

81

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION

ROUNDTABLE

MINUTES

Jarvis Hall

4505 Ocean Drive

Wednesday, June 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. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Interim Assistant Town Manager Bud Bentley, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. DISCUSSION ITEMS:

a. Adding agenda items on the evening of a Commission meeting without backup from staff or attorney review (Mayor Roseann Minnet)

Mayor Minnet questioned whether items could be added or deleted at Roundtable meetings. Attorney Trevarthen stated that her preference was to follow the agenda in front of them however it may not always be the same situation. Mayor Minnet explained that the Town Attorney did not recommend it because the audience would not have enough notice.

Interim Assistant Town Manager Bud Bentley said the item the Mayor referred to was flags in the right-of-way. He said it would be placed on the next Roundtable agenda.

Mayor Minnet reminded the Commission that Town staff and the Town Attorney needed time to review items before they were placed on the agenda. She suggested that if items were to be added then the discussion should be brief and then pushed to the next Roundtable meeting.

Commissioner Sasser said he was not in favor of adding any items to either the regular agenda or a roundtable agenda unless it was a pressing issue. He said when the items were brought up the Commission did not get to review them either.

Commissioner Clottey said that some situations were different. Mayor Minnet agreed that some issues were different and some issues needed to go to staff and/or the Town Attorney first.

Vice Mayor Dodd explained that sometimes Town staff preferred a consensus of opinion first. Attorney Trevarthen suggested creating a section under the Town Manager Report to bring up those items.

Commissioner Sasser suggested the Commission think about setting a date as to when they thought that they would cut back on the number of meetings. He added that he did not like adding things at the last minute. Commissioner Sasser stated that he would be willing to be flexible as long as it was not taken advantage of.

There was Commission consensus to add a place on the agenda for pressing matters only.

Mayor Minnet pointed out there was not a Roundtable meeting scheduled for September. There was no comment from the Commission.

There was no further discussion.

b. Review draft ethics ordinance (Town Attorney Susan Trevarthen)

Attorney Trevarthen said she provided a draft ordinance regarding a Code of Ethics and excerpts of certain Florida Statutes.

Vice Mayor Dodd wanted to retrieve the simple version of the ethics code that was first brought forward. He believed that version was clearer with only approximately 15 lines. He did not want to include the legal structure.

Attorney Trevarthen advised that Sub-Section 1 created the basic concept and Sub-Section 2 provided protection against the statutory obligation to vote. She explained that the Ordinance created a local situation in which a vote would not take place. Attorney Trevarthen continued that Sub-Section 3 stipulated the requirement not to participate in a Shade Session and Sub Section 4 was designed to address evasion and Sub Section 5 created a rule that if a majority was unable to vote, no action could be taken. She added that Section 6 stated that the Commission must comply with the Statute and Section 7 gave authority to the way in which the terms should be interpreted.

Commissioner Sasser requested the word "connection" be changed to "affiliation" which was more specific. He also wanted to be certain that even though someone abstained, the ability to take part in the discussion would remain. Attorney Trevarthen said that the new draft currently allowed participation. Vice Mayor Dodd wanted to add the word "participate". Mayor Minnet said she wanted to be certain that Commissioners were not hindered from doing business with people in Town. Vice Mayor Dodd believed that as long as it was not Town related business it would be allowed. He explained that a Commissioner could give their expertise but not give a quote. Attorney Trevarthen advised that the current ordinance only hindered a Commissioner from

working directly with Town vendors. Commissioner Sasser believed the definition of that affiliation would make it clearer.

Mayor Minnet requested that the ordinance come back to Roundtable within a month containing the changes. Vice Mayor Dodd requested that it come before the Commission as an Ordinance at the next regular Commission meeting. Attorney Trevarthen stated that she would prepare the Ordinance for 1st reading for Commission review within 1 month.

c. Trial valet parking (Mayor Roseann Minnet)

Interim Assistant Town Manager Bentley said that Town Code did not have any provisions for valet services on a public right-of-way. He added that research showed that other cities that had parking issues allowed this type of service. Interim Assistant Town Manager Bentley showed a picture of 2 spaces that would be allocated as the transfer place and gave an overview of the proposed location for the valet service.

Interim Assistant Town Manager Bentley said a meeting was held with the interested parties. He added that several locations were discussed to determine which location was best, yet each suggestion had deficiencies. Interim Assistant Town Manager Bentley said the option presented was the best option. He stated that the pier parking lot could do it because it was private property and advised that there was a code issue.

Interim Assistant Town Manager Bentley suggested that downtown congestion was not that bad. He recommended that the Commission first decide whether they wanted to allow valet service and then discuss the location. He suggested that should the Commission decide to do the valet service on a trial basis, staff could determine trial period regulations and present them to the Commission for approval.

Commissioner Clotey asked if the time to unload and move the cars depended on the number of staff available and whether the vehicles would be picked up and returned to the same place. Interim Assistant Town Manager Bentley confirmed.

Interim Assistant Town Manager Bentley said until valet service was observed in action it would be difficult to predict where the trouble spots would be. Commissioner Vincent said he reviewed the possibilities and suggested that they not leave the alleyway upon pickup. He suggested they leave the car near the sidewalk on the north side of Country Ham and Eggs and have the owner of the vehicle retrieve their vehicle there. Commissioner Vincent preferred that the stacking of cars occur in the alley rather than on El Mar Drive.

Interim Assistant Town Manager Bentley believed the alley would be convenient for returning cars as long as Aruba was not using it. He said the businesses understood that they could not overcrowd that alley. Mayor Minnet said they could not stack the alley as that was Aruba's access. Interim Assistant Town Manager Bentley stated that staff suggested the Commission not try to come up with a design at this time as that

was something that needed to be determined on site. Interim Assistant Town Manager Bentley said there was plenty of room on El Mar Drive north of Commercial Boulevard.

Mayor Minnet believed an evaluation in the field was needed. Interim Assistant Town Manager Bentley assured the Commission that there would always be a lane unaffected by the valet service.

Mayor Minnet said she was in favor of moving forward with this and wanted to make sure everyone who would be affected was notified. Interim Assistant Town Manager Bentley confirmed that had already been done.

Vice Mayor Dodd wanted the valet services to go forward on a trial basis. He understood there may be a public safety issue but still wanted to give it try with an evaluation after 60 days. Commissioner Vincent agreed to a 60 day, monitored pilot program.

Commissioner Sasser also favored a pilot program and believed there were holes in the plan that needed to be addressed prior to being implemented. He wanted to make sure it was safe first and inquired of the monitoring procedures.

Commissioner Vincent suggested that the pilot program include that monitoring get reported to staff with an extra person on hand for monitoring. Vice Mayor Dodd thought the monitoring should not be done by Demco. Interim Assistant Town Manager Bentley said he did not want the valet service to do the monitoring. He said the report would be written by staff and staff would do spot monitoring. Mayor Minnet said the community would let the Commission know if the program was going well or not. Commissioner Clotey suggested installing a camera. Interim Assistant Town Manager Bentley said he would talk to BSO regarding the camera.

Interim Assistant Town Manager Bentley said that Town staff did not recommend free parking for residents during the trial period.

Commissioner Sasser said he wanted to see a contingency plan when the plan came back. He did not want it to go to where they could not make changes in the field but wanted some type of protection.

Commissioner Sasser said he wanted to make sure that public spaces would not be taken up which would force residents to use valet. Interim Assistant Town Manager Bentley confirmed that the metered parking would be prohibited from valet parking and all valet parking would be on private property. Commissioner Sasser said he did not want the word "Town" associated with the Valet Service and did not mind "By-The-Sea". Interim Assistant Town Manager Bentley said they did not want anyone to think the valet service was a Town service. Commissioner Sasser asked for a time frame as to when the Valet Service would begin. Interim Assistant Town Manager Bentley said that the valet service was ready to go forward following the July 4th weekend.

Mayor Minnet believed that the problem with people parking at the SunTrust bank needed to be looked at. She suggested having discussions with the building owners. Interim Assistant Town Manager Bentley said that Town staff would look at the code and bring it back to a future roundtable.

Vice Mayor Dodd believed the valet would be parking the cars in Town spaces so that the Town would get revenue. He said he was under the impression the valet service was going to fill the meters. Commissioner Vincent suggested that perhaps a deal could be struck between SunTrust and the Valet Service.

Commissioner Clotney stated that SunTrust was not interested in renting their spaces due to liability issues. She believed that the valet service could use Bougainvillea parking lot.

It was the consensus of the Commission to go forward with a monitored pilot program for valet service.

This item was placed on the June 22, 2010 Regular Commission meeting for an official vote.

d. Florida League of Cities Voting Delegate (Town Clerk June White)

Mayor Minnet explained that there was one voting delegate and an alternate per municipality. She said she would attend and advised that the budget allowed for all Commissioners to attend. Mayor Minnet said the conference was at the Diplomat Hotel in the City of Hollywood from August 15th through August 21, 2010.

Commissioner Clotney named Mayor Minnet as the Voting Delegate and encouraged the new Commissioners to attend as well. Commissioner Vincent agreed to be the alternate.

There was Commission consensus for Mayor Minnet to be the Voting Delegate and for Commissioner Vincent to be the alternate.

This item was placed on the June 22, 2010 Regular Commission agenda for an official vote.

e. Amendment to Chapter 30 Section 313 (31) and addition of Sub Section (31-5) regarding accessory building and structures (Interim Assistant Town Manager Bud Bentley)

Director Bowman said staff wanted to put a policy in place regarding sheds. He noted that multi-family dwellings needed to be looked into as well.

Commissioner Vincent believed there may be some argument based on the proposed language. Attorney Trevarthen said she could make any changes the Commission wanted once she received direction.

Vice Mayor Dodd asked whether other codes needing changed could be bulked together to avoid the costs involved in advertising.

Commissioner Sasser asked whether the Commission wanted the applicant to wait until there were enough code changes. He pointed out there was a code violation on record for this person. Attorney Trevarthen said approval was given to the person the previous evening.

Director Bowman explained there was no urgency in this matter as the amendment was for future applicants.

Attorney Trevarthen advised that as long as the code amendments were under the same subject they could be lumped together for advertising. She warned that combining several code changes together could become overwhelming for staff and the public. Mayor Minnet believed that public perception needed to be taken into consideration and understood that it could be costly.

Director Bowman said there were other changes going before the Planning and Zoning Board that could be lumped together. Attorney Trevarthen said she would work with staff to see if that was possible and bring it back before the Commission for review.

Commissioner Clotney mentioned taking down a shed pending hurricanes. Commissioner Vincent believed that it was covered on the last page in paragraph 5. Attorney Trevarthen believed Commissioner Clotney referred to enforcement and penalties. She advised that it was subject to the general penalty in the code.

Director Bowman said if the Commission recommended it, it could be included.

It was the consensus of the Commission that the Town Attorney work with staff to bulk together other code amendments for a July Commission meeting (date unspecified)

f. BCCMA request to financially support the Haitian Relief Initiative (Interim Town Manager Connie Hoffmann)

Vice Mayor Dodd asked whether it was legitimate to use taxpayer's money to support this cause. Attorney Trevarthen stated that the Commission supported non-for profit and charitable enterprises and this appeared to be the same. She advised that should the Commission desire to go forward with the donation the \$2,500 was within the Town Manager's authority and would not need an official vote of approval. Mayor Minnet said direction could be given to staff.

It was the consensus of the Commission for the Town Manager to go forward.

g. Town Manager Selection Process.

Mayor Minnet said that Interim Town Manager Hoffmann said she was not certain as to whether she wanted to remain in the Town Manager position.

Attorney Trevarthen reminded the Commission that it would take 90 days to complete the process and stated that Interim Town Manager Hoffmann had recommended an RFP as soon as possible.

Attorney Trevarthen believed that an interpretation could be made for the rules pertaining to the educational background that was in the Charter. Commissioner Clotley believed it was also important to look at experience. Vice Mayor Dodd said the previous Town Manager did not have the requirements listed in the Charter. Commissioner Clotley said that the former Town Manager was inherited.

Vice Mayor Dodd said he was concerned with the benefits section and did not agree with the vacation and sick leave provisions. He said he did not want to follow what other municipalities did.

Commissioner Sasser favored the removal of all the benefits and favored a higher salary without all the perks, such as a town vehicle, sick leave, severance, and others. Mayor Minnet advised that other municipalities either gave a higher salary with lower benefits or vice versa. She believed it depended on the applicant as to what their preference was and how beneficial the option was to them. Mayor Minnet asked how it could be written that the Commission was willing to negotiate options. Attorney Trevarthen said it could be written into the total compensation package that would be similar to other municipalities. Commissioner Sasser suggested changing the word "comparable" to "competitive".

Commissioner Vincent believed it was all negotiable as each applicant would come to the table with their own ideas. Mayor Minnet said she wanted to give the applicants some idea on what was being offered. Mayor Minnet wanted to add "Broward County" in the first paragraph in addition to Ft. Lauderdale. She also believed there should be more description under the responsibilities section regarding the oversight of public safety.

Mayor Minnet wanted the statement that the Town had gone through political turmoil removed and asked that the Town had an election every 2 years be removed also as the potential applicants should do their homework. She would rather other pertinent information take its place.

Commissioner Sasser believed that internal technology needed to be upgraded. Commissioner Clotley believed that the Town was on the cutting edge of technology compared to other cities and referred to online technology. Mayor Minnet said that it

was the internal organization that needed to be looked at. Commissioner Clotley did not believe that was something that needed to be in the RFP.

Commissioner Sasser requested discussion regarding a salary range. Vice Mayor Dodd and Mayor Minnet wanted the salary to be negotiable. Commissioner Sasser wanted only the salary to be negotiable. Attorney Trevarthen suggested stating that the salary was negotiable with competitive benefits.

Commissioner Sasser suggested a salary range from \$120,000 to \$170,000. He added that he would agree to go lower than \$120,000 but not higher than \$170,000. Vice Mayor Dodd was agreed. Commissioner Clotley suggested the range be from \$115,000 to \$170,000. Vice Mayor Dodd wanted to see a salary structure for increases. Attorney Trevarthen stated that the Interim Town Manager advised that it was proportional to town size and starting point.

Mayor Minnet suggested moving forward. She also suggested that the Commission shortlist the applications between 3 and 5 for a consultant to review.

Commissioner Vincent did not see why someone other than the Commission needed to make the decision. Attorney Trevarthen explained that the key part was reference checking. She clarified that once the applications were short listed by the Commission they would be handed to the search consultant.

Vice Mayor Dodd preferred doing the checking prior to a shortlist and give the shortlist to the Commission. Commissioner Vincent inquired of the cost. Interim Town Manger Hoffmann said the average cost for the service was \$20,000. Vice Mayor Dodd was concerned with picking 5 people that were not qualified.

Commissioner Clotley suggested obtaining the cost for the consultant to do the front end work, the back end work, or both.

The Commission consensus was to make the salary range \$115,000 to \$170,000 and have the Town Attorney prepare an RFP and cost alternatives for the June 22, 2010 Commission meeting.

This item was placed on the June 22, 2010 Regular Commission agenda for an official vote.

h. Youth Soccer Program

Mayor Minnet said she wanted to look into a Soccer Program and see if it would fit into the budget. She believed it could be an opportunity to expand youth activities. Mayor Minnet wanted to look at its opportunity to expand it into an adult program as well.

Commissioner Sasser asked that Town staff make sure the ground was level enough for this type of activity and asked staff to obtain the cost.

It was the consensus of the Commission to have staff look at the program, its risk factors and budget availability.

3. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:30p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

Date