

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, November 12, 2013

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 Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Alan Gabriel, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan and Town Clerk Vanessa Castillo.

2. [PLEDGE OF ALLEGIANCE TO THE FLAG](#)

3. [INVOCATION - Pauline McGuiness \(Representing the Bahia'i Faith\)](#)

Pauline McGuiness gave the Invocation.

4. [ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS](#)

Mayor Minnet indicated the following changes would be made to the agenda:

- Add Item 13g under Resolutions: Resolution 2013-54 - Authorization to execute the CDBG funds for the Town's Senior Programs

5. [PRESENTATIONS](#)

None

6. [PUBLIC COMMENTS](#)

Mayor Minnet opened the meeting for public comment.

Birute Ann Clotey urged the Commission to correct a dangerous traffic situation around El Prado Avenue and S.R. A1A, suggesting improved signage to eliminate confusion. She gave condolences to Vice Mayor Sasser for his father's passing and thanked Commissioner Brown and his committee for a great Halloween event.

Vincent Ragusa mentioned restarting a performing arts/theatre group, stating they were asking for Town support, not money. They had submitted performance dates and rehearsal times and requested a stall/space near Town Hall to store stage/set equipment.

John Boutin also gave condolences and expressed support for the Town's reefs, the scuba brochure and Item 13e, Resolution 2013-52. He commented on Item 13d, Resolution 2013-51, and its effects on the community. The *Relay for Life 2014* party would be held at Athena's on Saturday, November 16, 2013, and another event would be held on, Tuesday, November 19.

Elliot Sokolow commended the Town Commissioners and staff for the Commercial Boulevard Projects.

Sandi Green expressed condolences to Vice Mayor Sasser, discussed the Sister Cities Association legitimacy as a corporation, and gave names of current officers and paid members.

Gerri Ann Capitosto also expressed condolences, mentioned being a part of the Sister Cities Association, and reported on her related discussions with Eric Yankwitt.

Eric Yankwitt and Verenice Rappaport expressed condolences and reported on the successful "Lord of the Miracles" celebration at Assumption Church on October 27, 2013. They also announced current/coming activities such as *Movie Nights*, *Obamacare*, *Dance Nights*, and *Thanksgiving*.

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 2013 (Captain Fred Wood)

Captain Wood announced the Town's BSO Employees of the Month for October, Detectives Eric Weiner and Brann Redl, for outstanding police work.

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

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

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

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

Commissioner Brown thanked the VFD for their help with the Halloween celebrations.

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

8. TOWN MANAGER REPORTS

a. Finance Report – September 2013 (Tony Bryan, Finance Director)

The Town Commission accepted the report without further discussion.

b. Town Manager's Report (Connie Hoffmann, Town Manager)

Public Information Office Steve d'Oliveira presented the new informational sign promoting the SS Copenhagen, an underwater state archeological preserve listed on the National Register of Historic Places. The sign will promote the Town as a diving destination and educate the public about the Town's maritime history. He also reported on attending the Diving Equipment Manufacturers Association (DEMA) Convention in Orlando, in partnership with the Greater Fort Lauderdale Convention and Visitor's Bureau (CVB), to promote diving. They handed out brochures to promote diving in the Town at the Convention and talked about the Town with many divers.

Assistant Town Manager Bentley discussed the pending lawsuit with Broward County, referring to the information on the subject matter detailed in the backup. Based on the projected meeting to occur with the County in January, Town staff could place an item on the December 10th Town Commission agenda, asking members of the Commission if they would be available for that January meeting. He said if more than one member of the Commission wished to attend, they should designate one member as the Town's representative at the meeting.

Commissioner Brown expressed interest to attend, however, Mayor Minnet stressed the need for a Commission quorum for the January 17, 2014, County meeting, 2:00 p.m. - 5:00 p.m.

Assistant Town Manager Bentley discussed the rest of the Town Manager's Report, as noted in the backup, highlighting:

- Difficulties with the License Plate Reader (LPR) contractor

Vice Mayor Sasser recalled that at the last Commission meeting, the contractor requested an extension through December 2013, and the backup indicated an extension through January 2014, which seemed to be above and beyond the contractor's request. He requested that Town Manager Hoffmann provide an explanation to the Commission.

Mayor Minnet responded that she had already reviewed this issue with Town Manager Hoffmann who said that although the applicant requested until December, she felt January 31 was more realistic.

Vice Mayor Sasser questioned if Town staff knew when the cameras would be mounted on existing traffic poles or when that decision might be made.

Commissioner Brown replied both the Florida League of Cities and the Broward Metropolitan Planning Organization (MPO) had made this issue a high lobbying priority for the legislative session in January. The sessions normally lasted a few months, and it appeared that the action would be approved. However, there was continued controversy at the state level regarding red light cameras, and he hoped the State Legislature could distinguish the difference between red light cameras and LPR cameras.

Commissioner Dodd mentioned that the LPRs and the red light cameras could be combined into one camera, due to the sophistication of current technology. He stated LPRs were a pet project of his for some three years, though he was disappointed in the contractor. He has spoken to the Town Manager about this and mentioned that the Police Chief hoped to have such a tool at his disposal to help with crime solving.

- Super Storm Sandy Sand Project

Commissioner Dodd expressed disappointment and was amazed that the Army Corps could get away with such glaring ineptitude. He hoped the matter could be resolved, and the Town would benefit from the project at little cost to the Town. Hopefully, the sand Pompano Beach was getting would eventually come down to the Town's beaches and remain there.

Vice Mayor Sasser reiterated being very outspoken against the project, but he thought there was misunderstanding that his opposition was due to cost. He clarified his objection was based on the inability to accurately judge the effect the project might have on the Town's reefs.

Commissioner Brown clarified the Super Storm Sandy Sand Project sand was being dumped at the property lines, not the water lines, to help relieve some of the cliffs and to beef up the sand walls in front of properties where the sand erosion was extensive. He heard of no environmental risk associated with this project.

Vice Mayor Sasser reiterated the need for additional sand retention measures, such as planting sea oats, hoping this would remain focus and strategy of the Commission.

Mayor Minnet added implementing such strategies were in the next fiscal year's budget.

Municipal Services Director Prince noted he intended to meet an individual with a volunteer organization regarding plans to planting sea dune seeds.

- Sidewalk café space on East Commercial Boulevard

Assistant Town Manager Bentley clarified the provisions of the code on sidewalk café space required a ten-foot wide pedestrian path at intersections, handicap ramps,

crosswalks, etc., and allowed the Manager to also require 10' in areas of congestion. Staff has met with some businesses, staged tables and chairs on a portion of the sidewalk to determine how well the sidewalk and extended sidewalk cafés worked.

Vice Mayor Sasser asked if the outdoor cafés would be away from the stores to allow pedestrians to walk between the tables and the stores or will they be near the stores.

Assistant Town Manager Bentley responded that Town Planner Connors and her intern gathered information from other cities and would develop a booklet from the information for businesses wishing to have sidewalk cafés. Based on the staged areas, staff determined it was best to split the café areas and not push all pedestrian traffic one way.

Vice Mayor Sasser noticed the fluorescent lights being installed downtown, and although the code allowed it, the aesthetics failed to meet his expectations. He asked Town staff to research the ability to change the code to say that if someone has fluorescent light a type of shield should be required to direct lights straight down or towards window.

Assistant Town Manager Bentley requested that the word fluorescent be removed, as there were other types of lighting that could be irritating to both drivers and pedestrians.

There was a Town Commission consensus to direct Town staff to look at alternate shielding for sidewalk lighting along East Commercial.

c. Commercial Boulevard Projects Update – Verbal Report (Albert Carbon, Project Manager and Paul Carty, State Contracting & Engineering Corporation (SCEC))

Paul Carty of SCEC gave an update on the Commercial Boulevard improvement projects.

On West Commercial Boulevard he reported:

- The northwest block was opened to traffic
- The northeast block was having brick pavers installed, with landscaping and irrigation to be done next week and followed by final asphalt paving, aiming for completion by Thanksgiving weekend
- Lane closures during peak-hour traffic still necessary on eastbound Commercial Boulevard through Thursday

On East Commercial Boulevard, he reported: installing landscaping on Commercial Boulevard block 2;

- Pavers for the north side of the A1A block to be installed in the coming week, along with pavers on the south part of A1A on November 13;
- The Water plaza and the Anglin Square plaza continue to progress; Estimate of completed work by first week of December is still the goal.

Mayor Minnet asked if the Town could still host its annual Christmas-By-The-Sea event.

Mr. Carty affirmed the event would take place, provided Florida Power & Light (FP&L) energized all the underground conduits to provide electric power to the new installations. He stated until FP&L was connected, there was no electricity to the entire block.

Commissioner Dodd inquired as to the removal of the FP&L pole, and how quickly Comcast and AT&T would begin performing.

Mr. Carty indicated one FP&L pole had been removed, though one remained situated next to Village Grille that was set for removal and several temporary poles were still in place.

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

- a. October 8, 2013, Town Commission Meeting Minutes
- b. October 22, 2013, Regular Town Commission Meeting Minutes

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

11. CONSENT AGENDA

Mayor Minnet announced if the Town Commission and staff wished to make only a comment on an item on the Consent Agenda, this could be done, after which a vote to approve the items on consent could be made.

Mayor Minnet commented on the Commission receiving a revision to item 11b.

- a. Special Event Application for Azteca's Grand Opening proposed for Tuesday, December 31, 2013 (Bud Bentley. Assistant Town Manager)
- b. Special Event Application from the Village Grille (Steve DeLeon) for the New England Patriots Pre & Post Game Event proposed for Sunday, December 15, 2013 (Bud Bentley. Assistant Town Manager)
- c. Special Event Application from The Village Grille and 101 Ocean for Friday Nights Music Entertainment proposed for every Friday starting December 13, 2013 and ending June 6, 2014 (Bud Bentley, Assistant Town Manager)

Commissioner Dodd commented that the sound levels were too high to be enjoyable, and any police direction to lower the sound was to be obeyed. The applicant needed to

understand the Town had a finite threshold of acceptable amplification and the disruption to nearby residents, irrespective of the acceptable decibel level in the Town code. If too many resident complaints were received, the applicant should know their special event permit would be at risk.

d. New Year's Eve Celebration Special Event Application for Athena By The Sea (Bud Bentley, Assistant Town Manager)

Commissioner Dodd felt the application should not be considered, as Town staff tried to resolve the parking issues with the pier for the last two years. A special event permit was a privilege that should be withheld from applicants with outstanding code violations and unresolved issues. The subject application should be postponed until such issues were resolved.

e. Approval of Additions to the East Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) of \$16,066.00 for underground utility and paving revisions with State Contracting and Engineering Corporation (Albert Carbon, Project Manager)

Assistant Town Manager Bentley mentioned on item 11e, the year-to-date information was originally typed as \$104,593, and it should be \$104,953.

f. Purchase of Planters for Anglin Square Plaza (Connie Hoffmann, Town Manager)

Assistant Town Manager Bentley the Town Manager determined there were no issues with the selected vendor.

Vice Mayor Sasser made a motion to approve items 11a, 11b, 11c, 11d, 11e and 11f on the Consent Agenda. Commissioner Vincent seconded the motion. The motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

i. Ordinance 2013-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, TO UPDATE OUTDATED AND PREEMPTED LANGUAGE, REFLECT CURRENT BUILDING REQUIREMENTS AND STREAMLINE AND CLARIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (LINDA CONNORS, TOWN PLANNER)

Town Planner Connors noted staff recommended removing the word PODS shown in parentheses on page six, line 191, as PODS was the name of a storage company.

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

Commissioner Dodd stated a resident asked why the Town lacked stronger ordinances to force contractors to complete construction more timely. The construction on Imperial Lane and Lake Court were examples; the sea wall at Imperial Lane was collapsing, taking the small dock with it. He advocated harsher penalties for tardy or slow construction work, and there should be a maximum of 18 months allowed, such as a one-year permit with the possibility of a six-month extension. He asked for these comments to be passed to the Planning & Zoning Board (P&Z) and the Town Attorney.

Town Planner Connors clarified the section of the code being dealt with was Chapter 6, Buildings and Building regulations, so the matter did not have to go to the P&Z Board.

Commissioner Dodd asked Town Planner Connors to still consider it going to the Board. Commissioner Brown agreed with Commissioner Dodd, noting the subject issue also arose with condominiums, asking if the changes could be applicable to condominiums.

Town Planner Connors believed the change in the language of the ordinance reflected its intent when it was first adopted. On line 439, the provision was deleted on single family homes and multifamily buildings not exceeding 10 units. Language was added to line 423 to provide for construction time limits of 18 months unless otherwise stated in a development order; it might be unrealistic to expect a large construction project to be completed in 18 months.

Assistant Town Manager Bentley thought the code applied to exterior construction.

Town Planner Connors responded the code provided any new structure or new addition to an existing structure should be completed in 18 months. Thus, it referred to new construction, not renovations, so it would not apply to condominiums.

Assistant Town Manager Bentley indicated staff would explore how it might be applied to condominiums or any building.

Commissioner Brown believed this was a common issue with condominiums and felt construction permits for condominiums should be extended as well.

Commissioner Dodd expressed that 18 months for single family residences is a very realistic time frame and believed they should have a 1-year permit and the possibility for a 6-month extension.

Commissioner Vincent thought the Commission needed to be careful about attempts to legislate due to the actions of a few "bad eggs" and penalize the Town at large, though the conditions of a few was bad and had to be addressed. Condominiums operated by a different set of rules and it was important not to penalize all the contractors.

Vice Mayor Sasser wished to hear more information on second reading.

Vice Mayor Sasser made a motion to approve Ordinance 2013-11 with the recommended changes noted above. Commissioner Dodd seconded the motion. The motion carried 5-0.

b. Ordinances 2nd Reading

- i. **Ordinance 2013-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 30-10, "ADMINISTRATIVE ADJUSTMENTS" OF THE CODE OF ORDINANCE TO PROVIDE PROCEDURES FOR ADMINISTRATIVE ADJUSTMENTS, AMENDING SECTION 30-13, QUASI-JUDICIAL PROCEEDINGS TO IDENTIFY ADMINISTRATIVE ADJUSTMENTS AS QUASI-JUDICIAL MATTERS; DELETING SECTION 30-321, MODIFICATION OF PARKING REQUIREMENTS, AND INCORPORATING REGULATION INTO ADMINISTRATIVE ADJUSTMENTS PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (LINDA CONNORS, TOWN PLANNER)**

Town Planner Connors reviewed the adjustments made to address the Commission's concerns voiced at first reading, as detailed in the backup, and clarified that there was a typo in the agenda item since it should include all setbacks.

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

Commissioner Dodd met with staff and was concerned about the current setback if someone wished to redevelop two adjacent properties. A recurring issue was where the code allowed an architect to erect a featureless box when the aim was to encourage MIMO architecture. He preferred to increase the existing setback; for buildings erected with no MIMO features, the setback should be 8'6". For those with MIMO, the setback should be 7'6".

Vice Mayor Sasser questioned how the subject changes encouraged property owners to use the MIMO style, as the existing process sought to accomplish the same goal.

Town Planner Connors said the existing variance process required certain legal requirements to meet hardship that was difficult to do, as one of the standards was it had to be unique and not self-created. She felt this was an impossible standard for many variance applications to meet, citing examples, and stating that it was a lot to ask an applicant to do something so onerous for the benefit of the whole Town. The architects were already asked a lot by the Town, and it was becoming burdensome.

Vice Mayor Sasser wished to make the variance process easier to get such improvements accomplished, but it was difficult to take parts of that decision process away from committees on which citizen volunteers served. Town staff was not at fault, but he preferred making the process less demanding, while still going through such

committees as the Board of Adjustments (BOA). He believed the existing process had several steps that involved residents and others, before coming to the Commission.

Town Planner Connors noted the Commission wanted to help the property owners, but this could not be accomplished through the variance process in the Town's current code. She said it was possible to incorporate in the administrative adjustment process, the step of BOA review with different criteria to make the process less onerous, and remove the hardship factor. If it was the Commission's desire, staff could rewrite the ordinance language to include wording for applications to go to the BOA or P&Z Board.

Commissioner Vincent agreed with Town Planner Connors' position, as this was not an attempt at having a staff free-for-all decision to accomplish the subject goals.

Commissioner Brown felt the review process was not at issue, the reality was the buildings being renovated could not be physically moved back a foot or six inches. A property owner seeking to improve their building should be encouraged in such efforts, as there were sufficient fail/safes in the criteria staff proposed.

Town Planner Connors clarified the proposed changes applied to existing and new construction, though most applications would be for nonconforming buildings.

Mayor Minnet questioned if Town staff rejected an application, the applicant could appeal the decision before the Commission.

Town Planner Connors replied yes, the appeals process was the same as for any other administrative decisions under the Town code.

Mayor Minnet understood the proposed changes did not apply to front setbacks.

Town Planner Connors responded the ordinance was revised to apply to all setbacks. If the subject ordinance dictated that the variance application be reviewed by a board for Class 1 and Class 2, she asked if the Commission wished it to be the BOA or P&Z.

Vice Mayor Sasser preferred the BOA.

Town Attorney Gabriel clarified it would be sufficient for the BOA to review and make recommendations to the Town Planner in Class 1, and in Class 2, the BOA would review the applications and give its recommendations to the Commission.

Vice Mayor Sasser made a motion to approve Ordinance 2013-14, to include that the process goes through the Board of Adjustments, and to remove the hardship obligation. Commissioner Dodd seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

- a. **Resolution 2013-46: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING THE DEVELOPMENT REVIEW PERMIT AND LICENSE FEE SCHEDULE; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (LINDA CONNORS, TOWN PLANNER)**

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

Commissioner Dodd referred to page 28, Chapter 6, extension for construction time limits, thinking it unfair to have a fixed fee for the extension of the permit. A percentage of the original permit cost rather than a fixed fee seemed fairer, possibly establishing a minimum amount.

Town Planner Connors directed the Commission's attention to the engineering fees, where it showed them divided up by the cost of the project. She asked if Commissioner Dodd wished to apply the same fee breakdown for the extension of time limits.

Commissioner Dodd found this acceptable.

Commissioner Vincent observed many of the fees set forth in the permit and plan application for each discipline was based on the original project value. This seemed to be another government money grab, and he was unsure if it was fair, as it was the same process and review, and the money was already calculated. If this was an administrative process, he was comfortable with one fixed fee for all.

Vice Mayor Sasser asked if the subject fees were to cover the Town's cost for review and research if the extension should be granted, or were they to discourage extensions.

Town Planner Connors replied a little bit of both.

Town Attorney Gabriel noted fees had to have a reasonable relationship to the service rendered. As the administrative process for granting an extension was the same for all applicants, tying the procedure to project cost might not be the best approach.

Commissioner Vincent made a motion to approve item 13a. Commissioner Brown seconded the motion. The motion carried 4-1. Commissioner Dodd voted no.

- b. Resolution 2013-49: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AGREEMENT WITH THE LAUDERDALE-BY-THE-SEA CHAMBER OF COMMERCE FOR OPERATING AND FUNDING A VISITOR AND WELCOME CENTER; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY AND FOR AN EFFECTIVE DATE. (CONNIE HOFFMANN, TOWN MANAGER)**

Mayor Minnet opened the discussion for public comment.

Chamber Vice President Charles Maxwell indicated the Town Manager requested he attend to answer questions the Commission might have regarding the new agreement.

Commissioner Vincent asked Mr. Maxwell to elaborate on the changes, reduction of hours and the reasons, as mentioned in the backup.

Mr. Maxwell discussed the changes in depth with Town Manager Hoffmann and Town Attorney Trevarthen, focusing on the flexibility of the hours of operation to efficiently and effectively operate the Welcome Center to match events and seasonal demands.

Commissioner Vincent observed that the situation would take monitoring by the Chamber on an ongoing basis, and that would take time.

Mr. Maxwell commented the situation was somewhat hit and miss at present, but it would be up to the Chamber's director and staff to make observations and recommendations to the Chamber, so educated decisions could be made.

Commissioner Vincent inquired if the Chamber was compensated for any of the subject efforts; such as, arranging and setting up the Welcome Center, or were the direct costs for the Center's hourly employees.

Mr. Maxwell responded the Chamber asked the Town for \$46,000 to cover the labor costs, and the Town Commission approved \$26,000. The annual cost to run the Center, including labor costs was estimated at \$84,000.

Mayor Minnet pointed out the remaining \$20,000 would come from the Broward County Convention and Visitors Bureau (CVB) grant, so the Chamber would receive the \$46,000 requested to cover the labor costs.

Mr. Maxwell indicated the Chamber had yet to receive confirmation that the \$20,000 would be forthcoming from the CVB, though the Chamber provided all the information requested by the CVB. Town Manager Hoffmann and Chamber executive director, Malcolm McClintock were working to confirm the receipt of those funds by the Chamber.

Mayor Minnet added she was present at the CVB meeting with Nicky Grossman, and there were assurances that the Visitors Center would get the funding from the CVB, and the amount had been increased from \$10,000 last year to \$20,000.

Commissioner Vincent wondered if the \$20,000 was a guaranteed annual amount.

Mr. Maxwell replied the amount would be awarded to the Chamber on a yearly basis. However, the Chamber anticipated receiving \$46,000 from the Commission, along with \$10,000 from the CVB. With the amount from the Town reduced to \$26,000, coupled with the \$20,000 from the CVB, the Chamber was now at a \$10,000 deficit, and this translated to 74 days of the year the Chamber had to pay out of pocket for the Welcome Center or institute a \$42 increase on its membership.

Commissioner Dodd noticed, though the Chamber intended to stay open for the same number of hours as the previous year, intentions and contractual responsibilities were not the same thing, and intentions and reality seemed far apart. The backup appeared to state that if the Town did not give the Chamber the amount it requested, the Chamber staff would work for 2,080 hours, rather than the current 2,840 hours. He supported the Town fully funding the cost to staff the Welcome Center, but this was where the Town's responsibility ended, and the staff should work on Welcome Center activities only, not Chamber activities. The Town Commission and staff repeatedly requested an accurate

detailing of those figures to determine what the Town's contribution should be. Commissioner Dodd added the Town was running one of two welcome centers in Broward County with taxpayers' dollars and for the Chambers benefit. He expressed disappointment with the situation regarding the Visitors Guide that the Chamber requested the Town fund, and which he always thought should have been self-sufficient. The Chamber should be congratulated for an extremely successful farmers' market, and he hoped this was the beginning of an understanding that the Town wished to develop a good working relationship with the Chamber. He restated that the Town cosponsor the Chamber's fundraising activities and receive a portion of the profits that could be utilized to promote the Town.

Commissioner Brown supported the subject resolution, noting the Chamber requested \$46,000 from the Town, \$6,000 more than the previous year, and that sum would be coming to the Chamber in a combined form. He agreed with need for flexible operating hours, and the Chamber had a better understanding of what those should be.

Commissioner Vincent remarked if Commissioner Dodd was suggesting something odd was going on with regard to the way the Chamber ran the Welcome Center, then the Town should run the Welcome Center. This would include staffing, setting schedules, etc., all functioning separately from the Chamber. He saw nothing amiss with the way the Chamber ran the Welcome Center, and the Chamber was doing the Town a service, as the Chamber was there first, and the Welcome Center came later and became a part of the Chamber's duties. The Town could monitor the activities, but it should concede that the Town needed the Chamber to run the Welcome Center and cease the harassment and berating of the Chamber for trying to recoup funds it spent to run the Center. He felt the cost for the Town to run the Welcome Center would be exorbitant.

Vice Mayor Sasser commented on hearing that he disliked the Chamber, which was untrue, though the latter made it very hard at times. Despite the Welcome Center's usual hours of operation, the Chamber was not precluded from opening on days it was originally scheduled to be closed if deemed necessary to provide services. He agreed the Chamber should be flexible to determine when it was best to open. Even if it was with the best intentions that the Chamber wished to open the Welcome Center on days it was normally closed, it was not required, so he could not support the resolution.

Commissioner Dodd noted if the Chamber reduced its hours, then the figures needed to be recalculated, as labor costs would decrease. To get the same amount of funding, the hours should remain the same.

Mr. Maxwell mentioned the Town was saving \$20,000 over the amount it allotted in the previous fiscal year. As required by the agreement between the Town and the Chamber, if the number of allotted hours were not fully used, the monies for unused hours was returned to the Town. He knew the Commission remained concerned with the use of taxpayers' dollars to run the Welcome Center, and he was working to separate the two sets of figures. This way the Commission would have a true reflection of the the Welcome Center's operating costs. The recommended flexibility in the opening hours was to make better use of Town and CVB funds.

Mayor Minnet reiterated the Chamber would receive \$46,000 to run the Welcome Center, expressing disappointment in Mr. Maxwell's repeated statements that the Chamber might not receive the \$20,000 from the CVB, and that the Town only gave the Chamber \$26,000. It was unfortunate that the Town Commission and the Chamber could not have a reasonable discussion about the subject contract, noting she always supported the Chamber in the past and would continue to do so. She asked Mr. Maxwell to reanalyze how the Chamber came to Commission meetings and spoke through various issues with the Commission, as all parties were working together toward the same goal. Mayor Minnet would support the subject resolution, as the Chamber was in the best position to determine when the opening hours should be.

Vice Mayor Sasser wished to change the wording of the resolution to state the Chambers number of hours of operation of the Welcome Center would remain the same as they were currently, allowing flexibility as to when those hours of operation would be.

Mr. Maxwell saw no problem with changing the wording, as that was the equivalent dollar amount to the number of hours of operation. He was unsure how the numbers were calculated from an operational standpoint.

Mayor Minnet asked if it were possible to change the wording in the resolution.

Town Attorney Gabriel responded the Commission could change the wording in the resolution, but it appeared there was uncertainty as to what the changes would be. The current wording of the agreement seemed to achieve the goal of the suggested wording.

Commissioner Dodd thought the resolution needed to be redrafted by Town staff and brought back to the Commission for approval.

Mayor Minnet stated she was willing to move forward with the proposed resolution as is, in the hope that the Chamber understood its commitment to the Town.

Vice Mayor Sasser made a motion to approve item 13b, amending the resolution to allow the Chamber flexible hours of operation of the Welcome Center for 2,840 hours. Commissioner Dodd seconded the motion. The motion failed 2-3. Mayor Minnet, and Commissioners Vincent and Brown voted no.

Commissioner Brown made a motion to approve item 14b as is (as detailed in the Resolution with 2,080 hours). Commissioner Vincent seconded the motion. The motion carried 3-2. Vice Mayor Sasser and Commissioner Dodd voted no.

Recess/Reconvene

- c. **Resolution 2013-50: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2012/2013 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. (TONY BRYAN, FINANCE DIRECTOR)

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

Commissioner Dodd made a motion to approve item 13c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- d. **Resolution 2013-51:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA URGING THE FLORIDA LEGISLATURE TO ADOPT AND GOVERNOR RICK SCOTT TO SUPPORT LEGISLATIVE CHANGES PROVIDING REGULATION OF RECOVERY RESIDENCE/SOBER HOUSE IN THE FORM OF STATEWIDE LICENSING AND REGISTRATION, PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE. (LINDA CONNORS, TOWN PLANNER)

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

Commissioner Dodd made a motion to approve item 13d. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- e. **Resolution 2013-52:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA URGING THE FLORIDA LEGISLATURE TO ADOPT AND GOVERNOR RICK SCOTT TO SUPPORT LEGISLATIVE CHANGES PROVIDING THE ABILITY FOR LOCAL GOVERNMENTS TO REGULATE VACATION RENTALS; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE. (LINDA CONNORS, TOWN PLANNER)

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

Commissioner Brown inquired as to the current time limit on vacation rentals.

Town Attorney Gabriel replied the Town adopted regulations before the State Legislature did, and as a result, the Town was vested. However, if the Town changed its current ordinance, its code would fall below the provisions in the state statute.

Commissioner Dodd made a motion to approve item 13e. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- f. **Resolution 2013-53:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RATIFYING FISCAL YEAR 2012, 2013, AND 2014 FIRE INSPECTION FEE

UNDERPAYMENTS RECEIVED BY THE TOWN IN RESPONSE TO BILLS THAT UNDERCHARGED FOR THE FEES; AUTHORIZING THE ISSUANCE OF A REFUND OR CREDIT TO CUSTOMERS WHO SUBMITTED FISCAL YEAR 2012, 2013, AND 2014 FIRE INSPECTION FEE OVERPAYMENTS TO THE TOWN IN RESPONSE TO BILLS THAT OVERCHARGED FOR THE FEES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (TONY BRYAN, FINANCE DIRECTOR)

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

Commissioner Dodd made a motion to approve item 13f. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- g. **Resolution 2013-54:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2014/2015; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Commissioner Dodd made a motion to approve item 13g. Commissioner Brown seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Vice Mayor Sasser thanked the community for their thoughts and prayers over the recent death of his father. The thoughts, prayers and flowers from the Town Commission and staff, were very special to his mother and greatly appreciated.

Mayor Minnet wished everyone a Happy Thanksgiving.

Commissioner Brown commented on the Town's very successful Halloween event, especially thanking Marie and Vito Chiarello, Ron Piersante, the VFD, Town Staff, volunteers and those who donated who made it all possible

16. OLD BUSINESS

a. Special Event Application for Lauderdale-By-The-Sea Fest (Pat Himelberger, Assistant to Town Manager)

Assistant to the Town Manager Himelberger reviewed the details of the subject application as set forth in the backup.

Commissioner Brown appreciated the applicant's efforts to come up with ideas, and he was in favor of the idea of a festival that focused on the turtles.

Commissioner Dodd supported any proposal that put the Town on the map. He suggested using Town Hall parking for vendors to free up the Minto parking lot.

Ms. Himelberger replied that parking alternatives were discussed with the event planners, but their concern was if vendors had to restock, they needed to be close to their vehicles.

Commissioner Vincent echoed appreciation for the applicant's idea.

Vice Mayor Sasser stated, though he would vote to approve the subject application, he was not satisfied with the idea, as it did not seem to be a destination event. If the event focused on turtles, the name should include something about turtles.

Commissioner Dodd made a motion to approve item 16a. Commissioner Vincent seconded the motion. The motion carried 5-0.

17. NEW BUSINESS

a. Commercial Boulevard Grand Opening Events (Pat Himelberger, Assistant to the Town Manager)

Assistant to the Town Manager Himelberger discussed the importance of the Town celebrating the subject plazas and their businesses as soon as possible, reviewing the various plans Town staff was making, as detailed in the backup. The main event would be "*Dinner Under the Stars*" on December 12, 2013, involving area restaurants, and flyers were distributed to provide more information. She mentioned the sculptures would be unveiled, with an outdoor sit down dinner from 6:30 p.m. to 8:30 p.m.

Vice Mayor Sasser thought having the event was a great idea but hoped for a different description of the area, asking Town staff to think more on it.

Mayor Minnet said Town staff wanted members of the Commission to take a quadrant.

Commissioner Vincent suggested opening up the proposed event to Basilica, though they were not part of the quadrant.

b. Offer of Sale of Property at 4345 El Mar Drive (Bud Bentley, Assistant Town Manager)

Assistant Town Manager Bentley reviewed the subject item as detailed in the backup, noting the Commission needed to make a decision on whether they wished Town staff to enter into any negotiations to see what the purchase price would be.

Commissioner Brown supported the subject item; as this was a building, there were other uses that the Town could find, but the issue was how the Town would pay for it. The Town had two items on its Master Plan, one was the South Entryway Project, and the other was the El Mar Drive Improvement Project. As stated before, he received preliminary commitments from the MPO to pay for and build those projects for the Town, but the projects had yet to be vetted, or have the Town's people weigh in on them. He encouraged the Town to negotiate to purchase the subject property.

Commissioner Dodd thought this was a win/win situation for the Town, providing much needed parking spaces; further investigation was needed and staff should draft a tentative outline.

Mayor Minnet echoed her support to move forward with the proposed action.

Commissioner Dodd made a motion for staff to obtain sale prices, along with information regarding parking spaces, and report the findings to the Commission. Commissioner Vincent seconded the motion. The motion carried 5-0.

c. Town Manager Evaluation (Connie Hoffmann, Town Manager)

Mayor Minnet explained the Commission needed to agree to have the evaluation as a separate meeting or place it on the December 10, 2013, Commission meeting.

There was a Town Commission consensus to use the previously used evaluation format and place this item on the December 10, 2013, Agenda.

d. Request to Use Jarvis Hall for Performing Arts By The Sea Rehearsals (Vanessa Castillo, Town Clerk)

Town Clerk Castillo commented in an effort to revitalize the performing arts in the Town, Mr. Eric Yankwitt and Mr. Vincent Ragusa, on behalf of the Florida Communities Support Organization and the Lauderdale-By-The-Sea Performing Arts Center, would put on the play, "*Last of the Red Hot Lovers*." The Town Manager approved the use of Jarvis Hall for two audition dates and four show dates. Additional dates were requested for rehearsal, starting November 30 that ranged until the end of January 2014 on certain weekdays. Staff sought direction on the subject request.

Commissioner Dodd remarked on always supporting the performing arts and felt no objection to the requested use of Jarvis Hall.

Mayor Minnet expressed concern as to the amount of staff time that would be required to prepare the space, hoping the team would put things back the way they found them.

Commissioner Dodd made a motion to approve item 17d. Commissioner Vincent seconded the motion. The motion carried 5-0.

18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:55 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo

12/10/13
Date