TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, January 10, 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 Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation.

Vice Mayor Dodd made a motion to grant Commissioner Sasser an excused absence. Commissioner Vincent seconded the motion. The motion carried 4-0.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet added item 5c for a presentation of awards to the Holiday Decoration Contest winners; and 5d to introduce the new code enforcement personnel. Under item 16a Municipal Services Director Don Prince would first provide changes prior to the discussion of the item.

5. PRESENTATIONS

a. Presentation by Congressman Allen West

Congressman Allen West gave an update, reviewing various programs and issues: EPA regulations that would severely affect storm water runoff; taking steps to enhance small business development; efforts to reduce foreclosures; the US debt; rising fuel costs and the need to be energy independent, making the protection of coastal resources a priority and the need to prevent drilling by Cuba; and enhancing national security.

Mayor Minnet mentioned the zip code issue discussed almost a year prior, noting she continued to receive calls from constituents in north Lauderdale-By-The-Sea. Congressman West indicated he would work to resolve the matter.

Commissioner Vincent questioned how redistricting would impact the Town and future congressional representation.

Congressman West said there were a number of preliminary maps published in November 2011 that kept the Town in Congressional District 22 but removed the boundary south from some northern parts of Palm Beach and extend it west into Plantation and Sunrise. He said there were discussions to make the area a coastal district running from Fort Lauderdale Airport to either Jupiter or the Palm Beach County line.

Vice Mayor Dodd expressed concern over global warming and rising sea levels.

Commissioner Clottey echoed concerns about the oceans rising; she mentioned alternative energies, such as the wind turbines. Congressman West said he always supported the US having a full spectrum development of all its energy resources.

Mayor Minnet asked when citizens called were their calls were listened to. Congressman West replied he did; he received 400 emails a day, some of which he penned handwritten notes for discussion. All emails received a response from his office.

b. Employee of the Quarter – 4th Quarter 2011

Finance Director Tony Bryan said the executive team nominated Edner Saint-Jean as Employee of the Quarter and explained his contributions were invaluable, including preparations for the year-end financial audit and budget preparation.

c. Holiday Decorations Award

Property Owners' President Dennis Ritchie presented awards to the winners of the Holiday Decoration Contest:

1. Hotels and Motels – Breakaway Inn, 4457 Poinciana Street (Margaret & Andrew Winiarczyk)
2. Restaurants – Village Grill and Pump, 4404 El Mar Drive
3. Single Family Homes – 279 South Tradewinds Avenue (Susan Martino & Robert Debenedicts)
4. Apartments/Multi-Family – 4528 Poinciana Street
5. Merchants – Argenti Designer Jewelers, 218 Commercial Boulevard
6. High Rise Condos – Sea Ranch Club A, 5100 N. Ocean Boulevard
7. South Leisure Gardens, 1481 S. Ocean Boulevard

d. Introduction of Code Enforcement Officers

Director of Code Enforcement William Johnson from Calvin Giordano & Associates introduced himself and staff, Tuchette Torres, full time inspector for the Town, and Richard Zalewski, part time inspector for the Town. They began work in the Town on January 3, and created a link on the Town's website where citizens could lodge complaints and track their status.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Mark Brown, referring to the A1A Beautification Project, thanked the Town Commission and staff for providing more flexibility to the condominiums in selecting the type and number of trees that would go in front of their properties. He mentioned the contractors dug up 15 to 20 large areas along the sidewalks creating a hazardous situation. There was nothing there but a rocky gravel surface and exposed footers of the light posts.

John Boutin presented the Town with a plaque on behalf of Allen and Deborah Sherrod to thank the Town for its support during Mr. Sherrod's successful attempt at a new world record for the longest underwater saltwater dive on the Town's reef.

Arthur Franczak spoke on the sewer rate increases instituted by the Town's administration, distributing and reviewing handouts to the Commission that included a copy of the budget worksheet given to him by the Town Manager a month prior. He felt the Town's methodology should be questioned, as he felt the current rates would generate a significant surplus over the estimated amount.

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

7. PUBLIC SAFETY DISCUSSION

None

8. TOWN MANAGER REPORTS

a. Finance Report – November 2011 (Finance Director Tony Bryan)

Town Manager Hoffmann mentioned in 2011 Commissioner Sasser requested staff create a month-by-month breakdown of the budget and reflect monthly expenditures and revenues versus the anticipated budget in the finance report for each particular month. She advised that new report was prepared for the first time for the November results and would be helpful to both the Town Commission and staff.

Commissioner Clottey made a motion to accept the report. Vice Mayor Dodd seconded the motion. The motion carried 4-0.

b. Town Manager's Report

Town Manager Hoffmann mentioned the staff of Calvin Giordano & Associates were familiarizing themselves with the Town's codes, procedures and priorities, and going out and meeting business owners and residents. She stated the goal was to achieve compliance, therefore would allow time to fix violations via the issuance of warnings first rather than immediately handing out citations.

On January 3, 2012, C.A.P. Government took over the responsibility for the Town's building services from Broward County; she thanked the County's building official for making the transition a smooth one. She noted the new building permit fees also went into effect, and residents and small businesses making small repairs should see a reduction in the fees.

A Special Commission Meeting on the conceptual design of the East Commercial Streetscape Project was scheduled for January 17, 2012, at 7:00 p.m. The boards illustrating the conceptual design were in Jarvis Hall all week for anyone to review and electronic versions would be posted on the Town's website.

Town Manager Hoffmann discussed the Flamingo Drive Drainage Project. She advised that Plaza East Condominium signed and returned the agreement to share the cost of the subject project with the Town within the deadline. However, the Plaza East Board had not met physically to approve the agreement; the approval was telephonic, and the Board had to meet and approve the agreement in person. Once this was completed, the contractor would be given authorization to proceed with work on the project.

She said the pay stations were operational in the A1A parking lot, and Town staff hoped this would improve the utilization of the lot. Directional signs to that lot would be improved, as the lettering on existing signs is too small for drivers to read from a distance.

She mentioned that pay-by-phone, by iPad or other electronic methods had been implemented for parking.

Commissioner Vincent asked if an immediate confirmation was sent to the person adding additional minutes to his/her metered parking space.

Assistant Town Manager Bentley said it was a user option to set his or her profile for an email to be sent when the additional minutes were confirmed.

Commissioner Clottey asked if people had to pay to download the apps to their electronic device.

Assistant Town Manager Bentley said the apps were free and a deposit was not required; the customer's credit card had to be on file. He added that there was a 25-cent convenience fee, and an additional 10-cent fee to receive a text message warning that time was expiring on the meter. He said customers could select the 25 or 35-cent option in their profile.

Commissioner Clottey asked if PayPal could be used or was it just credit cards.

Assistant Town Manager Bentley was unsure but knew American Express cards were not accepted. He noted in the January edition of *Town Topics*, there was an article on paying for parking by phone; and Town staff would place the information the Town's website. Explanation cards were at the pay system and there would be an explanation sheet that would go to the businesses.

Vice Mayor Dodd asked if it was possible to pay a parking fine by phone.

Assistant Town Manager Bentley responded the Town's current system allowed people to pay parking tickets by phone and internet; but it included a $3.95 convenience fee. In the proposals for parking services management, both finalists offered a lower convenience fee.

Town Manager Hoffmann reviewed the report in the backup on the North A1A Beautification Project. In reference to the points raised by Mr. Brown under public comments, the contractor dug up the sidewalks where pavers would be placed, anticipating the brick-paving subcontractor would be on the job in November to install the pavers. She said there were constant problems with the brick-paving subcontractor not showing up or sending insufficient staff to do the work. The Town's project manager informed the prime contractor they needed to put the subcontractor on notice that if they did not get the crews out to the project in the present week, they would be replaced by another subcontractor. On January 9 and 10, the subcontractor sent only three people, and the project manager told them to send between five to eight persons to do the work or they would be replaced. She remarked the project manager was monitoring the safety issues and thought inspections were needed more frequently; for instance, where the gravel was settling, the contractor was called in to build it back up and level it to allow pedestrians to walk across it safely. He would do another inspection on January 11 to ensure this was done. Town Manager Hoffmann stated all other aspects of the A1A project were going well, with up to 80 percent of the large trees already installed; the shrubbery would be installed in the present week. She stated the project manager had negotiated the cost to fix the issue with the footers down to about $10,000. The project manager was working on a change order to adjust the price of the contract for the removal of the Sea Ranch Lakes portion of the improvements from the project scope; this would save about $80,000. She reminded the dais the Florida Department of Transportation (FDOT) verbally requested the Town improve the existing ADA ramps, and Town staff asked FDOT to formalize the request in writing, addressing how the cost of those improvements would be covered.

Commissioner Vincent wished to confirm the delay on the installation of the pavers was a labor rather than a product availability issue.

Town Manager Hoffmann responded the project manager said they were running out of materials on-site, and he told the subcontractor to deliver more pavers to the jobsite. She clarified there was not a market shortage for pavers.

Commissioner Vincent requested clarification the grant funding would still come to the Town, so the savings from the removal of the Sea Ranch Lakes portion of the improvements represented savings to the Town. The Town might also be reimbursed for the ADA ramps improvements.

Town Manager Hoffmann explained the Town received a state grant in a specific amount and those dollars would be spent first, after which the funds the Town committed to the project would be utilized. The cost for the ADA ramp improvements was still being discussed with FDOT.

Mayor Minnet said she contacted the project manager on the paver issue. He advised the settling of the gravel was due to the delays in laying the pavers; it was a safety issue that should be addressed as soon as possible.

Town Manager Hoffmann mentioned that Town staff decided not to do the new special event in February, that the Commission approved on a 3 to 2 vote, as there was insufficient time re-theme it and still to put on a quality event. The established events would proceed as planned and would be marketed as a package; posters would be created and distributed to hotels and businesses to promote the various events.

She stated the Town would soon welcome two unpaid interns from Germany; they would do research on some of the Town's planning projects and marketing issues. On the Biorock Reef Project, the second buoy had been installed but was not yet connected to supply electricity to the reef structure. She mentioned the Town's request to the County to extend their permit for the project for five more years was approved.

Town Manager Hoffmann spoke on Mr. Franczak's comments, stating that Mr. Franczak's reference to budget numbers, as well as the worksheet he distributed, were from the previous fiscal year in which the Town had budgeted to receive $950,000 in revenues from sewer fees and $1 million in expenses, including payment to Pompano Beach for treatment and transmission of sewage. He either failed to understand or did not explain that those figures did not include the proposed rate increase, as Town staff did not know at the time the budget was adopted what that increase would be. The other column Mr. Franczak referred to in the handout represented the estimates Town staff provided to the Commission in September as to what the actual revenue and expenses would be. She pointed out the revenues were higher than budgeted due to the rate increase, and the expenditures were lower due to the decision to move the Sea Ranch condominiums to direct billing from Pompano. It was the Commission's intention

for the Town to generate a surplus in the sewer fund in order to set aside additional funds for infrastructure repairs. She noted Mr. Franczak failed to mention that because of the rate increase, the Town did not have to dip into the Fund Balance in the previous fiscal year as budgeted. There were additional savings in the previous year, which she had pointed out to Mr. Franczak; for example, funds were always budgeted for emergency sewer repairs. Last year there were none, so the funds remained unspent. She affirmed there were calculation errors on page two of the exhibit she had distributed in December, specifically in the table pertaining to hotels on the figures indicating the average per unit cost; those figures were incorrectly calculated. However, the final column was correct where it reflected the percentage increase in the cost for the eight-month period to the hotels. She would forward to the Commission her recalculations prior to the January 19 meeting. At that meeting would be the presentation from King Engineering; they did the analysis of the repairs needed to the Town's sewer infrastructure.

9. TOWN ATTORNEY REPORT

b. Redistricting

Town Attorney Trevarthen discussed various aspects of the Town's Charter noted in the backup. The first dealt with the 2004 referendum ballot question that proposed to eliminate the electoral district residency requirements in 2018. The issue pertained to the ballot question that required Commissioners reside in specific districts; this would expire in 2018. The discrepancy was between the proposal, the ballot question and the changes actually made to the Charter which included the district residency requirement but did not include sunset provision. She explained it was possible to bring forth a challenge where a discrepancy was discovered before or after an election if a ballot question was misleading. The deadline to bring forth a challenge was four years but no one had done so. The Charter Review Committee would include this as one of the issues for discussion.

Vice Mayor Dodd observed if the Commission opted to do nothing, district residency requirements would remain in Lauderdale-By-The-Sea.

Town Attorney Trevarthen agreed.

c. Paid Private Parking Conditional Use Impacts on RM Parking Lots

Town Attorney Trevarthen briefly recapped the history surrounding the subject item as indicated in the backup. An application came before the Commission at the end of 2011 to make it an approved conditional use to utilize their valet parking, not only for restaurant customers, but for beach visitors, etc., just as a general parking area. The issue now was the nature of the use of the offsite parking lots by Aruba, as they were the same lots used for several years with two located in the RM 25 zone. She said concerns were expressed about whether that action changed the regulatory status of

those parking lots. As the backup indicated, the use of the lots was unchanged and predated the restrictions in the code on using RM 25 lots for parking.

Commissioner Clottey failed to understand why the Commission needed to approve a conditional use for a property already used in the manner stated in the application; yet, the Town went to a referendum to "legalize" existing home offices in residential areas.

Town Attorney Trevarthen speculated the Town was creating a use applicable to Aruba, a B district property; it had nothing to do with the multifamily district. There was a preexisting use of the offsite parking lots for valet parking by Aruba; this practice continued after the Town's action. She thought that when the home office issue arose, they were speaking about new home offices and creating the possibility for home offices to exist.

Commissioner Clottey said this was not the case and asked Town Attorney Trevarthen to look into the matter further, as there needed to be consistency in the way the Town's legal issues were handled.

Vice Mayor Dodd clarified the Commission did not change the zoning, which required a referendum; the properties in question were already being used as car parks by Aruba prior to the existence of the particular section of the code. The use of the two specific properties would be grandfathered in.

Town Attorney Trevarthen affirmed this to be the case.

Mayor Minnet reminded the Commission a Charter Review Board would be working on the Town's Charter in 2012, and the Commission needed to appoint members to that Board. She encouraged anyone wishing to get involved in their community should seek to serve on that Board when applications were opened in March 2012.

She mentioned the Property Assessed Clean Energy (PACE), program and indicated the Town Attorney's firm had worked on a similar effort in the Miami-Dade area. In March, she hoped to present more information on the P.A.C.E. Program to the Town.

Town Attorney Trevarthen reminded the Commission of the new ethic requirements stemming from the County's new ethics ordinance for municipal elected officials. A scrivener's error was discovered in the Registered Lobbyist Ordinance adopted at the Commission's second December 2011 meeting; the error was corrected. After the correction, the ordinance would read in Section 2-1b (1f) that the registration statements were effective January 1 of a given year through December 31. She added they were working hard with Town staff to implement the rest of the ethics ordinance. The handout to the Commission contained suggested wording of the requested ethics opinion of how Town special events were affected by the new ethics requirements. She urged each the Commission to individually submit the question in writing to allow her to give to each person a safe harbor opinion. The City of Fort Lauderdale had developed smart phone apps for reporting lobbyist contacts and these were being examined. She noted the

Commission would be presented with a set of questions related to various interpretations the legal staff had to make to help the implementation of the County's ethics ordinance; these too should be sent to her individually.

Mayor Minnet sought clarification on whether each member of the Commission had to submit questions to elicit the Town Attorney's legal opinions; the questions could not be submitted by the Commission as one body.

Town Attorney Trevarthen responded the County's Ethics Ordinance clearly stated the only way for a municipal elected official to get an effective advisory opinion was to ask for the opinion individually in writing with the elected official's signature attached.

Mayor Minnet noted the League of Cities would hold an ethics seminar on January 26. The County's new ethics ordinance made it mandatory for elected officials to complete eight hours of ethics training each year.

Town Attorney Trevarthen affirmed there were two different requirements. Current serving members of the Commission fell under the requirement for eight hours of public service ethics training each year. However, newly elected Commissioners were required to have four hours of training in public service ethics, the Sunshine Law and public records; the four hours counted toward the yearly eight-hour requirement. Town staff had created a form for the Commission to record their ethics training hours.

Mayor Minnet asked if a line item would be included in the Town's budget to monitor the costs to the Town to fulfill the unfunded mandates of the County's Ethics Ordinance.

Town Attorney Trevarthen pointed out the November Financial Report showed the costs incurred thus far by the Town as an unbudgeted item in her budget.

10. APPROVAL OF MINUTES

a. November 29, 2011, Workshop Meeting Minutes

Vice Mayor Dodd made a motion to approve the November 29, 2011, Workshop Meeting Minutes. Commissioner Vincent seconded the motion. The motion carried 4-0.

11. CONSENT AGENDA

The following item(s) were pulled from the Consent Agenda for discussion: Item 11a, 11b and 11c.

Vice Mayor Dodd made a motion to approve Item 11d on the Consent Agenda. Commissioner Vincent seconded the motion. The motion carried 4-0.

a. Special Event Super Bowl February 5, 2012

This item was pulled from the consent agenda for discussion.

Mayor Minnet received complaints from residents that music at events was not ending at scheduled times. She discussed the subject event with the Town Manager; Broward Sheriff Office (BSO) deputies would now monitor the time, and events would be shut down at the time listed on the permits.

Vice Mayor Dodd made a motion to approve the subject event. Commissioner Vincent seconded the motion. The motion carried 4-0.

b. Work Authorization for the design of Bougainvilla Drive Drainage & Streetscape (Town Manager Connie Hoffmann)

This item was pulled from the consent agenda for discussion.

Town Manager Hoffmann recommended awarding the proposed work authorization to Flynn Engineering Services. Per suggestions from Vice Mayor Dodd, she wished to modify the project's scope of services to try to incorporate some form of pervious pavement to augment the drainage. The project consultant would be asked to research the possibility and include the associated costs. She added the Flynn proposal included a cost for an electrical engineer should it be determined the addition of street lighting and banners would beautify the area. If the beautification could be achieved without the services of an electrical engineer, the Town would save money on the contract. Mr. Flynn would bill the Town only for the actual hours worked by an electrical engineer rather than the fixed sum stated in the contract. The same applied to the services of a traffic engineer. If approved, she would email the Commission the various changes in the scope of services for review and, assuming there were no further issues, Town staff would proceed to execute the scope.

Jay Flynn of Flynn Engineering Services agreed with Vice Mayor Dodd on exploring use of pervious pavement to enhance drainage. However, Broward County's drainage department did not recognize pervious pavement as a means to handle storm water runoff. He noted this did not mean the surfaces did not work; his company had used pervious materials at private facilities in Dania. They would look into the possibility of using such material to reduce the drainage expense if possible.

Town Manager Hoffmann mentioned another issue included in the scope of services was the request that the drainage be designed to handle a ten-year storm. Mr. Flynn suggested this might add unnecessary cost to the project, explaining the County's standard was a five-year storm.

Mr. Flynn clarified his firm went by the work authorization created by Town staff, assuming it was to be designed to handle a ten-year one-day storm; the more days the more water. South Florida Water Management District (SFWMD) standards, utilized by the County, required roadway centerlines to be designed to the five-year, one-day storm standard, which was about seven and a half to eight inches. The ten-year, one-day

storm, was about 20 percent more and cost more. He preferred installing the hard impervious pavement, as it enhanced the aesthetics.

Town Manager Hoffmann sought direction from the Commission if they wished the design to be to a five-year or a ten-year standard. The choice would not affect Mr. Flynn's design fee; it would affect the project's construction costs.

Commissioner Clottey felt the subject area was an eyesore and sought details on how Mr. Flynn would enhance the aesthetics of the area, possibly making it greener.

Mr. Flynn replied this was possible to some extent, but they were limited in what could be done given the Town's mandate not to reduce the number of parking spaces. There would be additional landscaping; places where properties came together were viewed as opportunities for tree islands.

Town Manager Hoffmann stated one of the options explored by staff was to move the parking onto the swale area and get each property owner to agree to have a landscaped strip in front of their buildings. Town staff felt this would beautify the street substantially, but there were so many property owners, getting all their consent did not seem feasible. Switching to angled parking might allow more landscaping, but parking spaces would be lost along the street. She felt losing parking spaces was unwise.

Mr. Flynn felt the major opportunities for beautification would be at the intersections.

Commissioner Clottey believed the Town paved the swales years ago.

Town Manager Hoffmann affirmed the paved swales were Town property.

Vice Mayor Dodd felt using a pervious material greatly increased drainage efficiency; under such circumstances, he would be inclined to support the five-year standard.

Hugh Johnson, landscape architect on the project with Architectural Alliance, agreed with the using the five-year standard and installing pervious pavement. The latter would increase the drainage efficiency, as well as serve as an aesthetic improvement.

Town Manager Hoffmann inquired as to the average life span of the drainage systems Mr. Flynn designed.

Mr. Flynn responded any exfiltration trench had an average life span of 15 to 20 years, depending on how it was maintained. The catch basins were designed with sumps that were to catch for sediment; if the catch basins were maintained and sediment removed annually using vacuum trucks, this would lengthen the life span. He indicated pervious concrete required maintenance as well, noting there was extensive research and he attended numerous seminars on it; its maintenance consisted of using a vacuum truck that functioned like a street sweeper cleaning away sediment.

Commissioner Vincent questioned if it were possible to include in the calculation of the lifespan of the drainage system the effect of the pervious hard surface. He asked if Mr. Flynn could include in the figures the maintenance costs for the drainage system if it were done on a one-year, two-year or three-year basis.

Mr. Flynn said they could include that in the life span calculations. As to calculating maintenance costs, they could research the data and try to establish maintenance cost estimates.

Town Manager Hoffmann suggested modifying the scope of the project to state once Mr. Flynn did the soil testing and analysis, he could return to the Commission and discuss the results and what could be accomplished using pervious paving.

Vice Mayor Dodd made a motion to award the work authorization to Flynn Engineering Services for the Bougainvilla Drive Drainage & Streetscape Project with the caveat that they would present the results of the exfiltration analysis to the Commission to determine if the Town should go to a five-year plus one-day plan versus a ten-year plus one-day plan and include maintenance costs. Commissioner Vincent seconded the motion. The motion carried 4-0.

c. Special event application for Skim Dance Revolution proposed for Saturday February 25, 2012. (Assistant Town Manager Bud Bentley)

This item was pulled from the consent agenda for discussion.

Vice Mayor Dodd said the event was to be 100 feet from the south side of the pier. He wished to confirm the owners of the pier were satisfied with controlling the fishermen during the event. Under Section 57 of the Town's code, there should be a 300-foot exclusion zone for certain water activities, though skimboarding was not specifically excluded under water activities.

The pier operator was present and indicated they had no issue with the location of the event.

Vice Mayor Dodd made a motion to approve the subject event. Commissioner Vincent approved the motion. The motion carried 4-0.

d. Special Event Application for four Pet Clinics at the Walgreens Store on Four Dates – Saturday, January 21st and March 24th and Sunday, February 19th and April 22nd, 2012. (Assistant Town Manager Bud Bentley)

This item was approved on Consent.

Mayor Minnet recessed the meeting at 8:55 p.m. and reconvened at 9:10 p.m.

12. <u>ORIDINANCES – PUBLIC COMMENTS</u>

1. Ordinances 1st Reading

There were no Ordinances on 1st reading for consideration.

2. Ordinances 2nd Reading

a. **Ordinance 2011-19:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ORDINANCE NO. 2005-04 TO RENAME "MUNICIPAL PARK" TO "FRIEDT FAMILY PARK" IN HONOR OF THE FRIEDT FAMILY; PROVIDING DIRECTION TO THE ADMINISTRATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2011-19 on second reading. Commissioner Vincent seconded the motion. The motion carried 4-0.

13. RESOLUTIONS – PUBLIC COMMENT

a. **Resolution 2012-01:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DISSOLVING THE OPERATION OF THE SISTER CITIES ASSOCIATION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Mayor Minnet said the sister city program was a good one. It was unfortunate the program was not active in the Town, noting there was an annual fee of $250. She believed that dissolving the association did not send a positive message to the community. She recommended not approving the subject resolution.

Vice Mayor Dodd also had reservations on dissolving the Town's sister city program. He suggested leaving the program on the books but acknowledge the program was currently inactive. The Commission could authorize the Town's existing Sister Cities Association membership to dissolve their business and sort out their finances.

Commissioner Clottey mentioned there was a Greater Fort Lauderdale sister cities group that were quite effective. She said she attended an international convention and discovered they did not know about the Town's group. She had registered the Town's sister city association then but was unsure if the Town needed to be in competition with the Greater Fort Lauderdale group.

Mayor Minnet inquired whether it was possible for the Commission to simply decline to vote on the proposed resolution. Town Attorney Trevarthen answered yes.

Resolution 2012-01 died on the table.

b. **Resolution 2012-02:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND INCORPORATING CHANGES IN THE TOWN'S PURCHASING MANUAL BY REVISING DEFININTIONS, PROVIDING FOR CERTAIN CHANGES IN THE REQUEST FOR PROPOSAL EVALUATION PROCESS, INCORPORATING A REFERENCE TO THE BROWARD COUNTY CODE OF ETHICS, AND PROVIDING A PROCEDURE FOR LEASING TOWN PROPERTY; PROVIDING FOR REPEAL OF AND CONFLICTING RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Town Manager Hoffmann affirmed the proposed resolution was a housekeeping item. It raised the capitalization threshold, which the Town's Audit Committee and the auditor recommended, while also addressing Broward County's new Ethics Ordinance.

Vice Mayor Dodd made a motion to adopt Resolution 2012-02. Commissioner Vincent seconded the motion. The motion carried 4-0.

c. **Resolution 2012-03:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, APPROVING AND INCORPORATING CHANGES IN THE TOWN'S PAY PLAN BY ADDING TWO POSITIONS TO THE PLAN; PROVIDING FOR THE REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Commissioner Vincent noticed the job classification had a grade order, and wondered whether it was inclusive of benefits. Town Manager Hoffmann said the numbers were strictly base salary.

Vice Mayor Dodd commented that as the Town no longer had code enforcement personnel, those classifications could be eliminated.

Town Manager Hoffmann mentioned some unoccupied positions were left in rather than having to add them back in later. If the Commission desired, she would strike the two positions of code compliance supervisor and code compliance officer from the pay plan.

Vice Mayor Dodd made a motion to adopt Resolution 2012-03, striking the positions Code Compliance Supervisor and Code Compliance Officer from the Town's Pay Plan. Commissioner Vincent seconded the motion. The motion carried 4-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen reviewed the Town's quasi-judicial public hearing procedures, stating they applied to item 14a. She asked members of the Commission to disclose any *ex parte* communications and received none. All persons wishing to speak on the item were collectively sworn in.

a. Variance Application to Allow a Generator and Maintain a Pool Deck within Front Setback (Town Planner Linda Connors)

Steve Dabrowski stated he purchased the subject property and did due diligence to ensure there were no existing code violations. He wished to make improvements to the property and applied for the permits accordingly. Mr. Dabrowski conferred with Town staff on the two matters of the application, and the applicant respectfully disagreed with staff's findings, as Town staff disagreed that the location of the pool satisfied the Town's code. He explained Town staff made observations in their report to the Board of Adjustments that was favorable, finding no impacts to adjacent neighbors. The Board of Adjustment unanimously recommended approval to the Commission and he hoped the Commission approved his application.

Planner Connors reviewed the application, including staff conditions for approval.

Mayor Minnet believed the problems were inherited and not created by the applicant. She also believed the surrounding neighbors were not impacted and were properly noticed of the various public hearings.

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

Commissioner Vincent made a motion to approve the variance application with Town staff conditions detailed in the backup: 1) secure a building permit within 60 days of variance approval; 2) variance to be recorded within 30 days of effective date of development order or variance becomes null and void. Commissioner Clottey seconded the motion. The motion carried 4-0.

15. COMMISSION COMMENTS

Vice Mayor Dodd hoped to have seen a better turnout for the January beach cleanup. He thanked the members of the community who came out regularly for the cleanup. The organizers of the Town's New Year's celebration were commended for a great event. He reminded everyone of the two upcoming Commission workshops, as well as the "Meet the Candidates Night" on January 11, 2012.

Commissioner Clottey said at the next Commission meeting, she would have an agenda item requesting the Commission reconsider its approval of a new special event.

Mayor Minnet said the Commission will hold two informational meetings on revisions to the sign code on Thursday, January 12, 2012 at 9:30 a.m. and again at 5:30 p.m. She added that on Tuesday, January 17, 2012, a Special Commission meeting would be held to discuss the Commercial Boulevard conceptual design. She reiterated the League of Women's Voters would hold a Candidates Night forum with candidates Mark Brown and Edmund Malkoon for District 3 on January 11, 2012, 7:00 p.m. at Jarvis Hall.

Town Manager Hoffmann commented the Candidates Night Forum would be televised and rebroadcasted numerous times up to the time of the election.

16. OLD BUSINESS

a. Street Resurfacing Analysis Results (Municipal Services Director Don Prince)

Municipal Services Director Prince mentioned a number of corrections on the subject item: on the sentence where it stated no streets were rated in "poor" condition, the language should state "very poor" condition. Also, where it stated one street and the paved swales on two additional streets received a fair rating, it should state El Mar Drive northbound received a poor rating, including the swale areas. He said the other streets received satisfactory ratings.

Mayor Minnet believed Town staff would notify the City of Pompano Beach as to the poor condition of the bridge.

Vice Mayor Dodd recalled the condition of the bridge came before the Town Commission two years prior, as it would be a "shovel ready" project, and Pompano stated they had no plans to renovate the bridge in the next ten years. The Town, however, could make improvements if it so chose.

Municipal Services Director Prince believed that was in reference to the bridge only and the subject situation pertained to the road leading up to the bridge.

Vice Mayor Dodd remarked every effort should be made to use impervious materials wherever possible to increase drainage, as well as to do the job once.

Mayor Minnet added all the subject projects were in the Five-Year CIP program.

Municipal Services Director Prince indicated when the Town did future drainage projects, the road would be revisited to see how it was rated and, if it was close to being resurfaced, it could be a line item brought before the Commission. The decision could be then be made as to whether to resurface the road in conjunction with the drainage or just do the drainage.

There was no further discussion.

17. NEW BUSINESS

a. Status Report on Planning Priority No. 2 – Facilitate the Development of New Hotels, Encourage Redevelopment of Existing Hotels, and Discourage the Conversion of Tourist Units to Residential Use (Town Planner Linda Connors)

Planner Connors reviewed the backup that noted the hotels' concerns and various methods explored to make the Town more accessible to hotel owners, such as assigning a "Professional Day" and their permit process could be fast tracked. The various definitions of hotels, motels, etc. under the Charter would be revised to more simplified terms, along with other code changes. A hotel consultant was hired to look at what Town staff was recommending and give feedback as to the viability of the changes and if they could be tweaked to be more beneficial for the hoteliers. She indicated the results would be presented to the Commission at a February meeting.

Commissioner Clottey asked about Town staff's ideas to discourage the conversion of tourist units to residential units.

Planner Connors said one of the steps taken to make it easier for hotels to stay in business was by addressing some of their concerns related to marketing and permitting.

Vice Mayor Dodd agreed with Commission Clottey in supporting any code changes that promoted the renovation and rebuilding of hotels and motels along El Mar Drive, and slow or stop the transformation of the Town's beachfront into residential units.

Commissioner Vincent expressed concern about nonconforming hotels and their uses; once they went in for permits and applications, the Town had to abide by ADA regulations.

Town Manager Hoffmann said the consultant advised the nonconforming issue, it was not mentioned in the hotel report as applying not just to hotels, but to other uses as well. Thus, the Town needed a more holistic approach to addressing nonconforming issues.

Planner Connors stated there would be a review of all Town Land Development Regulations (LDR) including nonconforming issues.

Commissioner Clottey said that she requested Town staff devise a plan to ensure hotels did not become deteriorated. She was disappointed she had to discuss this several times before action was taken. The Town had many good hotels and it was difficult to market them if others in disrepair remained open and made it difficult for guests to have an enjoyable experience in the Town.

Mayor Minnet believed a nuisance abatement ordinance was already on the Town Manager's "to do" list.

Town Manager Hoffmann said when Town staff met with the Calvin Giordano team they made it clear that the hotels were a top priority for code enforcement efforts, particularly the problem hotels. They were encouraged to use a team approach by involving the state inspectors and the Health Department.

Mayor Minnet believed the Town Manager suggested one way to discourage tourist units' conversions to residential units was for the Town to enable hotels, motels and small businesses to increase the bottom line of their profitability, such as by decreasing their expenses. She asked how many hotels were represented in the survey.

Planner Connors replied that nine lodging facilities agreed to be interviewed out of over 40. The next public meeting to which the hotel community was especially invited was on February 8, 2012; Town staff hoped to present a draft ordinance incorporating some of the suggested changes and the consultant's input. She noted that the public's feedback would be added and the document would be presented to the Commission at its February 14, 2012, meeting.

Town Manager Hoffmann stated that the traffic consultant and the hotel consultant involved only paid approximately $2,500-$3,000 each.

Planner Connors stated their expertise in the field would help Town staff address the issues, as the consultants rendered their opinion on the findings and the solutions being devised by staff.

b. Parking Time Limit on Bougainvilla Drive and Poinciana Avenue north of Commercial Boulevard to the Alley (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the suggestions and comments detailed in the backup pertaining to the subject item.

Town Manager Hoffmann said Town staff had to bring back an ordinance amendment, and they were suggesting the Town have the flexibility to change rates without having to adopt it by ordinance.

Vice Mayor Dodd agreed the proposed changes were necessary to assist the Town's businesses; he did not see a staff recommendation in the backup on how many spaces should be converted to 30-minute parking. He supported approving parameters by resolutions to make it easier for the Town to adjust them as the need arose.

Mayor Minnet clarified the time limit was for one-hour parking, not 30-minute parking. There were already three existing 30-minute parking spaces, and the aim was to convert the remaining spaces to one-hour parking.

Assistant Town Manager Bentley noted in late 2011 the Commission gave the Town Manager the authority to change the time limit on specific parking spaces, and Town staff was exploring instituting this practice in several areas of the Town, particularly along A1A, south of Commercial Blvd.

Commissioner Vincent asked if the parking areas currently using meters would eventually change to the pay stations.

Town Manager Hoffmann replied not necessarily. While conducting research on retail issues, she recently read data that pay stations weren't recommended in front of primarily retail areas. Town Manager Hoffmann said that shopping was completely discretionary other than when buying food and gas; it was important for a town to do everything it *could* to make it easy for someone to go to its retail stores. Pay stations confused some people and slowed down the process.

Assistant Town Manager Bentley thought the Town could explore a variety of meters, such as those that accepted credit cards.

Vice Mayor Dodd pointed out the pay stations were quite expensive and it might not be realistic to install a pay station for a small number of metered parking spaces.

Commissioner Vincent suggested Town staff get the input from retail businesses as to how many 30-minute to one-hour parking spaces were desired.

Commissioner Clottey believed restaurants should be consulted as well.

Assistant Town Manager Bentley commented that long-term parking was located within 100 feet in the A1A lot. There was a mix of parking options within the area.

Mayor Minnet felt the beachgoers were using the area and that posed a problem for the area businesses. The signage indicating parking in the A1A lot for the beachgoers was inadequate and went unnoticed. She favored making the process simpler for the Town Manager to address such issues.

There was Commission consensus to prepare an ordinance to allow the Commission to make such changes by resolution.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:25 p.m.

19. FUTURE AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White CMC

2/22/2012
Date