TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, June 9, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:08 p.m. Also present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clottey, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Mayor Minnet stated that under Public Safety Discussion Item 7, Chief Perkins would be recognized at that time for an item that he had.

Mayor Minnet corrected the date in New Business item 16b from June 18, 2009 to June 17, 2009.

Vice Mayor McIntee pulled Old Business item 15a.

Vice Mayor McIntee made a motion to defer Ordinance 2009-14, Noise Ordinance, to July 28, 2009. Commissioner Silverstone seconded the motion. The motion carried 5-0. There were no other changes.

4. PRESENTATIONS

a. Town Attorney to read Town Charter on Decorum (Vice Mayor McIntee)

Attorney Trevarthen read section 2.23 of the Code of Ordinances, hereto attached as part of these minutes.

Commissioner Dodd made a motion to adopt the rules and to use as a format by this Commission and understood by the Commission.

Vice Mayor McIntee stated that there were interruptions on the Chair and asked under what situation an interruption could occur. Attorney Trevarthen stated that a motion to table took precedence and a motion to request information for a Point of Information also took precedence. She added that other acceptable interruptions were comments on the Rules of Conduct or a desire to vote on a ruling by the Chair of the meeting. Vice Mayor McIntee asked if a Rise to a Question of Privilege would also take precedence. Attorney Trevarthen said it appeared to be. Vice Mayor McIntee asked whether the following were interruptible motions: Point of Order, Appeal the Decision, Object to Consideration of this Motion, Call for a Division, Point of Information and Move for Reconsideration of a Vote. Attorney Trevarthen said they were.

Mayor Minnet asked whether the rules also applied to a member of the dais. Attorney Trevarthen said they would apply in the way she just stated.

Commissioner Dodd wanted clarification that if a member of the dais willfully interrupted the Mayor that would constitute an infringement of Section 2.23 sub-section (b). Attorney Trevarthen stated they were subject to the Robert's of Rules of Order which specifically contemplates certain kinds of interruptions. Vice Mayor McIntee agreed that to simply interrupt the Mayor was wrong. He asked for clarification that if any of the motions stated were made by a sitting dais the Mayor was obligated to stop and respond. Attorney Trevarthen said that was correct.

5. PUBLIC COMMENTS

Barbara Cole questioned whether a person that was removed from the meeting would be allowed to attend on the second day. Ms. Cole was concerned about the duplicated hurricane preparedness meetings; one by the Town and another by the Chamber of Commerce. She believed one was enough.

Bob Fleishman believed the current summons could cost the Town dearly. Mr. Fleishman believed there were two standards for decorum; one for the people and one for the Commission.

Sal Coniglimo was concerned that his condo received different pricing for garbage pickup.

Vito Chiarello asked for clarification regarding annual parking permits.

Cristi Furth felt that the audience was controlling the meetings and should be controlled by the Mayor as the presiding officer.

Ray Wolowicz saw the presentation from the VFD and did not feel that a member of the dais needed to present it.

Louis Marchelos said the pier alleyway report was false and no pedestrian study was done.

Spiro Marchelos did not feel a crew of firefighters were needed to handle a bee's nest. He said bees would not bother anyone unless antagonized.

Edmund Malkoon thanked the Town Manager for looking into the bus stops.

Liliana Pomareda stated that so many other Towns had banned the use of Styrofoam. She requested that the Commission consider doing the same and have the restaurants use an alternative.

Gail Albohn was gratified with the amount of volunteers she received for the 4th of July event and asked for many more as this was a bigger event. She announced an upcoming volunteer meeting at 7:00 p.m. on July 1, 2009 in Jarvis Hall.

Joyce Murray favored the recognition of soldiers and veterans. Ms. Murray believed in freedom of speech.

Diane Boutin stated that the unruly behavior had not begun with this Commission but started prior to the previous election.

Frank Herrmann did not feel the Commission should worry about the money. Mr. Hermann was not in favor of political boards. He believed the 4th of July should be celebrated.

Yann Brandt had questions regarding the budget and wanted to know who to contact. He hoped the Commission would pass a sensible budget.

Lawrence Wick was against an Advisory Board and suggested neighbors get together and ask what they could do. He suggested a continuous route for the Pelican Hopper.

Beverly Kennedy received a letter that was addressed as Hillsboro Beach. Ms. Kennedy said she did not have the option of getting a Lauderdale-By-The Sea business license and yet she received a violation for not having a tax receipt for Kennedy and Associates, Inc. She said Kennedy and Associates, Inc. did not do business in Lauderdale-By-The-Sea.

Phyllis Meyer reminded the Commission that the Town needed to keep the Pelican Hopper. She said it was very important to the seniors and the handicapped as well as the residents that did not use a car.

6. REPORTS

7. PUBLIC SAFETY DISCUSSION

Chief Perkins stated that the VFD was planning on purchasing a new command car. Manager Colon said that Chief Perkins asked for her assistance in finding a command

car via the Florida Sheriff's Association. She added it would be piggybacked as the Association purchased thousands of vehicles which would offer a good price. Manager Colon said she would assist him as long as the Commission understood that VFD was paying 100% for the vehicle although the Town would assist him in the purchase.

Commissioner Clottey asked of the types of training Chief Perkins did. Chief Perkins said that certification training continued on the fire boat. He added that training on the Jet Ski continued as did fire fighting training. Commissioner Clottey asked what the greatest need in training was for the VFD. Chief Perkins said there was a need for firefighters as there was a constant revolving door with training. Commissioner Clottey asked why VFD went on a bee call. Chief Perkins said they received a 911 call and had to respond.

Commissioner Dodd wanted to know whether 2 people went out on medical calls. Chief Perkins said there were 2 people on board depending on the call. Commissioner Dodd asked whether the firefighters were forced to attend the 4th of July event and wanted confirmation that there would be no reprisals if the firefighter did not show. Chief Perkins said they must show up for the 4th of July event and to bring their families. He added there would be no reprisals if they could not, but they were required to call. Commissioner Dodd asked for disciplinary procedures.

Commissioner Silverstone asked why the VFD responded to the bee issue. Chief Perkins said someone walking by at the corner of Commercial Boulevard next to the empty store had called. Commissioner Silverstone stated that people indicated that the ISO rating had a lot of negativity regarding recruits. Chief Perkins said the VFD did not have enough information on the new members.

Mayor Minnet wanted to know if all the vehicles were insured and paid for by the fire department. Chief Perkins said they were. Mayor Minnet questioned whether the command vehicle would be used for personal use. Chief Perkins said the command car would be used only for fire related errands.

Vice Mayor McIntee said he drove the Command car on the way to an incident and picked up the foam for the bees. He said the Chief knows when vehicles are used outside of Town.

8. TOWN MANAGER REPORT

There were no reports.

9. APPROVAL OF MINUTES

There were no changes, additions or deletion to minutes.

Vice Mayor McIntee made a motion to approve the minutes of May 12, 2009 and May 15, 2009. Commissioner Dodd seconded the motion. The motion carried 5-0.

a. May 12, 2009 Regular Meeting Minutes

b. May 15, 2009 Walk Around Workshop Minutes

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

2. Ordinances 2nd Reading - "PUBLIC HEARING"

a. Ordinance 2009-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13 "NOISE" OF THE CODE OF ORDINANCES TO PROVIDE FOR AMENDED NOISE REGULATIONS; AMENDING CHAPTER 17 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE VIII "SPECIAL EVENTS" TO AMEND THE REGULATIONS OF SPECIAL EVENT PERMITS TO PROVIDE GROUNDS FOR DENIAL OF A SPECIAL EVENT PERMIT FOR VIOLATION OF NOISE AND OTHER TOWN STANDARDS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE (Approved 1st reading April 14, 2009) (Deferred at the May 12, 2009 Commission meeting by Commissioner Silverstone pending May 15, 2009 Walk Around Workshop)

This item was deferred to July 28, 2009 earlier in the evening.

b. Ordinance 2009-24: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-26 OF THE CODE OF ORDINANCES TO AMEND THE THREE HOUR LIMIT ON BEACH PARKING PERMITS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading May 12, 2009)

Attorney Trevarthen read Ordinance 2009-24 by title only.
Mayor Minnet opened the meeting to public comments.

George Hunsaker asked to not remove the 3 hour limit for beach parking.

Diane Boutin believed the 3 hour limit was more than enough time.

Barbara Cole said people live close to the Town. She believed there was no reason to extend it past 3 hours.

With no one else wishing to speak, Mayor Minnet closed the meeting to public comments.

Vice Mayor McIntee stated that if the time was abused the limit could be changed back to the 3 hour limit at a later date.

Commissioner Dodd believed that $20 was extremely low and not worth the staff's time. He asked for a ball park figure on what one of the meters would generate over a 1 year period. Manager Colon said she would supply it. Commissioner Dodd thought it was unfair when employees had to pay $300 for their permitted space.

Mayor Minnet said historically there had always been 15 to 20 spaces available along the beach for resident passes and there were no time restrictions.

Commissioner Silverstone made a motion to approve Vice Mayor McIntee seconded the motion. The motion carried 3-2, Commissioner Dodd and Mayor Minnet voted no.

11. COMMISSIONER COMMENTS

Commissioner Silverstone stated that it was important that everyone pay attention to the hurricane meeting. Commissioner Silverstone asked the residents to ride the Pelican Hopper. He did not want to lose that service for the Town. Commissioner Silverstone asked everyone to volunteer for the 4th of July event. He thanked Cristi and Marc Furth for all their efforts putting together the event.

Commissioner Dodd hoped that Town staff would negotiate a new route for the Pelican Hopper. Commissioner Dodd thanked Code Enforcement for resolving a half demolished building issue on Imperial Lane pertaining to the removal of a roof. Commissioner Dodd stated that Commissioners could be addressed by name during Public Comments but could not do so in a derogatory manner. Commissioner Dodd apologized that he would not be in attendance at the June 23, 2009 Commission meeting.

Vice Mayor McIntee had proof that everyone loved Lauderdale-By-The-Sea beaches including the 10 Manatees that came ashore recently. He added it was a natural occurrence for Manatees and pointed out that they had gone back out to sea when the tide came in. Vice Mayor McIntee thanked Cristi and Marc Furth for their efforts with the 4th of July event. He hoped the businesses and the Chamber of Commerce would get more involved.

Mayor Minnet thanked everyone for attending the meetings. She invited anyone who had questions in reference to the budget to submit their questions to the Town Manager. Mayor Minnet believed an expansion on the Pelican Hopper route would be positive for the Town. She asked everyone to come to the Hurricane meeting tomorrow from 9:00 a.m. to noon and the Chamber on June 17th. Mayor Minnet was looking forward to serving hamburgers at the 4th of July event.

Commissioner Clottey stated that the Hurricane meetings were done for insurance purposes. She noted that help was available to those who needed assistance putting

up hurricane shutters. Commissioner Clottey invited everyone to attend the budget workshops and voice their opinions. She believed that the current 3.9990% millage rate could remain the same despite the 9% reduction in property taxes.

Commissioner Clottey did not know anything about getting rid of the police department regardless of the rumor. Commissioner Clottey wanted people to know that she felt better about the Bert J. Harris claims after the shade session but could not give any information regarding it. Commissioner Clottey encouraged everyone to volunteer their services for the 4th of July event.

Mayor Minnet recessed the meeting at 9:15 and reconvened at 9:25 p.m.

12. CONSENT AGENDA

a. Commission approval of execution of Amended Interlocal Agreement for Public School Facility Planning, Broward County, Florida (Assistant Town Manager Olinzock)

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

13. RESOLUTION - "Public Comments"

a. Resolution 2009-15: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT (Pre-approved at the May 12, 2009 Commission meeting)

Attorney Trevarthen read Resolution 2009-15 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.

Vice Mayor McIntee made a motion to approve Resolution 2009-15. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

a. Commission to approve variance application submitted by Karen A D'Uva-Bradley, who is the property owner located at 1658 West Terra Mar Drive. See attached application with back up along with Town consultants review. (Staff recommends Table to July 28, 2009 as Board of Adjustment will hear the item on July 15, 2009) (Assistant Town Manager Olinzock)

Attorney Trevarthen recommend this item be deferred to July 28, 2009 as requested.

Commissioner Dodd made a motion to defer this item to the July 28, 2009 Commission meeting. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

15. OLD BUSINESS

a. Discussion and/or action regarding Town sign at Commercial Blvd and A1A - Vice Mayor McIntee (Tabled at the April 14, 2009 Commission meeting by Vice Mayor McIntee)

This item was withdrawn earlier in the evening.

b. Discussion and/or action on custom banner locations and cost (Assistant Town Manager Olinzock)

Mayor Minnet stated that her recommendation was to display the banners in the pier area and the corridor of 2 or 3 blocks north and south of Commercial Boulevard. She asked whether there was a set up fee for each customer banner. Assistant Town Manager Olinzock replied that there was a set up fee for each design. Mayor Minnet asked how many banners were displayed from the Intracoastal Bridge to the pier. Assistant Town Manager Olinzock stated there were 28. Mayor Minnet estimated approximately 35 banners would be used.

Commissioner Clottey recommended 2 different banners at each of the entrances to El Mar Drive, Palm Avenue and Pine Avenue, and 4 on Commercial Boulevard east of A1A for a total of 16 banners. She did not believe it would be viable to have banners just downtown; they needed to be on the outskirts.

Vice Mayor McIntee agreed with Commissioner Clottey. He advised the residents that the Commission voted on and chose the banners and not staff.

Mayor Minnet requested the Commission's direction for location and the number of banners that would be used. She announced results for the winning designers: Design #1 - Patty Domin/Furth, 4 votes; Design #2 - Patty Domin, 4 votes; Design #3 - Pat Anderson, 3 votes; and Marilyn Carr, 2 votes and Jody Mclean, 2 votes. She asked for a decision on which design the Commission preferred.

Commissioner Clottey did not feel a decision could be made currently. She felt there was a need for a prototype, with a border, vibrant colors and arrows.

Manager Colon said the banner could be submitted for artwork only and brought back to the Commission. She reminded the Commission that there were 7 submissions and she needed to know which design the Commission wanted to use.

Manager Colon asked whether the Commission wanted to begin with design #1 or produce a template of designs 1, 2 and 3. She added another option would be to use a shop version and save 50%.

Mayor Minnet asked for the cost of a prototype for each design. Manager Colon stated that the artwork alone was $85.

Commissioner Clottey wanted to have a mixture, but chose #1 to begin with. Vice Mayor McIntee thought they should go with #1 and suggested 24 banners.

Commissioner Clottey said some banners would be directed towards parking and others directed toward hotels and restaurants. Vice Mayor McIntee suggested getting the art work on one and if they liked it then go forward.

Mayor Minnet stated that item #1 contained 4 of the items.

Commissioner Dodd made a motion to do the art work on design # 1 and in the meantime have staff determine how many of that particular banner would be needed so that the arrows would point in the right direction. Commissioner Clottey seconded the motion.

Vice Mayor McIntee offered a friendly amendment to get a couple of art works done. Commissioner Dodd stated he would accept the friendly amendment if agreed that they work with 2 designs; the 1st and 2nd place winning designs. Commissioner Clottey accepted the amendment. Commissioner Clottey seconded the motion. The motion carried 5 - 0.

c. Clarification of Ordinance #2009-10 - adding Beauty Shops, Hair Salon as an permitted use in Business District B-1-A (Commission Silverstone)

Commissioner Silverstone said this was to allow a specific business in the B-1-A Business District.

Commissioner Dodd stated that the ordinance in the back up showed Unified Land Code alterations include the 50% reduction clause. He agreed with the addition of the Beauty Shop and Hair Salon and wanted to see an accurate ordinance.

Commissioner Silverstone wanted to know if this could be passed now. Attorney Trevarthen said the ordinance was a sample to show where a change would be added to the ordinance. She said the ordinance was to come back in July with the additional business added.

Commissioner Dodd wanted clarification as to how the ordinance would be presented in July. Attorney Trevarthen stated that the Ordinance would include the addition of the Beauty Shops and Hair Salon. She did not know whether there were any specific changes that were discussed at the Workshop. Manager Colon said that whatever the

Commission approved on 1st reading would be included in the Ordinance for 2nd reading in July.

Commissioner Silverstone made a motion to approve the addition of a Beauty Shop / Hair Salon for the July 14th meeting. Vice Mayor McIntee seconded the motion.

Vice Mayor McIntee made a motion to excuse Commissioner Dodd from the next meeting. He believed that the Charter stated that a Commissioner could not miss 3 meetings without excuses. Mayor Minnet asked the Town Attorney whether there was to be a formal request or a memo. Attorney Trevarthen believed the Commission could handle it informally on the dais. She added she would look at the Charter.

Commissioner Clottey seconded the motion. The motion carried 4-0. Commissioner Dodd abstained.

16. NEW BUSINESS

a. Commission approval of execution of Florida Department of Transportation Local Agency Program Agreement FM # 418022-1-38-01, for landscaping on SR A1A from Pine Avenue to Terra Mar Drive (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock said this item covered the design component of the project.

Commissioner Dodd made a motion to approve. Commissioner Silverstone seconded the motion. Commissioner Dodd asked whether the Town had to match the funds. Assistant Town Manager Olinzock said there would be some matching. Manager Colon said it was a five year program and had been on the books. She added that the matching funds were approximately 75/25. The motion carried 5-0.

b. Discussion and/or action to create a Citizen's Advisory Board (Mayor Minnet)

Mayor Minnet thanked the Commission for accepting the Resolution 2009-15. She believed the Citizen's Advisory Board would coincide with that Resolution and build community trust.

Commissioner Dodd made a motion to approve to go ahead with a Citizen's Advisory Board. Commissioner Clottey seconded the motion.

Commissioner Clottey thought the idea of having advisory boards was good. She added that each of the boards was brought together for a reason. She did not believe that the Citizen's Advisory Board would come together for any specific reason; she believed the Board was too general. Commissioner Clottey felt that having this type of Board would be another barrier between the citizens and the Commission. She suggested it go before the people as a referendum to decide whether they want the

additional layer in government. She was against putting anything between the people and the Commission.

Commissioner Silverstone believed the Citizen's Advisory Committee would be more restrictive than a Budget Advisory Committee in regards to the Sunshine rules. He did not understand the need for the Budget Advisory Committee as the bulk of the information was on line.

Vice Mayor McIntee felt that the Citizen's Advisory Board would delegate authority to the citizens to tell the Commission and the Town Manager what to do. He thought that was a bad idea.

Commissioner Clottey thought it would be good to have regular Town Hall meetings for people to talk and give their input. Mayor Minnet stated that she had suggested a round robin on Saturdays with alternating attendance by each Commissioner. She stated she was in favor of anything that would increase community involvement.

Commissioner Clottey withdrew her second. Commissioner Dodd did not withdraw his motion. The motion on the table remained. Mayor Minnet passed the gavel and seconded the motion. The motion failed 3-2. Vice Mayor McIntee, Commissioner Silverstone and Commissioner Clottey voted no.

c. Discussion and/or action on moving tax payer's money from one account to another with or without Commission approval (Commissioner Dodd)

Commissioner Dodd withdrew this item for the additional information.

d. Discuss and/or action concerning sending a delegation to Tallahassee for the June 18 hearings concerning the designation of Broward's section of A1A as a scenic highway. This stretch of A1A does not meet most of the decision makers' perception of a scenic highway. The local FDOT representatives will not be attending the meeting due to budget cuts. They believe that there are enough points of interest along this stretch of A1A to warrant this designation but stressed that the local communities should attend and present their case (Commissioner Clottey)

Commissioner Clottey questioned whether the Town should send a representative.

Diane Boutin encouraged the Commission to send a representative to attend. She believed it was extremely important to the Town.

Vice Mayor McIntee agreed. Neither Mayor Minnet nor any the Commissioners were available to attend.

Vice Mayor McIntee asked Diane Boutin if she could represent the Town. Ms. Boutin said she could not and recommended Assistant Town Manager Olinzock as the Town's

representative. Assistant Town Manager said that he received an email from Gladys Leeks of the Broward County MPO regarding a teleconference at 3400 Commercial Boulevard and suggested that once he received additional information he would advise the Commission whether if was possible for the Commission to attend that instead.

e. Send letter to businesses in Town requesting that they use paper instead of Styrofoam products (Commissioner Clottey)

Commissioner Clottey said the Town was into recycling and agreed there was a problem with plastic and Styrofoam.

Commissioner Silverstone made a motion to send letters to the businesses of the Town to request they use paper in place of Styrofoam products and to emphasize "green". Commissioner Dodd seconded the motion. He thought the businesses should get involved and more people should get involved in recycling.

Liliana Pomareda said that Styrofoam had to be recycled separately. She asked that it be eliminated rather than recycled.

Yann Brandt thought it would be a good time to bring back the idea of an Environmental Sustainability Committee.

The motion carried 5-0.

f. Discussion and/or action concerning hosting the February 4, 2010 meeting of the Broward League of Cities. LBTS has not hosted this meeting for a while and this is good and inexpensive way of showcasing our town and businesses to the leaders of other Broward communities - $400 (Commissioner Clottey)

Commissioner Clottey advised that the Broward League of Cities met monthly. She thought it would be nice to show off the Town at a very low cost.

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

Mayor Minnet said she was the delegate last year and thought it was a great idea.

The motion carried 5 - 0.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen clarified that Section 6.6 of the Town Charter stated that the Commissioner who failed to attend 4 consecutive regular meetings of the Town Commission without being excused by the Town Commission by formal action and entered into the minutes would forfeit the office.

18. ADJOURNMENT

Commissioner Clottey made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:16 p.m.

19. FUTURE AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

7-15-09
Date