

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, June 22, 2010

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Clerk White stated there was a change to the Minutes of May 11, 2010. There were no other changes, additions or deletions to the agenda.

5. PRESENTATIONS

6. PUBLIC COMMENTS

Theo Vagionis was concerned about the noise level of the Fountainheads water cooling tower located next to Plaza East. He said many of the residents could not sleep at night due to the loud noise. Mr. Vagionis said he worked with Ft. Lauderdale and discovered that the sound level readings taken were in violation of Ft. Lauderdale's permissible limits which was 60db during the day. He said their readings were between the 60s and high 80s. Mr. Vagionis asked Town Management and Code Enforcement to work with the Fountainhead to adjust the noise level coming from the tower to an acceptable legal limit.

Dr. Ira Litzenblatt complained about the cooling tower noise. He said the north side of the building had noise levels in the 70s and 80s. Mr. Litzenblatt said that sleep deprivation had physical and psychological affects and also affected property values.

He said the noise had been on going for the past 3 years and had not let up this time of year.

Naomi Litzenblatt moved to Plaza East for the view from her balcony. She said she could not go out on the balcony anymore due to the noise. She said the noise was very loud and it was difficult to sleep with ear plugs.

Cindy Geesey announced that the Chamber of Commerce would be hosting USO couples from all branches of the military. She said donations provided accommodations for 3 nights, all meals, flowers, chocolate, ice cream, tee shirts, wine and other goodies. Ms. Geesey appreciated the support of the business owners. She said that Jason McClure, a Navy man and his friend Amanda would be here this weekend and next weekend Navy Lieutenant Jeanne Lang and her Mother, Barbara would be part of the 4th of July parade. Ms. Geesey thanked the Mayor for providing Proclamations and noted that a couple of the Commissioners thought that the Navy people were being used, therefore the proclamations were rescinded. Ms. Geesey said that they felt honored rather than used. She asked that the Commission reinstate the proclamations.

There were no more speakers.

7. PUBLIC SAFETY DISCUSSION

a. BSO Police Monthly Report - May 2010 (Chief Oscar Llerena)

Vice Mayor Dodd inquired of an update regarding the theft of lawn equipment on Codrington Drive. Chief Llerena said an internal investigation did occur according to policy and procedure. He added that the report was handled properly and the investigation continues as BSO had concerns over the initial response. Chief Llerena explained that the resident called Shift Deputy's. He said all non-emergency calls must come through dispatch at 954-765-4321.

Interim Town Manager Hoffmann wanted clarification on non-emergency calls. Chief Llerena clarified non-emergency dispatch was staffed for someone to answer and the call was logged into the system with a permanent record of that call for service.

Mayor Minnet was concerned that crime had increased in Town regarding burglaries and grand theft. She asked what the community could do to help BSO reduce the crime rate. Chief Llerena said they should call if they suspect something was not right.

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

b. VFD Fire Monthly Report - May 2010 (Chief Robert Perkins)

Vice Mayor Dodd asked Chief Perkins to set up meeting regarding the VFD contract. Chief Perkins said he would.

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

c. AMR EMS Monthly Report - May 2010 (Chief Brooke Liddle)

Chief Liddle presented Mayor Minnet with a \$3,000 donation check for the 4th of July ceremony. Mayor Minnet thanked him for his support.

Vice Mayor Dodd complimented Chief Liddle for AMR's quick response time. Commissioner Clotey echoed Vice Mayor Dodd and added that AMR had done a wonderful job since they came to Town.

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

8. APPROVAL OF MINUTES

Mayor Minnet wanted additional time to review the minutes. Vice Mayor Dodd wanted to see additional detail for the October 12, 2009 Workshop Meeting Minutes. Mayor Minnet noted that the Minutes of May 11, 2010 had a correction.

Mayor Minnet deferred all the minutes to next meeting to allow the Commission to review them in more detail, especially the October 12, 2009 since it was a while back.

Vice Mayor Dodd agreed that the video needed to be reviewed prior to approving the minutes for October 12, 2009. He wanted more detail on what the Commissioners, the Town Manager, and Mr. Simmons had to say.

- a. October 12, 2009 Workshop Meeting Minutes
- b. April 16, 2010 Roundtable Minutes
- c. April 27, 2010 Regular Commission Minutes
- d. May 11, 2010 Regular Meeting Minutes
- e. June 8, 2010 Budget Workshop Minutes
- f. June 8, 2010 Special Meeting Minutes

Interim Town Manager Hoffmann said she understood that the Commission wanted the Town Clerk to prepare the October 12, 2009 minutes in more detail for review. She was unsure regarding the April 16th and April 27th minutes and asked whether the

Commission wanted more detail or more time to review them. Mayor Minnet said she had not had time to review them. Vice Mayor Dodd stated that there was considerably more detail in the later minutes than was in the October 12, 2010 minutes. Commissioner Clotley asked to defer the remaining minutes as long as the Commission was going to look at the minutes in more detail.

Commissioner Clotley made a motion to defer all of the minutes to the July 13, 2010 Commission meeting. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

9. CONSENT AGENDA

Mayor Minnet pulled item 9a, 9c, and 9d for discussion.

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

- a. Special Event application from Athena By-the-Sea to hold an event on July 4, 2010 between 4:00 p.m. and 11:00 p.m. in the pier parking lot (Interim Assistant Town Manager Bud Bentley)

Mayor Minnet said she pulled this Special Event Application because she wanted all special events to include recycling. She asked whether there was a way to have recycling as a requirement to the Special Event permit application.

Interim Assistant Town Manager Bentley stated that the recycling issue could be included in future Special Event applications. He noted that the current application was for the 4th of July and that the applicant had agreed to tend to litter issues.

Commissioner Sasser made a motion to approve the Special Event application. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- b. Commission appointment of Florida League of Cities Voting Delegate and Alternate (Clerk June White) Commission consensus at June 9, 2010 Roundtable to appoint Mayor Minnet as Voting Delegate and Commissioner Vincent as Alternate

This item was approved on Consent.

- c. Commission approval for valet parking service (Mayor Roseann Minnet) Commission consensus at June 9, 2010 Roundtable to move forward with a trial valet parking service

Interim Assistant Town Manager Bentley gave an overview of items addressed by Town staff with regulations for \$1,000,000 general liability insurance policy, keeping the sidewalk clear, installing a freestanding valet sign and key booth, must wear a clearly defined shirt, no valet service before 3:00 p.m. (to coincide with the closing of Ham and

Eggs), no parking at Town meters, no greater than 8 cars could be stacked at any one time, and weekly reports were required to indicated the number of cars parked per hour and the number of cars parked per day or per shift.

Bill Ciani supported the valet service as long as it used private parking lots and did not utilize the public metered parking lots that the residents paid taxes for and the businesses needed for shoppers.

Guy Contrada, Aruba Beach Cafe favored the valet. He believed it needed to be done properly and should be safe. He said there were street closings every Friday and Saturday night and a valet service that would bottleneck the alley, the parking lot and/or by the Driftwood Hotel. He suggested the Commission wait until the busy season to begin the trial as there was not a lot of traffic this time of year. He said there were private lots that could be utilized, such as the Pier Parking Lot or the parking lot by Ham and Eggs, where cars could get in and out without blocking pedestrian sidewalks.

Peggy Mohler, Aruba Beach Cafe believed the 90 day trial period should not begin until season, December 25, 2010 to the end of April 2011.

Bill Vitollo was against using Town parking lots for a valet service. He preferred they use private parking lots. Mr. Vitollo believed this was the best time to do a trial valet as it would allow time to address any problems that may occur and make necessary adjustments.

Commissioner Sasser favored the valet service and preferred that it go to Roundtable for further discussion to make sure it was done safely and properly. He questioned the difference in liability of a valet on a private street verses a public lot; the difference in liability between having a valet park in a public lot verses a private lot; where the cars would be parked (he preferred they park in a private lot); if in a public parking lot would future valet services be mandated to use public lots; how much would they be charged weekdays verses weekends, per space or flat rate; would they put quarters in the meters, would the meters be bagged and how many public spaces would be allocated for the pilot. He suggested looking at the number of valet spaces Aruba used to get an idea. Commissioner Sasser also questioned how many spaces would be used, who would monitor the pilot, how many people would work the line to avoid gridlock, and what types of liability insurance would be needed. Commissioner Sasser believed there were other options to using valet service other than the use of a public parking lot. He suggested a franchise fee for the valet service while they use a private lot.

Commissioner Vincent agreed with launching the pilot valet service in off season as he believed the businesses could be trusted to know when it was the best time to enhance a new business venture and was a good time to work out the bugs. He did not want the valet service to use public parking. Commissioner Vincent did not believe it was necessary to go back to Roundtable as he believed the questions raised by Commissioner Sasser could be handled quickly by Town staff. He suggested the pilot program begin after the July 4th weekend.

Commissioner Clotney believed another Roundtable was needed. She also believed Aruba had concerns that the Commission needed to listen to. Commissioner Clotney had no objection to a pilot in the summer months. She did not want to grant full permission until after they had time to see how the service went and how it affected traffic on the weekends.

Vice Mayor Dodd favored using the Bougainvilla parking lot for valet service as it was seldom full and the Town would get the revenue for 25 spaces. He agreed to another Roundtable.

Mayor Minnet stated that there was Commission consensus at the June 9, 2010 Roundtable to move forward and apparently further discussion was needed.

Commissioner Sasser made a motion to defer this item to the June 9, 2010 Roundtable.

Commissioner Vincent said the parking lot on Bougainvilla was usually empty and the parking ability would not be taken away from anyone that came into Town to park there. He said just because the valet parked cars there, the people did not have to use the service.

Ms. Mohler clarified that what she meant earlier was to let the valet service start now and then evaluate after 90 days. She suggested allowing the businesses rent the empty lots.

Mayor Minnet believed that another valet service would bring more people into Town and generate more revenue. She asked that the entrance and exits to the parking lot at Ham and Eggs were not blocked.

Commissioner Sasser made a motion to defer to the June 9, 2010 Roundtable. Vice Mayor Dodd seconded the motion. The motion carried 4 - 1. Commissioner Vincent voted no.

d. Appropriations to cover budget shortfalls (Director of Finance & Budget Kaola King)

Commissioner Sasser asked why \$238,716 remained in the stormwater reserve account and why so much was allocated in the budget when it was not needed. Interim Town Manager Hoffmann believed that there may have been an assumption that the Commission may want to do another stormwater study. She added that there were no plans to do an additional stormwater study, therefore the money was available. Commissioner Sasser inquired of the amount paid to Chen and Associates for their survey, were they still working on that survey, or if completed, how would they get paid the remaining amount of their fee. Interim Town Manager Hoffmann stated that Chen and Associates did not utilize the full amount that was appropriated for their study. She

believed they were paid \$90,000 and approximately \$18,000 was left.

Commissioner Sasser asked for confirmation that if additional work was to be done by Chen and Associates, such as that requested recently, the account would not go into overdraft. Interim Town Manager Hoffmann said it would not, and should the Commission want to do more work in addition to that already requested, the money would come from the contingency account.

Commissioner Sasser asked how much money would remain after the Haiti relief donation. Interim Town Manager Hoffmann stated that there was a sizable amount in the account but not enough to cover the former Town Manager's payout. Commissioner Sasser asked whether the funds in the contingency account rolled over to next fiscal year. Interim Town Manager Hoffmann said that the funds usually ran into the year end balance and could be carried forward and put in the following year's budget. She explained that currently the funds went into the undesignated account, which needed to be looked at and discussed as to how to do it in the future.

Commissioner Sasser asked how much money was in the donations account. Interim Town Manager Hoffmann believed that the only money that was placed in that account were for the donations approved to specific charities by the Commission at the last budget hearing. Commissioner Sasser asked to be advised as to the amount paid to each charity.

Vice Mayor Dodd believed the report from Chen and Associates was full of inaccuracies and needed to be addressed. He wanted a full justification on the \$90,000 spent to date. Vice Mayor Dodd believed they were 90% complete on the videoing of the Town's underground system and not 25% as indicated.

Vice Mayor Dodd withdrew his support to the Broward County Managers Association for the \$2,500 donation. He believed that if the Town wanted to donate to the Haiti Relief then the Town should do it directly rather than through a 3rd party. Vice Mayor Dodd also believed those who wanted to donate to Haiti already did. He rescinded his vote.

Commissioner Vincent asked if the \$11,000 was what was left in the account after monies were paid to Chen and Associates. Interim Town Manager Hoffmann said originally \$330,000 was in the account and the money paid to Chen and Associates had already been appropriated out.

Commissioner Clotney asked where the money was coming from to pay the additional, unexpected expenses that occurred during the inquiry. Interim Town Manager Hoffmann said some of the expenses incurred during the inquiry were covered out of existing accounts, such as the Consultants and the IT account, which was close to being overspent. She added that the additional legal fees were currently outstanding and pending litigation. Interim Town Manager Hoffmann said she could foresee another appropriation to cover those fees in the future. She assumed that they would use up

the rest of the contingency fund and believed they may have to look at getting funds from the undesignated balance fund.

Mayor Minnet said she also reanalyzed whether the Town should make the \$2,500 donation to Haiti. She said the VFD had done a lot to support Haiti and thought perhaps a lesser amount could be donated and believed it should be readdressed prior to moving forward with the donation.

Mayor Minnet said she remembered that Finance Director King stood before the dais and stated that there were sufficient funds to cover the payout and the Town's operational costs for the remaining fiscal year. She assumed that Director King referenced that she would pull the monies from another account and did not state that during the meeting.

Vice Mayor Dodd did not want to fund the Haiti Relief through the Broward County Manager's Association.

Attorney Trevarthen stated that the Consent item had 2 recommendations and therefore, the motion should reflect the approval of Consent Agenda item 9d, with recommendation #b and not recommendation # a, which was to transfer \$2,500 for a donation to the Broward City County Managers Association for the Haiti Relief Initiative.

Vice Mayor Dodd made a motion to approve Consent agenda item 9d, with recommendation #b, to authorize the appropriation of \$226,879.71 from Dept. 510 Fund 001 Account # 500.494 Reserve Account for Stormwater Master Plan/Rate Study to Department 513 Fund 001 Account # 500.120 Regular Salaries in order to cover a portion of the projected over expenditure in that account due to payouts made to the former Town Manager. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a. Ordinance 2010-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE II "TOWN COMMISSION" AND CHAPTER 7 "ELECTIONS" OF THE TOWN CODE OF ORDINANCES, IN ORDER TO ADDRESS CONFLICTS WITH THE TOWN CHARTER AND WITHIN THE CODE REGARDING ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-04 by title.

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

Vice Mayor Dodd referred to Section 3, line 43 which stated that the filing fee had to be paid in January. He preferred the Section be modified to read "between the 1st and 14th day of 3 calendar months prior to the date of an election. He explained that if Elections were changed down the line they would not have to revisit the Ordinance. Attorney Trevarthen stated that the changes could be made for second reading.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-04 on first reading with the change noted in Section 3. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2010-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 2-26 OF THE TOWN CODE OF ORDINANCES REGARDING ETHICS REQUIREMENTS FOR THE MAYOR AND TOWN COMMISSIONERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-07 by title.

Mayor Minnet opened the meeting to public comments.

Marc Brown commended the Commission for moving forward with an ethics ordinance. He believed the Ordinance would provide the tools to the Commission to avoid conflicts of interest and properly recuse themselves from voting on an issue. Mr. Brown stated that previously former Commissioners sued the Town and then sat in on a shade session. He added that whether it was legal or not, for appearance purposes, it did not come across very well.

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

Vice Mayor Dodd said that the intent of the Ordinance was to restrict the ability to vote and not deny a Commissioner's ability to help the Commission if a subject or affiliation falls within his or her professional capacity.

Mayor Minnet asked for clarification that this Ordinance pertained to a Commissioner's relationship with a Town Vendor and not preclude a Commissioner from going into a restaurant or from enjoying their community.

Attorney Trevarthen explained that the current Commission requested the ordinance return to the original idea prior to the proposed referendum last year. She said Ordinance 2010-07 did not have the broader "any business relationship the Commissioner could not vote" term. Attorney Trevarthen stated that this ordinance was less restrictive on business relationships and only referred to relationships with and/or affiliation with vendors.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-07 on first reading. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

2. Ordinances 2nd Reading

- a. Ordinance 2010-05: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING THE PROVISIONS APPLICABLE TO THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-05 by title.

Mayor Minnet opened the meeting to public comments.

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

Commissioner Sasser was concerned with the verbiage in Section 1f, line 59 for the Planning and Zoning Board and also Section 37, line 133 for the Board of Adjustment. He questioned whether the same provision, currently provided to the Commission, that required a majority vote by the Board to replace the Chair or Vice Chair, was necessary whether the Board was the Commission or the Planning and Zoning Board or Board of Adjustment.

Attorney Trevarthen advised that line 61 stated that the Chair or Vice Chair may be replaced by majority vote by the Planning and Zoning Board if the Chair or Vice chair resigned or was unable to continue his or her service until the conclusion of the 2 year term. Commissioners Sasser believed that according to the way the language was written, the Chair or Vice Chair could only be replaced if they could no longer perform their duties. He said that previously only a vote was required and currently there were provisions. Attorney Trevarthen suggested that it could be replaced with the verbiage "the Chair and Vice Chair could be replaced by a majority vote of the Board". Commissioner Sasser agreed to the suggestion.

Vice Mayor Dodd believed it should be left to the Board to select their own Chair and Vice Chair. Attorney Trevarthen stated that the Ordinance did that in the current form and under Commissioner Sasser's request. She explained that Commissioner Sasser correctly pointed out that perhaps the 2 qualifiers regarding the terms were not wanted and that the Chair and Vice Chair could be replaced. Vice Mayor Dodd stated that his intent was to remove the 2 qualifiers from the Ordinance so that the Board could replace

the Chair and Vice Chair should they not hold up to their position. Attorney Trevarthen stated that line 126 would also be affected.

Mayor Minnet was concerned that there may be conflict between the members and a power struggle would occur.

Commissioner Vincent was concerned that members of the Board could bring it up a "with or without cause". Attorney Trevarthen said the qualifiers could be wide open or they could be set. She understood that the Commission's intent was "at any time by majority vote".

Commissioner Sasser said that previously the Commission chose the Chair and the Vice Chair of the Boards and the Commission and the Commission could replace the Board members at any time, for any reason. He questioned whether the Commission wanted to keep that same openness now that the Boards were selecting their own Chair and Vice Chair.

Commissioner Clotey believed that the Boards should pick their own Chair person. She said the Chair would not make a difference in a decision as it would still be a majority vote. Commissioner Clotey believed that if there were controversy within the Boards then the Board members should move on to select someone else in order to maintain a better working environment.

Attorney Trevarthen clarified the changes in the Ordinance as follows: in line 61 new language "the Chair or Vice Chair may be replaced by another majority vote of the Planning and Zoning Board" period, and delete "if the Chair or Vice Chair resigned or was unable to continue his or her service until the conclusion of the 2 year term". She said the same change would be made for the Board of Adjustment at line 129.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-05 on second reading with the adjusted language as noted. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Mayor Minnet recessed the meeting at 8:42 p.m. and reconvened at 8:50 p.m.

11. RESOLUTION - "Public Comments"

- a. Resolution 2010-13: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A PROCEDURE FOR REQUESTING REDUCTION OF TOWN CODE ENFORCEMENT FINES OR LIENS; PROVIDING FOR CONFLICT, SERVERABILITY, AND AN EFFECTIVE DATE**

Attorney Trevarthen read Resolution 2010-13 by title. She stated that Resolution 2010-13 was discussed at the May 26, 2010 Roundtable where she was instructed to prepare a resolution. Attorney Trevarthen explained that the Resolution 2010-13 delegated to the Town Manager the ability to reduce fines or liens by an amount that did not exceed

the Town Manager's purchasing authority and did not exceed half of the outstanding amount owed.

Mayor Minnet opened the meeting for public comments.

Bill Vitollo favored Resolution 2010-13 as long as it helped the buyer and not the owner.

Henry Overington knew of a property that was taken over by a bank where liens against the property totaled over \$100,000. He said the code violations had been corrected and the code had been renewed. Mr. Overington said the property had sat on the market for over 2 years and he would like to see something that would address the situation and alleviate the fine to something affordable so that the property could go back on the market.

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

Commissioner Clotey inquired as to whether the reduction would be retroactive. Attorney Trevarthen explained that if the liens were outstanding and the property was brought into compliance, it would be.

Commissioner Vincent asked for clarification as to whether the Town would lose their right to collect if the property that had a lien went into foreclosure. Attorney Trevarthen stated that as long as the lien remained alive the Town would be entitled. She added that the lien remained with the title of the property and not the owner.

Commissioner Vincent believed that when a file of foreclosures was issued, after the first and second lien holders received their dues, remaining liens were resolved. He was concerned that once the homeowner went into foreclosure and the bank became the property holder, the Town would be offering relief to the bank. Attorney Trevarthen stated that the Town was creating a mechanism that would be equal to and readily available to anyone.

Director Bowman explained that there were 2 types of liens; code enforcement and claim of liens which was used to have the property cleaned up. Commissioner Vincent wanted to give relief to the home owner prior to foreclosure.

Vice Mayor Dodd believed the Town should help the home owner resolve the issue to avoid foreclosure where possible.

Mayor Minnet said that the Town was lucky not to have a large number of foreclosures. She said she did not want to give relief to a bank, however if the property could be turned over and become viable to the community and bring in revenue, then it should be addressed. Mayor Minnet was sure that the Town Manager would use prudent judgment.

Vice Mayor Dodd made a motion to adopt Resolution 2010-13. Commissioner Sasser seconded the motion.

The motion carried 5 - 0.

- b. Resolution 2010-14: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REPEALING TOWN RESOLUTION NO. 1222 REGARDING FLORIDA MUNICIPAL HEALTH TRUST FUND INSURANCE PLAN ELIGIBILITY FOR TOWN RETIREES; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-14 by title. She explained that the Resolution was requested by the Interim Town Manager.

Interim Town Manager believed she jumped the gun on this one in recommending repeal. She said the State Statute required that the employee work for the government for 6 years, so it would not cover City Commissioners that had a 4 year term. She suggested the Resolution go to Roundtable for discussion to see whether that was an issue that the Commission wanted to address. Interim Town Manager Hoffmann inquired as to whether they could repeal and then adopt another Resolution that contained specific guidelines under which someone with less than 6 years could take advantage of this option.

Attorney Trevarthen believed that as long as it was to supplement and not conflict with the Statute it could be done.

Vice Mayor Dodd made a motion to defer Resolution 2010-14 to the June 23, 2010 Roundtable. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

13. COMMISSIONER COMMENTS

Commissioner Sasser advised everyone that discussions continued with Choice Environmental and another meeting was scheduled for the following week. He said they were progressing and resolution should come forth soon.

Commissioner Vincent said that he continued to meet with Town staff on his issues of concern. He thanked Director Bowman for his hard work regarding public restrooms and looked forward to his presentation at a future date and looked forward to getting the public restrooms issue resolved.

Mayor Minnet thanked the Commission liaisons for working with staff to get some issues resolved. Mayor Minnet said she rode the Pelican Hopper for 2 hours and discovered that 2 women were on there way to the Sawgrass Mills. She said it was made possible by using the Pelican Hopper to get the Broward County Bus Route 72. She

said many people from Ft. Lauderdale and Galt Ocean Mile used the Pelican Hopper and encouraged everyone to ride it. She advised that the Pelican Hopper was available on the 4th of July and would be a part of the parade for the Veterans. Mayor Minnet encouraged everyone to purchase raffle tickets as there were incredible prizes. She thanked everyone for all their support.

Vice Mayor Dodd stated that the 2 new work boats at the Hillsboro Inlet were modified and were ready to be tested for towing stability. He said the Hillsboro Inlet Commission discussed the oil spill and noted that an oil boom would not work due to the speed of the current in the inlet. Vice Mayor Dodd was happy to see the Code of Ethics and Valet Parking back on the agenda. He believed that Town staff and the Commission were working as a team. Vice Mayor Dodd stated that Public Comments gave the Commission an idea on how well they performed. He said that at the last meeting there were only 2 speakers and 1 was a non-resident, and this week there were 3 on noise, 4 on valet and 1 on information. Vice Mayor Dodd hoped the style of working together would continue and eventually bring back the trust of residents and businesses.

Commissioner Clotney encouraged everyone to come to the July 4th festivities and to ride the Pelican Hopper. She thanked the employees and stated that they were appreciated and looked forward to having them remain with the Town.

14. OLD BUSINESS

a. Commission approval of Town Manager Position Profile (Public Information Officer Steve d'Oliveira)

Mayor Minnet said a sample RFP for a search firm was provided to the Commission earlier in the evening representing the actual profile for the Town Manager position. She said that the recommendations made at the Roundtable were included in the profile.

Mayor Minnet believed the profile should state clearly that the Town Manager was the oversight for VFD, AMR and BSO and not just public safety. Public Information Officer d'Oliveira said he would make it clearer. Mayor Minnet asked whether everyone was comfortable with the way the compensation package was presented in the profile. There were no comments.

Attorney Trevarthen stated that the Commission had previously indicated they wanted to go forward with advertising the position so that applications could come in while the Commission searched for a consultant.

Mayor Minnet questioned whether the location for publication would be the Florida League of Cities and the Broward League of Cities. Public Information Officer d'Oliveira said it would be publicized through ICMA and the Florida League of Cities and anywhere else at the direction from the Commission. Mayor Minnet gave direction to move forward with publicizing.

Mayor Minnet recommended scaling down the applicants from 7 to 10 and then turn them over to the search team to do detail interviews with notes and bring it back to the Commission who would choose 3 to 5 and do the background checks on those applicants to avoid having the search firm do the background checks on 7 to 10 applicants. There were no comments or objections from the Commission.

15. NEW BUSINESS

a. Commission approval for a Personal Code of Conduct (Commissioner Scot Sasser)

Commissioner Sasser stated that he wanted to edit the second paragraph on the first page that stated, "nor should Commissioners obtain personal financial gain in their role as a Commissioner" to include "other than the salary that they receive from the Town".

Commissioner Vincent was uncomfortable with the use of the wording "arrange their private affairs". Attorney Trevarthen stated that the concept of the pledge was aspirational in nature and the wording could be amended at the pleasure of the Commission.

Mayor Minnet questioned how they would legislate the "golden rule". She wanted it to be simpler. Mayor Minnet said a code of conduct was designed to describe the manner in which to treat one another including Town staff. She stated that in reading the Code of Conduct the implications could go a lot further and was concerned that ramifications could occur. Mayor Minnet believed a code of conduct could be kept simple and not expose the Commission. She recommended the Code of Conduct go back to Roundtable for further discussion.

Commissioner Sasser was surprised that Mayor Minnet would not want a Code of Conduct after what she endured over the past years. He had no objection going to Roundtable.

Commissioner Vincent favored the Code of Conduct except for his concerns regarding private affairs that he believed was open for different types of interpretation.

Mayor Minnet clarified that she was in favor of a code of conduct. She just felt it needed more discussion regarding possible ramifications.

Commissioner Clotney commended Commissioner Sasser for the time he put into the proposed Code of Conduct. She hoped that eventually it would pass.

Interim Town Manager Hoffmann asked for clarification as to whether the Code of Conduct was deferred to the June 23, 2010 Roundtable or the July Roundtable. Mayor Minnet preferred the June 23, 2010 Roundtable. There were no objections.

16. TOWN MANAGER REPORT

Interim Town Manager Hoffmann stated that the Chen and Associates contract was over \$97,000 and not \$92,000 as she indicated earlier. She clarified that the original amount in the Reserve Stormwater Study account was \$341,658. Interim Town Manger Hoffmann said that there remained approximately \$103,000 in that General Fund Contingency account. She added that she was confident that the \$103,000 would cover any legal expenses incurred from the Town Manager payout issue.

Interim Town Manager Hoffmann requested clarification on the comment regarding Finance Director King's comment regarding funds available for the payout to the former Town Manager. She recollected that Ms. King stated that funds were available to cover the payout and that, during that meeting, she referred to the need to make a transfer. Interim Town Manager Hoffmann believed that the Mayor referred to the minutes that may not have reflected that clearly and asked whether the minutes needed to be revisited to recapture Director King's statement. She pointed out that there was money in the General Fund. Mayor Minnet clarified that she pulled the minutes to have that clarification put in there.

Interim Town Manager Hoffmann asked whether the long list of projects could come before the Commission once a month rather than every 2 weeks. The Commission had no objection.

Interim Town Manager Hoffmann advised that the Town was to get a larger grant for the Senior Center Programs. She wanted to look at the grant to see whether the funds could be used to update the facilities and some of the equipment in the center. She added that in the event they could not, money would be appropriated in the budget to upgrade the materials.

There were no questions from the Commission regarding the Town Manager's report.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen updated the Commission on the status of her efforts to obtain reimbursement of an overpayment of approximately \$70,000 to former Town Manager Esther Colon. She said she had received continuous refusal to pay that amount and a dispute from Ms. Colon's attorney as to whether it was required to be re-paid. She believed that litigation would be necessary to pursue reimbursement.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:25 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

Town Commission Regular Meeting Minutes
June 22, 2010



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

7-29-10

Date

