

8d

# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION

### REGULAR MEETING

#### MINUTES

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, July 27, 2010**

**7:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET 7:00 p.m.

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were 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 George Hunsaker gave the invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions, or deferrals.

5. PRESENTATIONS

a. Signing Ceremony - Commission Code of Conduct

The Commission Code of Conduct was signed individually by the Commissioners.

b. Proclamation proclaiming August 21, 2010 as Honeybee Awareness Day (Mayor Roseann Minnet)

Mayor Minnet read the Honey Bee Proclamation into record proclaiming August 21, 2010 as Honey Bee Awareness Day.

c. Proclamation proclaiming July 12, 2010 as Betty Pagano Day (Mayor Roseann Minnet)

Mayor Minnet read the proclamation into record, proclaiming July 12, 2010 as Betty Pagano Day.

**6. PUBLIC COMMENTS**

Joyce Murray thanked the Commission for the great job they are doing for the Town.

Edmund Malkoon believed there was a need for multi-pay machines throughout Town. He suggested that funds be allocated to accommodate the purchase. Mr. Malkoon commended the Commission for what they have done and thanked the Interim Town Manager and Interim Assistant Town Manager for their efforts.

Frank Herrmann did not want restrooms in the El Mar parking lot. He requested the name of the Bougainvillea parking lot be changed to A1A.

There were no other speakers.

**7. PUBLIC SAFETY DISCUSSION**

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

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

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

Vice Mayor Dodd said he had requested a reduction in medical calls and had not seen a reduction to date. He said he was looking for at least a 30% reduction. Chief Perkins said he implemented the system July 1, 2010 and would need a month to show results.

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

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

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

**8. APPROVAL OF MINUTES**

Vice Mayor Dodd pulled 8a, 8d, 8g, 8h for discussion.

Vice Mayor Dodd made a motion to approve Items 8b, 8c, 8e, 8f, 8i, 8j, 8k, 8l, 8m, and 8n. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

**a. October 12, 2009 Workshop Meeting Minutes - Deferred at the June 22, 2010**

Commission meeting for time to review and for additional detail by Mayor Minnet and Vice Mayor Dodd - Deferred again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Mayor Minnet

Vice Mayor Dodd stated that the October 12, 2009 minutes more accurately reflected the discussion of the Commission and the public at that particular meeting.

Vice Mayor Dodd made a motion to approve the minutes of October 12, 2009. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. April 16, 2010 Roundtable Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Mayor Minnet and deferred again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey
- c. April 27, 2010 Regular Commission Minutes - Deferred at the June 22, 2010 Commission meeting for time to review by Mayor Minnet and deferred again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey
- d. May 11, 2010 Regular Meeting Minutes - Deferred at the June 22, 2010 Commission meeting for time to review and again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey

Vice Mayor Dodd referred to page 3, item 9a. He stated that he wanted the following recorded into the minutes: "The Vice Mayor pointed out that he had done business with many canvas companies in Ft. Lauderdale but not Anchor Marine".

Vice Mayor Dodd made a motion to approve the minutes of May 11, 2010. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- e. June 8, 2010 Budget Workshop Minutes - Deferred at the June 22, 2010 Commission meeting for time to review and again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey
- f. June 8, 2010 Special Meeting Minutes - Deferred at the June 22, 2010 Commission meeting for time to review and again at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey
- g. May 25, 2010 Regular Commission Minutes Deferred at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotey

Vice Mayor Dodd referred to page 6d, item 9g. He said the minutes read "minor modifications that would be needed to make the vessels worthy of heavy storms" and should actually read "minor modifications would be necessary to improve the stability for towing in rough weather." He added that it also went on to say that "discussions were

also held on the steps to be taken to mitigate the impact of the pending oil problems as the water came in and out of the inlet." Vice Mayor Dodd stated that those were the modifications he wanted made to those particular minutes.

Vice Mayor Dodd made a motion to approve the minutes of May 25, 2010. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

h. May 26, 2010 Roundtable Meeting Minutes Deferred at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotley

Vice Mayor Dodd referred to the life guard feasibility study. He said that he suggested moving the posts closer to the water after the turtle season and also suggested that 2 buoys per posts were better than one. He requested that change be made in the minutes.

Vice Mayor Dodd made a motion to approve the minutes of May 26, 2010. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

i. June 9, 2010 Roundtable Meeting Minutes Deferred at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotley

j. June 28, 2010 Special Meeting Minutes Deferred at the July 13, 2010 Commission meeting for Vice Mayor Dodd's attendance by Commissioner Clotley

k. April 28, 2010 Roundtable Meeting Minutes

l. June 8, 2010 Regular Commission Meeting Minutes

m. June 22, 2010 Regular Commission Meeting Minutes

n. July 13, 2010 Regular Commission Meeting Minutes

9. CONSENT AGENDA

a. Commission approval to provide parking permits in Bougainvillea parking lot for the volunteers and a dumpster for the Ocean Conservancy's International Coastal Cleanup on September 25, 2010 (Interim Assistant Town Manager Bud Bentley)

Commissioner Vincent made a motion to approve. Commissioner Sasser 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"; AND FURTHER AMENDING CHAPTER 12 "LICENSES" BY ESTABLISHING A NEW ARTICLE III "EXTENDED HOURS LICENSE" OF THE CODE OF ORDINANCES; PROVIDING FOR APPLICATION AND REVIEW PROCEDURES; PROVIDING FOR APPLICABLE REVIEW CRITERIA; PROVIDING FOR ISSUANCE, REVOCATION, RENEWAL, AND IMPOSITION OF CONDITIONS; PROVIDING FOR APPEAL PROCEDURES; PROVIDING FOR LICENSE TRANSFER; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-01 by title.

Mayor Minnet opened the meeting for public comments.

George Hunsaker, on behalf of the Planning and Zoning Board said their vote was 3-2. He added that all the Board members were not happy to see this in place but some agreed as long as there were procedures in place.

Commissioner Vincent questioned whether anyone wishing to stay open 24 hours would need to be properly insured, or whether the Town would need to be named as an additional insured. Attorney Trevarthen did not believe there was any reason to get involved. She said this Ordinance only pertained to 24 hours of operation of general businesses and had nothing to do with the hours of service of alcoholic beverages which were governed by Florida Statute and Town Code.

Commissioner Clotley said that when this was discussed previously some residents were concerned about attracting a different type of element that they did not want in the Town. She did not want to see the Ordinance pushed forward without the people knowing what the Commission was talking about again. Vice Mayor Dodd believed the granting of permission should be up to the Commission and should be considered with great care.

Commissioner Sasser believed there was an exclusion list. Attorney Trevarthen stated that page 2 of the Ordinance explained that the restriction would not apply to hotels or fishing piers, shall not apply where provided by state law, and shall not apply where an extended hours license has been granted by the Town Commission.. Commissioner Sasser asked for clarification that, as written, the Commission was aloud to approve or disapprove whether a business could be open later than 2:00 a.m. or earlier than 6:00 a.m. Attorney Trevarthen clarified that it did. Commissioner Sasser inquired of withdrawing approvals once approved. Attorney Trevarthen stated there was language in the Ordinance that allowed for corrective action if needed.

Commissioner Vincent said he had not met 1 restaurant business that was in favor of this ordinance as it was not cost effective. He added that BSO previously brought forward their recommendations and believed they would not recommend it.

Commissioner Vincent was concerned that this would lead to prejudice and/or biased decisions. He was not in favor of this ordinance.

Mayor Minnet said the Commission needed to look at the Ordinance and determine whether it would be best for the Town.

Vice Mayor Dodd made a motion to adopt Ordinance 2010-01. The motion failed for lack of a second.

- b. Ordinance 2010-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING ARTICLE II, "CONTAINERS AND RECEPTACLES" OF CHAPTER 10 "GARBAGE AND REFUSE" OF THE TOWN CODE OF ORDINANCES, IN ORDER TO SPECIFY SERVICE TO MIXED USE PROPERTIES AND TO REVISE SUSPENSION OF SERVICE; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-10 by title.

Commissioner Sasser explained the changes made for mixed use properties allowed them to use a residential rate and a limited amount of bulk. He added that the wording regarding "discontinuation of service" was changed to "suspension of service".

Mayor Minnet opened the meeting for public comments.

Marie Chiarello asked that a fine be placed on buildings and businesses if their garbage was not in their container. She said that this ordinance did not have a fine.

Diane Boutin supported Marie Chiarello. She agreed that garbage should be in containers.

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

Attorney Trevarthen explained there was a general penalty in the Code that applied to any violation of the Code. Director Bowman explained that the violation could be enforced under Chapter 162 of the Florida Statute. He added that repeat violators could be brought before the magistrate who can levy fines on the property owner.

Commissioner Sasser asked whether there was language regarding open containers and overflowing. Attorney Trevarthen confirmed.

Commissioner Vincent asked to add language regarding a time frame for repeat violators. Director Bowman advised that the Commission could set any type of fine structure. Attorney Trevarthen stated that staff provided notice and due process for a hearing. She added that staff did not determine the fines; the Special Magistrate levied

them. Director Bowman believed that the Commission could determine what the first offense should entail and staff can apply the general direction.

Vice Mayor Dodd questioned whether a small mixed use property, charged at the residential rate, qualified them for free recycling. Attorney Trevarthen stated that bulk was addressed. Interim Assistant Town Manager Bentley confirmed that they would receive free recycling.

Commissioner Clotley agreed with public comments. She asked the Commission to keep in mind that there was extra trash during holidays and minor storms when addressing fines. Commissioner Clotley believed that the Commission should be liberal and concentrate on the repeat offenders.

Commissioner Sasser suggested voting on the Ordinance and addresses the other issues separately. Commissioner Vincent wanted Code Enforcement to use their discretion.

Mayor Minnet asked the Town Manager what other communities did to police this. Interim Town Manager Hoffmann said that large cities regularly patrolled their streets with someone assigned from their sanitation department. She added that the Lauderdale-By-The-Sea's Code Enforcement did the same. Interim Town Manager Hoffmann suggested that she and Director Bowman look at how often people have been cited, monitor the situation and report to the Commission in September. Mayor Minnet acknowledged the need for monitoring and believed they should move forward to bring relief to the multi-family residents.

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

- c. Ordinance 2010-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 6-45 "FIRE HYDRANTS", OF THE CODE OF ORDINANCES TO REGULATE THE PLACEMENT OF LANDSCAPING AND SCREENING TO PROVIDE OPEN ACCESS TO FIRE HYDRANTS, STANDPIPE AND AUTOMATIC SPRINKLER SYSTEM CONNECTIONS; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-12 by title.

Director Bowman stated that this ordinance was worked on in 2009 but never made it to agenda. He explained that the Ordinance said that a person could not obstruct, tamper with or operate fire hydrants.

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

Vice Mayor Dodd made a motion to approve Ordinance 2010-12: Commissioner Sasser seconded the motion.

The motion carried 5 - 0.

2. Ordinances 2nd Reading

- a. Ordinance 2010-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE II "TOWN COMMISSION" AND CHAPTER 7 "ELECTIONS" OF THE TOWN CODE OF ORDINANCES, IN ORDER TO ADDRESS CONFLICTS WITH THE TOWN CHARTER AND WITHIN THE CODE REGARDING ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE (Approved 1st reading at the June 22, 2010 Commission meeting)

Attorney Trevarthen read Ordinance 2010-04 by title.

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

Vice Mayor Dodd believed there was no need for lines 61 and 62 under Section 7.4 Manner of Election, as the Charter addressed that. Attorney Trevarthen said she attempted to remove the conflicts. She said section 7.4 as the Charter addressed it and also remove line 59 as it would no longer be needed.

Vice Mayor Dodd made a motion to approve Ordinance 2010-04 removing Section 7.4. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2010-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 2-26 OF THE TOWN CODE OF ORDINANCES REGARDING ETHICS REQUIREMENTS FOR THE MAYOR AND TOWN COMMISSIONERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE (Approved 1st reading at the June 22, 2010 Commission meeting)

Attorney Trevarthen read Ordinance 2010-07 by title.

Mark Brown thanked Commission for approving this ordinance. He believed it would provide good benefits to the Town.

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

Vice Mayor Dodd thanked the Commissioners for their support.

Vice Mayor Dodd made a motion to approve Ordinance 2010-07. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

**11. RESOLUTION - "Public Comments"**

- a. Resolution 2010-16: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES

Attorney Trevarthen read resolution 2010-16 by title.

Director Bowman explained that the items would be reviewed by the Planning and Zoning Board and come back to the Commission for first and second reading.

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

Vice Mayor Dodd made a motion to approve Resolution 2010-16. The final version of the Resolution would reflect date of the August meeting to be determined later in the evening. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

**12. QUASI JUDICIAL PUBLIC HEARINGS**

**13. COMMISSIONER COMMENTS**

Mayor Minnet said that the Commission signed the Code of Conduct and the Ethics Ordinance was adopted. She thanked the residents, the Commission and staff for moving those items forward expeditiously; everyone in the community had worked for them. Mayor Minnet said she had an enjoyable experience on the Pelican Hopper recently and reported it was very clean. She continued to encourage everyone to ride it. While on the Pelican Hopper, Mayor Minnet discovered that for \$3 a person could take the #11 bus to the bus terminal in downtown Ft. Lauderdale and then transfer to the airport. She also met a woman who reached 100 years old. Mayor Minnet encouraged everyone to contact their Commissioner and give their recommendations as far as where they want to see the millage rate.

Commissioner Vincent talked about an article in Nation's Cities Weekly, produced by the National League of Cities, called "City Branding Can Impact Economic Development". He said that the article stated that Towns could use branding as a way to unite the community around a new competitive identity and communicate a fresh approach to the outside world. He added that a brand was something that was created over time as to what the community really was. Commissioner Vincent said that although Lauderdale-By-The-Sea was not a cultural center like Fort Lauderdale, they were a quaint sea side community and close to large cities that offer cultural events. He believed the Town needed to continue to brand themselves as a small beachside

community with many opportunities nearby. Commissioner Vincent stated that should the Commission vote to have a contract with the Chamber of Commerce, he would like to see the Chamber brand the Town with a more welcoming promotion. He challenged everyone, as a Town, to brand themselves as one of the finest little towns in America.

Commissioner Sasser thanked Town staff for bringing him through the budget process. He said the budget would force the Commission to make hard decisions. He said the Commission would need to determine what was important, what had priority and what could be delayed, such as projects. Commissioner Sasser said the Commission needed the right information and answer the right questions before decisions were made on projects. He did not want to piecemeal projects; he wanted to see a plan.

Vice Mayor Dodd said he visited Henley on Thames and reported that they have similar problems with their restrooms. He requested the Commission revive the Sister City Program and would seek Commission support at the next Roundtable. Vice Mayor Dodd reported that the Hillsboro Inlet would have their new work boat in 3 weeks. Vice Mayor Dodd wanted to keep the Millage rate the same as it was last year.

Commissioner Clotey asked people to ride the Pelican Hopper as many people relied on the Pelican Hopper to get around Town. She said that it did not take much longer to take the Pelican Hopper to the airport and it was easier than driving and parking at the terminal. Commissioner Clotey agreed with Mr. Herrmann's idea regarding the Bougainvilla parking lot. She believed more people knew where A1A was. Commissioner Clotey reminded everyone to begin their preparations for hurricane season. Commissioner Clotey said she received a number of calls on whether the Town should have public bathrooms. She said many communities had problems with the restrooms near the beach and residents did not believe the restrooms would be an asset to the businesses in Town. Commissioner Clotey said that the Commission needed to listen to residents.

#### **14. OLD BUSINESS**

##### **a. Public Restrooms (Development Services Director Jeff Bowman)**

Director Bowman said staff was directed to present their PowerPoint to the MPSC (Master Plan Steering Committee) at their next meeting and to obtain their recommendation for a location. He added that the MPSC recommended the El Mar parking lot as the first option and the Bougainvilla parking lot as a second option. Director Bowman stated that staff needed approval for the \$150,000 for the proposed facility and approval of location. Mayor Minnet added that Chief Llerena addressed the security aspect and was included in the backup.

Commissioner Sasser recommended that staff move the \$150,000 in to next year to get a plan together. He wanted to see where the restrooms fell in the Comp Plan revision.

Commissioner Vincent agreed with Commissioner Sasser to move the \$150,000 to relieve some of the pressures regarding the budget. He did not believe it was appropriate at this time to discuss it with the budget. Mayor Minnet said that there were budget appropriations for a visioning process. She agreed that there should be a plan.

Mayor Minnet said there needed to be an overall plan that was within the budget and suggested the Commission discuss it at the July 28, 2010 Workshop with the CIP items. There were no objections. Mayor Minnet thanked staff and the MPSC for their work.

- b. Confirm selection of Commissioner Scot Sasser as Chairperson to the Halloween Committee - Requested at the July 14, 2010 Roundtable by Mayor Roseann Minnet

Commissioner Vincent made a motion to appoint Commissioner Scot Sasser as Chairperson to the Halloween Committee. Commissioner Clotney seconded the motion. The motion carried 5 - 0.

## 15. NEW BUSINESS

- a. Selection of firm to conduct Town's Annual Audit (Interim Town Manager Connie Hoffmann)

Interim Town Manager Hoffmann introduced Acting Finance Director Doug Haag. She said that Director Haag and herself reviewed the 7 responses to the RFP for Professional Auditing Services and 1 proposal was non-responsive for lack of information. Interim Town Manager Hoffmann stated that the other 6 proposals were submitted to the Audit Committee for review. She added that the Audit Committee, through detailed evaluation of the criteria, recommended 3 firms: 1) Grau & Associates, 2) Cherry, Bekaert & Holland, LLP, and 3) Nowlen, Holt & Miner, P.A.

Mayor Minnet granted 3 minutes to each company to give a presentation. She thanked the members of the Audit Committee for doing an incredible job under short notice.

Tony Grau of Grau & Associates said his firm was in the business for over 30 years. He added that they strictly do audit work and nothing else and 90% was related to governmental audits. Mr. Grau said his firm had experience with smaller and larger towns. He added that his fee was fair for the current environment.

Commissioner Sasser said he would recuse himself from the vote on this per the Ethics Ordinance but would like to ask questions. He said he had a personal relationship with one of the firms.

Mike Weinstein with Cherry, Bekaert & Holland, LLP was familiar with Lauderdale-By-The-Sea as he had visited the Town over the past 35 years. He said he had seen a big improvement in the Town. Mr. Weinstein said his firm was the biggest provider of

government auditing services in the Southeast and did over \$11 million in auditing work throughout the State and worked with both small and larger municipalities. He said his company was established in 1947.

Ron Bennet of Nowlen, Holt & Miner, P.A., located in West Palm Beach said they were established in 1961. He added they were a full service firm with approximately 30 employees and provided audit, tax and county services. Mr. Bennet said 80% of his business was governmental audits.

John Oughton said it was not an easy decision for the Audit Committee. Mr. Oughton said that this engagement must take into account some of the past transgressions that the Town had suffered and was important for the Commission to take into consideration during their decision making process.

Vice Mayor Dodd thanked the Audit Committee for their part in the RFP and recommendation. He said the result was another personal victory and thanked the Mayor and Commissioners.

Mayor Minnet said that looking at the ranking process caused her concern with the 35% price component. She recommended looking at all the proposals evenly and consider the recommendations of the Audit Committee. Mayor Minnet was also concerned that the number 1 choice did not give a year after price, leading to negotiations the second year and possibly going out for RFP again next year.

Commissioner Sasser agreed with Mayor Minnet. He believed a multiple year was important. Mayor Minnet asked whether the RFP required multi-year pricing. Interim Town Manager Hoffmann agreed the RFP was not as clear as she thought it was. She said reference checks were done and all 3 received good references. Interim Town Manager Hoffmann said there was some concern that Grau's prices were low but they were low with other cities as well. Attorney Trevarthen stated that 5 out of 7 provided the multi-year pricing and she had advised the Audit Committee to evaluate only on the first year for comparison purposes. She explained that the Commission could choose any of the top 3 recommended by the Audit Committee. Attorney Trevarthen explained further that should the Commission choose not to choose the first ranked firm they would need to explain why. She pointed out that this was a selection only for one year.

Commissioner Sasser asked whether the Commission would have to sign a single year agreement. Attorney Trevarthen said only the first year was looked at and they were ranked on that basis, and confirmed that it would be a 1 year engagement, but with the option to renew. Commissioner Sasser asked for clarification that language to renew could be added under same term and conditions. Attorney Trevarthen explained that the option to renew under the same terms and conditions of the first year would be available and would not lock in a price for second year. Commissioner Sasser asked for clarification that they could renew without going out for RFP but would need to renegotiate the rate. Attorney Trevarthen said it would be addressed in accordance

with the Statute. Commissioner Sasser was disappointed that the Town was placed in that situation.

Vice Mayor Dodd made a motion to approve Grau & Associates Commissioner Clotey seconded the motion. The motion carried 3 - 1. Mayor Minnet voted no. Commissioner Sasser recused.

**b. Necessity of an August Commission meeting (Clerk June White)**

Mayor Minnet stated that there was a need for a meeting in August. She added that the tentative date selected was August 24, 2010 and due to the Primary Elections the date would need to be changed.

The Commission agreed to set August 25, 2010 for the Budget Workshop at 5:00 PM and the Regular Commission meeting at 7:00 p.m. Mayor Minnet stated that the public could speak at the budget workshop meeting. Interim Town Manager Connie Hoffmann advised that there were over 30 applicants for Town Manager position and would send them to the Commission and any new ones that come in. Mayor Minnet wanted to add the Town Manager to the Budget Workshop. There were no objections.

Commissioner Clotey asked whether the Commission could individually go through the applications and put aside those that did not meet the requirements in order to shorten the list to those that met the qualifications. Mayor Minnet suggested a ranking process. Attorney Trevarthen said that the Commission previously decided they would cut collectively. She believed that Town staff could create a checklist. Attorney Trevarthen recommended that the Commission come to meeting with their recommendations rather than doing them one by one.

Mayor Minnet recommended that Town staff work with the Town Attorney to create a checklist. Commissioner Clotey stated that the only 2 variables that should be on the check list; 1) experience and 2) education as was set forth in the Town Charter.

Vice Mayor Dodd asked how an evaluation would be made for someone with 10 years experience in the field and a degree that was close but not in the required field, as opposed to someone with 4 years experience and a degree in the required field. He believed some applicants may be unfairly excluded. Commissioner Clotey said that issue was raised before and suggested amending the Charter at that time. Attorney Trevarthen stated that that was why she suggested the Commission bring all the applicants to next meeting as there were roles to interpretation.

**c. Meeting Schedule of one Roundtable and one Regular Commission meeting per month (Commissioner Scot Sasser)**

Commissioner Sasser stated that Attorney Weiss had given the idea of a 1 regular meeting and 1 roundtable meeting per month. He believed that the Commission needed to set a date to convert to only 1 Commission meeting and 1 Roundtable

meeting per month to avoid having 2 Commission meetings and 2 Roundtable meeting endlessly. Commissioner Sasser believed the Commission needed to direct the Town Attorney to do code amendment that would allow the Commission to do at least 1 meeting per month.

Attorney Trevarthen confirmed that it was Section 2.16 of Town Code and stated that the procedure Resolution would also require amending. Mayor Minnet wanted to implement it as soon as possible and asked whether the Ordinance could be placed on the August 25, 2010 Commission meeting agenda for 1<sup>st</sup> reading. Attorney Trevarthen said it could. Mayor Minnet said that, historically, the Commission took the month of August off. She asked whether a code provision could be added to have the flexibility to take a month off or to say there would be no meetings during the month of August. Attorney Trevarthen believed it was already addressed in the procedures resolution that it could be cancelled. She said she would address it.

## **16. TOWN MANAGER REPORT**

Interim Town Manager Hoffmann reported on a recent beach front drowning. She said that BSO and the VFD responded in a highly professional manner. Interim Town Manager Hoffmann stated that the Town's contributions to the Florida Retirement System was a State requirement even though her contract said she was not entitled to receive it. Mayor Minnet asked whether that could be negotiated with the State. Interim Town Manager Hoffmann said the State was very strict on those agreements but would inquire.

Interim Town Manager Hoffmann stated that the project list was updated and was aware that some items were not listed. She hoped to go through the action items during the August recess to obtain any Commission direction given to the former Town Manager regarding projects, such as the bocci court. Interim Town Manager Hoffmann advised that a report regarding the Sea Ranch Condominium sewer bills would be available later in the week. She added that more research was needed and would be addressed over the course of August.

Commissioner Clotey asked whether those who lived in the north end of Town, with the exception of the Sea Ranch Condominiums were going to be paying the current rate. Manager Hoffmann explained that everyone north of Gatehouse received City of Pompano Beach water and sewer service and were billed directly by the City of Pompano Beach. She added that the City of Ft. Lauderdale provided water and sewer service to certain areas in Town. Manager Hoffmann advised that the Town owned the sewers south of Pine Avenue and the people in that area were charged the Town sewer rates, which were different. Mayor Minnet believed all the information should be obtained first.

Commissioner Sasser stated that it would be an emotional issue and the Commission needed all the information before a decision was made. He stated that he wanted to add the Districts item for the 2012 Elections back on the list as he did not want to forget and

miss the date. Attorney Trevarthen recommended that when the item was placed back on the list, some thought should be given to a preparation period to hire an outside consultant and it should be listed with a time line. Mayor Minnet suggested leaving items on the list even though they were not to be addressed at a later date. She suggested adding the necessary dates next to the item. Mayor Minnet recommended the items stay on the list unless they were actually done. There was no objection.

Vice Mayor Dodd stated that the Sea Lord drainage issue and the Seagrape issue were marked not to come back to the Commission. He requested an update when they were resolved. Manager Hoffmann advised that although the items did not have to come back to the Commission, they remained on the report until complete and the Commission would get a report on the final resolution.

**17. TOWN ATTORNEY REPORT**

Attorney Trevarthen stated that the Notice of Intent was correct with the September 14, 2010 date. Interim Town Manager Hoffmann inquired as to whether the Ordinances could be considered at the August 25, 2010 Commission meeting. Attorney Trevarthen stated that only a motion would be required.

Vice Mayor Dodd made a motion to reconsider. Commissioner Sasser seconded the motion. Attorney Trevarthen asked that that motion be to reconsider to change the date of the August 24, 2010 Commission meeting date and set as August 25, 2010 for the Regular Commission meeting date. Vice Mayor Dodd made a motion to change the date to August 25, 2010. Commissioner Sasser seconded the motion. The motion carried 5-0.

**18. ADJOURNMENT**

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:10 p.m.

**19. FUTURE REGULAR COMMISSION AGENDA ITEMS**

\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

\_\_\_\_\_  
Town Clerk, June White

\_\_\_\_\_  
Date

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sasser Scott Wayne</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lauderdale-By-The-Sea Commission</i>
MAILING ADDRESS <i>4501 Ocean Blvd</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Lauderdale-By-The-Sea</i> COUNTY <i>Broward</i>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <i>7/28/10</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

### ELECTED OFFICERS:

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

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

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

### APPOINTED OFFICERS:

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

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

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

**APPOINTED OFFICERS (continued)**

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

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

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

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Scott Sasser, hereby disclose that on July 28, 2010:

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

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Michael Weinstein (Affiliate);
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

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

Due to stronger ethical criteria passed the same night I felt compelled to recuse myself from this vote, Mike Weinstein has been an "affiliate" of mine through coaching my son in baseball and was the lead representative of one of the bidding firms.

8/3/10  
Date Filed

Scott Sasser  
Signature

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