design presentation on Blocks 3 and 4 as a reassurance there would be consistency from Blocks 3 to 6. He asked if existing sidewalks that ran along Commercial Boulevard would remain.

Mr. Johnson responded the existing sidewalks would remain in Scheme A. In Scheme B they would be completely reconfigured. He mentioned the drainage had to be addressed in all four parking lots. There were those who thought Scheme A would be less expensive, as it only required the restriping of the parking lot. This was not the case as all four parking lots needed drainage and had to be completely regraded and resurfaced. Thus, there was little difference in the cost between Scheme A and Scheme B.

Commissioner Brown queried if anything would be done with the existing median other than the crosswalk.

Mr. Johnson replied the median and the two 10 foot travel lanes in both directions would remain intact. The improvements would include landscaping, a pedestrian connection and curb cuts.

Commissioner Brown questioned how traffic would be slowed if the travel lanes were not narrowed.

Mr. Johnson explained FDOT would not allow the travel lanes to be any narrower than ten feet. Landscaping, signage, and back out parking onto the road would help slow down traffic.

Ms. Hughes noted landscaping materials and signage posted closer to the edge of the street crowded the street, and created a sense of the need to slow.

Commissioner Brown commented when traveling west on Commercial Boulevard, there was neither a U-turn nor a left turn into the shopping center on the south side of Commercial Boulevard by Tradewinds Avenue, as it was too close to the bridge.

Mr. Johnson stated a left turn on Commercial Boulevard by West Tradewinds was in place but no U-turn was allowed.

Town Manager Hoffmann commented in response to Commissioner Vincent's earlier comment, the design for Blocks 3 and 4 were different, as they did not have the big parking areas. When the Town decided to eliminate Block 3 from the eastern most project there was discussion about scraping the median on Blocks 3 and 4, and moving the traffic lanes was to widen the sidewalks. She indicated when the University of Miami did their workshop with the Town they said there were three distinct sections along Commercial Boulevard: Blocks 1 and 2, Blocks 3 and 4, and Blocks 5 and 6. Thus, the design for Blocks 3 and 4 would differ from that of Blocks 4 and 6, though some design features would carry through.

Vice Mayor Sasser asked Ms. Hughes' opinion on the crosswalk in the middle of the block and having pedestrians go back and forth in terms of safety, as well as the safety of back out parking. He was fearful of creating a hazardous situation.

Ms. Hughes replied there were warrants for crosswalks, and some counts were recently done in the Town. She was, however, surprised at the number of pedestrians crossing at intersections, and it seemed possible for the Town to meet the warrants for the crosswalks. With regard to safety for both the pedestrians and the back out parking, if the design could be done for a low enough speed and that speed was achieved, she was very comfortable with the level of safety. Ms. Hughes said her main concern was whether enough of the little things would be done to cumulatively slow the traffic down. She believed this would require crowding the roadway with various elements. They would have to work hard in the second phase to implement every device available, as

most of them slowed the traffic by two or three miles; the aim was to bring the speed down by ten to 12 miles.

Vice Mayor Sasser favored Scheme B and he was interested in Commissioner Dodd's suggestion about exiting the parking spaces by driving forward.

Commissioner Vincent asked if there was a need for a traffic signal if the improvements qualified for the insertion of a crosswalk.

Ms. Hughes replied a traffic signal was not mandatory, and there were different types of signaled crosswalks, such as with yellow and/or red flashing beacons or other signage.

Vice Mayor Sasser wished to see the flashing beacons included in the design.

Ms. Hughes liked LED lights in the crosswalks that lit up when a pedestrian was sensed, so at night when the crosswalk was entered, the lights would come on. Since it was not an overhead feature it was not expensive. All the options would be looked at in the schematic design phase.

Vice Mayor Sasser agreed a constantly flashing yellow light would have the effect of slowing down traffic.

Mayor Minnet acknowledged a Commission consensus to move forward with Scheme B, with the design team exploring Commissioner Dodd's suggestion about exiting parking spaces, and the flashing beacons for the pedestrian crosswalks. She stated, as Schemes A and B were very similar, the design team could begin working with FDOT.

Mr. Johnson said as they moved into the schematic phase, among the first set of tasks was running the numbers to get a preliminary budget.

Mayor Minnet asked, as motorists approached the bridge, could there be a sign telling them to reduce their speed.

Ms. Hughes affirmed there would be signage alerting motorists to the need to reduce their speed. They hoped to design to 30 mph and post to 25 mph. There was currently a sign in the eastbound direction on the far side of the bridge warning drivers the speed limit would change.

Town Manager Hoffmann commented the current sign was in Fort Lauderdale. She stated the budget for the project was based on University of Miami's estimates for a plan similar to Scheme B. However, the University of Miami did not assume the need for drainage work in the parking lots. Thus, Town staff and the design team would have to revise the project's budget. She expected to have a cost estimate from the design team in May.

Mr. Johnson affirmed this to be the case.

Mayor Minnet recessed the meeting at 9:05 p.m. and reconvened at 9:20 p.m.

Mayor Minnet opened the meeting for public comment.

Marie Chiarello felt the issue of the turn onto the south side of Commercial Boulevard had not been addressed. It was not possible to get into the parking lot unless one went over the bridge and made a U-turn.

Ms. Hughes responded the design team had several ideas they were excited about that were still in the exploratory stage, but they hoped to fix the problem.

Mayor Minnet acknowledged the existing situation was a problem for the businesses on the south side of Commercial Boulevard and, both Town staff and the design team hoped to address the situation. It was a major component of the project that all local businesses were readily accessible.

Commissioner Brown mentioned the proposed design concept included plans for a very attractive entryway feature. The design team was not ready to show the options.

Ann Rhinesmith commended the design team and Town staff on the beautiful improvement concepts for the Town's downtown area. .

Pat Pereira thought the design concepts were beautiful, but invited members of the Commission to take a walk in the subject area in the evening hours to witness the traffic speeds coming over the bridge going east; it made back out parking very dangerous.

Diana Kugler liked parts of Scheme A and parts of Scheme B; she suggested getting rid of the parallel parking in Scheme A, as this would allow more room for the promenade, while achieving the same or a few lesser number of parking spaces in Scheme B. She felt somewhat fearful about cars being able to pull up closely while she dined outside.

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

d. Design Concept for Bougainvillea Drive Streetscape Project (Town Manager
Connie Hoffmann)

Town Manager Hoffmann indicated for the current project Jay Flynn was the prime contractor and Hugh Johnson was the landscape architect.

Mr. Flynn reviewed the design concept of the project.

Town Manager Hoffmann clarified the net effect on parking was nominal in Scheme C. It created more available spaces than at present because all the parallel spaces in the middle would be shared. However, the property owners had difficulty accepting the loss

of a parking space in front of their property. This made implementing Scheme C very difficult. Scheme C would require the Town to get legal agreements with almost every property owner, as well as having legal agreements between property owners. By going from the 90-degree angled parking to the 60-degree angled parking, cars would be parked on the property of two owners at the same time, and it would take years to work out the agreements. She was surprised to discover such a situation already existed. People were already parking in spaces that crossed property boundaries. Town Manager Hoffmann stated when Mr. Flynn gave his parking comparisons, he was assuming the Town would stripe the parking spaces to code, and this was a major reason for some of the loss of spaces. Many of the existing spaces were non-conforming.

Town Manager Hoffmann remarked Scheme A was not without its own difficulties. If the Town intended to landscape on the lot lines on private property, agreements would have to be established with affected property owners.

Mr. Flynn added if the landowner did not want the landscape on their private property, placing the landscaping out on the street would likely block the parking space that straddled the lot line.

Town Manager Hoffmann said the beautification portion of the project would take considerable one-on-one discussions with property owners and the property owner's concurrence to bring it about.

Mr. Flynn stated the design team explored forms of pervious pavement, though Broward County would not recognize the storage or calculation amount for such paving. He said the pervious pavement could be a different color to give aesthetic value to the street, and it supplemented the Town's drainage. He stated they were nowhere near a final design, but they did the conceptual drainage calculations. The soils testing revealed good percolation rates, and they had a good idea of how much drainage would go in, between 850 to 900 linear feet of exfiltration trench across the two blocks. The system would handle ten inches of rain in one day. He indicated once the pervious paving was designed, they could tell how much the ten inches of underground storage in the exfiltration trench would be supplemented by the pervious paving.

Commissioner Brown believed the only problem that existed on Bougainville Drive was the flooding, and the whole point of the project was to address the flooding problem. This was possible by replacing the paved swales with pervious paving to help with the drainage. He said the parking should be left alone, as the surrounding residential buildings needed all existing spaces; Town staff could ensure those existing spaces were legal, but he would not recommend a redesign of the parking. He thought some of the landscaping could be updated. He felt the lighting was not an issue, unless it could be installed without sacrificing a parking space. The sidewalks should remain as is.

Commissioner Vincent questioned why the Town wished to restripe parking spaces on private property, questioning if it was possible to enforce whether the space was legal

and conforming. He agreed with Commissioner Brown not to over think the project, particularly if Town staff would meet with opposition from property owners.

Mr. Flynn responded his team was tasked with addressing drainage and the beautification of the street. The former was easily resolved, but the beautification portion required neighborhood buy in.

Commissioner Dodd said the Town Commission received a report that said 80 percent of the Town's drainage problems could be largely addressed with swale restoration. He saw no reason not to beautify the area at the same time if, in order to fix the drainage problem, a new swale had to be installed and the existing sidewalk had to be removed and replaced with a more pervious material to increase drainage capabilities. As to the comment that not much could be done about the street lighting, it might be possible to install lighting to the rear of low level landscaping where property owners agreed to have landscaping, as the area was relatively dark at night. He requested the beautification design include lighting enhancements where possible.

Mayor Minnet wished to know how the Town would handle instances where a property owner was originally permitted five spaces but turned it into six spaces.

Town Attorney Kennedy was unable to answer but she would find out and relay the answer to the Commission. However, if the Town issued a permit to a property owner, they had to abide by the number of parking spaces stated in the permit. If no permit for parking spaces was issued by the Town, the property owner had to comply with the Town's parking code.

Town Manager Hoffmann indicated it would take a considerable research to determine which parking spaces on private property were permitted and if they were to code.

Mr. Flynn commented if a private property had six parking spaces but was permitted five, the dais could rule to let them continue to be legal nonconforming versus putting the permitted five at today's conforming standards.

Town Manager Hoffmann thought it best to leave open the issue of moving the sidewalk, as this was a very costly undertaking. The benefit of such action needed further exploration by the Town Commission and staff. The pervious pavement could still be done in the swales: there was no guarantee that if the Town moved the sidewalk and allowed cars to partly park on the swale, that the property owners would landscape and maintain the extra space on their land.

Mr. Flynn remarked if the sidewalk remained as is, the ten-foot swale would remain. If the swale became pervious, that would be more expensive. This would offset the cost of moving the concrete sidewalk, which was not as expensive as a pervious pavement.

Vice Mayor Sasser felt there were too many unanswered questions for any type of decision to be made; the matter should be revisited at a later time.

Mayor Minnet concurred.

Commissioner Vincent stated being in favor of any drainage improvement and any beautification that could be done in the Town. However, if the Town had to try to get a large number of people to agree, he urged moving forward with those beautifications and drainage improvements that were possible for the present.

Mayor Minnet opened the meeting for public comment.

Pat Parrera mentioned the issue was addressed by a former Town Commission and, at the time, they said if all owners were willing to give up part of their swale, the Town could run a greenbelt down the middle of the street. The Town would plant trees and this would help with drainage; most of the sidewalks would remain intact but a significant portion of the present swale would be lost, and this would deter parking on the swale. She believed all the property owners in the subject area would be willing to give up a portion of their swale to create a greenbelt down the middle of the road to enhance drainage, and this would beautify the street.

Ms. Rhinesmith stated they had landscaped in the last few years, including landscape lighting, and they were all for beautification. The only concern of condominium owners was parking, as they had 12 units and 12 parking spaces with no guest parking. Some of the owners asked whether it was possible to build a crosswalk over to Publix.

Mr. Pointu observed with regard to the number of existing parking spaces, the swales should be considered, as they were used for parking, and the ability to park on the swale would be lost with the planned beautification. He questioned the reduction of parking spaces on private property in an effort to comply with code requirements, yet there was the regulation related the minimum require parking spaces for buildings with a certain number of units. In the plans presented, it appeared some green space on some of the private properties was being removed to create more parking spaces. The Commission should concentrate on the drainage only.

A female speaker felt the main concern to be addressed was the drainage; she wanted no trees on her property, and parking was already an issue for them.

Victoria Lauricella commented she wanted the Town to place no trees on her property, as this would destroy her landscaping. She supported the drainage enhancements, as well as the swale and lighting improvements, but she was against the idea of creating a greenway in the middle of the road. Plan A worked for everyone.

Lawrence Salay stated his property was one of the apartment buildings with the striped parking. He had resided in the Town for 25 years, and Bougainvillea Drive needed its drainage issues addressed. He was against Plan C but supported Plan A, as well as the lighting improvements, sidewalk enhancements, some beautification, and possibly a four-foot strip of greenbelt down the center of the road.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting. She urged staff to ensure residents were properly notified of meetings with items that directly affected them. She agreed with Vice Mayor Sasser the subject matter had more issues than could be addressed at the present meeting. She questioned whether one month was adequate time for the design team to meet with residents to gather additional feedback.

Town Manager Hoffmann believed there was a consensus among property owners and the Town Commission to proceed with whatever beautification could be done without getting involved with legal agreements. This included as much landscaping as possible, installing streetlights where possible, with enhancing the drainage as the primary issue.

Mayor Minnet concurred and liked the idea of installing of a crosswalk to Publix.

Mr. Flynn replied the crosswalk was outside the design team's study area but, looking at it conceptually, there was nowhere for the crosswalk to land on the north side of the street. He asked if the scope of their work should include speaking with individual property owners about giving up space for landscaping.

Mayor Minnet responded based on the resident and Town Commission feedback, this should not be a part of the design team's scope. They should just work with the existing conditions with regard to beautification and address the drainage issues.

Mr. Flynn wished to confirm they would leave the issue of the striped parking lots on private property alone and not worry about anything being nonconforming.

Town Manager Hoffmann said yes.

Mr. Hughes remarked street trees would be planted where there was landscaping on a property line and it was not conflicting with a car backing out.

Mr. Flynn stated his understanding that the project would have zero landscaping on private property.

Mayor Minnet affirmed this to be the case, unless a property owner came forward and made a request for landscaping.

Mr. Flynn added, with such direction, the design team could immediately move to the schematic design phase based on Plan A.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Malcolm McClintock introduced himself as the new Interim Director of the Lauderdale-By-The-Sea Chamber of Commerce. He would present the Town Commission with a detailed report at one of its April meetings.

Marie Chiarello thanked the Town Commission and staff for the A1A project, as it looked really great. With regard to Resolution 2012-18 and the installation of lifts in public pools, she asked if a vacation rental fell into the same category as a hotel. Patrons were renting daily, weekly and three-day vacations. She thought such uses should fall into the same category as a hotel/motel/bed and breakfast.

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

7. PUBLIC SAFETY DISCUSSION

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

Commissioner Vincent mentioned the near drowning that took place recently by the pier and the phenomenal response by the Town's emergency staff. One of the surfers was a local resident living in Oriana named Michael Turner. Mr. Turner was responsible for three lifesaving rescues of people that were drowning. Mr. Turner sought no recognition and commended all BSO, AMR and VFD staff.

Chief Llerena commented there as a strong sense of community in the Town that his department witnessed often and were proud of.

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

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

Commissioner Dodd noticed on the report with regard to medical calls, that approximately ten percent were cancelled before anyone was called out. He wondered if there was a way for the VFD to look at the call out codes or incidents to reduce the number of cancelled calls after the men reached the station. According to the report, 59 of the remaining 88 calls or 67 percent were cancelled by the senior officer in charge after the men had come to the station, were paid, but did not go out. It was better to have the men being paid to do beach rescue patrols than cancelled medical calls.

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

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

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

8. TOWN MANAGER REPORTS

a. Finance Report

Commissioner Brown said near Daisy Coffee House there was a parking station, which faced west. Around noon people could not read the screen due to the sun. He asked Town staff to look into shifting the parking station so the screen faced north.

Finance Director Bryan responded Town staff would look into the possibility of shifting the angle of the parking screen.

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

9. TOWN ATTORNEY REPORT

There was no report.

10. APPROVAL OF MINUTES

There were no minutes for consideration.

11. CONSENT AGENDA

Items 11b and 11c were pulled from the Consent Agenda for discussion.

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

- a. Reclassification of General Fund Balance, Transfers from General Fund to Fire Fund, Correction to May 24, 2011 Meeting Minutes (Finance Director Tony Bryan)**

This item was approved on consent.

- b. Renewal of Town Engineer's Agreement for Two (2) Years (Assistant Town Manager Bud Bentley)**

Commissioner Dodd did not understand the changes Town staff sought under section four. He believed the Town should not build in three-percent annual increases rather they should be based on merit. He also liked the flexibility that the Commission was notified if the money paid for services in any given year exceeded predetermined limits. He was against the deletion of the predetermined limits.

Town Manager Hoffmann clarified the three-percent annual increase was being eliminated, and services would be provided at the 2009 rates. Staff was proposing the deletion of the annual limit in the agreement because the Commission approved additional projects anyway.

Commissioner Dodd preferred the opportunity to reconsider if the right decisions were being made and the money was being spent wisely.

Town Manager Hoffmann indicated Town staff would change the language to go back to the old provision, whereby it escalated a little each year.

Vice Mayor Sasser recalled there was more than one member of the dais that fought strongly for such services to go out to RFP. The position of Town Engineer was a significant vendor and expense to the Town. He was surprised to see it on the Consent Agenda.

Mayor Minnet believed the Town utilized the services of other engineers.

Town Manager Hoffmann concurred, stating this was one of the reasons Town staff recommended the continuation of the existing agreement. With other engineers under contract, the Town had the option to request proposals from other firms.

Commissioner Dodd made a motion to approve the renewal of the Town Engineer's agreement with the Town Commission maintaining the right of approval for excess expenses as suggested by Commissioner Dodd. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

c. Harbor Drive Drainage Project - Award of Contract (Municipal Services Director Prince)

Commissioner Dodd felt 20 percent for change orders was a little high, and the Commission should consider lowering it to 15 percent of the contract price.

Town Manager Hoffman responded for a project of such magnitude, she was comfortable lowering it to 15 percent. For smaller projects, 20 percent made better sense, as it was not such a big dollar amount.

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

d. Cintas Corporation One (1) Year Contract Extension for Uniform Rental and Cleaning Services (Municipal Services Director Prince)

This item was approved on consent.

12. ORDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. **Ordinance 2012-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE TOWN'S CODE OF ORDINANCES BY DELETING SECTION 3-3 "DISTANCE FROM CHURCH OR PUBLIC SCHOOL" TO ELIMINATE CERTAIN DISTANCE REQUIREMENTS FOR ALCOHOL SALES; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS 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 Brown made a motion to adopt Ordinance 2012-09 on first reading. 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, she closed the public comment portion of the meeting.

Commissioner Dodd expressed disappointment that Town staff did a lot of work revising the code, yet chunks of it was left in that did not fit in with the current thinking. For instance, section 864 spoke about septic tanks. He thought the Town got rid of septic tanks.

Town Planner Linda Connors indicated she would look into the matter further. Town staff would be coming before the Commission with a land regulation review, focusing on the zones B1 and B1a, as they related to the uses. The planning staff would look at Chapter 30 as a whole, make adjustments as needed and add them to the list of LDRs.

Commissioner Dodd reiterated wine bars should be included, as he did not believe any new businesses would invest in a venture without first ascertaining the chances of success. The Town Attorney's argument that the Town could not regulate or differentiate between a wine bar and a pub had little merit, as pubs served good food to survive. He thought not including wine bars was detrimental to the Town, as the aim was to attract good facilities.

Vice Mayor Sasser noted he was against wine bars but supported restaurants that sold alcohol.

Vice Mayor Sasser made a motion to adopt Ordinance 2012-01 on second reading. Commissioner Dodd seconded the motion. The motion carried 5-0.

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

- b. **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.

Grant Smith, general counsel to Choice Environmental, thanked the Town for the opportunity to provide the service and introduce his team. The Town made great strides and had an outstanding management team in Town Manager Hoffmann and Assistant Town Manager Bentley.

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

Commissioner Vincent asked what could be done when issues of public health and safety arose with the garbage not being picked up due to lack of payment.

Mr. Smith answered he and his staff worked through the logistics of how to work with the Town's code enforcement team to utilize their services to bring people into compliance.

Commissioner Dodd sought assurance the Town would be the beneficiary of the latest negotiated disposal rate change done between the City of Miramar and Sun Bergeron, and that the Town's contract covered this issue to Town staff's satisfaction.

Town Manager Hoffmann replied Town staff was going to put a report on the agenda of what transpired.

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

- c. **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. With no one wishing to speak, she closed the public comment portion of the meeting.

Commissioner Dodd said the ordinance was a substantial upgrade to the existing code, and staff should be commended for their efforts.

Town Manager Hoffmann added the Town Attorney's office deserved some of the commendations.

Commissioner Dodd made a motion to adopt Ordinance 2012-04 on second reading. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- d. **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.

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 2012-06 on second reading. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

- a. **Resolution 2012-18: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, OPPOSING THE U.S. DEPARTMENT OF JUSTICE'S RULES IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT PERTAINING TO TITLE III, READILY ACHIEVABLE BARRIER REMOVAL, URGING THE DEPARTMENT OF JUSTICE AND FEDERAL GOVERNMENT TO ALLOW PORTABLE LIFTS AS AN ALTERNATIVE TO FIXED LIFTS FOR POOL AND SPA ACCESS, AND SUPPORTING AN EXTENDED COMPLIANCE DATE; URGING MEMBERS OF THE U.S. CONGRESS, FLORIDA LEGISLATURE AND OTHERS TO JOIN IN THIS RESOLUTION; PROVIDING AUTHORIZATION AND DIRECTION TO THE TOWN CLERK TO TRANSMIT COPIES OF THIS RESOLUTION; AND PROVIDING 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 Brown believed this was a feel-good resolution without substance. The Town had no jurisdiction over the subject issue, and the matter was being thought out at much higher levels of government, Congress, the Department of Justice, etc. and was based on regulations that had been in the works for years. He saw no reason to weigh in on the subject matter if the Town Commission's vote had no substantive impact. Nor was it a very balanced resolution. The American Disabilities Act (ADA) was enacted to give handicapped people a more opportunity in mainstream life, and they made considerable progress over the years. He stated the regulation needed to be adjusted, but the Town appeared to be coming out against it entirely.

Commissioner Vincent stated he put the proposed resolution on the agenda to show a vote of solidarity. Every voice counted. It worked this time, as the Town's businesses were granted a 60-day reprieve to iron out ambiguities in the code with respect to what was needed, implementation, etc.

Vice Mayor Sasser concurred, stating the Town Commission represented the people's voice, and it was absolutely important for the Commission's voice to be heard.

Commissioner Vincent made a motion to adopt Resolution 2012-18. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Commissioner Brown voted no.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were no quasi-judicial items for public hearings.

15. COMMISSION COMMENTS

Commissioner Dodd stated he would be happy to continue serving on the Hillsboro Inlet Commission. There were about 15 meetings a year and it was a very interesting project. He noted the last meeting was more informative, as there were a number of new commissioners present, and the expenses for the past month were approved, as were the expenses for the coming month. He urged his fellow Commissioners to think when the downtown development plans came before them, as he was recently approached by four separate individuals who said they enjoyed living in the Town but being able to park near restaurants was a major issue. The Commission would be presented with two plans for plazas that included the loss of all existing parking spaces in one block. The artist's sketch shown in the *Futures* newspaper showed a white walled, sterile, flat empty skateboarding park surrounded by non-tropical trees. This was not what he envisioned for Lauderdale-By-The-Sea. He thought a better balance could be achieved with a single plaza next to the pavilion, an attractive median, the inclusion of some parallel parking, and wider sidewalks.

Mayor Minnet announced on March 31, 2012, it would be Earth Hour between 8:30 p.m. and 9:30 p.m. She encouraged everyone to turn off their nonessential lighting during that time period. Mayor Minnet reminded everyone about turtle lighting. She said the lights were turned off March 1 and would remain off through October 31, 2012. The Town was moving ahead with purchasing a number of shields on El Mar Drive to correct the situation, so some of the lights could be turned on. Everyone was invited to join the Town Commission and staff in Jarvis Hall on April 2, 2012, at 5:00 p.m. to help stuff some 6,000 eggs for the Easter festivities on Saturday, April 7, 2012, at 9:00 a.m. There would be an Easter egg hunt, a bonnet contest and the arrival of the Easter Bunny. With regard to the improvements to the eastern most part of the Town, she received feedback from a number of people that they were very excited about the project. The area needed revitalization, and she preferred to view the parking as relocated not lost. The A1A parking lot would be restriped, and this would make up for parking spaces that would be lost.

Commissioner Brown commented on being downtown on St. Patrick's Day. He said it was crowded. All the area streets were blocked off, but people found parking and continued to enjoy the Town's events and amenities. He did not see the loss of a few parking spaces as a reason to back away from the project.

16. OLD BUSINESS

There was no old business for consideration.

17. NEW BUSINESS

There was no new business for consideration.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:05 p.m.

19. FUTURE AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White, CMC

Date