

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

Continued from September 9, 2009

MINUTES

Jarvis Hall

4505 Ocean Drive

Thursday, September 10, 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 Clotey, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. NEW BUSINESS

a. Appointment of Trustee to the LBTS Volunteer Fire Department Pension Plan (Town Clerk)

Commissioner Dodd questioned whether the appointments were made by the Town or the Volunteer Fire Department. Commissioner Silverstone explained that Chapter 175 of the Florida Statutes regulated that some members were to be from the VFD and some from Town. He said it balanced out to be a fair and equal investment.

Commissioner Silverstone recommended the selection as suggested by Miquel San Miquel.

Mr. San Miguel explained that per Florida Statute 175 only 2 citizens were appointed by the Town Commission. He added that the Board tried to get people with experience in order to advise the trustees and the only requirement to be a member of the Board was to be appointed by the VFD.

Vice Mayor McIntee asked how much money Mr. San Miguel made from the Board. Mr. Miguel replied that no money was made.

Mayor Minnet asked if a Commissioner received funds should they recuse themselves. Attorney Trevarthen said they did not.

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

The members of the LBTS Volunteer Fire Department as of October 1, 2009 were as follows: Mark Conn, Chairman (to complete the term for Joseph Patton)
Linda Collins, Trustee (newly appointed)
Robert Polakso Trustee (re-appointed)
Douglas Smyth, Trustee,
Miguel San Miguel, Secretary,

b. Commission selection of contractor and award of RFP 09-06-02 - IT Services (Manager Colon)

Manager Colon explained that the proposal numbers submitted were verified. She advised that Brazart was currently our vendor and had been for the past 3 years.

Commissioner Dodd was disappointed that a recommendation was not made by staff. Manager Colon stated that the last time staff made a recommendation it was frowned upon. She added that she was willing to answer any questions.

Commissioner Dodd stated that the Town Manager was to make a recommendation on the vendor. He said he was not in a position to evaluate the grids.

Manager Colon said the last time she put an RFP on the agenda she was told to go out and re-bid. She added that the grid was there for Commission review and if the Commission wanted her to give her recommendation she would.

Commissioner Dodd stated that he was not in a position to determine how many hours have been spent on IT services.

Mayor Minnet recognized the vendors that submitted their proposals.

Chris DeRose said that should the Commission go out for re-bid they should ask the vendors what their numbers were for the previous year for equivalent service and/or try the monthly rate.

Vice Mayor McIntee asked whether Mr. DeRose went to all meetings when he placed a bid. He said he did.

Juan Cortez, Brazart stated he was the current vendor and ready to answer any questions. There were no questions. There were no other vendors present.

Commissioner Silverstone said that the Town Manager stated that she had a recommendation. He said that had he wanted to have the Town Manager's recommendation or any other information in the backup, he would have called the Town Manager prior to the meeting. Commissioner Silverstone asked Manager Colon for her recommendation.

Manager Colon stated that based on comparative bids Brazart quoted a monthly rate for unlimited hours where DeRose quoted 51 hour. She added that the hourly rate for Brazart was \$60.50 and DeRose quoted different levels at different costs. She said the staff depended heavy on someone they could relate to. Manager Colon said staff had a good working relationship, and was very happy with Brazart. She recommended Brazart.

Commissioner Silverstone asked that based on the same amount of work next year, which vendor would be cheaper. Manager Colon stated it would be Brazart.

Commissioner Dodd asked whether each Commissioner should ask the Town Manager for her recommendation prior to the meeting. Commissioner Silverstone said it could be if he wanted it to be. Commissioner Dodd said he would rather have the recommendation at the time the grid was presented.

Manager Colon said there was a legal opinion obtained at the request of Commissioner Dodd as he had indicated in some of his communication that there was wrong doing. She said that was another reason why she did it this way.

Vice Mayor McIntee asked Attorney Trevarthen to explain her opinion for the record. Attorney Trevarthen said that in looking at all the memos attached in the backup she concluded that the Town staff acted properly under the law. Vice Mayor McIntee asked what the accusations were that lead to the legal opinion. Attorney Trevarthen explained it was the conduct of the bid opening, the process of bid responses and the preparation of the bid packet for Commission review.

Mayor Minnet asked whether it was proper procedure for a Commissioner to come to the Town Attorney to ask questions where there was concern. Attorney Trevarthen said she was always available.

Commissioner Dodd made a motion to award RFP 09-06-02 to Brazart. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

c. Commission selection of contractor and award of RFP 09-07-01 - Commercial Blvd Drainage Improvements (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock explained that 16 proposals were received.

Mayor Minnet felt there should be a town wide plan before voting on any drainage improvement. Commissioner Silverstone and Vice Mayor McIntee agreed that projects should be done by priority and a study should be made to determine the priorities.

Commissioner Dodd asked for a level of assurance from the engineer that the scheme would handle the volume of water.

Manager Colon was surprised they were having this conversation as they talked about doing the study for the past 2 years. She said the Town spent almost \$200,000 on studies prior to this Commission. Manager Colon said that she previously explained to the Commission that if the drainage problems were not to be done as they were identified, then the Commission must do a stormwater master plan in 2 phases; Phase 1) \$98,000 to identify town wide problems and Phase 2) \$50,000 for a stormwater assessment study.

Commissioner Clotey asked whether the Town had any experience with the lowest bidder. Assistant Town Manager Olinzock said the lowest bidder was the same company that did the construction of the pavilion. Commissioner Clotey said there was an allegation that the pavilion was sinking. She wanted to know what would happen if they ignored the problem. Assistant Town Manager said the pavilion was not sinking. He added that staff was trying to plan for rain storms.

Vice Mayor McIntee said Bougainville Drive was worse than Commercial Boulevard and Terra Mar was worse than Bouganville Drive. He believed it was time to spend the \$98,000 on a study.

Commissioner Dodd said he was under the impression that a stormwater fee was illegal and was not in favor of that type of assessment.

Manager Colon asked for a legal opinion on stormwater utility fees. Attorney Trevarthen said she would look into it and if done, it would be done in a manner that would be legal.

Commissioner Clotey asked if the Commission approved the study would they basically have to commit to stormwater fees. Manager Colon said that after a master plan was defined, stormwater rates would be assessed. She said the stormwater fees stopped because someone said it was illegal.

Commissioner Silverstone made a motion to authorize going out for contract. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

Vice Mayor McIntee made a motion to defer the RFP to October 13, 2009. Commissioner Silverstone seconded the motion. Commissioner Silverstone offered a friendly amendment to also defer item 16f. Vice Mayor McIntee accepted. The motion carried 5 - 0.

d. Commission selection of contractor and award of RFP 09-07-02 - Parking Citation Processing Services (Assistant Town Manager Olinzock)

Commissioner Dodd asked for a recommendation. Assistant Town Manager Olinzock said that based on experience he would recommend continuing with Duncan Solutions and recommended Option 1.

Mayor Minnet asked Chris Hood, eTec to come forward and inquired of other counties he serviced and for how long he had been in the business. Mr. Hood said his company serviced Plantation, Riviera Beach, and portions of Miami-Dade County and they were in the business for 5 years.

Commissioner Silverstone asked about the upfront cost for the handhelds. Mr. Hood said they were supplying the equipment through Motorola and the upfront costs would cover the first payments on those. He added that the thermal printers were included.

Commissioner Dodd believed that Mr. Hood had better overall pricing than Duncan.

Manager Colon said she had an issue paying for equipment 3 years in advance. She reviewed the grid and compared the costs on thermal paper, check fees, second notice, and non-sufficient check charges. She pointed out that Mr. Hood's specialty was in the parking fines, moving violations, and records. Manager Colon added that the only price break the Town was getting was the annual citation processing fee. Manager Colon preferred to stay on a monthly basis. She pointed out that the Town was not in the parking fine business, the moving violation business or records business.

Mr. Hood stated that the \$1.25 would count toward every ticket and across the board they would be lower.

Commissioner Clotey thought eTec may be cheaper than the others but not as it seemed as there were many other costs involved. Commissioner Silverstone did not see any reason why they would not stay with the current provider.

Vice Mayor McIntee asked which nearest city Mr. Hood handled the parking meters. Mr. Hood said it was the City of Plantation. Vice Mayor McIntee leaned toward staying with what the Town has had. Mayor Minnet wanted clarification on whether it was on moving violations or tickets. Mr. Hood said it was both.

Commissioner Dodd expected to use the figures from last year in order to work out which would be the best contractor.

Manager Colon said that when she was asked to go out to bid the only thing wanted was \$2,000 to complete the year. She did not know why staff had to change contractors when the current contractor has always worked. She recommended they remain with Duncan.

Mayor Minnet asked whether Mr. Hood would work with staff on the up front costs. Vice Mayor McIntee questioned whether after an RFP had been opened and presented could the Commission negotiate it. Attorney Trevarthen said the Commission's responsibility was to evaluate and select and at that point staff could proceed to negotiate a contract. Mr. Hood said he would negotiate.

Commissioner Clotney made a motion to defer to see appropriate figures would be for each of the bidders based on figures of last year. Mayor Minnet pointed out that \$13,000 citations annually were in the back up. Commissioner Dodd wanted a projected 3 year cost would be to the Town. Commissioner Dodd seconded the motion.

Vice Mayor McIntee explained that they were getting \$30,000 up front and money for the citations and at \$10,000 a year paying 2.25 for each citation. He said it ate up the difference between the \$2.62 and \$1.25.

Commissioner Clotney made a motion to defer this item until the October 27, 2009 Commission meeting. Commissioner Dodd seconded the meeting. The motion carried 5-0.

e. Commission selection of contractor and award of RFP 09-07-04 - Sewer Line and Storm Drain maintenance - (Assistant Town Manager Olinzock)

Mayor Minnet asked where the material was taken to after the sewers were cleaned. Assistant Town Manager Olinzock said they had to dispose of it through Pompano Beach as hazardous waste.

Commissioner Dodd wanted to know whether it be worth asking TeleVac to give us a list of the 10 worst areas of the Town so that the Town would avoid black topping those areas. Assistant Town Manager Olinzock said he would get their opinion.

Commissioner Silverstone made a motion to approve the TeleVac RFP. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

f. Discussion and/or action regarding Citizen Contact Forms for drainage project (Assistant Town Manager Olinzock)

1. Harbour Drive - \$160,000 estimated construction
2. 4400 El Mar Drive - \$61,250 estimated construction
3. 1755 E. Terra Mar Drive - 9,500 estimated construction
4. Chen & Associates design and permitting \$15,188 plus reimburseables

This item was deferred earlier in the evening with item 16 c.

g. Discussion and/or action for amendment to Ordinance 2009-19 - Vacation Rentals (Commissioner Silverstone)

Attorney Trevarthen suggested changing residential dwelling unit to 1) single family dwellings and 2) town house dwellings and to clarify the town house dwelling as multi-story.

Commissioner Silverstone made a motion to approve to accept the changes recommend by the Town Attorney including the reduction of the time from 7 months down to 3 months. Commissioner Dodd seconded the motion.

Attorney Trevarthen recaped the motion with the changes: 1) instead of applying to all rentals from a minimum of 7 days to a maximum of 7 months, it would change from 7 days to 3 months; 2) to reduce the scope from residential dwelling units overall to only the modified definition of town house and single family.

Commissioner Silverstone believed this was the way Town government should work. Mayor Minnet suggested that in the future the Commission should place something in the backup explaining what it the Commissioner wanted to talk about in order for everyone to understand the subject matter.

Attorney Trevarthen noted that the item would have to go back before the Planning and Zoning Board prior to coming back to the Commission for 1st and 2nd reading.

The motion carried 4 - 1. Commissioner Clotley voted no.

- h. Discussion and/or action to limit commission members to a total of (3) times, (3) minutes each, on each agenda item (Mayor Minnet)

Mayor Minnet said she put this on the agenda to make everyone aware that they need to curtail their time and move on with the agenda. She suggested everyone come prepared, limit dialogue and recognize that there is a time limit and stick to Town business.

Vice Mayor McIntee made a motion to approve the limitations and to place a clock for all to see the time. Commissioner Dodd offered a friendly amendment to limit Commissioner Comments to 5 minutes. Vice Mayor McIntee rejected. Commissioner Clotley wanted to add a friendly amendment that when someone from the audience came up to speak and did not use their 3 minutes, that they could not come back and use the remaining time to speak again. Vice Mayor McIntee accepted Commissioner Clotley's friendly amendment. 0 seconded the motion.

The motion failed 4 - 1. Mayor Minnet, Commissioner Silverstone, Commissioner Dodd and Commissioner Clotley voted no.

- i. Discussion and/or action to review Ordinance Chapter 10:

1. Garbage and Refuse (Mayor Minnet)
2. Review the Ordinance for garbage enclosures in all districts (Mayor Minnet)

Mayor Minnet wanted to make it clear that chain link fences were prohibited.

Mayor Minnet said this was a problem since Choice Environmental took over.

Commissioner Clottey said there seemed to be a dual rate system with some people paying a commercial rate.

Commissioner Dodd said one person was paying \$75 a month and received recycling and currently paid the same price without recycling. Manager Colon said some of the properties had mixed use and some did not pay. She said staff would contact Choice and the residents and get to the bottom of it. Mayor Minnet asked that if it was a multi-use dwelling and the upstairs dwelling said they did not want it, how would that be handled. Manager Colon said the ordinance required a solid waste container.

Mayor Minnet stated that channel 78 advises when the garbage and recycling would be picked up.

Mr. Brenner said he had two toters and only utilized one and did not get his recycling.

j. Discussion and/or action to review Chapter 30:

1. The ordinance on corner lots (Mayor Minnet)
2. Amend Section 3.13 #29, pertaining to the installation of pools on corner lots (Commissioner Silverstone)

Commissioner Silverstone stated that the older homes originally had the right to put a pool on the front setback of their lot and since that time it had been denied. He believed the Commission should take a look at the ordinance and make it more laxed.

Attorney Trevarthen referred to Code Section 30-313 subsection 29 and suggested: 1) delete the 1st sentence to allow pools in the front yard; 2) change the requirement in (a) water bearing wall surfaces to have a minimum 5 foot set back to the front as well as the side and the rear yard; 3) add (c) to allow the fencing to enclose the pool in the front yard setback as long as it did not obstruct the site distance triangle; and 4) change "side and rear only" to include "front yard" as well.

Commissioner Clottey had no problem with pools allowed in the front yard with a wall to shield it.

Ms. D'Uva said she was told by the Town that the fine would be held until decisions were made on the pool and the shed.

Commissioner Silverstone made a motion to approve to amend Section 30-313 subsection 29, to remove the prohibition on swimming pools, hot tubs or spas in the front setbacks and making related changes to the remainder of the section regarding

fencing and enclosing would not affect the site distance triangle. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

k. Discussion and/or action to support staff's request and reset the bond to its original value - Minto (Commissioner Dodd)

Commissioner Dodd was concerned that Minto would not put the sidewalk in and the Town would be stuck with the current sidewalk until the next phase. He asked whether the bond could be raised since the Commission already lowered it. Mayor Minnet advised that it had already been recorded and she signed off on it. Attorney Trevarthen believed it was too late.

l. Discussion on Bid opening procedures - change purchasing manual section 4 (a) to read - All timely - received bids shall be publically opened and read aloud in the presence of witnesses at the place and time designated in the RFP. Town staff shall warn all present the bids have not been checked for responsiveness or mathematics (Commissioner Dodd)

Commissioner Dodd felt the purpose of opening the bid was to show the government was operating under the Sunshine Law.

Commissioner Dodd made a motion to change purchasing manual page 4 to read "all timely received bids shall publicly opened, read allowed to include the bidder, the town, the bid number and the bid value; contractors present at the bid opening would have the right to inspect the lowest bid, staff would announce that the bids would be evaluated for mathematical error and responsiveness.

Commissioner Dodd said he was present at the bid opening where 14 angry contractors were angry and BSO had to be called in to maintain the peace. 0 seconded the motion.

Manager Colon stated that the instigation was caused by some of the people that attend the bid openings. She said there was a legal opinion that stated that what the Town Manager and staff did was not illegal. Manager Colon said she also personally attended the bid opening because she was told by staff that it was getting unbearable with these people attending the bid openings. She added that one resident, who claimed to be a "resident" at the bid opening, when he was a Commissioner. Manager Colon had no objection to the Commission hiring a procurement officer to take over the bid process. She said the purchasing policy has been in effect for years and there never was a problem. Manager Colon said she sat across from the "resident" Stuart Dodd and Barbara Cole and another gentleman who accused back door dealings. She added that it was the people in the audience instigating the upset. Manager Colon referred to New Business item 16e, the sewer bid response. She said the Town Clerk would have had to sit and read all those numbers on multiple pages and explain the amount for each item, such as linear feet, sewer line pipe and she would have to do that for each bidder. Manager Colon stated that what staff did was legal, the Town Clerk opened the bids publicly and read out loud the name of the bidders. Manager Colon said there was never a problem until recently and believed it was due to

instigating. She said staff was expected to do the job of 3 people and they were getting criticized for being open and transparent. Manager Colon said BSO was called in because of the people that were instigating trouble and disrespect. Manager Colon requested the Commission approve a procurement officer.

Vice Mayor McIntee asked the Town Attorney the Town Clerk or the Town Manager did anything illegal in the opening of the bid process. The Town Attorney said they did not. She said the only requirement was to open the bid in public and that was what was done. Vice Mayor McIntee asked whether other cities used the same process. Attorney Trevarthen said it varied; some did less and some did more. She said it was not a legal thing it was policy. Vice Mayor McIntee was curious to know why so many contractors suddenly showed up at the bid opening and pointed out that very few or none showed at others.

Commissioner Clotey thought there were a lot of grey areas in something like this. She said the information Commissioner Dodd asked for, such as the bid value on the parking citation. Commissioner Clotey asked how someone could expect the Clerk or anyone to come up with the bid value. She believed it was a number that had to be calculated. Commissioner Clotey suggested the bids be copied and distributed so that everyone could look at the numbers.

Attorney Trevarthen pointed out that there was a public records law that a sealed bid stayed sealed for 10 days and then the information could be released. She added that after that 10 day time period those records are available for inspection and copying.

Attorney Trevarthen said there was a single law on sealed bids after the 10 day period the public records were available for inspection.

Barbara Cole said she always attended the bid openings and never had a problem until recently when the bid amounts were not read out loud.

Manager Colon appreciated that Ms. Cole came to the bids. But she did not appreciate it when Ms. Cole chatted with "resident" Commissioner Dodd and another gentleman. Manager Colon said what really bothered her was that Ms. Cole gave her blog card out to vendors. Manager Colon said back door dealing don't happen and the existing Town policy was made with Town Attorney approval.

Commissioner Silverstone said if they read bids out loud and hired a procurement officer the numbers still would mean nothing. He believed it was more efficient the way it was being done currently.

Commissioner Dodd said he had the right to attend the opening of bids.

Commissioner Clotey asked how other cities did it. Attorney Trevarthen said there was no legal requirement in the way to do it. She said that some of the cities that had more staff were more elaborate, and other cities were more streamlined.

Vice Mayor McIntee worked with Town staff for 3 years and had never seen any indication from the Town Manager or the Town Clerk where they would even consider a back door deal. Vice Mayor McIntee said had he been at that bid opening, he would have stood up and defended staff against an accusation such as that, yet a Commissioner who was there and did not. He believed that showed where that Commissioner was in his thought process.

Mayor Minnet said it did mean something when the numbers were read. She believed it was ethical procurement. Mayor Minnet said she attended the pre-bid conference for the police sally port. She said she asked O'Campo and Associates how other cities did it and was told it was half and half. Mayor Minnet wanted to look more into the way other cities did it and asked Commissioner Dodd to either remove his motion or make a recommendation.

Commissioner Dodd withdrew his motion. He wanted staff to research the way other municipalities did it. Commissioner Dodd tabled the item until the information was received.

- m. Discussion and/or action regarding Board of Adjustment, P & Z and MPSC sub committee recommendations, functions and raison d'etre of a variance and code enforcement penalties when a variance is denied (Commissioner Dodd)

Commissioner Dodd thought the Commission needed to look seriously at this particular issue as the person was being fined \$100 a day.

Vice Mayor McIntee said it was originally regarding a pool and then the shed came into the picture. He said the Town Attorney had said that Ms. D'Uva was ordered to comply by March 21, 2009 and she would be penalized \$100 a day. He added that Ms. D'Uva could not go to the Magistrate until she removed the shed.

Mayor Minnet pointed out there was no permit on the shed which was a pre-manufactured 24 ft by 12 ft structure and that was why Ms. D'Uva was fined. She added that the setback was a separate issue. Ms. D'Uva said she had to get a variance before she could get the permit.

Attorney Trevarthen advised there was no motion on the table and the item had been discussed.

- n. Discussion and/or action on the Law Enforcement Trust Fund (Commissioner Dodd)

Commissioner Dodd said that according to purchasing manual the funds are at the discretion of the Town and the police. He said he asked for Town Attorney opinion because he had a problem with the request to spend \$150,000 for the public services

building. He said the Town Attorney's opinion was that the Commission could probably approve the request if the police chief requested it per Florida Statute 932.7055(5).

Commissioner Dodd did not believe he received the proper interpretation and wanted to request opinion from the Attorney General. He said the Law Enforcement Trust Funds should not be used for building a satellite office, stables or an evidence room. Commissioner Dodd asked the Town Attorney to do some research on spending 15% of the Law Enforcement Trust Fund.

Commissioner Dodd made a motion to obtain attorney general opinion on the use of Law Enforcement Trust Funds. Commissioner Clotey seconded the motion.

Attorney Trevarthen stated that her opinion stated that the Chief followed the method in the Statute for certification. She added that the Attorney General stated that as a governing body they should give deference to the Chief's request but the determination rested with the Commission. Vice Mayor McIntee clarified that the Police Chief requested funds, the state said ok, and the final say was with the Commission. Attorney Trevarthen agreed the final decision was with the Commission.

Manager Colon stated that the LETF Funds were approved last year when Chief Gooding requested surveillance cameras and at the previous meeting in the same manner. She agreed with the Chief and agreed with the Town Attorney; it was not a recurring expense and not a non-existing facility. Manager Colon said this was the same thing they did every year and asked why all of a sudden it was not ok.

The motion failed 3-2. Commissioner Dodd and Mayor Minnet voted no.

o. Discussion and/or action concerning Public Information Requests:

1. Vice Mayor's request for copies of Mayor Minnet's emails and Commissioner Dodd's emails (Commissioner Dodd)

Barbara Cole found it troubling that Vice Mayor McIntee requested something he did not want to turn over himself. She thought it should be available for a resident to contact their commissioner confidentially.

Commissioner Dodd said he put this on the agenda because he felt that the Vice Mayor was on a fishing expedition as he requested emails from both himself and Mayor Minnet. He said he understood that the Vice Mayor deleted all his emails and thought that to be convenient. Vice Mayor McIntee said he did not delete his emails; it was an automatic action by his internet provider, AOL.

Commissioner Dodd asked Commissioners Silverstone and Clotey how they would feel if personal advise from a resident was printed all over a local newspaper. Commissioner Dodd said he would wait until he was subpoenaed before he would surrender his emails and not without a \$1,500 check from Vice Mayor McIntee deposited with Town Hall for the 1,200 emails he had. Commissioner Dodd said he

would continue to write his emails on his home computer under stu4boats@bellsouth.net. He expected Vice Mayor McIntee to follow up with a request to Commissioner Silverstone's and Commissioner Clotley's emails and wondered if they too would decide to delete their emails rather than hand them over.

Commissioner Silverstone believed this was getting out of hand. He said if there was nothing to hide why not just turn the emails over.

Commissioner Clotley resented the accusation that she deleted her emails. She said if Commissioner Dodd had a problem with a request made by a Commissioner that that was between him, the Commissioner and the law and the Commission did not have the authority to do anything about it. She said it was not fair to put everyone in a bag with a label on.

Vice Mayor McIntee requested that Commissioner Dodd send his response to the Town Clerk since Commissioner Dodd said he would not provide his emails.

2. The costs of Public Information requests (Commissioner Dodd)

This item was removed at the September 9, 2009 Commission Meeting

Vice Mayor McIntee made a motion to continue the meeting to 11:30 p.m.
Commissioner Silverstone seconded the motion. The motion carried 5-0.

p. Explanation of function of Town Government (Commissioner Silverstone)

Commissioner Silverstone explained that he wanted to know how the other cities kept their millage rate down, particularly the City of Weston. He found that it had to do with negotiating RFP's. Commissioner Silverstone said in effect the Town Manager was the contract negotiator. He said his intent was to create an understanding for the people of how government worked but found it to be a lost cause.

Commissioner Silverstone withdrew this item.

q. Discussion and/or action regarding the November 10th & 24th Commission meetings and the December 8 and 22 Commission Meetings (Mayor Minnet)

Mayor Minnet wanted to combine meetings due to the upcoming holidays. She suggested the Commission cancel or set other dates. Mayor Minnet explained that November 24th was the day before Thanksgiving. Commissioner Clotley suggested moving November 24th to December 1st.

Vice Mayor McIntee made a motion to have the November and December meetings on November 10, 2009, December 1, 2009 and December 8, 2009.
Commissioner Silverstone seconded the motion. The motion carried 5-0.

- r. Discussion and/or action regard the clarification of the ordinance pertaining to the storage of boats, boat trailers, boat enclosures and boat covers in the Town (Mayor Minnet)

Mayor Minnet said she previously asked the Town Attorney to clarify what the people in Bel Air could have.

Attorney Trevarthen said that Assistant Town Manager Olinzock was to run through it but he was not currently available.

Vice Mayor McIntee made a motion to approve to defer to the October 13, 2009 Commission meeting. Commissioner Silverstone seconded the motion.

- s. Discussion and/or action: Faced with record numbers of foreclosures, some Florida communities are using more innovative ways of maintaining foreclosed properties than fines and liens. Some communities in Florida have programs where the municipality takes over the maintenance of a deteriorating property and adds these expenses to the tax bills of these respective properties. This way the Town will get reimbursed for its services and neighbors do not have to deal with deteriorating properties and overgrown lawns, green swimming pools, etc (Commissioner Clotney)

Commissioner Clotney made a motion to defer this item to the October 13, 2009 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 5-0.

- t. Cost study for police services \$2,500 (Commissioner Silverstone)

Commissioner Silverstone withdrew this item. He was against paying for the study.

- u. Discussion and/or action regarding draft Resolution #2009-23 concerning street names in Bel Air (Commissioner Clotney)

Commissioner Clotney said that since the post office changed the street names many problems occurred and therefore, the residents had requested the name changes to solve the problem. Manager Colon stated that if the Resolution was approved it would be forwarded to Broward County. She pointed out that it had nothing to do with a change of a zip code and below the street name the existing street number had to appear.

Mayor Minnet asked for clarification on the procedure for putting a Resolution without discussing it first. She realized this was under discussion and/or action on a resolution that was already drafted. The Commission agreed it was ok.

Mayor Minnet asked how much it would cost. Manager Colon said it would cost little under \$1200. She added that the Resolution would need an exhibit and the exhibit would have to consist of the names.

Edmund Malkoon indicated that the Board Members signed the document with street names. Manager Colon said there were only 6 signatures on that document. She added that the exhibit with the names of streets was needed to attach to the Resolution for Commission to review.

Commissioner Clotey made a motion to defer to September 22, 2009. Commissioner Silverstone seconded the motion. The motion carried 5-0.

v. Discussion and/or action regarding code compliance for turtle lighting
(Commissioner Dodd)

Commissioner Dodd wanted to give everyone an update on how important it was to come into compliance with the lighting to ensure the safety of the hatchlings. He wanted the Town to make an effort for everyone to comply.

Manager Colon said they will be going before the magistrate.

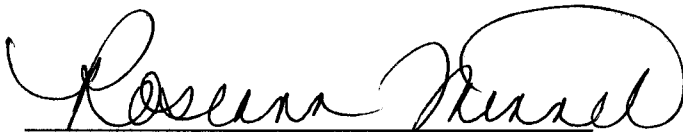
3. TOWN ATTORNEY REPORT

There were no reports.

4. 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.

5. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

Date

10/20/09