TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, February 26, 2013

7:00 P.M.

1. 6:30 p.m. Reception at Jarvis Hall to welcome the new Police Chief Fred Wood and to say good bye to Former Chief Oscar Llerena.

2. CALL TO ORDER, VICE MAYOR SCOT SASSER

Vice Mayor Scot Sasser called the meeting to order at 7:02 p.m. Also present were 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, Municipal Services Director Don Prince and Acting Deputy Town Clerk Tedra Smith. Mayor Minnet's absence had been excused as she was attending to Town business in Washington D.C..

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. INVOCATION – Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the invocation.

5. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Proclamation for Chief Oscar Llerena

6. PRESENTATIONS

   a) Standard Parking Presentation of Four New Parking Stations to the Town (Assistant Town Manager Bud Bentley)

Chester Escobar, the representative from Standard, introduced his team and explained that Standard had donated 4 new parking pay stations to the Town as promised in their original proposal to serve the Town. They enjoyed working with Town staff and for the Town, and looked forward to the continued partnership.

Commissioner Dodd was delighted with the pay stations, as they generated considerably more revenue for the Town and substantially reduced tickets.

Assistant Town Manager Bentley stated the four new pay stations were upgraded models with a more user friendly design, noting each station was valued at about $13,000 each. The plan was for at least two of them to go into the temporary parking lot being created on the Minto lot. When the Minto lot was no longer needed, the two stations would be relocated elsewhere in the Town. He mentioned the stations all came equipped with solar power and cellular connection. He also informed the Commission Standard rolled out the pay-by-phone for all single-space meters in the Town. It was all about convenience to the customer, not handing out citations.

Vice Mayor Sasser desired assurance when the new meters were put in, there was s plan to provide additional directions on using them. He asked if the meters with solar power had electric backup.

Assistant Town Manager Bentley replied the new meters had battery backup, and when the battery was running low, Town staff received an automatic notification, and a replacement battery was installed and the old one recharged.

Commissioner Vincent felt the need to better educate customers with signage, such as there being no need to go back to their cars to put the parking stickers on dashboards.

Assistant Town Manager Bentley responded each pay station and the receipt clearly stated there was no need to place the receipt on the dashboard.

b) Update on FP&L Service & Maintenance Action in LBTS (Town Manager Connie Hoffmann)

Town Manager Hoffmann briefly reviewed the backup information on the subject issue, stating based on their last meeting, she was very pleased with the response from FP&L, as they took quick action on many Town issues.

Isabel Hebert and David Bleary, FP&L representatives, updated the Town Commission on the subject issue as detailed in the backup, highlighting:

- Several monitoring systems regularly inspecting all power lines, poles, etc.
- Remove palms where possible where they conflicted with power lines
- Transformers inspected and issues addressed
- Trim trees where necessary.

Commissioner Vincent asked if the eight FP&L circuits coming into the Town through substations created grids and, if so, how many grids were there in the Town and how many grids worked off one substation.

Mr. Bleary replied the Town was basically fed by two separate substations, with three circuits coming off what they referred to as holy cross on the other side of the Intracoastal off Commercial Boulevard. The other was Lyons, toward the north between Atlantic Boulevard and Cypress, from which there were five circuits coming into the Town. He noted all circuits were interconnected, allowing them, in the event of an outage of any circuit(s) to reconfigure the system and back feed from another direction.

Commissioner Vincent questioned if circuits could be reconfigured to minimize outages in the Town.

Mr. Bleary answered yes, though it depended on the number of customers on the particular circuit; reconfiguration reduced the number of customers that might experience an outage due to problems with the circuit they were on. There were numerous grids, as each circuit into the Town might have up to ten sections.

Commissioner Dodd reiterated being pleased with FP&L's response and their efforts to resolve the Town's electrical power issues. Town staff should continue working closely with them regarding cutting down trees on public and private property, as most times power interruptions were tree -related. He believed the more trees that could be removed from under power lines, the more reliable the electrical network would be. He would bring back ordinances to the Commission for approval that gave the Town more authority to make changes to increase the reliability of the Town's electrical network.

Vice Mayor Sasser thanked FP&L and staff for their efforts. He recalled when Town staff identified outdated power equipment in the Town, FP&L response was that unless there was a safety issue or the equipment went down, nothing would be replaced. It seemed a flawed business model to wait until someone got hurt or equipment died and people lost power before upgrading it. He supported the removal of trees under power lines, but the issue of outdated FP&L equipment in the Town needed to be addressed.

Mr. Bleary responded, with regard to outdate equipment, FP&L had proactive programs, noting they were isolating grids that caused disconnects and replacing them. With the use of thermo vision, they looked for equipment moving towards failure, so he felt they had a vigorous maintenance program to address critical points in the system. He indicated every pole was inspected every eight years, and a visual inspection was done every year on their circuits to locate and address defects. They had a pad mount inspection, where they inspected transformers on the ground for public safety every five years. Their reliability was the best in the state due to these proactive programs.

Town Manager Hoffmann clarified the transformers referred to by Vice Mayor Sasser were not on the ground but on the pole.

Mr. Bleary replied transformers were a core of internal wiring, and unless there were loose connections, there was no way to tell whether it was about to go out or not. They inspected those transformers that repeatedly went out of service, though many times when transformers went out of service, it was not due to its being bad. There might be

a fuse opening up on the transformer due to a variety of reason, such as an animal getting across the circuit, trees, a lightning strike, etc. The inspection of transformers was part of their yearly visual inspection.

Vice Mayor Sasser reiterated Town staff and FP&L should work together on a long-term plan to upgrade the Town's transformers.

Commissioner Brown was encouraged by the progress he witnessed but thought, with the Town's proximity to the ocean, its electric poles should not be treated the same as municipalities to the west. Inspecting poles every eight years seemed too long under these conditions, and this might be a policy change initiative FP&L should explore.

Mr. Bleary concurred, stating their facilities closer to the ocean utilized different equipment and materials, such as copper rather than aluminum, or larger insulators to help with contamination from the salt spray. He would present the issue of exposure of the poles due to the proximity to the ocean to his team for further discussion.

Commissioner Vincent asked if transformers had a lifespan.

Mr. Bleary was unsure and wished not to speculate, though he felt the lifespan to be in the decades.

Commissioner Vincent wondered if FP&L required permits to remove trees when identified as problematic, asking if there was ever a recommendation to maintain rather than remove trees by FP&L.

Mr. Bleary differentiated between palm trees and non-palm trees, stating for non-palm trees they had a trimming cycle with the hope that, over time, they could train the tree to grow away from power lines. Palm trees could not be trimmed, as cutting off their top usually killed them, hence their palm removal program. For trees near their main circuit, the trimming cycle was usually every three years, and for branches off the main circuit, the cycle was usually six years.

c) Presentation on FDOT Pedestrian & Bicycle Education Initiatives (Commissioner Mark Brown)

Robyn Chiarelli presented the subject item, highlighting:

- For the past five years, Broward County ranked as the worst or near worst in the nation's bicycle/pedestrian fatalities, well above the national average
- Fort Lauderdale, Miami, Orlando, Tampa and Palm Beach consistently occupied the worst five slots
- National Highway Traffic Safety Assessment Administration worked with FDOT to develop a new plan and campaign
- Three-year strategic plan that was data driven with very clear goals

- Goals included: increasing awareness of the program by five percent, and reducing fatalities and serious injuries by 20 percent
- The purpose of the initiative was to focus on the awareness of the laws first, and then back that up with the enforcement
- 17 hotspots identified in Broward County at which data was collected, and that would be followed up with a three-month mass media campaign
- Campaign already launched in Fort Lauderdale, Miami, Palm Beach and Tampa
- Campaign - "Alert today, alive tomorrow, safety doesn't happen by accident"
- Campaign included - PSAs, billboards around the County, advertising on buses, brochures, T-shirt, wristbands, bus shelters, website banners, etc.
- Grassroots effort included - editorial boards, homeowners' associations, local networks
- Getting message out under one umbrella and making it a household name
- Working with cites and local organizations.

Commissioner Brown believed educational programs were more effective with children than adults, as the latter already knew what was right, so he felt the emphasis should be more on enforcement, issuing warnings to bicyclists or jaywalking pedestrians.

Ms. Chiarelli affirmed enforcement changed behavior, particularly when the offender could relate their actions to the consequences of dollars and cents. She agreed the enforcement component had to be incorporated into the campaign to make the program successful and change behavior. They believed utilizing volunteer police officers in the education portion of the campaign was more effective than non-police volunteers, as it added credibility to the effort.

Vice Mayor Sasser urged Commissioner Brown to stay involved with the subject initiative and bring back ideas the Town could act on to assist in the effort.

7. PUBLIC COMMENTS

Vice Mayor Sasser opened the meeting for public comment.

Cindy Geesey announced the Lauderdale-By-The-Sea Property Owners' Association, for the tenth year straight, organized a pack to donate to the Broward County Humane Society Walk for the Animals that would be held March 2, 2013. Thus far, they had 11 two-legged walkers, and 91 individuals donated to the pack, and some individuals help the animals year round. She mentioned the Sandy Paws Pack through this year would have donated $25,000 to the Humane Society for the last ten years. She urged people to walk and/or donate, stating there were flyers to the rear of the Hall for interested persons.

Arthur Franczak commended Commissioner Vincent for following up on the fire assessment, as the current methodology had a reverse Robin Hood effect. He claimed the largest hotel in the Town paid 70 percent less than it should per square foot, while his smaller hotel paid two and a half times more per square foot than that hotel.

Finance Director Bryan was to be commended for his work, which was fair and scientific, stating Mr. Bryan was a great asset to the Town, thanking the Town Manager for having her employees do such a good job. He went on to state, despite the sewer ordinance passed in November 2012, his sewer bill remained the same, and he knew adjustments could be done faster, and the delay was costing his business about $1,000 per month, which was unfair. It seemed the Town was making little effort to return those funds he was being overcharged. Mr. Franczak believed the Town was selling sewer service to the restaurants at a loss, and the rest of the customers would have to subsidize the shortfall or the restaurants sent increased billing to compensate for being undercharged. He saw no point in passing ordinances and then taking a long time to enforce them.

Rosa Michailiuk complained about the traffic by the Walgreens Pharmacy. She had known nothing of the changes the Town planned before they were made but they made no sense to her; the Town Commission promised to beautify the Town but seemed to be making it unsafe. It seemed the Town was being made into a parking lot and hoped the same was not done on North Bougainvilla Drive.

Bill Vitollo felt at the last Commission meeting, a business owner was treated by terribly by the Commission. The Town took away the opening going into her Laundromat that was there when she opened her business, and it seemed to have been removed to accommodate three parking spots. He watched the meeting from home and said this was not the way the Town Commission should treat local business if the aim was to attract more. He discussed the proposed A1A parking lot sign, questioning why it was necessary for it to be so tall; he did not support the use of canvass. He believed the Town's plan to lower code violation fines on foreclosure properties should not apply to unsightly code violations neighbors had to endure sometimes for years.

Bob Fleishman mentioned his wife was recently cited for a violation of code section 10-28: waste and recycling carts should not be visible from the streets, as did some 400 properties owners. His wife resided in their home for 40 years. They were seniors and could not roll trash containers over grass without the risk of injuring themselves, wondering if the Town was going to require everyone to install a concrete path to do so. He felt the code department had become unreasonable and the code needed to be changed, as residents' way of life was being disrupted by unreasonable and/or impossible demands due to the lack of land or accessibility. With the outsourced code enforcement contract coming up for renewal, the Town should consider bringing the service back in-house. Mr. Fleishman added there were more unsightly areas in the Town being ignored, and homeowners should not be charged with finding ways to store trash carts out of sight because Choice's system of trash disposal changed. He went on to mention the near disaster of a propane tank left on the grounds of Ocean Bay Club at 5555 N. Ocean Boulevard, stating the potential hazard was due to the neglectful way that association handled an underground 500-pound gas tank.

Edmund Malkoon inquired if FP&L representatives looked at his neighborhood of Bel-Air. He stated after the recent Chamber/Town meeting, he discussed with the Property

Owners' Association board members ways to promote resident/business Chamber dialog and intended to announce several initiatives in this regard. On item 17a, the Commission directed staff to reduce the scope and size, but the agenda item contained three options showing a minor reduction. The Town did not need a monument announcing a parking lot, and the Commission should only approve the construction of the cover as depicted in the renderings, and rely on regular way finding signage.

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

8. PUBLIC SAFETY DISCUSSION

Proclamation for Chief Oscar Llerena (Town Commission of Lauderdale-By-The-Sea)

Vice Mayor Sasser read into the record and presented a proclamation to Chief Oscar Llerena, commending him for his years of exemplary service to the Town's citizens, businesses and facilities.

Chief Llerena thanked the Town Commission and staff for the proclamation, stating he enjoyed his tenure and experiences serving the Town. He introduced the Town's new police chief, Fred Wood.

a. BSO Monthly Report – January 2013 (Lieutenant Holly Greene, Executive Officer)

Police Chief Fred Wood looked forward to working with the Town Commission, staff and the community as a whole.

Commissioner Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 4-0.

b. AMR EMS Monthly Report (Chief Brooke Liddle)

Commissioner Dodd pointed out 99 percent of calls are answered in under six minutes, with the average time in the Town being three minutes, 45 seconds. The Town had a lot to be thankful for, commending AMR for the excellent job they were doing.

Commissioner Brown noted the residents of his condominium wished to do the CPR and defibrillator training, wondering if AMR ran that program.

Chief Liddle replied the condominium association could contact AMR or the VFD.

Commissioner Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 4-0.

c. VFD Monthly Report (Fire Chief Judson Hopping)

Fire Chief Hopping gave a report, which was submitted for the record, on a recent gas leak incident on Thursday, February 21, 2013, at 5555 N. Ocean Drive. At approximately 1:10 p.m., an emergency call was received regarding a heavy smell of gas coming from the pool area at the subject property, and the VFD responded. Upon their arrival and inspection of the pool area, they discovered an underground gas tank leaking from the bottom. This resulted in the evacuation of nearby residents and bystanders, and the establishment of a safe area within the parking area of the complex, and the gas company was called and arrived on the scene to manage the leak at around 3:15 p.m. After investigating, it was discovered the tank was an abandoned, underground 500-gallon propane tank that appeared nearly full, with the bonnet and valve areas encased in concrete. Chief Hopping indicated technicians contacted their home office to advise them of the situation and were told not to touch the tank, and for the Town's VFD to request the Hazardous Materials Response Team (HazMat) handle the situation. HazMat teams from Broward County and Fort Lauderdale were dispatched to the scene at about 5:15 p.m.; they investigated and upgraded the situation to special operations response, and a larger safety parameter was established due to the explosive potential for the gas leak developing into a catastrophic outcome. Additional HazMat teams came from the City of Sunrise to add needed manpower, and residents of Ocean Bay Club were evacuated by BSO officers, while A1A was closed to through traffic at around 7:25 p.m. Chief Hopping noted the HazMat teams continued to work until the tank was accessed and a release valve installed at around 10:45, with a bleeder burner put in place to burn the vapor, after which resident traffic was restored in the northbound lane only. The VFD Suppression team and the HazMat teams remained on scene throughout the night until Friday morning at 11:46 a.m. when all propane was totally removed from the tank. He said when the call was closed, the Town's fire marshal, fire chief and he were summoned to the scene for investigation to ascertain that the tank belonged to Ocean Bay Club Homeowners' Association (HOA) and was abandoned in 2006 when the pool heaters converted to electric. He stated Advanced Extricating, Inc., obtained a permit to remove and safely dispose of the gas tank, and another tank was located to the rear of the building at another pool site and was removed the past Monday. He said the VFD's initial response was to send numerous fire trucks with a total of 17 firefighters, and there was a sustained response of 24 firefighters over the time of the entire call.

Commissioner Vincent questioned if there would be an investigation on the subject incident, asking if any Florida statutes were violated when the gas tanks were vacated in 2006, requesting a full report when the investigation was complete.

Fire Chief Hopping replied there was currently an ongoing investigation, noting the gas tanks belonged to the HOA. The fact that the valve and bonnet were encased in concrete made it appear as though someone was trying to hide something.

Commissioner Dodd indicated he sent a communication to the Town Manager inquiring as to whether the Town could send the HOA a bill. He understood, under Florida Statute, the Town was not allowed to send a bill to the HOA, and the Town Attorney

was investigating if the Town could bill the HOA for the HazMat element of the incident. The incident appeared to be due to the complete negligence on the part of whoever poured concrete over a tank that was close to full of gas, and they should pay the hefty bill incurred for the amount of staff and work it created.

Vice Mayor Sasser echoed interest in the outcome of the investigation and thought the Town should have some check system in its permitting process to prevent such conditions. He appreciate the message of A1A reopening, but he desired a system by which the Commission would be informed of the road closings too.

Town Manager Hoffmann concurred, noting Town staff and other parties had a meeting the previous day to review the process of the incident and learn from it; using code red at the beginning was one such lesson.

Vice Mayor Sasser thanked the VFD and BSO, as he appreciated their diligence.

Fire Chief Hopping commended the five outside agencies involved in the HazMat incident, noting they comprised 16 trucks and about 100 firefighters.

Commissioner Vincent made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4-0.

9. TOWN MANAGER REPORTS

a. January 2013 Finance Report (Finance Director Tony Bryan)

Finance Director Bryan gave an update on the sewer billings, as indicated in the backup.

Town Manager Hoffmann stated Town staff did not do the sewer billing, this was contracted out to Fort Lauderdale. When the Town Commission passed the sewer ordinance in November 2012, Town staff immediately informed Fort Lauderdale of the need to make billing changes and had continuous communication with them since. As Mr. Bryan's report said, Fort Lauderdale advised the new rates were finally programmed into the bills that were being mailed out in the present week.

Finance Director Bryan affirmed this to be the case and resumed his report, encouraging everyone to review their bills and contact him with any concerns.

Vice Mayor Sasser thanked Mr. Bryan for the improvements in his report, asking if it were possible to highlight any variances, negative or positive, over a certain threshold. The Vice Mayor indicated he would meet with Mr. Bryan to explain what he would like to see.

b. Town Manager Report (Town Manager Connie Hoffmann)

Town Manager Hoffman reviewed her report, as detailed in the backup, highlighting:

- FP&L did examine the power lines in Bel-Air
- The storage of trash receptacles out of view from the roadway had been in the Town's code for some time, and Town staff continuously received numerous complaints from residents about people's trash containers being visible from the street. Code enforcement did not make the ordinances, they enforced them.

Assistant Town Manager Bentley remarked on Mr. Fleishman's comment about 400 residents being asked to construct a screen for their carts, stating that was not the intention of the courtesy letter sent out. The majority of the properties observed by code staff simply failed to roll their carts back, and they were asked to immediately comply. He noted anyone that had to erect screening was given 90 days to do so.

Commissioner Vincent wished to make no changes to the current code on the storage of trash containers, but giving residents 90 days to erect some type of screening threw them into a panic mode. Town staff needed to educate residents on suggestions for screening, as they could use materials such as hedges that required no permit.

Assistant Town Manager Bentley noted the letter had contact information and encouraged residents with questions to call.

Town Manager Hoffmann felt it was easier for Town staff to provide one-on-one help when residents contacted them with specific questions.

10. TOWN ATTORNEY REPORT

Town Attorney Trevarthen indicated the following:

- The next Charter Review Board Meeting was scheduled for March 21, 2013
- Her firm and she would be coordinating with the Inspector General regarding proposed Ethics Guidelines
- On Tuesday, March 5, 2013, 6:30 p.m., there was a joint workshop with the Town Commission and Planning & Zoning Board on architectural guidelines.

11. APPROVAL OF MINUTES

a. November 27, 2012 Regular Meeting Minutes

Commissioner Dodd made a motion to approved the above minutes as presented. Commissioner Vincent seconded the motion. The motion carried 4-0.

12. CONSENT AGENDA

Items 12a and 12c were pulled for discussion.

Commissioner Vincent made a motion to approve items 12b, 12d, 12e, 12f and 12g on the Consent Agenda. Commissioner Dodd seconded the motion. The motion carried 4-0.

a. Special Event Application for Village Grille and 101 Ocean's St. Patrick Day Party proposed for Sunday March 17, 2013 (Assistant Town Manager Bud Bentley)

Commissioner Vincent asked, in the future, if the Commission could entertain working with local businesses on such events, as though the latter wished to continue hosting them, it was getting expensive. The Town could cover the cost of the police detail, etc.

Commissioner Dodd hoped there was no conflict between the two businesses holding events on the same day, stating his concern at no parking being allowed on El Mar Drive. The Town would lose the use of some parking meters due to the road closures and, coupled with the road improvements on Bougainvilla Drive and elsewhere in the Town. He wished to know if Town staff considered the implications of such closures.

Assistant Town Manager Bentley pointed out there were two private events, and the event organizers came to Town staff with a plan. Town staff recommended the Town provide the police detail and event organizers would reimburse the Town; this was the same arrangement made for such events as New Year's Eve, and it worked well. He was unsure why the request was not made to have parking on El Mar, but understood from organizers they did not feel their events would draw the same crowd on a Sunday night as it did in 2012 on a Saturday night. There was not much negative to allowing partial or full parking on El Mar Drive, and Town staff had no objections to adding that as a condition of approval. He suggested adding the condition to the Village Grille 101 application, as theirs was the larger event.

Town Manager Hoffmann asked the Commission to consider how the hotels would feel about including such a condition, as they often objected to parking on El Mar Drive due to the noise nuisance to their hotel guests at the peak of the season.

Assistant Town Manager Bentley added, though the music stopped at 10:30 p.m., other activities were expected continue later into the night.

Commissioner Dodd reiterated his wish to see at least partial parking along El Mar Drive, as road improvements and the closure of El Mar lost 14 parking spaces. He wished to make a motion to allowed parking on south El Mar Drive.

Assistant Town Manager Bentley recommended the Commission include a closing time for such parking to prevent patrons of the event parking their cars at 2:00 a.m.

Commissioner Brown felt businesses would have asked for parking on El Mar Drive it if they thought they needed it. There was sufficient parking in lots along west Commercial Boulevard and, as the event was on a Sunday night and it was the peak of the season, consideration should go to the hotel/motels guests. He agreed with the Town collaborating with local businesses on future events.

Steve DeLeon of the Village Pump felt they did not need the parking along El Mar Drive, and they had no wish to stir up animosity with the hotels.

Commissioner Dodd stated he would withdraw his request.

Commissioner Vincent made a motion to approve item 12a. Commissioner Dodd seconded the motion. The motion carried 4-0.

b. Special Event Application for Athena's St. Patrick's Day Party proposed for Sunday March 17, 2013 (Assistant Town Manager Bud Bentley)

Approved on consent.

c. 2013 Parking Passes for the Broward County Sea Turtle Conservation Program (Assistant Town Manager Bud Bentley)

Commissioner Brown supported Town staff's recommended allotment of five parking permits from March to October to the people inspecting the turtle nests. His concern lay with wondering how effective would the cordoning off and inspections of the nests be if they were only done on foot and rather than by ATV.

Commissioner Dodd clarified the subject application was only for the lighting inspection and not the daily inspection of nests or cordoning off, for which he assumed they would use ATVs. He thought Town staff usually asked the turtle nest inspection team to begin the surveying and lighting inspection a month in advance, so the Town could come into compliance a month ahead of the turtle season, questioning if it was done this year.

Assistant Town Manager Bentley commented Town staff followed through on all the referrals the Town received from the state and County in terms of properties that needed to make improvements. Town staff conducted no nighttime walk of the beach this year in the pre-turtle season due to other code enforcement priorities.

Commissioner Dodd recalled, in previous years, the Town asked the "turtle people" to walk the area and run the ATV through the Town's beaches a month early in order to politely contact those property owners that needed to come into compliance.

Assistant Town Manager Bentley indicated he would have a follow-up conversation with County staff but understood the County and state wanted annual permits to balance their workload out. The Town received referrals from various agencies year round.

Commissioner Dodd made a motion to approve item 12c. Commissioner Vincent seconded the motion. The motion carried 4-0.

d. Special Event Application for Reverend Jim Goldsmith of the Community Church, Easter Sunrise Service event proposed for Sunday, March 31, 2013 (Assistant Town Manager Bud Bentley)

Approved on consent.

e. Hibiscus, Allenwood, and Tropic Landscape/Drainage Project (H.A.T.) Award of Contract (Municipal Services Director Don Prince)

Approved on consent.

f. Extending Time Frame for Parking Reduction at 215 Commercial Boulevard (Town Planner Linda Connors)

Approved on consent.

g. Trial of all Red Pedestrian Cycle at the Intersection of A1A & Commercial Boulevard (Town Manager Hoffmann)

Approved on consent.

13. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

None

b. Ordinances 2nd Reading

None

Recess 9:09 p.m./Reconvened 9:19 p.m.

14. RESOLUTIONS – PUBLIC COMMENT

a. Resolution 2013-05: ADOPTING A CODE SETTLEMENT POLICY (ASSISTANT TOWN MANAGER BUD BENTLEY)

Vice Mayor Sasser invited and received no public comment.

Commissioner Vincent made a motion to approved Resolution 2013-05. Commissioner Dodd seconded the motion. The motion carried 4-0.

b. Resolution 2013-07 (AMENDMENT OF RESOLUTION 2013-47): NOTICE OF INTENT TO AMEND THE TOWN'S CODE REGARDING SATELLITE AND TELECOMMUNICATION TOWERS TO EXTEND THE NOI TIME FRAME (TOWN PLANNER LINDA CONNORS)

Vice Mayor Sasser invited and received no public comment.

Commissioner Dodd made a motion to approved Resolution 2013-07. Commissioner Vincent seconded the motion. The motion carried 4-0.

c. Resolution 2013-06: REVISION OF RESOLUTION 2013-02 - NOTICE OF INTENT TO REVISE REQUIREMENT FOR PARKING LOT IMPROVEMENTS

Vice Mayor Sasser invited and received no public comment.

Commissioner Dodd made a motion to approved Resolution 2013-06. Commissioner Vincent seconded the motion. The motion carried 4-0.

d. Resolution 2013-10: MAYORS' CLIMATE PLEDGE (TOWN MANAGER CONNIE HOFFMANN)

Vice Mayor Sasser invited and received no public comment.

Commissioner Brown made a motion to approved Resolution 2013-10. Commissioner Dodd seconded the motion. The motion carried 4-0.

e. Resolution 2013-09: TOWN ENTRYWAY/EAST COMMERCIAL STREETSCAPE PROJECT (TOWN MANAGER CONNIE HOFFMANN)

Vice Mayor Sasser invited and received no public comment.

Commissioner Brown proposed a change to the subject resolution, then requested that the Commission defer consideration to the next Town meeting, as he thought it unfair to consider the resolution without the Mayor present. The Town sought to purchase five new pieces of artwork: four sculptures, one in front of each of the four shopping plazas on the west side of Commercial Boulevard. The fifth piece was a coral reef archway to be placed where one crossed the bridge coming into the Town. He noted the funds were budgeted to pay for the coral archway, but no dollars were allotted to the cost of the four sculptures, and if something had to be delayed, he preferred to use the $96,000 to commission the four sculptures. The Town could later look to raise the funds for the archway. Commissioner Brown reiterated his reservations on placing the archway sculpture, an intricate, beautiful piece of art in a location where few could really view and appreciate it. The four-entryway sculptures would always be in full view of anyone passing Commercial, pulling into parking lots, walking to the stores and restaurants, etc.

Town Manager Hoffmann indicated the Town had a pending grant application for the four sculptures. Though there was no guarantee the Town would get the grant, under the terms of the grant, the Town could not commission and have the four sculptures under contract prior to the grant funds being awarded. She said those monies would not be available, if awarded, until FY2014. She noted the artist sought to fit the work on the archway sculpture into her schedule, having other commissions to satisfy, and Town staff was working with her to create the sculpture in May. It was the Commission's decision as to which was more important to have first, but at the last discussion, the Commission indicated the coral archway was the priority.

Town Attorney Trevarthen mentioned the Commission had the joint meeting with the Planning & Zoning Board on March 5, so it was possible to notice that meeting as a Town Commission meeting for action, in the event time was of the essence.

Commissioner Dodd made a motion to defer Resolution 2013-09 to the next Commission meeting. Commissioner Brown seconded the motion. The motion carried 4-0.

15. QUASI-JUDICIAL PUBLIC HEARINGS

None

16. COMMISSION COMMENTS

Commissioner Dodd stated at the recent Hillsboro Inlet meeting, they were joined by Pompano Beach Commissioners Chip LaMarca and Barry Dockswell. Commissioner Dockswell inquired if they could make more sand available, and it was pointed out by the board that Hillsboro Inlet could only pump the sand that arrived at the Inlet and help it on its way south. He stated there was a problem with the way the sand became compacted between the high watermark and the dunes, and the "turtle people" did experiments to find out how hard the sand was down to a depth of three feet. The Hillsboro Inlet put a contract out with the beach raking company to continually rake the area, so turtles could lay their eggs there. He mentioned an ongoing problem with turbidity, permit requirements and communicating with the powers that be that this was a necessary expense. The issue stemmed from the fact that the Hillsboro Inlet was a 300 days a year continual dredging operation, and the permit organization saw them in the same light as entities looking to do one dredge a day. He stated there were issues with the turtle inspections and the storage of the ATV. Commissioner Dodd commented the dredge was working well, and the new meter would be installed to give them the flow rates. They pumped over 100,000 kilo yards of sand in the last four months at an average cost of about $8 a cubic yard.

Commissioner Vincent congratulated Vice Mayor Sasser on doing a good job running the meeting.

Commissioner Brown noted for the past year he served as the Town's representative on the Broward County Metropolitan Planning Organization (MPO). During that time, he worked to change the formula used to fund transportation grants in the County, as their existing formula was biased against small towns, such as Lauderdale-By-The-Sea. He drafted his own formula program and submitted it to County staff and they signed off on most of his recommendations, and the document came up for a vote at the last MPO meeting and was approved unanimously. The previous Thursday, Town Manager Hoffmann and he attended a workshop the MPO hosted, stating they were on a tight timeframe, as they just adopted the new guidelines, and the 2013 grant applications had to be submitted by March 29, 2013. For 2013, the MPO had only $2.5 million in grant funding to award rather than the previous $5 million. The Town was submitting an application to pay for the two middle blocks on Commercial Boulevard; though there was no guarantee the Town get the grant.

Vice Mayor Sasser reminded everyone of the upcoming Easter celebrations for which the Town would host its celebratory event on March 30, 2013, and he headed that event this year. He encouraged volunteers to participate in the various preparations, such as the egg-stuffing meeting on March 22, 2013, from 5:00 p.m. to 7:30 p.m.

17. OLD BUSINESS

a. A1A Parking Lot Sign (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley and Peter Ebersole, the project architect, reviewed the subject item, as detailed in the backup, highlighting:

- The original goal of the sign was to be an icon in a MIMO design
- The sign need to be visible and functional
- The focus of the three options was to reduce the mass rather than the height of the sign
- The sign did not meet the Town code but was exempt from the code, which Town Attorney Trevarthen confirmed.

Commissioner Vincent liked the 30-foot high design in scheme B.

Commissioner Brown concurred, but expressed concern with the sign being on A1A, as it might exacerbate the existing problem of people coming north on A1A thinking they could make a left-hand turn into the parking lot. He thought the Town was not making an equivalent effort to direct cars to the west entrance to the subject parking lot, which was the easier one to access. He suggested deferring consideration on the subject item until Town staff provided further information on way finding signs, as he desired assurance there would be good signage to direct motorists to the A1A lot from Bougainvilla Drive. The latter sign(s) should be done concurrently with the icon sign.

Commissioner Dodd disagreed with delaying the project and felt both the sign and the car park should be completed as soon as possible.

Vice Mayor Sasser believed the subject sign was too big, too expensive, and he had no desire for the Town's landmark sign to be a parking sign.

Commissioner Dodd made a motion to approve item 17a with the selection of Scheme B. Commissioner Vincent seconded the motion. The motion carried 3-1. Vice Mayor Sasser voted no.

b. Commercial Fire Assessment Fee Rate Structure (Finance Director Tony Bryan)

Finance Director Bryan went over the subject item, as detailed in the backup, noting if the Town Commission wished to change the methodology, the deadline to notify the Property Appraiser was May 1, 2013.

Commissioner Vincent commended Mr. Bryan, stating the change would make the rates more fair and equitable.

Commissioner Brown questioned if there had been any requests from any commercial buildings in the Town in the last year or two for the Town to revisit the subject matter.

Finance Director Bryan answered yes, one that he was aware of.

Commissioner Brown thought the Town was looking to make a change in a rate structure that had been in existence for some time with little or no controversy, and if the changes were enforced, it would lead to wide swings in residents' and businesses' fire fees. Thus, a change would aggravate a lot of people that were not currently aggravated.

Commissioner Dodd found it interesting only one property would get a 70 percent increase, with the next biggest increase being 40 percent. He guessed they currently had a very low assessment for their size and supported Commissioner Vincent's argument of it being more equitable.

Vice Mayor Sasser commended Commissioner Vincent and Mr. Bryan for the hard work they invested in the subject matter.

Town Manager Hoffmann clarified the item would come back before the Commission as a resolution for approval.

Commissioner Vincent made a motion to approve item 17b, giving Town staff direction to draft a resolution for approval by the Commission. Commissioner Dodd seconded the motion. The motion carried 4-0.

c. Code Services Agreement with Calvin-Giordano and Associates (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the contents of the backup, stating staff recommended approval. Calvin-Giordano did not set code priorities or determine which items to enforce or not enforce; code priorities were set by the Town Commission and staff.

Commissioner Dodd mentioned hearing no complaints of the job being done by Calvin-Girodano, and he thought they were doing an excellent job. He supported the extra code enforcement needed for the hotels, dumpster screening and trash separation, the latter of which should be embarked upon, after the Town went on an extensive education program. He advocated those choosing not to participate in the Town's recycling program should pay more.

Commissioner Vincent made a motion to approved item 17c per Town staff's request to renew the contract. Commissioner Dodd seconded the motion. The motion carried 4-0.

d. Feedback on Draft Vision & Mission Statements (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated Town staff received very little feedback on the statements, three in total. She noted they were placed in the Town's newsletter *Town Topics*, on the Town's website, people were urged to call Town Hall, and they were placed on www.surveymonkey.com. The Town Commission and staff sought to protect and keep those things that made the Town wonderful for the future with some added features. She gave the Commission two possible rewrites to address the issues raised, and Town staff needed direction on which vision statement the dais preferred compared to that drafted previously, noting people liked the mission statement.

Commissioner Brown thought both options were very similar, so either was fine.

Commissioner Vincent selected the option opening with, "Lauderdale-By-The-Sea ..."

Commissioner Dodd had no preference and was comfortable leaving the decision to the Town Manager.

Town Manager Hoffmann preferred the shorter version.

Commissioner Dodd made a motion to approved item 17d, using the shorter version. Commissioner Vincent seconded the motion. The motion carried 4-0.

e. Review of Time Frames for Strategic Plan Items (Town Manager Connie Hoffmann)

Town Manager Hoffmann discussed the revisions to the Town's Strategic Plan as illustrated in the backup to reflect all the Commission input in the December and January workshops, picking fiscal years to assign the goals, objectives and tasks. She sought direction on whether the Commission preferred anything in the plan moved to some other fiscal year than she recommended.

Commissioner Dodd requested the license plate reader (LPR) be done in 2013.

Commissioner Dodd made a motion to approved item 17e with Town Commission recommendations as reflected above. Commissioner Vincent seconded the motion. The motion carried 4-0.

18. NEW BUSINESS

a. Consideration of a Resolution urging the Legislature to reconsider Section 790.33 of Florida Statues which preempts Local Government from enacting regulations relating to firearms or ammunition in public parks and other government-owned facilities. (Mayor Roseann Minnet)

Commissioner Vincent made a motion to approve item 18a, directing staff to draft a resolution on which the Town Commission would vote. Commissioner Dodd seconded the motion. The motion carried 3-1. Vice Mayor Sasser voted no.

b. Warehouse Lease Agreement (Public Information Officer Steve d'Oliveira)

Public Information Officer Steve d'Oliveira reviewed the backup information on the subject item. Town staff recommended approval.

Commissioner Vincent made a motion to approve item 18b. Commissioner Dodd seconded the motion. The motion carried 4-0.

19. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Vice Mayor Sasser adjourned the meeting at 10:18 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, Vanessa Castillo

5/7/13
Date