TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4501 Ocean Drive

Tuesday, January 12, 2010

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, and Commissioner Stuart Dodd were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

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

Manager Colon stated that a date change was made to Consent Item 12e. She said that Athena by-the-Sea was contacted and it was confirmed that the correct date was April 27, 2010.

4. PRESENTATIONS

a. Presentation by Petey Kaletta from the League of Women Voters of Broward County regarding Amendment 4 (Mayor Minnet)

Ms. Kaletta stated this was the beginning of the learning process for Amendment 4. She explained that Amendment 4 was public initiated and placed on the ballot for November 2010 and 60% of the voters had to vote in favor in order for it to pass.

Ms. Kaletta explained the pros and cons for voting in favor of Amendment 4:

> Pros: 1) failure of local governmental efforts; 2) continued failure of the Florida Legislature; 3) loss of public voice; 4) public awareness

Cons: 1) not in your back yard 2) piecemeal planning; 3) high priced media campaigns; 4) planning gridlock

Ms. Kaletta encouraged everyone to read every article on the Amendment and make their decisions.

b. Presentation of holiday decoration winners from the Property Owner's Association (Mayor Minnet)

Cindy Geesey announced the Holiday Decoration winners:

Single family home to 1981 West Terra Mar Drive, Bruce and Diane Brigsby; Multifamily to 4448 Seagrape Drive, Harry Singer; High Rise Condos to Sea Ranch Club C, 4900 N. Ocean Boulevard; Low Rise condos to Leisure East at 4117 Ocean Drive; Hotels/Motels to The Seafoam and High Noon Resorts at 4408 - 4424 El Mar Drive; Restaurants to Aruba Beach Cafe at 1 Commercial Boulevard; and for Merchant to Interior Diggs at 258 Commercial Boulevard.

c. Introduction of 2010 Line Officers of the Volunteer Fire Department (Mayor Minnet)

Chief Perkins introduced newly appointed Deputy Chief Joe Padden who in turn introduced the 2010 line Officers by name Fire Chief Robert Perkins, Battalion Chief Kevin Padden, Captain Juan Sanchez, Lieutenants Brad Fabian and Danilo Goyochea, and Safety Officer Mark Conn. Battalion Chief Joe Padden stated that the VFD recognized former Deputy Chief / Vice Mayor Jerry McIntee for all his efforts in bringing the VFD back. He presented Bob Karley with the Firefighter of the Quarter award.

5. PUBLIC COMMENTS

Sandra Booth supported the Senior Center. She said many people came to the Center to heal their minds.

Larry McGuiness believed there should be no restrictions on using the Senior Center but the rules came from elsewhere.

Pauline McGuiness taught in the Senior Center for many years and people were never turned away until recently. She hoped the Commission would consider the Town Managers plan to solve the problem.

Barbara Cole did not believe there was a plan.

Jane Trainor requested the Commission lower the age requirement from 60 to 55.

Beverly Kennedy congratulated the VFD for doing a good job.

Jeannine Clark requested Imperial Lane be recognized as a dead end street for safety and security reasons.

Tony Lamarca wanted something in place to cut down the traffic and increase illumination on Imperial Lane.

Chuck Gress believed the Town was coming together.

Mark Brown urged the Commission to change the restrictions on the Senior Center or give up the grant and fund it themselves.

Cindy Geesey believed voters do not forget.

Marjorie Evans supported Ordinance 2009-36.

Scot Sasser congratulated the VFD and asked the Commission to hold to their values.

Louis Marchelos believed the Town could become a functional community.

Joe Couriel urged the Commission to approve the introduction of cultural theater.

Bob Fleishman believed the Town was going in the right direction.

Spiro Marchelos stated he would give free hot cocoa to anyone that showed him a voter's registration card.

Chris Vincent stated that his comments at the October 26, 2009 Workshop were mis-stated and requested they be changed. He was against the Senior Center restrictions.

Rosa Michaliuk wanted the candidates to state what they want to bring to the Town.

Frank Herrmann thanked the Vice Mayor for the VFD.

Pricilla Rysavy thanked Vice Mayor McIntee, and Commissioners Clottey and Silverstone for keeping their promises and thanked Manager Colon for keeping the taxes down.

Cristi Furth was pleased that the El Mar Drive project was approved.

Bill Vitollo believed the Hillsboro Inlet appointment should stay with a member of the dais and not go to a resident.

Tom Carr thanked everyone on the dais for all they did over the past 2 years.

Dr. Augustine Perrotta enjoyed the classes offered at the Senior Center and was recently informed that he did not meet the restrictions.

There were no more speakers.

Mayor Minnet recessed the meeting at 8:35 p.m. and reconvened at 8:50 p.m.

6. REPORTS

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

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

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

Commissioner Dodd asked whether the amount of work being done without a permit increased in Town. Assistant Town Manager Olinzock said they were on top of it. Commissioner Dodd assumed the answer to be "yes". Commissioner Dodd asked, in regards to the liens that were to be recorded, if staff had done everything in their power to resolve the issues and that the amount of the lien was reasonable. Assistant Town Manager Olinzock said it was.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

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

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

d. BSO Police Monthly Report - November 2009 (Chief Llerena)

Commissioner Dodd asked what the penalties were for tampering with, stealing or messing with election signs. Chief Llerena he said if the signs were on private property and were reported to BSO, they would be considered theft as well as trespassing. He recommended that the residents do not take it upon themselves to move any signs. He suggested they report them to Code Enforcement if they were in violation. Discussion followed regarding recent burglaries in Town with Chief Llerena advising that BSO would not have been successful without the cooperation of the residents.

Commissioner Silverstone congratulated Chief Llerena for an 8% reduction in crime.

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

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

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

f. AMR EMS Monthly Report - November 2009 (Operations Manager Liddle)

Commissioner Dodd commended AMR for getting ambulance service into Town quickly. Operations Manager Brooke Liddle said the Town was fortunate that Holy Cross Hospital was designated as a Comprehensive Stroke Center. He added that previously AMR had to bring stroke victims to North Broward Hospital.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

a. Recreational Activities

Manager Colon stated that she had asked the Commission previously to look at the requirements for the Senior Center regarding the 60 years of age requirement per the Older Americans Act, income levels as provided by HUD and that they were a Broward County resident. She stated that if the Town wanted to continue with the $27,000 grant funds they must follow the requirements. Manager Colon added that it was up to the Commission to decide whether everyone, whether resident, non-resident, guests or snow birds, should have access to the Senior Center. She stated that she did not change the rules and noted that the Commission previously agreed that two lists would be created.

Commissioner Silverstone stated the information that was put out there was incorrect. He added that the Town Manager had a solution to the problem and would be addressed during agenda item 16i.

9. APPROVAL OF MINUTES

a. December 1, 2009 Regular Commission Meeting Minutes

b. December 7, 2009 Commission Conference Minutes

c. December 7, 2009 continued from November 10, 2009 Regular Commission Meeting Minutes

d. December 8, 2009 Regular Commission Meeting Minutes

Commissioner Silverstone made a motion to approve December 1, 2009 Regular minutes, December 7, 2009 Conference minutes, December 7, 2009 Continuation minutes, and the December 8, 2009 Regular minutes. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2009-36: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-261 "B-1-A DISTRICT-BUSINESS" IN ORDER TO PROVIDE THAT COMMUNITY THEATRES AND CULTURAL CENTERS ARE PERMITTED USES IN THE B-1-A DISTRICT; FURTHER AMENDING SECTION 30-271 "B-1 DISTRICT-BUSINESS" IN ORDER TO PROVIDE THAT COMMUNITY THEATRES AND CULTURAL CENTERS ARE PERMITTED USES IN THE B-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-36 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole requested that the Commission address the parking problem at some point.

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

Commissioner Silverstone believed it was a shame that every time a new business came to Town, the code had to be changed. He asked whether there was a better way to make it more generic. Attorney Trevarthen said that when the issue came up previously, the Commission was not willing to address it at that time. She added that the Ordinance could be looked at holistically. Commissioner Silverstone stated that the parking issue would take a lot of thought as there was limited parking in Town.

Vice Mayor McIntee made a motion to approve Ordinance 2009-36. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

b. Ordinance 2009-35: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES;

PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-35 by title.

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

Vice Mayor McIntee made a motion to approve Ordinance 2009-35: Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

2. Ordinances 2nd Reading

11. COMMISSIONER COMMENTS

Commissioner Silverstone applauded the Mayor for establishing the rules laid out today. He stated they were approved 2 years ago and was glad to be on a new road.

Commissioner Dodd gave an update on the Hillsboro Inlet and advised of current delays.

Vice Mayor McIntee stated he was proud of what he had done for the Town and very proud that the VFD was strong and professional.

Mayor Minnet stated that she stopped the political statements as she believed that nothing political could be said during the meeting. She wished everyone a happy and healthy new year. Mayor Minnet talked about the Organizational meeting and stated that at that meeting the Commission decided not to give a limit on Commissioner comments. She asked everyone to say what they mean and mean what they say. Mayor Minnet reminded everyone of the Census and encouraged people to come forward and get involved. Mayor Minnet stated she was disappointed at the vote at the last meeting. She said the Roundtable minutes show there was a consensus on the El Mar Drive project.

12. CONSENT AGENDA

Consent Agenda items 12a, 12c, 12d, 12e, and 12h were pulled for discussion.

Commissioner Dodd made a motion to approve items 12b, 12f, 12g and 12i on consent. Commissioner Silverstone seconded the motion. The motion carried 4-0.

a. Town Commission approval of waiver of temporary sign permit fees for four (4) Our Lady of the Assumption Altar Guild Events: (Assistant Town Manager Olinzock)

1) Rummage Sale, January 16, 17, 2010

2) Chinese Auction, January 27, 2010, February 26, 2010

3) Fish Fry and Spaghetti Dinner, March 26, 2010

Mayor Minnet pulled this item from consent in order to recuse herself.

Commissioner Dodd made a motion to approve Commissioner Silverstone seconded the motion. The motion carried 3 - 0. Mayor Minnet recused.

b. Commission approval of a Special Event application for Exclusive Sports Marketing A1A Marathon 2010, Sunday, February 21, 2010, 4:00 AM till 1:00 PM (Assistant Town Manager Olinzock)

c. Commission approval of a Special Event application for Jazz on the Square - Village Pump and Grille "Jazz on the Square" event, Quarter 1, every Friday night, 4:30 PM till 11:30 PM, January 22, 2010 through April 22, 2010 (Assistant Town Manager Olinzock)

Items 12c, 12d and 12e were pulled for discussion, considered together and voted on separately.

Courtney Crush, P.A. representing Pacific Blue was concerned that the parking and flow of traffic at the intersection of Commercial Boulevard and El Mar Drive, during the Athena and Village Grille special events, impacted the business of Pacific Blue.

Commissioner Dodd wanted to know why the applicant was not present and why they felt they did not get any benefit from the events. He believed that as a souvenir store they would have more foot traffic than on a normal night. Commissioner Silverstone was surprised to hear of the concern. He believed that all the business owners in that particular area should work it out.

Dave Gadsby had never heard a business complain that they did not gain from an event.

Louis Marchelos said that both crosswalks were fully accessible. He said the Pacific Blue workers told him they enjoyed the music.

Vice Mayor McIntee suggested that Attorney Crush ask her client to give a percentage of what he believed he was losing.

Commissioner Silverstone believed the solution would be for everyone to get together and work something out. He suggested approving it for the quarter and request they come back before the Commission. Attorney Crush agreed.

Commissioner Dodd made a motion to approve item 12c. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

d. Commission approval of a Special Event application for Jazz on the Square - Village Pump and Grille "Jazz on the Square" event, Quarter 2, every Friday night, 4:30 PM till 11:30 PM, April 23, 2010 through July 23, 2010 (Assistant Town Manager Olinzock)

This item was pulled for discussion, considered with item 12c and voted on separately.

Commissioner Dodd made a motion to defer this item to January 26, 2010. Commissioner Silverstone seconded the motion.

Commissioner Dodd requested a meeting be set up between the parties concerned and stated that he would attend. Commissioner Silverstone stated that he would also attend the meeting. Manager Colon stated that businesses were contacted and she was not aware of the problem. She agreed to set an appropriate date for a meeting.

The motion carried 4 - 0.

e. Commission approval of Special Event Permit application for Athena's By The Sea,/101 Ocean for Music By The Sea 2010, Quarter 1, every Saturday Night, 4:00 PM till 11:00 PM, January 16, 2010 through March 27, 2010 (Assistant Town Manager Olinzock)

This item was pulled for discussion, considered with item 12c and voted on separately.

Commissioner Dodd made a motion to approve item12e. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

f. Commission approval of Special Event Permit application for SuperBowl Sunday 2010 Event - Village Pump and Grille and 101 Ocean, Sunday, February 7, 2010, 3:00 till 11:00 PM, (Assistant Town Manager Olinzock)

g. Commission approval of issuance of refund to Chabad Lubavitch Lauderdale By-The-Sea for use of electricity in Pelican Square for Menorah Lighting Ceremony in the amount of $25.00 (Assistant Town Manager Olinzock)

h. Commission approval of Special Event Permit application for "Walk/Run Against Hunger" Event, on Sunday February 28, 2010 at 8:00 AM till 10:30 AM, to waive $100.00 application fee, and to provide sponsorship donation of $100.00 to the event (Assistant Town Manager Olinzock)

This item was pulled for discussion.

Mayor Minnet wanted to hear from her fellow Commissioners regarding waiving the $100 fee and donating $100 to the event. She felt that waiving the $100 fee would be the donation but would go along with whatever the Commission decided.

Commissioner Silverstone made a motion to approve as written. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

i. Commission approval of Special Event Permit application for LBTS Chamber of Commerce event, "Lauderdale-By-The-Sea Craft Festival", Saturday March 13, 2010, 5:00 AM thru Sunday March 14, 2010, 9:00 PM (Assistant Town Manager Olinzock)

13. RESOLUTION - "Public Comments"

a. Resolution 2009-34: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2008/2009 FISCAL YEAR BUDGET; APPROPRIATING SAID AMOUNTS TO SPECIFIC DESIGNATED ACCOUNTS IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A" TO THE SPECIFIC DESIGNATED FUNDS; AUTHORIZING EXPENDITURE OF THOSE AMOUNTS IN ACCORDANCE WITH THE BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE

Attorney Trevarthen stated that the title in the packet was the correct title and not the one on the agenda. She read Resolution 2009-34 by title into record.

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

Commissioner Dodd made a motion to approve Resolution 2009-34 Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

a. Discussion and/or action - Hillsboro Inlet - Deferred at the December 7, 2009 Commission meeting by Commissioner Clottey - Applications attached

Commissioner Dodd made a motion to defer to January 26, 2010. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

b. Discussion and/or action by Town Commission regarding Appointment of a Local Complete Count Committee for the Purpose of Building Awareness of the 2010 Census (Assistant Town Manager Olinzock) This item was deferred at the December 8, 2009 Commission Meeting by Commissioner Silverstone -

Application attached

Commissioner Silverstone thanked Joyce Murray for putting in her application. Mayor Minnet hoped more people would get involved in this Committee and suggested leaving it out there longer.

Vice Mayor McIntee made a motion to defer the January 26, 2010 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

c. Discussion and/or action regarding Solid Waste Ordinance Amendments - Draft Ordinance attached (Commissioner Dodd)

Commissioner Dodd wondered whether this would have to go as an Ordinance to get it resolved.

Commissioner Silverstone said it was a material change in the contract and had to be addressed and/or renegotiated. Attorney Trevarthen agreed.

Commissioner Dodd understood that until the Ordinance was changed, negotiations could not take place. Manager Colon stated that the only proposal she recommended to the Commission was the amendment that the Commission previously passed. She added that this particular amendment should have been discussed and approved at the time the RFP was reviewed and approved. Manager Colon deferred any questions regarding any changes to an Ordinance with the current contract to the Town Attorney.

Mayor Minnet asked Manager Colon to look at the number of units that had a commercial business on Commercial Boulevard where the owner occupied the upstairs. Manager Colon asked whether that was the only classification the Mayor wanted her to look into. Commissioner Dodd requested the number of multi-family units that would be affected.

Commissioner Silverstone believed it was appropriate to direct the Town to negotiate with Choice to see whether it could go in the direction as requested by Mayor Minnet and Commissioner Dodd.

Attorney Grant Smith for Choice stated that Choice was willing to work with any change in the Ordinance. He believed there were 2 distinct issues in the Ordinance: 1) as it related to Commercial, and 2) going from single family only, to single family and multi-family. Attorney Grant believed the number was relatively small and was willing to enter into discussion with the Town Manager to get the numbers.

Commissioner Silverstone wanted to work on the first 2 issues and then work on the other one. Mr. Smith believed they should work on all 3.

Commissioner Silverstone made a motion to direct the Town Manager to have discussions with Choice. Manager Colon requested authority to have the Town

Attorney present and take part in the discussion. Attorney Smith thought it would be best to have discussion first to determine how many numbers there were and the affects. Manager Colon said that was acceptable and she would have to get data from Waste Management. She added that multifamily was never included in suspension.

Vice Mayor McIntee offered a friendly amendment to allow the Town Manager to request the Town Attorney to participate if necessary. Commissioner Silverstone accepted. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

16. NEW BUSINESS

a. Commission approval of four (4) Hardship Permit Applications (Clerk White): * Paradise by the Sea Motel

Vice Mayor McIntee made a motion to approve. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

b. Commission approval of two (2) Hardship Permit Applications (Clerk White): * Sea Spray Inn

Commissioner Dodd made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

c. Discussion and/or action regarding rescheduling the Commission Meeting scheduled for March 9, 2010 and required election and protocol meetings (Clerk White)

Mayor Minnet brought to the attention of the Commission that due to Election Day, the March 9, 2010 Commission meeting would need to be re-scheduled. She suggested it be re-scheduled to March 4, 2010 rather than March 8, 2010 (the evening before Elections) as they would be setting up for Elections on March 8, 2010. She also pointed out that the Supervisor of Elections was to certify the election results on March 12, 2010 pending no contest and suggested a Special Meeting to swear in the new Commission on March 15, 2010 at 5:00 p.m.

Vice Mayor McIntee made a motion to approve to reschedule the March 9, 2010 Commission meeting to March 4, 2010 and schedule a 5:00 PM Special Meeting for March 15, 2010 to swear in the new Commission. Mayor Minnet also pointed out that at the Special Meeting the new Commission would set the date and time for their own organizational meeting. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

d. Discussion and/or action regarding request from Flotilla 34, U.S. Coast Guard Auxiliary in Pompano Beach to donate triple wide trailer (Clerk White)

Assistant Town Manger Olinzock said the Town was trying to find a home for the modular trailer that Development Services resides in. He said the item had gone out for bid and there were no responses.

Vice Mayor McIntee asked whether they would pay to remove and transport the triple wide trailer.

Ms. Gwen Lees said they were in the process of obtaining the funds.

Commissioner Silverstone asked what the trailer was worth. Manager Colon said the book value was currently $40,000. Commissioner Silverstone asked whether they would offer the trailer to the VFD for training purposes. Commissioner Dodd asked when Development Services would be relocated. Assistant Town Manager Olinzock believed it would be approximately 60 days. Mayor Minnet was concerned that the Town was donating a considerable asset and that the organization was to pay for the transport and that the property would be kept level and presentable and not left in a rumble.

Commissioner Silverstone made a motion to approve the donation. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

e. Discussion and/or action regarding amendment to the current BSO contract (Chief Llerena)

Chief Llerena stated that the deputies voted for alternative schedules rather than 8 hour shifts. He added that the contract with Lauderdale-By-The-Sea contained language that shifted that to 8 hours. Chief Llerena explained that in order to shift to a 12 hour shift that language would need to be amended.

Commissioner Silverstone was concerned with what was best for the Town and asked whether Chief Llerena would defer. Chief Llerena stated that Sheriff Lamberti was negotiating with other districts and that he recognized that a 12 hour shift did not work with every district. Chief Llerena stated that BSO would not do anything that would hurt the Town nor violate the contract.

Commissioner Dodd wanted to make sure there would be no disservice to the community. He believed 12 hour shifts were very long days and asked whether the deputies were in agreement. Chief Llerena said a vote was taken by the PDA and he could not break it down. Vice Mayor McIntee asked whether it was a union thing. Chief Llerena said it was. Mayor Minnet was sure the Town would be protected.

Manager Colon believed the proposed 12 hour shift would not result in less presence in the Town. She urged everyone to look at the addendum from the City of Weston, who opposed the amendment. Manager Colon did not believe a 12 hour shift would work for this Town.

Commissioner Silverstone made a motion to defer to the January 26, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4-0.

f. Discussion and/or action by Town Commission to provide for Pledge of Financial Contributions towards construction of the Beach Re-nourishment Art in Public Places project (Assistant Town Manager Olinzock)

Commissioner Dodd asked whether thoughts had been put into what the City of Pompano Beach and the City of Hollywood were putting in. Mayor Minnet was looking at getting a grant for beach re-nourishment. Manager Colon believed the Town could make an offer as she did not want to close the door. Mayor Minnet recommended making a pledge. Manager Colon advised that they were 2 different grant sources from 2 different agencies.

Mayor Minnet believed pledging an amount would give the grant source a positive note. Manager Colon recommended a letter of support with a token amount. Mayor Minnet believed that a letter making a pledge of x amount pending funding sent a positive note rather than saying nothing at all.

Vice Mayor McIntee suggested sending a letter of interest that inquired of the least amount of money they would like.

Commissioner Dodd wanted to know what the other municipalities offered.

Vice Mayor McIntee made a motion to approve to send a letter of interest that asked them to advise the minimum pledge they would feel to be a reasonable amount for Lauderdale-By-The-Sea to send. Assistant Town Manager Olinzock said he would contact the City of Hollywood for their pledge. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

Commissioner Dodd asked that Assistant Town Manager Olinzock follow up with the City of Hollywood and with the City of Pompano Beach.

g. Discussion and/or action by Town Commission to authorize Town Manager to provide for letter of support of Broward County application for Grant Funds under the Energy Efficiency and Conservation Block Grant program (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to approve. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

h. Discussion and/or action regarding drafting a Resolution endorsing support for the National Guard and Reserve (Mayor Minnet)

Vice Mayor McIntee made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

i. Discussion and/or action on participation in the Senior Center activities (Commissioner Dodd) (Mayor Minnet)

Commissioner Dodd was disappointed in the way the situation was handled. He said he was in favor of the residents enjoying the Senior Center and if it meant giving up the grant funds then so be it. Commissioner Dodd said he was waiting for an answer from the Town Attorney as to how the issue could be resolved.

Commissioner Silverstone stated that the Town Manager had come up with a solution.

Manager Colon stated that the solution was to keep 2 lists; one for people that comply with the federal guidelines and one for those who do not including residents, non-residents, snowbirds and anyone who did not comply under the requirements. She added that if the number of applicants did not meet the number set by Broward County the Town may lose the grant funds. Manager Colon said that 2 lists could be created. Mayor Minnet questioned whether all activities would be available and not just bridge and yoga. Manager Colon said that depended on how the Commission wanted to run the program, anyone that did not fall under the guidelines of the grant would have to register once a year and could come to the Senior Center as many times as they wanted. Mayor Minnet questioned whether an age limit and income requirement would be placed on those that do not meet the guidelines of the grant. Manager Colon stated it was up to the Commission.

Commissioner Silverstone recommended 55 and over, free for in Town Residents and a fee for others that do not live in Town.

Mayor Minnet did not believe there should be any age requirement; it should be open to everyone. She added that renters should be included as residents of the Town, income levels should not be a factor, and there should be a nominal fee for non-residents.

Vice Mayor McIntee recommended starting the two lists immediately and that the Commission provide the Town Manager direction regarding restrictions.

Commissioner Dodd stated there should be no age limit and no income limit.

Commissioner Dodd made a motion to approve to move forward with two lists, one for those who comply with the CDBG and one for those who do not, for all Senior Center activities and $30 annual fee for non-residents. Commissioner Silverstone believed the people involved should give their input regarding fees. Manager Colon stated that some activities would be restricted by size. Manager Colon asked for a definition of "resident". Commissioner Dodd stated "resident" was "those who reside in Town" and everyone else that did not quality under the CDBG would fall under the charge factor. Mayor Minnet did not agree. She believed that any property owner in Lauderdale by the Sea should be considered a resident.

Vice Mayor McIntee seconded the motion. The motion carried 4 - 0.

j. Discussion and/or action to give the Town Manager a directive to: (Commissioner Dodd)

Commissioner Dodd made a motion to approve monthly RFP's and bank statements. Mayor Minnet seconded the motion. The motion failed 2 - 2. Vice Mayor McIntee voted no. Commissioner Silverstone voted no.

k. Discussion and/or action regarding "extended lot line" versus "Riparian rights" at the end of our canals (Commissioner Dodd)

Commissioner Dodd explained riparian rights and passed out a diagram showing 5 or 6 locations that would be involved.

Commissioner Dodd made a motion to approve to include riparian rights and include grandfathering.

Manager Colon said that this would go against the Magistrate's order. Assistant Town Manager Olinzock stated that input from the affected homes would be needed.

Commissioner Silverstone asked how it affected Commissioner Dodd. Commissioner Dodd explained that it would be more equitable to the owners of the corner lots as they were limited to what they could have and stated that he would have to recuse himself. Manager Colon recommended that the Town Attorney give a recommendation as to what they should do. Assistant Town Manager Olinzock believed it needed further review. Vice Mayor McIntee thought that interfering with Riparian rights may interfere with setbacks and referendums may be needed. Attorney Trevarthen stated that Riparian rights was a common law concept and was not going to be changed. She believed Commissioner Dodd referred to the general right of access and dockage and believed it would be subject to DEP regulations. Mayor Minnet believed it was a great idea but should be researched more.

Commissioner Dodd withdrew the item.

Commissioner Dodd made a motion to extend the meeting past 11:00 p.m. All voted in favor.

l. Discussion and/or action regarding public records request from the Mayor regarding information pertaining to the anonymous letter (Mayor Minnet)

Mayor Minnet stated she put in a public records request for the document and had not yet received it. Vice Mayor McIntee said he would give it to the Town Clerk.

m. Discussion and/or action regarding the Commission's decision to fund $5,000.00 for the Chamber's Xmas event (Commissioner Dodd)

Commissioner Dodd said he received a complaint that the Chamber of Commerce had not received their full $5,000.

Manager Colon said she paid everything except a $500 donation that the Chamber made to a non-profit organization. Commissioner Dodd believed it was money toward the Christmas by the Sea event and did not have strings attached. Manager Colon said the money was to be for the event and not for a donation on behalf of the Chamber using Town money. She added she would pay the $500 if that was the wish of the Commission.

Commissioner Dodd made a motion to approve to pay the $500 to the Chamber. Vice Mayor McIntee wanted to know whether the Chamber donated the money on behalf of the Chamber through the Town. Mr. Novak said he was not aware of any restriction on the money they received. Mayor Minnet seconded the motion for discussion. Mayor Minnet seconded the motion. The motion failed 2 - 2. Vice Mayor McIntee voted no. Commissioner Silverstone voted no.

n. Discussion and/or action to have the Town Engineer research the traffic flow on Imperial Lane to see if signage or a barrier is needed to prevent through traffic from A1A from entering this street (Commissioner Clottey)

Commissioner Silverstone made a motion to defer to the January 26, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no other business before the Commission, Mayor Minnet adjourned the meeting at 11:15 p.m.

19. FUTURE AGENDA ITEMS

Roseann Minnet

Mayor Roseann Minnet

ATTEST: June White 2/10/2010

Town Clerk, June White Date

FAXED 01-18-10

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MINNET ROSEANN ALEXE	MAYOR
MAILING ADDRESS 2000 S. OCEAN BLVD.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY TOWN
CITY LAUDERDALE-BY-THE-SEA COUNTY BROWARD	NAME OF POLITICAL SUBDIVISION: LAUDERDALE-BY-THE-SEA
DATE ON WHICH VOTE OCCURRED JANUARY 12, 2010	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ROSEANN MINNET, hereby disclose that on JANUARY ~~18~~ 12 pm, 2010:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM A BOARD MEMBER OF THE ALTER GUILD ASKING FOR THE RETURN OF THE $50.00 PERMIT FEE

12 pm
JANUARY ~~18~~, 2010
Date Filed

Roseann Minnet
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.