TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL COMMISSION MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, March 8, 2011

8:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 8:00 p.m. Vice Mayor Stuart Dodd, 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.

Commissioner Birute Ann Clottey took part in the Special Meeting by way of telecommunication.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC HEARING - Parking

a. Ordinance 2011-01: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-272 "SETBACKS," IN THE B-1 DISTRICT, OF THE CODE OF ORDINANCES TO AMEND PARKING REQUIREMENTS; AMENDING SECTION 30-318 "MINIMUM PARKING REQUIREMENTS," TO REVISE PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY, RESTAURANTS AND THEATRES; AMENDING SECTION 30-321 "MODIFICATION OF PARKING REQUIREMENTS," TO PROVIDE PROCEDURES FOR MODIFICATION OF MINIMUM PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE Approved on 1st reading at the January 11, 2011 Special Meeting - Deferred at the January 25, 2011 Commission Meeting - Discussed at the February 22, 2011 Workshop - Additional Changes made to Ordinance at the February 22, 2011 Commission meeting

Attorney Trevarthen read Ordinance 2011-01 by title. She noted that a change was made to line 276 of the ordinance and would read as follows, "Up to ten (10) percent of the number of required parking spaces, whichever is greater may be approved."

Mayor Minnet opened the meeting for public comments.

Bill Vitollo was in favor of new businesses coming into Town and agreed with Commissioner Vincent's suggestion of a cap on the number of parking spaces allowed per applicant. He asked the Commission to approve the ordinance.
With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor Dodd pointed out that he was disappointed that staff did not bring back the original elimination proposal. He said that the program became a governmental legislation that attempted to protect the Town when it was not necessary. Vice Mayor Dodd felt the Commission lost sight of the original plan and was not allowing the free market to determine the outcome. He stated that although he did not agree, he would vote in favor of the ordinance to have the opportunity to raise the issue at a later date.

Commissioner Clottey preferred to shorten the time period of the program from four (4) years to two (2) years.

Mayor Minnet questioned whether the ordinance allowed for the Commission to make changes to the program at any time. Assistant Town Manager Bentley explained that the ordinance included a clause that allowed the Commission to repeal the ordinance at any time. He added that the Commission could also raise the number of allowable parking spaces in either district, at any time.

Mayor Minnet stated that the following change was made to the ordinance: Item a, minor reductions read "Requests for a reduction of one (1) to three (3) required parking spaces or up to ten (10) percent of the number of required parking spaces, whichever is greater, may be approved by the Town Manager".

Commissioner Vincent made a motion to adopt Ordinance 2011-01 on 2nd reading with the change previously stated by the Town Attorney. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Resolution 2011-04: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SETTING THE MAXIMUM NUMBER OF PARKING EXEMPTION SPACES AVAILABLE FOR THE PARKING SPACES AVAILABLE FOR THE PARKING EXEMPTION PROGRAM; PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-04 by title.

Assistant Town Manager Bentley explained that the resolution established the number of parking spaces that could be exempted in both parking districts. Mayor Minnet noted that this was being done by resolution so as to limit the amount of work necessary should the Commission choose to make changes later on.

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

Commissioner Clottey believed the number of spaces designated for the Waterfront District was too high.

Vice Mayor Dodd made a motion to adopt Resolution 2011-04. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

4. PUBLIC HEARING - LAP Agreement

a. Resolution 2011-03: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING A LOCAL AGENCY PROGRAM AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THE CONSTRUCTION OF THE LANDSCAPING AND HARDSCAPE PROJECT LOCATED AT SR-A1A FROM PINE AVENUE TO TERRA MAR DRIVE IN THE REIMBURSABLE AMOUNT OF UP TO $441,700; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Town Attorney Trevarthen read Resolution 2011-03 by title.

Assistant Town Manager Bentley explained that the resolution would enter the Town into the LAP (Local Area Program) Construction agreement with FDOT (Florida Department of Transportation). He said that once the agreement was executed and submitted, the Town would begin bidding the project. Assistant Town Manager Bentley added that the bid would be advertised in March, the bid opening would be held in May, construction would begin in September, and substantial completion was set for January 2012.

Mayor Minnet opened the meeting for public comments.

Bill Vitollo thanked the Commission for including Terra Mar into the project. He hoped the Commission would approve the resolution.

Edmund Malkoon asked for the price of the seating walls proposed in the project and the cost of the project manager. He questioned whether the trees proposed for the project could be placed under the Town's master tree policy, should they be damaged by the weather.

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

Assistant Town Manager Bentley explained that the cost of the seating wall did not change as the line item was separate in the cost estimate. He said that the wall feature was approximately $56,000. Assistant Town Manager Bentley said that the architectural feature was approximately $84,000 which the Commission previously rejected. He pointed out that the new drawings for the architectural feature were received that afternoon; however a price estimate would not be given until the drawing was accepted by the Commission. Assistant Town Manager Bentley explained that since the Town did not have the expertise necessary to complete the project, the Town needed to hire a project manager. He clarified that if the construction budget was less than the project budget, than the savings could be applied to the amount needed to hire a project manager. Assistant Town Manager Bentley stated that the Town had not yet bid for a

construction manager and could not do so until FDOT approved the LAP agreement. He added that if the Town chose to bid for a construction manager prior to FDOT approving the LAP agreement, the expense would be considered ineligible for reimbursement. Town Manager Hoffmann clarified that the project manager service would go out for RFP; not for bid.

Commissioner Sasser explained that he would only approve the architectural design if there was a substantial savings. He questioned how much the Town would save if the Commission approved the new architectural design. Assistant Town Manager Bentley explained that a cost estimate could be obtained if the Commission chose to move forward with that design. Commissioner Sasser questioned whether PBS& J were providing the cost estimate. Assistant Town Manager Bentley said they were.

Commissioner Sasser was concerned that the Town was 200 days past the due date. Assistant Town Manager Bentley explained that once the construction agreement was executed, the Town would no longer be considered past due. Commissioner Sasser said that he did not want to delay the agreement any longer and that PBS&J should be held accountable to provide the cost estimate in a timely manner. He was concerned that the construction was scheduled during the Town's peak season, and questioned whether that could be changed. Assistant Town Manager Bentley explained that FDOT acknowledged that the project began during peak season and that they were willing to suspend construction until January 2012, which staff did not believe was helpful. He said that the construction would need to begin in late April or the beginning of May to avoid peak season; however, FDOT was not in favor of that suggestion. Assistant Town Manager Bentley pointed out that a suspension in construction could result in an increase in costs.

Vice Mayor Dodd questioned the price of the trash receptacles located at the pavilion. Town Manager Hoffmann did not recall the amount. Vice Mayor Dodd pointed out that the agreement stated that each of the twelve trash receptacles would cost $1,500, which he believed was too high.

Vice Mayor Dodd made a motion to approve Resolution 2011-03 subject to the architectural element not exceeding $5,000 for each wall or a total of $60,000.

Commissioner Clottey clarified that the Town did not receive any funding for this project until other cities were unable to produce the matching funds that were required for their projects. She was concerned that delaying the agreement any further could result in FDOT taking the funds back. Commissioner Clottey said that she wished to see the project commence as soon as possible to avoid the Town losing the funds.

Vice Mayor Dodd made a motion to adopt Resolution 2011-03 subject to the architectural element not exceeding $5,000 for each wall or a total of $60,000. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

5. NEW BUSINESS

a. Contract with Verrus Mobile Technologies for Pay by Cell for Parking in the Town of Lauderdale-By-The-Sea (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that the system would partner with the new pay stations installed in the Waterfront District and would eventually work with all meters throughout the Town. He said that the company also had a contract with the City of Miami.

Vice Mayor Dodd was in favor of the agreement and saw that the system could provide an increase in revenue, a decrease in the possibility of theft, and greater convenience for motorist. He did not believe it was necessary for the Town to go out for RFP as other neighboring cities already had success with the program.

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

b. Special Event Application - Lauderdale-By-The-Sea Anglins Beach Café - Thursday, March 24, 2011, 7:00 p.m. (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that there was a misunderstanding by the parties as to whether a special event permit was needed, and that staff recommended approval.

Vice Mayor Dodd said that he was in favor of the item; however the application did not indicate a recycling requirement as agreed upon previously by the Commission. Assistant Town Manager Bentley agreed that the form needed to be updated. He pointed out that the requirement was listed under the recommended conditions on the staff memo.

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

6. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:40 p.m.

Mayor Roseann Minnet

ATTEST:

June White, CMC
Town Clerk, June White CMC

4-29-2011
Date