

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, March 22, 2011

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 Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

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

Items moved:

The Town Manager report, item 16, was moved up to become item 7d.
Item 15e, Audit Report was moved up to follow Presentations as item 5g.

Items added:

Discussion Regarding the Neighborhood Beautification Project was added as old business item 14b.
Waive Parking Fees for the Easter by the Sea Event was added as new business item 15g.

5. PRESENTATIONS

- a. Presentation of plaque to the Town of Lauderdale-By-The-Sea for 15 consecutive years of full share (Edith Lederberg, Executive Director of the Aging and Disability Resource Center)

Edith Lederberg said she requested full share of matching funds annually and the Commission responded favorably. She presented the Commission with a 15 Year Full Fair Share Advocacy Award to the Town of Lauderdale-By-The-Sea in the form of a plaque.

b. South Florida Water Management District (Carol Morris)

Carole Morris explained that water levels were monitored routinely and the seasonal rainfall for this year depicted a dry season. She explained that the district received approximately 52 inches of rainfall per year and Lake Okeechobee was 2 feet below normal level for this time of year. Ms. Morris stated that a phase 2 modified water shortage order was put in place earlier in the week, and affected Broward County. She added that a link on the Town's website, www.lbts-fl.gov showed water shortage information.

Vice Mayor Dodd inquired as to when the last water release at Lake Okeechobee was. Ms. Morris said there were some in the last couple months. She explained that the Biscayne Aquifer was southeast Florida's main water source and Lake Okeechobee was southeast Florida's backup water source. Ms. Morris explained further that should Lake Okeechobee become desperately low it could not be the backup water source for southeast Florida.

Commissioner Clotey inquired of the quality of water. Ms. Morris said that the water at the Biscayne Aquifer was one of the purest in the world.

c. Presentation of Proclamation - Water Conservation (Mayor Roseann Minnet)

Mayor Minnet presented the Proclamation.

d. Presentation of Proclamation - Earth Day (Mayor Roseann Minnet)

Mayor Minnet presented the Proclamation.

e. Presentation of Code Red (Don Hall, Code Red Representative)

Don Hall, Director of Government Relations explained that Code Red was a high speed emergency community notification system that delivered messages through phone calls, text messages and emails. He explained that the program was a web-based subscription service that did not require any hardware, software, phone lines, or servers to store the data. Mr. Hall stated that Code Red was a self-maintained company and there were no third party companies involved. He explained that the subscriber would be notified of the 1-800 telephone number that will be used by the system to contact them. Mr. Hall added that if the subscriber redialed the number, the system would play back the original message that was sent.

Mr. Hall reassured that the full message would be provided through an answering machine which the system could recognize. He explained that Code Red had a database that included approximately 75% of the telephone numbers in the local area, which meant most of the telephone numbers of the residents within the Town were already in the data-base. Mr. Hall recommended that a Town official or the Mayor record the messages to provide authenticity. He stated that there was a link on the Town's website that allowed residents to sign up for the service and add additional information such as an email address and additional phone numbers. Mr. Hall encouraged the Commission to notify the community of the new system through any publications the Town may provide to the public. He explained that the link on the Town's website allowed for two (2) different functions: general notification and emergency notification. Mr. Hall stated that the general notice could include Town events and road closures. He added that subscribers could opt out of receiving the general notices messages. Mr. Hall stated that on April 13, 2011 beginning at 10: a.m. an all-call notification message would be sent to inform the public of the Code Red program.

Municipal Services Director Don Prince explained that he became aware of this program at a previous conference and believed it would be beneficial to implement in the Town. He added that in order for the Town to improve it's rating with the National Flood Insurance Program's Community Rating System, the Town needed to establish an early warning system. He said that Code Red fulfilled that requirement.

Commissioner Clotley questioned the company's policy against the sale of personal information to third party companies. She asked whether the policy could be altered internally by the company's management. Mr. Hall said the policy could not be changed. He explained that since the system was web-based the information was kept on the server and covered under the Florida Sunshine Laws. Commissioner Clotley asked whether that information was written into the contract. Mr. Hall said it was. Vice Mayor Dodd questioned the cost of the program. Director Prince explained that it was approximately \$6,000 and was approved in the budget.

Commissioner Sasser questioned whether sections of Town could be notified of an emergency that was specific to their area. Director Prince explained that the system could be used to target any specific section of Town or the entire Town. Commissioner Sasser inquired as to an alternative from the internet to opt out of general notices. Director Prince said that subscribers could send a letter to Town Hall and staff could do so for them.

Town Manager Hoffmann advised the Commission that an article would be included in the next Town Topics explaining how the program worked. Mayor Minnet questioned whether there was any coordination with BSO or if they were to be kept separate. Director Prince confirmed that BSO was working with staff to coordinate with the program.

There was no further discussion.

f. Status Update for the 2011 Sea Turtle Season (Code Enforcement Officer Kimberly Williams)

Officer Williams advised the Commission that the Town held a workshop and began performing inspections in January 2010. She explained that the Town did not hold a workshop this year; however, letters were mailed out to inform residents of the upcoming turtle season. Officer Williams stated that in February, letters were sent to specific properties that needed to address their lighting before the official turtle season began in March. She noted that 30 compliance notices were mailed this year in comparison to 67 that were mailed the previous year. Officer Williams explained that the number of Notice of Violations matched the number issued the previous year. She added that the next series of inspections would begin on April 4, 2011 in which staff would track the data to compare to the previous year. Officer Williams informed the Commission that Aquazul was not in compliance with Town Code and that they were working with the FWC (Fish Wildlife Conservation) to come into compliance. She explained that the list of violators produced by Nova Southeastern University differed from the Town because they included any property that created light source, whether acceptable or not. Officer Williams said that Broward County listed the north end of Town as a relocation site for nesting sea turtles. She explained that further work was being done to make the south end of Town dark enough to be added to the list next year.

Town Manager Hoffmann questioned the type of violations that were frequently issued. She was under the impression the violations were inexpensive to correct. Officer Williams explained that staff tried to keep everything inexpensive to the property owners. She noted that there were a number of cases where the wattage of the bulbs had increased, which probably occurred when the bulbs were replaced.

Vice Mayor Dodd asked whether Officer Williams could confirm that the Town's lights were in compliance. Officer Williams stated that as of the inspections completed in March, the Town was putting on the remainder of the lighting shields and two (2) lights poles were left to be finished. She said that the Town should be compliant in time for the April inspections.

g. Audit Report

This item was moved up from item 15e earlier in the evening.

Interim Finance Director Doug Haag introduced Tony Grau and Jennifer Wassermann from Grau & Associates. Mr Grau reviewed the financial statements. He stated that the balance sheet included in the document compared the financials from 2009 to 2010. He said that the balance sheet included the total assets, total liabilities, and net assets of the Town. Mr. Grau stated that the Town's total assets increased by approximately \$2.5 million and total revenues decreased by \$2.2 million. He explained that the Town's net assets increased by \$2.4 million in comparison to a \$4.4 million increase from the

previous year. He noted that the sewer system transfer to the City of Pompano Beach in the previous year caused a decrease of the Town's overall net assets. Mr. Grau stated that the Town's General Fund Balance was approximately \$7.8 million. He said of that amount, about \$3 million was undesignated which meant the Town could spend that money on whatever they wanted. Mr. Grau stated that the Capital Project fund also had about \$3 million in undesignated funds. He explained that the fund balances increased by \$2.6 million in total. Mr. Grau pointed out that the Town had very little debt except for \$1.5 million within the Parking Enterprise fund. He added that the Town's unemployment liability was small at a total of \$5,000 by year end. Mr. Grau explained that the firm did find some issues with accounting, fixed assets, and payroll. He thanked staff for their help throughout the process.

Mayor Minnet thanked the Audit Committee and Miguel San Miguel, of the Volunteer Fire Fighters Pension Board for their efforts throughout the auditing process. Ben Freeny, Chairman of the Audit Committee, thanked Grau & Associates for their work on the audit. He said that the report gave great guidance to the Town. Mr. Freeny recommended the Town look into any internal controls that needed to be established or reviewed.

Commissioner Sasser questioned the types of internal controls the Town should look into. Mr. Freeny explained that the Town should review time cards for accuracy, divide capabilities to disperse cash, and divide processing tasks among different staff members. He said he understood that those measures would be difficult to implement with such a small staff. Mr. Freeny said that additional budget to actual reports would help the Commission determine whether Town spending was in line. He believed it was reasonable to have those reports submitted quarterly.

Commissioner Sasser questioned whether there were internal controls that could show the movement of money. Mr. Freeny explained that the Commission could look at the transfer amounts on the monthly financial statements. He said that if there were any discrepancies, to ask questions of the Town staff and believed that most of the time there were legitimate reasons for the transfers. Mr. Freeny advised the Commission that there was a transfer of \$1.7 million out of the Stormwater fund two years ago. He suggested the Commission look into that specific transfer of funds.

Commissioner Sasser pointed out that the annual required contribution by the Town to the Volunteer Fire Fighter Pension Funds were \$27,000. He questioned why the Town contributed a total of \$40,000. Ms. Wassermann explained that a portion of the \$40,000 contribution came from the state and the Town only contributed \$16,753.

Vice Mayor Dodd thanked Grau & Associates for their hard work to complete the audit.

Commissioner Clotey explained that some of the depreciation accounts were to be moved into Capital Assets. She questioned whether it would be to the advantage of the Town to make a footnote that those funds were specifically for depreciation purposes. Mr. Freeny explained that the auditors found several transfers labeled for depreciation

with associated cash transfers into those particular funds; however, there were no accounting principles or government accounting standard that dictated otherwise.

Mayor Minnet pointed out that the Statement of Assets showed a \$1 million dollar balance for the Beautification of El Mar Drive. She asked for the benefit of the public that the amount be clarified to reflect the amount already spent on the project. Interim Finance Director Haag explained that the Town spent approximately \$80,000 in the past year on the project and so that amount would be transferred from the El Mar Drive Beautification Reserve Fund to the Capital Fund Undesignated Reserve in the current year's records. Mayor Minnet added that the statistical information in the report needed to be updated next year along with the information regarding contractual employees from the list of Town employees.

Commissioner Vincent explained that he was unsure as to what the Town was allowed to do with the money reserved for the El Mar Drive Beautification Project. He questioned whether staff could draft a report on how those funds could be used. Interim Finance Director Haag stated that there was an agreement in place with Pier Pointe, LLC that could be provided to the Commission to help determine how those funds could be used.

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

6. PUBLIC COMMENTS

Barbara Cole inquired as to why the parking loan could not be paid off since the Town had the money to do so. She said she noticed a lot of changes in the Town since last year and especially liked the the bicycle rack at El Prado Park.

Ken Kugler said he had the opportunity to attend the Master Plan Input Session. He believed it was a tangible step in the right direction to accomplish things in the Town. Mr. Kugler said that people complain that nothing gets done and yet the same people do not show up when needed.

Rosa Michailuik thanked the Commission for their work.

Beverly Kennedy said she was proud of the Commission, Town staff, and BSO for their dedication to the residents. She stated that the Town had great professional demeanor.

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report - February 2011 (Chief Oscar Llerena)

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

b. VFD Monthly Report - February 2011 (Chief Steve Paine)

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

c. AMR Monthly Report - February 2011 (Chief Brooke Liddle)

Commissioner Vincent made a motion to accept the report. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

d. TOWN MANAGER REPORT

Vice Mayor Dodd made a motion to appoint Commissioner Vincent as the Construction Business Liaison. Commissioner Vincent accepted. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Vice Mayor Dodd said that he noticed that the Magistrate granted two extensions to 4337 Seagrape Drive. He inquired as to whether the Magistrate can offer an unlimited amount of extensions or whether it would come before the Commission at some point. Vice Mayor Dodd questioned whether a code change was needed in order to limit the amount of extensions that can be granted by the Magistrate. Attorney Trevarthen stated that once the case was in the Magistrate's jurisdiction, it was his decision. She believed there was no limit but said she could look into it. Attorney Trevarthen added that the case came before the Commission when relief was needed on a Final Order of a lien. Vice Mayor Dodd said he was reluctant to allow 6 month extensions on unfinished construction to continue. He believed it should come before the Commission after a certain period of time. Attorney Trevarthen stated that direction could be given through the Town Manager to Code Enforcement staff to argue for action and no more delays.

Vice Mayor Dodd questioned the analysis of the Town's sewers and whether TeleVac was to submit a video report when the analysis was completed. Town Manager Hoffmann confirmed that TeleVac did provide videos and explained that the draft RFP advised the contractors that the TeleVac reports and videos of the sewer system was available and should be part of their review.

Commissioner Vincent inquired as to whether the reduced assessments from the appeals to the Broward County Property Appraiser would affect the past revenues collected. Town Manager Hoffmann said it would and advised that the 2009 results from the Property Appraiser's Office showed a \$20 million reduction in value that equated to an \$80,000 loss to the Town in tax revenues. Acting Finance Director Doug Haag explained that reductions would be adjusted from the money paid to the Town from Broward County. He explained further that for budgetary purposes, and as required by Florida Statute, the Town could only budget 95% of property tax revenues to allow for both the early payment discount and property devaluations by the Property Appraiser's office. Town Manager Hoffmann clarified that the \$80,000 in which the Town already received last year would be deducted from future checks received from the Broward County tax collector. Commissioner Vincent asked how the other 5% of

the funds were appropriated. Town Manager Hoffmann said that anything collected over the 95% would go into the property tax revenue line item. Acting Finance Director Haag said that he clarified with the Property Appraiser's office that if the property owner won their appeal, it only applied to that year. He added however, that the Property Appraiser had the final say and could make it a permanent adjustment.

Commissioner Sasser asked whether it was preferred to place the list of expiring contracts on the next roundtable. He believed that the only contract that was in jeopardy was PBS&J which would expire on March 31, 2010. Mayor Minnet recommended it go to Roundtable. Town Manager Hoffmann stated that she could provide an update on many of the contracts listed during this meeting. Commissioner Sasser and Mayor Minnet agreed.

Town Manager Hoffmann said a renewal on the PBS&J contract for the A1A LAP Project was not needed. She added that the Advanced Roofing contract for air conditioning maintenance would be advertised as an Invitation to Bid (ITB) and noted the cost last year was under \$10,000. Municipal Services Director Don Prince stated that the tree trimming contract with Lawn Logic would be advertised as a Request for Proposals (RFP) and was currently pending Commission review. Town Manager Hoffmann explained that staff had received Commission authorization to piggyback on other municipal contracts for all the contracts which dealt with emergency services such as ManCon, PBS&J for debris monitoring, TeleVac and Grubbs. She added that the intention was to come back to the Commission with new contracts and possibly new vendors.

Commissioner Sasser inquired as to whether other options were looked at in regards to Granicus. Town Manager Hoffmann said that staff preferred to extend the contract with Granicus for one more year. Commissioner Sasser asked whether an addendum was needed for any of the additions made to the use of Granicus. She added that the changes were minor and had already been completed.

Town Manager Hoffmann said that the Beach Restaurant contract for valet parking was scheduled to come back before the Commission for discussion.

Director of Municipal Services Director Prince explained that TeleVac had the option to renew for 2 years and staff preferred to exercise that renewal option.

Town Manager Hoffmann said that the Commission agreed at Roundtable to renew the Benihana contract with minor changes to the provisions regarding termination of contract. Assistant Town Manager Bentley advised that the new contract was pending receipt from Benihana. Town Manager Hoffmann stated that the Bien-Aime contract may be renewed upon mutual consent in September.

Town Manager Hoffmann noted that the Town applied for the Broward County CDBG (Community Development Beautification Grant) for 2012-2013 but would not be aware of acceptance until the summer. Town Manager Hoffmann reminded everyone that the

BSO (Broward Sheriff's Office) contract expired September 30, 2011 and discussions would begin shortly. She said the Chamber of Commerce agreement was a 1 year agreement and was considered during the budget process along with the Community Performing Arts Center agreement.

Town Manager Hoffmann stated that Grau and Associates, the Town's auditing firm, could be renewed but Grau would have to honor the current costs because their proposal did not propose multi-year dollar amounts. She added that contract would come before the Commission along with the Sidewalk Cafes contracts. Town Manager Hoffmann advised that the Tennis contract was not working out even with the free clinic and the IT Computer Services Technology contract was not due to expire until October 2011 and contained a 2 year renewal option that staff would consider.

Commissioner Sasser inquired as to whether Town Manager Hoffmann needed direction. Town Manager Hoffmann said she did not seek direction at this time.

Commissioner Sasser wanted to be sure that TeleVac and the RFP associated with the sewer system was looked at carefully as to how it could help the Town. He explained that if significant work was to be done, perhaps negotiations could take place to get a better contract.

Town Manager Hoffmann confirmed that the RMA (Redevelopment Management Associates) presentation on the economic aspects of the Master Plan was to take place on April 5, 2011 at 7:00 p.m. She added that Cecilia Ward's presentation on planning issues was delayed due to the parking exemption ordinance taking precedence and asked whether the Commission wanted her to make her presentation at the April 12, 2011 Roundtable. The Commission agreed. Town Manager Hoffmann said that an invitation to the Planning and Zoning Board would be sent as well.

Town Manager Hoffmann recommended scheduling one workshop in late April and over two workshops in May to integrate all the information received from RMA and the citizen input sessions on the Master Plan into a strategic plan and reprioritize capital improvements.

Vice Mayor Dodd asked whether the undergrounding costs would be available by then. Town Manager Hoffmann said the design of the drainage project triggered CCNA Statute, meaning that once the most qualified firm was selected the cost would be negotiated. She explained that obtaining 3 quotes from engineering firms on doing just the estimate for undergrounding would avoid CCNA, and would come out of the larger RFP. Town Manager Hoffmann explained that she had been told that the cost to do the underground estimates would be around \$15,000 and would allow the Commission to make a decision and allow the Town to move forward more quickly. Vice Mayor Dodd believed it was important to know the cost.

Town Manager Hoffmann explained that through the quotes, the Town would get the estimate on burying the utilities and through the RFP submissions, the Commission

would choose the most qualified contractor to design the drainage and then negotiate the cost. Commissioner Sasser requested clarification that the undergrounding was being separated from the drainage project. Town Manager Hoffmann explained that once the cost for undergrounding was determined the Commission could decide whether to include the undergrounding in the design.

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

8. APPROVAL OF MINUTES

- a. February 8, 2011 Roundtable Meeting Minutes
- b. February 22, 2011 Regular Commission Meeting Minutes
- c. February 22, 2011 Workshop Meeting Minutes

Commissioner Vincent made a motion to approve the minutes as listed. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

9. CONSENT AGENDA

Mayor Minnet pulled items 9a, and 9b, for discussion.

Vice Mayor Dodd made a motion to approve item 9c. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

- a. Special Event Application for Rev. Jim Goldsmith of the Community Church, Easter Sunrise Service proposed for Sunday, April 24, 2011 (Code Enforcement Officer Kimberly Williams)

Vice Mayor Dodd pointed out that the application indicated that traffic would exit the pier through the Oriana alleyway. He questioned whether all of the requirements for the alleyway would be met in time for the event and if not, whether someone would be there to direct traffic. Town Manager Hoffmann advised that the requirements would not be met in time for the event. She questioned whether the Commission preferred to have the applicant bear the cost to hire the deputy necessary to direct traffic. Town Manager Hoffmann asked whether a Community Service Aide could be used to oversee the event, rather than a sworn officer. Chief Llerena explained that a Deputy Sheriff could be scheduled for the event at the request of the Town Manager. Mayor Minnet pointed out that the VFD (Volunteer Fire Department) usually attended the event to help with traffic flow. Town Manager Hoffmann stated that staff would look into that option. Mayor Minnet explained that the applicant also requested that the application fee and bathroom requirement be waived. Officer Williams added that the applicant requested that the parking fees on El Mar Drive be waived during the event.

Commissioner Clotney made a motion to authorize the return the application fee, waive restroom requirement, and waive parking fees on El Mar Drive. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- b. Special Event Application from Athena's By The Sea for Music By The Sea proposed for Saturday nights from May 7, 2011 to May 5, 2012 (Code Enforcement Officer Kimberly Williams)

Vice Mayor Dodd questioned whether the applicant planned to hold the normally scheduled Saturday evening event along with any events scheduled to be held on the pier. Mr. Marchelos explained that in the past when an event was held on the pier, the regularly scheduled Saturday event was cancelled. Vice Mayor Dodd believed that information should be included as a condition within the permit.

Mayor Minnet was concerned with the request to extend the music until 10:30 p.m. She questioned whether any other musical events were previously extended past 10:00 p.m. Officer Williams explained that if approved, this event would be the first recurring event to be extended beyond 10:00 p.m. Mr. Marchelos explained that normally the music was stopped by 10:15 p.m. which did not create any problems and the noise never exceeded the allowable decibel levels. Commissioner Clotney stated that she preferred to continue to have the music facing east. Mr. Marchelos said he planned to do so from now on.

Vice Mayor Dodd made a motion to approve with the condition that both events were not held at the same time and to extend the music to 10:30 p.m. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- c. Commission approval for use of Jarvis Hall Saturday, November 12, 2011, 9:00 a.m. to 6:00 p.m. for United States Servas, Inc. National Conference and Board Meeting (Municipal Services Director Don Prince)

This item was approved on consent.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. Ordinance 2011-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 "BEACHES AND WATERWAYS" OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE I "IN GENERAL", SECTION 5-1 "DEFINITIONS", BY AMENDING ARTICLE I "IN GENERAL", SECTION 5-6 "PROHIBITIONS ON WATER ACTIVITIES," AND BY AMENDING ARTICLE II "BEACH REGULATIONS" BY CREATING SECTION 5-35 "KITEBOARD INSTRUCTION PROHIBITED ON THE BEACH" AND SECTION 5-36 "PARAGLIDER LAUNCHING AND LANDING PROHIBITED ON BEACH"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND

PROVIDING AN EFFECTIVE DATE - Discussed at the February 22, 2011
Commission meeting

Attorney Trevarthen read Ordinance 2011-04 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole said she had hoped the parking exemption ordinance would be easy. She stated that it did not turn out that way but believed that upon approving the ordinance the way it was currently written, it would also kick in big marketing to help bring people into Town. Ms. Cole added that the City of Pompano Beach was doing a 5 year parking exemption.

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

Mayor Minnet asked for an explanation as to how the prohibition of kiteboarding instruction would be enforced. Chief Llerena said that this ordinance would make instruction on the beach an offense and an arrest would be left to the discretion of the deputy. Mayor Minnet stated that if the residents observed kiteboard instruction on the beach to please call BSO.

Vice Mayor Dodd believed it was acceptable to leave it at the discretion of the deputy as it was noticeable whether someone was giving instruction or not.

Vice Mayor Dodd made a motion to adopt Ordinance 2011-04 on 1st reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

Mayor Minnet recessed the meeting at 9:10 p.m. and reconvened at 9:20 p.m.

- b. Ordinance 2011-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING" OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-313 GENERAL PROVISIONS TO REVISE REQUIREMENTS FOR GENERATORS AND RELATED FUEL STORAGE TANKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting

Attorney Trevarthen read Ordinance 2011-06 by title.

Mayor Minnet opened the meeting to public comments.

Yann Brandt said that Silver Shores did not have access to natural gas or propane as a utility. He added that one of the disadvantages was life safety. He said the north had access to the additional resource which provided fuel to cook and power generators

during hurricanes. Mr. Brandt said that there was a setback for residential generators and above ground tanks and the only way for most residential homes to have them was to put a below ground tank in the front yard which was costly and created a life safety issue. Mr. Brandt believed that the only way to be fair to the residents in the south part of Town was to take away the setback for above ground tanks as long as fencing was provided around the tank.

Barbara Cole said that many people were at a disadvantage during hurricane Wilma because even though some had a generator, fuel was unavailable. She believed that one of the selling points in South Florida was to have a generator. Ms. Cole asked the Commission to consider removing the setback requirement.

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

Commissioner Vincent asked whether there would be a problem reducing the setback. Development Services Director Bowman said the setbacks were put in the ordinance in order to be consistent with other sections of the code for mechanical equipment.

Commissioner Vincent asked whether there would be an issue if there was no setback. Development Services Director Bowman said he did not believe there would be.

Vice Mayor Dodd asked Commissioner Vincent if he would be happy with a tank right up against his property line. Commissioner Vincent clarified that he was not in favor of no setback. He explained that he was questioning whether they should yield to the setbacks already in place and allow any building construction to take a tank and putting it wherever they wanted.

Mayor Minnet stated that due to the recent information brought forth the Commission could approve the ordinance on first reading and place on Roundtable for further discussion prior to second reading.

Commissioner Clotey asked whether Broward County had any say in regards to changing the setbacks. Director of Development Services said that a Broward County official reviewed the ordinance before it went to the Planning and Zoning Board for review. Town Manager Hoffmann said staff will ask Broward County prior to Roundtable.

Attorney Trevarthen recommend the Commission approve the ordinance on first reading and explained that it could be voted down on second reading.

Mayor Minnet inquired as to whether research was done to determine the cost of bringing natural gas to the southern part of Town. Town Manager Hoffmann was not aware of any research on that.

Commissioner Sasser requested that all the information from the Planning and Zoning Board on this ordinance be presented for Roundtable discussion. Mayor Minnet clarified that the backup from the P&Z meeting was to be included in the backup for the Roundtable.

Commissioner Clotey made a motion to adopt Ordinance 2011-06 on 1st reading and to place on the April 12, 2011 Roundtable for additional discussion prior to 2nd reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- c. Ordinance 2011-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-261, "B-1-A DISTRICT - BUSINESS" AND 30-271, "B-1 DISTRICT - BUSINESS" TO CORRECT SCRIVENER'S ERRORS AND TO PROVIDE CONDITIONAL USES IN THESE DISTRICTS; BY AMENDING CONDITIONAL USE PROCEDURES IN THE RM-25 DISTRICT; CREATING SECTION 30-56, CONDITIONAL USE REVIEW; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting

Attorney Trevarthen read Ordinance 2011-07 by title.

Mayor Minnet opened the meeting to public comments.

Yann Brandt stated that he voted this ordinance down as a member of the Planning and Zoning Board because had concerns regarding the difference between minor and major site plan adjustments. He stated that minor site plan adjustments only required a consultation by the administration to the Town Commission. Mr. Brandt explained that minor and major changes to site plans were defined in the Town Code but there was no concrete difference between them. He explained that a 5 foot setback change could seem minor to one person and not go before the Commission. Mr. Brandt suggested changing the word "consult" to "with the approval of the Commission". He believed that if written that way, the item could be placed on the consent agenda and would take that power away from the administration.

Barbara Cole agreed with Yann Brandt and referenced Oriana as an example. She believed the appeal process was removed and that concerned her. Ms. Cole stated that there should be something on record to prevent questionable occurrences.

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

Mayor Minnet recommended approval of Ordinance 2011-07 on 1st reading and to place it on the April 12, 2011 Roundtable for further discussion regarding the recent information brought forth by Yann Brandt and Barbara Cole.

Vice Mayor Dodd stated that he would approve it on 1st reading subject to the change as he remembered there was disagreement over whether screening in a balcony was a minor or major change. He would prefer to approve Ordinance 2011-07 on 1st reading with that change, rather than send the ordinance to Roundtable. Mayor Minnet agreed to the change but believed it was important to move the ordinance to the Roundtable to make sure the Commission was comfortable with the change prior to 2nd reading.

Vice Mayor Dodd made a motion to adopt Ordinance 2011-07 on 1st reading subject to the change and to place on the April 12, 2011 Roundtable for additional discussion prior to 2nd reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- d. Ordinance 2011-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 3-4 "LIMITATIONS AS TO HOURS OF SALE." TO REVISE THE HOURS OF SALE OF ALCOHOL; AND PROVIDING FOR SEVERABILITY, CODIFICATIONS, CONFLICTS AND AN EFFECTIVE DATE - Discussed at the March 8, 2011 Roundtable meeting

Attorney Trevarthen read Ordinance 2011-08 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 2011-08 on 1st reading. Commissioner Vincent seconded the motion. The motion carried 4 - 1. Commissioner Sasser voted no.

2. Ordinances 2nd Reading

- a. Ordinance 2011-02: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO AMEND PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE - Approved 1st Reading February 22, 2011 - Deferred to the March 8, 2011 Roundtable for Discussion - Consensus for 2ND Reading on March 22, 2011

Attorney Trevarthen read Ordinance 2011-02 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole hoped that it would be an easy exemption would create major marketing.

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

Commissioner Vincent made a motion to adopt Ordinance 2011-02 on 2nd reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2010-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT; HOUSING ELEMENT; TRANSPORTATION ELEMENT; CONSERVATION ELEMENT; CAPITAL IMPROVEMENTS ELEMENT; INTER-GOVERNMENTAL COORDINATION ELEMENT; ADOPTING THE PUBLIC SCHOOL FACILITIES ELEMENT; AND AMENDING LAND USE IMPLEMENTATION; ACCORDING TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - Approved 1st reading September 27, 2010

Attorney Trevarthen read Ordinance 2011-04 by title.

Mayor Minnet stated that prior to public comments there would be discussion on the revisions that were made based on the discussions Planner Keller had with the State earlier in the day.

Planner Keller stated that proposed recommendations were discussed at the March Roundtable followed by a preliminary review by the P&Z Board (Planning and Zoning Board). He said he then submitted the proposed changes to the DCA (Department of Community Affairs), the SFRPC (South Florida Regional Planning Council) and the FDOT (Florida Department of Transportation) for an informal review. Planner Keller explained that the purpose of informal review was to identify any of the proposed revisions. He added that changes were made in the following areas: 1) the literal definition of the coastal high hazard area; 2) minor changes in the definition on the map; and 3) two policies under the public school facility element. Planner Keller said that based on his discussions with the DCA and their expression of concern, he recommended deletion of both policies on the public school facility elements. He added that these policies had not been adopted previously by the Town, and therefore would not be in the plan.

Mayor Minnet inquired as to when the Commission would have to look at the Comprehensive Plan for complete review. Planner Keller said the Town would be required to go through an Evaluation and Appraisal Report (EAR) next year, and generally the Town had one year after the EAR was found to be in conformity, or two years for a full plan update.

Mayor Minnet opened the meeting to public comments.

Yann Brandt said he voted against the Comprehensive Plan Amendments as a member of the P&Z Board. He explained that the document talked about things on public school facilities that had nothing to do with the Town. Mr. Brandt said that the DCA was going to make the Town do it, the Town had to vote for it, and the DCA was going to tell the Town what they wanted in the plan or out of the plan. He suggested that the Commission send a memo to the DCA and copy the Governor explaining the plan was useless to the Town and a waste of time, with hopes that the requirement to do a Comprehensive Plan would be scratched in the future.

Barbara Cole believed the process moved very slowly. She recalled that a grand jury talked about the public school aspect of the Comprehensive Plan and it was skewed. Ms. Cole asked whether that played a part in any of the changes that were made to the public school facility element policies.

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

Mayor Minnet agreed that some of the language in the Comprehensive Plan was questionable. She asked for clarification as to whether they actually had to approve the Comprehensive Plan. Attorney Trevarthen stated that this particular round of changes to the Comprehensive Plan was largely driven by mandates that were created by the Florida Legislature. She added that the DCA was the administrative agency that was charged with carrying out the direction and making sure that plans were in compliance with Florida Statute. Attorney Trevarthen explained further that the public school mandate was part of the 2005 Legislation, the requirement on greenhouse gas was part of 2009 Legislation conforming to County Commission changes, and the coastal hazard area was in response to a Legislative change. She believed that the current deadline with Broward County was December and time frame for the schools had already passed. Mayor Minnet asked whether these were "unfunded" mandates, with costs to the Town as no one would be funding them. Attorney Trevarthen said they could be.

Commissioner Clotey said that parents had indicated to her that would like to see all the kids in Town go to the same high school rather than being divided into different high schools. She asked whether the Town could put pressure on the School Board, other than sending a letter. Attorney Trevarthen stated that the school boundary process was an annual event which took input from the school community, the community at large and from anyone who wished to give it. She said the Town could reach out to the Broward County School Board with their concerns and added that the boundaries were determined by the size and needs of the community and was at the discretion of the School Board.

Commissioner Sasser stated that he voted against the ILA. He suggested that everyone should let their voice be heard and added that the Broward County School Board needed to hear their voice as well.

Vice Mayor Dodd believed that the Town of Lauderdale-By-The-Sea got the short stick

on the boundaries and were not getting a fair deal. He asked whether the Town could state that they were not going to go ahead with the recommendations and would register their disapproval in the Comprehensive Plan. Attorney Trevarthen said that local governments do not have power over setting school boundaries; it was a Florida constitutional issue. She explained that those sections were taken out because DCA rejected the Town's plan telling Broward County what to do. Planner Keller explained that the reason the two policies were deleted was because they involved the Second Amended Interlocal Agreement and what that actually provided. Vice Mayor Dodd questioned whether Planner Keller was telling them that the state did not agree with the policies that were put forward. Planner Keller said that was correct.

Mayor Minnet believed the Commission could go further and create a resolution that would express the Commission's concern for these type of unfunded mandates. Attorney Trevarthen stated that the Town could take a legislative position. She noted that these issues were very much in play as the House Committee developed and passed amendments, such as deleting the greenhouse gas emissions, deleting concurrency and other issues just last week.

Commissioner Clotey inquired as to what the consequences would be if the Commission did not approve the ordinance. Attorney Trevarthen said that failure to amend the Town's Comprehensive Plan could result in a financial penalty under some sections of the Plan if no resolution was reached.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-06 on 2nd reading with amendments as stated by Planner Keller. Commissioner Clotey seconded the motion. The motion carried 4 - 1. Commissioner Sasser voted no.

Commissioner Sasser asked that the Town Attorney bring a draft resolution expressing the Commission's sentiments to the April 12, 2011 Roundtable for review and discussion. Mayor Minnet suggested that should any Commissioner have any questions or thoughts to pass them on to the Town Attorney as well.

11. RESOLUTION - "Public Comments"

- a. Resolution 2011-05: 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 2011-05 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 Resolution 2011-05. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. Resolution 2011-06: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DISBANDING THE MASTER PLAN STEERING COMMITTEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2011-05 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole believed that the Master Plan Steering Committee never got back to the way it was in 2005. She agreed it was time to disband the Committee and hoped that it would branch out into other avenues that would bring people together for a lively debate. Ms. Cole expressed her thanks to the members of the Boards and Committees for their time.

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

Commissioner Sasser made a motion to adopt Resolution 2011-06. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Clotey chose not to comment due to the late hour.

Vice Mayor Dodd said that the Hillsboro Inlet had approved funding for 2 new winches used for anchoring the workboats and approved a major overhaul of the 20 year old drum winch and dredge pipes. Vice Mayor Dodd was happy with the new Sunday alcohol ordinance and the new relaxation of parking requirements. He said he would also monitor the City of Pompano Beach as he was curious to know whether they would do a complete exemption. Vice Mayor Dodd looked forward to obtaining realistic cost estimates for burying the utilities in the alleyway downtown and all of El Mar Drive. He wanted to make people aware that this would only marginally help the security network and may help restoration times, very slightly after a hurricane because FP&L would not have to patrol that small component of the Town's network.

Mayor Minnet stated that a new restaurant, Burger Fi opened in Town and many workshops occurred regarding the Town's Master Plan. She reminded everyone of additional Master Plan Input Sessions on March 24, 2011 at 7:00 p.m. in Jarvis Hall and on Saturday, March 26, 2011 at 10:00 a.m. She invited everyone to attend and give their input. Mayor Minnet reviewed the accomplishments that were made this past year. She said that 5 out of 7 management positions were either changed, eliminated or modified: the Town Manager, Assistant Town Manager, and Finance Director were changed, Human Resource Director position was eliminated, and Development

Services was being modified. Mayor Minnet said the information provided to the Commission had improved, the millage rate stayed the same, the flood insurance rating had improved, and sewer issues addressed. She added that problems associated with multi-family and duplex properties were resolved with Choice Environmental. Mayor Minnet said the Commission meetings had been transformed into interactive discussions for the Commission and staff. Mayor Minnet pointed out that the antiquated parking meters were being upgraded to parking paystations that took credit cards and allowed people to pay by phone. She added that a parking exemption program for restaurants was adopted and an ordinance which extended the hours of sale of alcohol by local restaurants was also adopted. Mayor Minnet also pointed out that cash reserves had been identified properly and transferred into interest bearing accounts.

Mayor Minnet invited everyone to the Easter by the Sea Volunteer meeting on Saturday, March 26, 2011 at 9:00 a.m. in Jarvis Hall. She said that the Easter by the Sea event was April 23, 2011 from 9:00 a.m. to 11:00 a.m. in front of Town Hall. Mayor Minnet reminded everyone of Earth Hour and asked that everyone participate by turning off their lights between the hours of 8:30 p.m. and 9:30 p.m. on Saturday, March 26, 2011.

Commissioner Sasser believed the Commission, the staff and the community traveled a great distance together. He believed it was time to recalibrate as a team and assess where they were, re-prioritize their goals, implement a plan of action and determine financial responsibility to achieve their goals.

Commissioner Vincent thanked the Commission, the Town residents and Town staff for everything that had been accomplished.

14. OLD BUSINESS

a. Community Bus Services (Acting Finance Director Doug Haag)

Acting Finance Director Haag explained that staff was asked to come back with additional information regarding options to piggyback contracts and ridership information on the Pelican Hopper. He said that in order to continue the operation of the Pelican Hopper, staff recommended a contract with Limousines of South Florida and terminate the contract with Quality Transport Services. Acting Finance Director Haag said that the additional cost to use Limousines of South Florida would be approximately \$1,100 a month. He added there would be an additional \$4,400 cost to cover the first four months of service. Town Manager Hoffmann said that Quality Transport Services was not willing to continue the contract under the same terms and conditions as they had not received an increase since 2002.

Mayor Minnet said she was disappointed that more residents did not ride the Pelican Hopper. She added that some residents depended on the bus and had indicated that they would pay for it. Mayor Minnet recommended bringing it forward at budget time for Town funding.

Commissioner Clotney asked whether the Limousines of South Florida's equipment was going to be similar to the Pelican Hopper. Acting Finance Director Haag said the Pelican Hopper was the Town's bus that was leased from Broward County and therefore, it would be the same bus.

Commissioner Sasser asked for clarification that the contract with Limousines of South Florida had a 60 day cancellation. Acting Finance Director Haag said they had a 60 day notification requirement for cancellation. Commissioner Vincent asked whether ID tags were required for the driver and whether drivers were designated for certain areas. Mark Levitt, President of Limousines of South Florida said the driver wore a name tag and they tried to designate the same driver in the same area. Mr. Levitt said he was willing to interview the current driver and if he met the standards, his company would hire him.

Mayor Minnet stated that staff's recommendation was approve a motion to authorize staff to execute an agreement with Limousines of South Florida, piggybacking on a Hillsboro Beach contract, to authorize staff to give a 60 day notice of termination to Quality Transport Services, Inc., and to approve a budget amendment of \$4,400 to cover four months of operating costs at the higher rate.

Commissioner Vincent made a motion to approve recommendations as stated and review during the budget process. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

b. Discussion regarding the Neighborhood Beautification Project (Mayor Roseann Minnet)

Mayor Minnet requested an update on the neighborhood beautification project. Assistant Town Manager Bentley said they had two meetings with the Terra Mar Association and had gone through the plans of their entryway feature. Mayor Minnet inquired of the budgeted amount. Town Manager Hoffmann said it was budgeted for \$30,000. Mayor Minnet understood that the program was only for landscape and signage and not for gates and cameras. She was concerned that other neighborhoods would also want a gate and wondered what level of responsibility the Town would have to provide the gate, the maintenance and the insurance on the gate. Assistant Town Manager Bentley said Terra Mar was responsible for the liability and the maintenance of their gate and noted that Terra Mar's gate was installed prior to annexation. Mayor Minnet believed there was a need for clear clarification.

Commissioner Vincent said they needed a clear cut idea of what the Town would provide out of the \$30,000 in line with beautification, such as landscaping. He believed that, if an association wanted cameras and electronic gates the association should figure out a way to provide them along with insurance and maintenance, at their own expense and create their own policy; the Town should not carry the responsibility. Commissioner Vincent said he wanted to be fair to everyone

Mayor Minnet wanted this moved to the April 12, 2011 Roundtable for further discussion and clarification regarding what enhancements would be allowed. Commissioner Sasser asked whether staff was being asked to hold off on the work with Terra Mar. Commissioner Vincent said that was not his suggestion; he wanted to limit electronics, technology and cameras. He did not want to impede or delay the project. Commissioner Sasser pointed out the asphalt, the planters and the illumination of the existing sign was not a sign. Mayor Minnet said that was why a clear definition was needed.

Commissioner Clotey believed the Commission agreed that Terra Mar was a neighborhood but there should be a minimum size requirement that constituted a neighborhood.

Town Manager Hoffmann suggested they proceed with the design process with Terra Mar and bring it to the April 12, 2011 Roundtable with recommendations on how the issues raised could be dealt with.

There was Commission consensus to discuss at the April 12, 2011 Roundtable.

15. NEW BUSINESS

a. Acquisition of Choice Environmental Services, Inc. by Swisher Hygiene, Inc. (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bud Bentley said there was a requirement for Choice Environmental to notify the Town if they were purchased or they merged with another company. He said Choice Environmental made that notification. Assistant Town Manager Bentley said that the Commission needed to decide whether the acquisition was acceptable. He added that staff was not aware of anything that would impair Swisher Hygiene's ability to service the Town under the contract.

Vice Mayor Dodd did not see anything that required the Town to recognize the transfer. He asked whether the Commission was required to respond. Attorney Trevarthen stated that the relevant contract language gave the Town the right to determine whether there was an impact on the ability of the new contractor to perform. Vice Mayor Dodd wanted to know why the Commission had to acknowledge that, as the contract contained a performance clause. Attorney Trevarthen explained that if new information was received it would have to be analyzed at that time. She believed that at this time staff was seeking guidance from the Commission on how to handle this issue.

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

b. Appointment of (1) one Regular Member and (1) one alternate to the Planning and Zoning Board (Town Clerk June White)

Town Clerk White said she received five applications for the vacancy on the Planning and Zoning Board. She explained that one member resigned effective May 1, 2011 and one of the alternates rejected their appointment shortly after his appointment.

Mayor Minnet appointed Patrick Murphy as a member to the Planning and Zoning Board.

Vice Mayor Dodd stated that there was no need for another alternate at this time and therefore, no appointment was made.

c. Reschedule April 26, 2011 Commission Meeting due to Passover (Town Clerk June White)

Mayor Minnet stated that staff recommended rescheduling the meeting to Wednesday, April 27, 2011. Vice Mayor Dodd believed that sunset occurred on April 18, 2011 at 8:00 p.m. and that could be another option. He also inquired as to whether Passover was one of the definitive Holy days in which it was requested that meetings not be held on the first and last day. Mayor Minnet requested getting clarification from the Jewish Federation. Town Clerk White said she would get it.

Later in the evening Attorney Trevarthen pointed out that there would not be another Commission meeting prior to April 26, 2011. Vice Mayor Dodd made a motion to reschedule the meeting of April 26, 2011 to April 27, 2011. Commissioner Vincent seconded the motion. The motion carried 5-0.

d. Commission approval for issuance of (5) five parking permits to the Broward County Sea Turtle Conservation Program (Town Clerk June White)

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

e. Presentation of Comprehensive Annual Financial Report (Acting Finance Director Doug Haag and Tony Grau of Grau & Associates)

This item was discussed earlier in the evening as item 5g.

f. Parking Meter Rate Survey and Recommendations (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that the Town changed the beach rates in 2009 to \$1.25 but the individual meters were never changed to reflect that rate. Town Manager Hoffmann clarified that this did not affect the installation of the pay stations. Vice Mayor Dodd asked whether there was consideration of a day rate. He asked whether this rate was consistently more utilized than in the A1A parking lot. Assistant Town Manager Bentley said they did some research on a day fee and continued to receive input. He added that the Wings parking lot did not have single space meters.

Assistant Town Manager Bentley explained that once the meters that were located in the downtown area were replaced by pay stations, those meters would be installed in the Wings parking lot. Vice Mayor Dodd asked whether there was a pay station near the Wings parking lot that could be used. Assistant Town Manager Bentley said there was. Vice Mayor Dodd said he would be against putting meters in the Wings parking lot if there was a pay station nearby. He wanted to make the rate \$1.25 now rather than wait until October.

Town Manager Hoffmann said that staff was attempting to drive business into the A1A lot which would be on one pay station, rather than park downtown. She explained that while those spaces were more utilized the rest of A1A was not. Town Manager Hoffmann said the other option was to price the whole parking lot at \$1.25 an hour and see what happens. Mayor Minnet believed the pricing should be continuous and that the Commission concurred with that.

Vice Mayor Dodd made a motion to approve Town staff recommendations to 1) implement the 2009 approved \$1.25 an hour rate for pay stations; 2) schedule for the April 12, 2011 Roundtable for additional detailed discussion; 3) adopt a Resolution at the April 27, 2011 Commission meeting for new meter rates and establish a policy that all all meters in off-street parking lots pay the same fee except for vehicles of disabled individuals equipped with ramps, lifts, or hand controls or have a Florida toll exemption permit; and 4) adopt a Resolution authorizing staff to apply for an FDOT permit to install single space meters on Commercial Boulevard west of Seagrape Avenue. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

g. Reimbursement from the City of Pompano Beach for Classification Error on Sea Ranch Condominiums' Sewer Bills Paid by the Town (Town Manager Connie Hoffmann)

Mayor Minnet said that the Commission previously asked the Town Attorney to research the remarks made by prior Mayor Oliver Parker that an agreement was made between the Town and Sea Ranch Condominium. Attorney Trevarthen explained that the letter written by the previous Town Manager was not an agreement. She added that it was not approved as to form by the Town Attorney and the agreement exceeded the \$15,000 threshold allowed for the Town Manager to authorize. Attorney Trevarthen stated that the contingencies were not satisfied and there was no legal requirement to continue.

Vice Mayor Dodd supported staff recommendation that the \$81,000 was to be returned and the money was to be put into the sewer fund. He noted that Sea Ranch Condominium was not to blame for the money that was not paid into the sewer fund and hoped they would understand why the Commission could not phase in the sewer increase.

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

h. Waive Parking Fees for the Easter by the Sea Event, Saturday, April 23, 2011 from 9:00 a.m. to 11:00 a.m. (Mayor Minnet)

This item was added earlier in the evening.

Commissioner Clotey made a motion to approve the request to waive the parking fees in the El Prado Parking lot and the Town parking lots. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

16. TOWN MANAGER REPORT

This item was discussed earlier in the evening as item 7d.

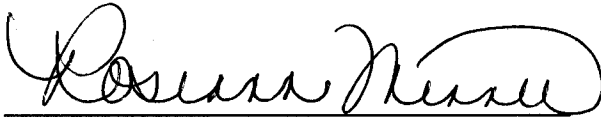
17. TOWN ATTORNEY REPORT

Attorney Trevarthen stated that the hearing on the Motion to Dismiss in the re-filed Harris Act claim, scheduled for Thursday, March 24, 2011, was cancelled. She said she recently received notice that all hearings were cancelled for that day and was currently waiting for a new date.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:15 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

4-29-2011
Date

