

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, April 11, 2006

7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:04 p.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof, and Deputy Clerk White.

Town Clerk Medina was not present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Handrahan delivered the invocation.

Mayor Parker referred to Item 11A, Ordinance 2006-03, and advised that the public was not permitted to speak on Ordinances at first reading, but could sign up to speak during public comments.

4. PRESENTATIONS

- A. Economic Development Task Force – by Siemon & Larsen (*Charles Siemon/David Nixon*)

David Nixon gave an overview of the Economic Development Task Force and introduced Charles Siemon.

Mr. Siemon talked about his firm and the experience they brought forth. He expressed his idea of "*Blight*" as being a community's need for change to reinvent their community for the future. Mr. Siemon believed that at least one group workshop was a good way to obtain public input.

Commissioner Silverstone asked whether a link could be posted on their web page and Mr. Siemon said they had the ability to set one up.

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Mayor Parker believed that the order of the agenda was to have Reports before Public Comments. Attorney Cherof agreed. Mayor Parker wished to administratively correct the Agenda. Commissioner McIntee and Silverstone were under the impression that it was agreed to allow the public to get their points across first.

Attorney Cherof advised that unless a motion was made to change the order of the Agenda, the Commission must follow the order of the Agenda as presented. Mayor Parker agreed to follow the Agenda as presented, and gave direction to the Town Clerk that Reports were to follow Presentations, which in turn would be followed by Public Comments, unless the minutes from the previous meeting disagree.

Mayor Parker reminded the public that those wishing to speak on Ordinance 2006-03 must speak either during public comments or when the item comes up for consideration.

There was brief discussion regarding the Rule of Order for Ordinances on first reading, Ordinances on second reading, and time limitations for public participation.

Attorney Cherof pointed out that on page 2 of The Town Commission Rules of Order, rules 15 through 18 dealt with the issue of when someone could speak. He specified that no one can speak on an Ordinance at first reading. Mayor Parker said that the Commission had a Rule that stipulated a person could speak at a public hearing or on an agenda item.

5. PUBLIC COMMENTS

Lawrence Wick, 4900 North Ocean Boulevard, commented on speed humps. He said that the placement of five speed humps on Seagrape Drive, south of Commercial Boulevard, would mean that every 222 feet someone would have to almost come to a complete stop. He also talked about a new Town Hall and praised the Master Plan Steering Committee for a fine job. Mr. Wick felt the Rules of Order were unfair and unfriendly and believed a public speaker should be able to speak more than one time and should not be limited to certain individuals.

Paul Novak, 4900 North Ocean Boulevard, believed dogs should not be allowed on the beach. He believed dogs from outside of Town will be visiting the beach, and the doggie beach would turn into a "doggie doo beach".

Reverend Jim Pollack, 4244 East Tradewinds Avenue, favored a doggie beach. He believed that dog owners would clean up after their dogs and a six month trial would prove that it would not turn into a "doggie doo beach".

Geoffrey Evans, 1941 East Tradewinds Avenue, talked about Resolution 2006-08 and urged the Commission to include Section 4, the safety clause, in Attorney Cherof's letter to the Florida Secretary of State, for protection against the Burt J. Harris Act. He also urged the Commission to change their new policy regarding public comments.

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Rosa Michailiuk, 4621 Bougainvillea Drive, felt it would be nice to give some kindness rather than complaints and brought the Commission fresh vegetables from her garden. The Commission graciously accepted.

Vincent Ragusa, 4430 Seagrape Drive, of the Community Performing Arts Center, Inc., requested permission to broadcast their play, The Odd Couple, on Channel 78, May 1, 2006. There were no objections to placing this on the April 28, 2006 agenda for consideration.

Diane Boutin, 4244 El Mar Drive, addressed the beach dunes favorably and spoke against having dogs on the beach.

Everett Sorenson, 5200 Ocean Drive, spoke against having a doggie beach. He said he spent a lot of time cleaning up after dogs in his parking lot. Mr. Sorenson felt that a multimillion dollar edifice would not mix well with dogs on the beach.

Stuart Dodd, 252 Imperial Lane, supported the inclusion of Section 4, the safety clause, in Attorney Cherof's letter to the Florida Secretary of State. He also expressed his distaste for banning certain individuals from speaking at public meetings. Mr. Dodd believed dog owners should have an opportunity to prove their responsibility with their pets.

Maureen McIntee, 1612 Southeast 21st Avenue, addressed Attorney Cherof's letter to the Florida Secretary of State. Ms. McIntee talked against the change of policy on public comments denying a non-resident the right to speak. She addressed the doggie beach project and felt it was a great idea.

Ron Piersante, 227 Lake Court, spoke against the doggie beach. He said he had surveyed people on the beach on 16 different occasions and quoted their unfavorable opinions. Mr. Piersante said a walk along any of the named streets would prove there was "no pickup".

Howard Camel, 557 Southeast Miami Boulevard, requested to speak about the noise issue, item 14G, after Nance Nixon. Mayor Parker agreed to call him at that time.

The Commission discussed Mr. Thompson's request to speak. Attorney Cherof referred to the Rules of Order created by the Commission and read Rule 21. He said Mr. Thompson was required to prove whether he fell under any of the criteria.

John Thompson, 671 Lakeside Drive, Pompano Beach, said he had a personal stake in item number 15I, the fire assessment, since he would be advising the Citizen's Initiative Committee. Mr. Thompson also stated he had a stake in item number 17A, Rules of Order for the Town Commission meetings. He said he had the right to inform the people of good government. After brief discussion, Mr. Thompson was allowed to speak at this meeting.

Mr. Thompson advised that the District Court of Appeals confirmed the ruling by the Circuit Court that the City of Tamarac must pay the collected fire assessments back to residents. He said a similar ruling applied to Miami.

6. SHADE SESSION

Attorney Cherof announced that in accordance with the procedures set forth in Florida Statutes Section 286.011, the Town Commission and the Town Manager will meet privately with the Town Attorney to discuss the following pending litigation:

Sea Colony vs. Town of Lauderdale-By-The-Sea, Florida,
Case Number 05-14142 (09).

It is estimated that the Shade Session would last approximately 45 minutes.

The Shade Session was deferred until the court reporter arrived.

7. REPORTS

A. Budget Report for Period Ending February 28, 2006

Mayor Pro Tem Clark made a motion, seconded by Commissioner McIntee, to accept the report as presented. In a roll call vote, all voted in favor. The motion carried 5-0.

B. Proposal for protocol to provide color palettes for site plan reviews
(Commissioner John Yanni/Michael Arker) (continued from January 24, 2006) (Mr. Arker requesting a tabling to May 9, 2006 to complete presentation to Planning and Zoning Board)

There were no objections to tabling this item to May 9, 2006.

C. Master Plan Steering Committee – Report on beach dunes by Town Engineer Kevin Hart *(tabled from February 28, 2006) (staff requesting tabling to April 25, 2006)*

There were no objections to tabling this item to April 25, 2006.

D. Master Plan Steering Committee – Report on accomplishments *(Ernie Fontaine)*

Ernie Fontaine, 4312 East Tradewinds Avenue, gave a history of how the Committee was formed and explained that the Master Plan Steering Committee was different from other Boards and Committees because they were a “think tank” that offered recommendations, rather than rules. He read the names of the current Committee

members and referred to the Committees' involvement with the Capital Improvement Projects as stated in his 2005 Master Plan Steering Committee Synopsis.

8. APPROVAL OF MINUTES

- A. February 28, 2006, Regular Meeting
- B. March 28, 2006, Regular Meeting

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to approve the February 28, 2006, and the March 28, 2006 Regular Meeting minutes. In a roll call vote, all voted in favor. The motion carried 5-0.

9. ORDINANCES (2nd Reading) "Public Hearings"

There were no Ordinances for second reading.

10. COMMISSIONER COMMENTS

Vice Mayor Yanni talked about pictures he had received regarding flooding in Terra Mar Island. Municipal Services Director William Mason advised there was no out fall to release the water and the French drains filled up quickly. Manager Baldwin said that Town Engineer Kevin Hart was presently negotiating a utility easement for an outfall into the canal.

Vice Mayor Yanni also questioned the possibility of an illegal fire assessment and the costs involved. Attorney Cherof clarified that the question was whether it was legal to pay back an assessment. He said it could be paid back to those who paid it, but there was no circumstance at this time that would require that to be done. Attorney Cherof added that in his opinion, the cases that Mr. Thompson referred to were distinguishable from the Town's assessment.

Commissioner McIntee commented on the flooding in Terra Mar Island. He believed the fault was that of the contractor/engineer and not that of Municipal Services or the Town Manager. He believed the matter should be pursued and that the contractor/engineer be held responsible for the repair of the problem. Mayor Parker suggested it be placed on the agenda for the next meeting.

Commissioner Silverstone inquired as to whether the letter to the Florida Secretary of State included Section 4. Attorney Cherof confirmed the letter was sent and felt it was inappropriate to include Section 4.

Mayor Pro Tem Clark addressed the Terra Mar Island issue. He believed an out flow was needed on the east side of the Island and that residents appeared to be agreeable to grant the easements necessary to relieve the problem.

Mayor Parker expressed his disfavor with the continued attacks from the local publication. He said people who live here, vote here; they pay taxes here, and have a right to speak here. Mayor Parker insisted that the personal attacks should stop.

11. ORDINANCES (*1ST Reading*)

- A. **ORDINANCE NO. 2006-03:** An Ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 5, Section 5-24 "Pets Prohibited on Beach" to allow for dogs on the public beach within the north and south boundaries of El Prado; authorizing the Town Manager to establish a system for issuance of permits; authorizing the establishment and modification of permit fees by resolution of the Town Commission; providing for severability; providing for codification; providing for conflicts; and providing for an effective date. (*Commissioner Jerome McIntee*)

Attorney Cherof read Ordinance 2006-03 by title only.

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to approve Ordinance 2006-03 on first reading.

Commissioner Silverstone reminded everyone that this was a trial period and if the owners did not pick up after their dogs, then the Ordinance would be rescinded.

Commissioner McIntee found a vast majority of dog owners wanted a place to walk their pets. He referred to the success of the City of Fort Lauderdale's beach. He added that nothing was written in stone; the doggie beach was a six month trial project.

Mayor Pro Tem Clark disagreed and felt a workshop should be scheduled to hear all the people, as not a single person had told him they wanted a doggie beach. He concurred with Mr. Piersante's remarks.

Vice Mayor Yanni said he was receiving negative remarks from people since the last meeting. He was in favor of a workshop and felt additional investigation was needed.

Manager Baldwin advised that he would do his best to make the best doggie beach if it were the direction of the Commission. He pointed out that the Town did not have the same resources as the City of Fort Lauderdale, such as the beach size, monitors, and baggie stations. He suggested charging a fee, at least for non-residents, to aide with maintenance costs.

Commissioner McIntee thanked Mayor Pro Tem Clark for his fair idea of a workshop. He believed the majority of the people would be in favor of a doggie park.

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Attorney Cherof commented that members of the public did not have standing to raise a Point of Order. He suggested they raise their hand to be recognized. Jenny Kojawa, 232 Imperial Lane, voiced her enthusiasm for giving a doggie beach a go, or at least consideration of a workshop.

Mayor Parker advised that a “yes” vote was a vote to adopt the Ordinance.

In a roll call vote, the motion failed 2-3 with Mayor Parker, Vice Mayor Yanni, and Mayor Pro Tem Clark dissenting.

Mayor Parker scheduled this item for April 28, 2006, for discussion and/or action for scheduling a workshop on a doggie beach.

The meeting was recessed to begin the Shade Session at 9:04 p.m.

Attorney Cherof explained that in accordance with the procedures set forth in Florida Statutes Section 286.011, the Town Commission and the Town Manager would meet privately with the Town Attorney to discuss the following pending litigation:

Sea Colony vs. Town of Lauderdale-By-The-Sea, Florida,
Case Number 05-14142 (09).

He advised that the meeting, which was closed to the public, would be attended by the Mayor and Commission, the Court Reporter, and himself and would last approximately 45 minutes.

The regular meeting was reconvened at 10:01 p.m.

Mayor Parker announced that the Commission was continuing the appeal on the Sea Colony matter. He advised that the developer from Sea Colony had given the Commission plans, and that those plans were available to the public free of charge.

Mayor Parker announced that items 12B and 12C of the consent agenda had been removed from consent for discussion.

12. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **Easter Sunrise Services**/Community Church, Sunday, April 16, 2006; on El Prado Beach, beginning at sunrise until approximately 8:00 a.m. (*set up to begin on April 15th, at 6:00 p.m.*)

- D. CONTRACT: with OK Generator for the purchase of a generator system for the Town’s Emergency Operation Center (*for \$73,066.22*)

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Vice Mayor Yanni made a motion, seconded by Commissioner Silverstone, to approve items A and D of the consent agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

- 12A. AGREEMENT: Townwide annual trimming of palm trees (*staff recommending use of Bornama Tree Services, Inc.; \$5,880*)

Vice Mayor Yanni did not believe the Town should choose a company by the lowest bid. He felt that National Tree Trimming, the current company, had done a good job the past three years.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to obtain National Tree Trimming at \$6,900. In a roll call vote, all voted in favor. The motion carried 5-0.

- 12B. CONTRACT: with Florida Blacktop, Inc. to install five speed humps on Seagrape Drive, south of Commercial Boulevard (*piggybacking on contract with the City of Fort Lauderdale, Contract #10757, at a cost of \$21,052.75*)

Commissioner McIntee felt \$21,000 was outrageous for 1,000 feet of roadway that would be obstructed by five speed humps.

Manager Baldwin introduced Fire Chief John Frailey to the Commission. He said Chief Frailey was assigned by Sheriff Ken Jenne at no charge to the Town.

Chief Frailey indicated that speed humps hinder a fire rescue response and adversely affected their equipment.

Commissioner McIntee felt the installation of speed humps was not warranted. He asked whether a speed study had been done. Chief Gooding indicated the study on the south side of Seagrape Drive last year showed no problem. He added that since the north side already had speed humps, there were no problems there either.

Discussion followed regarding the possibility of installing less speed humps and/or the installation of a round-a-bout.

Vice Mayor Yanni made a motion, seconded by Mayor Pro Tem Clark, to table with direction to Town Administration to investigate round-a-bouts and present their report on May 9, 2006.

13. RESOLUTION

- A. **RESOLUTION NO. 2006-07:** A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging Florida Power & Light to expedite tree trimming in areas adjacent to power transmission lines; providing for an effective date.

Attorney Cherof read Resolution 2006-07 by title only.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to approve Resolution 2006-07. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **RESOLUTION NO. 2006-08:** A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, directing the Town Clerk to deliver to the Florida Secretary of State a copy of the Town's revised Charter incorporating the amendments to Section 7.1 (formerly) which were approved by a majority of the electors in the March 2006 Biennial Election and providing an effective date.

Attorney Cherof read Resolution 2006-08 by title only.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to approve Resolution 2006-08.

Commissioner Silverstone asked whether it would be advantageous to add Section 4. Attorney Cherof said, in his opinion, that Section 4 was not part of the amendment of previous Section 277 and should not be submitted. He believed the revised Charter should be submitted as was provided by him at the last meeting.

Commissioner Silverstone asked whether there was sufficient protection to address possible problems in the future that Section 4 itself may prevent. Attorney Cherof thought that the intent and the language of Section 4 could be implemented by the Town Commission. He added that what Section 4 provided was a mechanism for the court addressing the viability of Section 70.001 as it applied to the Charter as amended. Commissioner Silverstone asked whether it would be wise to put Section 4 in the form of an Ordinance as protection. Attorney Cherof indicated that was an option available to the Commission.

Commissioner McIntee said multiple people indicated to him that Section 4 gave the Town protection, and wanted to know if the Town was to lose anything if they sent it to the State. Attorney Cherof said it could be submitted or not, and repeated his reason for not sending it was because it was not pertinent.

Attorney Cherof indicated that if the Commission wished to go in the direction of implementing the intent of Section 4 by Ordinance he felt improvements could be made as they work upon that process.

In a roll call vote, all voted in favor. The motion carried 5-0.

14. OLD BUSINESS

- A. Discussion and/or action concerning the proposed contract with Siemon & Larsen to conduct the finding of necessity study for the Community Redevelopment Agency (*David Nixon*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to approve the contract with Siemon & Larsen.

Commissioner Silverstone requested an amount prior to casting his vote. Attorney Cherof said Section 4.01 of the contract provided an amount based upon hourly rates set forth in 4.03 and that it was not to exceed \$20,000.

In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Report on beach easements as public beach access in the northern sections of Town (*Development Services Director Harry Diehl*) (*tabled from March 28, 2006*) (**staff requesting a tabling to April 25, 2006**)

This item was tabled to April 25, 2006. There were no objections.

- C. Schedule Workshops for discussion of Unified Land Development Code (*tabled from March 28, 2006*)

This item was tabled to May 23, 2006. There were no objections.

- D. Review of the amended plan proposed by Minto Communities, Inc. for improvements to be provided at "El Prado Park" as part of the project known as Villas By The Sea, located on the north and south sides of El Prado, between State Road A1A and the Atlantic Ocean (*continued from May 10, 2005*)

Mr. Craig Unger, of Minto Communities, Inc., gave a PowerPoint presentation showing landscaping improvements. Commissioner McIntee requested the addition of a second fire hydrant on the south side of El Mar Drive and the addition of bicycle rack. Mr. Unger agreed to the additions.

The Commission discussed the number of parking spaces and the possibility of building a parking garage instead of a parking lot. Mr. Unger said the Town could build a garage if itso desired, but it would not cost less simply because Minto Communities was already there.

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Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to accept the proposal inclusive of two fire hydrants and a bike rack. In a roll call vote, all voted in favor. The motion carried 5-0.

- E. Discussion and/or action concerning prohibited type of fencing at 221 Washingtonia Avenue, as requested by Barbara Cole (*Mayor Oliver Parker*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, directing staff to cooperate with Barbara Cole and her husband in preparing a variance petition and directing the Town to pay the fee for the variance, and accelerate the process. In a roll call vote, all voted in favor. The motion carried 5-0.

- F. Discussion and/or action concerning the reconfiguration of Jarvis Hall, including the enclosing of the portico and the moving of the dais

There was brief discussion as to the length of time needed to devise a plan for presentation.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, directing Town Administration to devise a plan by May 9, 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

- G. Discussion and/or action regarding concerns raised by Nance Nixon concerning the enforcement of construction noise at the Oriana construction site prior to 8:00 a.m. and after 5:00 p.m. (*Mayor Oliver Parker*)

Nance Nixon, 4217 El Mar Drive, explained that construction was beginning prior to 8:00 a.m. and continuing past 5:00 p.m. Development Services Director Harry Diehl said it would be impossible to return to the site of construction repeatedly as the officers had other violations that required investigating. Ms. Nixon requested the Commission meet with appropriate staff and address some of these issues. Manager Baldwin agreed to meet with staff and, if necessary, use the Broward Sheriff's Office.

Vice Mayor Yanni felt that the sand piles at the Oriana construction site needed to be removed before hurricane season started. Ms. Nixon advised that per the Federal Emergency Management Agency regulation, the sand had to be placed on the beach, and could not be removed. She added that due to turtle season, the sand could not go on the beach until turtle season was over.

Howard Camac, Construction Engineer, said he was not aware of the time restrictions and would stay within the specified hours. He assured the Commission that the mounds of dirt would be flattened prior to hurricane season.

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- H. Discussion and/or action regarding removal of sand piles at the Oriana construction site, as requested by Nance Nixon (*Mayor Oliver Parker*)

This item was removed from the agenda at the Agenda Conference, but discussed earlier in this meeting.

- I. Discussion and/or action regarding the completion of the Oriana construction project, as requested by Nance Nixon (*Mayor Oliver Parker*).

This item was removed from the agenda at the Agenda Conference, but discussed earlier in this meeting.

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to continue the Commission meeting past 11:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

15. NEW BUSINESS

- A. Discussion and/or action concerning the Master Plan Steering Committee (*Commissioner James Silverstone*)

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to set up the Master Plan Steering Committee in the same manner as the Planning and Zoning Board and the Board of Adjustment for May 9, 2006.

Mayor Parker clarified that the motion meant that the Committee would consist of 7 members or 5 members and 2 alternates.

Planner Keller explained that the Master Plan Steering Committee was a sounding board that offered recommendations. He explained the difference between the Planning and Zoning Board and the Master Plan Steering Committee was that the Planning and Zoning Board followed a specific criteria. Planner Keller added that the Commission appointed the members to Planning and Zoning Board, and the Master Plan Steering Committee appointed their own members, without Commission involvement. Planner Keller also explained that the removal of one member was for excessive absence.

Commissioner Silverstone felt it was up to the Commission to choose the right people for the Committee to obtain a fair and balance view.

Commissioner Silverstone made a motion, seconded by Mayor Parker, to amend his previous motion to June 13, 2006, to allow time for application review. In a roll call vote, all voted in favor. The motion carried 5-0.

Discussion continued regarding Commission involvement and to the number of members chosen to serve on the Committee. Mr. Fontaine favored ten members.

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Mayor Pro Tem Clark made a motion, seconded by Mayor Parker, to allow a ten member Committee. In a roll call vote, the motion failed 2-3, with Vice Mayor Yanni and Commissioners Silverstone and McIntee dissenting.

Vice Mayor Yanni made a motion, seconded by Mayor Pro Tem Clark, to allow a seven member Committee. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Discussion and/or action concerning the Fire Administrator's position
(*Commissioner Jerome McIntee*)

Commissioner McIntee requested Manager Baldwin generate a report on the Fire Administrator's job description. Manager Baldwin agreed.

- C. Discussion and/or action concerning the response time for an ambulance call to 283 Hibiscus Avenue, on April 2, 2006, at 10:38 a.m.
(*Commissioner Jerome McIntee*)

Fire Chief John Corellim, Broward Sheriffs Office Department of Fire Rescue and Emergency Services, reported on the response time, and explained that the dispatcher call for mutual aide as per the set policy.

- D. Discussion and/or action concerning the farming out of building inspections from Broward County to a private company (*Mayor Oliver Parker*)

Bob Terrian, 5100 North Ocean Boulevard, explained the costs involved regarding inspection fees for the Taste of the Beach - \$1,019; the Stargazing Event - \$1,410; the Arts and Crafts show - \$2,366. He spoke about the difficulty in obtaining permits from the Fire Marshall and explained that their criteria was too strict for small town events.

Development Services Director Diehl said that the charges and fees for an outside source were equal to Broward County and in some cases, were more. He added that the service was no different than that of the County. Director Diehl said it would cost the Town approximately \$800,000 to operate their own building department, and as an alternative, suggested looking at a hybrid. He believed the major concern was with the Fire Marshall.

Mayor Parker suggested the use of the Volunteer Firefighters for the fire brigade, and/or using the Town's Fire Marshall. He talked about approaching Broward County to obtain a discount for Town events, and the possibilities of going with another city, hiring part time inspectors, or have our own building department.

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Commissioner McIntee made a motion, seconded by Commissioner Silverstone, directing Town Administration to look into available options and report to the Commission on June 13, 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

- E. Discussion and/or action concerning beach front properties having their street addresses posted on the beach side to aid with emergency calls and notification of locations *(Mayor Oliver Parker)*

This item was discussed at the Agenda Conference.

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, directing the Town Attorney to prepare an Ordinance for discussion and/or action on April 25, 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

- F. Discussion and/or action concerning the landscaping on Commercial Boulevard, east of State Road A1A and along El Mar Drive *(Mayor Oliver Parker)*

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, directing the Town Manager to look into obtaining outside assistance with the landscaping.

Commissioner McIntee acknowledged less staff in Municipal Services and suggested assistance through the Broward County Sheriff's Office. Discussion followed regarding obtaining a work crew even though the public denied the idea once before.

In a roll call vote, all voted in favor. The motion carried 5-0.

- G. Discussion and/or action on a request made by Lee Travelstead, of 230 Pine Avenue, concerning the installation of sprinklers and landscaping along Pine Avenue, west of Poinciana Street, once the new Sea Ranch wall is completed *(Mayor Oliver Parker)*

This item was removed at the Agenda Conference.

- H. Discussion and/or action on a request made by Norma Fayer, of 5100 North Ocean Boulevard, concerning the policy for key deposits for shuffleboard/bocci court *(Mayor Oliver Parker)*

This item was discussed at the Agenda Conference, with the possibility of changing the existing policy.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, directing Town Administration to submit a new policy to the Commission on May 9, 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

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I. Discussion and/or action concerning the fire assessment (*Commissioner Jerome McIntee*)

Commissioner McIntee was concerned that the fire assessment was illegal. Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, directing the Town Manager to choose three types of surveyors to determine and/or perform an evaluation as to the legality of a fire assessment.

Discussion followed regarding the need for a second opinion. Attorney Cherof felt the need was for the Commission to decide, and advised that whoever was chosen for their opinion, it would be wise to look at their methodology as well. Commissioner Silverstone believed it was a wise move.

At Mayor Parker's request, Commissioner McIntee clarified that his motion was to review the assessment, review the methodology, and to get a complete and independent opinion to the legality of the assessment.

Vice Mayor Yanni questioned whether there was another way to revisit this issue. Attorney Cherof said the Town could drop the costs into the Ad Valorem taxation and eliminate the fire assessment, in which case there would be nothing to challenge.

Discussion followed regarding the fairness of the assessment and the millage rate. Mayor Parker questioned whether the point behind the motion was to determine whether the current assessment methodology was illegal because it was paying for Emergency Medical Services.

Commissioner McIntee clarified that his motion was to have an independent source look at how the fire assessment was determined and whether the Town would have to reimburse the tax payers.

In a roll call vote, all voted in favor. The motion carried 5-0.

Manager Baldwin agreed to report his selection to the Commission on May 9, 2006.

J. Discussion and/or action concerning Fiscal Year 2006/2007 (*Town Manager Robert Baldwin*)

The Commission agreed to meet individually with Manager Baldwin in his office.

16. TOWN MANAGER REPORT

A. Municipal Services Department Monthly Report

Municipal Services Director Mason gave a brief report.

Manager Baldwin said the Community of Performing Arts Center had exceeded the budgeted amount of \$10,000 by \$669.36 and requested the Commission authorize reimbursement.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to authorize payment in the amount of \$669.36 to the Community of Performing Arts Center. In a roll call vote, all voted in favor. The motion carried 5-0.

17. TOWN ATTORNEY REPORT

A. Rules of Order for Town Commission Meetings

Attorney Cherof corrected Rule 23 to read "Reconsideration of any Quasi Judicial item may be requested". He advised that the Rules of Order could be tweaked as the Commission applies them and could be changed at any time.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to accept the Rules of Order, eliminating Rule 21.

Mayor Parker advised that in eliminating Rule 21, Rules 22 through 26 would be renumbered and the Commission would operate under twenty five commandments.

In a roll call vote, all voted in favor. The motion carried 5-0.

Attorney Cherof requested direction from the Commission to amend the provision to the Code regarding applications for Special Events. He said the Code specifically states that the application must be made 60 days prior to the event, and inquired of the Commission's intent to that provision.

Mayor Parker said that routine events, such as the Easter Event, even if turned in late, are normally approved. Attorney Cherof advised that ample time should be allowed for staff to review the Special Event Applications for safety reasons.

18. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at 12:15 a.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____