

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, October 22, 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 Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan and Town Clerk Vanessa Castillo.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Rabbi Bentzion Singer

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

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

- Add Item 17b, New Business – Application to Hold a Beach Hardware Luncheon on the West Commercial Promenade, Friday, November 15, 2013

5. PRESENTATIONS

John Boutin spoke about the help that would be extended to Isabella due to efforts to raise awareness of Isabella's unique medical condition.

Broward County Commissioner Chip LaMarca presented Isabella and her family with a Proclamation from the Broward County Commission declaring Saturday, October 26, 2013, as *Isabella-By-The-Sea Day* and a key to Broward County.

- a. Proclamation – March of Dimes 75th Anniversary & Prematurity Awareness Month (Mayor Roseann Minnet)

Mayor Minnet read a proclamation acknowledging March of the Dimes' 75th Anniversary, and declaring November 2013 as Prematurity Awareness Month.

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Cindy Geesey announced she was relocating to Sebastian, Florida and thanked the Town Commission, staff, residents and business owners that she worked with in service to the community. She gave an update on the USO's Rest, Romance & Relaxation Program and announced that former Commissioner Chuck Clark would be taking over coordination of the program.

Edmund Malkoon thanked Cindy Geesey for her efforts and contributions to the Town, presenting her with a plaque to acknowledge her contributions.

Adam Geesey voiced concerns about the Memorial Benches Program that allowed citizens to donate benches for public use in honor of their loved ones, as the plaques attached to the benches deteriorated over time. He recounted their efforts to discover from Town staff how to restore and maintain the plaques. However, a few weeks ago, Assistant Town Manager Bentley (note: it was actually Municipal Services Director Don Prince who had contacted the Geeseys) informed them, due to the changes in the Town's downtown area, the benches were no longer needed, but Mr. and Mrs. Geesey could take their bench, which they did. They found the experience very hurtful, as the benches were bought to honor his wife's parents, and they felt the Town should honor the commitment set by the program. He believed there was a unilateral decision to stop the program without a full discussion before the Town Commission.

Dennis Ritchie expressed his support of the first Charter Amendment. He thanked Adam and Cindy Geesey for their contributions to the Town and their friendship, saying they would be greatly missed.

Ellen Zavell, Manager of the Driftwood Beach Club and President of their Lodging Association, requested that the Town Commission consider their grant application under the Hotel Improvement Program (H.I.P.) despite its discontinuation in the new fiscal year, as they had been unaware of that decision.

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 – September 2013 (Captain Fred Wood)

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

b. AMR Monthly Report – September 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 – September 2013 (Fire Chief Judson Hopping)

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

Town Manager Hoffmann and , and advised Town staff recommended approval of the Hotel Improvement Program (H.I.P.) grant application for \$14,000for for the Driftwood Beach Club, as they had worked on the application all summer and submitted it in September. She indicated they planned to do MIMO restorations, making them eligible to receive up to \$30,000; they already received \$13,000 in H.I.P. grant funds, so the request for an additional \$14,000 was still within their allowed amount.

Commissioner Brown stated monies for H.I.P. grants came from funds collected by the Town through code enforcement and not from general tax revenues.

Commissioner Dodd made a motion to approve the H.I.P. grant application submitted by Driftwood Beach Club. Commissioner Vincent seconded the motion. The motion carried 4-0. Mayor Minnet recused herself from voting.

Ms. Zavell gave a brief review of the improvements planned for the Driftwood Beach Club.

Town Manager Hoffmann reviewed her report as shown in the backup, highlighting:

- The Pelican Hopper - quarterly ridership figures
- An update on the lawsuit against Broward County by Broward cities for Resource Recovery Board (RRB) assets; correction - the amount sought by the cities in the lawsuit was \$150 million, not \$15 million as stated in the report.
- She recommended sidewalk café fee waivers for restaurants directly impacted by the Commercial Boulevard project construction, and four free months' rental of sidewalk space for existing restaurants in that area that expanded their sidewalk café space or wanted to have space for the first time.

Mayor Minnet thought the Town needed to include how sidewalk cafés were to be maintained in the licenses.

Town Manager Hoffmann affirmed Town staff would be including language in the sidewalk café agreement that business owners were responsible for keeping the sidewalk clean.

Vice Mayor Sasser supported staff's recommendations for changes to the sidewalk café agreement. It should be kept in mind that a parking agreement was associated with sidewalk cafés. He felt the Town needed to consider all its options before signing some of the agreements.

Mayor Minnet concurred, noting she wished to prevent anyone utilizing the sidewalks without a sidewalk café agreement with the Town.

Town Manager Hoffmann sought clarification from the Town Planner as she recalled that there were no parking space requirements for sidewalk cafés.

Town Planner Connors affirmed sidewalk cafés were not required to provide parking spaces for the sidewalk café seats, but parking had to be provided for outdoor dining space on the business' property. This was because the Town could repeal its permit to the restaurant for sidewalk café space. She said, on the issue of maintenance, the current permit application contained a provision requiring business owners to pressure wash the sidewalks in front of their business monthly.

Town Manager Hoffmann felt that requirement needed to be increased as far as frequency.

She continued her report:

- LPR cameras - The vendor was requesting an extension to the end of December for the installation of the cameras. In exchange they would give the Town an additional year's service and support at no cost. . She said the liquidated damages, if the project remained unfinished until December 31, 2013, would be \$26,000. The vendor indicated they would likely default on the contract rather than pay \$26,000. Town staff needed to investigate if the vendor completed projects with other cities, and if the cameras were operational. The Town had two options: 1) work everything out and come back to the Commission at its November 11 meeting with a proposal; or 2) the Town Commission could authorize the Town Attorney and Town Manager to determine the best course of action, as the vendor had a \$55,000 deposit from the Town.

Commissioner Brown supported the recovery of the Town's money, and then look for another vendor. He advised the Florida League of Cities was placing the license plate reader cameras at the top of their list of lobbying priorities to bring before the Florida Legislature in 2014. If passed, FDOT would have to allow cities to place cameras on

traffic signal arms. He noted the need to place the cameras on private property had added to the cost and time of the Town's LPR project.

Commissioner Vincent asked if the Town received an expense report from the vendor after they received the \$55,000 deposit from the Town, and where were the funds.

Town Manager Hoffmann replied no report was forthcoming, as the details of her update on the project unfolded only over the last few days.

Commissioner Vincent desired a report from the vendor.

Town Attorney Trevarthen affirmed the report could be requested; the total contract was \$159,000 with a \$55,000 deposit made within ten days of the notice to proceed.

Commissioner Vincent suggested setting up a joint escrow agreement between the Town and future vendors, with no funds spent until the work began.

Town Attorney Trevarthen believed such terms could be included in a contract.

Town Manager Hoffmann commented the Town usually refused to put down deposits, but all three companies that bid on the project required a deposit and she had negotiated the deposit requested down from 50% to around 30% of the total project cost.

Commissioner Dodd said the Town Manager and Town Attorney should develop a strategy to include possible legal action to retrieve the Town's money. Town staff had to decide, based on whether the vendor completed projects in other cities, if they should work with the current vendor to complete the project by the end of December.

Mayor Minnet concurred with Commissioner Dodd's comments on how to proceed.

Commissioner Dodd made a motion to authorize the Town Manager and Town Attorney to negotiate and take action as deemed necessary. Commissioner Vincent seconded the motion. The motion carried 5-0.

Town Manager Hoffmann asked for clarification. Was the Commission giving her and the Town Attorney authority to execute an amendment to the agreement if they believed that was the best course of action. Commissioner Dodd indicated that was the intent of his motion.

b. Commercial Boulevard Projects Update – Verbal Report (Project Manager, State Contracting & Engineering Corporation (SCEC))

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

- West Commercial Boulevard - still waiting for parking lot lights and banner poles;; pay stations installed; paver installations began in the NW quadrant; working at night on the Commercial drainage to stay on schedule
- East Commercial Boulevard - the slab had been poured for the Water Plaza; tree installations and the seating wall going around that plaza were in progress; drainage completely installed on the East Commercial project; Florida Power & Light (FP&L) installed the temporary pole, and the permanent pole was ready for removal; difficulties getting pedestrian traffic through the congestion at Mulligan's; the worst likely situation would be a week when the sidewalk was torn up on the Village Grille's and Aruba's side.

Town Manager Hoffmann asked if the blue and white pavers going into the water plaza would be installed soon.

Mr. Carty responded they would be delivered on October 23 and installation would start immediately.

Vice Mayor Sasser inquired if a date was established to open the blocks on east Commercial Boulevard to traffic.

Mr. Carty replied they were unlikely to open to traffic until the end of November, first week in December, as that was the location of the last paver installation.

Vice Mayor Sasser questioned if the pavers would be sealed to help prevent staining.

Town Manager Hoffmann indicated the pavers would be sealed.

Commissioner Vincent commended Mr. Carty and Project Manager Albert Carbon for keeping the project on schedule; it was not an easy project, but was running smoothly.

Commissioner Brown said Mr. Carty and Mr. Carbon were doing a great job, asking if there was a line of demarcation as to how far a restaurant could have tables on the sidewalk, and how much space had to be set aside for pedestrians to walk through.

Town Manager Hoffmann replied there had to be a minimum of five feet of open sidewalk for the pedestrians; there was some discussion about getting some medallions, as in other cities, to mark on the sidewalk where the cafés could be.

Assistant Town Manager Bentley noted seating areas were normally next to the building, and Town Planner Connor's research revealed that in other cities, tables were placed further out on the sidewalks, as this kept pedestrians closer to the building. Business owners liked that, as it directed pedestrians nearer to window displays, while providing them with a shaded walkway; Town code was flexible about that placement.

Mr. Carty questioned if the pavers on West Commercial Boulevard would be sealed.

Town Manager Hoffmann said no since they were dark colors.

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

- a. September 10, 2013, Town Commission Meeting Minutes
- b. September 12, 2013, 1st Budget Hearing Meeting Minutes
- c. September 24, 2013, Regular Town Commission Meeting Minutes
- d. September 26, 2013, 1st Budget Hearing Meeting Minutes

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

11. CONSENT AGENDA

Pull items 11a, 11b, 11c, 11f, 11g, 11h and 11i for discussion.

- d. Special Event Application for "Patriots vs. Miami Dolphins" Loading and Unloading of Passengers (Assistant Town Manager Bud Bentley)
- e. Approval of \$9,100 for Additional Design Services by Flynn Engineering on the East Commercial Drainage and Streetscape I Project (Project Manager Albert Carbon)

Commissioner Dodd made a motion to approve items 11d and 11e on the Consent Agenda. Commissioner Vincent seconded the motion. The motion carried 5-0.

- a. Track Loader Mini Excavator Purchase (Municipal Services Director Don Prince)

Commissioner Dodd sought confirmation the purchase price included everything Town staff thought was needed.

Municipal Services Director Prince affirmed the final price was for all the vehicular equipment Town staff thought was needed now, but some additional attachments would also be purchased.

Commissioner Dodd made a motion to approve item 11a. Commissioner Vincent seconded the motion. The motion carried 5-0.

- b. Change order to Wayfinding Signs Contract (Assistant to the Town Manager Pat Himmelberger)

Commissioner Dodd asked if the contract included entry signs to the new plazas.

Assistant to the Town Manager Pat Himelberger responded the order did not include entryway signs to the plazas.

Town Manager Hoffmann mentioned Town staff was communicating with Hugh Johnson to design an attractive sign.

Commissioner Dodd made a motion to approve item 11b. Commissioner Vincent seconded the motion. The motion carried 5-0.

- c. Special Event Application for Marie White's Santa is Coming to Town (Assistant Town Manager Bud Bentley)

Commissioner Dodd thought clause six was redundant, as there were no parking facilities in the event area for the Town to charge for or close.

Town Manager Hoffmann explained clause six was a standard phrase in special event permits; if there was no parking, then the applicant did not have to pay for any.

Commissioner Dodd disliked standard permits with language that was not applicable. He requested that event permits be made event-relevant, including their clauses.

Commissioner Dodd made a motion to approve item 11c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- f. Approval of Additions to East Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) of \$47,493 for Underground Utility and Paving Revisions with SCEC (Project Manager Albert Carbon)

Town Manager Hoffmann clarified there was no need for any transfers, as there was sufficient dollars to cover the subject cost. The Commission only had to approve the GMP modification.

Commissioner Dodd made a motion to approve item 11f. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- g. Conceptual Approval of Special Event Application for Lauderdale-By-the-Seafood Fest (Assistant to the Town Manager Pat Himelberger)

Commissioner Vincent mentioned speaking to some downtown businesses who were opposed to this. He was unsure if he desired El Prado Park to be a food festival venue. He preferred it to be a cultural gathering for arts and crafts, beach events, etc., as the Town was beautifying the downtown area, and a food festival pulled business away.

Town Manager Hoffmann noted the Town's restaurants would be invited to participate in food festivals.

Commissioner Vincent reiterated his concern that holding food festivals at El Prado Park might be detrimental to downtown restaurants, asking Town staff to keep those restaurant owners informed when such events might come to the Town.

Commissioner Brown agreed with the concerns expressed by Commissioner Vincent, though he appreciated Town staff's efforts to bring events to the Town. He was unsure if food events were his priority over musicals or cultural events, adding that on Saturdays and Sundays, 10:00 a.m. to 5:00 p.m., the Town's parking spaces filled early.

Commissioner Dodd commented he attended a recent seafood festival in Miami that was spectacular, and many local restaurants were represented there. He supported such an event and requested an accurate accounting of the Town's expenditures to ensure taxpayers dollars were being spent wisely. The Town normally allowed parking along El Mar Drive if the event was Town-sponsored. He felt it was good exposure for the Town.

Vice Mayor Sasser wondered at the appropriateness of a food festival at El Prado Park, when the Town was doing downtown improvements to attract visitors to that area. As seafood festivals were relatively common, he doubted that would draw significant publicity for the Town, though he liked the idea of festivals in El Prado Park.

Mayor Minnet thought it was important to hear from the event planners, as there might be a misconception as to how the event was being organized.

Beth Jarvis, President of Events, etc., a Broward-based business, stated they welcomed the participation of the downtown restaurants in the proposed event, and there were other ways than being onsite at the festival for them to be involved. The name was meant to be catchy, but they did not intend the festival to be only about seafood, as local entertainment, dancing schools, bands, etc. would be invited to perform, and nautical-themed, local-based handmade craft vendors would participate.

Linda Brown with Events, etc., added, as the event would be on the beach, they were considering having children participate in sculpting a sand sculpture that included the Town's logo.

Vice Mayor Sasser requested further exploration of event attractions besides seafood. He asked about Events, etc. fees charged to the Town to organize the subject event.

Ms. Jarvis replied their company did not charge the Town a fee, nor was there a flat fee. The agreement would be on an agreed-upon percentage split of the net proceeds generated from the sponsored sale of bottle water, wine and beer.

Town Manager Hoffmann reaffirmed the proposed event was Town-sponsored, and Events, etc. acted as an agent in managing and putting the event together. The Town would have some cost outlay and he hoped it would be recouped via revenue sharing.

Ms. Jarvis concurred, stating the Town's cost outlay was more manpower oriented, such as BSO, etc.

Ms. Brown added they hoped to work with some of the Town's charities, encouraging them to have a booth or participate in the water sales.

Mayor Minnet expressed full support for the proposed event, as it would attract people to the Town and get residents out. She commented the Town's businesses did not always work well together, which was unfortunate, so Town staff was working to find events that would attract visitors and showcase what the Town was all about. Such events led to people returning to enjoy what the Town had to offer in the future, and Town staff should be applauded for their efforts to bring events that would expose the Town to a wider audience. She favored moving forward with the event, asking staff to look further into the organization of the event to encouraged participation by the local community.

Ms. Brown mentioned working with local media, and one radio station was willing to sponsor the event with some \$60,000 worth of free promotional support.

Commissioner Vincent reiterated being open to events coming to the Town, but he saw nothing in the application that stood out, so he welcomed more ideas. He mentioned the Town had standard fees for such events, such as, \$500 for staff, \$500 for an electrician, \$2,000 for BSO, etc. He hoped the Town would at least break even with the subject event, as revenue would be lost with the giving up of 35 parking spaces.

Ms. Jarvis hoped to use the Minto parking lot for event staff parking. She had visited the Town's Fourth of July event, and observed that people parked and walked some distance for that event, even with construction going on.

Commissioner Brown supported moving forward with the event, as it was worth trying.

Town Manager Hoffmann noted staff's aim was to present the concept of the event for feedback from the Commission. It appeared there was a consensus to support the event, but with a modified concept. Town staff would work with Events etc... and bring the matter back to the Commission.

There was a Commission consensus for staff to come back with a modified concept.

- h. Special Event Application for Christmas-By-The-Sea (Assistant to the Town Manager Pat Himmelberger)**

Commissioner Dodd sought clarification as to the Chamber of Commerce's involvement in the Christmas-By-The-Sea activities, as it appeared the Chamber's participation seemed minimal. He believed the Chamber's withdrawal of its involvement appeared to be due to there being little money or mileage to be gained, so the Town would be responsible for all the activities.

Mayor Minnet observed silence as the answer.

Commissioner Dodd remarked the Town should look at other sponsored Chamber events to determine if it was to the Town's benefit to be a co-sponsor, splitting the proceeds 50/50 to take the steps desired to market the Town efficiently. Some events utilized Town facilities, so staff should explore this as a source of revenue.

Commissioner Dodd made a motion to approve item 11h. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- i. New Year's Eve Celebration Special Event Application for 101 Ocean, Aruba's and Village Grille (Assistant Town Manager Bud Bentley)

Commissioner Vincent believed one application had been submitted, with two more anticipated from Athena By The Sea and Azteca Fresh Mexican Grill.

Commissioner Vincent wondered if the Commission should approve all the applications at the same time to prevent any conflicts.

Assistant Town Manager Bentley said he had spoken with a representative of Athena's, and found no conflicts with what they would be proposing; it was consistent with Town staff recommendations. Athena's event was an integrated part of the maintenance of traffic plan laid out in the application being considered tonight. Town staff met with all the interested parties a number of times, and out of those meetings came the Chief's recommendation for the maintenance of traffic plan. He felt, for an event of this size, it was great for the Commission to make a policy decision on traffic plans for large event applications.

Commissioner Dodd stated he did not agree with allowing the Hamilton valet to use El Mar Drive, as set forth in clause 2b of the backup. The Town usually allowed self-parking on El Mar Drive, but in clause 2b, the area would be used for valet parking.

Assistant Town Manager Bentley clarified clause 2b was a condition Town staff put forward and that it was not being requested by the valet, noting it was only for the limited piece on El Mar Drive, from El Prado south to the event site. The goal was to accommodate a public valet parking the private business valet, as the valet was unable to use any of the public spaces, and several of the business valet parking locations were west of A1A or accessed A1A. Town staff believed if the number of cars that crossed A1A could be reduced, it was a safety benefit for pedestrians attending the event, and public parking on El Mar Drive would continue south of the event site, and north of El Prado in the median lane.

Commissioner Brown wondered if for such events the Town could incorporate into the permit application a requirement for cost sharing of a crossing guard or police officer at the A1A intersection.

Assistant Town Manager Bentley affirmed Captain Wood considered that factor, particularly important after 12:00 midnight when crowds left, and officers would be placed at that location.

Captain Wood indicated that on the Fourth of July event, BSO had four traffic officers dedicated to the A1A/Commercial Boulevard crossing; one officer would be insufficient. Though the Town paid its officers for the detail, BSO brought in additional officers to assist from its Traffic Unit at no cost to the Town. He explained the onsite supervisor would make a determination and place resources as needed.

Mayor Minnet agreed, as she repeatedly advocated for the Town to have a crossing guard at that intersection on Friday and Saturday nights.

Vice Mayor Sasser sought confirmation the Town extended the time for the Pelican Hopper on New Year's Eve, as people were likely to be drinking at the event.

Town Manager Hoffmann indicated the Hopper's time of operation would be extended by three hours.

Commissioner Dodd made a motion to approve item 11i. Commissioner Vincent seconded the motion. The motion carried 5-0.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None

b. Ordinances 2nd Reading

- i. Ordinance 2013-13: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, FOLLOWING TOWN COMMISSION REVIEW AND CONSIDERATION OF CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW BOARD IN ACCORDANCE WITH SECTION 2.7 OF THE TOWN CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENTS CONCERNING AMENDMENT OF SECTION 5.3 "TOWN MANAGER – APPOINTMENT, QUALIFICATIONS AND COMPENSATION," SECTION 6.2 "VICE MAYOR AND ACTING MAYOR PRO TEM," SECTION 6.3 "QUALIFICATIONS OF MEMBERS OF TOWN COMMISSION," SECTION 6.6 "FORFEITURE OF OFFICE," SECTION 6.7 "FORFEITURE HEARING AND PROCESS," AND CREATION OF SECTION 6.10 "VACANCY IN CANDIDACY FOR MAYOR-COMMISSIONER OR COMMISSIONER; "CALLING A SPECIAL ELECTION OF THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 11TH DAY OF MARCH 2014, IN CONJUNCTION WITH THE GENERAL ELECTION BEING**

HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION' PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE. (TOWN ATTORNEY SUSAN TREVARTHEN)

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

Vice Mayor Sasser wondered how each change would appear on the ballot.

Town Attorney Trevarthen directed the Commission's attention to page six, line 184, *Form of Ballot* where it illustrated exactly how the questions would appear on the ballot.

Commissioner Dodd made a motion to approve Ordinance 2013-13. Commissioner Vincent seconded the motion. The motion carried 5-0.

- ii. **Ordinance 2013-14:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, CREATING SECTION 30-10, "ADMINISTRATIVE ADJUSTMENTS" OF THE CODE OF ORDINANCES 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. (TOWN PLANNER LINDA CONNORS)

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

Commissioner Dodd made a motion to approve rescheduling the consideration of Ordinance 2013-14 to the Commission meeting of November 12, 2013. Commissioner Vincent seconded the motion. The motion carried 5-0.

13. RESOLUTIONS – PUBLIC COMMENT

Town Planner Connors introduced Gabriela Sanchez, an architecture student and intern with the Town for the past eight months, noting Gabriela had worked hard on item 13a, focusing on the MIMO architecture of the Town. She would be leaving to work with a local architect and was thanked for all her help to Town staff and in the design of the manual.

- a. **Resolution 2013-47:** AMENDING ARCHITECTURAL DESIGN STANDARDS MANUAL TO INCLUDE A CHAPTER ON SIGNAGE – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A SIGNAGE CHAPTER TO BE ADDED TO

THE TOWN'S ARCHITECTURAL DESIGN STANDARDS MANUAL;
PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE
DATE. (TOWN PLANNER LINDA CONNORS)

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

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

- b. Resolution 2013-48:** AMENDMENT TO FISCAL YEAR 2014 BUDGET – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2013/2014 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. (FINANCE DIRECTOR TONY BRYAN)

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

Finance Director Bryan reviewed the changes noted in the backup, stating just prior to the present meeting, he realized a mistake he made in preparing the document related to the West Commercial Boulevard project. Specifically, the proposed increase in the budget of the current Fiscal Year budget by which did not need to occur, because the amounts retained for work done on the West Commercial Boulevard project done in the previous fiscal year had to be accounted in the last fiscal year and not in the current fiscal year. Finance Director Bryan reviewed other revisions, noting he would supply the Commission with a corrected revised version of the FY 2013/2014 Budget.

Commissioner Dodd made a motion to approve item 13b with the changes recommended by Town staff. Commissioner Vincent seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

- a.** Quasi-Judicial Request Pursuant to Section 30-56, of the Town's Code of Ordinances for Conditional Use Approval for Paid Private Parking in the B-1 Zoning District (2 Commercial Boulevard) (Town Planner Linda Connors)
- b.** Quasi-Judicial Request Pursuant to Section 30-56, of the Town's Code of Ordinances for Conditional Use Approval for Paid Private Parking in the B-1 Zoning District (216 Commercial Boulevard) (Town Planner Linda Connors)

Mayor Minnet hoped the subject items would be considered no later than the next Commission meeting.

Town Manager Hoffmann concurred, stating the Town would begin enforcement action on the violations if the item required were not submitted in time for consideration at the November 12, 2013, meeting.

Commissioner Dodd thought the actions should have been resolved by now, noting he confirmed Town staff was not the reason for the delay.

Commissioner Dodd made a motion to delay consideration of items 14a and 14b until the November 12, 2013, Commission meeting with no further delay. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

15. COMMISSION COMMENTS

Commissioner Dodd briefly reviewed a recent Hillsboro Meeting. He also attended the Magistrate's hearing on October 21, stating FP&L sent representatives to help explain the Town's position regarding trees. Town staff should consider the use of the Neighborhood Improvement Grant as a possible source to fund compensations to homeowners for trees removed by FP&L.

Mayor Minnet thought Commissioner Dodd's suggestion on tree removals was good.

Commissioner Brown said on October 31, 2013, the Town would sponsor its annual Halloween festivities at Jarvis Hall from 6:00 p.m. to 8:00 p.m.; this year would be scarier than in the past. Everyone was invited and anyone interested in sponsoring a candy table could contact Town Hall.

16. OLD BUSINESS

None

17. NEW BUSINESS

a. Parking Permit for Businesses (Commissioner Chris Vincent)

Commissioner Vincent clarified there were a few commercial property owners that purchased resident parking permits when Town policy allowed it until 2011, when the Commission changed that policy. A commercial property owner asked that the Commission consider reinstating this policy, and Commissioner Vincent recommended the Commission allow commercial property owners one parking permit.

Commissioner Brown understood Commissioner Vincent's position, but he believed if one business owner was given the opportunity to purchase a residential parking permit it opened the door for other business owners.

Commissioner Vincent pointed out this related only to property owners not the tenants/business owners.

Commissioner Brown reiterated his concerns about opening up the program to too many and he preferred to support a separate program.

Commissioner Dodd explained the original program put forth by him was designed to help residents use the Town's local shops and facilities. He was against expanding the program to include "property owners", agreed with Commissioner Brown that it might open doors that should remain closed.

Vice Mayor Sasser concurred with Commissioner Brown's feeling on the subject matter.

Mayor Minnet added this was a resident permit pass, not a property owner's pass. She felt the Commission was moving onto a slippery slope of continuing to give parking spaces away. Town staff and the Commission needed to look at the results of the upcoming parking study before considering any more levels of permit parking to the community.

Mayor Minnet believed Town staff was currently overwhelmed, asking if the Commission felt, at present, this item was a priority.

Vice Mayor Sasser said it was not until all the downtown improvements were complete.

Mayor Minnet suggested deferring the matter to the new Commission in March 2014. The Commission concurred.

- b. Application to Hold a Beach Hardware Luncheon on the West Commercial Promenade proposed for Friday, November 15, 2013 (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the application as detailed in the backup.

Vice Mayor Sasser wondered if the applicant held the subject event, would it hinder their ability to hold a grand opening event.

Commissioner Dodd made a motion to approve item 17d (under Staff's 2nd Recommendation) to approve the event. Commissioner Vincent seconded the motion. The motion carried 5-0.

Town Manager Hoffmann believed it would, as Town staff recommended waiving the fee based on that premise.

Mayor Minnet expressed concern that a resident/business owner would be unaware of the event, and the Town was a very small community of very sensitive residents and businesses. She asked if such events would continue to appear on meeting agendas.

Assistant Town Manager Bentley said no, but the Commission would receive emailed notices of the events. For larger events, applicants were required to provide notice to persons in the immediate areas.

Commissioner Dodd made a motion to approve item 17b (under Staff's 1st Recommendation) to include allowing staff to administratively approve this type of event with the condition to send notifications to those affected in the immediate area, and put a fee limit of \$100. Commissioner Vincent seconded the motion. The motion carried 5-0.

Mayor Minnet reported on receipt of a \$1,000 donation check from the law firm of Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. for the Town's new Christmas tree and thanked them on behalf of the Town.

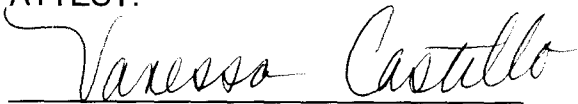
18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:25 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo

11/13/13
Date

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>MINNET ROSEANN ALEXIS</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>TOWN OF LAUDERDALE-By-The-Sea</i>	
MAILING ADDRESS <i>2000 S OCEAN BLVD #11E</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>TOWN</i>	
CITY <i>LBTS</i>	COUNTY <i>BROWARD</i>	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <i>LAUD-By-The-Sea</i>	
DATE ON WHICH VOTE OCCURRED <i>OCT 22, 2013</i>		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roseann Minner, hereby disclose that on Oct 22, 2013.

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

- ☐ inured to my special private gain or loss;
- ___ inured to the special gain or loss of my business associate, _____;
- ___ inured to the special gain or loss of my relative, _____;
- ___ inured to the special gain or loss of _____, by
whom I am retained; or
- ___ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

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

(Item 8a)
the company, of which I am the owner
did business with the contractor
on the project

October 22, 2013

Date Filed

Roseann Minner
Signature

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