

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

ROUNDTABLE MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, December 14, 2010

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Manager Connie Hoffmann, Town Attorney Susan Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. DISCUSSION ITEMS:

Mayor Minnet added the following items to the agenda: 2g. Beach Bathrooms; 2h. Irrigation; 2i. Sister Cities; and 2j. Broward League of Cities Update.

a. Eliminate Notice of Intent Requirement (Vice Mayor Stuart Dodd)

Vice Mayor Dodd explained that this was a home grown system put in place by a prior Commission, to promote open transparency and slow down the process for land use changes. He believed the system was out of date and needed to be removed. Vice Mayor Dodd said that the public had adequate time between ordinance approvals, to voice their opinion, and the current system was a hindrance. He requested the opinion of the Commission.

Commissioner Clotey suggested giving the residents a few months' notice to get used to the change. Commissioner Vincent understood that the Town was not legally required to have the procedure; however, the process allowed additional time for the Commission to consider any ordinance changes. He added that it also gave residents additional time to give their input on the issue. Commissioner Vincent was concerned that the change could be viewed as taking away government transparency. He was in favor of modifying the ordinance; not repealing it.

Commissioner Sasser explained that the one month between each regular Commission meeting provided ample time for the public to voice their opinion, and for the Commission to consider the changes. He said that he was in favor of Vice Mayor Dodd's suggestion. Commissioner Clotey pointed out that the process could be accelerated by holding special meetings such as tonight. Commissioner Sasser reiterated that one month gave enough time to everyone. He was concerned that holding special meetings would portray less transparency to the public. Mayor Minnet felt that land use changes were a very sensitive issue. She explained that if the system was eliminated, the public needed to receive ample notification within that month, of any

land use changes the Commission would consider. Mayor Minnet said she was open to looking at eliminating the Notice of Intent process.

Vice Mayor Dodd disagreed with Commissioner Vincent. He addressed the recent ordinance regarding sheds, as an example of the lengthy process. He added that after the subcommittees and staff completed all the work, the Commission voted the ordinance down on second reading. Vice Mayor Dodd explained that policy needed to be set at roundtable meetings as to not waste time. He felt that eliminating the Notice of Intent system would help move things along.

Commissioner Vincent reiterated that he was still in favor of modifying, but not repealing the ordinance in its entirety. Town Attorney Trevarthen requested clear direction as to whether the Commission wanted the ordinance repealed or modified. Vice Mayor Dodd and Commissioner Sasser were in favor of eliminating the ordinance. Commissioner Clotney said she was in favor of modifying and possibly repealing the ordinance later on. She reiterated that the public needed time to adjust to the changes. Mayor Minnet and Commissioner Vincent were in favor of modifying the ordinance. Attorney Trevarthen clarified that the direction was to work with staff on possible reforms to make the Notice of Intent process less lengthy and easier to work with moving forward. She added that it would be brought back for discussion at a future roundtable meeting.

Mayor Minnet explained that some items may not need to go through the Notice of Intent process. Town Attorney Trevarthen said that it could be difficult for the Commission and staff to determine those items. Mayor Minnet suggested discussing this item further at a future roundtable meeting. Commissioner Sasser questioned whether other cities chose longer processes for certain land use items. Town Attorney Trevarthen explained that it was a regulatory technique that existed in other context. Commissioner Sasser questioned whether the Commission could decide the path for a topic, on the first reading of the ordinance. Town Attorney Trevarthen confirmed that was an option.

There was Commission consensus to move forward with modifications to the Notice of Intent process. Town Attorney Trevarthen said she would work with staff on a draft and bring it before the Commission at a future roundtable meeting.

b. Special Meeting January 11, 2010 re: Parking Suspension and Other Revisions
(Vice Mayor Stuart Dodd)

This item was considered after item 2c, Parking Ordinance.

Vice Mayor Dodd asked whether the draft ordinance would be ready along with the recommendation of the Planning and Zoning Board for 1st reading on January 11, 2011. Attorney Trevarthen said the draft ordinance could be ready unless the Planning and Zoning Board did not finish their review in one (1) meeting.

The consensus of the Commission was to hold a Special meeting on January 11, 2011 for 1st reading of the ordinance with the 2nd reading of the ordinance at the regular Commission meeting on January 25, 2011.

c. Parking Ordinance Draft (Vice Mayor Stuart Dodd)

This item was considered prior to item 2b, Special Meeting January 11, 2010.

Vice Mayor Dodd believed the Commission needed to reach an agreement before staff did all the work. He asked whether the Commission was in favor of a parking "elimination" instead of a parking "suspension" for 3 years. Vice Mayor Dodd explained that if they were wrong it could be altered later. He believed a parking "elimination" was stronger wording than a parking "suspension" for marketing purposes.

Commissioner Vincent inquired as to whether the current language could remain and change only the word "suspension" to "elimination". Vice Mayor Dodd said he preferred that the Ordinance die, but compromised on a 3 year term. He believed under the current language a temporary "suspension" required forms and was only temporary; he stated that "elimination" sent a better message.

Commissioner Clotey asked the cost for additional parking spaces if one was needed. Assistant Town Manager Bentley said there were no costs if it was privately owned. Commissioner Clotey asked whether she could rent a parking space from the Town. Assistant Town Manager Bentley said he had not seen anything in Town Code that referenced that.

Commissioner Sasser asked whether a determination had been made regarding lowering the fee for 101 Ocean. Assistant Town Manager Bentley said he would bring that before the Commission in January 2011.

Commissioner Clotey said she was in favor of temporary "suspension" not "elimination". She believed that the taxpayers should not be the only ones paying for parking.

Commissioner Vincent stated that knowing that the suspension had a time limit; it would invoke businesses to come in faster and allow time to determine whether it was working. He believed "elimination" might take too long and the businesses might take their time. Commissioner Vincent believed that this needed a time frame.

Commissioner Sasser said the rules and regulations around this were strange. He added that should there be a time frame, additional rules and regulations would be created. Commissioner Sasser stated that it would be easier to implement an "exemption". He stated that he also favored exempting 101 Ocean and if a parking problem arose it could be dealt with at that time.

Mayor Minnet asked whether other communities exempted parking. Attorney Trevarthen stated that West Palm Beach. Mayor Minnet added that West Palm Beach had parking garages in place and they also had a plan.

Commissioner Vincent believed there needed to be some sort of mechanism in place to track the permit and monitor the applicant's status in order to determine which businesses received the exemption and whether the business was of the same type, ten (10) to fifteen (15) years later, not to be grandfathered.

Town Manager Hoffmann said that even if they were to do a full exemption they would still need to keep track of who got what during that period of time. She added that if 101 Ocean was to be exempt retroactively, it would have to be done for everyone and at that point, every restaurant in Town could expand and give up the parking they currently have.

Commissioner Sasser stated that he did not want to exempt retroactive; just from this point forward 101 Ocean would not need to make the current payments. Town Manager Hoffmann stated that legally it would negate the parking requirement.

Commissioner Vincent asked that if the exemption / suspension was a 3 year term and a business was allowed to come in, what the time frame was in order to come into compliance and open for business. Attorney Trevarthen stated that the phrase was "and they develop as suspected", and there were other aspects of the Town code that would apply. She added that with the Commission's direction, a clause to review 6 months prior to the end of the 3 year program, was included.

Commissioner Sasser stated that everything needed to be very clear for the business community and believed that a full exemption was cleaner and easier.

Mayor Minnet said she was not convinced that a full exemption was the answer. She believed that a "suspension" allowed for an examination. Mayor Minnet said the taxpayers would be responsible for providing the parking spaces and it could be very difficult to change it later if you "exempt" instead of "suspend". She suggested the Commission work on a parking plan that would also work in the future.

Attorney Trevarthen explained "suspension" placed everyone on notice early in the process and no one could come back and say they relied on good faith on the perpetual ability of no parking.

Commissioner Vincent asked whether an exemption could put a false sense of value on a piece of property. He believed that a suspension would effectively end should the restaurant not use it for a restaurant and therefore, the property value would not change. Commissioner Vincent did not want to send the message that the business would be exempt forever.

Attorney Trevarthen said that people were not allowed to make up value; there was no vested right in zoning, it was black letter, long standing law in Florida. She said

she would not give credence to that type of claim; however, the Town was not exempt from receiving a claim. Commissioner Sasser explained that someone could sue the Town whether it was a "suspension" or an "exemption". Attorney Trevarthen agreed.

Vice Mayor Dodd stated that if the businesses were successful the Town would receive increased revenue through metering. He said he was not in favor of an open ended elimination and reminded the Commission that he proposed "elimination until such time" and noted that it was the same situation with different wording.

Commissioner Vincent believed that once the multi-meters were in place, increased parking revenue would follow. Vice Mayor Dodd requested that the Town Attorney clarify "grandfathering" as he wanted to be sure that the Commission fully understood that once the code was changed the businesses would automatically be grandfathered in.

Attorney Trevarthen clarified that they were not grandfathered automatically; they would have to go through the process, obtain approval, develop and implement and become a restaurant and then they would have a non-conforming right and only to the extent of that restaurant. She explained further that should they expand their restaurant, the extension would fall under the rules that were in place at the time they requested the extension.

Commissioner Sasser and Vice Mayor Dodd favored a parking "exemption". Mayor Minnet, Commissioner Vincent and Commissioner Clotey favored a parking "suspension".

The majority consensus was to word the ordinance for a parking "suspension".

d. Repeal of 1994 Resolution 1222 Retired Employee Health Insurance Option (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated that this item was deferred the first time it was on the agenda for concerns regarding any impact if repealed. She advised that there were no problems repealing the Resolution.

Commissioner Sasser said that State Statute already mandated this and asked whether the 50% paid to an employee would be made available for a retiree, or whether the language "may be paid" gave the Town an option to pay the 50% or not. Attorney Trevarthen stated that in general the word "may", would mean that. She added that no matter what the Town did, it was law and they would be subject to it. Attorney Trevarthen said that the Resolution defined the terms.

Town Manager Hoffmann suggested that instead of repealing the Resolution it should be re-written to state that in accordance with State Statute, the retiree would pay the full cost and not the Town.

It was the consensus of the Commission that the Town Attorney and the Town Manager discuss whether Resolution 1222 should be repealed or re-written to specify that retirees would pay the full cost of the insurance premium and come back at the January 11, 2011 Roundtable meeting.

e. NLC Prescription Drug Program (Town Manager Connie Hoffmann)

Town Manager Hoffmann explained that the program was simple to implement and could be provided to the residents. She said the program allowed residents to receive a 20% discount at the local CVS Pharmacy. Town Manager Hoffmann added that there was no cost to the Town other than minimal staff time. Commissioner Vincent questioned whether the Town would incur an expense to provide ID cards to the participants. Town Manager Hoffmann said the National League of Cities and CVS would provide the ID cards. She added that there were no out of pocket expenses associated with the program. Commissioner Vincent questioned whether state issued ID's could suffice. Town Manager Hoffmann said she would find out. Mayor Minnet asked whether Town communications about the program needed to be approved by the National League of Cities and CVS. Town Manager Hoffmann said she would find that out as well.

Vice Mayor Dodd believed it was a great idea. He questioned whether the participants' information would go into a database that could be sold to other companies, and if so, he questioned whether each participant was made aware of that prior to their enrollment. Commissioner Vincent asked whether the personal information of the participants would be covered by HIPPA. Commissioner Sasser questioned whether there need to be an agreement in place between the Town and the National League of Cities and CVS. He also wanted to know whether the Town incurred any liabilities with storing the personal information of participants, and whether the Town could avoid storing that information. Commissioner Clotney clarified that the program allowed participants to save 20% on prescriptions not covered by insurance. She added that the Broward League of Cities supported the program and encouraged the municipalities to participate. Town Manager Hoffmann said she would get answers to the questions asked and present the information at a future roundtable meeting.

f. Red Light Camera (Town Manager Connie Hoffmann)

Chief Llerena explained that BSO did not take a stance on whether the Town should or should not implement the program; however, they were willing to assist in any way they could. He said that twelve (12) months of traffic accidents were reviewed and none were a result of running a red light. Chief Llerena explained that drivers were more inclined to stop if a police car were stationed at the A1A and Commercial Boulevard intersection. He added that a police officer or a certified traffic specialist would have to review and send out the citations. Chief Llerena said that the traffic tickets were electronically written and that the software machines necessary to write the tickets, needed to be compatible with the systems BSO already had in place. He said the maintenance for the machines were about \$500 a year.

Consultant Kathie Margolies explained that the law differed between having a sworn police officer reviewing the citations compared to traffic enforcement personnel. She said it was to the financial benefit of the Town to have the traffic personnel conduct the reviews. Town Manager Hoffmann said the cost for each camera was about \$48,000 per year. She requested direction from the Commission.

Commissioner Clotey was surprised that none of the traffic accidents were caused by running a red light. She said that it made it look as if the system's only purpose was to generate revenue. Vice Mayor Dodd disagreed and believed it was a safety issue. He suggested that BSO put up signs indicating that the intersection was under surveillance.

Chief Llerena explained that once the signs went up and more covert surveillance was implemented, the number of red light runners would decrease. Commissioner Vincent questioned whether Vice Mayor Dodd was concerned with the safety of the pedestrians or the drivers. Vice Mayor Dodd said he was concerned with safety in general. Commissioner Vincent believed this was another way to produce revenue which he was not in favor of. Mayor Minnet said she spoke with Tom Hutka, Broward County Public Works, who indicated that Broward County was planning to synchronize all of the red lights. She explained that she addressed the intersection with him and that he informed her that after sending technicians to survey the intersection, everything was working accordingly. Mayor Minnet said she was not happy with the results and that she would continue to follow up on making that intersection safer.

Commissioner Sasser was not convinced that the cameras would make the intersection safer. He believed the program was more about revenues than safety and suggested occasional patrolling of the intersection. Vice Mayor Dodd explained that once other cities implemented the system, drivers would be more cautious and revenues would decrease. He was concerned whether the Town would collect enough revenue at all to meet the program requirements. Mayor Minnet agreed.

Commissioner Clotey questioned the cause of most of the accidents from Chief Llerena's report. Chief Llerena explained that the main causes were rear end collision and left turn collisions with oncoming traffic. He added that most of the accidents occurred at low speeds.

There was Commission consensus to consider red light cameras a low priority. Town Manager Hoffmann explained that the Commission originally set safety at the A1A and Commercial Boulevard intersection, as a high priority. She said that staff would continue to bring suggestions before the Commission for consideration.

The following items were added earlier in the evening:

g. Beach Bathrooms (Commissioner Birute Ann Clotey)

Commissioner Clotey said she brought this to the Roundtable because residents brought it up. She acknowledged that there were risks associated with the bathrooms, but it was unknown as to whether the risks would occur in

Lauderdale-By-The-Sea. She requested that the Commission consider renting modules on a trial period. Commissioner Vincent questioned whether the money was available. Town Manager Hoffmann stated that was more of a location issue than a dollar issue. She added that the Commission previously chose to put this aside until the Master Plan was reviewed. Town Manager Hoffmann said that staff could look at pricing if the Commission so desired.

Vice Mayor Dodd inquired as to the desired location of the modules. Commissioner Clotey suggested they be placed at the end of the alley at Oriana. She believed this location would provide the opportunity to see whether the bathrooms would become an issue or not.

Commissioner Vincent suggested using them on a trial basis and then incorporating the right locations in the Master Plan. Commissioner Sasser believed this would be a major distraction to staff and would rather have it planned out in the Master Plan first, prior to a trial use.

Mayor Minnet believed it was a great idea that needed to be addressed with the Master Plan. Commissioner Clotey believed they should test the waters first.

The Commission agreed not to move forward at this time.

h. Irrigation Meters (Commissioner Birute Ann Clotey)

Commissioner Clotey said the cost to a resident for an irrigation meter was \$2,501 to have the City of Pompano Beach install the meter and hook up the line. She broke the cost down to: \$81 deposit, \$20 administrative fee, \$725 tapping fee, \$1,675 capital recovery fee. Commissioner Clotey stated that there would also be the monthly fee for a one (1) inch meter at \$13.76 plus the cost for water usage. She added that the City of Pompano Beach did not recommend the irrigation meters as it would take too long to re-coup the costs. Commissioner Clotey said that if any resident was interested in irrigation meters they should contact the City of Pompano Beach. Vice Mayor Dodd said the City of Pompano Beach probably did not recommend it because they did not want to lose the sewer revenue over the long term. Mayor Minnet thanked Commissioner Clotey for the information.

There was no further discussion.

i. Sister Cities (Vice Mayor Stuart Dodd)

Vice Mayor Dodd stated that Henley-on-Thames was one of the Town's Sister Cities. He said he was willing to put together a list of interested individuals that wanted to visit Henley-on-Thames sometime in either May or July 2011. He asked to have the invitation placed on Channel 78.

Mayor Minnet asked whether the Town continued to have a sister city program, and if so, wanted to continue the program.

There was no further discussion.

j. Broward League of Cities Update (Mayor Roseann Minnet)

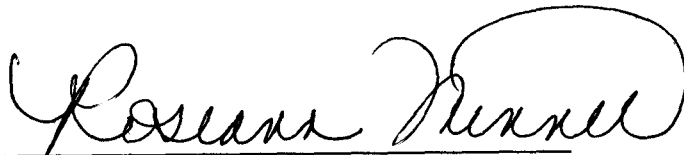
Mayor Minnet explained that the Broward League of Cities had a general membership meeting on January 27, 2011 with the first meeting at 4:30 p.m. designed as building blocks to address social media, followed by social networking from 5:30 to 6:30 p.m. with their regular meeting beginning at 6:30 p.m. She added that the meetings were intended for everyone to participate. Commissioner Clotey asked whether there was a charge per person to attend the meetings. Attorney Trevarthen stated there was no charge to attend the meetings, but there was a \$35 charge for dinner.

There was no further discussion.

3. OTHER TOWN BUSINESS:

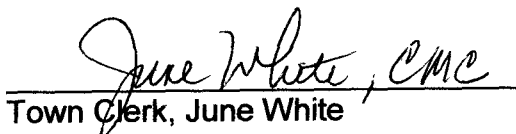
4. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:10 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

1/27/2011
Date

