

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, February 11, 2014

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:06 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 Deputy Town Clerk Tedra Smith.

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. 2013 Town Recycling Report (Vicki Eckels Recycling Coordinator, Lee Rickels Sun Bergeron)

Vicki Eckels of Sun Bergeron reviewed the subject report as indicated in the backup.

Commissioner Brown expressed pleasure seeing the increased recycling among residents of single-family homes, and the continuous work being done with multifamily homes. His concern continued regarding recycling by condominiums, as the Town embarked upon enhanced recycling, yet the only change he saw at his condominium was the Sun Bergeron recycling brochures in the mailroom and posted on the wall in front of the trash chute. It was unknown if the presence of the brochures had any impact on motivating residents to recycle. He hoped Sun Bergeron would develop a more specific program to increase recycling at condominiums, asking if they had any

data that there was an increase in recycling by the Town's condominiums in the last year.

Ms. Eckels responded they had no data as yet, but it was something they could work on getting going forward; that is, to determine what recycling was coming from the condominiums versus the rest of the Town. She stated we could raise awareness of the need to recycle but, ultimately, it was up to each individual to put that knowledge into practice.

Commissioner Brown asked if Sun Bergeron was going to get more recycling information to the condominiums.

Ms. Eckels replied when she visited the condominiums and distributed the brochures, she offered to speak at the association's meeting on the issue; no one showed interest.

Commissioner Dodd questioned if Sun Bergeron held back on the push to educate people due to the proposal to separate recyclables from the trash. He wondered looking ahead if the Town would get the benefit of the two collections, as customers were doing most of the work themselves, or would Sun Bergeron take over separating the trash at their facility.

Commissioner Dodd noted his disappointment to hear that 13 properties declined joining the Town's recycling program, reiterating his previous suggestion to have two rates. After walking around his neighborhood and seeing the materials placed in recycling bins, it was apparent there was a serious education issue as to proper recycling.

Mayor Minnet commented that the City of Oakland Park has recycling bins at one of their park facilities for residents to use if their residential complex had no recycling bins. She inquired if this was a successful way to encourage residents to recycle.

Ms. Eckels thought there were no multifamily properties that lacked the space for at least one recycling cart. In Deerfield Beach, they have a designated area where they collected a wide variety of materials from residents, as there were some things they did not want in the recycling bins or in the trash bins. She noted for some time the City of Fort Lauderdale had cardboard dumpsters placed throughout the community, so buildings without recycling receptacles could divert paper products to recycling. They were called the "Hungry Green Dumpsters", and some were still deployed, even while Fort Lauderdale sought to encourage more multifamily recycling. In Lauderdale-By-The-Sea, recycling is factored into the waste disposal pricing.

Town Manager Hoffmann added, behind the Municipal Services Department, the Town placed about ten recycling carts, and residents were free to use those to dump their recyclables if they had nowhere else to put them.

Lee Rickles of Sun Bergeron thought Ms. Eckels and the team from the Town had done a fabulous job educating the residents, applauding her for providing the various recycling materials being distributed to the public. Education was part of Sun Bergeron's contractual component, and their company was obligated to support the Town in its efforts to increase recycling. She invited the Town Commission and staff to visit their single-stream recycling and multifamily recycling facilities that were now online, stating the sorting process was impressive. They were willing to direct mail recycling information to multifamily residences if the Commission so directed, and work with Town staff to set up outside the Town's Farmer's Market to speak with people about proper methods of recycling. Ms. Rickles stated that true numbers regarding the recycling and the sort will be available in about three months, the reason being the equipment has just come online.

Mayor Minnet suggested the Town Manager get Assistant to the Town Manager Pat Himelberger to get in touch with Ms. Rickles about the Farmer's Market.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Diana Kugler thanked the Town Commission for their hard work and dedication, making hard decisions, while maintaining decorum on the dais, and keeping peace and calm in the community. The Commission should be proud of the footprint they left in the Town and in the hearts of residents. She thanked Mayor Minnet for her service to the Town, noting her achievements were too numerous to list, and her integrity, leadership and selfless dedication while serving as the Town's Mayor was to be commended.

John Boutin echoed commendations to Mayor Minnet for her service to the Town. He discussed: the Town's Sister Cities Organization being put back on the agenda for discussion; the prohibition of launching watercraft from the shore; and the modification of the special event permit at Athena, for which he hoped some middle ground was possible, as the streets should remain open.

Birute Ann Clottey stated a number of merchants and hotel owners were concerned about the increasing number of street closings for events. She asked the Commission to seriously consider requests by businesses to use the sidewalk rather than closing streets. If a request caused no public safety concerns, the permit should be granted.

Joyce Murray extended sincere thanks to Mayor Minnet for her courage, grace under pressure, steadfastness and graciousness as the Town's Mayor. The atmosphere of cooperation among members of the Commission was a welcome change for the six years the Mayor served, as compared to the tumult that preceded it. She reminded the Town's voters they would elect a new Commissioner on March 11, and the Property Owner's Association (POA) of Lauderdale-By-The-Sea would host a "Meet the candidates" night in Jarvis Hall on Thursday, February 27, 2014, at 7:00 p.m. Everyone was invited to attend to listen to what the candidates had to say about serving the Town.

Ms. Murray invited everyone to participate in a 5K Walk/Run for the Poor sponsored by the Society of St. Vincent de Paul on March 15, 2014. There was no entrance fee, and all funds raised at the event would go to the St. Gabriel Conference to help local people in need of food, financial assistance for rent, utilities and medicine, and transportation. She noted further details of the event could be found at www.sgp5k.org.

Elliot Sokolow mentioned finding out that Mayor Minnet was a talented dancer at a new event held at the Town's Free Seaside Dance Classes; there was a large turnout and participation in the dance lessons and dancing, and he thanked the Town for the use of the plazas.

Cristie Furth commented healthy opposition was a positive thing, as it taught one to learn and adapt. She said, however, she had recently observed the Town Commission working together to encourage voters to choose a certain Commission candidate who would not challenge or oppose doing business as usual. There were two reasons the current Town Commission and Manager were not publicly challenged or ran unopposed in the last four years. The first was that the municipal election of 2010 when three existing members were elected was the nastiest municipal election she experienced in 42 years as a Town resident. She believed people politically opposed to the current Commission were treated terribly during and long after the election, and many active citizens, like her, opted out of local politics. Ms. Furth commented the second reason was all the tough decisions were already made by a previous Commission, such as: the reinstatement of the VFD, referendums for town wide height limits, voter controlled neighborhood zoning, and Commission term limits. She asserted that the recent Charter Review Board (CRB) tried to make recommendations for new referendums to raise the Town's height limits from the bridge to the beach, to take power to control neighborhood zoning away from voters and give it to the Commission, and to gut mayoral term limits. She stated the threat of these proposed referendums forced concerned citizens back to Jarvis Hall to speak out; alleging that Commission Dodd stated public comments should be ended at these meeting. Yet citizens continued to challenge the CRB's efforts to reverse all the voter-approved referendums that protected the Town, and after extensive citizen input, the CRB members gave up their agenda, making no specific recommendations to the Commission. The current Commission stated they would entertain the new referendums after the coming election to avoid controversy before the election. She felt challenge and opposition promoted critical transparency and accountability, and Commissioners should not use the dais as a political platform to promote or attack any candidate.

Eric Yankwitt thanked the Town and Commission for allowing them to use Jarvis Hall to host the Neil Simon play, "Last of the Red Hot Lovers" that was very successful. He encouraged the Commission to allow the Property Owners Association (POA) to televise their candidates' forum; he was a candidate in the upcoming election and had no objection to televising the debate. Residents should have an equal opportunity to observe the debates, whether in person or on television. He saw that Sister Cities was on the agenda again and, as he resigned from the organization, he thought that

resolved most issues surrounding the organization. He fully supported the Commission if it felt the organization should continue its good work.

Verenice Rapaport invited everyone to the upcoming Health Fair at Jarvis Hall on Saturday, February 22, 2014. On February 12, 2014, Movie Nights would show the American classic "Lullaby Broadway"; admission was \$1. She noted they would continue their free classes, inviting residents to enjoy activities to enhance community interactions.

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

7. PUBLIC SAFETY DISCUSSION

None

8. TOWN MANAGER REPORTS

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

Town Manager Hoffmann reviewed her report as indicated in the backup, highlighting the following:

Ridership statistics for the Pelican Hopper from October through December 2013 were excellent, with every month showing an increase in ridership over the same month in the prior year. The Pelican Hopper hours were extended Fridays, Saturdays and Sundays. Sunday ridership was especially strong in December.

- The Super Storm Sandy Sand Project continued; they would be moving from Washingtonia Park down to the Palm Avenue portal in the present week. The Army Corp of Engineers will continue moving sand along the beach North of Washingtonia for another 4 or 5 days, but there will no longer be truck deliveries beyond the current week.
- The League of Women Voters Candidate Forum was confirmed for Tuesday, March 4 and residents should email their questions to the moderator at csmith@att.net; the email address was posted on the Town's website and cable channels.

Town Manager Hoffmann inquired if the Commission wished to include a brief presentation by the Town Attorney on the Charter Amendment questions at the forum and have the moderator accept questions on those issues.

Mayor Minnet remarked, in light of the totally untrue comments made during Public Comments regarding the Charter Amendments, it was important that the Commission get the facts out on what the Charter Review Board did. She asked Town Attorney Trevarthen to comment on what the Charter Review Board did, stating that it **wasn't** about reversing anything, it was about making it a better document for the Town of

Lauderdale-By-The-Sea. She feels that it is of great important that the Town Attorney attend candidates forum, she should present the information as to what the proposed changes really were, noting they were not to the detriment of the Town, but to for its betterment.

Town Attorney Trevarthen affirmed she would be present at the League of Women Voters Candidate Forum on March 4, as requested by the Mayor. The Charter Review process was required by the Town's Charter to happen every 12 years, and as part of that process, it was entirely proper for the CRB to look holistically at the document to determine if there was room for improvement.

There was a Commission consensus to authorize the Town Attorney to make a presentation on the Charter Amendment questions that would be placed on the ballot in the upcoming election, and to answer questions at the forum.

Town Manager Hoffmann continued her report:

- Town staff made progress with Florida Power & Light (FP&L) about placing the overhead cables underground in the downtown area. Work was tentatively scheduled to begin February 18. FPL will "bore drill" a new conduit, that should take about 2 weeks. In the 3rd week the cable will be fed thru. The streets would not be closed to traffic. Traffic will be diverted thru a couple of parking spaces for that period. The week that the cable is fed it will be much less obtrusive.

Commissioner Vincent raised concerns regarding various Town ordinances, in light of the contentious comments made about the upcoming election. He asked about the Town's ordinance regarding political sign placement during elections.

Town Attorney Trevarthen replied the Town's sign code allowed the placement of signs that talked about a candidate or a political issue without the need for a permit; the sign could not exceed 2' x 3' in size, allowing two signs per property. She mentioned the background case law for the proper interpretation of that limitation indicated a property owner could post more than the two signs allowed if there were more than two candidates. The property owner is allowed to show support for each individual candidate.

Commissioner Dodd asked for an update on the License Plate Reader (LPR) cameras.

Police Captain Fred Wood, Broward Sheriff's Office (BSO), commented there had been numerous staff changes at Iron Sky, the LPR vendor selected by the Town. The project manager and account representative is no longer there. The CEO that bought Iron Sky has moved back into another position with the Parent Company. He tried communicating with the new CEO via email and voice mail and spoke with the new project manager three times earlier in the day. The poles on which the cameras would be mounted had been delivered and stored in the Town's Public Works garage. The

concrete bases on which poles would stand were to be delivered the coming Friday. He said the server and other support electronics were ordered, along with the cameras about two weeks ago, but he received no firm delivery dates. He would provide the new project manager with the contact information for the three properties from which power would be accessed.

Town Manager Connie Hoffmann stated that the Town has received conflicting information from Iron Sky, in that we were told that they had the cameras 2 weeks ago and now we are being told that they have only recently ordered the cameras. The Town will send Iron Sky a letter notifying them that they are in default again.

With regard to discussions with the FDOT on the remaining two blocks of Commercial Boulevard mentioned in the Town Manager's report, Commissioner Dodd feels that narrowing the roadway will give the pedestrians a better chance at making it across being that they wouldn't have to run as far. He expressed disappointment in the attitude taken by Florida Department of Transportation (FDOT) about the Town's wish to increase its sidewalk in the last area that would be upgraded, simply because of the width of the median and the width of the roadway.

Town Manager Hoffmann informed the Commission that FDOT reversed their position in a meeting with staff earlier in the day. Prior discussions were with an FDOT rep in the grants office in Tallahassee; **staff's recent meeting was with** the FDOT district engineer who did not object to narrowing the median, as there was no crosswalk from Bougainvillea across the road.

Mayor Minnet asked about the downtown coordinator the Town recently hired.

Town Manager Hoffmann stated the Commission approved the hiring of an additional maintenance worker to assist with the maintenance of the downtown projects. The new hire was also a local volunteer fireman named Danny who was assigned to the first two blocks of Commercial Boulevard, working from 9:00 a.m. to 5:00 p.m. Wednesday through Sunday. His job was to keep the area clean, help tourists with using the pay stations, direct visitors to park in between the lines in parking spaces, help set up the games, keep the benches and the chairs clean, empty the cigarette containers, and maintain the landscaping. Town Manager Hoffmann noted when he got used to his routine; he would head over to the western two blocks to do similar work. She said he was very friendly and was told his job was to act as an ambassador for the Town and keeping the designated area clean, and he seemed successful at both tasks.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen noted the Broward County Inspector General (IG) forwarded a proposal for changes that the League of Ethics Task Force was currently reviewing. If the Commission was interested in receiving an update, it could be given in the context of an ethics training session to fulfill some of the annual ethics training requirement.

Mayor Minnet encouraged the Commission to do the training session, as she heard at a Broward League of Cities meeting that there were many issues coming forward.

There was a Commission consensus for the Town Attorney to present the Broward County IG's proposed changes in a training session on February 25, 2013, at 5:00 p.m.

10. APPROVAL OF MINUTES

- a. January 7, 2014, Special Commission Meeting Minutes (Deputy Town Clerk Tedra Smith)

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

11. CONSENT AGENDA

Commissioner Dodd pulled items 11a, 11b, 11c and 11e for discussion.

Mayor Minnet pulled item 11c for discussion.

Commissioner Vincent pulled item 11d for discussion.

- f. Amend the West Commercial Streetscape & Drainage improvements Project Guaranteed Maximum (GMP) with State Contracting & Engineering Corp. and transfer funds to cover these and other approved changes to the GMP. (Project Manager Albert Carbon and Town Manager Connie Hoffmann)

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

- a. Special Event Application for Toes in the Sand Charity Fundraiser proposed for Saturday, April 5, 2014 at the Lauderdale Surf & Yacht Club (Assistant Town Manager Bud Bentley)

Commissioner Dodd noted he was a member of the organization making the subject request, and his wife was currently on the board of directors, asking if he was required to abstain from voting on items 11a and 11b.

Town Attorney Trevarthen said there appeared to be no potential private financial gain, so Commissioner Dodd could vote on the items.

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

- b. Special Event Application for Embrace Life Luau Fundraiser proposed for Saturday, March 29, 2014 at the Lauderdale Surf & Yacht Club (Assistant Town Manager Bud Bentley)

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

- c. Special Event Application for Aruba's Memorial Day Beach Bash proposed for Monday, May 26, 2014 (Assistant Town Manager Bud Bentley)

Commissioner Dodd mentioned previously speaking against the valet controlling the section between El Prado and the event site. He wanted valet service but wondered why a private company should profit off of public property. Commissioner Dodd suggested public parking be extended on the south side, as the event was in the middle of the Town. He questioned why is parking being restricted to the North section of El Mar and only allow public parking to a few free spaces at the north end of El Mar Dr. beyond El Prado Park. His suggested would be if the Valet operated on the northern side of El Mar, some event parking should be allowed on the south outside the Oriana.

Assistant Town Manager Bentley affirmed Commissioner Dodd's analysis of the situation was correct, noting there was some momentum from events over past several years. Aruba requested the use of El Mar Drive, north of Commercial Boulevard for the public, but not south of Commercial, as their view was the event was small and tied into the El Prado parking lot. He said this was not an issue, as the lot would be full in good weather on Memorial Day. Additionally, valet service was authorized to use the north alley turnaround and, based upon his observations of how well this worked for New Year's Eve, it provided a parking alternative for those attending the event and increased the amount of available parking. On New Year's Eve, it was crucial to allow parking on El Mar Drive, so they could stack their vehicles, and it increased the speed by which they turned around vehicles. Assistant Town Manager Bentley stated when asked by the Town Manager why parking was being provided for free to a private entity, he replied that if the event was successful, staff could negotiate with Aruba for the Town to share in that revenue stream from that parking. The uses in the downtown area were in a transition of to how it used to be done and what was best for the future.

Commissioner Dodd inquired if it were possible to open up the south side of El Mar Drive on short notice should it be required.

Assistant Town Manager Bentley responded only if the Commission authorized that alternative in advance.

Commissioner Dodd wished to make a motion to that effect.

Vice Mayor Sasser said he was prepared to second the motion if it included the ability to open up the south end of El Mar Drive and the valet service requested by Town staff.

Mayor Minnet thought it was important at such events for applicants to pay to have an off-duty police officer to help pedestrians negotiate A1A and Commercial Boulevard.

Commissioner Vincent questioned the trigger mechanism if Aruba wished to use the south side of El Mar Drive, and which entity would cordon the area off, etc.

Assistant Town Manager Bentley replied the applicant was responsible for placing the signs, etc. Town staff would monitor the parking on the north end of El Mar Drive and coordinate that with staff on hand and Aruba.

Commissioner Brown agreed with Mayor Minnet that the Town's special event policies should be reviewed in the near future, such as requiring applicants of special event permits to have a crossing guard to assist pedestrians.

Mayor Minnet thought the south side of El Mar Drive was going to be open and part of the special event permit and not just on an as-needed basis.

Commissioner Dodd answered yes, correct.

Guy Contrada, Aruba Beach Café, stated he filled out the special event permit application. He was confused as he had requested only public parking, including the south side of El Mar Drive. He had not asked to let the Aruba valet park on El Mar Drive.

Assistant Town Manager Bentley clarified valet parking was an option he put in the application at the last minute after speaking with a representative from Aruba.

Vice Mayor Sasser asked if Mr. Contrada objected to having a BSO officer at the event.

Mr. Contrada replied they had three BSO officers for the event; they were usually by the beach area, but one could be moved wherever the Town wished them to be posted.

Commissioner Dodd made a motion to approve item 11c on the Consent Agenda, authorizing parking on the south side of El Mar Drive, and to have a police officer available to enforce the pedestrian rules. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

d. Special Event Application for Athena By the Sea St. Patrick's Day Event proposed for Monday, March 17, 2014 (Assistant Town Manager Bud Bentley)

Commissioner Vincent requested a friendly amendment that when the Commission discussed item 17c, any changes/modifications would apply to the St. Patrick's Day event before the Commission voted.

Town Manager Hoffmann inquired if the Town Commission reviewed the modified site plan Town staff sent them in the afternoon prior to the meeting.

Commissioner Vincent specified that his comments related to the stage and would apply to anything that was modified in the public right of way, such as sidewalks.

Mayor Minnet suggested deferring the decision on item 11d to the discussion of item 17c and then the Commission could vote on both items individually.

Town Manager Hoffmann sought clarification as on the revised site plan, it appeared that the parking was no longer available on A1A.

Assistant Town Manager Bentley stated the handicap spaces would remain open, but the other three spaces would be blocked and seats would be placed in that area. Athena wished to use the spaces for overflow attendance at the event. French barricades would be placed between the parking and traveling lane..

Moved to New Business as item 17c for further discussion and a vote.

- e. Southeast Florida Intergovernmental Coastal Ocean's Task Force (Public Information Officer Steve d'Oliveira)

Commissioner Dodd thanked the Commission, stating he would strive to be diplomatic if he was faced with intergovernmental issues requiring patience and negotiating skills.

Commissioner Vincent made a motion to approve items 11e on the Consent Agenda. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

- a. Ordinances 1st Reading

None

- b. Ordinances 2nd Reading

None

13. RESOLUTIONS – PUBLIC COMMENT

None

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Commissioner Brown reminded everyone the coming Saturday would be the sea oats planting day on the beach between 9:00 a.m. and 3:00 p.m. He received an email from

the principal of the North Fork Elementary School in Fort Lauderdale stating 25 children would volunteer, so now well over 100 volunteers signed up from all over the County. He encouraged Town residents to participate in the project. They would meet in the Minto Parking lot, and the project would cover the beach from the parking lot down to the pavilion. There would be a couple thousand sea oats planted, and he hoped this would be the start of a town wide beach protection program.

Commissioner Vincent wished everyone a Happy Valentine's Day.

Commissioner Dodd noted there had been no Hillsboro Inlet meeting. The Hamilton Valet employees were observed hustling to prevent cars from backing up in front of the pavilion last Saturday night, and they should be complimented for their efforts. He saw a visitor in high heels fall off the curb in front of the Village Grille while attempting to walk across to 101; he asked Town staff to check if the Town needed to think about installing some railings.

Commissioner Dodd noted he had one opportunity to run a Commission meeting while he was Vice Mayor, and it opened his eyes to the balancing act of allowing Commissioners to speak, while allotting time to express one's views. Mayor Minnet often allowed members of the Town Commission many chances to express their opinions, and he thanked her for the harmonious environment in which the Commission was able to do the work of the Town.

Vice Mayor Sasser felt compelled to make sure that when comments were made that went across the airwaves into people's homes via computers and televisions that they were accurate. He found some public comments made regarding the Charter Review Board to be incorrect, placing all members of the Commission in a single boat, when he fought and was openly opposed to a number of the referendum items, and he was not alone. He felt disheartened to have his reputation placed on the line when the speaker said that when he ran for office, it was dirty election. In fact, the vote had been a referendum in and of itself, and the Town's people were tired of the dirty politics. Vice Mayor Sasser feels that the Commission treated each other with respect, along with the individuals whom they ran against in elections, and they remained above board in all their actions even in the face of opposing points of view. He objected to campaigning from the dais or from the podium during public comments.

Mayor Minnet viewed some of the remarks made during public comments as untrue, stating the 2010 election was a mandate from the people. She won her first election in 2008 by 21 votes and in 2010 she won by 65 percent of the votes, and Commissioner Vincent and Vice Mayor Sasser won their seats, both of whom ran unopposed in the upcoming election. The campaign in 2010 was not dirty, and it saddened her to hear a member of the public at the podium trying to manipulate the truth to imply that the Commission was doing something wrong. She asked that voters be mindful during the next weeks prior to Election Day of who they spoke to and what they claimed were facts. It was an honor to serve as the Town's Mayor, and she would miss everyone.

16. OLD BUSINESS

a. Sister Cities (Vice Mayor Sasser)

Sandra Green stated she was a director for the El Mar Beach Club and requested recycle bins for the El Mar Beach Club at 1396 N Ocean Boulevard. She commended the Town Commission for working together over the past few years, bringing civility and honor to the dais, even when she did not agree with all their decisions. She hoped the sister cities issue would be resolved, as they were unable to establish sister city agreements with other cities. Ms. Green believed all the objections were removed, their legal status had been proved with the paperwork, a board of directors had been appointed, copies of the membership supplied, and dues were paid, and so only the Commission's endorsement was needed for their organization to begin its work.

Mayor Minnet believed the Town Commission needed to reconsider its last vote on the Sister Cities issue before further discussions took place based on Roberts Rules of Order. Previously, the Commission voted to defer a decision as to which of the two groups should be recognized as the Town's Sister Cities Organization until after the March 2014 Election. She asked if a motion was needed to rescind the previous approval to defer or could the discussion continue as is.

Town Attorney Trevarthen replied, as Vice Mayor Sasser was in the majority vote to defer, he could make a motion to reconsider.

Vice Mayor Sass made a motion to reconsider deferring the decision as to which of the two sister city groups should be recognized as the Town's official Sister Cities Organization until after the March 2014 Election. Commissioner Dodd seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

Vice Mayor Sasser noted his reasons for requesting the reconsideration were the same as those cited by Ms. Green, as most if not all the objections were resolved. Through contact with several of the members, he learned there was some interest in the Town's Sister Cities Organization being picked up by a nearby city. He felt the Commission needed to make a decision on whether to endorse a Sister Cities Organization; if yes, then the Commission needed to decide which of the two organizations to endorse.

Commissioner Brown expressed surprise at the current status of the Town's Sister Cities Organization. For many years, Dr. Most worked tirelessly to garner support for the Town's Sister Cities Organization without much success with the Town Commission, citizens or businesses. Subsequently, Dr. Most resigned and suggested disbanding the organization. The Town Commission opted to keep the organization alive on the books, then Eric Yankwitt and Verence Rapaport came forward expressing an interest in reviving the organization, going through what they felt were appropriate steps to achieve that goal. Another group later emerged, expressing a similar interest and the situation got confusing.. Commissioner Brown was in favor of having a Sister Cities program, as it brought benefits to the Town, and he hoped the group that was endorsed achieved

more success than Dr. Most in getting support from the Town. He willingly supported the organization of which Ms. Green was the Chair, wishing them success.

Commissioner Vincent recalled the details of prior Commission discussions on reviving the Town's Sister Cities Organization, and what transpired made him decide the discussions needed to be curtailed to allow for cooler heads to prevail. A Sister Cities Organization would promote positive tones for the Town, presenting them to other cities in the world. He felt unsure as to the tone of the Sister Cities Organization chaired by Ms. Green after reading an email from her stating the Town Commission's failure to endorse their organization hindered its ability to progress. At the end of the email, people were reminded not to be negative, and he wondered why anyone in a Sister Cities Organization had to try to refrain from making negative comments/accusations. He was unconvinced all issues were resolved, as the reminder was itself negative.

Commissioner Dodd clarified he voted no to deferring consideration at the last meeting, as he thought the decision could have been made at that meeting on which of the two organizations should be endorsed by the Commission. He attended the meeting chaired by Ms. Green and felt they could move forward in a constructive manner, though he was saddened that both organizations were unable to merge under one Sister Cities program to promote friendship and unity between towns. The issues had been resolved to his satisfaction, and he was ready to endorse Ms. Green's Sister Cities Organization headed and offer his support where needed.

Vice Mayor Sasser hoped the Sister Cities Organization chaired by Ms. Green embraced the services of Verenice Rapaport;

Vice Mayor Sasser made a motion to approve the endorsement of the Sister Cities Organization chaired by Sandra Green as officially representing the Town. Commissioner Dodd seconded the motion. The motion carried 4-1. Commissioner Vincent voted no.

Town Manager Hoffmann indicated she would contact the Sister Cities National Organization to alert them to the Town Commission's endorsement decision.

b. Property Owners Associates (POA) Candidates Forum (Deputy Town Clerk Tedra Smith)

Finance Director Tony Bryan reviewed the subject item as detailed in the backup.

Commissioner Brown thanked Mr. Malkoon for providing the document on the POA format that was included in the backup. On the issue of televising the debate, it seemed candidates were already having difficulty campaigning, as there was no newspaper, television or radio stations, condominiums were fortresses and did not allow anyone in, and it was expensive to send out mailings. He commented this was a democracy in which people were expected to vote, but they could not make informed choices if they lacked information about the candidates. The debates were probably the single best

way for candidates to reach the maximum amount of voters at one time, so he supported televising the POA Candidates Forum. He was disappointed with the format supplied in the backup, as it appeared six topics would be placed in a hat and four would be pulled out for the candidates to speak on. It made more sense to let the candidates know what the six topics were, so they could prepare to speak on them in an organized format. He expressed added concern over the second part of the format in which the audience was allowed to ask unscreened questions, possibly exposing the candidates to some outrageous statement intended to impugn their integrity. It was important for all three candidates to be treated fairly in the debate, and if both the League of Women Voters and the POA were unable to control their forums, then he hoped the Town Commission would not allow them to stage future forums.

Vice Mayor Sasser stressed that his comments were not personal in nature, questioning why it was necessary to televise the candidates forum, and it seemed redundant to hold two candidates forums. The POA had no need to hold a candidates' forum to be relevant, and holding a second forum was superfluous in nature. He respected the members of both the League of Women Voters and the POA.

Commissioner Vincent sought clarification on the questions that would be submitted the evening of the forum just prior to the debate, and did this mean the candidates would not get to review the questions and select them randomly.

Edmund Malkoon of the POA replied the reason for submitting the questions at the forum was based on past experience. There was even an issue with the League of Women Voters where questions were given ahead of time and some people thought some of the questions were "cherry picked", or the former administration brought the questions to certain candidates. He stated the POA thought it best to avoid the potential for that occurrence with their forum. Regarding the issue of questions being submitted the evening of the forum, they would still be prescreened to ensure they were not taken out of context. He assured the Commission they would not be random questions from the audience.

Commissioner Vincent asked if it would be appropriate for the questions to be signed by the submitter, and if they were randomly picked, the submitter could ask the candidate(s) the question.

Mr. Malkoon affirmed the POA would ensure questions were asked by residents; they would have people posted at the door handing out colored pieces of paper on which residents could write their name and question.

Commissioner Vincent inquired if residents would ask the questions or would the person reviewing the questions ask the selected questions of the candidates.

Mr. Malkoon thought the POA still had to discuss that aspect, but he believed they wished to have the option to allow residents to ask their question if they were comfortable doing so.

Mayor Minnet commented the question came about on six broad subjects detailed in the backup, and she was unable to approve the format the POA proposed unless she was assured the three candidates knew what the subjects were.

Mr. Malkoon felt in most debates candidates were unaware of the exact questions, stating any candidate running in the upcoming election should be able to answer any of the questions.

Mayor Minnet mentioned having concerns that because someone that was once a part of the POA board was running in the upcoming election raised questions about the POA being unbiased

Mr. Malkoon clarified the individual was never elected to the board; he said she had volunteered her services after the POA board elections.

Mayor Minnet believed there was still a certain perception.

Commissioner Dodd agreed with Commissioner Brown that the topics for discussion at the POA forum should be supplied to the candidates to even the playing field. He had a problem with audience questions without censorship, as candidates could get blindsided. A possible compromise was if the forum was recorded and reviewed by Town staff to determine if it was in the public's interest. He trusted Finance Director Bryan's judgment to review the forum and determine if it should be televised.

Mr. Malkoon remarked the POA was a civic organization doing a community event, and the Commission was being asked to approve the televising of that event. He opined not to give voters the opportunity to see the forum was doing them a disservice and sent a negative message.

Mayor Minnet added there were members of the public who felt the POA might be biased, so the Commission, as a body, addressed concerns as to how the POA's forum would proceed. She thought the forum should move forward, but she was unsure about whether it needed to be televised; anyone wishing to see the forum was free to attend it at Jarvis Hall.

Vice Mayor Sasser stated he would second the motion for approval only due to his having no wish to prevent anyone unable to attend either the League of Women Voters or POA candidates forums from seeing what took place. He believed the POA would conduct itself efficiently and in an unbiased manner.

Commissioner Brown made a motion to approve item 16b, televising the POA candidates forum live and unedited. Vice Mayor Sasser seconded the motion. The motion carried 3-2. Mayor Minnet and Vice Mayor Sasser voted no.

c. Possible Legislation Re: Sober Homes (Mayor Minnet)

Mayor Minnet mentioned attending a Broward League of Cities meeting the previous week at which the regulation of sober homes was discussed. . She directed the Town Attorney to bring forward information for the Commission to determine how to address future ordinances for the Town in reference to sober homes.

Town Attorney Trevarthen referred to the backup information that contained a currently-pending bill that the Florida Legislature would review in the upcoming legislative session. The philosophy of the bill was to seek uniform state legislation to provide business regulations for the uses listed. She noted the concept grew out of a working group with the Palm Beach County League of Cities to urge the state to get involved in having some licensing to control bad actors. It was mainly for consumer protection for people who might place themselves in the care of such homes and not receive what they were entitled to, or the treatments expected, as well as protect the neighborhood. She noted the Florida League of Cities made it a priority, and the backup contained not only the bill, but the League's brief on the issue, as well as a recent editorial from the Palm Beach Post, with the latter advocating for the federal government to act.

Mayor Minnet asked how the Town could address such uses in its ordinances without coming under the scrutiny of the Justice Department.

Town Attorney Trevarthen replied the very name of a sober home indicated uses associated with helping people considered disabled under certain federal laws, mainly people recovering from certain forms of addictions. Sober home was not a treatment facility or a detox facility; that is, no active medical treatment was provided at these homes. She said they were residential environments that both the federal law and experts working with addiction recovery believed were important as therapeutically necessary for people to recover. As long as a sober home operated within that scope and was not attempting to engage in treatment, which would be a commercial use in a residential framework, they were permitted under federal law to engage in that activity. The right to have that chance was protected by federal law. Town Attorney Trevarthen stated local municipalities were not in a position to directly regulate Sober Homes by preventing them from being in a residential area, as their purpose was to help integrate some people in the community into a residential environment. She noted the Town had regulations that were available to enforce, such as if a particular resident acted in a harmful manner, triggering the Town's neutrally applicable regulations.

Mayor Minnet questioned the outcome when the presence of a sober home impacted a community; the Town was considered a vacation destination, and some of the sober homes were located next to the Town's hotels. She asked if the Town could, through zoning changes, determine where in the community they could be located.

Town Attorney Trevarthen responded in the residential zones, those were the areas where Sober Homes were allowed, the Town had the RM25 zone that had a dual purpose; it was a primary tourist lodging zone, as well as residential uses. Her comments pertained primarily to an individual unit and how it was being used, and that

had to be treated as a residence; if there were no code violations, code enforcement officers would respond as they usually did.

17. NEW BUSINESS

a. Prohibition of launching watercrafts from the beach or operating watercrafts within the prohibited watercraft zone (Town Manager Connie Hoffmann)

Town Manager Hoffmann reviewed the subject item as detailed in the backup, stating Town staff sought Commission direction in light of the Town's current guidelines. For instance, did the Commission wish to allow different watercrafts to launch from the beach, should such crafts be motorized, did they have to launch at a certain distance from bathers, or should there be specific zones where crafts were allowed to launch.

Mayor Minnet observed many people did not follow the Town's current ordinance, particularly on the northern part of the Town. She felt a workshop was needed, as there were numerous issues to consider; for instance, non-motorized paddleboards and kayaks should be allowed, but she was unsure how the language should be worded, so more lengthy discussion was needed. The stakeholders residing on the beach should participate in such discussions, so a roundtable discussion was a good option.

Commissioner Dodd noted the Town had about two miles of beach, and it was a sad reflection that nowhere along that length was it possible to find a way to incorporate such activities. He restated his prior suggestion that the Town establishing two launching corridors, one at Pine Avenue and one at Palm Avenue, and bathers and divers would be encouraged to stay outside the areas where watercrafts had the priority.

Vice Mayor Sasser agreed the subject matter was better addressed in a roundtable or workshop forum.

Commissioner Vincent echoed Commissioner Dodd's suggestion to have two watercraft launch areas and agreed that was better suited to a workshop/roundtable discussion. He had no desire to quash the participation of watercraft on the Town's beaches.

There was a Commission consensus to defer further discussion on the subject item to the Commission meeting of March 18, 2014, at which a workshop date would be set.

b. Electronic Cigarette Ordinance (Vice Mayor Sasser)

Vice Mayor Sasser mentioned an ordinance was passed by the City of Sunrise and copies sent out to Broward municipalities, prohibiting the sale of electronic cigarettes (E-Cig) to minors, as the E-Cigs contained nicotine. He wanted the Town to draft and pass an ordinance banning the sale of E-Cigs to minors, as if the Town waited for the state to move on the matter, it only took one House member to add more to the debate.

Town Attorney Trevarthen briefly reviewed the backup information on the subject item, stating the ordinances' language could also include the use of E-Cigs.

Commissioner Dodd sought clarity on the penalty for violating the proposed ordinance, and whether that penalty would be exacted upon the purchaser or the seller.

Town Attorney Trevarthen expected the penalty to be levied on the seller.

Commissioner Brown questioned who would be the enforcement entity for the ordinance, whether it would be the Town's code enforcement staff or the police.

Town Attorney Trevarthen pointed out, as this would be a municipal code violation; it was something the police could cite for.

Vice Mayor Sasser asked and received a Commission consensus to direct the Town Attorney to draft an ordinance banning the sale of E-Cigs to minors in the Town.

c. Modification of Athena By The Sea's Special Event Permit (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley went over the details of the subject item, as detailed in the backup. He asked the Commission to indicate their preference - should the event continue in the street on the westbound lanes of Commercial Boulevard, or move it to the sidewalk. The pros and cons were addressed in the backup.

Vice Mayor Sasser heard from other businesses their appreciation that the streets were not closing down, and he was willing to approve the **subject event for St. Patrick's Day**. He believed the Commission needed a separate workshop in which to holistically address the **Town's policies for the use of the plazas and outdoor entertainment in the downtown area overall**. The Commission had to decide if they wanted music in that area every weekend or should that be regulated.

Commissioner Vincent commented the main purpose of doing the downtown improvements was to widen the sidewalks to prevent street closures, while giving the area businesses ample opportunity and space to host events and conduct business. When the Town decided what it wished to do with the Dune and Ocean beach plazas, it did not help Athena, though it benefited the downtown area, **Mulligan's, 101 Ocean, the Village Grille and Aruba**. He was unsure of Athena's need to close off the parking spaces on A1A and Commercial Boulevard for the **St. Patrick's Day event**, as he thought the widening of the sidewalks was sufficient.

Town Manager Hoffmann sought clarification on whether the request to place tables in the parking areas was only for the **St. Patrick's Day event**.

Assistant Town Manager Bentley answered that was correct.

Commissioner Vincent thought, on the issue of the stage, there needed to be ample space to allow pedestrians either in front or behind the stage without any safety issues. He asked Mr. Marchellos if the stage could be moved at least four to five feet in off the curb to allow such access, and Mr. Marchelos felt there would be no issue moving the stage.

Assistant Town Manager Bentley wished to confirm Commissioner Vincent was suggesting the stage should be rotated to face more east/west.

Commissioner Vincent affirmed this was his meaning.

Assistant Town Manager Bentley added another benefit of moving the stage was that the people walking behind the stage were not subject to the noise of walking in front of the speaker. He recommended the erection of a barricade along with the four to five foot distancing.

Town Manager Hoffmann thought the barricades were about four to five feet in width.

Assistant Town Manager Bentley replied it depended on the type of barricades used, as the foot mechanism was at least three feet. The pedestrians needed to be kept on the sidewalk and in the crosswalks.

Commissioner Vincent suggested as whatever was used as a barricade should remain on the curb.

Assistant Town Manager Bentley indicated he would work with Mr. Marchelos to determine which was the ideal setup.

Commissioner Vincent wondered if it were possible to shorten the stage in increments and still accommodate the band safely.

Louis Marchelos, owner of Athena By The Sea, voiced no objection to hold the event on the street, but other local businesses preferred the streets to be kept open, so he tried with a December event to restrict the event to the sidewalk, and it worked well. The overflow of people on St. Patrick's Day was the reason he requested the use of the six parking spaces, but he preferred to hold other events on the curb and out of the street.

Commissioner Dodd observed on the past Saturday that the stage projected beyond the traffic light pole and was up against the recycle bin, and at the other end of the stage where the bar was situated, there was only about a five-foot gap between them. He felt the actual size of the stage was bigger than that shown in the backup. The Town could not alter where it needed to place bollards for public safety for six and half days of the week to accommodate a single event. He believed there was insufficient room on the subject corner to accommodate a stage, a bar area, tents, tables for outdoor dining, while leaving an eight-foot sidewalk open throughout the event to allow pedestrians and tourists to walk through. Town staff already opined it would not solve the problem to

move the stage further east. Commissioner Dodd was in favor of finding a solution, and BSO was not in favor of closing the westbound side of Commercial Boulevard, though the closure would provide a safe area for diners, music, concerts and other people enjoying the Town. Public safety was the primary concern, and he could not support the present setup for the subject event, and Town staff was urged to work with Mr. Marchelos to find solutions, as he too wanted the event in the Town.

Mr. Marchelos remarked the existing stage was the same they had for four years, and he had video and photographs of the stage's location; the stage was 12 feet by 18 feet, and 24 inches high, and there had been no modification over the years. The area in which he requested the safety bollards be placed in front of Athena around to Ocean Drive had no curb for about 60 feet north of the corner, so it was a curbless sidewalk. Since the road reopened, he took pictures of the safety hazard of there being no curb.

Commissioner Brown stated he too was at Athena on Saturday night, and he questioned whether it was safe for pedestrians to cross A1A from Wings to Athena; he observed pedestrians crossing the street, often stopping to see what was on the stage. This created a backup of people standing around, and people crossing the road hardly had space to step up onto the sidewalk, and it was a hard activity to police. Public safety was his single most concern, and he would defer to Captain Wood on the matter, as his vote would rely largely on his opinion of the situation.

Vice Mayor Sasser mentioned a number of issues that led to the Commission making decisions that limited Town staff's flexibility in certain instances. Regardless of the outcome, he urged the Commission to allow staff some flexibility, whether it was to move the stage five feet in a direction, etc., giving them the ability to make decisions based on the reality of the circumstances rather than setting a hard and fast rule.

Mayor Minnet noted, as a municipality, such events were encouraged, but the subject area became very congested when there were events, so the question was whether the Town was liable in the event of a hold up on A1A.

Town Attorney Trevarthen agreed safety was a major factor when approving the setup of such events, and whether there was a static rule or one that was adaptable to the field conditions, the Town was directly involved in that process. In terms of the Town's liability, it was a factor that the Commission should keep in mind.

Captain Fred Wood, BSO, noted the four-way pedestrian crossing was in effect for the Saturday evening events.. Secondly, Athena's current permit for a Saturday night event allowed them to close both lanes of westbound Commercial Boulevard. He and his staff drew up diagrams to map things out, reviewing a number of scenarios, and on several occasions, he observed the weekend happenings both prior and subsequent to the street improvements. Before construction there was a natural barrier with the presence of a raised median, trees, etc., but with the present configuration, if westbound Commercial Boulevard was closed to allow for the stage, BSO felt this was not a viable alternative from a public safety standpoint.

Town Manager Hoffmann asked if barricades would have to be erected.

Captain Wood replied the barricades had to be made of heavy material that was hard to move to bar foot traffic from going into the eastbound lanes; the concern was the proximity of the dance area, pedestrian and spectator areas to the eastbound traffic. From a public safety angle, he preferred the current configuration to closing traffic and putting pedestrians in closer proximity to oncoming traffic. He was aware that Athena hired two special detail deputies on Saturday nights, and he spoke with one of the deputies and was told Mr. Marchelos was very clear in his direction on the need to keep the roped off eight-foot walkway clear. Captain Wood commented on having a sergeant that worked Friday and Saturday nights in the downtown area monitoring the events, and he was instructed to report any issues that arose. The sergeant told Captain Wood that when he observed any issues, he brought them to Mr. Marchelos' attention and they were corrected immediately; it was difficult to preplan for every eventuality.

Commissioner Vincent stated his concern was with the pedestrian flow in and around the stage, asking if it was a viable option if the stage were reduced in size to allow people to move around the stage more comfortably.

Captain Wood preferred that pedestrians not be allowed to walk to the rear of the stage; they should remain to the front of the stage where the two detail deputies could control their movements.

Assistant Town Manager Bentley remarked on seeing people congregate behind the stage on Friday nights between 101 and the Village Grille, and it was a constant effort for Mr. Marchelos' detail officers to keep the crosswalk clear.

Vice Mayor Sasser believed the Town Commission had the ability to rescind its approval or shorten the permit for the weekend events, and hold more encompassing discussions about policy on whether the Town desired events every weekend or only within a set timeframe. He made a motion to move forward with approving 16c, allowing staff the flexibility to try different arrangements based on staff and BSO's best opinions until the overall policy could be addressed by the Commission and staff.

Town Manager Hoffmann said every special event permit contained a condition that the permit could be suspended or staff could request changes to the site plan, particularly for health and safety issues or for the Town's best interest. Staff would continue to experiment with different layouts. In this instance, the original site plan was set up for the roadway, and staff needed to know if the Commission was satisfied with continuing to hold the event on the sidewalk.

Mayor Minnet questioned if it would be better to have three rather than two BSO detail officers to ensure the traffic, pedestrian and vehicular, flowed smoothly.

Captain Wood replied, in his observations of the area, two detail deputies appeared sufficient the majority of the time. A third deputy managing the pedestrian traffic might be tempted to take over the crossing area and hand-direct traffic rather than using the traffic control devices; this presented a liability for BSO.

Vice Mayor Sasser made a motion to approve item 17c and utilize the space as proposed. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Dodd voted no.

Mayor Minnet stated her major concerns with moving the event to A1A, mainly due to the overflow of pedestrians onto A1A, which was not the place for such an event, and it posed major health, welfare and safety issues. Such a configuration required extra police presence.

Captain Wood clarified two detail deputies were sufficient to control pedestrians for regular Saturday night events. However, he was unsure if two were sufficient for the St. Patrick's Day event, though he continued to think two deputies would be satisfactory.

Commissioner Vincent questioned the necessity for Mr. Marcelos to put tables along A1A, particularly as there was no curb; this presented a public safety issue.

Captain Wood noted the tables would be placed inside the parking areas that were inside the existing sidewalk.

Assistant Town Manager Bentley added the barricades would be set back, so the foot of the barricades would not project into the sidewalk, creating another 18 inches of setback, and the same situation would exist along Commercial Boulevard.

Captain Wood said his concern for the subject area was no different than that for the people walking on the sidewalk at the same location.

Town Manager Hoffmann indicated Captain Wood had not seen the revised plan, as it was submitted late in the afternoon, prior to the present meeting. She mentioned being confused, as Captain Wood previously voiced grave concern about having the Jersey barricades on the road when the stage was out, so the same concern should apply to Commercial Boulevard where the road would not be closed.

Mr. Marcelos pointed out where they intended to install the French barricades, and they could allow an eight-foot unobstructed sidewalk on A1A for pedestrians.

Captain Wood commented on the need for an additional deputy, due to the risk of cars driving into the sidewalk diners, stating a deputy would jump out of the way of an oncoming car, just as pedestrians would. Having a stronger barricade might be better.

Vice Mayor Sasser made a motion to approve item 11d as presented. Commissioner Vincent seconded the motion. The motion carried 3-2. Mayor Minnet and Commissioner Dodd voted no.

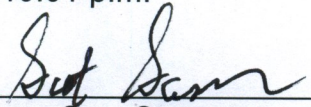
- d. Policies for the use of the Ocean and Dune Plazas (Town Manager Connie Hoffmann)

Mayor Minnet believed Vice Mayor Sasser requested a workshop for the subject item.

There was a Town Commission consensus to defer item 17d to the regular Town Commission meeting on March 18, 2014, so as to set a date for the workshop.

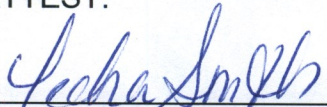
18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:01 p.m.

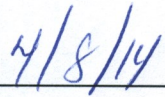


Mayor Scot Sasser

ATTEST:



Deputy Town Clerk Tedra Smith



Date