TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, October 9, 2012
7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pauline Brooks McGuiness

Pauline Brooks McGuiness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Item 16d, Public Restrooms, was brought forward for discussion prior to the Sewer Rate Study, item 16a.

5. PRESENTATIONS

a. Presentation of Proclamation for Domestic Violence Awareness Month (Mayor Roseann Minnet)

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Mary Davis felt a public bathroom within 15 feet of a residential development was unacceptable. She commented diners at the area restaurants would have a prime view of the Town's ocean and public toilets. She noted the installation of the latter would require the elimination of magnificent palms and shrubbery adorning the alleyway and entrance to the beach; there was no beauty in prefabricated toilet buildings.

John Boutin questioned whether this was the appropriate time to install public restrooms in a beach area where there had never been any.

Dennis Ritchie, president of the Property Owners Association, acknowledged it was the start of the social season for the Town, and Oktoberfest would take place on October 20, 2012, 6:00 p.m. at the Assumption Church meeting room behind the Assumption Church.

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

7. PUBLIC SAFETY DISCUSSION

There were no items for discussion.

8. TOWN MANAGER REPORTS

a. Town Manager Status Report

Town Manager Hoffmann advised all Broward County city managers received a letter from the County administrator advising that the County was going to take back control of the computer aided dispatch equipment from the sheriff's office. The County intended to re-establish an emergency communications department in the County, and they would be asking all Broward municipalities to enter into an Interlocal Agreement (ILA) and other legal agreements with the County. She received a hand-delivered letter from the sheriff's office indicating they were not in agreement with the County's actions, reminding her that the Town was contracted with the sheriff's office to provide CAD services. The sheriff's office fully intended to continue providing those services to the Town and suggested the County could not legally take over the service. The Broward city managers received an invitation to a meeting the past Monday to meet with the County regarding this action, which she attended. Most city managers did not attend the meeting, as Monday was a holiday for most cities, so there was very little discussion. Town Manager Hoffmann remarked it was interesting that the person who previously headed up the sheriff's communication center and his assistant were now County employees, as this might explain some of what was taking place. She mentioned approaching that individual after the meeting and advised him that BSO was the Town's policing services contractor, that they currently dispatched police calls, as well as the VFD, the Town's emergency services contract. He told her the Town would not need to enter into any agreements with the County, that the County's plans would not really impact the Town, and they were working to resolve the matter with the sheriff's office. She received another letter from the sheriff's office earlier in the day indicating they recently obtained an opinion from the Florida Department of Law Enforcement (FDLE) that indicated the County could not have control of police and crime data, as they did not have their own police agency. The sheriff intended filing a court action requesting injunctive relief against the County. She believed the Town was a bit player in the whole scheme of things due to its small size, and she suggested the

Town take no role in the interplay going on between the County and the sheriff's office. Only if the Town experienced any interruption in service and dispatching would she bring the matter back before the Town Commission to decide how the Town should get involved. She mentioned the Bougainvilla drainage project that was discussed in her report, noting Bill Cole would give an update on the project.

Project Manager Bill Cole noted the Bougainvilla drainage project was a major undertaking that involved both sides of the street where trenches would be excavated anywhere from four to six feet deep and wide to get the system installed, with the increased level of difficulty by having to dig through sand. The sand tended to cave in as digging proceeded, with serious undermining of the street and the sidewalks. The situation was causing unavoidable difficulties. He mentioned on the east side there was a 50-year-old water main that was unsupported and unrestrained, as it had only slip joints every 18 feet. Once it was undermined, the old pipe became unsupported and the slip joints could easily come apart. They anticipated the likelihood of breakage or the disconnecting of pipes would lead to water leaks that would cause the service to be turned off until repairs were made. Mr. Cole remarked on the connections to the water and sewer lines, stating prior to commencing such a project, the authorities were notified to have the atlases, and they came out and marked on the street where they thought the connections were located. Inevitably, those predictions were both accurate and inaccurate, and things were damaged due to them being where they were not expected to be. They had quite a few breakages the first week and had to make at least four or five repairs, and the citizens along Bougainvilla were inconvenienced. He said they had better success since then with fewer breakages, and it was important for everyone to understand that a project of such magnitude had certain side effects that were part of it. The project staff would do all it could to minimize and mitigate those effects. Mr. Cole stated the initial estimates were somewhat optimistic with regard to the resurfacing of Bougainvilla once the work on the drainage was complete, as with the abovementioned undermining and the sand walls caving in. Much of the street was being undermined and it would be unwise to pave over a road that would fail and result in potholes, etc., so it appeared much of the whole street would have to be redone. He felt the good news was, along with all the sidewalks and swales, there would be a brand new street. The costs were being examined and would be finalized very soon.

There was no further discussion on this matter.

Commissioner Vincent inquired if any temporary shoring was being done to combat the resulting undermining from the digging, bringing in any additional straps to hold the pipes together by the joints, and any other preventative measures.

Mr. Cole responded the project engineer, contractor representatives and he, were looking at all of them including the possibility of getting down into the ditch and establishing a physical restraint on the joints. They located some supplies at Fort Lauderdale but were unsure if Fort Lauderdale would provide them without cost, or sell them to the Town, or any other combination. Those avenues were being pursued.

Town Manager Hoffmann wished to be sure the Commission was in agreement that the Town would pay for the expenses associated with putting up the Christmas tree and taking it down, and covering some of the storage bill for that. The Town would absorb some of the police cost, as well as the cleanup cost for the event. She indicated they were discussing the Chamber raising the funds through donations for the remainder of the costs for the event; it would be a cosponsored event for 2012 between the Town and the Chamber.

Mayor Minnet asked if the Town had the funds within its special event budget.

Town Manager Hoffmann answered yes.

Vice Mayor Sasser questioned if the $4,500 was for a new Christmas tree or was it the old tree, as he thought there was a problem with old tree.

Town Manager Hoffmann replied it was the old tree, and Town staff was informed it would last this one last season before it would have to be replaced.

Vice Mayor Sasser asked what the amount was that the Town thought the Chamber would contribute and what the Town's portion of the cost would be.

Town Manager Hoffmann responded the Town would absorb the $4,500 for the tree, the police cost in the existing police budget, and there would be about $500 for cleanup cost. The Chamber was still working on their cost for the pieces: the entertainment, the snow machine, the face painter, etc. She would have those numbers ready for the Commission at its next meeting.

Vice Mayor Sasser queried if the overall thought process was for the Chamber and the Town to have a 50/50 share in the cost for the event.

Town Manager Hoffmann believed the Town would likely pay a little more than a 50 percent share in the cost for the event.

Vice Mayor Sasser wondered if the Town was expected to cover the cost if the Chamber was unable to raise their share of the cost.

Town Manager Hoffmann pointed out this was the reason the issue was not on the present Commission agenda for action but on the next meeting's agenda, as the Chamber was in the process of getting those funding commitments. The reason for the discussion was she did not want the Chamber doing fundraising activities for the event if the Town Commission was unwilling to approve the things she suggested with regard to the event.

Vice Mayor Sasser said he was in full support of the Town's involvement as long as the funds were available in the budget.

There was a Commission consensus to proceed as suggested by Town Manager Hoffmann, and for the Chamber to proceed with its fundraising efforts for the Christmas-By-The-Sea event.

Town Manager Hoffmann sought Commission direction regarding the street lighting in North Silver Shores. Town staff put a lot of time and effort into this matter, and she suggested it was time for the Town to stop the project due to the lack of neighborhood interest.

Commissioner Dodd was saddened by the lack of interest, as it was a known fact the added lighting would improve public safety. He agreed the matter should no longer be pursued.

Commissioner Vincent asked if there was ever any discussion between the Town and FPL to go underground or was this too costly.

Town Manager Hoffmann recalled Commissioner Dodd previously brought up the idea of trenching under driveways and front yards, but the Commission agreed to go present route first. The Town had put in a request to FPL for an estimate to do the trenching of the wires but, based on the way FPL responded to requests it might be a year before the Town received the information. The Town's request was still active.

Town Manager Hoffmann indicated she looked into solar street lighting and discovered they were extremely expensive, about $13,000 to $15,000 per unit.

Mayor Minnet commented electrical power was still needed for battery backup; at the present time, solar lighting was not a feasible option.

Commissioner Brown sought an update on the Silver Shores road resurfacing.

Municipal Services Director Don Prince said the contractor had yet to execute the contract with Fort Lauderdale. As soon as that was accomplished, the document would be presented to the Town Commission. He would hold a meeting with the contractor later in the week, draft a price for the Town's portion of the resurfacing, and present that document to the Commission at its next meeting. The Town was waiting on Fort Lauderdale to execute their contract and then issue a work authorization.

Town Manager Hoffmann added the road resurfacing would definitely not take before the middle of November.

Commissioner Brown recalled discussion about the possibility of leasing the property across the street from Minto to provide temporary parking spaces to mitigate the loss of parking during the construction project set to begin on Commercial Boulevard.

Town Manager Hoffmann said Minto was willing to entertain an agreement with the Town, and staff received some estimates to create a parking lot but the cost was quite high. Such action could only be justified if the Town secured a multi-year lease with Minto. She is waiting on a cost estimate to bring in a temporary parking lot, and when that was received, Town staff would approach Minto to see how long they would be willing to let the Town use the lot. She noted if they were willing to let the Town use the site for two years, the more costly alternative made sense, as the costs could be covered by parking revenues. It appeared Commissioner Brown wished Town staff to make this matter one of its high priorities, as it was presently among a list of many other projects.

Commissioner Vincent desired an analysis of the cost to create an acceptable parking lot, and whether the Town was doing this only for beachgoers or for the downtown district as a whole. He had no wish for the Town to spend dollars on a project with a cost greater than the returns unless it would be long term, wondering if the parking could be designated for downtown patrons.

Town Manager Hoffmann felt the reality was the beachgoers would use the parking lot during the daytime, and at nighttime the demand would increase among downtown patrons. She believed the proposed project made a lot of sense, as the Town would be tearing up the A1A lot in order to reconfigure it during the season, so the additional parking was needed.

Mayor Minnet noted it was a high priority for Town staff to proceed with discussions with the Minto property about using their lot as a temporary parking lot.

Mayor Minnet noted Town Hall drop off locations for absentee ballots would take place on four dates. She asked that the locations and dates be advertised on the public cable channel 78.

Town Manager Hoffmann said Town staff would do so.

Vice Mayor Sasser noted the Town Commission received an email from the Town Manager notifying them that the Coral Reef Project was not meeting any of their obligations. He wondered if, since then, anything else had been heard from them.

Town Manager Hoffmann answered yes, she received about five emails since sending them the last notice, and she was told that they would get the reports done over the weekend. She had not received them, but what they did was amend the first report they already filed to correct a minor error. Several emails were sent earlier in the day stating she would have the reports by the end of the day, but there was no August report forthcoming. She knew they were working on them and would let the Town Commission know as soon as she received them.

Vice Mayor Sasser believed there was one critical piece that needed to go to the state to ensure the Town was meeting its obligations, and he was primarily concerned with that issue. He questioned what the Town's liability would be should anything transpire and what the recourse would be.

Town Manager Hoffmann clarified every month for the first year that the project was installed, the Town had to provide a detailed monitoring report to the Army Corp of Engineers and to the state; this was the report that was consistently late.

Town Attorney Trevarthen commented the status was not a failure to report but a lateness of reporting. She could look into the potential penalties but thought in the first analysis the Town wanted the project staff to comply as soon as possible, and then have dialog with the agencies to determine how it was being resolved. The August report might have arrived via email prior to the present meeting, so some progress was evident.

Town Manager Hoffmann reiterated she would keep the Commission apprised of the situation, as her main goal was to get the August and September reports in hand and filed, and Town staff would return to the Commission to discuss potential penalties.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen sought an attorney/client session with the Town Commission on the case of the Palm Yacht & Beach Club vs. the Town of Lauderdale-By-the-Sea at a date and time to be scheduled.

10. APPROVAL OF MINUTES

a. September 24, 2012, Regular Commission Meeting Minutes

Commissioner Dodd made a motion to approve the September 24, 2012, Regular Meeting minutes as listed. Commissioner Vincent seconded the motion. The motion carried 5-0.

11. CONSENT AGENDA

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

a. Application for Two Hardship Parking Permits for FY13 from Gordon and Donna Chase, 4145 Bougainvilla Drive (Assistant Town Manager Bud Bentley)

This item was approved on consent.

b. Application for Two Hardship Parking Permits for FY 13 from Breakaway Inn, 4457 Poinciana Street (Assistant Town Manager Bud Bentley)

This item was approved on consent.

c. Application for Two Hardship Parking Permits for FY 13 from Windjammer resort, 4244 El Mar Drive (Assistant Town Manager Bud Bentley)

This item was approved on consent.

d. Application for One Hardship Parking Permits for FY 13 from Beachview Apartments, 4149 Bougainvilla Drive (Assistant Town Manager Bud Bentley)

This item was approved on consent.

12. ORIDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2012-18: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I. "IN GENERAL", SECTION 30-20, "GENERAL PROVISIONS", AND ARTICLE V. "ZONING", SECTION 30-155, "DEFINITIONS", TO CONSOLIDATE AND REVISE DEFINITIONS TO PROVIDE CLARITY, ELIMINATE DUPLICATION AND DELETE UNUSED DEFINITIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Mayor Minnet opened the discussion for public comment and closed the public comment portion of the discussion after receiving no input.

Commissioner Dodd made a motion to approve Ordinance 2012-18 on first reading. Commissioner Vincent seconded the motion. The motion carried 5-0.

2. Ordinances 2nd Reading

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

Mayor Minnet opened the discussion for public comment and closed the public comment portion of the discussion after receiving no input.

Commissioner Dodd expressed concern over the clauses related to driveways, noting the present Town Commission actively encouraged the use of pervious materials to allow rain to get back into the water table. He felt this should have been specified, rather than the specification for providing catch basins, as he knew of several driveways where owners put in an extensive new surface that became flooded due to the road flooding onto their driveway. The requirement to provide a trench that might or might not drain was not appropriate. He wished to see language added that driveways constructed of pervious materials need not provide a catch basin and could maintain a higher grade to prevent water from the roadway draining into their property.

Town Planner Connors noted additional research was needed. Staff found other items they wished to research, and she suggested the Commission direct them to look at pervious materials, driveways and drainage.

Town Attorney Trevarthen added this was something that was in the current code and was not a change to the ordinance, and it was appropriate for staff to do further research. She felt the Town engineer should have input in such a code change.

Commissioner Dodd concurred, asking Town staff to add his request to the list of items requiring additional research in the Town's code cleanup.

Town Planner Connors said yes.

Commissioner Vincent asked if Town staff would be exploring the addition of language that allowed a property owner to use an additional element or remove the swale.

Town Planner Connors answered no, Commissioner Dodd wished Town staff to look into the code. Rather than making changes to the ordinance on second reading, staff would look into it and get input from the Town engineer and Municipal Services Director. They would determine if changes were needed, not only in the subject section of the code, but in other sections of the code as well, and return before the Commission with proposed revisions.

Commissioner Vincent wished to confirm the present code required the installation of a swale regardless of the material used.

Town Planner Connors responded, currently, the Town's standards for driveways and parking strips began at line 1497 of the ordinance, and specifically spoke about catch basin drainage, containing water on premises, and not sheeting off to others.

Commissioner Vincent asked if the code was being enforced.

Town Planner Connors replied the Town was beginning to do so, so when Town staff looked at properties' driveways, they took that into consideration.

Commissioner Vincent wanted to prevent a process that posed a hindrance to homeowners wishing to do something on their properties that would require them to go through a whole new process involving an increased number of government entities.

Town Planner Connors believed there were several areas in the code that discussed drainage, and it was not always clear; thus, Town staff needed to look at the code language further, including the Town engineer. Some properties already had a built environment, and the retrofit necessary to upgrade their properties might be cost prohibited. Town staff was exploring dealing with a built environment, allowing owners to bring their properties up, and beautifying the area, including adequate drainage.

Commissioner Vincent added maintaining continuity from property to property was the key.

Town Planner Connors affirmed this to be the case, noting Town staff needed to take a holistic look at all the issues in Chapter 30 that addressed drainage, suggesting adding this to the list of research staff was doing on the Town's code.

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

13. RESOLUTIONS – PUBLIC COMMENT

a. **Resolution 2012-37:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AGREEMENT WITH THE LAUDERDALE-BY-THE-SEA CHAMBER OF COMMERCE FOR OPERATION AND FUNDING A VISITOR AND WELCOME CENTER; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

Vice Mayor Sasser made a motion to approve Resolution 2012-37. Commissioner Dodd seconded the motion. The motion carried 5-0.

b. **Resolution 2012-47:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS TO REVISE THE TOWN'S CURRENT REGULATIONS REGARDING SATELLITE TELEVISION ANTENNAS AND DISHES AND TELECOMMUNICATION TOWERS AND ANTENNAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE

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

Commissioner Brown asked if the Commission approved the Resolution 2012-47, would anyone in the Town have to take down an existing television antenna or satellite dish.

Town Attorney Trevarthen replied, for the moment, the Commission was only being asked to authorize a look at the Town's satellite dish regulations that were currently outdated with respect to current federal law. There was no specific proposal for change presently before the Commission; that would come at the time of first reading after it was drafted. She explained this was just the preliminary stage to get the Commission's concurrence and to make the public aware there would be a project to take a look at this section of the Land Development Regulations (LDR).

Vice Mayor Sasser requested Town staff come back to the Commission after looking at the code with a list of options. It sounded as though there were federal guidelines that might handcuff the Town.

Town Attorney Trevarthen affirmed there were areas in which the Town was preempted.

Commissioner Dodd made a motion to approve Resolution 2012-47. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

There were no hearings.

15. COMMISSION COMMENTS

Mayor Minnet encouraged everyone to attend Charter Review Board meeting, at which public comments were accepted, as it was a great way to get involved in the community.

Commissioner Brown stated the Lauderdale-By-The-Sea Community Center would sponsor the second in an ongoing lecture series Thursday evening at 7:00 p.m. in Jarvis Hall. The topic would be Wills and Estates. A local attorney would speak on steps people could take to protect their finances. He mentioned speaking with Marie Johnston, the Director of External Affairs for AT&T, noting customers that received their cable service from AT&T/U-verse did not receive the Town's public cable channel, as it came from Comcast. He repeatedly requested the Commission consider making the investment necessary to extend the local programming to U-verse channel 99 as well. He asked Ms. Johnston how many customers U-verse currently had in the Town, and she indicated the company broke down their customers by zip code and not municipality, so she could not give him a precise Town number. At present, in the 33308 zip code, there were currently 1,500 U-verse users, and another 3,730 about to come on line when they finished laying the cable. He said in the 33062 zip code, there were 1,400 users at present, and another 3,769 about to come on line; most of the users were located along A1A, as this was where the cable already existed. This was also where the majority of the Town's residents lived. Commissioner Brown was convinced there were sufficient Town residents using, or in the process of going to use U-verse as their cable provider. Ms. Johnston sent him all the information regarding the cost and what the Town would have to do to get the U-verse service, and he turned the information over to Town staff. He stated, as soon as staff could provide the Commission with a reasonable cost number, he would put the matter back on the agenda to try to make his case to extend the local government programming to U-verse.

Commissioner Dodd reminded everyone the Town was looking for volunteers to help out with the Halloween event, and the first occasion to volunteer was October 25, when they started the decorating of Jarvis Hall.

16. OLD BUSINESS

a. Sewer Rate Study (Finance Director Tony Bryan)

Michael Burton of Burton & Associates reviewed his analysis.

Town Manager Hoffmann pointed out there were many more customers in the multifamily units than in single-family units.

Mr. Burton affirmed it was substantial, as more than 50 percent of the Town's residential units were multifamily units.

Commissioner Dodd felt pleased the Commission directed staff to refer the matter back to Mr. Burton for further review, as it clearly showed the AWA's model did not accurately reflect the usage of the various properties. The Town always tried to tailor its charges based on actual usage, and he recommended Town staff look at the groupings of commercial properties to best reflect this particular analysis. He asked why the three months of highest usage for each commercial property was used rather than an annual average, as it could penalize based on a seasonal use application rather than a steady monthly level.

Mr. Burton replied this was the intent of the base facility charge, to recover the cost of the potential demand that a customer placed on the system, and that was the peak time of the year. The Town had to continue to maintain its assets, pay its employees, and could not cut costs when they went away, so the system was sized to meet the peak demand, and it was a common practice in rate making to do so.

Commissioner Dodd inquired about the recalculation of the ERU equivalent, if it was done automatically on the computer on an annual basis that looked at the previous year, or would there have to be another rate study. If a restaurant installed water-efficient equipment, could they come to the Town and ask for their ERU to be recalculated or was it a self-regulating system.

Mr. Burton responded this related to the "edge effect", whereby, when one was in the steady state it was great. However, when there was a change of use, such as a restaurant that changed ownership and became an office building, this would result in a different level of demand and ERUs, so the Town had to devise a policy to deal with such eventualities. He pointed out, as people were able to do a variety of things to reduce their flow and could possibly request the Town look into the change in their usage it might be best for the Town do an annual reevaluation and reset it. His staff could work with Town staff on developing policies to handle when there was a change of use for whatever reason, what the next step should be for the Town.

Finance Director Bryan noted this was one of the things Town staff gave a fair amount of thought, and they were looking at two things: 1) the extent to which staff was able to identify logical grouping, classes that had similar usage, it would be possible to assign a new property the ERU assigned to that class; and 2) Town staff was considering allowing users to petition the Town, such as a new user resulting from a change in ownership or an existing user that took steps to reduce their flow, so rather than doing a full study, Town staff would be taking a look at individual data for the past 12 months. It might then be possible to evaluate the individual user.

Commissioner Brown said though there were still winners and losers, the new analysis satisfied the Commission's and the public's major concerns and charged based on actual water usage. He questioned why the Town continued to own half a sewer system, as he saw no benefit to the Town to own any portion of it. The Town did not own the sewer lines in the north, nor did it own the water lines in the north or the south, and the Town did not own the sewage treatment plant. He commented, by continuing to own the sewer lines in the south end of the Town, it would cost $700,000 to replace the lift stations in a couple of years, as well as a few hundred thousand dollars worth of upcoming repairs and maintenance. There were also administrative costs, and the Town had this headache of trying to adjust the methodology to satisfy all the users in the Town. Commissioner Brown posed the question to the Town Manager as to the feasibility of the Town seeking a buyer for the portion of sewer system it owned, and the response was not what he hoped it would be, as Town Manager Hoffmann did not think anyone would be interested. He thought the Town should consider at least sounding out Fort Lauderdale and Pompano to see if they were interested in buying the sewer line, and if there was any interest on their part, the Town should take a more serious look at that option.

Mr. Burton stated he did not have sufficient knowledge to give a reply specific to the Town's system. Generally, if another city were to take over the Town's system, they would be able to charge the Town's customers an outside city surcharge of 25 percent.

Commissioner Brown realized they would not purchase the Town's portion unless it was financially viable.

Mr. Burton mentioned quality and level of service, in terms of being able to have control over the level of service citizens were receiving; this might be the only way to control citizens receiving the levels of service they desired.

Mr. Brown was open to the idea of making a motion to simply do nothing more than instruct the Town Manager to contact Fort Lauderdale and Pompano and ask if either one of them was interested in buying a sewer system.

Commissioner Vincent felt selling the Town’s portion of the sewer system meant the Town would lose control of being able to establish the rates for its residents and be at the mercy of whoever bought the system. The Town would lose some sort of revenue stream with the utility tax. He questioned why was it that the Town was unable to come up with a base rate, as other utilities were able to.

Mr. Burton replied part of the difficulty was due to the nature of the service compared to other services. Another part was due to the portion of the country in which the Town was located. The Town provided a service that was capital intensive, but cable users did not have customers that went away for three or four months and want to disconnect and not pay for anything in their absence, and then return and automatically have the service. He reiterated if the Town used an average it would be unable to recoup the costs to run the system for those persons that were away for a portion of the year; whose system continued to be maintained while they were away. That cost would then become a burden for year-round residents. He noted the flow was the actual usage, and customers paid for their flow, and the demand or base charge was based upon potential demand empirically.

Mayor Minnet thought the analysis done by Burton & Associates was what the Town really needed, as it was a small enough community that it could be analyzed. For a while it had been a good deal for some, and now it would be a fairer rate system. She concurred the Town would have to reanalyze the numbers annually to ensure every property was being handled in an equitable manner. She would not be in favor of selling the Town’s portion of the sewer lines due mainly to “home rule”, as anything else meant a loss of control. The residents came first and felt it would be most unwise to sell the sewer lines and not have the control to ensure the residents and businesses were being handled with the type of courtesy and immediate action the Town gave.

Commissioner Dodd believed the south end of the Town enjoyed a large customer, single-user rate from Fort Lauderdale based on the Town’s sewage. If the Town sold the sewers, it would pay whatever Fort Lauderdale wished to charge individual users, and the Master Sewer Agreement would be void.

Town Manager Hoffmann pointed out it was Pompano not Fort Lauderdale.

Mayor Minnet reminded the Commission a year and a half ago, the Town decided to use the same water rates as Pompano, and it was that that had gotten the Town into the present situation.

Vice Mayor Sasser said he was not interested in selling the Town's portion of the sewer system. It seemed the Town was still looking at average uses on single-family homes, noting they would get about a 20 percent increase. He saw there were no hotels, and that was of major interest to him.

Town Manager Hoffmann asked if the rate in the backup included the volumetric rate.

Mr. Burton answered yes; it reflected the user's total bill.

Vice Mayor Sasser observed the single-family uses and the commercial uses were going up and everything else was going down, with hotels seeing the largest decrease.

Town Manager Hoffmann thought it inaccurate to say commercial was going up, as individual commercial businesses would vary dramatically, where some would have large decreases, others substantial increases, and some would stay the same.

Mr. Burton commented commercial compared to the current allocation of units would come down, but it varied account by account.

Vice Mayor Sasser stated the average residential single-family home was going up, so they were shouldering some of the difference. He wondered at the difference between what the Town was proposing and the original rate; that is, the rate prior to anything being changed.

Town Manager Hoffmann responded that was the $14.89 figure.

Mayor Minnet believed Vice Mayor Sasser meant even before the Town adopted the Pompano rate.

Vice Mayor Sasser answered yes, he meant the rate from the time when no one was complaining.

Town Manager Hoffmann indicated the original rates did not produce enough income for the Town to cover its expenses.

Vice Mayor Sasser believed part of that was due to Sea Ranch Lakes being included, and there was a discrepancy.

Town Manager Hoffmann reiterated going to that rate would not produce sufficient revenue to cover the Town's sewer expenses. She noted the entire exercise proved that the old rates and the Pompano rates that were subsequently adopted did not allocate the expenses according to the demand on the sewer system.

Mr. Burton affirmed this to be the case.

Town Manager Hoffmann noted the Town now had a proposal it could understand, one that made sense, and the Town Commission and staff could talk to businesses and residents, showing what was being charged and the rationale behind it. The reality was, if one were to look back a few years prior, single-family homes were not carrying their weight, as were some of the commercial customers, and the multi-family units were paying more than their fair share.

Vice Mayor Sasser restated his desire to see the original rates, wishing to know why Town staff remained convinced, with Sea Ranch Lakes out of the equation, the original calculation methodology would not generate sufficient revenue. That comparison would help him to understand how far off the rates were. He remarked, based on what the Town Manager just said, single-family homes in the past were paying about 20 percent more than they should have been.

Town Manager Hoffmann commented there was an interim rate hike to single-family homes as well. When the Pompano sewer rates were adopted, the single-family homes did not receive a significant increase, while the commercial or multifamily users did. She pointed out, for the time period the Town had the Pompano rates in place, single-family users benefitted substantially.

Mr. Burton added the shift in single-family users going up, as mentioned by Vice Mayor Sasser, was mostly due from the differential with multifamily units, as opposed to the shift in commercial being mostly within commercial.

Town Manager Minnet concurred, as with the Pompano rate, the biggest hit was the multifamily, as it considered each unit within a condominium as an individual household. The proposed system brought the distribution of the rates into a more equitable proportion. She did not know from where Pompano got their methodology, but the northern part of the Town was under that methodology.

Mr. Burton stressed the proposed system was based on empirical data, the actual demands on the system, and there were no assumptions about surrogates for demand. Rates were based on the actual demands of the classes and on the individual customers on the commercial side within the class.

Mayor Minnet remarked, with all the information provided in the backup, the Town Attorney advised that for the Commission to move forward with an approval by November, the Town had to put a special notice out immediately. However, Vice Mayor Sasser's questions indicated he might not be at the point of granting approval.

Vice Mayor Sasser observed he might be the only dissenter, so it would not matter if he voted no.

Mayor Minnet asked the Commission if it was now satisfied that the numbers were the best they could be, and the equated rates were as equitable as possible.

Commissioner Dodd believed so, though he understood Vice Mayor Sasser's concern. The analysis was excellent, and he had a clear conscience, despite his approving the increase of his own water bill.

Mayor Minnet summarized: the Commission reviewed the information, provided guidance to incorporate the new methodology described in the agenda item to calculate the commercial-base facility charges in the ordinance that would come before the Commission for first reading in a public hearing on October 23rd. The item would then be re-advertised prior to the second reading at a public hearing in November. She stated even if Vice Mayor Sasser voted in favor of the item, it would be coming up two or three more times.

Commissioner Dodd made a motion to approve as stated above by Mayor Minnet. The motion was seconded by Commissioner Vincent. The motion carried 5-0.

Mayor Minnet reiterated Mr. Burton's comment that residents and commercial uses could be a little more proactive now that the billing was based on usage, as they could institute water-saving methods. They might not see an increase if they did some of these things.

Mr. Burton concurred this would be true for some users.

Town Manager Hoffmann indicated Fort Lauderdale adopted a water rate increase of at least eight percent, and that would be reflected in the customers' next bill, so this was not due to any action of the Town.

Mayor Minnet believed water would become more precious as the years passed and, as the Town was donor property with Fort Lauderdale and Pompano, the Town was at both their mercies. She already discussed the matter with the Town's state legislatures and, unfortunately, the Town was just a small fish in a big pond.

b. Expand the Use of Mini Spaces (Commissioner Stuart Dodd)

Commissioner Dodd wished to postpone the discussion and consideration of the item for another six months. The Town was likely to have more pressure on parking and might want to consider the four motorcycles per space and the utilization of any of those spaces.

Vice Mayor Sasser made a motion to table this item for six months. Commissioner Dodd seconded the motion. The motion carried 5-0.

c. Warehouse Lease (Steve D'Oliveria)

Steve d'Oliveira briefly reviewed the details.

Commissioner Dodd made a motion to authorize the Town Manager to negotiate a lease with the tenant. Commissioner Vincent seconded the motion. The motion carried 5-0.

d. Public Restrooms (Vice Mayor Sasser)

Mayor Minnet opened the discussion for public comment.

Dorothy Seibert thought to place a public bathroom in such a narrow area and in such close proximity to individual residence, seemed unwise, though she had not seen any plans as to the size and exact location of the building that would house the restrooms. Unless there was a compelling reason, such as an emergency, it seemed strange that the Town would penalize its residents in this manner.

Bill Simpson stated his objection to public restrooms being placed as proposed.

William was against the placement of the proposed public bathrooms right next to private homes that would now have a view from bedrooms and living rooms of public restrooms. He urged the Town Commission to find another location for the public bathrooms if the Town was determined to install them.

Ned Seibert said there were commercial areas and parking lots that were more suitable to such a building. Not only was it bad for the existing residents, it would be a hard sell for future residential developers having to disclose to potential buyers there was a chance that a public bathroom might be in their front yard.

Maj Soueidan recently learned the Town intending putting a public bathroom some 30 feet from his house, and this would adversely affect not just him, but all his residential neighbors. Placing public restrooms next to private homes was illogical, regardless of how much they were needed. He proposed the Town work with the residents to find an alternate location.

Dan David thought, regardless of the current value of one's home, no one should be forced to accept a public restroom 15 feet from their home. Mr. David mentioned there was legal precedence in the Burt J. Harris Act, Florida Statue section 70.001, asking the Town Attorney to review the statute and discuss it with the Town Commission and staff to come to a better decision.

Sherry Kramer stated she objected to the proposed placement of public restrooms.

Will Powers said that residents understood the beach was a place for people to enjoy themselves, to have fun engaging in activities for rest and relaxation. If the Town desired public restrooms, they should not be placed in close proximity to private homes, rather they should be put in a well lit, public area, where activities could be monitored and controlled.

Mayor Minnet closed the public portion of the discussion upon receiving no further input.

Vice Mayor Sasser thanked the residents for voicing their views, noting he placed the item on the agenda in response to the many calls he received. He said the Commission voted to approve the action, but in speaking with the residents, there were a number of factors mentioned that rang true to him. He said, from an overwhelming response, the main issues were: 1) residents did not feel the Town communicated with residents sufficiently on the issue, and he agreed it was possible the situation progressed too quickly without a sufficient flow of information between the Town and residents. 2) He agreed there would never be a very good place to put the bathrooms, and moving the building elsewhere was likely to produce another meeting as lively the present one. Thus, he placed the item on the agenda, as he believed there needed to be a lot more discussion and public input from residents. He thought there was so much going on with capital improvement projects and there was no real need for further discussion. He did not see it as a priority. Vice Mayor Sasser asked the Commission if they agreed, the matter could be postponed for future discussion in 2014.

Commissioner Brown said he never supported the Oriana site and felt the sites at the El Prado Park or the parking lot next to Country Ham N' Eggs were better. In reviewing the DVD of the meeting at which the location was voted on, there was no compelling argument from any member of the Commission in favor of the Oriana site. He said with the residents of Oriana coming out and stating their strong objections, this removed any doubt that the Oriana site should be abandoned as a place to locate public restrooms. This matter should be put off for further consideration until the Town completed some of the construction work on Commercial Boulevard, when it was better able to gauge the Town's needs. He favored withdrawing the Commission's prior approval as to the site for the proposed public restrooms.

Commissioner Vincent applauded the residents of the Oriana for stepping forward and voicing their objections, and he agreed the Town had not done enough to engage residents prior to voting. He voted against placing public restrooms next to the Oriana, which meant he was not on the prevailing side to re-entertain the Commission's decision. He too wished to see the Commission's prior approval of the location for public restrooms stricken, and for further discussion in the distant future. It was the Town's duty to provide public restrooms for patrons visiting the Town, but it should not be at the Oriana site.

Commissioner Dodd noted the Town Commission had yet to see plans for the proposed public restrooms, stating it was a tentative site, pending ideas from an architect as to what could be placed there. Everybody wanted public bathrooms so beachgoers would not use theirs, but not near their properties, and the Commission, in making such a decision, was in a lose/lose situation, as there was no ideal site. He appreciated the turnout and the public voicing their view, as this was how a democracy worked, and how the Commission was influenced when there was an overwhelming statement from the public. He agreed any decision on the matter should be postponed.

Mayor Minnet agreed the matter should be reconsidered at a much later time. She appreciated everyone's input and hoped they left the meeting feeling the Commission listened to their feedback. It was important for the Town to address the issue of public bathrooms, and thought the matter should be revisited when the El Mar Project came on line for the CIP, which she believed was at the end of 2014.

Town Manager Hoffmann noted the item was funded in the current CIP. She required direction from the Town Commission not to proceed with the subject project.

Vice Mayor Sasser made a motion not to proceed for the present. Commissioner Dodd seconded the motion. The motion carried 5-0.

The matter of public restrooms would be reconsidered during discussions of the El Mar Drive Project in 2014.

e. License Plate Reader (LPR) Cameras (Town Manager Connie Hoffmann)

Town Manager Hoffmann mentioned having a discussion with Broward County Traffic Engineering staff, and it turned out they were not the stumbling block for the Town to put LPR cameras on the poles crossing the streets at various intersections. The County maintained the poles, but the Florida Department of Transportation (FDOT) owned them, and the FDOT had a statewide policy not to allow LPR cameras on their poles. Commissioner Dodd met with a few of the red light camera people at the Florida League of Cities, and they mentioned to him that the LPRs could be placed on top of the red light cameras. She subsequently met with one of those vendors, who stated they already received approval from FDOT to do this. The Town Commission had gone on record as opposing the consideration of red light camera installations in the Town. Unless the Commission changed their mind in this regard, the next step was for Town staff to get approval from local property owners to place the LPRs on private property. Town staff already met with the LPR vendor, and BSO went out with them into the community and located where the cameras could be placed, and whether more cameras were required. Town Manager Hoffmann recommended the first step should be to go to BSO for their approval, which would take some time, and to use law enforcement trust fund (LETF) monies to install an LPR system. At the same time, Town staff should approach private property owners to sign agreements allowing the Town to place the LPR cameras. She said the Town did not currently have sufficient funds in the LETF to pay for the expanded system that was necessary; it needed about $30,000 more than it had. There had been some confiscations in the Town over the last year, so there should be more money going into the fund. If it was found the Town did not have sufficient funds when it was time to install the system, then it was possible to do partial installations and finish them when more funds became available.

Commissioner Dodd was surprised to learn that the controlling light for the Commercial Boulevard bridge did not qualify as a traffic light. If the LPR scheme was to interlink up and down the A1A corridor, he wondered if there was any possibility of persuading Fort Lauderdale to allow the Town to install a camera at, perhaps, the Commercial

Boulevard/Bayview Drive junction, with another camera at the traffic light at Flamingo. Alternatively, how much more would it cost to put one post on Commercial Boulevard by the bridge, with a new Lauderdale-By-The-Sea sign placed on it, along with up to four cameras on posts. He felt compromising the scheme by having to install extra cameras would be a last resort. Commissioner Dodd appreciated the immense amount of work Town staff and BSO put into going around the community.

Vice Mayor Sasser could not understand why FDOT would not allow LPR cameras on their poles, feeling the reason must be some revenue share issue with the traffic that they could not take part in if the Town did not have the red light cameras. He supported finding private properties on which to place the cameras, suggesting some of the funding for the public bathroom project could be redirected to the LPR camera system.

Commissioner Vincent asked if the LPR cameras were being approved for crime prevention or was there still discussion for red light cameras, or both.

Town Manager Hoffmann clarified the LPRs were strictly for crime prevention and criminal apprehension.

Commissioner Vincent wondered if, in the future, red light cameras could be installed on those poles, though he was against the idea, as he thought it was a revenue stream. What he heard lately was that the revenue stream for red light cameras increased every year, showing that it was revenue driven only, and not for safety. If more revenue was being collected every year, it meant more people were running red lights and the cameras were not deterring such activities.

Mayor Minnet summarized the recommendation was for the Town Manager to submit a request for authorization to BSO to use LETF money for the purchase and installation of LPR cameras at the north, south and western entryways to Lauderdale-By-The-Sea.

Commissioner Brown restated his being adamantly against the placement of red light cameras in the Town. They were nothing more than a gimmick used by governments to take money out of the public's pockets and, based on Chief Llerena's study, there was no justification from a public safety point of view for putting red light cameras downtown. He favored BSO working with local businesses to identify potential places to install the LPR cameras, nor did he object to investing some of the Town's funds into the system.

Vice Mayor Sasser made a motion to proceed as recommended – LPR cameras only. Commissioner Dodd seconded the motion. The motion carried 5-0.

Town Manager Hoffmann clarified the suggestion by Commissioner Dodd to find out if Fort Lauderdale would agree to allow the Town to install LPR cameras on Commercial Boulevard and Bayview Drive; this was a state road, so FDOT controlled them.

17. NEW BUSINESS

a. Strategic Plan (Town Manager Connie Hoffmann)

Mayor Minnet pointed out the Town Manager desired no present discussion on the Strategic Plan, recommending the Commission direct Town staff to set up two to three workshops to discuss the Town's Strategic Plan.

There was a Town Commission consensus to schedule a roundtable discussion for Thursday, October 18, 2012, at 6:00 p.m. Date and time for a second roundtable would be determined at that meeting.

b. Weston Resolution Calling Upon the County to Pay for Consolidated Emergency Services Completely Through a County-Levied Ad Valorem Tax (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated the Resolution was not in the best interest of the Town's taxpayers, as they would actually pay more to the County than if the Town went with the 1/3rd, 1/3rd, 1/3rd funding model. She thought most of the cities that supported what the County proposed were doing so because it relived them of the burden of raising some money and pushed it onto the County.

Mayor Minnet stated the League of Cities approved the subject resolution and encouraged all the municipalities to do likewise; there were three cities that voted against the resolution: Coral Springs, Wilton Manors, and the third she could not recall. She agreed with the Town Manager, as it made more sense to retain the 1/3rd, 1/3rd, 1/3rd model.

Commissioner Brown thought this was a no brainer, as the Weston model would cost the Town $246,000 annually, while the 1/3rd, 1/3rd, 1/3rd model would cost $124,000 yearly. Though the Town was only one of 31 Broward municipalities, it should do what it could to promote the best interests of its taxpayers.

Commissioner Dodd wondered, in voting against the Weston model, if the Town should also send a resolution to other Broward municipalities, stating its support for the 1/3rd, 1/3rd, 1/3rd model, and encouraging them to adopt the Town's position.

Mayor Minnet indicated the Commission wished the Town Attorney to draft a resolution stating the Town preferred to retain the 1/3rd, 1/3rd, 1/3rd model. An alternative would be to send the Weston resolution back to the County stating the Town would not sign it, along with a letter encouraging them to look at the 1/3rd, 1/3rd, 1/3rd model.

Commissioner Dodd stated he would defer to Mayor Minnet's recommendation as to which action would be most effective, as she sat on the committee.

Mayor Minnet believed the resolution would be more effective. She summarized the motion for approval would be to direct the Town Attorney to prepare a resolution indicating the Town's preference for the 1/3rd, 1/3rd, 1/3rd model. Once approved, the resolution would be sent to all members of the League of Cities.

Commissioner Dodd made a motion for the Town Attorney to put a resolution on the October 23, 2012, agenda for the 1/3rd, 1/3rd, 1/3rd model. Commissioner Brown seconded the motion. The motion carried 5-0.

c. Letter Requesting Presidential Candidates to Address their Policies for Addressing Sea Level Rise Issues in Florida (Mayor Roseann Minnet)

Mayor Minnet noted she did not want to send the letter until the matter was discussed by the Commission, referring to the backup information, and to consider whether the Commission thought this was something the Town should be involved with.

Commissioner Dodd made a motion to approve sending the letter. Commissioner Brown seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.

d. Commission Consideration of Commission Meeting Dates in December 2012 (Town Clerk June White)

There was a Commission consensus to hold one meeting in December; December 11, 2012.

c. Town Manager Review (Town Manager Connie Hoffmann)

Town Manager Hoffmann noted her review was scheduled for October, and she placed the item on the agenda for the Commission to discuss how they wished to conduct her review. The form used last year did not place sufficient emphasis on whether the work plan set out for her by the Commission was achieved, and she suggested in the new format that be given more weight.

Commissioner Dodd concurred, stating considerable credit should be given to the Town Manager's achievements, in light of her having been with the Town for only three years, during which she had to deal with a complete revamp of Town operations. He welcomed any modifications to the review format.

Town Manager Hoffmann indicated she had no problem with the topics and questions asked in the review, suggesting the Commission consider how much weight for the overall rating they wished to assign to the "Achievement of Stated Goals."

Mayor Minnet suggested doing the review at the October 18, 2012 roundtable, or at the October 23, 2012 Commission meeting, noting it was important to have public comment. She preferred October 23rd. With regard to the "Achievement of Stated

Goals" portion of the review, she would give it a weight of 50 percent, as it was the bulk of what it should be.

Commissioner Brown felt satisfied with the form put forth by the Town Manager, though he had not realized the Town was locked into a specific formula, whereby a certain percentage of the Commission's opinion was divided into categories. He thought it was a general guideline and the Commission was not bound by anything, nor were they prevented from putting more or less weight on achievements.

Mayor Minnet replied the Commission was bound to do a performance rating for the Town Manager.

Town Manager Hoffmann clarified the selection of the form was not her doing, as it was the form the Commission selected prior to her occupying her present position. In 2011, the Commission decided each Commissioner would fill the review form out in advance, submit it to the Town Clerk, and the Town Clerk supplied the Commission with a composite rating. She added points were assigned to each item, and those were added up and averaged. However, for the "Achievement of Stated Goals" portion, there were no points to be assigned and, thus, it did not factor into the overall rating. She commented if the Commission directed Town staff as to what percentage of the overall rating they wished the "Achievement of Stated Goals" to comprise, the form could be revised to reflect that change.

Mayor Minnet recommended retaining the current evaluation form for the present year, and assign more weight to the "Achievement of Stated Goals" section with a 50 percent assigned weight, and for the review to be done at the October 23, 2012, Commission meeting.

Commissioner Dodd expressed having a problem with questions being on the form that Members of the Commission could not answer accurately. He queried if a Commissioner chose to ignore a particular question, could the form be added up on how many points were awarded out of a maximum and then prorated to bring it up to being out of 100 percent.

Town Manager Hoffmann indicated there were more questions under some rating categories than others, so she thought each rating category should have an average of all the answers given to the questions in the particular category. If a Commissioner declined to answer two of the questions in a category, the average would be adjusted to reflect those questions were not answered.

Mayor Minnet stated the forms should be sent back to the Town Clerk as quickly as possible to allow her to do the compilations and have them ready for the October 23, 2012, agenda.

Town Manager Hoffmann suggested doing the evaluation at the Commission meeting of November 13, 2012, as this would give the Commission more time.

Mayor Minnet remarked the Commission should have all their forms back to the Town Clerk by October 23, 2012.

Town Manager Hoffmann responded the forms could come in later, and she would let them know when the forms should be sent back when Town staff sent the Commission the review form. By that time the Commission would have had their discussion on the Strategic Plan, and part of her evaluation had to do with setting goals for the next fiscal year.

d. Amendment to Parking Contract - Transfer of Parking Vehicles (Finance Director Tony Bryan)

Finance Director Bryan commented the Town recently purchased an NEV for use in the parking operations, and this was a net additional vehicle that was not there previously, and the staff needed three cars. In looking at the existing fleet of vehicles, Town staff realized there were some vehicles Municipal Services Director Prince's staff used that were significantly older, dating back to 2003. He wished to change his recommendation to not transferring all the vehicles and to scratch truck 8 off the list, transferring the three remaining vehicles: truck 7, truck 23 and the new golf cart, transferring truck 8 over to Mr. Prince, and let him retire one of the oldest vehicles in the fleet. He summarized the motion: remove truck 8 from the list of vehicles on Exhibit 3.

Commissioner Dodd made a motion to approve the above recommendation made by Finance Director Bryan. The motion was seconded by Vice Mayor Sasser. The motion carried 5-0.

e. Statewide Ballot Question - Amendment 4

Mayor Minnet noted on the ballot of the upcoming agenda was Amendment 4, and the Broward League of Cities and the Florida League of Cities urged all municipalities to educate residents as to the impacts on this amendment. The Town had a very limited network on what it could do: the Town could educate but not advocate. She sought direction from the Commission on whether to move forward with Amendment 4.

Town Attorney Trevarthen reviewed the details surrounding the Town's ability to act as to Amendment 4.

Commissioner Brown understood Amendment 4 would not be beneficial to the Town, and he opposed it. As the time was so short until the elections, he felt the Town should take no action in this regard.

Commissioner Dodd commented so often ballot questions were written in a format that was designed to achieve a yes vote rather than addressing the implications directly. He supported anything the Town could legally do to educate the voters, so they might make an informed decision.

Commissioner Dodd made a motion to approve moving forward. The motion failed for lack of a second.

18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:40 p.m.