

TOWN OF LAUDERDALE-BY-THE-SEA
CHARTER REVIEW BOARD
MEETING MINUTES
 Jarvis Hall
4505 Ocean Drive
Wednesday, August 22, 2012
6:30 P.M.

1. CALL TO ORDER

Chairman Wessels called the meeting to order at 6:30 p.m.

2. ROLL CALL

Chairman David Wessels, Vice Chair Susan Delegal, Yann Brandt, Sandra Green, Charles Clark, Ronald Piersante and Jim Silverstone were present.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. APPROVAL OF MINUTES

a. July 11, 2012

Vice Chair Delegal made the motion to approve the minutes as presented. Mr. Silverstone seconded the motion. The motion passed 7-0.

5. PUBLIC COMMENTS

Chairman Wessels opened the meeting to public comments and received none.

6. REPORT

There were no reports.

7. OLD BUSINESS

a. Article VII: Discussion of Any Board Member Recommendations for Action on this Article

Vice Chair Delegal made a motion directing the Town Attorney to prepare the language that reflected the six categories of changes. The Board went through the analysis at its previous meeting and much of that work was complete, so the motion would be to adopt

the changes as something for the Board to go forward with, and to take public comment on.

Mr. Silverstone seconded the motion for discussion with a request for verification that the changes applied to the interpretation of the current code into layman's English.

Vice Chair Delegal believed it to be a combination of all of the changes. There were also substantive changes, such as removing all references that were true as a matter of law, and those were specifically identified at the last meeting as matters on which the Commission's power was limited. She noted the more substantive issues were where there were more limitations on uses that could be made on the first floor for non-habitable space, to permit whatever the zoning category allowed for non-habitable, and to have that apply to first floor uses. She recommended the Board consider code changes to allow a height of four stories or 44 feet for all properties, regardless of whether they were pre or post March 20, 2006. She recommended deleting the Charter's requirements regarding parking, and the three categories under number three that restricted the Town Commission's ability to either create new zoning categories, add uses or change zoning codes related to residential uses. These matters were best handled in the Town's code. She could take the changes as a group but was willing to take them individually, if the Board preferred the latter.

Mr. Silverstone inquired as to the 44 feet designation in the Town Charter; it again referred to the rezoning categories for residential properties in the Town, which was 33 feet, except where it was commercial. He sought confirmation it was this part Vice Chair Delegal did not wish changed.

Vice Chair Delegal commented she would remove the restriction on the Commission from the Charter and create in the Charter an overall height of four stories, 44 feet. The Town Commission would have the discretion to work out, within those Charter limits, the restrictions in the various zoning categories.

Mr. Silverstone said he might take issue with this change depending on the public input portion.

Vice Chair Delegal concurred, stating she was not recommending the changes be sent to the Town Commission. It was to put them in writing for a public hearing before the Board.

Mr. Brandt recommended the Board examine the language in a redline format and compare it to what was there now to ensure the translation was correct. There should be two versions of the height change to see the impact townwide with changing the height to four stories versus keeping it as is. Without adequate public input, he would be hesitant to move to a townwide height of 44 feet. He favored deleting the parking

regulations and the limitations on the zoning. He expected there were several sections of the Charter that a change in building heights would impact.

Mr. Piersante agreed with the height of 44 feet, but realized it might create some real problems. Separating the two uses seemed to be the direction to go, as the impact needed to be determined.

Mr. Clark supported the motion as stated and, while he understood what Mr. Piersante was saying, the purpose of the exercise was to open the matters for public discussion.

Ms. Green liked the motion as proposed, and holding a public hearing was the beginning of receiving public opinion on the matter. She was present during the changes and realized what a sensitive subject it was, but she heard Vice Chair Delegal state if the total building limit was raised to 44 feet, it was possible to go within the individual zoning designations in the Code to lower the height restrictions for certain types of zoning. The proposed change would make it a cleaner document and give the Commission a little more ability and flexibility.

Vice Chair Delegal concurred.

Chairman Wessels believed the Town Charter stated a maximum of 44 feet.

Town Attorney Trevarthen replied the current language had two possible readings, but she understood the meaning for this exercise was that the language in subsection 1 established a limit of 44 feet for pre-existing buildings, and that the 33 feet language later in the paragraph would only apply to buildings constructed after March 20, 2006.

Chairman Wessels wished to confirm the present language covered all the bases without getting into specifics and exceptions.

Town Attorney Trevarthen responded that was correct in that it was not done by zoning district or by location. Instead, it had a date modifier that was somewhat vague, and Town staff was trying to interpret it.

Chairman Wessels commented he would remove the Charter parking restriction and put it back in the hands of the Commission. He believed in certain areas, such as A1A, back out parking should be eliminated. New construction should require three over one, or 33 feet habitable and one floor of parking. He agreed with Mr. Clark that if there was a color-coded map showing exactly where the three over one could be used it might be possible to put a restriction that required approval by Town Commission. Chairman Wessels noted the Commission should have the final say in granting the three over one, and it would not have to be mandatory. With regard to having the building height limit at 44 feet town wide, he did not imagine the Board wanted to go more than two stories in the single-family districts RS5 and duplex RD10. The applicable area was Seagrape

Drive west to West Tradewinds Avenue, with the exception of the area south of Commercial Boulevard on Seagrape Drive. He distributed a handout (attached as part of these minutes) stating due to the mismatched zoning in that area, he would allow the area to be subject to RM25, as it was surrounded by RM25.

Town Attorney Trevarthen verified this proposal was so there could be eligibility for the additional height.

Chairman Wessels stated this was something he would consider. With regard to zoning changes on residential, unless there was a desire to create a different residential, he was unsure what use might be changed, such as from RD10 to RM25. He did not see it going to commercial in a town the size of Lauderdale-By-The-Sea.

Town Attorney Trevarthen understood the possibilities being considered, but this was exactly what she had in mind with the proposal, that is, a different way of establishing a different height in that area was to enable zoning changes for the land. If those zoning changes were made, the additional height would come with the RM25. She commented this was a perfect example of how they were all interrelated, and if the different proposals were split up, it became complicated. If, as the maker of the motion was suggesting, the whole subject of parking was removed from the Charter, then there would be no further need to discuss the various nuances of setting a specific percentage. However, once the various zoning areas were brought back into the Charter, then there needed to be more Board discussion about what that would look like in order for staff to draft a document for public review at the next Board meeting. She noted there were two avenues to take. The Board could be more specific now and change the kind of parking restrictions in the Charter, and that would be included in a draft, or remove the parking restrictions from the Charter, leaving room for the Town Commission in the future to legislate on that issue through ordinances.

Chairman Wessels wanted to create some balance between the Charter amendments that were made. He did not want to go too over the top and make people uncomfortable by having them believe something major would evolve. This would not be the case with just removing the parking restrictions. The Town Commission or the ordinance they wanted to approve would be something reasonable. He felt it would provide some flexibility to allow the Commission to rationally come up with requirements that were reasonable, rather than it being a device used to get around the issue. The height should be held where it currently was, except for certain situations. For example, on streets such as A1A, that the Commission would eventually consider changes, as well as El Mar Drive and Bougainvillea Drive north and south, where there was significant traffic. He believed if the Town was really serious about creating a vacation destination and preserve the hotels and motels, something had to be done or they would all become residential.

Mr. Piersante noticed the previous meeting minutes said the overlay districts were created by the Commission, and it was a good program as a number of eyesore places were eliminated. He said the Town Commission eventually repealed the program, and he wondered if Mr. Silverstone, who sat on the Commission at the time, could advise the rationale for doing away with a good program.

Mr. Silverstone believed that Oriana was a black mark in the Town, and there was a sense that it was being overdeveloped into more of a bedroom community than a hotel community. He wished to see the Town's land uses balanced like it was originally platted. It was more of a market force than anything else that motivated the Commission, as based on the market at the time, it made more sense or was more profitable to put up residential properties than it was to erect hotels/motels.

Mr. Piersante understood the situation with the Oriana, but he did not understand the situation with the other streets, questioning what was wrong with the town houses.

Mr. Silverstone remarked the town houses that were half finished by Shore Court and Garden Court, were becoming a huge problem for the people. The way the Town was designed, there was a buffer zone. He explained Commercial Boulevard was designed for businesses to service the people of the Town in the hotels/motels, and the residential area. Between these were the multifamily homes, which was like a zoning down of an area.

Chairman Wessels stated the Charter Review Board was charged with coming up with ways to update the Charter to match current times. The Board needed to come to a consensus on the issue of parking, asking whether anyone had a serious objection to the elimination of the parking requirement language from the Charter. He suggested the second to the earlier motion be withdrawn and the changes should be voted on separately.

Town Attorney Trevarthen concurred, stating the items to be voted on should go in the order of the list for simplicity.

Mr. Silverstone withdrew his second.

Vice Chair Delegal summarized the first motion would be to support the deletion of the parking regulations from the Charter.

Town Attorney Trevarthen said the concept at the July 11th Charter Review Board meeting was to remove all parking regulations from the Town's Charter, which meant multiple changes to the Charter. There was also some discussion as to whether the Board preferred some parking restrictions remain in the Charter but be more liberal. She understood the Board's direction to be for her to take the votes, based on the Board's procedures, and create written documents that reflected the motions made at

the present meeting. Those written documents would come back to the Board, there would be advance notice, they would be a part of the Board's backup, there would be a public input session, and then the Board would decide whether to accept, reject, object and/or change what she drafted and whether or not to forward the documents to the Town Commission. Thus far, there appeared to be a consensus to delete the subject of parking regulations from the Town's Charter, leaving it to be handled in the Town's code of ordinances.

Chairman Wessels said the issue of the removal of the Charter parking requirements should be presented for input at a public hearing, after which the Board would make a decision on how next to proceed. Ultimately, it was the Town Commission that voted on what modifications to the Charter would be made. But whatever site plans were to be proposed, they would have to be approved by the Commission, so they could make any modifications they desired at that point. The Commission should be given the authority to make such changes.

Town Attorney Trevarthen remarked site plans were a completely different issue. The Town already had in its code a requirement for site plans with some limited exceptions, but most of the properties being discussed at present had to go through a site plan. She noted it was just single family that was exempted from site plan review.

Chairman Wessels noted it was not single family, it was also RD10. Anything beyond that had to go through site plan approval.

Town Attorney Trevarthen added that aspect would not be affected by the proposed changes. It was just if the Board wished to make sure the Town Commission was able to look at how the property was developed, and that was already under the Town's code process.

Mr. Clark remarked a motion would result in the language of Article VII in the Charter coming back to the Board for discussion and to allow public comment.

Town Attorney Trevarthen clarified this was her reason for suggesting the Board members refer to the list from the previous Board meeting, as the first item on the list was whether to go with the plain English version or not.

Chairman Wessels asked if there were any objections to the plain English version brought before the Board.

Mr. Brandt questioned why the restrictions were included in the Charter, and not left as part of the Town's code, so changes to the code by the Commission could be a simpler process.

Town Attorney Trevarthen felt when things were included in the Charter the persons doing so were generally motivated by a desire for permanence, to keep it within the control of the voters and not just within the control of the governing body.

Chairman Wessels restated the proposed changes were not going to be written in stone, and the Board was seeking to move to the next step in the process to gain public input. He believed the Board appeared to be in agreement with the plain English removal of parking requirements from the Charter.

Town Attorney Trevarthen stated item number 2 was to change the description of the first-floor uses. Presently, it was a listing that was less than the number of uses allowed under the zoning district. She indicated the proposal was to take the concept already in the Charter for another purpose, of a non-habitable use, and use that as the limitation for the uses on the first floor.

Vice Chair Delegal concurred with the Town Attorney's comments.

Mr. Brandt favored removal of the use listings. He asked if there was a definition for non-habitable.

Town Attorney Trevarthen replied the Town already had one for other purposes in the Charter.

Mr. Brandt thought non-habitable meant non-sleeping, but it could have a breakfast room, a lobby, or a banquet.

Town Attorney Trevarthen confirmed that was correct.

Chairman Wessels received a consensus to move forward with items one and two as presented by staff.

Town Attorney Trevarthen noted item three was the removal of the references that said things that were already true as a matter of law.

Chairman Wessels acknowledged a consensus on item three.

Town Attorney Trevarthen remarked on the second list, the other changes were more substantive in nature. The first item was to change the building height town wide to four stories, 44 feet for all properties whenever constructed.

Vice Chair Delegal believed, within the terms of the Charter only, there should be a townwide height limit of four stories and 44 feet, which was already in the Charter. The two-story height limitation would be handled within the Code at the discretion of the Town Commission.

Mr. Silverstone stated when the height was changed originally to 44 feet, it had been raised from 33 feet, but only the first floor could be used for non-habitable purposes. The problem was it was only for the areas of the east coastal building zone, where people could not live on the first floor and going the direction of 44 feet for the entire Town was wrong, and it left many people unhappy. No resident had approached him in support of the Town's building height going to 44 feet, unless during the public hearing on the items the public indicated otherwise. However, he had no problem with creating the document and subjecting it to public hearing for feedback to the Board.

Mr. Brandt supported creating the language and putting it out for public input. Having three over one would result in great economic growth impact and help the A1A front properties, as well as some of the properties on Bougainville Drive and Poinciana Street, as some of those buildings were somewhat blighted. He did not want to make it townwide and would let the Code make adjustments based on zoning; at the very least, the single-family zoned areas should not be placed in the Commission's hands to be able to change that height. He could not conceive of a circumstance where that area should be above what it was today.

Mr. Piersante thought everything east of A1A was three over one.

Chairman Wessels thought this was only in a situation where it was a matter of law that they could not use the first floor. The application to everything east of A1A had been scrapped.

Town Attorney Trevarthen stated the way it was currently written was not clear, as there were many competing provisions and understandings of what height meant. The Charter spoke about non-habitability and danced around the edges of that idea. If the Board was going to bring something forward, it would be helpful to know what the Board wanted to do, and Town staff would return with the language accordingly for further discussion.

Mr. Clark said there were a number of places he would not wish to see building heights of 44 feet, but for the purpose of the current discussion and the Board's desire to ready the changes for public input, he supported leaving the changes as is.

Ms. Green agreed with going with 44 feet, and then see what the public wanted. Additionally, within the zoning regulations, an applicant would first need a variance to exceed that, and there would be public input on that variance. Thus, applicants would have to go through the whole process to get any kind of exception over what the current zoning restrictions were.

Vice Chair Delegal inquired if the Charter currently had a one-story limitation in the single-family areas.

Town Attorney Trevarthen answered no.

Vice Chair Delegal said, as it was not in the Charter at present, she was unsure if the discussion was to include additional height restrictions in the Charter.

Town Attorney Trevarthen remarked if there was a Board consensus to pursue that, staff would look at the best way to describe that by streets, zoning districts, etc.

Mr. Brandt asked if there was a 33-foot height limit on residential, single-family areas.

Town Attorney Trevarthen replied there was a 33-foot limit, but the question referred to two-story.

Vice Chair Delegal clarified one or two stories.

Chairman Wessels believed either the Code or the Charter's language currently stated 33 feet or no more than two stories; the language was in the Town code.

Town Attorney Trevarthen added this was where the gap existed between the Charter height and the zoned height.

Chairman Wessels thought the Town's original zoning for RS5 and RD10 was two-story and that existing zoning was still in the Charter. He continued to have reservations about and wanted to ensure that single-family homes and duplexes remained at a maximum of two stories. As long as that was protected he was open to further discussion and public input. The RM25 districts lent themselves to high traffic areas for the three over one to eliminate the back out parking, still keeping the three habitable. He believed the Commission should have some flexibility.

Town Attorney Trevarthen asked if there was a motion, would it be for staff to draft a proposal for it to be 44 feet across the board, or a proposal to have option A and option B, or a proposal to have 44 feet some places but not in the single-family districts.

Chairman Wessels supported option B; this should be defined now to allay concerns that people might have that single family homes might end up with a four-story building beside them. He asked if the building height of 44 feet could be townwide with the exception of single-family and duplex homes.

Vice Chair Delegal asked if this was the current language in the Charter or was it to be a new concept.

Town Attorney Trevarthen answered it would be a new concept.

Vice Chair Delegal stated she was not in support of introducing a new concept into the Charter regarding this matter.

Mr. Brandt thought stating 33 feet to two stories was new; 33 feet only was not new.

Vice Chair Delegal believed the way the Charter was currently written, there were only two criteria, before and after the date of March 20, 2006.

Town Attorney Trevarthen responded yes, this was what she provided to the Board in the plain English version and in her analysis. An alternative would be to have the building height as 44 feet townwide, but 33 feet in the single-family areas. She noted once the Board decided on a direction, the Town Planner and she wished to be clear by what was meant by "single family places."

Mr. Brandt asked for a zoning map to be included in the agenda packet for the next meeting.

Town Attorney Trevarthen concurred if the decision was made to take that path, zoning maps would be necessary in the backup.

Chairman Wessels agreed many people did not understand where the RM25 was and what it meant, so a map would provide the needed clarity as to location and definition.

Mr. Silverstone remarked on removing the zoning requirements out of the Charter, and if this was done, the zoning could be changed as the Commission desired it to be.

Town Attorney Trevarthen reminded the Board this was only about the limits set in the Charter. Nothing in the present discussion would lead to an automatic change in the Code height limits in those single-family and duplex areas. For now, they were controlled by the zoning code, and in the future they would be controlled by the zoning code. Even if the Charter were completely changed, there would still be the process of going to the Planning and Zoning Board, having two readings and special notice, a public hearing, etc. before changes could be made to the heights in the single family and duplex areas.

Chairman Wessels stated this was the point; when the amendments were put in the Charter, the Board did not want such matters to go to the Board of Adjustment or the Commission. It would give a sense of security, clarity and emphasis that this would not happen, and to propose a maximum building height of 44 feet townwide would create a lot of needless anxiety.

Mr. Brandt felt there should be two options: a) townwide 44 feet and then everything else regulated to the zoning code, and b) 44 feet with 33 feet in certain areas. In this way, it would be possible to compare the proposals side by side, get input on options A

and B, and let the public give their input. As Mr. Silverstone stated, if all the zoning was removed from the Charter as proposed in item three, then the Commission or the Planning and Zoning Board could say, for example, RS5 is now RM25 and get around the regulations in that manner. The Board had to show the intent and discuss it further, and having two options would facilitate that process.

Town Attorney Trevarthen commented this was why it should be done by street for clarity; it would enable everyone to know the exact area being referred to.

Mr. Piersante remarked when he brought up the point, it was everything east of A1A. Then someone brought up the question of Commercial Boulevard west, so he was inclined to agree with Town Attorney Trevarthen that the designation should be made by street or area.

Town Attorney Trevarthen added what she meant by referencing streets was when she looked at a map, she could see where an RM25 blob of color, and she could call that RM25 or say whatever the area was bounded by. What staff would bring back to the Board would be geographic descriptions for certainty.

Mr. Piersante agreed 100 percent, as it would clarify the language for the public.

Chairman Wessels reiterated he did not wish to cause anyone unnecessary anxiety.

Vice Chair Delegal thought the drafting of the two options was the way to go.

Town Attorney Trevarthen clarified the two options: 1) a version that was just a building height limit townwide of a straight 44 feet, and 2) 33 feet in the geographic areas zoned currently as RS5 and RD10.

Chairman Wessels asked if this included it being two stories for the RS5 and RD10.

Mr. Brandt stated the two-story limitation was handled through the zoning code, and he did not think there was a desire to make the Charter more restrictive.

Chairman Wessels noted, as he reviewed the last Charter amendments, the issues were brought up and put in there, so there would be no variances.

Mr. Brandt believed the last Charter amendments were not focused on residential.

Chairman Wessels believed the focus included RM25 multifamily residential, not on residential single family and duplex.

Town Attorney Trevarthen commented she could draft the language to say 33 feet not exceeding two stories, but this would introduce the concept of what a story was and

how this should be defined, and many people found loopholes. Thus, each additional factor added to the Charter meant more definitions.

Chairperson Wessel moved the discussion to the first floor use and the removal of many of the restrictions on the use of that area. He expressed concern with having parking on the property or adjacent to the property, as there were a number of retail establishments that had insufficient parking. This was where he perceived there should be flexibility solely at the Commission's discretion as to what would be appropriate. He suggested the verbiage "on or adjacent to the property" stricken from the Charter. This was a difficult situation for the business district, particularly if the area was modernized and it was likely to have to go to a three over one immediately. Such decisions should be left up to the Commission.

Vice Chair Delegal believed the Board's first action was to delete the references to parking restrictions and requirements from the Charter's text itself, and that would address further concerns.

Chairperson Wessel concurred.

Vice Chair Delegal pointed out this left only one more item for consideration.

Town Attorney Trevarthen affirmed this to be the case, though it had three parts. The question was should the Town's Charter limit the Commission's ability to affect the zoning code. If it should, then which of the three things should this affect: 1) zoning for any other use; 2) the creation of a new zoning category; or 3) adding another use to a zoning district?

Vice Chair Delegal recommended deleting all three from the Charter.

Mr. Silverstone said he was unsure if this was the correct direction to go, noting the intent of the people when the Charter was passed was to prevent the possibility of being overdeveloped. The "all" word in the language prevented any action from happening, and that needed to be changed. At the same time, he had no wish to stifle commonsense development, as long as it fit in with the overall view and intent of the Charter to keep Lauderdale-By-The-Sea as a small, quaint town. This was a tricky area.

Mr. Brandt did not favor the restriction the proposed change imposed. With the current economy came new styles and a Commission needed flexibility in order to stay current. He was a big fan of deleting language in charters, codes, and zoning, but deleting the language could create a situation where it did not matter what the Charter said on the height, it might create an ability to get around it. He would be interested in obtaining an opinion on the situation of how much the Commission could do if they were to remove all of the language. He was open to seeing the Charter without any of the language. He

questioned how it was possible to change the RS5 district to a B1 district and whether certain uses can be created, such as tire shops in a RD10 district.

Town Attorney Trevarthen responded it was not true that there would be no other limit, as the Town had its Comprehensive Plan and, by law, a municipality's zoning had to be consistent with its Comprehensive Plan. Some things could be changed by the Commission, but it was a slightly more elaborate process, so there was an additional layer of restriction there above the zoning code that was outside the Town's Charter.

Mr. Piersante echoed Mr. Brandt's sentiments on giving the Commission flexibility.

Mr. Brandt wanted staff to research how it would affect the overlay districts.

Mr. Clark favored leaving the item as it read in the Charter currently, but he was not in favor of binding the Commission to ridiculous levels, and he was open to creative thinking. If things were too restrictive in the Charter, it eliminated that need, and the Charter could be made so restrictive that the decision process might as well go back to community meetings. He did not believe this was the direction the Board wished to go. The public could give their input on the matter.

Ms. Green agreed the item should remain as is and get public input. Times and people change, and she was present for the voting on some of the guidelines, but in the interim, the economy has changed, people moved, and some residents changed their minds while others had not. She believed the Commission should have some flexibility.

Chairman Wessels thought any zoning changes in the Charter needed to be done in a way that did not create hysteria. The Town was already built out, and the number of housing units could not be doubled, unless buildings were torn down, going from hotels with kitchens to just rooms. He believed at some point the meaning of a zoning change had to be defined, and people needed reassurance that certain zoning districts would not change. Unless the proposed zoning change in the Charter should be posed as a question, to reduce undue anxiety among the public.

There was a consensus from the Board to frame the zoning changes in the language of the Charter, in a question format.

Vice Chair Delegal commented as to the three changes related to zoning under consideration, noting the Board met once every 12 years, and in the interim many things transpired and market conditions changed. To have a provision in the Charter that said the Town Commission could not create a new zoning district or rezone without referendum seemed ludicrous to her. Zoning concepts changed. For example, some cities were going to a new concept called form-based zoning that did not use categories, and the restrictions of the Charter made the Town unresponsive to changing conditions. She indicated this was her reasoning behind wanting to see the three

changes, as the Commission could not make changes in a vacuum without public scrutiny.

Mr. Brandt concurred, noting the Board did not meet very often, and overall everyone was reluctant to adapt to change, and there was a very steady distrust for the Commission, and this was the reason the Charter's language was as harsh as it was. He could see the personal benefits of providing flexibility to the Commission to adapt to changes, but the key word was to provide "some" flexibility, and it was important not to create hysteria among the public. He was totally open to looking further into the matter, and to get answers regarding the impact resulting in the removal of the language.

Vice Chair Delegal remarked the Board was basically three steps behind the Town taking action. The first step was to put it forward for consideration, the second was to forward the changes to the Commission after public input, and third, the Commission would decide if they wished to adopt the Board's recommendations and ask the voters.

Chairman Wessels reiterated the Board met every 12 years, and the Commission could vote to change something every two years. In some respects it would be much more difficult for a commission to put the issue up on their own and go through the whole process. Now was the appropriate time for the Board to review the Charter and make suggestions, giving the Commission appropriate time to make their decision on whether or not to put the proposed changes up for a vote.

Mr. Clark believed that reviewing the Charter every 12 years was not set in concrete. The Board could meet more frequently, and it should.

Town Attorney Trevarthen stated the Board already set precedent in the document she would be creating for the Board, of having one topic where there was more than one option. The same situation could apply to the subject of discussion, with one option being to remove all limitations on the Town Commission's authority, and the other option, based on the concerns she heard from the Board, would be some form of the current restriction that was limited to only those areas that were currently zoned RS5 and RD10. She would describe it geographically, not by the zoning district, so people could see the location. Both items would then come before the Board, and it would be clear to those that might be alarmed even at the thought of such a discussion.

Chairman Wessels thought this an excellent suggestion. He asked for a motion to vote collectively on the above changes.

Town Attorney Trevarthen summarized the changes the Board would be voting on:

- 1) Go forward with the plain English version
- 2) Change the limitation on first floor uses to the concept of non-habitable, which would encompass any zoned use
- 3) Remove the items that were true as a matter of law.

4) Adopt 44 feet in building height town wide as one option, and 33 feet in the areas zoned as single-family and duplex as another option. Staff would come up with a geographic description and maps of the area as requested.

5) Delete the subject of parking regulations from the Charter, as proposed.

6) Delete the limitations on the Town Commission's authority regarding zoning changes. Town Attorney Trevarthen explained this item would provide two alternatives: 1) a vote for the removal of all those restrictions, and 2) leave the restrictions in place for rezoning of single-family and duplex areas, and for changing the height limits.

She said these were the changes the Board would be asking her to put into a draft to bring to the next meeting, and that meeting would be noticed for public input.

A motion was made by Vice Chair Delegal to approve changes as highlighted above by the Town Attorney. The motion was seconded by Mr. Silverstone. The motion passed 7-0.

Mr. Brandt noted, based on the impact some changes would create, the Board would not be directly causing a change in land use or zoning. The changes could affect property values in the positive or change the way the Town's properties were viewed and result in some positive property evaluation. He asked how the Board member's votes would come across from a legal standpoint; could members vote on these issues with the potential impact to their properties?

Town Attorney Trevarthen responded in general, if an individual member's impact was shared in common with a large number of people, which was the case for most of the changes, there was no need to worry. The state ethics opinions spoke about a one-percent rule, that if you were equal to or less than one percent of the class affected by the change, then it was not considered personal, private gain requiring recusal from voting.

8. NEW BUSINESS

a. Article VI: The points related to Article VI from the Commission's worksheet were:

- *Consider modifying length of Mayor's term of office -Section 6.1(1)*

Town Attorney Trevarthen recalled the Board had a previous discussion as to whether a change would be placed on the November ballot, and that was finally disposed of; it was not placed on the November ballot. Otherwise, the Board had not discussed changes to the election article for 2014 or any other time.

Chairman Wessels asked if anyone wished to discuss modifying the length of the Mayor's term of office, as the Board tried to rush it to the Commission and they were not

prepared to deal with it at the time. If there was a consensus not to discuss the issue, it could be revisited at a later time.

Ms. Green was open to discuss the matter for the next election. She held the opinion that two years was a short amount of time for the Mayor to get anything done.

Chairman Wessels remarked the item would not come up for a vote until the 2014 election.

Ms. Green believed the matter could be discussed closer to that time. She favored a four-year term for the Mayor.

Mr. Clark concurred that a two-year term for the Mayor was too short and favored a four year term. The purpose of the exercise and sending it to the Commission the last time was not to rush anything through but to give them the opportunity, if they wished, to put it as a referendum in the upcoming elections. He stated they chose not to do so, and that was fine.

Mr. Piersante agreed the Mayor's term should be for four years. It was ultimately up to the people to vote on the matter, considering that the Mayor's duties were much like those of a Commissioner.

Mr. Brandt believed members of the Commission should be up for a vote every two years, including the Mayor, for the single purpose that the Board was working on putting more power in the hands of the Commission with some of the other suggested changes to the Charter. If things were not going the way the general public liked, they should be able to change the Commission every two years. He believed this was the intent of having a two-year term for the Mayor.

Mr. Silverstone noted he once voted to extend the Mayor's term from two to four years, and that was a mistake. The Town's Charter was designed for the benefit of the people not the benefit of the individual running for office. He agreed with Mr. Brandt that the option of having a new Commission every two years was beneficial to the people. If the people were displeased they had the ability to change the Commission every two years. Some federal offices were two-year terms, so it should not be a problem for the Town to require the members of its Commission to run every two years.

Vice Chair Delegal remained in favor of a four-year term for the Mayor as a concept. If the Board were to vote to bring the matter forward for Commission consideration and public input, it should be left to the Commission to work out the details as to how it would transition. She suggested the Board would bring the matter forward as a concept, that is, that the Mayor should be elected for four-year terms, but the Board would not get involved in the process of anything the Commission did to handle a transitional or interim period of time as it applied to term limits. It was important for the

Board not to be perceived as dealing with personalities on the Commission. She indicated if the Commission desired to place the matter before the voters, they would be the ones to determine how it would specifically apply, given where members of the Commission were in their respective terms at that point in time. Vice Chair Delegal felt two years was too short a period of time for someone to put an agenda together, the things they wished to accomplish, as it seemed they were always running for office and this was the main thrust of what they were doing.

Chairman Wessels favored the two-year term. It was possible to forge a new majority every two years, and if people disliked the direction in which the Commission was going, they could forge a new majority. He did find it unusual that the Mayor had to not only run every two years, but could serve for only three terms, versus a Commissioner who could serve for four terms. As Mr. Piersante pointed out, the position of Mayor on the Town Commission was not a strong mayor. They ran the Commission meetings and that was the main difference in their duties as compared to other members of the Commission. If the Mayor were to go to a four-year term, then there should be a two-term limit, which he was not in favor of. According to his count, there appeared to be four votes for the four-year term and three votes to retain the two-year term.

A motion was made by Vice Chair Delegal to request Town staff prepare an amendment for further consideration at a public hearing, amending the term of Mayor from a two-year to a four-year term. The motion was seconded by Mr. Piersante. The motion passed 4-3. Chairman Wessels, Mr. Brandt and Mr. Silverstone voted no.

- *Determine whether to sunset residential electoral districts in Section 6.1 in 2018 as previously approved, or on another date. If not, address future redistricting.*

Ms. Green stated she had no opinion on the item.

Mr. Clark stated he was in favor of sunsetting the electoral districts, and he would feel better if it could be done sooner than 2018. He did not think there was any need for electoral districts in a town this small. The reality was when someone was elected to the Commission they had to take the whole Town into consideration anyway.

Mr. Piersante believed he brought the matter up at one of the first Board meetings and felt if Lauderdale-By-The-Sea was to be one town, then there was no need for districts and it should be eliminated. He thought the Town recently did a study on districting.

Town Attorney Trevarthen recapped back in 2004, the Charter amendment to create the residential districts included the 2018 sunset, but this was not codified into the Charter, and there was no longer an ability to challenge that. There was currently no sunset, so the matter before the Board was whether to add one in 2018 or whatever timeframe the Board desired. She stated in 2012, another section of the Charter required the Town to look at the continued validity of its districts, and the requirement was for a university-

based researcher to look at the issue. This was done and the study brought forward for review. Some deviation between the population of the two districts was found, and she looked at the question legally and advised the Commission they could leave the districts as they currently were, and they voted to do so. She said the issue before the Board remained for their decision.

Mr. Piersante reiterated his being against districting in the Town, believing, originally, districting was done due to the fear that the new annexed area would control the Commission.

Mr. Brandt favored putting the matter before the voters during the 2014 election, beginning the sunset of the first two terms that came up in 2016, as it would be a staggered sunset almost. Commissioner Brown's and Commissioner Dodd's terms would end in 2016, and then two terms would end in 2018 from the 2014 election, and this would allow each of those elections for the seats to be up. He was unsure if this meant the sunset could be set for 2016, but at the next election after the matter was voted on to get rid of the districts, however legally that had to happen.

Mr. Silverstone felt the original intent of the districts was to prevent a takeover by the annexed areas, so the districting was put in to allay those fears. He shared the Mr. Piersante's position that the size of the Town did not warrant districts.

Vice Chair Delegal echoed support to remove districting requirements from the Town's Charter, and their removal should be as soon as possible and leave the details of how to stagger that to the Commission.

Chairman Wessels liked the idea of districts. He thought it gave the voters a sense of identity, that there was someone they could go to specifically if they were having problems because they lived in their district and understood what was going on there. Unfortunately, if one lived in the northern section of the City, you did not spend a lot of time in the southern section, and vice versa. He was in favor of not requiring the Town to have a study done, as the Town was built out, and the only change would be if something multifamily happened that significantly changed the proportionate populations of the north and south. The U.S. Census was done every ten years, and if the population of the Town somehow increased by five percent, this could trigger a study and have the situation reevaluated. Thus, if the last census did not increase by whatever percentage was chosen, then there would be no material change between the Town's populations to the north and south or between districts one and two.

Town Attorney Trevarthen commented, as a point of information, the findings in the 2012 study was about a ten percent difference between the north and the south, but these were not single-member districts. Parts of the language in the Charter read as though the Town had single-member districts and held the Town to a higher standard.

On balance, she felt the language could be interpreted to say that it was okay to maintain the current boundary.

Chairman Wessels was unsure how the census numbers were counted, but his point was the Town was built out and there was no need to go to the expense of a study. He preferred to keep the districts as is, unless the Commission felt something triggered the need to recount or re-evaluate the districts.

Mr. Piersante thought Mr. Brandt explained the date to sunset districting very well, and what he said should be a part of the motion.

Town Attorney Trevarthen clarified what she heard from the Board was the date for sunseting should be as soon as possible, and the Commission would determine the process.

A motion was made by Mr. Piersante to direct Town staff to draft language to amend the Charter to sunset districting as soon as possible and letting the Commission decide the process. The motion was seconded by Mr. Silverstone. The motion passed 6-1. Chairman Wessels voted no.

- *Consider changing Section 6.1(5) requirement that university must be used*

Town Attorney Trevarthen stated if the Commission agreed with the Board's previous recommendation, then the item became moot. If the Commission disagreed, then it was still an issue. She thought the Board should consider debating the proposed change in the event the university study was still required.

Ms. Green agreed with Chairman Wessels there was no need for a study, as it was unlikely there would be any great diversity of change in the community that warranted the cost of a university study.

Mr. Clark asked what other options the Town had other than using a university.

Town Attorney Trevarthen replied FAU had long had someone that did this for local governments, but FAU was closing down the campus at which such activities were housed in 2012. However, Dr. Alpert at FAU might still be an option. She said there might well be people in the private sector with the skills to offer such services, or staff, if it was a simple thing. As mentioned by the Commission, part of the reason that there was a large change between 2000 and 2010 was annexation, but going forward it would be minimal levels of change. Like anything else in the Charter, the more detail added, the more there was to fight over, and the more care was required not to trip over a detail. She indicated she could come back with simple language to replace the detailed language currently in the Charter. She would give the Board a standard and the Charter would be silent on how to go about showing whether that standard was met.

Mr. Piersante supported the elimination of the study.

Mr. Brandt commented the U.S. Census was satisfactory.

Mr. Silverstone liked the idea of a significant fluctuation, such as more than ten percent, in the population triggering for a study.

Vice Chair Delegal preferred to delete the reference and concurred with Town Attorney Trevarthen's suggestion to include a standard in the Charter as opposed to specifying the type of institution that had to perform the study. She would not include a criterion for a set population change triggering a study, as this was not single-member districting. The districts were only for the purpose of determining residential requirements, where someone had to live to run townwide.

Chairman Wessels agreed. He asked the Town Attorney if there was any legal liability, as there was no advantage to the voting aspect, and maybe the word "proportional" should be removed as well, as everyone was voted for at large.

Town Attorney Trevarthen answered correct, as this was where the debate laid. The Town did not have single-member districts, but there was language at the end of subsection five that said the principle of one person, one vote shall be strictly adhered to, and this made no sense. She said that concern was only relevant to a single-member district where one got to vote only for one person and not townwide. When she was receiving input from the Commission earlier in the year regarding their concerns with the boundary, the factor listed in the Charter that seemed to capture those concerns was logically related to the natural internal boundaries of the neighborhoods. This was something case law recognized as a reason for there to be a deviation in the size of districts, and it was a concern debated as the matter was brought up with the Commission; compactness was also a concern. She felt a variation on the language that removed the strangeness of trying to engraft one person, one vote, and just describe what it was the Board was trying to adopt might work.

A motion was made by Ms. Green to request Town staff prepare an amendment removing from the Charter's language the requirement of the study. The motion was seconded by Mr. Clark. The motion passed 7-0.

- *Consider not specifying that the Vice Mayor must be selected on a particular date per Section 6.2*

Vice Chair Delegal questioned what the Board was trying to fix in this section.

Town Attorney Trevarthen believed in 2012, the question was raised why the office had to be chosen on the specific date. There were some challenges in terms of

scheduling the first few meetings following the election, just how the dates flowed with the election being on the January date this year, but it had to be done in such a manner that everybody was sworn in and the selection of Vice Mayor made by the second Tuesday following the regular election. She indicated the question was raised why there was a Charter requirement for this, and was it necessary to keep it.

Ms. Green said she had no particular view on the matter but wondered if, when there was an election, there would be a meeting at which the Mayor took office and the other position was then filled.

Town Attorney Trevarthen could envision drafting language where only the first four words would be removed; currently it stated, "On the second Tuesday following ..." If the first four words were removed and the language read, "Following each regular election ..." and the Charter would be silent on a particular meeting or deadline for that to occur.

Ms. Green supported the above suggested change.

Mr. Silverstone thought the language could be changed to just say that at the next regular meeting of the Town Commission after a regular election, the Vice Mayor would be chosen. The above suggested language could give the Commission the opportunity to delay the selection indefinitely, though that was unlikely to occur.

Mr. Clark agreed with Mr. Silverstone's suggestion of the first regular Commission meeting.

Vice Chair Delegal thought Mr. Silverstone's suggestion was reasonable.

Town Attorney Trevarthen added by including the word "regular", what was normally a special meeting would be excluded where the swearing in took place. She thought this might have been the source of some of the consternation expressed. Those two things happened very close in time in 2012, and people wanted time to be sworn in and then make the decision about the Vice Mayor at a later meeting.

Chairman Wessels noted not having a problem with the way the language was written originally, but unless there were extenuating circumstances or it was unknown who the Mayor might be or who the other Commissioners would be, it gave about a week to think about it. He questioned what would happen if there was no Vice Mayor designated and the Mayor was absent from a meeting, as the Charter stated in the event the Mayor and Vice Mayor were absent, a Mayor Pro Tem was selected.

Town Attorney Trevarthen responded the change being discussed did not remove the Charter requirement for there to be a Vice Mayor, it simply removed that the selection should be made on the second Tuesday following the election. If it was the desire of the

Board to account for the possibility posed by Chairman Wessels, the sentence could be modified to address such an eventuality.

Chairman Wessels stated this would be his reason for wanting the Vice Mayor to be chosen as quickly as possible.

Mr. Silverstone felt, in the absence of the Mayor and a Vice Mayor not yet being chosen, the remaining Commissioners at the meeting would simply pick a Mayor Pro Tem for that meeting.

Vice Chair Delegal suggested another way to word the sentence would be to say no later than 30 days following each regular election.

Chairman Wessels concurred, or maybe by the next two meetings.

Town Attorney Trevarthen pointed out it was at the presidential date in 2012, and that crunched everything together and made the process difficult, so it was not in sync with the normal meeting dates the way it would have been for a March election. This was the only reason it would be better to say by the second meeting after the election.

A motion was made by Mr. Silverstone to request Town staff prepare an amendment to change the language to read the Vice Mayor would be chosen by the second meeting after the regular election. The motion was seconded by Vice Mayor Delegal. The motion passed 7-0.

- *Add a procedure for candidate withdrawal following qualification to Section 6.4, per statute*

Town Attorney Trevarthen indicated the statute provided for municipalities to provide procedures for filling a vacancy in candidacy due to death, withdrawal or removal from the ballot of a qualified candidate following the end of a qualifying period when the end result was fewer than two candidates for an office. Presently all the Town's other election procedures were in the Charter, so she added the suggestion that the Town meet the statutory requirement to have a procedure by changing this section of the Charter to provide for that. How to withdraw one's candidacy was clear, but the issue was the procedure when one of two candidates withdrew after the qualifying deadline. Should the Town proceed with one candidate or open the qualifying to allow someone else to qualify? Other municipal charters addressed this matter and provided timeframes for an additional qualifying period or whatever they chose to do. She stated there were a number of models available, and Town staff could provide those. For now, it was being presented as whether to take such action, and if the Board gave staff direction to pursue it, they would bring back language for the Board's consideration.

There was Board consensus to proceed.

Town Attorney Trevarthen sought to confirm the Board wanted her to come back with the elections article with the changes reflected. It would be simplest to keep them all together, so Town staff would present the Board with a proposed procedure they would be at liberty to modify.

Chairman Wessels asked when the Town Attorney wished to present the language.

Town Attorney Trevarthen understood section seven was being considered at the Board's next meeting when there would be a public hearing. The question was whether the Board wished to address both matters on the same night.

Chairman Wessels felt the language could be presented to the Board at its next meeting, and the debate on whether to accept it as is or make changes could be done at a later time.

Town Attorney Trevarthen replied she would bring both items to the Board at its next meeting, but only Article VII would be for public comment.

Mr. Brandt recommended taking Article VI at the next Board meeting, and take Article VII at the scheduled October meeting, as a few more people would be back in town for the height discussion. Town staff should devise a way to get public input, such as hosting a workshop on building heights at 6:30 p.m. just prior to the Board's regular meeting. He said the matter had been on the Board agenda two months in a row, and the Board would not be comfortable doing anything with Article VII with insufficient public input.

Chairman Wessels mentioned the Board could prepare their recommendation on Article VII and not send it to the Commission until sufficient public input was received.

No further action was taken on this item.

- *Clarify the meaning in Section 6.6(2) "forfeiture of office" with regards to ethics in light of Broward County ethics code.*

Mr. Brandt asked if this was something the Town had to add to the Charter based on the new ethics code.

Town Attorney Trevarthen replied this was not something that was mandated, recalling there was some brief discussion of the matter at the Commission level. Based on the Charter's language, the question was raised that, as of January 2, 2012, there were a very different set of restrictions than previously existed. She believed the example given was if a Commissioner could forfeit their office if they accepted a free bottle of water. It was suggested that the matter be brought before the Board to consider whether the

language in the section should be more refined, to prevent throwing somebody out of office for a very minimal violation.

Ms. Green asked if the Town formally adopted the Broward County code of ethics or did the Town have its own code of ethics.

Town Attorney Trevarthen answered both. In 2010, the Town adopted its own code of ethics, and that related to the Commissioners voting on contracts with vendors with whom they had an affiliation. The voters of the entire County then created a requirement in the County Charter for there to be ethics regulations for the County Commission and, separately, that there be a requirement that ethics regulations be created for municipal elected officials as well. She stated on January 2, 2012, the County's code of ethics that applied to all municipalities became effective and was implemented for the first time. The County's ethics code generally addressed issues such as the acceptance of gifts from vendors, potential suppliers or contractors, the employment of Commissioners, not engaging in lobbying for other governing bodies within the County and required additional disclosure of compensation Commissioners received from their public office. She said it also required that reports be provided that were not required prior to the County's ethics laws, including charitable contribution fundraising and political contribution fundraising. The reason the bottle of water example was brought up, was due to there being inter local agreements that existed between all the Broward municipalities. Technically, in the literal language of the County's ethics ordinance, they were all contractors with each other and, therefore, they all could not give gifts to each other. If a city commissioner went to a meeting at the County and accepted a bottle of water without paying for it out of their pocket, they were technically in violation of the County's ethics code.

Mr. Clark asked if the County's ethics code had been challenged by other municipalities.

Town Attorney Trevarthen replied it had not been challenged. Rather, three municipalities back in January, and Pompano Beach in August, put questions on their own ballots for their municipal charters to opt out of certain of County ethics requirements. She believed all four cities' amendments were limited in scope, as they did not completely opt out of the County's code of ethics. They said the restriction on the Commission's employment and the requirements for reporting of compensation from that employment would not be followed in these cities. Only the municipal regulations were followed in those areas. The voters passed those four questions, and the County Commission first said they would challenge those municipalities for taking such action. The County Commission later said they would not challenge them, but they would fund the challenge that anyone else would bring. When someone came forward and wanted to pursue that challenge, the County Commission decided not to fund the challenge. She indicated there was a future possibility that the County Commission would decide that this was a violation of their charter and challenge any city that had such a charter amendment. To date, this had not happened, and it appeared from the public

statements being made, it was not currently under consideration for the County to bring such a challenge.

Vice Chair Delegal inquired as to the penalties for the violation of the County's code of ethics as they applied to municipal officials.

Town Attorney Trevarthen responded the penalties were governed by the Inspector General, a new agency created on the County level, but she was unable to recall them at present. They were now located under the Inspector General ordinance.

Vice Chair Delegal asked if forfeiture of office was one of the penalties.

Town Attorney Trevarthen replied forfeiture of office might be a penalty potentially, but it was not automatic. The state statutes had penalties for the state ethics requirements, and there was a provision that talked about the potential penalties, and it gave a very wide range of things, some of which were very dire, such as losing one's office and going to jail. It was not automatic that such things would happen, and this was an area of concern for the Commission.

Mr. Silverstone focused on the word "violation," stating if someone was found guilty after going before the Inspector General, then that would be applicable to following the rest of the Town Charter.

Mr. Brandt preferred to defer the discussion until he understood the reasoning behind the matter coming forward, and the various areas the Board would bring the requirements to. The reason this was before the Board was that the Town adopted an ethics code and the County's ethics code was triggering the Town's violation aspects of its own code. Secondly, he believed because the Town's ethics code was so driven by the Town Commission, particularly its present members, to the extent they were willing to opine on the matter, he desired their recommendations on re-phrasing the Town's ethics ordinance, as this was their impact.

Chairman Wessels noted at one time the state decided how an elected official could be removed from office: violation of the Sunshine Law, removal by the Governor, recall. The message from the state was a municipality could not remove someone from office the people voted in unless certain criteria were met. He wondered if the message now was that the County's ethics requirements were stricter than those of the state, and was the County being given the power to remove an elected official from office.

Town Attorney Trevarthen stated this was not what she was saying. She had not looked closely at the protocols for the removal of an elected official from office for violation of the County's ethics code. The Board was addressing whether the Town's Charter independently and, by the face of it, automatically had that result due to a violation of its ethics code. The potential for violation under the County's ethics code was broad, as

the definitions of vendors was very broad and the Town had contracts with a wide variety of vendors, including the County and the School Board, and people one might not think of automatically as the typical vendor concept in the Town code.

Chairman Wessels mentioned reading in the Town's Charter that the Commissioners would be the sole judges of their members. If a Commission had to deal with an infraction brought against one of its members, such as accepting a bottle of water, he knew how he would vote, as it did not reach the standard of the infractions the County sought to prevent for which some of their members had been jailed. Over \$1 million was created for the Inspector General position and there had yet to be any complaints. Though he understood why the County felt the need for such regulations, he felt they overreacted.

Town Attorney Trevarthen said the Commission raised the issue that the language in the Town's ethics code had different meanings in light of the County's new ethics code for locally elected officials; before it was the state code of ethics that governed. She reiterated the Commission identified the ethics issue as a topic for the Board's debate.

Chairman Wessels sought clarification what the Board was being asked to do by the Town Commission.

Town Attorney Trevarthen thought the Board was being asked to look very carefully at the language of the Town's Charter that said an elected official would forfeit their office if they violated any standard code of conduct or code of ethics. The state and County ethics codes remained as they were and, in effect, and the Town could not change this, but they could change their Charter.

Chairman Wessels felt the Town needed there to be some form of due process. The decision on the language could be deferred to another meeting, inquiring if there was any particular language the Board members wished to see in the Charter.

Vice Chair Delegal wished to delve more into what some of the penalties under the County's ethics code.

Town Attorney Trevarthen replied she would gather the information and bring it back to the Board.

Vice Chair Delegal thought the Town's Charter in this respect was too stringent. The Board was unprepared to discuss the matter, as it required some study and thought.

Mr. Brandt suggested formatting the process as a method that if an infraction met certain criteria, such as with a misdemeanor or a certain level. If an elected official was found guilty of a violation, the penalty should be guided by the level of that violation.

Chairman Wessels mentioned the County's ethics code said "anything of value."

Vice Chair Delegal affirmed it did so, with regard to the vendor provision.

Mr. Brandt stated this was the worry of the Commission, as the rule pertained not only to vendors, but potential vendors. Even the Town's list of vendors contained some of the Board members' names as they might have once volunteered with the Town. Town Attorney Trevarthen stated the list included all three: vendors, contractors, and potential vendors.

Vice Chair Delegal remarked it was now a zero tolerance rule with the County's ethics code, even for items that were worth a penny.

There was Board consensus to defer the discussion to another meeting.

Town Attorney Trevarthen summarized the Board desired clarification on the penalties under the County's ethics code, and that information would be included in the Board's next meeting agenda.

Mr. Brandt added if the Town Attorney could find out if any other municipality had to overlap their own ethics code and how they dealt with the situation, that information would be useful.

No further action was taken.

b. Reschedule September 12, 2012 Charter Review Board Meeting due to the following:

- *Special Commission Meeting for Public Hearing regarding Adoption of the Fire Assessment Fee, Tentative Millage Rate, and Tentative Budget Scheduled at 7:00 p.m.*

It was the consensus of the Board to cancel the September 12, 2012 meeting.

The next meeting will be held October 10, 2012.

9. ADJOURNMENT

With no further business before the Board, Chairman Wessels adjourned the meeting at 8:52 p.m.

Chairperson David Wessels

ATTEST:

Town Clerk June White, CMC Date