

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Monday, November 10, 2008

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:00 p.m. Mayor Minnet, Vice Mayor McIntee, Commissioner Silverstone, Commissioner Dodd, and Commissioner Clotney were present. Also present were Town Attorney Daniel L. Abbott, Town Manager Esther Colon, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION -

Reverend Hunsaker honored fellow Veterans prior to the Invocation.

Mayor Minnet pulled New Business item 15f as it was a duplicate of New Business item 15c. Commissioner Silverstone wanted to amend the agenda to add 2 items under New Business: Approval to amend the Chamber of Commerce special event application for Christmas By The Sea as item 15N and discussion regarding letter requesting an ISO rating as 15o.

Attorney Abbott requested the Commission consider a request for continuance for Quasi Judicial Item 13a, Coral Key Ocean Club. Commissioner Clotney made a motion to table Quasi Judicial Item 13a to November 25, 2008. Commissioner Dodd seconded the motion. All voted in favor, 5-0.

4. PRESENTATIONS

a. Video on escaping rip tide (Commissioner Clotney)

Commissioner Clotney requested permission to show a video regarding rip currents on Channel 78. A short presentation of the Video was presented. Manager Colon advised that the video was currently on the Web cast and on Channel 78.

5. REPORTS

a. Report on Terra Mar Bridge (Mayor Minnet)

Mayor Minnet stated that the Florida Department of Transportation issued a report with a 68.3 rating for the Terra Mar Bridge. She inquired of staff as to when it would be best to repair the bridge when it was not in need of so many repairs or wait until it completely deteriorated. She added that \$125,000 was budgeted and wondered whether that amount would be enough.

Assistant Town Manager Olinzock said that the Town of Lauderdale-By-The-Sea would be entering into a joint participation agreement with the City of Pompano Beach. He said that would be a cost benefit to the Town of Lauderdale-By-The-Sea as the bridge was owned jointly. Assistant Manager Olinzock stated that the City Engineer indicated on his report dated March 27, 2007 that there had been no further deterioration from the April 2005 report.

Manager Colon said that money was not budgeted and because this was an expensive project it would have to go out for RFPs.

Commissioner Silverstone said that in summary the structure of the bridge was sound, but the cosmetics such as the railings and sidewalks were in need of repair. He wanted the public to know that the bridge was safe.

Vice Mayor McIntee felt that funds should be put aside for the future repair. He pointed out that the City of Pompano Beach owned half the bridge and the Town of Lauderdale-By-The-Sea should work closely with them and follow their lead.

Commissioner Dodd made a motion to question the 3 public services under reports at each commission meeting.

Commissioner Clotey seconded the motion but believed it should begin at the meeting of November 25, 2008 and not the current meeting. Commissioner Silverstone believed that those who would be questioned should know in advance what would be discussed so that they could come prepared.

Manager Colon requested clarity on how to add that item onto the agenda. She said detailed reports were presented at the second meeting of every month. Commissioner Dodd simply wanted to ask questions such as when the surveillance cameras would be installed. Commissioner Dodd changed his motion to allow the Commission to ask questions of the 3 public services at each meeting. Vice Mayor McIntee requested the addition of allowing a minimum of 24 hours to prepare for questions. Commissioner Dodd reinstated his motion to allow the

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Commission the opportunity to ask questions of the 3 public services with a 24 hour notice as to what the questions would be. Commissioner Clotney seconded the motion. All voted in favor, 5-0.

6. TOWN MANAGER REPORT

Manager Colon reported the Notice to Proceed on the Commercial Boulevard Pavilion project had been received and appropriate letters had been mailed. Manager Colon reported that once responses are received from the two Associations involved the Town Entryway Project will begin. She reported that the Reef Habitat Project was currently pending approval from 4 regulatory agencies. Manager Colon added that the Bus Shelter Project, Beach Re-nourishment Project and the A1A Project would not begin in the 2008-2009 fiscal year. She explained that because they were grants, there were funding issues.

7. APPROVAL OF MINUTES

a. October 14, 2008 Regular Minutes

There were no additions, deletions or corrections to the minutes of October 14, 2008.

Commissioner Silverstone made a motion to approve the minutes of October 14, 2008. All voted in favor, 5-0. Commissioner Clotney seconded the motion.

b. October 20, 2008 (continued from October 14, 2008) Regular Minutes

There were no additions, deletions or corrections to the minutes of October 20, 2008.

Commissioner Silverstone made a motion to approve the minutes of October 20, 2008. Commissioner Clotney seconded the motion. All voted in favor, 5-0.

c. October 28, 2008 Regular Minutes

Lawrence Wick stated that in the Public Comment section of the minutes it was stated that he thought there should be a 10% increase to the restaurants. He said that was incorrect as he was not in favor of a 10% increase.

Commissioner Silverstone made a motion to make the change. Commissioner Clotney seconded the motion. Mayor Minnet stated that staff would have to review that section of the minutes.

Vice Mayor McIntee made a motion to table to the November 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion. All voted in favor, 5-0.

8. PUBLIC COMMENTS

Miko Angeles stated that the firefighters may not get paid but they are as competent, capable and professional as paid firefighters.

Rudolph Augustave thanked the Commission for allowing him to serve the community and hoped the Commission would allow him to continue to serve the community as their firefighter.

Christopher Ferier grew up in Lauderdale-By-The-Sea and wanted to make an impact on the community as did other firefighters in the community. He said it was an honor to serve the community.

Kenneth Johnson showed the training manuals used by the State for training every firefighter, whether they are volunteers or paid. He said the Volunteer Firefighters responded to calls all hours of the night.

Bob Karley was proud of the young firefighters and what they did for the Town. He hoped to see less negativity and unite the Town. Mr. Karley said the negatives would always be there but the Volunteer Fire Department would stand stronger.

Jonathan Michailiuk wished to understand why the Town could not come together, put aside the negativity and let the Town be the Town he remembered when he was a kid.

Paul Novak, president of the Chamber of Commerce indicated that the Town gave the Chamber of Commerce \$7,000 for the Christmas by the Sea event. He recently received a letter that the Town was not going to pay to put up the tree or allow alcohol. Mr. Novak said that in that case, the Chamber would not do the event and put themselves in the hole for \$7,000.

Louis Marchelos recently became aware of no alcohol on the street. He hoped the Commission would change the permit to allow liquor to be sold.

Mark Mitchell appreciated the willingness and efforts of the Volunteer Fire Department to help people. He believed there should be a Volunteer Fire Department and a full time / part time blend to assure safety within the community. Mr. Mitchell felt that out of appreciation for our public servants proper equipment should be provided. He added that equipment should be up to date and available, and training should be accomplished with fit and capable personnel. Mr. Mitchell pointed out that the greatness of this Country and

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this community was that people were free and able to serve and could wear several hats.

Bill Vitollo agreed the Volunteer Fire Department was good and needed more training. He felt there should be a trained swimmer for beach rescue. Mr. Vitollo believed an oversight committee was a good thing.

Maureen McIntee addressed the recommendation of Commissioner Dodd for 4 people to be on the Oversight Committee. She said she recognized one of those members laugh and clap his hands every time the Volunteer Fire Department was attacked. She added that the Futures paper was pro developers, pro BSO.

Mark Conn said any Town would give their right arm and leg to have a Volunteer Fire Department like the one that the Town of Lauderdale-By-The-Sea had. He said the Volunteer Fire Department had received letters using the Volunteer Fire Department as a bench mark.

Austin Collins, explorer at the Volunteer Fire Department stated that the firefighters wanted to serve the Town.

Cristi Furth thanked everyone for making the Halloween event a success.

Vito Chiarello received information on the Terra Mar Bridge. He said Terra Mar Bridge was 11th worst in Broward County but was not falling down and asked the Commission to check on the bridge.

Marie Chiarello had a report from 2003 and 2007 that referred to damage increase on Terra Mar Bridge. She agreed the bridge was not falling down but had some safety issues.

Frank Herrmann said he is not the type to suck up but tonight was his turn to thank the Town Manager for a job well done. He liked the idea of the rip current video on channel 78.

Lawrence Wick said safety and health was the most important thing. He felt items 15a, 15b, and 15j should be tabled for 6 months or until the Insurance Service Office provided a rating. Mr. Wick felt the town wide parking workshop was a lovely item to have. He stated that item 13c, Seaward apartments was approved 5-0 by the Planning and Zoning Board. Mr. Wick announced the meeting between Planning and Zoning Board and Master Plan Steering Committee regarding building heights and overlay district was scheduled for November 18, 2008 at 6:30 p.m.

9. ORDINANCES

a. Ordinances 1st Reading - "Public Comments"

1. Ordinance 2008-17: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE TOWN CHARTER TO REQUIRE THE TOWN TO CONTRACT WITH LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC., FOR THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE TOWN; REQUIRING REFERENDUM APPROVAL OR / FOUR-FIFTHS VOTE OF THE TOWN COMMISSION FOR ANY ENTITY OTHER THAN LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC. TO PROVIDE PRIMARY FIRE PROTECTION SERVICES IN THE TOWN; PROVIDING FOR CONFLICTS WITH OTHER PROVISIONS OF THE TOWN CHARTER; CALLING FOR A REFERENDUM ELECTION; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (FOR FIRST READING) (TABLED AT THE JULY 22, 2008 COMMISSION MEETING BY COMMISSIONER DODD)

Attorney Abbott explained a provision had been added to the Ordinance that allowed the Town to get fire protection service from other sources other than the Volunteer Fire Department by a 4/5 vote of the Town Commission.

Vice Mayor McIntee made a motion to table Ordinance 2008-17 for 6 months. Commissioner Dodd seconded the motion. All voted in favor, 5-0.

b. Ordinances 2nd Reading - "PUBLIC HEARING"

10. COMMISSIONER COMMENTS

Vice Mayor McIntee thought the Volunteer Fire Department was doing a great job. He said the Volunteer Fire Department was getting burned out with all the negativity. Vice Mayor McIntee pointed out that the Volunteer Fire Department had 112 calls in one month and responded to all of them. He said ISO was the ultimate independent outside oversight as they looked at everything. Vice Mayor McIntee said that American Medical Response (AMR) was an outstanding ambulance service.

Mayor Minnet stated that no one was attacking the Volunteer Fire Department. She said questions were being asked that should be asked. Mayor Minnet visited the reclaim facilities in Pompano and West Palm Beach as a representative from the Broward Water Academy. She asked the people to reach out and look at ways they could help the community. Mayor Minnet believed the Commission must move on to get the Town what they need. Mayor Minnet clarified that she wrote her letter to the Insurance Service Office (ISO) on Town letterhead requesting the evaluation begin on the Volunteer Fire Department. She stated that since ISO was the best oversight, why wait? She was happy to see the volunteer firefighters and thanked them for coming to the meeting.

Commissioner Clotney said that when parking was free the revenues go down. She thanked everyone for their work on the Halloween event and the Chamber event. Commissioner Clotney thanked Mr. Mitchell for saving a life and said he was a hero. Commissioner Clotney looked at figures for hiring lifeguards on the beach. She said the people would have to pay about \$40 per \$100.000 in taxes for lifeguards. Commissioner Clotney believed it was unfair to criticize the Volunteer Fire Department as they were not lifeguards. She hoped the Volunteer Fire Department would not go down with all the criticism and hoped the Town would not throw the baby out with the bath water but rather give them a chance.

Commissioner Silverstone stated that the way a question was asked made a difference in its intent and referred to Item 15a which indicated negative intent. Commissioner Silverstone stated that the Halloween Event cost under \$4,000. He wanted everyone to know that he did not intend to brush the bridge issue off as a cosmetic problem; he wanted everyone to work together for the betterment of the Town.

Commissioner Dodd stated that he wanted the Volunteer Fire Department to be the best in Florida. He read a letter by Manager Colon that said she did not have the authority to get involved in the allegations. Commissioner Dodd believed she did. Commissioner Dodd explained the PPC rating as: 40% water supply, 26% equipment, 15% personal, 10% alarm dispatch, and 9% training. He said there were consulting companies that would come in to help the Town receive a higher PPC rating as it affected insurance rates. He added that the purpose of an oversight committee was to help the Volunteer Fire Department reach its full potential. Commissioner Dodd explained that members of the oversight committee should be town residents equipped with radios and should report directly to the Town Commission. He added that they would be the eyes and ears of the Commission and to make sure the Volunteer Fire Department's SOP was being enforced. Commissioner Dodd thanked everyone who attended the workshop for their concerns and suggestions. Commissioner Dodd believed the bags should be removed from the meters and residents pay an annual \$25 permit fee to park anywhere in Town. He felt the existing resident spaces should get metered and the 2 parking lots should have day rates with a separate rate for business employees.

11. CONSENT AGENDA

Mayor Minnet pulled item 11b from the consent agenda for discussion. Commissioner Silverstone made a motion to approve items 11a and 11c on consent. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- a. Commission approval of Hardship Parking Permits: (Clerk White)**

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- b.** Request workshop concerning Lifeguards on beach (Commissioner Clottey)

Commissioner Clottey made a motion to hold a workshop on December 16, 2008 at 6:00 P.M. to discuss the need for lifeguards. Vice Mayor McIntee seconded the motion. In a roll call vote, all voted in favor 5-0.

- c.** Ratification of the Digital Payment Tech Agreement (Manager Colon)

12. RESOLUTION - "Public Comments"

- a.** Resolution 2008-30: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE BROWARD COUNTY COMMISSION TO PROVIDE LIFEGUARD SERVICES ON BEACHES LOCATED IN THE TOWN (Mayor Minnet - Requested at the October 28, 2008 Commission meeting)

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

Vice Mayor McIntee made a motion to approve Resolution 2008-30 and send to the Broward County Commission. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

13. QUASI JUDICIAL PUBLIC HEARINGS

- a.** An appeal by Coral Key Ocean Club (Half Ventures Ocean Development of Florida) pertaining to letter received by Development Services July 14, 2008 regarding interpretation of Town Code Section 30-123 (g). Property: 4601 El Mar Drive, Coral Key Ocean Club - Appeared before BOA on October 15, 2008 (Assistant Town Manager Olinzock) Request to Table by Applicant

Tabled earlier in the evening to the November 25, 2008 Commission meeting.

- b.** An application submitted by Art Signs Company, the property owner representative of Wings at 4405 Ocean Dr. requesting a zoning variance regarding signs. The applicant is requesting exception to the Towns Zoning Code, Chapter 30 to erect two (2) non-conforming signs - Appeared before BOA on October 15, 2008 (Assistant Town Manager Olinzock)

Attorney Abbott swore in those wishing to Testify.

Steve Brandt, Architect, requested a variance for a sign on the southeast corner of Commercial Boulevard and A1A and another sign on the west

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side. Mr. Brandt requested approval to place the sign on the west side of the building and to make the letters larger than code allowed.

Commissioner Silverstone asked for a rendering of the proposed sign. Diane Cravit provided a drawing of the west sign.

Commissioner Clotey inquired of the Board of Adjustment recommendation. Assistant Town Manager Olinzock said the Board of Adjustment recommended that the letters on the sign on the southeast corner be reduced to 30 inches in order to maintain the square footage per Town Code and to reduce the size of the letters on the sign on the west side of the building to 18 inches to meet the 32 square foot Town Code requirement. Discussion followed regarding letter size and square footage. Mayor Minnet said she was the Chairperson when this came before the Planning and Zoning Board. She added that as Chairperson of the Planning and Zoning Board she would not have passed it had that sign been put on the print and as Mayor she would not vote in favor of it.

With no further questions and no further witnesses Attorney Abbott opened the meeting to public speakers and swore in those wishing to speak.

Bill Vitollo was against the sign as he thought the letters were very large. There were no questions for Mr Vitollo.

Barbara Cole felt the sign did not fit in with the Town. There were no questions or comments for Ms. Cole.

Mr. Brandt felt the 18 inch 32 square foot sign would be too small for that building. He believed that ultimately he was cleaning up by eliminating one sign as Town Code allowed four.

Attorney Abbott advised the Commission that in making their decision they should apply the criteria contained in Section 30-8 (e) (3) of the Town Code of Ordinances.

Commissioner Silverstone thought that Mr. Brandt inferred that if the Commission did not agree to the larger letters then Wings would put up more signs. Commissioner Silverstone said there was a sign Ordinance and an Ordinance regarding variances. He added that Mr. Brandt's request did not fit the criteria for a variance as there was no hardship.

Vice Mayor McIntee made a motion to deny the variance. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. Seaward Apartments is seeking approval for a site plan modification to repair and renovate 4128 El Mar Drive - Appeared before P & Z on October 15, 2008

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(Assistant Town Manager Olinzock)

Attorney Abbott swore in those wishing to speak.

Tony Chiaravalloti, Architect made his presentation. He stated that while the existing structure remained the same, the units were reduced from 8 to 4 units. He added that the existing parking would also remain and a new drainage system would be added along with landscaping in the paved area, updated to meet current code.

Commissioner Clotey inquired of the location of the fence and whether it would block the view. **Mr. Chiaravalloti** said it was a see through decorative fence. **Commissioner Silverstone** asked whether the footprint would change and **Mr. Chiaravalloti** said it would not. **Mayor Minnet** commented that the structure was a complement to the Town.

There were no further questions for **Mr. Chiaravalloti**. **Attorney Abbott** opened the meeting to public speakers.

Lawrence Wick stated that the Planning and Zoning Board recommended retaining the 6 parking spaces and had recommended approval. There were no questions or comments for **Mr. Wick**.

Mr. Chiaravalloti concluded that any modifications to the parking that he was required to do would comply with code.

Commissioner Silverstone made a motion to approve **Commissioner Dodd** seconded the motion. In a roll call vote, the motion carried 5 - 0.

Mayor Minnet recessed the meeting at 9:25 and reconvened at 9:40 p.m.

14. OLD BUSINESS

- a. Resignation of Robert Fleishman from the Walk Around Committee (There are no applicants) Clerk White**

Vice Mayor McIntee nominated **Camilla Frisone** as a member of the Walk Around Committee. **Commissioner Silverstone** seconded the motion. All voted in favor, 5-0.

- b. Discussion regarding dangerous dog Ordinance (Vice Mayor McIntee)**

Vice Mayor McIntee made a motion to prepare a dangerous dog Ordinance. **Commissioner Silverstone** seconded the motion.

Commissioner Dodd thought there should be an Ordinance that put a \$1,000 fine on any owner where the dog bit or attacked a human being. He believed the dog should be kept in check by the owner. In a roll call vote, the motion carried 3 - 2. Vice Mayor McIntee voted no. Commissioner Dodd voted no.

15. NEW BUSINESS

- a. Discussion and/or action directing the Town Commission to hire outside counsel to determine if the VFD is in compliance with its contract with the Town, and to determine whether or not any Commissioners committed any illegal acts or were the victim of any illegal acts with regard to the allegations put forth by former VFD Battalion Chief Patrick Pointu (Mayor Minnet)

Mayor Minnet explained that she put this on the agenda to address information that came forth with allegations against Vice Mayor McIntee. She said she was looking out for Vice Mayor McIntee.

Mayor Minnet stated that if the Volunteer Fire Department was to survive they needed to answer tough questions. She asked the Commission to go ahead with her request for an Insurance Service Office rating (ISO). Commissioner Dodd thought it was a waste of money and could not rely on ISO.

Commissioner Clotey stated that the Volunteer Fire Department was a vendor and therefore, the allegations Patrick Pontu made were internal issues. She believed that as long as the Volunteer Fire Department stayed in compliance with their contract, the Commission could not do anything and should not spend money on outside counsel.

Commissioner Silverstone pointed out that the Commission was discussing an internal allegation that took place prior to the contract. He also pointed out that Mr. Pontu requested his complaint remain an internal issue.

Vice Mayor McIntee saw this item as a direct attack on the Volunteer Fire Department by Mayor Minnet. He said that Mayor Minnet accepted \$3,000 from BSO and at every attempt she threw a wrench in the works. Vice Mayor McIntee felt Mayor Minnet was turning this into politics rather than public safety. He suggested Mayor Minnet talk with the Volunteers and find out how they feel rather than listen to one side.

- b. Discussion and/or action directing the Town Attorney to determine if the VFD is in compliance with its contract with the Town, and to determine whether or not any Commissioners committed any illegal acts or were the victim of any illegal acts with regard to the allegations put forth by former VFD Battalion Chief Patrick

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Pointu (Mayor Minnet)

Mayor Minnet believed New Business item 15B was also discussed during item New Business item 15A.

- c.** Discussion and/or action regarding urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding (Commissioner Silverstone)

Commissioner Silverstone made a motion to direct Town Attorney to formulate a Resolution. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d.** Discussion and/or action regarding shade trees on the beach at the Washingtonia Avenue Portal (Commissioner Silverstone) Report not received from Garden Club. Staff request to table to November 25, 2008.

Commissioner Silverstone contacted the Garden Club to seek their opinion as to what could be done. He stated that he had not yet received a response.

Commissioner Silverstone made a motion to table to November 25, 2008. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- e.** Discussion and/or action regarding donation of time by the Commission to assist with various duties within Town Hall, Development, Municipal Services and or the Volunteer Fire Department or any Town sponsored function (Commissioner Silverstone)

Commissioner Silverstone believed that in order for the Commission to have the knowledge of how the Town worked was for them to volunteer a couple hours of their time. There were no comments and no volunteers.

- f.** Discussion and/or action regarding a resolution urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of state funding (Mayor Minnet) Duplication of 15c
- g.** Discussion and/or action concerning an award from the Town of Lauderdale-By-The-Sea for Mark Mitchell for his outstanding service to our community (Commissioner Dodd)

Commissioner Dodd felt Mark Mitchell went above and beyond without any thought to his own safety and saved the life of another. He suggested a framed letter or proclamation be presented on behalf of the Town of

Lauderdale-By-The-Sea. Commissioner Dodd thanked Mr. Mitchell for a good job.

Vice Mayor McIntee thought there should be a certificate from the Town of Lauderdale-By-The-Sea recognizing a life saving event so that when others come forward they too should be honored.

Vice Mayor McIntee made a motion to create a Life Saving Award with Mr. Mitchell being the first recipient and / or to be displayed as a plaque on a wall. Vice Mayor McIntee rescinded his motion to allow Commissioner Dodd to make a motion.

Commissioner Dodd made a motion to send a letter to Mr. Mitchell on behalf of the Dais thanking him on behalf of the Town of Lauderdale-By-The-Sea and award him with the honor of a Life Saving Award. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee made a motion to create a Life Saving Award Certificate to be placed prominently on the wall of the Commercial Boulevard Pavilion with Mr. Mitchell being the first recipient. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- h. Report on Seagrape Project (copy of e-mail received by Owners of Seagrape attached) (Mayor Minnet)

Camilla Frisone stated that for some unknown reason the project did not continue to the end of Seagrape Drive.

Ken Evans said the job on Seagrape Drive was well done, but did not end properly. He indicated there was a drainage problem.

Mayor Minnet said the Seagrape Project had been on the books for years. She agreed that the project was a dead end, but at this time the funds were not available to continue the project. Mayor Minnet asked the people to look at the plans and get involved and not assume the project was going to be done the way they think. Ms. Frisone asked why, when the street was supposed to be done, would she even think of looking at plans to see whether the whole street would be done.

Commissioner Clotey thought the Commission should look into this. She said if a drainage problem had been caused from this project it needed to be looked at. Vice Mayor McIntee said it was unacceptable. He requested this item be placed on the November 25, 2008 Commission agenda to find funds for the Seagrape Project.

Manager Colon requested time to obtain revised numbers regarding the drainage issues. Vice Mayor McIntee asked the Frisones if they would accept living without the drainage issues. They replied they wanted a sidewalk; no landscaping.

Manager Colon stated that a price was included in the agenda packet that included the removal of existing asphalt, re-grading and new asphalt paving. She added that the existing east curb and gutter would be extended north approximately 125 feet as a valley gutter and there would be change to the existing catch basins or drainage system. Manager Colon pointed out there was a section that was a private driveway and asked whether that section should be left alone. Mayor Minnet said the item had been put on the November 25, 2008 Commission agenda would be discussed at that time.

- i. Report from Florida League of Cities Energy and Environmental Quality Policy Committee, Proposed Policy Statement (report enclosed for your information) (Mayor Minnet)

Mayor Minnet put this on the agenda so that the Commission could see what was happening at the Legislature and at the League meetings on a local level. Mayor Minnet inquired as to what direction the Commission wanted her take as their representative. Commissioner Silverstone felt she should report to the Commission what was applicable to the Town of Lauderdale-By-The-Sea.

- j. Report from AMR about the incident that occurred on October 25 on the beach near Ocean Colony. Please make sure a representative of AMR is in attendance at the 11/10 meeting to give a report on the incident and answer any questions commissioners may have (Mayor Minnet)

Operations Manager Brooke Liddle read his response to Manager Colon that indicated that American Medical Response (AMR) was not able to contact the patient to get release to provide information and therefore was not able to provide the information. He said Federal Law forbade AMR to release any information on that call. Manager Liddle explained that the information could be discussed in a closed forum.

Commissioner Dodd had a problem with Operations Manager Liddle's explanation. Commissioner Dodd said that inquiring who turned on the oxygen had nothing to do with the patient.

Operations Manager Liddle explained that AMR functioned under HIPPA license. He added that discussion could not occur in a public format but information could be discussed behind closed doors and in a closed forum.

Commissioner Clotley asked for clarification as to who could be on the committee. Operations Manager Liddle said the committee had to have someone from the Medical Director's Office, Clinical Education Department, a representative from the Municipality and a representative from the VFD and the Operations Field Supervisor or Manager who would have to be on the committee

Vice Mayor McIntee asked if Operations Manager Liddle got hold of the patient within the next 2 weeks would Commissioner Dodd agree to allow him to give his answers then. Commissioner Dodd agreed.

Commissioner Dodd made a motion to table to November 25, 2008. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

k. Discussion and/or action concerning fire lane at By the Sea Laundry (Commissioner Dodd)

Commissioner Dodd invited Angela Aldahwi to explain her concerns. She felt she was singled out by Parking Enforcement. She said her business must receive deliveries without blocking A1A or Bougainvillea Drive. She added that the current fire lane may not be a fire lane but could be a possible loading zone. Ms. Aldahwi said today her business was sited for having an illegal fire lane.

Everett Sorenson stated that the fire lane was 2 feet wide. Mr. Sorenson said when delivery came they needed to unload. He questioned the inspection regarding the fire lane; how they came on to private property and issued a ticket for a fire lane that is only 2 feet wide. He said there was a loading zone in the back of Walgreen's.

Commissioner Silverstone directed Manger Colon to see whether it was a fire lane. Mr. Sorenson presented a site plan to the commission. Olinzock said that when the issue came up on October 30, 2008 he asked that a fire inspection be done. He said State Law required that Parking Enforcement assist in maintaining fire lanes and handicap spaces. He said the inspection report showed that some issues needed to be addressed and that the fire lane met the requirements of the current uniform fire code.

Vice Mayor McIntee made a motion to table to December 16, 2008 and directed the Town Manager to not write citations for this property until the meeting of December 16, 2008. Commissioner Silverstone seconded the motion.

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Commissioner Dodd recommended that staff look at this particular situation and determine a solution. Commissioner Clotey did not believe the situation was fair to the business owners.

Manager Colon stated that a notice of violation was issued for the sign. She said the case for the parking ticket could be heard before the Magistrate. Manager Colon said that as the fire inspections go there would be more issues that needed to be addresses.

In a roll call vote, the motion carried 5-0.

I. Discussion and/or action regarding town wide parking following workshop (Commissioner Dodd)

Commissioner Dodd put this on the agenda so that Vice Mayor McIntee could make a motion on the item since it was his item originally. Commissioner Dodd made an initial motion to remove the bags. Vice Mayor McIntee did not feel a decision should be made so quickly. He added that only 2 businesses whose livelihood depended on it were at the meeting. Vice Mayor McIntee suggested a one page questionnaire and count them by the next meeting. Commissioner Dodd thought perhaps it should appear in the Town Topics.

Commissioner Clotey made a motion to table to the December 16, 2008 Commission meeting and put a questionnaire in the Town Topics as to whether bags should be removed. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

Manger Colon wanted the Commission to see that an inspection report was done and not a citation.

Vice Mayor McIntee made a motion to extend the meeting to 11:15 p.m. All voted in favor, 5-0.

m. Discussion regarding cost of Green Fest and how money was spent (Vice Mayor McIntee)

Vice Mayor McIntee understood that a bank account was opened for donations received for the Green Fest event. Mayor Minnet agreed that was true. Vice Mayor McIntee inquired of the account number that was used to the deposit the donations. Vice Mayor McIntee asked Attorney Abbott whether the Town could accept donations from lobbyists. Attorney Abbott said the Town could accept donations from people in general. Vice Mayor McIntee asked if the Town ever received donations before and how they were submitted. Manager Colon explained that they were brought to Town Hall, receipted and deposited. Vice Mayor McIntee asked whether Mayor

Minnet was on the account with Mr. Arthur, Mayor Minnet said she was not on the account. Vice Mayor McIntee said no one had ever opened an account for Town money. He said if the account had a Town account number it would be a problem. Mayor Minnet said she would get the information. Lengthy discussion followed. Vice Mayor McIntee wanted a copy of all the flyers produced. He said a great deal of money was donated to this event without Commission knowledge. Vice Mayor McIntee asked if Mayor Minnet was aware that one of her donations came from a lobbyist in Tallahassee. Mayor Minnet said she was aware of all donations.

Manager Colon questioned the Commission whether all donations were supposed to come to the Town. Vice Mayor McIntee asked Mayor Minnet why Mr. Arthur could not bring the donations to the Town for processing. Mayor Minnet said the funds would be brought in.

Commissioner Silverstone said the Commission agreed to allow \$1,000 for the event. Commissioner Silverstone stated the event turned into a political event with the phone calls as listed. He questioned the T-Shirts and advertising at \$3,000. Commissioner Silverstone wanted to direct Mayor Minnet to provide bank statements to show where the money went.

Commissioner Dodd believed Mayor Minnet currently understood it would have been easier to bring the donations to the Town. He thanked Mayor Minnet for the event and for trying to bring in donations.

Vice Mayor McIntee questioned the endorsement on the checks. He pointed out that if the checks were made out to the Town of Lauderdale-By-The-Sea it could not be accepted without permission of the Commission.

Commissioner Silverstone amended the agenda to add Christmas-By Sea special event application to include the sale of alcohol.

n. Approval to amend The Christmas By The Sea application to allow alcohol

Assistant Town Manager Olinzock said the application would need to be amended to allow alcohol.

Paul Novak said that because there were so many restrictions the energy is gone. He was not sure if the Chamber wanted to continue.

Manager Colon said that last year the Town paid for the hay ride and did not give a \$7,000 budget. Mr. Novak pointed out that the tree had to come out of the \$7,000. Olinzock said the application stated that the tree would be put up by the Chamber before Thanksgiving.

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Commissioner Clotney wanted to know what else the Chamber would need if the Volunteer Fire Department was going to put up the tree and Commission agreed to pay for it. Mr. Novak said the Chamber needed an additional \$7,000.

Commissioner Clotney suggested the people decide whether an additional \$7,000 should be allowed. Mayor Minnet suggested Mr. Novak speak with the Chamber to see if they could do the project with the funds they have. Mr. Novak agreed to meet with his people.

Assistant Town Manager Olinzock explained that last year the Town paid for the hay ride and the permits.

Commissioner Silverstone made a motion to amend the special event application to include liquor sales. Commissioner Clotney seconded the motion. All voted in favor, 5-0.

o. Discussion regarding letter requesting an ISO rating – Added at the meeting

Mayor Minnet said she listened to tape and copied all the Commissioners as required in the tape.

Commissioner Silverstone stated that the letter indicated there was currently no rating and asked for one to be done. Mayor Minnet said she sent the letter to move things along. Commissioner Silverstone noted that the Commission previously voted that nothing went out on Commission letterhead without Commission approval and the Commission could not direct anyone without the permission of the Dais.

Vice Mayor McIntee asked Attorney Abbott if any member of the Commission was allowed to request a meeting with a staff member without the consent of the Commission. Attorney Abbott replied that they could meet with anyone they chose; however they could not give direction.

Everyone agreed they understood that letters do not go out under Commission letterhead without Commission consent.

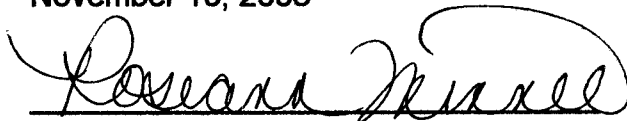
16. TOWN ATTORNEY REPORT

17. FUTURE AGENDA ITEMS

18. ADJOURNMENT

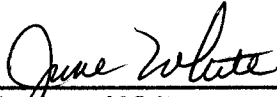
Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:35 p.m.

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Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

11/25/08

Date