

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 10, 2006

7:00 P.M.

1. CALL TO ORDER, VICE MAYOR JOHN YANNI

The meeting was called to order by Vice Mayor Yanni at 7:00 p.m. Present were Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner McIntee and Commissioner Silverstone. Also present were Town Manager Robert Baldwin, Attorney James Cherof, and Town Clerk Medina. Mayor Parker 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.

4. PRESENTATIONS

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

Chief Scott Gooding introduced Deputy Robert MacDonald as the deputy of the month and provided a brief history of his work with law enforcement. He stated that Deputy MacDonald was a "go-getter" and described the actions taken to ensure the capture of six individuals involved in the burglarizing of vehicles. Chief Gooding commended Deputy MacDonald for his diligent efforts and hard work.

The Commission congratulated Deputy MacDonald.

5. REPORTS

- A. Walk-Around Committee (*Barbara Cole, Chairperson*)

Barbara Cole, as chairperson for the Walk Around Committee, stated that the Committee had met with the goals to beautify the community. She indicated that the Committee had discussed several ideas that were currently being reviewed by staff. Ms. Cole stated that the Committee would be providing an update at the second meeting in November and encouraged resident participation.

B. Lauderdale-By-The-Sea Performing Art Center (*Vincent Ragusa, Chairman/Executive Director*)

Vincent Ragusa, as Chairman and Executive Director, thanked staff, in particular, Ms. Judy Mufale, Mr. Mason, and Clerk Medina, for their assistance with the coordination for scheduling projects by the Lauderdale-By-The-Sea Performing Arts Center. He indicated that the stage was complete and that the Property Owners Association would be using it for their Oktoberfest festivities.

Mr. Ragusa stated that approximately one year ago, the Performing Arts had returned the check received from the Town based on the five-year contract as the Performing Arts did not have a venue. He respectfully asked that the Town reconsider providing funding so that the Center could move forward.

Again, Mr. Ragusa thanked staff for their assistance.

Vice Mayor Yanni asked Mr. Ragusa if there was a specific amount of funding he was requesting. Mr. Ragusa replied that he hoped the Town would reconsider reinstating the contract that had been previously approved for a five-year term.

Some discussion followed, with the Commission believing that the funds were in the budget as previously approved. There were no objections for the funds to be dispersed.

6. APPROVAL OF MINUTES

- A. July 25, 2006, Workshop meeting (*as it pertained to fire issues*)
- B. September 14, 2006, Agenda Conference
- C. September 28, 2006, Agenda Conference

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to adopt the minutes as presented. In a roll call vote, all voted in favor. The motion carried 4-0.

7. PUBLIC COMMENTS

Barbara Cole, 221 Washingtonia Avenue, discussed the Oriana property and questioned why this issue was not being discussed at tonight's meeting. She asked that the Commission approve the televising of the meetings from the Master Plan Steering Committee. Ms. Cole stated that she was also surprised that the issues regarding the Minto's' property were not on the agenda for discussion at this meeting and hoped that there was a way the Town could use the property while waiting for it to be developed.

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Ms. Cole referenced underground utilities, stating that perhaps the Town could look into the supplying of underground gas lines to ensure that residents' ability to survive a hurricane with more comfort. She addressed height limits and asked the Commission for their favorable consideration on the proposed ordinance. Ms. Cole felt that the Town had to keep the Volunteer Fire Department and provided information regarding the Citizen's Initiative Committee's efforts in the near future.

Commissioner McIntee asked to have discussion regarding the Minto's Property listed on the next agenda. Vice Mayor Yanni advised that both Minto's and Oriana had already been tabled to the next meeting. Clerk Medina confirmed, explaining that Minto's was not an actual item, but fell under the Mayor's request to consider regulations for all vacant lands. Commissioner McIntee withdrew his request.

Lawrence Wick, 4900 North Ocean Boulevard, referenced the discussion concerning advertising in the *Town Topics*, stating that only civic organizations and for-profit business owners that reside in the Town or who have their homes in the Town should be permitted to advertise. He felt that outsiders from Town should not be allowed to advertise and influence the Town's residents. Mr. Wick agreed with the Town placing an informative publication on the *Town Topics* regarding the referendum issues in the November ballot, and recommended that copies be provided to both the *Pompano Pelican* and *By The Sea Times* to educate, not intimidate the public. He then expressed his opinion that the Broward Sheriff's Office Department of Fire-Rescue and Emergency Services should have been more prepared for the workshop meeting. Mr. Wick expressed his belief that the lack of use of Robert's Rules made the meetings difficult and felt that all should abide by them.

Ian MacLean, 259 Capri Avenue, stated that the Commission would be considering the possibility of adding more newspaper racks later in the meeting. He indicated that as was noted in the agenda conference, this was a hard fought battle. Mr. MacLean stated that the current issues were distributed door-to-door and felt that this was a much better way to receive the paper. He expressed concern that "free-bees" would later end up as garbage on the streets. Moreover, Mr. MacLean was concerned that exchanging lineage for Commissioners to be allowed an area for comments was not favorable to the Town and would be bad management for the Commission to make an exchange on regulations it set for the good of the Town.

Larry McGuinness, 5100 North Ocean Boulevard, stated that the town already had an outstanding agreement with Florida Power and Light (FP&L) to place all lights on State Road A-1-A underground. He indicated that the job had not yet been completed and, before allowing a renewal, the Commission should make FP&L complete that project. Mr. McGuinness stated that the last time he discussed this issue, he had been told that the project could not be completed because of the turtles. He felt this was "crazy" and hoped the Town would follow through with the outstanding project before accepting a renewal. Mr. McGuinness addressed the Oriana property and was glad the Commission was reviewing the events surrounding the issue.

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John Thompson, 671 Lakeside Circle, Pompano Beach, stated he was representing the Citizen's Initiative Committee and agreed with the passing of the ordinance concerning height limitations. He gave his opinions regarding the referendum questions, indicating that residents should vote no for Questions 1 and 2, and yes on Questions 3 and 4.

Stuart Dodd, 232 Imperial Lane, appreciated the harmony that was being shown on the dais. He indicated that he was not against development and, stated, that he was actually in favor of it as long as it maintained the character of the Town. Mr. Dodd referenced new townhomes that were being developed on Bougainvillea, as well as the Oriana project and felt that the Town needed to rescind the overlay districts so that the Commission could control development through the issuance of variances.

Mr. Dodd asked Mayor Pro Temp Clark to keep his resolve on the Volunteer Fire Department, asking that the Broward Sheriff's Office not be allowed to "throw mud" at the volunteers. He felt that the workshops should be the arena to determine if the volunteers were ready to be the main fire suppression within the Town.

Mr. Dodd stated that the City of Boca Raton had an ordinance that if development was not started within six months, the property had to be landscaped. He felt that the Town should consider a similar ordinance.

David Nixon, as a member of the Economic Development Task Force, provided an update on the finding of necessity study. He stated that the Task Force had met with Broward County and reported that the meeting had been both positive and productive. Mr. Nixon stated that there were \$10 million available for these types of projects and advised that the first public feed-back session would be conducted October 18th, at 8:00 p.m. He invited residents to attend and participate in the public discussion. Mr. Nixon asked, if at all possible, that the Task Force be permitted to televise the upcoming meeting.

Uli Brandt, 4537 West Tradewinds Avenue, stated that he had been following the fire workshops, but felt that no discussions had yet been held regarding the trucks that had been transferred to the Broward Sheriff's Office. He questioned what would happen if the volunteers became the sole provider for fire suppression. Mr. Brandt stated that the volunteers had provided a number for the cost of providing fire suppression; however, there had been no indication of the costs if the Broward Sheriff's Office provided the services without the Volunteers.

Cristie Furth, 4525 El Mar Drive, addressed the maintenance of properties that remained vacant. She indicated that representatives from the Minto's property had indicated that construction could take up to four years. Ms. Furth felt that property owners should not be permitted to await their financial prospects to improve without improvements being made. She felt that construction of the park should begin immediately. Ms. Furth felt that the owners of Minto's property had not been good neighbors and should be made to begin construction on the park first.

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Maureen McIntee, 1612 Southeast 21 Avenue, stated that she had been taking the opportunity to participate in some of the many activities offered within the Town. She mentioned the Lauderdale-By-The-Sea Garden Club and applauded their efforts within the Town and the Cancer Center Atrium at Holy Cross. Ms. McIntee also provided a brief description of the activities offered by the Senior Center. She reminded everyone to vote on November 7th and briefly provided her opinions on the referendum questions.

Bob Terrien, 5100 North Ocean Boulevard, provided information regarding the upcoming Fish Fry, sharing a little of the history regarding the event.

Mr. Terrien referenced some comments made during the budget hearing, wherein some questions were made regarding the Chamber's expenses. He explained that he had long considered answering some of those questions, but had decided against it because 1) the Chamber was not a department or any part of the Town or its Administration; 2) the Chamber was the same as any other private business in Town and its employees worked strictly for the Chamber, receiving no benefits from the Town; 3) the employees of the Chamber are not hired or fired by the Town; 4) the Chamber building is on land donated by the Anglins, with the building being constructed in 1968 by the Jarvis family; 5) the Chamber has a contract with the Town, initiated three years ago, which allowed the Chamber to deliver services on behalf of the Town – it was a part of the operations of the Visitor's Center.

Mr. Terrien stated that the members of the Chamber felt an obligation to run the Chamber to the best of their abilities as a benefit to the businesses and residents of the Town and emphasized that this effort would continue.

Diane Boutin, 4244 El Mar Drive, highly supported Mayor Pro Tem Clark's request to provide ballot information in the *Town Topics*, stating that education was the most important benefit residents could receive in order to make the proper decision for the Town as a whole.

Joshua Katz, 4345 El Mar Drive, spoke against a local publication that provided lies, viscous rumors and biased opinions that only destroyed the Town and divided its citizenship. He implored residents to seek the other side to the stories printed, instead of believing the propaganda provided.

Cindy Geesey, 256 Imperial Lane, provided information regarding the upcoming debate to be sponsored by the Property Owners Association, stating that the guidelines set for the speakers, approved by the seven directors and officers, indicated that they must be Town residents and voters and could not be elected officials. She stated that no one had yet registered to speak against Question 1, regarding height limits, and asked if anyone meeting the guidelines to contact her to make arrangements to speak on the issue. Ms. Geesey also provided information regarding the upcoming Oktoberfest festivities and invited all to attend.

Ms. Geesey stated that she had been accused of being biased in the preparation of the debate; reminding everyone that she did not make the guidelines, but that they were set by the entire board for the Association. She indicated that she had been threatened by a former Commissioner with placing unfavorable articles in a local publication. Ms. Geesey felt that this was not only unprofessional, but a form of bullying that should not be tolerated by any sitting or former Commissioner.

Peter Debs, 1010 South Ocean Drive, stated that attorneys were the landscape of many businesses, development included. He indicated that there were attorneys prepared to protect property owner rights and asked residents to consider the losses that could be incurred if Questions 1 and 2 of the ballot were not approved.

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

- A. **Ordinance No. 2006-12:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Section 19-25, "Time-restricted Parking" to amend subsection (a) to eliminate two-hour parking restrictions for metered parking spaces on Commercial Boulevard west of Seagrape Drive on Saturday and Sunday; to amend subsection (f) to permit two (2) motorcycles to be permitted to be parked in each metered or permit parking space at the same time within the Town; to create a new subsection (g) to provide that parking at metered spaces on Commercial Boulevard west of Seagrape Drive shall be without charge Monday through Friday with two-hour parking restrictions Monday through Friday, and no time-restricted parking on Saturdays and Sundays; providing for conflicts, severability, codification and an effective date

Attorney Cherof read ordinance 2006-12 into the record by title only.

Vice Mayor Yanni opened the public hearing. As no one spoke, the public hearing was closed.

Commissioner McIntee stated that this ordinance was proof that the Commission could work together to benefit the Town.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to approve Ordinance 2006-12. In a roll call vote, all voted in favor. The motion carried 4-0.

9. COMMISSIONER COMMENTS

Commissioner McIntee stated that he had met with representatives of Broward County's Building Department to discuss the Oriana project. He stated that he had taken the set of plans that showed as approved by the Town for reference and that those plans had never been presented to the County. Commissioner McIntee stated that when he

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questioned how the plans could have been so different, he had been told that someone had created a new batch of plans and only kept the one page signed and approved by the Town.

Commissioner McIntee asked Mr. Townsend when he was first advised that there might be a problem with the setback at the Oriana project. Mr. Townsend advised that he had been contacted towards the middle of June 2006. Commissioner McIntee indicated that although he was not accusing any one person, the Town needed to find out where the fictitious plans came from.

Commissioner McIntee addressed the issue of the Volunteer Fire Department, stating he sat as its Deputy Fire Chief. He referenced an incident during Hurricane Wilma where the volunteers had gone out to assist an elderly person, expressing his belief that no "paid" firefighter would do that.

Commissioner Silverstone asked that "removal of the overlay districts" be included for discussion on the next agenda. He referenced the questions concerning what would happen to the vehicles that had been transferred to the Broward Sheriff's Office from the Volunteer Fire Department, stating that the contract provided that the vehicles would be returned to the Town upon cancellation of the agreement.

Commissioner Silverstone asked Mr. Townsend when Minto's properties would be required to build the park. Mr. Townsend replied that the development order provided that the park would be completed prior to the issuance of the first certificate of occupancy.

Commissioner Silverstone stated that the questions he asked of the Chamber had been based on questions he had received from the public in general. He felt that his questions had been answered and stated that he had no problems with any of the Chamber's employees or the job it played in the community.

Commissioner Silverstone stated that there were some comments made regarding the local publication and felt that it was the Town's responsibility to ensure that information was available for the community to review and reach its own decision on the issues.

Commissioner Silverstone questioned if the changes to the contract with Waste Management would be retro-active. Mr. Mason was unsure, but did not believe the changes were retro-active.

Mayor Pro Tem Clark asked where staff was with its investigation of the Oriana property. Manager Baldwin advised that the Commission had tabled this item to the next meeting. He provided the process that was being followed and indicated that a report would be provided on October 24th.

Mayor Pro Tem Clark addressed Mr. Dodd's comments regarding the Volunteer Fire Department and stated that he continued to support the resolution adopted by the

Commission; however, that support was bound by a criteria that had to be met, which included: total accountability to the Town Manager and the Commission; a level of expertise that was documented and acceptable to the Commission; as well as, fiscal responsibility and procedures to be in place to provide consistency to ensure the ability to respond to calls seven days a week, 24 hours a day. He stated that unless he had completely misunderstood recent discussions, the current leadership agreed with this criteria.

Vice Mayor Yanni stated that the wall on Pine Avenue had been completed and asked when landscaping would begin. Mr. Mason felt that the landscaping would be completed by the end of the calendar year.

Vice Mayor Yanni thanked Mr. David Nixon for his hard work on behalf of the Town with regards to establishing its own Community Redevelopment Agency.

10. ORDINANCES (1ST Reading)

- A. **ORDINANCE 2006-13:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, regarding interpretation and application of Section 7.1 of the Town Charter as amended March 2006; to provide for Town action in the event of court determination that provisions of the Bert J. Harris Property Rights Act applies to the march 2006 amendments to the Town Charter; providing for severability; providing for codification; providing for conflicts; and providing for an effective date.

Attorney Cherof read ordinance 2006-13 into the record by title only.

Commissioner McIntee referenced Section 2 of the Whereas clauses, line 12, where it indicated that “the Town shall apply the following...” He asked if it would be any benefit to change the wording to “in the case of any property that can be shown to be the object of a claim under the provisions of Section 7.001”. He felt that the intent was to make it clear that anything that comes up as a property claim that falls under this could definitely take advantage of this ordinance as determined by the Town Commission.

Attorney Cherof stated that he would review the language and advise the Commission at its next meeting.

Mayor Pro Tem Clark stated that the original referendum passed in March did not include Section 4 of the petition and that this ordinance, in essence was “window dressing”. Attorney Cherof stated that his opinion was that this ordinance would not prevent anyone from seeking relief by litigation and, if successful at the Court level, would not be persuaded by the Town’s attempt to reverse the litigation at that point. Mayor Pro Tem Clark asked Attorney Cherof if he personally received any level of comfort by the adoption of this ordinance. Attorney Cherof replied negatively.

Commissioner Silverstone asked if there were any actions the Commission could take to add a level of protection in this matter. Attorney Cherof replied that further modification of the Charter could be processed through the referendum process. Commissioner Silverstone stated that he had been led to believe that adopting this ordinance would resolve any issues under the Bert J. Harris Act. Attorney Cherof stated that there were individuals and some Commissioners that received a level of comfort with the adoption of this ordinance; however, he did not believe it would assist the Town. He explained that he had met with each Commissioner to discuss the issues of the strengths and weaknesses of the Citizens Initiative Committee's petition and, although Commissioners had decided to play the cards in public, he felt it was important to hold the cards closer to the vest to be played at the appropriate time.

Commissioner Silverstone asked if there were any drawbacks to approving the ordinance. Attorney Cherof replied that depending on the argument set out by a plaintiff, there could be. Again, he indicated that this was not the forum to discuss this matter as he did not believe the Town should be alerting any possible litigants of its position.

Vice Mayor Yanni asked if this ordinance would eliminate the claims that had been filed against the Town. Attorney Cherof replied negatively.

Commissioner McIntee felt that there was the same probability that a judge would rule in favor of the Town as to rule against it. He stated that in his opinion this ordinance provided a level of comfort to the majority of the people and should be approved.

Commissioner Silverstone stated that no one wanted lawsuits, but that the residents wanted to protect the Town against further height. He indicated that adopting this ordinance would be helpful.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to adopt Ordinance 2006-13 on first reading. In a roll call vote, the motion carried 3-1, with Mayor Pro Tem Clark dissenting.

11. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: Craft Show/Howard Allan Events for Chamber of Commerce; Saturday and Sunday, October 21 and 22, 2006; from 10:00 a.m. to 5:00 p.m.
- B. SPECIAL EVENT PERMIT: Christmas By The Sea/Chamber of Commerce; Tuesday, December 5, 2006; from 4:00 p.m. to 10:00 p.m.
- C. REVOCABLE AGREEMENT: for a sidewalk café to be issued to Aruba Beach Café, for a period of two years, with annual license fees for the use of right-of-way

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 4-0.

12. RESOLUTION

13. OLD BUSINESS

- A. Discussion and/or action regarding the hiring of a federal lobbyist to obtain federal grant funds (*Commissioner Jerry McIntee*) (*tabled from September 28, 2006*)

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, directing Manager Baldwin to obtain names and backgrounds, with costs, for potential lobbyists to hire in the future. In a roll call vote, all voted in favor. The motion carried 4-0.

- B. Discussion and/or action regarding the order in which items are placed on the agenda for Commission consideration (*Commissioner Jerry McIntee*) (*tabled from September 28, 2006*) **At the meeting of September 28, 2006, the Mayor indicated that this item would be tabled to October 24, 2006*

Commissioner McIntee stated that the last line read was the reason the Commission needed this. He indicated that at the last meeting he had objected to having his own items tabled, but the Mayor had tabled the items regardless.

Commissioner McIntee stated that when a Commissioner called and/or brought in an item for discussion, it should be date and time stamped so that they could be placed on the agenda based on the order they were received.

Clerk Medina stated that the Clerk's Office did not have such a machine, but if it were the Commission's desire she would hand date and time each request until the equipment could be ordered and received.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to date and time stamp each item for discussion to be placed on the agenda in the order received. In a roll call vote, all voted in favor. The motion carried 4-0.

- C. Discussion and/or action regarding the seeking of a Request for Proposals for fire rescue services (*Commissioner Jerry McIntee*) (*tabled from September 28, 2006*)

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, directing Mr. Baldwin request RFPs for automatic aid for fire from Pompano and Fort Lauderdale and Requests for Proposals for EMS service from Pompano, Fort Lauderdale, and a private service.

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Mayor Pro Tem Clark asked for an amendment to include Oakland Park. There were no objections to the inclusion.

Manager Baldwin asked why any agency would be precluded from submitting an RFP. Mayor Pro Tem Clark had no objections to including any agency that wished to participate with the request for proposal. Commissioners McIntee and Silverstone had no objections.

Vice Mayor Yanni stated that he did not understand why the Volunteers wished to obtain proposals from other departments if they wished to take over the Town. He indicated that during the last meeting Commissioner Silverstone had first indicated that he wished to keep the Broward Sheriff's Office for emergency medical services, then indicated he wanted to obtain proposals. Commissioner Silverstone stated that BSO had indicated that they would not remain in the Town if they could not handle fire suppression. Vice Mayor Yanni did not believe that BSO would leave the Town with no protection for its residents.

Mayor Pro Tem Clark felt it would be important to have the information and indicated that nothing in this motion was binding to the Town. Commissioner Silverstone stated that he believed that BSO provided a great service with its emergency medical services, but felt it was in the Town's best interest to obtain proposals from other vendors.

In a roll call vote on the amended motion, all voted in favor. The motion carried 4-0.

Commissioner Silverstone asked to have Item E considered out of order. There were no objections.

- Item 13E, concerning the naming of Washingtonia Beach Park after Bill and Eva Karley

Commissioner Silverstone stated that he had received a letter from Mrs. Eva Karley who had indicated that she and her husband spent a lot of time at the beach at Washingtonia. He indicated that with Mr. Karley having served on the Commission for almost, if not more than 20 years and, being an outstanding citizen deserved the honor. Commissioner Silverstone stated that the Washingtonia Park and Portal were already named after Laura Ward, past Assistant Town Manager, and believed that the beach area could be named after the Karleys.

Commissioner Silverstone stated that after some of the troubles the Town had had in naming public areas in honor or in memory of individuals, he felt that a protocol was necessary for future namings.

Vice Mayor Yanni asked if Commissioner Silverstone had any objections to naming El Prado after the Karleys. Commissioner Silverstone stated that he would check with Mrs. Karley, but indicated that this had not been her request. He indicated that Mrs. Karley had specifically requested the beach area at Washingtonia. Commissioner

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McIntee questioned how the beach itself would be named after an individual. Commissioner Silverstone felt that a sign could be erected along side the rip current sign.

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, to table this item to October 24, 2006. In a roll call vote, all voted in favor. The motion carried 4-0.

- D. Discussion and/or action to establish a citizen's committee to establish protocol and procedures for naming public property after citizens
(Commissioner Jim Silverstone) (tabled from September 28, 2006)

Commissioner Silverstone stated that he wanted to create an ad hoc committee for the purpose of assisting with the naming of un-named public property to ensure a fair and equitable result. He indicated that each person should nominate a person by application that meets the following criteria: 1) something to do with the neighborhood or geographic feature or common area; 2) the individual, living or deceased, should have provided effective citizenship within the Town; 3) demonstrated community service to the Town; 4) excellent character and general reputation; 5) their high standards, ethnics, and historical importance be evaluated.

Commissioner Silverstone indicated that each application should address each of the items listed, reviewed by a committee, with recommendations being provided to the Commission for selection. He stated that in the alternative, the same type of application should be filed, with the Commission reviewing same and making a decision.

Commissioner McIntee stated that the members of the Walk Around Committee had been chosen by each Commissioner and suggested that maybe the Committee could be asked to review any applications received. Commissioner Silverstone asked Ms. Barbara Cole if she had any objections to adding this to the Committee's list of things to do. Ms. Cole replied negatively.

Mayor Pro Tem Clark suggested that this issue should first be given to the Town Manager to create some protocol options. He indicated that once the protocol was approved by the Commission, the matter could be turned over to the Committee. There were no objections.

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to remove this item from the agenda, to be brought back by the Town Manager. In a roll call vote, all voted in favor. The motion carried 4-0.

- E. Discussion and/or action concerning the naming of Washingtonia Beach Park after Bill and Eva Karley
(Commissioner Jim Silverstone) (tabled from September 28, 2006)

This item was tabled to October 24, 2006, earlier in the meeting.

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- F. Discussion and/or action regarding the designation of certain neighborhoods for residential traffic only – Avalon Avenue at Seagrape Drive and West Tradewinds Avenue (*Mayor Oliver Parker upon the request of Eva Karley*) (*tabled from September 28, 2006*)

Vice Mayor Yanni stated that this was Mayor Parker's item and asked for a motion to table discussions to the next meeting.

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, to table this item to October 24, 2006. In a roll call vote, all voted in favor. The motion carried 4-0.

- G. Discussion and/or action regarding procedures for allowing advertising in the Town's newsletter (*Town Manager Robert Baldwin*) (*tabled from September 28, 2006*)

Manager Baldwin stated that there was an organization that wanted to advertise in the Town Topics and asked Public Information Officer Steve D'Oliviera to provide the details regarding the request. Mr. D'Oliviera stated that lauderdalebytheseafuture.com had asked to advertise in *Town Topics*, providing only the web address and an invite to view the site. He indicated that the current policy allowed businesses and residents in Town with occupational licenses to advertise in the *Town Topics*. He explained that the only exemption to the policy were businesses in the plaza at Sea Ranch Lakes as they served Town residents. Mr. D'Oliviera stated that political ads were also not permitted. Manager Baldwin stated that several years ago, the Town Attorney had cautioned the Commission that accepting advertisements from businesses outside the Town, could open up advertisements to all businesses outside the Town.

Commissioner McIntee stated that the web site was registered to an address in Fort Lauderdale and was registered to an individual who did not live in Town. Mr. D'Oliviera stated that the web site, apparently, had been designed to provide coverage of Town issues.

Manager Baldwin stated that the request indicated that the individual making the request was a Town resident who had occupational licenses for businesses within the Town and had no objections to paying the regular fees for the space.

Vice Mayor Yanni asked if there was a motion concerning this matter. Hearing none, this issue died to the lack of a motion.

Attorney Cherof stated that since no policy amendments were provided, the current policy for advertising in the *Town Topics* would remain unchanged.

- H. Request to extend the site plan development order for Luxury Dwelling Homes, Carbonell, agent/Vinci, owner; for the properties located at 4644 and 4646 Poinciana Street (*tabled from September 28, 2006*)

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Fransesca Dominguez, representing the applicant, provided an update regarding the request to extend the site plan development order.

Commissioner McIntee asked if the developer had the proper financing to proceed with the development of the property. Ms. Dominguez stated that she was not with the developer, but the architect's firm. Commissioner McIntee asked if permits had been requested. Ms. Dominguez stated that the plans were in the process of submittal, but was unsure if any permits had been issued. Mr. Townsend stated that based on the information provided, he did not believe that development was being intentionally stalled.

Commissioner Silverstone asked if there were any conditions that could be added at this time to ensure a friendlier area until development continued. Attorney Cherof replied affirmatively, stating that conditions could be added as part of the approval for the extension. Ms. Dominguez had no objections. Mr. Townsend advised that he was unsure that the buildings had yet been demolished at this site. He believed, too, that the property was currently occupied.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to approve the extension of the development order subject to the modification of the development order which will be returned to the Commission at the next meeting for approval. In a roll call vote, all voted in favor. The motion carried 4-0.

- I. Discussion and/or action regarding the progress of the pedestrian sidewalk to be provided for beach access along the Sea Watch Restaurant (*Commissioner Jerry McIntee*)

Mr. Mason stated that the beach accesses were tied into the construction for the parking lot and were in the process of being permitted by Broward County.

- J. Discussion and/or action regarding the progress of the Request for Proposal for the pavilion at Commercial Boulevard (*Commissioner Jerry McIntee*)

Kevin Hart, Town Engineer, stated that the request for proposal would be put out asking for design firms to present their qualifications. He indicated that the request would be open to the public for input. Commissioner McIntee asked if there were a scheduled date for completion of the request for proposal process. Mr. Hart stated that the ad would need to be advertised for thirty days, at which time the Commission could make a selection of the architect and move forward.

Mr. Hart stated that a letter had been sent to Commissioner Scott, requesting an extension to the grant; however, he indicated that no response had yet been received.

- K. Discussion and/or action regarding the progress of the parking lot on Bougainvillea Drive (*Manager Robert Baldwin*)

Mr. Mason provided a history of the permit application for the parking lot and reiterated that the beach access was tied into this project. He indicated that the contractor was ready to mobilize as soon as he received the permit for the project. He expected the project would be completed by Christmas.

Commissioner McIntee asked for an update regarding the concrete pad for the fire truck. Mr. Mason stated that Jim Pollack was comparing the quotes received by the Town to some quotes he had obtained. He explained that as soon as Mr. Pollack contacted him, the pad could be laid.

Mr. Hart stated that the Leisure Tower parking lot was also a part of the parking lot project on Bougainvillea Drive.

- L. Discussion and/or action regarding a construction contract with Global Coral Reef Alliance for an Artificial Reef Fish Habitat

Vice Mayor Yanni stated that the Commission had agreed during its Agenda conference to table this item to the next meeting.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to table this item to the next meeting. In a roll call vote, all voted in favor. The motion carried 4-0.

14. NEW BUSINESS

- A. **PUBLIC HEARING** - SITE PLAN – White Cap of Florida, Inc./Commerce Bank, 4353 North Ocean Drive (*3,472 square foot free standing financial institution with drive-thru lanes, generally located on the southwest corner of Commercial boulevard and State Road A1A*) (**applicant requesting a tabling to January 23, 2007**)

Vice Mayor Yanni stated that the applicant requested a tabling to January 23, 2007.

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to table this item to January 23, 2007.

Attorney Cherof asked if there were any individuals who wished to address this issue. As no one spoke, Attorney Cherof advised that the applicant would be responsible for providing a new advertisement to ensure that the public was aware of the change.

In a roll call vote, all voted in favor. The motion carried 4-0.

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- B. Discussion and/or action regarding the possibility of establishing a Town Ethics Committee (*Commissioner Jerry McIntee*) (*tabled from September 28, 2006*) **At the meeting of September 28, 2006, the Mayor indicated that this item would be tabled to October 24, 2006*

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, directing the Town Manager to obtain information from similar towns who have their own ethics committees and report back to determine if a Town committee could be created.

Vice Mayor Yanni asked what type of authority this type of committee would have to discipline. He indicated that the Commission was governed by the State's Ethics Commission. Commissioner McIntee stated that it was a local level that kept the Commission on its toes.

In a roll call vote, all voted in favor. The motion carried 4-0.

The Commission agreed to have the Town Manager report back on this matter during the meeting of November 14, 2006.

- C. Discussion and/or action regarding the televising of meetings of the Master Plan Steering Committee on the government channel (*Commissioner Jerry McIntee*) (*continued from September 28, 2006*)

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, to allow the Master Plan Steering Committee and the Economic Development Task Force televise their meetings. In a roll call vote, all voted in favor. The motion carried 4-0.

- D. Discussion and/or action regarding drainage on West Tradewinds Avenue (*Vice Mayor John Yanni*)

Vice Mayor Yanni stated that this item had been discussed during the Agenda Conference, advising that Mr. Mason would be looking into placing a larger line for drainage in this area as soon as the Town Attorney received the appropriate easement.

Mr. Mason stated that he would be back with a report as soon as the easement was obtained.

- E. Discussion and/or action to allow *By The Sea Times* to place fifteen (15) paper boxes in Town at the present locations (*Commissioner Jerry McIntee*)

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Mr. John MacMillan stated that home deliveries would continue, but felt that providing the additional boxes would allow visitors easy access to the newspaper. He indicated that the paper would provide to the Town, free of charge, 300 to 400 word comment areas for each Commissioner, plus allowing the Town to use space for announcements. Mr. MacMillan stated that the paper had been in print for two years, with two additional years on the net.

Vice Mayor Yanni provided a history of newspaper stands within the Town and asked if the proposed boxes would be the same as the existing boxes. Mr. MacMillan replied affirmatively, stating that the added boxes would be uniform to the existing boxes. He indicated that comments had been made regarding the possibility that other newspapers may request space. Mr. MacMillan stated that Attorney Cherof was a very talented lawyer who could write in a clause that the newspaper would have to be providing news service for four years, such as himself, to ensure protection.

Attorney Cherof stated that the ordinance governing this issue was very specific and indicated that the ordinance needed to be amended before the Commission could consider providing approval of this request. He explained that the ordinance was specific to sites and the number of boxes allowed.

Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, to table this item to November 14, 2006. In a roll call vote, all voted in favor. The motion carried 4-0.

- F. Discussion and/or action regarding the issuance of a special edition of Town Topics to inform the public of the four (4) ballot issues (*Manager Robert Baldwin*)

Mayor Pro Tem Clark stated that the Town needed to make an effort to educate the general public regarding the four referendum questions. He explained that information should be provided on the governmental channel and Town Topics. Lengthy discussion followed concerning the timing for printing and mailing. Manager Baldwin stated that although Mr. D'Oliviera was unbiased on the outcome of the referendums, he did not believe that the Administration should be caught in the middle. He suggested that perhaps two Commissioners each write an article.

The Commission agreed to an average of 500 words by Commissioner for their article addressing the four questions. Attorney Cherof questioned if there was an additional cost to publish this issue of the Town Topics. Mr. D'Oliveira replied negatively, stating that this would be one of the regular 12 issues mailed out throughout the year. He explained that this would not be a special edition. Mr. D'Oliveira stated that although 12 pages was more expensive, it was not unknown for the Town to have that many pages in one edition.

15. TOWN MANAGER REPORT

- A. Municipal Services Department Monthly Report (*tabled from September 28, 2006*)

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to accept the monthly report submitted by Municipal Services Department. In a roll call vote, all voted in favor. The motion carried 4-0.

16. TOWN ATTORNEY REPORT

The Town Attorney had no reports to be considered.

17. ADJOURNMENT

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to adjourn the meeting. In a roll call vote, all voted in favor. The motion carried 4-0.

The meeting was adjourned at 9:28 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____