TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, March 10, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clottey were present. Also present were Town Manager Esther Colon, Town Clerk June White, and Town Attorney Susan L. Trevarthen. Also present was Attorney Daniel L. Abbott.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

Mayor Minnet gave a warm welcome to Town Attorney Susan Trevarthen.

4. PRESENTATIONS

a. Presentation by Vice Mayor Ken Keechl of Broward County for supplement check award to LBTS Welcome Center (Vice Mayor Ken Keechl)

Vice Mayor Ken Keechl said that when he visited the Welcome Center he realized it was partially funded by taxpayers and serviced all of Broward County. He presented a check for $20,000 to supplement the money the Town paid to the Welcome Center.

b. Proclamation - Proclaiming April as Florida's Water Conservation Month (Elbert Waters, Director of the Broward Service Center)

Mayor Minnet read the proclamation into record.

Carolyn Moore stated that Florida was coming off the driest year in history. She asked everyone to irrigate on their assigned day and not between the hours of 10:00 a.m. and 4:00 p.m. Ms. Moore asked that everyone take necessary steps to conserve water.

Vice Mayor McIntee asked what the level of Lake Okeechobee was. Ms. Moore said it had dropped over the last month.

Commissioner Clottey suggested that Ms. Moore look at getting water pumped from the ocean as it may be a cheaper way for coastal cities to put out fires.

Commissioner Silverstone inquired of the Water Matters day this Saturday, March 14, 2009 in the City of Davie. Ms. Moore said it was located at Tree Tops Park in Davie. She pointed out that additional information on water conservation could be obtained at their website, www.safewaterfl.com

c. Proclamation - Proclaiming June 22nd through June 28th, 2009 as Amateur Radio Week (Mayor Minnet)

Mayor Minnet read the proclamation into the record. There was no one present to accept the proclamation. Mayor Minnet thanked the radio operators for their great service during hurricane season.

5. REPORTS

6. PUBLIC SAFETY DISCUSSION

Commissioner Dodd asked for an update on the new security cameras. Chief Gooding did not have an update as to when the security cameras would arrive. Vice Mayor McIntee asked whether there have been car burglaries in the area. Chief Gooding was not aware of any and stated that a lot of residents leave their cars open to avoid getting their windows smashed. He said people needed to report the robbery even if the loss consisted of one CD or loose change.

Commissioner Dodd wanted to know if he was the only Commissioner that submitted questions to Chief Perkins in advance of the meeting. Chief Perkins said he was. Commissioner Dodd wanted to know whether the new VFD truck was a replacement vehicle and what effect the new truck would have on the ISO rating. Chief Perkins said it was a pumper truck that would be used as a backup and for training. He added that the truck would help the ISO rating and was purchased with VFD funds.

Commissioner Dodd asked Chief Perkins when he anticipated a reduction in the number of responses to medical calls. Chief Perkins said he called off some responses. He explained that each call had a life of its own and "bleeding" was not specific to nose bleed or excessive bleeding. He said the VFD averaged approximately $70 per medical call. Chief Perkins said he would make rational decisions per call as to whether the VFD would respond and not base his decisions on saving money. Commissioner Dodd was concerned that fire fighters were in a hurry to get to the fire station and ran around Town with their sirens on. He referred to basic calls received whereby Vice Mayor McIntee asked for the Town Attorney's opinion regarding HIPPA violations across the public air. Attorney Trevarthen had previously advised the Town

Manager that the details within the pagers were protected and recommended not using identifiable information.

Commissioner Dodd asked Operations Manager Brooke Liddle what disclosure of medical information should be released.

Operations Manager Liddle said it was correct that they were subject to HIPPA rules and had to be careful with what they discussed and the way in which it was discussed.

Attorney Trevarthen clarified that their investigation of the matter was done at the request of the Town Manager.

Commissioner Dodd wanted to know where the bleeding occurred and referred to the call regarding 2 jelly fish stings; he wanted to know why the men were put at risk to go out on these type of calls. Chief Perkins said if it was identified as a nose bleed they did not go, but if it was "bleeding" they responded.

Commissioner Dodd asked for a status on the life ring posts. Chief Perkins said the poles were ready to be put in; they were waiting on the life rings.
Commissioner Dodd questioned the cost of the new fire truck and who negotiated the contract price. Chief Perkins it was discussed and agreed to at the VFD's monthly meeting.

Mayor Minnet brought to Chief Perkins' attention solar panels on top of a fire engine. She thought it was something Chief Perkins would like to look into.

Chief Perkins stated that Commissioner Dodd may not have the right to listen to the pager as he was not a member of the fire department. He advised the pager may have to be pulled from Commissioner Dodd's possession.

Commissioner Dodd wanted to change the rule that required questions be submitted 24 hours in advance. He said the other 2 professional Chiefs had no problem.

Mayor Minnet respectfully asked that the meeting be moved forward and allow the other Commissioner's a chance to speak.

Commissioner Clottey asked Manager Colon that, with exception of the newly purchased truck, all the other equipment, including police cars were owned by the Town. Manager Colon said that all the police cars that were transferred during BSO transition were Town property.

Vice Mayor McIntee asked how many police cars BSO owned and how many were owned by the Town. Chief Gooding believed they owned 4. Vice Mayor McIntee asked Chief Perkins to clarify the statement from Commissioner Dodd that the VFD ran around Town with red lights flashing, sirens going, and doing dangerous things. He asked for the average number of calls per day that the fire department responded to.

Chief Perkins believed it was approximately 4 calls per day. Chief Perkins added that most of the sirens came from the neighboring cities on their way to Holy Cross Hospital.

Commissioner Silverstone made clarification to Commissioner Dodd that he was the one that had requested 24 hour advance questions. He said his reason was to allow Chief Perkins enough time to prepare the proper answer in a professional manner. Commissioner Silverstone felt that Commissioner Dodd's note to Chief Gooding at the previous meeting, which referred to Chief Gooding as a professional that ran a tight ship, knew what was going on and had no problem answering questions, was a direct slap in the face to the VFD. Commissioner Silverstone reminded Commissioner Dodd that the only reason the advance notice was made was to allow time for a proper answer and avoid having the item come back before the Commission. Commissioner Silverstone had no problem changing the rule but wanted the reason for the rule to be clear. He added that when he had a question for Chief Gooding he usually gave him a heads up though the Town Manager so that the Chief would come to the meeting prepared.

Commissioner Dodd said the other 2 Chiefs had no problem. He stated that if his question required research he would take the time to visit Chief Perkins personally prior to the meeting. Commissioner Dodd wanted to dispense the 24 hour rule as he felt he was the only Commissioner abiding by it.

Commissioner Dodd made a motion to waive the 24 hour notice rule. Commissioner Silverstone seconded the motion. The motion carried 5-0.

7. TOWN MANAGER REPORT

a. Tentative Ribbon Cutting Ceremony - Beach Pavilion (March 30 to April 8, 2009) - Assistance provided by Commissioner Clottey, Sandra Booth, Co-Chair of Master Plan Steering Committee, John Olinzock, Assistant Town Manager and Town staff - Cost $1,000

Manager Colon requested that the Commission decide on a Ribbon Cutting Ceremony date for the Pavilion. The Commission agreed to have the ceremony on Monday, April 6, 2009 at 7:00 p.m.

b. Roundtable Workshop Calendar

Manager Colon asked the Commission to set a regular monthly day for roundtable sessions.

Commissioner Dodd suggested the first Thursday of every month. He also suggested the Commission look at backup material at the roundtable to avoid dispensing an abundant amount of paper and to decide at the roundtable whether the item needed to be placed on the agenda.

Vice Mayor McIntee believed Commissioner Dodd wanted to hold a pre-conference meeting like the previous Commission had. He felt that Commissioner Dodd was asking for another meeting on top of what the Commission already had and found that to be unacceptable. Vice Mayor McIntee reminded the Commission that the first rule the Commission made for a roundtable was never to make a decision or to have an agenda.

Commissioner Clottey agreed to meet on Thursday, April 2, 2009 and discuss at the roundtable everything being discussed at the dais. She was not agreeable to set monthly meetings; they should be set one at a time.

Mayor Minnet agreed. She said the Commission could arrange their roundtable meeting dates at each roundtable. The Commission scheduled the next roundtable meeting for April 2, 2009 at 3 PM with no agenda and as an open forum.

c. Community Bus - consideration of fare for riders (County recommends)

Manager Colon advised that some municipalities were putting fares in place and asked for Commission direction.

Vice Mayor McIntee suggested placing a big sign on the side of the bus that said the ride was free. He believed that most people did not know it was free.

Commissioner Dodd was not clear whether the Town was asked to pay the full deficit of the Pelican Hopper even though the route extends to Galt Ocean Mile and Oakland Park Boulevard. Manager Colon said the bus driver went down a route that he was not supposed to go and no longer goes that route.

Commissioner Clottey said a couple residents suggested getting donations from Publix and Winn Dixie. Manager Colon sent out over 200 letters to local businesses and Publix. She added that she also asked hotels to encourage their visitors to ride the bus.

Mayor Minnet said it would be a tragedy to lose the bus and believed the Commission needed to look into it. She said some of the people that rode the bus supported the idea of a fare. Mayor Minnet verified that the Community bus did go to the Galt Ocean Mile, Monday through Friday. She said she had inquired into expanding the route but Broward County set the schedule.

Vice Mayor McIntee concluded that the bus was owned by Broward County, they provided all the money and therefore, they decide on the route the bus would take.

d. Minto - El Mar Drive

Manager Colon explained that Minto would consider revising the plans for the median cut away on El Mar Drive if the Town granted a second right of way permit. She

explained that although the opening was there from the beginning, the plans were approved by the previous Commission without the opening.

John Carter, Vice President wanted to close out the current permit and then deal with any concerns the Commission had.

Commissioner Silverstone asked Mr. Carter if it was possible to take care of the median. Mr. Carter supported it and said it would probably take about a day to do it. He added that he had no problem paying for the costs.

Vice Mayor McIntee made a motion to finalize the El Prado project permit and open a new right of way permit for the El Mar Drive Project and waive the right of way permit fees as Minto agreed to pay the cost of the construction of the right of way. Commissioner Silverstone seconded the motion. The motion carried 5-0.

e. Engineering Services: Lawrence Wick (P&Z Board Chair) and Paul Novak (MPS Committee Chair)

Manager Colon wanted to make sure the Planning and Zoning Board (P & Z) and the Master Plan Steering Committee (MPSC) had clear direction.

Paul Novak said the MPSC was directed to get together with P & Z to discuss the overlay district. He asked for Commission permission to consult with a professional Engineer. Peanuts Wick said that P & Z and MPCS had ideas but they needed an engineer to determine whether their ideas were functional and a legal opinion as to whether the Commission could move forward with a referendum.

Mayor Minnet pointed out this was on the Consent Agenda. She added that Chen and Associates had given an approximate cost of $4600.

Commissioner Dodd said the sub committees should be allowed to chose who they want as an expert and not be restricted to Chen and Associates.

Commissioner Silverstone said they had asked for 2 professionals; engineering and legal. He wanted to see the full costs. Commissioner Silverstone thought it would make more sense to use our Town Engineer and Town Attorney pending the costs. Manager Colon said she spoke with Mr. Wick and Mr. Novak about an engineer and a CAD technician, but not an Attorney. She said the Town had an Engineer that offered all the services including CAD and a Town Attorney and believed P & Z and MPSC could meet with them. Manager Colon suggested that should the Commission allow it, the P & Z and MPSC could meet with the Town Attorney for guidance. Commissioner Silverstone agreed.

Vice Mayor McIntee stated that should an outside attorney give his opinion it would then have to go to the Town Attorney for his opinion. He said the Town would be

paying for 2 legal opinions. Vice Mayor McIntee added that would also apply to the Engineer.

Commissioner Clottey asked how much Walter Keller was paid to attend a meeting. Manager Colon believed it was not $5,000. She added that what the P & Z and MPSC were asking for was fairly reasonable and hoped the Commission would involve the Town Attorney so that both P & Z and MPSC would know whether they were going in the right direction.

Mayor Minnet said when Walter Keller was under contract he was available because he was under contract with the Town. She added that Chen and Associates was our Town engineer and believed the Commission should move forward with them and if an attorney was needed they could acknowledge that at that time.

f. Public Safety Bldg. - Police Department Improvement (Law Enforcement Trust Funds

Manager Colon explained that the Police Department required major modifications.

Chief Gooding stated that the building was going to be made very secure with a card key for entry and will contain a cell port for prisoner entry and exit. He added there will be electronically monitored interview rooms and additional cameras. Chief Gooding said it would meet CALEA Certification and all will be done with drug seizure money and not taxpayer money.

Manager Colon explained that she placed this on the agenda because she wanted to submit it to the building department once the plans were finished for their review so that possible changes could be made prior to going out for bid.

Manager Colon had one item not on the meeting. She met with 5 Commissioners the previous day and two of the five Commissioners had asked for legal opinion. She said if the Commission did not want her to call the Town Attorney or to send an email then they should not ask for a legal opinion. Manager Colon said she contacts the Town Attorney regarding Town business and stated the Town could not function without a Town Attorney no more than they could without a Town Planner or Town Engineer. She said if the Commission handcuffed her from doing her job then no one would be able to do their job.

The Commission agreed that the Town Manager should be able to contact the Town Attorney regarding Town business. It was agreed this matter should be discussed at the roundtable.

8. APPROVAL OF MINUTES

a. February 10, 2009 Regular Meeting Minutes

Mayor Minnet noted an addition to the minutes that clarified that it could take up to 4 months to receive the report. Commissioner Silverstone made a motion to approve. Commissioner Clottey seconded the motion. The motion carried 5-0.

b. July 22, 2008 Regular Meeting Amended Minutes

There were no additions, deletions, or corrections to the July 22, 2008 amended minutes.
Commissioner Silverstone made a motion to approve the July 22, 2008 amended minutes. Commissioner Dodd seconded the motion. The motion carried 5-0.

9. PUBLIC COMMENTS

Diane Boutin urged the Commission to encourage staff to bring forth their suggestions to make necessary modifications to the Code or the Charter to aide existing businesses with their parking issues.

Rosa Michailiuk believed there should not be so many questions and/or attacks to volunteers. She felt that Manager Colon was doing a great job for the Town.

Yann Brandt believed the Town relied on property taxes and Lauderdale-By-The-Sea was not affected by foreclosure.

Bob Fleishman said the previous VFD member Mr. Pointu helped get the VFD off the ground and at the last meeting Mr. Pointu spoke against the VFD. He remarked that Mr. Pointu would make a good liaison between the VFD and the Commission.

Maureen McIntee commended Manager Colon for 11 consecutive years of financial reporting. Ms. McIntee talked about the contradiction the Paper made regarding pavilion bathrooms.

Ken Johnson found Manager Colon to be a super Town Manager. Mr. Johnson said he knew Mr. Pointu and had many discussions with him. He felt the situation was blown way out of proportion and needed to be stopped. Mr. Johnson believed it was a waste of the people's time to carry on anymore about the VFD as they were doing an excellent job.

Patty Domin asked for support for the Town Manager as she had the financial expertise to plan ahead and keep the Town in the black. She thanked the Town Manager and the efforts of her staff.

Gail Albohn agreed with Ms. Domin and thanked Manager Colon.

Mark Furth thanked the Commission for the Minto project. He owed it all to Manager Colon as she worked behind the scenes and made things happen. Mr. Furth had seen

Town Managers come and go and felt Manager Colon was the best Manager in the 38 years he had lived in Lauderdale-By-The-Sea.

Clerk White announced that the limitations on Public Comments had been reached. Commissioner Silverstone made a motion to continue with public comments. Vice Mayor McIntee seconded the motion. Mayor Minnet granted the continuation of Public Comments.

Mersine Hennessey said Manager Colon was always prepared for the Commission and the residents.

Bob Roberts commended Manager Colon for a great job. He expressed his dismay over what he saw as a campaign of harassment against the Town Administration, the Town Manager and the VFD.

Joyce Murray said she read an article that indicated that change came over candidates after they were elected. She said one day they are a very nice resident and then they are "elected".

Happy Vasil expressed her enthusiasm and gratitude to everyone especially the Town Manager for her commitment to the Town. She said Manager Colon was the glue of the work efforts and thanked her incredible staff. Ms. Vasil thought Assistant Town Manager Olinzock was quite a man; he worked very hard to get the job done and he always gave good advice. She thanked Mayor Minnet for working close with the people of the Town. Ms. Vasil said the people wanted peace and harmony just like the Mayor wanted. She added that the Commissioners were the troopers of the Town.

Adrienne Roberts wanted to believe that the Commission was serving in their best interest of the Town. Ms. Roberts was at a loss as to why the same issues constantly came up. She hoped it was not harassment. Ms. Roberts was pleased with Commissioners Silverstone, McIntee and Clottey. She felt they watched over the Town and listened to the citizens. Ms. Roberts believed the Town must have done something good to have such a fabulous Town Manager. She stated that Manager Colon and her staff made the department efficient, saved money, decorated their walls with richly deserved awards and made Town Hall a pleasant place to visit. She thanked the VFD for always doing a wonderful job.

George Crossman said that Dante had upset his counterparts with irrational attacks as he rode his own horse around the countryside. Mr. Crossman advised that if idealists stepped back, took a deep breath and realized how destructive an elevated level of criticism could be, they may be able to see that cooperation and support are more important. He felt that Manager Colon had been criticized unfairly in spite of a very cooperative attitude.

Charles Leachman asked the Commission to not include resident parking with beach parking. He felt there should be 2 separate permits. Mr. Leachman appreciated the Town Manager and the Assistant Town Manager.

Spiro Marchelos said he had not received a response from the Commissioner that accused him of forgery.

Cristie Furth announced that the Citizens Initiative Committee was holding an Old Fashioned Town Hall meeting at Jarvis Hall this Saturday, March 14, 2009 at 7:00 p.m. She said all the Commissioners had agreed to attend. Ms. Furth stated that on Saturday, April 11, 2009 at 10:00 a.m. an Easter Egg hunt will take place at Freidt Park.

Ms. Furth addressed Commissioner Dodd on his request for feedback on job performance. She said that Commissioner Dodd seemed to have so many problems with something that Town staff did or did not do and enumerated the same problems at every meeting. She added that Commissioner Dodd repeatedly re-introduced previously decided agenda items and gave long speeches about irrelevant topics. Ms. Furth believed that took up so much time that completing important Town business suffered, affected Town staff and increased their heavy workload. Ms. Furth believed the Town Manager and her staff did an excellent job.

Renee O'Neal thanked Manager Colon for keeping Town Taxes down. Ms. O'Neal was proud of the Town staff. She said Manager Colon set policies and procedures. She thanked Vice Mayor McIntee and Commissioner Silverstone for wearing several hats.

Guy Contrada was surprised that valet parking was on the agenda when a traffic study had not been done.

Louis Marchelos commended Council for approving events and thanked Assistant Town Manager Olinzock for going the extra mile.

Tom Carr thanked Manager Colon and Assistant Town Manager Olinzock for the changes they brought to the Town. He suggested that the Town Manager and staff be allowed to do their jobs. Mr. Carr gave a great deal of thanks to the VFD.

Frank Scarpace hoped the Commission would move forward to solve the parking issues. He felt they should look into other avenues to alleviate the problems such as a parking garage and/or renting lots. Mr. Scarpace did not believe that valet parking would work on that road.

Joe Couriel said last year he had 2 emergency calls and both times BSO responded effectively and professionally. He expected to get a visit from both AMR and the VFD should he need them in the future. Mr. Couriel said if BSO did it he expected the same from the current services. Mr. Couriel stated that the people would stand up in support and thank the Town Manager for the job she did.

Lawrence Wick questioned where Paint the Town Red benefited Kids in Distress. Mr. Wick worked with Manager Colon, Assistant Town Manager Olinzock, Director of Development Service Bowman, Town Clerk White and Senior Office Specialist Tyrrell and all have been very professional and helpful. He wanted to know who owned the sign on Commercial and A1A. Mr. Wick stated that our own Town Code 118 states that Mr. Arthur is subject to a $500 per day fine if all revenues were not turned over to the Town. Mr. Wick believed that a traffic study was needed for consideration of valet parking.

Bob Karley said there were a lot of changes and a lot of new faces since the Town was founded. Mr. Karley new all the Town Managers and thought Manager Colon was doing a good job. He said previous Mayors wore different hats and thought it was funny how one Commissioner changed his hat. Mr. Karley thought that there was a grudge against the VFD and asked that the people with the grudge to get over it.

Daniel Halpert, non resident, said the Commission was dealing with human life and human life had value.

Frank Herrmann stated that the Town residents wanted, loved, will fight for, and needed the Town Manager much more than Manager Colon and her capable staff needed the residents.

Bill Hennessey, winter resident was disheartened when the Fire Chief was questioned on his budget. He said that the Carabay Community underwent an inspection by the VFD. Mr. Hennessey said the inspection was the most thorough and professional assessment of their safety apparatus that he could recall. He said "Volunteer" was not a synonym for amateur; they were trained and certified. Mr. Hennessey said Manager Colon set the standard for the profession.

Mayor Minnet recessed the meeting at 9:25 and reconvened at 9:40 PM

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

2. Ordinances 2nd Reading - "PUBLIC HEARING"

a. Ordinance 2009-15: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE- SEA, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES BY AMENDING SECTION 17-14 OF THE CODE OF ORDINANCES TO CHANGE THE FEE STRUCTURE FOR USE OF TOWN TENNIS COURTS; PROVIDING FOR AUTOMATIC ANNUAL FEE INCREASES; PROVIDING FOR PRORATED FEES FOR TENNIS KEYS PURCHASED DURING THE FISCAL YEAR; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading at the February 10, 2009 Commission meeting)

Attorney Trevarthen read Ordinance 2009-15 by title. Mayor Minnet opened the meeting to public comments.

Mike Rolfs thanked the Commission for a wonderful Ordinance. Mr. Rolfs said he always looked forward to working with that working with Assistant Town Manager Olinzock and Manager Colon.

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

Vice Mayor McIntee made a motion to adopt Ordinance 2009-15 on second reading. Commissioner Dodd seconded the motion. The motion carried 5-0.

b. Ordinance 2009-16: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING CHAPTER 8.5 OF THE CODE OF ORDINANCES TO BE ENTITLED "EMERGENCY MEDICAL SERVICES" TO AUTHORIZE THE IMPOSITION OF FEES FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading at the February 10, 2009 Commission meeting)

Attorney Trevarthen read Ordinance 2009-16 by title.

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

Commissioner Silverstone made a motion to adopt Ordinance 2009-16 on second reading. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

11. COMMISSIONER COMMENTS

Commissioner Clottey showed pictures she received by a resident that was taken in the 60's. She pointed out the benches in the median and the sign in the shape of a fish. Commissioner Clottey asked people with old pictures to bring them to Town Hall. Commissioner Clottey believed signs could be decorative and functional. She objected to more highway type signs and pointed out the Adopt-A-Street sign that many residents objected to. Commissioner Clottey said that through research she found that some cities had their own Adopt-A-Street signs. She requested smaller signs that advertised Lauderdale-By-The-Sea on the sign rather than Broward County. She also pointed out that someone's name can be placed on the bottom of the sign. Commissioner Clottey reminded everyone that the Town was in the black this year thanks to Manager Colon, the VFD and AMR. She said before any large expenditure was made for the Town next years budget needed to be finalized. Commissioner Clottey reminded everyone of the Pavilion Ribbon Cutting Ceremony and the Easter by the Sea event on April 11, 2009.

Commissioner Silverstone suggested people attend the Citizen's Initiative Committee Old Fashion Town Hall meeting to get some issues resolved. Commissioner Silverstone said he had looked up the Visitors Center for the State that promoted Visitor Centers throughout the State of Florida. He said Lauderdale-By-The-Sea was not listed and asked Mr. Novak to do something about that as he believed it was important. Commissioner Silverstone said he was hit by 2 ethics complaints and was cleared by both. He thanked everyone for coming to the meeting and was pleased to see that the people saw a problem and showed up to express their support. Commissioner Silverstone said Manager Colon worked very hard and thanked her for it.

Commissioner Dodd said that Pompano Beach, Broward County and Deerfield Beach recognized that he State Ethics Code was inadequate. He said he had asked Manager Colon to clarify the election costs, particularly the allocation of postage. He added that the Supervisor of Elections would report back.

Commissioner Dodd stated that he attended the trash RFP and believed small adjustments could be made at the time of negotiating the contract.

Commissioner Dodd found Coral Springs web site interesting as residents could look at agenda back up on their site. He thought there was a terminal in Town Hall where the residents of Lauderdale-By-The-Sea could view backup information.

Commissioner Dodd made a motion to have an Esther Colon Day. The motion failed for lack of a second.

Vice Mayor McIntee said the many people that came to the meeting realized that Manager Colon and her staff were being abused and wanted to make it right. He pointed out for the record that the Hall was full and many more wanted to attend but was unable. Vice Mayor McIntee asked for 60 days of peace and let staff do their jobs. He asked that the phone be picked up, ask the questions and don't put the questions/accusations on the agenda. Vice Mayor McIntee asked for the attacks to stop.

Mayor Minnet said that the Town of Lauderdale-By-The-Sea was thinking outside the box to save as much money as possible. Mayor Minnet believed the Town must focus on the long term and not the short term. She reminded everyone of the upcoming Craft Fair and the St. Patty's Day event and encouraged everyone to use the Pelican Hopper.

Mayor Minnet reminded everyone that the May 13th workshop would include the upcoming referendums and encouraged their input. She invited everyone to use the Suggestion Box in Town Hall as their thoughts and suggestions were important. Mayor Minnet thanked Attorney Daniel L. Abbott for everything he had done for the Community. She believed he was a positive influence on the dais and would be missed. She welcomed Susan L. Trevarthen and looked forward to her guidance. Mayor Minnet addressed comments by Commissioner Clottey regarding signs. She said when the Adopt-A-Street Program came in the signs were approved as such. Mayor Minnet said she inquired about getting smaller signs and was told

that smaller signs were available. She believed the Adopt-A-Street Program was a positive program for the community.

12. CONSENT AGENDA

Mayor Minnet pulled items 12a, 12d, 12g, 12k, 12h, and 12i for discussion. Commissioner Silverstone made a motion to approve on consent items 12b, 12c, 12e, 12f, and 12j. Commissioner Clottey seconded the motion. The motion carried 5-0.

a. Commission approval of the Broward County Supervisor of Elections agreement for November 3, 2009 (Clerk White)

Mayor Minnet pulled this item until the Commission could thoroughly review the referendums. She suggested not placing the referendums on the November 3, 2009 Election Ballot and wait until March 2010 instead.

Vice Mayor McIntee wanted to discuss this item at the next roundtable meeting. He made a motion to table to April 14, 2009. Commissioner Clottey seconded the motion. The motion carried 5-0.

b. Commission approval of 4 Hardship Parking Permits - Paradise By The Sea Motel (Clerk White)

c. Commission approval of Sewer Lateral repair at 4344 North Ocean Drive by Madsen Barr in the amount o f $6,504.00, waiver of Town ROW permit fees (Assistant Town Manager Olinzock)

d. Commission approval of Special Event application for Paint the Town Red 2009, Thursday, April 2, 2009 - 5:30 PM till 10:30 PM - a 101 Ocean fundraiser benefiting Kids in Distress (Assistant Town Manager Olinzock)

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

e. Commission approval of Special Event application for Clean Energy Day 2009 LBTS, a Town sponsored event, Saturday, April 25, 2009, 8:00 AM till 4:00 PM (Assistant Town Manager Olinzock)

f. Commission approval of Special Event application for Easter Sunday Service 2009, a Town sponsored event, Sunday, April 12, 2009 5:00 AM till 9:00 AM (Assistant Town Manager Olinzock)

g. Commission approval to allow AT&T to install a cabinet and two hand holes along Washingtonia (Assistant Town Manager Olinzock)

Manager Colon recommended waiver of R.O.W. permit fees.
Commissioner Dodd made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 5-0.

h. Commission approval for installation of additional handicap parking space in Town Lot by Town staff adjacent to the 240 Commercial Boulevard Building (Assistant Town Manager Olinzock)

Commissioner Dodd questioned the number of parking spaces. Assistant Town Manager Olinzock said the actual number of parking spaces were 21.
Commissioner Dodd made a motion to approve. Commissioner Clottey seconded the motion. The motion carried 5-0.

i. Commission approval to authorize the recording of the attached Code Enforcement lien (Assistant Town Manager Olinzock)

Commissioner Dodd wanted to discuss the subject of liens at the roundtable as to whether the Commission would want the ability to mitigate liens.
Vice Mayor McIntee made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 5-0.

j. Commission approval for Engineering Services Assistant to be provided to: Planning and Zoning Board and Master Plan Steering Committee pertaining to height restrictions and overlay districts (Manager Colon)

k. Commission approval to change 60 amp wire to allow for twist lock connection - Commercial Blvd Pavilion (Manager Colon)

Vice Mayor McIntee inquired of the purpose of a twist lock connection. Manager Colon explained it was to allow more amperage.
Vice Mayor McIntee made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 5-0.

13. RESOLUTION - "Public Comments"

a. Resolution 2009-07: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA ESTABLISHING EMERGENCY MEDICAL SERVICES FEES

Attorney Trevarthen read Resolution 2009-07 by title.
Mayor Minnet opened the meeting to public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.
Commissioner Silverstone made a motion to adopt Resolution 2009-07. Commissioner Dodd seconded the motion. The motion carried 5-0.

b. Resolution 2009-11: A RESOLUTION OF THE TOWN COMMISSION OF THE

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR A PUBLIC HEARING ON A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES

Attorney Trevarthen read Resolution 2009-11 by title.
Mayor Minnet opened the meeting to public comments. With no one wishing to speak, Mayor Minnet closed the public comment portion of the meeting.
Commissioner Clottey made a motion to adopt Resolution 2009-11.
Commissioner Silverstone seconded the motion. The motion carried 5-0.

14. QUASI JUDICIAL PUBLIC HEARINGS

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

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)

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)

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

Commissioner Dodd believed the valet parking service would be a valuable addition to the Town.

Mayor Minnet opened the meeting for public participation.

Peggy Mohler submitted pictures that showed traffic backed up on El Mar Drive.

Spiro Marchelos thought valet service was great and wanted his bags back so Athena's Restaurant could do their valet service also.

Guy Contrada paid $12,000 a year for 14 spots. He said Aruba's did not ask for road closures but are subjected to road closures on Friday and Saturday nights.

Vice Mayor McIntee made a motion to table this item indefinitely. The motion failed for lack of a second.

Louis Marchelos suggested that if cars came into the pier parking lot, went through the back alley, and stopped behind Scotts for drop off and pick up service. He said this would give customers equal distance to all restaurants.

Bill Ciani did not believe that valet parking could happen without backing up traffic.

Mike Abbatt said El Mar Drive was the widest road. He asked only for a chance and stated that if it did not work will he would close the valet service down within 24 hours.

Diane Boutin said there was back up in traffic to some degree when she went to see the Pavilion. She believed valet service should have a chance.

Barbara Cole looked at the situation at night time and in the afternoon and determined that traffic did back up by Aruba Cafe. She thought the Commission should give them the chance.

Dave Gadsby said his and Mr. Abbatt's intention was to ease traffic flow and valet service would get the cars off the roads quicker.

Bob Fleischman avoided going downtown for dinner because it took too long to find a parking spot. He thought they should have a chance.

Peggy Mohler said the pier offered to use their lot for valet. She pointed out that it was not public property and was less than 20 feet away from the restaurants. Ms. Mohler asked the Commission to think about it and wanted to see a traffic study.

Cristi Furth pointed out there was a huge parking lot that sits empty most of the time. She felt that signage was needed to show people where the parking lot was. Ms. Furth felt the Commission should consider the use of the parking lot.

Edmund Malkoon said he drove around one time and if he did not find a parking spot he went elsewhere. He suggested use of the A1A parking lot.

Commissioner Dodd was concerned with a valet scheme at the pier as he thought it would conflict with Aruba's Cafe valet and traffic would back up.

Commissioner Dodd made a motion to approve an initial trial period for 1 month with 24 hour cancellation notice. Commissioner Clottey seconded the motion.

Commissioner Clottey asked Mr. Abbatt why Ocean 101 and the Village Grille did not take up the offer to use the pier parking lot. Mr. Abbatt said it could be a money issue. He added that using the Town parking lots would give additional revenue to the Town.

Commissioner Clottey said she was willing to give them 1 weekend but not a month because too many people objected.

Vice Mayor McIntee reminded everyone that one of the requirements for using the back exit from the pier was the use of the chain to let people out. He added there were a lot of people that used that path to go to the beach. Vice Mayor McIntee believed it would be alright to use for a weekend but wanted to know whether they could lease the parking lots and what the liability would be.

Attorney Trevarthen agreed there were practical issues and she would work with the Town should the Commission decide to go ahead with the concept.

Mr. Abbatt could park off city lots but would rather give the revenue to the Town.

Manager Colon said the Town Attorney and Risk Management needed to be involved and they needed to look at financial issues. She reminded the Commission that this was prime parking and legal documents needed to be in place to safeguard Town assets.

Commissioner Clottey believed that the residents that pay taxes should have the prime parking and valet parking could be done elsewhere in Town.

Commissioner Silverstone suggested the Town put a sign up that pointed to the way to parking for the Entertainment District.

Mayor Minnet spoke about signage for that parking lot before and it was a Department Of Transportation issue. She said she and Commissioner Clottey were working on signage. Mayor Minnet hoped the Commission would take a positive approach to valet service and move forward with it.

Vice Mayor McIntee suggested 101 Ocean use slingers that handed out directions to parking lot.

e. Discussion and/or action on the Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)

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 Clottey) Pulled at the February 24, 2009 Commission meeting by Commissioner Clottey

16. NEW BUSINESS

a. Discussion and/or action regarding the creation of a Tree Canopy Resolution

(Mayor Minnet)

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

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

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

e. Discussion and/or action regarding an Ordinance to park boats alongside house (Vice Mayor McIntee)

Vice Mayor McIntee made a motion to add to the ordinance, that anyone that could prove their boats were grandfathered would have to park their boats alongside their house in a secure area, unless a hardship could be shown. Commissioner Silverstone seconded the motion.

Commissioner Clottey stated that the Ordinance allowed people to park their boats in their back yard as long as it was not visible from street. She wanted to know if the Vice Mayor's motion allowed the boats to be parked without a covering. Vice Mayor McIntee said it would require a cover or a fence to hide the boat unless they proved hardship.

Mayor Minnet wanted clarification as the current Ordinance read that they had to have their boat behind an enclosure. Vice Mayor McIntee stated that the current Ordinance allowed those that had a boat at the time of annexation to park their boats on their driveway. He explained that the motion was that if they did not show a reasonable hardship then the boat should be moved to the side of the house behind an enclosure.

Marjorie Lexa did a public information request for the "anti boat on trailer" petition. She said 141 people in Bel Air approved the right to maintain their boats on trailers and the total anti vote was 94.

Edmund Malkoon said it was not an anti boat petition and for the record he stated that after the last meeting Vice Mayor McIntee said he would be fair and support the ordinance to grandfather with a requirement that the boats would be behind a fence. He thought it would be a good idea to include language on height as fishing boats could be higher than a house.

Commissioner Dodd asked for clarification on what version the Commission was voting on. Attorney Abbott explained that the Ordinance passed on first reading that grandfathered owners of vessels at the time of annexation, and currently owned those vessels. He explained that the motion before the Commission was to modify that Ordinance to have those who were to be grandfathered would have to show hardship in order to place their boat in their driveway.

The motion carried 4-1. Mayor Minnet voted no.

Vice Mayor McIntee made a motion to adjourn. Mayor Minnet recessed the meeting at 11:05 p.m. to March 11, 2009 at 3:00 p.m.

f. Discussion and/or action regarding a vote of confidence on Town Manager's work performance (Vice Mayor McIntee)

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

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)

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

17. TOWN ATTORNEY REPORT

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 REPONSIBILITY 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

May 12, 2009 - Ordinance 2009-17 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 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

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White

Town Clerk, June White

4-16-09

Date