TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, November 29, 2011

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 Clottey, Commissioner Chris Vincent, Commissioner Scot Sasser, Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Mayor Minnet gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or deferrals.

5. PRESENTATIONS

There were no presentations.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Joyce Murray thanked Commissioner Clottey for her service to the Town. She wished everyone a happy holiday season, thanking the Town Commission and staff for the wonderful job they did and were doing throughout the year.

Amy Weiss stated Coastal Computer System was sponsoring the beach cleanup on Saturday, December 3, 2011, 9:00 a.m. to 9:30 a.m. in front of the beach pavilion.

Thomas Carr said the monthly flat rate sewer charge of $14.89 negated the savings residents received from the trash company. In regards to the sewer billing, he believed that anyone with a single meter did not use 10,000 gallons of water each month. He shut his sprinklers off periodically to see his domestic water use and found it varied between 4,000 and 6,000 gallons. Thus, the service was a significant cost to residents if they did not have a second meter; his research revealed it would cost over $500 to install a second meter. He hoped the Town Commission and staff would examine the sewer bills and realize many charges were unjustified; both in the way costs were measured and calculated.

Rosa Michailiuk was against the elimination of the parking meter attendant positions as some of them were residents of the Town for 27 years, with families to support and dedicated hundreds of hours to the Town. She was aware the economic recession affected everyone and believed it was an unfair situation, as she worked seven days a week. Ms. Michailiuk hoped the Town Commission and staff would do the right thing.

Spiro Marchelos was against the elimination of the parking meter attendant positions. He said many international visitors were unaware of the Town's parking rules and regulations, and the parking employees showed both visitors and residents respect in providing parking information. Mr. Marchelos said they were polite, diplomatic, caring, ethical, and provided extra eyes for the Town's police and fire departments. He was doubtful the Commission and staff could guarantee that the service to citizens would be the same high quality service.

Arthur Franczak spoke on the Town's waste water rate increase for condominiums and hotels. He referenced Florida Statute 12 Chapter 180, section 136, which he reread into the record and felt the Town continued to be in noncompliance. He said the post card sent out as notice rather than in the monthly billing as required by state statute was unacceptable. A utility bill was expected every month while a post card was not.

Sal Congilio thought it may be cheaper for the Town to hire an outside company to provide parking meter services. However, the contract should include a condition that the company hire the Town's parking attendants, if they met the regulations of the new company.

Dan O'Lynn stated that Broward County wished to continue providing building inspection services to the Town.

Louis Marchelos questioned whether Lauderdale-By-The-Sea would lose its small-town atmosphere if the Town decided to outsource its parking meter service. The Town should strive to make parking user friendly to attract more visitors. He was saddened upon hearing Commissioner Clottey was not seeking reelection. As an ideal public servant, Commissioner Clottey would leave her service to the Town on a high note, as evidenced by the success of the Halloween event she recently spearheaded.

Bill Vitollo commented on outsourcing the Town's parking meter service. He understood the need to save on expenses, but it was important to remember the Town's employees and what they contributed.

Tom Slayton spoke on walking about the Town regularly and constantly observing the parking employees diligently, diplomatically and assiduously enforcing the Town's parking regulation. Parking enforcement was a very streamlined, small-town process that was unlikely to be maintained by outsourcing the service to a large corporation.

Edmund Malkoon said on item 13c he was unable to see where the $500 overage came from; on 16b, street lighting was a very serious issue, as it was a town wide safety issue. This was once a budgeted item to which some $200,000 was allocated annually in the Capital Improvement Plan (CIP). Regarding the A1A project, Mr. Malkoon understood any plans approved by the Florida Department of Transportation (FDOT) considered safety issues, such as line of sight and whether they were issues of concern. As to outsourcing the Town's parking enforcement service, the Town Manager should provide a breakdown of the numbers to illustrate how the figure of potential savings was arrived at. Mr. Malkoon thanked Commissioner Clottey for her many years of dedicated service to the Town and its citizens.

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 – October 2011 (Chief Oscar Llerena)

Police Chief Oscar Llerena stated that the Shredathon and Medicine Cabinet events would be combined into one event on December 10, 2011, 9:00 a.m. to 12:00 p.m. at Jarvis Hall. He said the Shredathon enabled residents to bring personal records and information for shredding to lessen the possibility of identity theft and the Medicine Cabinet event allowed residents to bring in old or unused medications for safe disposal. Chief Llerena said that informational brochures were provided in the back of the room and on the Town's website. He said there was a countywide trend of house break-ins and the Broward County Sheriff directed an operational plan to address the situation that was both an educational and tactical plan. He said, though house break-ins were down in Lauderdale-By-The-Sea, the Town's police force would participate in the plan beginning December 13, 2011. Officers would be canvassing neighborhoods, going door to door and leaving information with residents. He urged anyone observing suspicious behavior to call the police, as addressing crime was a united effort.

Chief Llerena reminded everyone they had a House Watch/Vacation Watch program; anyone planning to be out of town for the holidays should call the police and they would assign a patrol to check their home.

Chief Llerena realized there were some difficulties associated with traffic and crowd control during the 2010 New Year's Eve event, and one of the reasons was due to there being several events going on at the same time. One of the issues was public safety, and the businesses and Town staff met to devise a single public safety plan, noting it was easier to execute if the resources were shared.

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

b. VFD Monthly Report – October 2011 (Chief Steve Paine)

Vice Mayor Dodd stated a resident called him recently to complain that there were no ATV patrols on the beach on Thanksgiving Day.

Assistant Fire Chief John Louvaris commented the chief on duty informed him the beach had been patrolled and, as there were few people on the beach, he felt there was no reason to have the ATVs doing the beach patrol.

Vice Mayor Dodd inquired if the VFD monitored the weather daily and, if so, added more staff on those days high rip tides were expected.

Assistant Chief Louvaris affirmed they did; before a unit went on duty each day, they went online, recorded the weather and all expected conditions.

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

c. AMR Monthly Report – October 2011 (Chief Brooke Liddle)

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

8. <u>TOWN MANAGER REPORTS</u>

a. Chamber of Commerce Monthly Report – October 2011 (Judy Swaggerty)

Vice Mayor Dodd questioned whether the Chamber maintained a list of pet-friendly hotels and motels.

Ms. Swaggerty said it was listed in the "accommodations" section of the Visitor's Guide; it was not on the website and they would look into listing it there.

Mayor Minnet asked about the recent craft show.

Ms. Swaggerty said it went well. She reminded everyone of the Chamber's Christmas by the Sea parade on December 7, 2011.

b. Finance Report – October 2011 (Finance Director Tony Bryan)

Finance Director Bryan noted there was no significant change since the previous month.

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

c. Town Manager's Report

Town Manager Hoffmann stated the Town would hold input sessions on the design for the improvements of the three eastern-most blocks of Commercial Boulevard, from Bougainvilla to the Pavilion on Saturday morning, December 3, 2011. The designers would hold the meeting at 112 Commercial Boulevard. She stated that the designs were conceptual in nature, and input from residents, merchants and property owners was being sought. An open house would be held from 9:15 a.m. to noon, with two presentations from the designers at 9:15 a.m. and 10:30 a.m. She noted after each presentation, designers would speak with members of the public. Separate meetings had been scheduled with Arubuas and the Marchelos brothers regarding the pier due to the unique access issues of their properties. Town staff sent emails or hand-delivered announcements to merchants in the three blocks that would be affected.

Mayor Minnet asked for further comments on the sewer rates, reiterating her earlier statements on the dais that this was a priority issue; she requested that the matter be placed on the present agenda but was informed by Town Manager Hoffmann that analysis was not yet complete. She wished further explanation with regard to the concern expressed by a resident as to notices regarding the increase.

Town Manager Hoffmann stated the Town provided a postcard notice to Town sewer customers that the Town Attorney determined to be acceptable under state statute. The City of Fort Lauderdale did the Town's sewer billing, and advised they could not include notice of the increase on the bills, as their City's bills were done with the Town's. She believed the postcard was large and very legible; the copy provided to Mr. Franczak was a duplicate of the actual postcard sent out. Town staff had been asked to investigate the matter of hotels being unfairly billed under the sewer rates, and information on commercial accounts for the last year was downloaded from Fort Lauderdale. She was in the process of analyzing those records to determine if there were inequities and would present her findings at the next Commission meeting.

Vice Mayor Dodd reminded everyone on November 30, 2011, at 9:00 a.m. there would be a beach cleanup.

Commissioner Clottey remarked on the issue of moving the Chamber's Welcome Center to a more central location. She wondered how many people were asking for the location to be moved, as it was listed as number five among 13 priorities.

Town Manager Hoffmann responded Town staff had been having a series of meetings with a number of businesses that expressed an interest in how to better market the Town. Moving the Visitor's Center to the center part of the Town was one of the ideas voiced and, at that time she commented this would be expensive at the current rental rates. The individual that proposed this idea then suggested, if the Visitor's Center was not relocated, the Town should create a kiosk or two somewhere in the center of the Town where tourist or visitors were likely to be. The information at the kiosk(s) would highlight things to do in the Town, and include a list of local businesses. She thought the idea had merit, and it made sense to her to ask the designers of the Commercial Blvd. Improvement project to build it into their plans; this would be a type of free-standing kiosk where information on the Town could be posted.

Mayor Minnet added there were quite a few interesting ideas, and about 13 came up under the marketing issues; she urged everyone to take a look at them, as it was interesting to see the ideas forwarded by local businesses. They included to stop issuing nonstop parking tickets, which indicated local businesses saw this as a problem.

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

9. ATTORNEY REPORT

Mayor Minnet asked if Attorney Trevarthen reviewed the issue of the sewer rates as mentioned by Town Manager Hoffmann.

Attorney Trevarthen answered yes, the Town followed the requirements of the state statute, and the manner by which the Town handled the notice was one used by numerous municipalities.

Mayor Minnet asked for added information on what the Town was doing on a state level, specifically the resolution the Town intended to do.

Attorney Trevarthen elaborated the Town Commission drafted a resolution that was sent to the Local Legislation Delegation and others to advocate for reform of what the state statute allowed supplier cities to do. That is, cities with water and sewer plants that sold those services to other cities; supplier cities were allowed to charge a 25 percent surcharge over the rate they charged their own residents. She stated the issue was raised at the Town's Commission meeting, and staff was directed to revisit the situation, as the surcharge should have some relationship to actual cost and not just be an automatic 25 percent increase.

Mayor Minnet said she discussed the matter with other members of the Broward League of Cities and donor communities, such as Oakland Park and Wilton Manors, towns without their own water supply that bought services from other municipalities. She felt this would be a continuing problem and remained a priority of hers to ensure the Town's representatives on the state level understood what a burden such an allowance was on the consumers of those services.

10. APPROVAL OF MINUTES

a. September 13, 2011, Regular Commission Meeting Minutes

b. September 27, 2011, Regular Commission Meeting Minutes

c. October 6, 2011, Special Commission Meeting Minutes

Commissioner Vincent made a motion to approve the minutes as listed. Commissioner Clottey seconded the motion. The motion carried 5-0.

11. CONSENT AGENDA

The following item(s) were pulled from the Consent Agenda: Items 11c and 11d.

Vice Mayor Dodd made a motion to approve Items 11a, 11b and 11e on the Consent. Commissioner Vincent seconded the motion. The motion carried 5-0.

a. Commission approval of Hardship Permit Applications (Town Clerk June White)

This item was approved on Consent.

b. Southeast Florida Regional Partnership Memorandum of Understanding (Assistant to the Town Manager Pat Himelberger)

This item was approved on Consent.

c. Annual Contract for Certain Types of Constructions and Repairs - Work Authorization #1 with Mathews Consulting, Inc. (Municipal Services Director Don Prince)

Vice Mayor Dodd recalled the Town currently had contracts for electrical work, wondering if a request for proposal (RFP) was issued for the above contract.

Municipal Services Director Prince answered yes.

Vice Mayor Dodd commented on justifying the Town's locking in rates that would be valid for a short period of time; he believed businesses, such as those contracting with the City of Pompano Beach or the City of Fort Lauderdale would be eager to lock in the same rates with the Town. He questioned if Town staff approached such companies to determine their willingness to work for Lauderdale-By-The-Sea with the same linear footage rates rather than the Town spending $26,000 to specify one large, annual contract. This would be an added expense to advertise and evaluate bids in order to award the work to two contractors with the same option.

Municipal Services Director Prince indicated staff approached businesses contracted by other cities; for instance, when the Pavilion drainage was done, the Town piggybacked on a City of Fort Lauderdale contract. One of the problems Town staff found with piggyback on contracts was they were geared for different projects that were incompatible with the Town's needs. He explained the reason Town staff was recommending the proposed contract was to fast track some of the Town's projects and ensure the agreements were tailored more for the Town's capital improvements, rather than searching for a contract to piggyback on for every project. Town staff suggested a three-year contract with the possibility of a two-year extension.

Commissioner Vincent sought clarification if the Town had no "lock in", there would be no guarantee that a contractor with another city would be willing to honor the prices offered to the other city.

Municipal Services Director Prince affirmed contractors were under no such obligation.

Commissioner Vincent thought the proposed contract gave the Town the assurance of knowing what the cost would be for a project.

Municipal Services Director Prince stated, under the proposed contract, the pricing would be locked in for a minimum of 18 months.

Commissioner Vincent inquired if the contract would contain language that allowed the Town to rebid a project if it disagreed with any price increase given by a contractor. The Town should not be obligated to honor a CPI quoted by a contractor.

Municipal Services Director Prince responded the Town could always bid any project.

Town Manager Hoffmann clarified an RFP would be done for the proposed contract.

Municipal Services Director Prince concurred, noting Matthews would do all the technical specifications and Town staff would incorporate that into an RFP that would be sent out to companies; thus, the bids received would be based on those specifications.

Bonnie McCloud, engineer with Mathews Consulting, stated the information sent out would be in the form of an invitation to bid (ITB).

Town Manager Hoffmann noted an ITB of such importance would be circulated to the Commission prior to its release.

Mayor Minnet clarified the Commission would be authorizing paying Mathews Consulting $26,105 to create the ITB.

Ms. McCloud elaborated the consultants would look at the Town's CIP to see what projects were coming up in the next three years, put together a schedule of the items that would be sent out for bid, including technical specifications and orders of magnitude for each. Contractors could then bid on each project knowing the specifications.

Mayor Minnet asked what process the Town presently used.

Municipal Services Director Prince replied the Town either went out to bid on each project or piggybacked on the contracts of other municipalities.

Mayor Minnet queried if Town staff was recommending the proposed contract in light of the many projects currently being done in the Town.

Municipal Services Director Prince answered, absolutely, stating the proposed contract would be a great tool to help the Town get some of its projects going a lot sooner.

Town Manager Hoffmann reiterated Town staff did not anticipate using the proposed contract for the big streetscape projects, as those designs would be specific for certain landscaping materials, hardscape, etc. The proposed contract would be for projects that entailed infrastructure improvements: drainage, road repair, sewer repairs, all of which Town staff anticipated the Town would need over the next three to five years.

Mayor Minnet wished to confirm cost savings were anticipated with the use of the proposed contract.

Municipal Services Director Prince indicated there would be cost savings.

Commissioner Sasser felt unclear as to how the proposed contract would generate cost savings for the Town.

Municipal Services Director Prince responded one of the largest savings would come from not tying up staff time for 60 days doing an ITB, as well as costs for advertising, bid openings, and time spent finding contracts to piggyback on.

Town Manager Hoffmann concurred, stating if one were to examine many of the scopes of services the Town sent out, the designer was often hired to do some of the work that this proposed contract would do. Thus, some of those costs would be eliminated.

Commissioner Sasser wanted a dollar amount as to the type of savings anticipated.

Municipal Services Director Prince commented more savings would be realized through better pricing, as many contractors were eager to bid.

Town Manager Hoffmann stated many of the cost savings were soft costs, meaning a significant reduction in staff time spent in the bid process. If there were ten projects under design, the Town might save three to four thousand dollars per contract. It was difficult to quantify, but construction costs were at the lowest seen for some time, and it would be a considerable savings for the Town to be able to lock in those costs for at least 18 months.

Commissioner Clottey wished to clarify the Town did not have a member of staff qualified to draw up the above mentioned specifications, and it would be less expensive to hire a consultant to do so, rather than hire a new, permanent staff member.

Municipal Services Director Prince confirmed the Town had no person on staff qualified to create such documents that required very detailed, complex specifications.

Town Manager Hoffmann said the Town did not have an engineer on staff with the expertise for compiling such information.

Municipal Service Director Prince added the format of the proposed contract was one that could be used repeatedly.

Commissioner Sasser acknowledged there was no engineer on Town staff but believed the Town contracted with a number of engineers, including Mathews Consulting.

Commissioner Vincent reiterated this would be a bulk rate package that would yield savings with the amount of projects the Town was planning. The contract would entice contractors, as when they saw a project was ready to proceed in 30 to 60 days, they were motivated to bid. Contractors tended to inflate their bids if there is no start date indicated and there was a possibility of a lengthy wait.

Commissioner Sasser wished Commissioner Vincent to clarify if he definitely supported the Town's entering into the proposed contract.

Commissioner Vincent answered yes, based on the information presented by Town Manager Hoffman and Mr. Prince.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 5-0.

d. Special Event Permit for the New Year's Eve Celebration. (Assistant Town Manager Bud Bentley)

Commissioner Sasser noticed in the backup there were signatures for everyone except Athena by the Sea and wondered if everyone was satisfied with the arrangement.

Assistant Town Manager Bentley stated Town staff had since acquired signatures from all the sponsors.

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

e. Approval of the Town's Application to Broward County for the 38th year Community Development Block Grant (CDBG) funds for the Town's senior programs. (Finance Director Tony Bryan).

This item was approved on Consent.

12. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

There were no ordinances on 1st reading for consideration.

2. Ordinances 2nd Reading

a. **Ordinance 2011-17:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING SECTION 30-9, OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS RELATED TO ARCHITECTURAL STANDARDS AND REVIEW CRITERIA; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

Mayor Minnet asked staff to address the changes made by Minto.

Town Manager Hoffmann responded the issue was raised by Minto on an ambiguity in the language, which staff already corrected.

Town Planner Linda Connors explained the proposed ordinance was passed at first reading by the Commission, after which it went to the Planning and Zoning (P&Z) Board. At the P&Z meeting, certain points were brought to Town staff's attention by Minto, mainly related to the ambiguity of the definition of "adjacent".

Attorney Trevarthen noted that the proposed ordinance had been placed in the agenda package some time ago and therefore did not reflect the P&Z recommendation.

Commissioner Vincent made a motion to adopt Ordinance 2011-17 on second reading with changes. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

a. **Resolution 2011-38:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS TO ADDRESS B-1-A AND B-1 DISTRICT REGULATIONS.

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

Vice Mayor Dodd made a motion to adopt Resolution 2011-38. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. **Resolution 2011-39:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS TO ADDRESS HOTEL/MOTEL AND APARTMENT ZONING REQUIREMENTS AND RELATED LAND DEVELOPMENT REGULATIONS.

Mayor Minnet asked Attorney Trevarthen to elaborate on why the Town was doing the proposed notice of intent, stating it facilitated the Town's transparent form of government. The resolution was to enlighten the residents and businesses of the changes the Town was making to the Land Use Regulations (LDR).

Attorney Trevarthen explained there were three notices of intent on the present agenda; this was a procedure under the Town's code requiring staff, at the beginning of a regulatory process to adopt a resolution to formally start the drafting process. She affirmed the purpose of the resolution was to increase transparency to ensure property owners were aware of what the Town was considering with regard to the LDR. All three items were a part of the work plan approved by the Commission in 2011 prior to the budget process, and they were a prioritized set of tasks put together. She said this was not that part of the process where Town staff brought forward the notices of intent. Item 13a that was just adopted was now effective, and this was the Town's pattern in the pass, whereby the notice of intent became effective the evening it was adopted. Item 13b would be different, however, referring to the bottom of Attachment Exhibit A in the backup, as it would become effective following the second reading and adoption of the ordinances that would be drafted. This decision rule also applied to 13f.

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

Vice Mayor Dodd made a motion to adopt Resolution 2011-39. Commissioner Clottey seconded the motion. The motion carried 5-0.

c. **Resolution 2011-40:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2010/2011 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.

Town Manager Hoffmann, in answer to the question during public comments as to what the $500 was for, stated it was for the traffic calming project on Imperial Drive.

Mayor Minnet opened the meeting for public comment.

Arthur Franczak asked if there an actual closing date for the books on the fiscal year when no further transfers were allowed, as it was now two months into the new fiscal year, and there were still such discussions regarding fiscal year 2010/2011. As the parking fees were raised, it appeared there would be a surplus in the parking fund. If a parking fund was needed and such a large amount was being moved from the parking fund to the General Fund, it seemed better to combine the two funds.

Edmund Malkoon clarified his question was from what project was the $500 being transferred.

In response to Mr. Malkoon's question, Town Manager Hoffmann replied the $500 was from the Neighborhood Improvement Project, as the $500 was spent on Imperial Drive, so this was the likely place from which to move the funds.

Finance Director Bryan responded to the question about transferring of funds between fiscal years and the timing of closing of the books. Town staff had to have access to continue to make adjustments to the prior fiscal year until the financial audit was complete. The auditors, after reviewing all the documents, often proposed adjusting entries.

Town Manager Hoffmann pointed out state law changed in the last year, and some restrictions were made as to amending the budget; it now had to be done in the same fashion by which a budget was adopted. This was the reason for doing the subject process by resolution rather than by motion, as in prior years.

Finance Director Bryan added that, in terms of the amendment to the parking budget there were two matters that were previously brought before the Commission for a vote. One was the change in the accounting in July as to how parking ticket collections were conducted; there was no change to dollars in/dollars out. The second portion had to do with lowering the parking debt; this was not previously budgeted, and it came before the Commission for a vote to use monies from the Fund Balance to pay down the parking debt. These were the major drivers of the subject budget change.

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

Commissioner Vincent made a motion to adopt Resolution 2011-40. Commissioner Clottey seconded the motion. The motion carried 5-0.

d. **Resolution 2011-41:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FL, ESTABLISHING A HOLIDAY PARKING METER FEE WAIVER POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Minnet opened the meeting for public comment.

Arthur Franczak thought Town staff's recommendation of a waiver for parking fees on ten of the busiest days of the year was not good, as no one had such expectations if they parked in other cities, and the Town still had debt to pay down on in its parking fund.

Mr. Marchelos commented the worst thing to get on Christmas Day was a ticket. He suggested allowing patrons to put money in the meters and just not have parking enforcement personnel working that day.

Marie Chiarello remarked if people would go the beach for the entire day knowing parking was free, and restaurant owners would complain of insufficient parking for their patrons.
Bill Vitollo asked whether businesses were in favor of the Town Commission considering the proposed resolution. If businesses felt the proposed action would hurt them, it should not be adopted.

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

Mayor Minnet clarified that the resolution sought a waiver for only three days: Thanksgiving Day, Christmas Day and New Year's Day. She added that the staff report indicated Deerfield Beach enforced parking meters every day but Christmas Day; Fort Lauderdale did not enforce parking meters on ten holidays; the cities of Boca Raton, Pompano Beach, Hollywood and Hallandale enforced their meters every day. In Delray Beach, the parking enforcement did not check meters on Christmas Day, Easter, Independence Day and New Year's Day.

Commissioner Sasser questioned whether private parking lots would allow people to park for free on those three days. Assistant Town Manager said staff observed that people parking in private lots on Thanksgiving Day were charged.

Assistant Town Manager Bentley stated the industry standard was to have a decal on the single space meters under the shield that addressed the hours of enforcement. The decals would be changed to include the information about the holidays. He said pay stations would be blocked, and it would say free parking on the three holidays.

Mayor Minnet asked if the Town's current parking meter policy was the same as Delray Beach; no tickets were issued for meter violations on the designated holidays. Assistant Town Manager Bentley answered yes, though the Town's policy was more lenient, as they had more holidays on which there was no parking enforcement.

Vice Mayor Dodd made a motion to adopt Resolution 2011-41 with parking meter fees waived on Thanksgiving Day, Christmas Day and New Year's Day. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Sasser voted no.

e. **Resolution 2011-42:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS REGARDING SIGN REGULATIONS.

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

Vice Mayor Dodd made a motion to adopt Resolution 2011-42. Commissioner Sasser seconded the motion. The motion carried 5-0.

Mayor Minnet recessed the meeting at 8:40 p.m. and reconvened at 8:55 p.m.

14. QUASI-JUDICIAL PUBLIC HEARINGS

Attorney Trevarthen reviewed the Town's quasi-judicial process, asking the Town Commission to disclose any *ex parte* communications pertaining to the quasi-judicial agenda items. Persons wishing to speak on the items were duly sworn.

a. Aruba Bay Inc. Conditional Use Application for Paid Private Parking in the B-1 and B-1-A Zoning Districts (Town Planner Linda Connors)

Attorney Nectaria Chakus agreed with the staff report on the application, which was being presented to the Commission with the full support and approval of the Planning and Zoning Board.

Planner Connors concurred with Ms. Chakus' presentation of the details as set forth in the backup for item 14a and recommended the Commission's approval.

Attorney Trevarthen opened the matter for the public to speak in support of or opposition to the item and received no public input.

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

b. VMC Realty, Inc., Conditional Use Application for Private Valet Parking and Paid Private Parking in the B-1 District (Town Planner Linda Connors)

Ms. Chakus pointed out item 14b was identical in nature to 14b, as illustrated in the backup. Town Planner Connors concurred with Ms. Chakus.

Attorney Trevarthen opened the matter for public to speak in support of or opposition to the item and received no public input.

Vice Mayor Dodd made a motion to approve. Commissioner Vincent seconded the motion. The motion carried 5-0.

15. COMMISSION COMMENTS

Vice Mayor Dodd stated the 2011 totals for the Hillsboro Inlet would exceed 100,000 cubic yards of sand, and they were somewhat limited in their capacity, as they could only bypass available sand. There would be some dredging in the inlet in December and there was some discussion as to rebuilding the 30-year-old south jetty. He said the Town Commission approved a donation to the lighthouse in the form of the cost for the electricity to provide a webcam feed to show the real time conditions in the inlet. He thanked Commissioner Clottey for her service, time and effort rendered to the Town in the last four years.

Commissioner Clottey thanked everyone for their words of commendation and encouragement, including the calls she received asking her to run again. She appreciated the opportunity to serve the Town over the past four years, but obligations arose that she needed to take care of.

On the matter of the Broward Metropolitan Planning Organization (MPO), Commissioner Clottey said there were plans to have two toll lanes on the I-95, continuing the toll lanes from Miami through Broward County. She added that the MPO was considering photographing people's license plates as they went through the Turnpike toll booths, which would address the issue of drivers without Sun Passes that continued to utilize those lanes.

Mayor Minnet thanked voters for the opportunity to serve as the Town's Mayor for another term, stating she was re-elected without opposition. She thanked voters for their confidence in her, as it persuaded her that she achieved some of the goals she announced when she began serving. This included successfully fulfilling some of the most important promises she made to everyone that she would work to unite the Town. Mayor Minnet commented while sitting on the dais, she represented everyone and asked for their continued input, as it was what made her the type of Mayor she was and enabled her to better represent voters. She invited everyone to support the numerous upcoming events for the holiday season, and more information could be gotten from the Town's website and the public service channel.

Commissioner Vincent thanked Commissioner Clottey for her service on the dais and to the Town for the past four years; he enjoyed working with her, as she brought great knowledge and wisdom to the Commission. He welcomed the new candidates running in the upcoming elections for the Commission, wishing them the best and urging voters to get involved and reach out to all candidates to learn what they had to say. He congratulated Mayor Minnet for her reelection.

16. OLD BUSINESS

a. Renewal Issues - Solid Waste Collection Contract (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley believed Choice provided the Town with great service at a good price, and the contractor was willing to adjust to the various issues brought forward for the next three years. Thus, staff sought direction to reduce the recommendations to writing, so the Commission could consider the renewal of the contract in January 2012.

Commissioner Sasser fully supported staff's position and recommendations, including the amendment to the contract and renewal. He believed Choice was a good partner for the Town, coming to the table several times in an effort to work out various issues.

Mayor Minnet concurred, though she continued to stand by her belief that the Town should go out for an RFP on the subject service.

Commissioner Vincent thought the situation was another tough process for the Town and, though he firmly supported the RFP process, he was a firm believer in relationships. He was confident the Town and Choice could negotiate all items presented and create a contract that benefited the Town.

Vice Mayor Dodd thanked Choice for their diligence in providing the Town's residents with one of the lowest prices for trash collection among all municipalities. He hoped the Town would embrace recycling in a large way, so both the Town and residents could reap the benefits of such efforts. He requested staff ascertain the figures for the tonnage of recent recycling, the value per ton of recycled material, the cost per ton at the landfill for trash, the cost per round of collection for a single vehicle with a mechanical arm to collect and take the recycling materials to the plant. These figures would help determine if there was room to offer recycling incentives to residents and businesses over and above the cost of a recycling cart. The information would allow the Town to estimate the additional funds needed to educate the residents and determine if the three-year extension on the current trash collection service contract was justified. He preferred more time to evaluate the recycling aspects rather than make the decision at the present time, as the Town would have to rely on Choice in the future to alter their rates once the effect of the recycling tonnage and how well the Town achieved that were known. He did agree that Choice had been an excellent partner, and he wished it placed in the public record he too believed very strongly in the

RFP process. He expected some revenue coming back with the evaluation of how well to the Town did on recycling to see if there was room to give the residents some benefit for their recycling efforts.

Commissioner Clottey echoed support for the RFP process, recalling when Choice bid the present contract, they came in much lower than the other bidders, and other bidders wanted the chance to rebid. She said the residents indicated to staff they were happy with the service Choice provided, and if Choice agreed to the various recommendations put forth by the Commission, staff and the residents, they deserved to have the present contract extended another few years.

Commissioner Sasser made a motion to approve staff's recommendation to negotiate the renewal of the Choice Environmental contract and prepare an amended and restated agreement to be submitted to the Commission in January 2012. Vice Mayor Dodd seconded the motion. The Motion carried 4-1; Mayor Minnet voted no.

b. Street Lighting Update (Municipal Services Director Don Prince)

Municipal Services Director Don Prince stated staff chose the area of Silver Shores between Sea Grape Drive, West Trade Winds, Harbor Drive and North Trade Winds to see what could be done to improve the street lighting in that area. He indicated there were 37 street lights, and there were 13 locations where new poles could be added by Florida, Power & Light (FPL). The problem was the power lines were located to the rear of the properties and, in order to put a pole in, two property owners would have to grant the Town an easement. The path would also have to be clear, as FPL would not install poles where there was any vegetation, trees, bush, etc. blocking the way. He said when he met with FPL, it was stated one of the most cost effective ways to improve the lighting was to increase the wattage of the existing street light bulbs; that is, from 70 watts to 100 watts. He was waiting on the price to install the 13 new poles, and further analysis of the area as to locations and easements needed. He remarked a third option would be for the Town to get quotes from engineering firms on prices for adding street lights similar to that on Sea Grape Drive; the latter would be the most costly route.

Town Manager Hoffmann clarified this area was chosen just so Town staff could get a handle on what the Town's options might be.

Municipal Services Director Prince concurred, stating the problems would be the same in any area as to the poles, FPL, easements, etc.

Town Manager Hoffmann stated staff's recommendation was to pursue all three options. Town staff sought direction from the Commission, as pursuing all three would allow staff to gather information as to the costs associated with the options. The information gathered would be presented to the Commission.

Vice Mayor Dodd proposed Town staff move quickly on options one and two until all residential areas of Town had sufficient lighting and, until this was done, there was little reason for another report on the cost of to install new systems fed by underground cables. He urged staff to move the lighting out to the road rather than leaving them in people's back gardens; the latter could lead to more resident complaints, as they might not wish to have bright lights in their back gardens. If some of the lines could be brought out to the road, this opened up the option of running an underground cable from the light brought out to the road to an adjacent pole.

Mayor Minnet thought all existing street lighting should be as efficient as possible and supported staff moving forward with options one and two. In her walking around the Town in the last four years, there were as many people who desired lighting as there was who did not. She believed there were alternative choices, such as striping the streets, as none of the Town's streets were currently striped. Another choice was to ask residents to keep a light on, and some were willing to do so. The solution was a difficult and costly one, and the decision would ultimately fall to the residents. She stated if the residents desired improved lighting, they should be aware of how much it would cost.

Commissioner Vincent understood there were very few areas in the Town where the wires could be brought to the front where easements were readily available; for the most part approval from property owners was necessary. He thought option one should be employed and ascertain the costs associated with option three. Backyard lights were an unlikely option; he had one that he never turned on. Like with many other residents, he found the lighting to the front of the house preferable. Street light improvements were important, and Town staff should find a way to incorporate them in them in CIPs over the next five years, as it was an existing and town wide problem; thus, he recommended all three options.

Commissioner Clottey learned the lighting at the rear of residences was owned by the Town, which meant the Town had been paying for the light poles. If the residents did not desire the lighting to the rear of their properties, at the very least, the Town should stop paying for them. She said representatives at the Broward MPO mentioned their cities paid $450 per light pole to FPL, and Mr. Prince indicated this was not the case for the Town.

Municipal Services Director Prince responded he had not received the pricing for the installation of a pole, but some had been added previously, and the cost was minimal. The Town had a master street light agreement with FPL and paid the latter about $3,000 a month for the entire Town's street lighting.

Commissioner Clottey surmised if some of the poles were shut off, the Town's FPL street light bill should decrease.

Municipal Services Director Prince affirmed it would decrease. The lights to the rear of residents' properties were called outdoor lights and had been there for many years and were a part of the Town's master street lighting agreement. At any time, if a resident no longer wanted the light on their property, under the agreement, FPL would remove it. He mentioned of the 27 rear lights staff found and requested they be turned back on, 13 had come back on. Anyone wanting the lights removed should write the Town a letter and the pole would be removed.

Commissioner Clottey felt pleased to see Town staff addressing the street lighting issue.

Commissioner Sasser thought, based on the feedback, the Commission appeared in agreement with staff's recommendations; that is, to employ option one, explore options two and three as to feasibility and cost, and report the findings to the dais.

Town Manager Hoffmann wished to add to the options Vice Mayor Dodd's suggestion to explore the possibility of connecting to existing poles where there were no lights on the street, and have FPL or another contractor give a cost to run underground wires. This would be cheaper than option three.

Vice Mayor Dodd stated he was content to go with option three, so long as the Town did not have to pay a contractor to create a report.

Mayor Minnet pointed out getting pricing for option three had associated costs. Thus, the motion would be to move forward with options one and two, and to discuss with FPL the option of looping from existing poles.

Vice Mayor Dodd made a motion to move forward with Options one and two. Commissioner Sasser seconded the motion. The motion carried 5-0.

Town Manager Hoffmann asked if the Commission was in support of FPL turning back on all the rear lights staff identified.

Mayor Minnet thought it important to recognize there were some residents that wanted the lights off, while others wanted them on, and the wishes of both had to be respected. The reason(s) for the differing opinions should be explored.

Vice Mayor Dodd believed if a resident preferred not to have the rear light, this gave the Town more leverage to get them to grant an easement to allow the cable to be run to the front of their property for additional street lighting.

Commissioner Vincent said the placement of the rear lights was not on every property; rather it was placed at a point where it covered four properties in the four directions; the problem was two of the four residents might want or did not want the lights. This was the case with most of the lighting.

c. Ranking of Respondents to the Building Services RFP#12-10-01 (Town Manager Connie Hoffmann)

Town Manager Hoffmann reminded the Commission the RFP sent out in September 2011 had only two respondents, one of which failed to provide a price quote. She said this resulted in the Commission rejecting the one respondent and directed staff to rebid the project. Town Manager Hoffmann said there were four responses to the second RFP, one of which staff deemed nonresponsive, as the company had no experience providing inspection services to a municipality; only to private enterprises. She stated the evaluation committee reviewed the remaining three proposals and ranked them in the following order note: 1) C.A.P. Government, 2) MT Causley, and 3) Calvin Giordano. She noted when the Town switched from Broward County providing the services, there would no longer be a ten percent surcharge added onto the permit fees, and the present fee structure would change.

At present, Broward County indicated they would only provide building services if their fee schedule was used. Town staff sought the Commission's endorsement of the ranking of respondents and authorization to commence negotiations with the number one ranked firm.

Vice Mayor Dodd said the new performance standards for the company were clearly illustrated and they would facilitate more expeditious construction work in the Town. He fully supported staff's recommendations.

Commissioner Vincent was pleased with the RFP sent out to rebid the services and he supported staff's recommendations.

Mayor Minnet thanked Broward County for the service they had provided the Town. There needed to be a change, and she was pleased to see the Town move forward. Mayor Minnet looked forward to a successful partnership and for residents and businesses to be able to move forward with their projects. She hoped they would find the process easier and less costly. She disclosed that C.A.P. Government and Calvin Giordano were associate members of the Broward League of Cities, and she saw them at the general membership meetings. She thanked Commissioner Vincent for all the work he did on the subject matter.

Town Manager Hoffmann clarified Cecelia Ward had not worked directly with C.A.P., though several people whom now worked for C.A.P. they used to fall under her supervision when she was with another city. The feedback she provided Town staff was with regard those individuals when they worked for the city she also worked for.

Commissioner Vincent made a motion to approve the ranking as recommended by staff. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

d. Ranking of Firms that Responded to the Parking Services Request for Proposal (Finance Director Tony Bryan)

Ron Piersante was impressed with comments made by the evaluation committee detailed in the backup. He noted the Town went through the same process transitioning Town police employees to with BSO, and he believed many of the Town's police officers still worked for BSO. If it was possible to save $124,000 annually by hiring a company with extensive municipal parking experience, that was very significant.

Mayor Minnet announced she was recusing herself from the vote, as one of the ranked firms was personally known to her; she would fill out the required paperwork.

Commissioner Clottey said this was a controversial issue and, whenever an election was close, the Commission refrained from making decisions on such issues until a new Commission was seated. The subject matter was multifaceted and should be tabled to at least until the second meeting in February or first meeting in March.

Vice Mayor Dodd noted all members of the Commission received an email earlier claiming one of the parking companies had been unfairly treated in the cost comparison. Town staff should be given additional time to investigate those allegations; thus, tabling the matter to a time certain was the right move.

Commissioner Clottey made a motion to defer to March 13, 2011. Vice Mayor Dodd seconded the motion. The motion carried 3-1. Commissioner Sasser voted no. Mayor Minnet recused herself.

e. Direction on Employee Issues Related to Transition to a Parking Operations Contractor (Town Manager Connie Hoffmann

Mayor Minnet believed item 16e should be tabled as well, based on the discussion and vote on item 16d.

Vice Mayor Dodd made a motion to defer to March 13, 2011. Commissioner Clottey seconded the motion. The motion carried 5-0.

17. NEW BUSINESS

a. Application for Relief of Code Enforcement Lien at 1961 Tropic Isle (Code Compliance Officer Kim Williams)

Assistant Town Manager Bentley reviewed the staff report that showed three liens on the subject property totaling $181,500 plus administrative costs of $1,217, totaling $182,717.00. The applicant, Bank of America, proposed a lien settlement of $45,000, and Town staff believed this to be consistent with past practices of the Commission and recommended approval.

Commissioner Vincent commended Bank of America for bringing the property into compliance by expeditiously addressing the code violations. He wished to know when the Bank became aware of the original notice to comply was sent to the previous owners.

Helen Masek, the applicant's representative, replied the Town's magistrate met with the previous owners in January but they did not vacate the property until July. When she met the BSO sheriff at the property in July, the previous owners were still occupying the property. The Bank took over the property and placed it on the market, and she did not become aware of the liens until her assistant found them online and made the Bank aware of them; they then brought a contractor in to address all the violations. She believed the property was in compliance by the first week of September.

Commissioner Vincent asked if there was a default on a loan, he recommended banks seek to discover from the Town's code enforcement department if there were any issues of code violations with the property. This would allow the banks to rectify violations sooner rather than later; it would save the bank additional monies.

Ms. Masek concurred but pointed out it could be difficult to access property to correct violations while the home was still occupied, despite the bank having the right to do so.

Commissioner Vincent observed the delay often caused fines to double and the Town was simply expected to grant the relief based on the bank's offer, which was not always possible.

Commissioner Vincent made a motion to approve a mitigation of $45,000 if paid within 30 days of Commission approval. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

b. A1A North Enhancement Project – Village of Sea Ranch Lakes Requests for Changes in the Planned Improvements (Project Manager Raul Mederos / Assistant Town Manager Bud Bentley)

Greg Sollitto, representative and council member for the Village of Sea Ranch Lakes, thought Town staff appropriately set out the Village's requests in the backup. These included: the location of the bus stop, the safety concerns of the various enhancements to the driveway at the north end, and changing the placards at the other three locations in front of the shopping center from pelicans to something else, such as pineapples.

Mayor Minnet noted the first issue of the bus stops had been addressed to the best of both the Town's and designers' abilities with Broward County Transit (BCT); the bus stop had been moved as far north as possible. On the third issue of the placards, no decision as to the pelicans had been made when the initial discussions and renderings of the project took place. This was important information for the Commission to understand. She asked the Commission if they wished to grant the residents' request that the placards have pineapples rather than pelicans; she recommended leaving them plain.

Commissioner Sasser asked if Sea Ranch put forth monies towards for the project.

Town Manager Hoffmann answered no, other than their offer to pay for the pineapple inset.

Mayor Minnet reminded the Commission when the project was first brought forward, Sea Ranch Lakes was asked to be a part of the project and they opted out of any financial participation, and this led to a number of elements being removed. She reiterated that the pelican motif was not a part of that first presentation.

Mr. Sollitto responded their community, in an effort to be fiscally responsible in such challenging economic times, thought it best to decline participation.

Town Manager Hoffmann recalled when the project was presented to Sea Ranch Lakes, they asked the Town not to put any landscaping in front of their walled section, and that was removed from the plan.

Vice Mayor Dodd felt disappointed the Village had not come to the Town earlier to indicate their concerns and make their requests, as it would have saved Town staff extra work. If they wished to cancel their two seating areas, he asked if there were any other areas to which the seating could be added. He believed there should be a unified approach, whether the choice was pelicans, pineapples, sails, plain, etc., as he did not want to see a hodgepodge design. The original design should be maintained and the change to pineapples should not be granted.

Commissioner Vincent questioned what other aspects of the original design were removed from Sea Ranch, north or south, when they opted out of participation.

Assistant Town Manager Bentley replied the project began in 2001/2003 when the Town first submitted the grant. At that time, the FDOT right of way was within the Town's boundaries. In 2007/2008, there was legislation pulling back the Town's boundary line to the curb, which Town staff did not become aware of until 2010, and took the landscaping out the residential portion of the Village of Sea Ranch Lakes. He said there was discussion with Village officials about keeping the improvements in front of the commercial plaza, which the Village agreed to.

Commissioner Clottey remarked there was also an enhancement that was to be put in the middle of the road in front of the Village's entrance that they asked to be removed, and this resulted in a significant savings to the Town.

Commissioner Vincent wanted to know if the current requests to remove other enhancements by Sea Ranch fell within their property or was that owned by FDOT.

Assistant Town Manager Bentley indicated all of the improvements were located in the state's right of way, but the portion for which the requests for removal was being made within the Village though owned by FDOT.

Town Manager affirmed the area was within the Village's incorporated boundaries.

Commissioner Vincent wished to know if a study had been done on whether there was an issue or concern with the site lines.

Raul Mederos, project manager, responded that typically, the landscape architect would look at the site lines, as they followed certain guidelines. Town staff would have to ask the designer about the specific driveway and what type of site lines were used in determining the enhancements.

Commissioner Vincent felt it would be difficult to remove an enhancement on which there was little backup information and whether it would be a problem.

Mr. Sollitto mentioned having lived in the community for years; he witnessed vehicles literally running into the wall; it was clearly a service driveway. With the way pedestrians utilized the intersection, which was not signalized and not designed to carry the traffic, there was no need to add further impacts that might increase the traffic. As it fell within the bounds of the Village, they did not desire any increased liability and thought it best to raise such issues; it was a similar situation with the bus stops.

Town Manager Hoffmann pointed out when staff looked at the actual design, they did not wee that the improvements envisioned at the subject location in any way increased pedestrian danger and, in fact, thought it would be safer. They would have a wider path to walk on and get out of the way of traffic.

Assistant Town Manager Bentley indicated this was a vertical improvement, and a crosswalk remained in the plan at the subject location.

Commissioner Clottey supported not changing the pelicans to pineapples, noting if the Village had contributed monetarily to the project, they would be in a better position to make such demands. She preferred to go with something plain than changing the pelicans to pineapples.

Mr. Sollitto said they could accept leaving the area blank.

Mayor Minnet reiterated the Village was unaware of the pelicans until later.

Vice Mayor Dodd made a motion to keep the pelicans throughout the entire project. Commissioner Sasser seconded the motion. The motion carried 3-2. Mayor Minnet and Commissioner Vincent voted no.

Mayor Minnet asked if Mr. Sollitto had any information, such as accident reports, etc. as evidence of the safety issues the north entrance enhancements presented.

Mr. Sollitto responded he did not have them with him but he could get them; most of the concerns were based on resident observations.

Commissioner Sasser noticed in the backup it appeared Town staff raised the question and was awaiting FDOT's response as to safety concerns.

Mr. Mederos said FDOT had yet to respond, but he foresaw no issues with deleting enhancements.

Vice Mayor Dodd wished to know if there were any other locations in the Town that could benefit from reassigned enhancements; he had no desire to lose the matching dollars of the grant funding.

Mr. Mederos replied the right of way of A1A within the project boundaries was very limited; additionally, much of the space available had other enhancements. It would be very difficult to find another location in which to place the enhancements proposed for the north end driveway.

Mayor Minnet mentioned the estimated cost savings of not installing the two improvements was $23,000.

Commissioner Vincent reiterated not wishing to make a decision based on insufficient safety information. He wished to make a motion to table the item until such information was presented to the Commission.

Town Manager Hoffmann raised the issue of whether the Town could afford the wait time, as there was already a time issue with getting the project completed. She had concerns with the Town incurring penalties with the contractor.

Mr. Mederos stated the contractor just began working his way south, and he was unsure if he could get to the specific vicinity soon, particularly with the holiday season approaching. If the enhancements were removed, it would have to be documented on the "as built" drawings that certain improvements were not done.

Vice Mayor Dodd made a motion to go forward with beautification to the north entrance, subject to confirmation from FDOT that there were no safety issues. Commissioner Vincent seconded the motion. The motion carried 5-0.

Mayor Minnet thought it important for Sea Ranch Lakes to get involved and take the initiative to contact FDOT and have them confirm or refute the safety issues.

Town Manager Hoffmann said a number of citizens that voiced opposition to the planting of oak trees along A1A. There were 49 oak trees to be planted. There were two complaints that the oak trees were not salt tolerant and they would die, while others felt they were not a subtropical tree and were inconsistent with existing landscape. She stated Town staff conducted research with the Agricultural Extension Agency, and live oak trees were listed as one of the most salt tolerant trees. The issue of whether they looked subtropical was one to be addressed by the dais. If the Town decided to change the tree type, the alternate trees had to come from the list of trees already bid in the project. Another complaint was that the roots from the oak trees would undermine the sidewalk.

Mr. Mederos explained the project's plans called for a root barrier that was put 12 inches deep from the top of the sidewalk straight down, and it was impregnated with a chemical that was a root inhibitor. Once the roots touched the product, they died back and grew roots in another direction. He pointed out this product would be installed at every tree that was within five feet of the sidewalk. There were three other species of trees that could be used instead of oak trees: sea grape trees, Gumbo Limbos, and Beauty Leaf.

Town Manager Hoffmann believed one of the reasons for choosing the oak trees was to provide shade.

Mayor Minnet said she received phone calls objecting to the oak trees; she did not want sea grape trees, as they tended to be messy. Gumbo Limbo trees were wonderful trees that provided shade as well.

Mr. Mederos concurred; they provided shade though they were not as dense as an oak.

Mayor Minnet observed some of the plantings seemed challenged.

Mr. Mederos responded there was a two-year warranty on the plantings, and the contractor had been authorized to water the plants daily.

Commissioner Clottey asked if the contractor was working with an experienced landscaper to ensure the plantings were being appropriately cared for.

Mr. Mederos stated there were specifications that were followed with regard to installation and staking practices, and there was a state standard from the Department of Agriculture when it came to grading a tree and the quality of the tree. The care included adequate watering, fertilizing, pruning, and inspections for diseases. He said the warranty period covered most of the maintenance.

Town Manager Hoffmann inquired if the Commission objected to the planting of the oak trees. There had been some complaints, but Town staff had hardly been besieged.

Assistant Town Manager Bentley believed some of the calls had to do with the placement of the trees, and Mr. Mederos met with some of the concerned property owners. Adjustments could be made as to placement in order to maintain shade, while accommodating the residents' landscaping and view corridors.

Mr. Mederos mentioned some property owners objected to the oak trees,, feeling they would kill the sod in the front of their property; another objection was oak trees would block out the sunlight their flowers needed to thrive.

Mayor Minnet wished to see a more tropical tree, possibly the Gumbo Limbo.

Vice Mayor Dodd made a motion to leave the existing live oak trees already planted and replace additional oaks on the plan with Gumbo Limbo trees within the A1A North Enhancement Project. Commissioner Sasser seconded the motion. The motion carried 5-0.

c. Code Compliance Service Agreement with Calvin, Giordano & Associates, Inc. (Assistant Town Manager Bud Bentley)

Vice Mayor Dodd made a motion to suspend the purchasing procedure and adopt Town staff's recommendation to enter an agreement with Calvin Giordano. Commissioner Sasser seconded the motion. The motion carried 5-0.

d. Municipal Election Forum (Commissioner Birute Ann Clottey)

Commissioner Clottey mentioned in the past the League of Women Voters moderated the candidate debates, and she supported their moderating this process again. She said Town staff needed to approach them to find out when in January they could accommodate the Town.

Mayor Minnet thought one debate was sufficient rather than two debates as suggested by Commissioner Clottey. She agreed the League of Women Voters were the best organization to moderate the debates. Commissioner Sasser concurred.

Commissioner Clottey preferred two debates but would defer to the majority desire of the Commission and other candidates for one debate.

Commissioner Clottey made a motion for staff to go forward and contact the League of Women Voters to arrange for one debate, keeping with the same format of prior years. All debate questions should be forwarded directly to the League of Women Voters. Commissioner Sasser seconded the motion. The motion carried 5-0.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:55 p.m.

19. FUTURE AGENDA ITEMS

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White

Town Clerk, June White

1/29/2012

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Minnet Roseann A	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Mayor. Commission
MAILING ADDRESS 2000 S Ocean Blvd 11E	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: Town ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Laud. By the Sea COUNTY Broward	NAME OF POLITICAL SUBDIVISION: Lauderdale By the Sea
DATE ON WHICH VOTE OCCURRED November 29, 2011	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roseann A Minnet, hereby disclose that on November 29, 20 11:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The company, of which I am the principle owner is known to me.

November 30, 2011
Date Filed

Roseann Minnet
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.