PC

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, April 27, 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, Town Clerk June White and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend Hunsaker gave the Invocation.

Mayor Minnet introduced Connie Hoffmann as the new Interim Town Manager.

The following changes, corrections and/or deletions were made to the agenda:

Mayor Minnet moved item 16e to the April 28, 2010 Roundtable.

Resolution 2010-10 was added to Resolutions as item 13a.

Building Permit Application for Perez & Associates was added under New Business item 16g.

Presentation, item 4b was deferred to the May 11, 2010 Commission meeting.

The Capital Improvement Project Workshop was rescheduled for May 10, 2010 at 7:00 p.m.

Commissioner Sasser requested item 15c be moved to the next Roundtable.

Mayor Minnet moved the Town Attorney's report forward to follow the Town Manager's report. She explained that many times it came very late in the evening.

Old Business item 15b was added to the next Roundtable at the request of Commissioner Vincent.

Vice Mayor Dodd wanted to confirm that items 16e and 16f were both going to the next Roundtable. Mayor Minnet confirmed they would.

4. PRESENTATIONS

a. Presentation of Proclamation recognizing Emergency Medical Services Week (Mayor Minnet)

Mayor Minnet read the proclamation proclaiming May 17 thru May 23, 2010, as Emergency Medical Services Week.

b. Presentation by Christine Sawyer from BSO External Affairs concerning the "Operation Medicine Cabinet" take-back event scheduled on May 22, 2010 at Jarvis Hall (Chief Llerena)

This presentation was deferred to the Town Commission meeting of Tuesday, May 11, 2010.

5. PUBLIC COMMENTS

Pauline McGuinness said that the garbage truck leaked liquid onto the road as they did their pickups along El Mar Drive. She said it was unsanitary and asked that something to be done about the situation.

Keith Moore, Martial Arts instructor said he represented their small group of ten students, who wished to continue the current program. He hoped the Commission would grant them at least a 3 month extension, although he preferred 6 months.

Christie Furth remarked that the new Town Commission, with the exception of Commissioner Clottey, terminated the former Town Manager within six weeks of being elected. She stated that the Commission's termination of Esther Colon was cold and irresponsible. Ms. Furth believed she spoke for many residents who appreciated all Ms. Colon did for their town during her tenure as Town Manager, as she was fair, honest, abided by the Town's laws. She said Ms. Colon cared about the Town and its people, winning countywide praise for her yearly budgets 11 years in a row, and left the Town with one of the lowest tax rates in the County. Ms. Furth believed that Ms. Colon became the target of a political witch hunt. She said the Town Commission terminated Ms. Colon's contract "on the spot," prohibiting public comments. Ms. Furth stated that each Commissioner that voted to terminate Ms. Colon should have first asked how much such an action would cost. She felt the Town Commission acted negligently and were now trying to shift their fiscal irresponsibility elsewhere. She believed the Commission chose to move toward a totalitarian form of government, where free speech and citizen input was not allowed.

John Oughton recommended: 1) an audit of all receipts and disbursements authorized by both the former Town Manager and Assistant Town Manager during their terms of office; 2) demand an immediate return of the funds disbursed to the former Town Manager until the audit was complete; 3) demand in writing from SunTrust Bank any loans that were extended to the former Town Manager, Assistant Town Manager or any other Commissioner during the last three years and at what rates and terms; 4) find out if any of these loans were used to purchase SunTrust Bank stock; and 5) learn if any of these individuals were given preferred rates on certificates of deposit (CDs) or had fees waived on their personal checking accounts. He believed it was time for the Town Commission to run the government, as opposed to having a Town Manager and Assistant Town Manager running the government.

Daniel Halpert stated that the reason for his presence was to make a few suggestions on how the Commission should organize and govern itself. He said there were some time-honored principals of political government the Commission might wish to take into account such as practice the philosophy of "the greatest good for the greatest number." Mr. Halpert did not think it was possible to please all of the people all of the time, and the Commission should practice the philosophy of majority rule, minority rights, and not do what a few previous speakers alluded to. He explained that the Commission should not make accusations without facts, engage in character assassinations, and make comments without evidence, as this served to create animosity and resolved nothing.

Bob Fleishman said it was a pleasure to address the Commission on issues, offer ideas and report citizen desires, as he felt sure they would not fall on deaf ears. He wished to revisit the Town's participation in the Florida Department of Transportation's (FDOT) desire to enhance State Road A1A. He stated that regardless of the amount of matching funds the Town committed to contribute, he believed the beautification project was an unnecessary expenditure. Mr. Fleishman implored the Commission to reconsider its position in such difficult financial times and withdraw from the project. He said it was sometimes necessary to take the reins and risk criticism. He took offense to Commissioner Clottey's constant defense of these less than acceptable actions.

Vincent Ragusa stated that since residing in the Town from 1995 he had yet to witness such intelligence on the dais. He felt the Commission was doing a fine job and he saw evidence of change in the Town since March.

Ray Wolowicz hoped that Lauderdale-By-The-Sea would be a friendly town and believed it was possible. He stated that an article he wrote was not meant to imply there was anything wrong with the Town's Chamber of Commerce; rather he thought the Chamber of Commerce should speak to its members about working to make the Town a friendly one.

Gilbert Arnella stated that in light of the recent events involving Esther Colon, John Olinzock, and the previous Commission, he felt the prudent thing to do would be to hire a forensic accounting firm to investigate the Town's finances over the past 4 years. Mr.

advised that it would cost in the area of $25,000 to $50,000 for such an audit, which he believed would be money well spent. Mr. Arnella believed the Town should start with a clean slate and bring everyone involved in illegal practices to justice.

Frank Herrmann referred to Ordinance 2010-01 that pertained to hours of business. He stated that if all businesses were permitted to remain open 24 hours a day, it would be difficult to withdraw that right if the use later became undesirable. Mr. Herrmann suggested that the Commission consider applications on an individual basis and those that are approved would be granted a temporary permit, giving the Commission the ability to withdraw the permit at any time. He referred to Ordinance 2010-02 and stated that there would be occasions when meetings would need to be held with less than 24-hour notice. Mr. Herrmann wondered how citizens would be notified of such meetings. He referred to RFP 10-03-02 and suggested that the Commission not be overly impressed with bidders puffing their qualifications but should require verification of the listing broker's Broward County performance in number of sales, dollar volume and selling industrial properties. Mr. Herrmann referred to item 16f, fire inspection fees and pointed out an error as it was stated that the fire inspection fee for 15,000 square foot office was the same as a small office. He believed a small office up to 1,500 square feet was $160, and one of 15,000 square feet was $400.

Ken Brenner thanked the new Commission for taking the recent actions to bring the Town into an era of professionalism and decency. He believed it was time to move forward in a positive direction.

Edmund Malkoon reminded the Commission that they were not only given a vote of confidence, they were given an overwhelming mandate for change by the voters of the Town. He said there were tough decisions that had to be made, and he was confident those decisions the dais made would be based on proper research without political prejudice.

Robert Karley stated that he was upset with the firing of the former Town Manager and how the situation was handled. He said that as this was a new Town Commission, they needed to think their actions through first before acting. Mr. Karley believed the former Town Manager was very upfront and did a lot of good for Lauderdale-by-the-Sea. He believed it was unnecessary to ruin her character.

Sandra Booth said that April 27 was a red letter day and her husband and she celebrated the new Town Commission. She said they were aware of Interim Town Manager Hoffmann's experience and management style, and they were excited about the new Town government and wished them luck.

Bill Vitollo congratulated Interim Town Manager Hoffmann on her appointment. He believed some former town managers tired to destroy many businesses and residents, and hurt many citizens of Lauderdale-by-the-Sea. Mr. Vitollo believed 24-hour businesses were not needed in Lauderdale-by-the-Sea. He stated that the street on

State Road A1A was fine and should be left as is. He suggested the money be used on the southern end of the road to repair the sprinklers.

Ron Piersante welcomed the new Town Commission. He volunteered to work with the Chamber of Commerce and advised that they were partnering to host the 4th of July event in the Town. He stated that more volunteers were needed and interested parties could contact the Chamber of Commerce.

6. REPORTS

a. Finance and Budget Monthly Report – March 2010 (Director of Finance and Budget Kaola King)

Commissioner Sasser requested that Director King include a year-to-date and month-to-date budget column in her report that would allow comparison to determine whether the finances were above or below where the Town was expected to be year to date.

Commissioner Sasser requested confirmation that Chris Wallace of West Park was the external finance director on the previous audit committee. Director King confirmed.

Vice Mayor Dodd stated that a number of residents inquired of the amount of money the Town had in its bank accounts. He believed he budgeting process was good and requested that staff devise a way to illustrate the amount of money the Town had at the beginning of the fiscal year and the state of finances as the year progressed.

Commissioner Clottey questioned how the significant amount paid to Ms. Colon would affect the Town's budget. Director King explained that there were sufficient funds to cover the payout and cover the Town's operational costs for the rest of the fiscal year.

Interim Town Manager Hoffmann mentioned that traditionally cities provided a midyear report to the Commission which contained a full financial analysis of where the municipality stood. She believed such a report would keep the Commission current and hoped to present it to the Commission in May.

Director King pointed out that the Town was on target receiving revenue from the various sources.

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

b. Development Services Monthly Report – March 2010 (Director of Development Services Jeff Bowman)

Vice Mayor Dodd was concerned with the high number of trash service requests and requested staff to provide clarity on the situation.

Director Bowman acknowledged there were a high number of requests for temporary discontinuance of trash service. He explained that staff received the list from Choice Environmental when they were unable to collect the pickup service fees. Director Bowman explained further that Town Code required residents to have trash pickup service, and when staff received the notice of "no service" a code violation was issued. He believed that all residents, except for a handful resumed their trash service.

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

c. Municipal Services Monthly Report – March 2010 (Director of Municipal Services Don Prince)

Commissioner Sasser commented that residents expressed concern that the areas where the new bus shelters were to be installed would be maintained; they were concerned that trash may accumulate.

Vice Mayor Dodd suggested that Director Prince summarize the content in his report. Though very detailed, Vice Mayor Dodd believed they did not actually reveal much about what was happening in the Municipal Services department. He believed a more concise report would facilitate a better understanding. Director Prince said he would make the adjustments.

Commissioner Vincent believed the Town had criteria to follow regarding the bus shelters, including their maintenance. He requested staff to investigate further and supply the Commission with that information.

Director Prince said he would be responsible for their maintenance including keeping them trash free. He added that he would look into the maintenance criteria the Town had in place and advised that he was not aware that Broward County was to set the criteria for bus shelter maintenance.

Mayor Minnet inquired as to whether Town staff was doing the renovation of the old Broward Sheriff's Office (BSO) for Planning & Zoning. Director Prince stated that his staff executed most of the work, and a number of contractors were hired to install carpeting and baseboards.

Mayor Minnet wished to know what was being stored at the off-site warehouse and how often staff went to the warehouse. Director Prince stated that the Town stored a considerable amount of things at the warehouse, including a large number of sign poles and surplus equipment, some of which could be disposed of. He added that many stop signs and special event signs were stored there as well.

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

d. BSO Police Monthly Report - March 2010 (Chief Oscar Llerena)

Vice Mayor Dodd requested a brief explanation on the recent activities involving drugs in Lauderdale-by-the-Sea.

Chief Llerena said that there was an increase in narcotic activity coming over from the surrounding cities. He explained that the narcotics problem was regional, and in working with other municipalities their efforts were yielding great success. Chief Llerena informed the Commission there had been a 30% decrease in crime year-to-date in Lauderdale-By-The-Sea and believed the increased police presence was effective.

Commissioner Sasser stated that State Road A1A had been closed the previous Sunday night by Fort Lauderdale to do some work related to water. He requested staff coordinate with Ft. Lauderdale and to request that Ft. Lauderdale give the Town of Lauderdale-By-The-Sea adequate notice of road closures.

Director Prince explained that Fort Lauderdale had done some work in the Town and he would investigate whether it was a scheduled project or emergency work. He added that in the latter case the City of Ft. Lauderdale would have to mobilize their forces with little time to notify anyone of that the road closure.

Mayor Minnet said if the work was scheduled maintenance the City of Ft. Lauderdale needed to let the Town authorities know so notice could be posted on the Town's cable channel.

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

e. VFD Fire Monthly Report - March 2010 (Chief Robert Perkins)

Commissioner Clottey learned that the fire boat had sunk and requested further information.

Chief Perkins explained that the VFD returned the fire boat to the Town a number of months prior as to maintain it was too high. He explained that the boat was to be stored at the Town's off-site warehouse but was too high to fit into the warehouse. Chief Perkins stated that the boat was left in the water until a decision could be made and that the boat remained fully insured. He added that the bildge pump failed and the rain from the previous day filled the back of the boat and as a result, the boat sank. Chief Perkins explained that the boat was now out of the water and an insurance claim would be filed. He said that any proceeds from the insurance claim would go back to the Town as it was the Town's property.

Commissioner Clottey was disappointed in VFD for not looking after the boat. She believed there was considerable negligence on the part of the Town's fire department.

Commissioner Vincent questioned a recent incident at the Beachside Hotel.

Chief Perkins explained that a gentleman and his family occupied a room at the hotel when the fire alarm went off a few times due to replacing a number of the sprinkler heads. He stated that it was a common occurrence with unmonitored alarm systems for the hotel staff to reset the alarms when they went off. Chief Perkins stated that someone should have called 911 to notify emergency services why the alarm kept going off since there was no fire, but the hotel staff did not follow protocol. He stated that it was the fire department's responsibility to silence any fire alarm regardless of the reason and not that of the hotel employee. Chief Perkins advised that the Fire Marshal was currently investigating the incident and expected to have some answers for the Commission the following day.

Commissioner Sasser requested an update on VFD training with other municipalities. Chief Perkins said the VFD was in training with the City of Coral Springs and just completed their hazmat certification a month prior and recently finished tower ladder training and Safe Place for Children training. Chief Perkins explained the list of training was spread out over a set period of time and the Commission would be supplied with a monthly update of the types of training scheduled.

Commissioner Vincent reiterated his request on the disposition of the incident with the fire alarm at the hotel. He said it constituted a public safety issue when the hotel failed to alert its guests that the sprinklers were being serviced and that it might trigger the fire alarm. He asked Chief Perkins to notify the Commission as to who the vendor was that did not follow the rules of proper protocol.

Mayor Minnet asked how often the VFD updated its roster containing fire fighters on staff.

Chief Perkins said that an update was done monthly. He explained that the policy was to keep fire fighters on the roster for 45 days; if they failed to contact the department within that time, their action was considered abandonment and they were removed from the roster.

Commissioner Vincent made a motion to accept the March 2010 VFD Monthly Report. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

f. <u>AMR EMS Monthly Report - March 2010 (Operations Manager Brooke Liddle)</u>

Vice Mayor Dodd congratulated Chief Brooke Liddle and his staff on their response time to calls for service noting that they averaged 3 minutes and 45 seconds for each call, with a response to 100 percent of the calls being under 6 minutes.

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

g. Stormwater Master Plan Final Report (Town Engineer James Barton)

Town Engineer Ben Chen of Chen & Associates wanted to discuss the Stormwater Master Plan in more detail at the workshop meeting on May 10, 2010 regarding the CIP (Capital Improvement Plan).

Town Engineer James Barton gave a PowerPoint presentation, copies of which were supplied to the Commission on CD.

Mayor Minnet requested that the Commission forward their questions to Engineer Barton in the interim so that he could respond at the Workshop meeting.

Commissioner Vincent asked for clarification as to whether there were two basic choices: either tear up the roads and lay new drains, or install new swales.

Engineer Barton explained that installing new swales would improve drainage but there were negative impacts that went with that route such as cost and permitting difficulties. He believed the piping systems were better suited to areas in the east where the ground was higher, and the swale program was better for alleviating the issues in the residential areas. Engineer Barton also believed this would resolve problems with local flooding.

Commissioner Vincent questioned whether the swales in residential areas were on private property. Engineer Barton explained that much of the easement constituting the setback from the roadway belonged to the Town.

Vice Mayor Dodd requested that the report be presented at the May 10, 2010 Workshop contain a ranking of the ten worst sites. Engineer Barton replied that they had not ranked the 13 named sites.

Commissioner Clottey believed that it was best to remember that the U.S. Postal Service would only allow mailboxes to be located at a set distance from the road. She added that on El Mar Drive there were some inexpensive patch jobs done; the areas had become waterlogged and some were breaking up constituting considerable danger to pedestrians. Commissioner Clottey asked who would be responsible if someone were to become injured due to the poor condition of a swale.

Engineer Barton pointed out that they were not suggesting patch jobs; they suggested the roads would be repaved with the proper drainage and the swales would have to be rebuilt entirely. He explained that would remove the tripping hazards. Engineer Barton added that there were other alternatives to paved swales such as a pervious pavement.

Mayor Minnet requested Engineer Barton include Bel Air residential issues in his report. She acknowledged the state of disrepair of many of the Town's swales and questioned whether sea level rise was considered in the stormwater calculations. Engineer Barton explained that they had not and would address it at the Workshop presentation. He

believed that 90 percent of the drainage issues in Bel Air could be resolved by the implementation of a swale program.

Mayor Minnet recessed the meeting at 8:44 p.m. and reconvened at 9:00 p.m.

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

a. Status Report

Interim Town Manager Connie Hoffmann thanked everyone for the warm welcome. She welcomed the new Interim Assistant Town Manager Bud Bentley.

Commissioner Sasser welcomed Interim Town Manager Hoffmann and Interim Assistant Town Manager Bentley. Commissioner Sasser explained that the Commission previously requested the Town Manager Report be formatted like a progress report containing a list of every item the Commission was working on as a group. He believed it would minimize loosing track of a particular project or issue, such as the offsite property. Commissioner Sasser believed that Choice Environmental needed to be negotiated. He also noted that he previously asked the Commission to put together an exhaustive list and provide it to the Interim Town Manager. Commissioner Sasser mentioned receiving an email from a lady and her stepmother regarding the use of Senior Center facilities. He recalled the prior Commission decided that Town residents, whether permanent or seasonal, did not have to pay a fee, but non-residents would pay a small fee to use the Senior Center facilities. Commissioner Sasser requested staff look into the matter and relay their findings to the Commission at the next meeting. Commissioner Vincent agreed.

Commissioner Clottey welcomed Interim Town Manager Hoffmann to the Town's administration. She explained that the Pelican Hopper ridership was extremely low, and the Town was in danger of losing the route. Commissioner Clottey explained the only way to save the Pelican Hopper was for everyone to ride it. Commissioner Clottey suggested that the Master Plan Steering Committee ride on the Pelican Hopper as a group to view the Town. She suggested that if the Town lost the Pelican Hopper perhaps the Town could pay the $28,000, which was the amount of the grant, and then Town staff could negotiate directly with the Pelican Hopper. She believed that would make the residents happy.

Mayor Minnet stated that the Sun Trolley in Ft. Lauderdale represented a viable partnership effort for the Town to expand the routes of both the Sun Trolley and the Pelican Hopper. She explained that it would go as far as the Galt Ocean Mile and allow

residents to access Las Olas Boulevard from the Sun Trolley. Mayor Minnet believed that it was necessary to begin discussion regarding the search for a full-time Town Manager and placed it for the April 28, 2010 Roundtable. She believed it was important to move the process.

TOWN ATTORNEY REPORT

Town Attorney Trevarthen said that she advised the Commission in the previous week regarding the completion of the hearing of the motions to dismiss the pending litigation. She said she would coordinate the scheduling of the Shade Session to coincide with the Town's receipt of the Judge's order. Attorney Trevarthen realized it would be for some period of time as the Judge withheld her ruling and was seeking to have the transcript of the hearing typed.

Attorney Trevarthen wondered whether the Commission wished to appoint a liaison from the dais to work with Choice Environmental. Vice Mayor Dodd nominated Commissioner Sasser as the Commission liaison for the above task. There was Commission consensus to select Commissioner Sasser as the Commission's liaison to discuss the Choice Environmental contract. She asked Attorney Trevarthen to respond to a question as to the whether public comments were required at Commission special meetings. Town Attorney Trevarthen advised that it was not required to have open public comment at regular Commission meetings.

Commissioner Sasser mentioned his earlier request of Attorney Trevarthen to look into resident inquiries regarding the dissolution of the districts, beginning with the next election. He said he was unable to locate any language in the Town's Charter though he did find where a study should have been conducted. Attorney Trevarthen replied that with the assistance of the Town Clerk and her Deputy Clerk they had located the prior study that was used for the Town's current districts. She verified that the Charter called for a renewed study and a re-definition of those districts in time for the next election. She advised that she would work with the Interim Town Manager to ensure that it was executed in the proper manner. Attorney Trevarthen advised that the exact boundaries might shift slightly when being updated but the districts would remain.

Commissioner Sasser suggested coordinating with Town staff to ensure they understood the deadline. Vice Mayor Dodd believed the deadline was September 2011.

Mayor Minnet said the 2010 Census information would be very important for this project as Lauderdale-By-The-Sea was behind where it needed to be. She believed the residents needed to make sure they engaged their friends and neighbors to complete the Census.

9. APPROVAL OF MINUTES

a. March 23, 2010, Regular Meeting Minutes

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

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

a. **Ordinance 2010-01:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 12 "LICENSES," ARTICLE I "BUSINESS TAXES," SECTION 12-10 "HOURS OF BUSINESSES WITHIN THE CITY LIMITS RESTRICTED" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE – ***Deferred at the February 9, 2010 Commission meeting by Commissioner Clottey***

Attorney Trevarthen read Ordinance 2010-01 by title.

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

Attorney Trevarthen stated that the proposed ordinance grew out of a request received by one of the local businesses to stay open during the season.

Commissioner Sasser believed the code itself was restrictive to businesses other than those specifically delineated. He asked whether the pier would be delineated. Attorney Trevarthen recalled that the matter was presented to them as something that predated the ordinance, such as the pier's activities.

Mayor Minnet explained that she did not want the proposed ordinance to preclude any of the pier's existing activities. Mayor Minnet said that the subject matter was brought forward because Walgreen's wanted to be open for 24-hour hours during season.

Commissioner Sasser suggested that the wording be clearer on what businesses were specifically delineated.

Attorney Trevarthen agreed the ordinance was not a model of clarity and requested Commission direction.

Commissioner Sasser stated that the proposed ordinance allowed any mercantile or commercial business to remain open 24 hours during the months of October through April. He said the Commission had to decide whether it was to the Town's benefit to permit all businesses to remain open 24 hours during the set period or could Walgreen's be specifically delineated to prevent this occurrence.

Attorney Trevarthen recalled prior discussions of the Commission wanting a case-by-case scenario and advised it would involve the preparation of language to legislatively create criteria that was clear and easy to apply.

Mayor Minnet recommended sending this item to the Planning and Zoning (P&Z) Board for review and return with its recommendation(s) to the Commission.

Commissioner Clottey stated she had a problem with specifying that Walgreen's would be permitted to operate as requested while other businesses would not.

Interim Town Manager Hoffmann said staff could research what other municipalities had done and the type of uses they allowed for extended hours and other adjacent uses contiguous to those businesses. She stated that staff would give their results to the Planning and Zoning Board so that they might render more educated recommendations.

Commissioner Vincent thought the Planning and Zoning Board should involve BSO to obtain their advice and any historical information in other cities.

Vice Mayor Dodd made a motion to refer the proposed ordinance to the Planning and Zoning Board for review and recommendations to the Commission. Commissioner Sasser seconded the motion. The motion carried 5-0.

b. **Ordinance 2010-02***:* AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2, ADMINISTRATION, SECTION 2-18, SPECIAL MEETINGS, TO REVISE THE PROCEDURES APPLICABLE TO A SPECIAL MEETING OF THE TOWN COMMISSION; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE – ***Approved 24hr written notice for 1st reading at the April 13, 2010 Commission meeting***

Attorney Trevarthen read Ordinance 2010-02 by title.

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

Commissioner Sasser proposed amended language that authorized the Mayor or any Commissioner to call a special meeting within the 24-hour notice.

Commissioner Clottey asked for clarification as to what constituted 24-hour notice, as it might be important to specify the time frame applied to business days.

Mayor Minnet understood there was an Attorney General opinion that prompted Attorney Trevarthen to take a look at the Town's version of the ordinance and to determine whether Town code was in compliance with the Attorney General's standards.

Attorney Trevarthen noted that the existing ordinance was out of compliance with various requirements. She explained that the Town code required 6 hour notice, the Sunshine Law required reasonable notice, and the Attorney General's opinion was that

a 24 hour notice was the minimum reasonable time of notice. Attorney Trevarthen supported the reduction from the Town's required 48 hour to 24 hour notice when the matter was discussed previously. She stated that should the Commission like the suggested language it could be added on second reading.

Attorney Trevarthen explained that the Attorney General opinion was simply a legal opinion given by another attorney and that opinion did not have the same effect as an actual decision by a court of law. She pointed out that in many areas of law there may not be sufficient cases or litigation to establish adequate case law that could act as a guide and it was in these areas the guidance of the Attorney General came to be more heavily relied upon.

Town Attorney Trevarthen said a motion would be required to approve the proposed ordinance with the suggested language amendment on first reading, or as a separate motion to amend the language of the ordinance.

Commissioner Vincent asked whether within the State Statute, that the Commission had some flexibility in the event of an emergency, to call a meeting within six hours. Attorney Trevarthen explained that in a justifiable reason for calling a special meeting would be if the emergency were some type of disaster, such as a hurricane or a tornado and would involve short notice. She added that there were a series of Attorney General opinions and the Town's resolution contained a sentence or two that addressed the procedural aspect of calling a special meeting in a shorter period of time in a declared state of emergency.

Vice Mayor Dodd agreed with amending the language and added that the meaning of 24 hours was clear enough without a distinction being made as to business days.

Commissioner Sasser made a motion to amend the language in Ordinance 2010-02 to reflect that the Mayor, or one Commissioner, or the Town Manager could call a special meeting and to approve the Ordinance as amended. Commissioner Clottey seconded the motion. The motion carried 5-0.

Attorney Trevarthen advised the Commission that in municipalities when a single member of an elected body had the authority to call a special meeting, there had been cases where this power was abused. She said that if such occurrences were repeated, the other members of the dais could choose not to attend the meeting when called, and therefore there would be no quorum, preventing any ruling from occurring. Attorney Trevarthen explained that failure to attend the special meeting would not count as one of the four allowable absences. She advised the Commission to think on the matter and let her know by the second reading how they wished the wording to be reflected in the ordinance.

2. Ordinances 2nd Reading

There were no ordinances for second reading.

11. COMMISSION COMMENTS

Commissioner Sasser welcomed Interim Town Manager Hoffmann and Assistant Interim Town Manager Bentley. He believed the Master Plan Steering Committee went extremely well and it set the foundation for much of the work they expected. He congratulated Paul Novak and Edmund Malkoon and thanked them for stepping up and serving their community.

Commissioner Clottey looked forward to working with Interim Town Manager Hoffmann. She expressed feeling somewhat troubled at the comments and accusations aimed at a resident. She believed that everyone needed to work together and stop the name calling. Commissioner Clottey said she received numerous calls of concern since the termination of Esther Colon that had less to do with her departure and more to do with the way it was brought about and the monetary cost to the Town. Commissioner Clottey thought it was unfortunate Ms. Colon was not asked to resign as that could have facilitated a smooth transition to the hiring of an Interim or new Town Manager. She believed Ms. Colon would have been helpful in the transition period. Commissioner Clottey said it was unfortunate that some Commissioners wanted "blood" and got it. She added that there was a price paid in such situations. Commissioner Clottey urged the presumption of innocence until proven otherwise. She supported the idea of a forensic audit conducted by an impartial, independent entity to satisfy the people.

Mayor Minnet explained that any new contract signed for the new Town Manager would be one that any Commission could get out of for a reasonable and fair amount. She explained further that what happened over the last two days was unfortunate but it was time to move forward. She again urged residents to complete and mail in their Census 2010 questionnaires. Mayor Minnet stated that the Town's 4th of July celebrations included fireworks and believed it would be a great weekend of coordinated events. She urged anyone interested in volunteering to contact Ron Piersante through the Chamber of Commerce. Mayor Minnet announced that donations were also accepted.

Vice Mayor Dodd advised that the Hillsborough Inlet Commission accepted the highest bid to remove two old workboats and that the new boat should arrive very soon. He thanked Attorney Trevarthen and fellow Commission members for handling the events of the past week with a great deal of professionalism. He said the new Interim Town Manager and her assistant brought a wealth of experience and fresh ideas about the Towns codes. He felt sure that everyone could work together as a team to do what was best for the Town.

Commissioner Vincent thanked members of the community for their patience over the past week in light of the many changes that had taken place. Commissioner Vincent believed had Ms. Colon resigned she would have forfeited the severance pay. He welcomed Interim Town Manager Hoffmann and Assistant Interim Town Manager Bentley. Commissioner Vincent commented on his recent tour of the Waste Management Single Stream Recycling Center in Pembroke Pines and stated that it was

a county wide presentation for elected officials to educate themselves further on this process. Commissioner Vincent advised that he was able to help a visitor staying at the Sea Cliff Hotel who wished to use the Town's tennis courts but was confused by the new signs posted at Town Hall, changed from "tennis parking only" to "resident parking only." He explained that in his discussions with the tennis players he discovered the Town had an agreement with the hotels that allowed their guests to play on the courts. Commissioner Vincent stated that changing the signs created considerable confusion and had players concerned they might receive a parking ticket.

12. CONSENT AGENDA

Mayor Minnet pulled item 12b from the consent agenda for discussion.

Vice Mayor Dodd made a motion to approve item 12a on consent. Commissioner Clottey seconded the motion. The motion carried 5-0.

a. Commission approval of issuance of forty-five (45) parking permits to the Caribe, Inc. of Broward County for use in El Prado Parking lot, on Monday March 7, 2011, from 8:30 a.m. till 12:00 p.m. during use of Jarvis Hall for 49th Annual Shareholders Meeting (Interim Town Manager John Olinzock)

b. Commission approval of Special Event Permit Application by Athena's By The Sea/101 Ocean for Music By The Sea 2010, annual, every Saturday night, 4:00 PM till 11:00 PM, May 1, 2010 through April 30, 2011 (Interim Town Manager John Olinzock)

Mayor Minnet clarified that this was for a one-year permit. She desired a mandatory requirement for a traffic control officer to be present at every special event taking place on Fridays and Saturdays.

Commissioner Clottey stated that residents pointed out a number of things they thought the police should become involved with and when she approached the detail police she discovered that they were oblivious to the activity. She requested information regarding the duties of the detailed police posted in those areas. Commissioner Clottey stated that they were not working for the Town; rather they were hired by the restaurant owners.

Chief Llerena stated that the detail deputies acted with the full authority of a BSO deputy. He explained that their assignment was limited to the immediate area for which they were contracted, be it an event or business. Chief Llerena said that their actions were discretionary by nature and if there was an emergency call they would respond to that emergency. He added that detail deputies did not become involved with minor incidents outside of the property they were contracted to monitor.

Commissioner Vincent felt the Commission needed to move forward and grant the permits to the businesses on an annual basis. He believed it would mean less work for administration and shorter Commission meetings.

Commissioner Clottey recalled prior discussion regarding an increase to an annual permit fee. Mayor Minnet questioned whether a one-year permit should be the same price as a three-month permit.

Louis Marchelos explained that prior to May 2009 they were granted annual permits; after that they were granted three-month permits. He added that the fee was the same for the permits regardless of the time frame.

Vice Mayor Dodd believed $150 to $200 would be a more appropriate range for an annual permit fee as it gave the applicant some financial relief.

Commissioner Vincent concurred with Vice Mayor Dodd that a compromise of $200 for an annual permit was acceptable.

Director Bowman reminded the Commission that when the Town issued an annual permit, weekly inspections had to be done and a weekly permit was issued to ensure the business was complying with the requirements.

Commissioner Vincent observed the process was the same whether the permit was quarterly or annually. He believed the Town needed to be gracious to its local businesses in such challenging economic times.

Commissioner Clottey requested that the actual cost to the Town be determined with inspection officers going to such businesses; she could not believe the $100 fee came even close to covering the true administrative cost. She believed the annual permit could be granted, but the fee should be left open for the moment.

Attorney Trevarthen observed a consensus among the Commission to move forward and grant the annual permit. She addressed the comments regarding the fee and said it was important for the Commission and staff to determine what the rules would be for the annual permit before approving it.

Mayor Minnet indicated the Commission would be discussing an annual special event permit at the Roundtable meeting of April 28, but she hoped to move forward with granting the applicant their annual permit at present. Attorney Trevarthen pointed out that granting the annual permit immediately meant the existing rules and fees would apply. Mayor Minnet suggested granting a three-month permit until rules and fees for an annual special event permit were decided upon.

Vice Mayor Dodd reiterated his motion to grant the annual permit at a fee of $200. He reminded Commissioner Clottey that there were certain services the Town provided where the fee for service was not expected to offset the full cost of administering those

services. He believed the Commission should move forward with approving the application and the decision should be made regarding the permit fee at the next Roundtable.

Commissioner Vincent commented that while the fee for the permit was $100, the cost in staff time to conduct research on the actual cost to issue and administer a permit, would be costly and staff's time might be better employed conducting more useful research.

Attorney Trevarthen stated that the Commission's ruling would be applied to future applicants based on the precedent set.

Commissioner Sasser recommended amending Vice Mayor Dodd's motion to charge $400 for the annual special events permit; at the next Roundtable. He added that should the Commission set the annual fee at $200, the subject applicant would be reimbursed the $200 difference. Commissioner Sasser explained that if the cost of the permit was not the primary concern, he would second the motion without amending it.

Vice Mayor Dodd made a motion to approve the application with a fee for the annual permit at $200. Commissioner Vincent seconded the motion. The motion carried 5-0.

13. RESOLUTION - "Public Comments"

a. Resolution 2010-10 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING THE COMPENSATION OF AND APPOINTING CONSTANCE HOFFMANN AS INTERIM TOWN MANAGER UNTIL THE TOWN APPOINTS A TOWN MANAGER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-10 by title. She pointed out that Exhibit A detailed the offer of employment the Town extended to Ms. Hoffmann.

Mayor Minnet opened the meeting for public comment.

Edmund Malkoon asked whether the Resolution was retroactive to the actual hiring date. Town Attorney Trevarthen stated that the terms of employment had been drafted in this manner.

Vice Mayor Dodd made a motion to approve Resolution 2010-10. Commissioner Sasser seconded the motion. The motion carried 5-0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

a. Resolution re: Second ILA Public School Facility Planning of Broward County

(Town Attorney Susan Trevarthen) ***Deferred from the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Mayor Minnet stated that the Commission discussed the resolution both at Roundtable and at a regular commission meeting. She agreed the second ILA resolution was not the answer although it gave time for the new School Board to listen to the needs expressed by their elected officials and constituents. Vice Mayor Dodd found very little benefitted the Town and its children.

Thomas Coates, Facilities Management for the Planning & Site Acquisition for the Broward School Board said that currently they received approval of the second ILA from 16 cities; Oakland Park did not approve the second ILA. Mr. Coates explained that the Town had several schools serving Lauderdale-By-The-Sea, two of which would not meet the level of service (LOS). He pointed out that if the Commission failed to approve the ILA and there were an insufficient number of cities that did not approve the ILA, Lauderdale-By-The-Sea would be one of the cities negatively impacted. Mr. Coates urged the Commission to seriously consider approving the proposed ILA.

Mayor Minnet inquired of the outcome if the Town was not in concurrency and the ILA passed and what obligations the Town had.. She wondered if the ILA moved forward could the Town retroactively become a part of the ILA. Mayor Minnet believed the key was whether the Town would remain in compliance with its Comprehensive Plan and the ILA.

Attorney Trevarthen explained that the School Board would receive approval from 21 cities and the requisite population without the vote of Lauderdale-By-The-Sea. Attorney Trevarthen explained that in that case, the uniform public school concurrency system in Broward County would be the new agreement and the Town would be held to joining the new agreement in order to be in compliance with the state mandate for school concurrency. She indicated there would be a different level of service for the larger cities than the Town would have in its agreement, and Lauderdale-By-The-Sea would be inconsistent with the uniform system. Attorney Trevarthen indicated that it potentially meant Comprehensive Plan issues and advised there were two penalties under the statute; 1) being barred from being able to amend the Town's Comp Plan (not something the Town did frequently) and 2) in the event of a failure to implement or have an agreement in place, a city could face monetary sanctions from the state. She said both penalties were outlined in Florida Statute.

Commissioner Clottey said that unfortunately many cities realized they had little choice but to approve the ILA. Commissioner Clottey believed that approving the proposed ILA was the lesser of two evils.

Commissioner Clottey made a motion to approve the Resolution. Mayor Minnet seconded the motion. The motion failed 3-2. Vice Mayor Dodd, Commissioner Sasser and Commission Vincent voted no.

b. Commission approval to proceed with RFP 10-03-02 for Realtor (Town Manager Esther Colon) ***Deferred from the April 13, 2010 Commission meeting by Vice Mayor Dodd***

This item was deferred to the April 28, 2010, Roundtable for discussion.

c. Code of Conduct for Commission. This will be in addition to a Code of Ethics. Attached backup is simply a draft for discussion and consideration. I would like to have the Town Attorney, after discussion from the Commission, begin drafting the Code of Conduct for the Commission. I expect this to be pushed to Roundtable discussion but wanted To get this in front of the Commission for immediate attention (Commissioner Scot Sasser) ***Deferred from the April 13, 2010 Commission meeting by Vice Mayor Dodd***

This item was deferred to the April 28, 2010, Roundtable for discussion.

d. Discussion and/or action regarding changing the time for the Board of Adjustment Meeting to an evening hour. I believe this will generate more interest and applications for this Board. I expect a motion to make the meeting time to 6:00 PM or 7:00 PM on a date specified by the Board (Commissioner Scot Sasser) ***Deferred from the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Commissioner Sasser had no issue with moving the item to the Roundtable for discussion. He said the idea was to get more applicants for the board prior to making a decision in May.

This item was deferred to the April 28, 2010, Roundtable for discussion.

e. Request update on Warehouse Located at: 5423 NE 14th Avenue (Commissioner Chris Vincent) ***Deferred from the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Commissioner Vincent questioned whether Asset Management Company met their contractual obligations and why they were paid $10,625 when it should have been listed on the Multiple Listing Service. He also requested, and had not received the following: 1) a copy of the lease agreement with Holy Cross Hospital, the amount of funds received from Holy Cross Hospital to date for the lease space; 2) the amount of funds paid to Advanced Asset Management; 3) the details on where, when and how Advanced Asset Management marketed, listed or advertised the property; 4) all publication dates; and 5) the date of the discussed renewal of the Advanced Asset Management contract that was brought back to the Commission after six months with no expiration date. Commissioner Vincent inquired of what transpired during that time, and why the situation went unnoticed for 18 months after the original six-month contract was given. Commissioner Vincent was concerned that many of the contracts signed by the Town were not being fulfilled and he wanted detailed backup on many of his questions in order to get to the bottom of the situation.

Interim Town Manager Hoffmann stated she would look at the file and try to get the answers.

Interim Town Manager Hoffmann was directed to follow up on previous requests for information and present her findings in one month.

f. Discussion regarding Ordinance 2010-03 amending Chapter 2 "Administration," Article III "Departments," and Article IV, "Officers And Employees," of the Town Code of Ordinances, in order to update Town departments and duties (Town Attorney Susan Trevarthen) ***Deferred at the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Town Attorney Trevarthen explained that this was another example of an ordinance where the code was found to be badly out of date and did not reflect current practice.

Vice Mayor Dodd made a motion to table this item to the June 22, 2010 Commission meeting to allow Interim Town Manager Hoffmann time to review the information. Commissioner Vincent seconded the motion. The motion carried 5-0.

g. Discussion regarding Ordinance 2010-04 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 (Town Attorney Susan Trevarthen) ***Deferred at the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Town Attorney Trevarthen pointed out the same situation applied to the ordinance as that of 16f in which the code was outdated. She noticed some anomalies in terms of how the code worked within itself as well as in relation to the Charter.

Commissioner Vincent made a motion to defer to the June 22, 2010 Commission meeting to allow Interim Town Manager time to review the information. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

h. Discussion regarding Ordinance 2010-05 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 (Town Attorney Susan Trevarthen) ***Deferred at the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Attorney Trevarthen explained that the Commission requested legal staff to draft this ordinance and present for review. She added that the ordinance adjusted the manner in which the P&Z Board and Board of Adjustment appointments were made. Attorney Trevarthen said that the suggestion was that there be a given number of days in reference to the date of the election, so if on some occasion the date of the election was different, the code would not be out of date. She pointed out a change at line 16 where

the Commission requested that boards be allowed to select their own chair and not have the Town Commission control that process. She added that the same changes had been made for both boards and was now before the Commission for their consideration.

Vice Mayor Dodd asked for item b lines 42 to 48 be changed to read "shall be appointed at the second full Town Commission meeting following the election" rather than 30 days. He also wanted the expiration date of the term to be the date of next election.

Attorney Trevarthen acknowledged the two suggested changes and advised that the end result would leave a gap in time, although it was near impossible to appoint during that time period.

Vice Mayor Dodd concurred there would be about a month's gap before the next Commission took over, and the board would be dissolved on the date of the election.

Commissioner Sasser explained that the language regarding the selection of a chairperson needed to be more specific. Attorney Trevarthen confirmed that the current language allowed the chairman to be changed at any time by majority vote.

Commissioner Clottey remarked these boards were advisory to the Town Commission; therefore, it might not be a good idea to not have a time when they were not there. If a new Commission were elected, they were not obligated to accept the recommendations of either board. She preferred not to have a one-month gap.

Town Attorney Trevarthen commented that the only issue on which she still required direction was on the one-month gap.

Commissioner Clottey suggested breaking the matters to be voted on into two, one having to do with the one-month gap, the other to do with the rest of the aforementioned changes.

Vice Mayor Dodd made a motion to approve additional changes with a one-month gap as discussed, seconded by Commissioner Sasser. The motion carried 4-1. Commissioner Clottey voted no.

Vice Mayor Dodd made a motion to approve the rest of the additional language changes under which members shall be selected. Commissioner Clottey seconded the motion. The motion carried 5-0.

i. Commission approval to proceed with RFP 10-03-01 for Audit Services (Town Manager Esther Colon) ***Deferred at the April 13, 2010 Commission meeting by Vice Mayor Dodd***

Mayor Minnet was concerned that there might be legal issues for the Town associated with a delay in moving forward with the audit. Interim Town Manager Hoffmann

responded that the auditor had to be selected at the first Commission meeting in September 2010.

Commissioner Sasser questioned whether the Commission could vote to proceed with the RFP. Interim Town Manager Hoffmann said she would be more inclined to bring the RFP back to the Commission before it was issued to ensure it served the wishes of the dais.

The Commission directed Interim Town Manager Hoffmann to review and present her findings at the June 9, 2010 Commission meeting.

16. NEW BUSINESS

a. Commission selection of a Municipal Director, Alternate and Second Alternate to the Broward League of Cities for the 2010 – 2011 year (Town Clerk June White)

Commissioner Sasser made a motion to approve the selection of Mayor Minnet as Municipal Director to the Broward League of Cities, Commissioner Vincent as the alternate, and Commissioner Sasser as the second alternate. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

b. Commission approval for a ninety (90) day contract extension for Martial Arts Instructor to Japan Karate-Do Genbu of Florida, Inc. (Interim Town Manager John Olinzock)

Vice Mayor Dodd made a motion to approve a 180-day extension. Commissioner Sasser seconded the motion. The motion carried 5-0.

c. Commission approval of contractor and approval of contract for Electrical Maintenance Services Agreement ITB 10-03-01 (Interim Town Manager John Olinzock)

Commissioner Vincent preferred to wait to allow Interim Town Manager Hoffmann to look over the contract. Interim Town Manager Hoffmann informed the Commission that Interim Assistant Town Manager Bentley reviewed the contract earlier and met with the contractor. She said there were a number of things that could have been improved in the bidding to illustrate more clearly what the ultimate cost would be. She said the existing contract expired May 12, 2010.

Interim Assistant Town Manager Bentley remarked that references had yet to be checked and therefore, if the Commission wished to vote in favor of the low bidder, the approval should be contingent upon positive reference checks.

Commissioner Sasser wondered whether there was a way to negotiate a month-by-month contract until Town staff could get a new RFP out. Director Prince replied he could ask the current contractor, Imperial Electric if they would continue to work under

the terms of the existing agreement. Mayor Minnet asked if staff conducted the necessary background checks when Imperial was selected. Director Prince confirmed that the background checks were done.

Commissioner Sasser preferred a short-term extension to allow time for added consideration of the matter. Director Prince mentioned part of the contract included the option of a one-year extension on the same terms of the current contract.

Commissioner Vincent asked how long Imperial had been contracted by the Town. Director Prince replied this was Imperial's first year with the Town. He added that the working relationship had been very good and he believed Imperial might agree to a short-term extension of their current contract.

Interim Town Manager Hoffmann believed that since a Commission meeting was scheduled for May 11, 2010 staff should be given time to evaluate the bidders under the existing RFP and an opinion would be given to the Commission at that meeting.

The initial motion was withdrawn.

Commissioner Sasser made a motion to defer the decision to the May 11, 2010, Commission meeting. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

Mayor Minnet requested a motion to extend the meeting to 11:30 p.m.

Vice Mayor Dodd made a motion to extend the meeting to 11:30 p.m. Commissioner Sasser seconded the motion. The motion carried 5-0.

d. Commission approval of contractor and approval of contract for Streetlight Maintenance Services ITB 10-03-02 (Interim Town Manager John Olinzock)

Commissioner Sasser made a motion to defer until the May 11, 2010, Commission meeting. Commissioner Clottey seconded the motion. The motion carried 5-0.

e. Change of Method for approving Annual Special Events (Mayor Minnet)

This item was deferred to the April 28, 2010, Roundtable for discussion.

f. Discussion and/or Action: Fire inspection fees for small business/offices are very high compared to larger businesses. Offices up to 15,000 sq. ft .are charged the same fee. A small one room office pays the same fee as a large office with a number of employees. The VFD is currently using the fee structure used by Broward County but it can be adjusted by the Town Commission to help out the small businesses - Expected Outcome Fire inspection fees should be reduced for small offices (Commissioner Birute Ann Clottey)

Commissioner Clottey pointed out the figure should be 1,500 square feet not 15,000 square feet.

This item was deferred to the April 28, 2010, Roundtable for discussion.

g. Perez & Associates regarding building permit (Mayor Minnet)

Mayor Minnet informed the Commission she would recuse herself from voting as Mr. Perez was a client of hers.

Mr. Perez explained the historical details surrounding the permit application. He distributed copies of the rendering to the Commission for their review. He pointed out that between the space between the building in the rear and the front parking lot was such a small footprint as to render it unlikely that anything of appreciable value could be developed. Mr. Perez explained that the building was somewhat of a family compound.

Mayor Minnet asked whether back-out parking was being eliminated. Mr. Perez said that the 3 current parking spaces would remain. Mayor Minnet wanted to confirm the proposed building would be within the same footprint of the original building. Mr. Perez affirmed that was the case.

Commissioner Vincent sought clarity as to the number of units planned for the building. Mr. Perez explained that the original unit to the front was built as a 4 unit building. In 1962 the owners added an elevated wing in the back with a pool, turning it into a 5 unit building. He said the 2 units on the ground floor were combined into 1 unit. Mr. Perez explained that, at present, there were 4 units: a large unit downstairs, 2 smaller units upstairs and 1 unit to the rear of the original building. He added that the plan was to reduce the 4 units to 3 units to eliminate some of the nonconforming aspects of the site.

Commissioner Vincent inquired of the zoning changes that had caused the problem. Mr. Perez indicated that the zoning changes had to do with the way the Town dealt with nonconforming buildings.

Commissioner Vincent believed that nonconforming buildings could remain as long as they were maintained and/or improved. He said that issues arose only when they were removed. Commissioner Vincent asked Mr. Perez if he intended to remove the original building. Mr. Perez said that most of the building would be removed with the exception of the north and west walls; the north wall was into the setbacks, and the west wall supported a slab from the building in the rear along with a whole new electrical system installed some 5 years prior; thus, about 90 percent of the building would be new construction.

Commissioner Vincent questioned whether there was a percentage value the Town staff used to determine the degree of nonconformity of a building. Attorney Trevarthen stated that she had reviewed no documentation pertaining to the issues surrounding the site and its development. She said the Town Code and Charter were relatively complex

on the issues and she strongly advised the Commission not to take action as yet. She suggested the Commission turn the matter over to the staff working with her office; they would be happy to assist in determining what options there were. Attorney Trevarthen said the provisions in the Town's Charter were fairly elaborate and she had no wish to infer approving the permit was not possible. She strongly recommended the Commission not vote on the matter at this time.

Vice Mayor Dodd wanted staff to review and find that portion of Town Code that allowed the project to go forward. He believed it was an excellent proposal and he apologized for the Town's various changes in staff and codes that the applicant was subjected. . Vice Mayor Dodd had no desire to see the Town's buildings take on a "cookie cutter" appearance as the unique and nonconforming nature of many of the buildings was part of its beauty. He would defer to the Town Attorney's recommendation that meeting with staff for further discussion was required before the Commission should render a decision. Commissioner Clottey concurred with the views expressed by Vice Mayor Dodd

Interim Town Manager Hoffmann could not say how quickly she would be ready to make recommendations to the Commission but a meeting with the Town Attorney was advisable to discuss the various options available under the code and Charter.

The Commission directed Interim Town Manager Hoffmann and Attorney Trevarthen to review Town Code to determine available options.

17. TOWN ATTORNEY REPORT

This report was moved earlier in the evening to follow the Town Manager Report under item 8.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:35 p.m.

19. FUTURE AGENDA ITEMS

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White Date