TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, June 24, 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 Roseann Minnet, Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Birute Ann Clottey, and Commissioner Stuart Dodd were present. Also present were Town Attorney Daniel L. Abbott, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

Mayor Minnet noted that earlier, during the Commission Conference, it was agreed to move Item 9 i a Ordinance 2008-13 for first reading to New Business Item 15 h.

Commissioner Dodd made a motion to move Item 9 i a, Ordinance 2008-16 on 1st reading, as New Business item 15 h. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

On a Point of Order, Vice Mayor McIntee requested the Town Attorney Report be moved to immediately follow the Town Manager Report.

Vice Mayor McIntee made a motion to move the Town Attorney Report to follow the Town Manager Report. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

Commissioner Clottey requested the removal of Consent Item 11 h from the agenda as it was discussed earlier at the Commission Conference.

suspects in the armed robbery that recently took place at the Ft. Lauderdale Resort. Chief Gooding said the cameras would have identified the get away vehicle. Chief Gooding said the final proposal on the first 6 cameras should be available to the Commission by July 8, 2008.

Commissioner Dodd made a motion to accept the report Commissioner Clottey seconded the motion. In a roll call vote, the motion carried 5 - 0.

d. Walk Around Committee - Shirley Russotti (Vice Mayor McIntee)

Ms. Russotti asked to have the benches pressure cleaned and repainted, have code address the real estate and construction signs that remain after the sale or the job is complete, and advised that anything that is offensive should be brought to her attention and she will forward it to Code Enforcement.

Manager Colon preferred she receive a report from the Walk Around Committee so that staff would know what direction to take and whether money was allocated.

e. Report from the immediate past president of the Master Plan Steering Committee or her representative regarding clarification of the Master Plan document (Mayor Minnet)

Diane Boutin gave a brief overview of the Master Plan that was provided by the paid consultant hired by the Town of Lauderdale-By-The-Sea in 2004. She believed it should be used as a guide for future redevelopment.

Commissioner Silverstone said there were many Master Plans over the years and believed the Town needed a plan that worked. He believed the Commission should give direction to the Master Plan Steering Committee and felt it should be on a future agenda to facilitate direction.

Vice Mayor McIntee agreed that the Master Plan Steering Committee needed specific direction on one major task at a time.

Commissioner Silverstone said the Master Plan for the Town was done years ago. He said the balance between residential and business was there. Commissioner Silverstone said all that was needed was a plan to improve on the pattern.

6. TOWN MANAGER REPORT

a. Third Addendum to BSO Law Enforcement Agreement

Manager Colon explained that the numbers annualized indicated a savings of $24,182.

Vice Mayor McIntee made a motion to accept the Third Addendum to BSO Law Enforcement Agreement. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

b. Lease Assumption and Extension Agreement with Holy Cross Hospital

Manager Colon said that when the Town originally purchased the off site building property the Town had a lease agreement with North Ridge Medical Center. She added that North Ridge Medical Center was recently purchased by Holy Cross. Manager Colon advised that Holy Cross had agreed to a month to month lease until the building was sold.

Commissioner Silverstone made a motion to accept the Lease Assumption and Extension Agreement with Holy Cross Hospital Commissioner Clottey seconded the motion. In a roll call vote, the motion carried 5 - 0.

16. TOWN ATTORNEY REPORT

Attorney Abbott received a response to his letter to ByTheSeaFuture that indicated the publisher agreed to publish a front page retraction along with a letter of apology, as was requested by Vice Mayor McIntee at the June 24, 2008 Commission meeting.

Vice Mayor McIntee said that although he would not give up his right to recovery, he would not ask the Town for legal support.

Attorney Abbott reported on the Pier Pointe / Oriana easement behind the property where the Town wanted to construct a boardwalk. He said he had contacted the legal representatives for Oriana and indicated that the answer to the Town's request to amend the easement was forthcoming.

Vice Mayor McIntee asked whether Gordon Lynn, Magistrate was an employee with Attorney Abbott's firm. Attorney Abbott said he was the City Attorney for the City of Pompano Beach and not an employee of Weiss Serota. Vice Mayor McIntee asked whether Attorney Abbott believed there was a conflict with Gordon Lynn being the Magistrate for the Town of Lauderdale-By-The-Sea. Attorney Abbott said there were no legal conflicts.

Vice Mayor McIntee requested clarification on the proper way for the Commission to request and/or direct the Town Attorney to prepare items for placement on the agenda, and whether it was proper for an individual on the Dais to make such requests or whether the Town Attorney should be directed by the Commission as a whole. Attorney Abbott stated that in the City of Hollywood items were placed on the agenda by either the City Manager or the Commission (usually two Commissioners), and at that time direction would be given to the Town Attorney to prepare a document. Vice Mayor McIntee believed direction to the Attorney should come from the Commission as a whole and requested it be placed on the July 8, 2008 agenda for discussion and/or action regarding direction to the Town Attorney to go through the Commission as an agenda item for discussion prior to the Town Attorney acting on it, unless it was an emergency.

Mayor Minnet asked Attorney Abbott to clarify whether she directed him to create an Ordinance. Attorney Abbott said she did not. He added that he had taken it upon himself to create the Ordinance.

Vice Mayor McIntee made a motion that no one can direct the Town Attorney without going before the Commission as an agenda item for discussion. Commissioner Dodd made a friendly amendment to the motion. He wanted to add "unless the Town Manager polled the Commission first." Vice Mayor McIntee agreed if it were an emergency. Commissioner Clottey believed that before an Ordinance was created the definition of "emergency" needed to be very specific.

Mayor Minnet believed the Commission should digest the information. She hoped the Commission would act appropriately so that the Commission would not need to move forward with a motion like this and treat each other respectfully.

Vice Mayor McIntee repeated his motion. Discussion followed to refine the motion to include that if anything that came before the Commission, that may turn out to be a Resolution or Ordinance, it had to be placed on the agenda as an item of New Business and/or allow the Town Manager to poll the Commission first. Attorney Abbott did not believe there would be any emergency that would require him to prepare a document. He stated that polling the Commission was a violation of Sunshine and explained that polling constituted a vote.

Vice Mayor McIntee returned to the original motion. Commissioner Dodd seconded the motion. Discussion continued for clarification on polling. Manager Colon requested written clarification from the Town Attorney. In a roll call vote, the motion carried 3-2. Commissioner Clottey and Mayor Minnet voted "no".

7. APPROVAL OF MINUTES

Clerk White advised that in the Regular Minutes, the vote for Item 9 ii a, Ordinance 2008-13 was recorded as 5-0. She added that the actual vote was 4-1 with Mayor Minnet voting "no". Clerk White advised the correction had already been made in the actual document. There were no additional corrections, additions, or deletions to the minutes.

a. June 11, 2008 Workshop Minutes

Commissioner Silverstone made a motion to approve the minutes of the June 11, 2008 Workshop Minutes Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

b. June 11, 2008 Regular Meeting Minutes

Commissioner Silverstone made a motion to approve the minutes of the June 11, 2008 Regular Meeting Minutes. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

8. PUBLIC COMMENTS

Bob Fleishman questioned the freedom of speech. He did not believe it was the taxpayer's responsibility to pay for lawsuits brought about by elected officials. Mr. Fleishman also wanted to know what the backup plan was if AMR went on strike as they had in California.

Cristie Furth said the upcoming 4th of July parade would begin at 10:00 a.m. from Town Hall and headed by the Volunteer Fire Department and followed by a holiday bash at the new El Prado Beach Park. She added that both kids and parents can decorate their bikes in a patriotic theme for prizes, and announced other prizes were available with the purchase of raffle tickets.

Paul Novak said the Master Plan Steering Committee was ready to go to work but needed direction from the Commission. He believed the Committee needed seven (7) members. He requested direction from the Commission on items of concern such as the Beach Pavilion; the modification of the overlay districts; gateway redesign; the scenic highway program; going green; recycling; increasing Committee members; and allowing seed money for the Committee. Mr. Novak felt that the public should not shoot fireworks on the beach for safety reasons.

Frank Herrmann talked about hot dogs and the 4th of July. He did not support a new building department.

Maureen McIntee portrayed Old Glory and gave a heartwarming history of the U. S. Flag from its birth to current day.

9. ORDINANCES - "PUBLIC HEARING"

I. Ordinances 1st reading

a. Ordinance 2008-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 2-16 OF THE CODE OF ORDINANCES TO ALLOW FOR A RECESS OF TOWN COMMISSION MEETINGS IN AUGUST OF EACH YEAR; AND ALSO PROVIDING FOR THE ABILITY TO HOLD REGULAR COMMISSION MEETINGS ON DAYS OTHER THAN THE SECOND AND FOURTH TUESDAY OF EACH MONTH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Mayor Minnet)

This item was moved earlier in the meeting and became New Business Item 15 h. At that time Ordinance 2008-16 was tabled indefinitely.

II. Ordinances 2nd reading

a. Ordinance 2008-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 20-16 OF THE CODE OF ORDINANCES, TO ELIMINATE THE REQUIREMENT THAT PROPERTIES HELD UNDER A COOPERATIVE FORM OF OWNERSHIP CONNECT TO THE SANITARY SEWER SYSTEM; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading June 11, 2008) (Attorney Abbott)

Mayor Minnet read Ordinance 2008-16 by title. Mayor Minnet opened the meeting for public participation. With no one wishing to speak, Mayor Minnet closed the public portion of the meeting.

Commissioner Dodd made a motion to adopt Ordinance 2008-13. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

10. COMMISSIONER COMMENTS

Commissioner Clottey addressed the 4th of July parade and gave instruction to those who wish to ride in the parade.

Commissioner Clottey asked Assistant Olinzock to report on the status of the iguana issue. Assistant Olinzock said that the purchase order had been issued and he and Mr. Dave Johnson would survey and map out the Town.

Commissioner Clottey was surprised to see AMR (American Medical Response) trucks in Vegas. She said the people she spoke to had no complaints about AMR. Commissioner Clottey asked whether AMR could strike in a right to work state such as Florida. Attorney Abbott replied that government employees could not strike and that he would research the private sector.

Commissioner Silverstone was concerned with an AMR strike. He thought the Town Manager could contract out with Pompano or Ft. Lauderdale if necessary. Commissioner Silverstone addressed the need for Board and Committee members. He reminded everyone budget season was beginning and thanked everyone on the 4th of July Committee.

Commissioner Dodd reminded everyone that there were fabulous prizes in the children's contest and encouraged all children to participate. The VFD (Volunteer Fire Department) was 25% bigger and better equipped than when they first started. He agreed with Paul Novak on committees and asked if the MPSC (Master Plan Steering Committee) meeting date could be moved as it conflicted with the Hillsboro Inlet Commission meetings. Commissioner Dodd said that the Commission changes were made in an attempt to lower the millage.

Vice Mayor McIntee said he had called AMR and asked what would happen should they go on strike. He said that AMR stated that they would reach out and fly people in from other places to break the strike.

Vice Mayor McIntee said Commercial Boulevard had nine vacant stores and suggested moving the Chamber of Commerce to Commercial Boulevard. He said, according to the Chambers monthly bulletin, they had 2,000 walk-ins in January. Vice Mayor McIntee believed pedestrian traffic was the answer. He said the building on A1A cost the Town $138,000 and the Town supported the Chamber of Commerce at $138,000. Vice Mayor McIntee believed that relocating the Chamber of Commerce to Commercial Boulevard would save the Town $100,000 and increase business.

Vice Mayor McIntee placed this as an item for the July 8, 2008 agenda for discussion regarding moving the Chamber of Commerce to a building on Commercial Boulevard.

Mayor Minnet thanked Minto for the ribbon cutting ceremony and thanked everyone for their participation in the Ocean Watch Beach clean up. Mayor Minnet asked everyone to recycle and talked about the Adopt the Street program. She said she had taken the lead on that program and ten streets had already been adopted. She hoped that every street in Town would get adopted and looked forward to receiving the calls. Mayor Minnet thanked the 4th of July committee.

11. CONSENT AGENDA

Consent Items 11b, 11e, 11f, 11g, 11i, and 11j were pulled for discussion.

Vice Mayor McIntee made a motion to approve Consent Items 11a, 11c, and 11d on consent. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

a. Commission approval to purchase Lawn Mover from Young's Power Center - $6,411.28 (Assistant Olinzock)

This item was approved on consent.

b. Commission approval of the purchase of a Telescopic Aerial Device (Bucket Truck) from Altec Industries, Inc., in the amount of $51,565.00, GSA Contract #GS-302F-1028G (Assistant Olinzock)

Commissioner Dodd inquired of the projected savings. Manager Colon said, this year alone, the Town had paid $13,000 for the installation and removal of banners and brackets. She said the dollar amount for streetlight repair would have to be calculated. She said the funds had already been allocated and believed the purchase of the Bucket Truck would pay for itself in two or three years.

Commissioner Dodd made a motion to approve the purchase of a Telescopic Aerial Device (Bucket Truck) from Altec Industries, Inc. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

c. Commission approval of parking permits for use of four (4) metered parking spaces during construction activity at 239 Commercial Boulevard, 24 hours a day, five (5) days per week, for 3 months, at the cost of $360.00 per meter. Option to extend on a weekly basis (Assistant Olinzock)

This item was approved on consent.

d. Commission approval of twenty-five (25) additional parking permits for use by the Women's Club of Lauderdale-By-The-Sea, valid Wednesday only, 9

AM to 4 PM, and valid the third Thursday of every month, 9 AM to 4 PM, expiring September 30, 2008 (Assistant Olinzock)

This item was approved on consent.

e. Commission approval of award of bid to Al Siefert Electric in the amount of $5,029.00 for the removal and replacement of seven (7) recessed lighting fixtures above the dais in Jarvis Hall (Assistant Olinzock)

Mayor Minnet explained that LED lighting was expensive and their performance had not yet been proven. She added that were no indications of what the long term benefit would be. Mayor Minnet suggested the Commission wait a while as the cost was beginning to come down and suggested florescent lighting.

Commissioner Dodd made a motion to table until additional information and pricing was received. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

f. Commission approval of the use of Jarvis Hall by the Property Owners Association for informational meeting on Water Conservation, Thursday, July 10, 2008, 6:30 PM till 9:00 PM. Requesting waiving of RESO 1254 Use Fees and approval of meeting agenda (copy attached) (Assistant Olinzock)

Commissioner Silverstone wanted a consensus as to whether the Commission should waive the fees as there seemed to be other items on their agenda. Assistant Olinzock explained that the items listed were to be discussed and that no one was scheduled to talk on those subjects.

Assistant Olinzock explained there were two different fees; the $100 application fee and use fees as referenced in Resolution 1254. Assistant Olinzock sought clarification of those fees.

Vice Mayor McIntee made a motion to charge for kitchen use, with money refunded if the kitchen was left spotless, and money deducted if staff had to clean it and no charge for the use of Jarvis Hall.

Commissioner Clottey made a friendly amendment to call it a "refundable application fee". Vice Mayor McIntee and Commissioner Silverstone accepted the amendment. Commissioner Silverstone seconded the motion.

Lengthy discussion followed regarding kitchen use, overhead costs, responsibility for set up and the cleaning up of Jarvis Hall.

Manger Colon said that Town Code stated that they must charge the user fees. She added that until the Resolution was changed she would continue to bring the applications before Commission.

Mayor Minnet believed that Manager Colon was requesting the Commission to bring Resolution 1254 to the next meeting for discussion and/or action. Assistant Olinzock stated that Town Commission approval was required as stated on the application.

Vice Mayor McIntee clarified that the motion on the table was to give Manager Colon an answer for this application. He added that Resolution 1254 would be addressed at the next meeting to give direction for the future.

In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

Mayor Minnet directed Resolution 1254 be placed on the July 8, 2008 agenda for discussion and/or action.

g. July 4th Expenditures (part of the original $40,000 approved 5/27/08 - 1) Al Seifert Electric - $37,778.00 temporary power/circuit for 4th of July 08 event; 2) Aruba Café - $2,461.97 in lieu of paying $1,915.84 to US Foodservice for 4th of July 08 event (Town Manager Colon)

Vice Mayor McIntee made a motion to approve the July 4th expenditures. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

Manager Colon clarified that the cost of the food could go up or down.

Vice Mayor McIntee withdrew his motion. Commissioner Silverstone withdrew his second.

Vice Mayor McIntee made a motion to accept the July 4th expenditures with the possibility that $400 for the cost of food could go up or down. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

h. Any member of the Dais who proposes a new service program, such as the Adopt a Street Program, must take the leadership role in this new program's implementation and not merely turn it over to the Town's Administration to implement. Our staff is being overwhelmed with good ideas but short handed when it comes to implementation (Commissioner Clottey)

This item was removed earlier in the meeting.

i. If fire services are provided to a neighboring community by our VFD, the charge for this service must be at least 50% higher than what is charged LBTS residents and businesses for similar services (Commissioner Clottey)

Commissioner Clottey explained that she did not agree with subsidizing Sea Ranch Lakes at same costs the residents pay for fire services. Commissioner Silverstone indicated it did not cost the town anything. Lengthy discussion continued. Chief Perkins stated that the Volunteer Fire Department would go into Sea Ranch Lakes if there was a fire as mutual aid anyway.

Commissioner Clottey made a motion to table to the July 8, 2008 Commission meeting or until after the VFD finds out the result of their bid. Commissioner Dodd seconded the motion.

Town Manager clarified that the Town of Lauderdale-By-The-Sea could not charge a surcharge to Sea Ranch Lakes for anything as the Town of Lauderdale-By-The-Sea did not have a fire department. Discussion continued regarding the money received from Sea Ranch Lakes to be given back to residents as a discount.

Vice Mayor McIntee pointed out that there was no contract between the Volunteer Fire Department and Sea Ranch Lakes. He added that the Volunteer Fire Department submitted an RFP. Commissioner Clottey hoped the Volunteer Fire Department would keep her concerns in mind when the go to the table for negotiations. Chief Perkins said he would.

In a roll call vote, the motion to table to the July 8, 2008 Commission meeting carried 5-0.

j. Approval of Vice Mayor McIntee expense to Tallahassee Ethics hearing of 6/5/508 - $520 (Town Manager Colon)

Commissioner Silverstone amended the agenda item to add his travel expenses of $72.00 for the trip to Tallahassee. Vice Mayor McIntee pointed out that he and Commissioner Silverstone chose to ride together in one car, rather than two, and saved the Town money.

Mayor Minnet wanted to see the ethics report before voting on this item.

Commissioner Dodd made a motion to break. Mayor Minnet recessed the meeting at 9:55 p.m. and reconvened at 10:00 p.m.

Commissioner Dodd made a motion to approve the expense reports of Vice Mayor McIntee and Commissioner Silverstone. Commissioner Clottey seconded the motion. In a roll call vote, the motion carried 2 -1. Mayor Minnet voted no. Vice Mayor McIntee and Commissioner Silverstone recused.

12. RESOLUTION

13. OLD BUSINESS

a. Creation of a building department (Requested at the June 11, 2008 Budget Workshop)

Commissioner Dodd wanted more time to collect additional information.

Commissioner Dodd made a motion to table to the September 12, 2008 Commission meeting. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

b. Discussion and/or action regarding underground wiring at Imperial Lane and Codrington Drive (requested at the June 11, 2008 Budget Workshop - Commissioner Dodd)

Commissioner Dodd did not want to spend taxpayer dollars on this project. Manager Colon advised that the budget document indicated there was no money allocated to that project.

c. Discussion and/or action to use a natural walkway with sea oats rather than a boardwalk (requested at the June 11, 2008 meeting - Vice Mayor McIntee)

Vice Mayor McIntee stated that Attorney Abbott was waiting for a response back from Oriana.

Vice Mayor McIntee made a motion to table to the October 8, 2008 Commission meeting, unless a response came earlier, then Attorney Abbott could report. Attorney Abbott agreed. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

d. Discussion and/or action setting a date and time for public meeting with business owners to listen to their concerns & a similar meeting with hoteliers (Commissioner Clottey)

Commissioner Clottey thought it would be beneficial to meet informally with the businesses and hoteliers and listen to their concerns as they were the backbone of the community.

Manager Colon inquired as to whether the meeting would be informal or televised. Commissioner Clottey felt it should be informal so that they would come forward with their concerns.

Commissioner Clottey made a motion to schedule an informal meeting between the Commission, business owners and hoteliers on Wednesday, October 8, 2008 at 4:00 p.m. in Jarvis Hall. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Dodd requested Manager Colon to send a letter to the Chamber of Commerce requesting they publicize the meeting.

14. PUBLIC HEARINGS

15. NEW BUSINESS

a. Selection of a Voting Delegate for Florida League of Cities 82nd Annual Conference (Town Manager Colon)

Commissioner Clottey made a motion to nominate Vice Mayor McIntee as the Voting Delegate for Florida League of Cities 82nd Annual Conference. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

b. Appointment of Chair person and 2nd alternate to the Master Plan Steering (Clerk White)

Commissioner Clottey suggested the Commission allow the Master Plan Steering Committee to choose their own Chair person. Commissioner Dodd seconded that suggestion. Vice Mayor McIntee said the Commission would still need to nominate a replacement member for Mr. Guerrero and a 2nd alternate. He thought the Master Plan Steering Committee would need to have a complete body set up prior to selecting a Chair.

Commissioner Silverstone made a motion to appoint Louis D'Vorek as the replacement member to the Master Plan Steering (Clerk White)

Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee suggested advertising again in the Town Topics. Mayor Minnet made a motion to nominate Joyce Murray. The motion failed for lack of a second. Mayor Minnet directed Manager Colon to publicize in the Town Topics. She clarified that an appointment was made for Mr. Guerrero's position as Mr. D'Vorek, there was no second alternate, and no appointment as Chair.

c. Discussion and/or action concerning trial period of a doggy beach (Commissioner Dodd)

Attorney Abbott stated that the Town currently had an ordinance that did not allow dogs on the beach. He added it could be amended at the Commission's direction.

Commissioner Dodd wanted to try it for 90 days behind Minto. Mayor Minnet said people did not pick up their own garbage, and did not believe they would pick up doggie garbage. She added that there were other factors involved, other than feces and urine that would accumulate.

Commissioner Dodd made a motion to institute a doggie beach on a trial basis behind the Minto project. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 3 - 2. Mayor Minnet voted no. Commissioner Clottey voted no.

d. Discussion regarding putting a referendum on November ballot to establish a law that the VFD cannot be terminated without a vote of the citizens of LBTS (Vice Mayor McIntee)

Vice Mayor McIntee said Melbourne Beach had a similar law. He believed the people had the right to terminate the VFD and not the Commission. He asked Attorney Abbott to have an outline of proper procedure to put a referendum on the November Ballot for discussion and/or action at the July 8, 2008 Commission meeting.

Vice Mayor McIntee made a motion to direct the Town Attorney to come before the Commission on July 8, 2008 and submit procedures to place a referendum on the November ballot. Commissioner Dodd seconded the motion.

Commissioner Clottey thought the Commission should wait until after the next election before placing a referendum on a ballot. She believed a 95% vote would be better than 65% in support of the referendum.

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

e. Off Site Building Appraisal Reports (Town Manager Colon)

Manager Colon received two appraisals for the off site building: $2,075,000 and $1.8 million. She said twenty-four (24) Request for Proposals (RFP's) went out. Once the RFP's were received it would be placed on the agenda to proceed.

f. Discussion of the purchase and ownership of (newly acquired) VFD fire trucks (Commissioner Clottey)

Commissioner Clottey asked Chief Perkins if he would consider purchasing the truck and donating the truck to the Town. Chief Perkins said The Volunteer Fire Department already purchased the truck and it was on its way. He added that traditionally the Town purchased the equipment and leased it to the fire department.

Commissioner Dodd made a motion that the Town pay $24,000 for the fire truck plus the delivery cost to enable the fire department to use that money for other purposes. Commissioner Clottey added a friendly amendment to use the money to purchase firefighter equipment. Commissioner Dodd accepted the amendment. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

g. Discussion and/or action regarding consideration of a resolution to establish a Broward Water Resource Task Force (Mayor Minnet)

Mayor Minnet explained that this task force would look at efficient and cost effective water supply opportunities. She said it was requested at the South Florida Water Management District Workshop that each city put together a Resolution that would move the task force forward.

h. Discussion and/or action regarding Ordinance 2008-13.

Commissioner Silverstone made a motion to table Item 15h, Ordinance 2008-13 indefinitely. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

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 10:55 p.m.

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White

Town Clerk, June White

7/9/08

Date

Vice Mayor McIntee

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McIntee Jerome S	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LBTS Commission
MAILING ADDRESS 1612 SE 21st Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Pompano Beach COUNTY Broward	NAME OF POLITICAL SUBDIVISION: Lauderdale By The Sea
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JERONE SMCLNTON, hereby disclose that on 6-24, 2008:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ______________________;

___ inured to the special gain or loss of my relative, ______________________;

___ inured to the special gain or loss of ______________________, by whom I am retained; or

___ inured to the special gain or loss of ______________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

TRAVEL COSTS TO GO TO

ETHIC COMMISSION HEARING

6-27-08
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SILVERSTONE J. JAMES	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE COMMISSION
MAILING ADDRESS 278 MARAMAR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: LBTS, FL COUNTY: BROWARD	NAME OF POLITICAL SUBDIVISION: TOWN OF LBS
DATE ON WHICH VOTE OCCURRED 6/24/08	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JIM SILVERSTONE, hereby disclose that on 6/24, 20 08:

(a) A measure came or will come before my agency which (check one)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ____________________;

___ inured to the special gain or loss of my relative, ____________________;

___ inured to the special gain or loss of ____________________, by whom I am retained; or

___ inured to the special gain or loss of ____________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

TO PREVENT THE PERCEPTION OF CONFLICT OF INTEREST ON VOTE RE TRAVEL EXPENSES

7/9/08

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.