

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, June 25, 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, Municipal Services Director Don Prince, Finance Director Tony Bryan and Town Clerk Vanessa Castillo.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet requested to pull Item 17c – Nonprofit donation request after Item 7 - Public Safety Discussion

5. PRESENTATIONS

None

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Paula Valad, President of the Sea Ranch Club Condo Association, voiced support for the Beach Re-nourishment Project, but they were concerned with the use of the Pine Avenue portal for sand delivery and urged the consideration of an alternate site. They were disappointed in the timeframe of November and December for the project, as they were two busy holiday months.

Edmund Malkoon indicated the POA would announce the winner of the "Hometown Hero" at the Town's Fourth of July event and thanked the Mayor for her involvement. He also reported that the POA's membership increased by almost 35 percent. He urged the Commission to approve the funding for the USO Program and spoke on issues concerning the Beach Re-nourishment Project, the MPO's plan for an oval at the southern entrance of the Town, and the public safety complex parking plan.

Cari McCormack voiced support for the Beach Re-nourishment Project.

Ned Seibert stated his support for the Beach Re-nourishment Project.

John Boutin, Windjammer Resort, echoed support for the beach re-nourishment Project. He asked the Town to do marketing for businesses affected by work on the East Commercial Project.

Diana Kugler thanked the Town Commission for all their work and efforts on the East Commercial Project.

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 – May 2013 (Captain Fred Wood)

Captain Wood briefly reviewed the BSO monthly report.

Commissioner Brown asked the Chief Wood's opinion of how well the first weekend trial period of the all-red pedestrian crossing worked.

Captain Wood replied both Town and Broward County Traffic Engineering staff were present and noted some traffic backup, so the engineer made several adjustments, lengthening the green light for motorists going north and south on A1A and eastbound on Commercial, and most backups dissipated around 6:30 p.m. on Friday. He said that altering some of these times was discussed and perhaps pushing the start times back. Captain Wood also said that feedback from businesses and residents was positive and negative, mostly because this is something new so there is an education curve which is why deputies are out there for educational purposes and not enforcement.

Town Manager Hoffmann urged anyone with comments to visit the Town's website on which there was a link to a survey on the first page to enter their feedback.

Captain Wood said that he is referring those with feedback to the survey.

Commissioner Brown felt the backups he witnessed would worsen during season.

Captain Wood reiterated they were making appropriate time cycle adjustments.

Mayor Minnet believed the program would be very positive for the Town during season.

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

b. AMR EMS Monthly Report – May 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 – May 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.

Item 17c (FY 2014 Budget: Nonprofit Donation Requests) was discussed at this time

8. TOWN MANAGER REPORTS

a. May 2013 Finance Report (Finance Director Tony Bryan)

There was no discussion on the subject item.

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

Town Manager Hoffmann reviewed her report as reflected in the backup.

Commissioner Brown asked if the Town's temporary parking lot at the Minto site could be accessed from A1A.

Town Manager Hoffmann replied that the project designer applied for FDOT approval and FDOT had yet to respond.

Vice Mayor Sasser commended staff for providing the Biorock Reef update; and staff and the Pier owners for rectifying various issues.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen reported that there were new laws and changes to existing laws passed by the legislature and she would keep the Town Commission and staff updated. She would present the Commission with a budget amendment for the current year related to the increased legal services required to deal with the Town's distressed properties and the implementation of the County's new Ethics Code.

Vice Mayor Sasser thanked the Town Attorney for the work to alleviate the problem of the Town's distressed properties.

Mayor Minnet encouraged the Commissioners to attend code enforcement meetings, as she felt her presence at the meetings had been helpful to the process. Residents should attend to inform the Special Magistrate of the effect violations had on their neighborhood's, and their health and safety. She mentioned the increased costs to the Town to implement the unfunded mandates of the County's Ethics Code.

Mayor Minnet requested to pull Item 11a, recusing herself from the item as it relates to lighting.

10. APPROVAL OF MINUTES

None

11. CONSENT AGENDA

Items 11a and 11c were pulled for further discussion.

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

- a. Minto Parking Lot Lighting (Municipal Services Director Don Prince)

Town Manager Hoffmann indicated that the low bid was much less than the amount authorized by the Commission for the subject project.

Commissioner Dodd made a motion to approve items 11a. Commissioner Vincent seconded the motion. The motion carried 4-0 with Mayor Minnet recusing herself from voting.

- b. Award of Contract for Emergency Offsite Warehouse Electrical Repair
(Municipal Services Director Don Prince)

Approved on consent.

- c. Payment to FP&L for removing Power Pole and Moving Electric Service
(Project Manager Albert Carbon)

Commissioner Dodd asked how much Comcast and AT&T charged for their wiring.

Project Manager Carbon stated they did not have the exact numbers, but past experience indicated the other utilities' costs combined would be was about half that charged by FP&L.

Town Manager Hoffmann would relay the estimates to the Commission.

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

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

- i. **Ordinance 2013-09: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY-THE-SEA AMENDING CHAPTER 12 "LICENSES", ARTICLE I, "BUSINESS TAXES" OF THE CODE OF ORDINANCES TO INCREASE THE RATES ESTABLISHED THEREIN IN ACCORDANCE WITH SECTION 205.043, F.S.; AMENDING SECTION 6.5-7, "ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS" OF CHAPTER 6.5 "CODE ENFORCEMENT"; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE. (ASSISTANT TOWN MANAGER BUD BENTLEY)**

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

Town Manager Hoffmann recommended the Town not increase the business tax receipt (BTR) rates, in light of the construction going on in the Town. She suggested the Town go forward with language changes to the ordinance that would benefit local businesses as noted in the backup.

Commissioner Dodd believed this was double taxation by the Town and the County. He urged staff to get a list from the County of Town businesses currently paying the County's business license for comparison with those paying the Town's BTR.

Town Manager Hoffmann said three or four times a year the County would send staff a list of businesses that paid the County's business tax, and staff would do a cross check. She felt the benefits of the Town's BTR other than as a revenue source included alerting staff to businesses wishing to locate in the Town that might not be allowed under our zoning regulations.

Commissioner Vincent felt that the County should never issue a business license to any Town business unable to provide a Lauderdale-By-The-Sea BTR.

Town Manager Hoffmann indicated the County had no such requirement.

Vice Mayor Sasser made a motion to approve Ordinance 2013-09, including the removal of the language proposing an increase in BRT rates. Commissioner Vincent seconded the motion. The motion carried 5-0.

The second reading would be advertised for the July 23, 2013, Commission meeting

b. Ordinances 2nd Reading

None

13. RESOLUTIONS – PUBLIC COMMENT

- a. Resolution 2013-25: A RESOLUTION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AUTHORIZING A LAWSUIT TO BE FILED AGAINST BROWARD COUNTY RELATING TO THE DISTRIBUTION OF ASSETS OF THE BROWARD SOLID WASTE DISPOSAL DISTRICT, AND WAIVING THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES. (TOWN MANAGER CONNIE HOFFMANN)**

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

Town Manager Hoffmann reviewed the subject resolution as detailed in the backup.

Commissioner Brown supported proceeding with the lawsuit, asking if the Town did not participate in the lawsuit, would it share in the settlement if the cities prevailed.

Town Attorney Trevarthen replied it was possible that the Town could still share in the final settlement, but it was not guaranteed if the Town was not a named party.

Commissioner Vincent asked how the County could simply refuse to give municipalities any accountability for the subject funds.

Town Attorney Trevarthen responded the County had its own calculations and arguments in response to the lawsuit. The cities that served on the Resource Recovery Board (RRB) disagreed with the position taken by the County.

Town Manager Hoffmann corrected her previous statement that the County said it needed 20 to 25 million dollars of the RRB funds for the perpetual maintenance, stating the amount the County claimed it needed was 30 million dollars.

Commissioner Dodd made a motion to approve Resolution 2013-25. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- b. RESOLUTION 2013-26: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, PROVIDING FOR REVISION OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS RELATING TO THE TOWN'S SIGN CODE TO ALLOW FOR THE EXTENSION OF TIME FOR INVESTIGATION, REVIEW, AND APPROVAL. (TOWN PLANNER LINDA CONNORS)**

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

Commissioner Brown made a motion to approve Resolution 2013-26. Commissioner Vincent seconded the motion. The motion carried 5-0.

- c. **RESOLUTION 2013-27: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AND EXECUTE A JOINT PROJECT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT DRAINAGE IMPROVEMENTS (TOWN MANAGER CONNIE HOFFMANN)**

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

Commissioner Brown made a motion to approve Resolution 2013-27. Commissioner Dodd seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

None

15. COMMISSION COMMENTS

Commissioner Brown announced the Town's government channel was available on U-verse channel 99, thanking Steve d'Oliveira for making it possible. He congratulated John Boutin and others involved in putting on a successful Relay For Life event.

Vice Mayor Sasser commended Commissioner Brown for his persistence and success in getting U-verse to broadcast the Town's meetings and events on a public channel.

Commissioner Dodd updated the Commission on a recent Hillsboro Inlet meeting was held.

Mayor Minnet thanked the VFD and all other volunteers and sponsors for their help with the Town's upcoming Fourth of July event set to begin at 10:00 a.m. It included a parade and a picnic in front of Jarvis Hall where there would be food for sale, with the proceeds going toward the Town's purchase of a new Christmas tree. She said entertainment would be provided by the Florida Youth Orchestra and the Music Mermaids, and attractions for children included a slide and lemonade stand. The evening events would culminate in an extended fireworks display at 9:00 p.m. She noted that at 9:00 a.m. on July 5, there would be a beach cleanup event at El Prado Park.

Recess/Reconvene

16. OLD BUSINESS

a. Reconsideration of Army Corps Super Storm Sandy Sand Re-nourishment Project (Mayor Roseann Minnet)

Mayor Minnet thought the subject project required closer evaluation.

Eric Myers, Broward County project representative, stated the delivery rates he received from the Army Corps mentioned a minimum of 90 to 100 trucks per day delivering sand. Despite the increased traffic this would generate, it would shorten the project time, and the Corps wished to identify two delivery sites, one south and one north of the pier. He also mentioned that he had spoken with Minto and if there was an acceptable easement document to protect them, they'd be willing to allow their site to be used which would allow for less impact to the Town's infrastructure.

Town Manager Hoffmann requested clarification on how high an elevation the additional sand would add to the beach.

Mr. Myers believed the cross-sections supplied by the Corps showed an elevation of 8.4 feet above the high water line, a foot over what the County's project was proposing.

Town Manager Hoffmann noted that if the Palm Avenue site was used, the portal had to be taken down, and the Army Corps would pay to restore it. If the County's project later used same site, the portal would again be removed, so she wondered if there was a way take down the portal only once.

Mr. Myers thought it made good sense to take down the Palm Avenue portal only once. He suggested either asking the Army Corps to escrow the funds to restore the portal, or include in the agreement with the County contractor a clause to restore the portal.

Mr. Piersante urged the Town Commission to accept the free sand.

Commissioner Brown asked if 90 trucks a day meant 45 trucks at each access point.

Mr. Myers assumed the portals would be used one at a time for a more efficient use of the beach equipment.

Commissioner Brown inquired if it were possible to push some of the sand delivered in Pompano down into Lauderdale-By-The-Sea.

Mr. Myers believed this was the plan.

Commissioner Brown wished to know if using the north and south access points would split the estimated five to six-week project into equal time at each access point.

Mr. Myers replied he had to redo the math, as he believed they would use the 4 to 6 weeks at the 90 to 100-truck rate for each delivery site. The portion south of the pier was shorter and would require less time than north of the pier.

Commissioner Brown provided recent pictures taken of the beach in the north and south ends of the Town, and they showed major beach erosion with 5 to 6-foot cliffs carved out from Super Storm Sandy. The project would create a buffer zone for the buildings, placing the sand at the property lines, not the water line

Commissioner Vincent questioned the advantage of having 180 trucks per day, and if the coordination of the actual loading of the trucks was subcontracted to a private vendor or controlled by the Army Corps.

Mr. Myers responded the work would be bid out to private vendors that would be under the direction, operation and guidance of the Army Corps. The County believed that having 180 trucks a day delivering sand sped up the project.

Commissioner Vincent noted, based on four to six weeks at each access point, it seemed the project had the potential to go to 8 to 12 weeks.

Mr. Myers calculated that if 2 to 3 access points are being used and the Town was to receive 55,000-58,000 cubic yards of sand using 100 trucks per day, it would total 1,500 cubic yards per day which would be about 30 days and approximately take 6 weeks of work.

Commissioner Vincent asked the hauling capacity of each truck. Mr. Myers responded that they could each haul 15-20 cubic yards.

Commissioner Vincent asked why the Town would receive 50,000 cubic yards of free sand from the Army Corps, yet the County wanted the Town to pay \$350,000 for 20,000 to 30,000 cubic yards of sand in its proposed 2014 beach re-nourishment project.

Mr. Myers pointed out the Army Corps received millions of dollars from the Super Storm Sandy bill to replace sand that went missing. Their analysis of the sand erosion along the east coast of Florida included the Town and led to their request for the funding of 17 projects..

Commissioner Vincent supported the Town receiving free sand and had no objection to the delivery site in the south end; the site to the north was the problem. He expressed that he is not in favor of using the Minto proposition due to disruption issues.

Commissioner Dodd saw no justifiable reason for the Town's turning down free sand. He visited the northern end of the Town and believed the Laura Ward portal was a possible delivery site, and the Palm Avenue portal to the south was acceptable. The Minto portal should be tried initially with careful monitoring of noise and congestion. He said that we needed an acceptable solution and asked staff for more information on the cost of each of the three options to the north.

Vice Mayor Sasser understood areas of the Town's beach needed the free sand, but vegetation, such as sea oats, had to be planted to combat sand erosion. He was not in favor of using the Pine Avenue portal or El Prado Park.

Commissioner Brown sought assurance there would not be 24/7 operations on the beach during the project.

Mr. Myers replied both re-nourishment projects had to remain consistent with the Town's zoning and land use codes. He believed most of the coastal communities allowed heavy construction between 7:00 a.m. and 7:00 p.m. If the Town desired other time restrictions, he would relay them to the Army Corps. He asked if the Town wished them to speed up the project process if it were possible.

Commissioner Brown favored speeding up the project.

Town Manager Hoffmann felt it would be less disruptive to use Washingtonia Park rather than the Laura Ward portal, as there would be no worry about a structure, but this meant trucks would be traversing El Mar Drive.

Vice Mayor Sasser asked if a motion was needed on the logistics, as this was very important. He urged the Commission to think about how the timing of the subject project might conflict with other improvement projects taking place at the same time.

Mayor Minnet noted the Town's ordinance on construction allowed trucks to work Monday through Saturday from 8:00 a.m. to 5:30 p.m. She supported the Palm Avenue delivery site to the south, noting the problems surrounding the delivery site options to the north and the issues arising from other construction projects.

Commissioner Dodd made a motion to approve item 16a, including the recommendation to use the Palm Avenue portal to the south, and for Town staff to evaluate possibilities for a north portal. Commissioner Brown seconded the motion. The motion carried 5-0.

b. Town Manager Employment Agreement (Mayor Roseann Minnet and Town Attorney Susan Trevarthen)

Town Attorney Trevarthen reviewed the subject item as detailed in the backup, noting the Commission had to decide whether to extend the Town Manager's agreement, enter into a new agreement, or to let the current agreement expire. Mayor Minnet, as the Town's liaison, recommended notifying Town Manager Hoffmann of the Commission's desire to extend the current agreement.

Mayor Minnet felt it was better to put the subject item on the agenda as is and come back in the August meeting with the contract.

Commissioner Dodd thanked the Mayor for her work on the Manager's contract, and commended Town Manager Hoffmann for her hard work over the past three years.

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

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17. NEW BUSINESS

- a. East Commercial Streetscape Improvement Project Guaranteed Maximum Price (GMP) with State Contracting and Engineering Corporation and Extended Construction Work Hours (Project Manager Paul Carty & Town Manager Connie Hoffmann)

Mayor Minnet opened the discussion for public comment.

Tom Hitchcock, owner of Scott's, expressed concern over businesses affected by the construction for the subject project and asked if the project could be done in sections to keep people in business. He urged the Commission to listen to businesses suggesting other ways to mitigate the negative effects.

Al Alvarez, owner of Gilligan's Sub Shack, discussed: 1) not charging parking fees in available lots for the duration of the construction; 2) reconsider the use of Pigeon Plum trees on sidewalks in section B, as research by University of Miami showed this was a bad choice; 3) reschedule the trial period for all-red pedestrian lights, as doing it during construction might yield inaccurate results; 4) extending hours of construction to finish before Thanksgiving; 5) removing barriers as the project progressed.

Bill Ciani recommended the Town: 1) choose the Coconut Palm over the Pigeon Plum trees, as the latter was a messy tree; 2) use a 4-foot construction fence instead of a 6-foot fence with a dust cover, to allow visibility of businesses; 3) free parking during construction; 4) a shuttle from Minto to Commercial for visitors. He said his tenants were fearful of losing their businesses due to the construction, and the cost to do business in the Town was high due to high rents. He also gave a handout to the Commission regarding pros and cons of using different trees.

Spiro Marchelos objected to the use of Pigeon Plum trees, the construction barriers, the changing project deadline, and the adverse effects on businesses during season. The project should be done in segments and not rushed, as this was not a blighted area. He also requested lifeguards and public bathrooms on the beach.

Louis Marchelos, owner of Athena By-The-Sea, voiced his tenants' fears that six months of construction would be detrimental to the survival of their businesses. Throughout prior discussions of the project, doing the construction in phases was the

proposed approach, as not doing so meant businesses would suffer the loss of patrons from the Boat Show, Halloween, Thanksgiving, and possibly Christmas and New Year's.

Marie Chiarello felt everyone concerned should work together and get the project done, stating property owners could consider lowering rents during the construction period to help tenants stay in business and asked that the project move forward.

Janet Deni, owner of Kilwins in Lauderdale-By-The-Sea, advocated a phased-in approach to the project, as the block that would be closed for the entire project held the smallest businesses where hers was located. They supported moving forward with the project, but hoped the Town would help communicate businesses were still open, such as with visible signage, and give free parking during construction,

Mayor Minnet closed the public comment after receiving no further input

Town Manager Hoffmann stressed elements in the project area would change weekly and modifications would be made to accommodate businesses as much as possible.

Project Manager Paul Carty of State Contracting Engineering Corporation (SCEC) made a slide presentation to illustrate the maintenance of traffic (M.O.T.) phasing for the East Commercial Boulevard project.

Town Manager Hoffmann asked for clarification on why Block 2 Commercial Boulevard between A1A and El Mar Drive, had to be closed to traffic for the entire project period.

Mr. Carty replied that every aspect of Block 2 would undergo changes- the entire road bed was being altered and regraded, all new landscaping, new drainage, new paving and new underground electric. It would be a major safety concern to maintain vehicular traffic in that area. If pedestrian traffic could be maintained safely, it would be permitted.

Mayor Minnet inquired about removing the barriers as work progressed.

Mr. Carty answered they agreed to use 4-foot fences, barriers would be removed once the street was deemed safe for pedestrians, and temporary ramps would be installed from each business to the street.

Commissioner Vincent questioned if the phasing of the project was what the design team deemed the most efficient approach to the logistics of the project.

Mr. Carty affirmed it was; it was best to shut the identified streets down completely to allow the work to be completed expeditiously.

Commissioner Vincent reiterated that the project should have started in May, but now would begin in July, hence the expressed concern of affected businesses that the work would extend into the tourist season and public holidays. He said that the project was

going to be 4 months regardless of the start date and asked Mr. Carty how comfortable was he with that timeframe and asked when the completion date would be.

Mr. Carty replied the design team was very comfortable with the estimated completion date of December 3, 2013. He said they can overcome rain delays, however, if the Town suffered a direct hit by a hurricane, the project's construction would shut down. Commissioner Brown supported moving forward with the project as currently planned and encouraged the Commission to approve authorization to work on Sundays to shorten the project time or to accommodate time lost due to inclement weather. He favored allowing free parking for September at the municipal lot, and possibly all the lots, and he would consider the possibility of free parking for October as well. He saw patrons supporting businesses in the west and believed the signage indicating businesses were open helped. Commissioner Brown observed in the first few weeks of the West Commercial project there was a lot of work activity that now appeared to have lessened. He hoped there would be no slippage on the part of the contractor in terms of having the right amount of people and equipment to get the job done every day, and he wondered if offering a bonus for early completion would help. It would be reassuring for the Commission to receive updates at all future meetings until the project was complete.

Mr. Carty indicated they would update the Commission as desired. On the issue of work slowing on the West Commercial Boulevard project, sometimes the work was external and visible, other times it was not. He was satisfied with the project's progress, as they were ahead of schedule in some areas and on schedule in others. Incentives for early completion worked, but based on the size of these two contracts, it was unnecessary.

Vice Mayor Sasser questioned the difference in the overall cost of the East Commercial Boulevard project switching from Burkhardt Construction to SCEC.

Town Manager Hoffmann noted Burkhardt's proposal was for a smaller project with \$400,000 more in fees than that charged by SCEC. Burkhardt could not do the work on El Mar Drive within the project budget. State would do the entire project for \$400,000 less than Burkhardt. She said the rationale behind hiring Burkhardt was due less to having two contractors instead of one for the projects, and more to Burkhardt's extensive CMA experience on downtown projects.

Vice Mayor Sasser expressed that he was nervous with the volume of work SCEC was undertaking with both Commercial Boulevard projects. He supported both projects, but he saw little detriment doing one block at a time, breaking up the dates of completion for each block. The goal should not be ending in December, it should be ending correctly.

Town Manager Hoffmann said she had expressed the same concerns with Mr. Carty when SCEC took on the project, and he discussed the problems that would ensue with breaking up the project.

Mr. Carty commented the key to the project was the drainage system that had to be reconstructed entirely and designed to tie into future drainage projects. The drainage portion required digging ditches 10 feet deep and 8 feet wide, so stopping at any portion meant later digging up newly paved road and would raise construction costs.

Vice Mayor Sasser felt the Commission had to be unanimous on how to proceed. He asked if the number of workers and equipment would be doubled for each project.

Mr. Carty replied each project had its own management, workers and equipment, though some resources were shared to reduce costs. If the Town did the project in blocks, he doubted any part of the project could be completed in 2013, as the engineer would have to work out where to stop and start the drainage and there would be added time to design and cost to do so.

Town Manager Hoffmann asked if the project contractors had more workers and put in longer day, could they finish the project faster?

Mr. Carty responded that they requested that the Commission approve allowing work six days a week, 7:00 a.m. to 8:00 p.m., enabling them to make up time lost due to unforeseen issues. The roads were not wide enough to accommodate more work crews, and added hours might expedite the process, but not by much. The schedule presented to the Town was the safest, most cost-effective way to do the project.

Vice Mayor Sasser asked if the Commission wished to approach the project in blocks.

Mr. Carty stated if the project process were changed, the engineer had to redesign the underground drainage system, the bids revised, and the project would have to be re-permitted and brought back to the Commission with a new GMP.

Commissioner Dodd felt the project team showed a willingness to accommodate the requests of businesses, staff and the Commission. The project should move forward.

Commissioner Vincent believed SCEC would complete the project on time using the schedule they presented to the Town Commission.

Mr. Carty mentioned Tim Smith with SCEC would visit the jobsite regularly.

Mayor Minnet thanked everyone involved in this project, and expressed her support in moving the project forward and having workers on Sunday to speed up the process. She recently walked around the Town and was harassed by individuals with false information and urged people with questions to call the Commission for answers and not rely on rumors. She also supported opening up El Mar Drive, allowing free parking in some areas, and possibly having an advertising budget to announce businesses were still open.

Town Manager Hoffmann stated staff would present recommendations for the parking, work with Ambit to devise an advertising campaign, and get advice from other landscape architects.

Commissioner Dodd made a motion to approve item 17a, with the modification to Recommendation 3 to add extended hours as suggested, including Sundays if needed. Commissioner Vincent seconded the motion. The motion carried 5-0.

b. FY 2014 Budget: Overview (Finance Director Tony Bryan)

Finance Director Bryan reviewed the details of the proposed FY 2014 budget as illustrated in the backup.

Town Manager Hoffmann commented the Town's proposed FY 2014 budget was currently out of balance by about \$300,000 if the millage rate remained as is.

c. FY 2014 Budget: Nonprofit Donation Requests (Finance Director Tony Bryan)

Mayor Minnet acknowledged the presence of the representatives for the organizations seeking donations from the Town as noted in the backup. The FY 2013 nonprofit contributions totaled \$15,118, and for FY 2014 it was estimated to be \$15,263.

Commissioner Dodd supported donating to Women In Distress, but he felt the Town's use of that organization's resources did not justify an increase from \$2,000 to \$3,000.

Yenisse Alonso, Women In Distress, noted that their service to the Town increased; along with serving other Town residents, including one resident who stayed at their shelter over a month at a cost of \$94 per night, not including other services provided during her stay. Though they anticipated the cost to provide services to the Town at \$3,500, they knew the Town had limited funds and were thankful for the continued support.

Vice Mayor Sasser made a motion to approve item 17c as presented. Commissioner Vincent seconded the motion. The motion carried 5-0.

d. FY 2014 Budget: BSO Contract Services (Finance Director Tony Bryan)

(This item was discussed after Item 17b)

Finance Director Bryan mentioned the amount being requested by BSO for FY 2014 represented a four-percent increase or about \$140,000 over the contract amount, and 40 percent of the amount was related to the changes in the FRS rates.

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

e. FY 14 Budget: VFD Proposed Budget (Finance Director Tony Bryan)

Finance Director Bryan noted the budget Town staff negotiated with the VFD for FY 2014 was relatively flat compared to the current year, reviewing the various changes detailed in the backup. The VFD did a good job managing their funds and agreed to a lean budget. It might be necessary to request additional funds if unforeseen issues arose.

Town Manager Hoffmann felt the VFD did a good job controlling costs. If the Commission approved the proposed VFD budget, the VFD membership had to give its approval. The next step at the staff level would be to examine the fire assessment fees in the budget and recommend what those fees should be for the next fiscal year.

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

f. FY 14 Budget: Chamber of Commerce Funding Requests (Town Manager Connie Hoffmann)

(This item was discussed after Item 17a)

Mark Silver, President of the Lauderdale-By-The-Sea (LBTS) Chamber of Commerce, extended the Chamber's help to the businesses affected by the East and West Commercial Boulevard Streetscape Projects. The Chamber would participate in the Town's Fourth of July event, including volunteer work.

Eric Yankwitt, Treasurer of the LBTS Chamber of Commerce, gave a PowerPoint presentation that provided answers to the Commission's questions on various Chamber and Welcome Center activities.

Mayor Minnet thanked the Chamber for a comprehensive presentation, noting she asked the Town Manager to include the amounts given to the Chamber by the Town since 2007; the present budget request by the Chamber was for \$46,138.00.

Mr. Silver clarified the amount requested was for the salaries of the two paid Chamber employees; none of the Town's funds were for Chamber activities.

Malcolm McClintock, Executive Director of the LBTS Chamber of Commerce, discussed cost of living increases.

Charles Maxwell, Vice President of the LBTS Chamber of Commerce said the two paid employees at the front desk were the face and symbol of Lauderdale-By-The-Sea.

(This item was interrupted to discuss Item 17b)

Mayor Minnet requested and received a consensus to extend the meeting to 11:30 p.m.

(Discussion on Item 17f continued)

Commissioner Dodd objected to the Chamber's request for more funds when their responsibilities to the Town decreased, such as the removal of the Town's Christmas tree. He asked for further information on the Visitors Guide, such as production costs, advertising revenue, and how the County's annual grant of \$10,000 was used.

Commissioner Vincent supported awarding the Chamber the requested amount, as the Chamber's activities were very important in promoting the Town and its businesses.

Vice Mayor Sasser agreed with the benefits to the Town having the Chamber running the Welcome Center, though Commissioner Dodd's question on the Chamber's use of the County's \$10,000, which the presentation failed to mention, needed an answer.

Mayor Minnet believed the 15 percent increase in funds requested by the Chamber was too high in light of the numerous projects the Town was currently involved in. She concurred that the Visitors Center was invaluable, but Town staff and the Commission had to evaluate everything that went into the budget.

Commissioner Vincent made a motion to approve awarding the sum requested, but the motion died for lack of a second.

Town Manager Hoffmann would gather and present the requested information at the next Commission meeting.

g. Possible Extension of A1A Greenways Plan A1A Bike Path Plan in Lauderdale-By-The-Sea (Commissioner Town Manager Connie Hoffmann and Commissioner Mark Brown)

(This item was discussed after Item 17e)

Commissioner Brown reviewed the details of the subject item as detailed in the backup, noting the MPO could hand out funds on a discretionary basis. There were two projects they were considering: \$1 million for the South Entryway Project or extension of the Greenway Project in Fort Lauderdale, and up to \$4 million for improvements along El Mar Drive. He stressed that there were no specific discussions or decisions at any level, but the Town had to take the initiative to move to an actual concept and design.

Mayor Minnet looked forward to the MPO presenting ideas for the Town to consider. Commissioner Dodd advocated earlier having the condominiums turn north and do a U-turn at Imperial Lane/Palm Avenue, closing off one of the most dangerous diagonal car intersections in Broward County. He was in favor of the roundabout concept, but it required the support of the residents. He wondered if the changes to El Mar Drive included narrowing down to one lane and a bike lane

Town Manager Hoffmann sought authorization to communicate to Fort Lauderdale the Town's interest in the roundabout idea. There was concern whether the Fountainhead and Plaza East residents could access the roundabout during high season. She wished to ask Fort Lauderdale to bring in their planners and traffic analysts to look at the impact of a roundabout on the two condominiums and hold meetings with residents, and let the Town know if the project was feasible. She would ask if they were willing to extend their planning north to Palm Avenue, noting Fort Lauderdale said the study would take another six months, leaving ample time to engage the condominiums in discussion.

There was a Town Commission consensus to approve item 17g.

h. Parking Permits Requests from Sea Turtle Oversight Protection, Inc.
(Assistant Town Manager Bud Bentley)

Richard Whitecloud, founding director of Sea Turtle Oversight Protection (S.T.O.P.), said their staff worked primarily at night, babysitting nests that were set to hatch, as there was disorientation in all areas. They issued parking passes to their permanent staff and asked the Town to permit them continued access to public parking spaces in certain finger streets to allow efficient and quicker access to the nests. He said their staff carried ten to 15 pounds of gear nightly, so easy access to the beach portals was critical

Commissioner Brown commended Mr. Whitecloud and his team for doing a better job creating a more reasonable perimeter around the nests.

Mr. Whitecloud clarified Nova University marked the nests during the morning survey and they took over monitoring the nests at night. The nest perimeters were reduced due to certain issues with residents and beach access..

Commissioner Dodd made a motion to approve item 17h. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

i. Voting Delegate and Resolution for Florida League of Cities, Inc. (Town Clerk Vanessa Castillo)

Commissioner Dodd made a motion to approve item 17h, with Commissioner Brown attending the Florida League of Cities Conference as the Town's voting delegate. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

j. Public Safety Parking Lot Award (Assistant to the Town Manager Pat Himmelberger)

Town Manager Hoffmann stated Town staff recommended the project be awarded to State Contracting Engineering Corporation (SCEC) for the guaranteed maximum price of \$296,867.61.

Commissioner Vincent felt it best for the Town to accept the contract by DiPompeo Construction to take the burden off SCEC.

Commissioner Dodd asked if the 18-foot gap had been resolved and if it were possible to put in another few parking spaces.

Town Manager Hoffmann answered yes, but Chief Hopping indicated they found another place to locate the ATVs, so it was possible to build in two more parking spaces into the design.

Commissioner Dodd supported awarding the contract to SCEC; they entered the bidding process fairly, and the company was substantial enough to handle a small project.

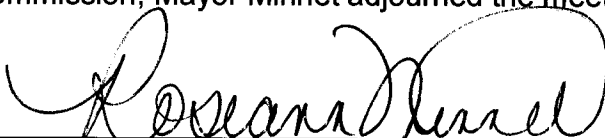
Mayor Minnet mentioned there was no representative of DiPompeo present.

Commissioner Vincent made a motion to approve item 17j, selecting DiPompeo. Vice Mayor Sasser seconded the motion. The motion failed 2-3. Commissioner Vincent and Vice Mayor Sasser voting yes; Mayor Minnet, and Commissioners Brown and Dodd voting no.

Commissioner Dodd made a motion to approve item 17j, selecting SCEC. Commissioner Brown seconded the motion. The motion carried 3-2. Vice Mayor Sasser and 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 11:37 p.m.

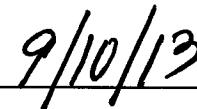


Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo



Date

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

LAST NAME—FIRST NAME—MIDDLE NAME MINNET Roseann Alexis		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Commission - Mayor
MAILING ADDRESS 2000 S Ocean Blvd 11E		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: Town of
CITY LBTs	COUNTY FL Broward	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED JUNE 25, 2013		NAME OF POLITICAL SUBDIVISION: LAUDERDALE BY THE SEA
		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 Minnet, hereby disclose that on JUNE 25, 20 13

(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:

The company, of which I am the principle owner, has done, in the past Business with the provider

June 25, 2013

Date Filed

Roseann Minnet

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.