

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

**REGULAR MEETING  
MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, June 12, 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, Attorney Susan L. Trevarthen, 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 Vincent added item 17j to appoint a new member to the Charter Review Board (CRB).

Mayor Minnet pulled item 17e, Design Work Authorization Regarding Wings Parking Lot for discussion immediately following Public Comments.

**5. PRESENTATIONS**

a. A Proclamation declaring June 18 to 25, 2012, Amateur Radio Week  
Mayor Minnet presented the proclamation.

**6. PUBLIC COMMENTS**

Mayor Minnet opened the meeting for public comment.

Joan Schot believed the most dangerous intersection in the Town was Commercial Boulevard and A1A due to the removal of the two "No U-turn" signs. She and her husband were almost hit by vehicles making U-turns at that intersection and they

witnessed a lady with a stroller almost get hit. She urged the Town to put the signs back at that intersection immediately, questioning why the decision was made to remove them. Ms. Schot liked the new bus stops. However, they needed to be covered to protect riders from rain. She suggested a covered extension at the bus stop by Jarvis Hall to protect riders as they left the community center. Ms. Schot also suggested condominiums place pedestrian crossing at the north end of the Town where residents had to cross A1A for parking. She expressed appreciation for everything the Town Commission and Town staff did for the citizens.

Mary Ellen Himes was impressed with the level of commitment of the Town's elected officials and Town staff. She expressed her dismay at the May 22, 2012, meeting when Mr. Malkoon made public comments regarding the beach restoration project and previous positions voiced by Commissioner Brown on the matter. She was aghast that Commissioner Brown launched a personal attack on him, to which Mr. Malkoon was not allowed to respond. If Mr. Malkoon's campaign issues were public record, there was no need to speak on them.

Cindy Geesey expressed disfavor with the Town's recent selection of the branding line "Relax, you're here" and the use of an Adirondack chair. Nobody from the Town Commission or Town staff spoke with the chairman of the previous slogan/logo committee to learn how many ad agencies, residents, business owners or officials were interviewed. The previous slogan "Florida's Beach Village" was a result of considerable work by many people and every word mattered, as it identified the state, said the Town was on the sand and indicated it was a small, friendly place. An Adirondack chair was not only hard to pronounce but it was hard to get out of and was from New York, and the slogan was boring and made no sense. Where else would you ever be than where you were? Ms. Geesey was disappointed over the lack of the Town's elected officials' attendance at community meetings, such as Kiwanis, the Chamber, Performing Arts, and the Townwide Property Association meetings. No member of the dais attended the Property Association meeting since October 2011, even the most recent one on hurricane preparedness that attracted over 100 local citizens, nor were any elected officials at the History of Lauderdale-By-The-Sea program. She hoped the Town Commission's lack of interest was not due to their only looking for political endorsements. Ms. Geesey cautioned against naming the wrong person when casting blame, as she was proud that the palm cards handed out at the last election, identifying the candidate's political parties, were her idea and done at her expense and handed out only by her. Her only regret was she did not do so earlier and deliver it to every doorstep in town, asking if a complaint would be filed against her for exercising her constitutional right to free speech.

Bill Ciani complimented the Town's Building Department staff for doing a very professional job; they were courteous, and it was a big improvement over the past. He reviewed the drawings for the Town's remodeling and he noticed that out of 36 parking spaces from A1A to the beach, the design would eliminate 22 spaces, and this would be devastating to the businesses. There appeared to be trees in front of all the stores, a pavilion in front of a pavilion where people sat to look out at the beach at the cost of all

the parking from El Mar Drive to the beach. He wanted a professional study of what would happen to the area businesses in the one year it would take to complete the project, including the cost overages he anticipated. The last meeting was very embarrassing, when some members of the public commented businesses that had a problem with the loss of parking could close and leave the Town, with little consideration for the investments they made in the Town. He recalled some members of the dais chiming in that businesses would have to get used to not having parking in front of their stores, and he felt comments should be a little more thoughtful.

Adam Geesey expressed displeasure with the proposed beach nourishment project. First, he believed the Town's beaches did not need nourishment, as the reefs protected the beaches from erosion and, in the event of a hurricane, the sand from the renourishment would likely be washed out onto the reefs and significantly harm them. He was unconvinced of the need to help support the Town's neighbors in Pompano and Galt Ocean Mile whose beaches needed nourishment. Mr. Geesey did not believe those communities would support the Town if it needed them to help in the future. He felt disappointed that the Commission's vote on the beach nourishment project was not postponed until Vice Mayor Sasser was available to participate in the discussion and vote. Vice Mayor Sasser's dialog would have benefitted the discussion. Mr. Geesey disagreed with financing the beach renourishment project with taxpayers' dollars, as similar projects in St. Lucie and Martin Counties were financed primarily by assessing property owners directly on the beachfront. Though condominium assessments were never welcome, he felt this approach made more sense than financing the project with taxpayers' money. The property owners who stood to benefit the most should pay for the project. He was unhappy with Commissioners who said they would approve the project regardless of cost, as this was just irresponsible.

Patrick Pointu corrected for the record, the statement written in the backup concerning his complete objection to the landscaping on Bougainvillea Drive. He was not opposed to the project, he just stated his refusal to spend money to maintain it, and out of the two islands slated to go in front of his property, he could accept the one on the northern part but not the one to the south. Concerning the sewer tax, the Town Commission and staff still failed to explain to him why the wastewater produced by a single-family home was charged a different cost than the wastewater of a condominium or restaurant. He asked if the Town had different grades of water and sewer; as long as the Town's administration failed to clarify the difference to him, the related tax collected was unfair for certain categories of residents. Using taxpayer dollars hiring consultants to try to save face was a waste and unfair; the Town Commission needed to be fair and base the sewer fee on the meter. Mr. Pointu believed an ad valorem tax was the fairest way to collect the fire fee; as was done for EMS and law enforcement. Mr. Pointu believed the Town's citizens elected five Commissioners and it was their opinions they desired, not the opinion of outside consultants.

Edmond Malkoon recalled his request at the previous meeting for the Commission to call for a revote on the beach renourishment project, and he expected the Mayor to ask Town staff to investigate the matter further. Instead, he was subjected to a personal,

verbal attack from a member of Commission, which the Mayor had not stopped. Rather than being neutral, even-handed and respectful to him as a resident, the Mayor accused him of having attacked the Commissioner and informed him he should have been stopped. He wondered at the definition of an attack, as his comments were factual and his quotes exact; he called no one names, so his criticism did not constitute an attack. Commissioner Brown's response had nothing to do with his comments or Town business on the agenda, rather they were an attempt to embarrass him, and it was a resident's right to speak out, whether for or against an issue. Most importantly, every resident had the right to be respected. Mr. Malkoon indicated, as a result of his questioning, the County called the Town and worked with staff to correct the vendor list, proving his concern was not frivolous. Regardless, he continued to feel it was a conflict of interest to have shares of ownership in two units, serving as an officer in one of these buildings, and receiving a benefit from the beach renourishment. He could agree with the Commissioner that his comments were shades of the past as such behavior might discourage residents from expressing concerns or an opposing viewpoint for fear of retribution. Many residents felt that the Commission did not listen to them and went ahead with whatever it desired, but Commission decisions should be based primarily on what the citizens wanted. He noted every resident that attended the workshops and meetings on beach nourishment stated their objections to the project, and multiple speakers expressed the fear it would damage the ecosystem. Despite the residents' show of opposition, the Town Commission voted to finance the beach renourishment project. He continued to oppose this plan and would do what he could legally and lawfully to stop it. Residents asked whether vacation rentals were subject to the federal pool lift requirements, and an answer had yet to be given. He felt Commissioners should do their best to answer questions posed by residents. Mr. Malkoon was dismayed at the disrespect shown to the Town's Charter Review Board (CRB). He noted Commissioner Brown spoke to and pushed that the community be rushed through a ballot measure for term limits, then later changed to the opposite position, voting against the action at the subsequent Commission meeting. He urged the Commission not to push things through they were unsure of, as the latter incident resulted in wasted money and time.

John Boutin stated he perceived a new energy in the Town, one of optimism, though based on previous public comments it seemed a storm was brewing as well. He announced the Town now had a Lodging Association. They adopted a mission statement at their last meeting and will have a vehicle in the upcoming Independence Day Parade.

John Oughton commended Mayor Minnet on doing a splendid job for the six years of serving as Town Mayor. At the time a former Commission voted to keep the Mayor's term to a two-year limit, he thought it a splendid idea and he still believed so. He urged the CRB to make only substantive changes to the Charter, leaving those aspects of the Charter that worked well unchanged. Commissioners had a responsibility to citizens to vote, and a no-vote option was unacceptable, and if it was necessary to abstain from voting, a valid reason should be given. The Commission should stand up for their beliefs and what was right for the community.

Bob Fleishman commended the CRB for their tireless efforts, making decisions that helped guide the Town into a more realistic and less costly correction of the Town Charter. He summarized his observations of discussions at previous meetings on the mayoral term limit that ended with the CRB's recommendation being defeated. He expressed disappointment in Commissioner Brown's reaction at the May 27 Commission meeting when a public speaker alluded to his having a conflict of interest regarding the beach nourishment project and thought he should not vote on the matter. Rather than answer to the proposed conflict of interest, Commissioner Brown chose to use the dais as a forum to launch a verbal attack on the speaker and sidestepped a response to the allegation. He felt Commissioners answered to a higher standard when they took the oath of office, and choosing to "out" the member of the public on unrelated issues seemed unethical and had nothing to do with beach erosion. Mr. Fleishman expressed surprise at Mayor Minnet for not stopping the Commissioner's "rant", considering the extent of his vindictive dialog directed at the member of the public. He thought Commissioner Brown owed the person an apology for abusing the ethics code from his seat on the dais.

Rosa Michailiuk remarked on the Bougainvillea Drive improvements, she was glad the Town chose not to plant a tree in front of her house. She said Frank Myat asked her to voice his objection to having a tree planted in front of his property. She did not understand the Commission's repeated encouragement for citizens to voice their opinion. She and another resident presented the Commission with a petition signed by 128 residents supporting the roundabout, yet nothing was mentioned about the petition. Commissioner Brown promised to call her regarding pervious drainage, but had not done so. She hoped the \$800,000 budgeted for the Bougainvillea Drive improvements would all be spent improving her street, as she lived there for 29 years and nothing had been done. Other communities in the Town had landscape improvements. She was unsure where the Town was getting its consultants, noting the haphazard nature of the landscaping improvements on El Mar Drive. She urged the Town to make landscape improvements that matched and place it where it did not block resident parking.

Ron Piersante commented on the decorations on the lampposts upon approaching the Town from over the bridge on Commercial Boulevard; a seahorse and a starfish. He believed the Town Manager was responsible for them being there. He thought they looked really good, and he hoped the Town could put more of the same decorations on both the north and south side all along Commercial Boulevard if there was sufficient funding to do this.

Bill Vitollo spoke on beach sand and the inaccuracy of thinking one needed more beach sand if the tide looked high. Improvements had been done in many areas of the Town and noted changes will always affect someone's backyard or front yard. He believed the Town's administration did an excellent job involving the public in the east Commercial Boulevard improvements, and now when it was close to being done, some people were attempting to stop it, after taxpayers' dollars paid for the approved design. The Commission was doing a great job with the various beautification projects, which the Town needed. He said the same situation applied to the changes to the Town's

branding, on which a sufficient number of meetings were held to allow public input. Now the decision was made to use the pelican and the Adirondack chair, people were voicing objections. He was tired of people being urged to attend meetings and speak, spending thousands of dollars on designs for the projects, only to have people voice opposition when the design phase was complete and the execution phase was about to begin. The fire tax should be based on the square footage of a building, as a search and rescue on a larger building required more time. He questioned the status of the \$800,000 for El Mar Drive from the lawsuit.

Pat Piererra was upset that the Town had not responded to the 128 residents that signed the Bougainvillea Drive Project petition. Residents were constantly being encouraged by the Town Commission and staff to come forward and voice their concerns, and some were unable to attend Commission meetings and chose to sign a petition to communicate their position. The Town did not publicize the petition and what it implied; she felt there was a conflict of interest in the way the news was written in the newspapers, and the residents were owed a response from the Commission on that petition. She favored having a tree planted in front of her property.

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 reports

#### 8. TOWN MANAGER REPORTS

##### a. Sewer Capital Cost Estimate (Municipal Services Director Don Prince)

Municipal Services Director Don Prince reviewed the report contained in the backup and explained that the costs provided by King Engineering had varied due to the type of materials that would be used. He had recently received quotes on cured in-place liners and would be discussing that at the upcoming special meeting.

Commissioner Brown sought clarification that whatever action the Town took, it would be comprehensive in terms of addressing every neighborhood and sewer main as a result of the report.

Municipal Services Director Prince answered yes. Initially, the sewer mains would be done, and once Town staff had the report on the sewer laterals, some of the information in the King Engineering analysis would change based on the new data. When the analysis was done originally, it used only the available data at the time, which was about the sewer mains.

Town Manager Hoffmann stated staff would provide the Commission with regular updates on the project costs as they went through the process, and it would take about a year to do all the repairs.

**b. Town Manager Report**

Vice Mayor Sasser recalled at the previous Commission meeting there was some information regarding the Broward Sheriff's Office (BSO) budget and requested Town staff put that as a separate agenda item for the next Commission meeting.

Town Manager Hoffmann commented the proposed BSO budget was tentatively scheduled for the June 26<sup>th</sup> Commission meeting. The Town had a series of questions that were sent to BSO. Assuming those answers were provided and some of the issues were resolved, the item would be on the June 26<sup>th</sup> agenda. The Commission would be informed of any delays.

With regard to the Coral Reef Project update Vice Mayor Sasser requested Town staff to arrange to have before and after pictures taken to show the progress.

Town Manager Hoffmann indicated the Coral Reef Project was now fully deployed; everything was hooked up and operational. Under the Town's permits, a monitoring report was required every 30 days, including videos from Global Coral Reef Alliance.

Vice Mayor Sasser inquired as to whether the buoys were placed in the correct area. Town Manager Hoffmann informed the Commission there were four different permits for the project, and the most important permit with the Army Corps of Engineers had different coordinates for placement than the state, county and Coast Guard permits. The project was installed in alignment with the latter three permits and, in trying to figure out how this transpired, she reviewed all the files and saw that the Town applied to the Army Corps with the correct coordinates in the permit application. The Army Corps, however, put different coordinates in the actual permit and no one caught the error. Town Manager Hoffmann noted the Town was now writing to the Army Corp to inform them of what happened to see whether they would consider the difference from their coordinates as a minor change or whether the Town will have to request changes to the permit.

Vice Mayor Sasser believed in the Town's contract for the coral reef, there was some obligations on a third party's part to maintain the project and ensure everything was in working order for a number of years. He wondered when the maintenance portion of the contract began and if Town staff could ensure the warranties would be dated when the project became operational a year later from the date the contract was signed.

Attorney Trevarthen stated she would review the matter with the Town Manager.

Commissioner Dodd remarked that an FP&L consultant came to a meeting and said the street lighting issue had fallen through the cracks. He wanted to make sure Town staff

was keeping the pressure on FP&L, so residents could be kept informed as to when the lighting would be done.

Town Manager Hoffmann responded she would have an update every other week until the lights were installed.

## 9. ATTORNEY REPORT

There was no report.

Commissioner Brown sought clarification on the Broward County Ethics Law for local elected officials, mentioning an article in the Sun Sentinel on May 28, 2012, stating the Mayor of Plantation had an ethics complaint filed against her by the person she defeated in the last election. The case was reviewed by the Ethics Commission and the ruling was made in favor of the Mayor. The City Council of Plantation then reimbursed her \$63,592 for her legal expenses, and the City of Plantation was now trying to get those funds reimbursed by the person that filed the complaint. He questioned whether Lauderdale-By-The-Sea was covered by the same procedure under the County's ethics rules.

Attorney Trevarthen remarked, in her experience, that obligation arose from an individual city/town ordinance, and many cities/towns had such ordinances in place. She was unsure if the Town had such an ordinance on its books, and it was the kind of thing that might not be codified. She would investigate the matter further and report her findings to the Commission.

Commissioner Brown requested the matter be placed on the agenda of a future Commission meeting. He was 100 percent in favor of the County's new ethics rules, as the higher the standard the better, and if a complaint was filed against a commissioner, and that commissioner or mayor was found to have violated the standards, they should be held accountable. There had to be a buffer provided to sitting Commissioners against malicious or nuisance complaints. He said what the judge ruled in the Plantation case was the person filed the complaint against the Mayor with the malicious intent to injure the Mayor's reputation. As long as local elected officials were required to comply with the County's ethics laws, there should be some element of protection provided to commissioners, in the event somebody were to file a complaint against them. If it was not already a part of the Town's code, it should be made so.

Mayor Minnet believed there had been some precedent prior the present Town Commission, that there were some legal fees paid to a number of past Commissioners. She requested that when the subject item was placed on the agenda that that information was included in the backup. She said Attorney Trevarthen would be giving a presentation at the next Broward League of Cities (BLC) and was looking forward to hearing it, asking her to give a brief overview of what that presentation would be about. The BLC meeting would be on June 21, 2012, and members of the Town Commission and staff should attend if they were available.

Attorney Trevarthen replied her presentation was put together by the Good Government Institute out of Miami; former County Commissioner Katie Sorenson ran the group and was placing the group on the 4:00 p.m. BLC meeting on June 21. Along with a few other people, she had been asked to talk about the state of growth management in 2012 in Broward County.

#### 10. APPROVAL OF MINUTES

There were no minutes for approval.

#### 11. CONSENT AGENDA

Item 11a was pulled from the Consent Agenda for discussion.

Commissioner Dodd made a motion to approve items 11b, 11c, 11d and 11e on Consent. Commissioner Vincent seconded the motion. The motion carried 5-0.

- a. Special Event Application for a Public Menorah Lighting Ceremony event proposed for Sunday, December 9, 2012 (Assistant Town Manager Bud Bentley/Code Officer Tuchette Torres)

Assistant Town Manager Bentley commented changes were based on Town staff's observations in 2011, when the crowd arrived early, and the people who erected the crowd control barriers arrived late. The event was held at the pavilion. He said as a result, many people stood in the roadway while moving cars were within inches of them; a significant concern to Town staff. In the 2012 application, it said that the site plan would be approved administratively, with Town staff recommending the staging of the event be oriented toward the east rather than the west. He noted that the sponsor would have to give an absolute guarantee that the crowd control barricades would be up in advance of the crowd arriving.

Mayor Minnet inquired if the Commission could approve the proposed item pending the administrative changes on the location.

Assistant Town Manager Bentley replied it depended on how the approval of the application was structured. For now, the event was to be held at the pavilion. The Town would administratively approve the site plan at the pavilion.

Mayor Minnet sought assurance that all the necessary discussions had been held between staff and the applicants, so the Commission would not approve an application that had not been vetted thoroughly.

Town Manager Hoffmann suggested tabling the item.

Commissioner Dodd made a motion to table item 11a until July. Commissioner Vincent seconded the motion. The motion carried 5-0.

- b. Special Event Application for International Coastal Cleanup proposed for Saturday, September 15, 2012 (Assistant Town Manager Bud Bentley / Code Officer Tuchette Torres)

This item was approved on consent.

- c. Special Event Application for the Independence Day Celebration event proposed for Wednesday, July 4, 2012 (Assistant Town Manager Bud Bentley/Code Officer Tuchette Torres)

This item was approved on consent.

- d. Neighborhood Improvement and Maintenance Agreement with the Terra Mar Island Civic Association (Assistant Town Manager Bud Bentley)

This item was approved on consent.

- e. Sewer Mainline Sealing/Grouting (Municipal Services Director Don Prince)

This item was approved on consent.

**12. ORDINANCES – PUBLIC COMMENTS**

There were no ordinances for consideration.

**13. RESOLUTIONS – PUBLIC COMMENT**

There were no resolutions for consideration.

**14. QUASI-JUDICIAL PUBLIC HEARINGS**

There were no quasi-judicial items for public hearings.

**15. COMMISSION COMMENTS**

Commissioner Brown thanked Town Manager Hoffmann and Municipal Services Director Prince for putting in the sidewalk connecting the Town Hall parking lot to the Senior Center. He received numerous compliments from people who utilized the Senior Center, as they were very pleased to be able to walk directly from their cars into the Senior Center without having to loop around the light pole at A1A. He sent a “shout out” to Buster Celestino, who was the nicest guy in the Town, who suffered a stroke a few weeks prior but was now home from the hospital and in rehab.

Commissioner Dodd said there were lengthy discussions on the problems created by turtle nesting at the May 21, 2012 Hillsboro Inlet meeting. The dredging operations could not begin until 10:00 a.m. after the beaches were inspected. There was also discussion on the flow meter on the dredger that was not working properly, since the flow and the density were needed to determine the cubic yardage of the sand pumped. The flow meter was needed to do accurate monthly reports.

Commissioner Dodd reviewed the meeting that took place during his absence, and pointed out that he disagreed that the provision of parking at Town Hall for staff would help resolve the downtown redevelopment parking. This would only make the A1A parking lot emptier for daytime parking, as it was only near capacity on Friday and Saturday nights.

Mayor Minnet mentioned her continuing conversation with Senators Bill Nelson and Marco Rubio about the zip code issue. She encouraged citizens to call the Senators to urge them to continue their battle with the U.S. Postal Service to make sure the Town could get zip code 33062 recognized as a Lauderdale-By-The-Sea zip code. On the matter of the safety at A1A and Commercial Boulevard, this was a priority for the entire Town Commission and staff and was currently discussing the design of the A1A east project, the safety and how to make sure the A1A crossing was safer, creating more of a neighborhood crossing. On the matter of sewer fees, these would be discussed further at the June 19th Special Commission meeting at 6:00 p.m. She encouraged residents to attend and voice any concerns. There would be considerable discussion on the Bougainvillea Drive project so the matter of the petition of 128 names would be discussed later in the meeting. Residents were welcome to contact her if there were any questions beyond what she said on the dais or at a Commission meeting; she would be happy to meet with them at any time.

## 16. OLD BUSINESS

### a. Selection of Marketing Firm to Provide Continuing Professional Services for Municipal Marketing Projects (Assistant to the Town Manager Pat Himelberger)

Mayor Minnet sought clarification that the item was simply to approve the three named companies; the Town was not moving forward with any marketing plan, but if it decided to move forward with any type of marketing, one company would be selected from among the three firms.

Assistant to the Town Manager Pat Himelberger indicated the answer was yes and gave a brief summary of the information contained in the backup. Though in the agenda item Town staff indicated not receiving any firm with expertise in the hotel and hospitality industry, she later discovered Ambit Marketing & Public Relations was highly active in the City of Hollywood with some private hotels. They were also very active in the tourism industry in Broward County. Staff was recommending the selection of three firms, Ambit Marketing, Research Development Associates and Opt2web Marketing.

Commissioner Brown requested the item be deferred until after Family Fun Week. Some members of the Commission expressed general reservations about the idea of marketing the Town prior to doing the improvements downtown. In addition to Town staff, those in the hotel/motel business and other local businesses were working very hard on marketing a weeklong series of events. This would be a good test case to gauge whether marketing was justified for the present.

Vice Mayor Sasser thought Commissioner Brown voiced some good points regarding marketing, but he believed it was more than simply marketing for a few Town events. It was taking the brand design the Commission approved and working more holistically on this, which he did not want to stop. He said if it was just a matter of the Town finding an entity to help market some Town events, he would be in favor of deferment, asking staff to speak to the nature of the request from a holistic standpoint.

Town Manager Hoffmann recalled about a year prior, the Town had a proposal to develop a marketing strategy for the Town where there would be actual market research done to determine the Town's strengths and weaknesses from a marketing perspective. At that time, the Commission decided to delay moving forward with the research until 2012. She thought one of the first steps the Town should take with one of the three named companies was to undertake that research and analysis in the development of an overall marketing strategy. Both Vice Mayor Sasser and Commissioner Brown expressed a concern the Town was moving forward on some of the events without any overall guidance and strategy. She saw research as key step in moving forward, and the contracts would enable the Town to hire one of the companies to do that work.

Vice Mayor Sasser thought the Town needed to assess and devise a strategy, and once staff got the strategy right, the Commission could decide on what the Town should spend marketing dollars on and what those resources were.

Mayor Minnet echoed support to move forward with the marketing, with the goal being to create a whole marketing plan for the Town.

Commissioner Vincent made a motion to approve the three recommended firms, Ambit Advertising & Public Relations, Redevelopment Management Associates, and Opt2web, and authorize the Town Manager to enter into continuing contracts. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Commissioner Brown voted no.

**b. Bougainvilla Drainage & Streetscape Project Design Concept Discussion**  
**(Project Manager Bill Cole)**

Project Manager Bill Cole gave an overview of the item, as detailed in the backup.

Town Manager Hoffmann pointed out part of the problem with the roundabout was not the size of the intersection, it was that a few parking spaces would be eliminated under the County's regulations in order to accommodate it. Broward County also required the

crosswalks to be 25 feet back from the intersection, and Town staff did not feel people would walk that distance. She said these two factors led Town staff to conclude the roundabout was not feasible.

Jay Flynn continued the presentation, noting the designers had considered many variations of the plan and was only 50 percent through the design phase.

Mayor Minnet requested an explanation as to why the roundabout would not be possible as originally thought.

Mr. Flynn responded his design team created a similar roundabout twice in downtown Fort Lauderdale; these roundabouts were approved by Broward County and functioned well. Broward County now required a minimum of 25 feet from the intersection. He noted some parking would also be lost, as the roundabout would cause some parking spots to back out into the intersection, something that did not occur at the Fort Lauderdale roundabouts. Mr. Flynn said they also presented a four-way stop sign, with landscape at the middle of the intersection to the County as an alternative, but it was quickly rejected. Among County staff's reasons for rejection it would be a nonstandard design, and someone was likely to run into the middle of the circle. Their major concern was liability, which was now a big issue for both design engineers and governments involved in such projects. He went on to review the revised design illustrated in the backup, noting this was the current status of the design phase, with a total construction cost estimate of \$624,000. They just received the permit from Broward County for the drainage.

Project Manager Cole spoke about the \$26,000 for the landscape improvements, noting letters were sent to all property owners adjacent to the proposed 28 landscape islands, and responses were received from about half of them. Less than half of those responding favored the landscaping. The main objections were that they felt it would impair their access to parking or they did not want a tree in front of their house. He said some did not wish to be responsible for the minimum maintenance a tree would require. Less than a quarter of the affected persons wanted the landscape improvements.

Commissioner Vincent sought clarification on two issues: 1) if the pervious pavers were more suitable for aesthetic purposes than they were as a method of addressing flooding, so Bougainvillea Drive did not warrant the use of such materials; 2) the use of pervious pavers in close proximity to the beach; would there be additional sand in the streets that could clog the pavers and negatively impact any storage capacity.

Mr. Flynn acknowledged sand was an issue with using pervious concrete near the beach, a situation experienced in other beachside municipalities. The suppliers of the pervious concrete felt it could be maintained in areas close to sand by regular cleaning by street sweepers, so their use would entail an additional maintenance cost. If the paved swale were replaced with pervious concrete, there would be only a slight increase in drainage protection. He could not advise the Town to expend money in this manner.

Commissioner Vincent commented on the abandonment of the roundabout at Washingtonia, stating he spoke at one of the previous design meetings about this street being a major cut through for the south end of the Town. He asked if it was possible to get a cost estimate on addressing the intersection at Washingtonia and Poinciana; rather than doing half the street heading east and west, the Town should beautify those intersections at the same time.

Town Manager Hoffmann noted Poinciana also had a serious drainage problem, and that would be addressed in the Town's Capital Improvement Plan (CIP) in 2014. She was unsure it made sense to do an intersection and then come back later and tear it up.

Mr. Flynn concurred, as the drainage design would affect the intersection there.

Commissioner Brown wondered if it were possible to accommodate Bougainvillea residents who had yet to respond but later indicated they wanted a tree or streetlight in front of their property.

Town Manager Hoffmann commented if this opportunity was made available, it would be without curbing that the design team proposed with the landscaping.

Mr. Flynn added he would not recommend doing the landscaping without curbing.

Town Manager Hoffmann stated if residents failed to contact the Town in the next couple of weeks, it was unlikely the landscaping could be installed at their property.

Mr. Flynn sought clarification the design team was being directed to delete trees from the current plan, as the cost estimate included 28 landscape islands.

Town Manager Hoffmann remarked only about seven residents wanted the landscaping. It would be a Town Commission decision as to where the landscape islands would be, but there would be no rhyme or reason to a landscaping plan with only seven trees.

Vice Mayor Sasser expressed great disappointment in the project. First, the Town hired professionals to do a design plan for improvements to Bougainvillea that resulted in arguing amongst residents and the Town's administration. Added to that was the vetoing of the various designs by the County; it seemed the roundabout was just a colossal waste of time. Second, he was disappointed and confused at the mixed messages the Town got from residents who desired landscape improvements on their street, just not in front of their property. It was not possible to have it both ways.

Town Manager Hoffmann commented, in terms of the roundabout, she did not believe a great amount of time had been devoted to that issue.

Vice Mayor Sasser disagreed, as he felt considerable Commission time had been spent considering the possibility of a roundabout, not only while sitting on the dais, but in answering residents' questions about it.

Town Manager Hoffmann believed a great deal of time and design effort was spent on the Bougainvillea beautification, and the original plan the design team and Town staff devised was a viable one. That plan would have required people to some of their parking directly on their property and a few parking spaces on the street, which the residents rejected. She thought the process was worth the effort, as the Town's administration now knew what aspects not to consider when doing improvements to other streets with a lot of back-out parking such as Poinciana and A1A. While it had been frustrating and time consuming, with some costs involved, it was an educational experience to know that beautification was not possible for streets with 90-degree back-out parking.

Mr. Flynn added no additional fees were charged for the various designs some of which went above and beyond the scope of the project. The reason the roundabout came into the picture was due to the residents' rejection of what the design team originally proposed as the best landscaping solution. He stated it was frustrating dealing with permitting agencies outside the Town, but this was what they were paid to do.

Commissioner Dodd thought the blame for the problems with having the roundabouts lay with Broward County, as the County wanted people to walk an additional 60 feet before they could cross the street. Roundabouts allowed traffic to move slowly without having to come to a dead stop, were much safer and caused less serious accidents. Planners often said that if an official path was not provided or it was put in the wrong place, pedestrians would make one, cutting through vegetation if necessary. He expressed extreme disappointment in the outcome of the process, as the Town was trying to invest close to a million dollars for improvements on Bougainvillea Drive. Despite 128 signatures on a petition by the residents supporting the project, more obstacles kept appearing. He said this was one of the widest roads in the Town, and its improvement should be one of the highest priorities. Residents needed to be reminded the swales belonged to the Town and was not their personal overflow car park. Commissioner Dodd believed the Town should take a path of minimum destruction while trying to maximize the overall benefit, considering what was best for the Town, even if it meant upsetting a few residents. The Town should go ahead with doing everything possible to install landscape and streetlight improvements on Bougainvillea; for those residents that neglected to respond to the letters that was up to them. He said the improvements should be done as long as they did not completely cut off a parking space.

Commissioner Vincent noted many of his feelings were stated by Commissioner Dodd. He wondered in what other municipality such consideration would be given to whether trees should be planted in front of some properties and not others along the same street. Residents were simply informed of pending improvements and then they were done. The charge of the Town's administration was to do what was best for the Town,

not just for the present but for the next 50 years. He indicated the process was not working out as planned, as the Town sought to include vetting the public in the process, which he was a fan of but the level of negative response from residents was quite shocking. If the Town were run by vetting everyone's opinion, striping half the parking spots and not others because residents did not want it, or putting a tree in one location and not in another along the same street, etc., the Town would look chaotic. He noted the drainage had to be done, the beautification at Bougainvilla and Poinciana was necessary, and the trees should be planted in front of the properties whose owners wanted them, and let the result be what it was. Though he was recommending giving the people on Bougainvilla what they wanted, he had no desire to see similar improvements done elsewhere in the Town. The Town's administration just went through an extreme learning curve, getting a great education on what to do and what not to do with regard to improvements on Poinciana. He remained confused and disappointed in the residents' response to the beautification of their street.

Commissioner Dodd questioned if the residents who rejected the beautification design on Bougainvilla did so due to the loss of parking, as he understood the improvements would not affect parking.

Mr. Flynn affirmed the current landscape beautification plan would not result in the loss of a single parking space.

Commissioner Dodd supported the installation of the trees, street lighting and other landscaping improvements if no parking would be lost.

Town Manager Hoffmann asked for clarification on the type of parking that would not be lost.

Mr. Cole clarified none of the marked, striped parking would be lost. The un-striped parking in the swale that was used by some residents would be lost.

Mayor Minnet reminded residents the swale was the Town's property.

Mr. Flynn commented, at present, there was no additional street lighting in the design plan. The power feed for the lighting was behind the buildings that fronted Bougainvilla Drive. The existing poles came down lot lines, and there were only a few opportunities to get power to a new pole down lot lines. There were trees on private property that were in the way that would have to be removed. He indicated the design team saw little opportunity to increase the existing lighting.

Commissioner Dodd asked why power lines could not be laid under the swale if the Town would be digging a trench for the drainage portion of the project.

Mr. Flynn agreed power cables could be run down the trench to bring the power underground from an existing light, but this would increase the project cost. An issue discussed at previous meetings was there could be no tree where a light was put, and

light poles could only be placed where a car was not likely to back into it. Of the 28 opportunities illustrated in the design, there were minimal chances to increase the lighting due to various obstacles.

Mayor Minnet emphasized the need for the Town Commission to move the process forward to allow the design team to continue their work. She asked if the scope of the project included the area between the corners of Washingtonia to Sea Grape.

Town Manager Hoffmann answered no. The project was only for Bougainvillea Drive.

Mr. Flynn concurred. The scope covered Bougainvillea Drive from Town Hall to Pine Avenue.

Mayor Minnet asked why the landscape project could not incorporate that small block.

Mr. Flynn stated it could be added but it was not included in the current scope.

Mayor Minnet stated the reality was the Town Commission tried to accommodate everyone's input, and it was not possible to do so successfully, and the Commission was elected to make decisions that not everybody would be happy with. Even with the petition signed by those who wanted the improvements, there were still a substantial number who either did not want them or had not responded to the letter sent to get their opinion. She indicated the Commission had to decide if the Bougainvillea Drive improvement project would become a drainage only project with a limited amount of beautification in the design scheme. Town staff would be directed to move forward and accommodate those desirous of some sort of streetscape improvement in front of their property.

Commissioner Brown inquired if the stamped asphalt that would be installed over the trench could have color incorporated.

Mr. Flynn answered yes. It would cost an additional \$75,000 to \$80,000.

Commissioner Vincent queried if a disservice was being done to Bougainvillea Drive and the Town by eliminating 22 islands and trees and doing only seven, or should it be that all the trees were either all planted or removed entirely from the project.

Mr. Flynn recommended, as a civil engineer and not a landscape architect, planting all the trees or none of the trees.

Mr. Cole concurred.

Commissioner Vincent agreed the tree planting should be an all or nothing situation.

Vice Mayor Sasser sought clarification as to what was being proposed in the motion.

Mayor Minnet summarized what she thought was the consensus of the Commission: approve the drainage portion of the Bougainvilla Drive project as presented without pervious pavers, abandon the proposal for the roundabout but include the treatment of the intersection with the stamped asphalt, proceed with all recommended landscaping and the planting of the 28 trees as proposed, and ask FP&L to install two additional street lights as recommended.

Commissioner Dodd suggested asking FP&L to consider additional street lights where possible within the design scheme. He believed if the motion was approved, there would be a loss of swale parking.

Project Manager Cole affirmed the swale parking would be lost, and some residents complained losing the swale area meant they had nowhere to put their garbage bins for pickup.

Vice Mayor Sasser questioned if the motion included the additional \$80,000 for using color in the stamped asphalt.

Mr. Flynn clarified the \$80,000 would be stamping between the edge of the travel lane and the sidewalk, ten feet on the other side, and it was not included in the project cost estimate.

Vice Mayor Sasser wished to confirm it was not being included in the motion.

Mayor Minnet replied the only asphalt stamping was in the intersection.

Commissioner Dodd made a motion to approve the drainage project, abandon the roundabout, install stamped asphalt at the intersection of Bougainvilla Drive and Washingtonia Avenue, proceed with recommended landscaping, and install two additional streetlights. Commissioner Vincent seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.

Mayor Minnet recessed the meeting at 9:22 p.m. and reconvened at 9:35 p.m.

c. Public Safety/Jarvis Hall Parking Lot Design Award (Project Manager Bill Cole)

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

d. Commission District Study (Deputy Town Clerk Glenn McCormick)

Deputy Town Clerk McCormick noted the study determined redistricting would be necessary, and staff sought direction from the Commission whether to move forward with phase two of the study.

Dr. Lenore Alpert continued the presentation of the item as indicated in the backup.

Commissioner Dodd asked if there was a legal requirement that the Town had to get the numbers of the two districts within ten percent, as the boundaries dividing the districts were either historical or for convenience. Theoretically, it would be great to get a more even population distribution between the two districts, but practically, it might not be the ideal situation for the residents.

Attorney Trevarthen responded she would look into the matter further and report her findings. She was aware of other cities that held the numbers of their districts within the ten-percent margin.

Commissioner Brown questioned whether Dr. Alpert was aware the Town did not elect its Commissioners by district, so even if the population were distributed 50/50 between the two districts, it meant nothing for the Town's elections.

Dr. Alpert replied she was aware, stating a more even population distribution would ensure there was some dispersion of Commissioners to represent each of the areas, despite it being an at-large election.

Commissioner Brown observed in the north end of the Town, there were about 3,000 housing units, most of which were condominiums, and in the south end of the Town there were about 1,000 housing units, most of which were single-family houses. It seemed no matter how the line was drawn, there would always be the potential for the north to have more registered voters than the south. He said the whole issue struck him as dealing with the wrong issue, as the focus should be on looking at residency requirements for Commissioners to achieve the balance.

Mayor Minnet inquired whether the Town's Charter required the Town to create a more evenly dispersed population between the two districts.

Attorney Trevarthen replied there was a general requirement in the Charter to look at the issue by a certain time, but whether the Town Commission should look at the numbers presented in a particular way was a different issue.

Mayor Minnet reiterated the need for the Attorney to research if the Town had to take any action, as she felt there was no need for districts with Lauderdale-By-The-Sea being such a small community. She mentioned there were quite a large number of condominiums, and the Sea Ranch condominiums were included in the south. If the Town had not come together as one community by now, what would be the point of having districts? She found the process utterly ridiculous. She currently resided in a condominium and represented all voters in the Town. The hope was to get beyond districts to where all members of the City Commission were viewed as being from Lauderdale-By-The-Sea, as it was an injustice to all residents to continue looking at the Town from the point of view of District 1 and District 2.

Vice Mayor Sasser appreciated Dr. Alpert's presentation but was unsure the Town was quite ready for any of her proposals. He recommended tabling the matter until the Attorney was able to find out if any action was necessary.

Vice Mayor Sasser made a motion to table item 16d until the next Commission meeting on June 26<sup>th</sup> to allow the Attorney to research legal requirements for balancing districts. Commissioner Dodd seconded the motion. The motion carried 5-0.

## 17. NEW BUSINESS

### a. Proposal from AMR to Renew their Agreement with the Town (Finance Director Tony Bryan)

Finance Director Bryan gave an overview of the AMR contract and their new proposal for providing services to the Town which would involve an extension of the contract but with no price escalation for 2 years. Staff was looking for direction whether to accept the AMR proposal, negotiate a different deal or put the contract out in an RFP next year.

Town Manager Hoffmann pointed out the potential savings chart was based on the predicate that no one would bid less than AMR, but this was an unknown. Town staff thought the VFD would be another potential bidder, but the VFD felt it would take more than a year to be in a position to bid to provide emergency medical services in the Town. Like many of the older Town contracts, AMR's contract did not serve the Town well, as it was simply AMR's standard contract, providing for little oversight and reporting to the Town's administration. The contract had a provision allowing AMR to charge fees to the Town residents for services provided with no restrictions on what those fees could be, and there was no language in the contract guaranteeing those fees would be reasonable and customary. There was a provision that if the fees charged to residents, plus the amount the Town paid AMR exceeded \$1 million, there would be some rebate to the Town, but that threshold had never been reached. Town Manager Hoffmann added the Town received only a single number from AMR each year stating their revenues, and there was no provision in the contract for Town staff to audit the agreement or be provided that information in any detail. These were a few things she found problematic with the current contract with AMR. The existing contract allowed it to be renewed indefinitely if the Town were to negotiate renewing the agreement. She wished to see a complete rewrite of the contract, not unlike what was done with the Choice Environmental contract. This would require Town staff to get outside help from someone versed in emergency medical services contracts. While the \$30,000 in savings and the potential for more savings over time was tempting, she felt it better to wait and send out a request for proposal (RFP) in the spring of 2013.

Commissioner Brown agreed that the current contract was not well written and did not reflect the best interest of the Town. He would not support renewing the current contract with AMR regardless of what the dollar amounts were. He was very hopeful that, at some point in the near future, the VFD would be a viable contender for a contract with the Town for emergency medical services. Understanding the VFD was only a year or

two away from such readiness, he wished to extend the AMR contract only long enough that it would not preclude another opportunity for the VFD to bid if qualified to provide the services. He sought an explanation as to why, if the Town was paying to cover all of AMR's expenses, they charged residents for emergency calls. The Town paid BSO for their services and BSO did not charge for emergency calls. Commissioner Brown felt this was double dipping on the part of AMR.

Chief Brooke Liddle replied such charges were customary and common practice by every provider in Broward County that responded to, treated and transported 911 medical patients. The rates they charged were a matter of public information, and the rates AMR charged Town residents and visitors were set by the Town Commission. He noted when comparing AMR's rates to those of other providers, AMR's appeared to be the least expensive. For example, a basic transport to the hospital was \$450 for the Town versus \$1,000 for Lauderdale Lakes. When the business pro forma was done and AMR was going to respond to the proposal, data was gathered on how many transports were averaged out of Lauderdale-By-the-Sea, and what that projected revenue would be. He said this was factored into the overall subsidy that was asked. That number was reduced by the projected revenue the transports would bring in.

Commissioner Brown sought confirmation that even though the contract stated the Town was covering all of AMR's expenses, AMR actually lowballed their expenses with the expectation of making up the difference by billing patients.

Chief Liddle affirmed this to be the case.

Commissioner Brown suggested changing the language in the contract to state the Town was not paying all of AMR's expenses. If for no other reason than transparency, AMR should give the Town a proposal that reflected all of AMR's expenses, and the Town could consider a similar arrangement to that with BSO.

Chief Liddle added that the thought process behind it was the Town as a whole, the residents as a whole, and the business owners as a whole, cover the majority of the cost. Then, going forward, it was a type of fee for service, and those who used the service bare some of the costs, and those who did not use the service should not bare those costs. He believed this was the model most emergency medical services providers used when they priced out pro formas to supply these services.

Vice Mayor Sasser commended AMR for the services they provided to the Town. There was a lot of work to be done, but the Town Commission lacked the expertise to tell AMR what kinds of things they desired. He said, at the same time, if the Town brought in a consultant to get that information, it would have to bring in the same person to create the RFP. He was okay with voting either way, as AMR did an excellent job, but if the Commission chose not to go to RFP, the AMR contract would require a lot of work to achieve the savings he desired. If the Town chose to go to RFP, he was comfortable with that as well.

Commissioner Vincent asked how expenditures were cut so AMR could offer services during the first three years of the contract with the four-percent annual increase in view of the current economic climate. He assumed AMR found some way to cut expenses, as they were offering not to take the four-percent increase for the first two years if the contract with the Town were renewed.

Chief Liddle replied in their operations for Lauderdale-By-The-Sea, AMR did nothing to cut their service levels or expenditures.

Commissioner Vincent clarified he was not referring to service levels. He meant cost reductions in administration, equipment maintenance, etc.

Chief Liddle responded, like most businesses, AMR tried to find vendors with lower pricing on disposable goods, fuel, tires, and administratively, staff took on additional duties. They were a national company able to negotiate contracts with national vendors and get reductions in prices that way.

Commissioner Vincent found it scary that there were only two or three licensed emergency medical service providers in Broward County. It seemed to convey the impression of a monopoly. He asked for an average number of calls AMR transported in the Town in a 12-month period.

Chief Liddle stated it depended on the time of year, but it was in the region of 70 to 80.

Commissioner Vincent wished to know the total fee amount collected by AMR in the last year, over and above their contract with the Town.

Chief Liddle believed that information had been provided to the Town's financial staff.

Commissioner Vincent thought it was \$153,000. He questioned whether AMR staff had gotten an idea on the cost per call with the average being only 2.5 calls per day. He wanted to know if there were any changes in the daily expenses.

Chief Liddle replied their budget changed annually, as it included a yearly increase in the employees' wage and benefits.

Commissioner Vincent inquired if there had been any cutbacks in wages due to the current economic state.

Chief Liddle answered no.

Commissioner Vincent questioned what services the \$153,000 in fees covered.

Chief Liddle responded the fees charged were mainly for the transportation of patients, including any medical supplies, monitoring devices, etc. used while transporting them.

Commissioner Vincent asked what percentage of the calls were transports, and what the average fee was charged to those who were transported.

Chief Little remarked AMR's fees were set by the Town, so a basic transport to the hospital was \$450, and he believed their collection rate was a little over 50 percent.

Finance Director Bryan addressed the issue of fee collection, affirming the rate was about 50 to 52 percent of everything that was billed.

Commissioner Vincent stated the reason for his questions was to determine whether increases were warranted and to better understand the process.

Town Manager Hoffmann apologized for her misunderstanding of the fees, as the contract she reviewed referenced no schedule of fees. Some research was done earlier, and in 2011 there were 1,005 medical emergency calls in the Town.

Commissioner Dodd thought the issue boiled down to whether the Town should go to an RFP or renegotiate with AMR and, based on the Town Manager's comments, both would require outside expertise. He was in complete agreement that AMR had done a fantastic job for the Town and supported giving them the opportunity, as with Choice, of renegotiating a contract with Town staff that was mutually beneficial.

Town Manager Hoffmann reiterated her concern with the timing issue, as these would be protracted negotiations, and she did not foresee it being resolved by September 30, 2012. If the Commission wanted, after Town staff finalized the budget and the banking services contract, they could work on negotiations for the first four months of the fiscal year and, if steady progress was made, there would be no reason to go out to an RFP. She said if stumbling blocks were encountered, the Town could go to an RFP. She stated the motion would be for Town staff to begin negotiations with AMR during the first several months of Fiscal Year 2013 and report back to the Commission in December 2012 to determine whether to proceed with a new agreement or put out an RFP for emergency medical services.

Finance Director Bryan clarified if the Town proceeded as above, the Town would be operating under the existing contract that called for a four-percent increase.

Town Manager Hoffmann affirmed this to be the case, stating she wished to have initial discussions, similar to that had with Choice, seeking cost avoidance in next year's budget as a precursor to negotiations.

Commissioner Dodd made a motion to begin negotiations with AMR for the first four months of Fiscal Year 2013 under favorable conditions to the Town and report back to the Commission in December 2012 to determine whether to proceed with a new agreement or put out an RFP for emergency medical services. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

**b. Sandra Stella's Application for Relief of Code Enforcement Liens (Assistant Town Manager Bud Bentley/Code Officer Tuchette Torres)**

Assistant Town Manager Bentley gave an overview of the request for relief of lien.

Mayor Minnet indicated the total amount of the lien was \$265,050, and the offered settlement amount by the applicant was \$3,000 or 1.1 percent. She questioned the percentage at which the Town usually settled such cases.

Assistant Town Manager Bentley replied the Town usually settled at 20 percent of the total lien amount, requiring the offer to be contingent upon payment within 30 days.

Commissioner Dodd believed the Town Commission should use the application to make an example, as more and more places were doing short-term rentals to try to stay afloat. The Town needed to ensure all properties kept current with their inspections, permits and paperwork, so in the event of a complaint, the Town had power and needed information to act. He noted Town staff recommended 20 percent and, though he preferred 25 percent of the total lien for settlement, he would support staff's recommendation. A message should be sent that insulting the Town Commission and wasting staff's time with such a derogatory offer was a bad idea.

Scott Allan Johnson, the applicant's representative, thanked the Commission for hearing their application, stating he wished to briefly present some of the important aspects of their application for relief. Specifically, his client, Ms. Stella, faced substantial and devastating medical circumstances in her family related to her daughter, and the timing of those circumstances along with the documentation was provided to the Commission. It coincided with the hearings related to the code enforcement liens imposed on her property, that is, Ms. Stella was physically out of town and somewhat distracted by the extent of the medical issues her family members were facing. In the face of those circumstances and Ms. Stella's status as a long-term Town resident, their position was that the equitable considerations led them to hope the Commission would be persuaded that Ms. Stella did not intend to disrespect the Town by letting the liens go on for as long as they did. Mr. Johnson touched on a number of legal issues, the first related to the propriety of imposing a \$100 per day fine for a \$25 per year business tax permit. The Attorney General at the time, Robert Butterworth, issued an advisory legal opinion AGO96-72 addressing this specific issue that found it was inappropriate to impose any per dollar, per day fine amount under Florida Statute 162.09. There was a circumstance where Florida Statute 205.053 imposed a financial penalty for noncompliance and that penalty was \$250. He noted his client had fully paid the business tax permit to date, and she currently had a business tax permit and resolved all payment issues related to the nonpayment of those amounts. Mr. Johnson said the second set of issues related to the vacation rental certificate liens for the subject three properties. The Town's vacation rental certificate imposition of fines was based on Town code Section 30-327 that specifically provided for revocation or suspension of rental certificates. He stated that a violation of the section after proper notice of hearing was a basis for revocation or suspension of a vacation rental certificate, and that

provision first addressed in subsection one, suspension, said the Town Manager could suspend the vacation rental certificate for a specific period of time. Subsection 2, Revocation, said the Town Manager could revoke a vacation rental certificate, and subsection three related to penalties. He attached documentation to his letter to the Commission substantiating the notices provided to his client were for renewal, and he never found any revocation or suspension in the case. As it appeared there never a revocation or suspension of Ms. Stella's vacation license certificate, the imposition of the penalty under subsection 3 appeared inapplicable in the absence of a revocation or suspension. The cited violations posed no public health risk, nor were any violations of the Town's building or health codes associated with the subject liens, and they believed the offer of \$3,000 was reasonable and fair.

Attorney Trevarthen remarked Mr. Johnson offered arguments that went to the propriety of the violations and penalties initially determined by the Special Magistrate. The only issue before the Commission at present was whether to forgive the liens that had run, and the appropriate criteria for making that decision were those listed in the backup, some of which the applicant's attorney brought forward. She noted, as a general matter, the legal argumentation as related to the citation in the first place, not to the lien. As a specific response to the arguments raised, the AGO went to the penalty for not obtaining a BTR and did not address the penalty for nonpayment and continued failure to obtain the BTR. She said the Town, like many other Broward County municipalities, levied penalties associated with the failure to pay over time, not just on the initial failure to comply. The second issue raised related to the penalties under the Town's vacation rental ordinance, in which Mr. Johnson pointed out there was no revocation or suspension; however, this was due to the applicant never obtaining a permit. Those provisions of the Town code did not address instances where a permit was not obtained in the first place. Attorney Trevarthen thought Mr. Johnson's arguments were more appropriate for the imposition of the code fines in the first place, and the Town's legal staff felt Town staff's recommendations were proper. The Commission was entitled to look at the request through the criteria listed in the backup and make the decision they saw fit as to mitigating the liens.

Commissioner Vincent questioned the level of occupancy at the properties during the time of the applicant's noncompliance.

Ms. Stella replied her daughter was living in one of the homes when the code enforcement officer began the "problem" with one particular property. She informed Code Officer Kim Williams that her daughter was living in the property. There was less than 50 percent occupancy, as traditionally there were a few months in the winter time when the properties were occupied, and then in the summertime they were usually empty.

Commissioner Vincent clarified he was trying to determine the reason for the breakdown and not renewing the licenses, as it was such a nominal fee.

Ms. Stella responded she was moving around a lot, traveling around the world with her daughter trying to find appropriate medical care for her. She owned numerous properties and stayed in whichever property was empty at the time or in a hotel and therefore, did not consistently receive her mail. She owned five homes and her mail delivery was scattered. When the liens were imposed on her she was at Johns Hopkins Hospital, and was unaware there would be a code meeting that day.

Commissioner Vincent was confused that the applicant had the ability to continue to rent and receive payment on 50 percent of the units, and those payments found their way to her, but none of the Town's code violation notices did. To ignore the renewal of the licenses and allow the situation to continue, knowing the outcome was inexcusable.

Ms. Stella clarified she was not saying she received none of the notices; at the time the notices began coming to her, she found out her daughter had an eye disease and was going blind. At that point, she cared little for anything else but taking care of her. She did pay the money for the vacation rental licenses but claimed to have received annoying phone calls from Ms. Williams about past due licenses.

Commissioner Dodd made a motion to accept Town staff's recommendation of a settlement of 20 percent of the total lien amount plus administrative fees in the amount of \$1,599.00 payable within 30 days. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Commissioner Vincent voted no.

- c. Beach Access Shower at 1700 South Ocean Drive (Municipal Services Director Don Prince)

Mayor Minnet thanked staff for bringing this matter forward, as it was at the request of a resident.

Commissioner Dodd made a motion to approve Town staff's recommendation for a foot shower at the west end of 1700 South Ocean Drive at a cost of \$2,500. Commissioner Brown seconded the motion. The motion carried 5-0.

- d. Paint Only Program (POP) (Assistant to the Town Manager Pat Himelberger)

Assistant to the Town Manager Pat Himelberger went over the details of the item. She noted a similar program was very successful in the City of Hollywood, and Town staff sought Commission direction on how to proceed.

Commissioner Dodd asked if a maximum of \$10,000 was allowed, only three and a half properties could be renovated. He believed \$5,000 was enough incentive to help some of the commercial properties repaint their front façade.

Commissioner Vincent agreed \$10,000 was high, inquiring if the Town had criteria for awarding the funds that included restricting property owners from selling their property for a set period of time.

Assistant to the Town Manager Himelberger commented staff looked at that factor, and in Hollywood they started out requiring people who received funding from the POP to hold onto their properties for a set number of years. They later realized exterior improvements enhanced the area regardless of ownership, so they dropped the requirement of lien or security once the painting was done. She explained three cost estimates were required from the participant owners.

Town Manager Hoffmann said the maximum grant of \$10,000 would only go to a large building, so the assumption was most grants would be for smaller amounts.

Commissioner Vincent wished to know if the POP included only paint or did it involve remedial patching and stucco work.

Assistant to the Town Manager Himelberger replied it included standard prep work required for exterior painting.

Commissioner Dodd made a motion to approve the Paint Only Program with a limit of \$5,000 per location. Commissioner Vincent seconded the motion. The motion carried 5-0.

e. Design Work Authorization to Integrate the Wings Parking Lot into the A1A Parking Lot and Create Additional Parking Spaces (Assistant Town Manager Bud Bentley)

Town Manager Hoffmann reviewed the information contained in the backup. Town staff wished to move forward with the design to integrate the two parking lots, and they had some policy questions for the Commission.

Mayor Minnet commented everyone understood the significance of the item, given the facts of the renovation on the east Commercial project, so it was important to maximize use and spaces in the A1A parking lot.

Town Manager Hoffmann first sought direction on whether the number of parking spaces should be maximized by sacrificing some of the landscaping.

Vice Mayor Sasser answered yes.

Mayor Minnet asked the Commission if they wished to make a motion to include other items they felt appropriate to move the item forward.

Vice Mayor Sasser desired additional information on number two, but he was prepared to make a motion to approve items one, three, four and five. He then withdrew the motion to allow further discussion on some of the items.

Commissioner Dodd made a motion to direct designers to maximize the number of parking spaces. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet said the next item questioned if the Commission wanted a bus stop and shelter at the location considered in the design phase, first investigating if Broward County would consider the placement of a bus stop close to a congested intersection.

Commissioner Dodd indicated he would vote no on the above item. He noted the bus stop on the other side of the road, caused a backup through the Commercial Boulevard traffic light. The Town requested a very long time ago that stop be moved further north, as having a bus stop close to a crowded intersection was asking for trouble.

Commissioner Dodd made a motion not to include a bus stop in the design at that location. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet next queried if the Town should work with FDOT to create an exit to southbound Ocean Drive.

Commissioner Dodd asked staff if it would be possible to get FDOT's permission to place an exit that close to the intersection. He wondered if it had ever been considered whether there was room in the nearby parking lot to accommodate a two-way entrance/exit at the northern end of the property.

Town Manager Hoffmann suggested Town staff try to create a southbound exit at some point in the lot.

Commissioner Dodd made a motion to explore all options for a southbound exit. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet indicated the next area of determination was, should the design team work on making improvements to the internal flow in the parking lot.

Commissioner Dodd made a motion to direct the design team to work on making improvements to internal traffic flow in the subject parking lot. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet stated the next question was should the concept of an architectural feature be developed for the lot.

Commissioner Dodd felt the dollars should be spent to advertise how to enter/exit the car park, and that could be included in the architectural feature. Proper signage in various parts of Town was important. He would not be in favor of spending money on one particular feature that supplied no information on finding the lot.

Town Manager Hoffmann mentioned the Town has hired a company that specialized in way-finding signs, and they were supplied with aerials of the Town and the various

designs for Commercial Boulevard. They would come up with a plan for signage for the Town's various parking lots. Regarding having an architectural feature, she indicated the A1A lot was the one people had the most difficulty finding, so the question was should staff explore including something in addition to the way-finding signs to make the lot stand out.

Assistant Town Manager Bentley recalled in 2011, Commissioner Dodd and other Commissioners supported additional signage. Municipal Services Director Don Prince worked with FDOT to install signs on A1A and Commercial Boulevard. He said they were the standard FDOT traffic signs that most drivers did not see as they drove on the street. He recently drove on Commercial Boulevard and saw a line of cars southbound; though he knew there was a parking lot nearby, it was difficult to see if that parking lot was a public one when traveling northbound. The goal was to create a feature that could be seen from the corner of Commercial Boulevard and A1A alerting motorists that there was a public parking lot.

Town Manager Hoffmann understood the concern that an architectural feature could prove costly, and the design team could look at a dramatic sign, possibly in the MIMO style. She asked the Town Commission to allow staff to look at both possibilities and present some cost estimates.

Commissioner Vincent supported having some recognizable, iconic signage alerting motorists going northbound and southbound to the presence of the parking lot.

Vice Mayor Sasser echoed his support.

Mayor Minnet agreed the Town needed to maximize the use of the A1A parking lot, taking whatever measures were possible to do so. She felt the architectural feature could be incorporated within such signage.

Commissioner Dodd made a motion to develop an architectural feature for the lot. Commissioner Vincent seconded the motion. The motion carried 5-0.

Assistant Town Manager Bentley mentioned Town staff saw the revenues of the A1A parking lot doubled over the previous year, noting this indicated increased usage.

f. Consolidation of Emergency Call Operations (Town Manager Connie Hoffmann)

Town Manager Hoffmann mentioned this was matter was before the County Emergency Communications Committee she served on and would be voted on next week. She sought the Commission's authorization to support the alternative funding plan that Fort Lauderdale City Manager Lee Feldman proposed. It was in the best interest of the Town's residents.

Commissioner Vincent made a motion to support the Alternative Funding Plan as recommended by Town Manager Hoffmann. Commissioner Brown seconded the motion. The motion carried 5-0.

**g. Select Voting Delegate for 86<sup>th</sup> Annual Florida League of Cities Conference August 23-25 in Hollywood, Florida (Town Clerk June White)**

Mayor Minnet felt it was important to determine which members of the Commission would be attending the conference, though she encouraged all members of the Commission to attend.

Vice Mayor Sasser made a motion to select Mayor Minnet as the voting delegate for the 86<sup>th</sup> Annual Florida League of Cities Conference. Commissioner Brown was designated as the backup for the event if Mayor Minnet was unable to attend. Commissioner Dodd seconded the motion. The motion carried 5-0.

**h. Schedule Budget Meeting(s), Commission Meeting(s) in August and the First and Second Public Hearings in September to Adopt Fire Assessment Fee, Millage Rate and Budget for FY2012-2013 (Town Clerk June White)**

Finance Director Bryan reviewed the few minor revisions to the proposed budget timetable, as contained in the backup

Mayor Minnet asked if the Commission wished to hold a meeting in August, as there were eight weeks between the Town Commission's last meeting in July and the first meeting in September. She received a consensus to schedule one August Commission meeting on Tuesday, August 21, 2012.

Commissioner Dodd made a motion to schedule a Commission meeting on August 21, 2012, and to approve the revised budget schedule submitted by Town staff. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

**i. Proposed Incentive Grants for Exterior Hotel Improvements (Assistant to the Town Manager Pat Himelberger)**

Commissioner Vincent thought the item was significant and requested that it be tabled to the June 26, 2012, Commission meeting.

Vice Mayor Sasser made a motion to table item 17i until June 26, 2012, Commissioner Dodd seconded the motion. The motion carried 5-0.

**j. Appointment of new Charter Review Board Member (Commissioner Vincent)**

Commissioner Vincent appointed Jim Silverstone to replace Ken Kugler on the CRB, giving a brief overview of Mr. Silverstone's qualifications to serve on the CRB. Mr. Kugler informed him of the need to resign his position on the CRB due to a conflict with

his newly acquired work schedule. He read Mr. Kugler's letter of resignation into the record.

**18. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:55 p.m.

**19. FUTURE AGENDA ITEMS**

\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

\_\_\_\_\_  
Town Clerk, June White. CMC

\_\_\_\_\_  
Date

**DRAFT**