

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, March 22, 2005
7:00 P.M.

1. CALL TO ORDER, VICE MAYOR KENNEDY

The meeting was called to order by Vice Mayor Kennedy at 7:11 p.m. Present were Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni. Also present were Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina.

Mayor Parker was not in attendance.

Vice Mayor Kennedy advised that Mayor Parker was ill and unable to attend the meeting. He stated that the Mayor had apologized for his absence.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Handrahan delivered the invocation.

4. PRESENTATIONS

There were no presentations to be considered.

5. REPORTS

A. Budget Report for Period Ending February 28, 2005

Commissioner Yanni made a motion, seconded by Commissioner Wessels, to accept the Budget Report for the period ending February 28, 2005. In a voice vote, all voted in favor. The motion carried 4-0.

6. APPROVAL OF MINUTES

- A. February 15, 2005, Workshop
- B. February 22, 2005, Agenda Conference
- C. February 22, 2005, Regular Meeting
- D. March 1, 2005, Joint Meeting with the Master Plan Steering Committee

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, adopting the minutes. In a voice vote, all voted in favor. The motion carried 4-0.

7. ORDINANCES (2nd Reading) "Public Hearing"

There were no ordinances for second reading to be considered.

8. PUBLIC COMMENTS

Lawrence Wick provided information concerning upcoming events and invited everyone to attend.

Mr. Wick referenced the Minto project that would be reviewed later in the meeting, expressing his belief that the parking improvements being proposed would be a great asset to the Town.

Mr. Wick referenced Item 12B and expressed his belief that the barrier on Bougainvillea Drive should be removed with the inclusion of the necessary stop signs and traffic calming devices.

Jerry McIntee, 1612 SE 21 Avenue, provided an update on the Volunteer Fire Department's board of director's meeting with Vice Mayor Kennedy and invited the remaining Commission members to a similar style meeting to discuss issues of concern. He thanked Vice Mayor Kennedy for his assistance with a misunderstanding with the Broward Sheriff's Office Fire-Rescue Department.

Jim Silverstone, 205 Washingtonia, representing the Optimist Club, provided information concerning upcoming events and invited residents to attend.

Mr. Silverstone stated that the Optimist Club had received a donation of several items for use by the Town's children. He thanked the Commission for their support throughout the years.

Adrienn Roberts, 222 Imperial Lane, referenced the removal of the barrier on Bougainvillea Drive and asked for the Commission to move forward with the completion of this project.

Town Commission Regular Meeting Minutes
March 22, 2005

Dr. Jones agreed with Mrs. Roberts comments and felt that delays on this project had gone on long enough. He suggested that the barrier be removed, with a temporary blockade being erected until Broward County completed its study.

Ed Hersen, 4411 East Tradewinds Avenue, referenced new construction and the possible site for a future fire station. He questioned if the County had begun to move forward with its construction of a fire station and how this would effect donations made to the Volunteer Fire Department. Vice Mayor Kennedy asked that staff contact Mr. Hersen with an update concerning this matter.

Bob Roberts, 220 Imperial Lane, thanked the Town Clerk for her assistance with his public records request. He provided a history of the barrier project and felt that the Town should have no problems pursuing the completion of its removal. Mr. Roberts asked that the Commission move forward with this project in a timely manner.

Mr. Roberts referenced the recent boat fire and indicated that after seeing some of the antics by the Broward Sheriff's Office Fire-Rescue Department, he would feel safer when the Volunteers were in charge of fire suppression.

Dr. Kenneth Most, 2160 SE 19 Street, provided a report concerning the first annual International Soccer Competition, stating that it had been a great success. He advised that only one soccer ball had been lost and indicated that it would be appreciated if the ball was returned if found. Dr. Most thanked Town staff for their assistance.

Dr. Most provided a brief history on the donation of medical equipment being prepared for the Town's Sister City, San Isidro, Peru. He invited everyone to participate and donate equipment or funds if possible.

John Thompson, 4900 North Ocean Boulevard, congratulated the Commission on having pushed forward with its reconsideration of using the Volunteer Fire Department. He was pleased to see that the Commission was also working to meet with the Volunteers to discuss issues of concern. Mr. Thompson thanked Vice Mayor Kennedy for the assistance he provided the Volunteers.

Cindy Geesey thanked everyone for their donations to this year's Walk for the Dogs. She indicated that sufficient funds had been received to have 40 dogs and cats examined and prepared for adoption.

Ms. Geesey advised that the Property Owners Association would be meeting tomorrow and asked for approval to air the meeting on the government access channel.

Ron Piersante referenced the barrier on Bougainvillea and stated that when it had originally been erected, the Town had not received any complaints. He indicated that the Town had gone through all this expense and now some individuals wanted it removed. Mr. Piersante stated that no one was putting any thought to what was happening on Seagrape Drive. He indicated that the traffic on Seagrape was

tremendous and the neighborhood was regularly suffering the traffic dangers in the area. Mr. Piersante also questioned why the Pelican Hopper had to use Seagrape Drive as part of its route, indicating that if Bougainvillea was used speed humps could be used on Seagrape Drive.

9. ORDINANCES (1st Reading)

- A. **Ordinance 2005-07:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, providing amendments to the future Land Use map and text amendment to the future Land Use regarding infrastructure, conservation and intergovernmental coordination and other elements of the Town's Comprehensive Plan; providing for conflict; providing for severability; providing an effective date.

Attorney Cherof read the ordinance for first reading by title only.

Upon Commissioner Wessels' request, Town Planner Walter Keller explained the ordinance and how the proposed amendments to the Comprehensive Plan would affect the Town.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve ordinance 2005-07 on first reading. In a voice vote, all voted in favor. The motion carried 4-0.

10. CONSENT AGENDA

- A. PROCLAMATION: Red Hat Day, April 25, 2005
- B. SPECIAL EVENT PERMIT: **Wedding**/Lavender, Tuesday, April 19, 2005; beginning at 6:00 p.m. (estimated duration is one-half hour)
- C. **RESOLUTION 2005-04:** A resolution of the Town of Lauderdale-By-The-Sea, Florida, supporting the adoption of House Bill 0195, to require a school board to schedule teacher planning days to coincide with election dates and to provide for public schools to be made available as polling places; providing for certain other findings in support of the Bill; providing for conflicts; providing for severability; and providing an effective date
- D. TRANSFER OF FUNDS: from Contingency Account 310-545-000-500-497 to Capital Other than Buildings Account 310-545-000-500-630 for building demolition/parking improvements

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to approve the consent agenda. In a roll call vote, all voted in favor. The motion carried 4-0.

11. RESOLUTIONS

There were no resolutions to be considered by the Commission.

12. OLD BUSINESS

- A. Discussion and/or action concerning drawing down line of credit, extending deadline to make final draw to June 30, 2005, amending loan agreement to the line of credit and extending maturity date to ten years from date of final draw, and authorizing changing the rate index from using the 7-year swap instrument to a 10-year swap instrument (*Town Manager Baldwin*)

Manager Baldwin stated that as he had explained during the Conference Agenda Meeting, he and Finance Director Esther Colon were recommending that the Town draw down on a \$2.95 million line of credit which had been outstanding for approximately one year and that the payments be extended over a period of ten-years.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, authorizing the appropriate staff members to making the draw; extending the deadline to make the final draw to June 30, 2005; amending the loan agreement pertaining to the line of credit and extending maturity date to ten-years from date of final draw; and authorizing changing the rate index from using the seven-year swap instrument to a ten-year swap instrument. In a roll call vote, with Mayor Parker being absent, all voted in favor. Motion carried 4-0.

- B. Discussion and/or action concerning an agreement with Broward County to remove barrier from the Hibiscus and Bougainville Avenue – Staff update on Traffic Engineering Services (*continued from February 22, 2005*) (*Laura Ward, Development Services*)

Assistant Manager Ward provided a brief history concerning this issue and advised that her research had revealed that assuming liability for the streets would not increase the Town's insurance premiums; however, she advised that the Town's insurance representative had made it clear that any stop signs had to be erected in accordance with standard procedures.

Assistant Manager Ward advised that Deputy Jason Friedrich had prepared a report that showed vehicular accidents that were mainly due to improper traffic devices or the lack thereof. She advised that out of the 362 incidents, the majority were the result of low-speed, no injury rear-end collisions. Assistant Manager Ward provided a brief description of the report results and advised that staff was looking into resolving some of the concerns raised.

Manager Baldwin stated that staff could not recommend taking over the liability by canceling its existing agreement with the County. Vice Mayor Kennedy stated that he did not agree with the cancellation of the agreement with the County, feeling that the liability issues were too great. Commissioner Yanni agreed.

Town Commission Regular Meeting Minutes
March 22, 2005

Commissioner Wessels reminded the Commission that the barrier had initially been constructed to alleviate the number of vehicles cutting through the neighborhood. He indicated that the main problem in the area had not been a factor of "speed." Commissioner Wessels expressed the importance of maintaining the Town's pedestrian friendly atmosphere. Vice Mayor Kennedy agreed, stating that the barrier could not be removed until a stop sign could be erected on Bougainvillea. He could not agree with creating a dangerous situation which was inevitable if the stop signs were not erected.

Vice Mayor Kennedy suggested that the stop signs be erected in conjunction with the removal of the barrier to ensure the safety of its residents and visitors. He felt that if the County was willing to accept the liability, the County could remove the signs.

Commissioner Wessels emphasized that the Town could not consider inconveniences over the safety of its residents on Seagrape Drive. He indicated that all sides of this issue had to be carefully considered. Commissioner Wessels reiterated that all safety issues had to be addressed before the Town moved forward with the removal of the barrier.

Commissioner Yanni felt that everyone was in agreement with the removal of the barrier and that stop signs were necessary to ensure safety. He expressed his concern with the liability of taking over the responsibility for removing the Town from the service agreement with the County.

Mayor Pro Tem Clark stated that this issue had been discussed for several months and was in favor of removing the barrier as soon as possible. He stated that speed humps could be installed on Seagrape Drive to ensure safety.

Commissioner Yanni stated that he agreed with Dr. Jones' suggestion that the barrier should be removed, with a temporary barrier being erected until the study for the stop signs could be completed.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to remove the diverter on Bougainvillea Drive, erect stop signs for the traffic going south on Bougainvillea and east on Hibiscus Avenue, installing speed humps on Seagrape Drive as needed, and considering the inclusion of speed humps on Bougainvillea Drive.

Assistant Manager Ward stated that she should not advocate the proposed changes, but indicated that she agreed with the Commission. Manager Baldwin asked if the Town could erect stop signs without the County's consent. Attorney Cherof stated that under the existing agreement, the County was the entity that provided that service; however, he felt that at a worse case scenario, the stop signs would be removed.

There was full consensus that the removal of the barrier and the installation of the stop signs should be done simultaneously.

In a roll call vote, all voted in favor. The motion carried 4-0.

Town Commission Regular Meeting Minutes
March 22, 2005

Commissioner Yanni asked when work would begin on this project. Mr. Mason replied that work would commence quickly as he had already obtained the necessary quotes. He indicated that he would have the Public Works Department erect the necessary signs. Vice Mayor Kennedy asked that Assistant Manager Ward advise the County of the Town's plans.

C. Discussion and/or action concerning Parking Study (*Walter Keller, Development Services*)

Town Planner Walter Keller described how the parking study had been conducted and what recommendations were cited. He advised that due to the parking deficiencies in Town, the Town should acquire additional property which could later be used for a parking garage if the parking deficiencies continued to rise. Planner Keller also recommended raising the cost of hardship permits to \$350 which would be more consistent with surrounding cities.

Commissioner Wessels expressed concern that the increase in price for the hardship permits might be unreasonable. Commissioner Yanni asked if developments providing valet parking had to meet parking requirements. Planner Keller replied affirmatively. He explained that there was currently a significant amount of parking on private property; however, he indicated that if these property owners opted not to permit this use, the Town would find its parking deficiencies to be extraordinary.

Vice Mayor Kennedy stated that part of the problem was that the study did not show the number of people who left the Town because of the lack of parking availability. He felt that the Town was currently experiencing a loss in that area.

D. Discussion and/or action relative to possible scheduling of Fire workshop (*Vice Mayor Kennedy – requested by Volunteer Fire Department*)

Vice Mayor Kennedy stated that he had had an informal gathering with the board of directors of the LBTB Volunteer Fire Department, Inc. He indicated that the members had requested a workshop to meet with the Commission in an effort to obtain guidance on what requirements the Town wished the Department to meet before it could take over fire suppression townwide. Vice Mayor Kennedy stated that since the Mayor was not in attendance at tonight's meeting, the actual meeting date should not be chosen at this time.

Commissioner Yanni expressed concern with allowing improperly certified firefighters to provide fire suppression services. Some discussion followed concerning liability and actual certification compliance.

Manager Baldwin introduced Battalion Chief Don King, with the Broward Sheriff's Office Fire-Rescue Department. He explained that there had been some miscommunications concerning the certification process and which Volunteers met the minimum State

requirements. Chief King stated that the State Fire Marshal had provided a letter verifying that Certified Firefighters I and Firefighters II could enter a fire scene.

There was some discussion concerning the workshop setup, with Mayor Pro Tem Clark and Commissioner Yanni wanting to meet individually with the board of directors prior to setting a workshop.

There was full consensus to hold a workshop, but having it scheduled during the next meeting.

13. NEW BUSINESS

- A. Discussion and/or action concerning expenditures for the 4th of July Celebrations; July 2 – 4, 2005, for music, lighting, and sound system in the amount of \$5,000 (payable from Special Events account number 572-000-500-495) (*Mayor Pro Tem Clark*)

This item was removed from the agenda at the request of Mayor Pro Tem Clark during the Agenda Conference meeting.

- B. **“PUBLIC HEARING”** SITE PLAN REVIEW, Villa Caprice, 4100 El Mar Drive

Attorney Cherof swore in all the participants and explained the quasi judicial proceedings.

Pete Depps and Rex Nichols, representing the applicant were present. Mr. Nichols provided color renderings, site plans, and elevations for the Commission’s consideration. He described the improvements being proposed for the site. Town Planner Walter Keller referenced his memorandum dated March 15, 2005 and explained the conditions for approval of the site plan.

Commissioner Wessels asked if all utility lines would be buried. Mr. Nichols replied affirmatively. Commissioner Wessels asked if the applicant would be providing for unrestricted rentals. Mr. Depps stated that the development would permit rentals; however, he indicated that there would be a restriction on the number of times any one unit could be rented during a year. He explained, too, that no unit would be permitted to be rented more than once in any given month. Mr. Depps emphasized however that he had no objections to recommendations and was willing to further discuss this matter with staff and the Commission. Commissioner Wessels asked that this issue be addressed again at the time that the remaining issues were brought before the Commission for consideration. There were no objections.

Commissioner Yanni commended the proposed project, stating that the applicant was obviously trying to provide an excellent product. He questioned if a seawall was being provided. Planner Keller advised that there was an existing seawall at this site.

Town Commission Regular Meeting Minutes
March 22, 2005

Commissioner Yanni suggested that the applicant consider how to protect the open areas from the general public.

Vice Mayor Kennedy stated that he had received glowing reports on the project from various individuals and thanked the applicant for their presentation.

Commissioner Wessels thanked the members of the Planning and Zoning Board for diligently working with the applicant in an effort to ensure a signature property.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to approve the site plan subject to the planning report as amended. In a roll call vote, all voted in favor. The motion carried 4-0.

C. **“PUBLIC HEARING”** SITE PLAN REVIEW, Villas By The Sea, located on the north and south sides of El Prado, between State Road A1A and the Atlantic Ocean

Attorney Cherof swore in all the participants and explained the quasi judicial proceedings.

Craig Unger, of Mintos Communities, provided color renderings for the Commission's consideration. He described the project and the improvements being offered, stating that the project would provide 20 percent less units than permitted by the property's zoning. Mr. Unger provided a history of the site plan and the changes that had been made throughout the process.

Walter Keller referenced his memorandum dated March 15, 2005 and read the conditions being recommended for approval of the site plan.

Manager Baldwin distributed a memorandum noting some concerns raised by Mayor Parker who had asked that his concerns be considered by the Commission although he had been unable to attend tonight's meeting. Commissioner Wessels asked for confirmation on how the Mayor's concerns would be properly addressed. Attorney Cherof indicated that if approved, the specific notations would be made a part of the Development Order. Mr. Unger stated, for the record, that he had no objections to the suggestions noted by Mayor Parker.

Commissioner Wessels asked if the development would provide unrestricted rentals. Mr. Unger stated that the only rental restriction being considered was a 30-day minimum/once a month. He explained that this was to avoid any problems for long term residents.

Lengthy discussion followed concerning the proposed improvements to the park. Mr. Unger described the improvements, stating that landscaping, re-striping of the paving in the parking areas, and lighting would be included in the improvements. Commissioner Wessels asked if plans for the park improvements would be provided for the

Town Commission Regular Meeting Minutes
March 22, 2005

Commission's review. Mr. Unger stated that the certificate of occupancy was tied to the completion of the park and the parking improvements. He expressed concern that the review of the park plans could delay the remainder of the project, plus increase the cost of the improvements themselves. Planner Keller believed that it would only take one to two months to complete a review of the park and parking area improvements. Additional discussion followed, with Mr. Unger agreeing to work with the Commission on the improvements to be provided for the park. Vice Mayor Kennedy asked that the applicant consider the use of the sails pavilion at this location.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve the site plan subject to the planning report as amended to include the use of two pay-and-display meters, the Town Commission to approve the design of the park area, first certificate of occupancy not being tied to the sales trailer, providing fee simple title to El Prado, a waiver to use El Prado as a public street, and unrestricted rentals.

Mr. Unger stated that he had no objections to the amended planning report.

In a roll call vote, all voted in favor. The motion carried 4-0.

D. General discussion regarding Budget for Fiscal Year 2005/2006 (*Town Manager Baldwin*)

Manager Baldwin stated that he wished to begin preliminary discussions concerning the upcoming budget, stating that he was looking for general direction from the Commission to proceed with its preparation. Brief discussion followed, with the Commission agreeing that they wished to speak with the Manager individually first. Manager Baldwin asked how the Commission wished to proceed with raising the cost of the hardship permits as provided in the Parking Study. The Commission agreed that the cost should probably be raised, but that a hardship could not be created for residents to obtain the permits.

Commissioner Yanni suggested that the budget for each department be reviewed to ensure that they were not being over-budgeted. Manager Baldwin explained that any carry-over funds were placed in the capital improvement program. He assured the Commission that the Town continued to be frugal with its spending.

E. Discussion and/or action concerning parking acquisition (*Town Manager Baldwin*)

Attorney Cherof distributed copies of an option agreement for purchase and sale of real property. He indicated that pursuant to the Parking Study, the Manager wished to move forward with the search for property that could be acquired for the purposes of providing additional parking. Attorney Cherof explained that there was property located within the area recommended in the parking study and requested that the Commission authorize the Manager to pursue the option noted in the agreement.

Town Commission Regular Meeting Minutes
March 22, 2005

Attorney Cherof stated that the Commission was not being asked to take any action tonight other than to ratify the Manager's actions and authorizing him to sign the contract for the option.

Commissioner Wessels asked concerning the size of the lot that was being considered. Manager Baldwin advised that the approximate size would be 100 wide by 125 feet deep. He felt that approximately 25 parking spaces could be provided. Commissioner Wessels stated that the Town needed to move forward with this as quickly as possible.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, ratifying the Town Manager moving forward with the option agreement for purchase and sale of real property. In a roll call vote, all voted in favor. The motion carried 4-0.

F. Discussion regarding Florida Atlantic University's urban design (*Mayor Pro Tem Clark*)

Mayor Pro Tem Clark advised that Florida Atlantic University had selected the Town for their project and would be creating an Urban Design for the downtown business district.

Attorney Cherof asked that he be provided with all the information concerning this presentation to ensure that proper notice was provided. He indicated that he would need to know the extent of involvement as well as how many Commissioners or Steering Committee members would be attending.

G. Discussion and/or action regarding the Evaluation and Appraisal Report for 2005 (*Walter Keller, Development Services*)

Planner Keller explained that an Evaluation and Appraisal Report needed to be done approximately every seven years. He explained the process now being followed, stating that changes to the document allowed its preparation in a manner that allows municipalities to identify local major issues. Planner Keller provided a description of the issues identified that needed to be considered to modify the goals, objectives and policies of the Town's Comprehensive Plan.

Planner Keller advised that he would be holding a scoping meeting on March 31st and requested the Commission's comments to ensure that they were considered.

H. Discussion and/or action concerning sanitary sewer project (*Town Manager Baldwin*)

Manager Baldwin provided a history concerning this issue and indicated that his negotiations had yielded the City of Pompano Beach's agreement to all but one issue. He explained that the remaining contention concerned fees, indicating that Pompano Beach maintained that the cost for permit fees could not be waived. Manager Baldwin stated that Pompano Beach also indicated that the bond covenants required them the

collect the fees. Attorney Cherof stated that the documents were being reviewed to determine if the Code could be amended to provide a waiver procedure.

Vice Mayor Kennedy asked when the Town could expect work to begin. Mr. Hart stated that the Pompano area needed to be designed, but hoped that construction could begin by this coming summer.

14. TOWN MANAGER REPORT

Manager Baldwin apologized that he had not introduced Chief King at the beginning of the meeting. He advised that Chief King would be the liaison between the Broward Sheriff's Office Fire-Rescue Department and the Town. Chief King briefly provided his background and expressed his desire to ensure a smooth operating relationship between the Department and the Town.

Manager Baldwin stated that if he had understood Ms. Geesey correctly, the Property Owners Association wanted to air their board meeting on the government access channel. He indicated that the board was scheduled to meet tomorrow and asked if the Commission would approve its airing. Some discussion followed.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to approve the airing of the board meeting for the Property Owners Association. In a roll call vote, the motion did not carry, with Vice Mayor Kennedy and Commissioner Yanni dissenting.

Mayor Pro Tem Clark stated that he was working on the Fourth of July celebrations and the time had come to begin making reservations to ensure that the festivities could be finalized. To avoid having to come back for each expenditure request, he asked that he be permitted to spend an amount not to exceed \$60,000 for all festivities. Mayor Pro Tem Clark stated that he would provide the Commission with regular updates and confirmed that the expenditures would, of course, be reduced by any amount collected in donations for this purpose.

Commissioner Wessels made a motion, seconded by Commissioner Yanni, approving expenditures for the Fourth of July Celebrations in an amount not to exceed \$60,000. In a roll call vote, all voted in favor. The motion carried 4-0.

Manager Baldwin advised that Mayor Parker was very ill and had asked that his apologies be given to the Commission and residents for his absence.

15. TOWN ATTORNEY REPORT

A. Report on the 3-Over-1 Petition

Attorney Cherof distributed copies of the governing statutes concerning referendum petitions for the Commission's review. He stated that apparently there were some rumors that the Commission had improperly set the petition for referendum and believed

that this information would assist the Commission in responding to any questions concerning this matter.

B. Leisure Towers

Attorney Cherof stated that Florida Power and Light had required the Town to obtain easements along State Road A1A and that Assistant Manager Ward and Town Engineer Kevin Hart had been successful in their negotiations for those easements so that the Town could continue to move forward with the burial of utility lines. He explained that Leisure Towers was to be impacted by the loss of parking spaces.

Attorney Cherof stated that the Town had mitigated the impact to Leisure Towers and staff was now requesting authority to move forward with the bidding out phase of the project. It was estimated that the cost would be approximately \$30,000.

Vice Mayor Kennedy asked if the Town had the funds to move forward with this project. Manager Baldwin replied affirmatively.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, authorizing the bidding of the project. In a roll call vote, all voted in favor. The motion carried 4-0.

C. Proposed Towing Ordinance

Attorney Cherof stated that the Commission had recently discussed an amendment to the Code to allow for the towing of vehicles with unpaid parking citations. He advised that his research had initiated some concerns and that he was not researching the possibility of "booting" vehicles in order to eliminate statutory regulations concerning towing. Attorney Cherof stated that towing vehicles could create a liability for the Town and felt that "booting" the vehicle would serve the Town better. Vice Mayor Kennedy stated that the amendment should include a charge for the parking space for that time in which the vehicle remained booted.

Manager Baldwin asked if it was the Commission's desire that staff proceed with this amendment proposal. There was full consensus of the Commission.

E. Pension Issues

Attorney Cherof stated that there had been some questions concerning the administration of the pension for the Volunteer Fire Department now that it was under direct contract with the Broward Sheriff's Office. He stated that it was unclear as to who had the authority, power, and responsibility to administer the funds and, therefore, he had requested an official opinion from the State. Attorney Cherof stated that he would keep the Commission abreast of any findings. He advised that the State's opinion should be binding on both the Town and the Sheriff's Office.

16. COMMISSIONER COMMENTS

Commissioner Wessels thanked Mr. Vincent Ragusa and Bob Terrien for their untiring efforts in organizing the Town's Stargazing festivities. He stated that the event had been quite successful.

Commissioner Wessels wished everyone a happy Easter.

Commissioner Yanni wished Mayor Parker a speedy recovery and reminded everyone of the Kiwanis Club sponsored Easter Breakfast which would begin immediately after the Sunrise Services. He also thanked everyone for their donations.

Mayor Pro Tem Clark wished Mayor Parker a speedy recovery.

Vice Mayor Kennedy wished Mayor Parker a speedy recovery and indicated that on the Mayor's behalf he wished to invite everyone to attend the Easter Egg Hunt. He then provided information regarding the festivities planned for that day.

17. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn the meeting. There being no objections or further business to discuss, the meeting was adjourned at 10:26 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____