8b

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, November 9, 2010

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation and thanked fellow Veterans who served on our behalf.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Sasser requested that Consent items 9b, 9d, and 9e be pulled for discussion. Mayor Minnet acknowledged the request and stated they would be pulled when the Consent Agenda came up for discussion.

5. PRESENTATIONS

a. Presentation of Proclamation (Chief Oscar Llerena)

Chief Llerena thanked the Commission and stated that the retirement of Sergeant Doug Brown would be a great loss to BSO. He added that BSO was having a party downtown for Sergeant Brown on November 19, 2010, and everyone was invited. Mayor Minnet thanked Sergeant Brown for his service and read the proclamation into record.

b. Presentation of Proclamation (Mayor Roseann Minnet)

Mayor Minnet thanked Cassie Carlisle for her selflessness in changing the date of her Sweet Sixteen birthday party due to a conflict in the Jarvis Hall schedule. Mayor Minnet also thanked the Carlisle family and read the proclamation into record.

6. PUBLIC COMMENTS

Vincent Ragusa thanked the Commission and Town staff for their efforts in making the Performing Arts Center a success. He said it was a pleasure to walk into Town Hall. Mr. Ragusa thanked Municipal Services for all their help; thanked the residents for coming to the plays; thanked the financial donors; and gave a special thanks to his wife. Mr. Ragusa said approximately 260 people came to the show.

Liliana Pomareda believed Lauderdale-By-The-Sea was a wonderful Town. She was not happy with the removal of beach parking permits. Ms. Pomareda stated that some people thought the price was too low on permits and others did not. She said parking permit increases went against the wellbeing of the residents. Ms. Pomareda stated that it was not a money making system; it was put in place for convenience and the residents should not have to pick up the $70,000 shortfall. She questioned the data and analysis that was used to calculate the numbers.

Spiro Marchelos stated that his business was being singled out for inspections and violations and believed Code Enforcement was not being fair and equal. He suggested that the Commission sit with them and solve the problem.

Lawrence Wick announced that Marie White's Santa Is Coming to Town event was December 11, 2010 from 12:00 noon to 3:00 p.m. and everyone was invited. He requested that the Commission consider waiving the $100 application fee. Mr. Wick thanked all the sponsors and announced that boxes would be available in various areas in Town to collect toy donations. He added that the unwrapped toys would be picked up on December 18, 2010.

Ron Piersante thanked everyone who volunteered for the Halloween party. He said Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, and Municipal Services Director Don Prince helped set up the event.

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report - October 2010 (Chief Oscar Llerena)

Chief Llerena announced Deputy Craig Jacobson as the Deputy of the Month.

Mayor Minnet said she took a ride with Officer Kattou and encouraged the other Commissioners to do so as well, in order to see what these officers faced on a day to day basis to keep our residents safe. She thanked Chief Llerena and his officers for their hard work.

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

b. VFD Monthly Report - October 2010 (Chief Steve Paine)

Secretary Treasurer Jim Silverstone represented the VFD.

Mayor Minnet thanked Chief Paine for meeting with her last week to review issues that she had encountered. She thanked the Chief and the volunteers for handling those issues professionally.

Commissioner Sasser extended congratulations to Fire Fighter Cheryl Johnson who was nominated as the Fire Fighter of the quarter.

Vice Mayor Dodd asked whether all VFD members were required to participate in a minimum of 20% of all calls. Secretary Treasurer Silverstone said it was part of the VFD's operating guidelines.

Commissioner Clottey said she previously requested that Chief Paine explain to the people the change in procedure after 9-11 as to how fires were fought. She asked whether Secretary Treasurer Silverstone could answer that question. Secretary Treasurer Silverstone believed that since it was a conversation she had with Chief Paine, he would feel more comfortable if she were to follow up with him. Commissioner Clottey said she would.

Commissioner Sasser read a letter of apology from Chief Paine to the Commission regarding his misunderstanding to a question from the dais at a prior meeting in relation to hi-rise training. He misunderstood the question to be in relation to the department's new program to educate the high-rise residents rather than being about ongoing training and building reviews. Chief Paine stated in his letter that his department would continue to carry out training exercises regarding all areas of risk, from marine to the highest buildings.

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

c. AMR Monthly Report - October 2010 (Operations Manager Brooke Liddle)

Operations Supervisor Todd Barton represented AMR.

Commissioner Sasser inquired of three (3) response times that were over six (6) minutes and questioned the cause of that time lapse. Operations Supervisor Barton said he would have to discuss that with Chief Liddle.

Mayor Minnet requested that Operations Supervisor Barton ask Chief Liddle to follow up at the December 7, 2010 Commission meeting in regards to national policy relating to driving against traffic.

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

8. APPROVAL OF MINUTES

a. September 20, 2010 Roundtable Meeting Minutes

b. October 12, 2010 Regular Commission Meeting Minutes

Vice Mayor Dodd made a motion to approve the minutes of September 20, 2010 and October 12, 2010. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

9. CONSENT AGENDA

The following items were pulled for discussion by Commissioner Sasser: 9b, 9d, 9e; Commissioner Clottey: 9k; Vice Mayor Dodd: 9h, 9i, and 9k.

Vice Mayor Dodd made a motion to approve items 9a, 9c, 9f, 9g, and 9l Commissioner Sasser seconded the motion. The motion carried 5 - 0.

a. Martial Arts Contract Renewal (Town Manager Connie Hoffmann)

This item was approved on consent.

b. Use of Jarvis Hall for Holiday Party - Sunday, December 12, 2010 6:30 p.m. to 12:00 midnight (Municipal Services Director Don Prince)

Commissioner Sasser asked whether free parking for this event was in the Town Hall parking lot only. Municipal Services Director Princes said it was.

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

c. Ratification of appointment of Chairperson for the 4th of July and Easter Events (Town Clerk June White) (Commission Consensus at the October 26, 2010 Roundtable)

This item was approved on consent.

d. Award of annual sidewalk maintenance contract with Three H Learning d/b/a Florida Youth Conservation Corp (Municipal Services Director Don Prince)

Commissioner Sasser asked whether the $40,000 was a flat rate. Municipal Services Director Prince said that the amount budgeted was $40,000, but payment was made on a linear foot basis. He explained that repairs were done as needed and they did not have to spend the entire amount.

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

e. Coastal Partnership grant application (Town Manager Connie Hoffmann)

Commissioner Sasser asked whether this was tied specifically to the Coral Reef project or whether the money could be used for something else. Town Manager Hoffmann stated it was tied specifically to the coral reef project and included signage and promotion of the reefs. Commissioner Sasser asked if an agreement could not be reached with Global Coral Reef Alliance, what would happen with the grant. Town Manager Hoffmann said she would find out if the Town could modify the amount and if not, the Town would withdraw the application. Commissioner Sasser asked whether the Town ran a risk of getting the grant and then saying no. Town Manager Hoffmann said the Town should have a new contract with Global Coral Reef Alliance before the grant award happened.

Commissioner Vincent asked whether, due to state monitoring requirements, the Town could apply for grants outside of a year. Town Manager Hoffmann said the grants were for one year's duration and corresponded to the state's fiscal year.

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

f. Commission approval of four (4) hardship parking permits for Santa Barbara Inn (Town Clerk June White)

This item was approved on consent.

g. Engagement of Town Attorney's Services (Town Manager Connie Hoffmann) (Commission Consensus at the October 26, 2010 Roundtable)

This item was approved on consent.

h. Chamber of Commerce Special Event Application for the Taste of the Beach proposed on February 23, 2011 (Assistant Town Manager Bud Bentley)

Items 9h, 9i and 9j were considered together.

Vice Mayor Dodd said he would like something added to the paperwork to address recycling. He believed that assurance of recycling should be provided at all special events. He asked that Town staff update the necessary forms.

Assistant Town Manager Bentley said that each event was different based on the size of the event and location. He used Taste of the Beach and the two (2) New Year's Eve events as examples. Assistant Town Manager Bentley said the responsibility was expanded to the event area, instead of the event site. He said staff would evaluate the next few events and suggestions were welcome.

Town Manager Hoffmann noted there was a possibility that in the future, the Town may be able to provide recycling containers.

Vice Mayor Dodd made a motion to approve items 9h, 9i, and 9j Commissioner Sasser seconded the motion. The motion carried 5 - 0.

i. Athena By-The-Sea Special Event Application for a proposed New Year's Eve event (Assistant Town Manager Bud Bentley)

This item was considered with item 9h.

j. Jazz on the Square Special Event - Proposed change in the event hours on December 31, 2010 and amended site plan. (Assistant Town Manager Bud Bentley)

This item was considered with item 9h.

k. Special Event Application for the Marie White's Santa Is Coming To Town event proposed on December 11th - Sponsored by the Lauderdale By-The Sea Volunteer Fire Department (Assistant Town Manager Bud Bentley)

Commissioner Clottey requested that the Commission consider returning the $100 application fee.

Vice Mayor Dodd thanked Mr. Wick and the VFD for their efforts in putting together the event.

Commissioner Clottey made a motion to approve special event application and return the $100 application fee. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

l. Year-end budget amendments for FY2009-2010 (Acting Finance Director Doug Haag)

This item was approved on consent.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

There were no ordinances for 1st reading.

2. Ordinances 2nd Reading

a. Ordinance 2010-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING" OF CHAPTER 30 OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 30-261, "B-1-A DISTRICT - BUSINESS" AND 30-271, "B-1 DISTRICT - BUSINESS" TO REVISE THE USES PERMITTED IN THESE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE Approved on first reading at the October 12, 2010 Commission meeting - Revised at the October 26, 2010 Roundtable

Attorney Trevarthen read Ordinance 2010-15 by title. She explained that this ordinance reflected the Commission changes made at the October 26, 2010 Roundtable.

Mayor Minnet opened the meeting for public comments.

Louis Marchelos believed the Commission needed to re-think this ordinance. He said these were hard times, and restricting businesses was the opposite of what was needed. Mr. Marchelos said some restriction was necessary but it already existed in the code and in the cooperation of neighbors. He stated that an amendment to the existing ordinance was time consuming, inefficient and not fair to property owners.

Zohir Benredda said he dropped off an application to the building department that took 6 weeks. He said he was never told that he was not allowed to have this type of business until last week.

Bill Ciani stated that the ordinances needed to be clear and that hard times did not call for relaxing of the restrictions.

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

Mayor Minnet thanked Director Bowman for his efforts in working with staff and the Town Attorney. Vice Mayor Dodd believed the Town was too restrictive in the exclusions from what was originally proposed and a high end consignment store should be included. He stated that the Commission should have made a distinction between electrical wholesale operations and electrical retail goods. He did not want to exclude kitchen appliances or lighting but believed that striking out electrical supply would do that.

Commissioner Vincent stated that everyone should look at what the current code allowed as opposed to what was being proposed. Director Bowman pointed out that the type of business use that Mr. Benredda requested was not permitted under the current code. He said he diligently tried to get Mr. Benredda an answer in a reasonable

amount of time. Director Bowman added that nothing was put in the ordinance or removed from the ordinance that would exclude any current business with the exception of cigar and tobacco shops.

Attorney Trevarthen explained that the current code did not address a cigar and tobacco store. She said the 1st reading of the ordinance included a cigar and tobacco store as a recommended use, but it was removed from the proposed ordinance at the October 26, 2010 Roundtable.

Commissioner Vincent asked whether the tobacco store currently in Town was grandfathered in. Director Bowman said he was not certain of what the previous use was to confirm whether it was grandfathered. He said that it could be considered a specialty shop as well. Attorney Trevarthen stated that if there was any business in Town that was not part of the current adopted code, they would be non-conforming and unless action was taken to get rid of them, they would remain and continue to operate within the community.

Commissioner Vincent asked whether there were any ongoing problems or complaints with this particular type of business. Director Bowman said there were never any problems with that business.

Mayor Minnet believed the Commission needed to recognize and include dive shops, a dance studio, and consider a home furnishings type of business that would include hardware and lighting and to stay away from home improvement stores which tended to be very large. She said that if the thrift shop could be stricken from thrift store/consignment shop there would be no problem with a consignment shop. She suggested taking a closer look at the ordinance and allow for some of the uses discussed.

Commissioner Sasser said it was important to note that the proposed ordinance was more relaxed than the current code. Attorney Trevarthen stated that a similar use clause was also added.

Commissioner Sasser asked whether a tobacco shop could be allowed but add language that would prevent drug paraphernalia. Attorney Trevarthen stated that there was a statute that allowed tobacco shops to have water pipes, bongs, and other paraphernalia, which is being challenged. She said the Town could avoid this use by not listing it and address it at a later date.

Commissioner Vincent inquired as to what would prevent the current cigar shop from selling drug paraphernalia. Attorney Trevarthen stated that the current statute allowed them to do so if they met the requirements.

Town Manager Hoffmann reviewed the list of the changes the Commission wanted. She asked whether the Commission wanted to keep retail electrical supply store, or would it be covered by adding a home furnishings store. Vice Mayor Dodd was happy with home

furnishings retail and wanted lighting included. Mayor Minnet said that home furnishing could include flooring, wallpaper, paint, lighting and electrical.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-15 with addition of consignment stores but keep thrift stores stricken, add dive shops to the description of sporting goods stores, add home furnishing retail store, and add dance studios to the description that called for artist & musician studios.

Attorney Trevarthen questioned the motion as to whether the Commission intended for the changes to be made to both business districts. The Commission confirmed it was for both districts. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Ordinance 2010-17: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" TO CREATE SECTION 30-22 "ZONING RELIEF PROCEDURES" TO ADDRESS POSSIBLE UNINTENDED VIOLATIONS OF FEDERAL AND STATE LAWS IN THE IMPLEMENTATION OF THIS CODE OR ITS RELATED RULES, POLICIES, AND PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE Approved on first reading at the October 12, 2010 Commission meeting

Attorney Trevarthen read Ordinance 2010-17 by title.

Mayor Minnet opened the meeting for public comments.

Diane Boutin asked whether a change in business uses would impact potential parking. She also inquired as to whether any of the proposed expanded business uses would meet Broward County license requirements.

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

Attorney Trevarthen stated that the Ordinance was not intended to address the parking problem that Ms. Boutin referred to. She said the ordinance allowed those who would not normally meet the requirements to come before the Commission and present their case, to which the Commission had the choice to grant the use or not.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-17. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

11. RESOLUTION - "Public Comments"

a. Resolution 2010-37: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS

AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2010/2011 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-37 by title.

Mayor Minnet explained that the grant provided funding for the senior activities program. She added that the Town's matching funds were already budgeted.

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

Commissioner Sasser made a motion to adopt Resolution 2010-37. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

b. Resolution 2010-38: RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, IN SUPPORT OF THE FIRST LADY MICHELLE OBAMA'S "LET'S MOVE CITIES AND TOWNS CAMPAIGN" THAT FOCUSES ON HEALTH AND WELLNESS IN ALL COMMUNITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Commission consensus at the October 26, 2010 Roundtable)

Attorney Trevarthen read Resolution 2010-38 by title.

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

Vice Mayor Dodd made a motion to adopt Resolution 2010-38. Commissioner Clottey seconded the motion. The motion carried 4 - 1. Commissioner Sasser voted no.

c. Resolution 2010-39: RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS

Attorney Trevarthen read Resolution 2010-39 by title.

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

Vice Mayor Dodd made a motion to adopt Resolution 2010-39. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

d. Resolution 2010-40: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR WAIVER OF TEMPORARY SIGN PERMIT FEES UNDER CERTAIN CONDITIONS

Attorney Trevarthen read Resolution 2010-40 by title. She explained that this Resolution waived the fees for non-profit uses.

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

Vice Mayor Dodd made a motion to adopt Resolution 2010-40. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Vincent thanked Commissioner Sasser, Teresa Sasser and the volunteers for the Halloween event. He said that he attended Mr. Ragusa's play "Murder at Howard Johnsons" and found it to be funny and fabulous. He encouraged everyone to attend upcoming plays.

Vice Mayor Dodd said he had nothing to report on the Hillsboro Inlet. He congratulated everyone involved in the Coral Reef project and was optimistic that there would be progress. Vice Mayor Dodd said he was pleased with the Town Manager's report and thanked her for her professionalism.

Mayor Minnet invited the Commission to attend the next Broward League of Cities meeting. She stated that on November 15, 2010 she would attend the Mayor's Roundtable at the School Board and encouraged residents to contact her regarding questions they may have. Mayor Minnet thanked the liaisons for their work on Town matters of concern and with Town events. She thanked Commissioner Sasser and Teresa Sasser for the Halloween event. Mayor Minnet reminded everyone that November 11, 2010 was Veterans Day and wished everyone a happy Thanksgiving.

Commissioner Clottey thanked everyone for the Halloween event and stated, that although she was not able to attend, she heard complimentary comments about it. She also thanked Mr. Ragusa for his hard work in regards to the Performing Arts Center. She encouraged everyone to go to the Marie White Christmas event and to try to donate an unwrapped toy for charity. Commissioner Clottey stated that the Broward MPO Light Rail project had been funded by the Federal Government. She added that the idea was to make Broward County more pedestrian friendly. Commissioner Clottey explained that the area involved did not include Lauderdale-by-The-Sea, but hopefully would be included later on as they were working with Miami-Dade County and Palm Beach County to make it easier to work with the State.

Commissioner Sasser thanked the Commission for entrusting him with the Halloween event and stated that he was lucky to have great volunteers on the Committee. He stated that due to generous donations, the net cost to the Town was only $1,600.

Commissioner Sasser thanked his wife, Teresa for her endless efforts. He believed the Committee was the key to the event's success.

14. OLD BUSINESS

a. Choice Environmental Solid Waste Amendment (Commissioner Scot Sasser)

Commissioner Sasser said this was a learning experience and he would like the Commission to meet next week to vote on the ordinance. He explained the high points: 1) multi-family properties could chose the number of carts and would be billed accordingly, however, there was a minimum billing for hope the number of residential units; 2) no charges for changes as long as there were 2 or less per year; 3) bulk would be limited to 1 yard per cart per month; 4) there would be an increase in the renewal notice to Choice Environmental to 180 days, with staff reviewing the renewal before making recommendation to the Commission; and 5) there would be no contract extension to this agreement.

Commissioner Clottey asked whether there was a possibility that Choice Environmental would pick up yard waste separately. She noted that yard waste was not to go into the toters and wondered if it was too late to discuss the issue. Commissioner Sasser believed that was a great point and noted that Choice Environmental had been very accommodating and believed they would be open to discussion. He preferred to discuss it separately from this issue in order to bring relief to the multi-family properties. He recommended that staff discuss it separately with Choice Environmental.

Mayor Minnet added the discussion regarding yard waste to the November 15, 2010 Workshop at 5:00 p.m.

15. NEW BUSINESS

a. Schedule Workshop for Permitted use of recreational activities on the beach (tentative January 2011) (Town Clerk June White)

Town Manager Hoffmann explained that the Commission asked that she hold off on bringing in professionals to speak on strategic visioning and urban planning issues in conjunction with the master plan until January, 2011, to allow everyone a chance to participate. She said one of speakers, David Suchers, author of City Comforts, was available Friday, January 7, 2011 and Saturday morning, January 8, 2011. Town Manager Hoffmann said that it would be a community wide event.

Mayor Minnet inquired as to whether they should seek the vision of the Town prior to a community meeting. She sought the direction of the Commission as to whether they should begin the visioning process, look at priorities, develop a plan and postpone the community meeting until the end of January, 2011 or February, 2011. Mayor Minnet added that perhaps they could discuss in the visioning process recreational activities on the beach and what that would entail.

The Commission scheduled a Workshop for Tuesday, January 25, 2010 at 5:00 p.m. to discuss permitted uses of recreational activities on the beach.

Vice Mayor Dodd inquired as to what time the Community meeting would occur on Friday, January 7, 2010 and Saturday, January 8, 2010. Town Manager Hoffmann said probably late afternoon on Friday, January 7, 2010 and early morning on Saturday, January 8, 2010 to walk the downtown area.

Mayor Minnet asked that staff contact the participants from the previous meeting.

b. Report on 40 year building safety inspections (Development Services Director Jeff Bowman)

Director Bowman explained that the report related to the safety inspection program for properties 40 years or older and their status. Vice Mayor Dodd asked whether the Town controlled the fine figures. Director Bowman stated that the County Enforcement Board handled those cases. Manager Hoffmann asked whether it was possible to handle it through the Town's Magistrate. Director Bowman said he was waiting to hear from the County as to whether that could be done.

Broward County Building Official Daniel O'Linn stated that it appeared not to be a problem to switch it over to the Town, and was waiting on the final word from the County Attorney. Building Official O'Linn stated that there were two (2) separate board hearing cases: Unsafe Structures Board and Code Enforcement Board. He added that the Code Enforcement Board had the most teeth.

Vice Mayor Dodd was concerned that a large number of older properties were under one company, Walnut & Vine. Vice Mayor Dodd inquired as to whether Walnut & Vine was to supply the money to bring these properties up to code. Building Official O'Linn stated that Walnut & Vine was responsive and intended to comply.

Commissioner Vincent asked whether when the owner hired an architect was there a guideline to prevent them from being overcharged. Building Official O'Linn said typically not because that was between the property owner and the company they hired.

Mayor Minnet asked whether the Town had a nuisance abatement ordinance. Director Bowman stated that the Town did not have one. He said a property with an unsafe structure was referred to the County's Unsafe Structures Board. Town Manager Hoffmann added that a nuisance abatement ordinance was on the priority list and believed it was worth looking into and to consider adopting.

c. Town Sewer Rates (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated that staff put out an RFP for a utilities rate consultant but the costs proposed were excessive for the amount of work to be done and so was currently working with a local consultant, Kathie Margolies.

Consultant Margolies gave a PowerPoint presentation on sewer rates. (Her report hereto attached as part of these minutes).

Ms. Margolies explained that the Town had multiple water and sewer providers for water supply and for transmission and treatment of sewage; north of Pine Avenue sewer service was provided by the City of Pompano Beach and south of Pine Avenue the Town owned the sewer infrastructure. She said the Town's sewer costs increased dramatically in 2008 because of actions by the City of Pompano Beach, but Lauderdale-By-The-Sea had not increased rates since 2002. Ms. Margolies added that Town residents serviced by the City of Pompano Beach paid more than residents on the Town's sewer system. She advised that the City of Pompano Beach intended to adjust their rate again in January, 2011.

Commissioner Clottey noted the Town projected a loss of $400,000 in the sewer fund this year. She believed that the Town would continue to lose hundreds of thousands in the following years and asked why the Town would put themselves at risk. Commissioner Clottey believed the Commission needed to bite the bullet and not further diminish the reserves.

Ms. Margolies explained that under a scenario where rates were hiked several times over three (3) years the Town would have a $233,000 deficit the 1st year, $132,000 deficit the 2nd year and an $80,000 deficit the 3rd year. She said the Town could use a 2 step process to impose an increase in February, 2011 and again in October, 2011, or impose an increase in February, 2011 and again the following January, 2012. She explained that with this 2 step process the Town's fund balance would be at the same point as in the 1st year and an approximate $10,000 decrease in the 2nd year. Town Manager Hoffmann clarified that these numbers were estimates only.

Commissioner Clottey was not fond of dipping into the reserves. She believed everyone should pay whatever their cost was.

Commissioner Sasser agreed with Commissioner Clottey. He asked how the surplus funds were acquired. Town Manager Hoffmann explained that in 2002 rates were set high enough to create a surplus but that changed in 2008. Commissioner Sasser asked whether the 3rd year plan included extra money anticipated. Town Manager Hoffmann said it would not; it would be the complete opposite. Commissioner Sasser suggested seeing the numbers that would get the Town to break even and get back to a surplus in one step. He believed the increase per property was not that extreme and they should fix the deficit all at once.

Commissioner Vincent believed the ultimate goal was to create a level playing field. He inquired as to whether the City of Pompano Beach's billing on the north end of Town

currently brought in any revenues to the Town. Town Manager Hoffmann said she would get an answer back to the Commission at a later date. Commissioner Vincent asked whether the City of Pompano Beach's rates provided for money to be put aside for repairs to their system. Ms. Margolies said they did.

Vice Mayor Dodd believed it was necessary to get the rates in line with the City of Pompano Beach. He did not believe it was good policy to have one section of Town funding another section of Town, or funding the sewers from the General Fund. He believed there were further complications to the issue, even after rate hikes, because the north end infrastructure was covered in the rates paid to the City of Pompano Beach, yet the sewers in the south end of Town still belonged to the Town. He added there would be a significant cost in keeping up that depreciating asset for routine repairs. Vice Mayor Dodd believed the Town needed to build a fund to pay for eventual replacement of the sewers in the south end of Town.

Mayor Minnet stated this was a problem that was inherited and needed to be corrected. Town Manager Hoffmann stated it would take an ordinance change and notice to sewer customers on when a public hearing for rate changes would occur. She asked whether the increase should be done all at once. Mayor Minnet stated that the consensus of the Commission was to do so.

Town Manager Hoffmann said she would bring an analysis to the November 22, 2010 Roundtable, an ordinance for first reading December 7, 2010 and second reading January, 25, 2011, in order for the new sewer rates to become effective in February, 2011. She stated that at least a 30 day notice was required by the City of Ft. Lauderdale to program a sewer rate increase into their bills to Lauderdale-by-the-Sea residents. She explained to the audience that the Town contracted with the City of Ft. Lauderdale to handle the billing of sewer charges.

Commissioner Sasser wanted to see the per unit increase per month to get the Town even and see a rate increase that would allow for a reserve. He wanted to see the number before proposing an increase all at once.

Vice Mayor Dodd believed now would be time to consider splitting out water usage for sprinklers.

Mayor Minnet said she needed to see the numbers also, and believed the condominiums were going to be affected the most and should get a heads up. Town Manager Hoffmann stated that she would send a letter to the condominiums once the Commissioner decided what the ordinance was to contain in terms of the rates. Mayor Minnet expected to see this at the next roundtable.

16. TOWN MANAGER REPORT

Commissioner Sasser asked whether the VFD was refusing an oversight board. Town Manager Hoffmann said they were not refusing; rather they were not overly receptive to

it. On the issue of the fire inspector, she said that currently only Fire Chief Paine was a Certified Fire Inspector. Town Manager Hoffmann stated that the VFD did not want to be contractually bound by the operational requirement, that each member respond to 20% of all calls.

Commissioner Sasser asked whether there were any outstanding issues regarding the Fountainhead. Town Manager Hoffmann indicated she and Chief Paine had met with the Fountainhead board. She stated that as a result of that talk, the Fountainhead agreed to contact the VFD and let them know where the keys were located should a fire occur and would schedule a time for the VFD to make a fire safety presentation to their residents and conduct a fire drill. Commissioner Sasser suggested placing Imperial Lane on a Roundtable to discuss a neighborhood improvement program.

Town Manager Hoffmann said she had not yet met with the Chamber of Commerce to discuss a contract due to time constraints. She asked for authorization to pay the chamber of Commerce's 1st quarter contribution.

Vice Mayor Dodd made a motion to approve funding to Chamber of Commerce for the 1st quarter. Commissioner Vincent seconded the motion. The motion carried 5-0.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen said she sent the Commission a copy of the recent Broward County Charter changes. She said it was her interpretation, as well as the Broward County Attorney's, that the question relating to Broward County's ability to regulate ethics within the cities were not effective in any municipality until the Broward County Commission adopted an implementing ordinance. Attorney Trevarthen stated that she would keep the Commission updated.

Attorney Trevarthen hoped to have something ready for the Commission sometime in December regarding the Coral Reef project.

18. ADJOURNMENT

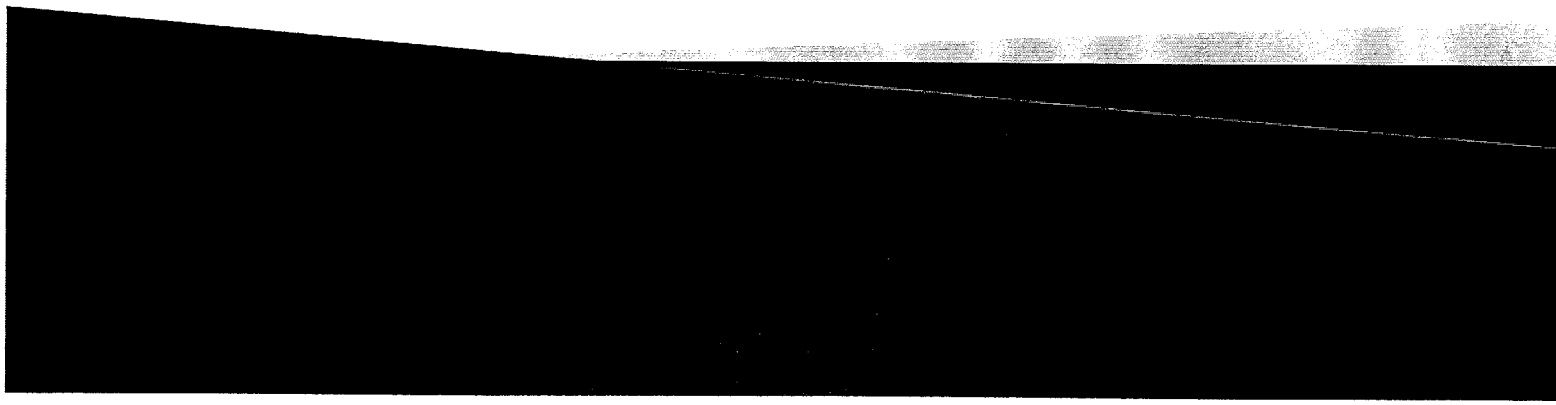
Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:57:p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

_____
Mayor Roseann Minnet

_____ _____
Town Clerk, June White CMC Date

TOWN SEWER RATE REPO



Town Sewer Rate Backgrou

- Town has multiple water and sewer service providers.
- LBTS sewer service area runs north and ends Pine Avenue.
- The Sea Ranch Club Condos sewer service fr Pompano Beach but are billed lower LBTS ra
- Pompano Beach provides water and sewer se to a portion of the Town and bills consumer directly.

Town Sewer Rate Issues

- LBTS contracts with Pompano Beach M
  for transmission and treatment of sew
  Master Sewer Agreement

- The cost of the Master Sewer Agreeme
  dramatically increased in 2008, yet

- No LBTS rate increase since 2002

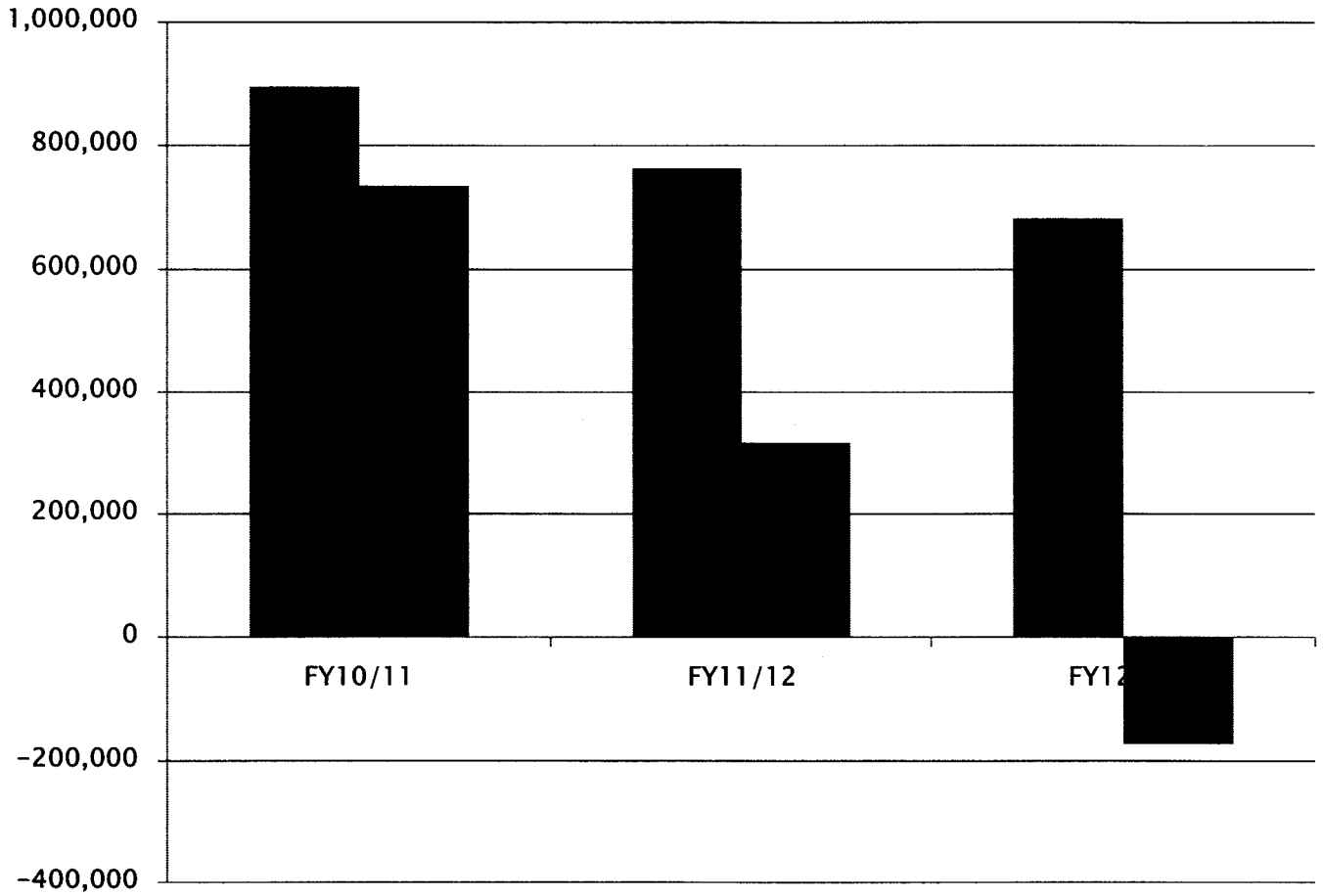
Town Sewer Rate Issues

- Health of the Sewer Fund is at risk du
  Escalating use of Sewer Fund Balance
  cover operating expenses

- Sewer Fund Balance is both our emerge
  fund plus only current source for capita
  replacement for the sewer infrastructur

- Infrastructure is over 50 years old

FUND BALANCE SCENARIOS



LBTS Town Commission Meeting
November 9, 2010

Town Sewer Rate Issues

- Residents of LBTS whose sewer service is di
  provided by Pompano Beach are paying muc
  higher rates than LBTS residents on the LBT
  system.

- Direction to convert to rate structure similar
  Pompano Beach so all LBTS residents are pa
  similar rate

Current LBTS and Pompano Rate Compa

LBTS Current Rate Structure

Base Charge

- Fixed Rate for Single Family and Duplexes
- Fixed Rates based on Meter Size for Commercial and Multifamily

Plus Volume Charge

Pompano Beach Rate

Base Charge

- Fixed Rates for ea household and ea commercial unit.

Plus Volume Charg

LBTS CURRENT SEWER RATES

- **Single Family/Duplex**– Base Rate– $7.60

Volume Rate–$3.00/1000g after first 200

- **Multifamily and Commercial**–By Meter Siz

5/8" 7.60
3/4" 19.00
1" 38.00
1.5" 60.80
2" 121.60
4" 190.00

Volume Rate–$3.00/1000g

POMPANO SEWER RATES FOR LBTS CUSTOME

Jan. 1, 2011

- **Single Family**– Base Rate– $14.89
Flow Rate–$3.46/1000g

- **Multifamily and Commercial**–Per Unit
Duplex and Multifamily– Base Rate– $14
Commercial–Base Rate– $16.33
Flow Rate–$3.46/1000g

Possible LBTS Rate Increase Scenar

Three Year Possible Implementation Sche

February 1, 2011
October 1, 2011
October 1, 2012

LBTS Town Commission Meeting
November 9, 2010

Possible LBTS Rate Increase

- Increase SF base rate $7.60 to $9.48 Ye
- Move Duplex into MF classification, per rate $9.08 Year 1
- MF changes from meter rate to per unit $9.08 Year 1
- Increase Commercial Meter Rates 5% Ye 10% Year 2 and 10% Year 3.

EFFECT ON SINGLE FAMILY

- Assumes usage of 5,000 gallons of wat month
- CURRENT RATE: monthly sewer bill, $1 per household ($7.60 + volumetric cha $9).
- PROPOSED FIRST RATE INCREASE: $9.48 + volumetric charge of $9 = $18.48
- % RATE INCREASE: 11.3%

EFFECT ON DUPLEX

- With a single meter, currently pays the same b rate as single family home,
- CURRENT RATE: $7.60 per duplex(base rate c + $24 for volume (assumes both sides of the use 5,000 gallons) = $31.60, $15.80 per hous
- Under Pompano rate system treated as two ur
- PROPOSED FIRST RATE INCREASE: $9.08 base units = $18.16 + volume charge for 10,000 g ($30) = $48.16 ($24.08 per household)
- % RATE INCREASE: 52%

EFFECT ON 25 UNIT COND

- With a 1 ½" meter, assumes 125,000 gallo water usage,
- CURRENT RATE: $435.80, ($60.80 base ra $375 volume) equates to $17.43 per hous
- PROPOSED FIRST RATE INCREASE: 25 x $9. $227 base rate + $375 volume = $602 /= $24.08 per household , per month
- % RATE INCREASE: 38% increase ($6.65 per household)

EFFECT ON 50 UNIT COND

- With a 2" meter, assumes usage of 250,00 gallons of water per month.
- CURRENT RATE: $875 ($121.60 base rate + volume charge. Equates to a per household of $17.43.
- PROPOSED FIRST RATE INCREASE: 50 x $9. $454 + $750 volume = $1,204 = $24.08 household.
- % RATE INCREASE: 38% increase ($6.65 per household)

EFFECT ON 100 UNIT COND

- With a 4" meter, assumes average consum of 5,000 gallons per household.).
- CURRENT RATE: $1690 ($190 + $1,500 v $16.90 per household
- PROPOSED FIRST RATE INCREASE: $2,408 ($9.08 = $908 + $1500 volume), 24.08 pe household
- % RATE INCREASE: 43% ($7.18 per month

EFFECT ON 200 UNIT COND

- With a 4" meter, assumes consumption ave 5,000 gallons per household
- CURRENT RATE: $3,190 ($190 + $3,000 v = $3,190), $15.95 per household
- PROPOSED FIRST RATE INCREASE: $4816 (2 $9.08 = $1,816 + $3,000 volume), $24.08 household
- % RATE INCREASE: 51% ($8.13 per month

Effect of Second and Third Year Rate In

	FY 11/12	FY 1
Single Family	8%	13
Duplex and Multifamily	7%	9

UNKNOWNS

- Rate Scenario for 3 years assumes Pom increases Master Sewer Rates in Jan. 20 Does not project additional Pompano increases in later years.

- Engineering Study to be done by LBTS t year. Nothing included in rate scenario cover capital costs.

Other Scenarios

Option

- Push multifamily rate increase to subsequent years

Effect

- Draw down fund balance more quickly