TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, September 11, 2012
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, and Town Clerk June White.

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

There were no additions, deletions or deferrals.

5. PRESENTATIONS

a. Proclamation Recognizing and Expressing Support for the 11th Anniversary of 9/11 National Day of Service and Remembrance (Mayor Roseann Minnet)

Mayor Minnet read the proclamation into record.

b. November 6, 2012, General Elections Update (Public Services Director Mary Cooney, Broward County Supervisor of Elections Office)

Mary Cooney explained the different ways one can vote.

c. 2012 Recycling Plan – Public Comment and Commission Direction (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley noted the Town would be contracting with Vicky Eckels, who worked with Town staff on the Town's recycling grant application, to help with the implementation of the Recycling Plan by December 2013.

Mayor Minnet remarked the Commission needed to vote for one of the alternatives for the recycle program as recommended by Town staff. She asked Commissioner Dodd if he would make a recommendation to the Town Commission.

Commissioner Dodd agreed with Town staff's recommendation to select Alternative One.

Commissioner Brown felt if the Town wanted its recycling program to reach its full potential, steps had to be taken to gain the participation of the condominiums, as nearly three quarters of the residents of the Town lived in condominiums. He displayed a 13 gallon recycle waste can the Town utilized in Town Hall, that seemed large enough for a condominium to store their recyclables daily and then drop them down the shute at the end of the day. As stated at the previous meeting, he was willing to experiment with a pilot program by engaging a number of condominiums in a recycling program.

Commissioner Dodd asked that those opting not to recycle, the City would charge more for trash collection. Everyone who was conscientiously recycling was lowering everyone else's trash collection. This was an issue he wished to explore in the future.

Commissioner Vincent understood identifying information would be etched on the top of the cart for informational purposes as to what should be placed in the recycling bin.

Assistant Town Manager Bentley affirmed this to be the case.

Commissioner Vincent respected everyone's choice as to whether to take a recycling bin, but the Town should proceed cautiously with regard to considering charging those that opted not to recycle more for their trash pickup.

Assistant Town Manager Bentley explained one reason for going to another receptacle, was that yard waste carts had air vents to allow it to breathe, whereas regular garbage carts had no vents.

Mayor Minnet looked forward to the implementation of the Town's Recycling Plan and thanked Commissioner Dodd for bringing the matter to the forefront. With regard to the recycling bins and condominiums, she would investigate what each condominium did with regard to recycling and find out what they felt the Town could do as a community to improve the recycling collection process. In this way, the Town could make an educated decision on what to do to get the condominiums on board with its general recycling program.

Mayor Minnet opened the meeting for public comment.

Bill Vitollo questioned when the yard waste would be picked up.

Assistant Town Manager Bentley explained, during the trial period, yard waste receptacles would be picked up at the same time as regular garbage twice weekly. When Town staff was able to determine the level of interest in yard waste disposal, the service would be changed to a new receptacle that would be collected once a week by a different truck than the regular garbage truck.

Mr. Vitollo believed three disposal cans would create issues. Presently, many people did not store their garbage containers out of sight, leaving them in their driveway. He wanted to know if the Town would enforce the placement of disposal receptacles behind fences.

Edmund Malkoon mentioned Recycle Bank was a company that assisted municipalities increase recycling participation by rewarding households with recycling dollars that could be spent in any retail establishment. He stated the company had a good reputation, increasing participation in recycling programs by 600 percent in the municipalities they served. He asked if anyone from the Town Commission or staff looked into the possibility of working with Recycle Bank; he knew they would provide the carts for free. He expressed surprise that after the last storm there was no branch pickup, as he thought the Town had an emergency trash pickup service independent of Choice. He had been advised after the storm he would have to wait for bulk pickup or try to fit them in the trash cart. He had so much yard waste due to the effects of the storm, he had to pay someone to remove it or risk code violations. Various areas of the Town were having issues with inconsistent trash pickup, such as in Bel-Air, Terra Mar and in his neighborhood, and he hoped Town staff would look into the matter. He supported the implementation of a yard waste program and more frequent bulk pickups.

Patrick Pointu preferred the Town allow residents to select the size cart they wanted. It would be good for the carts to have stickers with information on the days of collection, so residents would not have to keep trying to remember which days of the week pertained to the various types of trash. He asked who would be responsible for the maintenance of the carts. Currently there were garbage carts with parts missing, and he wished to know who was responsible for fixing or replacing the carts.

Ron Piersante was concerned with the proposed reduction in the size of the regular garbage can from 96 gallons to 65 gallons. He echoed concern that the carts would not be stored out of sight as they should be, particularly if there were three for each disposal category. He said the key to the success of the recycling program was education, as well as allowing residents the option of choosing the size of their garbage cart. On the matter of the yard waste program, he wondered whether yard waste could no longer be put out on bulk pickup day.

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

Town Manager Hoffmann said, Town staff met with Recycle Bank representatives, and talked to staff from other cities that used Recycle Bank. The advice from some of the cities using Recycle Bank was that the easiest and most effective way to increase recycling was to go to larger recycling carts. She noted they also told Town staff they had many problems with the scales on the Recycle Bank trucks, as each property owner's recycle bin was weighed to determine the reimbursement or gifts they sent. The third problem was the cost to use Recycle Bank was not minimal. Town Manager Hoffmann indicated such factors contributed to Town staff's recommendation in the Town's recycling plan to go with the larger, mobile recycling cart.

Assistant Town Manager Bentley responded the reason the Town had no special pickup of yard waste after Tropical Storm Isaac had to do with cost and whether or not the Town would be reimbursed for it. Town staff felt the volume of yard waste after the storm was not great, and it was only two weeks until the next bulk trash pickup.

Assistant Town Manager Bentley added staff had advised, in this case, yard trash could be left out on the sidewalk and property owners would not be cited. On the issue of allowing duplex or multifamily uses to keep the 95 gallons, he said they had the option of keeping those carts. With regard to the maintenance of the carts, the Town's garbage contractor undertook that task, and there was a standard in their contract that they had a set number of days after being called to either fix or replace a cart. On the issue of putting out yard waste on bulk pickup date, he indicated there would be no restriction, as bulk pickup would always be predominantly yard waste.

Commissioner Dodd believed a resident could call once for a special bulk pickup at no charge; he was unsure if many citizens were aware of this service.

Assistant Town Manager Bentley confirmed they could once per year. Special bulk pickups could be scheduled and paid for by the customer. He hoped to use a part of the grant dollars to update the Town's website with regard to information on trash pickup services that would contain all the various services available to the community. The free bulk pickup outside the regular monthly pickup was once a year.

Mayor Minnet sought clarification on the day of the bulk pickup in the northern and the southern portion of the Town.

Assistant Town Manager Bentley replied the regular monthly bulk pickup in the south was the first Thursday of the month; the bulk pickup in the north was the first Friday after the first Thursday.

Mayor Minnet thought there were some great suggestions by the public. She asked if Town staff considered the recommendation to keep the 96-gallon carts.

Assistant Town Manager Bentley answered yes. They expected multifamily buildings with their limited space to want to keep the 96-gallon carts.

Commissioner Vincent wished to confirm the current 96-gallon cart was to be relabeled for yard waste, this meant residents would receive a new cart for regular trash, whether 65 or 96 gallons.

Assistant Town Manager Bentley affirmed everyone would receive two new carts: blue for recyclables, and black for regular trash.

Commissioner Vincent believed Mr. Piersante's question was whether residents would be allowed to keep an extra 65-gallon blue cart for trash.

Assistant Town Manager Bentley answered no, the Town would not use blue 96-gallon carts for trash; trash carts would be black, either 65 gallon or 95 gallons.

Town Manager Hoffmann thought Alternative One needed to be amended to reflect the choices the Town would offer regarding trash receptacles and service.

Commissioner Vincent felt too many factors were being left open, and the Town Commission needed more consensus as to what the exact options were.

Town Manager Hoffmann recommended the following language be added to Alternative one: where it stated "Each household will receive a new, black 65-gallon trash cart, and a new Pepsi blue 65-gallon recycling cart"; add, "Upon request, the Town will substitute a 95-gallon black trash cart or a 35-gallon blue recycling cart."

Assistant Town Manager Bentley said the language was already included that residents could keep their 96-gallon blue cart for yard waste.

Commissioner Dodd made a motion to adopt Alternative One, amended to allow residents, upon request, to have 96-gallon trash cart and a 35-gallon recycling cart. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

6. PUBLIC COMMENTS

Bill Vitollo preferred taxes to remain as is rather than lower them. Regarding parking for divers, he did not support free parking at night. There would be no way to know if they were actually diving or simply using the free parking while doing other activities in the Town. He believed the Hotel Improvement Program (HIP), should not cover hurricane windows in any hotel/motel; he agreed with painting, resealing the parking lot, awnings, landscaping and stucco work if needed. On the issue of code violations, people should be allowed 60 days to correct violations without being fined, and people with outstanding violations seeking a permit should be delayed in getting the permit until they corrected the violation or paid the fine.

Vito Chiarello supported the Town's recycling program. He was not against the HIP but wondered how well thought out it was, as it seemed the Town's involvement in facilitating such improvements went beyond what he thought necessary. He wondered if

the Town would prepare a resolution or ordinance requiring new construction to be plugged into FP&L when a generator ran for ten to 12 hours a day nonstop.

Edmund Malkoon thought the HIP program was to aid small hoteliers in bad economic times, helping them raise the standards of their establishment and, thereby, the surrounding neighborhood. However, the program the Town approved would be beneficial to only eight properties that had already spent considerable sums to reach and maintain the Superior Small Lodging standards. He said if the Commission wished to keep this program, they should reconsider the criteria, so any small lodging had an even playing field from which to apply for the grant money. They should be focused on working towards those standards, improving the overall appearance of the hotel industry of the entire Town. The program requested a 50 percent matching grant, and he wondered if the rules of the program had changed and asked for clarification of the program qualifications. Hoteliers considering the program might be deterred by the thought that they had to come up with more money. Mr. Malkoon reminded the Town Commission the resident parking permits were up in September, and he was unsure if the Commission needed to vote on that matter, as they had in the past. He mentioned the Lauderdale-By-The-Sea Property Owner's Association would have another great informational session on September 20, 2012, at Jarvis Hall at 7:00 p.m. The topic, "Molding your home" would feature speakers on health issues, insurance and cleanup.

Arthur Franczak thought the Town Commission and staff indicated in order to help him and like business owners, it meant increasing the rates for single family homes, which was not something anyone wanted. However, the Town was moving forward with taking those very steps, and he questioned why the Town was doing something it did not want to do. He understood the rate was not based on the number of units, rather it was based on the number of bathrooms. Mr. Franczak believed the use of bathrooms in restaurants was different than that of a hotel; hotel use was more similar to that in a home.

Patrick Pointu congratulated the Town's new fire chief and president of the Volunteer Fire Department (VFD). He was pleased with their agenda and he would continue to support the VFD. Mr. Pointu believed, as other infrastructures were financed using ad valorem revenue, infrastructure improvements for sewers should be the same. The Town should make sewer charges simple and fair for everybody; ad valorem for fixed infrastructure cost, and pay-as-you-go based on individual water meters.

John Boutin observed the busier areas in St. Pete had flashing yellow lights activated by a button pushed by pedestrians prior to entering the crosswalk. On approaching intersections where pedestrians crossed, there was large white lettering "PEDXING" to alert drivers to their approaching an area where people might be crossing the street. Mr. Boutin stated the most innovative thing he saw was where there were no flashing lights at pedestrian crosswalks, there were orange or yellow flags with a large "X" in florescent silver, and there were holders next to the pedestrian crosswalk on each side of the street. People were taught to grab a flag and wave it around as they went into the crosswalk to alert everyone they were crossing the street; the flag was placed back

in the receptacle when they got to the other side of the street. There were numerous signs reminding drivers to stop for pedestrians in crosswalks as required by state law.

7. PUBLIC SAFETY DISCUSSION

Mayor Minnet asked about police officers' schedules and a description of CyberVisor.

Police Chief Oscar Llerena stated several years ago Broward County Sheriff Lamberti ordered all patrol divisions and deputies to transition away from a shift-based schedule to a squad-based schedule. This had been a collective bargaining issue due to the overwhelming desire from the deputies to go to a 12-hour scheduling system. A squad-based system was not conducive to the type of policing the Town needed, and it would be a detriment to go to that system. Sheriff Lamberti agreed to allow the deputies assigned to the Town an exemption and, after discussions with the union, Lauderdale-By-The-Sea is the only district that works a modified schedule of eight-hours, 12-hours, 12-hours, eight-hours, as opposed to a 12 on, 12 off, four days on, four days off shift. The Town's modified schedule allowed for shift overlaps so we have the level of policing. Chief Llerena explained CyberVisor was an agency-wide notification system, and the majority of notifications were about upcoming events, such as shredathons. There were times when CyberVisor was used in the district; for example, recently there was a situation where several unlocked cars were broken into, and they put an alert out to remind residents to remember to lock their cars. CyberVisor was not used for in-progress incidents because whenever a major incident happened in the Town, every deputy was out on the street working at the incident. For the Town's needs, it was more important to have the police staff out on the street addressing issues. He said CyberVisor was not a crime reporting system. He noted the Town was the only district that received such a comprehensive monthly report.

Vice Mayor Sasser thought there was a regular report that was sent out via email, as he knew his wife got them on her cell phone. He asked if there was a general way to sign up for such alerts or reports.

Chief Llerena indicated that was the CyberVisor system. People could log onto the Town's website or the Sheriff's website at www.sheriff.org, where a link would take you to CyberVisor.

Vice Mayor Sasser asked when the Town would move forward with getting cameras installed.

Town Manager Hoffmann stated that Town staff met with the LPR provider as the Town was running into some issues with the County not wanting cameras placed on County traffic poles. The state also objected to the cameras being put on their rights of way. She indicated the LPR provider went out with the Town's police and located the places the cameras would need to be installed to be effective, and it was found they sometimes had to be placed on private property. This meant having to approach those property owners and requesting permission to install the cameras on either their building or

elsewhere on their property. The costs would be approximately $200,000 if the Town was unable to convince the County to allow the Town to install the cameras on their lights. She added the cost would be about $35,000 less if the County allowed the Town to place signs on their traffic poles. The plan was to take the LPR quote to the County and ask why they would want the Town to spend an extra $35,000. If they continued to refuse, the Town could still move forward with their plan, getting agreements from the various property owners.

Town Manager Hoffmann commented every month the police chief gave the Town a very detailed written report. The report was on the Commission agenda and always available on the website; it included current crime statistics, policing issues in the Town over the last month, and it was worth reading.

Mayor Minnet concurred, stating it was public information that was always available on the Town's website. She encouraged citizens interested in participating a community watch program, to contact Chief Llerena, as he wished to get a program going in the Town but it required resident involvement.

Chief Llerena indicated the police were not allowed to set up neighborhood watches but they supported such activities and were willing to provide the training and facilitate meeting areas, but there needed to be community interest even if it were only a small group of people.

8. TOWN MANAGER REPORTS

a. Town Manager Status Report

Town Manager Hoffmann briefly noted the installation of upgraded street lighting in North Silver Shores by FP&L. She thanked Municipal Services Director Prince and his staff for the great work done before, during and after Tropical Storm Isaac.

Vice Mayor Sasser sought an update on the Town's agreement with Benihana.

Town Manager Hoffmann replied the Benihana attorney had informed Town staff he received no direction from his client. She was aware they were going through some major corporate changes.

b. 2012 BugFest Recap Report

Town Manager Hoffmann commented that BugFest was a huge success and Town staff was recommending the event be held again in 2013, as it furthered the Town's marketing goals for Lauderdale-By-The-Sea as a diving destination.

There was a Commission consensus to hold the BugFest in 2013.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen announced the shade session that was scheduled for September 12, 2012, was rescheduled for October 9, 2012, at 6:00 p.m.

10. APPROVAL OF MINUTES

a. July 10, 2012, Regular Commission Meeting Minutes

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

11. CONSENT AGENDA

Item 11b was pulled for discussion.

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

a. Special Event Application for the Lauderdale-By-The-Sea Art and Craft show proposed for Saturday and Sunday, October 27 - 28, 2012 (Assistant Town Manager Bud Bentley)

This item was approved on consent

b. High Noon Hotel Improvement Program Grant Agreement (Town Planner Linda Connors)

Commissioner Dodd felt the intention of the program was to match funds to be used for appearance improvements, and this could include upgrading windows for a more modern look. The funds were never intended to be used to replace existing windows for hurricane windows. The monies were for other appearance upgrades, such as landscaping, painting, pavers, etc. He felt inclined to deny the application, as it was not in the spirit or intent of what the HIP program. Town staff needed to reexamine how the program was worded to ensure the intention was clearly conveyed.

Vice Mayor Sasser echoed Commissioner Dodd's sentiments, noting he received numerous calls on the matter, and there seemed to be considerable sentiment in the community similar to those expressed by Commissioner Dodd. The program was meant to help small, struggling hotels to improve their surroundings via a fresh coat of paint, landscape upgrades, etc. Upgrading windows should not be considered beautification. He thought the dais and staff needed to revisit the program's wording.

Commissioner Brown was surprised to see an application for windows, as this was not part of the possible improvements discussed regarding the use of the funds. But the application met the eligibility standards, and this was the determination Town staff

made. He felt himself in a quandary, as he was concerned that if the Commission approved the application, similar requests would have to be honored, and this was not what the Commission intended the HIP for. However, if the Commission denied the application, it seemed unfair to Mr. Novak and other applicants whose applications were currently in the approval process. Commissioner Brown admitted not being very enthusiastic about the HIP program when it was first approved but it drew many favorable comments from the public, so he chose to support it. He would be amenable to a Commission decision to get rid of the program. He was afraid to approve applications for upgrades not considered in the various improvements discussed, and a precedent would be set, making it harder to enable the changes in hotels/motels the Commission sought through the HIP. He too received angry phone calls, with a lot of the comments directed at Mr. Novak, and this was wrong, as those comments should be directed to the Commission.

Commissioner Vincent noted the reason the Commission approved the HIP was to help motivate certain hoteliers to spend money on improving the façade and surrounding areas of their business. He did not believe the HIP, as it was outlined, excluded or limited funds for windows and recalled lengthy conversations with Town staff on various issues, such as improvements to courtyards not facing El Mar Drive or the beach, and windows were involved in that conversation. The application met the criteria as written currently; hence it's being approved by staff and placed before the Commission for a vote. He pointed out if the Town Commission and staff thought there was a need for clarity regarding the program, then that should be done going forward. He too was in favor of revisiting the matter. However, Mr. Novak did submit valid applications based on the program currently in place, and the Town needed to honor his application and make the adjustments to the program thereafter. He too had no wish to set a precedent by passing the HIP, only to renege after such an application was approved by Town staff. Commissioner Vincent suggested some thoughts to incorporate if the program were revisited: beautification and Town benefits were subjective elements and the only way to make it more objective would be to list what was felt to be beautification under the program and what was not. Such itemization would simplify the approval process. He wished to make a motion to approve the application and revisit any future applications of the HIP. He had no wish to rescind or renege on the program previously approved by the Commission.

Commissioner Vincent made a motion to approve High Noon's grant application. Commissioner Brown seconded the motion. The motion failed 2-3. Mayor Minnet, Vice Mayor Sasser and Commissioner Dodd voted no.

Mayor Minnet commented the very first item under the criteria for project selection was the visual impact of the project. She was unsure how installing hurricane shutters would improve the appearance of the property, though it would be a wonderful protective element for the owner. She did not want to see the program pushed aside. It was unfortunate that the first application to come forward did not meet the full criteria for project selection. The matter should be discussed in a different forum to ensure program guidelines, goals, etc. were processed correctly.

Commissioner Dodd wished Town staff to review the current wording of the HIP and determine if there could be better definitions for the upgrades critical to the improvement of the appearance of hotels. He would willingly approve an application for changes the High Noon undertook under the HIP that improved the visual appearance of the hotel, as this was the intention of the program. There was no way the Commission could consider the financial wherewithal of any of the businesses involved in the program, as the funds were specifically tied to funding changes that improved the visual appearance for hotels/motels in the Town. He recommended staff review the HIP and bring back recommendations to improve the clarity of definitions of acceptable improvements.

Vice Mayor Sasser asked that staff's review of the HIP include the input of the Town Attorney with regard to program's language to ensure there was nothing discriminatory in any of the requirements. The Town was small, and the hotels/motels that fit the criteria could be listed with the work that could be done to improve them. He too did not blame anyone for the subject situation surrounding Mr. Novak's application, noting it was a shortcoming by the Commission in the design of the HIP and not thinking of every aspect prior to voting. Mr. Novak's application gave the Town Commission and staff an indication of the need to make adjustments to the program.

Mayor Minnet supported Town staff revisiting the HIP and bringing recommended changes to the language to improve the clarity of acceptable façade upgrades to the Commission for consideration at its next meeting.

c. Application for Two (2) Hardship Parking Permits for the Beachside Village Resort, 4564 N. Ocean Drive effective October 1, 2012 thru September 30, 2013 (Assistant Town Manager Bud Bentley)

This item was approved on consent.

d. Selection of JC Consulting (Cecelia Ward) to Prepare a Comparative Report Between the Town and the County (Annexation Area) Zoning Regulations. (Town Planner Linda Connors)

This item was approved on consent.

e. Authorizing Town Participation in the Broward County Temporary Debris Sites Interlocal Agreement (Municipal Services Director Don Prince)

This item was approved on consent.

Mayor Minnet recessed the meeting at 8:55 p.m. and reconvened at 9:05 p.m.

12. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2012-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES TO ADDRESS PLANNING PRIORITY 5 TO ADDRESS PYRAMIDAL ZONING, IMPROVE THE PURPOSE AND INTENT OF EXISTING ZONING DISTRICTS, DELETE UNUSED PUD REGULATIONS AND IMPROVE INTERNAL CONSISTENCY BY AMENDING ARTICLE I "IN GENERAL"; BY AMENDING ARTICLE V "ZONING"; AND ARTICLE VI, "PLANNED UNIT DEVELOPMENT REGULATIONS", PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE – Priority 5.

Mayor Minnet inquired if the Planning & Zoning (P&Z) Board vetted the subject item.

Town Planner Connors answered the P & Z Board reviewed the ordinance at their last meeting and voted 3-0 to approve staff recommendations.

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input. She thanked Town staff for meeting with members of the Commission individually to review the item, as the documents were quite lengthy.

Commissioner Brown supported the proposed ordinance. He stated there was language in the Town code that was not affected by the proposed ordinance but was something he wished Town staff to put on their to-do list to address in the future. He had no desire to have government tell him or anyone else that for the six months during turtle season they had to close their drapes at sundown. Part of the enjoyment of living in a beach condominium was watching the moonlight on the ocean, the lights of passing ships, etc. He suggested adding language such as, "... shall be encouraged to implement measures ..." The current language in the code made it possible for a homeowner to be ticketed for having their drapes open at night and the light shining on the beach.

Commissioner Dodd made a motion to adopt Ordinance 2012-15 on first reading. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. Ordinance 2012-17: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 18, "TAXATION AND FINANCE" OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II "PUBLIC SERVICE TAX", SECTION 18-18 "AMOUNT OF TAX"; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Minnet opened the meeting for public comment.

Mr. Franczak thanked the Commission for the proposed ordinance, as it cut a fee that he despised, as these were hidden charges no one really knew about or understood in their bill. If money was needed, the Town could raise it through the millage rate. He

said whenever the Town remarked it could not lower the water rates, this was not true, as they could be lowered by eliminating the franchise fee. He said the fee was under the Town's control, so it seemed the Town was collecting five percent for doing nothing, as it did not own the pipes, and repairs were the responsibility of the supplier.

Mayor Minnet closed the public comment portion of the discussion with no one else wishing to speak.

Commissioner Brown said the Town was cutting the water tax everyone paid to the Town by 50 percent, which was no other Broward municipality was doing.

Vice Mayor Sasser wondered if were better to eliminate the tax completely, questioning the monetary impact of doing so.

Town Manager Hoffmann remarked this ordinance affected the utility tax; it was not a franchise fee. Municipalities had the authority under state law to levy utility taxes; it was one of the ways they funded themselves. She noted most cities charged the maximum allowed, which was ten percent, as the Town had done in the past. The reason for reducing rather than eliminating the utility tax was strictly monetary, as these monies went into the General Fund and helped fund the various Town services: police, fire, public works, development services, the administration, etc. The revenue loss was about $150,000 by cutting the utility tax in half.

Vice Mayor Sasser questioned if the reduction equated to a similar reduction in the millage rate.

Town Manager Hoffmann replied the millage rate would have to be increased if the utility tax were eliminated completely.

Commissioner Dodd commented if the decision was made to eliminate the utility tax completely, the millage rate would likely have to stay the same as it currently was rather than lowering it to accommodate the elimination of the utility tax.

Town Manager Hoffmann recommended approving the proposed ordinance as is on first reading.

Commissioner Dodd made a motion to adopt Ordinance 2012-17 on first reading. Commissioner Vincent seconded the motion. The motion carried 5-0.

Mayor Minnet indicated Town staff recommended the Commission waive their policy of waiting a month between first and second reading of ordinances, so the subject tax relief for Lauderdale-By-The-Sea residents and businesses could take effect more quickly. Both the Cities of Fort Lauderdale and Pompano advised Town staff they could implement the change in the first billing cycle starting in October 2012.

Commissioner Dodd made a motion to fast-track Ordinance 2012-17 for second reading at the September 24, 2012, regular Commission meeting. Commissioner Brown seconded the motion. The motion carried 5-0.

2. Ordinances 2nd Reading

a. Ordinance 2012-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING" OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES TO ADDRESS PLANNING PRIORITY 4 BY ESTABLISHING NEIGHBORHOOD COMPATIBILITY STANDARDS AND ADDRESSING SAFETY AND HISTORICAL AND ARCHAEOLOGICAL RESOURCES, BY AMENDING SECTION 30-71 "DEVELOPMENT REVIEW REQUIREMENTS"; AND BY AMENDING ARTICLE IV "SITE PLAN PROCEDURES AND REQUIREMENTS"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Commission Priority 4 **Approved 1st reading at the August 21, 2012 commission meeting.**

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

Town Manager Hoffmann noted the Commission raised the question at the last meeting regarding the FAA requirements, and that was addressed in the Town Planner's memo. In addition, Town staff had added an NEV parking space standard.

Commissioner Dodd made a motion to adopt Ordinance 2012-14 on second reading. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Commissioner Vincent voted no.

13. RESOLUTIONS – PUBLIC COMMENT

a. Resolution 2012-35: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING FEES FOR THE USE OF JARVIS HALL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Minnet opened the meeting for public comment.

Mr. Franczak said it was his understanding the use of Jarvis Hall was supposed to be free for the Town's taxpayers, but it was not. Whether it was in use or sat empty, taxpayers' dollars funded its upkeep. Under this Resolution the Hotel Association would now be required to pay $300 per meeting. This would effectively shut them out of Jarvis Hall. He said, though they could meet elsewhere, what was the point of having a hall sitting empty; being able to use Town facilities free of charge was one of the privileges of living in Lauderdale-By-The-Sea. He asked how much it cost the Town to draft the resolution and the time spent in determining the different rates for the different

categories of users. He asked when the Town would recoup those costs with the proposed fees, particularly if no one paid to use Jarvis Hall; it seemed a waste of time to draft the resolution.

Mayor Minnet closed the public comment portion of the discussion with no one else wishing to speak. She noted the matter had been discussed for many years.

Commissioner Brown suggested two tweaks to the current rate chart. At the last Commission meeting, resident Eric Yankwitt mentioned a charitable program he personally sponsored out of his own pocket; that is, paying for Thanksgiving dinners for the needy. Mr. Yankwitt did not ask to distribute the dinners at Jarvis Hall, but he was an example of an entity that fell between a resident and a civic association or not-for-profit located in the Town. Along with the $100 refundable deposit, he would have to pay $25 per hour as a resident to use Jarvis Hall, and that money would be better spent purchasing more food for the Thanksgiving dinners. For civic associations or local not-for-profit organizations, they would still have to pay the deposit but not the hourly rate. He thought the Commission should approve a hybrid category, whereby, if the event was a genuine not-for-profit endeavor, such as Mr. Yankwitt's effort, and Town staff determined the entity or individual would not make money using Jarvis Hall, they could be treated the same as any approved 501C3 business. Commissioner Brown said that historically, Jarvis Hall was not used for political purposes, and he was unclear as to why this was the case. He asked someone to explain this to him and, if unable to, he suggested creating another category, charging a political candidate $100 like everyone else, and charge them the same as a nonresident or nonlocal business, $200 for up to three hours. This was no different than renting Jarvis Hall for a wedding or a speaker's program or a POA dinner.

Commissioner Dodd thought Mr. Franczak had a point, recalling the matter came before the Commission for discussion several years prior. It might be prudent of the Town Commission and staff to contact Mr. John Thompson who might be able to shed some light on the matter. He believed the purpose of the Hall was for residents to use free of charge for the benefit of the community, and he did not want to go against any of the deeds or the terms under which the Hall was given to the Town.

Commissioner Vincent believed there were no current restrictions on the use of Jarvis Hall for political use, but the Commission was at liberty to establish such restrictions if it desired, though he was unsure if he was in favor of the Hall being used in this manner.

Town Manager Hoffmann clarified the reason Town staff included that language was due to their being unable to find anything that restricted the use of Jarvis Hall for political use, but people often said they thought that was the rule.

Commissioner Vincent thought any viable political candidate on the ballot seeking to represent the Town should have the right to come in, whether as a resident or nonresident, and speak to the community if they desired.

Mayor Minnet felt it sounded as though the resolution would be deferred for further discussion.

Vice Mayor Sasser asked if either the Town Attorney or the Town Manager knew if there were restrictions placed on the use of Jarvis Hall by residents for free.

Town Manager Hoffmann replied they had no knowledge of that.

Vice Mayor Sasser supported further research into the matter prior to a decision. Either way, he opined a deposit should be collected as suggest, but if you are in Town, whether a business or resident, use should be free, and only those from out of Town should be charged the hourly rate. He agreed with the need to save money, but it seemed that when the Town tried to enact such resolutions, it was chipping away at the Town's small-town atmosphere and what made living in Lauderdale-By-The-Sea great.

Town Manager Hoffmann commented if the Commission did not want to have a rental fee for local residents or businesses that decision could be made at present rather than have Town staff conduct research into whether there used to be restrictions.

Miguel San Miguel understood the Town Commission was asking if anyone knew about restrictions pertaining to the use of Jarvis Hall. He was a member of the Lion's Club that had a branch in the Town. They requested the Town allow the local Lion's Club to do the packing of the gifts for soldiers at Jarvis Hall, and the Town's administration asked the Club to provide proof of insurance, the $100 deposit, etc. He understood that when Jarvis Hall was donated to the Town, its use was to be free for the residents and taxpayers of the Town.

Commissioner Dodd wished to make a motion that local residents and businesses could use Jarvis Hall for free and those from outside the Town could use the Hall for a fee. He still preferred Town staff to research the matter to ensure there was no violation as to the use of Jarvis Hall; the matter could be deferred to the next Commission agenda to allow time for such research.

Commissioner Dodd made a motion to defer Resolution 2012-35 until the September 24, 2012, Regular Commission meeting with direction to staff to research possible legal restrictions on Jarvis Hall. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. **Resolution 2012-41:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF THE FIFTH MEMBER SELECTED BY THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Minnet indicated the recommendation was to approve the Board's selection of the fifth member and appoint Miguel San Miguel to the Firefighters' Pension Trust Fund

Board of Trustees, and to request the Board to ratify all actions taken by the Board that was appointed in the 2000 through to date of the ratification vote. She opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd made a motion to adopt Resolution 2012-41. Commissioner Vincent seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were no hearings.

15. COMMISSION COMMENTS

Mayor Minnet commended Town staff for all their hard work during Tropical Storm Isaac. She thanked members of the Commission that attended the Florida League of Cities (FLC) meeting, noting there were some very informative meetings there, and it was a great opportunity to meet one's fellow elected officials and to share information.

Commissioner Brown commended all Town staff for a job well done during Tropical Storm Isaac, as a lot of rain fell and the Town came through virtually unscathed.

Commissioner Dodd indicated no Hillsboro Inlet meeting was held. He enjoyed attending the FLC conference, particularly the networking opportunities and the first-class speeches that were given. He intended putting on the next meeting's agenda the issue of the reduction in the setbacks from 25 feet to 15 feet that occurred in 2007, noting it was an issue in the ordinance just passed, Ordinance 2012-15, line 284. It would be too complicated and too many changes to have held that ordinance up for this one issue, though it was an important issue, as he had complaints from residents.

Vice Mayor Sasser stated he was a known advocate for the Chamber for a long time but had concerns with the latest issue of the *Sea Breeze*. The front page of the newsletter displayed the Char House which was not a business located in Town. He understood the Chamber included outside members, but to give them the front-page display was concerning. The second page of the newsletter stated that an individual from Flip Flops Dockside Eatery was on the Chamber of Commerce Board of Directors; thus, there was a person that was not a local business owner serving on the Town Chamber's Board of Directors. Further into the newsletter, there was a special advertisement for this month's special on business cards for Minute Man Press, another outside business entity. Vice Mayor Sasser was aware the Chamber indicated their reluctance to help the Town with its Christmas event, but it seemed they were successful at garnering interest from outside the Town. It led him to wonder if those outside interests might not be in tune with the Town and what the Town needed and influencing that decision.

16. OLD BUSINESS

There were no items for consideration.

17. NEW BUSINESS

a. Town Way-finding Sign Design Selection (Assistant to the Town Manager Pat Himelberger)

Assistant to the Town Manager Pat Himelberger recommended Commission selection of the sign that incorporated the Adirondack chair as the most unique and closely reflected the Town's new brand.

Town Manager Hoffmann clarified the Commission was being asked to select Exhibit C, and select one of the background covers: green, yellow or orange.

Vice Mayor Sasser chose Exhibit C, but he would like to mix up the sign colors.

Commissioner Brown echoed support for Exhibit C, but felt having a multidirectional sign meant limited areas at which signs could be placed. When coming across the bridge on Commercial Boulevard going east, the single most important sign needed was one directing to parking; the second would be the Welcome Center, and the third would be the Town Hall. He asked if there would be any signs exclusively dedicated to only one of the three abovementioned signs, as this meant having only one directional arrow.

Ms. Himelberger believed the way finding signs that were multidirectional would be specific to the place they were meant to be placed, so the arrows would be appropriate for the area they were in.

Commissioner Brown continued to feel the biggest parking problem the Town had currently was the signage, and he hoped the Town was not limiting itself to only a handful of signs.

Ms. Himelberger replied they would not, as there were a family of approximately eight different signs and they would be different sizes depending on the need. They would all be design specific for the town.

Town Manager Hoffmann added signs would go throughout Town be implemented over a two-year period.

Commissioner Brown inquired if there was an extra cost using more than one color.

Town Manager Hoffmann responded there probably would be, but Town staff would let the Commission know if it was a significant cost.

Mayor Minnet liked C with multiple colors, but she did not want it to get too whimsical, as this might be a concern for FDOT.

Vice Mayor Sasser asked if the motion could state the Commission preferred the multiple colors, but if it had to be one color, then Option #4 was the preference.

Vice Mayor Sasser made a motion to approve Exhibit C in the random colors, but if there was a limitation on the colors, then orange color (4i) was the single color preference. Commissioner Dodd seconded the motion. The motion carried 5-0.

Town Manager Hoffmann thought the issue was very significant, as there had been constant requests for clearer signage the entire time she had been with the Town.

Mayor Minnet thought the option chosen looked great and complemented the Town's new logo.

b. Parking Reduction (Town Planner Linda Connors)

Town Planner Connors said staff recommended approval with staff conditions as listed in the backup.

Commissioner Dodd fully supported the application, but had an issue putting two parking spaces behind a building used for retail, so there should be a condition of approval that deliveries should be done from those rear parking spaces.

Town Planner Connors believed the applicant already did deliveries to the rear of the building, but Town staff could ensure this was being done at the site plan review and, if it was not being done, they could include it as a condition of approval.

Commissioner Vincent stated he was in full support of the application, querying if it were possible to do stack parking.

Town Planner Connors responded the Town did not currently allow that in the parking code, but it was something Town staff was considering as the Town's parking standards were reviewed. Thus, it was a possibility that the Commission would be asked at a later time if they wished to allow tandem parking.

Mayor Minnet wished to confirm if the applicant purchased the property, he would have to go through the Planning & Zoning process, including site plan approval and, ultimately, come for Commission approval.

Town Planner Connors answered correct.

Commissioner Dodd made a motion to approve staff recommended conditions:

1. The applicant will submit a unity of title for the two properties.

2. The existing parking spaces at 211 Commercial Boulevard shall be included in the site plan and revised to:

a. Remove the existing two (2) parking spaces behind the dumpster
b. Add landscaping in accordance with the Town's standards
c. Repave and restripe the entire parking area to provide parking spaces that meet the Town's standards.

3. Failure to meet the following dates will nullify the approval:
   a. A completed unity of title by March 29, 2013
   b. The submittal of a site plan application by December 31, 2013
   c. Securing a building permit for construction of the approved site plan by September 12, 2014.

The Commission added the condition that the store would use the two rear parking spaces for loading and unloading.

Commissioner Vincent seconded the motion. The motion carried 5-0.

c. Hardship Parking Permits Policy (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley said Town staff sought policy direction from the Commission as to what the hardship permit actually meant, after which Town staff would return with proposed amendments to implement that policy.

Town Manager Hoffmann pointed out the Town normally did hardship permits at the present time of year, asking if there was a rush to get the policy direction.

Assistant Town Manager Bentley answered no.

Town Manager Hoffmann stated Town staff could place the matter back on the Commission's agenda at a later time when there were less items for consideration.

Mayor Minnet thought this was fine unless a delay impeded the Commission's ability to vote on other hardship applications.

Town Manager Hoffmann indicated a delay would not create an impediment.

Commissioner Brown thought the Town needed to keep the process as simple as possible, and did not know why it was necessary to define who could and could not apply for a hardship parking permit. An applicant would simply go through the process and have their application approved or denied; this was the bottom line to focus on.

Mayor Minnet requested input from the Town Attorney, as she believed Attorney Trevarthen had some concerns regarding the definition and the interpretation of how the Town code was presently written.

Town Attorney Trevarthen said one particular concern was that the language could be interpreted in more than one way. She heard the Commission suggesting something completely different, which it was possible to do, but it would be changing Sec.19-26 to remove the limitation on who could apply. As the code stood, the code limited who could apply, and the question before the Commission was how that would be interpreted, and Town staff raised practical problems with the implementation as well as the impact of having the process handled the way the code was currently worded.

Commissioner Dodd experienced difficulty addressing the issue of when an existing building or structure was changed in use to a new use that would require more off street parking, whereby the new use should receive credit for the off street parking attributable to the former use. He questioned what would happen if the former use was a restaurant and it was changed to something else. He wished to know why an applicant was being given credit for the former use of the property and not given credit for what that use would have received at that time. It seemed the Town was giving the applicant too many credits. This was an issue he had a problem with going forward and preferred it answered at the present meeting, but he supported further discussion of the issue at a subsequent meeting.

Mayor Minnet suggested Town staff bring the entire matter back for discussion at a future Commission meeting, as it sounded as though each member of the Commission had questions and concerns.

d. Ocean Terrace Beachside Condominium Application for One Additional Hardship Permit – Three (3) Total for FY 2013 (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley said Town staff recommended the additional permit not be approved based upon the reasons stated in the backup.

Commissioner Brown thought the applicant was making a bit of a stretched argument as far as the existing hardship permits for the motels in the area, due to the hotel industry being seasonal. They might have five hardship permits, but they did not always use all the total hardship permits in the subject area year round. He inquired if Ocean Terrace Beachside had three condominium units, as they applied for three hardship permits, making it one per unit if there were three units.

Town Manager Hoffmann replied there were eight units, and they had five parking spaces onsite, though they were technically required to have 14 spaces.

Commissioner Brown surmised if they were granted the hardship permit, they would have eight parking spaces, one for each of the eight condominium units, with the understanding there was no guarantee there would always be a space available. Given the fact that this was an existing condominium that had eight units, and presumably all eight owners each had a car, it was unfair not to give each unit one parking space.

Commissioner Vincent stated he did not want to see anyone hindered and the requirement was 1.5 parking spaces per unit, making it 12 spaces, plus two guest spots, totaling 14 required spaces for the subject property. Currently, they had only five parking spaces, and the Town allowed the construction and the permitting to move forward, and the renovations were completed. He believed, as the Town previously granted the applicant the hardship permits, it was reasonable for the applicant to assume they would be able to renew them. The question was why the Town would allow the subject renovation and the permitting process to continue and then be so negative on the available parking spots on the property, when they would need one more hardship permit parking spot.

Assistant Town Manager Bentley responded the applicant's use was a legal, nonconforming use and they had a right to reconstruct under the Town's code, reiterating, historically, they had been granted two hardship permits. The property had been viable for 40 years with the two hardship permits.

Mayor Minnet asked, prior to the reconstruction, how many parking spaces were there that were not for code?

Assistant Town Manager Bentley replied the Town Attorney's advice was that the applicant provided six spaces onsite, but those six spaces would never have met code. Town staff's recommendation was to grant the applicant the two previously granted hardship permits and then revisit granting the third hardship after the Commission decided whether to change the existing hardship parking permit policy.

Commissioner Dodd noted the Town required the applicant to reduce the number of parking spaces from six to five as part of the reconstruction to meet the present code.

Commissioner Dodd made a motion to approve the two existing permits and Town staff's recommendation not to grant an additional hardship permit. Town staff would bring the item back after the Town's hardship policy was decided. Vice Mayor Sasser seconded the motion. The motion carried 4-1. Commissioner Brown voted no.

e. Application for Seven (7) Hardship Parking Permits for Fiscal Year 2013 for Parkhill Apartments, 4144 El Mar Drive (Assistant Town Manager Bud Bentley)

Commissioner Brown noted the application stated a renewal of seven hardship permits when only six had been granted previously. He wondered if this was a typographical error, or a deliberate request to add a seventh spot.

Assistant Town Manager Bentley replied the statement in the application was incorrect, and he could not speak to the intent behind the error.

Commissioner Brown felt the applicant inadvertently wrote seven when she actually meant a renewal of six hardship parking permits were being sought.

Assistant Town Manager Bentley indicated it was Town staff's recommendation to approve the six hardship parking permits.

Commissioner Vincent supported going with Town staff's recommendation.

Commissioner Vincent made a motion to approve granting six hardship parking permits. Commissioner Dodd seconded the motion. The motion carried 5-0.

f. Reports on Issues That Might Affect Granting a Business or Person A Special Events Permit or Licenses To Use Town Property (Mayor Roseann Minnet)

Mayor Minnet noted many people came forward to the Commission seeking special event permits and licenses to use Town, and she was concerned some of those making the requests might have outstanding code violations or unpaid fines. She wondered if the Commission wished to seek direction as to when property owners came forward with requests for special event permits or licenses to look into if they had any outstanding code violations during the application processes. Where there were existing code violations, Town staff could look at when the violation was issued and consider giving the applicant time to come into compliance.

Vice Mayor Sasser asked if Town staff was saying in the report there were problems with numerous people requesting permits or was it that many of the people asking for permits had fines levied against them for code violations.

Mayor Minnet clarified that if Town staff encountered persons requesting special permits that had outstanding code violations, should they be granted a special permit without those violations being first resolved.

Vice Mayor Sasser indicated he was trying to determine if the issue of discussion was truly a problem, hence his questioning the frequency of the occurrence. It was important for the Town to be careful in the actions it took, as there were already punitive actions to code violations, that is, fines. He was more than willing to increase fines if the existing ones were not sufficient to get a violator's attention, but outside that, other actions constituted a slippery slope. If the Town had a punitive device, it should seek to make it work and not pile on other ways to penalize violators, such as depriving them of a special permit or preventing them from participating in Town events.

Commissioner Dodd stated that while the Town should not regulate a business owner's right to be rude to their customers, it was a matter of concern that he received a number of serious complaints. He noted complaints from a local resident and two others from outside parties that vowed never to come back to the Town due to the treatment they received; complaints were so badly handled that BSO had to be called. Commissioner Dodd had a hard time supporting anyone's request that had outstanding code violations and did not think Town staff should even consider a request by someone with outstanding code violations. It was necessary for the Town to set a minimum standard

of a clean slate, and requested events or sidewalk café permits should be revoked until 100 percent compliance was achieved, and a second offense should earn a possible six-month suspension. He believed the Town Commission and staff were doing all they could to encourage tourism in the Town and spending taxpayers' dollars to do it. Therefore, the Town should use everything it could to bring pressure to make sure businesses did all they could to make tourists welcome. Thus, he supported not granting special event permits to those with outstanding code violations until they were brought into compliance, as well as looking at Vice Mayor Sasser's suggestion to consider increasing fines for various code violations.

Mayor Minnet reminded the Commission the issue had been brought forward only for discussion.

Commission Vincent appreciated attention being brought to matter, but he wanted to be careful when speaking about individuals with outstanding code violations, as a code violation meant they were summoned but not yet found guilty or fined. Thus, it was important for the Town not to deny permit application for a special event due to the existence of a violation that had yet to be heard by a magistrate or addressed within the time accorded for due process. If the applicant had their due process and had been fined as they were found to be in violation, and they had yet to come into compliance, then denial of the application for a special permit might be considered. He preferred to defer to the Town Attorney for direction, including whether fines could be administratively increased for violators that continued to be in violation.

Commissioner Brown agreed with the matter in principle, but he too was concerned about due process and that the Town not presume guilt in cases that had not been ruled on by the special magistrate.

Mayor Minnet believed the matter was one that could be looked at in the future, but it was not a priority for the present. She pulled the item for further research.

g. Resort Manager's Diver Parking Suggestion

Steve Gagas, owner of Gold Coast Scuba, thanked everyone for their support of the BugFest event. Since then his dive club grew by about 50 members. He was requesting the issuance of a special parking permit for divers during the offseason, as this was another way to welcome divers to the Town. He heard and understood divers' concerns, noting the restriction on diving at night was keeping them from parking close to the beach, particularly on weekdays. By giving a little leniency on the parking, more divers would be drawn to the Town. He mentioned Diving Equipment Manufacturers Association (DEMA) would hold an event in Fort Lauderdale in April 2013 and some 20,000 divers were expected to attend. He wished to promote Lauderdale-By-The-Sea at that event, so others and he were already making plans in this regard.

Commissioner Vincent understood Mr. Gagas' request, as carrying all of one's diving equipment some distance was difficult, and the last thing a diver needed to worry about

while in the water was whether they might get a parking ticket. The Town looked at parking exemptions for restaurants as a way of stimulating business, and Mr. Gagas' request was another such way, and would stimulate Mr. Gagas' business in the process. He felt comfortable granting the parking permit for use during off hours, but there was some ambiguity as to whether the parking was free, as it was not; they had to pay a nominal fee for a pass. If the Commission granted the request, there would be some concern that the divers might not actually be diving, and he suggested if the permit was hanging during hours parking was not allowed, then it was unlikely they would be diving. He too wished the matter to be looked into further.

Commissioner Dodd did not object to allowing for the evening hours on the parking permit, as the character of reef totally changed at night. He agreed with charging a nominal parking fee and thought the divers would self police the situation, and if they were caught misusing the permit, they would lose it; he was open to suggestions as to the amount of the fee.

Commissioner Brown wondered if the Town did this for divers, would there then be requests for special treatment from other businesses. He appreciated everything being done to promote diving-related business in the Town, and the Town was doing a lot of things to help support efforts, such as BugFest and the DEMA convention, and it might be possible to have a special permit in the weeks of those events. The whole point of having parking meters was to earn revenue and not to give away spaces. He asked if there was a maximum three-hour time on the meters downtown, as if one was out on a boat, it was possible to call in and add time on the meter.

Assistant Town Manager Bentley believed downtown parking was unlimited after 5:00 p.m.

Commissioner Brown stated the nighttime parking would not necessarily be a ticketing dilemma for divers if they put enough money in the machine to cover the amount of time they wished to dive.

Assistant Town Manager Bentley understood the request but pointed out Town staff needed to check how many hardship permits were issued for that location, as that could be a conflict.

Commissioner Brown inquired if those meters were more than three hours or was that the most parking time one could purchase.

Assistant Town Manager Bentley replied he would have to check into it.

Commissioner Brown suggested changing the time limit to five-hours. There were things he wished to do to support the diving industry in the Town other than provide free parking permits for divers.

Commissioner Vincent reiterated if the Town sought to identify Lauderdale-By-The-Sea as a diver-friendly community, there should be no problem granting Mr. Gagas' request. It was not about a few dollars in revenue, rather it was about image, something larger than a few dollars. He felt it was about convenience for the divers and their equipment.

Commissioner Dodd agreed with Commissioner Vincent that the Town was trying to encourage divers to come to the Town, and it was a small price to pay. They were the ones who were going to be paying for the parking permit; it should be on a first come/first served basis.

Vice Mayor Sasser asked if Mr. Bentley mentioned Town staff was unclear as to whether the request would interfere with hardship parking permits.

Assistant Town Manager Bentley reminded the Commission of the earlier discussion of the Park Hill applications in which 77% of those spaces were available to hardship permits. He did not know the data for Datura.

Vice Mayor Sasser preferred to know more about the information prior to moving forward, such as whether the request was for nighttime only.

Commissioner Dodd stated it was for both nighttime and daytime parking.

Vice Mayor Sasser inquired if Town staff had a specific reason for not allowing such parking at night.

Town Manager Hoffmann thought there might be a potential for abuse and wondered if there were any hardship parking permits in the area.

Vice Mayor Sasser wished the matter deferred to a date certain to find out more information regarding the hardship parking permit situation.

Commissioner Vincent suggested, until the research was done regarding the hardship parking permit, the Town could create a pilot program limited to the granting of 20 to 30 parking passes on a first come, first served basis, and put a cap on it. It was important to keep this as a positive movement rather than shooting down something he believed was a simple matter in which the Town could be proactive in stepping up to the plate.

Town Manager Hoffmann added Town staff proposed instituting a fee.

Mayor Minnet stated, as much as she enjoyed the divers being a part of the Town's community, she was not in favor of making the situation an open-door policy. She preferred to try it for the early morning only with a fee attached. The nighttime could be incorporated depending on how well the morning program worked, as there were issues with the hardship parking to be addressed.

Vice Mayor Sasser made a motion to defer this item to the September 24, 2012, Commission meeting, with direction to staff to determine the number of hardship parking permits there were in the Datura area. Commissioner Dodd seconded the motion. The motion carried 4-1. Commissioner Vincent voted no.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:45 p.m.

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White, CMC

Town Clerk, June White

November 13, 2012

Date

GuidewayLLC
GUIDANCE SYSTEMS

Lauderdale By The Sea • Design Options

Color Options For #4 Shown As Large Directionals with REVISED SHAPE

Enlarged View of:
36"(w)x60" (h)Large Directional with 3.50" letters
42"(w)x72"(h) Extra Large Directional with 4" letters