TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4501 Ocean Drive

Tuesday, December 1, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clottey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Deputy Clerk Nekisha Smith.

Vice Mayor Jerry McIntee was excused.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi David Mark gave the Invocation.

4. PRESENTATIONS

5. PUBLIC COMMENTS

Cristi Furth explained the definition of hypocrisy and compared it to the previous Commission.

Barbara Cole believed hypocrisy worked both ways.

Mike San Miguel announced that the Lauderdale-By-The-Sea Alliance Club was collecting items to send to the troops.

Vito Chiarello believed a similar ordinance regarding the referendum on height limits was needed.

Chris Vincent believed the Commission should not change the Charter with a referendum as only a clarification of the language on height limits was necessary.

Louis Marchelos requested that the Town Manager set up a VFD volunteer registry without a political agenda.

Louis Albano believed everyone had their own opinion.

Spiro Marchelos believed in a "green" Town for the future.

Lawrence Wick stated it was 10 months since the Town requested information from Mr. Arthur regarding Greenfest and therefore, Mr. Arthur owed the Town $150,000.

Bob Fleishman did not support Commissioner Silverstone for re-election.

Scott Sasser did not believe it was the right time to promote the proposed Ordinances for referendum.

Marie Malkoon said she was not happy with the way things were going in the Town.

Edmund Malkoon requested that the Town Engineer work with the Homeowners Association regarding the locations for the street signs.

Diane Boutin thanked the Commission for attempting to modernize the Town within the current guidelines.

Bob Carley was upset that the Christmas Tree was outsourced when the VFD had always done it.

Frank Herman was against Ordinance 2009-32.

John Mark said he had a petition that requested the Town assist in the installation of a security arm and additional signage on the east side of Imperial Lane.

There were no other speakers.

6. REPORTS

a. Finance and Budget Monthly Report - October 2009 (Manager Colon)

Commissioner Silverstone made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

b. Development Services Monthly Report - October 2009 (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

c. Municipal Services Monthly Report - October 2009 (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

d. BSO Police Monthly Report - October 2009 (Chief Llerena)

Commissioner Silverstone stated that the overall year end figures regarding crime decreased over the past two years and thanked Chief Llerena for making that happen.

Commissioner Silverstone made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

e. AMR EMS Monthly Report - October 2009 (Operations Manager Liddle)

Commissioner Dodd advised that the level of service from AMR was highly professional with outstanding response times and thanked them.

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

9. APPROVAL OF MINUTES

There were no changes, additions or deletions to the Minutes.

Commissioner Clottey made a motion to approve the minutes of October 13, 2009, October 20, 2009, October 27, 2009 and November 9, 2009. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

a. October 13, 2009 Regular Meeting Minutes

b. October 20, 2009 continuation of the October 13, 2009 Regular Meeting Minutes

c. October 27, 2009 Regular Meeting Minutes

d. November 9, 2009 Beautification Workshop Minutes

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2009-32: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO SECTION 3.4 OF THE TOWN CHARTER PENDING THE RESULTS OF A REFERENDUM ELECTION REGARDING CONDUCT AND ETHICS REQUIREMENTS FOR THE MAYOR AND TOWN COMMISSIONERS; CALLING A REFERENDUM ELECTION ON THE PROPOSED AMENDMENT TO THE TOWN CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2010; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-32 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole urged the Commission to reconsider the Ordinance and not pass it. She believed further discussion was necessary in the future as the way the Ordinance was written no one could do business in the Town.

Mark Brown believed an ethics Ordinance was necessary as 2 Commissioners were affiliated with a vendor of the Town and voted on issues related to that vendor. He believed the Ordinance was not written correctly and urged the Commission not to vote in favor of it.

Scott Sasser did not believe the Ordinance was written correctly and needed further discussion.

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

Commissioner Silverstone stated that he did not work for the VFD; he was an officer of the VFD. He also stated that he was not in favor of this Ordinance as a referendum.

Commissioner Dodd stated that his request was that any Commissioner or Mayor could not vote on any issues relating to a company that had a contract with the Town. He said he would vote against the Ordinance.

Commissioner Clottey believed the change in tradition should start with the people. She was disappointed that the referendum that everyone criticized and wanted was not put together and was placed in the hands of the Commission.

Mayor Minnet stated that the way the Ordinance was written was not the way it was intended it to be. She believed further discussion on ethics was necessary.

Commissioner Clottey made a motion to adopt Ordinance 2009-32 on 1st reading. Commissioner Dodd seconded the motion.

The motion failed 1 - 3. Mayor Minnet, Commissioner Silverstone and Commissioner Dodd voted no.

b. Ordinance 2009-33: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO SECTION 7.1 OF THE TOWN CHARTER PENDING THE RESULTS OF A REFERENDUM ELECTION PROVIDING FOR A MAXIMUM BUILDING HEIGHT OF FORTY-FOUR (44) FEET FOR ALL BUILDINGS WITHIN THE TOWN LOCATED NORTH OF PINE AVENUE; PROVIDING FOR A MAXIMUM BUILDING HEIGHT OF THIRTY-THREE (33) FEET FOR ALL BUILDINGS LOCATED SOUTH OF PINE AVENUE; PROVIDING FOR A MODIFICATION IN THE CALCULATION USED TO DETERMINE MAXIMUM BUILDING HEIGHT; FURTHER PROVIDING FOR CLARIFICATION ON THE RESTRICTIONS ON THE CREATION OF NEW ZONING CATEGORIES AND AMENDMENTS TO RESIDENTIAL ZONING DISTRICT REGULATIONS; CALLING A REFERENDUM ELECTION ON THE PROPOSED AMENDMENT TO THE TOWN CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2010; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-33 by title.

Mayor Minnet opened the meeting for public comments.

Scott Sasser was against the Ordinance as written and believed it should be placed on hold until the current litigation was completed.

Diane Boutin was not in favor of the Ordinance as written.

Cristi Furth did not want to go forward with the referendum.

Mark Brown was against another referendum to lower height limits that may bring forth future lawsuits.

Barbara Cole was against the Ordinance.

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

Commissioner Silverstone maintained that the height limitations needed to be clarified so people could understand.

Commissioner Dodd stated that the problem facing the Town was to limit development on El Mar Drive. He was against lowering the height limit to 33 feet.

Commissioner Clottey stated that the main goal of the referendum was that the dais could not overturn the long term development plans devised by the people previously.

Mayor Minnet questioned the meaning of the referendum in March 20, 2006 and whether it was written correctly and inserted into the Charter at that time. Attorney James White explained that in 2006 it was codified into the Charter except for the provision referenced in this Ordinance. Mayor Minnet believed clarification could be made by Ordinance and not through another referendum. She believed the public should be more involved.

Commissioner Clottey believed people had the right to vote.

Commissioner Clottey made a motion to defer Ordinance 2009-33 to the December 8, 2009 Commission meeting. Attorney Trevarthen reminded the Commission that the deadline to get the Ordinance to the Supervisor of Elections was January 11, 2010 and a 2nd reading of the Ordinance would be required before that time.

Commissioner Silverstone seconded the motion. The motion failed 2 - 2. Mayor Minnet voted no. Commissioner Dodd voted no.

Commissioner Dodd made a motion to adopt Ordinance 2009-33 on 1st reading. Commissioner Clottey seconded the motion. The motion failed 2 - 2. Commissioner Dodd and Commissioner Clottey voted no.

Commissioners Clottey and Dodd changed their vote to yes. Mayor Minnet changed her vote to no. Attorney Trevarthen stated that it was the consensus of the Commission that the final vote was 2-2. The motion failed.

Mayor Minnet recessed the meeting at 9:05 p.m. and reconvened at 9:15 p.m.

c. Ordinance 2009-34: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO SECTION 7.1 OF THE TOWN CHARTER PENDING THE RESULTS OF A REFERENDUM ELECTION PROVIDING FOR A MAXIMUM BUILDING HEIGHT OF FORTY-FOUR (44) FEET FOR ALL BUILDINGS WITHIN THE TOWN LOCATED NORTH OF PINE AVENUE; PROVIDING FOR A MAXIMUM BUILDING HEIGHT OF THIRTY-THREE (33) FEET FOR BUILDINGS LOCATED SOUTH OF PINE AVENUE IN SPECIFIED AREAS; PROVIDING FOR A MODIFICATION IN THE CALCULATION USED TO DETERMINE MAXIMUM BUILDING HEIGHT; FURTHER PROVIDING FOR CLARIFICATION ON THE RESTRICTIONS ON

THE CREATION OF NEW ZONING CATEGORIES AND AMENDMENTS TO RESIDENTIAL ZONING DISTRICT REGULATIONS; CALLING A REFERENDUM ELECTION ON THE PROPOSED AMENDMENT TO THE TOWN CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2010; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE PROPOSED CHARTER AMENDMENT; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-34 by title.

Mayor Minnet opened the meeting for public comment.

Edmund Malkoon urged the Commission not to go forward with the Ordinance.

Barbara Cole concurred with Mr. Malkoon.

Rosalie Malkoon believed the height limits should be the same throughout Town.

Vito Chiarello did not favor a 44 foot height limit.

Diane Boutin believed it was not the time to rush into the Ordinance.

Cristi Furth believed the people should decide where 44 foot height limitations should be implemented.

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

Commissioner Dodd made a motion to adopt Ordinance 2009-34 on 1st reading. Commissioner Silverstone seconded the motion. The motion failed 1 - 3. Mayor Minnet, Commissioner Dodd and Commissioner Clottey voted no.

Mayor Minnet noted that during the break representatives for the Census 2010 asked to be moved forward on the agenda. She granted the request and pulled item 13a, Resolution 2009-30 for discussion.

13a. Resolution 2009-30: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AFFIRMING SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS

Attorney Trevarthen read Resolution 2009-30 by title.

Tameka Pottinger stated the Census was easy, important and safe and encouraged everyone to complete the questionnaire.

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 Silverstone questioned how it would be acknowledged as to whether he was a Canadian and did not live here year round. Ms. Pottinger said that although the questionnaire did not request origin, it was important to fill it out.

Mayor Minnet said it was important to get the correct count as grant funding was determined by population and many people residing here used the services.

Commissioner Silverstone made a motion to adopt Resolution 2009-30. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

2. Ordinances 2nd Reading

a. Ordinance 2009-29: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-6 "PLANNING AND ZONING BOARD" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2009-29 by title.

Mayor Minnet opened Ordinance 2009-29 for public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Silverstone made a motion to adopt Ordinance 2009-29. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

b. Ordinance 2009-30: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE DEFINITON OF "TOWNHOUSE DWELLING" IN SECTION 30-20; AMENDING THE DEFINITION OF "VACATION RENTAL" IN SECTION 30-155, AMENDING REFERENCES TO VACTION RENTALS AS AN ACCESSORY USE IN THE RS-4, RS-5, RD-10, RM-25 AND RM-50 ZONING DISTRICTS, AND AMENDING SECTION 30-327 "VACATION RENTALS," ALL WITHIN CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2009-30 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole requested permission to ask a question of the Town Attorney. Mayor Minnet denied the request.

Rosalie Malkoon requested that limitations be placed on the number of vehicles allowed to be parked.

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

Commissioner Silverstone advised Mrs. Malkoon to report the parking issue to Code Enforcement.

Commissioner Silverstone made a motion to adopt Ordinance 2009-30. Commissioner Clottey asked that the Commission consider a friendly amendment to change 7 days to 30 days. Commissioner Silverstone did not accept the friendly amendment. He added that he would propose a change should he have something more concrete in order to avoid a lawsuit. Commissioner Dodd believed there were enough teeth in the Ordinance to enforce it and proposed the Ordinance go forward at 7 days. Commissioner Dodd seconded the motion. The motion carried 3 - 1. Commissioner Clottey voted no.

c. Ordinance 2009-31: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 17, ARTICLE I SECTION 17-9 ENTITLED "OBSTRUCTING PARKS, STREETS, OR OTHER PUBLIC PROPERTY; PERMISSION REQUIRED, "BY ADDING CRITERIA, PROCEDURES AND OTHER REQUIREMENTS FOR APPROVAL OF ENCROACHMENTS ONTO PUBLIC PROPERTY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE

Attorney Trevarthen read Ordinance 2009-31 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole was concerned that decisions were to be made by the Town Manager.

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

Commissioner Dodd wanted to delete the last sentence at the end of line 71 through line 73 regarding the Town Managers approval and/or decisions regarding appeals and responsibilities.

Commissioner Dodd made a motion to adopt Ordinance 2009-31 as amended. Commissioner Silverstone asked for clarification. Commissioner Dodd explained that the ultimate authority for an appeal should rest with the Town Commission and not on

an error of law as there might be other errors. Commissioner Silverstone seconded the motion. The motion carried 3 - 1. Commissioner Clottey voted no.

11. COMMISSIONER COMMENTS

Mayor Minnet thanked everyone for their cooperation in moving the meeting forward. Mayor Minnet reminded the residents that the Commission had to look at things differently in order to consider the good of the community. She asked that the people come to her with their issues as often as possible. Mayor Minnet wished everyone a good Holiday. She apologized to the residents for her behavior at the last meeting. Mayor Minnet thought that Greenfest would have brought the community together and it did not. She was in touch with Mr. Arthur who had not complied with Commission's request and would continue to do her best to get the information. Mayor Minnet reminded everyone of the Property Owner's Association Holiday Party in Jarvis Hall on Thursday, December 3, 2009 at 6:30 p.m. and that there was a scheduled Roundtable for Monday, December 7, 2009 at 5:30 followed by the continuation of the November 10, 2009 Commission meeting.

Commissioner Clottey announced that the donations of toys for underprivileged children were being accepted at Town Hall, the VFD, and various restaurants in Town until December 18, 2009. Commissioner Clottey announced that this Election was the last time the Town would have Elections in Districts. Commissioner Clottey was upset that she was called names and singled out for certain things. She stated that while she was away on holiday her car had been vandalized.

Commissioner Silverstone stated that he responded to public comments to give resolution to the misconceptions that were put forth. He stated that if anyone had a debatable issue they should send him an email and he would move forward with the issue.

Commissioner Dodd challenged the Citizen's Initiative Committee to bring forward any evidence where he had deviated from his stance on issues before or after his election and volunteered his attendance at any of their meetings to respond to questions. He said he continued to support a 44 foot height limit. Commissioner Dodd asked Town staff to look into moving the Dead End sign on Imperial Lane one house to the left so that at the end of Thomas Way the sign could be seen. Commissioner Dodd said he was informed by Choice that everyone could use their existing containers. He suggested the Town Manager contact Choice to get a tentative agreement.

Manager Colon stated that the Town Attorney did a draft agreement with the suggested language and it was distributed to each Commissioner and to Choice approximately 2 weeks ago. She said one Commissioner did not want to put it on the agenda. Mayor Minnet requested that it be put on the agenda for January.

12. CONSENT AGENDA

Mayor Minnet pulled each item on the Consent agenda for discussion.

a. Town Commission Approval of Special Event application for LBTS Chamber of Commerce Taste of the Beach 2010, Wednesday, 24 February 2010 (Assistant Town Manager)

Paul Novak believed everything was the same as last year.

Commissioner Silverstone made a motion to approve. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

b. Town Commission Approval of Special Event Application for New Year's Eve Celebration #1, Village Grille and 101 Ocean, Thursday, 31 December 2009, 4:30 PM till 2:00 AM (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock explained that the Town Commission must consider the items in the Town Manager's memo. Mayor Minnet asked whether port-a-potties were required in the past. Mr. Gadsby said they were not and did not feel they were necessary as he had 9 restrooms.

Commissioner Silverstone inquired of a modification to the site plan. Mr. Gadsby thought it would be more beneficial to keep south bound El Mar Drive open and use the existing site plans for the Friday and Saturday evening events. Commissioner Silverstone asked whether other business owners had any issues with the change. Louis Marchelos from Athena By The Sea said he did not.

Mayor Minnet stated that the parking would be reconsidered.

Commissioner Clottey stated that Choice said they would cover 12 Town events and wondered whether the Town could help out in this event. Mayor Minnet stated that since Mr. Gadsby had sufficient restrooms the Commission could reconsider that item and not require them. Mr. Gadsby stated that either way it would be alright with him.

Commissioner Silverstone made a motion to approve the application with the modified site plan, meter adjustment, and release from the port-a-potty requirement. Commissioner Dodd recommended a friendly amendment to suspend parking regulations for the event, give Parking Enforcement staff the evening off, and waive the fees for the meters that would be suspended with a request that the Village Grille use that money to advertise the event. Mayor Minnet clarified that the applicant had 20 meters that he would pay approximately $190 to the Town and that would be the fee to be waived. Commissioner Dodd agreed. Mr. Gadsby had no issues and agreed to promote the event. Commissioner Silverstone accepted the friendly amendment. Commissioner Dodd seconded the amended motion. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

c. Town Commission Approval of Special Event Application for New Year's Eve Celebration #2, Athena By The Sea, Thursday, 31 December 2009, 4:30 PM till

2:00 AM (Assistant Town Manager Olinzock)

Mayor Minnet asked Louis Marchelos if he agreed to the requirements for 2 deputies and the requirement for port-a-potties. Mr. Marchelos agreed. Mayor Minnet inquired as to whether he would accept the same offer that was given to the Village Grille. Mr. Marchelos accepted.

Manager Colon stated that Choice provided port-a-potties to Town sponsored events and not for private events.

Commissioner Dodd made a motion to approve the application as amended to include suspension of parking regulations, waive metered parking fees, and use the money to promote the event. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

13. RESOLUTION - "Public Comments"

a. Resolution 2009-30: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AFFIRMING SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS

This item was moved forward and considered earlier in the evening.

b. Resolution 2009-31: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CALLING A SPECIAL ELECTION PROVIDING FOR A STRAW BALLOT CONCERNING POTENTIAL TOWN EXPENDITURES TO PROVIDE LIFEGUARDS AT TOWN BEACHES; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR TIMES AND PLACES OF BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Trevarthen read Resolution 2009-31 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole was not in favor of the Resolution. She believed it needed further discussion with public participation.

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

Commissioner Clottey believed the Resolution / referendum needed more work. She did not believe the residents wanted to place lifeguards on private property.

Commissioner Silverstone thought it was too vague and the cost factors were not there.

Commissioner Dodd made a motion to adopt Resolution 2009-31. The motion died for lack of a second.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

a. Discussion and/or action on the Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet) This item was deferred at the March 11, 2009 Commission meeting by Commissioner Clottey

Commissioner Clottey pulled the item.

b. Discussion and/or action: Placement of Bel-Air Sign (James Barton, Town Engineer)

Commissioner Dodd asked whether a new location had been found for the sign and believed that the Chairman of the Bel Air Association should be involved.

Town Engineer James Barton stated that they had not found a new location and would meet with the residents and explain the reason for the placement choice.

Manager Colon stated that there was a change order in the amount of $3,000 and the City of Pompano gave approval. She added that should the residents not approve the placement that the City of Pompano Beach approved, there would be additional expenses.

Edmund Malkoon asked whether the sign could be placed closer to A1A. Mr. Barton said he would look into it.

Commissioner Dodd made a motion to defer to December 8, 2009. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

Commissioner Silverstone made a motion to extend the meeting to 11:30 p.m.

c. Commission Approval of ratification of Bel Air Street names (Assistant Town Manger Olinzock)

16. NEW BUSINESS

a. Commission Approval of one (1) Hardship Permit Application: (Clerk White) * Driftwood Beach Club

Commissioner Dodd made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

b. Commission Approval of one (1) Hardship Permit Application: (Clerk White)
* Parkhill Apartments

Commissioner Dodd made a motion to approve Town staff's recommendation for 5 spaces. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

c. Discussion and/or action by Town Commission regarding Appointment of a Local Complete Count Committee for the Purpose of Building Awareness of the 2010 Census (Assistant Town Manager)

Commissioner Silverstone made a motion to defer to December 8, 2009. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

Mayor Minnet encouraged everyone interested in becoming a volunteer as a Committee member to come forward.

d. Discussion and/or action regarding drafting a resolution opposing Broward County's proposal to charge for Toxicological Services (Vice Mayor McIntee)

Commissioner Dodd made a motion to defer to December 8, 2009. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

e. Discussion and/or action: Protocol at Town sponsored events (Mayor Minnet)

Mayor Minnet stated that there was discussion not to bring politics into Town sponsored events. She believed that if there were signs and/or banners brought into the events it should be available for everyone to keep an even slate.

Commissioner Dodd believed the organizations deserved the recognition but that the Town's sign should be double the size.

Mayor Minnet said she only wanted participation to be fair across the board.

Commissioner Clottey believed it should be left to the organizations and suggested that when they apply for their permit to also include signage details. Mayor Minnet and Commissioner Silverstone agreed.

17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:06 p.m.

19. FUTURE AGENDA ITEMS

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White

Town Clerk, June White

1-19-10

Date