

JN

# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION

### REGULAR MEETING

#### MINUTES

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, July 13, 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 Commissioner Birute Ann Clotley, Commissioner Chris Vincent, Commissioner Scot Sasser, Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffmann, Deputy Clerk Nekisha Smith 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

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

Presentation item 5a, Code of Conduct Signing Ceremony and the minutes of October 12, 2009, item 8a were deferred to July 27, 2010 to allow Vice Mayor Dodd the opportunity to review.

Interim Town Manager Hoffmann said that additional detail would be added to the October 12, 2009 minutes for the next meeting. Mayor Minnet deferred item 15a until the July 27, 2010 Commission meeting when Vice Mayor Dodd would be in attendance. She requested that staff do a survey on available decorations for Halloween and place the information in the backup for the July 27, 2010 Commission meeting. Commissioner Sasser preferred the item go to Roundtable first. The Commission agreed to place the item on the July 14, 2010 Roundtable.

Commissioner Clotley wanted to see all the minutes moved to the next meeting in order for Vice Mayor Dodd to determine whether he was satisfied with them.

Mayor Minnet confirmed that all minutes were deferred to the July 27, 2010 Commission meeting for Vice Mayor Dodd's review.

5. PRESENTATIONS

a. Signing Ceremony - Commission Code of Conduct

This item was deferred to July 27, 2010 earlier in the evening.

b. Presentation of Certificate of Appreciation from Broward County Commissioner Ilene Lieberman to the individuals who participated in the 2010 Census Countywide Coordination Subcommittee (Interim Town Manager Connie Hoffmann)

Interim Town Manager Hoffmann presented Mayor Minnet, Development Services Director Jeff Bowman and Deputy Clerk Nekisha Smith with the Certificates of Appreciation for their participation with the County Census Committee.

c. Dr. Brenda C. Snipes, Broward County Supervisor of Elections - August 4, 2010 and November 2, 2010 Elections (Mary Cooney, Public Service Director)

Mary Cooney explained there were 2 elections this year, August 24, 2010 Primary Elections and the General Election on November 2, 2010. She added that early voting would begin soon and advised that the early voting site in Pompano Beach was closed due to budget cuts and Lauderdale-By-The-Sea voters would use the Main Library in Ft. Lauderdale this year. Ms. Cooney reminded voters that there were 3 ways to vote; absentee, early voting and at the polls on Election Day. She said the polls would be open from 7:00 a.m. to 7:00 p.m.

Commissioner Sasser wanted clarification that absentee ballots could be used for the Primary Elections. Ms. Cooney confirmed that a voter no longer needed an excuse to request an absentee ballot; it was open to any voter. She added that the last day to request an absentee ballot to be mailed was the Wednesday before the election. Mayor Minnet said she requested that the information be placed on Channel 78.

6. PUBLIC COMMENTS

Henry Overton was happy to see issues being solved in efficient manner. He said that the Palm Club lawsuit was still an issue and believed it was time to drop the lawsuit and get back to civil discussion and form a resolution. Mr. Overton wanted to see the Commission meet with the current Palm Club board members.

Mr. Overton pointed out that one of the main issues that was promised at the merger was the sewers. He said sewers were installed on private property at Sunset Lane. Mr. Overton said he would appreciate Commission consideration and a peaceful resolution.

Frank Herrmann thanked Mayor Minnet for 4th of July celebration. He said preferred that the elections stay the same with voting districts for the Commissioners and keeping the Mayor at large.

Diane Boutin thanked everyone for the 4th of July ceremonies. She was happy to hear that the bus shelters were approved. Ms. Boutin favored public restrooms and suggested the Commission pursue the project with consideration toward maintenance. She looked forward to an update on the Reef project and encouraged the Town to assist wherever possible.

Diane Kugler thanked Mayor Minnet, the Village Grille, Athena By-The-Sea, and Vice Mayor Dodd for their assistance with the 4th of July. She favored public restrooms but believed there should be a survey taken of the Town residents and beach visitors to find a favorable location.

**7. PUBLIC SAFETY DISCUSSION**

**8. APPROVAL OF MINUTES**

These items were deferred to July 27, 2010 earlier in the evening.

- a. October 12, 2009 Workshop Meeting Minutes - Deferred at the June 22, 2010 Commission meeting for time to review and additional detail by Mayor Minnet and Vice Mayor Dodd
- b. April 16, 2010 Roundtable Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Mayor Minnet
- c. April 27, 2010 Regular Commission Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Mayor Minnet
- d. May 11, 2010 Regular Meeting Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Commissioner Clotney
- e. June 8, 2010 Budget Workshop Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Commissioner Clotney
- f. June 8, 2010 Special Meeting Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Commissioner Clotney
- g. May 25, 2010 Regular Commission Minutes
- h. May 26, 2010 Roundtable Meeting Minutes
- i. June 9, 2010 Roundtable Meeting Minutes

j. June 28, 2010 Special Meeting Minutes

9. CONSENT AGENDA

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. Ordinance 2010-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE III "DEPARTMENTS," AND ARTICLE IV, "OFFICERS AND EMPLOYEES," OF THE TOWN CODE OF ORDINANCES, IN ORDER TO UPDATE TOWN DEPARTMENTS AND DUTIES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read ordinance 2010-03 by title.

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

Commissioner Sasser referred to Section 2-41, line 59 in the ordinance. He requested additional verbiage after "written and verbal report" that the Town Commission had the right to veto such creation, elimination or combining of departments" or at least "subject to approval and that the approval should not unreasonably withheld".

Attorney Trevarthen explained that the sentence dealt with the budgetary impact and therefore, the Commission had the final decision on the budget. She believed the suggestion was appropriate. Interim Town Manager Hoffmann said she had no problem with the language. She said she had anticipated the changes would be made and during budget time would required Commission approval.

Commissioner Sasser referred to Section 2-64, line 108. He wanted to add "assist candidates and entities with the proper paperwork, process and procedures to keep in line with guidelines, regulations and laws." Attorney Trevarthen had no problem with that suggestion. She suggested input from the Town Clerk and/or the Interim Town Manager. Neither Clerk White nor Interim Town Manager Hoffmann had any comment at this time.

Commissioner Sasser suggested a changed in Section 2-64, line 106 to add "responsible to date stamp front side of all documents". Interim Town Manager Hoffmann asked Commissioner Sasser to be more

specific as to the types of documents as thousands of documents come in, some of which are inconsequential such as junk mail and/or magazines. She suggested stamping only official documents. Attorney Trevarthen stated that this was a detail that should not be in the Town Code because the code could inadvertently be violated and suggested it be narrowed to a more specific scope. Commissioner Sasser said he had no problem adding it to the procedures. Attorney Trevarthen pointed out that it was in the procedures Resolution. Mayor Minnet also believed it was in the procedures resolution.

Commissioner Sasser withdrew his suggestion.

Commissioner Sasser made a motion to adopt Ordinance 2010-03 with the noted changes. Commissioner Vincent seconded the motion. The motion carried 4 - 0.

2. Ordinances 2nd Reading

11. RESOLUTION - "Public Comments"

- a. Resolution 2010-15: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE RENAMING OF THE SENIOR CENTER TO COMMUNITY CENTER AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO TAKE ANY ACTIONS NECESSARY TO IMPLEMENT SUCH NAME CHANGE, PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE

Attorney Trevarthen read resolution 2010-15 by title.

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

Commissioner Vincent made a motion to adopt Resolution 2010-15. Commissioner Clotey seconded the motion. The motion carried 4 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Vincent thanked Mayor Minnet and all the volunteers for the 4th of July celebration. He also thanked Mayor Minnet for the proclamation for Lieutenant Lang. He said that Lieutenant Lang and her family really enjoyed the festivities and was impressed. Commissioner Vincent recognized Betty Pagano who recently celebrated her 104th birthday.

Commissioner Sasser thanked everyone involved with 4th of July festivities. He advised that a solution had been reached with Choice Environment on multi-use properties. Commissioner Sasser explained that the issue of multifamily suspension remained in discussion. Commissioner Sasser requested the proposed changes be added to the July 14, 2010 Roundtable so that they could go to the July 27, 2010 Commission for the quickest resolution possible.

Commissioner Clotey thanked Mayor Minnet for chairing the 4th of July event, and the VFD for the picnic. She also thanked BSO, the Chamber of Commerce and the volunteers. Commissioner Clotey said she received phone calls regarding the orange fencing around the pier but stated that no turtles were hurt. She advised that the reef project was to be discussed the following day and advised that the cost had increased. Commissioner Clotey suggested making an attempt to obtain donations to finish the project. She said that if the money was not received the other 2 buoys would not be installed before September.

Mayor Minnet thanked Commissioner Sasser for his work with Choice Environmental. She also thanked everyone for their support for the 4th of July event. Mayor Minnet said she was putting together a book that she would pass on for the next committee. She believed it would help with the organization of the event. Mayor Minnet thanked staff and the businesses for their support. Mayor Minnet advised that the budget would be complete in the next few weeks and she thanked staff for putting together the Soccer program. Mayor Minnet stated that she would be available to the residents in Town Hall the second Tuesday of every month and would be riding the Pelican Hopper the fourth Tuesday of every month. She wished Betty Pagano a happy 104th birthday and reminded everyone to vote on August 24, 2010.

#### 14. OLD BUSINESS

a. Revocable License Agreement for Valet Parking (Community Development Director Jeff Bowman)

Interim Assistant Town Manager Bentley explained this item had been discussed several times and staff was directed to prepare a license agreement at the last Roundtable.

Commissioner Sasser preferred that the agreement be drafted between the Town and 101 Ocean rather than between the Town and Demco. Interim Assistant Town Manager Bentley explained that license agreement could be drafted between the Town and 101 Ocean with 101 Ocean being responsible for selecting the valet service and the Town could still be an additional insured and protected. He requested that a motion be made with the stipulation the Town Attorney approve as to form.

Commissioner Sasser requested the removal of the word "reasonable" in the third line and the word "written" in the fourth line in Paragraph 1, Subsection "Rules" to allow for flexibility.

Attorney Trevarthen stated that the changes could be made but she was not aware as to whether the changes were discussed with the applicant and whether they would be agreeable to the changes.

Commissioner Sasser confirmed that his change would be that the Town Manager had the authority to make modifications to the rules and regulations instead of arguing whether they are reasonable or not and to take out "upon written notice." Attorney Trevarthen revised it to read "to upon notice thereof" as there was no way to hold them to a rule they were unaware of. She added that removing the word "written" would allow for oral notice. Interim Assistant Town Manager Bentley stated that it did not conflict with any discussions with the applicant. He added that he had a conversation with the representative of 101 Ocean who agreed to amend the license to be for their signature.

Commissioner Sasser questioned the fee for license. He wanted to make sure that all the parties were informed that discussion would be discussion about usage after 90 days.

Commissioner Sasser stated that Exhibit "A" did not address the use of the alley way. He said that they could not congest the one lane road that was already being utilized. Commissioner Sasser preferred not to use the alley at all and asked that the Commission pay close attention to safety concerns as pedestrians use it frequently.

Commissioner Clotey was concerned that the sign would read "Town Valet Service." Mayor Minnet stated that the Exhibit explained that it would not. Commissioner Clotey agreed with Commissioner Sasser's concerns regarding the alleyway.

Commissioner Clotey expressed concern with a license fee. She suggested the item be tabled until Vice Mayor Dodd returned as she believed he was concerned as well.

Commissioner Vincent questioned whether the use of the alleyway was a hindrance to the Aruba Cafe as they used that alleyway. Interim Assistant Town Manager Bentley said there was private property in the alley next to Ham and Eggs that contained 2 or 3 parking spaces. He added that if 101 obtained permission to use those spaces then the valet service could pull into those private spaces for a turn around.

Interim Assistant Town Manager Bentley stated that an alternative was to come down El Mar Drive where there was 1 lane of traffic. Discussion continued regarding stacking and transitioning of vehicles which would have to be looked at in the field.

Commissioner Vincent understood that the valet service would provide garbage service and inquired as to who was responsible hauling it away. Interim Assistant Town Manager Bentley advised that 101 Ocean would move the garbage to their own dumpsters.

Mayor Minnet thanked staff and the businesses and believed the pilot program needed to move forward. She was happy with the sign stating it was a "public valet" rather than "Town valet". She advised that the fee structure would be addressed after the pilot took off. Mayor Minnet wanted clarification that people could use the alleyway. Interim Assistant Town Manager Bentley said the alleyway was a public right of way.

Commissioner Vincent made a motion to approve the Revocable License Agreement with amendments as noted. Commissioner Sasser seconded the motion. The motion carried 4 - 0.

Attorney Trevarthen repeated the changes to the Revocable License Agreement as 1) draft the agreement to be between the Town and 101 Ocean and make other required changes to assure the Town's interests were fully protected; 2) make changes to Paragraph 1, Subsection for Rules to remove the word "reasonable" from the third line and remove the word "written" from the fourth line. She added that it was further moved that the agreement, as revised, could be executed without further action from the Commission.

Commissioner Clotey requested that a date be applied as to when payment for the license would be received to avoid ongoing negotiations. Commissioner Sasser said he would be agreeable if Commissioner Clotey wanted to put a date on it. Mayor Minnet pointed out that it was already in the agreement.

Interim Assistant Town Manager Bentley said that a trial agreement did not contemplate a license fee but would contemplate a recommendation for a license fee for anyone that would apply for an annual permit. He was not certain whether an additional fee would be paid during the trial period. Commissioner Sasser believed that the fee would not be in place for the 90 day trial period. He believed Commissioner Clotey wanted to put a date in place in preparation of going forward after the 90 days. Commissioner Clotey clarified that that was her intent.

- b. Award of bid for Chamber Re-Roof project ITB#10-05-01 (Municipal Services**

Director Don Prince)

Municipal Service Director Don Prince stated that Extreme Unlimited, Inc. agreed to give a 10 year warranty instead of 7.

Commissioner Clotey made a motion to Award bid for Chamber Re-Roof project ITB#10-05-01 to Extreme Unlimited, Inc. Commissioner Sasser seconded the motion. The motion carried 4 - 0.

**15. NEW BUSINESS**

- a. Selection of Chairpersons for the upcoming year for Easter, 4th of July and Halloween Committees - Commission direction as to Haunted House location and decorations available (Mayor Roseann Minnet)

This item was deferred to the July 14, 2010 Roundtable.

**16. TOWN MANAGER REPORT**

Interim Town Manager Hoffmann thanked the Commission for pushing for a longer warranty on the Chamber of Commerce roof project. She advised that Minto submitted plans for the development of the 2 parcels directly north of the El Prado parking lot. She stated that it involved a site plan amendment that would come before the Commission sometime in September.

**17. TOWN ATTORNEY REPORT**

Attorney Trevarthen advised that the Palm Club remained in active litigation and that she would follow up with the Palm Club attorneys.

**18. ADJOURNMENT**

Commissioner Sasser made a motion to adjourn With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:11 p.m. 0 seconded the motion.

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**

\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

\_\_\_\_\_  
Town Clerk, June White

\_\_\_\_\_  
Date