TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, September 14, 2010
7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffman, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Pauline Brooks McGuiness, Member of the Bahia of Ft. Lauderdale and Lauderdale-By-The-Sea

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet added Residential Parking Permits under New Business 15f.

5. PRESENTATIONS

a. Proclamation proclaiming the month of October as Domestic Violence Awareness Month (Mayor Roseann Minnet)

Mayor Minnet proclaimed the month of October as Domestic Violence Month.

6. PUBLIC COMMENTS

Marie Chiarello requested permission to speak as a resident and then, as a Committee member to give an update on the 2010 Halloween event. Permission was granted.

Ms. Chiarello asked where the decorations were from the 2008 and 2009 Halloween events. She said she had 2 years' worth of receipts and pictures in the By-The-Sea-Times that showed decorations. Ms. Chiarello believed it was the responsibility of the

Halloween Committee Chairpersons to submit in writing the whereabouts of said decorations and if no one wishes to address the issue then a full police investigation was needed.

Marie Chiarello thanked staff, including parking enforcement for all their help with the 2010 Halloween Event and asked for donations and volunteers for the event. Ms. Chiarello said the Family of Angels, who wished to remain anonymous, contributed 40 containers for Easter, Halloween and Christmas by the Sea. She added that she only wanted the unwanted items donated to a charity.

Louis Marchelos said the props for Halloween and other Town events were stolen. He asked that all the props be returned to the Town. Mr. Marchelos believed the Chairpersons should be interviewed. He asked that Commissioner Clottey do the investigation as a past chairperson and report back to Commission.

Diane Boutin recognized the spirit of cooperativeness. She reminded the Commission to think long term when deciding on the millage rate.

Mike Banta said he did not understand why the Town used tax dollars to make charitable contributions. He preferred that the residents make their own donations.

Bob Fleishman agreed with Mr. Marchelos. He did not want Commissioner Clottey to do the investigative report as it was not appropriate since she was a Chairperson previously. Mr. Fleishman preferred that another Commissioner do it in cooperation with Commission Clottey.

Paul Novak wanted to be sure the vendors could park along El Mar Drive for free during the event. He believed it would be difficult for vendors to constantly pay meters throughout the day.

Bill Vitollo said it was time for the Town to take back the Welcome Center. He believed that the Chamber of Commerce should no longer run the Welcome Center. Mr. Vitollo felt that the Town should help the Chamber of Commerce but should separate the two entities. Mr. Vitollo hoped that there would not be many cuts in the budget this year. He said that if taxes needed to be raised to maintain services and repair sewers, then it should be done, as paradise was not cheap. Mr. Vitollo thought it would be easier to explain the shortfall number in dollars per household so residents could understand and make a decision.

7. PUBLIC SAFETY DISCUSSION

8. APPROVAL OF MINUTES

a. August 25, 2010 Workshop Meeting Minutes

b. August 25, 2010 Regular Meeting Minutes

Mayor Minnet clarified that there were 2 changes to the minutes that were previously emailed to the Commission.

Vice Mayor Dodd made a motion to approve the Workshop minutes and the Regular Meeting minutes of August 25, 2010. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

9. CONSENT AGENDA

Mayor Minnet pulled items 9b, 9c, 9d, 9e and 9f for discussion.

Vice Mayor Dodd made a motion to approve item 9a on consent. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

a. Commission approval of seventy-two (72) parking permits for use by the Women's Club of Lauderdale-By-The-Sea, only valid Wednesday from 9:00AM to 4:00PM and the third (3rd) Thursday of every month 9:00AM to 4:00PM expiring September 30, 2011 (Town Clerk June White)

This item was approved on consent.

b. Commission approval of Special Event Application - Chamber Arts and Crafts Show - October 30 & 31, 2010 (Assistant Town Manager Bud Bentley)

Vice Mayor Dodd asked whether any past craft shows required 6 extra portable restrooms. Interim Assistant Town Manager Bentley stated that he was not aware of the requirement in reference to portable restrooms. He added that they could meet the County requirements for public facilities if they received permission from the surrounding businesses for access to their facilities.

Vice Mayor Dodd wanted to see clearly labeled recycling containers at future events and said he would speak more about the issue at a future Roundtable meeting.

Commissioner Sasser was confused regarding the request for suspension of parking enforcement after the event was over. Interim Assistant Town Manager Bentley believed the Chamber of Commerce wanted to facilitate, vendors / visitors to stay in the downtown area without paying for parking. He said the Chamber of Commerce did not offer reimbursement to the Town for the loss of revenue.

Commissioner Sasser asked that parking on El Mar Drive be addressed. Assistant Town Manager Bentley explained that parking on El Mar Drive was a necessity at the large special events. Commissioner Sasser asked for clarification that staff recommended free parking on EL Mar Drive for the event and not at the metered spaces. Interim Assistant Town Manager Bentley confirmed. He explained further that

the event sponsor was required to place signs on El Mar Drive in the locations that allowed free parking and the signs were to portray the time limits.

Interim Assistant Town Manager Bentley addressed Mr. Novak's earlier concern regarding free parking for the vendors. He explained that they could purchase a parking pass that would allow the vendors to park all day during the event and, if there was free parking on El Mar Drive the vendors would park there first unless the sponsor said otherwise. Mayor Minnet was concerned that would create a problem as the vendors sometimes stayed overnight which was not a permitted use in Town. Interim Assistant Town Manager Bentley said that overnight parking for certain vendors could be arranged if the Commission granted staff the authority to do so.

Mayor Minnet said they had not had these problems in the past and that vendors always made arrangements to park overnight elsewhere. She added that she wanted to be as cooperative as possible and agreed they should charge for the meters throughout Town and include recycling.

Commissioner Clottey agreed with Mayor Minnet and stated that it would be easier to talk to the Chamber of Commerce to see where the vendors parked overnight in the past. She also requested that time limits be posted on the signs to avoid having vehicles park there late at night.

Interim Assistant Town Manager Bentley requested that the motion to approve the event include the delegation of authority or authorize staff to make arrangements for overnight parking for vendors' vehicles.

Vice Mayor Dodd made a motion to approve as amended, to approve and authorize staff to make arrangements for overnight parking for vendor vehicles. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

c. Commission approval of a Special Event Application - Village Grille Patriots Pre-Game Party - October 4, 2010, 1:00 PM to 7:00 PM (Assistant Town Manager Bud Bentley)

Vice Mayor Dodd asked whether the Village Grille would provide clearly marked recycling containers. David Gadsby agreed to provide them.

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

d. Commission approval of a Special Event Application for Christmas By-The-Sea, December 8, 2010, 5:00 PM to 9:00 PM (Assistant Town Manager Bud Bentley)

Vice Mayor Dodd asked whether recycling containers could be provided. Paul Novak said he would try.

Commissioner Sasser said that the event budget request was listed at $7,375 but the Chamber of Commerce documentation received the day before had a different amount. He asked for confirmation that the $7,375 was the correct amount. He added that there was also a request for a Town contribution of $2,500 and inquired as to whether that amount would go up. Mr. Novak said it would stay the same.

Mayor Minnet asked for clarification that along with the Chamber of Commerce's request for $35,000, the Chamber also requested $11,000 for advertising and a Town contribution for Christmas By-The-Sea of $2,500. Mr. Novak confirmed. Vice Mayor Dodd asked what the contributions and profit and loss for the Chamber of Commerce was over the past 3 years. Mr. Novak did not have those figures available. He said the $2,500 for Christmas By-The-Sea was a fair amount and it was for the community.

Commissioner Clottey stated that the VFD used to put up the Christmas tree and the one year they did not, it cost the Chamber $5,000. She asked whether the Chamber would ask the VFD to put the Christmas tree up to save money. Mr. Novak said that if the VFD wanted to do it, he had no problem letting them do it. Commissioner Clottey asked Mr. Novak to contact the VFD. Mr. Novak said he would. Mayor Minnet clarified that the request for $35,000 was for the Visitor's Center and the $2,500 was strictly for Christmas By-The-Sea through the Chamber of Commerce. Mr. Novak confirmed.

Commissioner Vincent made a motion to approve. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

e. Legal Action to effect the transfer of the Wings' parking lot to the Town of Lauderdale-By-The-Sea (Assistant Town Manager Bud Bentley)

Interim Assistant Town Manager Bentley explained that the project was approved in 2007. He said that per the agreement, 10 parking permits were supposed to be provided to Wings. Interim Assistant Town Manager Bentley added that the record showed that those permits were non-restrictive. He said that the owner believed there were supposed to be 10 dedicated parking spaces and added that Wings would not agree to the transfer unless they received the 10 dedicated spaces.

Mayor Minnet clarified that Wings was asking for spaces that no one else could use. Commissioner Sasser asked for the total number of spaces currently in the Wings' parking lot. Interim Assistant Town Manager Bentley said there were approximately 15. He added that when the parking lot was re-done a couple of spaces would be lost due to the access.

Commissioner Sasser asked whether the owner still refused to release the escrow warranty deed. Attorney Trevarthen confirmed. She added that a major effort was made to finish this project but was unsuccessful. Commissioner Sasser questioned whether the parking passes could be distinguished as "hardship parking passes" and in doing so, should the Warranty Deed state "hardship parking passes". Attorney Trevarthen said she would take that into account. Commissioner Sasser asked whether

the "hardship parking passes" could park anywhere in Town or just in the Wings' parking lot. Interim Assistant Town Manager Bentley said the language referred to the Wings' parking lot or the adjacent parking lot. He suggested that the word "hardship" not be used because the Town might change the name of the "hardship" permit in the near future.

Commissioner Clottey recalled that the agreement allowed Wings to have a dumpster on the lot. She calculated that if 15 spaces remained, and after giving the 10 spaces to Wings, the Town would be left with 5 spaces. She asked what the financial benefit was to the Town and how much taxes would be lost. Interim Assistant Town Manager Bentley said he did not look at that because the decision was already made. Commissioner Clottey asked what the advantage was to the Town. Interim Assistant Town Manager Bentley stated that it would improve the circulation and the number of parking spaces, once it was joined with the A1A lot. He added that it would then meet the Town's landscape code and could possibly become the site for a future parking structure.

Commissioner Vincent said that when the Warranty Deed was prepared and executed both the Town Attorney and Wings' Attorney approved the project prior to it being escrowed. Attorney Trevarthen said they worked together with staff at that time. Commissioner Vincent stated that they were promised 10 parking permits and did not stipulate whether they were dedicated spaces. He asked whether Wings was looking for dedicated spaces closest to their building. Interim Assistant Town Manager Bentley said they were. Commissioner Vincent asked what the downside was in giving them the spots. Interim Assistant Town Manager Bentley explained that there was a significant distinction in property rights verses permits that could be managed and moved around.

Commissioner Vincent asked whether they were open to dedicating the spaces on a short term basis. Interim Assistant Town Manager Bentley said they were not.

Interim Town Manager Hoffmann explained that the Town would still get revenue as long as people did not stay there 24 hours a day. Vice Mayor Dodd did not recall promising Wings any dedicated spaces.

Mayor Minnet believed this item needed to be turned over to the Town Attorney.

Vice Mayor Dodd made a motion to authorize the Town Attorney to take the necessary and appropriate action to effectuate the transfer of the parking lot, according to the terms of the Developmental Order and the General Warranty Deed. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

f. Commission approval of a Special Event Application for Oktober Fest, October 16, 2010, 5:00 PM to 10:00 PM by the Property Owners Association of LBTS, Inc. (Assistant Town Manager Bud Bentley)

Commissioner Sasser asked whether the Town was fully covered and whether additional insurance was needed. Interim Assistant Town Manager Bentley explained that the requirement for a Certificate of Insurance was a requirement per Town Code and would have it before the event took place. He explained further that Athena was to provide the liquor under their catering license. Attorney Trevarthen added that the Town was listed as an additional insured on the insurance and therefore the requirement was met.

Linda Ritchie, President of the Property Owner's Association requested free parking at Jarvis Hall from 6:00 to 9:00 p.m. on that day.

Mayor Minnet said that staff did not recommended free parking. She noted that most attendees were residents that received free parking anyway. Mayor Minnet asked for Commission input. Commissioner Sasser said a Town wide event with many spaces, and for a long period of time, was different than asking for a few spaces at Jarvis Hall for a couple of hours. He agreed there should be consistency, but in this case he would lean towards allowing it. Commissioner Clottey agreed as it was only at Jarvis Hall and occurred once a year. Interim Assistant Town Manager Bentley stated that it was his understanding that the free parking would only be in the Town Hall parking lot. Vice Mayor Dodd gave his vote in the affirmation.

The Commission agreed to allow free parking at the Town Hall parking lot.

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

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

a. Ordinance 2010-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES BY ESTABLISHING ARTICLE 1 FOR EXISTING CODE PROVISIONS RELATED TO JUNKED, WRECKED, STOLEN OR ABANDONED PERSONAL PROPERTY; FURTHER ESTABLISHING ARTICLE II "ABANDONED REAL PROPERTY", TO PROVIDE FOR REGISTRATION, MONITORING AND UPKEEP OF MAINTENANCE OF ABANDONED REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-11 by title.

Director Bowman explained that the ordinance required mortgagees to register vacant properties with the Town.

Mayor Minnet opened the meeting to public comments.

Vito Chiarello asked how an abandoned property was determined and whether it included junk, such as vehicles and barbeques. He inquired as to how the property would be maintained and whether that included painting, maintaining the grass, driveways and swales.

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

Attorney Trevarthen explained that the ordinance defined abandoned property as any vacant property under a current notice of default, mortgagee sale, or a foreclosure sale.

Director Bowman explained that if Code Enforcement deemed the property vacant the bank would have to inspect the property and then register it with the Town within ten days.

Commissioner Sasser asked whether the penalty would ever escalate to a monthly, weekly or daily penalty for multiple occurrences. Director Bowman stated that the Code Enforcement Magistrate could assess additional daily fines.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-11 on 2nd reading. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

b. Ordinance 2010-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, CREATING SECTION 6-45 "FIRE HYDRANTS," OF THE CODE OF ORDINANCES TO REGULATE THE PLACEMENT OF LANDSCAPING AND SCREENING TO PROVIDE OPEN ACCESS TO FIRE HYDRANTS, FIRE STANDPIPE AND FIRE SPRINKLER SYSTEM CONNECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE (Deferred at the August 25, 2010 Commission meeting)

Attorney Trevarthen read Ordinance 2010-12 by title.

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

Vice Mayor Dodd asked whether it was an offense to park within 100 feet of the fire hydrants. Director Bowman stated that was covered under the parking regulations and under Florida Statute.

Commissioner Sasser made a motion to adopt Ordinance 2010-12 on 2nd reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

c. Ordinance 2010-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE II "TOWN COMMISSION" OF THE TOWN CODE OF ORDINANCES, REGARDING SCHEDULING OF COMMISSION MEETINGS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-13 by title.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2010-13 on 2nd reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

11. RESOLUTION - "Public Comments"

a. Resolution 2010-21: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-21 by title.

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

Commissioner Sasser made a motion to adopt Resolution 2010-21. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

b. Resolution 2010-25: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REPEALING RESOLUTION NO. 1280 REGARDING PARTICIPATION IN THE LOCAL GOVERNMENT INVESTMENT POOL AND AUTHORITY TO TRANSMIT AND WITHDRAW FUNDS RELATIVE TO THE STATE BOARD OF ADMINISTRATION FOR THAT PURPOSE; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-25 by title and explained that this resolution removed obsolete obligations placed on the Town Clerk which were currently handled by the Finance Director.

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

Commissioner Sasser questioned whether this Resolution had anything to do with the Investment Pool referenced in the Town Manager Report. Interim Town Manager Hoffmann stated they were different issues.

Commissioner Sasser made a motion to adopt Resolution 2010-25. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

Mayor Minnet recessed the meeting at 8:25 p.m. and reconvened at 8:35 p.m.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Clottey publicly thanked BSO for responding to a recent criminal event, witnessed by her, within 33 seconds. Commissioner Clottey noted that everyone wanted low taxes and high quality of services. She encouraged everyone to come to the next budget hearing or speak to the Commissioners with specific problems. Commissioner Clottey reminded residents to prepare for hurricanes.

Mayor Minnet thanked BSO for their Patriot Day Memorial Service on September 11, 2010. She advised that an informational meeting regarding the A1A landscaping project was scheduled on September 21, 2010 and encouraged residents to attend. Mayor Minnet added that after that meeting the Master Plan Steering Committee would hold their meeting regarding the A1A Landscaping Project. Mayor Minnet stated that the final budget hearing will be on September 27, 2010 at 6:00 p.m.

Vice Mayor Dodd congratulated the VFD on their elections and Steve Paine as the new Fire Chief. He believed that the Town should have veto and/or approval power over the vehicle replacement funds and the final word on when to replace the vehicles. Vice Mayor Dodd did not agree with the Commission's decision regarding the Chamber of Commerce. He said it was not up to the Commission to micromanage how the Chamber allocated their funds for advertising or to control their spending, but instead should let them do their job within the financial boundaries set by the Commission and make sure the taxpayers' money was properly spent.

Commissioner Vincent passed on Commission Comments at this time.

Commissioner Sasser thanked staff for everything they did in regards to the budget and keeping the millage rate down. He advised that Choice Environmental negotiations continued and data was being collected by Town staff. Commissioner Sasser said negotiations with the Chamber of Commerce have progressed and the budget amount would be finalized at the next hearing. He added that only an advertisement plan was pending. Commissioner Sasser assured everyone that the Halloween event was going to be wonderful.

14. OLD BUSINESS

a. Reef Project updates (Vice Mayor Stuart Dodd)

Vice Mayor Dodd said he took physical measurements of the output of the solar buoys. He said he found them to be 72 watts at midday and 60 watts in the late afternoon. Vice Mayor Dodd believed the current buoy was not ideal as it was a prototype and considerably overbuilt. He suggested that the builder, or Cry of the Water be approached to purchase the buoy and, as a result, the Town would have 3 identical buoys. Vice Mayor Dodd said he would accept the role of liaison to assist the Town with negotiations with the contractor. He pointed out that the Town was dealing with a volunteer organization with limited funds and should proceed with a cautious, positive attitude and avoid a legal war. Vice Mayor Dodd said that Cry of the Water was attempting to put the project in place as soon as possible.

Attorney Trevarthen stated that she was directed to send a letter advising that they were in breach of contract and that the Town was interested in working out a solution. She said she had not received a response but did receive an indication that they planned to perform outside the cure period. Attorney Trevarthen stated that if the Commission chose to pursue in a legal manner it would be impossible for them to cure the default within the stated time frame under the current contract. She stated that she had revised the contract as directed and was waiting for a response from the organization.

Interim Town Manager Hoffmann stated that Dr. Goreau sent an email that stated he was out of the country and proceeded with hopes of getting the project in place in late September / early October. She added that Dan from Cry of the Water was a professional and attempting to get the work done, most of which was finished. She indicated that the Town could fix the breach by implementing a new contract but communication was needed.

Commissioner Clottey said the currents were very strong this time of year which resulted in dangerous work. She added that all the components have been completed and the only thing left was the installation. Commissioner Clottey said that the company could not get here before the end of the month. She stated that she would hate to go after them legally since only the installation was left. Commissioner Clottey asked whether the letter contained a time limit to respond. Attorney Trevarthen said September 21, 2010 was the deadline for them to cure the default and asked that they contact the Town as soon as possible to work it out.

Mayor Minnet want to see Vice Mayor Dodd as the liaison and move the project forward in an equitable fashion. Vice Mayor Dodd asked for clarification as to whom the Town had the contract with. Attorney Trevarthen stated that the contract was with Dr. Boreau, Global Coral Reef Alliance and much of the work was carried out by Cry of the Water.

Commissioner Sasser said he had a problem moving forward without a contract. He was concerned with the lack of deliverables without the agreement. Commissioner Sasser asked the Commission whether they wanted to stop work or continue work while

the Town Manager, the Town Attorney and Vice Mayor Dodd negotiated. He said there was no communication at this time and requested the Town put a time frame in place to receive a response, as the Town could not allow work to continue without a contract.

Commissioner Clottey agreed but believed that the Town Manager should be the one to do the contacting and the negotiating.

Mayor Minnet stated that the Commission was very successful with using liaisons and everything the liaison did went through the Town Manager. She said the contractor needed to be put on notice that just because they finished the project, they may not receive the balance of their money.

Commissioner Sasser made a motion to appoint Vice Mayor Dodd as the liaison to work with the Town Manager and Town Attorney to monitor the project as well as negotiate the agreement with the understanding that Global Coral Reef Alliance will have 14 days to respond in the affirmative that they are willing to negotiate a new contract with the Town; if not, all work should cease on the project until an agreement had been reached; and, if we get the affirmative response within 14 days, that Global Coral Reef Alliance and the Town should have the agreement in place within 30 days thereof.

Commissioner Vincent believed the Commission was sending mixed signals as far as what they expected from Global Coral Reef Alliance; at first the contractor was told they were in breach of contract and to proceed, and a week later the Commission wanted them not to move forward and wanted to give the contractor an ultimatum. Commissioner Vincent said if they pulled out now, the Town had no means to go after them.

Interim Town Manager Hoffmann explained that once the reef structure was installed the Town was responsible to submit to the permitting agencies a very detailed report, including video regarding of the growth of the reef, which the Town was not capable of doing. She suggested adding "or within 20 days of the installation of the reef, whichever date was sooner" to the motion. She explained that the contract needed to be finalized within a couple of weeks of the reef being installed so that the contractor could then do the monitoring.

Commissioner Clottey asked whether Commissioner Sasser would agree to breaking up the motion in to two parts so that the appointment of the liason and the contract information was separate. Commissioner Sasser agreed to separate them into 2 motions. Vice Mayor Dodd offered a friendly amendment that the frames not be installed until a new agreement was in place. Mayor Minnet said the concern was that it could cost the Town a lot of money down the road. She said a new contract was to make sure everyone was protected. Mayor Minnet was concerned that the Commission would frighten them away, or that they would walk away after they installed it.

Commissioner Sasser accepted the suggested amendments and Vice Mayor Dodd's friendly amendment.

Commissioner Vincent asked whether the Town could request a performance bond for the next year. Attorney Trevarthen said that issue and was addressed in the new draft agreement.

Commissioner Sasser made a motion to appoint Vice Mayor Dodd the liaison to work with the Town Manager and the Town Attorney on negotiations of a new contract and also be the Commission's liaison for monitoring the performance of the project overall. Commissioner Vincent seconded the motion. The motion carried 4 - 1. Commissioner Clottey voted no.

Commissioner Sasser made a motion to authorize the Town Attorney to send a letter to the Global Coral Reef Alliance. Commissioner Sasser explained that the letter should advise Global Coral Reef Alliance that they have 14 days to indicate that they would agree to negotiate a new contract with the Town; if Global Coral Reef Alliance did not do so, then all work should cease on the project until a new contract was reached; if Global Coral Reef Alliance did agree within 14 days to sit down and negotiate a new contract with the Town, then both parties would assure that the contract would be in place within 30 days thereafter. Commissioner Sasser added that regardless of the preceding timeframes, Global Coral Reef Alliance should not proceed to take the final step that would trigger the Town's obligation to monitor and maintain this project at any time prior to entering into a new contract with the Town. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

Interim Town Manager Hoffmann requested clarification that Commission direction was to get the project done and to protect the Town. The Commission confirmed.

15. NEW BUSINESS

a. Public Hearing following Notice of Intent, Resolution 2010-20 Comprehensive Plan Amendments and NOI (Notice of Intent, Exhibit 1) Resolution 2010-20 authorizing NOI was approved on August 25, 2010 (Development Services Director Jeff Bowman)

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

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

b. Appointment of 1 voting delegate and 1 alternate to the National League of Cities' Annual Business Meeting Saturday, December 4, 2010 in Denver, Colorado (Town Clerk June White)

Mayor Minnet stated that no Commissioner intended on attending the meeting.

c. Schedule Regular Commission meetings and Roundtable meetings (Town Clerk June White)

Mayor Minnet stated that the Commission had discussed going to 2 meetings per month; 1 Regular meeting and 1 Roundtable. She asked how the Commission would like to proceed with the scheduling.

Vice Mayor Dodd made a motion to schedule Regular Commissions meeting on the 2nd Tuesday of every month and the Roundtable on the 4th Tuesday of every month, unless the Commission decided that the work load was so great they would need to make the 4th Tuesday a Commission meeting for critical decisions. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

d. Adoption of New Investment Policy (Acting Finance Director Doug Haag)

Acting Finance Director Haag explained that the current policy had been in place since 2001 and overdue for updates. He said he was fortunate to have access to an outside investment consultant firm that put together a proposed investment policy without cost to the Town. Director Haag explained that the objectives were listed as safety of principal, liquidly, diversification and yield. He said that was important to know because it provided protection of the Town's assets at all times. Director Haag said the investments leaned toward government funds, investment securities and therefore a very conservative policy. He added that some things that were added were that no more than 20% of the available funds for more than 1 year could be invested and no investment could exceed 2 years. Director Haag stated that it was required that this investment policy be reviewed and re-adopted at least every 3 years.

Commissioner Clottey made a motion to defer for one month to allow time to review. The motion failed for lack of second.

Vice Mayor Dodd made a motion to adopt the new Investment Policy. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

e. Notice of Sewer Rate Hike (Interim Town Manager Connie Hoffmann)

Interim Town Manager Hoffmann said a sewer rate increase could not take place before the Regular Commission meeting in November. She added there would not be enough time to determine the increase amount and put out the required notices. Mayor Minnet asked whether Interim Town Manager Hoffmann requested Commission approval to set the dates for 2 public hearings; one in November and one in December. Interim Town Manager Hoffmann confirmed.

A motion was not required.

f. Resident Parking Permits

Mayor Minnet believed the cost for the resident parking permits were very low. She directed staff not to sell any future resident or beach parking permits for the upcoming fiscal year until new rates were established. Commissioner Sasser believed that a motion may be required to suspend parking tickets. Mayor Minnet clarified that Parking Enforcement would continue to honor existing resident and beach parking passes until the new price was set for the upcoming fiscal year. There were no objections.

16. TOWN MANAGER REPORT

Interim Town Manager Hoffmann stated that the new proposed VFD budget would be presented at the September 20, 2010 Roundtable. She added that her report provided an update of how much cash was available to the Town and noted that moving funds into higher interest rates would be done gradually. Interim Town Manager Hoffmann stated that approximately $79,000 that was not spent on the public safety building project would be returned to LETF (Law Enforcement Trust Fund). She requested direction regarding $12,000 spent on the jail cell and advised if she was to return the money from the General Fund to the LETF, it would need to be done in the current fiscal year.

Vice Mayor Dodd was disappointed that a lot of the Town's accounts were not gaining interest and asked whether SunTrust should have been responsible to point it out. Interim Town Manager Hoffmann stated it was staff's responsibility and advised that staff did not have an investment consultant that would normally do the analysis. Vice Mayor Dodd said that $150,000 was used for the renovations, for the holding cell, sally port and video equipment. He said it was his original contention that the renovations and the holding cell were the Town's expense and only the sally port and video equipment were legitimate. He believed that, in light of the Attorney General's opinion, that the holding cell was a considerable upgrade.

Vice Mayor Dodd made a motion to return the funds, except the funds for the sally port, the holding cell, and the video equipment.

Commissioner Sasser asked Interim Town Manager Hoffmann to come back before the Commission with the dollar amount that Vice Mayor Dodd wanted to pay out of the General Fund rather than the LETF. Interim Town Manager Hoffmann asked whether Commissioner Sasser wanted a breakdown of what was actually spent. Commissioner Sasser said no. He wanted to know the amount that the Vice Mayor asked to pay.

Commissioner Sasser referred to the banking and cash management report and asked whether it was common to not have accounts in non-interest bearing accounts. Interim Town Manager Hoffmann said it was not, but doing so relieved the Town of certain banking fees if a certain amount was kept in the account. Acting Finance Director Haag

said it was not entirely unusual. He added that it was unusual that the minimum balance was so high.

Commissioner Sasser inquired as to the amount of money in non-interest bearing accounts. Acting Finance Director Haag stated that one account was $1.8 million, and another account inappropriately named "Super Money Market Account" at $829,501.60. He said both of them amounted to approximately $2.8 million. Commissioner Sasser asked whether Director Haag would keep the non-interest accounts that way. Director Haag said that would be determined at a later time, and they were looking at an RFP for banking services.

Commissioner Sasser asked whether there were any termination penalties. Director Haag said he was currently looking into that.

Commissioner Vincent asked whether the Town was locked in with SunTrust. Director Haag said the Town had a one year agreement and there was an option to look at other banks.

Commissioner Sasser inquired as to why there was a decrease in the Community Block Grant. Interim Town Manager Hoffmann said that Broward County did the calculations based on population and advised that was the amount that the Town was going to receive. Commissioner Sasser asked whether the Town was obligated, per the agreement with Bien-Aime, Inc. to cover the difference. Interim Town Manager Hoffmann said Bein-Aime had a contractual agreement that set the amount he received. She said the difference was approximately $5,000 less than originally thought.

Mayor Minnet stated that every $5,000 added up and it was something the Commission needed to keep in mind if they were to get the millage rate down to 3.9990%. She inquired of the offsite building. Interim Town Manager Hoffmann advised that the Town could lease the north end of the building pending interest, and the office space in the front. She said that an RFP was being prepared for a broker.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen stated that the Planning and Zoning Board asked for the ability of a member of the Board to originate / come forth with a proposal to do something. She explained that in order to maintain order and control unnecessary costs the Board could transmit their idea to the staff, who would bring the item before the Commission to obtain approval for staff involvement and to provide for whatever resources that may be needed, as was done in other cities.

Commissioner Sasser inquired of the benefit. Attorney Trevarthen explained that if a single member of a Board was interested in an idea and did not have the support of the Board members, or the Board Members were supportive, rather than the Board go forward with drafts, research and/or consultant reports, the idea would need Commission approval to go forward prior to pursuing the idea.

Commissioner Clottey believed it was very good idea. She said many ideas originate from individuals. Interim Town Manager Hoffmann said she was in complete support of what the Town Attorney suggested. Vice Mayor Dodd believed the idea should be put through a Commissioner to place on a Roundtable for discussion. He stated that that process was already in place. Commissioner Vincent asked for clarification that if one (1) Board member wanted to present an idea, would he/she discuss it at the Board meeting. She explained further that a procedure would need to be established for the Board Member / Board to present their idea prior to going forward. Commissioner Sasser was in favor. Mayor Minnet advised Attorney Trevarthen that the Commission was in favor of her direction.

Attorney Trevarthen stated she would discuss a process with staff and advise the Town Boards.

Vice Mayor Dodd asked for an explanation of "severability". Attorney Trevarthen explained that was a concept as to what might happen someday. She added that if an Ordinance was challenged the court could deem a piece of the ordinance invalid. Attorney Trevarthen stated that if the "severability" clause was included in the ordinance then only the invalid part would be removed.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:25 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White CMC

Town Clerk, June White

9-27-10

Date