

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4501 Ocean Drive

Tuesday, October 27, 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. Also present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clotley, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

Mayor Minnet pulled Presentation item 4c to be placed on the November 10, 2009 Commission agenda and pulled Consent item 12f.

Mayor Minnet added discussion regarding a lifeguard referendum as New Business item 15f per Commissioner Clotley's request.

4. PRESENTATIONS

- a. Presentation by Broward County Resource Recovery Board Executive Director, Ron Greenstein, regarding the proposed new Service Agreement with Wheelabrator, the Waste to Energy Plant Operator, for continued disposal of solid waste. Adoption of Resolution and execution of Memorandum of Agreement by Town Commission required to continue Interlocal Agreement**

Commissioner Lieberman gave an overview on the MOU (Memorandum of Understanding) which would possibly change the existing ILA (Interlocal Agreements) to reduce the costs for the disposal of trash 2 years earlier to the ILA than previously anticipated. She stated that the current ILA was not to expire until 2013. Commissioner Lieberman added that the tipping fee would drop more than 50% to \$49.75 per ton and the new agreement would be for 10 years beginning August 4, 2011.

Ron Greenstein explained the reductions were due to bond reductions. Commissioner Lieberman stated that the first step was to approve the MOU prior to January 1, 2010 and the revised ILA would need to be adopted by August 2010.

Manager Colon wanted clarification that the reduction was due to the retirement of the debt and not due to the building of a new facility. Mr. Greenstein said it was. Manager Colon questioned whether signatures were required prior to June 30, 2010 to get the rebate as stated in the document. Manager Colon questioned whether the proportions would change between now and June 30, 2010. Mr. Greenstein said that the most current numbers were used as a snapshot and would go up. He added that the quicker they close the quicker they could go back to Wheelabrator with an effective date.

Mayor Minnet questioned whether recycling would have an effect on the numbers. Mr. Greenstein stated that recycling was a different component and a different vendor. Commissioner Dodd was also concerned with recycling. Commissioner Lieberman stated that there were 2 components to the tipping fee; the new rate at \$49.75; and \$12.00 per ton to cover household hazardous waste, the transfer stations, electronic recycling program, and yard waste program. She explained that this was the agreement for the first part for the material recovery facility.

Mayor Minnet wanted to know whether a local drop off station could be set up for hazardous pickup and computers. She believed that more people would participate if it were locally convenient. Commissioner Lieberman said she would bring it before the Board. She encouraged resident contact with Dennis Haus Executive Director of ARC Broward at 954-746-9400.

Manager Colon advised that the Town did use their facilities for computers and paint and if the residents could not bring them to the site they could bring them to the Municipal Services Department. Mayor Minnet added that a Resolution would be prepared for the November 10, 2009 Commission meeting.

b. Presentation by Choice Environmental Services of Broward regarding Solid Waste and Recycling (Assistant Town Manager Olinzock)

John Ferguson proposed a single stream recycling program that would allow all recyclables to be thrown into one bin.

Commissioner Silverstone thought it was a great idea as it may get more people involved. He asked how the program would work. Mr. Ferguson said there would be one container for cardboard, cans, and glass.

There would be one bin for recyclables and a separate container for solid waste.

Commissioner Dodd noticed that cardboard had been eliminated in the single stream recycling. Mr. Ferguson said the cardboard was included in the recycling; he took the information from Broward County. Mr. Ferguson added that commercial recycling was not included. Manager Colon stated that commercial businesses always paid directly for

their own recycling. Commissioner Dodd thought the businesses should also be encouraged to recycle and should be considered as he thought there would be a larger recycling count. Mr. Ferguson said the State Statute stated that the businesses could not be included.

Mayor Minnet asked whether multi-family, condominiums, and Town homes were included. Mr. Ferguson said they were. Mayor Minnet was concerned that the large toters were a problem for people to put in their garage and there was a problem with the color.

Commissioner Clotey asked whether a combination of glass, newspapers and cans could be placed in the same bin. Mr. Ferguson said yes. Commissioner Clotey asked whether the 18 gallon toters would be open top. Mr. Ferguson said yes.

There were no further questions.

c. Presentation referencing Butterfly City (Mayor Minnet)

This item was pulled earlier in the evening.

5. PUBLIC COMMENTS

Lawrence Wick thanked the Broward County Transit and Town staff for making transportation possible to the Holy Cross Hospital.

Priscilla Rysavy was against extending the permit for 226 Garden Court.

Beverly Kennedy planned to make the upcoming election a very interesting campaign and supported Unite Our Town.

Commissioner Silverstone reminded everyone that the meeting hall was not to be used as a political platform.

Barbara Cole previously forfeited her opportunity to speak and requested reconsideration. The Commission agreed to allow her to speak last.

Edmund Malkoon supported an ethics policy.

Eric Schot wanted to see the Town united and would work towards that goal.

Ben Freeney believed that any change to the Town Charter should be done with caution. He favored higher ethical standards.

Frank Herrmann was against the extension for 231 Shore Court and 226 Garden Court.

Chris Vincent was pleased with the support for an ethics initiative.

Ray Walowicz encouraged all taxpayers to speak up and voice their opinions.

Bob Fleishman was against the height referendum. He believed it was a zoning issue.

Daniel Halpert recommended reading a book titled "Presidential Character".

Vito Chiarello asked whether the two hat issue would suggest that Commissioner Dodd could not work with boats or Commissioner Clotey could not teach in Town.

Michael Power hoped that everyone appreciated the hard work the Bel Air Association did regarding the signs. Discussion followed regarding policy on speaking during public comments.

Louis Marchelos asked when he will receive a letter to open his alley.

Mark Brown asked for clarification on organizational rules that dealt with public comments regarding personal attacks.

Spiro Marchelos did not favor the passing of the fishing Ordinance.

Rosa Michaliuk put in for hardship parking permit for Sea Cliff and had not yet received anything.

Barbara Cole believed everyone should be allowed to speak.

Maureen McIntee remembered when people spoke on the business of the Town and not personal attacks and remembered when the Mayor took charge.

There were no more speakers.

Mayor Minnet recessed the meeting at 8:30 p.m. and reconvened at 8:40 p.m.

Mayor Minnet announced that Old Business item 15b would be considered before Old Business item 15a.

6. REPORTS

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

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

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

Commissioner Dodd asked whether the 41 violations on lighting were in regards to turtle lighting. Assistant Town Manager Olinzock said it was.

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

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

Commissioner Clotey stated that a resident complained that when there was a lot of flushing there was a lot of noise.

Manager Colon said the City of Pompano Beach said that it had nothing to do with the lift station; it was something on the resident's property.

Sharon Kaus said that when too many people flushed at the same time there was noise. Manager Colon said they were working with the City of Pompano.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion.

The motion carried 5 - 0.

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

Vice Mayor McIntee said that burglaries in businesses were up and burglaries in residential areas were down and wondered whether there was a pattern. Chief Llerena said that there were conveyances and led to arrests. He added that the conveyances were vehicles and that 8 or 9 of them were committed by 1 individual. Chief Llerena said the burglary in businesses were incidental such as an attempt to pry open a door. He said there was no pattern.

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion.

Manager Colon said that there was more police coverage due to shift scenarios that provided more visibility.

Commissioner Clotey inquired as to whether the City of Pompano Beach was going to put police in the schools and asked why Lauderdale-By-The-Sea could not get the funds. Manager Colon said the funds were available for FRO officers through the COPS program. She added that BSO applied and was denied for FRO officers.

The motion carried 5 - 0.

e. VFD Fire Monthly Report - September 2009 (Chief Perkins)

Commissioner Dodd requested an update on the status of training for beach patrol. Chief Perkins said VFD added a State Certified Lifeguard instructor to their rank and had begun training. Chief Perkins advised that 14 buoys were missing since they

placed them out in the same areas, 1 through 7. He believed that people were taking them home.

Commissioner Clotley asked how VFD was going to bring the beach patrol to a higher level. Chief Perkins said that the VFD was trying to do more Ocean Rescue. Commissioner Clotley wanted to see more hours during the season. Chief Perkins said during the season there would be an increase.

Vice Mayor McIntee asked how much the buoys cost. Chief Perkins said they were \$55 each. Vice Mayor McIntee wanted the item placed on the agenda to discuss the purchase of buoys in bigger bulk.

Commissioner Silverstone inquired of the response time. Chief Perkins said it would be in the next report.

Mayor Minnet inquired of colored informational flags. Chief Perkins said the flags would be on the ATV's rather than on the beach.

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

f. AMR EMS Monthly Report - September 2009 (Operations Manager Liddle)

Vice Mayor McIntee praised Operations Manager Brooke Liddle for the fastest response time for an ambulance service.

Commissioner Silverstone also congratulated Operations Manager Liddle.

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

7. PUBLIC SAFETY DISCUSSION

a. Bicycle Safety (Chief Llerena)

Mayor Minnet requested a background of what has been happening regarding bicycle safety. Chief Llerena stated that BSO had initiated a bicycle safety program and worked with other bicycle organizations to educate people regarding bicycle rules on the road.

Vice Mayor McIntee was pleased with the quick response by placing a sign up immediately.

Mayor Minnet believed it was important that the automobile driver was aware that he/she must stay 3 feet away from a bicycle rider.

Commissioner Clotley asked for a sign on A1A. Chief Llerena said a schedule had been set up and the signs will be rotated.

b. AMR EMS - Selection of Commission Representative for the AMR EMS Review

Committee meeting on November 18, 2009 at 10:00 a.m. (Operations Manager Liddle)

Operations Manager Brooke Liddle stated that the meetings could be held in Town if it was more convenient.

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

Maggie House advised that the H1N1 vaccine was introduced in limited amounts for Broward County and would be given out based on need and Tier 1 requirement.

8. TOWN MANAGER REPORT

Manager Colon submitted 2 grant applications; the Coastal Partnership Initiative for turtle friendly solar lighting; and the Marine Park. She said she received acknowledgment of both applications and was advised that she could only receive one grant per funding cycle. Manager Colon wanted to know which one the Commission wanted to move forward with, the Marine Park or the solar lighting for the turtles.

The consensus of the Commission was to move forward with the Marine Park grant.

Mayor Minnet asked for an update on the Bel Air sign. Manager Colon said they were waiting for soil testing. She added that Ms. Michaliuk's hardship parking permits were not ready in time for deadline and would be on the next agenda for consideration.

9. APPROVAL OF MINUTES

- a. September 22, 2009 Regular Meeting Minutes
- b. September 28, 2009 Special Public Hearing Minutes

Commissioner Silverstone made a motion to approve the minutes of September 22, 2009 and September 28, 2009. Commissioner Clotey seconded the motion. The motion carried 5 - 0.

10. ORDINANCES - PUBLIC COMMENTS

- 1. Ordinances 1st Reading
- 2. Ordinances 2nd Reading

11. COMMISSIONER COMMENTS

Commissioner Silverstone announced the Halloween party and thanked Cristi and Mark Furth and all the volunteers for all their hard work. He encouraged everyone to come by and visit the Haunted House. Commissioner Silverstone clarified that he could not

support any referendum that conflicted with the Bert J. Harris issues. He added that he would support a referendum regarding clarification on the height limit that would make it an easy read that everyone could understand. Commissioner Silverstone stated that he listened to and heard what people had to say. He clarified that the VFD pension was not being funded through the Town; it was funded through the State and therefore, he did not receive a benefit from the Town. Commissioner Silverstone believed that because the Commission did not follow their own rules they were festering hate. He pointed out that he was also a resident of the Town and believed that everyone should show each other respect. Commissioner Silverstone pointed out that at every Commission meeting the same group of people attacked the same Commissioners and believed the attacks were political.

Commissioner Dodd believed every Commissioner should have done a review on the Town Manager. He stated that it was required. Commissioner Dodd did not believe it was necessary for a particular Commissioner to reply to every comment made by the public. He felt it would be a waste of time if every Commissioner did the same and indicated that Town staff was instructed to follow up on all public comments. Commissioner Dodd believed the Commission should make policy for handling infrastructure issues, code and land issues, foreclosures, partially completed buildings and working toward the red light cameras. He suggested roundtable discussions and input through the Town Topics. Commissioner Dodd reminded Vice Mayor McIntee that the 1875 pages of emails were ready for pickup once he received a check for \$461.00. Commissioner Dodd wanted staff to investigate whether RFPs could be laid out at bid openings for vendors to review.

Vice Mayor McIntee thanked everyone for decorating the rooms at Jarvis Hall for Halloween. He thanked the resident who donated \$50 toward the event. Vice Mayor McIntee said he would rate the Town Manager in the same manner he would rate Baseball Pitcher Sandy Kopeck; a 5 because he was not perfect but was the best. Vice Mayor McIntee was pleased that a Rabbi came forward and offered to do the Invocation. He hoped that others would also volunteer. Vice Mayor McIntee stated that the Bel Air Association took the initiative to do everything within their power to get the information needed for the street signs in Bel Air. He said the Commission supported them and would support other communities as well. Vice Mayor McIntee did not feel that John Thompson had a right to speak at the meetings. He said Mr. Thompson was a resident of the City of Pompano Beach and no longer worked in Lauderdale-By-The-Sea. Vice Mayor McIntee favored 33 feet plus 1 foot and 1/2 in Old Town and 44 feet in New Town.

Mayor Minnet thanked Reverend Hunsaker for creating diversity in the Town. She thanked Paul Novak for starting the monthly beach cleanup and encouraged everyone to join in. Mayor Minnet thanked Chief Llerena for setting up the BSO Town Hall meeting on November 12, 2009 from 7:00 p.m. to 9:00 p.m. Mayor Minnet announced upcoming meeting dates for November: November 9th - beautification MPSC; November 10th - Regular Commission meeting; November 11th - Veterans day - Town Hall Close; November 12th - BSO Town Hall meeting. Mayor Minnet

encouraged everyone to use the Pelican Hopper. She also asked to move the meeting forward and for everyone to respect each other.

Commissioner Clotney said that Cristi and Mark Furth had worked hard for Halloween for 18 years. She believed the Haunted House should be open for 2 days rather than 1 due to the amount of work that went into putting it together. Commissioner Clotney expressed her desire for clarification in regards to the height limit. She said the people should be making the long term plans for the community. Commissioner Clotney said everyone wanted development but it was the type of development that caused concern. Commissioner Clotney said many items kept coming back on the agenda and believed it interfered with the duties of the Commission. Commissioner Clotney said that the Town Attorney had stated that living in Bel Air was not a reason to recuse oneself from voting on that item. She believed in freedom of speech and asked that whatever had to be said would be said respectfully. Commissioner Clotney said she did not speak with Mr. Simmons except to ask when someone would come and who would come.

12. CONSENT AGENDA

Mayor Minnet pulled items 12b, 12c and 12d.

Item 12f was pulled earlier in the evening.

Commissioner Dodd made a motion to approve 12a and 12e on consent. Commissioner Clotney seconded the motion. The motion carried 5-0.

- a. Commission to approve an extension until April 30, 2010 for the completion of the development at 4608 El Mar Dr., per the applicant's request and per Ordinance 6-12(c). Backup attached (Assistant Town Manager Olinzock)
- b. Commission to approve a two (2) year time extension for the completion of the development at 231 Shore Court per the applicant's request and per Ordinance 6-12(c). Backup attached (Assistant Town Manager Olinzock)

Vice Mayor McIntee was against the extension.

Commissioner Dodd wondered whether a penalty could be levied should an extension be granted. Attorney Trevarthen was not familiar with the property but said there was a process in place that they would go before the Special Master. Attorney Trevarthen said she could look at a code change if the Commission desired.

Commissioner Clotney asked whether the Commission had to give the extension. Attorney Trevarthen said the property owner could seek an extension based on criteria for extenuating circumstances but there was no time frame.

Commissioner Clotney agreed with Commissioner Dodd. She believed they needed to be fined.

Commissioner Clotney made a motion to defer the item for a couple of months to allow staff and the Town Attorney could determine what could be done.

Commissioner Silverstone asked whether Commissioner Clotney wanted to defer items 12b, 12c and 12d. Commissioner Clotney said she did.

Commissioner Silverstone believed there should be a tool in place to do something when properties were abandoned. He believed a fine should be put in place by way of an ordinance.

Mayor Minnet asked whether Senate Bill 360 was mandated. Attorney Trevarthen stated that the Bill was still under review.

Mayor Minnet believed the owners invested in Lauderdale-By-The-Sea and unfortunately the market fell. She added that the bottom line was that the property owners had to take care of the property.

Vice Mayor McIntee believed extenuating circumstances would indicate a shortage in supplies and or workers. He stated that they bought the property got their permits and walked away. Vice Mayor McIntee pointed out that the Code specifically states that enforcement for violations shall be \$50 for each day of violation for 1 to 30 days, \$100 per day for 31 - 60 days and \$500 for over 61 days. He did not feel the Commission was obligated to grant the extension because there were no extenuating circumstances. Vice Mayor McIntee believed the fines should be enforced.

Attorney Grant Smith stated that the best people are having credit problems. He added that the reality of the situation was that they requested an extension under Senate Bill 360 which states the only requirement was to tell the Town they were extending under the Bill.

Commissioner Silverstone was concerned that the request was for 2 years. He did not believe it would take 2 years to finish the building.

Attorney Trevarthen said the Statute said that permit holders notify the local government. She explained that the reason it was under review was because Statute did not say that anyone can notify; it had a series of qualifiers. Attorney Trevarthen stated that the purpose of the review was to make sure that they properly evoked the Statute.

Commissioner Clotney said the Commission was told that they ran out of money and the banks would not give them credit. She added that now they wanted to use their own money and asked how the lack of money could be an extenuating circumstance. Attorney Trevarthen explained that would be in the judgment of the Commission. She added that the decision needed to be made independent of the Statute.

Mayor Minnet asked whether the owners were ready to start immediately if they received their request. Attorney Smith said there was a surface water management

issue regarding impact fees to the County. He said they would not pay the fees if the Town did not grant the extension and therefore, would not be able to sell quickly.

Vice Mayor McIntee asked where the owners were the past 18 months. Attorney Smith said he could provide phone logs.

Commissioner Clotey asked when the owner would be ready to start. Attorney Smith said he did not come prepared with a date and would provide one in writing to the Town Manager. Commissioner Dodd said there was no action for a long period of time and wanted to initiate fines. He was willing to grant a short extension and if nothing occurred heavy fines would be initiated. Attorney Smith said a short extension would not allow completion of the project.

Commissioner Clotey made a motion to defer 12b to November 10, 2009. Vice Mayor McIntee asked for the Town Attorney's opinion. Attorney Trevarthen believed a deferral was in order and it was within the Commission's power to consider a smaller period or to disallow.

Commissioner Dodd seconded the motion.

Vice Mayor McIntee believed they should be currently fined \$50 a day because the applicant had not responded until it was put on the agenda.

Attorney Smith said that was addressed when they sent the letter under the Senate Bill 360.

Manager Colon wanted to make sure the Town Attorney had enough time.

The motion carried 5 - 0.

- c. Commission to approve a two (2) year time extension for the completion of the development at 226 Garden Court per the applicant's request and per Ordinance 6-12(c). Backup attached (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to defer November 10, 2009. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

- d. Commission to approve an extension until February 1, 2010 for construction of the town homes located at 4432, 4434, 4436, 4438 Bougainville Drive. Backup Attached (Second Request) (Assistant Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve. Commissioner Silverstone seconded the motion.

Commissioner Dodd stated that on June 23, 2009 the gentleman had stated that financing was in place and the project would be completed within 90 days.

Juan Bermudez said financing was in place and there were technical problems where the bank delayed payments. He added he recently passed the last 2 inspections and the last one would allow him to complete within 90 days.

The motion carried 5 - 0.

- e. Commission approval of the issuance of ten (10) parking permits for Broward County Association of Student Council Beach Clean-Up Broward, Saturday, November 21, 2009 8:00 AM till 2:00 PM, in the Bougainvillea Parking Lot (Assistant Town Manager Olinzock)
- f. Commission approval of amendment to Special Event Permit application for LBTS Chamber Christmas By-The-Sea Event providing for two Town employees, a Town truck and use of the Town dumpster from 6:00 PM till 10:00 PM, the day of the event (Assistant Town Manager Olinzock)

This item was pulled earlier in the evening by Mayor Minnet.

13. RESOLUTION - "Public Comments"

- a. Resolution 2009-28: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES.

Attorney Trevarthen read Resolution 2009-28 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.

Mayor Minnet asked whether theaters would be part of the Resolution. Attorney Trevarthen said it was described as Community Theaters and Cultural Centers.

Commissioner Silverstone made a motion to adopt Resolution 2009-28. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

The agenda was moved out of order and Old Business item 15b was considered before Old Business item 15a.

- b. Discussion and/or action regarding draft Resolution 2009-23 concerning street names in Bel Air (Commissioner Clotney) Deferred at the September 10, 2009 Commission meeting by Commissioner Clotney Deferred at the September 22, 2009 Commission meeting by Vice Mayor McIntee

Michael Bower said he had received overwhelming support for street names. He explained that no immediate address changes were required and a transition period of 5 to 7 years was expected before any changes were necessary. Mr. Bower requested the necessary funds be allocated in support.

Dave Sainden Vice President of Bel Air Association stated that 156 homes out of 245 homes supported the proposed changes; only 14 out 156 polled wanted to keep the existing numbered streets. He added that 30% was not available. Mr. Sandlin asked the Commission to consider funding \$1,200 to construct the signs.

Mayor Minnet noted that the resolution was a draft resolution and there may be name changes or other changes that the post office would need to come forward with. Mayor Minnet hoped to see participation with the residents offering 50% of the costs and partner with the Town on the cost.

Vice Mayor McIntee made a motion to move forward with draft Resolution 2009-23 and support approximately \$1,200 in payment. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

Manager Colon questioned whether the Resolution would have to come back before the Commission at the next meeting. Attorney Trevarthen said it did not need to come back; she only needed a clean copy to sign.

- a. Commission selection of contractor and award of RFP 09-07-02 - Parking Citation Processing Services (Assistant Town Manager Olinzock) Deferred at the September 10, 2009 Commission meeting by Commissioner Clotley

This item was moved at the beginning of the meeting and discussed after Old Business item 15b.

Commissioner Clotley questioned the figures and red light tickets. She asked Mr. Hood if he knew who else wrote red light tickets in this Town. Mr. Hood believed it was the Sheriff. Commissioner Clotley asked why he did not speak with the Chief of Police and offer his program there. She did not feel tax payer dollars should be used to write red light tickets. Commissioner Clotley believed Mr. Hood's proposal was higher than Duncan's proposal.

Chris Hood from Iyetek handed out the analysis for Commission review. He requested a legal opinion on the responses to the RFP, in particular response #1. Mr. Hood said the RFP requested equipment quotation and no one else provided a quotation on equipment. He wanted to know whether they were truly responsive.

Mayor Minnet recommended a deferral November 10, 2009 to review the late submittal. Vice Mayor made a motion to extend the meeting to 11:30 rather than defer. Mayor Minnet agreed.

Mr. Hood asked the Commission to read the first paragraph.

Manager Colon believed that every vendor should be given the same opportunity to speak prior to responding. She said she would not review any document she just received and asked Mr. Hood to briefly explain his pricing.

Mr. Hood explained that he responded to the request for a quotation on equipment. He said the other vendors gave base pricing. Mr. Hood believed those responses were out of compliance. Mr. Hood also believed the NSF and contingency charges were not accrued to the Town.

David Holler, Complus Data did not believe the RFP documents said anything about a rental. He said his proposal was a flat fee of \$2.95 per ticket or 11% without additional costs.

Brian Dunn, Duncan Solutions said two pricing scenarios were submitted, one with an "all in fee" and one with the equipment broken out. He said the 30% ad on fee was to be added on to the violator and collected from the violator to pay for the cost of collecting.

Manager Colon said she worked many hours on the grid. She stated that the only two in compliance was Complus Data and Duncan Solutions. Manager Colon stated that both vendors provided documents, citations, and reports including equipment. Iyetek provided 3 pages and unit prices that the bid did not request.

Manager Colon reminded the Commission of the ethics documents that were submitted in January of 2009 and noted that in those documents was the Cone of Silence. She explained that her memorandum dated October 12, 2009 was sent to a Commissioner for a response to Iyetek from a fellow Commissioner. She said in an email received one Commissioner apologized on behalf of the Commission regarding staff and the lateness of the figures. Manager Colon stated that another email indicated that staff was rude and short when they requested a copy of Iyetek's contract and a Commissioner responded that Mr. Hood had been nothing but professional. She said if the Commission was to continue to communicate with vendors and accept bids that were non-responsive, then it was on the Commission.

Manager Colon questioned Complus Data whether the 90% collection was inclusive of Florida Statutes for handicap parking. Mr. Holler said it did.

Manager Colon questioned Brian Dunn whether the 30% fee was to be charged to the violator. She wanted to make sure the Town did not pay the fee but would receive the \$25 and any penalty fees.

Manager Colon stated that Complus Data quoted \$2.95 vs Duncan's \$2.62 and the only difference was the 30% fee. She asked that when citations become backlogged would there be an extra charge. Mr. Holler said there would be no additional charge to the Town. Manager Colon asked what would happen when the citation did not get collected. Mr. Holler said there would not be any additional charge to the Town.

Manager Colon recommended the Commission go with Duncan Solutions and requested approval to negotiate with both Duncan Solutions and Complus Data in case it did not work out with Duncan Solutions.

Commissioner Silverstone asked what Manager Colon would negotiate. She said she wanted to negotiate with Duncan first and if something happened that she could not negotiate with them, she wanted to sit with Complus Data. Commissioner Silverstone questioned the letter dated December 1, 2008 from Commissioner Dodd where he offered his apology on behalf of the Commission. He said it was unacceptable that Commissioner Dodd felt he could speak on their behalf. Commissioner Silverstone stated that the Cone of Silence was a reminder that the Commission was not to interfere with the Town Manager when she went through RFP's.

Commissioner Clotey was disappointed in leytek's proposal. She believed that Duncan Solutions was lower in price and inquired as to whether hand helds had been provided by Complus Data. She was concerned with training time for the employees. Manager Colon believed that Complus Data's equipment was adequate for the Town's needs.

Vice Mayor McIntee made a motion to extend the meeting until the agenda was completed. Commissioner Silverstone seconded. The Commission agreed.

Joan Garrett Parking Enforcement Supervisor worked in parking enforcement since 1994. She said the current handhelds were outdated and tickets were written by hand. Supervisor Garrett stated that the ticket count ranged between 800 and 1200 a month and was currently down to 400. She said that Duncan Solutions were long time vendors with the Town and they offered updated handhelds and recommended that the Commission go with Duncan Solutions.

Vice Mayor McIntee made a motion to approve to give manager what she requested. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- b. Discussion and/or action regarding draft Resolution 2009-23 concerning street names in Bel Air (Commissioner Clotey) Deferred at the September 10, 2009 Commission meeting by Commissioner Clotey Deferred at the September 22, 2009 Commission meeting by Vice Mayor McIntee

This item was discussed earlier.

16. NEW BUSINESS

- a. Commission approval of six (6) Hardship Permit Applications (Clerk White) * Coral Key Inn * Gemini * Basin Drive LLC * 4344 LLC (4344 E. Tradewinds Ave) * 4244 LLC (4346 E. Tradewinds Ave) * Windjammer Resort and Beach Club

Vice Mayor McIntee made a motion to approve six (6) Hardship Permit Applications as listed. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

b. Discussion and/or action regarding the price of Employee Parking Permits (Vice Mayor McIntee)

Vice Mayor McIntee said that restaurant employees pay \$17.50 per month. He suggested lowering it to \$10 for employee parking.

Attorney Trevarthen stated that a Resolution would be required.

Vice Mayor McIntee made a motion to direct the Town Attorney to prepare a Resolution to reduce the employee parking fees from \$17.50 to \$10.00. Commissioner Silverstone seconded the motion with a friendly amendment to also change the hardship parking permit to \$100. Attorney Trevarthen pointed out that hardship permits had 3 costs; initial cost at \$210 to be changed to \$100. She asked whether the first replacement fee should remain at \$315 and the 2nd replacement at \$420. Manager Colon said she would calculate an equal percentage for all three and provide the numbers to the Town Attorney. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

c. Discussion and/or action - Bike riders riding in packs on A1A and interfering with traffic flow (Commissioner Clotley)

Commissioner Clotley stated that this item had been addressed and withdrew the item.

d. Discussion and/or action - Hillsboro Inlet (Commissioner Clotley)

Commissioner Clotley asked the Commission to consider putting out the word to the public. Manager Colon stated it had to be a Commissioner. Vice Mayor McIntee directed the Town Attorney to investigate.

Commissioner Clotley made a motion to defer to the November 10, 2009 Commission meeting with direction to determine who can be appointed. Commissioner Silverstone seconded the motion.

Commissioner Dodd said he received no benefit from the inlet for the many evenings he gave up for free. He said once he stepped aside he would be entitled to health benefits from the Town.

The motion carried 3 - 1. Mayor Minnet voted no. Commissioner Dodd abstained.

e. Town Commission authorization to short list the three (3) lowest responsive proposers for the Public Safety Complex - Police Office Improvements, RFP # 09-08-01, and to allow Town Manager to negotiate contract agreement for construction of work (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to approve number 1 on the shortlist, Boran, Craig, Barber, Engel Construction, Inc. at \$73,660. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

f. Discussion regarding a lifeguard referendum (Commissioner Clotley)

This item was added at the beginning of the meeting.

Commissioner Clotey suggested the Commission proceed with the cost figures and do an internal selection of what the people want rather than go out for referendum. Attorney Trevarthen said it was possible to do a straw poll or create an ordinance that would have an effective date triggered by a vote.

Commissioner Silverstone and Commissioner Clotey believed in a straw poll. Vice Mayor McIntee wanted the people to decide but will wait and see what the referendum had to offer before making a decision.

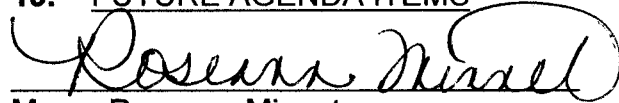
17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

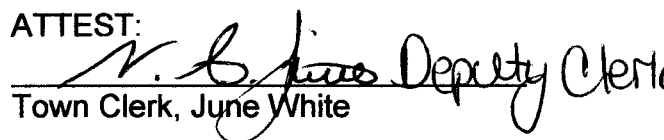
Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:57 p.m.

19. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:

 Deputy Clerk

Town Clerk, June White

12/2/09
Date