

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, April 10, 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 Harlene Kennedy, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet noted the applicant for the Special Event Application for Athena's Music By The Sea, item 11b, had removed his request to extend the music to 11 p.m. He wanted his application revised to state the music end at 10:30 p.m.

Vice Mayor Sasser requested an excused absence for the Commission meeting on April 24, 2012. It was added as to Consent as item 11i.

5. PRESENTATIONS

a. Legislative Update by State Senator Ellyn Bogandoff

State Senator Ellyn Bogandoff gave a legislative update that included possible changes due to redistricting. The state budget of \$70 billion was a difficult one, with numerous cuts still to be made. Due to the growth in Medicaid and other expenses, there would be cuts in health care and an extra billion dollars would be available in education. Other bills were passed; for instance, someone seen riding their bike without hands would not receive a criminal violation.

Town Commission Regular Meeting Minutes
April 10, 2012

On the matter of redistricting, Senator Bogandoff said every ten years, when the census was published, district lines had to be redrawn. If the Supreme Court threw out the redrawn districts, it was possible both Palm Beach and Broward Counties could be without a senator in the majority party in Tallahassee, though the Supreme Court could redraw the districts.

Commissioner Brown questioned if the state was committed to paying its share of the Beach Restoration project planned.

Senator Bogandoff answered yes; unfortunately, money was scarce. She monitored all the projects along the coast, and many cities were grappling with other ways to protect their beaches. The economy was slowly improving though nowhere near where it needed to be. Hopefully there would be more revenue available for such projects.

Mayor Minnet thanked Senator Bogandoff for her support regarding home rule and the communications tax, and the lead she took to ensure those taxes were intact. The communication taxes were very important to local municipalities.

Senator Bogandoff remarked it was a huge problem that had to be addressed, as it was important to local communities. Large providers, such as AT&T and Verizon, were working on a solution that did not impact local government.

Vice Mayor Sasser mentioned one of the huge issues affecting coastal communities was the federal mandate requiring the installation of ADA lifts in public pools and spas. If hotels/motels had several pools, they had to go through the unanticipated expense of installing lifts, and it was causing uproar in the hotel/motel industry. He asked if Senator Bogandoff was aware of the state's position on the issue and whether the state could do anything, if it so chose.

Senator Bogandoff replied the state could do nothing, as the ADA ascribed to federal guidelines. She commented the state had not taken a position on the federally mandated ADA lift issue, but it was unlikely that the state would seriously oppose it, rather it was a matter of trying to grant some relief to those directly affected to allow them time to comply.

Mayor Minnet indicated the Town was donor property when it came to its water supply, with the south end of the Town getting water from Fort Lauderdale and the north end from Pompano Beach. The cost of water for the Town's residents and businesses was rising astronomically, and this was partly due to the state legislature allowing any municipality supplying water to bill a 25 percent surcharge to the areas to which they serviced. She understood there had to be a charge to cover a portion of the maintenance and service of the supplier's water facilities, treatment plants. However, the increased cost for the service placed an undue burden on the Town's residents and businesses. She wished the state to consider a more equitable form of passing on those maintenance costs.

Town Commission Regular Meeting Minutes
April 10, 2012

Senator Bogandoff responded cities should get together to work on legislation, explore and test various ideas, and present them to their state representatives, rather than wait until they get to the forefront.

b. A Proclamation declaring April as National Limb Loss Awareness Month
(Mayor Roseann Minnet)

Mayor Minnet said it was an honor to make the proclamation for the men and women of FAST, Florida Amputees Support Team. She referred to an article in the community section of the newspaper on February 28, 2012 regarding FAST's participation in an inspiring event in Town.

c. Presentation on the Property Assessed Clean Energy (PACE) Program
(Town Attorney Susan L. Trevarthen)

Mayor Minnet introduced Attorney Chad Freeman of Weiss, Serota. He gave a PowerPoint presentation on the PACE program in Dade County for the Town Commission to determine if it was something the Town would be interested in implementing to promote sustainability.

Vice Mayor Sasser asked how local government fit into the inspection process and who had jurisdiction over rendering a pass/fail result.

Attorney Freeman replied if a building permit was required, the Town's building official had jurisdiction. There would be people from a third party administrator confirming the ruling of the inspection but, for the most part, the ruling of the building official would be relied upon.

Vice Mayor Sasser queried the likelihood of a situation arising where building inspectors disagreed with each other's findings.

Attorney Freeman responded the way the third party administrator explained the process to him was that they would rely on the ruling of the building official, even though they would seek to confirm those results. At the end of the day, the third party administrator would be handling any questions about the results.

Mayor Minnet thanked Attorney Freeman for his informational presentation, urging everyone to look at the presentation. This was a process being employed elsewhere in a very positive way as a means of financing energy efficiency.

d. Presentation of FY2011 Audit Report (Finance Director Tony Bryan)

Finance Director Bryan noted Grau & Associates completed the audit of the Town's financial statements for FY2010/2011.

Tony Grau of Grau & Associates reviewed the FY2011 Audit with the Commission

. He stated the audit went well.

Mayor Minnet commended Finance Director Bryan for a job well done, thanking the Audit Committee for their work.

Ben Freeny of the Audit Committee echoed commendations for the work Finance Director Bryan did to facilitate a successful audit, stating his ability to decipher and clean up errors was instrumental in the success of the audit.

Town Manager Hoffmann thanked Ed St. Jean, who was Finance Director Bryan's right-hand person, along with Tedra Smith, the accounting specialist. Both helped with the audit.

- e. Introduction of Town's Project Manager, Bill Cole (Town Manager Connie Hoffman)

Town Manager Hoffmann introduced Project Manager Bill Cole, who began working for the Town on Monday, April 2, 2012. Mr. Cole would manage the Town's large streetscape projects currently under design, while Municipal Services Director Prince would continue to manage the drainage projects. Mr. Cole's first project was the Bel-Air neighborhood grant project.

6. PUBLIC COMMENTS

Wayne Dillistin submitted a letter expressing his opposition to the Town Commission's choice of option B on the West Commercial Boulevard streetscape project.

Ken Brenner opposed the selection of option B for the West Commercial Boulevard streetscape project. He said option A was a more practical plan for affected properties. He urged the Town Commission and Town staff to get input from the area businesses and property owners before proceeding further, as there were other issues of concern that were not being addressed.

Edmund Malkoon discussed the branding process and questioned how Tangled Spider was selected. He believed a branding committee consisting of talented residents and business owners should have been formed to allow them to participate in the branding process. He thanked the Town for furnishing residents and business owners with the opportunity to view the branding options and give feedback on the Town's website. Though concept #1 appeared the most tasteful, he was not very enthusiastic about any of the concepts. There was little in some of the designs to indicate Lauderdale-By-The-Sea was a beachfront community. Adirondack chairs were also synonymous with communities in the Adirondack Mountains. He was happy to see the beach and Town features in the backup. The Melvin Pelican design evoked a variety of impressions, some not very positive, and its use lacked innovation, due to its being used by cities in many areas. He asked if it was possible for the Town Commission to consider a characterization of a pelican, not literally but with distinct features exclusive to the Town.

Mr. Malkoon congratulated local businesses on doing a good job for the Family Fun Week. He suggested the Town's website mention the Pelican Hopper and/or the B-Cycle program as options for transportation.

Rosa Michailiuk took no issue with the Town's current branding with the old sign of the pelican, palm trees, etc., realizing one had to move forward. However, the use of the Adirondack chair in the logo reminded her of North Carolina. They were not beach chairs, regardless of how attractive they were. Ms. Michailiuk felt everyone had to accept reductions in their salaries and so should the Town Manager, particularly since an Assistant Town Manager reduced the workload. The Town needed to stop spending money on consultants for its projects.

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

7. PUBLIC SAFETY DISCUSSION

There were no public safety reports.

8. TOWN MANAGER REPORTS

a. Town Manager's Report

Town Manager Hoffmann said the Commission previously indicated a preference for option B the designers had presented for the western portion of Commercial Boulevard, but also asked the to look at to look at several ideas or modifications to the preferred option. The designers had looked at various ideas to modify both plans, but both plan A & B, all resulted in loss of parking. This was not the direction in which the Town should go as parking was critical to retailers. Additional discussions of modifications to improve both Plan A & B and remove the loss of parking are forthcoming. She questioned how the Commission wished the project designers and Town staff to proceed.

Commissioner Brown recalled Town staff was directed by the Commission to speak with Florida Department of Transportation (FDOT) to get an idea from them if Plan B was feasible and report back to the Commission. He thought there were a number of issues to be resolved before FDOT would allow angled parking on Commercial Boulevard. The Commission's actions at the previous meeting was not meant as an endorsement of Plan B, and getting an answer from FDOT as to the feasibility of Plan B was necessary before taking any further steps.

Town Manager Hoffmann indicated the Town's traffic planner, Molly Hughes, already held discussions with FDOT, and they showed a willingness to consider Plan B, provided the Town could meet the guidelines of their planning criteria. Ms. Hughes stated it was much better to have the political endorsement for a particular design concept prior to going back to FDOT for further discussions. Thus, the designers were to meet with FDOT on Plan B, come back with some options and, once the Commission

Town Commission Regular Meeting Minutes
April 10, 2012

gave the go ahead, they could begin to design those sections of the plan depending on FDOT approval.

Commissioner Dodd suggested holding a Commission workshop on April 16, 2012, to further discuss the issue and alternatives before the dais chose one of the two plans. If the Commission was to hold a workshop, he urged area business owners and property owners to attend and give their feedback or voice their concerns if any.

Commissioner Vincent believed the decision to consider Scheme B further was made by the Commission to keep the process going, knowing there would be a delay in the designation from FDOT. There was no wholehearted choice of Scheme B. He spoke with a number of businesses after the last meeting and was led to reconsider his thoughts on the Scheme B design. He wondered if Scheme B needed to be implemented on all four quadrants. For instance, it might be possible to do Scheme A to the west and Scheme B to the east. He surmised the only two businesses affected by Scheme B in one of the four centers would be Interior Digs and Corelli's; so the Commission needed to decide whether to burden them with changes they did not want. Heeding the feedback of the area businesses was important, as they knew what was best for them.

Mayor Minnet questioned how long it would take the design team to pull together the alternative schemes previously alluded to.

Town Manager Hoffmann replied she informed the design team they needed to be prepared for a special Commission meeting early in the following week.

Mayor Minnet thought a workshop meeting was necessary. There were still questions as to which designs would work best for area businesses and more feedback was needed from them.

There was Commission consensus to schedule a special workshop meeting to discuss the issue.

Commissioner Vincent stressed the need for area businesses to attend the workshop and voice any concerns rather than doing so after a decision on the design was made and work had begun. It was important to do the project right the first time.

Vice Mayor Sasser thought the Town held a previous meeting that invited all the area businesses to view the two design plans and give their feedback.

Town Manager Hoffmann affirmed such a meeting was held.

Vice Mayor Sasser reiterated the Town held a previous meeting in order to present the subject designs to the affected business community, and there had been more than one meeting with the business community on the east. He wished it made clear the Town

Town Commission Regular Meeting Minutes
April 10, 2012

Commission and Town staff were not forging ahead with the various improvement projects without including input from the local business community.

Commissioner Vincent felt Town staff should go to the businesses, and knock on their doors to tell them of the upcoming workshop and the importance of their attending.

Town Manager Hoffmann commented Town staff both hand delivered and mailed notices of the previous meeting to the businesses. She noted if the April 16, 2012 meeting was a workshop, then at the next Commission meeting on April 24, 2012 she would be seeking Commission approval on which design to proceed with.

Mayor Minnet suggested the April 16, 2012 meeting be noticed as a Special Commission meeting to allow the Commission to take action if they wished to. The meeting would be held at 6:00 p.m. in Jarvis Hall.

Town Manager Hoffmann noted how active the Code Enforcement contractor and the Fire Marshal had been in inspecting hotels from which either the Chamber of Commerce or Town staff received complaints. The violations would go before the Code Magistrate for a hearing if not corrected.

Vice Mayor Sasser commented on the section of the Town Manager's report concerning cross access to retail stores across Benihana's parking lot utilized for valet parking. He wondered if Benihana were to allow such access, would this give westbound vehicles the ability to make a left from Commercial Boulevard without having to make an illegal U-turn.

Town Manager Hoffmann answered yes.

Vice Mayor Sasser noted, as this was a very valuable vehicular access, the Town should play "hardball" with Benihana, on their renewal of the lease and consideration of the concession on the 100 percent increase and other concessions Benihana was requesting of the Town. This would ensure Town staff was exhausting all resources in getting that access, as it was extremely important to those merchants in that parking lot.

Town Manager Hoffmann responded Benihana might decide leasing the space from the Town was not as important as refusing access over their property, which they stated they used for parking, so this was not an issue the Town could force. Town staff was working on another alternative that could resolve the current situation. Assistant Town Manager Bentley had a meeting on the coming Friday to speak with the parties concerned about whether another alternative might work.

Vice Mayor Sasser understood that Benihana did not really own the entire lot, and he wished to know which zones were within the lot and what they owned.

Town Manager Hoffmann indicated staff already looked into the ownership of the parcels and what Benihana owned. It was important to consider that Benihana is also a very viable business in the Town that also has specific needs.

Vice Mayor Sasser noted this was an issue the Town had to tackle as part of its strategy for west Commercial Boulevard, and it seemed to be one that was difficult to resolve, due partly to having to get FDOT approval. He discussed the portion of the Town Manager's report on the Florida, Power & Light (FP&L) streetlights, noticing it indicated no progress was being made and wondered how this could be changed.

Town Manager Hoffmann remarked it was extremely frustrating dealing with FP&L on this and every request. She stated she might call upon Mayor Minnet to call someone higher in the FP&L organization.

Mayor Minnet stated she would be happy to call FP&L.

Vice Mayor Sasser asked that the next Town Manager Report include an update on business recruitment. He noticed in the current Town Manager's report there was discussion regarding discouraging business recruitment due to the Town's lack of control over the leases. Delray Beach was in a similar situation of having no control over the leases, yet they developed a strategy for recruiting businesses.

Town Manager Hoffmann replied Delray Beach established and utilized its Community Redevelopment Agency (CRA) for that purpose and, therefore, had additional powers and resources. Businesses approached the Delray CRA and they were vetted, and the CRA tried to place them with vacant properties that were actively recruiting businesses. She felt the Town did not possess such resources due to its small size. She spoke with someone that spent their whole career leasing properties for shopping centers on behalf of property owners and soliciting prospective tenants. The individual asked her a series of questions to determine what the Town brought to the equation. The Town Manager advised the individual the Town was making significant infrastructure improvements. Town Manager Hoffmann indicated the individual told her local business property owners would need to join with the Town and agree to certain lease terms, so there was something to negotiate with when approaching potential tenants.

Vice Mayor Sasser thanked Town Manager Hoffmann for the information, noting her feedback could fundamentally change his opinion on the Town's strategy with regard to the planned redevelopment and the CIP. He needed to think more on the matter. Vice Mayor Sasser referred to the issue of the all-red stop mentioned in the Town Manager's report, as he recently observed it no longer worked. Town Manager Hoffmann clarified the Town did not yet have the all-red stop. There had been changes in the timing of the signals that were made and still in place. As stated in her report, Town staff and the Town traffic planner met with FDOT and Broward County concerning the all-red stop, and they indicated a willingness to approve it for weekends only. Traffic count data was now being analyzed by Ms. Hughes to determine if the all-red signal was warranted on weekdays during the season. Ms. Hughes would take the results of her analysis to

FDOT and the County to pitch for their approval, and if they gave the go ahead, the Town would then decide when the all-red light would be implemented.

Commissioner Brown commented on traffic in the north end of the Town being intolerable all times of the day, and part of the problem might be that the lights were out of sync at the Sea Ranch entrance and at the shopping center. He requested Town staff make an inquiry with the County or entity controlling the traffic lights to determine what the problem was and adjust the timing of the lights if necessary.

Town Manager Hoffmann replied she had already asked Ms. Hughes to look into the situation to determine the problem in order to find a solution.

Commissioner Dodd announced his full support of the Town's code enforcement staff and Fire Marshal aggressively pursuing hotels with code violations, as it reflected badly on the other hotels in the Town that were doing a great job. He stated any hotel with code violations would receive little or no sympathy from him if they came before him for mitigation of their lien at a future date, as the code process allowed them ample time to comply before going before the Code Magistrate.

Mayor Minnet noted a nuisance abatement ordinance would be coming before the Commission for approval, which would help allow the Town to correct some of the lingering problems. Town Manager Hoffmann and she had discussed problems with vacation rentals, and what could be done as far as code enforcement was concerned. They continued to try to control the Town's vacation rental problems in both the north and south parts of the Town.

With regard to FP&L, the Mayor indicated she was the chairperson of the Sustainability Committee of the Broward League of Cities (BLC). There was a resolution brought forward by the Miami-Dade League of Cities opposing the nuclear cost recovery fee FP&L sought. Specifically, customers would pay FPL to cover their cost for nuclear power, and if FP&L they decided not to move forward with the nuclear plant, that money would not come back to the customers. Miami-Dade sent the same resolution to Broward League of Cities and it was approved, but FP&L asked BLC to reconsider. FP&L gave the Sustainability Committee two presentations on the subject matter and did not like the response the Committee gave them, and they felt Mayor Minnet was instrumental in the Committee moving forward the resolution opposing nuclear cost recovery. The BLC would be moving to oppose FP&L's nuclear cost recovery proposal and was formulating its own resolution, as the Miami-Dade resolution contained inconsistencies.

9. TOWN ATTORNEY REPORT

There was no report.

10. APPROVAL OF MINUTES

a. March 5, 2012, Regular Commission Meeting Minutes

Commissioner Dodd made a motion to approve the March 5, 2012 regular Commission meeting minutes. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

11. CONSENT AGENDA

Items 11d and 11f were pulled from the Consent Agenda for discussion.

Commissioner Dodd made a motion to approve items 11a, 11b, 11c, 11e, 11g, 11h and 11i on consent. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- a. Special Event Application from Divers Direct for Divers Direct Earth Day Cleanup proposed for Sunday, April 22, 2012, (Code Compliance Inspector Tuchette Torres)**

This item was approved on consent.

- b. Special Event Application for Athena's Music By The Sea for Music By The Sea event proposed for Saturday night's from May 12, 2012, to May 11, 2013 (Code Compliance Inspector Tuchette Torres)**

This item was approved on consent.

- c. Special Event Application for Chamber of Commerce "Mother's Day Jazz by the Sea" Event proposed for May 13, 2012 (Code Compliance Inspector Tuchette Torres)**

This item was approved on consent.

- d. Special Event Application the American Cancer Society's "Relay for Life" Event proposed for Friday, June 1 and Saturday, June 2, 2012 (Code Compliance Inspector Tuchette Torres)**

This item was pulled from consent for discussion.

Commissioner Dodd felt the backup was unclear whether the event would take place as an 18-hour relay, questioning the substance of the event.

Assistant Town Manager Bentley clarified it would be a single event where people came out and walked individually or as a team with different members walking at differing time. The event would not take place on any of the Town's roadways.

Mayor Minnet noted Town staff and she met with the American Cancer Society, and they hoped to hold the relay on the beach.

Vice Mayor Sasser mentioned having a similar conversation with the American Cancer Society representatives at the last Commission meeting, stating he informed them it was sea turtle season. He told them if they intended to walk on the beach, they needed to know there would be areas cordoned off because of the sea turtles, and they should use caution when walking on the beach, particularly at night.

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

- e. Special Event Application for the United Cerebral Palsy "Beach Volleyball Tournament" Event proposed for Saturday and Sunday, June 2 and 3, 2012 (Code Compliance Inspector Tuchette Torres)

This item was approved on consent.

- f. Commission District Study (Deputy Town Clerk Glenn McCormick)

This item was pulled from consent for discussion.

Commissioner Brown expressed concern with regard to the study. All members of the Commission were elected town wide, and it made no difference whether more people resided in one area of the Town than the other. There seemed no point in doing a redistricting study to establish a fair voting ratio, as voting in the Town was already fair, and there was nothing on the table to make it unfair. He felt it unnecessary for the Town to spend \$5,835 on a study, suggesting the Town pay the university for a letter stating town-wide voting was fair for all persons able to vote.

Deputy Town Clerk McCormick understood Commissioner Brown's concerns, but the Town's Charter mandated the study. Town staff could recommend to the Charter Review Board they remove the mandate from the Charter in the future. He clarified the Town staff had asked the proposal be broken into two phases, to control the cost and determine the necessity of the second phase.

Dr. Nora Alpert of Florida Atlantic University (FAU) explained, when doing such a study, they looked at the census blocks. She was involved in the last study done of the Town in 2004 that focused on traffic zones, as that was the best data available. Now they had data from the 2010 Census, and the study results would be based on actual data and not on estimates as in the 2004 study. In relation to the districting aspect of the study, Ms. Alpert suggested deferring to the Town Attorney for direction, as the requirement was in the Town's Charter, and FAU was not seeking to conduct that portion of the study for no valid reason. She noted the front end of the study, building the data, was the most time consuming. Putting the options together, the back end of the study, was a simpler and shorter process.

Town Attorney Kennedy affirmed the study was a Town Charter requirement and, therefore, it had to be done for the time being. Within the next week, she would advise

if there was a way to reduce the scope, as she did not have the Charter with her at present.

Commissioner Dodd realized the Town Commission had little option but to allow the study, as it was mandated in the Charter. The first half of the study should be done, rather than paying FAU for a letter. The Town had an obligation to treat its residents with respect and adhere to the Charter's requirements; thus, the \$5,000 should be approved. However, this did not mean it was necessary to move full ahead with phase two, as that could be delayed, along with its implementation. The Charter Review Board might consider the issue of redistricting, so there was some leeway in the application.

Vice Mayor Sasser agreed with Commissioner Dodd's sentiments, commenting that simply saying the Town should pay FAU for a letter to state a result without actually doing the work to achieve the result could lead to ethical and political issues later. He had no wish to place FAU or the dais in such a position, recognizing Commissioner Brown might not have meant it literally but sought only to make a point.

Commissioner Dodd made a motion to approve only Phase I of the Redistricting Study. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

g. Acceptance of Audit Report (Finance Director Tony Bryant)

This item was approved on consent.

h. Revised Traffic Calming Plan for Imperial Lane (Assistant Town Manager Bud Bentley)

This item was approved on consent.

i. Vice Mayor Sasser's excused absence request for the Commission of April 24, 2012.

This item was approved on consent.

Mayor Minnet recessed the meeting at 9:12 p.m. and reconvened at 9:38 p.m.

12. ORDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

There were no ordinances for consideration.

13. RESOLUTIONS – PUBLIC COMMENT

a. **Resolution 2012-19: A RESOLUTION APPROVING PARKING SERVICE CONTRACT.**

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

Assistant Town Manager Bentley mentioned that the contract that went out the previous Friday was a draft. Since then, Town staff rewrote a few elements over the weekend as noted in the backup he had provided this week, specifically the clause in section 9.8. He thanked Standard for their cooperation and an excellent turnaround time.

Mayor Minnet indicated she would recuse herself from the vote due to the previously stated conflict of interest.

Commissioner Dodd made a motion to adopt Resolution 2012-09. Commissioner Brown seconded the motion. The motion carried 4-0. Mayor Minnet recused from voting.

Town Manager Hoffmann clarified the vote was to approve the contract distributed to the Town Commission at the present meeting.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were no Quasi-Judicial Hearings for consideration.

15. COMMISSION COMMENTS

Commissioner Brown attended the Metropolitan Planning Organization's (MPO's) meeting in March. Most of the issues the MPO dealt with did not affect the Town, as they involved roads, the Turnpike, railroads, the I-95, etc., though there were some issues on which the Town could have input. He stated the MPO had money available for sidewalk and greenway types of improvements and possibly a garage or a pedestrian walkway. He would be meeting with the director of the MPO in the next few days to find out if the Town could apply for grant funding.

Commissioner Dodd commented on his regular meeting with the Volunteer Fire Department (VFD) Chief at which they discussed the reduction in medical calls, the use of a compressed air life buoy from the beach, and other issues. He would provide more information when he received the report substantiating those changes in the numbers of medical calls, as well as in the increased beach patrols, particularly on weekends.

Vice Mayor Sasser thanked everyone who participated in the Easter festivities, including Mayor Minnet, who chaired the event; it went off very well and was well attended.

Mayor Minnet echoed appreciation to everyone who worked to make the Easter festivities a success, as well as to those who attended the event. There were some 40

volunteers helping to stuff about 6,000 eggs, along with decorating the hall, and the music from a member of the VFD.

16. OLD BUSINESS

a. Selection of a Brand Design (Assistant to the Town Manager Pat Himmelberger)

Town Manager Hoffmann reviewed the details of the brand design selection process. Clear direction was requested from the Town Commission on the logo, noting the tagline would take longer.

Andrew Hillier of Tangled Spider indicated they hoped the Town Commission would vote to approve a primary logo from the set they delivered. The tag line would then be derived from the logo of choice.

Commissioner Brown expressed appreciation for the designers presenting a concept of the pier based on public feedback. However, he was concerned that an outsider seeing the logo might confuse the pier with a bridge or something else. Another suggestion was to use a palm tree rather than an Addy chair, as the palm tree was more consistent with what was present in the Town. He wondered if a palm tree/pelican design could be considered.

Andy Royston of Tangled Spider thought the reason for the exclusion of palm trees from the designs was it did not speak to too many of the core values they felt were at the heart of the Town's brand. Palm trees were such a cliché element in the brands of many municipalities in the area, and the aim was to come up with something more exclusive to the Town.

Commissioner Brown thought a design with the pier should have some sense of water beneath it that clearly communicated the difference between sand and ocean without the logo becoming too crowded.

Mr. Hillier pointed out the Town's name conveyed the location as being by the sea. It should be remembered the logo chosen had to remain distinctive but uncomplicated, so when it was reduced the various elements maintained their significance and were not lost in their reproduction. He indicated they endeavored to keep the logo design consistent with the fonts, the treatment and the way everything fell together. It was important to establish a primary logo, but the other designs could be a part of a family of branding. The pelican and the chair, if not the primary logo, could still be incorporated to draw attention to that aspect of the Town and used for marketing purposes. He commented the diversity of the Town itself was unique, and their goal was always to convey that across the board in the various design's presented.

Mr. Royston noted, when the pier was included as an element, it dominated the image, creating an impression of the Town being more about fishing, and it was difficult to include the beach in that logo to convey relaxation. The touch points they sought to bring into the logo focused on tradition, a sense of relaxation, and the tropical nature of the Town. Incorporating the pier along with all the other elements made the logo very complicated. They felt the pier spoke to a particular audience. The primary logo should speak to a wider local and visitor population. This was the reason the pier did not drive the logo.

Commissioner Brown concurred that the linearity of the pier created issues, and though it could be included as an element of the design, it made sense that it could not be the dominant logo.

Commissioner Vincent stated the history of Lauderdale-By-The-Sea revealed people coming to the Town saw it as a hideaway where they could relax, with only limited access via the bridges to the north and south of the Town. The Commercial Boulevard bridge only came into existence in the '60s. He felt this was the image the Addy chair conveyed, and the Town's primary logo should convey that image of relaxation. A member of the public commented to him that Lauderdale-By-The-Sea was the town that refused to grow up, or "go up" to his mind. The Town continued to maintain a horizontal building landscape that seemed to work well for the needs of residents, businesses and visitors. He thought just as an Addy chair could be anywhere, so could a palm tree. The element of relaxation was conveyed more clearly with the chair than the tree.

Commissioner Dodd thought the pier designs were interesting and could be used for banners around the Town. In order of preference, he liked the designs with the Adirondack (Addy) chair, the colorful blocks, and then the nostalgic postcard. He too received comments from residents and businesses that the suggested logos were not quite representative of a beach, reef, laid back, resort-styled tropical destination. The designers might consider using a deckchair with a palm tree and a pelican, as the Addy chair did not originally hail from Florida.

Mayor Minnet mentioned growing up in South Florida with her mom who was born in 1927, and back then they had Adirondack (Addy) chairs, as did her grandmother. It was northerners who settled the area and they brought their style of furniture and incorporated it into the homes they established in the Town. Like others in the Town mentioned to her, she too remembered Addy chairs in front of Mack's Grove, and many people missed seeing the chairs outside the business when Mack's closed. She liked the Addy chair and the pelican, and the colorful blocks looked great as well. Since many residents supported those designs, she hoped a decision could be made and the process moved forward to the next step.

Vice Mayor Sasser reiterated maintaining the Addy chair in the primary design, and using the colorful blocks to illustrate the versatility of the Town's brand and be used in

Town Commission Regular Meeting Minutes
April 10, 2012

designs for various marketing purposes. The pier element could be included in the colorful blocks, but should not be in the primary logo.

There was Commission consensus to have the Addy chair with the pelican as the primary logo. The colorful blocks design would be used to supplement the primary logo and in different marketing campaigns.

Mr. Hillier said he received over 20 suggested taglines, which the design team viewed as working words. As the primary logo could have secondary elements, the same could be done with the tagline. They hoped to choose a primary tagline, but more time was needed to explore how to incorporate some of the other words received. He intimated various slogans or taglines could be used for different marketing and campaign messages across the board.

Mr. Royston thought it was marvelous to see the suggested taglines the branding process evoked from the Town's people, and it added an interesting context to how the Town was viewed by its residents. The word "paradise" was used frequently, and it was important to build such words into the brand to a greater and lesser degree depending on their fit. The Town's tagline should be one that was easy for everyone and did not get lost in puns. For many visitors, English was not their first language, and it was important not to create a slogan that did not translate well in other languages.

Mr. Hillier concurred, stating the slogan had to fit the primary logo.

Commissioner Vincent commented on marketing the Town worldwide, questioning if it was necessary to incorporate wording in the tagline to clearly communicate the Town was located in Florida and, if so, how could this be done.

Mr. Hillier believed this question warranted further exploration, as he was unsure whether the Town's location needed to be a part of the tagline, since visitors tended to research their holidays and had a rough idea of where they wanted to go. Any type of marketing message they recommended would keep Florida high on the list, particularly if the advertising materials were to leave the State for presentation in a wider market.

Commissioner Vincent understood, adding there were many people in Florida who were unaware of the Town's existence and/or location.

Town Manager Hoffmann stated Tangled Spider team would spend more time considering the tagline based on public and Commission feedback. They will present the results at the April 24, 2012 Commission meeting.

Mayor Minnet thanked residents and business owners for going online and giving their input and suggestions. It appeared many were pleased with the logo designs Mr. Hillier and Mr. Royston produced.

Continuation of Discussion of Item 11 f Commission District Study

Mayor Minnet mentioned the Town Attorney conducted research into the Town's Charter, specifically the section on redistricting.

Town Attorney Kennedy said the purpose of the study was to satisfy the residency requirements for the candidates in the elections. She noted the candidates for seat 2 and seat 4 had to live in the southern district, and the candidates for seat 1 and seat 3 had to live in the northern district; therefore, boundaries had to be drawn for those districts. This was the purpose of the mandated study and the results had to be submitted no later than September 1, 2012, with any redistricting completed at that time. The Charter required the Town to establish a contract with a four-year university to do the study to ensure it was done appropriately. She confirmed the Commission could approve the study in pieces and, upon review at each stage the decision could be made by the dais whether to do a complete redistricting. If needed, it could be done subsequently, but the whole process had to be completed by September 1, 2012.

b. Contract with Realtor to Lease Warehouse (Public Information Officer Steve d'Oliveira)

Public Information Officer Steve d'Oliveira commented there was one response to the Town's last RFP from Welsh Realty. The terms were more favorable than the response received a few months prior.

Town Manager Hoffmann stated Welsh Realty had more commercial experience, as evidenced by their response. Town staff wanted to make sure the Commission was satisfied with the proposal before involving attorney time and fees in developing a contract.

Commissioner Vincent felt comfortable with the results of the RFP.

Town Manager Hoffmann suggested the Town Commission make a motion to endorse Town staff's recommendation, directing staff to return with a contract for review.

Commissioner Dodd asked for the option to be left open for the Town Manager to negotiate the fee down before awarding the contract.

Public Information Officer Steve d'Oliveira clarified the range of fees mentioned had to do with the contract to manage the property and did not refer to the four percent of the gross lease. Town Staff reviewed the management proposal made by Welsh Realty and did not feel their proposed fees were in the Town's best interest, so that portion of the agreement would not be pursued.

Commissioner Vincent made a motion to approve Welsh Realty as the Vendor to Lease the Warehouse but not manage the property and direct the Town Manager to negotiate

a contract with those terms. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. Expand the Use of Mini-Spaces (Commissioner Dodd)

Commissioner Dodd indicated the matter was deferred at its September 2011 meeting to see how well the Neighborhood Electric Vehicles (NEV) spaces were being utilized. Currently, motorcycles and NEVs were entitled to use single parking spaces, and since parking spaces were going to be under even more pressure, he felt the NEV spaces should be opened to motorcycles on an equal footing. The Town might consider changing its current code so that up to four NEVs and motorcycles could use a single Town parking space. It was doubtful that the code addressed NEVs in any way, and currently allowed only two motorcycles in a single parking space. He believed there were presently about 17 NEVs in the Town.

Mayor Minnet acknowledged John Lyons from Channel 10 News contacted her about doing a story on NEVs. He also spoke with Commissioner Dodd and other residents and businesses who owned NEVs. She felt it was important to keep NEV spaces only for the use of NEVs, as sufficient time had not been given to allow the program to really take off. She found it frustrating to see NEVs parked in regular parking spaces. The Town's parking staff should place a polite note on their windshield asking them to please use the designated NEV spots. She remarked on being an earlier proponent of four motorcycles per parking space, stating at the time it created a considerable uproar and caused her to back off the issue. It would be interesting to hear from those objectors of two or three years ago on expanding the use of single parking space to legally accommodate four motorcycles. She thought it best to leave the code as is to allow time to canvass residents and businesses for their input, including placing language in the Town's ordinances that allowed two NEVs in a single parking space.

Commissioner Brown supported keeping the NEV spaces solely for NEV parking, and he was reluctant to take an action that would set aside prime parking spaces for motorcycles. He had no wish to attract more motorcycles to the Town than already existed.

Commissioner Vincent preferred not to see four motorcycles in one parking space for safety reasons and the need for sufficient room to maneuver. If one bike tilted over, they would all fall over, so it was best to leave it at two motorcycles per parking spot.

Vice Mayor Sasser supported further conversation regarding four motorcycles per parking space and, with regard to NEV parking spaces, the Town should be looking at expanding the program and not taking away NEV parking spaces. He agreed more time was needed for the NEV program in the Town.

There was Commission consensus to reconsider the matter in six months.

17. NEW BUSINESS

a. Marketing of RFQ Scope of Services (Assistant to the Town Manager Pat Himmelberger)

Assistant to the Town Manager Pat Himmelberger reviewed the RFQ.

Vice Mayor Sasser asked Town staff to clarify why the Town needed multiple marketing services, as one of the elements in marketing was the consistency of the message.

Town Manager Hoffmann responded the aim was to engage the services of two or three marketing firms the Town could use. For example, some firms specialize in social media marketing while others do not. One firm would be hired to do the marketing study for the overall marketing plan which would then dictate how the other marketing firms would carry out implementation. The marketing theme would be consistent.

Commissioner Dodd was concerned that the Town might be going out too soon with a major input on marketing, as there continued to be problems with the hotel at the southern end of the Town. It seemed premature for the Town to embark upon such marketing activities when there were still internal problems with the hotel industry regarding code violations.

Town Manager Hoffmann responded Town staff envisioned the marketing agreements to be three-year contracts with two one-year renewals, so this was to be a longer-term arrangement. It was a policy decision for the Commission to make, such as whether to do a market analysis to determine the Town's strengths and weaknesses. That might identify to what extent the problems with various hotels were hurting the Town's economy. With that knowledge it could be possible to work on a strategy to overcome such obstacles rather than waiting for them to disappear.

Commissioner Vincent agreed with Town Manager Hoffmann that the study could help the Town develop strategies that resolved or at least disguised the problematic areas while enhancing the positive qualities the Town had to offer. This was better than sitting dormant, waiting for everything to be perfect, which was unrealistic. He believed it best for the Town Commission and staff to work through it, be creative, and utilize the services of marketing experts.

Commissioner Brown thought the present decision was not to actually hire marketing firms; rather it was to identify them so the Town could expedite the process if in need of such services later. This being the case, then such a decision was a necessary first step in the marketing process.

There was Commission consensus to proceed with a Marketing RFQ.

b. Treasury Management and Banking Services Request for Proposals (RFP)
(Finance Director Tony Bryan)

Finance Director Bryan reviewed and presented a draft RFP for the Commission's review and authorization to issue it.

Town Manager Hoffmann added the draft RFP had already been reviewed by the Town's Audit Committee.

Vice Mayor Sasser supported the RFP. He noted, along with the purchasing card programs that gave rebates on purchases, Town staff might wish to include language to the effect of, "Please respond on any commercial card or purchasing card programs and rebates you might have."

Commissioner Dodd echoed support for the proposed RFP for banking services. He believed SunTrust Bank, that had been the Town's bank for many years, appeared to be looking out for its own interest rather than seeking to retain the Town as a customer. The RFP should force them and other banking institutions to offer the Town better banking service options in view of the healthy state of the Town's finances.

Town Manager Hoffmann pointed out there might be some minor modifications to the RFP, as she had someone that did this type of analysis for cities all over the country looking over the draft RFP at no cost to the town, and she might suggest a few minor changes. Town staff would hear from her in the coming week, make changes if necessary and get the RFP out.

Commissioner Dodd made a motion to move forward with the RFP as presented by staff, with the inclusion of Vice Mayor Sasser's suggestion. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

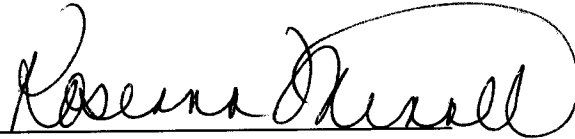
c. Appointment of a Municipal Director, Alternate and Second Alternate to the Broward League of Cities (BLC) for the year 2012 to 2013 (Town Clerk June White)

Commissioner Dodd made a motion reappoint Mayor Minnet as the Town's Municipal Director to the Broward League of Cities (BLC), Commissioner Brown as the Alternate, and Commissioner Vincent as the second Alternate. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:30 p.m.

19. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White, CMC

5-23-2012
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 MAYOR. COMMISSION
MAILING ADDRESS 2000 S Ocean Blvd #11E		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: TOWN
CITY LAUD-BY-The-Sea	COUNTY BROWARD	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED April 10, 2012		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 AMINNET, hereby disclose that on APRIL 10, 20 12:

(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, in the past done business with the responder

April 13, 2012

Date Filed

Roseann Aminnet

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.