

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING MINUTES

Jarvis Hall
*4505 Ocean Drive
Tuesday, August 23, 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. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotney, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The students of City College took the lead in the Pledge of Allegiance.

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Dodd stated that a review of the Town Manager was needed to take place prior to the adoption of the budget. He requested that copies of the Town Manager's goals, set the prior year, be forwarded to the Commission prior to the review. Mayor Minnet stated that the item would be discussed under the Town Manager Report.

5. PRESENTATIONS

There were no presentations.

6. PUBLIC COMMENTS

Eric Yankwitt said that the Board of Florida Community Support sponsored a free Thanksgiving Day Holiday Orphan meal. He said that the idea was to get lonely people together to develop friendships within their community. Mr. Yankwitt said that the Town of Lauderdale-By-The-Sea was the only municipality that did not participate. He said the meal was free; only a location was needed to host the meal.

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Mary Posturo said she had an experience on Imperial Lane where someone had knocked her down and robbed her. She said she reported it to the police and the robbers were later caught.

John O'Grady said the majority of the residents on Imperial Lane residents were witnesses to an ongoing problem. He added that experts agreed there was a problem and a majority of the residents agreed to the solution. Mr. O'Grady urged the Commission to move forward.

Jeannine Pearce Clark said there was a problem with people speeding down the dead end street and asked that the Commission rely on the recommendation by Molly Hughes to slow traffic down. Ms. Clark favored the speed table, narrowing the road, and the curbing. She believed that the residents should not have to pay for any of it. Ms. Clark believed the speed table was a low cost alternative to the security arms.

John Clark favored the traffic calming project on Imperial Lane. He was happy with the process taken to implement this project.

Arthur Franczak requested to speak on item 16eii.

Paul Novak reminded everyone that the beach clean ups occurred the first Saturday of every month. Mr. Novak stated that the Chamber of Commerce would like businesses to sponsor the event. He said water and tables would be provided to the business owners so they could present information regarding their business. Mr. Novak gave credit to John Boutin's "The Butt Stops Here" program.

Penny Dodd referred to a letter from Rolan Roberts and sent to all the residents on Imperial Lane. She stated that the Imperial Lane project should have been done by now and the drainage issues were addressed by the consultant. Ms. Dodd said that most residents in the area were in favor of the project and asked that the Commission use money from the fined property at 240 Imperial Lane to pay for this project.

Todd Campbell favored moving forward with the traffic calming project. He asked that the Commission also consider paying for the landscaping costs.

Edmund Malkoon stated that the Florida League of Cities sponsored and administered municipal loan programs for capital improvement, renovations, additions and even refinancing old debt for a minimum of 3 years and a maximum term of 30 years. Mr. Malkoon thought this would be worth looking into for the drainage projects. Mr. Malkoon inquired of an update regarding the bus shelters from Broward County.

Bill Vitollo believed the emergency funds should remain as they are and the money should not be used for anything other than a disaster. Mr. Vitollo also believed that the VFD budget should be approved with its minimal increase and that the VFD also deserved a new fire truck. Mr. Vitollo stated that the Commission should not run future

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Town sponsored events. He believed that the businesses should sponsor the events and the Chamber of Commerce could run them.

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report - July 2011 (Chief Oscar Llerena)

Chief Llerena said that everyone must evacuate the Town when a category 1 hurricane came in. He stated that transportation was set up to assist in the evacuation to bring those with special needs to a shelter. Chief Llerena noted that the police had to leave Town as well.

Commissioner Vincent commended BSO for lower crime numbers.

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

b. VFD Monthly Report - July 2011 (Chief Steve Paine)

Chief Paine asked the residents to be vigilant and watch the news during a hurricane threat and pay attention to the warnings in the media. Chief Paine stated that the elderly needing assistance to shutter their homes should contact the fire department at 954-728-8978.

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

c. AMR Monthly Report - July 2011 (Chief Brooke Liddle)

Chief Liddle reiterated the importance for residents to listen to requests for evacuation. He stated that those residents on medication requiring refrigeration, or were oxygen dialysis dependent, should make arrangements with their doctor and register with the special needs shelter.

Commissioner Vincent inquired of the release of collected data on transported patients. Chief Liddle stated that the State of Florida medical database was protected under HIPPA laws. He explained that different patient techniques were obtained from that database to see what types of EMS methods worked. Chief Liddle added that in 2015, it would be required for everyone to participate. Commissioner Vincent wanted to verify that this had nothing to do with privacy issues; only with the performance of AMR, and to obtain information to improve the system. Chief Liddle confirmed.

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

8. TOWN MANAGER REPORT

a. Town Manager's Monthly Report

Vice Mayor Dodd wanted to determine the Town Manager review process. Mayor Minnet suggested that it be placed on the September 13, 2011 Commission meeting. Commissioner Clotey recommended the review be postponed until after the budget. Mayor Minnet believed the review should coincide with the budget and they should move forward with it. Town Manager Hoffmann stated that there were two parts to the review: 1) an evaluation on her performance in the previous 12 months and 2) her goals for the upcoming 12 months. She believed it made sense to separate the two and determine the goals for the next 12 months in October. Mayor Minnet explained that the September 13, 2011 discussion would be for the evaluation of the Town Manager's performance. Commissioner Sasser believed there needed to be a consistent form. Mayor Minnet suggested utilizing the same form as was used the previous year. Vice Mayor Dodd requested that a copy of the form be sent in advance along with a copy of the Town Manager's goals with a significant list of assignments and projects. Mayor Minnet gave that direction to the Town Manager. Commissioner Clotey reminded the Commission that the last Town Manager performance evaluation was done at a special meeting. Mayor Minnet preferred to keep it within the Regular Commission meeting, unless the Commission preferred to have it prior to the Regular Commission meeting, or perhaps begin at 6:00 p.m. There was no objection from the Commission.

Town Manager Hoffmann requested citizen input regarding their preference of two sample chairs that the Town was looking into purchasing for Jarvis Hall. She advised that the drainage project at the pavilion was completed today and thanked the contractor for finishing early. Town Manager Hoffmann said that the West Tradewinds project was underway and hoped it would be finished by Labor Day. She added that there was a problem with a break in their water main, due to the City of Fort Lauderdale not marking their location properly. Town Manager Hoffmann stated that the Flamingo Avenue bid was substantially below budget and the contractor was the same contractor used for the West Tradewinds project. She explained that the drainage problem existed because the water flow between the Fountainhead condominium in Lauderdale-By-The-Sea and the Plaza East condominium in Fort Lauderdale. Town Manager Hoffmann explained further that the Fountainhead made drainage improvements to their property and is currently retaining most of their own run-off, but the Plaza East condominium was contributing the greatest amount of stormwater to that street. Town Manager Hoffmann stated that Plaza East condominium was contacted that the Town would be seeking their financial assistance for the project. She said the results of those discussions would be submitted at the September 13, 2011 Commission meeting and she would hold off on the award of the bid until after a resolution or direction was received from Plaza East. Town Manager Hoffmann advised that technology updates were made in Town Hall computer systems with a minimum amount of expenditure.

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Town Manager Hoffmann said that the Town Attorney was reviewing the BSO (Broward Sheriff's Office) contract and expected that it would be on the September 13, 2011 Commission meeting agenda. She advised that the Coral Reef permit was renewed by the Coast Guard for another year and should be installed sometime after August 26, 2011, weather permitting. Town Manager Hoffmann reported that the proposed budget included a 10% increase for employee health insurance, but the Florida League of Cities changed carriers and therefore, the Town will not see the increase. She said the budget would be adjusted to reflect that savings. Town Manager Hoffmann suggested that with Commission approval, and during the adoption of the budget on second reading, the different divisions within Municipal Services that contain separate accounts, be consolidated. She stated that money was allocated in the budget for a green market, but after some research it was determined that an abundant amount of staff time and effort would be required. She suggested not to pursue a green market for at least 3 years and to use those allocated funds for cultural events in El Prado Park instead.

Town Manager Hoffmann stated that the top 2 Town Planner candidates withdrew and she was revisiting the idea of possibility contracting that function out. She added that, for now, she recommended that the Town retain the services of Cecilia Ward of JC Consulting for September and October, which would enable the Town to remain on schedule to accomplish the planning priorities. Town Manager Hoffmann said that the bus shelter on north A1A was to be put in with the north A1A improvements. She was seeking clarification on the installation of the other bus shelter; it was assumed that both bus shelters would go in at the same time.

Commissioner Clotey believed that MPO was trying to get the bus shelters in earlier, but according to MPO, they were not scheduled for installation until 2012.

Mayor Minnet asked whether Vice Mayor Dodd wanted to discuss his ideas for the Town Manager review at this time. Vice Mayor Dodd said he only had a few comments and believed it should be discussed at the end of the agenda, but left it up to the Mayor to decide. Mayor Minnet preferred that he discuss it now.

Vice Mayor Dodd thanked Town Manager Hoffmann for contacting Susan Hollander regarding the pavilion drainage and was pleased with the improvements. He also thanked staff for the improvements in the water flow in the shower area. Vice Mayor Dodd believed the green market should be under private business or with the Chamber of Commerce and not the Town's jurisdiction. Vice Mayor Dodd believed the coral reef should be up and running by now. He was disappointed in the time it has taken so far.

Commissioner Sasser inquired of responsibility regarding stormwater runoff accumulation on Flamingo Road. Assistant Town Manager Bentley advised that Town staff will involve Broward County to learn about regulatory issues. Commissioner Sasser asked why the Town was paying the money and Fort Lauderdale was not. Assistant Town Manager Bentley said the road belonged to Lauderdale-By-The-Sea. Commissioner Sasser asked whether the Town was responsible for problems caused by properties outside of Town. Attorney Trevarthen explained that if there was new

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development or changes to development, the property owner had to retain stormwater on site. She said she would assist the Town with looking into the matter if needed.

Commissioner Sasser questioned whether a position reduction came through in the discussions with BSO. Town Manager Hoffmann stated that in the new fiscal year one deputy position would be eliminated. She explained that two positions were vacant for an entire year and one of those positions was still open due to an extended absence of a deputy. Commissioner Sasser wanted assurance that the anticipated saving was still there. Town Manager Hoffmann said that the savings from eliminating one position was reflected.

Commissioner Vincent inquired of the \$333,000 transfer going into the emergency reserve account. Town Manager Hoffmann stated that Town code required all emergency funds be in a single account, hence its transfer, but the code did not specify an amount. She added that Finance Director Bryan discovered that there was less than the CAFR indicated so the transfer was done to be consistent with the CAFR in that account.

Commissioner Sasser said that he was in favor of the idea of holding cultural events in El Prado Park and to implement Town oversight for all Town events. Mayor Minnet said that would be discussed with item 16f. Town Manager Hoffmann questioned whether the Commission was in favor of consolidating various divisions of the Municipal Services Department in the budget. There was Commission consensus to consolidate the divisions within the department.

b. Finance Monthly Report - July 2011

Town Manager Hoffmann stated that the Finance Monthly Report was being placed back on the agenda each month and going forward, rather than sent by email.

Commissioner Clotey inquired of the Town's plans regarding the contingency funds. Finance Director Bryan explained that staff would continue to monitor the investments that the Town made. Commissioner Clotey asked whether the Finance Director was comfortable with where the money was invested. Finance Director Bryan said he was.

Commissioner Vincent asked whether the money collected through fines and mitigation could be placed in separate accounts to pay for specific projects in certain areas within Town. Attorney Trevarthen said that normally the money collected would go back toward the costs incurred by the Town through Code Enforcement. She said that she and Town staff could review how the collections of fines were currently used and how the funds could be used in the future. Town Manager Hoffmann believed the funds had to be shown as revenue by accounting standards. She stated that the Town Commission could however, allocate the unbudgeted revenues for a specific project.

Town Manager Hoffmann said that \$35,000 of associated Town Attorney fees were reimbursed to the Town from the lien amount paid by Ocean Medical Center and other

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legal fees had been offset by a reimbursement from the Florida League of Cities insurance policy.

9. TOWN ATTORNEY REPORT

Attorney Trevarthen stated that the revised proposal for the Town Attorney budget reflected an 8% reduction in the budgeted amount. Mayor Minnet stated that she appreciated the Town Attorney for her work in reducing Town Attorney fees.

Commissioner Sasser made a motion to approve the revised budget proposal of \$368,000 for legal fees. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

10. APPROVAL OF MINUTES

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

- a. June 21, 2011 Budget Workshop Meeting Minutes
- b. June 28, 2011 Regular Meeting Minutes
- c. July 12, 2011 Regular Meeting Minutes
- d. July 26, 2011 Special Meeting (Shade Session) Minutes
- e. July 26, 2011 Special Budget Meeting Minutes
- f. July 26, 2011 Regular Meeting Minutes

11. CONSENT AGENDA

Mayor Minnet pulled items 11a, 11c, and 11d from consent for discussion.

Commissioner Vincent made a motion to approve item 11b, 11e, 11f, and 11g. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- a. Third Amended Revocable License Agreement for Valet Parking between the Town and Beach Restaurant, Inc. (Zoning and Code Supervisor Jeff Bowman)

This item was pulled from consent for discussion.

Commissioner Vincent inquired as to whether amending/extending this license would affect the issue raised by a merchant about access. Town Manager Hoffmann clarified that this agreement dealt with the 101 Valet Service. She believed Commissioner Vincent was referring to a different property. Vice Mayor Dodd asked where the majority of cars would be parked. Zoning and Code Enforcement Supervisor Bowman said they would park at the A1A parking lot. Mayor Minnet said she was pleased to see this move forward.

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Commissioner Clotley asked for the fee amount collected from the vendor. Supervisor Bowman said the fees collected were approximately \$2,400.

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

- b. Selection of Avirom & Associates to Provide Continuing Professional Services (Surveying) for Municipal Construction, Repair and Maintenance Projects (Assistant Municipal Services Director Pat Himelberger)

This item was approved on consent.

- c. Special Event Application, Alley Oop Labor Day Weekend Sale & Barbeque, September 3, 2011 (Zoning and Code Supervisor Jeff Bowman)

This item was pulled from consent for discussion.

Commissioner Clotley wanted staff to make sure that the grill was approved by the Fire Marshal and the tent met safety regulations. Supervisor Bowman said the Fire Marshal reviewed and approved the application. Fire Marshal Paine stated that the tent was considered a canopy, but could get documentation from the manufacture.

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

- d. Broward County's SunShot Initiative Grant Application (Assistant Town Manager Bud Bentley)

This item was pulled from the Consent Agenda for discussion.

Commissioner Sasser questioned whether the Town would have any financial obligation if this item was approved. Assistant Town Manager Bentley explained that there was no financial obligation; however, there would be staff time associated. He added that Broward County was responsible for all match funding. Commissioner Sasser said that he was in favor of the item as long as the Town was not obligated to provide funding. Mayor Minnet believed the project was a positive initiative and favored moving forward.

Commissioner Sasser made a motion to approve. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

- e. Contract with JC Consulting for Planning Services (Assistant Town Manager Bud Bentley)

This item was approved on consent.

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- f. Contract with ConsulPark to Assist in the Evaluation of the Parking Services Proposals (Assistant Town Manager Bud Bentley)

This item was approved on consent.

- g. Park Playground Surface Replacement (Municipal Service Director Don Prince)

This item was approved on consent.

12. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

There were no ordinances for first reading.

2. Ordinances 2nd Reading

- a. Ordinance 2011-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING SECTION 30-531, OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS RELATED TO NOTICE OF INTENT PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE Approved 1st reading at the July 26, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-14 by title.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2011-14. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2011-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE CODE OF ORDINANCES TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW BY AMENDING CHAPTER 13, "NOISE," AMENDING CHAPTER 14, "OFFENSES,"; AND AMENDING CHAPTER 14.3, "PARKS AND RECREATIONAL FACILITIES," PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE Approved 1st reading at the July 26, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-15 by title.

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

Commissioner Sasser made a motion to adopt Ordinance 2011-15. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

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- c. Ordinance 2011-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VIII, "SPECIAL EVENTS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE Approved 1st reading at the July 26, 2011 Commission Meeting

Attorney Trevarthen read Ordinance 2011-16 by title.

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

Commissioner Vincent made a motion to adopt Ordinance 2011-16. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

13. RESOLUTION - PUBLIC COMMENTS

- a. Resolution 2011-25: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PERSONNEL POLICIES MANUAL; PROVIDING FOR SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-25 by title.

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

Vice Mayor Dodd requested that language be added to PROMOTIONS, page 12 of the Personal Policy Manual, that would require employees to have the same academic requirements as would be required from someone coming from the outside. Town Manager Hoffmann suggested language that would provide that employees promoted from within would meet the same requirements as someone from the outside.

Vice Mayor Dodd made a motion to adopt Resolution 2011-25 with the following underlined addition to Page 12, Section B: When an individual has performed in an outstanding manner and meets eligibility criteria (including academic or license requirements) for a vacant position, the Town Manager may choose to post the vacancy to be filled by promotional applicants. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Resolution 2011-26: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING SETTLEMENT AGREEMENT BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA AND JOHN OLINZOCK; AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE

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Attorney Trevarthen read Resolution 2011-26 by title.

Mayor Minnet opened the meeting for public comments.

Arthur Franczak was concerned that the Town was unaware of true costs associated with the proposed settlement. He said that the decision to settle this litigation could bring about additional litigation in the future.

Bill Vitollo did not believe this was a settlement amount; the documents showed Mr. Olinzock was being paid for the vacation time that was owed to him. He said that the money should be paid, if that was the case.

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

Attorney Trevarthen explained that the settlement agreement required that each party release the other from any future liability. She reminded the Commission that there was always a cost associated with defending the Town against litigation.

Mayor Minnet questioned the amount of expense the Town incurred for this litigation. Attorney Trevarthen said the amount was about \$11,000.

Commissioner Sasser said he was against the settlement and would vote not to approve the agreement. He said that he was concerned that the settlement gave the public the impression the Town would not fight against litigation to avoid high costs.

Commissioner Vincent made a motion to adopt Resolution 2011-26. Commissioner Clotey seconded the motion. The motion carried 4 - 1. Commissioner Sasser voted no.

Mayor Minnet recessed the meeting at 8:40 p.m. and reconvened at 8:50 p.m.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. COMMISSIONER COMMENTS

Commissioner Clotey asked everyone to heed evacuation orders as stated earlier. She offered belated congratulations to Jim Silverstone for his nomination for Home Town Hero.

Commissioner Vincent was grateful that the Town of Lauderdale-By-The-Sea was spared from Hurricane Irene.

Mayor Minnet asked everyone to be prepared for hurricanes. She thanked the residents for allowing her to represent them at the Florida League of Cities in Orlando and stated that it was a great opportunity for networking with other elected officials.

Vice Mayor Dodd stated that the painting of the new dredge was discussed at the recent Hillsboro Inlet meeting. He said they also discussed leaving the millage rate the same as it was last year. Vice Mayor Dodd said he turned over last year's notes for the 4th of July event that Mayor Minnet chaired, along with his notes for this year's 4th of July event that he chaired, to Town Hall. He hoped the notes would make it easier for those who chair the event in the future. Vice Mayor Dodd was pleased that the City of Pompano Beach gave beach access to the Terra Mar residents. He requested that administration send an official thank you to the City of Pompano Beach.

16. OLD BUSINESS

a. Imperial Lane Traffic Calming Project (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley estimated that the cost for traffic control arms were \$14,000 to \$16,000, including installation. He added that communications received from Imperial Lane residents showed them in favor of the choker and speed table. Assistant Town Manager Bentley stated that the speed bumps would not be noisier than any speed bumps on the street or anywhere else in town. He said that staff recommendation was to proceed as proposed.

Commissioner Vincent thanked staff for their work and research. Commissioner Clotey asked whether they could do the project with just the choker and eliminate speed table and still be effective. Traffic Consultant Molly Hughes said it was very likely that the choker would result in slower speeds and the speed table was another element of reduction. Commissioner Clotey asked whether the choker could be done first and, if that was not effective, they could add the speed table later. Ms. Hughes said it could, but did not believe that would be as cost effective. Commissioner Clotey recommended trying just the choker first.

Vice Mayor Dodd said he had a speed bump in front of his home and had no problem with noise. He added that the speed table was a major visual component and noise should not be an issue. He favored the resident's request.

Mayor Minnet did not favor traffic control arms. She thanked the residents for coming forward with their suggestion.

Commissioner Vincent made a motion to approve the installation of the choker, speed table, and landscaping. The project and ongoing maintenance costs were to be paid for by funds collected from mitigated liens. The motion failed for lack of a second.

Vice Mayor Dodd made a motion to approve the installation of the choker and speed table. The cost for the colored top of the speed table is not to exceed \$2,000. Imperial Lane residents were to pay the cost for all landscaping and maintenance. Commissioner Sasser seconded the motion. The motion carried 4 - 1. Commissioner Clotey voted no.

b. A1A and Commercial Boulevard Intersection Improvements - Status Report
(Assistant Town Manager Bud Bentley)

Commissioner Clotley wanted to see the poles removed on A1A just north of Commercial Boulevard. Traffic Consultant Molly Hughes believed that the poles were there for multiple purposes and suggested the Town deal with that issue when the project came up in the CIP (Capital Improvement Project). She added that it would come with a cost. Commissioner Clotley inquired of the alternatives. Ms. Hughes thought that the elimination of angled parking might be an alternative as it would deter u-turns at that intersection to obtain a parking space, but she would have to look at it as there would be a need to find additional parking. She believed that taking space from the lane width would be an alternative to the poles.

Vice Mayor Dodd inquired of the all red idea for pedestrian crossing. Ms. Hughes said she asked the state to entertain that idea. She added that once the state reviewed the exceptionally high volume counts during special events (weekend traffic) the state was open to the possibility. Ms. Hughes said she wanted to make signal changes that would last all week, change the west bound approach to utilize those lanes, and implement the all red during special event times, but did not want to jeopardize anything by asking for everything at once. Vice Mayor Dodd inquired of a separate phase for northbound A1A to allow pedestrians more time to cross. He asked whether that would increase the total time taken for the lights to complete one cycle. Ms. Hughes said no; it would take away from the other phases.

Vice Mayor Dodd made a motion to approve staff recommendation to move forward with land and traffic signal changes. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

c. Operation Study of the Town Parking System - Summary Report (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley stated that the project took longer than anticipated but benefited the Town. He anticipated collecting \$700,000 in parking revenue next year.

Consul Park representative Fred Bredemeyer explained that some of the recommendations could not be implemented due to lack of staff. He added that the Town could benefit from additional pay stations but they cost approximately \$10,000 each. Mr. Bredemeyer believed the Town should consider implementing the pay-by-phone service. He suggested combining the A1A parking lot with the Wings parking lot, avoiding use of two different entrances and exits.

Vice Mayor Dodd stated that the projected increase in the A1A parking space numbers was very good when combined with Wings. He believed the Commission should consider the convenience with installing additional pay stations. Mayor Minnet stated there was a net gain increase of 20 parking spaces in the A1A lot. Vice Mayor Dodd recommended adding additional pay stations into the budget. Town Manager Hoffmann

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stated that she had already put money in for three more pay stations. She added that funds were also in the budget to improve parking lots.

d. Emergency Funds (Town Manager Connie Hoffman)

Town Manager Hoffmann requested direction regarding designating the emergency funds for recovery from a natural disaster. She also requested approval for transfer of \$333,712.68 from the general fund master account to the general fund emergency reserve account. Mayor Minnet asked whether there were funds in the general fund to fund the cost should we have a disaster. Town Manager Hoffmann said there was. She added that only the Commission could appropriate money from this reserve, and in the case of a disaster the Commission may not be available to meet in time to do that. Town Manager Hoffmann explained that she was authorized, in other areas of the code, to expend money in emergencies, and in that case, would draw from another account and replenish that account when the Commission met.

Commissioner Clotley made a motion to approve Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Town Manager Hoffmann suggested re-naming the fund so that it was more specific to natural disasters and not so generic. Commissioner Sasser said he preferred to leave it open ended so the Commission could make their decision as to whether it was a natural disaster. Commissioner Clotley preferred that the fund be set up for a natural disaster. She said she could leave it open-ended as suggested by Commissioner Sasser as long as the funds would not be used for anything but a natural disaster. Mayor Minnet preferred to leave it the way it was. Finance Director Bryan stated that in order to specifically commit the funds, specific rules and guidelines would be needed in order to trigger the use of those funds.

Commissioner Sasser asked whether it would be an acceptable practice that the Commission state that the funds were for emergencies, and define the emergency by vote. Finance Director Bryan believed that was a question best for the auditors. Mayor Minnet asked what would happen if there was an emergency only in Lauderdale-By-The-Sea and the State did not declare an emergency. She recommended bringing these questions to the auditors and come back with the answers at the September 13, 2011 Commission meeting.

e. VFD Budget

i. Presentation on the Need for a New Fire Engine (Fire Chief Steve Paine)

Chief Paine explained that repair and maintenance of the current fire truck was costly and, due to its age, the truck would continue to need repairs. Chief Paine also added that safety was a concern as the current vehicle had no seatbelts, inside lighting or air conditioning, which added to the heat stress when firefighters responded to, or returned from an emergency.

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Commissioner Sasser questioned what the VFD planned to do with the old truck. Chief Paine advised the Commission that there were currently two cities interested in buying the truck. Commissioner Sasser asked whether the money from the sale of the truck would come back to the Town. Town Manager Hoffmann confirmed that the money would come back to the Town. She added that if the vehicle was purchased with fire assessment fees, the money would be returned to that fund. Commissioner Sasser questioned whether the vehicle would need to be brought up to code prior to sale. Chief Paine said the vehicle would be sold as is.

Vice Mayor Dodd thanked the VFD for the presentation and believed that the purchase of a new fire truck was justified.

Vice Mayor Dodd made a motion to approve the purchase of the new fire truck. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

ii. Town Contribution for FY2012 (Vice Mayor Stuart Dodd)

Arthur Franczak said that he wanted the VFD budget to be approved by ordinance to allow for two readings before approval. He said that this would add transparency to the process. Mr. Franczak believed the amount of money the Town was appropriating for a new fire truck was excessive. He suggested that the fire assessment also be approved by ordinance.

Vice Mayor Dodd clarified that the VFD budget would be approved as part of the Town's main budget unless the Commission wanted otherwise. He said that he was in favor of approving the fire department budget separately from the Town's budget.

Commissioner Clotey suggested that the VFD utilize the Town's telephone and internet service to save money. She questioned whether the VFD would agree to that. Town Manager Hoffmann believed the cost would be lower than what was proposed in the budget. Chief Paine said he was willing to agree to that and the appropriate budget adjustment.

Mayor Minnet questioned whether there could be an adjustment to the amount budgeted for repairs of apparatus 212. Chief Paine said that amount could be adjusted since the Commission approved to move forward with the purchase of a new fire truck. Mayor Minnet explained that she was concerned with the 4% increase included in the budget. She asked that the Fire Chief go back to the VFD members to determine whether that amount could be adjusted.

Commissioner Vincent agreed with Mayor Minnet that he was concerned with the 4% increase in the budget. He questioned whether the increase in pay to the employees could be paid from the booster fund. Commissioner Vincent requested that the Chief look into that option.

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Commissioner Sasser reminded the Commission that the VFD saved the Town a lot of money over the years. He said that he was in favor of the proposed VFD budget.

Vice Mayor Dodd made a motion to approve the VFD budget as proposed in the backup with the conditions that if savings can be achieved by using the Town phone and internet service, that the VFD budget would be reduced accordingly and funds that are not used from the vehicle repair account for Engine 212 would also be returned to the fire fund. Commissioner Sasser seconded the motion. The motion carried 4 - 1. Mayor Minnet voted no.

f. Halloween Chairperson (Mayor Roseann Minnet) Deferred at the July 28, 2011 Commission meeting

Commissioner Clotley stated she would chair the Halloween event as long as there was help from everyone. She said it would be great for the businesses to get involved.

Vice Mayor Dodd was against the Chamber of Commerce delegating the event. Commissioner Clotley said she was not proposing to turn the Halloween event over to the Chamber of Commerce.

Commissioner Sasser supported having a staff person run all the Town events to maintain consistency. He did not mind a Commissioner being a figure head for each event. Mayor Minnet stated that these events were supposed to be community events chaired by the Commission.

Commissioner Clotley agreed with Mayor Minnet and accepted the offer to chair the Halloween event. Mayor Minnet stated that those who investigated the 2009 Halloween event should not be involved.

There was Commission consensus to have Commission Clotley chair the Halloween event.

17. NEW BUSINESS

a. Work Authorization (WA) with King Engineering Associates, Inc. for the Evaluation and Analysis of the Town's Sanitary Sewer System and Development of a Sanitary Sewer System Capital Improvements Plan (Assistant Municipal Services Director Pat Himmelberger)

Municipal Services Director Prince stated that King Engineering Associates, Inc. had the most detail in their proposal and the best pricing. He recommended that King Engineering Associates, Inc. do the survey for the Town. Director Prince also requested that the Town Manager be authorized to execute the work order for \$54,382.

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

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18. ADJOURNMENT

Mayor Minnet advised that the first Public Hearing was scheduled for September 12, 2011 to adopt the fire assessment fee, the tentative millage and the tentative budget, and on September 26, 2011 the second Public Hearing was scheduled to adopt the millage and the budget. She added that Regular Commission meetings were scheduled for September 13, 2011 and September 27, 2011.

Vice Mayor Dodd made a motion to adjourn the meeting. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:40 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS



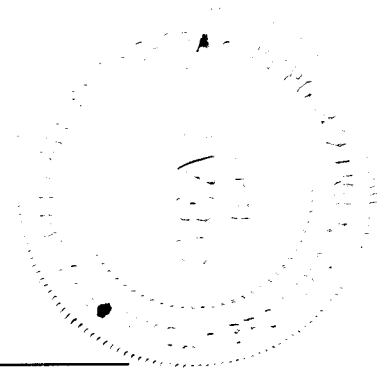
Mayor Roseann Minnet

ATTEST:



Town Clerk, June White CMC

10-3-11
Date



Approved 9-27-2011