

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, January 8, 2013

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Item 5D and 5E were pulled.

5. PRESENTATIONS

a) Proclamation declaring January 8, 2013, as Mario and Howie Ochoa Day

Mayor Minnet read the proclamation.

Robert Cramer of the Fountainhead Condo reiterated the details of the proclamation, commending Mario and Howie Ochoa for their actions, stating they were both valued employees. He believed any building within the Town limits directly on the beach should ensure its staff was trained in CPR and challenged the Town Commission to make this compulsory.

b) Proclamation declaring January 11, 2013, as Human Trafficking Awareness Day

Mayor Minnet noted the proclamation would be sent off to the Broward League of Cities.

c) Presentation of Progress of Biorock Reef Project (Town Manager Connie Hoffmann)

Stephen Attis and Jane Fawcett of Vone Research gave a video presentation, highlighting some of the challenges they faced:

- they were using solar buoys rather than original plan to draw electricity from the Pier, resulting in the project being underpowered
- there are maintenance issues with the buoys due to surge
- they've installed a monitoring grid and monitored the reef once a month
- one of the original buoys was destroyed by a storm and the design had to be reconfigured
- colonies already starting to grow, such as oysters, corals, etc.

Town Manager Hoffmann restated part of the reason for the slow growth of organisms was due to the buoys not being operational for more days than they were operational.

Mr. Attis concurred, noting the main reason was due to bad weather, including four storms. When such weather approached, they had to take everything in or it would be destroyed. He mentioned using wave generation technology to solve this problem, stating it was not around when the project was first designed; it would prevent having to take everything in when a storm approached.

Vice Mayor Sasser asked when the structures were first put in the water.

Ms. Fawcett replied the first set of structures were installed on September 3, 2011, and the second set was on September 11, 2011. They were not completely under power until June 3, 2012.

Vice Mayor Sasser recalled that, as a control site for research, one steel cage should be put down there and not connected to any power to show the difference. He asked if that had taken place.

Town Manager Hoffmann responded the monitoring did not require one of the steel cages, rather it was a flat piece of hard bottom on the bottom of the ocean floor where they measured sea life and any coral growth.

Vice Mayor Sasser observed the Town was fully invested in the project but had to decide whether to remove the power altogether if the growth of the organisms was the same without the power as with existing low power. If not, an alternate power source than the buoys should be explored, as the latter appeared very problematic.

Mr. Attis responded it was necessary to retain power and increase it to prevent rust destroying the metal structures.

Ms. Fawcett stated they would be transferring organisms the coming Sunday, and the electrical charge was needed, as it enhanced their growth on the rebar by five or six times than without the charge. It was a linear correlation; the better the charge, the more growth of the organisms.

Mr. Attis suggested the best solution was to increase the power supply to 300 watts or more. Under 100 watts, the organisms grew slower but stronger; with 300 watts, they would grow faster but would not be as strong initially. The artificial reef was self-healing, and this was due to the electrical power supplied to the structures.

Commissioner Dodd thought there was a backup buoy.

Mr. Attis affirmed they had a backup buoy, but it was very large, and it was unclear if it would be cost effective to put it in the water, as anchoring it might prove expensive. He was unsure of the amount of voltage the backup buoy put out versus the buoys being used but believed the difference might not be significant.

Commissioner Dodd understood the challenges of the larger buoy, but he preferred it to be in use than gathering dust when more power was needed.

Mr. Attis stated using the large buoy was not feasible for the reef project.

Commissioner Brown remarked the weather the Town experienced was the same each year, so the adverse effects of weather as stated by Mr. Attis seemed an insurmountable problem. He sought assurance the project could succeed, as it seemed it might take forever for the reef to reach the project expectations of Mr. Attis' team.

Mr. Attis replied the Town's artificial reef project had never been attempted due to the level of difficulty but his research backed up the success of the project. The fix was to use wave generation technology for power, and they needed to find grant funding to get it. He was very optimistic the funding would be found.

Commissioner Vincent commended Mr. Attis and his team for their work and the many volunteer hours invested in the reef project, noting the Town understood challenges would be encountered with such a project. He believed, based on the update from Mr. Attis and Ms. Fawcett, that their team continued to do the best they could to ensure the success of the project.

Mayor Minnet asked how much a wave generator cost.

Mr. Attis answered \$30,000.

Mayor Minnet asked if the video presented by Mr. Attis could be posted on the Town's website.

Mr. Attis affirmed it could.

The following items were pulled from the agenda.

d) Presentation on County P.A.C.E. Program (Town Manager Connie Hoffmann)

e) Presentation on Hunger Relief by Anthea M. Pennant, Director of Government Relations and Advocacy (Mayor Roseann Minnet)

Item f) Property Owners Association Presentation of the Holiday Decoration Awards - Presented by Dennis Ritchie

Dennis Ritchie, president of the Property Owners Association (POA) of Lauderdale-By-The-Sea made award presentations to the winners of the various categories of the Holiday Decoration Contest, as detailed in the backup.

Mayor Minnet congratulated the award recipients on behalf of the Town Commission, thanking them for their efforts, as they made the Town more special during the holidays.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Eric Yankwitt invited everyone to the upcoming movie night, noting it took place the second Friday of every month at Jarvis Hall, 6:30 p.m. to 9:30 p.m., and admission was \$1, with water and popcorn on sale. The first movie would be Oklahoma. The proceeds went to the American Diabetes Association.

Leonard Lauricella spoke on the drainage program, expressing appreciation to Town Manager Hoffmann and Project Manager Bill Cole for working with them. He believed their property was beautifully landscaped, and when the project first began, they requested no trees be placed in front of their house. Their request was rejected, and they lost all their swale parking. He recently learned the project called for 11 trees to be placed along their street with seven on their side, and three of the seven in front of his house, which was excessive. The trees to be planted were oak trees that were 15 feet high and would, therefore, block their view of the sky. He indicated they currently had two palm trees and several exotic plants whose sunlight would be blocked by the Town's trees. They, along with other plants on their property, would be destroyed, and the oak trees would drop leaves that would require additional maintenance. He asked the Town Commission to reconsider and plant only one tree and off to the right rather than in front of their property, and instead of an oak tree he asked for a Green Island ficus standard form that started at six feet and cost no more than the oak tree.

Al Alvarez, new local business owner of Gilligan's Sub Shack, mentioned the effects the closing of the streets was having on his business, specifically by Athena's on the north side of Commercial Boulevard. The fencing or barriers erected closed the street off

completely, and the minimal parking spaces in that area of the Town was taken up, with the only businesses benefiting being Athena's. He asked that the Town's administration to rethink the process by which they issued permits for street closures, and consider the effect on all the business owners not just the business requesting the permit. After speaking with the other businesses on the south side of Commercial Boulevard, they expressed agreement with his views and requests. He was in the process of preparing a petition to present to the Town Manager, as he understood Athena leased the property for a one-year, and this prevented other business owners having the same opportunities. The Town should consider a shorter lease term or a sharing of rights; presently, Athena had until May 2013.

John Boutin fully supported the strategic marketing plan being proposed for the Town.

Lawrence Wick thanked everyone in the community for helping with the Santa Is Coming To Town event on December 15, 2012, as well as the hotels and several condominiums for facilitating the collection of toys for underprivileged children. He expressed objections to item 17a and wished it to be reconsidered, as he believed the radical changes would result in the creation of a very big problem. The Town needed to focus more on correcting power outages and infrastructure than changing sidewalks; the subject project should be delayed and El Mar Drive cleaned up. He mentioned having a petition of 46 signatures presented once before from residents who echoed his concerns, stating many elderly drivers had problems paralleling parking.

Larry Salay felt, rather than planting oak trees, the Town should install better lighting. He thought the Town should monitor the drainage project more closely, as it appeared that certain precautions were not being adhered to, wondering if the Town had a surety bond and for how long was the work guaranteed once completed.

Dominick Facchini commended the Town's administration for the intent of the drainage project, but in the many years of his working on various underground line jobs, he had never seen a project done so badly. The contractor was working with excellent equipment, yet they were breaking sidewalks unnecessarily, and the surrounding areas were being left unkempt by workers. He believed the job should take no more than two weeks, and the Town needed to look into why it was taking so long. He urged the Commission to expedite the process and make sure there was a surety bond in place.

Spiro Marchelos asked for the Christmas tree to be left in place for an additional seven days, until Epiphany. He said many year-round residents and snowbirds celebrated the Epiphany. He commented the Town needed to take steps to ensure its upscale atmosphere remained, as there appeared to be an influx of urban bodegas downtown, and if this continued, there would be an increase of drunks on the Town's streets. With the upcoming project, he urged the Town's administration not to close the road or change the parking lot, as the area would become an urban jungle.

Edmund Malkoon spoke on the temporary parking lot on El Prado, noting the gravel option made the most sense, as it was cost effective, would pay for itself with parking

revenue, and many features could be reused, such as the lighting and meters. He stated Bob Wolf from the Broward County Property Appraiser's Office would be at Town Hall on January 31, 2013, at 7:00 p.m. For the 11th year, POA was sponsoring the Lauderdale-By-The-Sea Sandy Paws Pack. He indicated they raised about \$22,000 over the last ten years, a very positive experience and all from the generosity of the local community.

Chris Nicolaor stated he was a relatively new resident to the Town, having purchased his property three years prior. As he was from Canada, he could not vote, though he paid his taxes. The beautification projects planned along Commercial Boulevard seemed an excellent opportunity to make the Town look more like the jewel it was. He mentioned his wife and he preferred to support local businesses, particularly the festivities held in the downtown area Friday and Saturday nights, but due to the barriers installed for the angled parking, and there was no sidewalk. He urged the Commission not to change its mind on doing the beautification projects due to the displeasure expressed by a few with special interests.

Diana Kugler expressed her support for the downtown project and encouraged the Commission to stand firm on their decision to move forward with the plans as they were.

Bill Vitollo felt the license plate cameras the Town was planning to install might not help enough, and he wondered if it were possible to wire the system, to facilitate adding a second camera. He went on to discuss the issues people were having with the Town's sign ordinance urged the Commission to move forward with the beautification projects along Commercial Boulevard. The Town needed to improve as in other cities. He commented new businesses coming to the Town should seek to work with those that preceded them rather than trying to take away from them.

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. November 2012 Finance Report (Finance Director Tony Bryan)**

No discussion

- b. Biannual Parking Exemption Report (Assistant Town Manager Bud Bentley)**

Assistant Town Manager Bentley discussed the report, as set forth in the backup, highlighting:

- First report after being in operation for one year
- New restaurants coming: 1) Home, 2) Crab Shack, 3) Azteca

c. Town Manager Status Report (Town Connie Hoffmann)

Town Manager Hoffmann wished to mention two items: the retirement of Town Clerk June White on January 25, 2013, thanking her for years of service to the Town, as well as the assistance June rendered her. She invited everyone to share in the farewell cake during the recess. Angelo Cedeno was promoted to the rank of Captain and his transfer was immediately effective. Though he was leaving Lauderdale-By-The-Sea, he would be doing good things for Broward County. Town staff would arrange a recognition reception for Lieutenant Cedeno that suited his schedule, so everyone could say a proper goodbye. Chief Oscar Llerena had just been promoted to Major, and it was likely with the promotion would come a new assignment. The Town had been informed, as were many other cities, that there would be changes in the command leadership of almost all the cities BSO contracted with. She went on to discuss other aspects of her report, as detailed in the backup, including:

- Recycling/garbage cart roll out project went relatively smooth
- The Town's progress with FP&L and dealing with the service outages the Town was experiencing in the past year

Commissioner Dodd commented on a recent meeting he attended with FP&L and Town staff, at which he believed the FP&L representatives understood the benefits of working together with the Town. They discussed possible resolutions, including cutting back, or removal and/or replacement of trees. He noted FP&L were required to do pole inspections every eight years, and he felt the inspection schedules were too far apart. Commissioner Dodd suggested, depending on the tone of the meeting, the Town should seek to hire a retired FP&L worker to survey the electrical network (poles, wiring, etc.), as it seemed in the meeting it was up to the Town to give the locations in need of work.

Mayor Minnet urged voters to get in touch with Representative Moraitis and Senator Sachs to let them know FP&L was not doing the job they should be doing for local municipalities. The Town needed to be better watchdogs of FP&L.

Commissioner Brown thanked Town Manager Hoffmann, Commissioner Dodd and Mr. Prince for taking the lead on the FP&L situation, concurring with exploring the possibility of hiring an FP&L retiree to do a town-wide survey. On the issue of trees causing problems, there was also the issue of property owners refusing to have trees trimmed or removed, despite the safety risk, and FP&L seemed reluctant to go forward, despite having the authority to do so.

Vice Mayor Sasser mentioned the Town's problems with outdated transformers, some dating back to the 1930s. It was troubling to know FP&L waited for transformers to fail, as indicated by the Town Manager, before changing them. He was unsure if a survey would be very effective, as FP&L already knew of some existing issues and failed to

address them. Thus, there should be some motion on FP&L's part that they would do something about any problems discovered prior to conducting a survey.

Commissioner Vincent commended Commissioner Dodd's actions. He wondered who was the current watchdog for FP&L, and when incidents occurred, where were they reported at the state level; whose obligation was it to report problems and respond to FP&L as to priority issues. He agreed FP&L needed to give some sort of commitment to rectify problems discovered prior to any survey being conducted.

Mayor Minnet believed the FP&L issue was not among the priorities the Commission discussed for 2013, but this was a public safety priority. She recommended the dais direct Town Manager Hoffmann to arrange a meeting with FP&L representatives and the Town commission, asking Commissioner Dodd to be the liaison.

Town Manager Hoffmann thought, for the time being, the Town should see what actions FP&L took over the next 30 days in response to issues raised by the Town. If little or no action transpired, then the Town's administration needed to investigate what it would cost to conduct an assessment.

Mayor Minnet stated being aware of other municipalities that did independent studies of their electrical system, and when FP&L were shown the results, they did nothing.

Town Manager Hoffmann urged residents to send their complaints to the president of FP&L and to the Public Service Commission, the oversight organization for FP&L.

Vice Mayor Sasser commented the contact information for the Senator and state representative was on the Town's website, asking if it were possible to add the FP&L contact information to the website, so residents could email them.

- Mayor Minnet received a Commission consensus to hold a strategic planning meeting on Thursday, January 24, 2013, at 6:30 p.m.

* * *

Vice Mayor Sasser noticed, with regard to the recycling containers, the Town's website contained no updated information on the new schedules for recycling or bulk trash pickups. He suggested a link from the recycle page to the pickup schedules for the various types of waste (yard, bulk, recyclables).

Town Manager Hoffmann stated Steve d'Oliveira would take care of that situation.

Assistant Town Manager Bentley pointed out the recycling day had not changed, and carts went out the same day the bins went out. Yard waste went out on the opposite day from the recycling. Town staff agreed the Town's website needed to be improved.

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Mayor Minnet mentioned comments made earlier in the meeting on the Bougainville project, questioning if Town staff and the Mr. Cole were working with residents to resolve their concerns.

Town Manager Hoffmann answered yes. She acknowledged the Town had issues with the contractor, and the contractor had been put on notice with regard to performance issues. She would ascertain how long the performance bond was effective for.

Recess/Reconvene

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

- a. October 23, 2012, Regular Commission Meeting Minutes
- b. November 8, 2012, Special Round Table Meeting Minutes

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

11. CONSENT AGENDA

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

- a. Request to Extend Approval of Temporary Sales Trailer for Villas By The Sea (Town Planner Linda Connors)

Approved on consent.

- b. Application for Two Hardship Parking Permits for FY2013 from the Sea Spray Inn, 4245 El Mar Drive

Approved on consent.

12. ORDINANCES – PUBLIC COMMENTS

None

13. RESOLUTIONS – PUBLIC COMMENT

- a. Resolution 2013-01: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, IN SUPPORT OF THE

REDESIGNATION OF SR A1A IN BROWARD COUNTY AS A FLORIDA SCENIC HIGHWAY ; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd felt it was unreasonable that the Town was being asked to pay half, as other municipalities were being asked to pay \$5,000. It would be fairer if the amount to be paid was based on the number of voters or some other realistic basis.

Town Manager Hoffmann believed the Town chose not to pay the \$5,000 but a lesser amount.

Town Planner Connors affirmed the Town stated it would pay up to \$2,500 rather than the requested \$5,000.

Commissioner Dodd made a motion to approve Resolution 2013-01. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Resolution 2013-02: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS RELATING TO DESIGN STANDARDS FOR PARKING AREAS; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd wished to see further flexibility when dealing with grandfathered situations; he wished some safeguards put in place, that maybe the approval of aesthetic improvements had to be a Commission decision. There were maintenance upgrades not being carried out due to the cost of the variance, and that result was different from the intent of the variance procedure.

Town Manager Hoffmann added, as Town staff ran into such situations, and it was observed not to be a single but a repeated occurrence, they bring the Commission suggestions, possibly to loosen requirements. In some instances, there was insufficient room for property owners to meet the Town's parking requirements according to code.

Commissioner Dodd made a motion to approve Resolution 2013-02. Commissioner Vincent seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Commissioner Brown wished everyone Happy New year. He expressed condolences to Sandra Booth and her family on the passing of her husband, Hal. He congratulated Ray Wolowicz for being honored by Community Foundation of Broward County for his volunteer work, noting he spent many hours in the last 20 years volunteering at Trade Winds Park in a program called Horses and the Handicapped. He was approached earlier in the day by a tourist, Bruce Radcliff, who had a great idea of the Town creating an App for the Pelican Hopper to alert riders as to the location of the bus. He asked Town staff to look into whether it was possible.

Town Manager Hoffmann noted staff would look into the App, mentioning in the Town's new way-finding signage plan, there would be Pelican Hopper stop signs in which the possibility of embedding the schedule was being explored.

Vice Mayor Sasser echoed Commissioner Brown's sentiments as to Ms. Sandra Booth and Mr. Wolowicz. He thanked everyone involved in the Town's holiday festivities, as they were well done. He reminded everyone of the Charter Review Board meeting on January 9, 2013, at 6:30 p.m. He thanked the Village Grille, and all those who came down to the party the previous night for the Notre Dame game. Such events were good, as they filled hotels and brought business to the Town.

Mayor Minnet wished everyone a Happy New Year, believing the Town had a wonderful community that stepped up to help those in need. She stated the Relay for Life, an American Cancer Society event, hoping the local community would come together and hold a strong event on the beach. Everyone was encouraged to participate, as this was the Cancer Society's number one fundraising event. She mentioned the president of the Broward League of Cities "Together We Serve" resolution for volunteer hours; the aim was for Broward County municipalities to achieve one million volunteer hours. She encouraged residents to visit the League's website, www.browardleagueofcities.org to register their volunteer hours. With regard to earlier comments on some of the Town's improvement projects, she asked everyone to realize when going through renovation projects, some obstacles would be encountered. She noted the Town needed to move forward with the various projects and hoped the Town Commission, staff and the community would work together to make them happen, as the key was communication.

Commissioner Vincent sent condolences to Sandra Booth and her family and mentioned the passing of his friend and neighbor, Warren Meretsky. He commended those involved in putting on the Town's incredible Christmas festivities.

16. OLD BUSINESS

- a. Bougainvilla Drainage & Streetscape Stamped Asphalt (Town Manager Connie Hoffmann)

Bill Cole, project manager, reviewed the subject item, as detailed in the backup.

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Town Manager Hoffmann directed the Commission's attention to the photo image prepared by Hugh Johnson sent to the Commission the previous evening. The Town Commission was being asked to, first, award the contract; and, second, give staff direction on whether they desired a single or double stamped asphalt border or no border.

Mayor Minnet sought confirmation the price of \$19,000 stated in the backup was for a single border.

Mr. Cole affirmed the price was for one on either side of the street; a double border would double the price.

Mayor Minnet observed the intersection cost was \$11,835, and the mobilization was \$750, and the bid was from ACS of St. Petersburg. She asked if there was a motion to approve awarding the contract to ACS.

Commissioner Brown liked the photograph Town Manager Hoffmann sent the Commission the previous day, but it was of the most expensive alternative. Though he liked the single asphalt line on each side of the street, he wondered how it would tie into resolving some of the landscaping issues voiced by residents.

Town Manager Hoffmann replied staff and the project team were working with residents regarding issues with the trees. As to the resident's request for a light rather than a tree, she believed that matter had been explored and discussed.

Commissioner Brown stated, initially, he wanted no landscaping on Bougainvillea when there was no clear consensus from residents; the end result was very sparse landscaping for the two blocks. Based on the amount of money being spent on the drainage project, he hoped to make the street look as good as possible. Thus, it was his preference to go with the single asphalt striping on each side. He had no objections to the contractor staff recommended.

Commissioner Dodd preferred the double border, as he thought it would be more visually impactful, though he understood it would be more expensive. However, compared to the overall cost of the project, the added cost was a small.

Vice Mayor Sasser concurred as to the double border.

Commissioner Vincent wished to withdraw his second to Commissioner Brown's motion.

Commissioner Dodd made a motion to approve awarding the contract to ACS of St. Petersburg, as well as for a double border along both sides of Bougainvillea. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

17. NEW BUSINESS

a. East & West Commercial Boulevard Streetscape Projects

Bill Cole, project manager, reviewed the information on the item as indicated in the backup. The idea was to identify the sidewalks of privately owned properties in the project areas that needed improvement to ensure they blended well with the project improvements. Town staff sought direction from the Commission on how to cover the cost for such improvements, noting the options mentioned in the backup.

Mayor Minnet remarked for the East Commercial Boulevard easement parcels, the cost would be a total of \$15,230; for the West Commercial Boulevard portion, the cost was \$7,695; these would be improvements on private property.

Town Manager Hoffmann pointed out, in making the improvements on Town property, it was likely the sidewalks of the smaller, privately owned parcels would be damaged in some way, which meant the Town would have had to pay to fix any damage.

Vice Mayor Sasser wondered if the private properties were initially thought to be Town property.

Town Manager Hoffmann answered no, Town staff always knew the parcels were privately owned.

Commissioner Dodd commented, for those who might object to the cost, they should think of the Town's covering the cost as a small compensation to those businesses who had to suffer the disruption caused by the improvements. The Town had to foot these costs, as it could not spoil the overall final result of the improvement projects by leaving a few small private areas untouched.

Commissioner Vincent stated there might be private property owners that did not want the improvement, so the Town had to provide some incentive to them to let the Town do the work in order to keep the aesthetic improvements consistent.

Town Manager Hoffmann affirmed each private property owner had to sign an agreement with the Town, allowing the workers onto their property to do the improvements.

Commissioner Brown agreed the Town should just cover the cost.

Mayor Minnet asked where the Town was at if one owner refused the Town access.

Town Attorney Trevarthen noted the item before the Commission was premised on Town staff receiving signed voluntary agreements to allow access onto their property.

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Vice Mayor Sasser questioned the Town's next step in finding out if property owners would grant permission, and what was the plan if some or all refused.

Town Manager Hoffmann responded if the Commission directed staff to proceed, Mr. Cole would speak with each property owner and present them with the easement access agreement prepared by the Town Attorney. For those owners who refused to sign the agreement, she recommended the Town removed them from the construction spec and take no further action to persuade or force them to agree.

Vice Mayor Sasser agreed with not forcing the property owners. When staff returned before the Commission with an update, if there were owners who refused to sign the agreement, he wished to see a rendering with shaded in areas of the properties whose owners refused. In this way, he could eyeball their locations and the effect it would have on the project. He supported moving forward with the Town paying for the sidewalks to those privately owned properties, and for Mr. Cole to get signed easement agreements from those willing to grant it. However, he was not saying to move ahead with the project no matter what until he could see how the easement agreements went.

Commissioner Vincent concurred, but pointed out the Town would move ahead with its Commercial Boulevard improvements regardless of how many private property owners opted in or out.

Mayor Minnet observed a Commission consensus for the Town to foot the cost of sidewalk renovation on privately owned properties within the East/West Commercial streetscape improvements. She indicated her willingness to accompany Mr. Cole when he was approaching the property owners, as she too hoped the Town could get full cooperation from the property owners and businesses.

Commissioner Dodd made a motion to approve the Town absorbing the cost of sidewalk renovation on the specified privately owned properties within the East and West Commercial Streetscape Projects. Seconded by Commissioner Vincent. The motion carried 5-0.

b. Sign Code (Commissioner Stuart Dodd)

Bill Ciani mentioned since working on his building, Town staff had an issue with the signs he posted as to their colors and styles matching. They informed him that his renovations went beyond 25 percent and he felt this to be a false estimation. He endeavored to satisfy all Town codes, along with the signage color and size, while other local businesses were not being required to do the same, including nonconforming signs and other factors. He asked the Town Commission to revisit the sign codes, as they could make it difficult for commercial property owners to find tenants; they should either be changed or applied fairly and equally to all businesses.

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Commissioner Dodd reviewed the details of the backup information that illustrated various aspects of the Town's sign codes with which he took issue. He suggested Town staff and the Planning & Zoning Board look further at these issues.

Commissioner Brown expressed concern that the Town was being extremely adversarial when this should not be the case, as two major businesses in the downtown area willingly invested in improvements to their building. As a result, they aesthetically improved the area. He understood the need for a resolution of issues regarding signs, but Town staff had to be mindful of the extent of the investment businesses made when they improved their structure, as they benefited the Town as well. When he drove by such businesses, he did not see a code violation, but a sign identifying a business.

Commissioner Vincent agreed with Commissioner Brown, understanding there were issues to be resolved, so the matter should be sent back to Town staff and the Planning & Zoning Board for recommendations. In the interim, Town staff should be instructed not to issue any violations until the issues were addressed.

Town Manager Hoffmann took exception to the Town staff being viewed as adversarial, as they were charged with enforcing the Town's existing sign code. The provisions causing the problems had been in the sign code for at least a decade, though they had not been enforced routinely and/or universally in the past. Before Town staff or the Planning & Zoning Board could craft any amendments to the sign code, they required direction from the Commission as to their opinions on some of the provisions, even in general terms. For example, the uniformity of color and style of signs; or renovations that exceeded 25 percent of the assessed value of the building triggering the requirement that all nonconforming issues be brought up to code.

Vice Mayor Sasser felt the difficulty was having flexibility and uniformity at the same time, and codes were devised to establish the latter. Part of the Town's charm was the lack of uniformity, and perhaps there needed to be some overarching restrictions, but within those confines have some flexibility.

Commissioner Dodd thought the public needed to know of the specific circumstances, whereby one business owner was honestly trying to get a permit, in a second situation, another business owner erected a nonconforming sign without a permit.

Assistant Town Manager Bentley advised the swap out of the sign at Athena's was done without a permit, and the property owner had been cited.

Commissioner Dodd stated having no sympathy for the Athena's property owner, as they had been in the Town for many years and were well aware of code requirements, as should their architect be. It was possible that, for the existing sign, a variance could be applied for, a mechanism in the code designed to deal with such situations.

Commissioner Vincent said the Town's sign code was sufficiently definitive, and Town staff sought direction from the Commission on the enforcement of a threshold

percentage for a renovating property to be required to bring nonconforming signs up to code.

Vice Mayor Sasser disagreed with Commissioner Vincent's views, as it was not about individual businesses, and to impugn any one business, at least without them stating their case, was the wrong route. He thought the Town's sign code was unclear and, based on Town staff's responses to certain questions he asked about the sign code, there was some confusion as to its interpretation.

Mayor Minnet commented on being upset that there seemed to be negative feedback from local businesses when Town staff did their job and enforced the Town's codes. The Town Commission and staff worked hard to facilitate the success of the Town's businesses, yet the latter continue to point fingers and refuse to accept responsibility for their actions. She remarked signs were an important part of what the Town would look like in years to come, and she desired the flexibility Vice Mayor Sasser advocated, but the refusal of some to accept responsibility and the tendency to blame others made it difficult. Mayor Minnet disliked the attacks on Town staff and other business owners. It was not possible to make everyone happy, and a sign code was one of the hardest things for the community to come together on. She agreed some changes to the sign code were needed, and those should be first addressed by staff and then sent to the Planning & Zoning for review. She asked for the Town Attorney's opinion on how best to proceed.

Town Attorney Trevarthen noted it was well within the enforcement discretion of the Town as the code enforcing body to say they desired new approaches to handling this particular piece of code. Town staff could be directed to refrain from pursuing enforcement while the process was underway. She stated the need to examine the Town's temporary sign provisions before commenting on how to resolve such situations of any business that arose in the interim.

Assistant Town Manager Bentley recommended the Town Commission direct staff to continue enforcing the current sign code until the revisions were adopted. On the issue of enforcing the code provision regarding the percentage renovation threshold that triggered correction of nonconforming signs, he felt the reverse if the Town was considering revising the threshold and/or its enforcement. He indicated such changes could be costly, and until the decision as to modifications was made, the recommendation would be to hold in abeyance any such enforcement.

Mayor Minnet felt staff should be directed to look at the sign code and return to the Commission with suggested recommendations.

Commissioner Vincent agreed the existing sign codes should be enforced until any revisions were made as to nonconforming signs. New permit applicants should be made fully aware by staff of the Town's sign codes and the possibility of revisions.

Town Manager Hoffmann sought clarification on the issue of national logo signs, stating the Town Attorney told staff the previous day there might be a way to craft language in the code to deal with that issue. Town staff wished to look into that matter as well.

Commissioner Dodd noted he was happy with the colors, and he was content with the 25 percent threshold, and when new signs went up, its colors should establish the set of colors for signs on that building.

Assistant Town Manager Bentley added this was the way in which Town staff was interpreting the current sign code.

Town Attorney Trevarthen thought the motion for approval should be: 1) The Town Commission wished staff to look at creating flexibility for both the uniqueness of signs, as well as national logos, working on that as a code drafting project, moving it forward to the Planning & Zoning Board, then bringing the matter back to the Commission for a final decision. 2) The Town Commission agreed, as the matters was in flux; it was agreed there was no sense in pursuing enforcement for the present and, to the extent there were businesses being cited for violations of the provision, those cases would be held in abeyance while the changes to the laws were being considered.

Town Manager Hoffmann clarified the enforcement of the abeyance issue related to the 25 percent nonconforming issue and not to existing code pertaining to sign colors, etc.

Vice Mayor Sasser made a motion to approve the actions with regard to the sign code as detailed above by the Town Attorney. Seconded by Commissioner Vincent. The motion carried 5-0.

c. License Agreement from the Minto Villas-By-The-Sea Corporation for a Temporary Town Parking Lot

Assistant Town Manager Bentley noted the representative of Minto advised him they preferred Exhibit "A" in the backup to only include pages one and two, as the rest of the information in the exhibit was sent as supplemental information to him. That information described much more property than the license; he concurred and asked for pages three, four and five of Exhibit "A" to be deleted. He would amend the exhibit accordingly.

Commissioner Brown felt pleased Minto was offering the Town such a great deal, as the Town needed the parking spaces during the construction period. His preference was to go with the gravel, as it was safe enough, and the easiest and cheapest alternative. He had some concerns as to the parking lot also being used as a staging area for construction equipment.

Commissioner Dodd asked if the payback included any costs for lighting for safety.

Town Manager Hoffmann responded the cost estimate included lighting that could be reused elsewhere. The Town had the option to use the parking lot as a staging area for the construction equipment, but it could not become a nuisance to the Villas By The Sea residents; the decision of where to stage construction equipment had yet to be made.

Commissioner Brown made a motion to approve the subject license agreement, including the revisions to Exhibit "A" and the gravel treatment. Seconded by Commissioner Dodd. The motion carried 5-0.

d. Town Marketing Strategy

Town Manager Hoffmann remarked the subject issue was before the Commission as, on multiple occasions in the last fiscal year, the Town Commission made the point that the Town needed a cohesive marketing strategy. Town staff worked with Ambit Advertising and Public Relations, one of the marketing firms with a continuing contract with the Town, to develop a scope of services that addressed what the Town wished to accomplish. Ambit's price was similar to that proposed by RMA a year ago, but Town staff liked the idea of using Ambit due to their experience in the tourism market. She indicated there were funds budgeted to cover the cost to hire Ambit.

Cathy Koch, a principle of Ambit, discussed the services their firm provided and how they were suited to the Town's needs.

Commissioner Dodd thought a more opportune time to interview people in the western Commercial area was after the wider sidewalks and sidewalk cafes were in place, but he was willing to go ahead with the other proposed marketing activities.

Ms. Koch pointed out their survey questions included asking why they were in Lauderdale-By-The-Sea, what were they looking for, and what were their expectations. Such answers were unlikely to change much based upon sidewalk improvements.

Commissioner Brown liked the work Ambit did, but agreed with Commission Dodd, as he wanted the improvement projects to move forward and be completed as soon as possible, and he did not want Town staff concerned with much else. The same applied to spending \$64,000 in market research, when additional funds might be needed as issues arose when the downtown projects began. He believed it necessary to determine to what populations was the Town directing its marketing to, and not much ground would be lost to nearby cities if the process was deferred.

Vice Mayor Sasser agreed this was not the right time for market research, as the Town had issues to resolve before attracting more visitors. He was not a big fan of surveys, and the Town spent considerable effort and money on defining its identity. A survey was needed to discover if local businesses wished to be a part of the Town's marketing plan, but this was not a priority and could be discussed in the next fiscal year.

Commissioner Vincent asked why the Town needed to do market research at present.

Ms. Koch replied they were putting together, not implementing a plan, and the change would not be dramatic whether the plan was done at present or a few months later. The advantage would be that the Town would have a plan in place that was based on research to implement once the various improvement projects were complete. It made sense to understand who the Town was trying to reach, and part of the research included speaking with the businesses to understand what their buy in would be. She restated it helped to understand who was coming to the Town and from where.

Commissioner Dodd made a motion to extend the meeting. No opposition was voiced.

Mayor Minnet referred to the recent Commission meeting at which the Town's vision and mission statements were discussed at length. The marketing plan was creating measurable tools to allow the Town Commission and staff to take those discussions the next step. She understood the reservations of some of her fellow Commissioners as to this being the right time, questioning when that might be. The Town worked hard to move forward with a variety of improvement projects, and now was the time, so the plan was readily available for implementation. She said, despite the work on the Town's behalf, the Chamber's efforts were difficult to quantify. Thus, she was in favor of moving forward with creating a marketing plan as the next step.

Commissioner Vincent stated he was in favor of moving forward with the marketing plan.

Town Manager Hoffmann echoed the sentiments expressed by Mayor Minnet, stating marketing research often brought to light information that was either unknown or thought of differently. The timing was right, as when the projects were completed, the Town would have so much to market. She recommended not waiting, as other cities, such as Pompano and Fort Lauderdale, already drafted their marketing plans. On the issue of the Chamber helping to market the Town, The Town Commission and staff lacked the knowledge to give the Chamber direction on what they should be doing to devise and accomplish a marketing goal.

Commissioner Brown thought a compromise would be to direct the Town Manager to incorporate the cost of creating the marketing plan in the next fiscal year's budget, knowing those funds could be expended starting October 1. This would place the timing at a point when the construction of the downtown projects would be underway.

Commissioner Vincent read into the record information on the main function and purpose of a chamber of commerce he downloaded for discussion on the next item. The Chamber could not accomplish goals unless the Town gave it direction, and the direction should be based on proper research and a marketing plan, thus the time was right for the Town to conduct marketing research and create a plan.

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Vice Mayor Sasser remained unconvinced as to the timing being right, noting the Town owned very little property on which the research would be based. It was time for both the Chamber and the local businesses to do more.

Commissioner Dodd questioned how long the research was likely to take.

Ms. Koch estimated four months.

Commissioner Dodd suggested deferring the market research for six months.

Town Manager Hoffmann pointed out a deferral of six months meant missing the season. One option would be to do the surveying now.

Commissioner Dodd restated his feelings that the timing was wrong, and suggested a one-year deferment. He believed the Town needed a strategic marketing plan, but the timing had to be right.

Commissioner Dodd made a motion to defer the matter and bring it back before the Town Commission in six months. Seconded by Vice Mayor Sasser. The motion carried 3-2. Mayor Minnet and Commissioner Vincent voted no.

e. Discussion of Possible Meeting with the Chamber of Commerce (Town Manager Connie Hoffmann)

Mayor Minnet stated the subject item was for a discussion on the possibility of holding a roundtable discussion between the Chamber and the Town Commission.

Mark Silver, President of the Chamber, welcomed a meeting, as the Chamber wished to clarify its role. He thanked Commissioner Vincent for the definition of a chamber of commerce he read earlier. He asked that a tentative meeting date at the end of January or thereafter would be appreciated

Mr. Silver expressed disappointment at the Commission's voting not to move forward immediately with the development of a strategic marketing plan. His experience as a business owner on Fort Lauderdale's Riverfront taught him the benefits of having a marketing plan from which to work, and the pitfalls of not having one. He was a business owner in the west Commercial Boulevard area. .

Vice Mayor Sasser requested public comments be allowed at the roundtable meeting to get input from local business owners.

Mark Silver affirmed the idea of the Town having a marketing committee or firm to help in the marketing of the Town, as the Chamber lacked the financial resources to undertake that task.

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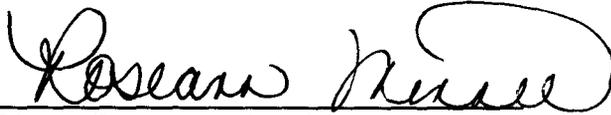
Mayor Minnet suggested February 4, 2013, at 6:30 p.m. as a date for the roundtable and received a consensus to set the roundtable meeting for that date.

Mark Silver noted he mentioned to visitors the Town would be starting major construction in May and received positive responses from them. They asked how they would access his store during construction, so he asked the Commission to consider creating a detour route once it was determined where construction would begin. In this way, the businesses could direct customers on how to get to them.

Mayor Minnet replied Town staff would look into it, as the Commission wished no business to suffer.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:15 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, Vanessa Castillo

4/9/2013
Date