TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, December 10, 2013
7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan and Town Clerk Vanessa Castillo.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor James Corgee

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None

5. PRESENTATIONS

a. Presentation on Bio Rock Reef Project by Vŏnē Research

Stephen Attis of Vŏnē Research gave a video presentation on the Bio Rock Reef Project

Commissioner Brown mentioned other coral reef projects in Broward County, wondering if Vŏnē's project connected with other projects, and were financial resources available through other initiatives.

Mr. Attis replied the Town's Bio Rock Reef Project was standalone, but there were other opportunities for nonprofit financing that could expand the project scope.

Vice Mayor Sasser questioned if there were other reef projects underway that the Town could compare to its Bio Rock Reef project.

Mr. Attis responded there were other reef projects with different goals and levels of success, and the amount of success with projects similar to those of the Town's was very positive. Although the Bio Rock Reef Project lacked the power to yield successes achieved in other parts of the world, it was helping corals grow, breaking down waves, etc. He indicated there were no other projects exactly like that of the Town's.

Jane Fawcett, a project team member, stated there were mitigation monies available through the Port Everglades dredging project that Võnē could go after to expand the Town's project. The Bio Rock process was unique, being the only one where the coral could self-repair.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Kim Porter, a diver, voiced opposition to the beach renourishment project.

Kate Wesner, representative for County Commissioner Chip LaMarca, offered her assistance while Commissioner LaMarca advocated constituent causes in Tallahassee.

Edmund Malkoon thanked the Town for a successful Christmas-By-The-Sea event and reported that certain streetlights that were out should be repaired for public safety.

Bill Porter and son Lane, owner of Don Hillman Generators, asked the Commission to reconsider code restrictions on generator wall/screening enclosures and the 60 kilowatt requirement. They distributed handouts supporting their position.

Patrick Murphy supported the Bio Rock Reef Project. He spoke regarding the installation of parking meters, their management and aesthetic impacts; the Town should wait for the parking study, as a bad reputation could discourage developers.

Bill Vitollo requested palm trees for Commercial Boulevard between El Mar Drive and A1A, suggesting the Town take steps to discourage people from parking on the pavers. He commended the Town for a successful Christmas-By-The-Sea event. The Town should examine the reefs that should be growing.

Sue Childers, a diver, asked what the Town would do to stop the beach renourishment project if it discovered the reefs were adversely affected.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report – November 2013 (Captain Fred Wood)

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

b. AMR Monthly Report – November 2013 (Chief Brooke Liddle)

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

c. VFD Monthly Report – November 2013 (Fire Chief Judson Hopping)

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

8. TOWN MANAGER REPORTS

a. Finance Monthly Report – October 2013 (Finance Director Tony Bryan)

The Commission accepted the report without further discussion.

b. Town Manager's Report (Town Manager Connie Hoffmann)

Town Manager Hoffmann reviewed her report set forth in the backup, highlighting:

- Thanked Vŏnē Research for the presentation, requesting a copy of the video for the Town's website
- Christmas-By-The-Sea was very successful; she thanked specific individuals and organizations that contributed their time and in-kind services
- Grand Opening Celebration of the West Commercial Boulevard roadway improvements was scheduled for December 12th, including the unveiling of reef sculptures
- Direction needed from the Commission on when to stop free parking in the A1A Lot. Commissioners suggested adding signage to inform the public parking was no longer free. There was a Commission consensus to cease free parking on or around December 16
- Super Storm Sandy Sand project would not be in the Town until the last week of December, and they would be putting sand in the Town all through January and the beginning of February.
- Change to Special Event Application for New Year's Celebration (Athena's By The Sea) approved on November 12; participants requested a change to the time to close the street to traffic from 7:00 p.m. to 5:00 p.m.

Commissioner Dodd inquired if there were any updates on the ALPR Cameras.

Town Manager Hoffmann said no.

Commissioner Dodd felt disturbed by the emails the Commission received regarding the Super Storm Sandy project and the turbidity problem with the sand. Cry of the Water reached out to him and he spoke with them, as well as with a professor from the University of Miami considered an expert on sand. They expressed to him the opinion that the standards were set were too low by the Army Corps, and the sand should be washed more frequently, but this would make the process slightly more expensive. He tried to contact Eric Meyers and received a call from two persons from the Army Corps of Engineers, and they informed him that they should have the results from their quality analysis quality control (QAQC) by December 18. They said the minimum standard was two percent silt, with a particulate size of 200 microns. Commissioner Dodd had inquired if the Town would receive sand south of the pier and was told it was still being discussed. He thought, with the natural drift of the sand, the Town would eventually receive the sand delivered at Pompano Beach.

Commissioner Brown visited Pompano and observed the conveyor system. He felt the sand was beautiful, and he encouraged those with reservations about the project to visit the conveyor system on Pompano's beach. It was very quiet and work proceeded without disturbing beachgoers, and every third truck of sand was inspected by Army Corps personnel for bacteria and other foreign substances. He felt confident in the quality control on the project. There were a number of properties in the Town that did not sign the easement agreements the Army Corps requested, but rather than skipping those properties, the Army Corps followed the erosion control line, that is, at the high end of the property line of the beach.

c. Chamber of Commerce Welcome Center Activity Report (Town Clerk Vanessa Castillo)

Chuck Maxwell, Vice President of the Lauderdale-By-The-Sea Chamber of Commerce distributed Welcome Center Expense Reports to the Town Commission.

Malcolm McClintock, Executive Director of the Lauderdale-By-The-Sea Chamber of Commerce, said the new Visitors Guide was available at businesses throughout the Town. He encouraged everyone to pick up a copy for contact information of most local businesses. The Chamber's Christmas party would take place on Friday, December 13, 2013, at Benihana at 6:00 p.m. He wished everyone, on behalf of the Chamber, a wonderful holiday season.

Mr. Maxwell congratulated the Town on its Christmas-By-The-Sea event, stating he received numerous compliments from the public. He apologized for the lateness of the quarterly financial report distributed to the Commission, as he sought to provide useful information rather than just numbers. This would be the format of future reports to provide a comparison, and show where the Town's contribution to the Welcome Center

went. He informed the Town Commission and Town Manager that the Chamber received the CVB funds shortly after the last Town Commission meeting.

Commissioner Brown, referring to the report, questioned how the data could show 12,700 persons looked at the website, but only 182 were inquiries about hotel rooms in the Town. He asked if it were possible to monitor what people who visited the Chamber's website actually did.

Mr. McClintock replied that in order to be counted as making an official inquiry on the Chamber's website, the person had to fill out a form. Many people surfing the internet did not take the time to fill out forms, preferring to gather the information they sought and move on. He believed this was the reason the number of inquiries into hotels seemed so low.

Mayor Minnet wondered how visitors to the website could be enticed to fill out the form.

Mr. McClintock suggested sending them a Visitors Guide as a reward.

Mr. Maxwell said that in October, the Chamber came out with the www.lbtsguide.com, an online version of the Visitors Guide, thereby expanding its value, as businesses had their own homepage. He wished to find out from the businesses what pages visitors to the Chamber's website went to: restaurants, diving, etc. It was possible to track those numbers.

Commissioner Brown inquired if there was any interactivity between the visitor and the business they sought, such as a hotel, restaurant, etc.

Mr. Maxwell affirmed there were two places for visitors to the website to connect, depending on whether if they were a Chamber member or a guest, and there were multiple links to connect to for information on specific businesses.

Commissioner Vincent asked if the links were due to requests by Chamber members or was it a partnership with the members to allow the links to the Chamber's website.

Mr. Maxwell responded that in the past the Chamber's website contained a description of each member's business and contact information. With the Visitors Guide portion, there was a direct link that led to the home page of the various businesses with a full description they could update periodically, and the Chamber could update www.lbtsguide.com throughout the year.

d. Commercial Boulevard Projects Update, Verbal Report – (Project Manager Albert Carbon, Paul Carty, State Contracting & Engineering Corporation (SCEC))
Mr. Carbon indicated that the reconstruction of three crosswalks at the Commercial Boulevard and A1A intersection had been removed from the project due to the oncoming tourist season , noting they would be included in the next streetscape project for the section of Commercial Boulevard between Sea Grape Drive and A1A:

Town Manager Hoffmann indicated they preferred not to shut down the northwest alleyway during the holiday season so the repaving of the northwest alleyway behind Athena's and 101 Ocean, so that work would also be removed from the project and done later in 2014.

Paul Carty, SCEC, gave an update on the Commercial Boulevard improvement projects, highlighting:

- Substantial completion achieved on both projects
- For the west Commercial Boulevard portion, still to be completed:

mill and resurface Commercial Boulevard would be done in the coming week;
asphalt I stamping would take place when the asphalt was cured, most likely in the first week of January;

- Lights were installed and operational
- For the East Commercial Boulevard portion: finish the last plaza, Dune Plaza; the lights were being delivered on December 11 and should all be installed by the end of the week; and the final thermoplastic painting would be done after the asphalt cured, with completion expected in two weeks

Town Manager Hoffmann remarked the streets were opened on December 5, the contractor's deadline.

Commissioner Vincent commended Mr. Carty and Mr. Carbon for their unwavering belief and efforts to assure that the project would be substantially completed by the deadline set.

Vice Mayor Sasser echoed commendations, appreciating the work the project team and Town staff did to ensure the project was done well and on time, exceeding expectations.

Mr. Carty commented Town staff's cooperation with his team facilitated their success.

Town Manager Hoffmann extended thanks to Mr. Flynn and his team, as well as Hugh Johnson and his team from Architectural Alliance, as they were very responsive.

Mayor Minnet thanked Mr. Carty for his team's responsiveness to the Town's businesses, as the process was not an easy one.

Town Manager Hoffmann mentioned the cleaning and sealing of the pavers on the sidewalks was underway. The bicycle racks the Town ordered would be installed, noting the problem in front of Athena's of people parking on the sidewalk; this would be solved, as one of the bike racks would be installed there. She said the boat benches arrived on December 9 and would be positioned in the next weeks, and the Adirondack chairs would be placed in Anglin Square. .

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

a. November 12, 2013, Town Commission Meeting Minutes

Commissioner Dodd made a motion to approve the above stated minutes as presented. Commissioner Brown seconded the motion. The motion carried 5-0.

11. CONSENT AGENDA

Mayor Minnet pulled item 11a for discussion.

Commissioner Dodd pulled items11c and 11d for discussion.

b. Approval of Half-day Holiday on Christmas Eve for Town Employees (Town Manager Connie Hoffmann)

e. Approval of additions to the West Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) of $35,164.00 for Underground Utility and Paving Revisions with State Contracting and Engineering Corporation (Project Manager Albert Carbon & Paul Carty, SCEC)

Commissioner Vincent made a motion to approve items 11b and 11e on the Consent Agenda. Commissioner Dodd seconded the motion. The motion carried 5-0.

a. Solid Waste Disposal, Recyclables Processing, and Bulk Waste Disposal Services Contract (Assistant Town Manager Bud Bentley)

Mayor Minnet indicated staff sought the Commission's approval, but there needed to be a change related to section 3a (1).

Assistant Town Manager Bentley said Town staff noticed there was no final executed agreement, and the Town received confirmation from Sun Bergeron that the language was acceptable to them. A late change was made prior to the meeting to section 3a(1), a copy of which was provided to the Commission. He explained the reason for the change was that Sun Bergeron announced they were going to move the disposal site to Davie from Deerfield/Pompano. The Town required confirmation from Progressive that the move would not change its hauling cost, so staff included in the agreement language to this end and recommended the Commission approve the agreement subject to non-substantial changes approved by the Town Attorney.

Vice Mayor Sasser thanked Town staff for adding the abovementioned language to the subject contract, as it addressed one of his concerns.

Assistant Town Manager Bentley mentioned that Sun Bergeron had agreed to the sponsor the Town's 2014 Fourth of July fireworks at the $20,000 level.

Vice Mayor Sasser made a motion to approve item 11a, subject to any additional non-substantial changes in the contract text approved by the Town Attorney. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. Special Event Application for New Year's Eve Celebration – Mulligan's Beach House (Assistant Town Manager Bud Bentley)

Mayor Minnet sought confirmation the applicant was not requesting to go into the plaza.

Assistant Town Manager Bentley affirmed it would be in the street next to their facility.

Commissioner Dodd made a motion to approve item 11c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

d. Special Event Application for Mulligan's Grand Opening Proposed for Wednesday, December 18, 2013 (Assistant Town Manager Bud Bentley)

Commissioner Dodd questioned if the applicant would be ready with all the required liquor licenses, etc. It should be left to staff's discretion to determine if all the requirements were met.

Mayor Minnet questioned if the proposed setting was in the plaza.

Assistant Town Manager Bentley indicated that was Mulligan's request, but Town staff recommended they not be allowed to set up in the plaza, they should set up on their property and the sidewalk next to their property. The Town Manager would have the authority to change the date if necessary.

Commissioner Brown wondered if the applicant could host the event in the manner desired if they could not use the plaza.

Assistant Town Manager Bentley spoke with the applicant's representative, making him aware of staff's recommendation, and the information was sent to the property owner. No one was present at the meeting to represent the applicant.

Commissioner Brown commented this was a one-time event, and the Town had yet to set the policies regarding the use of the plazas, and the Town was allowing another business to do an event at the water plaza. Thus, his preference would be to allow the applicant to use the plaza as requested for their grand opening event.

Town Manager Hoffmann believed the plaza would not be completed in time for this event, as the applicant's event was only seven days away.

Mayor Minnet believed the Commission should follow staff's recommendation.

Vice Mayor Sasser wondered if some flexibility should be allowed for the applicant in the event they were unable to secure a liquor license, rather than change the date of the event, the event could be held on December 18, but without the ability to sell liquor.

Assistant Town Manager Bentley indicated one of the conditions of approval was that the Town Manager was authorized to make minor changes in the logistics of the event to meet the Commission's past policies. He concurred with Vice Mayor Sasser.

Commissioner Dodd made a motion to approve item 11d, allowing Town staff to change the date if necessary. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Recess/Reconvene

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None

b. Ordinances 2nd Reading

i. Ordinance 2013-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT AGREEMENT FOR FUNDING $16,683.00 THROUGH THE BROWARD COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2013-2014 FOR THE SENIOR CENTER ACTIVITIES; AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS IN THE AMOUNT OF $43,317.00; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (TOWN CLERK VANESSA CASTILLO)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Town Planner Linda Connors reviewed the changes since first reading, as detailed in the backup. Staff recommended approval, leaving it up to the Commission to consider whether they wished to change the existing timeframes for construction.

Commissioner Dodd appreciated staff's efforts and believed the code should reflect a reasonable time for construction; 18 months seemed a reasonable time to construct a single-story house. He asked if fines or penalties were imposed by the municipalities in staff's research, and if the cost to extend beyond the 18 months was excessive.

Commissioner Vincent remarked there were often many unforeseen conditions based on the nature of the project, and the negative experience with a few properties should not cause the rules to change. The burden of levying fines on property owners who

were already dealing with unforeseen conditions led to further delays and caused additional expenses for the consumer.

Commissioner Vincent made a motion to approve Ordinance 2013-11. Commissioner Brown seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

a. Resolution 2013-55: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT AGREEMENT FOR FUNDING $16,683.00 THROUGH THE BROWARD COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2013-2014 FOR THE SENIOR CENTER ACTIVITIES; AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS IN THE AMOUNT OF $43,317.00; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (TOWN CLERK VANESSA CASTILLO)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Brown made a motion to approve item 13a. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Resolution 2013-56: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT TO AUTHORIZE BROWARD COUNTY TO CONTINUE TO PROVIDE BUILDING CODE SERVICES RELATED TO CERTAIN PERMITS IT ISSUED, AND TO RATIFY THE COUNTY'S ACTIONS TO DATE; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (TOWN PLANNER LINDA CONNORS)

Town Planner Connors reviewed the proposed resolution.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd expressed pleasure to see movement on the subject property. He mentioned the proposed work was permitted under the overlay district, which allowed a height of 44 feet. He questioned if the property were redesigned, would it fall under the 44 feet or did it have to obey the current code governing the subject area of 33 feet.

Town Attorney Trevarthen replied it depended on the changes proposed. If the owner walked away from their completely vested rights, they might start over and have the smaller amount of rights, but it was likely they would continue to operate within the framework of what was currently approved. Her review of the documents with Town Planner Connors showed the owner taking advantage of the latter.

Town Planner Connors commented the approved project was at 39 feet, with height measured at the tie beam, and was in the Mediterranean Revival style, including a peaked roof. In the revised project, the owner requested a minor amendment to change the design to Midcentury Modern (MIMO), in keeping with the Town's preferred architectural style, proposing a flat roof that decreased the building height.

Commissioner Vincent made a motion to approve item 13b. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. **Resolution 2013-57:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DESIGNATING CERTAIN MEMBER(S) OF THE TOWN COMMISSION TO APPEAR AS ITS AUTHORIZED REPRESENTATIVES(S) AT THE RESOURCE RECOVERY BOARD ASSET LITIGATION JOINT PUBLIC MEETING IN THE EVENT A QUORUM IS NOT PRESENT. (TOWN MANAGER CONNIE HOFFMANN)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Town Manager Hoffmann remarked four Commissioners were set to attend the subject meeting; the resolution was proposed in the event two Commissioners failed to attend.

Town Attorney Trevarthen commented the manner in which she drafted the resolution was self-executing and went down the line of seniority on the Commission.

Commissioner Dodd made a motion to approve item 13c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen reviewed the Town's quasi-judicial procedures, asking if the Commission had any *ex parte* communications to disclose.

Mayor Minnet remarked on speaking with pier representatives on the matter in the past.

Vice Mayor Sasser revealed having a telephone discussion on December 9 with representatives for the pier regarding the issues currently before the Commission.

Commissioner Vincent spoke with representatives for the pier on the subject matters.

Commissioner Brown also spoke with pier representatives on the subject issues.
Town Attorney Trevarthen swore in persons present and wishing to speak on items 14a, 14b, 14c and 14d, further explaining the hearing process.

a. Administrative Adjustment Application for the Sea Lord Hotel and Beach Club, 4136 N. Ocean Drive, to allow a 5' encroachment into each side setback (Town Planner Linda Connors)

Town Planner Connors wished to reviewed items 14a and 14b in one presentation.

Town Attorney Trevarthen received the applicant's consent to have one presentation for both items, with the understanding that each item would be voted on separately.

Town Planner Connors went over the details of items 14a and 14b, as set forth in the backup. Staff recommended approval with the 14 conditions in the development order.

Commissioner Vincent thanked the applicant, stating this was an example of the partnership with the Town and coming forward with a beautiful project synonymous with the Town's vision. He commended the Board of Adjustment (BOA) and Town staff for their work in following Code section 3010.

Town Planner Connors explained the setback requirement was ten feet, and if the height increased after 22 feet, the applicant was required to setback one foot for every two feet; the applicant provided a ten-foot setback.

Vice Mayor Sasser thought it was important to maintain height limits and setbacks, and there had been concern about allowing overhangs of a few feet. In the present discussion, a substantial setback of ten feet was mentioned, and though the property was beautiful and the applicant was doing a great job, he queried the next step if the Commission voted no.

Town Planner Connors replied a typical property had two visible sides, but the subject property had three, with the addition of a view in the middle. The applicant was requesting the setback to provide a MIMO styled courtyard and aesthetic appeal. The side setback was adjacent to a parking lot, and the proposed façade would use the five feet to accommodate a more aesthetically appealing design.

Vice Mayor Sasser asked about the one no-vote on the BOA.

Town Planner Connors responded the BOA member who voted no stated they believed everyone should follow the rules regardless of the circumstances. However, the Commission amended the rules to include the administrative adjustment so the applicant could apply for this adjustment.

Vice Mayor Sasser felt unclear as to what was substantial versus insubstantial.

Commissioner Dodd echoed Commissioner Vincent's sentiments. He observed the building sat behind the Town's sidewalks.. The applicant would have two driveways going across the area, so he wondered some green space could be incorporated, as it would provide better drainage. He asked if this was a detail should be discussed now or during the design stage.

Town Planner Connors pointed out condition number five was for the applicant to provide adequate storm water facilities to meet regulatory requirements.

Commissioner Brown thanked the applicants for putting the project together. He concluded approving the application was not setting a precedent.

Town Planner Connors noted that staff noticed the property owners and advertised as required by the code, and no comments from the public were received either way.

Mayor Minnet thought the proposed project complemented to the community and hoped it created a domino effect, as its architecture and design made the space attractive.

Town Attorney Trevarthen invited comments from the applicant if desired.

Rex Nichols, the applicant's representative, concurred with Town staff's presentation, stating his family participated in the ownership and management of the Sea Lord and ran their business with integrity. Considerable money was invested in improving these new properties, and Town staff was extremely helpful throughout the process. The project conformed to all Town codes, resulting in a beautiful courtyard design with MIMO styled architecture. He urged the Commission to approve their application.

Town Planner Connors mentioned the north side of the property was included in the application, as it was adjacent to an existing residential building. With the Commission's approval, the view would be more beautiful and interesting for the residents.

Town Attorney Trevarthen opened the discussion the public, which she closed upon receiving no input. There were no further comments from staff or the applicant.

Commissioner Vincent made a motion to approve item 14a. Commissioner Dodd seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.

b. Site Plan Application for the Sea Lord Hotel and Beach Club, 4136 N. Ocean Drive

Commissioner Vincent made a motion to approve item 14a. Commissioner Dodd seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.

Mayor Minnet commented it was at times difficult for the Commission to make certain development approval decisions with residents speaking out loudly on certain issues. However, if the Town had the type of architecture proposed on this project, there would be less flat walls, and a better understanding of what the applicant sought to create. She thanked them for their presentation, as their photographs were good illustrations, and when residents saw the finished product, they would appreciate the space's beauty.

Commissioner Dodd remarked the question of setbacks should be for the Commission's future consideration, whether to move the existing setback further back, so when architectural enhancements were done, they came forward to the present setback level.

c. Quasi-Judicial request pursuant to Section 30-56 of the Town's Code of Ordinances for conditional use approval for paid private parking in the B1 Zoning District

Parking Lot adjacent to JoJo's, 216 Commercial Boulevard (Town Planner Linda Connors)

Town Planner Connors reviewed items 14c and 14d in one presentation, and as detailed in the backup, though the Commission voted on them separately.

Craig Unger, the applicant's representative, thanked Town staff for working with them, stating the applicant agreed with all but one of the staff conditions, condition 13 in 14c on the pier parking lot. Mr. Unger said his client was requesting that they be allowed to have a pay station on the pier lot, which they were permitted to have by Town code. He said there would be an attendant at the site from 7:00 a.m. to 12:00 midnight. He proposed that the Commission allowed them to have a pay station at the pier parking lot for a six-month trial period to see how well it worked. Mr. Unger submitted and read into the record the language the applicant wished added.

Town Planner Connors resumed her presentation of both items, with staff recommending approval subject to the conditions set forth in the backup.

Vice Mayor Sasser sought clarification on whether the applicant was following the code with regard to having a parking pay station.

Town Planner Connors clarified there was a weakness in the code that had to be addressed.

Assistant Town Manager Bentley clarified that Mr. Unger's comment that the applicant could put meters in their lot, was due to the activity not being regulated by the Town code. . Town staff objected to the request to use parking meters in a private lot, feeling this activity was best controlled by the presence of a parking attendant. He said staff was concerned about the current practices at the applicant's parking lot and met with the applicant and their valet contractor. Assistant Town Manager Bentley noted, as the item before the Commission was approval of a conditional use, the Commission could establish conditions concerning the use of the meters.

Vice Mayor Sasser pointed out the Town Commission and staff were concerned over how the meters would be enforced, and much of that concern stemmed from how such issues were dealt with historically by the applicant. He remarked, from a business standpoint, the ability to have paid parking and employ technology to do that should be open to other businesses wishing to engage in such activity. It might be overreaching for the Town government to decide who ran a good business. Vice Mayor Sasser supported allowing the meters for a six-month trial period, noting the Town did not need to do a parking study to determine if opening up more paid, private parking was a good thing. If the conditions of approval included the six-month trial period, the Town would get the upgrades to the parking and added landscaping, and open up more parking spaces; and evaluation of the effect of the meters could be done after six months.

Commissioner Brown found it amazing that most of the big issues were resolved. He sided with Town staff's concerns and understood the applicant's arguments for the meters; he hoped not allowing the parking meters did not jeopardize the agreement.

Commissioner Dodd expressed no objection to a paid kiosk for the parking attendant, provided it was three spaces into the parking lot to avoid any buildup of traffic. He was against private parking meters without an attendant, as it created problems with people not knowing the meters were only for the specific businesses of the lot. There was no need for meters if the valet service would be there all the time, and the attendant collected the fees. Referencing condition five, he was under the impression this was for restaurants, as they usually opened for all daylight hours, so there would be very few spaces left to charge for.

Town Planner Connors responded there were some parking spaces left, as the owner received a parking exemption for Anglin's Beach Café and Mulligan's, and there were spaces for the Gelato store and the T-shirt Shop. If the two latter businesses closed at 6:00 p.m., their allocated spaces would be available for paid, private parking.

Commissioner Dodd wanted to add language to condition number 13 to indicate the attendant's kiosk would not be located on the Town's property.

Town Planner Connors indicated language to that effect could be included.

Commissioner Dodd noticed there was nothing in the conditions specific to the question of room for cars to pull in to prevent road blockages, as there were already incidents with people asking whom they should complain to.

Town Planner Connors replied that a provision in the conditional use requirement said any violation of the code allowed the Town to repeal the conditional use, and blocking traffic was a violation of the code.

Captain Wood explained if cars were backed up into the roadway blocking traffic, the police deputies had the authority to tell drivers to drive around until the valet cleared the buildup on the private lot.

Town Manager Hoffmann asked if Commissioner Dodd was requesting a condition be added that the applicant must provide stacking space of at least three cars to prevent traffic building up on the roadway while they wait for valet parking.

Vice Mayor Sasser questioned how such issues were dealt with at existing valet parking lots.
Mayor Minnet remarked the Town already ad problems with traffic buildup issues, as she called for police assistance when traffic stacked up onto the roadway at Benihana, Aruba's, or the Pier. The problem was usually due to insufficient valet staff to park cars; it was up to the owners of the businesses to ensure they hired sufficient staff.

Commissioner Dodd felt if the valet parking would lead to traffic issues on the Town's roadway, then that section of the conditional use should be suspended.

Town Planner Connors said if the Commission desired an automatic suspension of valet parking if road blockages occurred, the language should be incorporated as an additional condition of approval.

Town Manager Hoffmann inquired of the Town Attorney if the Town adopted an ordinance to regulate valet operations in the future for all businesses engaging in such practices, would the rules apply to conditional uses.

Town Attorney Trevarthen believed the rules would apply, as they would be a factor of business operation more than a land use right. The Commission could attach a condition to the subject conditional use application that stated future adopted valet regulations would be applicable.

Commissioner Dodd noticed there was no language in staff's conditions that prevented the applicant from temporarily parking vehicles in a vacant space in the subject parking lot, and they should be prohibited from using spaces allocated to other businesses. He mentioned once counting 61 vehicles in the subject parking lot, and that number was now being brought down closer to 40, and the valet spaces they requested numbered about 20. The applicant needed to have a "Valet Full" sign, as there was likely to be a problem with the cars backing up onto the road, and there should be a provision that automatically suspended valet parking if these activities caused traffic buildup on the Town's streets.

Commissioner Vincent spoke on the compromise and concessions both the applicant and the Town made to make the subject application workable. He failed to understand the importance of the meters if staff was needed to regulate them, and they presently had parking staff for the lot without meters. The Town would conduct a parking study in the near future, and though the issue of meters on private parking lots was not addressed in the Town's code, it could be argued that if a matter was not addressed by the code, it should not be allowed. He was not comfortable trying to write code from the dais, recommending there be a six-month trial with how the conditional use application was presently written without the pay station. This was preferable with the upcoming parking study, as there was no way of knowing how the subject conditional use with the meters would work or be compatible with the policies that might result from the findings of the parking study. He said the applicants could then come back in six months to resubmit their request for private parking meters; the only time he visualized the meters being used was from 2:00 a.m. to 7:00 a.m. Prior to 2:00 a.m., the valet had to control the parking lot, and in their absence, while parking cars, other traffic issues were likely to arise. Road blockages were against the conditional use, whether it took place on the public right of way or within the private parking lot; there were many grey areas that would involve Town staff time and associated administrative costs.

Mayor Minnet observed that the Commission approved a restaurant parking exemption program that actually gave parking spaces away to restaurant uses, thereby creating a grey area in the code.

Town Attorney Trevarthen remarked there were two policy proceedings that fed into the subject conditional use applications: one was the parking exemption program, and the other was the decision not to assign a parking demand to the pier use. These were steps along the way to the Town's current position, and the Commission was being asked to decide on two conditional uses. She read into the record subsection (c) of Chapter 30-56 of the Town's Code that controlled conditional uses, reiterating there were two levels of discussions: established uses, their assigned parking and whether they could install meters; and the conditional use for paid, private parking. The Town had very broad authority to condition and control that use.

Mayor Minnet supported all staff's recommendations, expressing appreciation for all parties' willingness to compromise in the drafting of both conditional use applications. She did not want the meters in the subject lot, but she agreed with the paid valet parking as stated in the staff conditions.

Assistant Town Manager Bentley responded to issues raised by Commission Dodd with some potential language. One issue was the valet parking of the paid parking vehicles and moving them to the 216 Commercial, and staff suggested language along the following lines: valet shall not park paid private parking vehicles in any space in the Pier parking lot. Language for another issue could read: any code violation resulting in a final order on property owned or controlled by the applicant shall cause the suspension of the conditional use until the violation was corrected, and any fine and/or administrative fee was paid. On the issue of stacking at the transfer point, he believed this was an operational issue, so he recommended the Town not get specific in the conditional use to set a length on where the applicant would put the transfer.

Mayor Minnet invited the applicant to speak if desired.

Mr. Unger, the applicant's representative, indicated they clearly understood the Commission's concerns and would accept the conditions of approval as written by staff for both items. The only exception on item 14d was that the applicant requested that employees of properties owned or leased by the applicant be allowed to park in the 216 lot at no charge during the time the applicant was permitting the lot for improvements.

Town Planner Connors remarked there was an existing code violation with a final order from the Special Magistrate that said no one was allowed to park in the subject lot. If the Commission approved Mr. Unger's request, Town staff would go to the Special Magistrate and request that he amend his order to give the applicant a set time period within which to allow employee parking. She said the order would have to be amended at the code magistrate meeting on December 16, 2013.

Commissioner Vincent questioned the protocol of getting the Special Magistrate to amend his order.

Town Attorney Trevarthen believed Town Planner Connors was approaching the matter correctly, as the Commission's desire was the position Town staff would take before the Special Magistrate at the December 16 meeting.

Town Planner Connors asked that a specific timeframe be set for allowing the requested free employee parking rather than the time of when the permit was issued. She believed the Special Magistrate gave the applicant 120 days from the last code enforcement meeting to come into compliance. Staff conceded it would be beneficial for the employees to have the requested parking.

Commissioner Brown asked for the applicant's response to the abovementioned language proposed by Assistant Town Manager Bentley.

Assistant Town Manager Bentley clarified staff was not asking for an amendment to the conditions, rather they were responding to the concerns voiced by Commissioner Dodd.

Commissioner Dodd remarked when the time came for motions to be made, he intended recommending approval with staff conditions along with the added language forwarded by staff in response to his concerns. He questioned if the time limit set to allow employees to park at 216 was extendable, wondering if he was correct in surmising the parking lots could not become operational until both parking lots were completed, striped and ready for use.

Town Planner Connors replied the applicant could do no valet parking until the 216 Commercial parking lot was completed and went through the site plan approval process. The Special Magistrate could extend the timeframe. She noted the Commission could make it clear to staff, who would in turn make it clear to the Special Magistrate about their position on whether an extension should be granted if requested.

Town Manager Hoffmann inquired if, under the current conditions outlined by the written backup material, was it permissible for the applicant to park 60 or 50 cars on the pier parking lot; if not, was there language in the code to prohibit such activity.

Town Planner Connors responded that as the code prohibited stacked parking, so cars could only be parked in designated parking spaces, and once the property was upgraded, it would be clearer where the designated spaces were. If the applicant parked more cars in the lot than the designated parking spaces allowed, they would be in violation of Town code and would cited accordingly, and the conditional use would be subject to revocation by the Commission.

Town Attorney Trevarthen added that under Town Code Chapter 30-56(f), it would be up to Town staff whether to bring the matter before the Commission for consideration.

Town Planner Connors recalled Commissioner Dodd requesting additional language that if the applicant violated the Town code, it would trigger an automatic suspension of the valet parking until the applicant brought the use up to code.

Town Attorney Trevarthen opened the discussion to public comment.

Bill Vitollo stated his puzzlement at the Town Commission and staff's opposition to metered parking in a private parking lot, as he witnessed it was a common practice in South Florida and other parts of the world. On the issue of stacking cars on public roads, it was already a common occurrence, particularly at night on weekends, and any rules made should apply to everyone. Some members of the Commission repeatedly said parking was a challenge in the Town, so anyone seeking to increase parking should be encouraged with the various staff conditions in place to regulate the activity. He felt it was unfair for the Town to deny the applicant the opportunity to provide parking to their patrons, paid or not.

Mayor Minnet sought clarification on the issue of meters on private parking lots creating a standalone parking lot.

Town Planner Connors responded allowing meters on private parking lots and not regulating who would park in those lots made the parking lot function as a standalone parking lot, and the latter were not currently allowed in the Town's B1 zoning districts.

Mayor Minnet questioned what would prevent the Commission's approval of the applicant's request for meters on their parking lot from creating a precedent.

Town Planner Connors replied Town staff sought to follow the Town code for not allowing standalone parking lots; the latter were not allowed in the B1 zoning districts to ensure the Town maintained its walkability and protected the Town's character.

Mayor Minnet noticed parking had become a contentious item in the Town, and the reality was a continuous endeavor to work within the Town code, and other property owners were complying with the same rules being asked of the pier owners/applicant. She believed allowing a standalone private parking lot in the subject instance would create an undesirable use in the middle of the Town.

Vice Mayor Sasser agreed with the position stated by Mr. Vitollo.

Commissioner Dodd suggested adding the language suggested by Assistant Town Attorney Bentley.

Vice Mayor Sasser and Commissioner Vincent refused to accept the added language.

Vice Mayor Sasser made a motion to approve item 14c as presented. Commissioner Vincent seconded the motion. The motion carried 3-2. Mayor Minnet and Commissioner Dodd voted no.

d. Quasi-Judicial request pursuant to Section 30-56 of the Town's Code of Ordinances for conditional use approval for paid private parking in the B1 Zoning District for Fisherman's Pier, 2 Commercial Boulevard (Town Planner Linda Connors)

Vice Mayor Sasser made a motion to approve item 14d, to include approving the applicant's request for employee free parking consistent with the judgment of the Special Magistrate to follow the initial 120 days approved by the Commission. Commissioner Vincent seconded the motion. The motion carried 3-2. Mayor Minnet and Commissioner Dodd voted no.

15. COMMISSION COMMENTS

Commissioner Dodd thanked everyone who made the Christmas-By-The-Sea an event the Town could be proud of. He reported on the most recent Hillsboro Inlet meeting.

Mayor Minnet thanked all who attended and volunteered for the Christmas-By-The-Sea event, noting Town staff did a wonderful job. She reminded everyone that Thursday, December 12, 2013, was the unveiling of the Town's entryway feature and the plaza renovations on west Commercial Boulevard at 5:30 p.m.. She wished everyone a Merry Christmas and Happy New Year.

16. OLD BUSINESS

a. Purchase of 4345 El Mar Drive (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the item as detailed in the backup, noting Town staff received a counteroffer from the seller of $672,750, noting that price was 15 percent over the average of the two appraisals. If the Commission wished to move forward, staff would schedule a public hearing on January 28, 2014, to fulfill the purchasing manual requirement of providing 30 days' notice and two publications of that date. He stated the Commission's acceptance of the contract would require a 4 to 1 vote, as it was over the average of the two appraisals for the purchase contract.

Town Manager Hoffmann mentioned, in the interim, Town staff would have time to figure out some of the logistics as to how the Town would use the property.

Assistant Town Manager Bentley concurred.

Commissioner Brown fully supported the proposed action. The Town's restaurants had been very accommodating over the years in allowing members of the public to utilize their restroom facilities, and it was time for the Town to create a neutral and acceptable site to install restrooms for use by the general public.

Commissioner Dodd found the proposition exciting, stating he was prepared to support the payment of the higher appraised value and not the seller's proposed 15 percent premium.

Mayor Minnet sought clarification that Commissioner Dodd was not in favor of the Town paying $672,750.

Commissioner Vincent echoed support for the purchase of the subject building, and he thought it was worth paying the Town's 15 percent overage to get the property. He mentioned the Town would soon be collecting some money from code fines due to the recent sale of a hotel. Some of those funds could be used to offset the purchase price.

Vice Mayor Sasser made a motion to approve item 16a. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Dodd voted no.
Vice Mayor Sasser made a motion to approve the meeting continuing to 11:30 p.m. Commissioner Vincent seconded the motion. The motion carried 5-0.

17. NEW BUSINESS

a. Revoke conditional use outdoor seating for Anglin's Beach Café, 2 Commercial Boulevard (Town Planner Linda Connors)

Town Planner Connors reviewed the item as detailed in the backup. It h understood that, if the code violations persisted, Town staff would bring the matter before the Commission at this meeting to revoke the conditional use for outdoor dining at Anglin's Beach Café. Given the action on the earlier item involving the Pier property, staff suggested revoking the conditional use in 120 days, giving the owner time to bring the parking lot into compliance, as this was consistent with the Special Magistrate's order, with the 120 days commencing from the date of that order.

Vice Mayor Sasser made a motion to approve item 17a, with the revised language that the revocation would only take place after the 120 days completion date ordered by the Special Magistrate if compliance was not achieved. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Request from the Broward County Supervisor of Elections (SOE) to use Jarvis Hall for Elections 2014 (Town Clerk Vanessa Castillo)

Commissioner Dodd thought parking permits should be issued to the election staff for the new Minto parking lot, leaving the Town Hall parking lot free for voters.

Vice Mayor Sasser made a motion to approve item 17b, selecting Option #2 to cancel the August 26, 2014, Town Commission meeting and approve the SOE's request. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. Sea Oats Planting Day (Commissioner Mark Brown)

Commissioner Brown remarked on the new sand coming onto the beach in the next few weeks, and the follow up to that was the planting of sea oats to protect the sand. He spoke with two groups to help with that process: Hands on Broward and the Youth Environmental Alliance, noting the latter group already put in a grant to help the Town purchase the sea oats. He sought a date to begin working with the groups to get them organized with their volunteers, stating Saturday, February15, 2014, worked well, as it fell on President's Day weekend. Commissioner Brown asked the Commission to appoint him as the Town's liaison, so they could work out the logistics of the project and come back before the Commission in January 2014 with a more formal proposal.

There was a Commission consensus to appoint Commissioner Brown as the liaison to spearhead the subject project.

d. Town Topics Special Election Issue (Public Information Officer Steve d'Oliveira)

Mayor Minnet believed a special edition of *Town Topics*, this would be beneficial for the community.

Commissioner Dodd wondered if candidates could do a half page ad to state why they should be elected, and as advertising was paid for by campaign contributions, using the newsletter meant not having to use taxpayers' dollars.

Mayor Minnet expressed concerns on issues that might arise.

Town Attorney Trevarthen affirmed there might be an appearance of favoritism if all candidates did not place advertisements in the *Town Topics*.

There was a Commission consensus to publish a *Town Topics Special Edition*.

e. Priority Assignments for FY 2014 (Town Manager Connie Hoffmann)

Mayor Minnet noted there were only a few more months until elections, and since the Town had done a lot in the last year, perhaps it was better to spend the time completing existing projects, such as working on the Request for Proposals (RFP) for the parking study.

Commissioner Brown felt a number of items on the list warranted a roundtable discussion; for example, the elements the Commission wished to see included in the scope of the parking study.

There was a Commission consensus to schedule a Roundtable Meeting at 5:30 p.m. on January 7, 2014, to discuss the Parking Study and FY 2014 Priority Assignments.

f. Town Manager Performance Evaluation (Town Clerk Vanessa Castillo)

Town Manager Hoffmann indicated she had received and read the Commission's comments, expressing appreciation for all the feedback; she felt there was no need for further discussion given the late hour.

Commissioner Dodd thought the subject evaluation showed the Town Commission, staff and the community had the utmost confidence in Town Manager Hoffmann's work.

18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:14 p.m.

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

Town Clerk

1/10/14

Date