

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

Town Commission Meeting Room

4501 Ocean Drive
Tuesday, April 14, 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 Clotley, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

George Hunsaker gave the Invocation.

4. PRESENTATIONS

Vice Mayor McIntee requested New Business item 16L - Discussion regarding AMR ambulance service be moved forward for discussion immediately following Public Safety Discussion item 7a.

Vice Mayor McIntee requested the removal of item 16M as the problem was resolved.

Commissioner Dodd requested removal of New Business item 16j as it was a duplicate of 16g.

Commissioner Clotley requested New Business item 16f be removed as the problem was solved.

There were no objections. Mayor Minnet granted the requests.

a. BSO Deputy of the Quarter - January, February, March 2009 (Chief Gooding)

Chief Gooding nominated Deputy Craig Jacobson for January, Deputy Bob McDonald for February and Deputy Manual Alvarez-Jacinto for March.

b. Lighthouse Proclamation (Mayor Minnet)

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Mayor Minnet said that historian Hib Casselberry had been instrumental in identifying April 25th as Lighthouse Day. She believed it was appropriate for Lauderdale-By-The-Sea to also proclaim April 25th as Lighthouse Day since there was a lighthouse in the vicinity.

Commissioner Dodd pointed out that the "Big Diamond" at Hillsborough, through it's 9 foot lens, projected its light farther out to sea than any other lighthouse in the world and acted as a night light shining westward over the City of Lighthouse Point. Mayor Minnet advised that Tours were available and encouraged everyone to visit.

c. Census Awareness Proclamation (Manager Colon)

Manager Colon stated that the census was to be taken in 2010 and the proclamation to bring forth awareness.

d. Alternative lighting / streetlights - FPL

Isabelle Hebert, FPL representative, explained that Florida beaches house the largest nesting for turtle hatchlings in the United States. She said the options available are to turn off the lights or place shields over the lights.

Commissioner Silverstone requested that FPL install the shields. Ms. Isabelle said there were costs involved for the shields.

Commissioner Dodd asked whether the shields were approved by the Department of Environmental Protection (DEP). Ms. Herbert said they would have to be determined by Florida Wildlife as to whether it would block sufficient lighting. She added that FPL would want to work with the Commission prior to installation to determine whether the shields would solve the problem. Commissioner Dodd asked whether the Town would be liable if they turned off lights. Attorney Trevarthen said it was an issue that should be looked at. She added that there was currently a statutory provision that protected FPL from liability but not municipalities.

Commissioner Clotey understood that the turtle conservationist constantly changed their mind as to what was acceptable and questioned why people had to change their lives to comply. Ms. Herbert said it was solely the decision of the turtle conservationist and FPL had no jurisdiction over their decisions.

Vice Mayor McIntee asked whether FPL was the sole provider of lights for Ft. Lauderdale, specifically A1A at Sunrise Boulevard, south. Ms. Herbert said she would have to check. Vice Mayor McIntee said the lights along that route were shielded on the west side of the boulevard and lights on the east side were not lit. He added that the lights were the same as the lights in Lauderdale-By-The-Sea. Vice Mayor McIntee asked whether any Towns under FPL jurisdiction had gone with Commissioner Clotey's idea to light every 3rd light. Ms. Herbert said she had no knowledge of that and that lighting every 3rd light would to be determined by the Wildlife commission. Vice Mayor McIntee questioned how the Town could be fined for not turning off the lights if there was no fine for non-compliance? Attorney Trevarthen said the decision would be

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up to the Commission. Vice Mayor McIntee believed the safety of the people was more important and supported leaving the lights on until it became affordable or a grant was available for light shields.

Manager Colon advised that there was a code in place that prohibited the lights and mirrored the Broward County Administrative code. She believed the Town would be in violation of the Endangered Species Act.

Commissioner Dodd inquired as to how long it would take for the Wildlife Commission to approve different lighting. Ms. Herbert advised that it was a long process.

Commissioner Silverstone believed the Town could compromise by putting shields up to protect both turtles and people.

Mayor Minnet thanked Ms. Herbert for her presentation. She believed the Commission had a lot to think about.

e. Presentation by the Students of the Art Institute of Ft. Lauderdale for the El Mar Drive Project (Paul Novak)

Paul Novak recapped the El Mar Drive Project and stated that Sandra Booth came up with the idea of going to the students for their ideas as was done regarding the Pavilion design. Mr. Novak said out of all the designers, five were chosen as finalist.

Ft. Lauderdale Art Institute Instructor for Industrial Design, Winn Minish stated that as a school and a class they appreciated the opportunity to participate in the project for the Town.

Isabella Serna from Columbia designed a pedestrian friendly walkway with a gazebo, picnic tables, low lighting for the turtles, and outdoor exercise areas.

Michael Evans from Jackson, Mississippi, presented his design focusing on social and physical activities such as an exercise station, a pavilion in the center to play cards or just relax, and a dog area. He displayed dolphin and pelican statutes alongside the decorative paved walkway.

Alberto Ronan from Columbia presented a simple and basic design theme with a brick median bordered in low lighting and surrounded by grass and palm trees. He said the median was within the turtle protection requirements and open for bikers, joggers and relaxation. Mr. Ronan's design consisted of a pond, fences and rocks.

Wendy Thulen from Michigan designed the median with colored lighting, concrete arches, palm trees, tropical flowers, redwood gazebos, and a see through cinder block wall.

Oscar Bergis created islands in his design with one side paved for joggers and the other vegetation. He designed sculptures that identified the islands and also served as

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fountains. Mr. Bergis used recessed lighting that emphasized the sculpture fountains and the mosaic walkway.

Mr. Novak announced that the 1st place winner would receive \$500; 2nd place \$300; and 3rd place \$200. He thanked the students, Mr. Minish and Sandra Booth.

Vice Mayor McIntee believed all the designs were winners. He said he would like to see the water fountains with a doggie bowl on the bottom.

Commissioner Dodd thanked the students. He said the final project may consist of something from each design.

Vice Mayor McIntee made a motion to defer Old Business item 15c, Town sign at Commercial Blvd and A1A, to June 9, 2009 at the request of staff to allow time for work. Commissioner Silverstone seconded the motion. The motion carried 5-0.

5. PUBLIC COMMENTS

Mayor Minnet inquired of the procedure the Commission preferred regarding the order in which Public Comments are taken. It was determined take the comments at random as was the procedure, for this meeting and on the April 28, 2009 the public comments would be taken on a sign in basis.

Spiro Marchelos said he had not yet received an apology for being accused of forgery. He felt one Commissioner had a vendetta against his business.

Nancy Walker wanted to know why everyone could not get along.

Ron Piersonte wanted to know why a Commissioner could make personal attacks against citizens but citizens could not make a personal attack against a Commissioner.

Sal Conipio inquired of the hours the ATV's patrolled the beach, the number of volunteers on the ATV and their social behavior.

Louis Marchelos said staff had been advised not to speak with him. He said the legal issue was with the pier sign and nothing else. Mr. Marchelos said he had a right as a taxpayer to be heard.

Lawrence Wick recognized the pavilion opening and the Easter events as wonderful events. Mr. Wick believed the parking permits for the employees of the Sea Turtle Conservations should be handled by administration. He suggested that the Commission reconsider the location for launching fireworks. Mr. Wick suggested setting a date and time to review the Town Manager. He asked the Commission to move up one of the Planning and Zoning Board alternates as a regular member at the next meeting.

Diane Boutin suggested the Town ask FPL to lower some of the lighting arms as done in other communities. Ms. Boutin was pleased by the young innovative ideas for designing El Mar Drive.

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Frank Herrmann supported AMR, BSO and VFD. He was concerned with pressure on AMR from VFD. Mr. Herrmann thanked everyone for all their time donated to the Easter events.

Bob Fleishman believed that the Town was in the red and not in the black. Mr. Fleishman said the VFD was doing a good job.

Maureen McIntee thanked the students and Commissioner Clotney for the opening of the pavilion. She invited everyone to volunteer for the 4th of July event.

6. REPORTS

7. PUBLIC SAFETY DISCUSSION

a. AMR request for EMS Review Committee Meeting on May 21, 2009 at 1:00 p.m. (Operations Manager Liddle)

Brooke Liddle requested approval to meet at the selected date and time.

Vice Mayor McIntee made a motion to choose Commissioner Clotney to attend the meeting. Commissioner Dodd seconded the motion. Commissioner Clotney accepted. The motion carried 5-0.

b. Item 16L: Discussion regarding AMR ambulance service was moved here earlier in the evening for discussion.

Vice Mayor McIntee asked Operations Manager Brooke Liddle to describe the importance of the beach buggy. Operations Manager Liddle explained that the beach buggy increased the performance of medical rescue and gave the ability to transport the patient across the beach to the waiting ambulance. Vice Mayor McIntee added to the importance of beach buggies by using the drowning and jelly fish stings as life saving examples.

Commissioner Clotney believed that one of the reasons for the beach patrol was because there were no lifeguards. She asked that should the Town go for lifeguards would the VFD provide the service and would their insurance cover the service. Chief Perkins said the insurance would not cover lifeguard service for VFD. He added the Town would have to hire outside lifeguards.

Commissioner Dodd requested that the VFD increase their patrols during events. He asked for an explanation of procedure in relation to the proper care of the vehicle every time the ATV went out. Chief Perkins said the volunteers went through a check list and hosed off the ATV's every time they returned.

Commissioner Silverstone asked whether there were any complaints from the residents regarding the use of the beach buggies. Chief Perkins said only 1 from the gentleman in the north part of Town. Commissioner Silverstone asked how it was handled. Chief Perkins said the gentleman wanted to know why the beach buggy was in Pompano. He

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said an injured pelican was taken to the Pompano Pier as that was where they took the birds and on another occasion the VFD was looking for a lost woman and went about 1/4 mile into Pompano.

Mayor Minnet questioned when the ISO rating would be available. Chief Perkins believed it was sometime in June.

8. TOWN MANAGER REPORT

a. Discussion and/or action regarding award of RFP 09-02-01 Waste Haulers (Manager Colon)

Manager Colon stated that the agreement had been approved as to form by Attorney Hall. Mayor Minnet invited Mr. Hall to sit on the dais. Manager Colon noted the changes to the document. She said the date needed to change as Waste Management agreed to July 1, 2009.

Manager Colon noted additional changes to the document: 1) page 21. 6.7.1 should read "Chief Financial Officer" (6th sentence); 2) page 21 6.8 (6th sentence) should read "will be validated" not "will validate"; 3) page 27 section 11.1.2 (3rd sentence - should read "that are within" not "that are by"; 4) page 42 the form attached for disconnect should be 31 days and not 90 days; and 5) page 71 need to change Code Section 10.32 to "31 days" not "3 months".

Commissioner Dodd noted that on page 8 item L should be changed to "his/her" representative.

Commissioner Clotey inquired of getting new containers. Michael Savino stated that all residential and multi-family units would receive new solid waste containers. He said Choice could work with Waste Management on getting the old bins removed or perhaps recycle them.

Commissioner Dodd asked for Mr. Savino's reaction to the Town creating an Ordinance that would prohibit others from coming into Town on recycling day and taking the goods on bulk trash day. Mr. Saving said he would work with the Town.

Vice Mayor McIntee asked whether Choice's proceeds were reduced when the "scavenger's" took the materials. Mr. Savino said that the proceeds to Choice from metal would be reduced. He added that the proceeds from recycling went directly to the Town and not to the waste hauler.

Vice Mayor McIntee made a motion to accept the contract with the changes agreed to between the Town Manager and Choice Environmental Systems. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4 - 0. Mayor Minnet recused.

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Commissioner Dodd confirmed that an Ordinance change would follow. Manager Colon added that the Ordinance amending Section 10-32 would be on the next agenda. She thanked Mr. Hall for his assistance in this matter.

9. APPROVAL OF MINUTES

There were no corrections, additions, or deletions.

Vice Mayor McIntee made a motion to approve all minutes as submitted. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- a. March 10, 2009 Regular Minutes
- b. March 11, 2009 continued from March 10, 2009 Regular Minutes
- c. March 24, 2009 Regular Minutes
- d. March 25, 2009 continued from March 24, 2009 Regular Minutes
- e. April 2, 2009 Conference Minutes

Mayor Minnet recessed the meeting at 8:55 p.m. and reconvened the meeting at 9:05 p.m.

10. ORDINANCES

- 1. Ordinances 1st Reading - "Public Comments"
 - 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

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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 Trevarthen read Ordinance 2008-10 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole was concerned she would not be able to re-build her house after a catastrophe.

Diane Boutin was thankful for the hard work behind the Ordinance. Was concerned with new south Florida building code criteria that would make her resize and get rid of her pool.

Lawrence Wick thanked everyone for making it easier for the Planning and Zoning Board.

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

Commissioner Dodd wanted to know what the next stage was to implement the recommendations of the Planning and Zoning Board.

Attorney James White explained that the Commission could incorporate changes between 1st and 2nd reading.

Commissioner Dodd made a motion to include the recommendations by the Planning and Zoning Board into Ordinance 2009-10. Commissioner Clotney seconded the motion.

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

Commissioner Dodd asked whether the Town would be open to a Burt J. Harris claim should a structure be damaged more than 50%. He believed current code restricted the height to 33 feet.

Attorney White stated that current Charter had built provisions that dealt with non-confirming structures in relation to height.

Attorney White did not see anything that would lay claim to a Burt J. Harris claim.

Commissioner Dodd said the Commission discussed zero scape plantings and permeable materials for driveways, and acceptable plant species, and yet there was nothing in the ordinance that addressed those issues. He believed the code should encourage the use of permeable material.

Commissioner Clotney said she remembered the Commission agreed to using the market value vs. assessed value and that did not make it into the document either.

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Mayor Minnet said it was all in there. She asked Attorney White to clarify that the purpose of two readings was to look at the amendments, review them, listen to residents, and the Commission could make changes even on second reading. Attorney White replied in the affirmative.

Vice Mayor McIntee made a motion to approve Ordinance 2009-10 as amended on first reading to include Planning and Zoning Board recommendations. Commissioner Clotey seconded the motion. In a roll call vote, 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 Trevarthen read Ordinance 2009-13 by title.

Mayor Minnet opened the meeting to public comments.

Diane Boutin wanted to know if the document stipulated that Choice Environmental Systems was the only provider of choice with a construction dumpster for major debris. With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor McIntee made a motion to approve Ordinance 2009-13 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4 - 0. Mayor Minnet recused.

Manager Colon clarified that the bid document and the agreement stated that construction dumpsters would be provided by Choice.

- 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

Attorney Trevarthen read Ordinance 2009-14 by title.

Mayor Minnet opened the meeting for public comments.

Lawrence Wick believed there was an Ordinance that allowed music until 10:00 p.m.

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Barbara Cole wanted to know what the current decibel level was. She did not understand the need for the Ordinance.

Guy Contrada believed the noise ordinance did not need amending but needed to be policed. He said the Town needed to keep businesses in Town to keep people coming to Town.

Louis Marcelos suggested a roundtable discussion with the Commission, the businesses and the residents and perhaps get a decibel expert involved.

David Moore saw family gatherings on Friday and Saturday nights. He said everyone thought it was a good place to go to have a good time.

Tony (last name inaudible) professional drummer said the majority of his emails were from residents of Lauderdale-By-The-Sea that referred to the entertainment within Town and where he would be playing.

Bob Fleishman said Lauderdale-By-The-Sea was a resort Town and the Town was alive.

Vito Chiarello believed the motorcycles were noisy.

Steven Bosculatos thought it would be a horrible mistake to fast track the Ordinance.

Diane Boutin said that many of her guests enjoyed the activity in Town. She pointed out that many of the new developments had impact windows. Ms. Boutin said motorcycle noise exceeded the noise from entertainment.

Debbie Surge said the entertainment was a fun weekend for her and the entertainers were making money.

Spiro Marchelos said the music had always been successful and brought life to Lauderdale-By-The-Sea. He believed that without the entertainment a lot of businesses would be affected.

Paul Novak said his properties are the closest to the entertainment section and never had a problem. He said the music should be kept going.

Ron Personte said visitors from Canada and Germany always asked for the music on Friday and Saturday night.

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

Commissioner Silverstone stated that the Ordinance was not created to shut down entertainment or shut down businesses; there were complaints about the noise. He stated that the Ordinance gave teeth to be able to enforce the noise ordinance.

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Commissioner Dodd wanted to know who drew it up and on what facts and figures it was put together.

Attorney Trevarthen explained that direction was given by the Commission to create a noise ordinance and the decibel limits were based on those from other cities. Commissioner Dodd did not believe the decibel should be equal to other cities that were not equal to our own.

Commissioner Dodd wanted to know how many complaints there were as he believed the happy visitors outweighed the complaints. He believed the Commission should have a roundtable with the businesses and come up with acceptable figures. Commissioner Dodd believed the music from Jazz on the Square should be measured for an acceptable number. He pointed out that line 4 of the Ordinance prohibited fireworks and therefore, the Town could not have fireworks at the 4th of July event.

Commissioner Clotney explained that no one ever said anything about shutting down the music. She said the problem was with the constant noise at 2:00 or 3:00 in the morning.

Commissioner Silverstone believed that the fireworks provision only applied to special events and not the 4th of July. He said the issue was more into constant dog barking or excessive motorcycle noise. Commissioner Silverstone believed that a person should not hear their neighbors.

Vice Mayor McIntee said the code would not fine the entertainers; it would apply to the business. He added that Code Enforcement always gave a warning before a ticket was issued. Vice Mayor McIntee said the Ordinance gave Code Enforcement the authority to enforce.

Attorney Trevarthen addressed the issue with motorcycles. She said line 367 of the Ordinance had an exemption for motor vehicles and line 70 and line 80 prohibited noises such as abuse of sounding of horns and loud noise vehicle noise, but there was nothing in the Ordinance that referred to motorcycles.

Commissioner Dodd said it was his opinion that tools were in place and police could enforce noise levels and another ordinance was big brother creeping in.

Dave Gadsby said he did not get any complaints, and when he felt the music was too loud he asked them to turn it down.

Mayor Minnet suggested looking at other like communities that had a downtown area. She said the Ordinance was in place and Code Enforcement should have the power and come to the events and enforce the Ordinance. Mayor Minnet believed business was a viable source to the Town and was needed.

Vice Mayor McIntee agreed that Code Enforcement should go out and enforce but the tool was not there for them to do so; they did not have the authority.

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Dave Gadsby said Code Enforcement had never given him a hard time. He would honor the tool for Code Enforcement but questioned whether there were enough complaints to go that far.

Mayor Minnet was confident that any business that received a call from the police or a Commissioner that the music was too loud, the business would turn it down.

Commissioner Clotley wanted to know what it was in the Ordinance that the businesses did not like. She said the issue was the noise in the very late hours.

Commissioner Silverstone pointed out line 114 of the existing Ordinance made it clear. He said that live or recorded music could not be played or broadcasted manually or electronically between the hours 11:00 a.m. and 9:30 p.m. and should not be heard within 25 feet of the origin of the music.

Vice Mayor McIntee made a motion to approve Ordinance 2009-14 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 3 - 2. Mayor Minnet voted no. Commissioner Dodd voted no.

2. Ordinances 2nd Reading - "PUBLIC HEARING"

11. COMMISSIONER COMMENTS

Commissioner Dodd thanked staff for putting backup material on the web site and for opening more available parking in front of Town Hall. He suggested dedicating individual parking spaces for department heads but wanted to wait a month or two. Commissioner Dodd thanked staff for setting up the FPL presentation. He thanked staff for placing the roundtable meeting under the video section on web site. He found it very valuable to hear what each Commissioner had to say. Commissioner Dodd said he appreciated staff's efforts and suggested notification when issues were resolved. Commissioner Dodd stated that Hollywood Beach charged \$150 annually for beach parking. He felt that was more realistic than the \$20 Lauderdale-By-The-Sea would charge.

Vice Mayor McIntee thanked Commissioner Clotley and everyone that worked on the Easter event. Vice Mayor McIntee stated that there was a vicious lie that accused him of being behind the recall in Mayor Minnet's condo association. He said he was not aware of the recall until recently and he had nothing to do with it.

Vice Mayor McIntee said staff worked very hard during and after the Pavilion event and the Easter event. He thought Don Prince was the greatest Municipal Director the Town ever had and Assistant Director Mike Walker was an incredible worker; always out there. Vice Mayor McIntee said Senior Office Specialist Nekisha Smith, Town Clerk June White, and Manager Colon were hard working, dedicated employees. He believed Lauderdale-By-The-Sea had great employees and if the Town lost them, the Town would be in trouble. Vice Mayor McIntee believed there was not a better crew in any Town in Florida. He also believed that beach patrol was one of the greatest attributes in the Town.

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Mayor Minnet thanked staff and Commissioner Clotey for the wonderful recent events. She reminded everyone of the non-emergency numbers 954-765-4321. Mayor Minnet clarified a statement written in By-The-Sea Times on March 6, 2009 that stated that she repeatedly opened the floor to repetitive comments once the public comment portion of the agenda was finished. She stated that the majority of the dais voted to allow it and it was not just her wishes. Mayor Minnet pointed out an article in the Travel section of the New York Times on April 5, 2009 regarding affordable fun in Lauderdale-By-The-Sea. She said a portion of the article mentioned a couple of spots in Town along with the pier.

Mayor Minnet reminded everyone that April 25th was lighthouse day and encouraged a trip to the Hillsborough Lighthouse. She announced the May 13, 2009 workshop for charter amendments and reminded everyone that a representative from Senator Klein's office would be in Town on May 14, June 11 and July 9, 2009 from 9:00 a.m. to 11:00 a.m. Mayor Minnet was disappointed at the last roundtable. She looked forward to positive dialogue and respect for each other at the next roundtable.

Commissioner Clotey thought the Pavilion was beautiful. She thanked everyone for showing up for the ribbon cutting and thanked staff for going the extra mile putting it all together. She thanked the singer, the cake maker and the entertainment. Commissioner Clotey stated that the Easter event was very successful. She said people volunteered to stuff the eggs and thanked them all. She thanked the Easter Bunny and the Photographer. Commissioner Clotey said that Marilyn Carr offered to design the first round of informational banners. She asked the restaurant owners to come forth and offer their suggestions. Commissioner Clotey wished a safe journey to those heading north to escape the hurricane season.

Commissioner Silverstone came to the conclusion that he had to either pass on commenting on a false rumor or a false statement or respond to a personal attack. He felt that those with credibility, the people that get out there and stuff eggs and do things for the Town knew how things worked in the Town; others made comments about things they knew nothing about. Commissioner Silverstone said that the backup currently on line was requested by him a long time ago and at that time it was a big expense. He said staff continued to find a way.

12. CONSENT AGENDA

Mayor Minnet pulled items 12c and 12g for discussion.

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

- a. Award of annual Air Conditioning Maintenance Agreement with Advanced Roofing for maintenance of equipment in Town properties (Assistant Town Manager Olinzock)
- b. Commission approval for emergency excavated sewer point repair by Madsen Barr at 258 Commercial Boulevard at a cost of \$5,342.50 (Assistant Town Manager Olinzock)

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- c. Commission approval to allow Athena By The Sea, 4400 Ocean Drive, to modify existing approved Sidewalk Café Permit (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock explained the intent was to extend into another office to allow flexibility in table arrangement. Commissioner Clotey inquired as to whether Athena would be allowed to serve alcohol in that area. Assistant Town Manager Olinzock said he would check with the State if the Commission requested it. Commissioner Clotey thought that Athena should have a permit to serve alcohol before addressing the issue or approve it subject to obtaining the permit.

Manager Colon said Athena would have to amend or reapply with a revised site plan.

Commissioner Clotey asked whether Mr. Marchelos would agree, should the Commission approve the modification, not use the space until he got the liquor license for Athena's Restaurant. Mr. Marchelos agreed and said the reason for the revision was to comply with Code when tables were moved 6 to 8 inches.

Manager Colon explained that the site plan on record would differ whether it was 1 foot or 5 feet. She said the process was not new for Mr. Marchelos. Manager Colon said that once they submitted their revised site plan it would go to Code for approval and move forward.

Commissioner Dodd made a motion to approve the modification as the first step in the process. Commissioner Clotey seconded the motion.

Mr. Marchelos said he would have to speak to legal council.

Commissioner Clotey wanted it in the record that Mr. Marchelos agreed that Athena by the Sea would not use the space until they obtained approval from the State. Mr. Marchelos stated he would agree if the Commission agreed that a table could go there if liquor was not being served, such as during breakfast on Sunday before noon.

Commissioner Clotey clarified her friendly amendment that Athena by the Sea should not use the new area until it is settled with the state. Commissioner Dodd accepted.

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

- d. Commission approval of 40 parking permits for the annual Caribe meeting on March 1, 2010 (Town Clerk)
- e. Commission approval of Special Event application for Walton Wedding, Saturday, May 16, 2009, 5:30 PM till 7:00 PM (Assistant Town Manager Olinzock)
- f. Commission approval of Workforce One Employment Solutions for participation in the Summer Youth Employment Program in conjunction with the Governor of the State of Florida for the implementation of workforce development programs (Manager Colon)

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- g.** Beach Patrol expenses approved by Commission of 5/13/2008 (invoices attached)
(Manager Colon)

Commissioner Dodd explained that extra money was not being given for beach patrol. He said that all the expenses did not fall within one fiscal year.

Commissioner Dodd made a motion to approve. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

Mayor Minnet stated that the Commission needed to look at consolidating the meetings. Discussion followed regarding holding the remainder of the meetings in the evenings and/or on weekends. Mayor Minnet stated that Commission business should be completed in one night and not cause additional burden on staff.

Mayor Minnet recessed the meeting to Monday, April 20, 2009 at 2:00 p.m. Manager Colon advised that Assistant Town Manager Olinzock would sit in her place.

13. RESOLUTION - "Public Comments"

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a.** Commission approval of the Broward County Supervisor of Elections agreement for November 3, 2009 - Tabled at the March 10, 2009 by Vice Mayor McIntee (Clerk White)
- b.** Discussion and/or action regarding a clock in the pavilion (Requested at the March 11, 2009 Commission meeting by Vice Mayor McIntee)
- c.** Discussion and/or action regarding Town sign at Commercial Blvd and A1A - Vice Mayor McIntee (Tabled at the January 28, 2009 Commission meeting by Vice Mayor McIntee) (Tabled at the February 24, 2009 Commission meeting by Commissioner Dodd) (Tabled at the March 11, 2009 Commission meeting by Vice Mayor McIntee)

This item was deferred earlier in the evening.

- d.** Discussion and/or action regarding gravel driveways (Vice Mayor McIntee)

16. NEW BUSINESS

- a.** Discussion and/or action regarding the creation of a resolution opposing Senate Bill 1000/House Bill 365 entitled an Act Relating to Discretionary Sales Surtaxes (Mayor Minnet)
- b.** Discussion and/or action concerning funding for beach patrols (Commissioner Dodd)

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- c. Discussion and/or action to change the passes at Bougainvillea Parking Lot to the portals for employees of the Broward County Sea Turtle Conservation Program (Mayor Minnet)
- d. Discussion and/or action regarding a license agreement for parking meters with Bank United (Assistant Manager Olinzock)
- e. Appointment of a Director, Alternate and Second Alternate to the Broward League of Cities (Commissioner Clotney)
- f. Enforcement of "no prices on signs" policy on books, especially for lodging. Low advertised prices are attracting guests that cause problems (Commissioner Clotney)
- g. Commission approval of \$40,000 (excluding fireworks) for Town Sponsored Special Event, July 4th Beach Blast Celebration 2009, July 3 and 4, 2009, \$20,000 Town, \$20,000 donations authorization for Town Manager to execute Contracts/Agreements, and waiving Procurement Purchasing Policy related to the event (Vice Mayor McIntee)
- h. Discussion and/or action concerning review of the Town Manager as required in the contract (Commissioner Dodd)
- i. Discussion and/or action concerning Vice Mayor's inaccurate allegations made at Roundtable meeting dated April 2nd regarding a Commissioner's direct contact with the State Representative concerning funding of the Palm Club sewers (Commissioner Dodd)
- j. Discussion and/or action concerning budget for this year's 4th of July event (Commissioner Dodd)
- k. Discussion and/or action concerning lack of lighting in the Pavilion with regard to public safety (Commissioner Dodd)
- l. Discussion regarding AMR ambulance service (Vice Mayor McIntee)

This item was discussed earlier in the evening.

- m. Discussion regarding recusal of Mayor during Waste talks (Vice Mayor McIntee)
- n. Discussion and/or action regarding supplementary ideas to be included in the Commercial Pavilion (Commissioner Silverstone)
- o. Discussion on economic viability of the Town (Commissioner Silverstone)

17. TOWN ATTORNEY REPORT

18. ADJOURNMENT

April 14, 2009

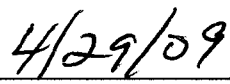
19. FUTURE AGENDA ITEMS



Mayor Roseann Minnet

ATTEST:


Town Clerk June White


Date

04-17-2009 P12-62

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

LAST NAME—FIRST NAME—MIDDLE NAME Minnet Roseann Alexis		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MAYOR
MAILING ADDRESS 2000 S. Ocean Blvd APT 11E		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY LAUDERDALE BY THE SEA	COUNTY Broward	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY TOWN
DATE ON WHICH VOTE OCCURRED April 14, 2009		NAME OF POLITICAL SUBDIVISION LAUDERDALE BY THE SEA
		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 183.357, 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, Roseann Minnet, hereby disclose that on April 14, 20 09

(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 a Business associate, _____, 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:

The company, of which I am the principle officer of, has been retained by a business associate of one of the companies that submitted a proposal to the Town of Landudale. By The Sea to provide Sanitation/Waste Collection Services

April 17, 2009

Date Filed

Roseann Minnet

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.