

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, May 12, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clottey, Town Attorney Daniel L. Abbott, Assistant Town Manager John Olinzock, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

The following changes and corrections were made to the agenda:

Ordinance 2009-14, Noise Ordinance, was deferred to the June 9, 2009 Commission meeting due to the Walk Around Workshop on May 15 and 16, 2009 to determine noise levels. Attorney Abbott advised that to continue the item to a date certain would avoid re-advertisement. Commissioner Silverstone made the motion to approve the deferral to June 9, 2009. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

Mayor Minnet noted that the Town Manager Report item regarding the Streetscape design of El Mar Drive was up for discussion. She advised that it was scheduled for the May 26, 2009 Commission meeting and the students had been notified and were to attend.

Vice Mayor McIntee requested to defer the Ordinance 2009-22 regarding the VFD to June 23, 2009. Commissioner Dodd wanted to present his comments regarding that issue at the time it came up.

4. PRESENTATIONS

a. Presentation regarding GATSO USA Red Light Camera. (Chief Gooding)

Chief Gooding introduced Mark Padar from GATSO USA who gave an informational presentation regarding red light photo enforcement. He stated that the cameras had a data bar that gave the date and time of violation and the speed of the vehicle. Mr. Padar added that the photo had clarity in day or night, rain or shine. He indicated there was flexibility in the way payments could be received from violators.

Vice Mayor McIntee asked how much of a percentage the company received. Mr. Padar said if the violation was \$100 they would ask for \$30.

Commissioner Silverstone asked who paid for the system. Mr. Padar said there was no cost to the Town.

Commissioner Dodd asked whether it could be used for amber alerts, robberies and other violations. Mr. Padar said it could and an email notification would be sent to the designated person within 20 seconds. He added that the program was not capable of doing two or more violations at the same time.

Mayor Minnet believed there were other companies that should be looked at. She allowed another company to give a brief explanation of his company.

Michael McAllister with American Traffic Solutions wanted to make himself available for any questions regarding his program.

Commissioner Clotey said the Town had a lot of tourists and she was concerned with ticketing from a public relations standpoint. Chief Gooding liked the program. He did not believe they should differentiate a red light violator according to whether they were local or out of state.

Vice Mayor McIntee inquired of projected revenues. Mr. Padar believed the average was up to \$4,000 per day.

Commissioner Dodd believed the program had to do with safety as he watched locals go through red lights. Chief Gooding believed once the word went out there would be fewer violations.

b. Demonstration for BSO's CyberVision e-mail or text message alerts (Chief Gooding)

Chief Gooding said the intention of the program was to get the community involved. He explained there was a website where the name and address of a person could be put in and an alert for your general area would be sent to the email that was submitted. Chief Gooding said it was an innovative and nice way to find out what was happening in the neighborhood or other neighborhoods of choice.

Commissioner Silverstone asked who controlled the information. Chief Gooding said it was controlled by the Broward Sheriff's Office and would most likely be criminal information. He added that the information would not be detailed nor would it be sent as a news release.

5. PUBLIC COMMENTS

Joyce Murray wanted the Fire Chief to present the fire report on his own.

Bob Fleishman stated that the people were not critiquing the VFD; the Town was. He said in a free society people had a right to chose. Mr. Fleishman believed there should be an outside Fire Chief.

Sal Coniglio compared the services offered for solid waste pickup between single family homes and condominiums. He did not believe the contract was put together properly.

Bill Vitollo believed a 3 month rental was the correct way to go and should address parking to exclude overnight parking.

Cristi Furth expressed her appreciation for the public safety agencies for their response to the recent accident at the Hyperbaratic Center. Ms. Furth believed the banners were a fabulous idea that would make people notice Lauderdale-By-The-Sea.

John Toohey did not feel that the Ordinance 2009-22, amending the Charter to require a referendum to replace the VFD, was required. He asked Vice Mayor McIntee to withdraw the Ordinance.

Ray Wolowicz thought it was a good choice to annex with the Town at the time of annexation. He said he had since been disappointed with the bullying, the threats and the inability for the Commission to work together for the community.

Louis Marchelos said he was bullied by one person and asked the Commission to stand up to the bully and rise above it.

Spiro Marchelos believed that economic viability was essential to the survival of the Town.

Diane Boutin was opposed to Ordinance 2009-22.

6. REPORTS

7. PUBLIC SAFETY DISCUSSION

Mayor Minnet asked for an update on the Hyberbaric Chamber and the accident at the Burger King building. Chief Perkins said the Chamber was closed for further inspections and the Burger King building will remain closed until it is fixed.

Commissioner Dodd said a resident suggested putting the numbers on the back of the posts. He suggested a stencil with "LBTS" could be put on the life rings. Chief Perkins said the printing was on them. He asked Chief Perkins to clarify that anyone could speak to anyone in the VFD anytime without any problem. Chief Perkins confirmed. Commissioner Dodd suggested the Commission give the VFD time to rise to ISO levels of training and equipment and for the VFD to give a report on their progress in 3 months. Chief Perkins had no objection and stated that the VFD was only 1/2 a point away and that he was very happy with the rating.

Commissioner Clotey suggested Chief Perkins display a board indicating "training" so people would not think they were playing. She asked why the VFD trained on weekends. Chief Perkins had no objection to a sign and stated that they trained on the Jet Ski on the weekend because that was when everyone could get together. Commissioner Clotey asked whether Chief Perkins would hire an outside instructor for training. Chief Perkins said he was looking into that.

Commissioner Silverstone believed it was important for people to know that Chief Perkins handled himself in a calm and professional manner during the Hyperbaric Chamber incident and thanked him for doing a great job. Commissioner Silverstone asked Commissioner Dodd about the detailed ISO report he referred to and pointed out that the ISO report was not a detailed report and the deficiencies that Commissioner Dodd referred to was actually a summary report. Commissioner Silverstone also pointed out that the VFD was only in existence for a couple of months prior to the report. Commissioner Silverstone clarified that the Fire Department Constitution stated that any business of the VFD had to go through the chain of command.

Vice Mayor McIntee pointed out that the VFD was only 1/2 point away from a 3 rating. He also stated that the public safety agencies did an excellent job responding, communicating and providing care during the incident at the Hyperbaric Chamber.

Commissioner Dodd asked if any member of the Commission could speak with a VFD member and any member of the VFD could speak with the Commission without any problems. Commissioner Dodd wanted Chief Perkins to come back before the Commission after 3 months to report on the steps being taken to improve.

Commissioner Dodd thanked Chief Gooding and AMR for their response to the Hyperbaric Chamber incident. Chief Gooding said this was an active homicide investigation and he could not comment.

8. TOWN MANAGER REPORT

- a. Town Commission input regarding locations of Scenic Highway designation signage and areas of interest along SR A1A corridor in Lauderdale-By-The-Sea. Information will be presented during Broward A1A Scenic Highway Management**

Entity Trolley Tour on Thursday, May 21, 2009

Assistant Town Manager Olinzock asked for clarification on highway designation signage locations and designated stops on the upcoming trolley route.

Ms. Boutin said the designation of A1A started in the northern part of Florida to the Florida Keys. She asked the Commission to consider the heritage of the Town be included in the bus tour.

Mayor Minnet suggested the Chamber, the Pier, Jarvis Hall, Minto Park and the Ship Wreck.

Commissioner Clotey believed they should spot light all of El Mar Drive. Mayor Minnet clarified that the Commission was to designate a stop for the Trolley along with identifying the highlighted areas.

Commissioner Silverstone thought that Ms. Boutin's Committee and the Chamber should be involved as the visual and aesthetic impact should be powerful. Ms. Boutin advised that being chosen for the Broward A1A Scenic Highway Tour opened possibilities for grants. She added that being scenic also meant being historic. Ms. Boutin suggested choosing a stop that had restroom facilities, benches and shade.

Commissioner Silverstone directed a stop at the Chamber and the beach by Commercial Boulevard. He recommended signs that pointed out the hospitality district, the pier, and the ship wreck as the diving capital of Florida.

Commissioner Dodd asked whether the trolley would divert up El Mar Drive and go around the Anglin Square in Town and point out the Portals. Ms. Boutin said it did stray somewhat closer to the ocean along A1A. Commissioner Dodd requested that route be submitted for consideration.

Vice Mayor McIntee made a motion that each Commissioner submit 3 suggestions for a banner design and 1 bus stop location to the Town Manager by Thursday, May 14, 2009. Commissioner Silverstone seconded the motion. Mayor Minnet believed there were 2 very good suggestions already. The motion carried 4-1. Mayor Minnet voted no.

- b. Clarification that the second reading of Ordinance 2009-14 amending Chapter 13 "Noise" will occur at the June 9, 2009 Town Commission meeting

This item was discussed earlier in the evening.

- c. Town Commission direction regarding the Streetscape design of El Mar Drive

Assistant Town Manager wanted direction as to how the Commission wanted to select the winners of the El Mar Drive streetscape design.

Mayor Minnet said she had submitted an agenda item for the May 26, 2009 Commission meeting for the selection of the students for the El Mar Drive design.

Commissioner Dodd felt that the Town owed the students and the Professor an apology for not evaluating their work at the time the designs were presented. He believed that the students were let down because the prizes and the money was not awarded. He believed a letter should be written.

Mayor Minnet said the students were informed and that they would be attending the May 26th meeting.

Commissioner Silverstone thanked Sandra Booth and everyone that worked on it. Commissioner Silverstone said the residents indicated that it may not be a good idea to spend the money on designing El Mar and the money should go into sewers and drainage instead. He believed the issues need to be addressed. Commissioner Silverstone also stated that just because a design would be chosen did not mean it would be exact; there may be changes as it was an ongoing project.

d. Town Commission direction regarding the reduction of Building Department permit fees for Town sponsored special events

Assistant Town Manager Olinzock said the Town was asked to look into the reduction of building department permit fees for Town sponsored special events. He said there were 3 options: 1) subsidize permit fees out of the surcharge, 2) increase the surcharge or add an additional surcharge to special events, or 3) apply current surcharge rate to all elements of a permit. He added that Administration was not comfortable increasing fees at this time. Assistant Town Manager Olinzock asked for Commission direction.

Commissioner Silverstone asked for the ballpark figure of money taken in at Town Sponsored events. Assistant Town Manager Olinzock said it was not broken down that way.

Commissioner Dodd thought it was strange to take back the funds the Town gave the Chamber in permit fees. He wanted to see approximate amounts.

Commissioner Clotey said some of the fees were paid to Broward County and the Town had no control over them.

Mayor Minnet believed this was a budget issue and should be reviewed during the budget and perhaps add a designated fund at that time.

e. Clarification of Ordinance 2008-18 (3 hr. limit on beach meters) and (annual increases)

Assistant Town Manager Olinzock stated that the Ordinance was written with a 3 hour limit on beach parking and the residential parking meters. He believed it was a typographical error and asked for clarification.

Vice Mayor McIntee remembered the beach parking was to be able to park for the duration of the day.

Mayor Minnet believed that only the 15 spots for beach parking were unlimited during the day; no overnight parking.

Attorney Abbott said it was not just a matter of clarification. Since the Ordinance was adopted as it was presented at that time, the Ordinance would need to be amended and moved on 1st reading.

Assistant Town Manager Olinzock pointed out that the annual increases were also removed from the Ordinance.

Vice Mayor McIntee made a motion to amend Ordinance 2008-18 to unlimited beach parking for 15 spaces clearly marked in Town with the addition of an annual increase. Commissioner Silverstone seconded the motion.

Attorney Abbott stated the two items needed to be dealt with individually and the annual increase should be placed in the Resolution.

Vice Mayor McIntee made a motion to amend Ordinance 2008-18 for unlimited beach parking for 15 spaces clearly marked in Town with no overnight parking and a 3 hour limit on residential parking. Commissioner Silverstone seconded the motion. The motion carried 4-1 on 1st reading. Commissioner Dodd voted no.

Attorney Abbott advised that Resolution 2009-12 would be amended to increase the parking permit rates annually. Commissioner Silverstone pointed out that there usually was public participation on an Ordinance. Attorney Abbott advised that the Commission could invite public comments for 1st reading. Mayor Minnet opened the meeting for public comments.

Ms. Boutin thought the ordinance, as passed with a 3 hour limit, was great.

Yahn Brandt believed the low price and a 3 hour time limit was too much.

John Leichman believed the Commission should move on. He did not believe there was a problem.

Lawrence Wick believed the Ordinance should be unlimited with no overnight parking.

Bill Patola said residents in the North paid \$75 a year for beach rights.

Barbara Cole thought \$20 a year was ridiculous for prime parking. There should be rate increases on all parking.

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

Attorney Abbott advised that the Ordinance passed on first reading. Mayor Minnet stated that the Ordinance would come up for 2nd reading and the Resolution for annual increases would be on next agenda.

Item 8f – Approval of \$100 expenditure for Spring Concert at the Community Church.

This item was added at the meeting.

Assistant Town Manager Olinzock stated that he was seeking Commission approval for an expenditure not to exceed \$100 for refreshments and paper goods to be utilized at Lynn University's upcoming Spring Concert.

Vice Mayor McIntee made a motion to grant \$100. Commissioner Silverstone seconded the motion. The motion carried 5-0.

9. APPROVAL OF MINUTES

Mayor Minnet inquired of any changes, deletions or corrections to minutes. Commissioner Silverstone referenced page 3 in that there was some confusion regarding the clock and the ability for the public to make donations towards it. He explained that he did not want the clock designated to any individual. Clerk White clarified the meaning in the minutes as Commissioner Silverstone had no objection to accepting donations. He was against accepting specific donations for the clock as it was for the Town. He believed the \$1,000 was well within range and sought approval of the clock with all 3 instruments, wind, time, and tide.

a. April 20, 2009 Regular Meeting Minutes

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

Mayor Minnet recessed the meeting at 9:10 p.m. and reconvened at 9:20 p.m.

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

- a. Ordinance 2009-22 (Ordinance 2008-17): AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE TOWN CHARTER TO REQUIRE THE TOWN TO CONTRACT WITH LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC., FOR THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE TOWN; REQUIRING REFERENDUM APPROVAL OR A FOUR-FIFTHS VOTE OF THE TOWN COMMISSION FOR

ANY ENTITY OTHER THAN LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC. TO PROVIDE PRIMARY FIRE PROTECTION SERVICES IN THE TOWN; PROVIDING FOR CONFLICTS WITH OTHER PROVISIONS OF THE TOWN CHARTER; CALLING FOR A REFERENDUM ELECTION; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (FOR FIRST READING) (TABLED AT THE JULY 22, 2008 COMMISSION MEETING BY COMMISSIONER DODD) Tabled at the November 10, 2008 Commission meeting for 6 months by Vice Mayor McIntee

Vice Mayor McIntee withdrew this ordinance.

Commissioner Dodd was concerned that Vice Mayor McIntee would bring this Ordinance back and stated that if it ever came back it would have to come back in the same manner; without the clause of the 4/5ths vote of the Commission. Vice Mayor McIntee stated that if he brought it back, he could create another ordinance.

2. Ordinances 2nd Reading - "PUBLIC HEARING"

- a.** Ordinance 2009-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-21 "NON-CONFORMING USES AND STRUCTURES" TO AMEND REQUIREMENTS FOR CONTINUATION OF NON-CONFORMING USES AND STRUCTURES; AMENDING ARTICLE IV "SITE PLAN PROCEDURES AND REQUIREMENTS," SECTION 30-123 "APPLICATION FOR FINAL SITE PLAN APPROVAL" TO CLARIFY THE REQUIREMENTS FOR AN APPROVED SITE PLAN TO REMAIN EFFECTIVE; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-211 "RS-5 DISTRICT—RESIDENCE" TO AMEND ROOF OVERHANG SETBACK REQUIREMENTS IN THE RS-5 DISTRICT; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-271 "B-1 DISTRICT- BUSINESS" IN ORDER TO PROVIDE THAT COOKING SCHOOLS, CATERING BUSINESSES, MOTORIZED SCOOTER OR MOPED SALES AND RENTALS ARE PERMITTED USES IN THE B-1 DISTRICT; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-313 "GENERAL PROVISIONS" IN ORDER TO AMEND THE REQUIREMENTS FOR FENCES, WALLS, AND HEDGES AND TO PROVIDE DEVELOPMENT STANDARDS FOR DRIVEWAYS, SWALES, AND GENERATORS; FURTHER AMENDING ARTICLE VIII "SIGN REGULATIONS," SECTION 30-507 "DEFINITIONS AND RESTRICTIONS BY SIGN TYPE," TO AMEND THE DEFINITIONS OF "SIGN," "INFORMATIONAL, DIRECTIONAL OR TRAFFIC CONTROL SIGN," AND "REAL ESTATE SIGN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Abbott read Ordinance 2009-10 by title. Mayor Minnet opened the meeting for public comment.

Barbara Cole asked the Commission to reconsider the non-conforming properties as it would be a costly procedure to rebuild.

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

Attorney James White addressed non-conformities and stated that under the Charter one could build to the current height but would still need to comply with applicable land development regulations. Attorney White said he could provide language to take into consideration height, setbacks and density in the land development regulations.

Commissioner Silverstone believed it was important for the buildings on the beach in case of a catastrophe that the current use would be allowed after a catastrophic event.

Commissioner Dodd felt that the ordinance did not reflect the issues as was recommended by the Dias and only made changes as recommended by the Planning and Zoning Board. He felt the same footprint and the same usable space should be in the code. Commissioner Dodd referenced other issues such as zero scape landscaping, permeable materials for runoff and swale maintenance.

Commissioner Clotey did not agree with some of the items in the Ordinance and referred to line 332 that specifically listed the type of stores that could go in that area and line 402 with hedges at 30 inches above the crown of the road. She inquired as to which crown that would be if it was on a corner. Commissioner Clotey agreed that this Ordinance was not the same document that the Commission went through. She suggested the Ordinance go back to roundtable for review.

Vice Mayor McIntee asked whether there was a time element and Ordinance had to be done as this point. Attorney Abbott said it did not. Vice Mayor McIntee suggested placing it on the agenda in 4 weeks. He made a motion to defer to the 2nd meeting in June.

Commissioner Silverstone believed it was a good idea for Attorney White to review the information that Commissioner Dodd mentioned and to make sure that every issue was answered. Commissioner Dodd suggested placing the Ordinance on the agenda for the first meeting in July. There were no objections.

Commissioner Dodd made a motion to defer Ordinance 2009-10 to the July 14, 2009 Commission meeting for 2nd reading. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- b. Ordinance 2009-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, GRANTING AN EXCLUSIVE RIGHT, PRIVILEGE AND

FRANCHISE TO CHOICE ENVIRONMENTAL SYSTEMS INC. TO OPERATE THE ONLY SOLID WASTE AND RECYCLABLE COLLECTION SYSTEM IN THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA; PROVIDING FOR THE TERMS, CONDITIONS, AND STANDARDS FOR SAID FRANCHISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Abbott read Ordinance 2009-13 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.

Commissioner Silverstone said one of the residents had a concern regarding pricing. Assistant Town Manager Olinzock stated that prices were cut across the board and bulk pickup was available for condominiums.

Commissioner Silverstone made a motion to adopt Ordinance 2009-13 on 2nd reading. Commissioner Dodd seconded the motion. The motion carried 4 - 1. Mayor Minnet recused.

- c. 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.

This item was deferred to June 9th earlier in the evening.

11. COMMISSIONER COMMENTS

Mayor Minnet recognized 2 hometown heroes; Mr. Mark Mitchell who received the Citizen of the Year award for saving the life of a woman caught in a rip current in Lauderdale-By-The-Sea, and Deputy John Melbourne of the Lauderdale-By-The-Sea BSO who was the first to arrive at the Hyperbaric Chamber and rescued a small child. She wanted to personally thank Chief Perkins, Commissioner Silverstone, and Daniel Chavez along with the VFD and AMR who were present to rescue the many people at the Hyperbaric Chamber. Mayor Minnet thanked the Property Owners Association for their presentation about recycling. She reminded everyone of the Commission Workshop on May 13, 2009. Mayor Minnet asked for resident input at that meeting.

Mayor Minnet acknowledged two letters she received. She explained that Marc Furth misinterpreted her explanation regarding her call to Mr. Fisher. Mayor Minnet said she

only asked him about the fireworks in Lauderdale-By-The-Sea. She said she also received an anonymous letter and hoped that the person that sent it to her would come forward.

Mayor Minnet stated that Aruba Beach Cafe had scaled down on their events and hoped it was not due to the obstacles recently placed before them. She reminded everyone of the May 18, 2009 Spring Fling at the Community Church.

Commissioner Clotney thanked VFD, AMR and BSO for a job well done at the Hyperbaric Center. She said the VFD received a 4 on the ISO rating and congratulated them. Commissioner Clotney added that she knew that the VFD knew that there was room for improvement.

Commissioner Clotney stated that the design of the clock was done by Commissioner Silverstone. Commissioner Clotney announced the Spring Concert at the Church at 7:00 pm. on May 18, 2009. Commissioner Clotney believed there were people that forgot what the Commission had done for them including closing the street. She said it was disheartening to hear when that particular person continually came before the dais and inferred that the Commission had done awful things to their business. Commissioner Clotney thought there should be gratitude instead.

Commissioner Silverstone gave credit to Lieutenant Angelo who ran around getting things done at the Hyperbaric Chamber and to Chief Perkins. He clarified that the BSO officer did not rescue the boy, he assisted with the rescue. He said all the agencies worked together as a team.

Commissioner Silverstone said he was told specifically by BSO that the only reason the Town received a 4 rating from ISO was because BSO was located in Town. Commissioner Silverstone called ISO at that time and was told that was not true. He explained that ISO was an insurance company and represented the people who pay for fire loss. Commissioner Silverstone explained that Aruba Beach Cafe did not cancel their event; they were moving it inside.

Commissioner Silverstone stated that with the help of Marc Furth the work on the clock is almost complete. He said he intended to donate the clock but decided against it as it was a Town issue and did not want anyone to have any special recognition for it.

Commissioner Dodd stated that the events at the Hyperbaric Chamber were followed by the request for mutual aid by the Pompano Fire department. He was surprised that there were arguments as to where the praise should be placed. Commissioner Dodd noted that the ISO progress report had been received and the VFD was short by a small margin. He stated that it should be up to the Chief and the Board to go forward to make the necessary changes in areas of concern shown by the ISO report. Commissioner Dodd said he would not give up his right to ask questions of anyone on any topic and referred to the fireworks and the safety posts on the beach. He said if it were not for him the Town would have to wait until after the turtle season to place the posts on the

beach. Commissioner Dodd believed the fireworks were a tradition of July the 4th and did not see spending public money on an event without the necessary fireworks.

Vice Mayor McIntee stated that Pompano Beach did not call for mutual aid; it was a borderline call and both companies were dispatched. Vice Mayor McIntee stated that the VFD received a 4 rating from ISO. He added that only 97 fire departments in Florida were rated a 4.

Vice Mayor McIntee said the 4th of July event was coming and there was going to be fireworks. He said anyone that wanted to help was welcome to participate.

12. CONSENT AGENDA

Commissioner Silverstone made a motion to approve items 12a, 12b, and 12c on the consent agenda. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

- a. Award of annual Tree Trimming Maintenance Agreement with Lawn Logic, LLC (Assistant Town Manager Olinzock)**
- b. Award of annual Landscape Maintenance Agreement with Green Haven (Assistant Town Manager Olinzock)**
- c. Ratification by Town Commission of use of 2 parking spaces 12 hours per day for 8 days on Datura Avenue by Aaron & Associates during repairs to balconies on Winter Colony Condominiums, 4300 El Mar Drive (Assistant Town Manager Olinzock)**

13. RESOLUTION - "Public Comments"

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Discussion and/or action regarding Town Manager review as required in the contract (Commissioner Dodd)**

Barbara Cole said part of the contract stated that the Commission was required to do a review on the Town Manager. She brought it up because there were problems with other Towns. Ms. Cole said she had concerns with this manager.

Commissioner Clotey believed the last time it was on the agenda it was agreed to go for discussion at a roundtable. She suggested it again so that the Commission would have time to give it thought and proper consideration.

Commissioner Silverstone agreed and felt that the only thing to discuss would be a pay raise.

Vice Mayor McIntee said he never saw the previous Town Manager, Bob Baldwin stay late at night. He asked if the contract mandated what the Commission had to do. Attorney Abbott stated that it did not. He said in his experience the evaluation process was usually a salary adjustment. Vice Mayor McIntee agreed with Commissioner Clottey to discuss at a roundtable and this should not have been put back on the agenda.

Commissioner Clottey clarified that when the Commission talked about the review they needed to discuss the variables that they would be looking at. She believed the variables should be discussed at roundtable and not at a Commission meeting.

Commissioner Dodd tried to get Town staff to research how the other municipalities did their annual review of the Town Manager. He agreed to discuss at the roundtable how the review should be done.

Commissioner Clottey made a motion to discuss at roundtable on Tuesday, June 30, 2009 at 7:00 p.m. Commissioner Dodd seconded the motion. The motion carried 5-0.

- b. Selection by Town Commission of design for custom banners in the Hospitality and Business District of Town (Assistant Town Manager Olinzock) (This item was deferred at the April 29, 2009 by Commissioner Dodd)

Assistant Town Manager asked for direction as to what the Commission wanted to see in their banners.

Commissioner Dodd asked how many posts were available for banners. Assistant Town Manager Olinzock said there were banners on all the light poles along A1A and brackets could be added to those poles that do not have them. Commissioner Dodd asked if they could use some of the poles for directional banners and the businesses could use some of the posts to promote their business.

Assistant Town Manager Olinzock said some banners were put up to indicate municipal parking. He added that the banners were currently changed for each season.

Vice Mayor McIntee made a motion for each Commissioner to submit 4 requests for the banners indicating the priority for each choice and whichever had the highest priority would be selected. Commissioner Silverstone seconded the motion.

Commissioner Clottey was concerned that when the Commission made their ranking if they could recommend that the artist of the banners add color to their banner. She stated that the current banners were not noticed because they lacked color.

Commissioner Silverstone suggested they make a memo on the design that they chose. Vice Mayor McIntee suggested that once the 4 were chosen they could

micromanage them as to color choice. Commissioner Clotney agreed. The motion carried 5-0.

16. NEW BUSINESS

- a. Discussion and/or action regarding the creation of a Resolution recognizing the "Building Citizenship in the Community: Back to Basics" Initiative of the Florida League of Cities (Mayor Minnet)**

Mayor Minnet explained that the civil resources could be made available online and on Channel 78 and in the Town Topics that the residents could have immediately. She recommended a Citizen's Academy or a Youth Council to create a poster program that would get more people involved in the voting process. She asked for Commission support on this Resolution.

Vice Mayor McIntee made a motion to approve the Resolution for "Building Citizenship in the Community". Commissioner Silverstone seconded the motion.

Commissioner Clotney did not disagree but believed the community had a lot of activist and there were no schools in the community. She said Lauderdale-By-the-Sea had a high level of people that turned out to vote and was an example to other communities. Mayor Minnet pointed out that that was something Lauderdale-By-The-Sea could share with the other communities.

The motion carried 5 - 0.

- b. Discussion and/or action on the formation of a Budget Review Board (Commissioner Dodd)**

Commissioner Dodd believed the Town would benefit from a Budget Review Board. He believed the Town manager did an excellent job but a review board would put things in layman's terms.

Commissioner Silverstone stated that the financial reports were currently available online. He felt that once a Committee was created it would have to comply with the Sunshine Law and would be restrictive. Commissioner Silverstone did not feel there was a need at this time.

Vice Mayor McIntee believed it would be difficult to find 5 volunteers with a CPA background. He also believed that going through the volume of books would be too time consuming without a paycheck to compensate for the work.

Commissioner Clotney said she asked the Town Manager to explain the terms and the different funds and thought that the Commission could ask her again and to go into detail as to how the funds were set up and how money was moved from one fund to another.

Mayor Minnet stated that the budget meeting dates were set with the first one on June 9, 2009 and did not believe a budget review board could be set up at this time. She asked the public to get involved and ask questions.

- c. Discussion and/or action concerning the hiring of a part-time clerk to support the Town Commission. Providing each Commissioner with up to four hours of clerical support each month would relieve the other staff from these duties - \$2,200 (Commissioner Clotley)

Commissioner Clotley advised that she put this on the agenda for discussion rather than action. She said that there have been complaints that things have not been done on time. Commissioner Clotley felt that this might be the solution.

Mayor Minnet thought that staff did a great job and the first few months were a learning curve. She did not feel that spending \$2,200 at this time was a good idea.

Vice Mayor McIntee asked whether this would be beneficial or problematic for the Town Clerk. Clerk White felt that the few hours would not be beneficial.

Commissioner Dodd stated that he was accused of requesting too much from staff and did not appreciate their efforts. He said he would support a research crew and an increase in part time staff. Commissioner Dodd believed that it should be up to the Town Manager to come to the Commission if the staff was over worked.

Commissioner Dodd believed the correct way to discuss anything was at roundtable before asking staff to do research.

- d. Discussion and/or action concerning the granting of special event permits when the Town or Chamber is sponsoring a special event (Commissioner Clotley)

Commissioner Clotley said she put this on the agenda because when the Town or the Chamber had a major special event such as the 4th of July, and a business also had an event that same day, the business did not make any donations. She believed the two events would be much better if they were coordinated as far as parking, who was doing what and when it was being done.

- e. Discussion and/or action concerning the role of the Town's spokesperson (Public Information Officer) when dealing with the media during and after a crisis (Commissioner Clotley)

Commissioner Clotley wanted to have an established procedure as to who was to give out the information. She asked that the Town Manager develop a procedure and asked the Commission to support it.

Commissioner Silverstone said you can not control what the media printed. He preferred to see something in place that when more than one agency was involved in any incident that each agency must reflect that to the press so that fair reporting could take place, or the Town should take control.

Vice Mayor McIntee believed that if there was a Town wide disaster the Town's Public Information Officer should be the sole person to give the information. He asked for clarification as to whether the Town had the right to distribute their own information. Attorney Abbott said the Town had the right to distribute any information they wanted but he would have to review the BSO contract with the Town to determine whether the Town could prohibit BSO from distributing information.

Vice Mayor McIntee wanted to know if BSO had the right to tell VFD not to talk with the press. Attorney Abbott said he was not aware of any authority that a law enforcement agency had to direct someone not to speak with the press, but wanted to confirm.

Mayor Minnet asked Chief Gooding if he had anything he wanted to say. Chief Gooding believed the natural tendency was to have the police department or the fire department issue the statements.

Commissioner Clotey made a motion to direct the Town Manager to get together with BSO, VFD and AMR and create a procedure. Commissioner Silverstone seconded the motion. The motion carried 5-0.

17. TOWN ATTORNEY REPORT

Attorney Abbott said the Town Attorney was asked to research liability regarding volunteer work and referred to Marc Furth as the coordinator of the 4th of July event, specifically if a fence was put up that fell and injured someone. He said there was a Florida Statute that exempted a Town volunteer from any liability. He added that the Town was insured through the Florida League of Cities for any negligent activity that was performed for the Town.

Attorney Abbott stated that Commissioner Dodd had questioned whether there was a constitutional regulation regarding the regulation of types of fencing and/or colors allowed for painting a house and hedge height. He said the Town had the constitutional authority to enact Ordinance in regard to those regulations.

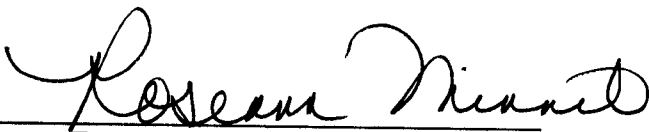
Vice Mayor McIntee directed the Town Attorney to determine what the Statute of limitations was on the Bert J. Harris claims that were still pending.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:00 p.m.

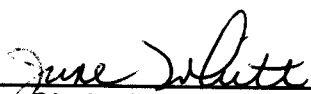
Town Commission Regular Meeting
May 12, 2009

19. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

6/10/09

Date

