

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, January 13, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor 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 Clotley were present. Also present were Town Manager Esther Colon, Town Attorney Daniel L. Abbott, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Mayor Minnet gave the Invocation

Commissioner Dodd pointed out that January 20, 2009 was Inauguration Day.

Commissioner Clotley made a motion to reschedule the roundtable and workshop meetings scheduled for that day. Commissioner Dodd seconded the motion. The Commission rescheduled the roundtable meeting to January 21, 2009 at 6:00 p.m. and the workshop to January 21, 2009 at 7:00 p.m. All voted in favor.

Mayor Minnet added a new item, Athena by the Sea, under New Business item 16i. Commissioner Dodd wanted to discuss it. The vote was cast 4-1. Vice Mayor McIntee voted no.

The Commission discussed whether to allow the people to speak on the boat item at the beginning of the meeting or later in the evening.

Commissioner Clotley requested Old Business item 15e be moved up before Presentations. There were no objections.

Mayor Minnet opened the meeting for public discussion.

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Mar Jo Lexa presented a petition of 113 signatures. Four (4) people refused to sign and ten (10) people did not support it. Ms. Lexa also read into record an email that she received from Bob Eckblad, and sent to Commissioner Clotey on December 17, 2008, whereby Mr. Eckblad believed that the Bel Air Homeowner's Association was a volunteer association and had no authority to impose any rules on the homeowners. He also felt that Bel Air was governed by the laws of Broward County and should not be penalized for the misfortune of being annexed into Lauderdale-By-The-Sea.

Bill Hart asked the Commission to adopt his appeal to amend the code.

Kevin Cahow asked to keep the standards of Broward County Code and allow them to keep their boats.

Richard Capalbo suggested the commission allow boats to be parked in the driveways.

Alek Dembick was against parking boats, trailers or trailer homes in driveways.

Richard Nearly supported the boat owners of Bel Air

Jeff Selback was against boats and campers in driveways.

Beverly Kennedy wanted values to go up. She was against boats in driveways. Ms. Kennedy said she would sue.

Kyle Campbell did not like the idea of fences. He said the majority of people purchased their homes to put their boat there.

Debbie Meyer did not see how her boat would de-value her property.

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

Mayor Minnet stated that in the previous Workshop Attorney Abbott was directed to add new language to the Ordinance and invited the public to speak again when the Ordinance came before the Commission on January 27 ,2009.

Commissioner Dodd asked the Commission to reconsider the direction given to Attorney Abbott. He thought that perhaps rules needed to be tightened to keep the boats in good function. Commissioner Clotey asked if Commissioner Dodd wanted boats to be allowed anywhere in the north end of town. Commissioner Dodd pointed out the petition was 10 to 1. He suggested tightening up on inspections to make sure the boats were in good order. Vice Mayor McIntee was in favor of grandfathering, but did not like threats. Commissioner Silverstone thought the Code needed fixing. He said

the Code stated no boats in driveways without coverage. Commissioner Silverstone said it was possible to make a zone for north side if majority of the people wanted it.

4. PRESENTATIONS

- a. Municipal Services Employee of the Quarter - January 2009 (Assistant Town Manager Olinzock)**

Assistant Town Manager John Olinzock awarded Employee of the Quarter to Jimmy Ray for his dedication. Assistant Manager Olinzock said Jimmy Ray was a great asset to the Town.

- b. BSO Deputy of the Quarter - October, November, December 2008 (Chief Gooding)**

Chief Gooding awarded Deputy of the Quarter for October to Sgt. Douglas Brown, Sgt. Pete LaGana, and Sgt. Tom Palmer for their dedication. He awarded Deputy of the Quarter for November to Deputy John Wright for outstanding follow up and honored Deputies Terry Kyle and Scott Williams for their good work as Deputy of the Quarter for December.

- c. Lifesaving Award to Mark Mitchell (Mayor Minnet) - Request to table to January 27, 2009**

This item was tabled to the January 27, 2009 Commission meeting as requested.

5. REPORTS

6. PUBLIC SAFETY DISCUSSION

Commissioner Dodd stated that he had given 24 hour notice of questions to Chief Perkins. He questioned the reason why the Secretary for the Volunteer Fire Department hung up on a resident. Chief Perkins heard her apologize and explain that she was very busy before she hung up the phone. Commissioner Dodd asked if instructions were given to anyone to not answer questions in a timely manner. Chief Perkins said everyone was instructed to give people whatever information they wanted. He added there was a lot going on in his office and could not always give an immediate response. He added that they would have it within 5 to 7 days. Commissioner Dodd ask whether the Volunteer Fire Department charged for their information. Chief Perkins said they charged \$2.00 per information request. Commissioner Dodd requested a copy of an updated roster for the Commissioner's mail boxes. Chief Perkins said he would submit it. Commissioner Dodd asked for a copy of the information that would be given to the requestor. Chief Perkins said the information would be supplied to the person that requested it. Commissioner Dodd questioned the way members of the Volunteer Fire Department arrived at a drowning the day before. He said he was told that the men that got out of the truck

were not appropriately dressed; that they showed up in flip flops and t-shirts. Commissioner Dodd requested Chief Perkins investigate and report back. Chief Perkins said he would and added that standard policy was that the fire fighters must have gear on or they would get suspended.

Vice Mayor McIntee said he was the first one to arrive in the ATV. He stated that every fire fighter showed up with bunker pants and dropped their bunker pants to go into the water with their shorts on. He added that when there is a beach call the firefighters throw their equipment on board and were ready to move out towards the beach.

Mayor Minnet felt that Chief Perkins should have explained that and not the Vice Mayor. She asked Vice Mayor to state how he portrayed himself. Vice Mayor McIntee said he was reporting as a fire fighter.

Attorney Abbott stated that there was no legal prohibition to the Vice Mayor discussing fire issues while sitting on the Dais.

Commissioner Dodd said he had the right to ask for an investigation.

Commissioner Silverstone thought it was unfair of Commissioner Dodd to imply publicly that there was a problem, rather than obtain the facts first, and lead the people into thinking something was wrong.

Vice Mayor McIntee felt a simple phone call to Chief Perkins would have been sufficient. He did not feel it was right to question him publicly.

7. TOWN MANAGER REPORT

a. Open House for Public Safety Building

Manager Colon requested a date for an Open House for the Public Safety building for a ribbon cutting ceremony. Commissioner Silverstone made a motion to have the Open House on Monday, February 2, 2009 at 5:00 pm. Commissioner Dodd seconded the motion. All voted in favor.

b. Proposed Residential Permit Parking Only

Manager Colon explained the purpose for placing this item on the agenda was to obtain direction as to whether to remove the meters or not. Commissioner Clotey liked the idea of having resident's park anywhere with a sticker and suggested that if employees parked there they should get a ticket. Manager Colon advised that the Commission would vote on it later. Commissioner Silverstone asked if it was specifically for people living there. Manager Colon said it was not. She said that the Development Order stated that the Town must allocate 10 parking spaces. Manager Colon wanted direction as to whether to meter the spaces or not.

c. Local Agency Program (LAP) Grant

Manager Colon stated that staff was involved in the Scenic Highway Program and had received a preliminary go ahead for landscaping. She said that if 30% of design plan was submitted the Town would be considered for the grant. Manager Colon added that the Town's responsibility was to enhance the road. She added that she added this item to the Consent Agenda with Chen & Associates incase the Commission wanted to move ahead.

Commissioner Silverstone thought that traffic in that area backed up quite a bit and was concerned with the proposed median. Assistant Town Manager Olinzock stated that the documents contained in the packet were submitted in 2003. He added that the State would tell the Town what the Town can and can not do. Commissioner Dodd thought it should be followed through. Commissioner Clotey asked if the Town would have any input. Manager Colon said that the State would not ignore a safety issue. Assistant Town Manager Olinzock said the Town would have some input. Commissioner Clotey asked for clarification of the approximated cost. Manager Colon said the \$250,000 would be the same if the original projection stood. She added that it was possible that Chen & Associates could give a better idea of the cost the way the economy was and considering the 30%. Assistant Town Manager Olinzock said the Broward County Commission approved the backing of the Scenic Highway project.

8. APPROVAL OF MINUTES

a. November 25, 2008 Regular Meeting Minutes

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

b. December 1, 2008 continued from November 25, 2008 Regular Meeting Minutes

Clerk White explained an additional paragraph had been added to New Business item 16f on page 4 of the minutes to include the motion by Vice Mayor McIntee to place that item on the January 27, 2009 Commission meeting. She also noted that the Commission voted in favor of the January 13, 2009 Workshop.

Vice Mayor McIntee made a motion to approve the minutes with the correction. Commissioner Silverstone seconded the motion. All voted in favor.

c. December 16, 2008 Regular Meeting Minutes

Commissioner Silverstone made a motion to approve the minutes as amended. Commissioner Dodd seconded the motion. All voted in favor.

d. December 16, 2008 Workshop Minutes

Commissioner Silverstone noted that on page 4, it was stated that that BSO refused to put their response time in their "reports". He said it should have been "contract" and not "report" as printed. Clerk White made the correction.

Commissioner Dodd made a motion to approve the minutes as corrected. Commissioner Silverstone seconded the motion. All voted in favor.

e. December 20, 2008 continued from December 16, 2008 Regular Meeting Minutes

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

9. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comments.

Stephanie Anastasov was not allowed to speak as someone else signed in for her.

Commissioner Dodd made a motion to make an exception to the rule and allow Ms. Anastasov to speak. He pointed out that those who wanted to speak were to sign up, in person, before 7:00 p.m. The motion failed for lack of a second.

Eli Afriat felt the construction of the Pavilion was interfering with the busiest time of the year for business owners. He said his profits were down about 60%.

Amos Bouman noticed a lot of congestion around Aruba's and the Pier. She wondered why there was no access as there was years ago.

Ron Piersante thought the Commission meetings were ugly.

Robert Kramer felt the Town need to do more to prevent drownings.

Yann Brandt stated that Florida Legislature was going to cut the budget somewhere around a trillion dollars. He felt that the Commission should contact their Legislature on a monthly basis with their requests. Mr. Brandt was against spending the money on paving N. Tradewinds Avenue. He felt it would be followed by others.

Michael Leverock was a kite surfer and recognized there was a problem at the Clarion Hotel with kite surfing and wanted to help out with the problem.

Bill Ciani suggested that 101 Ocean try to get valet parking. He asked if property owners and building owners could purchase parking permits.

Spiro Marchelos believed the Town administration was there to serve the community, provide open access, encourage involvement, and assure accountability. He said that Town employees were there to be polite and responsive. Mr. Marchelos felt that neighborhood involvement was crucial and it was essential to protect the Towns' charms and beaches.

Frank Herrmann supported canvas coverings for fire trucks.

Beverly Kennedy believed that what was good for the South should be good for the North. Ms. Kennedy thought that home made signs should be disallowed.

Senior Office Specialist Smith announced that the limit for public comments had been reached. Commissioner Silverstone made a motion to continue with public comments. Commissioner Clotney seconded the motion. All voted in favor.

Diane Boutin thought there was too much discussion and the project results were too long delayed.

Bob Fleischman felt it was unconscionable to not question the VFD.

Gerri Anne Capotosto from Green Light Go commended Commissioner Silverstone for taking the initiative for his research and his decisions towards making the Town a green city. She hoped El Mar Drive would be discussed in regards to turtle season and to the Fish & Wildlife signs. Ms. Capotosto asked for representation at the National league of Cities Spring Conference in Portland, Oregon.

Dr. Vern Schiewski felt the pier parking lot needed more than one entry.

Thomas Argue, Manager of Anglin Pier said the congestion in the area was too much and people were having a problem getting in and out of the pier. He wanted to open the access.

Billy Baldwin said he worked at the pier and thanked the VFD for doing a tremendous job.

Louis Marchelos said in 1999 Athena's Restaurant applied for an outdoor cafe. He asked for additional tables recently and it was granted. Mr. Marchelos stated that on New Year's Eve he brought out one extra table because it was needed and Code Enforcement called him on it.

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

Mayor Minnet recessed the meeting at 9:15 p.m. and reconvened at 9:30 p.m.

10. ORDINANCES

- 1. Ordinances 1st Reading - "Public Comments"**
 - 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 (MANAGER COLON)**

Attorney Abbott read Ordinance 2009-01 by title. He advised that the second reading would be accompanied by a Resolution that would set the rates.

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

Manager Colon wanted to include a reference to hybrid vehicles in the Ordinance. She believed the technology could be addressed under a permit resolution.

Mayor Minnet wanted the meters to be the same for both Bougainvillea Drive and the Bougainvillea parking lot. She recommended everything be \$1.00 an hour except for Commercial Boulevard. Vice Mayor McIntee thought it was too much for someone to stop and purchase a sandwich or a lotto ticket. Mayor Minnet felt that a quarter which purchased 15 minutes of time which was sufficient time to purchase a lotto ticket.

Vice Mayor McIntee made a motion to accept Ordinance 2009-01 on first reading. Commissioner Dodd seconded the motion. The motion carried 4-1. Commissioner Silverstone voted no.

Vice Mayor McIntee made a motion to reconsider his vote. Commissioner Silverstone seconded the motion. The motion carried 3-2. Vice Mayor McIntee and Commissioner Silverstone voted no in error. They chose not to reconsider because the motion carried.

Commissioner Dodd made a motion to approve Ordinance 2009-01 on first reading. Commissioner Clotey seconded the motion. The motion carried 3-2. Vice Mayor McIntee and Commissioner Silverstone 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**

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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 (MANAGER COLON)

Attorney Abbott read Ordinance 2009-02 by title. Mayor Minnet opened the meeting for public comment.

Diane Boutin asked for clarification of "certain premises" by the fire prevention bureau. Attorney Abbott said residential properties were not subject to annual fire inspection. She suggested individual condominium, triplex and duplexes be charged.

Barbara Cole disagreed with Ms. Boutin as she felt it depended on the type of occupational business one did. She did not see reference to EMS in the ordinance itself.

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

Manager Colon referred to the fire inspection fees. She felt that since the VFD did the inspections the fees could be lowered and asked the Commission to consider it.

Commissioner Silverstone asked whether that clause was in the AMR contract and not in the prior BSO contract. Manager Colon confirmed. Commissioner Silverstone wanted people to be aware that additional revenue lowered taxes.

Vice Mayor McIntee made a motion to reduce the current annual fire inspection fees by 10%. Attorney Abbott felt that the fee structure would be addressed at the second reading with a Resolution. Commissioner Silverstone made a motion to go across the board on fire inspection fees and reduce the fire safety inspection fees by 10%. Commissioner Clotey seconded the motion. All voted in favor.

Commissioner Clotey made a motion to approve Ordinance 2009-02 on first reading. Commissioner Silverstone seconded the motion. All voted in favor.

- 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 (MANAGER COLON)

Attorney Abbott read Ordinance 2009-03 by title.
Mayor Minnet opened the meeting for public comments.

Frank Herrmann asked what constituted a false alarm. Vice Mayor McIntee said if there was no fire it would be a false alarm. Mr. Herrmann did not want to be fined if 10 people walked by his house and called in a false alarm.

Barbara Cole had a problem at her home from a sudden power surge or when new alarms are installed.

Diane Boutin asked for clarification for condominiums with 200 apartments, as to whether it would apply to 2 or 3 excessive false alarms in Condo Unit A or 32 calls in the large condominium during the same 2 or 3 month time period. She said they were all monitored through a security system that was linked one large alarm.

Ron Piersante had a problem when he first had his alarm installed. He had to get a letter explaining he was not responsible.

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

Manager Colon clarified this Ordinance was for both police and fire. She said if a resident showed a letter from the company BSO worked with them.

Commissioner Clotey thought it would cost less to respond to a burglar alarm than a fire. Chief Gooding thought that with a full time paid professional it would cost less for BSO to respond. He pointed out that the VFD were volunteer firefighters.

Vice Mayor McIntee said there were about 39 high-rises in the Town with an average of 4 false alarms a week. He felt that by increasing the fines more attention would be paid to a defective alarm.

Commissioner Silverstone stated that if the alarm system for the condominium was at fault it should be addressed differently, but if each unit had their own then each unit owner should be responsible. Manager Colon said that the Broward Sheriff's Office did it that way. Chief Gooding stated that each individual apartment was billed.

Mayor Minnet was concerned that the condo units were getting a double hit between the fire fees and the false alarm fees. She wanted to see better clarification to what false alarms were.

Commissioner Dodd asked whether Manager Colon would send letters out to the condominiums. Manager Colon said she could but this code had been in existence.

Commissioner Silverstone made a motion to Ordinance 2009-03 on first reading. Commissioner Dodd seconded the motion. All voted in favor.

d. Ordinance 2009-04: AN ORDINANCE OF THE TOWN OF

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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 (MANAGER COLON)

Attorney Abbott read Ordinance 2009-04 by title.

Mayor Minnet opened the meeting for public comment.

Barbara Cole liked the ordinance but thought the amount should remain at the State level of \$500.

Frank Herrmann believed "Joe the Plummer" would be against this Ordinance. He believed the limit should be \$300 per person.

Cristi Furth asked if the Ordinance included unions. She liked the \$300 maximum.

John Odayo said no matter what the limit was, someone would figure out a way to get around it.

Bob Fleischman thought that since the State allowed \$500, that should be the way to go.

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

Commissioner Dodd made a motion to adopt Ordinance 2009-04 on first reading with an amendment to include unions. Commissioner Silverstone seconded for discussion. Commissioner Silverstone asked whether it was legally sound to put the term "unions" in there. Attorney Abbott believed it could be included. Commissioner Silverstone wanted to keep the limitation at \$300.

Vice Mayor McIntee believed there was corruption when a lot of money was involved. He supported the Ordinance 100%.

Mayor Minnet wanted to know how it would work with "in kind" services. Attorney Abbott said campaign financing was defined in the same way Florida Statute defined it and that "in kind" services were accounted for.

Commissioner Silverstone seconded the motion. All voted in favor.

- 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 (COMMISSIONER SILVERSTONE)

Attorney Abbott read Ordinance 2009-05 by title. Mayor Minnet opened the meeting for public comment.

Robert Kramer as a competitive tennis player was concerned with a raise in insurance rates if opened to more people. He was also concerned with time limitations and suggested rules be set such as no more than 1 1/2 hours, or no more than one set.

Diane Boutin said many businesses purchased keys over the years but stopped with increases and not enough people using the keys.

Cristi Furth thought the tennis courts should be kept in house.

Manager Colon had not heard any issues with the tennis courts in the 9 years she had been in Town. Mayor Minnet asked Manager Colon to address the insurance issue. Manager Colon said the tennis court was inspected and approved by the Florida League of Cities. Commissioner Dodd said he would rather the tennis court fees be increased at a rate equal to the cost of living. Manager Colon said the current rates were not increased. She pointed out that the new rates recommended were daily rates, weekly rates and a pro rated annual rate for non-residents. She said she could change it to follow COLA. Commissioner Dodd understood but wanted increases done annually to comply with cost of living rather than 5%.

Commissioner Clotey pointed out that during golf season it is more expensive to play golf. Commissioner Silverstone liked the idea of pro- rating. He believed it would get more people out there. Mayor Minnet thought it encouraged more people to use the tennis courts.

Commissioner Silverstone made a motion to adopt Ordinance 2009-05 on first reading as written with a 5% annual increase. Vice Mayor McIntee seconded the motion. All voted in favor.

Vice Mayor McIntee requested New Business item 16e be moved up for consideration.

Mayor Minnet thought the Quasi Judicial was important but granted Vice Mayor McIntee's request.

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16e. Discussion and/or action regarding kite surfing - parasailing - on the beach (Vice Mayor McIntee)

Vice Mayor McIntee stated that the kite surfing situation had gotten out of control. He explained that someone was running a personal business out of the Clarion Hotel. Vice Mayor McIntee believed the solution would be to allow only residents to kite surf in Town with a permit and only allow 2 permits per household. Michael Leverock explained that the problem is coming from non-residents using the parking lot in populated areas.

Vice Mayor McIntee made a motion to direct the Town Attorney to create an ordinance that would allow the Town to sell permits for resident kite users.

Manager Colon asked whether that would include parasailing. Vice Mayor McIntee said it would only include kite surfing.

Commissioner Silverstone seconded the motion.

Commissioner Dodd asked Attorney Abbott whether the Town can legally limit an activity on a public beach to residents only. Attorney Abbott said he was not sure and that he would research the information.

Vice Mayor McIntee amended his motion to include "under the assumption that it was legal to do so." Commissioner Silverstone agreed with the amendment.

Commissioner Clotney asked Vice Mayor McIntee why he was limiting it to 2 per family. Vice Mayor McIntee believed that since the kites were so big only 1 or 2 could be flown at a time. Commissioner Clotney asked whether the kite was getting permitted or the person. Mr. Leverock believed it would be the person. Commissioner Clotney asked what would happen if there was a bigger family. Mr. Leverock suggested that because the kites could be dangerous, it would be wise to have parental guidance for those under the age of eighteen. He also encouraged that there be no teaching on the beach. Mr. Leverock explained that when he came into contact with people given lessons, he would let them know of other beaches and facilities where lessons could be given. Commissioner Clotney said she needed more background information on the subject. Mr. Leverock offered his assistance on the subject.

Commissioner Silverstone believed that a simple solution would be to purchase a sticker that could be placed on the kite. Mr. Leverock said that there were streamers that could be placed on the kite.

Mayor Minnet asked Mr. Leverock if he knew any other cities that have done this before. Mr. Leverock said Crandon Park in Miami has done this before.

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In a roll call vote, the motion passed 5 – 0.

Commissioner Clotey suggested that Commissioner Comments be postponed and continue with the other agenda items. There were no objections.

Manager Colon explained that both Quasi Judicial Hearings had requests to be tabled. Mayor Minnet took item 14b out of order.

- 14 b.** An application submitted by Frank Treppe, 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

Frank Treppe explained that he was requesting a one month extension to go review engineer suggestions. Manager Colon advised the item needed to go to before the Board of Adjustment prior to Commission approval. Commissioner Clotey made a motion to table this item to the February 24, 2009 Commission meeting. Commissioner Dodd seconded the motion. All voted in favor.

- 14 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

Commissioner Silverstone made a motion to table to the January 27, 2009 Commission meeting. Clotey seconded the motion. All voted in favor.

- 15 c.** Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line with what other municipalities charge. Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey - Tabled at the December 20, 2008 Commission meeting by Vice Mayor McIntee

Manager Colon advised that the fees needed to be taken into consideration to allow business to go back to normal.

Vice Mayor McIntee made a motion to direct the Town Attorney to draft a Resolution to implement the fees. Commissioner Silverstone seconded the motion. All voted in favor.

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- 12 f.** Commission approval to provide clarification from Town Commission in providing five (5) residential parking permit spaces in the Bougainvillea Drive Parking Lot; remove five (5) meters and install permit signage (Assistant Town Manager Olinzock)

Commissioner Dodd proposed doing away with all residential parking permits spaces and meter all the spaces. He suggested issuing stickers to those who need them, whether it was a residential, employee, or hardship permit parking space. Manager Colon was not aware that business employees were included. Commissioner Clottey thought business employees should park somewhere else such as in the main parking lot. Manager Colon stated there were designated areas for business employees. Assistant Town Manager Olinzock presented the inventory as to where the designated business employee parking spaces were located. Mayor Minnet thought the Town should encourage business employees to use the parking lots rather than parking spots near the beach.

Ron Piersante stated that when SunTrust bank was sold a lot of employees parked there and were towed away.

Commissioner Dodd was not aware of employee parking. Manager Colon explained that the employees were not the Town employees. They were the employees of the businesses of the Town.

Charlie Leichman said as a resident he always had parking on the beach. He added that residents wanted to go to the beach for more than 2 hours. Mr. Leichman wanted his spot back. Commissioner Silverstone thought it was a valid point. He would like to see the residents' park at any meter in Town.

Diane Boutin thought everyone wanted everything and wanted to get it for free. She pointed out that residents were within walking distance of the beach.

Cristi Furth believed the residents wanted availability of a parking space.

Vice Mayor McIntee made a motion to extend the meeting past 11:00 p.m. Commissioner Silverstone seconded the motion. All voted in favor.

Louis Marchelos explained that the restaurants alone usually have about 200 employees working on a Friday night. He felt the Town needed to do something to allow employees more parking spaces.

Commissioner Silverstone said this Town had limited parking spaces. He added that the residents came first and that the commercial properties were there to offset taxes. Commissioner Silverstone suggested business owners find a way and present it.

Vice Mayor McIntee thought metered spaces throughout the Town would be a problem unless it was stated that the space was designated for Town residents only. He felt the

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Town should set up 30 to 40 resident parking permit spaces by the beach to help assure that resident will always have a space to park.

Manager Colon gave two recommendations: 1) either meter everything or 2) make the dedicated Wings parking lot resident permit only.

Commissioner Silverstone made a motion to make the dedicated Wings parking lot resident permit only. Vice Mayor McIntee seconded the motion. Commissioner Clotey verified that the end result would be a gain of five residential parking spaces. Manager Colon explained that the Development Order said the granting of the property was contingent upon the granting of 15 residential parking spaces.

Mayor Minnet clarified the motion and called for the vote for all residential parking to stay the same. The motion carried 4-1. Commissioner Dodd voted no.

Commissioner Silverstone made a motion to accept the recommended fees and parking permits by staff. Vice Mayor McIntee seconded the motion. All voted in favor.

Vice Mayor McIntee made a motion to recess the meeting to January 22, 2009 at 7:00 p.m. Attorney Abbott stated he would not be available and would send someone else from the firm. Mayor Minnet recessed the meeting at 11:20 p.m.

2. Ordinances 2nd Reading - "PUBLIC HEARING"

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a. Commission approval for preparation of Fire Assessment Report for Fiscal Year 2009-2010 - \$29,987.00 (Manager Colon)**
- b. Commission approval to purchase canvas to cover fire engines and necessary apparatus/equipment - \$25,200 plus permit cost [Insurance Services Organization (ISO) Recommendations] (Manager Colon)**
- c. Commission approval for use of Jarvis Hall by Congressman Klein's staff as satellite office for meetings with LBTS residents, second Thursdays of the Month, 9:00 a.m. to 11:00 a.m., February thru December 2009 (Assistant Town Manager Olinzock)**
- d. Commission approval of Special Event Application for LBTS Chamber of Commerce Taste of the Beach 2009 - Tuesday, February 24, 2009, 9:00 a.m. until Wednesday, February 25, 2009 11:00 a.m. (Assistant Town Manager Olinzock)**
- e. Commission approval of the issuance of eighty (80) parking permits for use in the El Prado lot by Shareholders of Caribe Inc., of Broward County on Tuesday,**

March 3, 2009 from 8:00 AM till 12:00 PM, during their annual meeting in Jarvis Hall (Assistant Town Manager Olinzock)

- f. Commission approval to provide clarification from Town Commission in providing five (5) residential parking permit spaces in the Bougainvillea Drive Parking Lot; remove five (5) meters and install permit signage (Assistant Town Manager Olinzock)
- g. Any open position paying over \$50,000 per year cannot be filled on a permanent basis until it was first advertised in the Sun Sentinel. All qualified candidates must be interviewed before a hiring decision is made (Commissioner Clotley)
- h. Approval of Town Planner, Chen & Associates to begin design plans for A1A Streetscape Beautification improvement project (Manager Colon)

13. RESOLUTIONS - "Public Comments"

- a. **Resolution 2009-01:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2009/2010 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Manager Colon)
- b. **Resolution 2009-02:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A INTERLOCAL AGREEMENT APPLICATION FOR FUNDS AVAILABLE FOR THE COMMUNITY BUS THROUGH BROWARD COUNTY OFFICE OF TRANSPORATION FOR THE FISCAL YEAR 2009/2010 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Manager Colon)
- c. **Resolution 2009-03:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT (Manager Colon)

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

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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

Commissioner Silverstone made a motion to table this item to the January 27, 2009 Commission meeting. Commissioner Clotey seconded the motion. All voted in favor.

- b. An application submitted by Frank Tropepe, 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

15. OLD BUSINESS

- a. Discussion and/or action regarding complete accounting of Green Fest - copies of all material made. Why were bills sent to Coconut Creek, FL and why were supplies sent there? Requested at the November 25, 2008 and December 16, 2008 Commission meeting by Vice Mayor McIntee
- b. Town Commission approval of Conceptual Bel Air subdivision sign design (Assistant Manager Olinzock/Colon) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey - Tabled at the December 16, 2008 Commission meeting by Commissioner Clotey
- c. Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line with what other municipalities charge. Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey - Tabled at the December 20, 2008 Commission meeting by Vice Mayor McIntee
- d. Discussion and/or action regarding opening the pier access road (Mayor Minnet) Tabled at the December 20, 2008 Commission meeting by Vice Mayor McIntee
- e. Discussion and/or action regarding parking a boat trailer in the front driveway in Bel Air (Mayor Minnet) Tabled at the December 20, 2008 Commission meeting by Commissioner Clotey

16. NEW BUSINESS

- a. Discussion and/or action regarding independent cell phones for the Town Commission (Requested at the December 1, 2008 continuation of the November 25, 2008 Commission meeting, by Vice Mayor McIntee)
- b. Discussion and/or action regarding the use of personal business cards containing an elected officials' title (Requested at the December 1, 2008 continuation of the

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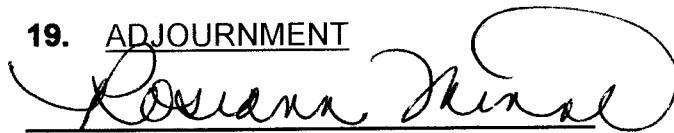
November 25, 2008 Commission meeting, by Vice Mayor McIntee)

- c. Pave North Tradewinds as requested by resident petition (Vice Mayor McIntee)
- d. Discussion regarding scale models of new projects in Town (Vice Mayor McIntee)
- e. Discussion and/or action regarding kite surfing - parasailing - on the beach (Vice Mayor McIntee)
- f. Discussion and/or action to place on a referendum expenditures for any one project which exceeds "x" in value, and/or selling of a town valued asset valued over "y" (Commissioner Silverstone)
- g. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee)
- h. When a code violation is discovered it should be dealt with properly. However, a mass sweep of the town looking for similar violations cannot be done without prior approval of the Town Commission (Commissioner Clotey)
- i. Discussion - Athena by the Sea – Added earlier in the evening by Mayor Minnet.

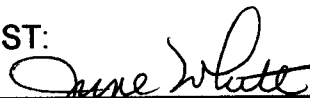
17. TOWN ATTORNEY

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT


Mayor Roseann Minnet

ATTEST:


Town Clerk, June White

2/12/09
Date

