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TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Wednesday, April 27, 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, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or deferrals.

5. PRESENTATIONS

a. Presentation of Proclamation proclaiming May 15 - 21, 2011 as National EMS Week (Mayor Roseann Minnet)

Mayor Minnet read the proclamation into record.

b. Presentation of Proclamation proclaiming April 27, 2011 as AMR Paramedic Donald Anderson Day (Mayor Roseann Minnet)

Mayor Minnet read the proclamation into record.

6. PUBLIC COMMENTS

Jason Wilson, owner of Alley-Oop, explained that Code Enforcement requested that he remove the signage that he placed at the front of his store. Mr. Wilson said that he

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chose that particular style of signage in an attempt to be uniform with the signs erected by the Town, which helped enhance and bring visitors to the area of his business. He said that he would remove the signs but requested the Commission look at changing that section of the Code to allow that type of signage.

Guy Contrada stated that the person, who complained about a delivery truck on El Mar Drive, failed to mention that Mr. Contrada spoke to the truck driver and already rectified the situation. Mr. Contrada stated that delivery trucks did not usually park in areas that blocked sidewalks or pedestrian walkways, and normally arrived early in the morning. He said that he was not sure what the Town considered an appropriate time for deliveries and requested clarification.

Arthur Franczak stated that he was opposed to the new Master Plan. He said that he understood that a planning process was necessary to create the new master plan; however there were many large scale projects that hindered the Commission from completing them all at the same time. Mr. Franczak believed that the proposed projects did not have anything to do with each other and should be planned individually instead of in conjunction with other projects. He pointed out that combining all the projects would cost too much money and should be looked at individually. Mr. Franczak suggested that the projects be presented when the need arose, at which time their necessity and affordability could be determined. He added that this approach allowed for flexibility and for the Commission to take into consideration the Towns' up-to-date financial situation. Mr. Franczak urged the Commission to be responsible of tax dollars accumulated by previous Commissions. He believed it was not necessary to spend the money on new projects; instead return the money to the tax payers in form of lower millage rates.

Gerri Ann Capatasto stated that Code Enforcement was meant to keep the community safe and keep violations from endangering others, and not a mechanism for neighbors to use against each other. She recommended consideration for those residents who could not afford to bring their properties up to code. Ms. Capatasto urged the Commission to implement some form of temporary relief or extended compliance deadline in an effort to show compassion. She added that bank owned properties should be under special scrutiny to avoid slow procedures and to get houses back on the buyer's market. Ms. Capatasto pointed out that Alley-Oop's signage was appropriate and a great addition to the Town.

Edmund Malkoon believed the Commission comments made in regards to the Master Input Sessions were good, yet premature. He explained that the discussion should have occurred after the presentations made by the University of Miami and RMA. Mr. Malkoon stated that although he was not in favor of building a parking garage at this time, a study was needed to determine the location and need for one in the future. He expressed his support for the Commission to resume holding two regular meetings a month. He asked for the issue to be placed on the next roundtable agenda for discussion.

Marie Chiarello urged the Commission to move forward with the new master plan. She asked the Commission to make a difference and spend available money properly, rather than piece meal the projects. Ms. Chiarello thanked staff for the work that was done to educate the public and allow for public input.

7. PUBLIC SAFETY AND FINANCE REPORTS

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

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

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

Commissioner Vincent thanked Chief Paine for a job well done on closing the buildings that were not up to Code.

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

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

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

d. Mid-Year Budget Report (Acting Finance Director Doug Haag)

Town Manager Hoffmann stated that the report would be posted on the Town website for public viewing. Acting Finance Director Haag gave a presentation of the mid-year budget report. He explained that the Communication Services Tax in the General Fund was about $30,000 below projections which staff was looking into. He said that building permits would be down approximately $19,000 due to the economy. Acting Finance Director Haag pointed out that miscellaneous revenues were running ahead of schedule due to the increase in lien searches and litigation reimbursement received by the Towns' insurance company. He stated that the General Fund was projected to be about $44,000 under budget in revenues; however the Town's expenditures were projected to be approximately $100,000 under budget, which would cover the shortfall on revenues.

Town Manager Hoffmann advised the Commission that due to property tax appeals approved by Broward County, the Town lost approximately $84,000 in 2009 ad valorem taxes, some of which had been deducted from the County's remittance of 2010 tax collections. She pointed out that, under state law, the Town could only budget 95% of the projected tax revenue; that difference was adequate to cover the loss of revenue caused by tax appeals.

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Acting Finance Director Haag advised that the overall General Fund revenues were on track with the previous year's collections at 73% of budget. He explained that the Town received about $9,600 in unexpected police forfeiture funds. Acting Finance Director Haag said that of the total expenditure budget of $37,000, the Town would later in the evening authorize spending $28,900 of that amount due to BSO's request for security cameras. He noted that the LETF (Law Enforcement Trust Fund) had a fund balance of about $200,000 which would be available for future appropriation. Acting Finance Director Haag explained that the Sewer Fund had broken even in the first six months of the fiscal year due to the $82,000 credit received from the City of Pompano Beach for previous billing errors. He stated that revenues were expected to exceed the budget by year end, which would allow the Town to begin building the reserves to make future repairs and improvements to the sewer system.

Acting Finance Director Haag explained that the fire assessment fee collections were at approximately 86% compared to the previous year. He advised that expenditures were running below budget as the transfer to the vehicle equipment reserve and the general fire had not yet occurred.

Acting Finance Director Haag pointed out that meter rate changes were projected to bring additional revenue to the Parking Fund. He said that the revenues from parking fines were down in comparison to this time last year due to a delay in payment of the money owed by the contractor. He reassured the Commission he would determine the reason for the recent delay in payments. Acting Finance Director Haag advised that parking expenditures were slightly under budget and revenues were projected to be about $10,000 over budget.

Commissioner Sasser requested clarification regarding the projected revenues from the meter rate increases and whether they were projected for the fiscal year versus the calendar year. Acting Finance Director Haag clarified that all projections were based on the entire fiscal year. Commissioner Sasser questioned whether the Town was still paying for a loan in the Parking Fund, and whether that was indicated under expenditures. He requested the amount that was owed on the loan. Acting Finance Director Haag said it was, and that debt payments were reflected in the expenditures and that approximately $1.4 million was owed to the bank. Town Manager Hoffmann noted that there was a pre-payment penalty of approximately $100,000, which could be covered by the interest savings over a two year period if the loan was paid off. Commissioner Sasser preferred the Commission give direction to the Town Manager to ask the bank whether the payoff amount could be negotiated. He added that the Town had the money to pay off the loan and the Commission should discuss doing so. Mayor Minnet reminded the Commission that the Parking Fund was a proprietary fund which did not receive any revenue from ad valorem taxes, and the payments for the parking loan came strictly from the revenues generated within the fund. She asked whether the Parking Fund had enough money to pay off the loan should the Commission decide to do so and, if not, where would the money come from. Acting Finance Director Haag said that the Parking Fund did not have enough money to pay off the loan; however it would be possible to transfer from the General Fund if the Commission so desired.

Commissioner Sasser pointed out that the Parking Fund was currently transferring money to the General Fund so, if the loan was paid off, the Parking Fund would have more money available to transfer to the General Fund. Acting Finance Director Haag said that was correct and that the additional money transferred to the General Fund would eventually reimburse the General Fund the amount used to pay off the parking loan. He noted that in today's market it was increasingly difficult for municipalities to borrow money and requested that the Commission keep that in mind.

Vice Mayor Dodd advised that Florida Statutes required that the Town spend a minimum of 15% of the LETF every fiscal year. He said that the current balance was over $200,000 and therefore, the Town needed to spend approximately $30,000 to meet state requirements and noted that the request by BSO was only for $28,900.

Commissioner Clottey questioned the amount of years left on the Parking Fund loan. Town Manager Hoffmann said she did not have that information; however, it would be provided to the Commission at a later date. Commissioner Clottey questioned whether making larger principal payments to pay down the loan faster would trigger any pre-payment penalties. Acting Finance Director Haag explained that staff would have to further review the agreement to see whether that was an option.

Commissioner Vincent preferred to continue paying the loan through the Parking Fund only and not use tax dollars to pay it off.

Town Manager Hoffmann explained that the budget on a whole was on target. Acting Finance Director Haag reiterated that the Commission would receive a copy of the full report the following day and a copy would be posted on the Towns' website for public viewing. Mayor Minnet requested the Town Clerk add an item to the next roundtable agenda in regards to the Parking Fund loan as requested by Commissioner Sasser.

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

8. TOWN MANAGER REPORT

Town Manager Hoffmann said that BSO was moving forward with a standard contract with all municipalities that was more transparent about their costs to serve each municipality and BSO had identified which regional services were not being charged to the cities. She said that BSO indicated that they would provide a cost to continue services at the same level the Town received currently and would be released May 1, 2011. Town Manager Hoffmann stated that another meeting with BSO was scheduled next week and she hoped to get the cost figure at that meeting.

Commissioner Sasser inquired as to whether the Town was getting bids, other than negotiating with BSO. Town Manager Hoffmann said she had no direction to do so; however, if the Commission directed her to do so, she would. She added that if the

Commission chose to go with another city such as Fort Lauderdale or Pompano Beach, she thought the Sheriff would have to approve it because he had to deputize police officers of other municipalities to serve outside their city's service area. Town Manager Hoffmann said that another option would be for the Town to have their own police department.

Commissioner Sasser asked whether the Town could terminate the contract if the Commission felt later that the BSO costs became too high. Town Manager Hoffmann said that the contract contained provisions to terminate the contract. Commissioner Sasser inquired as to whether there would be enough time to find another provider should the BSO contract terminate. Town Manger Hoffmann said that the contract allowed BSO to continue to provide service until the Town found another provider.

Vice Mayor Dodd questioned whether the call center was classified as a regional service and whether the Town would be charged separate fees for that service. Town Manager Hoffmann said the Broward County gave notice that they would no longer fund those cities receiving emergency call service from BSO and the cost to the Town would be approximately $125,000. She said the Broward County City Managers Association concluded that there were more collections (a.k.a. PSAPs) in Broward County than were needed and if all the cities agreed to consolidate down to 4 PSAPs, which would serve all of Broward County, there could be a substantial savings. Vice Mayor Dodd asked whether the Town could approach other cities to provide call center service for less than $125,000. Chief Llerena explained that the City of Pompano Beach and the City of Fort Lauderdale both had their own communications centers but they contracted with BSO to staff the centers. Town Manager Hoffmann inquired as to whether it was the desire of the Commission to endorse the idea of consolidating PSAPs.

Mayor Minnet said the fees were paid to Broward County and encouraged residents and Commissioners to call the Broward County Commission to express how dissatisfied they were in regards to their decision to charge a fee for regional services. Mayor Minnet clarified that the Commission did not give direction for the Town Manager to go out for bid for police services; that it was on the Town Manager's priority list to negotiate with BSO. She asked whether the Commission wanted to change direction and put out an RFP with Fort Lauderdale or find another provider for police services; if so, a workshop should be scheduled.

Commissioner Sasser did not favor a Town police department but did want to know what options were available with other police departments that could help with the negotiations. Vice Mayor Dodd said he was happy with BSO but wanted to send a message to Broward County.

Commissioner Clottey agreed that the Commission had an obligation to explore all avenues. She said she was happy with BSO but, if they priced themselves out of the market, then the Town would have to look at other options. Commissioner Clottey inquired as to whether the Town would have to pay for crime lab fees as well. Town Manager Hoffmann said she would obtain the answer as that did not come up during

discussions with BSO. Commissioner Clottey asked whether there were other fees the Town would have to pay. Town Manager Hoffmann said that the only additional fee she was currently aware of was for the communication center.

Commissioner Vincent asked whether the communication fee was proportioned based on the size of the community. Chief Llerena thought it may be based on population or quality of service, but there was not one set fee for every municipality. Commissioner Vincent requested that information.

Mayor Minnet requested clarification of direction to the Town Manager regarding negotiations with BSO and other options. Vice Mayor Dodd wanted the public to be aware of the additional fees. He had no objection to scheduling a workshop. Mayor Minnet suggested that a resolution be put together to send to Broward County, stating exactly where the Commission stood on those particular items. She added that she would take that resolution to the Broward League of Cities and get it on their table.

Commissioner Vincent remembered that the City of Pompano Beach did a study to see if they wanted their own police department and they chose not to. He did not favor a workshop at this time, unless there were issues within the BSO contract that needed to be discussed.

Commissioner Clottey believed that other options should be considered. She believed that the Town did not pay their fair share. Town Manager Hoffmann explained that the BCCMA study revealed that the Town was the most heavily subsidized municipality for BSO service in Broward County with the costs of serving the Town exceeding what the Town paid BSO by approximately $425,000 per year.

Mayor Minnet believed a workshop was needed to discuss what Broward County was charging the Town and to discuss other options for police service. Town Manger Hoffmann suggested that the discussion take place at the May 10, 2011 Roundtable as the agenda for that meeting was not heavy. Mayor Minnet agreed. There was no objection from the Commission.

Commissioner Sasser asked whether the Coral Reef Project began. Town Manager Hoffmann said that, due to recent heavy winds, it had not; Global Coral Reef Alliance indicated they would have the artificial reef in place in May assuming weather conditions were favorable.

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

9. TOWN ATTORNEY REPORT

Mayor Minnet requested that a draft resolution be presented at the May 10, 2011 Roundtable, which would be forwarded to the Broward County Commission in reference to the thoughts the Commission brought forward earlier in the evening regarding

regional service fees. Attorney Trevarthen said she would draft a resolution for consideration.

Attorney Trevarthen announced the law firms essay contest for high school seniors, titled "Why My Town is Special". She added that the details were posted on the Town's web site at www.lbts-fl.gov.

10. APPROVAL OF MINUTES

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

a. March 8, 2011 Special Meeting Minutes

b. March 8, 2011 Roundtable Meeting Minutes

c. March 22, 2011 Regular Meeting Minutes

d. April 5, 2011 Special Workshop Minutes

e. April 12, 2011 Special Commission Meeting

11. CONSENT AGENDA

Mayor Minnet pulled all items from Consent for discussion.

a. Special Event Application for the United Cerebral Palsy "Beach Volleyball Tournament" event, Saturday and Sunday, June 4 and 5, 2011 (Code Enforcement Officer Kimberly Williams)

Mayor Minnet wanted to make everyone aware that the applicant requested free parking on El Mar Drive, on both sides of the street, to El Prado Park.

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

b. Commission Approval for the Use of Jarvis Hall for the Lauderdale-By-The Sea Woman's Club Silver Tea Brunch and Fashion Show on Saturday, February 4, 2012, 9:30 AM to 3:00 PM (Municipal Services Director Don Prince)

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

c. Interlocal Agreement Between Broward County and Lauderdale-By-The-Sea for Division and Distribution of Proceeds of: (Acting Finance Director Doug Haag)

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1) Additional Local Option Gas Tax on Motor Fuel Ordinance

2) Fifth Cent Additional Local Option Gas Tax on Motor Fuel Transit

3) Local Option Gas Tax Imposed by the Broward County Local Option Gas Tax Ordinance

Commissioner Sasser asked whether the Town was required to approve the Interlocal Agreement. Acting Finance Director stated that if the Town wanted to receive their share of the proceeds the Interlocal Agreement had to be adopted by the Town.

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

d. Commission Approval for the Use of Jarvis Hall for the Caribe' Inc. of Broward County's 50th Annual Shareholders Meeting, Monday, March 5, 2012, 8:30 AM to 12:00 PM and to provide 45 parking permits (Municipal Services Director Don Prince)

Vice Mayor Dodd agreed to the staff recommendation of 22 free parking spaces. Mayor Minnet clarified that meant 22 free parking spaces in the Town Hall parking lot only and not in El Prado parking lot.

Vice Mayor Dodd made a motion to approve 22 parking permits for use in the Town Hall parking lot only. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

e. Commission Approval for the Use of Jarvis Hall for the Lauderdale-By-The Sea Chamber of Commerce "Spaghetti Dinner", Wednesday, October 5, 2011, 1:00 PM to 9:00 PM (Municipal Services Director Don Prince)

Vice Mayor Dodd inquired as to whether the Town was in compliance with Town Code in terms of cooking hoods and other equipment for use of Jarvis Hall for cooking. Municipal Services Director Prince said they were. Mayor Minnet questioned whether approval would include free parking in the Town Hall parking lot only. Vice Mayor Dodd said it would.

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

12. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2010-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN REGULATIONS, TO REVISE PROVISIONS

AND CLARIFY TERMS, REQUIREMENTS AND STANDARDS REGARDING SIGN REGULATIONS; FURTHER CREATING A NEW SECTION 30-510, SEVERABILITY REGARDING SIGN REGULATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-16 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.

Director Bowman stated that in addition to sandwich signs for valet parking services, sandwich signs would also be allowed for paid private parking under the revision proposed. Commissioner Sasser asked whether this covered the issues brought up during public comments regarding banner signs and signs on buildings. Director Bowman said it did not.

Commissioner Sasser inquired as to whether the Commission wanted to approve the Ordinance as written and discuss the other issues at a Roundtable. Mayor Minnet recommended approving the Ordinance on 1st reading, and discuss the other issues at the May 10, 2011 Roundtable. Vice Mayor Dodd asked whether the Town Code allowed the Town to use sandwich signs to advertise Town events, such as the 4th of July and polling precincts. Director Bowman said it was covered under exempt signs for governmental agencies, Chapter 30-502.

Commissioner Vincent inquired as to whether the sandwich signs for valet parking were also for private parking on any private parking lot entity. Director Bowman stated that it was addressed under the conditional use ordinance which was also on this agenda for Commission approval. He added that staff wanted to address it, in case the conditional use ordinance was approved, so that the two ordinances could work together. Mayor Minnet stated that many sandwich signs were hand written and inquired as to whether that could be addressed; she preferred they be written professionally. Director Bowman said they could prepare language and have it ready for the May 10, 2011 Roundtable meeting.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-16 on 1st reading with direction to staff to come back with options regarding hand written sandwich signs. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

b. Ordinance 2011-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, OF THE CODE OF ORDINANCES, TO AMEND PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-09 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 pointed out that currently only 2 motorcycles could park in one metered space at the same time and staff was suggesting that be increased. She said the Ordinance on the table would allow more than 1 motorcycle per space as long as they all fit in the same space. Mayor Minnet inquired as to whether the Commission wanted to make that change or maintain the current code language, 2 motorcycles per space. She believed if the change was accepted, it would encourage more motorcycles and decrease revenue.

Town Manager Hoffmann believed the idea was to free up additional parking spaces for cars, but believed it might make more sense to create smaller spaces for motorcycles and collect that revenue rather than have 4 motorcycles park in one parking space and only collect revenue on one. Vice Mayor Dodd preferred leaving the language as it currently stood with no additional motorcycle spaces. Mayor Minnet stated there was no need for further discussion at the next Roundtable.

Vice Mayor Dodd made a motion to adopt Ordinance 2011-09 on 1st reading but to maintain the current code language in regards to motorcycles, and change the word "space" to "spot". Commissioner Vincent seconded the motion. The motion carried 5 - 0.

2. Ordinances 2nd Reading

a. Ordinance 2011-03 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA,AMENDING SECTION 30-313(4),OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS FOR FENCES, WALLS AND HEDGES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTSAND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2011-03 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 Vincent made a motion to adopt Ordinance 2011-03 on 2nd reading. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

b. Ordinance 2011-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 "BEACHES AND WATERWAYS" OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE I "IN GENERAL", SECTION 5-1 "DEFINITIONS", BY AMENDING ARTICLE I "IN GENERAL", SECTION 5-6 "PROHIBITIONS ON WATER ACTIVITIES," AND BY AMENDING ARTICLE II "BEACH REGULATIONS" BY CREATING SECTION 5-35 "KITEBOARD INSTRUCTION PROHIBITED ON THE BEACH" AND SECTION 5-36 "PARAGLIDER LAUNCHING AND LANDING PROHIBITED ON BEACH"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND

PROVIDING AN EFFECTIVE DATE - Discussed at the February 22, 2011 Commission meeting- Approved 1st reading March 22, 2011

Attorney Trevarthen read Ordinance 2011-04 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 2011-04 on 2nd reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

c. Ordinance 2011-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING" OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-313 GENERAL PROVISIONS TO REVISE REQUIREMENTS FOR GENERATORS AND RELATED FUEL STORAGE TANKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting - Approved 1st reading with amendments March 22, 2011 - Additional Discussion at the April 12, 2011 Roundtable

Attorney Trevarthen read Ordinance 2011-06 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 2011-06 on 2nd reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

d. Ordinance 2011-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-261, "B-1-A DISTRICT - BUSINESS" AND 30-271, "B-1 DISTRICT - BUSINESS" TO CORRECT SCRIVENER'S ERRORS AND TO PROVIDE CONDITIONAL USES IN THESE DISTRICTS; BY AMENDING CONDITIONAL USE PROCEDURES IN THE RM-25 DISTRICT; CREATING SECTION 30-56, CONDITIONAL USE REVIEW; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting - Approved 1st reading with amendments March 22, 2011 - Additional Discussion at the April 12, 2011 Roundtable

Attorney Trevarthen read Ordinance 2011-07 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 2011-07 on 2nd reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

e. Ordinance 2011-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 3-4 "LIMITATIONS AS TO HOURS OF SALE." TO REVISE THE HOURS OF SALE OF ALCOHOL; AND PROVIDING FOR SEVERABILITY, CODIFICATIONS, CONFLICTS AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting - Approved 1st reading March 22, 2011

Attorney Trevarthen read Ordinance 2011-08 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 2011-08 on 2nd reading. Commissioner Vincent seconded the motion. The motion carried 4 - 1. Commissioner Sasser voted no.

13. RESOLUTION - "Public Comments"

a. Resolution 2011-07: A RESOLUTION OF THE TOWN COMMISSION OF TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR REVISION OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS

Attorney Trevarthen read Resolution 2011-07 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 asked whether the NOI (Notice of Intent) language was sufficient enough to cover the issues regarding banner signs and signs on the sides of buildings. Attorney Trevarthen said the description was to address comprehensive code revisions and therefore, the language was broad enough.

Vice Mayor Dodd made a motion to adopt Resolution 2011-07. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Resolution 2011-10: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AUTHORIZING CHANGES IN THE TOWN'S PURCHASING MANUAL BY PROVIDING FOR INCORPORATION IN THE MANUAL OF A REQUEST FOR QUALIFICATION PROCESS; PROVIDING FOR REPEAL OF

ANY CONFLICTING RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-10 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 requested the Town Manager give an overview of the item and explained how this would help the Town in the future. Town Manager Hoffmann explained that the change allowed the Town to use an RFQ (Request for Qualifications) procurement method commonly used in both the private and public sector as means to qualify companies to provide professional services such as engineering, landscape architecture, and surveying. She said that this method was not covered in the current purchasing manual and was needed for the Town to be able to qualify several companies at a time instead of only one. Town Manager Hoffmann explained that the results would come back to the Commission and the Town would then contract with the companies selected. She said when a project came up, the Town would then negotiate pricing with each contracted company individually. Town Manager Hoffmann said this process saved the Town a lot of time by not having to go out for RFP (Request for Proposal) every time a project needed to be completed. She believed this process was a great advantage to the Town.

Commissioner Sasser questioned whether the Town was still covered under the requirements of CCNA (Competitive Consultants Negotiation Act). Town Manager Hoffmann confirmed the Town was and that this procedure fulfilled the requirements of CCNA; it had the added advantage of allowing for negotiating with several companies.

Commissioner Vincent explained that he was concerned that once the companies were selected, the Town would receive higher quotes than going out for an RFP. He asked whether the Town was obligated to use one of those companies selected for every project. Town Manager Hoffmann explained that the Town had the right to send any project out for an RFP and did not have to use the companies selected from the RFQ. She added that CCNA also required that the Town go out for RFP for any project that exceeded $2 million in construction costs.

Commissioner Sasser made a motion to adopt Resolution 2011-10. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

c. Resolution 2011-12: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING PARKING FEES EFFECTIVE MAY 2011 AND OCTOBER 2011; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-12 by title.

Mayor Minnet opened the meeting for public comments.

Arthur Franczak said that the Commission should be careful with the estimates made regarding parking revenues. He said he had no problem with an increase in the parking fees but believed the price should not be the same in the El Prado parking lot as in the A1A/Bougainvilla Drive parking lot. Mr. Franczak believed that the meters in the A1A/Bougainvilla Drive parking lot should be cheaper as it would drive traffic from the El Prado parking lot, which was always full, to the cheaper A1A/Bougainvilla parking lot.

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

Vice Mayor Dodd made a motion to adopt Resolution 2011-12. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

d. Resolution 2011-11: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER OR HER DESIGNEE TO AUTHORIZE AND APPLY FOR STATE PERMITS FOR THE IMPLEMENTATION OF PAID PARKING ON COMMERCIAL BOULEVARD; PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-11 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 stated there were currently no parking meters on Commercial Boulevard. She explained that some sections were posted for parking by permit only and some areas were limited to a certain amount of time. Town Manager Hoffmann said that staff expected that FDOT would approve this request.

Commissioner Clottey made a motion to adopt Resolution 2011-12. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

e. Resolution 2011-13: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT FOR SPECIAL MAGISTRATE SERVICES WITH THOMAS J. ANSBRO, ESQ.; AND PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-13 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 pointed out that the payment clause stated that the invoice should be provided to Connie Hoffmann. He believed it should be provided to the Town Manager. Attorney Trevarthen said she would make the change.

Vice Mayor Dodd made a motion to adopt Resolution 2011-13. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

f. Resolution 2011-14: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE TWELFTH AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICES; DIRECTING THE APPROPRIATE TOWN OFFICIAL TO REQUEST THAT ALL PARTIES APPROVE THE TWELFTH AMENDMENT BY JUNE 2, 2011; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 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.

Town Manager Hoffmann explained that this change was to the Town's advantage. Commissioner Sasser questioned whether the change precluded the Town from the other negotiations that were occurring regarding the ILA with the Resource Recovery Board. Town Manager Hoffmann said it did not. Commissioner Sasser asked whether it extended the term of the current ILA. Town Manager Hoffmann said it did not.

Vice Mayor Dodd made a motion to adopt Resolution 2011-14. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

Mayor Minnet recessed the meeting at 9:14 p.m. and reconvened at 9:25 p.m.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. COMMISSIONER COMMENTS

Mayor Minnet thanked everyone for their involvement in the Easter by the Sea event. She said the event was a success. Mayor Minnet stated that a lot had been accomplished in the last year and although a lot of time was spent on the master plan, it was time well spent. She explained that the Commission not only looked at the cost for the projects, but looked at the benefits to the community as well. Mayor Minnet said she was looking forward to discussions regarding the parking loan to decide whether paying down that debt would be the best thing for the community. She did not want to lose sight of their attempt to re-invest in the community or to preserve and enhance property values. Mayor Minnet reminded everyone that on May 21, 2011 the University of Miami will be in Jarvis Hall from 9:00 a.m. to 12:00 p.m. to discuss the A1A plan from Pine Avenue to Palm Avenue. She encouraged everyone to come to the meeting.

Mayor Minnet asked that the issue regarding delivery trucks be placed on the May 10, 2011 Roundtable. She asked that everyone keep Diane Boutin in their prayers.

Commissioner Clottey thanked Mayor Minnet and all the volunteers who assisted with the Easter egg hunt. She said it was a wonderful event for the people of the Town to come together. Commissioner Clottey encouraged everyone to come out and participate in the University of Miami design charrettes beginning May 21, 2011 through May 26, 2011. Commissioner Clottey said people asked why the Town did not have a Finance Director. She said the Town had a very competent Acting Finance Director that did not wish to take the position of Finance Director permanently. Commissioner Clottey said she liked having the Roundtable meetings as they had allowed opportunity for public discussions on various subjects.

Commissioner Sasser thanked Mayor Minnet and all the volunteers for their participation in the Easter event. Commissioner Sasser stated that his thoughts and prayers were with Diane Boutin.

Commissioner Vincent thanked Mayor Minnet and all the volunteers for putting the Easter event together. He said it was an enjoyable event. Commissioner Vincent explained that just because the Commission discussed parking garages and other projects, it did not mean they were going to do it; they were looking at, and looking for opinions from everyone regarding everything projected for the master plan. He added that although it may look like it may become a piece meal situation, it was necessary to accomplish what the Town needed to do as a step-by-step process.

Vice Mayor Dodd said that Hillsboro Inlet began dredging and some of that sand should begin coming in the Town's direction for storm purposes. Vice Mayor Dodd stated that the 4th of July parade, organized by the VFD (Volunteer Fire Department) will be from 10:00 a.m. to 11:30 a.m. with VFD and child interaction from 11:30 a.m. to 12:00 p.m. in the El Prado parking lot, and followed up with beach events. Vice Mayor Dodd said he will request a timeline of placing referendum issues, such as parking garages and underground utilities on the March 13, 2012 ballot, and will place an item on the agenda to determine support to proceed with proposed referendum. He believed that the residents should decide how to spend tax-payer dollars.

16. OLD BUSINESS

17. NEW BUSINESS

a. 2011 BSO LBTS District LETF Request (Chief Oscar Llerena)

Chief Llerena explained that he was requesting $28,896.54 in accordance with state statutes. He said that funds would be used to expand the Towns' current security camera system as well as purchase new automated traffic citation devices.

Commissioner Sasser requested clarification that the funds were not be used for a red light camera system. Chief Llerena explained that they were not. Commissioner Vincent questioned whether the cameras to be purchased were capable to zoom in on specific crimes. Chief Llerena said the cameras had excellent zooming capabilities. He noted that there was a lot of traffic both pedestrian and vehicular in the beach corridors which produced a significant amount of petty crime. Chief Llerena said that the camera system allowed for the capture of many suspects involved in those crimes.

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

b. Commission selection of a Municipal Director, Alternate and Second Alternate to the Broward League of Cities for the 2011-2012 year (Town Clerk June White)

Vice Mayor Dodd made a motion to appoint Mayor Roseann Minnet, Municipal Director, Commissioner Chris Vincent, Alternate, and Commissioner Sasser, Second Alternate. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

c. Commission Approval of Application for Relief of Code Enforcement Lien at 1955 Blue Water Terrace South (Code Enforcement Officer Kimberly Williams)

Mayor Minnet stated that the lien was in the amount of $66,150 and the bank offered $9,922.50 or 15% to settle the lien. She added that the property was in violation for a total of 440 days and the original violation was failure to connect to the sewer system. Commissioner Sasser questioned of the 440 days that the property was in violation, how long the bank was in violation. Vice Mayor Dodd stated that the bank was in violation for 114 days. Commissioner Sasser asked how the settlement percentage was determined. Director Bowman explained that the bank offered a lesser settlement and staff recommended 15% to which the bank agreed.

Commissioner Clottey advised that the fine of $150 a day was assessed to properties that did not connect to the sewer line and other properties that considered dilapidated. She was concerned that the types of violations did not equate and questioned how the fines were determined. Director Bowman stated that the fine was based on the sole discretion of the magistrate.

Commissioner Vincent believed the bank had a fiduciary responsibility to the Town to attempt to resolve the lien prior to taking over the property. He added that research should have been done by the bank prior to foreclosure to see whether there was money owed or open code violations that needed to be resolved. Commissioner Vincent said that he was not comfortable with the settlement offer and recommended the amount be higher.

Vice Mayor Dodd believed a 25% settlement was more appropriate due to the amount of time taken for the bank to come into compliance. Commissioner Vincent agreed.

Town Manager Hoffmann pointed out that staff made the recommendation of 15% for the settlement because of the nature of the violation. She added that the violation did not affect the surrounding neighbors or cause any safety issues.

Vice Mayor Dodd made a motion to approve 25% of the lien amount, or $16,537.50 due within 30 days. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

18. ADJOURNMENT

Commissioner Clottey made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:00 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

DRAFT

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White Date