TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, January 28, 2014

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:05 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 - Rabbi Bentzion Singer

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None

5. PRESENTATIONS

a. Sea Oats Proclamation

Mayor Minnet noted the proclamation recognized the Youth Environmental Alliance (YEA) as partners with the Town in the dune restoration project.

Commissioner Brown stated on February 15, 2014, the Town would hold a sea oats planting day, which he hoped would be the first of similar events to protect the beach. He encouraged the Town's residents to come out and help if they cared about **protecting their beach and maintaining the Town's economy.** The YEA had at least 30 volunteers thus far, and Hands On Broward had signed up 20 to 30 volunteers for the event.

Lee Gottlieb, Director of the YEA and coordinator of the Town's upcoming sea oats planting project, made a brief presentation and, asked residents to volunteer their time, particularly those living on the beachfront. Participants could help for as long as they desired, as the aim was to make it an enjoyable effort, and refreshments would be served. The project would commence from the Minto property moving south. He hoped the Town would approve free parking for event volunteers at the Minto parking lot from 9:00 a.m. to 3:00 p.m.

Commissioner Dodd made a motion to approve granting the volunteers of the Sea Oats event free parking at the Minto parking lot from 9:00 a.m. to 3:00 p.m. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Citizen Observer Patrol (COP) Annual Awards & Promotions

Capitan Fred Wood presented the Citizen Observer Patrol Annual Awards & Promotions as listed in the backup.

Commissioner Brown commended the COP volunteers as unsung heroes at the Town's various events. At the last Halloween event, there were over 300 children, and the COP volunteers ushered the children and their parents safely back and forth across the A1A.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Ned Seibert objected to the approval of item 13a, seeing it as an inappropriate expenditure of taxpayers' dollars, and expressed his feeling that the property was grossly overpriced.

Dorothy Seibert thanked the Town Commission and staff for the beautiful revival of the Town's downtown area, feeling it would attract many visitors. Concerning item 13a, from a safety and woman's perspective, she understood the need for the public restrooms and suggested using the lot next to the Country Ham N' Eggs restaurant.

Steven Otto, a partner of the company that owned lots 4321 to 4341 El Mar Drive, said they were directly affected by item 13a, listing four points of objection. 1) They bought the Eastward Strand Hotel, positively affecting the neighborhood with a significant monetary investment to remove the dilapidated conditions and drug-related activities plaguing the property prior to its purchase. 2) Public restrooms attracted crime, including drug use/sales, and they had no wish to have their property exposed to the risk of such activity. 3) Public restrooms in such close proximity to their properties would diminish its value, and they would be forced to inquire into their options as affected neighbors if the Commission approved 13a. 4) He asked the Commission to consider alternative sites for public restrooms, such as other properties the Town owned, or ask businesses with restrooms to open their facilities to general public use.

John Boutin thanked the volunteers of the COP, mentioning it was a wonderful feeling to serve the community, and more people were needed for such activities. He expressed his support of the action proposed in item 13a, feeling this was a very desirable location for public restrooms, due to its proximity to the beach and downtown areas. The existing public restrooms, such as those behind Town Hall, were not centers of drug activity or other antisocial behaviors, and there was a profusion of security cameras, high pedestrian traffic, and well-lit areas downtown, thereby negating the safety concern. He noted, as this was a small commercial area, it was best that the Town purchase the property rather than leave it prone to undesirable activities. Anyone in favor of the action proposed by item 13a should send in their written support to the Town Commission.

Birute Ann Clottey thanked the dais for the wonderful event the past Sunday, particularly commending its being a family event, and she looked forward to more. She moved to the issue of the upcoming election and campaign signs being placed on public property. Anyone seeing her political signs posted on public property should call her directly at 954-895-6595, and she would get them removed promptly.

Elliot Sokolow discussed the Town Commission's accomplishments amidst numerous criticisms leveled at them, acknowledging their efforts to serve the Town well. The recent Sunday event was incredible, at which many persons, local and from outside, gave the Town Commission well-deserved commendations for improvements to the Town's downtown area. He wanted to congratulate the Town Commission on the record for their incredible vision and bringing it to fruition; the area was a beautiful place.

Carla McBrine commented on item 13a, stating though the idea of public restrooms was a good one, the Commission and staff should ensure they were well lit and secure.

Gerry Ann Capotosto asked the Commission to officially acknowledge the Town's Sister Cities Organization on the next Town Commission agenda, so they could properly revitalize the Organization.

Edmund Malkoon said the original intent and format of the Property Owners Association (POA) "Meet the Candidates Forum" was to provide an open forum for the public to hear the intentions of candidates and ask questions prior to the municipal elections. In 2006, the format was modified by the directors of the POA, with questions on major topics being randomly picked by the public. In 2008, the POA was accused of being political, despite the POA having no political agenda nor endorsing any one candidate, and allowing no political material to be passed out at the forum. When the League of Women Voters hosted the candidates' forum, attendance dropped, questions were screened by the former Town Manager, leading to concerns of favoritism. The POA wished to serve the community by hosting the 2014 "Meet the Candidates Forum" on Thursday, February 27, 2014, as they had a proven format and track record.

Verenice Rapaport, on behalf of Eric Yankwitt, congratulated the Town Commission and staff for doing a wonderful job on the revitalization projects in the downtown area. Their efforts further motivated residents to continue doing community service. She commended the COP volunteers for their service to the local community. The **community theater's** production of the Last of the Red Hot Lovers would take place on Thursday, January 30, 2014, at 7:00 p.m., with a VIP event at 5:30 p.m.; the remaining performances would take place on Saturday and Sunday; everyone was invited to attend.

Marie Chiarello noted that there would be no voting at Assumption Church, hoping the Town would post signs to this effect and ask the Church to post signs well in advance of the election. On the issue of item 13a, the need for more public restrooms was a constant topic of discussion, she urged the Commission to approve the item.

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

7. PUBLIC SAFETY DISCUSSION

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

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

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

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

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

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

8. TOWN MANAGER REPORTS

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

Town Manager Hoffmann confirmed the Assumption Church would not be available as a polling station for the upcoming municipal election, as an Irish concert has been booked for the use of the venue for that evening and could not be moved. Thus, Jarvis Hall would be the only polling site for the election. The Town would place an ad in the newspaper, send out a postcard notice to inform all registered voters in that precinct, a **notice would be placed in the Town's newsletter** *Town Topics*, and signs would be posted around the Town. She indicated Town staff would ask the Assumption Church to allow the Town to post a sign directing voters to Jarvis Hall. She briefly reviewed her report provided in the backup:

- The Commission's concurrence was sought regarding remarking the NEV spaces in the downtown area to allow any vehicle that fit in the space to park there.

Commissioner Dodd indicated Florida Statute changed the name of Neighborhood Electric Vehicles (NEV) to Low Speed Vehicles (LSV). He agreed the spaces should be changed, asking the Commission to change the regulation on motorcycle parking to allow multiple motorcycles to park conveniently inside the white lines of parking spaces. A change in the policy regarding mini spaces would be appropriate.

Commissioner Vincent concurred with the Town Manager's suggestions, but was unsure of the need to amend the rules for motorcycle parking.

Vice Mayor Sasser favored the Town Manager's suggestions, but preferred to evaluate the motorcycle parking issue at a later time.

Mayor Minnet asked how many motorcycles were allowed to park in a parking space.

Town Manager Hoffmann replied two motorcycles per space.

Mayor Minnet thought that provision was adequate. She was unsure if it was clearly understood in the community that two motorcycles could park in a single parking space, wondering if there was a way for the Town to post that information.

Assistant Town Manager Hoffmann indicated though it was possible for the Town to post the information, people seldom read the signs, and the notice would have to contain a lot of information, almost guaranteeing no one would read the notice.

Commissioner Dodd reiterated his belief that the number of motorcycles in a parking space should be limited to those that could fit within the white lines to avoid unjustly penalizing motorcycles that were legally parked.

Town Manager Hoffmann pointed out that if a legally parked motorcycle received a ticket, the owner could present the parking receipt to staff and have the ticket voided.

There was Commission concurrence to open NEV spaces to any vehicle that could fit, and bring the matter regarding the number of motorcycles allowed in a parking space back in a few months for further discussion.

Town Manager Hoffmann continued the review of her report:

- The lighting on the sculptures would be improved
- The installation of the stamped asphalt in the crosswalks in the West Commercial Boulevard project should take place the week of February 3, 2014, and would result in some lane closures; the work was expected go on through the week

- East Commercial Boulevard additions: new bike racks with an artistic element, boat benches, and more Adirondack chairs in the Dune Plaza. Other happenings: first cleaning of sidewalk pavers began the past Monday morning; positive effects of sidewalk dining; still trying to get FP&L to deal with the overhead line
- License Plate Reader (LPR) cameras - vendor will be assessed liquidated damages, as the cameras would not be installed at the time promised.
- Marvelous publicity about the new plazas. State Contracting used a drone to take aerial photographs. Town staff would use the pictures to market the Town.

b. Monthly Finance Report – December 2013 (Finance Director Tony Bryan)

No questions or discussion.

c. Chamber of Commerce Welcome Center Monthly Statistics Report (Deputy Town Clerk Tedra Smith)

Commissioner Dodd thanked the Chamber for the detailed report.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen reminded everyone the Town would be voting on six Charter amendments brought forward by the Charter Review Board (CRB) that the Commission authorized to be placed on the ballot in the upcoming election. A special edition of *Town Topics* would address the amendments prior to the elections.

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Town Manager Hoffmann mentioned attendees at last Sunday's event got a preview of what would be a regular feature on the second and fourth Sunday of each month from 5:00 p.m. to 7:00 p.m., starting February 9, 2014. Danny Carter from Dance Moves would give free dance instructions in the Ocean Plaza; he would provide music and instructors, and it was free to the public of all ages. The event would run through May 2014, and each month would have a different music and dance theme. She thanked Assistant to the Town Manager Pat Himelberger, as she planned and executed the past Sunday's activities with the help of the Municipal Services staff.

10. APPROVAL OF MINUTES

a. January 7, 2014, Town Commission Meeting Minutes

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

11. CONSENT AGENDA

Vice Mayor Sasser pulled items 11c and 11d for discussion.

Commissioner Dodd pulled items 11a and 11h for discussion.

11b. Approve change order in the amount of $6,205 for West Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) with SCEC for installation of electrical service for the Parking Pay Stations

11e. Special Event Application for the LBTS Chamber of Commerce Arts and Crafts Show proposed for Saturday and Sunday, March 8 - 9, 2014

11f. Special Event Application for the LBTS Chamber of Commerce Taste of the Beach proposed for Wednesday, February 26, 2014

11g. Special Event Application from the Florida Community Support Organization to hold a 5k Beach Run from Pompano Beach Pier to Anglin's Pier on Saturday, March 15, 2014

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

11a. Approval of Capital Fund Contingency Account Transfer for Additional Wayfinding Signage

Commissioner Dodd thought the new signs looked terrific, and he supported the expenditure of more money for additional signs.

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

11c. Special Event Application for Sunday TV Night proposed for Sunday, February 2, 2014

11d. Special Event Application for St. Patrick's Day Event proposed for Monday, March 17, 2014

Vice Mayor Sasser stated his issue was the same for both items 11c and 11d, mentioning at the last Commission meeting Mr. Novak discussed the difficulties of closing both sides of El Mar Drive. Since then, he received calls from numerous business owners on El Mar Drive, and he had no issue with the subject applications, as they were one-time events held once a year. However, the Town had to address how the plazas would be used, and whether the Commission would direct staff to eliminate the double-lane closure every Friday and move the band to the plazas; some guidelines needed to be set.

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

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

11h. Poll Worker Agreement (Deputy Town Clerk Tedra Smith)

Commissioner Dodd asked about allowing poll workers, poll deputies, poll supervisors, and poll trainees to park their cars in the Minto parking lot.

Finance Director Bryan stated Town staff could make adequate parking arrangements for the poll workers.

Town Manager Hoffmann said the solution would be to let the poll workers park in the Town employee spaces, and Town staff would park across the street from Town Hall in the Minto Parking Lot.

Commissioner Dodd made a motion to approve items 11h on the Consent Agenda. Commissioner Vincent 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

a. **Resolution 2014-04:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 4345 EL MAR DRIVE, LAUDERDALE-BY-THE-SEA, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO PURCHASE THE PROPERTY. (ASSISTANT TOWN MANAGER BUD BENTLEY)

Assistant Town Manager Bentley and Anthony Abbate, Architect, reviewed the backup on this item. Staff sought direction from the Commission as to the possible use of the property if its purchase were approved. Mr. Bentley noted that the funding sources for the proposed purchase: 50 percent of the purchase price would come from the parking fund with a payback of about ten years at the current parking rates. He stated the remaining 50 percent required would come from the capital project fund, possibly the use of code fine liens paid in the current year, and grant funding that may be available for construction.

Town Manager Hoffmann commented 87 percent of the cost to do the site preparations was associated with providing parking spaces and would come from the parking fund. The remaining 13 percent for site preparation would come from the capital fund.

Mayor Minnet opened the discussion for public comment.

Edmund Malkoon favored the Town providing public restrooms for the beach, but he expressed concern over the proposed purchase and use of the subject property, noting the backup did not include maintenance and repair costs of the facilities. The subject property would be removed from the Town's tax roll if purchased by the Town, resulting in a loss of revenue, and the property could be worth more if developed. He restated his past suggestion of placing a decorative modular system on the southwest corner of the El Mar parking lot that could be installed at a fraction of the cost. He also suggested placing a second story over the existing A1A parking lot.

Alex Kublickis thanked the Town Mayor and Commissioners for their service to the community, commending them for the downtown improvements. He questioned whether the close proximity of the proposed location for public restrooms near some of the most expensive residential property in the Town would lower their property values. The issue was whether the location of the proposed restrooms would be visible to the public, and that brought to mind such issues as safety, vandalism, etc. He mentioned alternatives, such as approaching Mr. Marcellos of the Pier, or Mr. Beck of Aruba, and asking them to consider using one parking spot on each of their lots to install small public restrooms. A second alternative was the use of the lot owned by the Town to the north where no residents would be affected by the installing public restroom facilities.

Stephen Otto reiterated his objections to the approval of item 13a, as already stated under the Public Comments portion of the meeting. As a property developer, he was willing to discuss solutions with the Town to improve the subject site.

John Boutin restated his support for the actions proposed under item 13a.

Paul Novak thought the two projects the Town needed the most were a parking garage and public restroom facilities, noting if a parking garage were built, the public restroom facilities could be installed within the garage.

Dorothy Seibert reiterated her suggestion made under the Public Comments of an alternative site for the public restrooms rather than the Town purchasing the subject property. She questioned how many parking spaces would be lost if the public restroom were built in the lot next to Ham & Eggs versus how many would be gained with the purchase of the subject proper

David Galbato, resident of 4345 El Mar Drive, state he did not consider himself a bad person, noting he moved there four years ago and replaced eight surfers who were living in the residence. His roommate and he cleaned the place up under a new owner.

If the Town purchased the lot to install public restrooms, he asked what would the occupants do about their current leases.

Carrie McCormick said the Town needed to think of safety issues when considering the installation of the public restrooms, with more people moving through Anglin Square and pedestrians jaywalking so.

Mayor Minnet closed the public comment portion of the discussion after receiving no further input. She inquired how many parking spaces would be lost if the Town were to use the parking lot by the Country Ham N' Eggs restaurant.

Town Manager Hoffmann replied when Town staff considered that option years prior, they looked at prefab bathrooms and she believed the project manager thought the Town would lose three to four parking spaces. However, the Town had not hired an architect or engineer to determine if there was sufficient space left for car movements and pedestrians using the bathrooms. She guessed the Town would lose more than three to four spaces; if the Commission so directed, Town staff could look at that more closely.

Assistant Town Manager Bentley noted there were eighteen parking spaces in the parking lot adjacent to the alley, and this was the Town's most productive parking lot. By placing restrooms at that site would create a net decrease in parking.

Mayor Minnet heard from various members of the public that public restrooms were needed in the community in the big picture for the Town. The Commission needed to address the issue of public restrooms, as there was no perfect location in the Town. If the Town wished to attract more visitors, then it had to provide proper public restroom facilities, though she was unsure if the proposed location was ideal and the property was very expensive. Regardless of whether the site was used for public restrooms, the proposed purchase meant a long-term asset for the community. With regard to removing the lot from the tax rolls, Mayor Minnet felt remarked on, as when the Town created public spaces for the people, it gave them more value than tax dollars. She supported the proposed purchase.

Vice Mayor Sasser remained undecided as to whether the proposed public restrooms should be installed at the subject site, but he was leaning towards approving the purchase.

Commissioner Brown supported the idea of the Town providing public restrooms downtown, commending the restaurants in that area that currently allow the public to use their restroom facilities. He questioned where visitors were expected to go if they needed a restroom, as the recent improvements downtown would attract even more visitors to the Town. If no restrooms were provided, some visitors might make disgusting choices if they needed a restroom and none was available. He heard little opposition to the need for the Town to provide public restrooms but, the objections pertained to their location. The purchase price for the subject property was high only because property values in the Town were high and were unlikely to go down.

Commissioner Brown spoke with the Florida Department of Fish & Wildlife, and they indicated they had grant monies available for the construction of beach restrooms for which the Town could apply. On the issue of crime, he could not legislate based on the one percent of people who might go into a public restroom to engage in illegal activities, he had to legislate on the 99 percent who would use the facilities appropriately. Much of the apprehension, particularly from the dais, related to how the restrooms would look, and he believed much of the concerns of the public and the Commission would be alleviated with realistic renderings; his preference was to approve 13a. Regarding item 13b, he thought there was no need for the Commission to rush to spend money to demolish and install parking spaces and put in restrooms, as there was still time to work on the specific conceptual proposals.

Commissioner Vincent echoed support for the actions proposed under item 13a, mentioning a three-point factor called LOT: Location, Opportunity and Timing. The timing of the subject project was in line with the recent beautification in the downtown area and was part of a strategic plan he supported four years earlier. He remarked the subject lot was the mirror image of the lot beside the Country Ham N' Eggs restaurant, with one situated on the north end and the other on the south end, and both were adjacent to alleyways. However, if the north lot was used for the public restroom, it would cause a loss of parking and revenue for the Town. Commissioner Vincent thought purchasing the subject property was the key, deciding on its use was secondary. If public restrooms were installed, along with parking spaces, the revenue would provide funds to help pay off the purchase price.

Commissioner Dodd felt the subject item boiled down to whether the Town should provide public restrooms; he did not believe the City of Delray Beach provided such amenities, nor were there public restrooms close to the Fort Lauderdale beach. In considering item 13a, he sought to justify the action by the revenue generated from the additional spaces, which was difficult with only up to seven new spaces. Though the drawings in the backup were only conceptual, he hoped to fit more than seven parking spaces, as there were currently nine spaces and an apartment building sitting on the subject lot. He reiterated the purchase price of 15 percent above the appraised value was too high, and he preferred to see the monies spent acquiring the apartment building by the A1A lot, as that would be the better investment of the two. In his calculations of the cost to acquire the land and build the public restrooms, it seemed more cost effective for the Town to give the four major area restaurants $25 per hour to open their bathrooms to the public, not just patrons of the restaurants. He supported the proposed purchase, but thought further discussion on the public restrooms was needed.

Town Attorney Trevarthen clarified that, if the Town Commission wished to proceed with the purchase, action was required on both items 13a and 13b. The scope and items in 13b could be modified, but the appropriation of money for the purchase of the property was in item 13b.

Assistant Town Manager Bentley summarized the Town Commission wished to move forward with the purchase of the property by the Town, amending Resolution 2014-04 on line 17 ending the sentence at the word property, and deleting the reference to public parking and restrooms.

Mayor Minnet stated the Town Attorney indicated the amendment was acceptable.

Commissioner Dodd made a motion to approve item 13a with changes to line 17 as recommended above. Commissioner Brown seconded the motion. The motion carried 5-0.

b. **Resolution 2014-05:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2013/2014 FISCAL YEAR BUDGET; APPROPRIATING SAID AMOUNTS TO SPECIFIC DESIGNATED ACCOUNTS IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A" TO THE SPECIFIC DESIGNATED FUNDS; AUTHORIZING EXPENDITURE OF THOSE AMOUNTS IN ACCORDANCE WITH THE BUDGET AS AMENDED; PROVIDING FOR CONFLICTS' PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE. (ASSISTANT TOWN MANAGER BUD BENTLEY AND FINANCE DIRECTOR TONY BRYAN)

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

Town Attorney Trevarthen reviewed the proposed resolution as provided in the backup, noting Town staff could make revisions to the exhibit. That is, there was an allocation in the exhibit that divided the monies between the parking fund and other funds; in the agenda memo, it discussed using $95,000 to design the restrooms.

Assistant Town Manager Bentley noted the $95,000 was for site improvements staff identified relative to parking; no funds were allocated specifically for public restrooms.

Town Manager Hoffmann sought clarification that if the Town Commission wished only for the Town to purchase the property, the amount should be modified to be $354,118 from the capital fund and the same amount from the parking fund.

Mayor Minnet called for a short recess to give Town staff time to review the adjustment.

Recess/Reconvene

Finance Director Bryan remarked the total amount the Commission was being asked to appropriate was $689,236, including the purchase price, closing cost, legal fees, due diligence and the site plan evaluation. Excluded would be $14,000 initially suggested for demolition, $5,000 for site stabilization and security, and $95,000 for the site development/improvements. The $689,236 was split equally between the capital and parking funds.

Commissioner Dodd made a motion to approve item 13b with the above amendment. Commissioner Brown seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Commissioner Brown remarked on the upcoming Town election, encouraging candidates seeking office to run good, clean campaigns, treating their opponents and the residents with respect, giving people a reason to vote for and not against them. The candidates were urged to obey the election laws of the Town and the state; for example, Chapter 106.143(5) of the Florida Statute that dealt with incumbency.

Commissioner Dodd went over the highlights of the Hillsboro Inlet meeting held the previous night.. He looked forward to the upcoming election, as he felt the voters endorsed the peace, harmony and great achievements of the present Town Commission and staff, congratulating Vice Mayor Sasser and Commissioner Vincent on their re-election. He mentioned receiving several complaints about the use of the word "re-elect" on some campaign signs when a candidate was not an incumbent. The Charter Review Board did fine work to try to make the Mayoral office completely fair, and no attempts were made to influence any member of the dais. He believed the dais needed new blood to continue the wonderful job done by Mayor Minnet, and she would be greatly missed. The Town has a great Commission and Town Manager, and he urged any undecided voters of the Town to trust the endorsements of the dais and keep the Town moving forward.

Commissioner Vincent commented on having a serious issue with the Town not having a polling station in the north, as no one should lose their right or attempted right to vote because of the inconvenience. He suggested board members of the condominiums in the north watching the meeting take proactive steps to alert residents via bulletins, a special meeting, etc. It was likely to be a close election, so every vote counted.

Vice Mayor Sasser thanked the residents for effectively re-electing him, as he took everyone's supporting confidence in him seriously, realizing it was less of an individual and more of a public endorsement of the present Commission. He promised to continue his work of being fair in doing what he thought was best for the Town. He commended Assistant to the Town Manager Himelberger for the successful celebration of the new East Commercial plazas the past Sunday, as it was well received by everyone.

Mayor Minnet congratulated Vice Mayor Sasser and Commissioner Vincent, as running unopposed was an incredible feeling and a testament to their leadership. The present Commission was truly a part of the Town's future in the making, and the successful event this past Sunday was a first-hand experience of the wonderful promise the Town possessed. She felt to singly name one entity for saving all the money to do what had been accomplished would be an injustice to all who worked hard to bring the dream into reality; the entire Town worked together to make outstanding improvements to the downtown area. She urged the three **candidates not to bring the "darkness" back to** Lauderdale-By-The-Sea, as great light had been brought to the Town and she hoped it was kept shining.

Mayor Minnet mentioned a program she had the opportunity to help bring to the Town just before Christmas, in which the principal cellist with the Philadelphia Philharmonic needed a location to hold cello master classes. With the help of Town staff, they were able to get a venue and program together at Dance Moves. It was very successful; she recently learned it would become an ongoing master program in the Town called Cellos-By-The-Sea. She believed the cellist students would stay at the Windjammer Hotel and they hoped to incorporate performances by some the students on Sunday afternoons. The Town Commission and staff were working on a number of new events, and it was exciting to witness the new movement in Lauderdale-By-The-Sea.

16. OLD BUSINESS

None

17. NEW BUSINESS

a. Designation of a Town Commission Member or Staff Member who is authorized to represent the Town at the upcoming mediation sessions regarding the lawsuit we and other municipalities have filed against the county re: Over Distribution of RRB Assets (Town Manager Connie Hoffmann)

Town Manager Hoffmann said the date of the first mediation hearing was Thursday, February 20, 2014, with a backup date if needed on March 12, 2014. The designate person would represent the Town, but decisions on any settlement had to be brought back to the respective commissions for approval.

Vice Mayor Sasser stated he would be unable to make the February date, but at the last hearing, he thought Commissioner Vincent did an excellent job of representing the Town and expressing some passionate views on the matter.

Vice Mayor Sasser made a motion to approve item 17a, appointing Commissioner Vincent as the Town's authorized representative. Commissioner Brown seconded the motion. The motion carried 5-0.

b. Chairperson for Easter-By-The-Sea

There was a Commission consensus to appoint Vice Mayor Sasser as the Chairperson for the Easter-By-The-Sea event.

18. Town Commission Candidate Forum (Acting Town Clerk Gerald Bryan)

Finance Director Bryan commented the subject item was twofold. The first sought direction from the Commission regarding whether they wished staff to organize a candidate forum moderated by the League of Women Voters. Staff reached out to the League, and they indicated their willingness to moderate. Secondly, the Property Owners Association "POA" requested the use of Jarvis Hall for a "Meet the Candidates Forum" they would moderate; the Commission asked staff to notify them whenever the use of Jarvis Hall was being requested for such political purposes. The Town Attorney opined such a use would be considered a community event and, therefore, eligible to use Jarvis Hall, assuming the use was allowed. The next question was whether the POA forum should be televised, and there could be some legalities related to the televising.

Town Attorney Trevarthen referred to the backup information regarding the standards for televising such forums; they were based on if they were of great public importance. Assuming the event was conducted as a candidate forum as noted in the backup, this would be an eligible community event for Jarvis Hall. She asked if the Commission wished to decide on the individual aspects.

Mayor Minnet thought it better to break the various issues down individually. She asked if the Commission wished to have the League of Women Voters host a political forum.

Vice Mayor Sasser stated he did not support having two political forums. He asked Edmund Malkoon, president of the POA, if anyone currently or recently on the board of the POA that was now a candidate for the election.

Mr. Malkoon answered no.

Vice Mayor Sasser wished to hear from the candidates present as to whether they desired two forums or, if one, which forum they preferred.

Commissioner Brown spoke with Mr. Malkoon a week ago and told him he would keep an open mind on having the POA sponsor a political forum. In that conversation, he asked Mr. Malkoon if they could do something different from the format used by the League, if not, then the League should just do the forum. He indicated for him to support the POA, the forum had to be informative and fair to all candidates, questioning whether the POA had a concrete format they could share with the Commission.

Mr. Malkoon affirmed the POA drafted a letter on the format, which would include an opportunity for residents to ask questions, and candidates could ask questions of one another in a civil and fair manner. The POA's goal was to keep the forum professional and fair for all three candidates.

Commissioner Brown felt the format the POA proposed could put some of the candidates at risk, as the issue was how to ensure that the questions asked would be fair to all three candidates. In the absence of the POA providing the Commission with a solid format for review, the POA would be in control of the forum and anything could happen at any time. He was reluctant to approve televising the POA forum; fairness was the most important issue, and he was not convinced it had been addressed adequately by the format the POA proposed. He questioned who devised the POA's format, and when would a letter detailing the format be sent to the candidates.

Mr. Malkoon replied they already drafted a formal letter detailing the format for dispatch to the candidates, but the POA was awaiting the decision of the present Commission.

Commissioner Brown remarked the Commission was being asked to make a decision based on the League's known format and the unknown format of the POA, reiterating his concern over allowing open-ended questions that were not vetted in advance.

Mr. Malkoon commented the first POA forum had open-ended questions and that had been a very tumultuous time. At the second forum, the POA modified the format to allow the public to choose among general topics on which to question the candidates prior to the forum, so the questions asked at the forum were prescreened. It was a matter of effective moderating. At the last POA board meeting, one of the current election candidates applied to serve in the next board elections, and the POA rejected the application, as it violated their articles of incorporation; the person was so informed.

Commissioner Brown asked if the POA board kept meeting minutes that would reflect that interaction.

Mr. Malkoon affirmed they did.

Commissioner Vincent echoed concerns about vetting the selection of questions, asking how they were being submitted, whether from POA members only or the Town at large.

Mr. Malkoon replied the Town at large.

Commissioner Vincent wondered how the questions would be advertised.

Mr. Malkoon responded the POA would send out postcards, as well as requesting the questions to be included in the upcoming special edition of the *Town Topics*, and they could be emailed and mailed.

Commissioner Vincent inquired if these various avenues had been setup for immediate implementation if required.

Mr. Malkoon affirmed they were.

Commissioner Vincent noted no information on the various methods was provided in the backup, as they would be very helpful in the Commission's decision.

Mr. Malkoon acknowledged the POA had not included the information in the backup.

Mayor Minnet mentioned hearing from numerous members of the community on the subject matter expressions of unease, particularly the POA's ability to be unbiased. There was a perception that one of the candidates was a POA board member or had been which was unfortunate, as it tainted the POA's credibility. She invited the three candidates to comment.

Commissioner Dodd felt the POA would do an excellent job if it hosted a forum, and he would support holding two forums if the candidates desired it.

Mr. Yankwitt said he would participate if both forums were held, but was he unsure about them being televised.

Birute Ann Clottey believed it was the decision of the Town Commission on either issue.

Elliot Sokolow voiced no objection to any decision the Commission made, but if there were to be two forums, he would review the guidelines and questions provided by the POA and deciding at that time whether to participate at the POA forum. He was likely to attend both, though it was debatable if two forums were necessary. If it cost the Town nothing, he had no objection to them being televised.

Commissioner Brown wondered if it were possible to separate the approval of having two forums, from the approval of televising the POA debate until the Commission received the information on the format and feedback from the candidates.

Town Attorney Trevarthen believed, from a legal perspective, it would be easier for the Commission to make a decision on televising the POA forum if they provided written details of the format. It would assist the Commission's interpretation of whether the forum was of great public importance.

Commissioner Dodd made a motion to approve allowing the League of Women Voters to host a Meet the Candidates Forum. Commissioner Brown seconded the motion. The motion carried 5-0.

Mayor Minnet noted there were three prospective evenings from which the candidates could select: Monday, February 24, Monday, March 3 or Tuesday, March 4, as these were the evenings on which Jarvis Hall was available.

The three candidates indicated they were available for all three dates.

Town Manager Hoffmann stated, based on feedback from the candidates and the Commission, she would inform representatives with the League of Women Voters that the candidates and the Town Commission preferred Tuesday, March 4, but Monday, March 3 was acceptable if that was a problem; the forum would begin at 7:00 p.m.

Mayor Minnet sought clarification on the issue of the POA's forum.

Town Attorney Trevarthen felt the Commission could only address whether the forums should be televised, as the use of Jarvis Hall for events was made at the staff level.

Mayor Minnet commented, in light of the feedback received, she was not in favor of televising the POA forum.

Commissioner Dodd concurred with not televising the POA forum.

Commissioner Brown disagreed with the Commission making a decision on whether to televise the POA forum before seeing more information on their format.

Mayor Minnet received a Commission consensus to defer the decision on whether to approve the televising of the POA candidate's forum until the next Commission meeting.

Vice Mayor Sasser asked that the swearing in of newly elected officials be included on the agenda for the March 18, 2014, Commission meeting.

19. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:03 p.m.

Scot Sasser
____
Mayor Scot Sasser

ATTEST:

Tedra Smith
____
Deputy Town Clerk Tedra Smith

4/8/14
____
Date