

# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION REGULAR MEETING MINUTES

Jarvis Hall  
4505 Ocean Drive  
Tuesday, July 26, 2011  
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 Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG - Students from City College will be in attendance to lead us in the Pledge of Allegiance

Mayor Minnet introduced the student and faculty from the University of City College who led the Town in the Pledge of Allegiance.

3. INVOCATION - Pastor Jim Goldsmith

Reverend Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or deferrals.

5. PRESENTATIONS

a. Presentation by Broward County Commissioner Chip LaMarca

Commissioner LaMarca said that he petitioned the Broward County Commission for \$10,000 for the Visitor's Center in support of the Visitor's Guide, and they came through. He stated that the proposed budget for Broward County for the fiscal year 2012 was \$3.2 billion, which included the elimination of numerous positions. Commissioner LaMarca added that the property tax portion of the budget was at 5.553 mils or 23% of a typical property tax bill in Broward County. He said that with the current millage rate remaining, the average property owner will see a reduction in their taxes due to the 2.7% decline in property taxes on the tax roll, and would result in \$200,057 loss for Broward County in fiscal year 2012. Commissioner LaMarca reported that no libraries would be closed and there would be no cuts in transportation or human services. Commissioner LaMarca stated that the unemployment rate in Broward County was

9.5% in June 2011. He added that out of a labor force of 987,898 people, 94,075 were unemployed in Broward County, with 2,500 due to loss of jobs in the construction business, 2,100 government jobs, and 1,200 in manufacturing. Commissioner LaMarca stated that the beach re-nourishment project was underway. He gave an update on construction projects, the 911 call center and dispatch centers, and the Broward County code of ethics. Commissioner LaMarca said he was hosting the District 4 Mayors Summit on Thursday, September 29, 2011 at the Broward County Governmental Center. He advised that anyone interested to obtain information can sign up on the Broward County web site.

Commissioner Vincent thanked Commissioner LaMarca and the Broward County Commission for their donation to the Visitors Center.

Mayor Minnet stated that Lauderdale-By-The-Sea tried hard to get their advertising out, and even though the Town was a part of Broward County, there seemed to be a disconnect between the Town and the Broward County Chamber of Commerce. She asked what the Town could do to have a better relationship with the county tourism office.

Commissioner LaMarca suggested that he and Mayor Minnet have a meeting with Nikki Grossman.

Commissioner Sasser expressed his concern regarding the mandates in the school board ILA, to which the Commission had no choice but to vote in favor of, and with Wheelabrator.

**b. Proclamation proclaiming August 20, 2011 as Honeybee Awareness Day**

Mayor Minnet introduced Robert Rutherford as the representative for Broward Beekeepers Association.

Mr. Rutherford thanked the Commission on behalf of the association, for issuing the proclamation. He said beekeeping was important to the natural environment, and due to their declining numbers, the Broward Beekeepers Association encouraged backyard beekeeping.

Mayor Minnet read the proclamation into record and presented the proclamation to Mr. Rutherford.

**6. PUBLIC COMMENTS**

John Boutin said he had put together a program for smokers at the Windjammer Hotel. He explained that the Hotel provided a bucket for smokers to use which proved to be successful. Mr. Boutin hoped other hotels would replicate the program. He said the name of the program was "The Butt Stops Here".

Bob Roberts was against road bumps on Imperial Lane. He asked what traffic the Commissioners were trying to intimidate.

Edmund Malkoon believed that the implementation of the swale restoration program, as opposed to the drainage project, would save the Town a substantial amount of money. He asked about the flow rates and whether the drainage program would be done piecemeal or would a package be put together so that an RFP could be more competitive? Mr. Malkoon inquired of the stormwater fees that were assessed in the past and what happened with the funds. He believed those funds would help fund the CIP.

Holly Schaefer stated that she was against the speed bump on Imperial Lane as it directly affected her and her neighbor, Mr. Roberts, and no one else on the street. She said the bump, located outside her bedroom window, would be disruptive with the noise from the cars going over the bump.

## 7. PUBLIC SAFETY DISCUSSION

### a. BSO Monthly Report - June 2011 (Chief Oscar Llerena)

Chief Llerena stated that National Night Out Against Crime was on Tuesday, August 2, 2011 at 6:00 p.m. and located at El Prado Park. He said it was an opportunity for the community to meet with law enforcement and take a stance against crime.

Mayor Minnet inquired of the Child Infant Seat Program. Chief Llerena explained that deputies were actually sent to school to learn how to install the child infant seat properly. He strongly recommended that every parent participate in that program.

Mayor Minnet asked about Elder Links and suggested that it be advertised on channel 78. Chief Llerena explained that Elder Links was a central clearing house that linked with various social service agencies that could assist the elderly.

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

### b. VFD Monthly Report - June 2011 (Chief Steve Paine)

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

### c. AMR Monthly Report - June 2011 (Chief Brooke Liddle)

Mayor Minnet requested information regarding the number of AMR employees that were members of the Lauderdale-By-The-Sea fire department. Supervisor Barton said he would obtain the information.

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

## 8. TOWN MANAGER REPORT

### a. Town Manager's Report

Town Manager Hoffmann stated that the downtown drainage project would begin early August. She added that the contractor would begin work at 3:00 a.m. to reduce the impact to the business area. Town Manager Hoffmann advised that as a result of discussions between Mayor Minnet and Jim Hendee of NOAA, who helped organize the Reef Fest celebrations, the Town received a \$1,000 grant that would be used for informational signs regarding the coral reef and the snorkel trail.

Town Manager Hoffmann reported that Traffic Engineer Molly Hughes observed the A1A and Bel Air Drive (SE 15th Street) intersection and also reviewed Broward County traffic and crash data for that area. Ms. Hughes determined that a traffic signal was not warranted under traffic engineering standards.

Town Manager Hoffmann stated that the Coast Guard indicated that they needed to do an additional review of the coral reef project before they can renew the permit. She added that the pins were placed on ocean floor in order to set the buoys, but installation of the project was pending Coast Guard approval.

Vice Mayor Dodd questioned the status on the security cameras. Chief Llerena said that the original request was for two cameras, but he preferred to hold off on the purchase of the second camera until a decision was made on the placement of the high definition system. He added that the high definition system had the ability to read license plates.

Commissioner Sasser inquired as to when the coral reef project would be implemented. Town Manager Hoffman said it was unpredictable as there were two issues pending: 1) the Coast Guard had to make a decision on the renewal of the permit; and, 2) Coral Global Reef had to get their contractors in place to install the buoys.

### b. Solid Waste Disposal Issues Update

Town Manager Hoffmann stated that the Town of Lauderdale-By-The-Sea was a party of an ILA (Interlocal Agreement) with Broward County to take the Town's solid waste to Wheelabrator's waste to energy plant, due to expire in 2012. She added that the Town had been unhappy with the terms of the new ILA proposed by the Resource Recovery Board and the Town refused to sign a new ILA. Town Manager Hoffmann said Broward County recently entered into a new agreement with Wheelabrator for a short period of time. She explained that the Resource Recovery Board had a reserve that came from the tipping fees and had recommended \$20 million be distributed to the member cities

in order to encourage single-stream recycling. Town Manager Hoffmann added that Lauderdale-By-The-Sea should receive a grant of \$121,000 in the fall, which can be used for recycling programs. She said that would enable the purchase of new carts and other recycling programs, but would require re-negotiation with Choice Environmental to change the method in which they pick up recycling goods. Town Manager Hoffmann explained the agreement had a provision that the Town Manager was to meet and confer with Choice Environmental to discuss changes both parties wanted to see when the time came to renew or terminate that agreement. Town Manager Hoffmann stated that the Commission must make a decision by January 2012 whether to renew the Choice Environmental agreement or go out to RFP. She suggested that at the August 23 2011 Commission meeting the Commission could define the issues to be discussed with Choice Environmental.

Mayor Minnet suggested that Commissioner Sasser discuss the issues with Choice Environmental as the Commission's liaison. Commissioner Sasser said that if it were the consensus of the Commission he would.

Vice Mayor Dodd believed one of the questions would be whether Choice Environmental had the capabilities to pick up the recycling, such as a lifting arm on the truck, or whether they would be willing to make such a vehicle available without major changes in the contract or in pricing.

Commissioner Sasser believed this was a fleecing of many of our towns in Broward County, and many of the towns did not sign up for this ILA. He asked whether the \$121,000 grant money was contingent upon signing the agreement. Town Manager Hoffmann said it was not. Commissioner Sasser stated that since the Town was going to negotiate a new contract with Choice Environmental anyway, they could negotiate recycling as well and keep the grant money for something further down the line. He did not want to spend the money if they could work something out with Choice Environmental. Town Manager Hoffmann said that if Choice Environmental paid for recycling, and the Town renewed their contract, the Town would ultimately pay that price.

Commissioner Vincent asked whether the money had to be earmarked for recycling. Town Manager Hoffmann said that it was for single-stream recycling, but the parameters for the grant program were not outlined. Commissioner Vincent favored recycling with larger containers.

Commissioner Clotey asked when the Town expected to get the grant money. Town Manager Hoffmann said that the Broward County Commission told their staff to report back to them in 90 days with a plan on how to distribute the money.

Mayor Minnet asked whether the Town had 90 days to put the parameters together. Town Manager Hoffmann said yes. Mayor Minnet asked whether an item should be placed on the August 23, 2011 Commission agenda for discussion regarding whether the Commission wanted to negotiate with Choice Environmental or go to RFP. Town

Manager Hoffmann stated that the contract obligated the Town to sit down and talk with Choice Environmental regarding renewal, even though the Town was not obligated to renew.

It was the consensus of the Commission to place that item on the August 23, 2011 Commission meeting for discussion.

**9. TOWN ATTORNEY REPORT**

There was nothing to report.

**10. APPROVAL OF MINUTES**

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

- a. May 24, 2011 Regular Meeting Minutes
- b. May 26, 2011 Workshop Minutes (University of Miami Presentation)
- c. June 14, 2011 Roundtable Meeting Minutes

**11. CONSENT AGENDA**

Mayor Minnet pulled item 11a from the consent agenda for discussion.

Commissioner Sasser made a motion to approve items 11b through 11f on consent. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- a. Special Event Application for the Lauderdale-By-The-Sea Art and Craft Show proposed for Saturday and Sunday, November 26-27, 2011 (Code and Zoning Supervisor Jeff Bowman)

This item was pulled from consent for discussion.

Town Manager Hoffmann explained that, in addition to approval of the Chamber of Commerce's Special Event Application, she asked that the Commission also allow Athena to hold their music event on that same weekend, in the pier parking lot. Mayor Minnet requested clarification as to whether Athena also had their event on Sunday night and whether street closures would impede the Village Grille event on Friday night.

Assistant Town Manager Bentley explained that this event did not affect the Village Grille Friday night event, as the Arts and Crafts would not begin set up until early Saturday morning. He added that it did pre-empt Saturday night Athena's By the Sea event. Assistant Town Manager Bentley said that the Chamber of Commerce was ok with Athena's By the Sea event for Saturday and Sunday evening being held at the pier

parking lot. He added that Athena requested that the Saturday night event continue to 10:30 p.m. as pre-approved and advised that the Sunday night event would stop at 10:00 p.m. Assistant Town Manager Bentley said it would save a future agenda item if the Commission approved both events subject to administrative approval of the site plan.

Vice Mayor Dodd made a motion to approve the Arts and Crafts Show special event application. In addition, approve changes to the pre-approved Athena by the Sea event, by moving the location of the event to the pier parking lot, adding Sunday night, and ending the Sunday night event at 10:00 pm. subject to administrative site plan approval.

Commissioner Vincent inquired as to whether this was just for transfer of location of a pre-approved application, without submission of anything else except for the site plan. Assistant Town Manager said it was. Town Manager Hoffmann stated that it also added Sunday night.

Commissioner Clotey seconded the motion. The motion carried 5 - 0.

b. Special Event Application for Village Grille - Patriots Pre-Game Party, September 12, 2011 (Code and Zoning Supervisor Jeff Bowman)

This item was approved on consent.

c. Extension of Contract for Helen Gray (Assistant Town Manager Bud Bentley)

This item was approved on consent.

d. Continuing Professional Services Agreement for Sanitary Sewer System Evaluation, Analysis and Engineering with King Engineering Associates, Inc. (Assistant Municipal Services Director Pat Himelberger)

This item was approved on consent.

e. Continuing Services Agreements with Hughes Hughes, Inc. and Flynn Engineering PA. (Assistant Municipal Services Director Pat Himelberger)

This item was approved on consent.

f. Memorandum of Understanding (MOU) Between the Town and Kitson & Partners for Landscape Maintenance Obligations for the A1A North Enhancement Project (Assistant Town Manager Bud Bentley)

This item was approved on consent.

**12. ORDINANCES - PUBLIC COMMENTS**

1. Ordinances 1st Reading

- a. Ordinance 2011-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA AMENDING SECTION 30-531, OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS RELATED TO NOTICE OF INTENT PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-14 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.

Commissioner Sasser made a motion to adopt Ordinance 2011-14 on first reading. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2011-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE CODE OF ORDINANCES TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW BY AMENDING CHAPTER 13, "NOISE," AMENDING CHAPTER 14, "OFFENSES,"; AND AMENDING CHAPTER 14.3, "PARKS AND RECREATIONAL FACILITIES," PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-15 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 Ordinance 2011-15 on first reading. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- c. Ordinance 2011-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VIII, "SPECIAL EVENTS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-16 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.

Mayor Minnet said the ordinance allowed music to 10:00 p.m. She noted that the Commission had been allowing music to go on until 10:30 p.m. and asked whether the Commission wanted to change the time in the ordinance to 10:30 p.m., or only when a

special event application was submitted for consideration.

Attorney Trevarthen stated that if the Commission desired to allow the music to a later time, she would advise that it be included in the ordinance.

Mayor Minnet asked whether the Commission would also want to create a list of standards to be used during special events, to be included in this ordinance.

Commissioner Clotey wanted to leave the time at 10:00 p.m. and continue with the policy to make exceptions for special events. She wanted to avoid complaints from the residents.

Commissioner Vincent favored changing the time to 10:30 p.m. He questioned whether the Commission could change the time on an "as needed" basis, if the time was stated in the ordinance. Attorney Trevarthen stated that the language in the ordinance could say "up to" 10:30 p.m. Commissioner Vincent asked to include criteria that allowed choices for street closure during special events. He did not want to regulate it, he wanted to have uniformity and consensus from the businesses and community, and if they were against it, he would not pursue it.

Vice Mayor Dodd favored 10:30 p.m., but was not in favor of any criteria or regulation. He liked the diversity as it made them unique.

Commissioner Vincent stated that there were no criteria or regulations put forward from this dais. He explained he only wanted a consensus from the business owners, to have them come forward as an organization to discuss what they wanted.

Mayor Minnet believed there was a consensus to allow to the time to be extended to 10:30 p.m.

Vice Mayor Dodd made a motion to adopt Ordinance 2011-16 on first reading, as recommended to extend the time to 10:30 p.m. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

## 2. Ordinances 2nd Reading

- a. Ordinance 2011-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VI "SIDEWALK CAFES;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE - Adopted on 1st Reading at the June 28, 2011 Commission Meeting

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

Vice Mayor Dodd stated that line 166 excluded the use of a barrier for a sidewalk cafe, yet line 171 defined the materials to be used for the barrier. Attorney Trevarthen suggested deletion of the words "perimeter barrier" on line 171. Vice Mayor Dodd accepted.

Vice Mayor Dodd made a motion to adopt Ordinance 2011-10 on second reading with the elimination of the words "perimeter barrier" on line 171. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2011-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN REGULATIONS, TO PROVIDE DEFINITIONS AND REGULATIONS RELATED TO INFORMATIONAL SIGNAGE AND MULTIMODAL TRANSPORTATION FACILITY SIGNAGE, PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE - Adopted on 1st Reading at the June 28, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-12 by title.

Mayor Minnet opened the meeting for public comments.

Attorney Ron Finer said he represented B-Cycle and was in attendance for any questions the Commission may have.

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

Commissioner Vincent made a motion to adopt Ordinance 2011-11 on second reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- c. Ordinance 2011-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE IV, "OFFICERS AND EMPLOYEES", SECTION 2-67 "SAME DUTIES" - Adopted on 1st Reading at the June 28, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-12 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.

Commissioner Sasser made a motion to adopt Ordinance 2011-12 on second reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- d. Ordinance 2011-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VII, JARVIS HALL;" PROVIDING FOR

CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE - Adopted on 1st Reading at the June 28, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-12 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.

Commissioner Clotey made a motion to adopt Ordinance 2011-13 on second reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

**13. RESOLUTION - PUBLIC COMMENTS**

- a. Resolution 2011-23: AN RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AGREEMENT WITH B-CYCLE, LLC FOR THE USE AND DEVELOPMENT OF CERTAIN PROPERTIES FOR A BICYCLE SHARING PROGRAM; DIRECTING THE APPROPRIATE TOWN OFFICIAL TO EXECUTE THE AGREEMENT; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attorney Ron Finer stated that he was available for any questions the Commission may have.

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

Vice Mayor Dodd said that, in the final wording of the agreement he would like to see a written definition, rather than an aerial photograph, as to where the B-Cycle would be located. Mr. Finer said he would take care of that administratively with staff.

Vice Mayor Dodd made a motion to adopt Resolution 2011-23. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- b. Resolution 2011-24: AN RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PAY PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-12 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.

Town Manager Hoffmann suggested striking the Business Development/Marketing Manager from the proposed pay plan as the Commission expressed earlier that they did

not wish to go forward with that position at this time.

Vice Mayor Dodd believed that perhaps they should not delete it, as the temporary position may prove to be effective. Town Manager Hoffmann suggested just striking Business Development as it would then be a Marketing Manager position. Vice Mayor Dodd was agreeable. He said if they discover that the position was successful, the Commission may decide to make the position permanent.

Vice Mayor Dodd made a motion to adopt Resolution 2011-24 with the change of title from Business Development/Marketing Manager to Marketing Manager. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

#### **14. QUASI JUDICIAL PUBLIC HEARINGS**

##### **a. Conditional Use Permit Approval for B&C Real Estate Holdings, LLC (Code and Zoning Supervisor Jeff Bowman)**

Attorney Trevarthen swore in those wishing to speak.

Mayor Minnet explained that although there was no direct financial benefit, she had a business relationship with the owner of this particular building and therefore, she excused herself from voting on the conditional use permit for B&C Real Estate Holdings, LLC.

Attorney Trevarthen asked whether any Commissioner had a conversation with the owner of this property. Mayor Minnet said that Mr. Sorenson contacted her several times in reference to this particular item and she referred him to Town staff.

Attorney Trevarthen explained that the applicant was requesting to allow paid parking in the B-1 zoning district. She said that staff did recommend approval with conditions.

Pete Sorenson, B&C Holdings, explained that this was an ongoing issue for the past 20 months and wished to move forward with Commission approval. There were no questions for the applicant.

Assistant Town Manager Bentley explained that staff recommended approval of the item as presented. There were no questions for staff.

Commissioner Clotey made a motion to approve the Conditional Use Development Order with the eight listed conditions as recommended by staff. Commissioner Vincent seconded the motion. The motion carried 4 - 0. Mayor Minnet recused.

#### **15. COMMISSIONER COMMENTS**

Vice Mayor Dodd reported that he attended the Hillsboro Inlet Commission meeting where the pre-approved monthly dollar amount was increased due to additional

expenses accrued for painting the dredger at the Lauderdale Marine Center.

Mayor Minnet reminded everyone that the Night Out Against Crime was Tuesday, August 2, 2011 and the beach cleanup was Saturday, August 6, 2011. She also stated that the budget meetings were coming up and requested community input.

## **16. OLD BUSINESS**

### **a. Warehouse Analysis (Public Information Officer Steve d'Oliveira)**

Mayor Minnet explained that staff recommended the Town keep the property rather than sell it and attempt to lease the portion not being used by the Town. She questioned when the offer of \$1.1 million was received. PIO (Public Information Officer) d' Oliveira stated the offer was received verbally four months ago, but never became a formal offer.

Commissioner Vincent asked when the last appraisal was completed on the property. PIO d'Oliveira stated the last appraisal was done in 2008. Commissioner Vincent recalled that an appraisal was performed recently. Town Manager Hoffmann explained that last year a company was brought in to determine the rental market value of the property.

Vice Mayor Dodd recommended the Commission revisit this subject in six months to see whether a portion of the building could be leased.

Commissioner Vincent recalled that the Commission previously requested updates regarding the warehouse, every six months. Town Manager Hoffmann clarified that the updates were in the Town Manager monthly report. Commissioner Vincent questioned the electric and insurance costs for the building. Finance Director Bryan explained the insurance totaled about \$7,000 a year and the electricity was about \$200 a month.

Vice Mayor Dodd explained that he preferred that the updates regarding the warehouse come before the Commission as a separate item, rather than within the Town Manager Report. Mayor Minnet questioned whether the Commission was in favor of moving forward with a realtor contract. Vice Mayor Dodd said he was.

Mayor Minnet questioned whether staff could draft a contract for realtor services in time for the next Commission meeting. Town Manager Hoffmann said the contract would be ready for approval at the August 23, 2011 Commission meeting.

Vice Mayor Dodd made a motion to approve to keep the Warehouse and proceed with efforts to lease out the unused portion of the building. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

### **b. Imperial Lane Traffic Calming Project (Assistant Town Manager Bud Bentley)**

Assistant Town Manager Bentley explained that the residents of Imperial Lane requested that some form of traffic calming be implemented along the street. He said that the residents were concerned with visitors coming into the neighborhood. Assistant Town Manager Bentley explained that staff and Traffic Consultant Molly Hughes met with residents in the area to focus on their issues.

Assistant Town Manager Bentley stated that the residents were informed that if a traffic table was approved by the Commission, it would be installed at the Town's expense. Assistant Town Manager Bentley added that any landscaping added to the traffic table would be considered beautification and should be paid for by the community. He explained that the two properties directly affected by the traffic table rose concerns of drainage and damage to the properties. Assistant Town Manager Bentley said that Ms. Hughes spoke with both property owners to determine whether any of the concerns could be addressed. He said that she informed the Town that the curb could be pulled back in the design process to provide additional turning radius into one of the properties. He added that the drainage engineer would be asked to take a look at the work to ensure that the project was not increasing the drainage problem. Assistant Town Manager Bentley explained that the swale area could be looked at to increase the retention area.

Molly Hughes explained that the traffic calming device consisted of a choker that slowed the traffic, and two speed bumps beyond the choker to hinder the driver from increasing their speed after passing the choker. Ms. Hughes said she understood the drainage problem brought forward by the property owner, however, the Town could not receive permits for public improvements that would cast drainage into an adjacent property.

Commissioner Clotey said the complaint regarding the turning radius for trucks could be solved by moving the traffic calming structure one lot to the west. Ms. Hughes explained that a truck would be unable to make that turn regardless of the turning radius implemented. She said if the structure was moved one lot west it would end up beyond the entry point of the choker, and diminish the effectiveness.

Assistant Town Manager Bentley explained that if there was objection to the speed table, the choker could still be constructed. Ms. Hughes stated that she was working with Broward County Traffic Engineering to shorten the timing of the traffic signal.

Commissioner Vincent questioned whether the proposed landscaping would impede the property owner's vision for making left turns out of their driveway. Ms. Hughes explained that shrubs over 28 inches were not permitted at any intersection.

Mayor Minnet believed the proposed landscaping looked substantial and questioned how far it would go. Ms. Hughes explained that the street was narrow which gave the impression that the landscaping was substantial. She said that the landscaping would be about 12 feet and would not exceed property line. Mayor Minnet stated that 31 residents in the area were in favor of the project and 2 were not. She recognized the

resident's concerns and understood that there was no way to make everyone happy. Mayor Minnet requested clarification whether the speed table could be removed. Ms. Hughes stated that it could.

Commissioner Sasser questioned whether security arms were still an option. Ms. Hughes said the option was more expensive initially and over time to maintain. She said the street would have to be privatized unless the arms were left open for everyone, which would defeat the purpose of the mechanism. Commissioner Sasser asked how much more security arms would cost compared to the current proposal. Assistant Town Manager Bentley advised the Commission that the security arm could also create noise from cars breaking and accelerating. Ms. Hughes stated that the option to install security arms would cost about the same as the current proposal with the additional cost of electricity. Commissioner Sasser said that he preferred to look into the option of installing security arms before making any further decisions.

Commissioner Clotey said she preferred an automatic gate rather than the current proposal.

Commissioner Vincent questioned whether the residents that were polled were given the option of a security arm. Ms. Hughes said she was not aware of whether that option was presented to the residents. Commissioner Vincent said he preferred to have that information. Commissioner Sasser agreed. Assistant Town Manager Bentley explained that the security arm was not considered an option because it would privatize the street with public funds.

Vice Mayor Dodd recalled that the residents of the area did not want to install security arms because of the cost to maintain it. He hoped that the current proposal would alleviate some the drainage problem occurring at the property, adjacent to the project. Vice Mayor Dodd said that if the Commission chose to install a security arm, finding electricity would not be a problem because of the nearby light pole. He said that he did not want to steer the Commission in either direction.

Mayor Minnet said that the Commission needed to move forward with a plan. She explained that she was not in favor of the speed table due to the noise it created; however, the cost was minimal. In addition, Mayor Minnet did not favor automatic gates as it would encourage other neighborhoods to ask for them as well.

Commissioner Sasser recommended that staff present the opinions of the residents in that area, regarding installation of a security arm and the closest power source that would be available. Commissioner Clotey questioned whether language could be included in the motion to minimize the drainage problem to the adjacent property.

Commissioner Sasser made a motion to move forward with the project, asking staff to provide costs and options to put in security arms instead of the current proposal. The Commission would decide whether to move forward with security arms or the current proposal at a later date. The motion failed for lack of a second.

Town Manager Hoffmann requested direction from the Commission whether to move forward with the current proposal. or security arms.

Commissioner Clotley made a motion to table this item until the August 23 Commission meeting for further information regarding costs for the security arms. Commissioner Sasser seconded the motion. The motion carried 4 - 1. Mayor Minnet voted no.

c. Prepayment Penalty on Parking Debt (Finance Director Tony Bryan)

Finance Director Bryan explained that SunTrust Bank offered to reduce the prepayment penalty by 30% reducing the amount to \$90,370. He said that SunTrust also offered an accelerated payment schedule which allowed the Town to pay down the principal amount by 15% each calendar year without initiating the prepayment penalty. Finance Director Bryan stated that if the Commission chose the accelerated payment schedule, the loan would be paid off in five years, along with interest in the amount of \$104,000.

Commissioner Sasser said that he was disappointed that the bank only offered a 30% reduction. He asked for the Town Manager's recommendation and whether the accelerated payment schedule would alleviate the concerns regarding cash flow. Town Manager Hoffmann stated that she preferred to use the accelerated payment schedule offered by the bank and believed that the option made more sense. She advised the Commission that if interest rates rose in the future, the prepayment penalty could be reduced or eliminated.

Vice Mayor Dodd explained that he was in favor of paying the loan off in its entirety at this time.

Commissioner Vincent said that he was in favor of the accelerated payment schedule. Mayor Minnet agreed with Commissioner Vincent.

Commissioner Clotley questioned whether the amount of money the Town would save by paying off the parking loan, also reflected the amount of interest the Town was currently receiving on those funds. Finance Director Bryan said it did not.

Commissioner Vincent made a motion to approve option 3: to pay down the principle amount by 15% each year, penalty free; a payoff amount of \$1,470,516 and a savings of \$167,319. Commissioner Sasser seconded the motion. The motion carried 3 - 2. Vice Mayor Dodd and Commissioner Clotley voted no.

d. Traffic Calming for South Seagrape Drive (Mayor Roseann Minnet)

Ron Piersante stated that speed was not the issue on South Seagrape Drive. He said the issue was the cars using the street as a way to avoid the traffic light on A1A. Mr. Piersante requested that the Commission give the Town Manager the authorization to move forward with the installation of three speed bumps along south Seagrape Drive.

Mayor Minnet requested consensus from the Commission whether to move forward.

Commissioner Sasser recalled that staff recommended that speed bumps not be installed and requested clarification. Town Manager Hoffmann explained that the regulations from the Traffic Engineering Society would not be published in August and probably would warrant that the speed bumps were unnecessary. She said that if this was something the Commission wanted to move forward with, it had to be done now.

Commissioner Vincent stated that he was in favor of installing the speed bumps. Commissioner Clotey agreed.

Vice Mayor Dodd explained that he was against the installation of the speed bumps. He said that he did not see the justification for them.

Mayor Minnet said that she was in favor of the installation of two speed bumps and that the Commission needed to determine the type to be installed.

Commissioner Vincent made a motion to approve installation of two speed humps with the staff recommendation as to the type that created the least amount of noise. The motion carried 4 - 1. Vice Mayor Dodd voted no.

## 17. NEW BUSINESS

### a. Request for a 118 Day Extension of the 18 Month Construction Period for 240 Imperial Lane to November 31, 2011 (Code and Zoning Supervisor Jeff Bowman)

Cindy Geesey asked the Commission not to approve the requested extension. She said that the demolition permit was issued over three years ago, expired four times, and was closed out in February 2011. Ms. Geesey added that 32 code enforcement violations were issued against this property. She explained that the work was not organized and only when the residents began to complain, did the property owner begin working.

Fernando Mesa said that he was the General Contractor and Designer for the property. He said that the property owner was having financial problems due to the economic climate, but was trying his best to finish the project as soon as possible. Mr. Mesa said the finished project would be a great advantage to the Town. He advised the Commission that he still had the intention of finishing the project in November.

Commissioner Vincent believed that the Town was being taken advantage of by the property owner. Mr. Mesa advised the Commission that windows for the property were previously ordered. Commissioner Vincent questioned whether that information was provided to the Town. Mr. Mesa said that it was.

Building Official Dan O' Lynn confirmed that window information was received, but it was about the type of windows to be used. Mr. Mesa informed the Commission that a

schedule for the project was provided at the time the extension application was submitted.

Vice Mayor Dodd questioned whether Mr. Mesa had been paid in full by the owner. Mr. Mesa explained that he was to receive \$2,000 monthly up to \$24,000 plus 6% on the sale of the property. He said that he was determined to carry to the project until it was completed.

Mayor Minnet said that she was disappointed that the property owner showed no consideration to the residents of the community.

Vice Mayor Dodd stated that he favored staff recommendation to not approve the requested extension.

Vice Mayor Dodd made a motion to approve staff recommendation not to approve extension. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

**b. Authorization of Increase in Chen Moore Contract for FY2011 (Town Manager Connie Hoffmann)**

Town Manager Hoffmann said that the Chen Moore contract had a dollar limit each year. She added that they would exceed that limit by approximately \$10,000 this year due to the authorization of a drainage project last year that was not billed to the Town until this year. She added that over the two year period the Town would still be under the \$25,000 combined limit for the two years. Town Manager Hoffmann requested the Commission authorize an increase for this fiscal year only, to bring the contract limit up to \$68,000 to avoid violation of contract.

Commissioner Clotey made a motion to approve as recommended by staff. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

**c. Review of Proposed Personnel Policies (Town Manager Connie Hoffmann)**

Town Manager Hoffmann suggested bringing this back to the Commission with a Resolution for consideration at the August 23, 2011 Commission meeting.

There was Commission consensus to place this item on the August 23, 2011 Commission meeting agenda.

**d. Halloween Chairperson (Mayor Roseann Minnet)**

Mayor Minnet recommended Commissioner Clotey as the Chairperson for the Halloween event. Commissioner Clotey stated that she was uncertain of her availability.

There was Commission consensus to place this item on the August 23, 2011 Commission meeting agenda.

Commissioner Sasser made a motion to grant the Town Manager the ability to execute the amendment to the parking loan documents in order to perform the payoff as directed by the Commission, pending Town Attorney approval. Vice Mayor Dodd offered a friendly amendment: to begin the pay down as soon as possible. Commissioner Sasser accepted. Town Manager Hoffmann requested that the Commission add to the motion to appropriate \$204,972.09 from the General Fund Balance, to make the first payment on the parking loan debt. Commissioner Sasser accepted. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

**18. ADJOURNMENT**

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:40 p.m.

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**

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

ATTEST:

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

\_\_\_\_\_  
Date

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MINNET ROSEANN A	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE COMMISSION
MAILING ADDRESS 2000 S OCEANBLVD #11E	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY TOWN <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY L-B-T-S BROWARD	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED JULY 26, 2011	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. *(Continued on other side)*

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, ROSEANN Minnett, hereby disclose that on July 26, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*The company, of which I am the principle officer, has done business with one of the owners of the company that is applying for the use.*

August 8, 2011

Date Filed

Roseann Minnett

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.