TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, September 24, 2013
7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan and Town Clerk Vanessa Castillo. Commissioner Vincent was absence was excused.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pauline Brooks McGuiness (Representing the Bahai Faith)

Pauline Brooks McGuiness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Minnet added two items under the Consent Agenda:

- Item 11h – Excuse the absence of Commissioner Vincent from the September 24, 2013, Commission meeting
- Item 11i – Excuse the absence of Commissioner Brown from the October 8, 2013, Commission meeting

5. PRESENTATIONS

Broward County Sheriff Scott J. Israel gave a presentation of current events at the Broward Sheriff's Office (BSO), highlighting the following:

- Crime reduced by nine percent since he took office; countywide, violent crime reduced by 12.3 percent; 350 arrests of violent criminals on over 600 felonies
- Civil Citation Program for arrested juveniles that qualified to enter if they met two criteria: they were first time offenders, and their crime was a misdemeanor. This

was a diversion program where youths spent 45 to 60 days getting help. The program was now mandatory, as it was important to keep children out of jail
- Focus on treating tourists with dignity and respect
- Focus on raising officer morale to facilitate enhancing their service to citizens
- Broward County Commission approved a reduced budget of $391,000,000, so some cuts were made, but not in personnel.

Commissioner Brown commented on BSO's appointment of Captain Wood as the head of the Town's Police Department was working out very well, and the officers continued to provide great service.

Commissioner Dodd asked if the Town's 911 cost would decrease if the County took over funding the full cost of that service. He supported finding a better solution for juvenile crimes, so the Civil Citation Program was a move in the right direction. The Sun Sentinel recently published an article claiming 460 children, 121 rapes and 14 murders took place due to sex offenders being released rather than the County finding a better way to deal with the problem. Yet, the County's jails were overcrowded with young people that committed drug offenses.

Sheriff Israel agreed the statistics were troubling, but explained that BSO did not decide which individuals were released or remained incarcerated. If a judge released an individual, BSO could do nothing to stop that from happening. Regarding the 911 service, none of the funds currently paid by the Town or other Broward municipalities would go to BSO if they joined the regionalized 911 system, as those funds would go to the County.

Town Manager Hoffmann stated the Town received word earlier in the day that the County would be contracting with BSO to run the communication center.

Sheriff Israel affirmed this to be the case, noting regionalization of the 911 system would make Broward County a safer place.

Vice Mayor Sasser thanked Sheriff Israel, on behalf of the Town, for doing a great job, noting Lauderdale-By-The-Sea was small, but the BSO personnel always did a very good job in ensuring there was a personal feel to their service in the Town.
Sheriff Israel assured the Commission they would not put any BSO personnel in place the Town objected to.

Mayor Minnet invited Sheriff Israel to take part in the dunk tank for the Town's 2014 July Fourth celebrations.

Sheriff Israel mentioned the recent loss of a 32-year-old BSO deputy who was truly a good officer; it was an in-the-line-of-duty death from a horrific car crash. He asked the Town to join him in a moment of silence to honor the fallen officer.

* * *

Mayor Minnet announced the Commission would hold its 2nd budget hearing on Thursday, September 26, 2013, at 6:00 p.m.,

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Rosalie Malkoon invited persons interested in starting a Town library to contact her at (954) 821-0447. Her granddaughter sang a song about libraries.

- Mayor Minnet **asked the Town Manager to speak with Steve d'Oliveira** about putting something in the *Town Topics* regarding a Town library

Caryl Stevens of **Sal's Towing invited** everyone to see live turkeys in their garage starting the first week of October and tour their building that was filled with antiques. She mentioned **Sal's** Save-A-Life (S.A.L.) Program for residents and visitors who felt unable to drive could call for their car to be towed to their home and be driven home free of cost. The stipulations were that the residence had to be in Broward County, the car's location must not be the scene of an accident or to get away from the police.

John Boutin spoke about "*Isabella-By-The-Sea*". He **thanked Athena's for hosting the** "*Big Reveal*" event and holding the golf cart to be raffled, thanking Mayor Minnet, Commissioner Vincent and Town staff for attending, though the resident and business turnout was poor. He invited everyone **to a** "*Low Country Boil*" party hosted by Lenore Nolan-Ryan on October 26; the proceeds would **benefit** "*Isabella-By-The-Sea*".

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

7. PUBLIC SAFETY DISCUSSION

a. BSO Monthly Report – August 2013 (Captain Fred Wood)

Town Manager Hoffmann stated the company responsible for the software for the license plate reader cameras had yet to respond to Town staff's comments on the contract.

Captain Wood said his staff received the access agreements to move forward with placement of the cameras, and the company was putting together the order for all the hardware, etc.

Town Manager Hoffmann noted installation was unlikely to occur in the last week of September as hoped, and was more likely to take place in October.

Captain Wood mentioned Tom Palmer was back on the Town's BSO staff as a lieutenant and his new executive officer.

Commissioner Brown congratulated Captain Wood for the successful *Shred-a-Thon* and the *Operation Medicine Cabinet* held the previous weekend.

Captain Wood affirmed 447 cars dropped off items for shredding or turned in prescriptions, as well as 60 people walked up. They shredded 21,700 pounds of documents that filled two trucks, and they collected 2,116 units of controlled substances and various pills. He added the success of the event was due to the phenomenal efforts of the countywide organizers of the event, BSO officers, and the Town's COP volunteers.

Commissioner Brown reminded everyone that he put the issue of allowing municipalities to post license plate reader cameras on Florida Department of Transportation (FDOT) poles on the agenda of the Florida League of Cities agenda. The League's Transportation Committee met in Jacksonville the previous week, and he learned his proposal was the only one on the agenda to get any traction, though the chairman of the committee and another member opposed it, stating it was an invasion of privacy; other committee members supported it. One member desired further information from law enforcement, and he would put them in contact with Capitan Wood. Commissioner Brown volunteered the Town to be a pilot program for FDOT.

Commissioner Dodd made a motion to accept the report. Commissioner Brown seconded the motion. The motion carried 4-0.

b. AMR EMS Monthly Report – August 2013 (Chief Brooke Liddle)

Chief Liddle reported the construction in the Commercial Boulevard area was causing some delays in responding to calls, but AMR was still within their contractual time limits.

Commissioner Dodd accepted the explanation, stating AMR was doing a terrific job in the Town, and he was not surprised that a disruption in the service was caused by the construction, despite it being only a few seconds more.

Commissioner Dodd made a motion to accept the report. Commissioner Brown seconded the motion. The motion carried 4-0.

c. VFD Monthly Report – August 2013 (Fire Chief Judson Hopping)

Commissioner Dodd made a motion to accept the report. Commissioner Brown seconded the motion. The motion carried 4-0.

8. TOWN MANAGER REPORTS

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

The report was accepted without discussion.

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

Town Manager Hoffmann highlighted the following, further detailed in the backup:

- The Army Corps' Super Storm Sandy Sand Project - working to get the southern portion of the Town back into the project.
- Update on Broward County's beach re-nourishment project.

Commissioner Brown mentioned calling Congresswoman Frankel's office, due to his frustration with the U.S. Army Corps of Engineers' treatment of the Town, asking for her to intervene and get the south end of the Town back into that project. He had no wish to count on federal funding for the County's beach renourishment project to move forward, as Congress appeared incapable of getting anything done. He supported a reasonable cost sharing on the Town's part that assumed the federal government would pay its share, and this would put the Town in the range of the lower funding amount for that project.

Vice Mayor Sasser expressed confusion as to whether there would be federal funding for the County's beach renourishment project. He reminded the Commission and the public that the County's project was a taper, with Fort Lauderdale and Pompano getting the bulk of the sand.

Commissioner Dodd stressed the importance of getting the free sand from the Army Corps' Super Storm Sandy Sand project, as the County's project was likely to be wrapped up in arguments over funding. On the coming Thursday and Friday, he would attend a conference on the Super Storm Sandy Sand Renourishment project.

Vice Mayor Sasser asked Commissioner Dodd while attending the abovementioned meeting, could he question what was being done to prevent beach erosion in the future, and find out if there was funding for the prevention of beach erosion. Repeatedly laying down sand was not the solution.

c. Commercial Boulevard Projects Update – Verbal Report (Project Manager, State Contracting & Engineering Corporation (SCEC))

Paul Carty from SCEC, and Albert Carbon, Project Manager, gave an update on the Commercial Boulevard Improvement projects

Vice Mayor Sasser asked if the East Commercial Boulevard project was still on time.

Mr. Carty stated his biggest concern was getting in the drainage on the east side of El Mar; the challenge was the proximity of the underground Florida Power & Light (FP&L) wiring. Other concerns included the water service from the City of Fort Lauderdale; they were being addressed in the West Commercial Boulevard project, and on the East

Commercial Boulevard project such problems should be minimal. He mentioned FP&L set a new pole in the previous week, and they were scheduled for October 3 to set the new pole next to the Village Grille. On October 10, FP&L would relocate the pole currently in Anglin Square, so work could continue on the plaza at Anglin Square.

Town Manager Hoffmann commented Municipal Services Director Prince put his own crews out to work on the project the previous week, rather than wait for Fort Lauderdale to lower some of the water lines, both to save money and get the work done faster.

Vice Mayor Sasser visited the southwest plaza on west Commercial and thought it looked great. On the matter of the Podocarpus planted out by the road, he received positive feedback from the business owners, but he urged Municipal Services Director Prince to keep them at a height of three feet. Another matter mentioned by the business owners was the banner poles in front of the businesses; there was a request to place business names on the banners, possibly paying the Town an annual fee.

Commissioner Dodd commented if there was a delay with the pole in Anglin Square, due to the stay wires running toward the pavilion, an option for FP&L would be to put a strut in the opposite direction.

Mr. Carty responded when they met with FP&L and explored numerous options, SCEC proposed a strut that went out to El Mar Drive and not back to the plaza, but FP&L vetoed the suggestion. If FP&L would not relocate the pole, the plan was to leave a three by three section of the concrete plaza, and if no resolution was reached, the pole would be cut short, with the remaining piece buried if necessary.

Mayor Minnet acknowledged the project team and Town staff's efforts in overcoming the various challenges. The majority of the calls she received from the public were of excitement and positivity about the project. She went around the area with the Town Manager the previous week, and one of the recommendations to the businesses on the southwest corner on west Commercial was to make the temporary parking spaces on Basin Drive permanent.

9. TOWN ATTORNEY REPORT

None

10. APPROVAL OF MINUTES

- **a.** July 9, 2013, Regular Town Commission Meeting Minutes
- **b.** July 23, 2013, Special Town Commission Meeting Minutes

Commissioner Dodd made a motion to approve the above stated minutes as presented. Commissioner Brown seconded the motion. The motion carried 4-0.

11. CONSENT AGENDA

Pull items 11a, 11c, 11d, and 11g for discussion.

b. Special Event Application for The American Cancer Society Relay for Life of Air & Sea proposed for Saturday and Sunday, April 26 and 27, 2014 (Assistant Town Manager Bud Bentley)

e. E-911 Regional Interlocal Agreement (Town Attorney Susan Trevarthen)

f. Increase in Funding Authorization for Revision to Chapter 30 Article II Development Review (Town Planner Linda Connors)

h. Excuse absence of Commissioner Vincent from September 24, 2013 Town Commission Meeting

i. Excuse absence of Commissioner Brown from October 8, 2013 Town Commission Meeting

Commissioner Dodd made a motion to approve item 11b, 11e, 11f, 11h and 11i on the Consent Agenda. Vice Mayor Sasser seconded the motion. The motion carried 4-0.

a. Harmony Hair & Spa Grand Opening Event (Assistant Town Manager Bud Bentley)

Vice Mayor Sasser asked if the applicant had to meet all of the contingencies in order to receive approval after the Commission granted its approval, e.g. the number of bathrooms provided

Assistant Town Manager Bentley replied that each event was different and the document in the backup was a standard condition placed in all applications. The number of bathrooms we would require was dependent on two factors: the estimated number of attendees and the availability of bathroom facilities for their patrons. For instance, outdoor port-o-lets could be provided, or neighboring businesses could grant permission to use their facilities during an event. For small events, the applicant's own facilities might be adequate.

Vice Mayor Sasser made a motion to approve item 11a. Commissioner Dodd seconded the motion. The motion carried 4-0.

c. Purchasing Authorization for Direct Purchases for the East Commercial Streetscape Project (Town Manager Connie Hoffmann)

Commissioner Dodd asked if the estimate of $30,000 for streetlights included any low-level bollards or lighting, or was this all overhead poles.

Town Manager Hoffmann said the bollards were from a different vendor.

Commissioner Dodd made a motion to approve item 11c. Vice Mayor Sasser seconded the motion. The motion carried 3-0. Mayor Minnet recused herself from voting.

d. Approval of Direct Purchase of Lighting Fixtures for the Public Safety Parking Lot for the Guaranteed Maximum Price (GMP) of $17,581.69 (Assistant Town Manager Bud Bentley)

Commissioner Brown a motion to approve item 11d. Commissioner Dodd seconded the motion. The motion carried 3-0. Mayor Minnet recused herself from voting.

g. H.A.T.Change Order (Municipal Services Director Don Prince)

Commissioner Dodd urged everyone to check the scheme out as an example of what a neighborhood could look like. The Town should not allow residents to dictate what should be done with public property, such as swales. At one property at the end of Allenwood Drive, the Town should have moved in and taken out the old asphalt to match the rest of the beautiful landscaping. He was pleased with the overall impact and the difference it made to the drainage, thanking Municipal Services Director Prince for dealing with the complaints and managing an extremely difficult project.

Commissioner Dodd a motion to approve item 11g. Commissioner Brown seconded the motion. The motion carried 4-0.

Mayor Minnet hoped this would be a pilot project for the rest of the Lauderdale-By-The-Sea community; overall, the project had been an incredible success.

Town Manager Hoffmann thanked Commissioner Dodd for acknowledging the hard work of Municipal Services Director Prince.

Vice Mayor Sasser echoed commendations to Town staff for all their hard work, particularly with keeping project costs down.

12. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading
b. Ordinances 2nd Reading

None

13. RESOLUTIONS – PUBLIC COMMENT

a. Resolution 2013-43: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FIRST

AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR COMMUNITY BUS SERVICE; PROVIDING FOR IMPLEMENTATION, COPIES, AND AN EFFECTIVE DATE. (ASSISTANT TOWN MANAGER BUD BENTLEY)

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

- Commissioner Dodd asked Town staff to provide a quarterly ridership count.

Town Manager Hoffmann added the expanded service hours would commence November 1, 2013, as Broward County was taking its time giving the Town an executed agreement. Starting November 1, the Pelican Hopper would run at night on Friday, Saturday and Sunday evenings until 10:00 p.m.; the night route would stay within the Town. This new service would be a lead article in *Town Topics* and advertised on Channel 78.

Vice Mayor Sasser said his teenager and his friends loved to ride the Pelican Hopper.

Town Manager Hoffmann noted the Town had one of the highest ridership rates in Broward County.

Commissioner Dodd made a motion to approve Resolution 2013-43. Vice Mayor Sasser seconded the motion. The motion carried 4-0.

14. QUASI-JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen asked the Commission to disclose *ex parte* communications related to the quasi-judicial item and noted there were none. She swore in all persons wishing to speak on the following quasi-judicial item.

a. Site Plan Application for 205-215 Commercial Boulevard (Town Planner Linda Connors)

Town Planner Connors reviewed the details of the subject application. The Planning & Zoning Board and Town staff recommended approval, with conditions noted in the backup.

Vice Mayor Sasser asked if the earlier approval of the parking reduction was contingent upon the subject approval being granted.

Town Planner Connors replied if the parking reduction was not in place, the applicant would have had insufficient spaces for the required parking for the size of the retail.

Vice Mayor Sasser referred to the overhang, thanking staff for getting back to the Midcentury Modern (MIMO) design, and asking staff to look at all types of overhangs.

Town Planner Connors restated her excitement over the project, as she felt it was important to bring a building back to the Town's preferred architectural style , .

Commissioner Dodd noticed the applicant was very cooperative, agreeing to make changes at their own expense in order to conform to the Town's MIMO concepts. He recommended that the Town make code changes to allow consistency in design and save the applicant the cost for a variance.

Town Attorney Trevarthen opened the discussion for public comment, which she closed upon receiving no input.

Mayor Minnet extended appreciation on the Commission's behalf to the applicant for remaining open minded and making the requested changes.

Town Attorney Trevarthen commented Commissioner Dodd's request to modify the code should not be made a part of the conditions of approval for the subject project, as this should be a separate instruction to staff. She believed this code modification was already Town staff's intent.

Vice Mayor Sasser made a motion to approve item 14a with staff conditions. Commissioner Dodd seconded the motion. The motion carried 4-0.

15. COMMISSION COMMENTS

Commissioner Dodd mentioned there was a Hillsboro Inlet Meeting and gave a brief report, as detailed in the backup.

16. OLD BUSINESS

a. Request for Reconsideration by James Ober of Code Relief of Code Enforcement Liens at 3270 Spanish River Road (Town Attorney Susan Trevarthen)

Town Attorney Trevarthen reviewed the details of the subject item, as noted in the backup. She remarked the proper way to deal with the subject issue was to determine if a member of the Commission wished to move for the reconsideration of the item. It was possible to reconsider the item and come to the previous decision again.

Commissioner Dodd made a motion to reconsider the previous ruling on Item 16a and discuss the matter further. Commissioner Brown seconded the motion. The motion carried 3-0. Vice Mayor Sasser recused himself from voting.

William Heller, Mr. Ober's legal representative, stated the issue was the interpretation of the statute; the Town Attorney agreed with the statute that pertained to the lien for $174,000, but disagreed with those pertaining to the other liens. Mr. Heller believed the statute was clear that liens could not be effective until after the judicial sale of the property, and the Town Attorney's position was that the liens could be effective after the

final judgment. He pointed out that the statute specified that the Town, as having not intervened and could not effect a lien through the date of the judicial sale, which meant the sale of the property by the Clerk of the Courts to the Bank of America. Mr. Ober agreed the bank had not acted well in the subject matter, but that should not be visited upon him, and he wished to renovate the property and move forward with the contract. The desire was for the Commission to reduce the lien as the best move rather than face litigation. Mr. Heller believed the liens that were legally effective amounted to about $51,000, and the Commission previously agreed to mitigate the lien to 25 percent.

Commissioner Dodd felt sympathy for Mr. Ober's position and his efforts to purchase the subject property, but the existing residents put up with a horrible mess that adversely affected their property values for years. This took place while the bank delayed for as long as possible their financial responsibilities; had the bank made any effort to bring the property into compliance, he would have felt more charitable. He believed the same motion was appropriate, and the amount assessed should be 25 percent of the liens the Town Attorney deemed appropriate, which meant the mitigated amount would be $71,237.57 plus Town costs, along with the conditions as stated. He refused to mitigate the amount of the lien to $5,000, as this problem had been allowed to persist by the bank since they became financially responsible for the property, and they needed to be held accountable.

Commissioner Brown agreed with the position expressed by Commissioner Dodd and had to follow the advice of the Town Attorney in terms of what should be considered enforceable liens. He asked if the subject sale fell through and the bank continued as the property owners, despite the mitigation amount approved by the Commission, would the full lien amount rather than the reduced amount offered to Mr. Ober remain in effect for the bank.

Town Attorney Trevarthen replied the Town was making a particular offer that had specific conditions, so if there was a failure to fulfill those conditions, the amount owed would revert to the full amount of the original lien.

Mr. Heller noted if Mr. Ober were to pay the full amount of the liens they deemed valid according to the statute, this amounted to $49,000, which Mr. Ober would pay.

Town Attorney Trevarthen noted staff was aware of the argument being made by the applicant and did not agree with their position. The applicant was free to pursue any legal action to determine whose interpretation of the statute was correct. It was important to remember the process, as the Commission had very broad discretion in deciding how to settle a claim, and whatever approach the Commission chose, it did not necessarily imply a lack of trust or confidence in the Town Attorney and staff.

Commissioner Brown inquired if there was a limit as to the number of times an application for the mitigation of a lien could return to the Commission for consideration.

Town Attorney Trevarthen believed there could only be one application for mitigation.

Assistant Town Manager Bentley noted the applicant could only apply once, but the Commission could reconsider its earlier decision as often as it desired.

Commissioner Brown thought Mr. Ober's offer of $49,000 was generous, wondering if the bank would be willing to step in and pay the difference of the mitigated amount.

Mr. Heller did not believe that was likely, as the bank remained unresponsive to Mr. Ober's efforts to contact them.

Assistant Town Manager Bentley remarked that earlier in the case, the bank knew it cost only $4,000 to hook up the sewer lines and refused. The Special Magistrate ordered a fine of $500 per day assessed until this was done. To date, the charges of some $98,000 accrued rather than spend $4,000, which seemed an unwise economic decision by the bank.

Commissioner Brown believed the failure to connect the sewer was one of the items the Town Attorney deemed was improperly liened.

Assistant Town Manager Bentley concurred, stating there was an original code case in the year 2000, and this was the case they were suggesting was uncollectable. However, there was a second case in February 2013, where Town staff went back to the Special Magistrate, and when the bank took possession of the property, they were given adequate notice of the sewer line violation.

Town Manager Hoffmann felt if the bank refused to act rationally in the past, that it was unlikely to begin doing so now or in the future.

Commissioner Brown reiterated $49,000 was a better solution than the likelihood of the property not being sold if the Town approved the assessment of the $71,237.50, though he was unwilling to make a motion to accept the $49,000.

Commissioner Dodd pointed out the full value of the lien was $284,950, and at $500 per day, the property would soon reach its marketable value, and the Town would be in a strong position to hand it over to a foreclosure company and get the full amount. The Town could sell it to Mr. Ober for the legal offer he made to the bank less $49,000 to mitigate the lien. It meant living with the property in its decrepit state for a little longer.

Town Attorney Trevarthen noted that the Town Commission had two options: 1) consider deferring the item; or 2) consider making a decision that could be reconsidered at the next Commission meeting, if desired.

Mayor Minnet favored deferring the item to allow the applicant to speak to the bank.

Jared Anton, Mr. Ober's legal representative, responded the bank would do no more regarding the subject property, as they reached their bottom line. The option left to Mr. Ober was to accept the $71,237.50, and then litigate to have the liens they believed

invalid to be declared as such. This would result in the Town being paid about $12,000 or 25 percent of the two valid liens. He stressed that Mr. Ober would purchase the property, renovate it and bring it into compliance. The offer to pay $49,000 was to end the subject proceedings and move forward with bringing the property into compliance.

Assistant Town Manager Bentley replied that if the Commission approved the mitigated amount of $71,237.50, the property owner had to sign a release, and they could not litigate once a release was signed.

Mr. Anton remarked the mitigated amount would be paid under protest.

Town Attorney Trevarthen reiterated that the Town's lien mitigation procedures that included a release of further protest, so if the mitigated amount was accepted and paid, the Town was released from further litigation.

Commissioner Dodd made a motion to Approve item 16a, reducing the total lien amount by 25 percent or $71,237.50 plus Town costs, contingent on payment within 30 days, and subject to the previous conditions and recommendations of the 120 days after closing to bring the property into compliance. Commissioner Brown seconded the motion. The motion carried 3-0. Vice Mayor Sasser recused himself from voting.

17. NEW BUSINESS

a. Amending Chapter 30 Regarding Roof Projections (Town Planner Linda Connors)

Commissioner Dodd made a motion to approve item 17a. Commissioner Brown seconded the motion. The motion carried 4-0.

18. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:55 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk Vanessa Castillo

10/22/13
Date

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MINNET ROSANN Alexis	Commission
MAILING ADDRESS 2000 S Ocean BLVD 11E	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY LBTS COUNTY BROWARD	NAME OF POLITICAL SUBDIVISION: LBTS
DATE ON WHICH VOTE OCCURRED Sept 24, 2013	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, RoseAnn A Minnet, hereby disclose that on Sept 24, 20 13:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I company, for which I am the owner, has done business with this company in the past

Sept 24, 2013
Date Filed

RoseAnn A Minnet
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Sasser Scot Wayne	Lauderdale-By-The-Sea Town Commission
MAILING ADDRESS 3271 Spanish River Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Lauderdale-By-The-Sea COUNTY Broward	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 9/04/13	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Scot Sasser, hereby disclose that on September 24, 2013:

(a) A measure came or will come before my agency which (check one)

☑ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A reconsidered motion to amend the lien mitigation of 3270 Spanish River Drive. Said property is across the street from my residence

10/7/13
Date Filed

Scot Sasser
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Sasser Scot Wayne	Lauderdale-By-The-Sea Town Commission
MAILING ADDRESS: 3271 Spanish River Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Lauderdale-By-The-Sea COUNTY: Broward	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 9/24/13	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Scot Sasser, hereby disclose that on September 24, 20 13:

(a) A measure came or will come before my agency which (check one)

☑ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Motion to reconsider relief at 3270 Spanish River Drive. Residence is across the street from my address. Reconsideration of prior vote which I also abstained

10/7/13
Date Filed

Scot Sasser
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.