

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, March 11, 2008

7:30 p.m.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:30 p.m. Mayor Minnet, Vice Mayor McIntee, Commissioner Silverstone, Commissioner Clotey, and Commissioner Dodd were present. Also present were Town Attorney Cherof, Town Manager Colon, and Town Clerk White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

4. PRESENTATIONS

- a. Proclamation declaring June 23rd through June 29th, 2008 as Amateur Radio Week (Mayor Minnet)

Mayor Minnet congratulated Amateur Radio operators. No one was present to accept the proclamation.

- b. Presentation by Wayne J. Picone, Regional Director of the Seniors vs. Crime Project, a special project of the Florida Attorney General's Office.

Mr. Wayne Picone submitted an Office Operations and Procedure Manual. He explained that the Seniors vs. Crime Project was an all volunteer organization and all they required was a telephone, a place to set up, and location. He said besides scam issues, they teach the citizens about vendor contracts and help relieve the burden regarding identity theft. Mr. Picone said they also offer a lecture service. He said the service costs nothing, but they do accept donations.

Vice Mayor McIntee wanted support from Chief Gooding. Chief Gooding requested time to investigate and report.

Vice Mayor McIntee made a motion to table to March 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

5. REPORTS

6. APPROVAL OF MINUTES

a. February 19, 2008 Organizational Meeting

Commissioner Dodd made a motion to approve the minutes of February 19, 2008 Organizational Meeting Commissioner Silverstone seconded the motion. In a roll call vote, the motion failed 0 - 0.

b. February 19, 2008 Regular Meeting

Mayor Minnet wanted to correct the minutes of February 19, 2008 regarding New Business Items 14b and 14e. She said she wanted the minutes to reflect that her reason for voting no on item 14b was because she requested an opinion from the Attorney and her request was denied by the Commission. She added that the motion on item 14e carried 2-1 and not 4-1 because Vice Mayor McIntee and Commissioner Silverstone recused from voting. Clerk White said she will make the corrections.

Commissioner Silverstone made a motion to approve the minutes of the February 19, 2008 regular meeting. In a roll call vote, the motion carried 5-0. Commissioner Clotey seconded the motion.

7. PUBLIC COMMENTS

Mark Brown thought AMR stated that they could provide better service at a cheaper cost than BSO. He asked if they were as good why they were not hired by other communities at this time. He believed if they answered that question it would go a very long way and he would print it in the newspaper.

Kenneth Frachtman said Code Enforcement asked him to move all his furniture against the wall at the restaurant. He added that was not pleasant to his customers. Mr. Frachtman thought there should be a way to address the issue.

Criste Furth invited everyone to attend the Easter by the Sea Event on Saturday, March 22, 2008 at 10:00 a.m. She said contests will be available for both men and women along with other fun activities located outside in the soccer field.

Happy Vasil complained about the traffic and the dust on her street and thanked Chief Gooding for sending a traffic monitor. She said blackouts happen often and suggested burying the overhead lines as a solution.

Roland and Betty Waldron were concerned with the traffic on Washingtonia Avenue. He recommended keeping it simple and suggested traffic calming.

John Thompson reminded the Commission they have two years to four years to make a difference. He encouraged the Commission to listen to the people as much as they can. He requested that people be allowed to speak at anytime.

Mr. Thompson was granted an additional minute to speak on an item on the consent agenda at the last meeting.

L. Peanuts Wick wanted to get the setbacks corrected. He felt that dedicating a palm tree in memory of someone would be more natural than a plaque. Mr. Wick believed water shortage assessment should be paid for by the group that oversees Lake Ochachobee. He felt lifeguard costs were too high. Mr. Wick believed someone from Town should investigate whether easements were paid for regarding beach access or obtain access rights.

Diane Boutin asked the Commission to reconsider repealing of the overlay district.

Joan O'Malley believed sidewalks on Washingtonia Avenue were not needed on both sides.

Frank Herrmann thought the other cities were afraid to buck Broward Sheriff's Office and that's why they have not hired American Medical Response.

Bonnie Myers believed the Fire-EMS workshop was far more involved than she thought. She urged the Commission to be diligent in their choice.

Ron Piersante addressed New Business items 14 c and 14g and wanted to know why the Taxpayers had to pay for legal council for members of the Board. He wanted to know how much they wanted to collect. Mr. Piersante was against taxpayers paying for cell phones and medical insurance for the Commission.

Lisa Mitchell thought the VFD was a fine organization. She did not want to spend \$1 million dollars on a lifeguard but would like the VFD to provide lifeguard service. She believed in term limits and thought they should be revised.

Rosa Michailiuk distributed home grown vegetables to the Commission.

L. McGuinness was opposed to multiple plaques for any purpose and thought they were an eyesore. He believed in believed in multiple invocations.

Joe Couriel addressed the fees for variances issue and old business 13a, parking on Bougainvillea. He believed no one used the parking lot because there were no signs to let people know it was there.

8. ORDINANCES (2nd Reading) "Public Hearings"

9. COMMISSIONER COMMENTS

Mayor Minnet said great challenges bring about great opportunity. She said during her visit to Tallahassee she met with Ellen Bogdonoff and Senator Attwater who were working towards the Town's best interests. Mayor Minnet will be attending a Workshop that will affect the Town's shoreline and in April will attend Broward Days. She will report on her return. Mayor Minnet advised that the Town's web site was updated to make it available for everyone to contact the Commission with their questions.

Commissioner Clotey asked the people to find out the facts and avoid rumors that are not true. She thanked Chief Gooding for her tour of the BSO Emergency Center. She learned a lot while she was there. Commissioner Clotey received many calls regarding Washingtonia sidewalks and assured the people that it was the duty of the Commission to find a solution to the problem that would have the least impact on the people living in that area.

Commissioner Silverstone said the North Beach Civic Association was led to believe that a promise was made that the Town would pay for their sewers; but the facts were that the Annexation Agreement was not beneficial to the Town. He said there were no negotiations for the 'old town' (north side) of town. Commissioner Silverstone assured the people that the Town worked for them and the people should contact them with their concerns.

Commissioner Dodd said the workshop preceding the regular meeting was adjourned and wanted to offer an opportunity for the public to make comments or ask questions regarding BSO and AMR when the Workshop was resumed March 25, 2008. He congratulated the Chamber of Commerce for the Taste of the Beach and the Arts and Crafts for putting on two of the best events. Commissioner Dodd was pleased that all five (5) Commissioners attended the North Beach Civic Association's meeting. He said all five (5) Commissioners were committed on doing the right thing for the Town. Commissioner Dodd went to the 911 center and believed the security was fantastic. He requested putting Kenneth Frachtman's request to reconsider the Ordinance on the beach chair issue to the next agenda.

Vice Mayor McIntee agreed that sidewalks should have been done on the east side of Seagrape Drive. He said he received an abundant amount of emails regarding sidewalks on Washingtonia and a decision needed to be made. Vice Mayor McIntee believed AMR was qualified to provide emergency medical services. He said there were not many fires in the Town of Lauderdale by the Sea and the need for paramedics was more than the need for firefighters. Vice Mayor McIntee believed the professional firefighters over priced themselves.

10. ORDINANCES (1st Reading)

- a. ORDINANCE NO. 2008-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313 OF THE CODE OF ORDINANCES, GENERAL PROVISION, TO DELETE THE CURRENT SECTION 30-313 IN ITS ENTIRETY AND ADDING A NEW SECTION 30-313 TO CLARIFY PROVISION REGARDING THE HEIGHT OF HEDGES, PLANTINGS AND FENCES (Discussion and/or action - Commissioner Clotey)**

Mayor Minnet read the Ordinance 2009-03 by title only.

Commissioner Dodd made a motion to adopt Ordinance 2008-03 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. ORDINANCE NO. 2008-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA AMENDING CHAPTER 6, BUILDING AND BUILDINGS REGULATIONS, OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-8.1 PORTABLE STORAGE UNIT PROVISIONS, TO CLARIFY PERMIT FEES, LENGTH OF PERMITS, ELIMINATION OF SURETY REQUIREMENTS, AND STORAGE SIZE LIMITATIONS (Discussion and/or action - Development Services Director Rabinowitz)**

Mayor Minnet read Ordinance 2008-04 by title only.

Frank explained Ordinance 2004 would establish fees and would specify plan review criteria for commercial installation. He added that Ordinance 2008-04 would have specific conditions for use of PODs for single family and commercial establishments.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-04 on first reading. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

- c. ORDINANCE NO. 2008-05: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA RESCINDING ORDINANCE 2006-18; CONFIRMING THE TERM LIMIT PROVISIONS OF THE NOVEMBER 2006 CHARTER AMENDMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Discussion and/or action - Commissioner Dodd)**

Mayor Minnet read Ordinance 2008-05 by title only.

Commissioner Dodd said he promised he would give the voters the term limits that they voted for. He understood the Ordinance would have had to be challenged and he preferred to go through a ballot rather than challenge

Commissioner Dodd made a motion to adopt Ordinance 2008-05 on first reading. Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d. ORDINANCE NO. 2008-06: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA REPEALING ORDINANCE 2003-511, WHICH CREATED THE MARINA VILLAGE OVERLAY DISTRICT; PROVIDING FOR LIMITATION ON THE EXTENSION OF SITE PLANS APPROVED UNDER OVERLAY DISTRICT REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Discussion and/or action - Commissioner Dodd)

Mayor Minnet read Ordinance 2008-06 by title only.

Commissioner Dodd made a motion to adopt Ordinance 2008-06 on first reading. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- e. ORDINANCE NO. 2008-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA REPEALING ORDINANCE 2003-529, WHICH CREATED THE BEACH VILLAGE OVERLAY DISTRICT; PROVIDING FOR LIMITATION ON THE EXTENSION OF SITE PLANS APPROVED UNDER OVERLAY DISTRICT REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Discussion and/or action - Commissioner Dodd)

Mayor Minnet read Ordinance 2008-07 by title only.

Commissioner Dodd made a motion to adopt Ordinance 2008-07 on first reading. Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5-0.

- f. ORDINANCE NO. 2008-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA REPEALING ORDINANCE 2006-01, WHICH RENAMED THE BEACH VILLAGE OVERLAY DISTRICT TO THE HOSPITALITY ZONING OVERLAY DISTRICT AND MODIFIED REGULATIONS OF THAT DISTRICT; PROVIDING FOR LIMITATION ON THE EXTENSION OF SITE PLANS APPROVED UNDER OVERLAY DISTRICT REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Discussion and/or action - Commissioner Dodd)

Mayor Minnet read Ordinance 2008-08 by title only.

Commissioner Dodd made a motion to adopt Ordinance 2008-08 on first reading. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- g.** ORDINANCE NO. 2008-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA REPEALING ORDINANCE 2003-510, WHICH CREATED THE TOWN VILLAGE OVERLAY DISTRICT; PROVIDING FOR LIMITATION ON THE EXTENSION OF SITE PLANS APPROVED UNDER OVERLAY DISTRICT REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Discussion and/or action - Commissioner Dodd)

Mayor Minnet read Ordinance 2008-09 by title only.

Commissioner Dodd made a motion to adopt 2008-09 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

Commissioner Dodd made a motion to enter recess. Mayor Minnet recessed the meeting at 9:00 p.m. and reconvened at 9:12 p.m.

11. CONSENT AGENDA

Mayor Minnet pulled Items 11b, 11g, 11h and 11L for discussion. Commissioner Dodd made a motion to approve items 11a, 11c, 11d, 11e, 11f, 11i, 11j and 11k on consent. Commissioner Clotney seconded the motion. In a roll call vote the motion carried 5-0.

- a.** Commission approval of Special Event Permit Application for Town sponsored event, Easter by the Sea, Saturday, March 22, 2008, 10:00 a.m. till 12:00 p.m. at Municipal Park. (Assistant to the Town Manager Olinzock)
- b.** Commission approval to purchase and install a Memorial Plaque adjacent to Pine Avenue Portal in honor of Jeffrey Isreal Orseck (Assistant to the Town Manager Olinzock)

Assistant to the Town Manager Olinzock said the requested plaque would be placed along a path and not at a portal. Vice Mayor McIntee liked Mr. Wick's idea to dedicate a tree rather than a plaque and suggested Manager Colon send a letter rejecting the plaque but accepting a tree donation.

Vice Mayor McIntee made a motion to direct Manager Colon to notify the requestor that a tree donation, without a plaque would be accepted. Commissioner Clotney seconded the motion.

Commissioner Clotney said she received phone calls indicating that a person should have done something to deserve being honored by the Town.

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

Attorney Cherof suggested the Commission direct Manager Colon to develop a written policy regarding the species of tree, where they would be placed, and who burdened the cost, and who would be responsible to planting the tree. He added that when someone wished to make a dedication they would get a copy of the procedure.

- c. Commission approval for use of Jarvis Hall by Toby Lyons and Cheryl Montgomery for daughter's 13th birthday on Friday, March 21, 2008 from 7:00 p.m. to 10:00 p.m. (Assistant to the Town Manager Olinzock)
- d. Commission approval of Special Event Application from the Community Church for Easter Sunrise Service (Assistant to the Town Manager Olinzock)
- e. Commission approval for Air Conditioning installation (Assistant to the Town Manager Olinzock)
- f. Commission approval for Municipal Park fence repairs (Assistant to the Town Manager Olinzock)
- g. Commission approval for fence installation in Soccer area (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to accept the fence installation. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- h. Commission approval for use of Jarvis Hall by Colonial Bank, N.A. for Education Class for Managers to be held on Wednesday, April 23, 2008 from 8:30 a.m. to 10:30 a.m. (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee was concerned that if the Commission allowed businesses from Sea Ranch Lakes to use Town Hall for their business, everyone in that plaza would be entitled to use Jarvis Hall to conduct their business. Assistant to Town Manager Olinzock said the Ordinance did not discriminate, but stated only that local civic organizations, which are based in the Town, may use Jarvis Hall without charge. Attorney Cherof added that the Ordinance also stated that all other organizations would be charged fees. Vice Mayor McIntee felt Jarvis Hall should only be for residents of the Town.

Vice Mayor McIntee made a motion to deny. Commissioner Dodd seconded the motion. In a roll call vote, the motion failed 4 - 1. Mayor Minnet voted no.

Direction was made to Attorney Cherof to draft an Ordinance that allowed only town residents to use Jarvis Hall.

- i. Commission approval for use of Jarvis Hall by Women's Club of Lauderdale-By-

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The-Sea for annual Silver Tea on Saturday, February 7, 2009 from 9:00 a.m. to 3:00 p.m. (Assistant to the Town Manager Olinzock)

- j. Certification of Lien Orders prepared by the Special Magistrate and ready to be placed into the public records to constitute a lien. Notification to the Commission is being provided (Development Services Director Rabinowitz)
- k. Commission approval for use of Jarvis Hall by LBTS Chamber of Commerce, for Chamber Breakfast meeting on Wednesday, April 16, 2008 from 7:30 a.m. to 9:30 a.m. Use of kitchen requested. (Assistant to the Town Manager Olinzock)
- l. Award of contract to Brandano Displays, Inc. for (A) the removal of old banners and brackets and the installation of new banners, and (B) the pricing for removal and replacement of banners per occasion. (Assistant to the Town Manager Olinzock)

Assistant to the Town Manager Olinzock advised it was tradition to change the banners seasonally. He added that the brackets that held the banners were being upgraded to a better quality.

Commissioner Silverstone made a motion to accept the award of contract to Brandano Displays, Inc. Commissioner Clotney seconded the motion. In a roll call vote, the motion failed 5 - 0.

12. RESOLUTION

- a. Resolution 2008-06: A Resolution for discussion and/or action opposing the Army Corp of Engineers future depletion or reduction of the levels of Lake Okeechobee (Attorney Cherof) (Discussion and/or action John Olinzock)

Mayor Minnet read Resolution 2008-06 by title only.

Assistant to the Town Manager Olinzock said he spoke with Carol Morris, South Florida Water Management District who had requested the Commission table this item until the Water Management District provided information.

Vice Mayor McIntee made a motion to table to the March 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Resolution 2008-03: A Resolution reducing and fixing the base application fee for variances for all residential and commercial properties to \$453 (Attorney Cherof) (Tabled at the February 26, 2008 Commission meeting by Vice Mayor McIntee)

Mayor Minnet read Resolution 2008-03 by title only.

Vice Mayor McIntee made a motion to adopt Resolution 2008-03. Commissioner Silverstone seconded the motion.

Commissioner Silverstone thought the Commission voted to reduce the fees for simple variances. He added that this version related to commercial and residential variances. Manager Colon said the Commission approved all types of property. She added that the Resolution also specified that anything over \$453 such as review by an outside source would be an additional cost to the requestor.

Commissioner Clotey believed Lauderdale-By-The-Sea charged more than other cities. She also believed the Town should not charge for staff time. Commissioner Clotey wanted to drop the variance fee to just the incremental cost of approving the variance and for advertising. Manager Colon explained that \$250 was allocated for advertising and direct mailing. She added that out of the remaining \$203, \$100 was the basic application fee and the remaining \$103 did not cover the time it took 6 people, including the Town Attorney, to review the application process. Discussion continued regarding reducing the fee by the \$103 and staff salaries. Mayor Minnet believed that whatever dollars were taken away from fees, the difference would have to be picked up elsewhere.

Vice Mayor McIntee made a motion to adopt Resolution Commissioner Silverstone seconded the motion. In a roll call vote, the motion failed 1 - 4. Mayor Minnet, Commissioner Silverstone, Commissioner Clotey, and Commissioner Dodd voted no.

Commissioner Clotey made a motion to reduce the fees to incremental costs only. Commissioner Dodd seconded the motion.

Discussion followed regarding the costs involved in that they would vary depending on the variance and the type of notices and advertising required, and the type of review. Attorney Cherof asked if the intent of Commissioner Clotey was to have Manager Colon track staff time to obtain actual cost. Commissioner Clotey wanted to know what the extra costs the Town would have to pay in addition to salaries. Manager Colon indicated that complicated plans may require additional Code review or Attorney consultation. She added there was not a fixed cost except for advertisement and the application fee. Vice Mayor McIntee suggested that if the fixed cost for the permit, advertisement and application fee was \$350 then that should be the reasonable figure to charge.

Commissioner Silverstone made a motion to adopt Resolution 2008-03 at reduced cost of \$350. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

13. OLD BUSINESS

- a.** Discussion and/or action regarding drafting an Ordinance to pull the bags from the parking meters on Bougainvillea and Poinciana (Requested at the December 11, 2007 meeting by Mayor Parker - Tabled at the January 9, 2008 meeting)

Vice Mayor McIntee said that in the past parking enforcement did not enforce the two (2) hour parking limit and business owners complained. He said the two hour parking limitations were since enforced and the business owners no longer had an issue and were happy.

Ken Brenner, Correlli's Restaurant, wanted parking issues settled and wanted the bags removed from their plaza. Attorney Cherof advised that the agenda item should begin with a motion and a second to determine the parameters of the discussion.

Vice Mayor McIntee made a motion to leave the bags in place at the parking meters located on Bougainvillea Drive and Poinciana Street. Commissioner Silverstone seconded the motion.

Commissioner Silverstone asked for clarification as to whether there was a problem in the past that had since ceased. Vice Mayor McIntee agreed.

Commissioner Clotey and Mayor Minnet had concerns that there were other business owners that were not happy with the bags. Mayor Minnet believed this issue should be looked at on a town wide basis and reviewed prior to taking action. Commissioner Dodd favored a workshop as there were several issues to address.

Vice Mayor McIntee made a motion to table this item to March 25, 2008. He withdrew his original motion. Commissioner Silverstone withdrew his second. Commissioner Clotey seconded the motion.

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

- b.** Discussion and/or action regarding Lifeguard Services (Manager Colon) (Tabled at the December 11, 2008 meeting)

Manager Colon said the provider was not willing to provide weekend services. No action was taken.

- c.** Change scheduled workshop date from June 10, 2008 at 5:00 p.m. to June 11, 2008 at 5:00 p.m. (Clerk White)

Clerk White explained that at the previous meeting the Commission voted to change the June 10, 2008 meeting to June 11, 2008.

Commissioner Silverstone made a motion to reschedule Workshop date from June 10, 2008 at 5:00 p.m. to June 11, 2008 at 5:00 p.m. (Clerk White)
Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d. Commission approval for Issuance of five (5) parking permits to be used in the Bougainvillea Parking Lot from March 1 thru February 2009 by Nova Southeastern University Staff during Sea Turtle strandlings and disorientation events. (Assistant to the Town Manager Olinzock) (Tabled at the February 26, 2008 Commission meeting for justification)

Commissioner Clotley thought the parking permits should be specific on time of use.

Commissioner Dodd made a motion to grant Nova Southeastern University Staff two (2) parking permits year round and three (3) specifically during turtle season. Commissioner Silverstone seconded the motion.

Vice Mayor McIntee asked whether they were in Town to investigate the turtles. Assistant to the Town Manager Olinzock said they were. Vice Mayor McIntee suggested giving them five (5) parking permits for the turtle season and none year round. Vice Mayor McIntee offered a Friendly Amendment for turtle season only. Commissioner Silverstone stated that year round parking permits were requested because sea turtles sometimes wash ashore. He added that the three (3) parking permits could be transferred to others when needed.

Commissioner Dodd made a motion to amend his motion to allow three (3) parking permits during turtle season only, from March 1, 2008 thru October 1, 2008. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

14. NEW BUSINESS

- a. Renewal of post hurricane clean-up agreements - Man Con and Post Buckley Schuh & Jernigan, Inc. (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to accept Renewal of post hurricane clean-up agreements - Man Con and Post Buckley Schuh & Jernigan, Inc. Vice Mayor McIntee seconded the motion.

Commissioner Silverstone asked if there was a change in the price. Assistant to the Town Manager Olinzock replied that the economy was working in the Town's favor.

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

Assistant to the Town Manager Olinzock advised these agreements would only be necessary if there were a disaster.

b. Discussion and/or action regarding Seagrape change order (Commissioner Dodd)

Commissioner Dodd placed this item on the agenda because he wanted direction to the Town Manager to ensure that when future road schemes were individually addressed. He felt the Washingtonia sidewalk was slid through as a Seagrape Change Order by Town Planner Keller as a Consent Agenda item that did not address Washingtonia.

Commissioner Dodd made a motion to direct the Town Manager that any road schemes are titled by their road names on the agenda. Commissioner Silverstone seconded the motion.

Vice Mayor McIntee disagreed that the Washingtonia sidewalk had been slid through. Assistant to the Town Manager Olinzock explained that the Town was under a Consultant Agreement. Assistant to the Town Manager Olinzock stated that at a previous meeting the Commission directed the Consultant to prepare the Change Orders. He added that the documents were brought back before the Commission at the following meeting and may not have said Washingtonia sidewalks on them, but the whole project was being built as the Seagrape Drive Streetscape Project. Commissioner Dodd said that he had no idea that the Consent Agenda contained an item that referred to Washingtonia sidewalks. He said it should have been referred to by its own title so everyone could be aware of it.

Barbara Cole was not against sidewalks. She said that she was surprised when Assistant to the Town Manager Olinzock told her the sidewalks were about to begin. She asked the sidewalk be put on her side, the south side and preferred something simple.

Danielle Sauvageau said she would like something simple on the south side.

Wayne Koss believed the trees were the archway to the Town's beauty and believed a sidewalk was only needed on one side of the street.

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

Commissioner Dodd made a motion to for additional public comments on the Washingtonia sidewalk scheme.

Karen Hunsaker suggested keeping trees and recycling water.

Commissioner Dodd believed the best compromise would be to put sidewalks on the south side and keep the trees. He believed it would save the Town some money.

Commissioner Dodd made a motion to approve the plans in accordance with Planner Keller's original plan that sidewalks go on southside only. Vice Mayor McIntee seconded the motion.

Assistant to the Town Manager Olinzock said he had spoke with the Consultant and believed the Town would not save money as the plans would have to be modified and the Consultant would have to be paid to negotiate with the Contractor for the work that would not be done. He wanted to Commission to understand that while placing the sidewalks close to the road's edge as an option will require a stormwater management plan per Broward County requirements.

Attorney Cherof advised that the Official Change Order must come back to the Commission and prior to that the Change Order must be discussed with the Project Engineer and the Contractor. He added that would make the Commission aware of what the true costs would be.

Commissioner Clotey wanted to know whether the swale could be three (3) feet rather than seven (7). Assistant to the Town Manager Olinzock said there was a minimum set back standard for sidewalks and roadways.

Commissioner Dodd pointed out Planner Keller had said that if the Town was to stick with a grass theme, then somewhere between five (5) and six (6) feet was the minimum without putting in a curb to deflect cars back into the road. Commissioner Clotey asked if Commissioner Dodd would accept a Friendly Amendment. Mayor Minnet asked Attorney Cherof to clarify whether the Change Order would still have to come back before the Commission.

Attorney Cherof said it did, but unless the Commission made a directive to modify something as significant as the width of the swale, no one would redesign it at their own whim. Commissioner Clotey wanted to see it at the minimum amount of feet that the Planner recommended according to law.

Commissioner Clotey made a motion to amend the motion to make the swale the minimum amount of feet allowed by law. Commissioner Silverstone seconded the motion.

Vice Mayor McIntee questioned the motion to amend. He was concerned about additional costs and delays.

Commissioner Clotey thought this was an important issue to this Town and believed a decision could wait four (4), or even eight (8) weeks. Assistant to

the Town Manager Olinzock said waiting would run the risk of the contractor requesting additional monies due to project delay. Mayor Minnet felt there were many issues to look at. She believed there were many variables that were not being discussed. She referred to numerous emails from people that were in favor of maintaining the original project. She believed the Town should go forward rather than back, in order to make the Town pedestrian friendly.

In a roll call vote, the motion to amend failed 1 - 4. Mayor Minnet, Vice Mayor McIntee, Commissioner Silverstone, and Commissioner Dodd voted no.

In a roll call vote, the motion to approve the plans in accordance with Planner Keller's original plan carried 5 - 0.

c. Discussion and/or action regarding repayment of legal fees incurred by dismissal of Board members (Commissioner Dodd)

Commissioner Dodd explained that board members received a bill for legal fees in the interim of determining what their position was.

Barbara Cole said she had already paid her attorney fees. She explained that when she and another board member discovered they were being sued they inquired as to whether they were covered by the Town. Ms. Cole said the Town Attorney advised they were not and therefore, they hired their own attorney. Ms. Cole said she later discovered that the board members were covered under the League of Cities.

Commissioner Dodd explained that this was placed on the agenda because he wanted all board members to know that they would receive immediate protection.

Vice Mayor McIntee made a motion to repay Attorney Schumiester attorney fees for Barbara Cole and Julio Omana as long as it was below \$3,000, in reference to a sunshine violation. Commissioner Silverstone seconded the motion.

Attorney Cherof clarified that he was advised by one of the Attorneys that filed the lawsuit that a lawsuit was being filed and that he had called Manager Baldwin for a copy of the Florida League of Cities policy. He said Mr. Baldwin would send the document to him for his review. Attorney Cherof said he then called Ms. Cole and asked if she had been served. Ms. Cole said told him she had not. Attorney Cherof said he advised Ms. Cole how she may have been covered under the Florida League of Cities and had asked Ms. Cole to call him should she be served. Attorney Cherof said he also called Attorney Mike Burke, appointed by the League of Cities, who told him that the League might

have provided coverage under a reservation of rights. Attorney Cherof requested Attorney Burke to call Ms. Cole and Mr. Omana.

Attorney Cherof advised the Commission on the Legal standards. He said in his opinion, it was improper and outside the scope of legal authority to reimburse Attorney fees

Discussion continued as to the process of the lawsuit and the action and /or lack of action that had been taken by the Florida League of Cities. Attorney Ross Attorney Schumiester said he had handled the case up to the point where Attorney Mike Burke had been authorized by the Florida League of Cities to take over the case.

It was the opinion of Attorney Cherof that it was not prudent on Attorney Schumiester's Part to incur any expense knowing that a defense was available through the Town.

Mayor Minnet believed it was the responsibility of anyone serving on a Board or Committee to understand the legal requirements and the insurance behind them.

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

- d. Discussion and/or action regarding for a stipend to defer the cost for Commission cell phone use (Vice Mayor McIntee)

Vice Mayor McIntee said he received many calls on his cell phone from the Town, Town residents, and others regarding town Business.

Vice Mayor McIntee made a motion to approve a \$50 stipend per month for cell phone charges. Commissioner Dodd seconded the motion.

Mayor Minnet wanted to poll other cities first and directed the Town Clerk to poll other cities in the area.

Mayor Minnet made a motion to direct the Town clerk to poll other cities. The motion failed for lack of a second.

In a roll call vote, the motion carried 3 - 2. Mayor Minnet voted no. Commissioner Clotey voted no.

- e. Discussion and/or action regarding medical insurance coverage for four Commissioners who are not covered (Vice Mayor McIntee)

Vice Mayor McIntee said except for Commissioner Dodd who received \$407 in benefits from the Hillsboro Inlet Commission, the Commission was the only

ones not receiving medical benefits. He believed for a fair and balanced approach, all Commissioners should receive benefits as long as the Town could afford it. Manager Colon said the Town could afford it.

Vice Mayor McIntee made a motion to authorize health care benefits per Commissioner for single coverage health insurance. Commissioner Silverstone seconded the motion.

Discussion followed regarding benefit amount and policy type. Commissioner Dodd said that the Hillsboro Inlet Commission provided Blue Cross Blue Shield HSA with a \$1500 deductible. Manager Colon said the Town had HSA also but was less than \$400 per month for single coverage.

Attorney Cherof said that the concept was appropriate as Florida Statute provided that a Town could provide insurance coverage to elected officials. He advised though, that the motion was improper. He said the elected officials can participate in the current group plan but could not be provided with a cash stipend.

Attorney Cherof advised that the motion should clarify single coverage for elected officials.

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

f. Discussion and/or action regarding multiple plaques in Town (Vice Mayor McIntee)

Direction was given to Town Manager to find out if there was a law preventing the Town removing plaques that belonged to Broward County.

g. Discussion and/or action regarding payment of legal fees incurred by Barbara Cole and Julio Omana (Commissioner Dodd)

This item had been resolved earlier.

h. Discussion and/or action regarding appointment as representative for the Florida League of Cities (Commissioner Dodd)

Commissioner Dodd thought this was overlooked at the Organizational meeting.

Vice Mayor McIntee made a motion to accept the immediate appointment of Commissioner Birute Ann Clotey as the Representative to the Florida League of Cities. Commissioner Clotey accepted the appointment. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

i. Discussion and/or action regarding invocation (Commissioner Dodd)

Commissioner Dodd made a motion to subject to legal guidance, that the Town open the Invocation to all religions. Vice Mayor McIntee seconded the motion.

Reverend Hunsaker believed there should be diversity in the Invocation. He said that the Legislature had a Chaplain that coordinated the Invocations and believed that would be in the best interest of the Town to have their own Town Chaplain to coordinate diversity. Commissioner Dodd asked if Reverend Hunsaker was offering his services as Town Chaplain. Reverend Hunsaker said he was not seeking the position, but was willing to serve.

Commissioner Dodd made a motion to amend his motion to appoint Reverend George Hunsaker as Town Chaplain with the authority to control the rouser, subject to legal guidance. Vice Mayor McIntee accepted the amendment. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee made a motion to extend meeting past 11:00 p.m.

j. Discussion and/or action regarding Friday Night Jazz in the Square permit revision (Vice Mayor McIntee)

Vice Mayor McIntee believed the Village Grill was doing well and owner Dave Gatsby should pay for meter usage between 6:00 p.m. and 11:00 p.m. when business is good and defer charges during summer when business is slower.

Vice Mayor McIntee made a motion to charge Village Grill \$264 a month for meter usage from October 1st to May 1st with direction to Assistant to the Town Manager Olinzock to determine the number of meters and hours, with the cost applied to the event. Commissioner Silverstone seconded the motion.

Mr. Gatsby agreed and stated that October was not one of his good months.

Vice Mayor McIntee made a motion to amend his motion to charge the Village Grill \$264 a month for meter usage from November 1st to May 1st. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

k. Discussion and/or action to nominate a member of the Commission to be the Honorary President of the Lauderdale by the Sea Sister Cities Association (Mayor Minnet)

Dr. Most said the Sister Cities was part of the government of Lauderdale By The Sea. He requested the Commission nominate someone to be their Honorary President and specifically requested Mayor Minnet.

Commissioner Dodd made a motion to nominate Mayor Roseann Minnet as the Honorary President to the Sister Cities Association. Vice Mayor McIntee seconded the motion.

Commissioner Clotney did not believe anyone should be appointed to the Sister Cities Association. She feared other agencies would request the same and thought it would be best if the Commissioners joined as individual members.

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

I. Discussion and/or action on beach access for residents living in the NW section of LBTS (Commissioner Clotney)

Commissioner Clotney said that a lot of people on the North side of town did not have beach access. She wanted Town Manager to research the areas north of Cristelle to determine access in terms of easements that could be taken as public access. Commissioner Clotney wanted the Town Manager to look into how the El Mar Beach Club was acquired. She always thought that everyone in Lauderdale By The Sea had the right to use that particular beach access.

Assistant to Town Manager Olinzock said that in June of 2007 letters were sent to Corniche, Europa by the Sea, Leisure Towers, Acquazole, Ocean Colony, and Cristelle requesting they give consideration to the Town to provide public beach access. He said all letters were received back with a negative response. He said the Army Corp of Engineers, during a beach re-nourishment study, acknowledged eight (8) public access points, six (6) in Pompano Beach and two (2) in Lauderdale By The Sea. He added that the two in Lauderdale By The Sea both had sidewalks and was fully permitted. Commissioner Clotney asked about eminent domain.

Direction was given to Attorney Cherof to report on the ability to use eminent domain.

Vice Mayor McIntee made a motion to table Items 14m and 14n to the March 25, 2008 meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

m. Sale and purchase of property (Manager Colon)

Town Commission Regular Minutes
March 11, 2008

- n. Pay off Promissory Note (Manager Colon)

15. TOWN MANAGER REPORT

- a. Town Topics bi-monthly

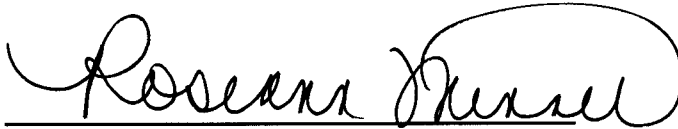
Manager Colon wanted to change the publication of the Town Topics to bi-monthly. There were no objections.

16. TOWN ATTORNEY REPORT

17. FUTURE AGENDA ITEMS

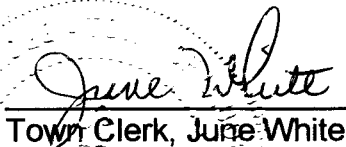
18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Town, Mayor Minnet adjourned the meeting at 11:20 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

4/11/08
Date