

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, June 27, 2006
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:17 p.m. Present were Mayor Parker, Vice Mayor Gianni, Mayor Pro Tem Clark, Commissioner McIntee and Commissioner Silverstone. Also present were Town Manager Robert Baldwin, Attorney James Cherof, and Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Handrahan delivered the invocation.

4. PRESENTATIONS

- A. Deputy of the Month, Broward Sheriff's Office, District 13 (*Chief Scott Gooding*)

Chief Gooding introduced Deputy Maria Sosa as Deputy of the Month, stating that Deputy Sosa was instrumental with her work with the Citizens on Patrol and 211 programs. Chief Gooding advised that Deputy Sosa paid special attention to residents and their needs and went the extra mile to ensure those needs were met.

The Commission congratulated Deputy Sosa and thanked her for her services.

- B. People for Progress (*John Hart/Jim Cummings*)

Messrs. John Hart and Jim Cummings were not present.

- C. Atlantis Reef Society (*Dr. Scott Woodburn*)

Dr. Scott Woodburn and Dr. Michael Haley described the products being offered and presented documentation and proposals for the Commission's consideration. Mayor Parker asked if the cost to the Town consisted of the permits fees, with the Society obtaining funds to proceed with the project. Dr. Woodburn stated that the Society was searching for a Commission-based program. He explained that while the Society did not want to be a burden to the Town, it would require community involvement in order to

Town Commission Regular Meeting Minutes
June 27, 2006

move forward. He indicated that the Society would design and move forward with the project of completing a feasibility study. Dr. Woodburn explained that if the Town was interested, he and Dr. Haley would meet with the Town Manager and move forward with the implementation of the project.

Manager Baldwin stated that there was a competing reef project which had been approved by the Commission and asked if this project was in addition to the existing proposal. Mayor Parker replied affirmatively.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, directing that negotiations be held with the Town Administration to determine the next step.

Commissioner McIntee asked if there were any similar projects within the State of Florida. Dr. Woodburn replied negatively, but indicated that there was a smaller project that had just been installed in the Florida Keys. Commissioner McIntee asked what was the cost for fund-raising on behalf of the Town. Dr. Woodburn replied that the Society would obtain 10 to 15 percent for its education programs. Commissioner McIntee stated that he did not believe the Town should allow its name and its logo to be used for fund-raising while 10 to 15 percent of the proceeds were used for private industry. Dr. Woodburn advised that the Society was not in this business for the purposes of collecting funds, but agreed that as a not-for-profit organization it also required revenues to proceed with its projects and educational programs. Some discussion followed concerning the various programs for reef restoration.

Vice Mayor Yanni questioned how much it would cost the Town if insufficient funds were collected. Dr. Woodburn stated that he was unsure what the total cost would be. Mayor Parker explained that he had been under the impression that the Town only had to pay for the required permit fees.

In response to Commissioner Silverstone, Dr. Haley stated that maintenance of the reef project was recommended. He indicated, however, that he had no objections to training other individuals to take over the maintenance.

Mayor Parker asked for confirmation that the motion permitted the Town Manager to further discuss the project without approving funds. He felt that while he had no objections to diving into two projects, he did not want to fund two separate projects.

Mayor Pro Tem Clark amended his motion to include a provision that the Society meet with the Town Manager prior to further consideration, having the Society provide the Town Manager with a written business plan, copies of financial statements for the past three years, references providing the company's track record, a proposed three-year budget to the Town Manager prior to meeting for further discussions. Vice Mayor Yanni amended his second. In a roll call vote, the motion carried 4-1, with Commissioner McIntee dissenting.

5. REPORTS

A. Budget Report for Period Ending May 31, 2006

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to approve the budget 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 (*Vice Mayor John Yanni/Michael Arker*) (*tabled from May 9, 2006*) (**Planning and Zoning Board recommends acceptance of the samples under the premises that it was a guide for suggested hues for commercial and multi family properties and not necessarily that of residential properties**)

Michael Arker provided samples of the color palette for the Commission's review. Brief discussion followed, with the Commission having a full consensus that the color palette would not include single family or duplex residences. Mr. Arker explained that the intensity of the colors could vary providing a large array of colors.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to adopt the color palette as presented for multi-family and commercial properties. In a roll call vote, all voted in favor. The motion carried 5-0.

C. Report regarding "additional minutes" approved by the Commission for meters within the Town (*Municipal Services Director William Mason*)

Municipal Services Director William Mason stated that all Dunkin meters were set to provide ten minutes of additional time upon activation. He indicated that the ten minutes came into effect after the time ran out, prior to the meter appearing as expired. Manager Baldwin advised that Parking Enforcement personnel provided warning citations on all other meters.

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, provide the additional ten minutes on all meters, Town-wide. In a roll call vote, all voted in favor. The motion carried 5-0.

6. APPROVAL OF MINUTES

- A. May 9, 2006, Regular Meeting
- B. May 23, 2006, Agenda Conference

Vice Mayor Yanni made a motion, seconded by Commissioner Silverstone, approving the minutes as presented. In a roll call vote, all voted in favor. The motion carried 5-0.

7. PUBLIC COMMENTS

David Beyer, 4305 Ocean Drive, stated that the accusations made by Commissioner McIntee were self-serving, slanderous, fraudulent, and misrepresented the truth. He asked for an investigation by the Town to review the allegations made and requested an opportunity to rebut the claims made. Mr. Beyer stated that he had been to the Federal Bureau of Investigations, filing a complaint for extortion. He distributed copies of a document, stating that while meeting with Commissioners McIntee and Silverstone in December, both had endorsed the square footage for the Holiday Inn. Mr. Beyer felt that the Commissioners had deceived the members of the Citizens Initiative Committee.

Mayor Parker asked that discussion and/or action regarding allegations made by Commissioner McIntee and David Beyer be included in the next agenda.

Cristie Furth, 4505 El Mar Drive, stated that she was speaking tonight as chairperson for the Citizens Initiative Committee's ad hoc committee for term limits and term lengths. She encouraged residents to vote in favor of term limits.

John Thomspson, 671 Lakeside Circle, Pompano Beach, thanked the Citizens Initiative Committee for their efforts on behalf of Town residents. He also spoke regarding the negotiations the Town Attorney was directed to hold with those individuals who had filed Bert J. Harris Act claims against the Town, expressing his belief that the Charter amendment allowed for conditional agreements to avoid these types of suits.

Mr. Thompson referenced the fire assessment and indicated that since it could be assumed that no changes would be made to the method in which the rates were established, he felt that the Town was in collusion to hide the facts in this matter. He indicated that in addition, the workshops to discuss fire suppression should be scheduled, ensuring that additional information was obtained from other fire and emergency medical service providers.

Ed Neil, 252 Corsair Avenue, addressed the sidewalks within his neighborhood, stating that the presentation provided last year had been simple and easy to pursue. He indicated that the plans had evidently changed, with a price increase to almost \$500,000. Mr. Neil expressed concern that the proposal would not provide continuity in aesthetics and felt that a meeting should be held where the residents could discuss their concerns with Mr. Walter Keller.

Mr. Neil also discussed the Volunteer Fire Department and asked that the Town allow them to continue their volunteer efforts. He indicated that he could not suggest that the Broward Sheriff's Office contract be terminated, as he did not have all the facts concerning this matter. He only felt that the Volunteers should be allowed to continue to serve the community.

Cindy Geesey, 256 Imperial Lane, requested that the Commission consider allowing the Property Owners Association to televise its upcoming meeting. She assured the Commission that the meeting would continue to be non-political, in a forum developed to be informational to all residents. Ms. Geesey briefly described the proposed agenda for the upcoming meeting and again asked the Commission to permit the televising.

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

There were no ordinances for second reading to be considered by the Commission.

9. ORDINANCES (1ST Reading)

There were no ordinances for first reading to be considered by the Commission.

10. COMMISSIONER COMMENTS

Mayor Pro Tem Clark advised that all plans for the Fourth of July festivities were well underway and briefly described the celebrations being planned. He invited all residents to attend.

Commissioner Silverstone thanked Mayor Pro Tem Clark for his work on the Fourth of July, including members of his committee which were diligently working to make this event a success. He also thanked Ms. Cristie Furth for her work on the referendum which had been put forth, expressing his belief that "we" were working for the people.

Commissioner Silverstone felt it had been proven that the safety clause against Bert J. Harris claims did exist within the Charter amendment.

Commissioner Silverstone referenced the recent statements sent out by Waste Management, stating that the corrected invoicing had not yet been provided to residents. He asked that the Town's administration take a look at this issue.

Commissioner Silverstone stated that the City of Plantation had donated an emergency medical unit to the Volunteers. He indicated that he was looking forward to discussing the fire issues that were coming up.

Commissioner McIntee stated that he had spent a lot of time within prisons and that he had never met an inmate that claimed to be there because he was guilty. He stated that he had contacted the Federal Bureau of Investigations several times and, although he was not allowed to discuss what was happening, he was fighting for everyone in the room. Commissioner McIntee advised that he had told the truth when he made his accusations and assured everyone he had "done his homework" before making the accusations. He claimed that the writing on the documentation distributed by Mr. Beyer was not his.

Town Commission Regular Meeting Minutes
June 27, 2006

Commissioner McIntee referenced a survey put out by the North Beach Civic Organization, stating it was biased and prejudiced. He indicated that the survey claimed that Town residents paid \$260 for fire and emergency medical services; however, he emphasized that the \$260 assessment was for fire suppression services only. Commissioner McIntee stated that the survey also contained a push poll, which in his opinion was developed only to place the Volunteers in a bad light. He felt that the survey also tried to make the Town's administration look poorly, believing that the administration was working hard for the community.

Commissioner McIntee stated that with regards to the Property Owners Association request to have their meeting televised, he would gladly vote in favor of it if the Commission agreed to televise all civic organization meetings. He referenced the regulations provided by Cindy Stoddard, of Comcast Communications, indicating that the regulations did not allow these types of meetings to be aired.

Vice Mayor Yanni asked if all organizations were permitted to use the government access channel. Manager Baldwin stated that the Commission had delegated that authority to him; however, since he did not approve such requests, the individual boards appealed to the Commission. Attorney Cherof stated that when the Commission allowed the use by one organization, the Commission opened the door for all other organizations to have access. He indicated that it made it difficult to avoid challenges by organizations that might not share the same views as the Town.

Vice Mayor Yanni apologized for not voting in favor of Sandra Booth as a member of the Master Plan Steering Committee. He indicated that his vote had no bearing on Mrs. Booth's qualifications and was sure that she would properly represent the Town and its residents.

Vice Mayor Yanni asked about the progress in reviewing the possibility of the Town obtaining its own inspectors. Manager Baldwin advised that staff was still working on this issue, but expected a report to be ready for the Commission's consideration in the near future. Vice Mayor Yanni indicated that he had received several complaints regarding the fire inspections, stating that individuals were claiming that unnecessary repairs and modifications were being required. Manager Baldwin advised that staff would look into this matter.

Vice Mayor Yanni stated that he had received notification that Thompson Craven would no longer serve as the Town's engineers and expressed concern for the drainage projects currently underway in Terra Mar Island. Kevin Hart explained that Craven Thompson would fulfill its current commitments with the Town, but would not serve as the Town's engineers. He promised to work through the transition process.

Mayor Parker wished everyone a happy Independence Day and thanked Mayor Pro Tem Clark and the Fourth of July Committee for their work in ensuring a spectacular event.

Mayor Parker stated that he had received several phone calls from residents who were not happy with the new contract with Waste Management. He indicated that there had been a change that he had not been aware of wherein duplexes were no longer treated as single family homes. Mayor Parker indicated that duplexes were now being charged commercial rates and asked that staff immediately look into this matter. He asked that this issue be addressed at the next agenda, seeking an amendment to the contract to ensure that this changed.

Mayor Parker stated that the Town had been informed by the Broward County Property Appraiser's Office, that assessed values would be raised approximately 25 percent. He felt that the millage rate needed to be lowered and encouraged the other Commissioners to seriously consider this matter.

11. CONSENT AGENDA

- A. **CONTRACT PROPOSAL:** to award bid for landscape maintenance

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

Mayor Parker reminded Mr. Mason to look into getting an extension for the Washingtonia Park.

12. RESOLUTION

- A. **RESOLUTION No. 2006-14:** A resolution of the Town of Lauderdale-By-The-Sea, Florida, supporting the South Florida Regional Transportation Authority's initiative to encourage the State Legislature to legislate a dedicated local funding source for transit in South Florida and Regional Transit Projects

Attorney Cherof read the resolution by title into the record.

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to approve the resolution. In a roll call vote, all voted in favor. The motion carried 5-0.

13. OLD BUSINESS

- A. Discussion and/or action regarding the proposed Capital Improvements Program for Fiscal Year 2006-2007 (*continued from June 13, 2006*) (Town Manager Robert Baldwin)

Manager Baldwin distributed a listing of the capital improvement projects. He indicated that in preparing the proposed budget, Mr. Hart had advised that the cost for the sewer projects had increased to \$4,468,163 for the Bel Aire area. Manager Baldwin advised that due to the increase in price, the budget had been revamped to provide funding for a large part of the capital improvements as mandated by the Commission. He indicated, too, that the costs of the sidewalk improvements on Seagrape Drive had increased to approximately \$500,000. Walter Keller indicated that \$500,000 may not be sufficient and suggested that the Commission could consider phasing the project. Manager Baldwin explained that the mandatory contract had been signed for beach renourishment, stating that if the \$700,000 from the lawsuit contingency was returned to the general fund, the Town could pursue these other projects.

Vice Mayor Yanni asked if the Bel Aire sewer project could be bid out in increments. Mr. Hart replied affirmatively, believing it might be possible to lock into the price for the project. Manager Baldwin advised that the funds were available to pursue this project as originally requested; however, he indicated that if the Commission wished to pursue other projects, staff would work with the direction provided.

Mayor Pro Tem Clark asked for confirmation that the budget was predicated by the amount of the millage rate. Manager Baldwin replied affirmatively, stating that he would be recommending a millage rate of 4.7 mills.

Commissioner McIntee did not believe that taxes would be lowered. He expressed concern that Mr. Hart had not kept the Town informed that the prices were increasing so rapidly. Commissioner McIntee stated that the cost for Palm Club had also increased from approximately \$1 million to \$2.95 million. He felt that further complications in Palm Club was that the Town did not own the roadway and, therefore, not only did the improvements go in, but the Town had to completely replace their private roadways. Commissioner McIntee stated that the same concept would be in place for the improvements to Sunset and expressed his belief that this was not an equitable distribution of the benefits.

Commissioner Silverstone asked why the Town was paying for the sewer improvements on the north side of Town. Mayor Parker explained that the improvements were a part of the annexation agreement. He explained that the increase in revenue added by the additional ad valorem taxes was essentially paying for the improvements. Commissioner Silverstone felt that the annexation agreement did not mean anything and asked if it was possible to retroactively charge the residents in that area for the

Town Commission Regular Meeting Minutes
June 27, 2006

costs of the improvements. Attorney Cherof did not believe it was possible, but offered to research the possibility. He explained the process for special assessments. Mayor Pro Tem Clark stated that it was time to stop dividing the Town, indicating that residents on the north side of Town also paid taxes to make improvements within the Town that were not direct benefits to them and their properties. Lengthy discussion followed.

Commissioner McIntee asked that discussion and/or action concerning the hiring of an additional Town planner and Town engineer be placed on the next agenda.

- B. Discussion and/or action regarding the traffic circle proposal for South Seagrape Drive (*continued from June 13, 2006*) (*Town Planner Walter Keller*)

After a brief discussion, this item was removed the agenda and tabled indefinitely.

- C. Discussion and/or action regarding the United States Postal Service's response to the Town's request for a unified zip code (*Town Manager Robert Baldwin*)

Manager Baldwin advised that all indications were that the United States Postal Service would not honor the Town's request.

- D. Discussion and/or action to create a "walk around" committee and appoint its members (*Commissioner Jerome McIntee*)

Based on discussions at the agenda conference, Mayor Parker tabled this item to the next meeting.

- E. Discussion and/or action regarding the cancellation of the contract between the Town and the Broward Sheriff's Office for fire services (*Commissioner Jerome McIntee*)

Commissioner McIntee stated that he would like Attorney Cherof to provide a presentation at the workshop meeting regarding fire issues. He stated that he was truly bothered by the idea that Sea Ranch Lakes paid only \$40,000 for their fire suppression and emergency medical services, feeling that Sea Ranch Lakes was piggybacking on the costs paid by the Town's residents. Manager Baldwin explained that the Town had negotiated its own contract with Broward Sheriff's Office and that the contract was specific that the Town was not to subsidize Sea Ranch Lakes. Commissioner McIntee reiterated his belief that the Town was subsidizing Sea Ranch Lakes. He felt it was criminal against Town residents and stated that he would send the State Attorney a complaint regarding this matter.

Town Commission Regular Meeting Minutes
June 27, 2006

Commissioner McIntee demanded that Battalion Chief John Frailey explain the differences between the contracts for the Town and Sea Ranch Lakes. Chief Frailey explained that he was not privy to contract issues with either municipality.

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to provide Commissioner McIntee with another three minutes to discuss this issue. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner McIntee stated that there was unfair distribution of costs, with Town businesses carrying the responsibility for payment. He felt that the Broward Sheriff's Office had violated the contract by subsidizing the costs of services to Sea Ranch Lakes by charging the Town's residents.

Attorney Cherof read into the record a part of the contract which indicated that the Town acknowledged that the Broward Sheriff's Office provided fire and emergency medical services to Sea Ranch Lakes and, that the parties agreed that the Town would not bear any of those costs. He explained that the Village of Sea Ranch Lakes was to pay a proportionate share of the costs for its own services. Mayor Pro Tem Clark stated that although he agreed that the costs were not equal, it was a not "a deep, dark secret". He explained that upon becoming a Commissioner, he had discussed this matter with Sheriff Ken Jenne who had explained that the contract in question had been negotiated prior to his becoming sheriff. Mayor Pro Tem Clark indicated that he had been assured that upon renewal, the contract with Sea Ranch Lakes would be renegotiated to ensure a proportionate payment of costs.

Commissioner Silverstone stated that the item of discussion before the Commission was the consideration of cancelling the Town's contract with the Broward Sheriff's Office. He indicated that the Town had adopted a resolution last year that indicated that the Town would support the Volunteer Fire Department working to become the sole fire suppression provider within the Town. Commissioner Silverstone stated that the Volunteers had worked hard, and "we deserve" to see that resolution come to an end.

Vice Mayor Yanni stated that the Volunteer Fire Department used to provide fire suppression services to the Village of Sea Ranch Lakes for a charge of \$10,000 yearly. He indicated that when the Volunteers raised the cost to \$25,000, Sea Ranch Lakes had opted to use the services of the City of Fort Lauderdale. Vice Mayor Yanni stated that under its contract with Fort Lauderdale, Sea Ranch Lakes was paying more for its public safety services than it was now.

Commissioner Silverstone stated that the Volunteers were prepared to currently take over fire suppression services within the Town. Vice Mayor Yanni questioned if the Volunteers had all the necessary equipment to protect the Town, asking if an aerial truck was needed to provide fire suppression to highrises. Commissioner Silverstone stated that although an aerial truck would be an asset, it was not necessary to provide

Town Commission Regular Meeting Minutes
June 27, 2006

fire suppression services. Vice Mayor Yanni asked what would occur with emergency medical services. Commissioner Silverstone replied that emergency medical services would just be contracted out to someone else.

Vice Mayor Yanni stated that Commissioners McIntee and Silverstone wanted to cancel the contract with the Broward Sheriff's Office concerning public safety services; however, he expressed his concern in considering this matter until the Commission was provided with detail information such as fiscal capabilities and proposals for the services required to maintain the same level of service. Commissioner Silverstone assured the Commission that the Volunteers could maintain the same level of services the Town was currently receiving from the Broward Sheriff's Office. Vice Mayor Yanni felt that the information needed to be studied to determine if the Volunteers could provide the public safety services the Town required. Commissioner Silverstone offered to provide bid information prior to the workshop meeting so the Commission could consider the information. He indicated that the Volunteers had been directed to follow the samples of the Plantation Volunteer Fire Department and felt that the Town's volunteers had accomplished that goal.

Commissioner Silverstone felt that residents were provided with wrong information with regards to the Volunteers capabilities and volunteerism around the country. He stated that the majority of all fire departments within the State were volunteer departments and felt that the Volunteers could make it work as well. Commissioner Silverstone indicated that maintaining the Volunteers was a great way to get the community involved and saving money.

Vice Mayor Yanni asked what were the plans for providing a proper fire station. Commissioner Yanni stated that with all the money saved, a new fire station could be constructed.

Mayor Pro Tem Clark stated that the Commission had discussed the scheduling of workshops and felt that workshops were needed to determine what progress had been made by the Volunteers. He emphasized the need to discuss issues such as accountability and fiscal responsibilities. Mayor Pro Tem Clark stated that it was important for the Town to have its consultant on board prior to holding the workshops so that the Town could have representation and an unbiased individual who could explain issues of concern to the Commissioners who were not well versed on the inner-makings of a fire department.

Commissioner McIntee felt that the workshops needed to begin immediately, with bids being collected during the month of August when the Commission took a break. He expressed concern that the hiring of Chief Chuck Lanza as the Town's representative would only serve to have the Volunteers placed in a bad light. Commissioner McIntee felt that the Volunteers and the Broward Sheriff's Office should be allowed to debate

Town Commission Regular Meeting Minutes
June 27, 2006

the issues. He felt the Town should put out requests for proposals to begin this process.

Vice Mayor Yanni asked if there was any possibility that the Broward Sheriff's Office and the Volunteers could work together. Commissioner Silverstone replied affirmatively, if the Broward Sheriff's Office downsized.

Mayor Pro Tem Clark noted the importance of having everyone understand that one workshop would not resolve this matter. He emphasized that everyone would need to be prepared to hold several workshops.

Mayor Parker stated that based on conversations during the agenda conference, it would appear that Chief Lanza would be hired as the Town's Fire Administrator. He felt it was important for the Town to have its own representation, allowing time for the services of the Broward Sheriff's Office and the Volunteers to be studied. Mayor Parker stated that perhaps 30 days was not sufficient and felt that maybe the workshops should be started in early September.

Mayor Parker made a motion to set a workshop in September. The motion died due to the lack of a second.

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, setting a workshop for July 25, 2006, from 6:00 p.m. to 7:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner McIntee stated that the topic of discussion should include direction to the Town Manager to obtain request for proposals from other departments and private ambulance services.

Mayor Parker suggested that this issue also be placed on the following agenda for a regular meeting as no action could be taken during a workshop meeting. There were no objections.

- F. Discussion and/or action regarding the re-design and re-bidding of Jarvis Hall (*Town Engineer Kevin Hart*)

Mayor Parker stated that based on the discussions during the agenda conference, this item would be tabled indefinitely.

Town Commission Regular Meeting Minutes
June 27, 2006

- G. Discussion and/or action regarding the approval of selection for National Incident Management System (NIMS) Emergency Preparedness and Response consultant (*Town Manager Robert Baldwin*)

Manager Baldwin stated that based on Commission discussion, it had been agreed that a contractor would better serve the Town than an employee. He indicated that the services to be provided would include training for the National Incident Management System, emergency preparedness and response, as well as fire consulting to assist the Commission with its decisions.

Vice Mayor Yanni asked if there was an escape clause from the contract. Manager Baldwin stated that the contract was written so that the Town would only be obligated to pay for work performed. Attorney Cherof agreed, stating that the contract could be terminated at any time.

Mayor Pro Tem Clark asked Chief Lanza if he had any objections to placing a cap on the contract in the amount of \$80,000. Chief Lanza had no objections, stating that the cost of the contract would depend solely on the amount of work the Commission wished to have completed. Mayor Pro Tem Clark stated that he had no objections to raising the cap if the Town felt additional work was necessary.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, to approve the contract, with a cap of \$80,000.

Commissioner Silverstone asked how much it was expected to cost for the NIMS training. Chief Lanza indicated that costs would be kept to a minimum whenever possible. He advised, however, that all first responders, which included most of the regular employees, as well as all supervisory level employees, would require training. Chief Lanza offered to take a look at the specifics for the Town and provide some ideas within a week or two. He reminded the Commission that compliance had to be obtained by the end of the current fiscal year. Lengthy discussion followed.

Commissioner Silverstone stated that he had not been pleased with the previous Fire Administrator, believing him to be biased against the Volunteers. He indicated that he would not agree to any Fire Administrator that he did not believe was a qualified, third party who had no connections with the Broward Sheriff's Office.

Commissioner McIntee stated that the Volunteers had sat at a computer and taken the required tests. Chief Lanza reminded Commissioner McIntee that as a supervisor within the fire department, he was required to take the supervisory tests as well. He questioned if the protocols and procedures had been updated. Commissioner McIntee replied negatively. Chief Lanza explained that this was one of the areas that he would be reviewing for the Town to ensure compliance. Commissioner McIntee stated that "we" were looking for the minimum compliance to the requirements. Chief Lanza

explained that it was important to ensure that the personnel had the knowledge necessary to support the Town in the event of a disaster.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to table this item for two weeks. In a roll call vote, the motion failed 2-3, with Mayor Parker, Vice Mayor Yanni, and Mayor Pro Tem Clark dissenting.

Commissioner Silverstone offered the services of the Volunteer Fire Department to provide NIMS compliance training to all the employees of the Town. He indicated that the training would be free of charge to the Town.

In a roll call vote, approving the contract with a cap of \$80,000, the motion carried 3-2, with Commissioner McIntee and Commissioner Silverstone dissenting.

Commissioner McIntee asked that this item be placed on the next agenda for reconsideration to re-review Chief Lanza's contract and a specific report on what he will do regarding the fire evaluation. Mayor Parker indicated that Commissioner McIntee was not on the prevailing side of the motion and, therefore, a motion for reconsideration could not be considered. Attorney Cherof agreed.

14. NEW BUSINESS

- A. Selection of two alternate members for the Board of Adjustment to fill vacancy (*term expires on April 30, 2008*) (*two members chosen by Commission to serve on the Master Plan Steering Committee*) (*next Commissioner in line to make an appointment is Mayor Pro Tem Clark*)

Mayor Parker stated that James Pollack was a sitting alternate on the Board of Adjustment. He indicated that there were two seats that needed to be filled.

Mayor Pro Tem Clark nominated David Gillman. Mayor Parker seconded the nomination. In a roll call vote, the nomination failed 2-3, with Vice Mayor Yanni, Commissioner McIntee, and Commissioner Silverstone dissenting.

Mayor Parker nominated Dennis Ritchie. Mayor Pro Tem Clark seconded the nomination. In a roll call vote, the nomination failed 2-3, with Vice Mayor Yanni, Commissioner McIntee, and Commissioner Silverstone dissenting.

Vice Mayor Yanni nominated Helen Swinghammer. Commissioner McIntee seconded the nomination. In a roll call vote, all voted in favor. The nomination carried 5-0.

Commissioner McIntee nominated Robert Perkins. Commissioner Silverstone seconded the nomination. In a roll call vote, the nomination carried 4-1, with Mayor Parker dissenting.

Town Commission Regular Meeting Minutes
June 27, 2006

Mayor Parker explained that the only reason he was dissenting was that he did not know Mr. Perkins and a proper application had not been submitted for Commission review.

- B. Discussion and/or action regarding fire assessment information request by Government Services Group, Inc. (*Town Manager Robert Baldwin*)

Mayor Parker indicated that based on discussions held during the agenda conference, he was tabling this item to the next meeting.

- C. Discussion and/or action regarding more than one motorcycle to a parking space (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, allowing a maximum of one automobile or two motorcycles or like vehicles to be allowed in a parking space. In a roll call vote, all voted in favor. The motion carried 5-0.

- D. Discussion and/or action regarding donation of fire apparatus from the City of Plantation (*Commissioner Jerry McIntee*)

Commissioner McIntee stated that he was honored to announce that the Plantation Volunteer Fire Department had donated a Freightliner emergency vehicle to the Volunteers, with a price exceeding \$50,000. He indicated that the vehicle had been completely overhauled, including new tires and brakes. Commissioner McIntee stated that the Volunteers did not have enough equipment. He explained that the vehicle would be used for a manpower squad and, when the Volunteers became the sole provider, the vehicle would be used as a support ambulance vehicle. Commissioner McIntee offered a promise that if any resident needed a ride to the hospital or a nursing home, a ride would be provided free of charge.

Commissioner McIntee stated that the Volunteers had created such a good reputation that even the paid fire departments were offering assistance. He said it was an honor and privilege to receive such acclaim from chiefs all over the county.

Commissioner McIntee stated that the Volunteers were going to sustain the complete cost of that ambulance without using tax dollars. He asked the Commission to direct Manager Baldwin to allow "us" to use the diesel fuel from Town to reduce some of the expense to the Volunteers. Commissioner McIntee felt that this was the type of assistance the Volunteers needed in order to continue pursuing the goals set by the resolution adopted by the Town.

Town Commission Regular Meeting Minutes
June 27, 2006

Mayor Parker stated that the Lauderdale-By-The-Sea Volunteer Fire Department was a private organization that did not need the Commission's approval to accept a donation nor did the Commission have the authority to accept a donation on its behalf.

Discussion followed concerning the consideration of donating fuel to the Volunteers, with Attorney Cherof reminding the Commission that this was not the item for discussion on the agenda. Commissioner Silverstone asked that discussion and/or action regarding the donation of fuel to the Volunteers be placed on the next agenda.

Commissioner Silverstone requested that discussion and/or action regarding the reconsideration of the contract for hurricane preparedness be placed on the next agenda. Mayor Parker explained that Commissioner Silverstone was not on the prevailing side of that motion and, therefore, could not make a motion to reconsider the item. Attorney Cherof agreed.

E. Discussion and/or action regarding home based occupational licenses
(*Commissioner Jim Silverstone*)

Commissioner Silverstone stated that home occupational licenses were allowed within the northern section of Town and believed that this item should be considered for the southern section of the Town.

Mayor Parker had no objections to the proposed ordinance, but requested a modification on Page 2, paragraph 3. He asked that the paragraph end with "a home occupation shall be conducted at the licensed address only by residents of that dwelling unit." Mayor Parker indicated that if the remainder of the sentence was removed, he had no objections to the approval of the ordinance. Brief discussion followed.

Commissioner Silverstone made a motion, seconded by Mayor Parker, to prepare the ordinance for first reading as amended. In a roll call vote, all voted in favor. The motion carried 5-0.

F. Discussion and/or action regarding the televising of the next Property Owners Association meeting, scheduled for July 12, 2006 (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark made a motion, seconded by Mayor Parker, to allow the televising of the next Property Owners Association meeting.

Commissioner Silverstone stated that he would have no objections to the request, as long as the meeting was taped and reviewed for content prior to televising. Attorney Cherof did not believe this would present a problem. Manager Baldwin asked who would be reviewing and editing the meeting, stating he did not feel comfortable making the decision as to what might be considered political. Vice Mayor Yanni agreed that as

Town Commission Regular Meeting Minutes
June 27, 2006

long as there was no political content, he had no objections to the meeting being televised.

Commissioner McIntee stated that he would prefer that everyone be permitted to use the government access channel.

In a roll call vote, the motion carried 3-2, with Commissioner McIntee and Commissioner Silverstone dissenting.

- G. Discussion and/or action regarding the newly appointed Master Plan Steering Committee and the direction it should pursue on behalf of the Town (*Commissioner Jerry McIntee*)

Sandra Booth, Chairwoman of the Master Plan Steering Committee, requested a workshop with the Commission to ensure that the goals being pursued by the Committee were in compliance with the wishes of the Commission. She felt that it was vitally important that the Commission continue to move forward with project development to enhance the quality of life and protect the investments of the Town. Ms. Booth stated that the Committee had already met once and would be meeting again tomorrow as its membership believed it was important to identify its goals quickly.

After a brief discussion, the Committee agreed to discuss a workshop meeting in September. There were no objections.

- H. Discussion and/or action concerning parking on Commercial Boulevard (*Municipal Services Director William Mason*)

Mr. Mason stated that the Commission had requested a review of the parking meters for the area west of Seagrape Drive, within the strip malls. He indicated that the idea was to provide each of the merchants/retailers with a couple of bags that could be used during work hours and being removed after regular business hours. Mr. Mason explained that after reviewing the policy, it was determined that perhaps free parking should be provided between the hours of 9:00 a.m. and 5:00 p.m. within those areas.

Mayor Parker expressed concern that providing blanket free parking would take control away from the business owners. He indicated that providing the bags would at least provide some control as to who parked in the area. Mr. Mason explained that control could not be given to the merchants as the Town was not able to lease public property for the exclusive use of an individual.

Commissioner McIntee preferred Mr. Mason's suggestion, stating that he had spoken with the merchants who were happy with the offer. He explained that a two- or four-hour maximum parking limit should still be enforced. Commissioner Silverstone agreed that it would be easier to not enforce parking in the area during the specified time. Vice

Mayor Yanni agreed with the two-hour parking limit.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, directing the Town Attorney to change the ordinance to suspend parking enforcement from 9:00 a.m. to 5:00 p.m. west of Seagrape Drive, with two- and four-hour parking limits. In a roll call vote, all voted in favor. The motion carried 5-0.

15. TOWN MANAGER REPORT

Manager Baldwin advised that he had no reports for the Commission's consideration.

16. TOWN ATTORNEY REPORT

Attorney Cherof advised that he had no reports for the Commission's consideration.

17. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. As there were no objections or any further business to discuss, the meeting was adjourned at 10:31 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____