

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, July 11, 2006

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:05 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 Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. REVIEW AGENDA FOR REGULAR MEETING OF JULY 11, 2006

There were no objections to the presentations and reports scheduled.

- 10A, Ordinance 2006-08, amending Ordinance 2005-18 to reflect that a referendum election will be conducted November 7, 2006
- 10B, Ordinance 2006-09, amending Ordinance 2005-20 to reflect that a referendum election will be conducted November 7, 2006

Mayor Parker explained that Town Attorney James Cherof had requested the amendments reflected in the ordinances, indicating that these two ordinances were basically housekeeping issues that would provide for an explanation as to why the two referendum questions did not appear on the March 2006 ballot. There were no objections.

- 11A, Contract with Bryant Miller & Olive P.A. for an independent review of the Town's fire assessment

There were no objections to the proposed contract.

- 11B, Contract for the paving of the new municipal parking lot located on State Road A1A and Bougainvillea Drive
- 11C, Contract for paving services at Leisure Towers

Vice Mayor Yanni questioned some differences between the three bids offered and questioned if all the bids met the Town's specifications. Town Engineer Kevin Hart replied that all three companies had received the Town's specifications, but indicated

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that he had not reviewed the responses. He offered to review the documentation prior to the regular meeting and update the Commission prior to its final consideration. He stated that the work completed would have to meet with the Town's specifications.

Vice Mayor Yanni pointed out that two of the three proposals included the fees for tree removal. He questioned the discrepancy. Municipal Services Director William Mason advised that representatives from Arrow had called to confirm if tree removal services would be needed and that he had advised to the contrary. He indicated that if the Commission chose another proposal, the total would be reduced in the amount quoted for tree removal.

Vice Mayor Yanni asked that items 11B and 11C be pulled from the Consent Agenda during the regular meeting for further review and discussion. There were no objections.

- 13A, regarding the assessing of properties for improvements made and completed in the past

Attorney Cherof advised that this could not be done. He indicated that he would provide a report during the regular meeting.

- 13B, regarding the Town having its own fire inspector/fire marshal

Mayor Parker stated that the Commission had requested that this item be further discussed. He suggested that further consideration be made during the workshop of July 25, 2006. There were no objections.

- 13C, regarding the hiring of two additional consultants for the positions of Town Engineer and Town Planner
- 13D, regarding the selection of members for the "Walk Around" Committee
- 13E, regarding Ordinance No, 2005-20, as it pertains to the referendum questions concerning the replacement of existing non-conforming buildings

It was agreed that the above items would be discussed with more detail during the regular meeting.

- 13F, regarding the current contract with Waste Management, Inc. and the possibility of seeking an amendment to the rates for residential units [as referenced with duplex vs. single family residences]

Mayor Parker advised that he had been speaking with Tony Spadaccia regarding the newly imposed fees. He stated that duplexes had historically been charged the same fees as that of single family homes, yet the rates had recently been increased. Mayor Parker felt this was an oversight that needed to be repaired, if at all possible. He stated that Mr. Spadaccia had requested that this item be tabled to July 25th so that he could

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further discuss this matter with the company's management. There were no objections to tabling this item to the next meeting.

- 13G, regarding the current contract with Waste Management, Inc. and the possibility of seeking an amendment to the rates for commercial units

Commissioner Silverstone indicated that he, too, had been dealing with Mr. Spadaccia to determine if the commercial rates could be renegotiated. He felt it was important to ensure that the commercial rates did not create a burden to neighborhood businesses and believed that a more equitable distribution of costs was in order.

- 13H, regarding procedure to adopt home based occupational licenses for the residential areas on the southern side of Town and scheduling a referendum election

Attorney Cherof stated that the Commission had agreed that it wished to amend the existing ordinance to provide for home based occupational licenses in the southern areas of the Town. He explained that since the proposed change did allow for a change in property use, a referendum would be required. Attorney Cherof explained the two proposed ordinances, stating that the first would create the use, while the second would send the referendum to ballot. He further explained that the ordinance creating the use would not become effective until such time as the referendum was approved. There were no objections to proceeding with the approval of both proposed ordinances.

Mayor Parker advised that he would amend the agenda for the regular meeting to include proposed ordinances 2006-10 and 2006-11 under Ordinances, first reading as items 10C and 10D, respectively. There were no objections.

- 14A, regarding an impartial expert review of the Volunteer Fire Department's standard operating procedures and recommendation on fire suppression contract with the Town

Commissioner McIntee stated that he would prefer to discuss this issue during the regular meeting. He commended Manager Baldwin for ensuring that several resumes had been made available for the Commission's consideration.

- 14C, regarding the selection of a special meeting date for the Town Manager to deliver the budget message for 2006-2007
- 14D, regarding the selection of a workshop meeting date for Budget review

Some discussion followed concerning availability, with the Commission agreeing that the special meeting wherein the Manager would provide his budget message would be set for July 19th at 6:00 p.m. Additionally, the Commission agreed to hold its budget workshop on July 26th, at 6:00 p.m.

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- 14E, regarding a proposed ordinance concerning unlicensed contractors

After a brief discussion, the Commission agreed to table this item to the first meeting in September for further consideration.

- 14F, regarding allegations made by Commissioner McIntee and David Beyer

Commissioner McIntee questioned if this would be an appropriate item of discussion to be considered by the Commission. Attorney Cherof stated that this was not the correct forum to hold these types of discussions, indicating that members of the public could address the Commission during public comments. Mayor Pro Tem Clark agreed, stating that if either of the parties wished to pursue the matter, it should be done in a court of law. Vice Mayor Yanni agreed, adding that it was not proper to allow a member of the public to personally attack any Commissioner.

Commissioner McIntee claimed that he had been set up for this issue and believed that the Mayor was prejudice in his actions. Mayor Parker disagreed, reminding Commissioner McIntee that he had been the one to open the door to accusations by alleging to them first himself. Commissioner McIntee stated that due to the ongoing investigation he would be prohibited from discussing any of the allegations previously made.

In polling the Commission to determine whether this item should remain on the agenda for discussion, Commissioner McIntee requested he be allowed to abstain from voting. Attorney Cherof explained that it would be improper for Commissioner McIntee to abstain from voting in this matter and, in fact, that Commissioner McIntee had an obligation to vote on all issues presented to the governing body for consideration.

In a majority consensus, it was agreed that this item would be pulled from the agenda of the regular meeting. The consensus held 4-1, with Mayor Parker dissenting.

- 14G, regarding the proposed referendum for terms and term limits

Attorney Cherof stated that this issue was before the Commission for a determination as to whether the title would be included in the November ballot or, in the alternative, the Town wished to hold a special election prior to that time. Mayor Parker questioned if he would be permitted to vote on this matter even though the issue at hand requested retroactive term limits. Attorney Cherof replied affirmatively.

- 14H, regarding placing a straw ballot in November concerning the possibility of providing assessments for the cost of underground utilities
- 14I, regarding the addition of trash collection to ad valorem taxes

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It was agreed that the above issues would be discussed in more detail during the regular meeting; however, Mayor Pro Tem Clark requested that 14I be corrected to show trash collection added to special assessments.

Brief discussion followed, with the Commission agreeing that the remaining issues on the agenda would be addressed during the regular meeting.

4. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at 7:01 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____