

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, September 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. Vice Mayor Stuart Dodd, Commissioner Birute Clottey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Attorney Susan L. Trevarthen, Interim Town Manager Connie Hoffman, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Mayor Minnet asked for a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

There were no additions, deletions or deferrals.

5. PRESENTATIONS

6. PUBLIC COMMENTS

Tom Carr questioned whether the property taxes from the annexation were going toward improvements and whether the revenues from the north end of Town would now go into the General Fund. Mr. Carr asked the Commission to explain the salary amount in the Town Manager contract along with the number of sick days.

There were no more speakers.

7. PUBLIC SAFETY DISCUSSION

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

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

b. VFD Fire Monthly Report - August 2010 (Chief Steve Paine)

Vice Mayor Dodd said he hoped to see more of a reduction on medical calls next month. He inquired of fire drills in the condominiums. Chief Paine said it would take approximately one to three months to get a process in place and he would try to hold the fire drills every six (6) months to a year. He added that the condominium managers could contact the VFD to set it up. Mayor Minnet requested that it be placed on Channel 78.

Commissioner Clotey asked for an explanation regarding a cap on the VFD membership. Chief Paine explained it was due to the general insurance costs and supplies. Commissioner Clotey asked for an explanation of current training. Chief Paine said that over the course of the next couple of months the VFD would be touring hi-rise condominiums to become familiar with the buildings and how their fire alarms work. He added that they would also go to flashover training, apparatus training and officer training. Commissioner Clotey requested Chief Paine keep people informed about the type of training the VFD received.

Commissioner Vincent asked Chief Paine to elaborate on previous concerns regarding beach patrol. Chief Paine explained that the concern was that the VFD provided a service that some of the residents were uncomfortable with. He stated that the VFD were not lifeguards. He added, however, that the members were being certified as lifeguards and should complete all certification by November. Chief Paine said there would be two (2) American Red Cross Certified Lifeguards on each beach buggy. Commissioner Vincent wanted to clarify that lifesaving personnel was not being offered on the beach, but that Chief Paine believed it was important to have them certified in that area. Chief Paine said it was a first response service. Commissioner Vincent requested future updates on the beach patrol and the number of certified VFD members.

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

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

Chief Liddle stated that AMR would like to set a date for some time in November for the Emergency Services Review Committee which was created in order to discuss random 911 reports without violating the HIPPA regulations. Chief Liddle said that the Commission elected a representative to attend last year and asked whether the Commission would like to continue the process. Mayor Minnet stated that Vice Mayor Dodd and Commissioner Clotey previously served on the Committee.

Vice Mayor Dodd stated the Emergency Services Review Committee meeting was professional and worthwhile. He recommended that a Commissioner, who had not yet gone, should attend. Commissioner Clotey and Mayor Minnet agreed.

Commissioner Sasser made a motion to appoint Commissioner Vincent as the representative to the Emergency Services Review Committee. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

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

8. APPROVAL OF MINUTES

a. September 13, 2010 Special Public Hearing Minutes

Commissioner Vincent made a motion to approve September 13, 2010 Special Public Hearing Minutes. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

b. September 14, 2010 Regular Commission Meeting Minutes

Town Clerk White pointed out that two (2) corrections were made; on page 8, in the 5th paragraph the words "town code" were changed to "ordinance", and on page 11, in the second to last paragraph the spelling of Dr. Goreau was corrected.

Vice Mayor Dodd stated that the minutes were a lot more accurate and thanked Town staff for an excellent job.

Vice Mayor Dodd made a motion to approve September 14, 2010 Regular Commission Meeting Minutes with changes. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

9. CONSENT AGENDA

Mayor Minnet pulled items 9a and 9c for discussion.

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

a. Tennis Contract Renewal (Town Clerk June White)

Interim Town Manager Hoffmann advised that the contract was not finalized until Friday afternoon. She requested that the Commission approve the contract pending Town Attorney review.

Commissioner Clotey added that the contract provided that Mr. Petra would be paid for 4 free programs. She asked what those programs were.

Interim Town Manager Hoffmann explained that the Commission had previously requested that there be some free programs for children. She explained that this contract provided that Mr. Petra provide 4 free clinics for children in which he would be paid by the Town. Commissioner Clottey asked whether this was a one-time deal. Interim Town Manager Hoffmann said it was.

Commissioner Sasser stated that there were no requirements in the agreement for Town resident participation or with the children's program. He asked whether that should be a consideration since the Town was paying for the free clinics and whether it should be for Town residents only, or open to anyone. Interim Town Manager Hoffmann said it could be a condition of participation in the free clinics. She added that the other programs that required a fee would be open to anyone, although she suggested that Mr. Petra be asked to give preference to Town residents as the programs became full. Commissioner Sasser agreed.

Commissioner Sasser made a motion to approve subject to Town Attorney review and to clarify free clinics were for children of Town residents or children related to Town residents. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- b. Renewal of auto, property, liability and workers compensation insurance coverages with the Florida Municipal Insurance Trust (FMIT) (Acting Finance Director Doug Haag)

This item was approved on consent.

- c. Renewal of employee group insurances for health, dental, vision, life and short term disability with Florida Municipal Insurance Trust, Union Security Insurance, Vision Care Inc., Reliance Standard, and The Hartford (Acting Finance Director Doug Haag)

Interim Town Manager Hoffmann revised the item title to include health insurance only. She said staff was still looking at the vision, dental, life, and short term disability insurance as feedback from the broker indicated that costs could be reduced. Interim Town Manager Hoffmann said the health insurance coverage expired September 30, 2010 and there was not enough time to hire a broker to solicit bids.

Acting Finance Director Haag said that the rates went up due to a high loss ratio of 110%. He added that the Florida League of Cities verbally agreed to a 45 day cancellation option, but would not put that in writing. Acting Finance Director Haag said the increase amounted to 17%, approximately \$39,000. Mayor Minnet asked whether the increase was because the Town had claims. Acting Finance Director Haag said it was.

Vice Mayor Dodd stated that the Town staff was committed to doing a review regarding employee performance and health insurance costs. He thanked the Interim Town

Manager for her commitment in that area.

Commissioner Sasser asked whether the Town was in a pool with the Florida League of Cities or whether the loss ratio was just the Town's. Acting Finance Director said the loss ratio was the Town's.

Mayor Minnet stated that the consent agenda item was for the renewal of employee group health insurance with Florida Municipal Insurance Trust only.

Commissioner Sasser inquired as to whether the Commission wanted to add that the Town Manager go out for a broker and go back for the 45 day discontinuation. Interim Town Manager Hoffmann stated that was her intent.

Vice Mayor Dodd made a motion to approve renewal of employee group health insurance only with Florida Municipal Insurance Trust. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

d. Budget Amendment - Town Attorney Office (Acting Finance Director Doug Haag)

This item was approved on consent.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

- a) Ordinance 2010-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT; HOUSING ELEMENT; TRANSPORTATION ELEMENT; CONSERVATION ELEMENT; CAPITAL IMPROVEMENTS ELEMENT; INTER-GOVERNMENTAL COORDINATION ELEMENT; ADOPTING THE PUBLIC SCHOOL FACILITIES ELEMENT; AND AMENDING LAND USE IMPLEMENTATION; ACCORDING TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-06 by title. She said this was the transmittal of the Comprehensive Plan Amendment and, under state agency due process, the second reading of the Ordinance probably would not occur until the spring. Attorney Trevarthen stated that a sign in sheet would be available if members of the public wanted to be updated on the status or progress of the plan amendment.

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

Vice Mayor Dodd made a motion to adopt Ordinance 2010-06 on first reading. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- b) Ordinance 2010-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA, AMENDING CHAPTER 10 "GARBAGE AND REFUSE", ARTICLE III "SOLID WASTE", DIVISION 1 "GENERALLY" BY ADDING SECTION 10-46 ENTITLED "DEBRIS COLLECTION ON PRIVATE ROADWAYS DURING AN EMERGENCY", PROVIDING FOR DEBRIS REMOVAL ON PRIVATE COMMUNITY STREETS IN EMERGENCIES FOR PUBLIC SAFETY PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2010-14 by title.

Mayor Minnet explained that the Ordinance was being changed in order to be eligible for FEMA reimbursement.

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

Commissioner Sasser asked whether the Town Manager was the only person that could call a Town emergency. Attorney Trevarthen stated that the Charter contained a provision that the Mayor, by proclamation, could declare a Town emergency if there was no other option. Commissioner Sasser asked whether the Ordinance should be changed since it stated that only the Town Manager could call a Town emergency. Attorney Trevarthen said she would evaluate that against the Charter prior to second reading.

Vice Mayor Dodd inquired as to whether agreed prices for other services for cleanup had been obtained. Interim Assistant Town Manager Bentley said the Town had established contractors for monitoring purposes and for debris removal. He added they were very specific in order for the Town to get reimbursed. Vice Mayor Dodd asked whether the price per yard was the same as the negotiated amount with Choice Environmental. Interim Assistant Town Manager Bentley said he would verify and get back to the Commission.

Commissioner Vincent asked that if the Governor called a State of Emergency did the Town also have to declare a State of Emergency, and would the Town be eligible for FEMA reimbursement if the Town declared an emergency and the Governor did not. Town Manager Hoffmann explained that only the Governor could declare a State of Emergency in order for FEMA to kick in. Attorney Trevarthen believed the Town would also have to declare the emergency.

Commissioner Vincent made a motion to adopt Ordinance 2010-14 on first reading. Vice Mayor Dodd seconded the motion. The motion carried 5 - 0.

2. Ordinances 2nd Reading

There were no Ordinances for second reading.

11. RESOLUTION - "Public Comments"

- a. Resolution 2010-23: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE TOWN AND BROWARD COUNTY SCHOOL BOARD, BROWARD COUNTY, AND NON-EXEMPT MUNICIPALITIES CONCERNING PUBLIC SCHOOL FACILITIES; PROVIDING FOR IMPLEMENTATION, CONFLICTS AND AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-23 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 stated that under the recommendation of the Town Attorney, and to protect the Town, he was required to approve this Resolution. He believed the Town was getting an inferior deal and it was beyond the Commissions' powers.

Commissioner Clotey made a motion to adopt Resolution 2010-23. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

- b. Resolution 2010-31: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING AN EMPLOYMENT AGREEMENT FOR CONSTANCE HOFFMANN AS TOWN MANAGER; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Trevarthen read Resolution 2010-31 by title. She explained that the provision for sick leave was left blank in the Resolution and with the addition of the accrued sick at 14.2 hours, the agreement was complete.

Mayor Minnet opened the meeting for public comments.

Diane Boutin complimented the Commission on their work regarding the Town Manager and congratulated Town Manager Hoffmann.

Bill Vitollo said that a few months made a big difference in Town. He welcomed Town Manager Hoffmann.

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

Mayor Minnet thanked the Commission for appointing her as the liaison. She said she worked closely with Interim Town Manager Hoffmann and the Town Attorney to pull the contract together.

Vice Mayor Dodd believed the Town Manager contract was fair. He also believed that the dais learned from their mistakes.

Commissioner Clotey believed that Interim Town Manager Hoffmann did a wonderful job and commended her on her negotiating skills. Commissioner Clotey inquired as to why the Commission was offering Interim Town Manager Hoffmann a 3 year contract which tied the hands of the next Commission, instead of a 2 year contract, and 9 weeks of paid leave during hard economic times.

Mayor Minnet stated that what she meant as far as not tying the hands of future Commissions was in regards to severance. She added that there was no car or cell phone allowance in the newly created contract. Mayor Minnet said it was not just about a dollar figure. She said the City of Deerfield Beach had a higher salary and offered more benefits. Mayor Minnet stated that Interim Town Manager Hoffmann brought a level of expertise which was absent for a long time.

Vice Mayor Dodd stated that there was no sick leave payout. He clarified that Interim Town Manager Hoffmann started with 10 vacation days and accrued time from there. Vice Mayor Dodd said they limited how much could be carried forward. He added that the starting salary was less than that of the previous Town Manager.

Commissioner Sasser stated that he considered what Interim Town Manager Hoffmann was worth and what the job was worth. He believed that Interim Town Manager Hoffmann was worth a lot more than she was offered. He said Interim Town Manager Hoffmann was getting a significant decrease in her contract as she agreed to a 3 month severance, no paid sick time upon termination, and vacation accrual was capped. Commissioner Sasser stated that future evaluations of the Town Manager would mean something as the Commission was able to reduce the Town Manager's salary based on performance reviews. He believed Interim Town Manager Hoffmann was very fair on this compared to what she was worth.

Commissioner Vincent pointed out that the Commission could terminate the Town Manager at any time and they were not bound by a one (1) year severance; the current contract agreed to a 3 month severance.

Commissioner Clotey said she would vote for the Town Manager Contract as she believed Interim Town Manager Hoffmann did a wonderful job. She believed it was her responsibility to point out certain flaws within the contract and noted a clause in the contract that required four (4) votes from the Commission, rather than the usual majority vote, before a certain action could take place in regards to the Town Manager.

Mayor Minnet said she was proud of the contract. She explained she did not want the residents, or future Commissions to feel their hands were tied in regards to severance.

Vice Mayor Dodd made a motion to adopt Resolution 2010-31. Commissioner Sasser seconded the motion. The motion carried 5 - 0.

Town Manager Constance Hoffmann thanked everyone for their kind comments and said she would do everything in her power to live up to them. She added that she was honored to be the Town Manager for Lauderdale-By-The-Sea, and expressed her love for the Town.

c. Resolution 2010-32: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING PARKING FEES EFFECTIVE OCTOBER 1, 2010 AND PROVIDING FOR AUTOMATIC ANNUAL INCREASES FOR CERTAIN PARKING RATES

Attorney Trevarthen read Resolution 2010-32 by title.

Mayor Minnet opened the meeting for public comments.

Bill Vitollo believed that a \$50 resident parking permit was fair.

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

Mayor Minnet reviewed the changes that were made to the parking permits. She stated that the resident and beach permits were combined and noted the annual increase in the price structure: 1) residential/beach parking permits increased from \$21 to \$50 and pro-rated down to \$30 after July 1, 2011; 2) hardship parking permits increased from \$100 to \$125 (25% increase); and 3) employee parking permits increased from \$120 to \$150 and the employee monthly rates increased from \$10 to \$12.50 (25% increase). She added that hourly meter rates in the Bougainvillea (A1A) parking lot were also increased from \$.50 to \$1.00.

Vice Mayor Dodd said he always wanted the resident permit priced at \$50. Commissioner Clotey inquired as to why the meters at El Mar Drive were not increased along with the others. Interim Assistant Town Manager Bentley explained the parking study will address what the rate should be town wide. He said that staff recommended that any rate increase, especially the El Mar Drive parking lot, be tied to an improved parking experience, specifically a multi space meter.

Commissioner Clotey believed that beach permits were supposed to be only for people west of A1A. She asked that when beach parking and resident parking permits were combined, would the permits say beach and resident parking and how would someone be able to park at the beach. Interim Assistant Town Manager Bentley said that in his research he did not come across any information relating to that restriction.

Commissioner Clotley asked that he go back and look at the minutes as it was a major concern. Town Manager Hoffmann believed that the direction of the Commission during Roundtable was to do away with beach permits. She added that with a resident permit, beach parking would be on a first come, first served basis and the beach parking spots would be re-lettered to say resident parking only. Mayor Minnet agreed that the 15 spots were not used very often. She stated that it would be tracked. Interim Assistant Town Manager Bentley said that staff would monitor it, do a count and bring it back to the Commission.

Commissioner Vincent thought that the idea of moving the handicap spots from El Prado, east so that the handicapped did not have to cross El Mar Drive, and that going permanent only at the beach was wonderful. He asked whether there were any handicap spaces east of El Mar Drive prior to the change. Interim Assistant Town Manager Bentley said that there were currently four (4) handicap spaces in the El Prado parking lot; two (2) on the north side and two (2) on the south side.

Vice Mayor Dodd did not see the relevance of whether someone was east or west of A1A as beach and resident parking permits were being combined into one permit, a resident permit.

Commissioner Sasser suggested a senior discount on a resident pass, so that seniors 65 years of age and over would pay \$40 rather than \$50. Commissioner Clotley stated that it was her responsibility to point things out that was told to her by the residents. She added that if the Commission wanted to ignore that, then that was fine.

Mayor Minnet inquired as to whether staff needed to increase the hardship and the employee parking permits to the recommended amount.

Interim Assistant Town Manager Bentley said they should keep the employee parking rates somewhat current. He said they currently pay about \$0.06 an hour and most employers pay for their employee's parking permits. Interim Assistant Town Manager Bentley said that staff recommended the permits be increased over time. He added that the 2005 parking study recommended raising the cost of hardship permits to \$350; staff wanted to raise it slowly.

Vice Mayor Dodd made a motion to adopt Resolution 2010-32 with staff's recommendation of a 25% increase for hardship and employee parking permits, and \$50 for beach/resident parking permits, except with the inclusion of a senior discount for those 65 years of age and over (\$40) and to incorporate beach permits with resident permits. Commissioner Vincent seconded the motion. The motion carried 5 - 0.

12. QUASI JUDICIAL PUBLIC HEARINGS

- a. Mitigation of Recorded Liens - 1624 SE 21 Ave / Bel-Air Ave (Development Services Director Jeff Bowman)**

Interim Assistant Town Manager Bentley said that staff looked at whether the liens were a life safety violation, whether a financial institution inherited the property, or they were an owner created issue. He added that in this case, the financial institution looked to mitigate the liens.

Attorney Trevarthen asked whether the applicant was present. Interim Assistant Town Manager Bentley said she was. Attorney Trevarthen announced the case numbers, noted the fine amounts owed and the requested reduced amounts. Attorney Trevarthen swore in those wishing to speak.

Attorney Trevarthen explained that the Commission were to consider the nature and gravity of the violation, any actions taken by the respondent to correct the violation, the length of time between the ordered compliance date and the date the violation was brought into compliance, actual costs expended to cure the violation, and any other prior or current violations once the respondent had taken it over.

Code Enforcement Officer Kim Williams gave a brief history regarding the processes taken. She explained that after the violations were issued, a re-inspection occurred. Officer Williams said the property was not brought into compliance and a notice of hearing was sent certified mail. She added that at that time the Magistrate decided on a compliance date with a daily fine to begin on that date, if not brought into compliance. Officer Williams said the properties were not brought into compliance and was then scheduled for a Certification of Lien hearing, which was approved and recorded with Broward County Records. She said the fines stopped on the dates that they were brought into compliance. Officer Williams stated that Sue King, authorized agent for Wells Fargo Bank requested a 90% reduction of fines.

Commissioner Clotey inquired as to how many times this issue returned to the Commission. Officer Williams said letters were brought before the Commission twice and were rejected.

Commissioner Vincent asked whether only a percentage of a damaged fence could be repaired. Officer Williams stated that Broward County would allow them to repair those sections of fence, if that section of fence did not require a permit, such as the post that was set in the ground. Officer Williams added that the entire fence was replaced.

There were no further questions for Officer Williams.

Attorney Trevarthen recognized the respondent, Sue Williams, authorized agent for Wells Fargo Bank.

Ms. King explained that Wells Fargo Bank put almost \$30,000 in repairs to complete an unfinished kitchen and the installation of Air Conditioning. She stated that she wrote letters that she believed the council received.

Attorney Trevarthen stated that the letters referenced by Ms. King would need to be disclosed if the Commission received the letters.

Mayor Minnet said she did receive a letter and did not respond. She added that Realtor Hank Overton also called regarding the issue and she told him it would need to go before the Commission for a vote.

Commissioner Clotey said she also received an email to which she responded that it would go before the Commission. She added that other than that, she had no contact with the respondent.

Commissioner Vincent said he had no contact.

Vice Mayor Dodd said he received the information and contacted them and advised them that they should hang on until it was brought before the Commission. He added that no statements were made as to what the outcome might be.

Commissioner Vincent asked whether Ms. King believed the bank did everything in their power to comply. Ms. King said she did. Commissioner Vincent asked whether the house was purchased with the intent to flip it. Ms. King said she was only aware of a quick claim deed.

Attorney Trevarthen advised that evidence and testimony had been received and presentation was made by the respondent. She stated that if there were no further questions regarding evidence, that part of the hearing could be closed.

Mr. Vitollo said there was a house similar to this one, on Spanish River Drive. He added that the neighbors did the upkeep and the banks kept the residents with the inconvenience of dealing with the properties.

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

Mayor Minnet recessed the meeting at 8:50 p.m. and reconvened at 9:00 p.m.

Attorney Trevarthen stated that during the break it came to her attention that the respondent wanted to add another piece of information to the record.

Mayor Minnet reopened the hearing.

Ms. King said the lis pendens was filed on August 24, 2007 and both of the Town's liens were filled during the gap period, October 11, 2007 and November 1, 2007. She explained that both properties came into compliance before the bank took Certificate of Title.

Commissioner Vincent asked whether the bank was aware of the safety violation in 2008. Ms. King did not believe they were until they did a title search. She said it came to her desk December 2008.

Vice Mayor Dodd inquired as to whether Ms. King was experienced in the mitigation of liens before a Commission and what the normal reduction was. Ms. King said she was and the reduction was usually dropped down to 10% of the fine.

Commissioner Clotey asked how Ms. King was paid. Ms. King said she was paid \$500 to review the file and be the liaison between the listing agent and the municipality and if she had to appear at a hearing, she was paid an additional \$250.

There was no more testimony. Mayor Minnet closed the Quasi-Judicial Hearing.

Commissioner Vincent made a motion to approve the mitigation of the recorded liens at 1624 SE 21 Avenue to reduce Case # 07-02-00216 to \$8,000 and Case #07-02-00280 to \$10,000. Vice Mayor Dodd seconded the motion for discussion.

Vice Mayor Dodd asked whether they could put this money toward a worthwhile cause, such as an ATV for the fire department, or new equipment for the senior/community center, or for upgrades to the pavilion and would they be allowed to provide recognition to the bank.

Attorney Trevarthen stated that the money was in relation to code fines and would be proper for staff to address the budgeting.

Acting Finance Director Haag said that if the Commission directed staff to designate the funds in some manner they could do it. Town Manager Hoffman said it would have to be recorded as an income for fines and forfeiture and could make an appropriation on the expenditure side in that same amount for a particular item.

Vice Mayor Dodd requested that it be placed on Roundtable for discussion.

Vice Mayor Dodd seconded the motion. Commissioner Vincent preferred that the motion include the exact amount. Mayor Minnet re-stated the motion with payment being 80% of \$40,600 or \$8,120 on Exhibit 1, Case 3 07-02-00216 and 80% of \$59,050 or \$11,810 on Exhibit 2, Case #07-02-00280. Commissioner Vincent clarified that the reduction amount was 80% of the amount owed. The motion carried 5-0.

Attorney Trevarthen stated that the fine reduction was 80% of the final amount to be paid within 30 days or the amount would be restored to full amount.

Mayor Minnet recognized Chief Llerena in relation to the BSO report.

Vice Mayor Dodd inquired of BSO's Deputy of the month. Chief Llerena stated that Deputies Jerardo Arteaga and Louis Kattou were the Deputies of the Month for August, 2010. He said they caught a criminal that had extensive safe cracking history.

13. COMMISSIONER COMMENTS

Commissioner Clotey believed it was good news for everyone that there was no increase in the millage rate. She welcomed Constance Hoffmann as the permanent Town Manager. Commissioner Clotey was sad to hear discussions were going on between attorneys regarding the reef project. She hoped that all concerns would work out quickly.

Commissioner Vincent was pleased with the results regarding the budget and was satisfied that the millage rate remained at 3.9990%. He thanked Acting Finance Director Haag for his professionalism and ability to get through the budget; looked forward to having Interim Assistant Town Manager Bentley work with the Town over the next few years; and believed the Commission made the right decision hiring Town Manager Hoffmann.

Vice Mayor Dodd stated that the Hillsboro Inlet Commission passed their budget at the same amount as last year's. He added that the two (2) new workboats were performing well and the Commission agreed to dispose the original workboat. Vice Mayor Dodd stated that it was a pleasure working on the dais as there was harmony, shorter meetings and fewer public comments. He added there was an overall level of professionalism throughout Town Hall. He stated that employee benefits would be reviewed by the Town Manager this coming year, to which recommendations would be made after consulting with staff and surveying other municipalities. He added that interest rates, the purchasing manual, employment agreements, employee salaries, and parking issues would be looked into.

Commissioner Sasser thanked Mayor Minnet for her hard work in negotiating the Town Manager's contract. He also thanked Town Manager Hoffmann for her partnership, patience and professionalism and for keeping the millage rate at the current rate at a time when revenues were down nearly \$2.7 million. Commissioner Sasser stated a clear and concise plan and teamwork was needed in order to go forward. He believed it started with revisions to the Master Plan which he would add to October 26, 2010 Roundtable meeting.

Mayor Minnet stated that she worked hard and negotiated the Town Manager contract to make sure all issues were addressed. She thanked the Town Attorney for her recommendation to pass the contract on to the other Commissioners for their review and input prior to voting on the contract. Mayor Minnet officially welcomed Town Manager Constance Hoffmann. She thanked everyone who participated in the budget and everyone that spoke publicly on the budget. Mayor Minnet said she would look at the sewer rates and next year's budget. She thanked everyone for attending the FDOT meeting and the Master Plan Steering Committee for their work on the project. Mayor Minnet believed the reef project was a positive program for the community and stated that Dr. Goreau wanted to make the project work as much as the Commission did.

14. OLD BUSINESS

15. NEW BUSINESS

a. Parking Code to be Reviewed by Planning and Zoning Board (Commissioner Scot Sasser)

Commissioner Sasser believed that some of the parking codes may be argumentative and / or may need to be more relaxed. He wanted the Commission to give direction to Town staff to send a message to the Planning and Zoning Board that the Commission would like for them to review the parking code to advise whether any changes may be necessary in order help the businesses.

Town Manager Hoffmann noted that the Commission hired Walter Keller for recommendations as to how to address parking in the downtown area. She requested Commission direction. Town Manager Hoffmann said that normally staff would bring it to Roundtable discussion. She believed that staff was running into issues with the Boards where the Board members felt that they were being asked to rubber stamp what the Commission already reviewed. Town Manager Hoffmann asked whether staff should obtain input from the Boards prior to the Commission providing direction. Mayor Minnet wanted to see this placed on a Roundtable. Vice Mayor Dodd believed it went against the new procedure that the Commission agreed to where one of the subcommittee members had the opportunity to put items on the main agenda through the Commissioner that elected that member. He said he was in favor of this going to the Planning and Zoning Board and had no problem discussing it at a Roundtable meeting. Vice Mayor Dodd cautioned that if it was to go before the Planning and Zoning Board, staff would need to provide backup as to how many businesses already paid for existing parking spaces in order to comply with current code.

Commissioner Sasser agreed to a Roundtable discussion. Mayor Minnet believed it was important as it would be part of the proposed parking study RFP.

Interim Assistant Town Manager Bentley clarified that the parking regulations for private businesses were discussed at a previous Roundtable meeting. He explained that at that time the Commission gave the task to Walter Keller to study that specific issue. Interim Assistant Town Manager Bentley explained further that the RFP presented at the last meeting was referred to as the parking operational study that dealt with the way staff operated with the parking system. He said that Mr. Keller's element on the parking study should be received later this week.

Commissioner Clotey asked whether 101 Ocean was one of the businesses that paid a significant amount for parking spaces. Interim Assistant Town Manager Bentley stated that 101 Ocean, Aruba and Benihanna did. Commissioner Clotey inquired of the amount of revenue the Town received from those businesses. Mayor Minnet asked

that that information be presented at the Roundtable meeting. Interim Assistant Town Manager Bentley agreed.

The Commission directed staff to put this item on the October 26, 2010 Roundtable. Commissioner Sasser stated that if for some reason this was delayed, he still wanted it to go before the Planning and Zoning Board for review. Mayor Minnet agreed.

b. Appointment of Alternate Board Member to the Planning and Zoning Board (to be appointed by Vice Mayor Dodd) (Town Clerk June White)

Vice Mayor Dodd requested that notice be placed on Channel 78 and in Town Topics that there was a vacancy on the Planning and Zoning Board and to invite applicants. Town Manager Hoffmann said it would be done.

c. Commission approval of ten (10) hardship permit applicants (Town Clerk June White)

Deputy Clerk Smith explained that the hardship permits were issued to tenants of certain properties on an annual basis. She stated that there were restrictions and provisions that came along with the hardship permits, one of which was overnight parking.

Vice Mayor Dodd made a motion to approve the hardship permits.

Mayor Minnet believed this needed to go back to staff for additional information.

Town Manager Hoffmann explained that overnight parking was not allowed under the Code. She asked whether the Commission wanted to amend the Code. Interim Assistant Town Manager Bentley stated that Wings would also need overnight parking. Mayor Minnet asked whether hardship parking permits would be addressed in the RFP. Interim Assistant Town Manager Bentley said it would. Mayor Minnet recommended that staff get the RFP out there and obtain recommendations regarding hardship permits. She added that in the meantime, the Commission needed to approve the ten (10) hardship parking permit applications.

Vice Mayor Dodd believed the parking study dealt more with rates but if the Code needed to be amended regarding overnight parking then that would have to be addressed. He asked whether any of the applicants requested overnight parking. Deputy Clerk Smith stated that complaints were received throughout the year as new tenants moved in.

Vice Mayor Dodd suggested deferring the overnight parking issues to Roundtable for discussion. Attorney Trevarthen stated that the Town Code regarding hardship permits did not state that overnight parking was prohibited. She said that overnight parking was prohibited for resident parking and beach parking. Interim Assistant Town Manager

Bentley said he would consult further with the Town Attorney and report to the Commission.

Vice Mayor Dodd made a motion to approve hardship permits.

Commissioner Sasser stated that the Commission should be careful as they throw many different things into an RFP. He asked that staff make a list of all the parking issues and make sure they are addressed by the Commission. Commissioner Sasser seconded the motion. The motion carried 5-0.

d. Increase in Solid Waste Collection Fees effective October 1, 2010 (Interim Assistant Town Manager Bud Bentley)

Interim Assistant Town Manager Bentley stated that Broward County increased the disposal fees by \$.70 per ton. He explained further that there was an \$.08 increase applied to the disposal fees and there was a \$.02 increase applied to the annual CPI, increasing the current single family cart monthly rate of \$17.92 to \$18.02.

Commissioner Sasser explained that Choice Environmental calculation was based on the whole of the rates in error, rather than splitting them by seven (7) basis points on the disposal rate and three (3) basis points on the collection. He explained that Choice Environmental was going to increase those rates 1% on the overall rate and thanks to Interim Assistant Town Manager Bentley, those rates were lowered to the correct calculation of 1/2% for residential and a little lower than 1/2% for commercial. He thanked Interim Assistant Town Manager Bentley.

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

Commissioner Sasser believed that Choice Environmental sent notices out relating to a 1% increase. He asked that Choice Environmental be contacted and requested to send another letter noting the correct amount of the increase. Interim Assistant Town Manager Bentley suggested that Choice Environmental put something in their next statement instead. The Commission agreed.

16. TOWN MANAGER REPORT

Town Manager Hoffmann wanted to clarify that when the parking fees were raised from \$.50 per hour to \$1.00 per hour for Bougainvillea Drive, the intent was to include Poinciana Street.

Commissioner Sasser inquired of the error with the current payroll budget and accounting for the error this year rather than last year. He asked whether the audit firm should have caught this and whether they should have some liability for not catching the error.

Manager Hoffmann stated that she and the Town Attorney would take a look at the auditor's contract and return to the Commission. Commissioner Sasser agreed. Mayor Minnet stated it would be on the next Town Manager report.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen stated that she received questions regarding upcoming election issues for November 2010. She explained that a Statute was enacted last year that stripped cities and counties of their right to campaign and use public funds to campaign on behalf of, or against any particular item and therefore, public funds could not be used to encourage voters to vote one way or another.

Mayor Minnet asked whether the Commission could give their own opinions regarding amendments.

Attorney Trevarthen explained that the Statute related to the use of public funds and not the first amendment rights of public officials.

Vice Mayor Dodd believed that as a public official they were allowed to explain the facts and not their opinion. Attorney Trevarthen explained further that if it involved the use of public funds, they could not take a position, but as an individual talking to another individual and without using public funds, they had the first amendment right to do that.

18. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:55 p.m.

19. FUTURE REGULAR COMMISSION AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White, CMC

Date