

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, January 27, 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. Present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clotey, Town Attorney Abbott 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 noted the following:

- Old Business Item 15b was tabled at the January 13, 2009 Commission meeting to the January 22, 2009 Commission meeting.
- New Business Items 16b and 16c were placed opposite in the agenda backup.

Mayor Minnet made the following changes to the agenda:

- Mayor Minnet moved Fire Ordinance 2009-02 and Tennis Ordinance 2009-05 to start immediately after Presentations.
- Mayor Minnet pulled item 16f as it was considered at the last Commission meeting.

4. PRESENTATIONS

- a. Certificate of Achievement for Excellence in Financial Reporting - Presented by Allan Owens (Manager Colon)

Allan Owens presented the Certificate of Achievement for Excellence in Financial Reporting to Manager Colon. He said this was the 12th consecutive year the Town of Lauderdale-By-The-Sea received the certificate.

b. Lifesaving Award to Mark Mitchell (Mayor Minnet)

Mayor Minnet presented the award to Mark Mitchell for his heroism in saving the life of another. Mitchell believed there were a lot of loving and caring people that would do the same thing.

Ordinance 2009-02 on Seconding Reading

Ordinance 2009-02: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 8-2 OF THE CODE OF ORDINANCES TO PROVIDE THAT THE FEES TO BE CHARGED FOR THE INSPECTION OF CERTAIN PREMISES BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION, AND CLARIFYING THAT FEES FOR REVIEW OF PLANS FOR NEW CONSTRUCTION BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

Attorney Abbott read Ordinance 2009-02 by title.

Chief Perkins introduced Fire Inspector Steven Paine previously from Ft. Lauderdale. Vice Mayor McIntee asked whether every building in Lauderdale-By-The-Sea needed to be inspected annually. Inspector Paine explained it was mandated by law that they annually inspect buildings such as commercial occupancies, apartment buildings from 3 units up to high rise buildings, commercial restaurants, businesses, offices, gas stations and so on. He added that they looked at stairwells, doors, fire alarms, and fire pumps on high rise buildings. He said they do not go into individual units unless invited by the owner. Inspector Paine had completed 54 inspections since January 12, 2009.

Commissioner Silverstone asked whether prior fire inspections by BSO were done properly. Inspector Paine said they were not. Inspector Paine recommended the 10% decrease in the fees.

Mayor Minnet questioned whether Inspector Paine was employed by the Town or the Volunteer Fire Department. Inspector Paine said he was employed by the Volunteer Fire Department. Mayor Minnet asked whether the condominiums were classified as a commercial unit or a multi-family unit. Inspector Paine replied that they were classified as a multi-family unit. Mayor Minnet asked whether there would be costs for re-inspections. Inspector Paine stated that the ordinance called for a re-inspection fee after the 3rd inspection.

Commissioner Clotey was concerned about duplicating services that the people currently paid for. Inspector Paine said they looked for storage in the meter room,

correct signage, clear passageways, and checked to make sure that all doors closed properly. Commissioner Dodd stressed that the fire inspections were not a duplication of the State Certified Inspections. He added that the state mandated inspections were done for the unit owner's protection. He raised the point with the Town that one of the condominiums was being assessed as commercial and their fire assessment fee was residential. He believed that if the Town put a fire assessment as residential, the fire inspection should be in the same category.

Commissioner Dodd stated that the Town was making sure that the licensed contractors hired to perform fire inspections were doing them correctly.

Manager Colon clarified that the Condominium that Commissioner Dodd referred to was Sea Ranch B and was classified as residential.

Mayor Minnet opened the meeting to public comments.

Diane Boutin wanted to know what the difference was in the rates between commercial and residential properties.

Gary Condra of Leisure Towers wanted to table this item for another 2 weeks so he could get a better understanding.

John Toohie, Vice President of Ocean Colony said their condominium was inspected by a state certified fire inspector. He added the fire alarm test was another fee. Mr. Toohie stated that BSO did not charge for fire inspections. He added that condominiums were classified as residential for fire assessment and commercial for fire fees.

Marc Brown believed there was a misunderstanding between the Commission and the condominiums. He said all inspections were done by individual inspectors. Mr. Brown preferred that Inspector Paine schedule his inspection for the same time the contractors came in so that the condominiums would not have to pay for an additional time.

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

Commissioner Silverstone asked Inspector Paine what type of personnel he needed to be at the building that was to be inspected. Inspector Paine explained that if the contractors could not be there he could do the inspection without them. He added that they had a liability and if they did not do what the law required and something happened, he and the Fire Chief would be in court. Inspector Paine added that every municipality in Broward County did the annual inspections. Commissioner Silverstone asked whether Inspector Paine would go to the condominiums if he received a call for his opinion while the contractor was there. Inspector Paine said he could call and make sure the contractor's license and insurance was up to date.

Commissioner Dodd apologized that the form letter was not as explicit as it should have been. He thought that \$3 a unit was a bargain to get licensed inspectors out there. Commissioner Dodd asked how many issues he found in need of attention. Inspector Paine said it was usually the gauges. He believed EMS fees were hidden in the ordinance and should be in front of the ordinance.

Mayor Minnet recommended tabling Ordinance 2009-02 to allow time to obtain assurance. Commissioner Dodd preferred to pass the Ordinance since it was already advertised, and table Resolution 2009-04 to allow the citizens to review the fee structure.

Commissioner Clotley agreed. She said the Commission and staff were going through the code book and making changes. Commissioner Clotley believed feedback like this was good.

Commissioner Clotley made a motion to table Ordinance 2009-02. Attorney Abbott suggested the Commission continue with the Ordinance to a time certain to avoid the expense to re-advertise.

Mayor Minnet passed the gavel and seconded the motion. The motion failed 3-2. Commissioner Dodd, Vice Mayor McIntee and Commissioner Silverstone voted no.

Commissioner Dodd made a motion to pass Ordinance 2009-02 and when Resolution 2009-04 was discussed to table Resolution 2009-04. Vice Mayor McIntee seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

Ordinance 2009-05 on Seconding Reading

Ordinance 2009-05: 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 ALLOW NON-RESIDENTS TO USE TOWN TENNIS COURTS, AND INCREASING THE FEES FOR USE OF TOWN TENNIS COURTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (MANAGER COLON)

Attorney Abbott read Ordinance 2009-05 by title.

Mayor Minnet opened the meeting for public comments.

Mike Banter opposed opening the tennis courts for non-residents.

Mike Rolfs wanted to keep the tennis courts for residents. He felt the keys would be purchased and abused and passed around for others to use.

Ellen Eckblad said the Town only had two courts. She did not believe they should be shared by non-residents.

Mark Beyers implored the Commission not to pass Ordinance 2009-05.

Diane Boutin stated that the businesses, hotels, and residents paid for the tennis courts. She supported daily and weekly usage.

Frank Herrmann did not feel the tennis courts should be available to non-residents as it took away the availability for the residents to use.

John Yanni said there used to be a street called El Prado where El Prado Park is now. He said a grant was received at one time and the grant indicated that everyone should have access. He suggested tabling Ordinance 2009-05 until the facts were verified.

Lawrence Wick said he knew people that wanted to use the tennis courts that were not residents. He wanted to see the tennis courts used by Town residents.

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

Vice Mayor McIntee knew the people of the Town wanted to keep the tennis courts for residents. Commissioner Silverstone thought this was a great example of the way government should work. Commissioner Dodd thought that Mr. Rolfs did a great job and was behind any effort made to encourage young tennis players.

Commissioner Clotey believed the courts should be restricted to the residents. She asked Manager Colon to research the grant for restrictions.

Mayor Minnet felt there could be some parameters to allow other guests and tourists to use the courts. She said she would like the Town to share a little more.

Vice Mayor McIntee was against sharing. He believed it would open Pandora's Box.

Attorney Abbott said the Ordinance could remain the same with the exclusion of non-resident usage. He added it would come before the Commission on first reading.

Commissioner Silverstone made a motion to reject Ordinance 2009-05 on second reading. Commissioner Dodd seconded the motion. All voted in favor.

Commissioner Dodd made a motion to direct the Town Attorney to draft an Ordinance for 1st reading and leave the fees at \$100. Commissioner Silverstone seconded the motion.

Commissioner Clotey asked whether hotels were included under the same fee. Commissioner Dodd said it did. All voted in favor.

Manager Colon requested the Commission consider the research done on the fee comparison and requested clarification that the fee was increased from \$25 to \$100.

Mayor Minnet clarified that the motion was to go back to the Ordinance as it was originally but to increase the fee to \$100. Attorney Abbott asked for clarification as to whether the Commission was moving the Ordinance on first reading with an amendment to increase the fee or was the Commission moving a motion for him to draft an Ordinance to be considered on first reading. Commissioner Dodd preferred Attorney Abbott draft an Ordinance on first reading.

Mayor Minnet recessed the meeting at 8:50 p.m. and reconvened at 9:00 p.m.

5. REPORTS

a. Finance and Budget Monthly Report - December 2008 (Manager Colon)

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. All voted in favor.

b. Development Services Monthly Report - December 2008 (Assistant Manager Olinzock)

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor.

c. Municipal Services Monthly Report - December 2008 (Assistant Manager Olinzock)

Commissioner Dodd requested a more detailed summary in future reports.

Commissioner Dodd made a motion to accept the report. Vice Mayor McIntee seconded the motion. All voted in favor.

d. BSO Police Monthly Report - December 2008 (Chief Gooding)

Vice Mayor McIntee questioned Lieutenant Pollaccia regarding the recent burglary in Town and pointed out how quickly BSO responded and warned the public.

Commissioner Dodd noted that there were no homicides in 2007 or 2008 and asked whether there were any in 2006. Lieutenant believed there was one at the end of 2006.

Mayor Minnet was concerned with the recent burglaries and wanted to make sure that the deputies would make their rounds. Lieutenant Pollaccia said they would.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. All voted in favor.

e. VFD Fire Monthly Report - December 2008 (Chief Perkins)

Mayor Minnet asked Chief Robert Perkins whether both ATV's were working. Chief Perkins said one of the gears locked up on one of the ATV's. Commissioner Dodd questioned why the gear broke. Chief Perkins said it just broke and disabled the vehicle. Commissioner Dodd asked what the standard procedure was when a vehicle went down. Chief Perkins explained that the procedure was to call a tow.

Commissioner Dodd inquired of the beach patrol unpaid hours listed on the report. Chief Perkins replied that in order to get paid for beach patrol a fire fighter had to commit 24 hours before they could drive the ATV and get check hours. Commissioner Dodd wanted to know whether the Standard Operating Procedures were By-Laws that the VFD had to obey. Chief Perkins explained they were standard operating procedures that could be changed. Commissioner Dodd asked how much longer the fire fighters would continue going on medical calls; he questioned the use of cell phones and seat belts; and whether flashers were used on medical calls. Chief Perkins said cell phones were not allowed, seat beats were required and flashers were used during hydrant testing. Commissioner Dodd requested that Chief Perkins remove reference to the addresses on medical reports and report them as a block or road as AMR did in their reports. He stated that he was concerned with HIPPA. Commissioner Dodd asked whether Scott Falor was scheduled to return for water safety training. Chief Perkins replied that Mr. Falor was not ready at this time. Commissioner Dodd believed Chief Perkins should find someone else. Commissioner Dodd questioned the dress code when responding to a fire call. He felt the Chief should dress properly with something that identified him. Chief Perkins said he wore his jacket that contained the VFD patch and his VFD shirt such as the one he was wearing. Commissioner Dodd apologized.

Vice Mayor McIntee stated that a Fire Chief rarely entered the building at a fire scene; he remained outside as the commander.

Commissioner Clotley requested that when Chief Perkins submitted his report that it be written in such a way to avoid so many questions. Commissioner Silverstone asked whether the Fire Inspector was an employee of the VFD and whether it was required under State law. Chief Perkins said it was. He added that the contractors did all the work and prepared things for inspection. Chief Perkins explained that the inspections were done to protect the people of the Town.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. All voted in favor.

f. AMR Fire Rescue Monthly Report - December 2008 (Operations Manager Liddle)

Vice Mayor McIntee asked how long it took an ambulance to respond to a call. Operations Manager Brooke Liddle explained it was somewhere between 6 and 7 minutes. He added the average response time was 4 to 6 minutes. Vice Mayor McIntee

asked how many ambulances arrived at each scene. Operations Manager Liddle advised that currently there were 2.

Commissioner Dodd asked whether there was any new medical equipment on the horizon. Operations Manager Liddle advised that AMR instituted their first medical review committee. He explained that AMR had an Induced Hypothermia protocol which induced cold fluids into cardiac arrest patients to get a pulse back.

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor.

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 RESPONSIBILITY FOR MAINTAINING SWALES ON THE ADJOINING PROPERTY OWNER OR OWNERS, AND TO REGULATE THE ITEMS THAT MAY BE PLACED OR PLANTED IN SWALE AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

Attorney Abbott read Ordinance 2009-06 by title.

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

Commissioner Clotey believed this could become a major problem if the Town took away the resident's parking area. Commissioner Dodd asked whether people would be responsible for running sprinklers under the sidewalk to maintain the swale.

Commissioner Dodd made a motion to table to the February 24, 2009 Commission meeting. Vice Mayor McIntee seconded the motion. All voted in favor.

- b. Ordinance 2009-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313 OF THE CODE OF ORDINANCES, TO CLARIFY PROVISIONS REGARDING THE HEIGHT OF HEDGES, PLANTINGS AND FENCES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

Attorney Abbott read Ordinance 2009-07 by title. He advised that the Ordinance would need to be reviewed by the Planning and Zoning Board.

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

Vice Mayor McIntee made a motion to table to the April 28, 2009 Commission meeting. Commissioner Dodd seconded the motion. All voted in favor.

- c. Ordinance 2009-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-21 OF THE CODE OF ORDINANCES TO EXEMPT FROM CERTAIN VESSEL PARKING AND STORAGE REGULATIONS THOSE OWNERS OF VESSELS WHO OWNED THE VESSELS AT THE TIME THEIR PROPERTY WAS ANNEXED INTO THE TOWN; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

Attorney Abbott read Ordinance 2009-08 by title. He offered one correction; to include the annexation date, October 1, 2001.

Mayor Minnet opened the meeting to public comments.

Bill Hart lived in Terra Mar since 1992 and did not want to store his boat somewhere else.

Mar Jo Lexa opposed the Ordinance. She stated that a lot of people moved into Terra Mar since the annexation. Ms. Lexa pointed out that her petition did not apply only to pre or post annexation. She requested Ordinance 2009-08 be amended to give them back their property rights.

Richard Capoldo suggested amending Ordinance 2009-08 to permit parking and storage in front driveways.

Kyle Campbell kept her boat maintained and agreed with keeping it covered. She wanted to keep her boat on her property.

Beverly Kennedy said the south part of town did not allow boats. She added that when it was agreed to upgrade Terra Mar Island it was Broward County that enforced that code. She felt the boats should be placed behind fences so others would not be offended by them.

Vito Chiralello asked whether the size of the boats would be limited.

Debbie Meyer purchased her house in 1999 but did not support the ordinance as written. She did not feel that boats depreciated house values.

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

Commissioner Dodd proposed a change to the Ordinance to give anyone living in Bel Air and Terra Mar can keep their boats as of January 1st but once the house was sold boats would not be allowed. He said he would propose that motion. Vice Mayor

McIntee supported everyone having boats. He said at the last meeting the Commission asked everyone that did not want the boats to come forward. He received no calls.

Commissioner Silverstone said that if the majority of the people wanted boats he would support it. He did not receive any calls against them either.

Mayor Minnet requested clarification on the Code. Assistant Town Manager Olinzock referred to Section 19-21 (b) (3) Vessels and personal watercraft under 21 feet in length and under 10 feet in height may be stored in the rear of private property only if it was covered and could not be seen from the street or neighboring properties.

Vice Mayor McIntee made a motion to allow the boats with the additional input from Commissioner Dodd that the rights are non-transferable in both Bel Air and Terra Mar. Commissioner Silverstone seconded the motion. The motion carried 4-1. Commissioner Clotey voted no.

- d. 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

Attorney Abbott read Ordinance 2009-08 by title. He offered one correction; to include annexation date, October 1, 2001.

Mayor Minnet opened the meeting to public comments.

Mar Jo Lexa applauded Ordinance 2009-09 as drafted.

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

Commissioner Dodd was concerned that people would put blue tarps on their boats and declare them as operable. He wanted to define the temporary covering with clarity. Vice Mayor McIntee suggested the boats be covered with a proper professional permanent "tarpaulin" or covering to avoid placing multicolored covers and/or sheets over their boats.

Attorney Abbott obtained clarification that the Commission accepted the Ordinance as written with the additional restriction of temporary or unsightly coverings.

Vice Mayor McIntee made a motion to accept the Ordinance as amended on 1st reading to allow the additional restriction of temporary or unsightly coverings. Commissioner Dodd seconded the motion. All voted in favor.

2. Ordinances 2nd Reading - "PUBLIC HEARING"

Commissioner Clotley requested a point of order. She believed the Commission agreed that Ordinance would be heard on 2nd reading one month after the 1st reading. Manager Colon advised that staff was aware and the procedure would start with the current first readings to be heard in one month. She explained that the 2nd Ordinances on this agenda had already been advertised.

- a. Ordinance 2009-01: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES BY AMENDING SECTION 19-25 OF THE CODE OF ORDINANCES TO ELIMINATE THE WAIVER OF CERTAIN METERED PARKING FEES; AND BY CREATING SECTION 19-28 OF THE CODE OF ORDINANCES TO ESTABLISH METERED PARKING RATES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

Attorney Abbott read Ordinance 2009-01 by title. He suggested the Commission pass the Resolution that established the rates.

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 Dodd made a motion to adopt Ordinance 2009-01 on second reading. Vice Mayor McIntee seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

- b. Ordinance 2009-02: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 8-2 OF THE CODE OF ORDINANCES TO PROVIDE THAT THE FEES TO BE CHARGED FOR THE INSPECTION OF CERTAIN PREMISES BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION, AND CLARIFYING THAT FEES FOR REVIEW OF PLANS FOR NEW CONSTRUCTION BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

This item was moved to after reports early in the evening.

- c. 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 EXCESSIVE FALSE ALARMS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

Attorney Abbott read Ordinance 2009-03 by title.

Mayor Minnet opened the meeting to public comments.

Yahn Brandt urged the Commission not to levy the fines.

Marc Brown requested clarification as to whether condominiums were to be treated as residential or commercial properties and asked what the charges would be exactly.

Diane Boutin asked why a condominium or multi-family could go to the 3rd alarm before they would be fined for false alarm.

Gary Condra, Leisure Towers lived next door to where alarms go off all the time. He liked what he saw.

Chief Perkins advised that the VFD averaged about 20 false alarms a month.

With no further speakers, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor McIntee explained the process for responding to alarms. He felt it was cheaper for people to fix their alarms than it was to pay for fire inspections.

Mayor Minnet asked whether condominiums were residential or commercial. Attorney Abbott said they were residential developments. Mayor Minnet believed that in that case the condominiums should be recognized as residential. Commissioner Dodd agreed with Mr. Brown. He believed the condominiums should have their fees set as residential. Commissioner Dodd believed cooperatives were different.

Commissioner Silverstone made a motion to extend meeting to 11:30 p.m.
Commissioner Clotey seconded the motion.

Vice Mayor Minnet McIntee suggested hearing the Quasi Judicial and come back with remaining the items starting with Commissioner Comments.

The motion to extend the meeting to 11:30 p.m. carried 4-1. Commissioner Dodd voted no.

Attorney Abbott stated that the Commission was not obligated to hear the Quasi Judicial Hearing.

Discussion continued on the false alarm issue.

Vice Mayor McIntee suggested that if the alarm comes from an individual condo unit then that unit owner should be charged for the false alarm. He pointed out that most

false alarms come from the garages, hallways and pool areas and that was where the alarms needed to be corrected.

Commissioner Silverstone thought it was to be charged by point of origin. Commissioner Clotey understood that cooperatives could be considered as commercial property. She did not feel it was fair and believed they should be treated the same as a condominium. Commissioner Dodd felt there may be a thin line between individuals and common areas.

Commissioner Clotey requested a point of information for Attorney Abbott regarding the cooperatives. Attorney Abbott agreed it should be made clear as to what rates for what calls with a rate for residential and rate for non –residential.

Commissioner Dodd made a motion to table to February 24, 2009. Commissioner Clotey seconded the motion. All voted in favor.

- d. Ordinance 2009-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA; AMENDING CHAPTER 2, ARTICLE II OF THE TOWN CODE BY CREATING A NEW SECTION 2-25 ENTITLED "CAMPAIGN FINANCE RESTRICTIONS" TO CREATE RESTRICTIONS UPON THE MAKING OR RECEIPT OF POLITICAL CAMPAIGN CONTRIBUTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Abbott read Ordinance 2009-04 by title.

Mayor Minnet opened the meeting to public comments.

Barbara Cole hoped the Commission would reconsider the Ordinance.

With no further speakers, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor McIntee believed Ordinance 2009-04 was long overdue. Commissioner Silverstone felt that the \$300 limitation was fine.

Commissioner Silverstone made a motion to adopt Ordinance 2009-04 on second reading. Commissioner Dodd seconded the motion. All voted in favor.

Mayor Minnet requested Commissioner Comments be delayed in order to move the agenda along. There were no objections.

- e. Ordinance 2009-05: 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 ALLOW NON-RESIDENTS TO USE TOWN TENNIS COURTS, AND INCREASING THE FEES FOR USE OF TOWN TENNIS COURTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (MANAGER COLON)

This item was discussed earlier in the evening.

11. COMMISSIONER COMMENTS

6. PUBLIC SAFETY DISCUSSION

7. TOWN MANAGER REPORT

Manager Colon said that the company that was recommended by Chief Perkins did not re-submit their bid with the specifications as was requested. Manager Colon said she would move forward with her recommendation.

Manager Colon requested clarification on the pavilion. She explained that the people's vision of 17 years ago was the same vision of the people now with an open pavilion. Manager Colon said the original Forbes design was an open pavilion and in the video Mr. Forbes said he wanted an open pavilion with no bathrooms. She said staff spent numerous hours of research. She believed she had done what was asked of her. Manager Colon asked Commissioner Dodd that if he felt staff had done something wrong then let her know. She asked the Commission to decide as time was running out. Manager Colon said that the Pavilion could be done in approximately 40 days. She asked the Commission to bring closure.

Vice Mayor McIntee made a motion with direction to Manager Colon to move forward with the purchase of the canopy as recommended. Commissioner Dodd seconded the motion. Commissioner Clotey wanted to know if the Commission was going with the lowest bid. Manager Colon said they were and with the one she recommended. All voted in favor.

Commissioner Dodd said he had no problem with the outcome of the pavilion. He wanted to know who changed it. He wanted to know whether the plumbing had been put in for possible bathrooms in the future. Commissioner Dodd said he had no problem with the Pavilion not having walls. Commissioner Dodd wanted to see the pavilion matter tabled. He said he would sit with Manager Colon to sort it all out.

Manager Colon said she responded to the question twice. She said that the current Commission, nor the previous Commission ever spoke about the installation of pipes. Manager Colon said the Forbes design never included bathrooms. The Commission never talked about plumbing. Commissioner Dodd was under the impression that the pipes were to be stubbed off. He said if that was never discussed then he apologized.

Commissioner Clotey believed everyone wanted the pavilion finished. She thought there were to be bathrooms but the matter of the bathroom was neither here nor there. Commissioner Clotey believed the pavilion would be an asset to the Town. She believed there was confusion over the bathroom issue.

Commissioner Silverstone remembered talking about the project. He wanted an open view and the Commission compromised and took the walls off. He asked Commissioner Dodd why this was so important and why he kept pursuing the issue. Vice Mayor McIntee thought it was time to build the building. He hoped Commissioner Dodd would clear up his questions on a personnel level with the Town Manager. Mayor Minnet said she talked with the Town Manager about an alternate place for bathrooms and the Town Manager was currently researching options.

Vice Mayor McIntee requested a point of order. He said it was running late and asked to move up the boat item as many people were there to speak on that issue. Commissioner Clotey said she was asked by Aruba Café to move up items as well.

Mayor Minnet decided to stick with the agenda and move forward.

8. APPROVAL OF MINUTES

a. January 13, 2008 Workshop Minutes

There were no changes, corrections or deletions to the minutes.

Commissioner Silverstone made a motion to approve the minutes. Commissioner Clotey seconded the meeting. All voted in favor.

9. PUBLIC COMMENTS

George Crossman stated that in all the years the Town of Lauderdale-By-The Sea had VFD there was only 1 death.

Barbara Cole did not have a personal vendetta against the Commercial Boulevard Pavilion. She said a person had the right to write whatever they wanted; it was freedom of speech.

Laura Captain supported Ordinance 2009-08 allowing boats and trailers to be parked in driveways as long as they were in good shape.

Frank Herrmann thanked Commissioner Clotey for calling the meeting on decorum. He was not in favor of the referendum regarding conflict of interest. Mr. Herrmann said the State of Florida already had one. He did not want to fund lifeguards and was against outside use of Jarvis Hall.

Yahn Brandt was glad to see New Business item 16 e on the agenda. He said there was a great amount of opportunity for this Town.

Louis Marchelos felt someone on the Dias did not like him.

Spiro Marchelos said the nostalgic sign brought charm to the Town and was around since 1963. He said all publications show the sign. Mr. Marchelos asked that the famous landmark sign not be changed or removed.

Diane Boutin asked the Commissioner to weigh the changes and lifestyle when creating ordinances. She talked about user fees and suggested money be put away for repair.

Guy Contrada stated there were a lot of factors in the circle by the Aruba Café and the Village Grille. He suggested the median get cut back and get the pavilion done so they could get the two lanes back. Mr. Contrada suggested employees use the Pelican Hopper.

12. CONSENT AGENDA

Mayor Minnet pulled items 12b, 12c, and 12e for discussion.

Commissioner Silverstone made a motion to approve items 12a, 12d, and 12f on consent. Commissioner Dodd seconded the motion. All voted in favor.

- a. Approval to record attached liens approved by Special Magistrate (Assistant Town Manager Olinzock)**

Approved on consent.

- b. Commission approval to amend the approved sidewalk café site plan - Aruba Beach Café, 1 Commercial Blvd - (Town Commission approved on 10-10-06) to allow four (4) additional tables with chairs (Assistant Town Manager Olinzock)**

Vice Mayor McIntee asked whether there were rules that said the café's had to bring their outside tables and chairs inside. Assistant Town Manager Olinzock said the businesses usually bring them inside so they don't disappear. Commissioner Dodd asked Mr. Contrada when he discovered that his tables were not under any of their plans. Mr. Contrada replied that he discovered it on New Year's. He said the tables had been there for 10 years. Commissioner Dodd asked if Mr. Contrada was asked to remove the tables pending his site plan application. Mr. Contrada said they were not asked to move the tables, only the chairs as the tables were not used for dining.

Vice Mayor McIntee made a motion to approve. Commissioner Dodd seconded the motion. All voted in favor.

- c. Commission approval of request for modification to the existing approved sidewalk**

café - Athena By The Sea, 4400 Ocean Drive - that was approved in 2000
(Assistant Town Manager Olinzock)

Vice Mayor McIntee wanted to know whether the Town approved of the request.
Assistant Town Manager Olinzock said they did.

Vice Mayor McIntee made a motion to approve. Commissioner Dodd seconded the motion. All voted in favor.

- d. Commission approval of request for minor modifications to approved site plan -
Wings, 4405 Ocean Drive (Assistant Town Manager Olinzock)

Approved on consent.

- e. Commission approval for Town Manager to execute an extension of the existing
Solid Waste Franchise Services Agreement for ninety (90) calendar days with
Waste Management, Inc. with the same terms and conditions (Assistant Town
Manager Olinzock)

Commissioner Dodd wondered whether RFP's would go out for recycling. Manager Colon said she included recycling and special events. She said she is only looking to extend the contract; the RFP's would be in February.

Commissioner Dodd made a motion to accept the extension with discussion on the RFP in February. Vice Mayor McIntee seconded the motion. All voted in favor.

Vice Mayor McIntee made a motion to recess the meeting to Wednesday, January 28, 2009 at 4:00 p.m. Commissioner Silverstone seconded the motion. All voted in favor.

Mayor Minnet recessed the meeting at 11:23 p.m.

- f. Commission approval of Emergency Repair to the Chamber Roof at a cost of
\$2,751 (Assistant Town Manager Olinzock)

Approved on consent.

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

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. A Variance request to allow setback requirements from Section 30-242 of the Towns Zoning Code opposed to the applicable 30-241 to construct a single family home within the RM-25 Zoning District. Property is located at 4312 El Mar Dr. - Staff recommends tabling to January 13, 2009 - This item was tabled until December 17, 2008 at which time the Board will consider the application. The applicant agreed and is to provide revised plans increasing the setbacks for the board to review (Assistant Manager Olinzock) Tabled at the December 16, 2008 Commission meeting to allow BOA to review revised plans - BOA recommended approval with conditions - Applicant requesting Table to January 27, 2009 - Tabled at the January 13, 2007 Commission meeting by Commissioner Silverstone

15. OLD BUSINESS

- a. Discussion and/or action concerning drafting a referendum for a Charter change to take effect after the next election in 2010 to prevent a conflict of interest ever occurring between employment with a public safety provider for the Town of Lauderdale-By-The-Sea and that of an elected official (Tabled at the December 1, 2008 Commission meeting by Vice Mayor McIntee) Pending 1/13/09 Workshop

16. NEW BUSINESS

- a. Discussion and/or action on specific location of Adopt A Street signage (Mayor Minnet)
 - a. Town Hall
 - b. Town Parks
 - c. Designated Locations
- b. Reward Program for residents and business energy efficient improvements or purchases (Mayor Minnet)
- c. Commemorative Tree Policy (Mayor Minnet)
- d. Discussion and/or action regarding valet parking for 101 Ocean and Village Grille (Vice Mayor McIntee)
- e. Commission consideration for a Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)
- f. The pier parking lot should be allowed emergency access to the walkway north of the Oriana project until the pavilion is completed (Commissioner Clottey)

This item was pulled earlier in the evening at it was considered at the previous meeting.

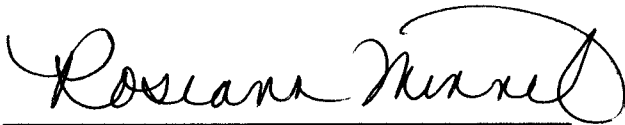
Town Commission Regular Meeting
January 27, 2009

- g. Discussion and/or action regarding a referendum on funding lifeguards on the beach (Commissioner Clotey)
- h. Discussion and/or action concerning the use of Jarvis Hall for profit generating activities by non-residents or for-profit organizations not having a physical presence in LBTS (Commissioner Clotey)

17. TOWN ATTORNEY REPORT

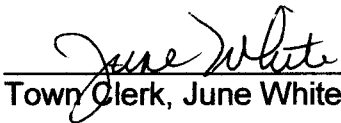
18. FUTURE AGENDA ITEMS

19. ADJOURNMENT



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White

3/5/09
Date