

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

Continued from March 10, 2009

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Wednesday, March 11, 2009

3:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 3:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

15. OLD BUSINESS

a. Discussion and/or action on specific location of Adopt-A-Street signage (Mayor Minnet) Tabled at the January 28, 2009 Commission meeting by Vice Mayor McIntee

Vice Mayor McIntee believed it was previously voted that anyone who wanted a sign on their front lawn could to have it.

Commissioner Dodd inquired as to whether the information regarding the Adopt-A-Street would be in the Town Topics. He thought the Chamber of Commerce, the Garden Club and/or others may be interested in adopting a street.

Mayor Minnet advised that the Chamber of Commerce had said they would adopt the street behind the Chamber and Terra Mar Island had verbally committed to adopting the streets of Terra Mar Island.

Vice Mayor McIntee said he did not support the big sign and was under the impression that the Town would find their own signs. He thought the signs were up for discussion on the current agenda. Mayor Minnet agreed and explained that she placed it on the agenda to make the clarification. She wanted to know whether to move forward with the program and/or what type of signs the Commission would agree to use.

Commissioner Clotney advised that the Town could join the program as a Town. She was willing to go along with nice looking small signs similar to those other communities have used in select locations. Commissioner Clotney said all that is required is to fill out an application form to join the program and purchase the signs. She asked whether the Mayor would want to place it on a future agenda. Commissioner Clotney hoped that others would contribute toward the cost of the signs.

Commissioner Silverstone stated that the backup minutes stated that the signs were to be removed and were to be replaced with fewer, smaller signs. He added that residents were also allowed to have a sign in their yard if they so chose. Commissioner Silverstone believed there were 2 issues; this one and the one regarding the signs relating to the entertainment district. He thought it should be placed on a future agenda. He liked the idea of something artistic that would fit in with the community.

Mayor Minnet clarified that this was a Broward County program and Broward County had the right to have their name on their sign. Mayor Minnet dropped the program from Broward County as it was her understanding that Broward County wanted the Adopt-A-Street sign with their name on it. Mayor Minnet agreed the Town could have their own Adopt-A-Street program.

Vice Mayor McIntee made a motion to accept the Adopt-A-Street program as proposed by Broward County for the Town of Lauderdale-By-The-Sea. He explained that if the motion did not pass it would die and could not come back before the Commission. Commissioner Dodd asked if Vice Mayor McIntee would accept a friendly amendment subject to a smaller sign. Vice Mayor McIntee said he would not. The motion failed for lack of a second.

Commissioner Silverstone believed this was against what they already voted on. Attorney Trevarthen stated that the motion before the Commission failed and therefore, they were left with the action taken on September 25, 2008.

- b. 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 25, 2009 Commission meeting by Commissioner Dodd)

Vice Mayor McIntee inquired as to whether Attorney Trevarthen had determined the owner of the sign. Attorney Trevarthen indicated that the process had begun. Vice Mayor McIntee made a motion to table to the April 14, 2009 Commission meeting. Commissioner Silverstone seconded the meeting.

Mayor Minnet inquired as to whether public comments could be allowed after a motion and a second. Attorney Trevarthen said a motion to table was neither amendable nor debatable and recommended against public comment. The motion carried 3-2. Commissioner Dodd and Mayor Minnet voted no.

Commissioner Dodd requested feedback as to how much it would cost the Town to determine who owned the sign.

Attorney Trevarthen advised that she had asked for an estimate.

- c. Discussion and/or action regarding information from Mr. Terri Arthur regarding Green Fest (Requested by Vice Mayor McIntee at the February 10, 2009 Commission meeting) (Tabled at the February 25, 2009 Commission meeting by Vice Mayor McIntee)

Vice Mayor McIntee asked whether the information requested from Mr. Arthur had been received. Attorney Trevarthen said that Mr. Arthur indicated he had not yet obtained the information.

Vice Mayor McIntee a motion to direct Attorney Trevarthen to request the State Attorney to investigate the matter. Commissioner Silverstone seconded the motion. The motion carried 4-1. Commissioner Dodd voted no.

- d. Discussion and/or action regarding Valet Parking for 101 Ocean and Village Grill (Vice Mayor McIntee) Tabled at the February 10, 2009 Commission meeting by Commissioner Dodd - Added and Tabled at the February 24, 2009 Commission meeting by Commissioner Dodd THIS ITEM WAS CONSIDERED AT THE MARCH 10, 2009 COMMISSION MEETING
- e. Discussion and/or action on the Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)

Mayor Minnet said she was asked to bring this item back before the Commission. She explained the Committee would be a fact finding committee that could bring recommendations to the Commission and work with the Planning & Zoning Board.

Commissioner Dodd believed Mr. Brandt would be a good selection for the Committee and hoped he would find 5 additional members.

Commissioner Clotey made a motion to table November 24, 2009. She was concerned as Mr. Brandt talked about tax cuts for putting in solar hot water heaters and believed they should take a look at the budget first. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

- f. Discussion and/or action concerning placing signs directing traffic to the hospitality and business districts on El Mar and Commercial. Can nice unobtrusive signs be placed on medians next to welcome signs, in front of Chamber, and on the pier sign? We need to request help from FDOT but should also consider placing our own signs if possible (Commissioner Clotey) Pulled at the February 24, 2009 Commission meeting by Commissioner Clotey

Commissioner Clotney found pictures that were recommended by one of the former Boards. She pointed out that the pictures showed that some of the signs were placed on right of ways with one in the middle of the sidewalk. She said the Department of Transportation needed to approve signs for A1A and that would take too long. She added that banners would not require permission from anyone, could be customized and changed at will.

Assistant Town Manager Olinzock said staff would work to customize the current banners and perhaps offer them to various groups for their events at their expense.

Commissioner Clotney added that the banners could also contain arrows that pointed to the hospitality district and to the beach area.

Commissioner Dodd referred to the backup, specifically New Business item 15q, July 2007 Minutes. He wanted to know what the signs were, what the previous Commission approved and, why nothing had come back before the Commission.

Manager Colon responded that she spoke with Commissioner Dodd the day before, on Tuesday, and told him she would have to see which specific signs were in question as FDOT had not approved all the signs. She reminded him Tuesday nights Commission meeting did not end until late and she had not had the opportunity to clarify which signs were approved. Manager Colon referred to the parking lot on Bougainville Drive and Commercial Boulevard and added that she knew that FDOT would not approve more signs as both this Commission and the prior Commission had tried. Manager Colon said that samples of signs had been provided and were in the current backup. She said a banner would not have to go to FDOT.

Commissioner Silverstone asked for clarification as to whether the signs had already been approved by FDOT. Manager Colon clarified that a letter from a former employee stated the permit was permitted but in reality nothing happened, nothing was submitted and nothing was approved. Manager Colon suggested submitting the proposal that was submitted by Marc Furth to FDOT again. Commissioner Silverstone suggested the Commission pursue Commissioner Clotney's idea and go forward with the State.

Vice Mayor McIntee agreed with the banner idea and to go forward with FDOT.

Commissioner Clotney believed that a lot of the businesses were hurting. She believed the proper signage and/or banners would benefit the businesses and beautify the Town. In addition to the banners, Commissioner Clotney wanted to obtain approval from FDOT to allow the signs.

Mayor Minnet asked Manager Colon to bring back the banner selections for approval and to move forward with FDOT to get permanent signs. Manager Colon said some signs were limited and customized signs would cost more. She said there were custom

signs for the business district. Mayor Minnet recommended opening the idea up to the local artists as suggested to see what the customized costs would be.

Commissioner Dodd was disappointed there was nothing in the back up. He said it appeared to him that the FDOT signs were passed by the previous Commission and had since sat in limbo. Commissioner Dodd asked whether there was Town land, or Town land near the Chamber of Commerce where the sign could be placed and therefore not subjected to FDOT.

Commissioner Clotey asked whether Commissioner Dodd would feel more comfortable if the Master Plan Steering Committee looked into it. Commissioner Dodd said he would if Mr. Novak would submit the guideline and his recommendations.

Commissioner Silverstone said unfortunately the signs fell through the cracks due to misinformation. He said the Chamber of Commerce should be involved in the signage directly and the business owners should also be involved. He directed Manager Colon to ask the Chamber of Commerce to get involved and to go forward with Commissioner Clotey's idea to get the artists involved. He added that he would second a motion to continue with the signage and to go forward with the banner idea.

Vice Mayor McIntee thought they should run with the standard design that contained proper wording and let the artists sit down and work out something else.

Mayor Minnet agreed and thought it would be a good idea to go with the artists. Mayor Minnet recognized Bill Davis.

Bill Davis said that it had already been through the Chamber of Commerce and approved.

Commissioner Clotey added that the local artists could come up with something quickly. She suggested putting the word out and perhaps the local artists could come back with something in two weeks.

Mayor Minnet mentioned a couple of local artists were affiliated with the Art and Frame Shop and Fran Shefler was another. Commissioner Clotey added Mark Furth as another.

Commissioner Clotey made a motion to put a call out to the local artists / photographers to see if within 2 weeks if they could come up with a design for the banners. Vice Mayor McIntee seconded the motion. Commissioner Silverstone offered a friendly amendment to go forward with FDOT. Commissioner Dodd seconded the friendly amendment. Commissioner Clotey and Vice Mayor McIntee accepted the friendly amendment. The motion carried 5-0.

16. NEW BUSINESS

a. Discussion and/or action regarding the creation of a Tree Canopy Resolution (Mayor Minnet)

Mayor Minnet said she can look into native trees for use. Commissioner Silverstone thought there should be a plan established before moving forward. Mayor Minnet suggested a checklist on every new development or re-development that came into Town that required a certain percentage of trees and/or increase the tree limitations in Town Code. Vice Mayor McIntee thought an arborists may be needed to determine the root system and whether it could be done. Commissioner Clotey said a lot of canopy was lost from Hurricane Wilma and Hurricane Irene.

Commissioner Silverstone made a motion to go forward and accept the tree canopy Resolution with the inclusion of a plan. Commissioner Clotey seconded the motion. The motion carried 5-0.

b. Discussion and/or action supporting the Mayors Against Illegal Guns Statement of Principals (Mayor Minnet)

Commissioner Clotey made a motion to accept. Commissioner Dodd seconded the motion.

Commissioner Silverstone suggested the format should be changed as they were a Commission form of Government and not a Mayor form of Government. Attorney Trevarthen said she would work with staff to make the appropriate change.

Commissioner Dodd gave his full support against possession of illegal guns. The motion carried 5-0.

c. Discussion of Earth Day April 22, 2009 (Mayor Minnet)

Mayor Minnet advised that the Garden Club indicated that they would like to plant the tree on Earth Day rather than Arbor Day this year near the anchor at Town Hall.

Vice Mayor McIntee made a motion to grant permission to the Garden Club to proceed with the planting of a tree on Earth Day. Commissioner Silverstone seconded the motion. The motion carried 5-0.

d. Discussion and/or action on Earth Hour 2009 (Mayor Minnet)

Mayor Minnet explained Earth Hour as an international event whereby people took action against local climate change by turning off their lights for 1 hour. She stated Earth Hour was Saturday, March 28, 2009 from 8:30 to 9:30 p.m. Mayor Minnet requested to have Earth Hour advertised on Channel 78 and/or in the Town Topics with Commission approval.

Commissioner Clotey asked whether streetlight would also be turned off. Mayor Minnet said they would not.

Vice Mayor McIntee did not believe it was a good idea to turn off all the lights as it would give opportunity for burglaries, especially advertising when the lights would be off. Commissioner Silverstone did not believe all lights would be turned off.

Mayor Minnet clarified the lights to be turned off were non-essential lights. Vice Mayor McIntee said in that case, he would support it.

Commissioner Clotey made a motion to accept. Commissioner Dodd seconded the motion. Mayor Minnet clarified that all businesses, government building and schools and landmarks, turned off non-essential lighting. Vice Mayor McIntee gave his support. The motion carried 5-0.

- e. Discussion and/or action regarding an Ordinance to park boats alongside house (Vice Mayor McIntee) THIS ITEM WAS CONSIDERED AT THE MARCH 10, 2009 COMMISSION MEETING
- f. Discussion and/or action regarding a vote of confidence on Town Manager's work performance (Vice Mayor McIntee)

Vice Mayor McIntee made a motion for the dais to support the work efforts of the Town Manager, Esther Colon. Commissioner Silverstone seconded the motion.

Barbara Cole said she recently requested a copy of the Town Manager's contract because other cities did annual performance reviews of their Town Managers and wanted to know whether Manager Colon had that in her contract. Ms. Cole said she found that a review was supposed to be done annually, prior to the budget and that the Town Manager also had the opportunity to review the Commission. She thought that Manager Colon was a strong woman and it was demeaning to have a parade and place her on a pedestal. Ms. Cole said people were opinionated and a vote of confidence should not supersede what is in the contract.

Commissioner Silverstone said the issue with the vote of confidence was a great move to show Manager Colon had support. He said that there things written in blogs and articles in the newspaper that were false and demeaning. Commissioner Silverstone said there seemed to be some problems and that was why it was looked into. He was aware of the contract and of what was in the contract. Commissioner Silverstone said Manager Colon was reviewed every time a Commissioner met with her. He noted that in working with Manger Colon over the last 6 years he had gained a lot of respect for her. Commissioner Silverstone believed that the people had the right to come and speak of their support.

Commissioner Clotey wanted to know what a vote of confidence had to do with a request for information, the VFD, backup material, and previous Commissions. She

believed a vote of confidence was a way to say someone liked the way things were going; it did not give someone a new contract. Commissioner Clotey found Manager Colon to be fair and she and Manager Colon always came to a respectful conclusion on matters of concern. Commissioner Clotey knew that Manager Colon did not favor anyone. She gave her vote confidence and stated that an annual review was something entirely different.

Commission Dodd believed the Commission did not perform a review last year and asked how the Commission was to know if they were to perform a review if it was not placed on the agenda. He felt the format of the review should be discussed at roundtable. He gave his vote of confidence but wanted a review.

Commissioner Dodd said that allegations were made that he was the problem. He pointed out that he had requested an item be placed on the agenda that required backup and advised that should his request require a lot of research he would place it on the following agenda to allow the additional time for research.

Vice Mayor McIntee said he knew about the contract. He also knew that Ms. Cole and another Commissioner went through the contract page by page in front staff. Vice Mayor McIntee said it was not just one item it was the whole package. He suggested 60 days of peace but it was not agreed to.

Commissioner Clotey stated that she was also guilty of addressing the Town Manager as Esther, but the proper title to address the Town Manager was Madam Manager.

Manager Colon said she had been doing this for 32 years and knew she did a good job. She said it was up to the Commission to bring up any issue they may have. Manager Colon said that whatever went in the paper was not put there by her. She said whether people liked her or not, she had a job to do. Manager Colon told Commissioner Dodd to terminate her contract if that was what he wanted to do. She felt the criticism was not constructive; it was personal. She felt that no matter what she or her staff did Commissioner Dodd would not acknowledge that they did a good job. Manager Colon stated that she was not a politician and did not parade people into Town Hall as was indicated. She requested that Commissioner Dodd allow her to do her job. Manager Colon apologized to the Mayor if she had gone out of line.

Mayor Minnet allowed Barbara Cole additional time to speak.

Barbara Cole stated that her differences were not personal with the Town Manager or her staff; they were her opinions. She said the question of a performance review was not an implication to terminate anyone.

Manager Colon said she would rise above it.

Commissioner Silverstone believed respect was earned and Manager Colon earned it without question. He said it was upsetting when people are accused of doing

something or not doing something and opinions were placed out to the public. Commissioner Silverstone believed that accusations and/or opinions, without backup, were a disservice.

Commissioner Clotley reminded everyone that criticized the Town Manager that Lauderdale-By-The-Sea was 1 of towns that were in the black. She believed she must be doing something right. Commissioner Clotley also pointed out that people had the right to say what they want; it was called "freedom of speech". Commissioner Clotley called for a vote.

Commissioner Dodd said he would meet with Manager Colon to resolve their differences. He stated that he had the utmost respect for her and her ability and the ability of Town staff.

Vice Mayor McIntee stated that if the Town lost Manager Colon the Town should hold their heads in shame. Mayor Minnet responded to chatter from the floor and announced that in the past she allowed a lot of dialogue and she asked members of the public to either show respect or leave. Vice Mayor McIntee hoped this was the beginning of a healing process.

Mayor Minnet asked for the respect of every individual from the floor and from the dais. Mayor Minnet thanked Manager Colon for the great job she did for the Town. The motion carried 5 – 0.

g. Discussion and/or action regarding putting a clock in the Pavilion (Vice Mayor McIntee)

Vice Mayor McIntee made a motion to have a clock in the Commercial Boulevard Beach Pavilion with the Town logo that could be purchased with beautification money. Commissioner Dodd seconded the motion.

Commissioner Silverstone suggested a sun dial and a solar powered clock to make the pavilion interesting.

Mayor Minnet liked the idea of a wind/solar powered clock and a sun dial. She believed a mechanical clock may be a maintenance problem.

Commissioner Clotley thought a Town clock could be purchased with donated funds from the residents.

Commissioner Dodd amended the motion to direct Town staff to investigate the clock and how weather proof they were and to report back with a recommendation. Vice Mayor McIntee accepted. Commissioner Clotley wanted to know where the Vice Mayor intended placement of the clock. Vice Mayor McIntee felt it would be best in the center facing west. The location was added as part of the motion. The motion carried 5-0.

h. Discussion and/or action to give Esther authority to allow the use of Jarvis Hall by

Elected Officials at short notice if vacant (Commissioner Dodd)

Commissioner Dodd said he was approached by a resident who stated that State Representatives were more inclined to go to other municipalities where they could use their meeting hall on short notice.

Commissioner Dodd made a motion that use of Jarvis Hall by elected representatives on short notice and, if vacant, be at the discretion of the Town Manager.

Manager Colon preferred not to be involved in deciding who could use Jarvis Hall. She believed the current Resolution was appropriate.

Commissioner Silverstone thought it might open the door for others to abuse it. He said he would support language that would prevent abuse.

Vice Mayor McIntee asked Attorney Trevarthen whether a new Ordinance would need to be created. Attorney Trevarthen said it would require a new Ordinance.

Vice Mayor McIntee believed that to be an expensive process.

Commissioner Clotey asked whether it would apply to the Commission also as they too were elected officials. Manager Colon said the Commission would continue to use their conference room or Jarvis Hall when available. Commissioner Clotey did not want to put Manager Colon on the spot and thought it should be left the way it was.

Mayor Minnet agreed that it may follow a resistant path. She believed the Ordinance should remain in its current form.

Commissioner Dodd clarified that it was intended for State elected officials and not the Commission.

Commissioner Dodd withdrew the motion.

- i. Discussion and/or action concerning RFP's and annually renewable contracts over \$15,000 (Commissioner Dodd)

Commissioner Dodd withdrew this item. He wanted to discuss it at roundtable and perhaps discuss it at a future Commission meeting.

17. TOWN ATTORNEY REPORT

Attorney Trevarthen looked forward to working with the Commission.

Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 4:45 pm.

18. FUTURE AGENDA ITEMS

March 24, 2009 - Ordinance 2009-06 for 2nd Reading: AN ORDINANCE OF THE

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 17-16 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION OF SWALES, TO IMPOSE THE RESPONSIBILITY FOR MAINTAINING SWALES ON THE ADJOINING PROPERTY OWNER OR OWNERS, AND TO REGULATE THE ITEMS THAT MAY BE PLACED OR PLANTED IN SWALE AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 1st reading at the January 27, 2008 Commission meeting by Commissioner Dodd) Approved 1st reading at the February 24, 2009 Commission meeting

March 24, 2009 - Ordinance 2009-08 for 2nd Reading: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-21 OF THE CODE OF ORDINANCES TO AMEND THE VESSEL PARKING AND STORAGE REGULATIONS FOR THOSE PROPERTIES THAT WERE ANNEXED INTO THE TOWN IN 2001, FOR SO LONG AS OWNERSHIP OF SAID PROPERTIES DOES NOT CHANGE; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading at the January 27, 2009 Commission meeting as amended) Amended and Approved 1st reading at the February 24, 2009 Commission meeting

March 24, 2009 - Ordinance 2009-17 for 2nd Reading: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 5-62 OF THE CODE OF ORDINANCES AND AMENDING SECTION 19-21 OF THE CODE OF ORDINANCES TO PROHIBIT THE USE OF TARPS OR OTHER NON-CUSTOM FIT BOAT COVERS IN THE COVERING OF BOATS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE Approved 1st reading at the February 24, 2009 Commission meeting

April 7, 2009 - First Reading of Proposed Ordinance amending Chapter 30 by Town Commission

April 28, 2009 - Ordinance 2009-07 for 1st Reading: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313 OF THE CODE OF ORDINANCES, TO CLARIFY PROVISIONS REGARDING THE HEIGHT OF HEDGES, PLANTINGS AND FENCES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 1st reading at the January 27, 2009 Commission meeting by Vice Mayor McIntee)

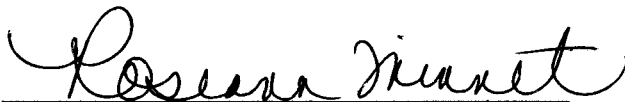
May 12, 2009 - Ordinance 2008-17 for 1st Reading: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE TOWN CHARTER TO REQUIRE THE TOWN TO CONTRACT WITH LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC., FOR THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE TOWN; REQUIRING REFERENDUM 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 (TABLED ON FIRST READING AT THE NOVEMBER 10, 2008 COMMISSION MEETING BY VICE MAYOR MCINTEE FOR 6 MONTHS)

May 12, 2009 - Second Reading of Proposed Ordinance amending Chapter 30 By Town Commission

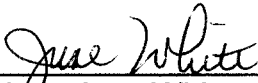
May 13, 2009 - Town Commission Workshop - 7:00 PM - Fire, Height & Capital Expenditure (Requested at the February 10, 2009 Commission meeting by Vice Mayor McIntee and Commissioner Dodd)

19. ADJOURNMENT



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

4-16-09

Date

