TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, February 24, 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 Attorney Daniel L. Abbott, Town Manager Esther Colon, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

George Hunsaker gave the invocation.

Mayor Minnet explained there were some changes to the agenda. She verified that everyone received the memorandum regarding draft Ordinances 2009-06 and 2009-03 that were updated.

Mayor Minnet added the Valet Parking item as Old Business item 15d. Commissioner Dodd made a motion to table the Valet Parking item to the March 10, 2009 Commission meeting as the business owners were attending the "Taste of the Beach" event. Mayor Minnet wanted to wait to table the item until it came up for consideration. Commissioner Silverstone seconded the motion. Mayor Minnet asked Attorney Abbott what their options were. Attorney Abbott said if the Mayor recognized the motion it could be tabled. Mayor Minnet wanted to go through the items first and would entertain the motion afterwards. Commissioner Dodd withdrew his motion. Commissioner Silverstone withdrew his second.

At Commissioner Clottey's request Mayor Minnet pulled New Business item 16b for placement on the March 10, 2009 Commission meeting agenda. There were no objections.

Mayor Minnet stated that Manager Colon had requested that once the Commercial Boulevard Pavilion Change Order was considered that it would be placed under Consent Agenda as item 12f. There were no objections.

Mayor Minnet entertained the motion to table Old Business item 15d Valet Parking. Commissioner Dodd made a motion to table the Valet Parking item to the March 10, 2009 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 5-0.

4. PRESENTATIONS

a. Presentation of this season's LBTS VFD Youth Basketball Team (Commissioner Silverstone)

Commissioner Silverstone gave praise to Coach Ed aka Deputy Ed Eason. Commissioner Silverstone introduced the basketball team members and thanked Chief Gooding for getting Coach Ed to volunteer.

Mayor Minnet gave a round of applause to Commissioner Silverstone for all he had done with the Youth Basketball Team.

b. Comprehensive Annual Financial Report (Rachlin, LLP)

Jerry Chiocca of Rachlin, LLP briefly summarized the report. Mr. Chiocca reported that total assets of the Town were almost $46.5 million; the liabilities were almost $9 million; and the net assets were over $37.5 million. He added that $12 million had been reserved for Emergency Vehicle Reserve and Capital Asset with approximately $7 million undesignated and reserved. In closing, Mr. Chiocca stated that the Town of Lauderdale-By-The-Sea was dealing very well with the economy. Mr. Rachlin said it was a pleasure working with Finance Director Kaola King.

Commissioner Silverstone asked for a comparison to other Cities/Towns. Mr. Rachlin rated the Town of Lauderdale-By-The-Sea at 9 1/2. He stated he never gave anyone a 10. Mr. Chiocca said that out of 25 Cities/Towns only 5 were rated as average and 3 other Cities were rated at the same level as the Town of Lauderdale-By-The-Sea.

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5-0.

5. REPORTS

a. Finance and Budget Monthly Report - January 2009 (Manager Colon)

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

b. Development Services Monthly Report - January 2009 (Assistant Town Manager Olinzock)

Commissioner Dodd wanted to know where the unapproved news rack was located. He was concerned that there may be another one. Assistant Town Manager Olinzock said he would get the exact location.

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

c. Municipal Services Monthly Report - January 2009 (Assistant Town Manager Olinzock)

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

d. BSO Police Monthly Report - January 2009 (Chief Gooding)

Vice Mayor McIntee asked Chief Gooding if there were any new burglaries in Town. Chief Gooding said there was one in the Bel Air area.

Commissioner Dodd asked Chief Gooding whether it was necessary to have questions presented to him 24 hours in advance of the meeting. Chief Gooding said it was not. Commissioner Silverstone asked whether the victim that caused the fire was caught. Chief Gooding said he was.

Chief Gooding introduced LT. Angelo Cedeno who had been with the Sheriff's Office since 1999. Lt. Cedeno said it was a pleasure to be in Lauderdale-By-The-Sea. He said he previously worked in the drug task force unit and worked hand in hand with the FBI.

Commissioner Clottey asked whether slingers would be handed out. Chief Gooding said he believed there was a misunderstanding as they would not be handed out.

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

e. VFD Fire Monthly Report - January 2009 (Chief Perkins)

Commissioner Dodd questioned the average response time. He wanted to know whether they were the full response times from the time of the 911 call to a vehicle responding on the scene. Chief Perkins said it was the full response time. Commissioner Dodd wanted to know how many vehicles responded. Chief Perkins said 1 truck and possibly one other vehicle. Commissioner Dodd asked whether Vice Mayor McIntee went into the building that was on fire. Chief Perkins explained that Vice Mayor McIntee saw flames and broke the window from the outside and fought the fire from outside with a hose. Commissioner Dodd stated that on January 2, 2009 16 fire

fighters turned up at the fire station for allergic reactions to jelly fish stings. He wanted to know if the fire fighters were paid for the call out and their arrival at the station. Chief Perkins said if they were an in town member and arrived at the station within a certain period of time they received $10.

Commissioner Dodd preferred that the VFD respond to medical calls only when services were needed. Chief Perkins stated that if it were a matter of safety he would prefer a vehicle go. Commissioner Dodd suggested that if fire fighters did not show up for non-emergency medical calls to use that money and pay the volunteers for their ATV duties and they could serve the public without risking public safety. Commissioner Dodd asked Chief Perkins to categorize the 911 calls. He felt that jelly fish stings was not something the VFD needed to respond to but traffic and other categories was. Chief Perkins said they make decisions not to respond when calls are made such as earaches.

Commissioner Silverstone asked for clarification as to whether anyone was paid for responding to medical calls. Chief Perkins said not everyone was paid; they signed up for credit. He added that the new guys used it as training. Commissioner Silverstone asked whether the VFD was actually needed on the call. Chief Perkins said he did not know until they got there.

Commissioner Clottey was concerned that the VFD may run out of money if they pay the volunteers to go on these calls. Chief Perkins said it would not happen, but if it did he would see it coming and put a stop to it. Commissioner Clottey asked whether Chief Perkins would provide swimming lessons and preferred that the Chief charge a user fee.

Vice Mayor McIntee asked Fire Inspector Steve Paine to which calls the City of Ft. Lauderdale Fire Department responded to. Inspector Paine said their medical responded to everything and anything including car wrecks, suicides and other medical calls. He added they respond with a Rescue truck and an engine. Vice Mayor McIntee asked where an ambulance would bring an emergency call. Inspector Paine replied that the City of Pompano Beach and the City of Ft. Lauderdale serviced approximately 30,000 people. He added that their ambulances come straight down Commercial Boulevard to Holy Cross Hospital. Inspector Paine stated that the VFD averaged about 3.5 calls a day and serviced 5,000 people.

Mayor Minnet asked Inspector Paine how his inspections had gone on the Condominiums. Inspector Paine said he had met with 14 different managers where he explained the process to them.

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

f. AMR Fire Rescue Monthly Report - January 2009 (Operations Manager Liddle)

Vice Mayor McIntee asked Operations Manager Liddle for the average running times. Operations Manager Liddle said it was less than 4 minutes. He explained that the goal was to respond under 8 minutes and the overall average was 6 minutes. Vice Mayor McIntee congratulated him for being 30% below the goal and 100% below the state wide average.

Commissioner Clottey asked Operations Manager Liddle what percentage of their calls should have gone to a private physician. Operations Manager Liddle believed that statistically it was between 1 and 2%. He added that the majority of the transports from Lauderdale-By-The-Sea were life saving transports.

Commissioner Dodd thought response times depended on the whereabouts of the ambulance. He thought AMR was doing a better job than BSO did and based that decision on the fact that AMR is based in Town.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 5-0.

6. PUBLIC SAFETY DISCUSSION

7. TOWN MANAGER REPORT

a. Commercial Boulevard Beach Pavilion - Change Order

Manager Colon said that additional receptacles at the Commercial Boulevard Beach Pavilion were needed and that the median reduction was not part of the plan. She explained that both items were included in the Change Order along with the permits and the notice from the State. Manager Colon asked for Commission approval during the consent agenda.

Commissioner Dodd could not make a decision when he received the information at 5:00 p.m. on the night of the meeting. He wanted to table the item.

Manager Colon said she had met with the Architects on Monday; the previous day. She explained that the plan was part of the RFP package and there were no changes to that plan. Manager Colon said her outline clearly explained what was included in the Change Order. She said the contractor was getting ready to pave and asked whether she should stop the job or allow them to proceed and save the additional costs and additional delays. Commissioner Dodd had no desire to stop the project or desired to incur additional expenses.

Commissioner Clottey said she brought this to the Town Manager's attention because both her and Commission Dodd chaired the 4th of July event and found out how much the electrician charged to put up electrical boards and take them down again. She

contacted Manager Colon to make sure there were enough outlets in the Pavilion for Town events. She said Manager Colon had the architects look at the plan and it was determined that more outlets were needed. Commissioner Clottey said it was only a few thousand dollars right now and if the Commission wanted to wait it would cost a lot more.

Commissioner Clottey believed it was cheaper to do the roundabout now than it would be to pull up pavers and do it over. She did not think it was wise to stall the contractor and inconvenience the businesses any longer than necessary.

Commissioner Dodd was not upset with the Town Manager for bringing it to the attention of the Commission at this late moment. He wanted to know who did the electrical review and messed up. He said he was trying to keep this from happening again.

Mayor Minnet clarified that the electrical proposal originally was provided with 4 outlets. She said it was recently determined that more were needed. She also clarified that staff was aware of the need for the median cut back but felt it would be best for the company that constructed the Pavilion to do it rather than the Town do it after completion of the project as it would be cost effective.

Commissioner Silverstone said the buck stopped here. He said the plans came before the Commission for review and approval. Commissioner Silverstone pointed out there was no one to blame for missing the outlets except for the Commission. Commissioner Clottey did not think it would be a good thing to hold up construction.

Commissioner Dodd thought it would be fair to leave the fishing pier car park open so that they could get in and out of the alley.

Commissioner Dodd made a motion to move the Commercial Boulevard Beach Pavilion Change Order to the Consent Agenda as item 12f. Commissioner Clottey seconded the motion. The motion carried 5-0.

8. APPROVAL OF MINUTES

a. January 22, 2009 continued from January 13, 2009 Regular Meeting

Commissioner Silverstone made a motion to approve the minutes of January 22, 2009 with changes. Commissioner Clottey seconded the motion. The motion carried 5-0.

b. January 27, 2009 Regular Meeting

Commissioner Silverstone made a motion to approve the minutes of January 27, 2009. Commissioner Clottey seconded the motion. The motion carried 5-0.

c. January 28, 2009 continued from January 27, 2009 Regular Meeting

Commissioner Dodd made a motion to approve the minutes of January 28, 2009 with changes. Commissioner Clottey seconded the motion. The motion carried 5-0.

d. February 3, 2009 Commission Conference

Commissioner Silverstone made a motion to approve the minutes of February 3, 2009 Commission Conference. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

Mayor Minnet recessed the meeting at 8:30 p.m. and reconvened at 8:40 p.m.

9. PUBLIC COMMENTS

Bob Fleishman thought the Commission should do their own homework before putting things on the agenda.

Renee O'Neal asked the Commission not to remove resident parking on the beach.

Patrick Pointu believed procedures and policy should be followed by everyone.

Louis Marchelos wanted to know who paid for the gas while a fire fighter drove his vehicle around town to make inspections.

Vice Mayor McIntee made a motion to allow Ms. McIntee to speak. Mayor Minnet would not recognize the request. Vice Mayor McIntee made a motion to overrule the chair. Commissioner Silverstone seconded the motion.

Commissioner Clottey asked Attorney Abbott whether he believed what was said was offensive enough as the Commission had determined that if someone was offensive that the person offended would be allowed the opportunity to defend him/herself. Attorney Abbott stated that the issue was not a 1st Amendment issue. He stated that the Commission could chose to recognize or not to recognize pending their rules of procedure during Public Comments.

Commissioner Clottey asked whether Ms. McIntee signed up for public comments. Senior Office Specialist Smith stated she did not. Commissioner Dodd believed the Commission decided that the right to defend oneself was granted if defamatory comments were between a Commissioner and a public speaker. He pointed out that the decision had nothing to do with defamatory comments between two residents. Vice Mayor McIntee believed that everyone should have a right to speak.

The motion failed 3-2. Commissioner Dodd, Mayor Minnet and Commissioner Clottey voted no.

Charles Leachman found it difficult to merge resident parking with beach parking. He asked the Commission to leave the permits for beach parking alone. Mr. Leachman believed that the public did not understand what those spaces were for and therefore continued to get tickets.

Michael Power did not want the Commission to differentiate between the northern and southern parts of Town.

Spiro Marchelos requested the pier access be opened quickly.

Mark Steffine yielded his time to Maureen McIntee. Ms. McIntee said she was accused of disturbing the assembly with noises. She stated that she did not. Ms. McIntee explained that she had moved from her seat due to the derogatory comments the Marchelos' were saying. Ms. McIntee indicated that Marc Furth was her witness.

Lauren Galgano spoke on behalf of Mr. Rupp. She said that Code Enforcement had called her regarding her septic and she took full responsibility. She asked if Mr. Rupp could have his money back.

Joe Couriel thought the Town should reclaim the swales to beautify the Town. He remembered that residents paid $5 for resident permit parking. Mr. Couriel did not believe there were enough disabled spots by the beach. He asked the Commission to protect the beach parking permits.

Ben Freeny knew the swales were Town property. He was confused that after 6 1/2 years, Code Enforcement never approached him about his swale.

Mayor Minnet turned down a request to allow someone to speak who was signed in by someone else. She wanted to move the meeting forward.

Commissioner Dodd made a motion to overrule the chair. He believed the Commission previously voted to allow it. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

Yann Brandt asked the Commission to move forward with an Advisory Council.

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

a. Ordinance 2009-06: 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)

Attorney Abbott read Ordinance 2009-06 by title.

Mayor Minnet opened the meeting for public comments. Joe Couriel said it was important to reclaim the swales and to beautify the Town as there were unsightly swales all over town.

Barbara Cole thought that paved swales were to be taken back and made green.

Ben Freeny thought the swales were illegally done.

With no one else wishing to speak, Mayor Minnet closed the meeting for public comments.

Vice Mayor McIntee asked whether a street address sign could be placed in the swale. Assistant Town Manager Olinzock said it would have to be placed on the building. Vice Mayor McIntee wanted to know if it could be put in the swale. Assistant Town Manager Olinzock said he would research it.

Commissioner Dodd was concerned that environmental issues that the Commission had previously discussed had not been included in the Ordinance. Commissioner Silverstone wanted to know if Ordinance 2009-06 would remove the current paved areas. Assistant Town Manager Olinzock stated that current law indicated they were not allowed to pave a swale area. Manager Colon agreed and added that there were a lot of illegal paving in the swales. She believed it was the desire of the Commission that existing legal conforming driveways would be admissible and the illegal driveways would be removed.

Commissioner Dodd made a motion to adopt Ordinance 2009-06 on first reading. Commissioner Clottey seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

b. Ordinance 2009-17: 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

Attorney Abbott read Ordinance 2009-17 by title.

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

Mayor Minnet questioned whether there was a time frame before they had to be covered. Manager Colon asked Commissioner Dodd if it was 90 days. Commissioner Dodd confirmed. Attorney Abbott stated he would make the modification to allow 90 days to comply.

Commissioner Dodd made a motion to adopt Ordinance 2009-17 on first reading as modified. Commissioner Silverstone seconded the motion. The motion carried 4-1. Vice Mayor McIntee voted no.

2. Ordinances 2nd Reading - "PUBLIC HEARING"

a. Ordinance 2009-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY AMENDING SECTION 15-51 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION OF "FALSE ALARM"; AND AMENDING SECTION 15-55 OF THE CODE OF ORDINANCES TO ESTABLISH A SERVICE FEE FOR EXECESSIVE FALSE ALARMS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 2nd reading at the January 27, 2009 Commission meeting by Commissioner Dodd)

Attorney Abbott read Ordinance 2009-03 by title only.

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

Commissioner Dodd referred to page 5 Section 15-55 under Section a, Article 3 that the alarm user shall pay a service charge of $50. He wanted to know why there was no backup. Mayor Minnet stated there was a memorandum that was submitted at the beginning of the meeting that showed that change. Attorney Abbott explained that Commissioner Dodd was looking at the Ordinance that was contained in the back up and that the corrected Ordinance, submitted at the beginning of the meeting, showed the cross-outs pertaining to the correction. Commissioner Dodd accepted the explanation.

Mayor Minnet asked for a motion to accept Ordinance 2009-03 as the memorandum read.

Commissioner Silverstone made a motion to adopt Ordinance 2009-03 on second reading. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

b. Ordinance 2009-08: 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 on at the January 27, 2009 Commission meeting)

Attorney Abbott read Ordinance 2009-08 by title.

Mayor Minnet opened the meeting for public comments.

Mar Jo Lexa thanked the Commission for passing the amendment to Ordinance 2009-08 on 1st reading at the previous meeting. She believed the Town should unify the code and implement the code in regards to public safety operational and hazardous issues rather than address codes that mandate different opinions on "taste".

Bill Hart had his boat for the whole time he lived there.

Richard Capalbo had a boat in his driveway since 2003.

Kevin Cahaw supported the allowance of boats.

Debbie Cahaw owned a boat for 18 years and wanted to keep her boat in her front yard as she had been.

Commissioner Clottey asked to allow the president of the Bel Air Civic Association extra time.

Edmond Malkoon said his Board voted an opinion poll. He added that there were 27 renters and that 13 homeowners changed their vote as they did not understand it as it was written. Mr. Malkoon stated that he had 144 responses; 44 were in favor of trailers and 2 were in favor with restrictions. Mr. Malkoon read his survey as requested by Commissioner Clottey. Mr. Malkoon handed the survey to Clerk White.

Mr. Malkoon gave his personal opinion. He said the annexation was not a legal document and that boats and trailers were not allowed in the front of homes at Los Olas. Mr. Malkoon believed that Lauderdale-By-The-Sea was one town and should have one code. He requested that the Commission vote no on 2nd reading of the Ordinance with no modification.

Dave Saindon indicated that some people wanted to change their votes on the petition prior to the meeting. He believed water craft did not belong in front of a home; they belonged in a marina.

Vito Chiarello backed up Mr. Malkoon with an additional 60 names against boats and trailers. He added that a lot of people did not want to sign as they did not want a problem with their neighbor. Mr. Chiarello handed the petition to Clerk White.

With no one else wishing to speak, Mayor Minnet closed the meeting for public comments.

Commissioner Silverstone believed Bel Air already conformed to the present Code. He felt that if the majority of the people wanted this to be effective then the Commission should listen to the people and vote effectively. However, Commissioner Silverstone believed there was a concern over property values and the majority of the people wanted to protect their property value.

Vice Mayor McIntee asked the Commission to allow Ms. Lexa to speak. Mayor Minnet refused additional public comments as it had already been closed. After brief discussion Mayor Minnet opened the meeting for additional public comments.

Mary Jo Lexa believed the Commission should compare the signatures on the petitions.

Debra Werner lived at her home for over 27 years. She said when she signed her neighbors petition she said she would support it if it was within code standards. Ms. Werner wanted one town with one code.

Michael Bower said that Ms. Werner did not read the petition. Mr. Bower wanted to know who was going to monitor the boat issue.

Charles Leichman did not understand why some people hate boats.

Mark Steffine said he was trying to sell his home and people questioned the pop up trailers.

With no one else wishing to speak, Mayor Minnet closed the meeting to public comments.

Commissioner Dodd said the Ordinance had huge changes which include the words RV's and guests. He wanted to go back to the Ordinance as it was. Commissioner Dodd did not intend to allow a guest use someone's driveway to park their RV there and it was never intended for air boats. He wanted to do away with the word "guests" in line 43.

Vice Mayor McIntee thought it was down the middle. He believed that there were 7 or 8 boat owners in Bel Air at the time of annexation. He said if they could show they owned their boat at that time they should be allowed to keep them. He made a motion to table for 60 days or until May, 2009. The motion failed for lack of a second.

Commissioner Clottey wanted to know how someone was going to prove that they owned their boat at annexation. She said boats should not be parked in front of houses; they do bring down property values and to ignore 200 people who signed a petition was wrong.

Commissioner Dodd believed taking away someone's rights was wrong and wanted the original Ordinance back and to go back to 2001. He felt a person had the right on that date and that right should not be taken away.

Mayor Minnet stated that the Commission did not hate boats. They believed they should be in an enclosure and not in the driveway. Mayor Minnet believed Lauderdale-By-The-Sea was one town and should have one code.

Commissioner Dodd made a motion approve Ordinance 2009-08 with the deletion of the word "guests" out of line 43 and include date of annexation. The motion failed for lack of a second.

Attorney Abbott stated that the Commission could move on and the Ordinance that was on the books would remain. He added that if the Commission wanted to change the Ordinance that was on the books and it was an amended Ordinance would have to go back to 1st reading.

Commissioner Silverstone did not believe this was within what they spoke about. He said the Ordinance did not address the identification of the people who had their boats at annexation only. Mayor Minnet said that the Ordinance was at annexation only and then the public spoke and the Ordinance was changed to the current one. She said she was hearing that the Commission wanted to go back to the original Ordinance at annexation only.

Vice Mayor McIntee was only concerned with a boat on top of a trailer. He only wanted to protect the 7 or 8 people that had their boats since annexation. Vice Mayor McIntee added that proof of ownership could be obtained as the boats should be registered.

Commissioner Silverstone made motion to move Ordinance 2009-08 on 1st reading that would amend the Ordinance to grandfather in those owners of vessels, who owned the vessels at the time of annexation. Commissioner Dodd seconded the motion. Commissioner Clottey wanted to know whether the renters could keep their boat. Commissioner Dodd stated that the Ordinance only applied to owners.

Attorney Abbott clarified the motion as to move the Ordinance on first reading that would change the regulation for storage of vessels on land in the annexed area as to provide for those owners only in the annexed area that owned their boats at the time of annexation and continuously throughout would be allowed to continue to keep their boats trailored unless they sell their property and otherwise cease to be the owner of the property. Commissioner Dodd asked whether it applied to boats on a trailer. Attorney Abbott said it did.

Commissioner Silverstone made a motion to adopt Ordinance 2009-08 on first reading as amended to change regulations to allow property owners who owned their boat at time of annexation and continuously throughout, to keep their boats on a trailer on their property. Commissioner Dodd seconded the motion. The motion carried 3-2. Mayor Minnet voted no. Commissioner Clottey voted no.

c. Ordinance 2009-09: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 5-61 OF THE CODE OF ORDINANCES TO BE ENTITLED "INOPERABLE BOATS AND BOATS UNDER REPAIR" TO PROHIBIT BOATS THAT ARE INOPERABLE OR UNDER REPAIR FOR MORE THAN 90 DAYS FROM REMAINING IN THE JURISDICTION OF THE TOWN, EXCEPT FOR AT A LICENSED MARINE FACILITY; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading as amended on at the January 27, 2009 Commission meeting)

Attorney Abbott read Ordinance 2009-09 by title.

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

Commissioner Silverstone wanted to know if this included all boats including people who did not own their house. Commissioner Dodd said it did.

Commissioner Clottey asked whether someone could bring in a boat for 90 days and get around Ordinance 2009-08. Attorney Abbott said they could not.

Commissioner Dodd made a motion to adopt Ordinance 2009-09 on second reading. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

Consent item 12d was pulled for discussion.
Consent item 12f was added to the Consent Agenda earlier in the evening.

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

a. Commission approval of revised seating layout for sidewalk café - Aruba Beach Café, 1 Commercial Blvd (Assistant Town Manager Olinzock)

b. Commission approval of Special Event application for Easter By-The-Sea 2009, a Town sponsored event, Saturday, April 11, 2009, 8:30 AM till 1:00 PM (Assistant Town Manager Olinzock)

c. Commission approval of Special Event application for Walk Against Hunger 2009, Sunday, March 1, 2009, 8:00AM till 10:30 AM, Waiving the 60 Day submission requirement, refunding the $100.00 application fee. (Assistant Town Manager Olinzock)

d. Sanitary Sewer Repair Phase I – TeleVac $14,795 piggybacking the City of Sunrise Contract # (06) c-40-a-c (Assistant Town Manager Olinzock)

Mayor Minnet asked whether the Town could go out to bid and get better pricing. Manager Colon said if the Town had to obtain bids it would not get done in 2009. She was confident that this was the best price.

Vice Mayor McIntee made a motion to accept the bid. Commissioner Dodd seconded the motion. The motion carried 5-0.

e. Emergency Electrical Repair-Police Department - $3,866.75. (Assistant Town Manager Olinzock

f. Beach Pavilion Change Order (Manager Colon) – added during Town Manager Report for approval on consent.

Vice Mayor McIntee made a motion to recess the remaining items. Mayor Minnet recessed the meeting at 10:55 p.m. to February 25, 2009 at 2:00 p.m.

13. RESOLUTION - "Public Comments"

a. Resolution 2009-04: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING FIRE RESCUE AND SAFETY SERVICE FEES BY DECREASING BY 10% THE PERIODIC/ANNUAL FIRE SAFETY INSPECTION FEES FOR EXISTING BUILDINGS (Tabled at the February 10, 2009 Commission meeting by Commissioner Clottey)

b. Resolution 2009-06: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES

14. QUASI JUDICIAL PUBLIC HEARINGS

a. An application submitted by Frank Trepepe, the property owners' representative of

232 Commercial Blvd. The applicant is requesting a variance to allow an encroachment of fire escape stairs and protection required by the Fire Marshal within the rear setback - Board of Adjustment recommended approval with conditions - Tabled at the January 13, 2009 Commission Meeting By Commissioner Silverstone

15. OLD BUSINESS

a. 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)

b. 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)

c. Discussion and/or action concerning adoption of the Miami - Dade code of ethics ordinance (Commissioner Dodd)

16. NEW BUSINESS

a. Discussion and/or action clarifying and revising Ordinance 2003-509 which only addresses resident and employee "Permits in Posted Areas" (Commissioner Silverstone)

b. 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)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

3/30/09
Date