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# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION

### ROUNDTABLE

### MINUTES

Jarvis Hall

**4505 Ocean Drive**

**Wednesday, April 28, 2010**

**7:00 P.M.**

## **AMENDED APRIL 28, 2010**

### 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 Trevarthen, Interim Town Manager Connie Hoffmann and Town Clerk June White.

### 2. DISCUSSION ITEMS:

- a. Resolution 2010-07: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - Changes and/or additions to be applied at meeting per Town Attorney - Deferred at the April 13, 2010 Commission meeting - Vice Mayor Stuart Dodd - Deferred at the April 16, 2010 Roundtable for Town Attorney revision

The Commission discussed and determined that the agenda procedures would be adopted as follows:

- 1) Department head reports were to be emailed to the Commission and placed on the Internet and no longer placed on the agenda.
- 2) BSO, AMR & VFD reports were to be placed under Public Safety Discussion.
- 3) Town Manager and Town Attorney reports were to be placed at the end of the agenda.
- 4) Public Comments were to follow presentations and the public speaker should identify whether they were a resident or non-resident and not give their address.
- 5) Public Safety was to follow Public Comments.
- 6) Commissioner Comments was to come before Old Business.

The Commission discussed whether 1 or 2 meetings would be needed and favored 1 regular meeting and 1 roundtable meeting per month once they were caught up. The Commission preferred that 2 Commissioners rather than 3 would be needed to call emergency meetings. It was the consensus of the Commission that the history for

agenda items should be in the form of a memorandum with a brief explanation and if an item was placed on the agenda that did not need to be there, such as a staff issue, it would be removed if requested by the Town Manager.

- b. Discussion regarding trial valet for downtown businesses. Proposal submitted via letter to all Commissioners from Joseph Brennen, Secretary/Treasurer, Beach Restaurant, Inc. DBA 101 Ocean. Letter attached to this item request form (Commissioner Scot Sasser) \* Not enough time to research and attach prior Commission meeting minutes, Town Attorney's response or opinion, nor staff input - Deferred at the April 16, 2010 Roundtable for backup information

Commissioner Sasser believed the Commission was in favor of going forward with a pilot or test program. The Commission confirmed that they favored a pilot program.

Vice Mayor Dodd believed a pilot program would provide an opportunity for modification of the program. He believed it was generous of the 2 businesses that were prepared to spend their own money to advertise the service as a new facility for the Town of Lauderdale-By-The-Sea and not put their names. Vice Mayor Dodd wanted to see liability insurance.

Commissioner Sasser was concerned with liability if it was referred to as a Town valet and he wanted the input from staff to help find solutions during evaluation. He added that he was not in favor of changing the Ordinance for a pilot program. He preferred waiting until the program succeeded.

Attorney Trevarthen stated that a code change would be required in order to allow a valet service. She added that to imply valet service was a Town service would imply that the Town was behind it and would be liable.

Commissioner Sasser suggested that a meeting occur where other businesses could attend and give their input. He wanted full input from as many people as possible to make sure it was done correctly.

Commissioner Clotey was concerned with the liability by attaching the Town's name to the valet service. She believed that everyone should know that the service was a private business venture and not the Town's. Commissioner Clotey believed that the hotel businesses should also be included in the conversation and that no streets should be blocked off unless it was only for a short time.

Interim Town Manager Hoffmann asked for clarification as to whether Town staff was to meet with the applicants to discuss how the service would be handled and to speak with everyone in the area that would be affected, and follow up with the Town Attorney pertaining to necessary ordinance changes.

Mayor Minnet asked how Fort Lauderdale did it along Las Olas Boulevard. She suggested looking into how other areas handled it. Mayor Minnet agreed that liability was a concern.

Commissioner Vincent said the businesses involved were in favor of a valet service. He believed it should be advertised as a private business venture.

Attorney Trevarthen believed it would be best for staff to determine what was desired. Mayor Minnet stated concerns with location at Ham and Eggs, and believed Kilwin's would be a better location. She believed it was necessary to have traffic calming officers on duty as the light on A1A was not on FDOT's list.

Commissioner Clotey believed that the light on A1A and Commercial Boulevard needed to be fixed. Vice Mayor Dodd agreed as did the Commission. Mayor Minnet believed it should be brought up in the discussions.

Commissioner Sasser wanted to get solid procedures on how to handle issues that may occur. He added that procedures should be fair to both sides. Commissioner Vincent stated that the businesses he spoke with agreed that if it should not work they would shut it down. He added that the complaints should be valid and not anonymous complaints.

Mayor Minnet stated that it was the consensus of the Commission that the staff work with the businesses.

Commissioner Sasser said a resident questioned whether this was the right time to test the program. He believed it was as it allowed time to make adjustments. Mayor Minnet agreed.

Mayor Minnet questioned whether Resolution 2010-07, discussed earlier, was to return to a future Roundtable or Commission meeting. Attorney Trevarthen advised that she would revise the Resolution and asked the Commission to indicate whether they wanted it on the Roundtable or placed on the next Commission meeting agenda.

It was the consensus of the Commission to place the revised version on the next regular Commission meeting agenda.

There was no further discussion.

- c. Discussion: concern has been expressed about speeding cars on Seagrape south of Commercial. Some drivers are using this street to bypass the Commercial and A1A intersection. A resident has requested the installation of speed bumps on this stretch of Seagrape in order to slow down traffic (Commissioner Birute Ann Clotey) \* Not enough time to research and attach prior Commission meeting minutes, Town Attorney's response or opinion, nor staff input - Deferred at the April 16, 2010 Roundtable for backup information

Commissioner Clotley stated that some of the residents that lived on that street were concerned about the speeding cars and wanted speed bumps in that area. She said she knew that Broward County would have to give their permission and inquired as to what the necessary procedure was.

Vice Mayor Dodd stated that traffic studies were previously done and Broward Traffic Engineering gave a negative response and suggested the use of police at the bottom of the road to catch the speeders.

Commissioner Vincent said he lived on the north end of Sea Grape Drive and the speed bumps there did not deter speeders.

Interim Town Manager Hoffmann suggested enforcement at both the north and south end of Sea Grape Drive. The Commission agreed.

Commissioner Clotley believed Bougainville Drive had the same problems. Vice Mayor Dodd stated that Bougainville Drive had become a cut through to A1A and used as a "rat run" because there were no stop signs. He wanted the Master Plan Steering Committee to look at making the road traffic calming and give their thoughts and report on their investigations. Interim Town Manager Hoffmann suggested looking at other traffic calming rather than speed bumps, such as changing the traffic pattern. Commissioner Sasser believed it was the left turn signal at the corner of A1A and Commercial Boulevard that caused people to use Bougainville Drive.

Mayor Minnet concluded that the item was referred to staff for review and recommendations.

There was no further discussion.

- d. Discussion on allowing the Lauderdale-By-The-Sea Property Owner's Association meetings to be televised and relayed on Channel 78. Their guest speakers are very informative and the programs could benefit all residents (Mayor Minnet)

Mayor Minnet believed the non-political Property Owners Association was an integral part of Town. She believed their informative meetings deserved televising. Vice Mayor Dodd and Commissioner Vincent agreed.

Commissioner Clotley believed if televising was open to one organization it should be open to all organizations. The Commission did not agree explaining that a political organization should not be allowed to televise them. Attorney Trevarthen said she could check the communication rules and would advise whether it was legal.

Vice Mayor Dodd stated that it was justifiable to have State Representatives televise their meetings. He had no objection to allowing political organization using Jarvis Hall

for their meetings but was against televising them and did not want to see televising become an infomercial.

Attorney Trevarthen advised that there were Federal issues in the use of this type of government channel.

It was the consensus of the Commission to refer to the Town Attorney to review Federal Communications rules and report back at a future Roundtable.

There was no further discussion.

e. Discussion on updating the purchasing manual - Information requested (Mayor Minnet)

Mayor Minnet believed this was something the Interim Town Manager could take a look at updating. Vice Mayor Dodd wanted the word "aloud" added to the purchasing manual so that RFPs could be read "aloud" wherever possible. He understood some RFPs could be complicated.

Interim Town Manager Hoffmann suggested that it be looked at, identify the issue, and address it at a later date, rather than immediately. The Commission agreed.

f. Commission approval to proceed with RFP 10-03-02 for Realtor (Interim Town Manager)

Mayor Minnet noted that this item had been pulled from the previous Commission meeting for Roundtable discussion.

Commissioner Vincent stated that the building was used for storage of equipment. He added that the area was more than what they actually needed and therefore the building was not being used to its best potential. Commissioner Vincent said the Commission should consider whether to sell the building or rent the space.

Interim Town Manager Hoffmann suggested staff do a full analysis and report back to Commission. Commissioner Sasser requested an inventory of what was stored in the building and whether the space could be rented.

Mayor Minnet stated that it had been rented previously to North Ridge Hospital and believed that with the down market, there may be an opportunity to rent it again. She pointed out that the rent would cut down on the cost of maintaining the building.

Commissioner Vincent reiterated that there was a substantial amount of storage space that was not utilized and believed that leasing it would be more responsible than selling the building.

There was no further discussion.

At the end of item 2g, Mayor Minnet returned to this item and inquired of the \$15,000 real estate taxes and the 2007 exemption. Interim Town Manager Hoffmann believed the Town was not paying taxes on it and said she would clarify at a future meeting.

- g. Code of Conduct for Commission. This will be in addition to a Code of Ethics. Attached backup is simply a draft for discussion and consideration. I would like to have the Town Attorney, after discussion from the Commission, begin drafting the Code of Conduct for the Commission. I expect this to be pushed to Roundtable discussion but wanted to get this in front of the Commission for immediate attention (Commissioner Scot Sasser)

Attorney Trevarthen asked for clarification as to whether the Code of Conduct was an aspirational pledge or intended to be regulatory in nature. She believed there were a number of issues to address if it was to be part of the Code, such as how to enforce. Commissioner Sasser stated that it was an aspirational Code of Conduct that would go along with a code of ethics.

Mayor Minnet questioned how it would be handled should one of the Commissioners work for a vendor of the Town. Commissioner Vincent did not want to upstage the State Code of Ethics even though he believed the Code of Conduct was to add to the Code of Ethics. Attorney Trevarthen stated there was an overlap which would not be a problem as long as the Code of Conduct remained an aspirational pledge.

Commissioner Vincent referred to Section 3-2 "Constitutional Conditions" of the Code of Ethics that stated that the Constitutional Amendment should not be confused with the Sunshine Law. Attorney Trevarthen explained that nothing that the Commission would do in the pledge would excuse them from their obligations under the Constitution or to be less stringent. Town Attorney suggested adding at the beginning that this was a Personal Code of Conduct for the Commission with a pledge to follow the law.

The Commission agreed to have the Town Attorney draft the aspirational Code of Conduct for review at a future Roundtable.

At this time Mayor Minnet returned to the Realtor Item, item 2f.

There was no further discussion.

- h. Discussion and/or action regarding changing the time for the Board of Adjustment Meeting to an evening hour. I believe this will generate more interest and applications for this Board. I expect a motion to make the meeting time to 6:00 PM or 7:00 PM on a date specified by the Board (Commissioner Scot Sasser)

Commissioner Sasser requested the meeting take place in the evening rather than 11:00 a.m. Clerk White suggested the first Wednesday of every month.

The Commission agreed to schedule the Board of Adjustment meetings for the 1st Wednesday of every month at 6:30 p.m.

The Commission discussed televising the Planning and Zoning Board and the Board of Adjustment meetings and whether a cost would be involved.

Attorney Trevarthen pointed out that those types of meetings were not predominately televised in many cities. It was agreed that Town staff would look into the possibility of televising the meetings.

There was no further discussion.

i. Change of Method for approving Annual Special Events (Mayor Minnet)

Mayor Minnet explained that this item referred to recurring yearly events such as Christmas by the Sea, the Craft Show and not those events the business owners did. She inquired as to what could be done to expedite the events and reduce the costs without having staff involved. Interim Town Manager Hoffmann stated that staff would look at the special event policy as she was believed that it was not necessary to come before the Commission for every event. She also believed that the small events could be approved administratively.

Vice Mayor Dodd believed that recurring events that were exactly the same every year, a simple form was all that would be needed. Commissioner Clottey pointed out that the 4th of July event required different types of permits and should not be automatically approved. Mayor Minnet stated that the 4th of July did change and she was referring to those events that had the same venue, year after year. Interim Town Manager Hoffmann asked whether the Mayor wanted to avoid the bureaucracy associated with the annual events. Mayor Minnet confirmed that she was.

Mayor Minnet inquired as to why staff (Code Enforcement) had to go out every Friday and Saturday night during the events and pointed out that these events had been going on for 5 years. Interim Town Manager stated that it was on her list to find out why staff did that. Commissioner Vincent suggested that staff do a random check instead.

There was no further discussion.

j. Discussion and/or Action: Fire inspection fees for small business/offices are very high compared to larger businesses. Offices up to 1500 sq. ft .are charged the same fee. A small one room office pays the same fee as a large office with a number of employees. The VFD is currently using the fee structure used by Broward County but it can be adjusted by the Town Commission to help out the small businesses - Expected Outcome Fire inspection fees should be reduced for small offices (Commissioner Birute Ann Clottey)

Commissioner Clotey stated that concerned residents believed that if they did not pay their fire inspection fee they would go before the magistrate. She added that some of the residents were concerned about the fees as the fee was not equally applied. She suggested that the current fee structure for 800 square feet and under be lowered to 80 square feet and/or, charge an inspection fee by the building.

Interim Town Manager Hoffmann said she met with Fire Inspector Steven Paine regarding whether the difference in costs affected him in regards to 300 square feet compared to 800 square feet. She said that Fire Inspector Paine said it would not as it took the same amount of time to do the inspection. Interim Town Manager Hoffmann pointed out that there were only 35 properties that were under 800 square feet and stated that if the fee were to be cut in half the Town and the fire department would lose \$1,400 each; an insignificant amount.

Mayor Minnet believed the condominiums were hit hard by the fire inspection fees. Commissioner Vincent asked whether the businesses and condominiums were allowed to get their own independent fire inspector. He believed the Town only needed to make sure that the inspection was done and wondered whether the Town lost money when the businesses and/or condominiums did their own inspection. Mayor Minnet believed revenue would be lost if they were not doing inspections as the fees were shared 50/50 between the Town and VFD.

Commissioner Clotey said inspections were made on all the Commercial buildings. Mayor Minnet inquired as to why then was the revenue down. Commissioner Clotey believed there were about 180 clients that paid late. Mayor Minnet believed that the item 342.210 under the revenue section needed to be looked at. Commissioner Clotey requested the Commission consider a break for the people with a small one room office.

Interim Town Manager Hoffmann clarified that she was to look at whether condominiums could hire outside fire inspectors, whether Town staff was aware of that, and whether that affected the revenue. She said the issue on whether to drop the rates was a Commission decision.

Mayor Minnet was concerned that if the rate was lowered for one, it would need to be lowered for all. Attorney Trevarthen stated that legally the costs had to be related to the costs burdened by the Town. She believed that the fire department would have to say whether or not it was an appropriate fee structure.

Mayor Minnet did not believe the building owner needed to be burdened and that it should be looked at completely. Commissioner Clotey pointed out that it would be cheaper to charge by the building.

Mayor Minnet preferred to see a staff analysis.

There was no further discussion.

k. Discussion regarding method for conducting a search for a full time Town Manager

Mayor Minnet suggested creating a citizen's advisory committee to meet 2 or 3 times to pull everything together. Interim Town Manager Hoffmann stated that the normal thing to do was to interview elected officials to get a clear sense for what they were looking for as far as experience and educational requirements and the major issues that would need to be addressed by the new Town Manager and create a profile. She added that the Commission could hire a recruiter, or a committee or the Range Riders to sort through the resumes and narrow them down, or the Commission could do it themselves.

Interim Town Manager Hoffmann suggested that the Commission could meet with each candidate individually and then as a group.

Commissioner Clotey suggested that a time be put on the selection process. Interim Town Manager Hoffmann stated that it usually took the recruiter approximately 90 days. She said that an RFP could be put out just for that part of the process, to create the profile, create a candidate brochure, and prepare the advertisement, and then the Range Riders could narrow it down. Interim Town Manager Hoffmann added that a full recruitment would cost \$18,000 to \$20,000.

Vice Mayor Dodd believed that if professionalism was preferred, it would come with a cost. He also believed that the Commission should take that route to obtain the right person for the Town.

Discussion followed regarding a correct structure for salary range. Interim Town Manager Hoffmann stated that the comparison should be with cities in South Florida and perhaps West Florida but not with the small cities throughout the state. She added that because Lauderdale-By-The-Sea was a small Town the salaries were not proportionate. Mayor Minnet believed that a benefit package should also be looked at and included.

Vice Mayor Dodd suggested tabling the item to a date certain.

Mayor Minnet asked whether preliminary costs could be obtained and whether an RFP could be put together. Interim Town Manager Hoffmann suggested getting the RFP from the City of Pompano Beach.

The Commission agreed to have the Town Attorney get the RFP from the City of Pompano Beach and email a copy to them. Interim Town Manager Hoffmann stated that Broward County also put out an RFP for recruiting firms. Attorney Trevarthen asked the Commission whether they would want a liaison to work with her firm, in case there were questions. Mayor Minnet said that she would work with the Town Attorney.

There was no further discussion.

I. Discussion regarding Attorney General Opinion on the Law Enforcement Trust Funds

Vice Mayor Dodd explained that after BSO Chief Gooding was transferred out, and approximately one week after the new Police Chief was appointed, he was asked to write a memo to say that he was requesting that the Town use the Law Enforcement Trust Funds, in accordance with the particular Statute to go toward the cost of video equipment, a sally port and a holding cell. Vice Mayor Dodd did not believe it was done correctly as the Statute stated that the Law Enforcement Funds could not be used for routine maintenance or to provide facilities. Vice Mayor Dodd believed that renovations to a facility were the same and that the Town should provide the facilities for BSO to do their job. He asked the Commission to decide, based on the opinion received from the Attorney General as to whether the provision of the holding cell was a requirement of the police facility in order for them to do their job and whether it was necessary to put in the sally port or it was a one time benefit. He believed some of the money should be refunded back to the Law Enforcement Trust Fund.

Commission Clotley stated that the Vice Mayor made it sound as if the previous Town Manager forced the new Chief to sign the letter. She clarified that 2 Police Chiefs said they wanted something as former Chief Scot Gooding also wrote a letter and he wanted a lot more money to renovate. Commissioner Clotley said that the Attorney General's opinion letter said the decision could be made by the Town Commission. She explained that the Public Safety building was not a new building, but a building the Town acquired and the Town did not make improvements at the old Police building. She deferred to the Town Attorney. Attorney Trevarthen said that her previous memo and previous minutes had indicated that her opinion was that of the Attorney General that the decision could be made by the Town Commission as to whether the funds were appropriated in accordance with the Statute.

Commissioner Sasser said that he and the Vice Mayor did not want to do anything that was inappropriate. He asked if the Commission were to decide that the Law Enforcement Trust Funds were used in good faith, would they be in trouble with the Attorney General or putting themselves in an unfavorable position. Attorney Trevarthen said there was no penalty or enforcement procedure related to the Statute. She added that the Attorney General's opinions were only opinions and not law and not binding.

Mayor Minnet believed staff needed to do an analysis on the budget. Commissioner Sasser did not want to spend the money. Mayor Minnet believed there should be a policy procedure for the future as to what the Town could do with the Law Enforcement Trust Funds. Vice Mayor Dodd said the Town should use them for facilities that would enhance their capabilities. He stated that the way the money was split out, the Town should have provided a holding cell.

Mayor Minnet requested the Commission defer to the next Roundtable for a breakdown of the expenses. Commissioner Clotley pointed out that it was a newly acquired

building and not a routine expenditure. Vice Mayor Dodd explained that the Town should provide the facilities for the Police to operate. Commissioner Vincent inquired as to whether the building was purchased as a public safety building for police, fire and AMR. The Commission agreed that it was.

Commissioner Sasser agreed with Vice Mayor Dodd that it was not a money issue, it was a moral issue. He said he understood there would be no impropriety if the Commission approved it, but believed the Commission had to decide whether it was a financial issue or a moral issue.

The item was deferred to the May 26, 2010 Roundtable to review the monies spent on the prison cell and interview room.

There was no further discussion.

### 3. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:20 p.m.

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Mayor Roseann Minnet

ATTEST:

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Town Clerk, June White

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Date