

REVISED April 5, 2007. Minutes were proofread for spelling and grammar and Commission comments were reviewed and addressed per Commission meeting audio tapes and video tapes.

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES
Town Commission Meeting Room
4501 Ocean Drive
Tuesday, January 9, 2007
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:03 p.m. Present were Mayor Oliver Parker, Vice Mayor John Yanni, Mayor Pro Tem Chuck Clark, Commissioner Jerome McIntee and Commissioner Jim Silverstone. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof and Town Clerk Alina 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 Harry Joseph, Deputy Terry Kyle and Deputy Joe Duncan and acknowledged their outstanding work on an incident that happened at about 7:30 PM not far from Town Hall on December 13, 2006. A suspect armed himself with a knife and threatened to kill his mother. She came down to the station to make a police report. The suspect barricaded himself in the bathroom in the home and threatened to kill himself. BSO called for additional resources from Pompano Beach and Oakland Park and evacuated the area. Fire Rescue was called to stand by as well as a partial SWAT team. It was later found out that the suspect had some mental problems. The suspect was eventually talked out of the bathroom and was baker acted Chief Gooding stated that these deputies did an outstanding job

The Commission congratulated and thanked the Deputies for their hard work.

5. REPORTS

- A. Monthly Report for the period ending November 30, 2006

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Vice Mayor Yanni made a motion, seconded by Mayor Pro Tem Clark, to approve the report. In a roll call vote, the motion carried 4-1 with Commissioner McIntee dissenting.

- B. Report regarding the location and use of equipment used by the Broward Sheriff's Office Department of Fire Rescue and Emergency Services (*Town Manager Robert Baldwin*) (*continued from December 12, 2006*)

Town Manager Baldwin passed a hand out to the Commission in answer to the report.

Chief Frailey said that nothing was removed. Squirt was taken for maintenance and is at the motor pool. The Explorer is also at the motor pool. He is currently driving the Durango and the other vehicle is still at the station.

Commissioner McIntee wanted to know how long Squirt has been at the motor pool. Chief Frailey said 3 or 4 weeks. Commissioner McIntee asked how long does a PMI take. Chief Frailey said about a week or two. Commissioner McIntee also asked if the Fire Truck was painted over Lauderdale-By-The-Sea on the boom of Squirt. Chief Frailey said that it was not painted over. Commissioner McIntee asked Chief Frailey if he was sure and Chief Frailey said that it is being re-lettered. Commissioner McIntee then asked Chief Frailey if Lauderdale-By-The-Sea is on the boom and Chief Frailey stated it is not; that the letters were faded on the truck. Commissioner McIntee then asked that if Cooper City wanted to use the truck, there would be no way of knowing that it was our truck. The Chief stated that they do not plan to take the truck out of town and it still says "Serving the town of Lauderdale-By-The-Sea". Commissioner McIntee asked if there was anything on the boom and Chief Frailey said that there is nothing on the boom now. Commissioner McIntee wanted to know where Squirt would be kept when it came back; Chief Frailey stated back here at the station. Commissioner McIntee said that Mayor Parker indicated that there would be a Reserve Program started and you would use that equipment to start how many reserves signed up; because of the Volunteer Fire Department the program has been cancelled and therefore I can't discuss this matter; because there was a lawsuit filed that is why I can't respond to that.

Mayor Parker had said that whether or not there would be a reserve program is not part of the report being made.

Commissioner McIntee wanted to know where the Chief's car is and if it was repainted. Chief Frailey said no.

Commissioner Silverstone commented that he understood that most of the stuff was removed and the Volunteer Fire Department was told to be out on the previous Friday.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni to approve. In a roll call vote, the motion carried 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

- C. Report on procedures to be followed for a recall (*Town Attorney James Cherof*)

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Mayor Parker asked Attorney Cherof if there were any conversations about the hiring of Mr. Maurodis.

Commissioner McIntee made a motion to accept Mr. Maurodis for Special Counsel, seconded by Mayor Pro Tem Clark. In a roll call vote, all voted in favor. The motion carried 5-0.

D. Report on the progress of the Sister Cities relationship with Henley-On-Thames (*Kenneth Most*)

Dr. Most provided an update on the progress of the relationship with Henley-On-Thames. Dr. Most said that they decided to send the Mayor and his spouse, and a prominent businessman would be visiting anyway and Vince Hill and his spouse. Dr. Most then outlined what the guest would be doing once they are here. On February 13th he would like to bring them to the commission meeting to introduce them to Town Commission. Dr. Most explained that there will be a formal exchange of vows between Henley-on-Thames and Lauderdale-By-The-Sea and would like to meet on February 15, 2007. Dr. Most then suggested that it would be nice for the Commission to be there and wanted the Commission to approve these arrangements. Dr. Most asked for up to \$2,000 for the expenses. Also the Mayor for Henley-on-Thames would like the Commission to reciprocate the visit in either June or July to attend some of the functions that would be happening in Henley-on-Thames. Henley-on-Thames at that time invited all residents that would be interested, to join the Sister Cities International. Dr. Most requested Commission approval on this. Special thanks to Mr. Vincent Ragusa for all of his help.

The Town Manager stated that this would be taken from the Special Events.

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

Commissioner McIntee said he assumed that they would not spend the whole \$2,000.

Mayor Parker suggested that Dr. Most get with the Town Clerk to get things in order.

6. APPROVAL OF MINUTES

Commissioner McIntee stated that he had multiple additions and corrections on each of the meeting minutes and that some are very serious.

Commissioner McIntee asked Manager Baldwin if these minutes were generated on June 13th what is the procedure for doing the minutes.

Town Manager Baldwin explained that the minutes are taken here at the meeting and then transcribed from the Town Clerk's notes and also with the audio tapes and then presented them to the Commission.

Commissioner McIntee said that the minutes are generated off the tape, is that correct. Town Manager Baldwin said that is correct. Commissioner McIntee said that when you are doing the minutes procedure and preparing the final agenda to be approved are those minutes accessible to the public. Town Manager Baldwin said that he would have to defer this to the Town Attorney, but would say they are typically not available until they are completed.

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Commissioner McIntee then asked the Town Attorney while the minutes are in the process of preparing, are they for the public? Attorney Cherof said that all drafts of documents that are prepared to perpetuate the public business and all drafts are for public and available for inspection. Commissioner McIntee asked the Attorney if the public needs to put a request in writing for public records. Attorney Cherof said no; the request does not need to be in writing. Commissioner McIntee asked if he would walk in, can he ask to see what minutes are done so far. Attorney Cherof said that would be a public records request and you can do that. Commissioner McIntee asked if he would come in and requests a copy that was not finished what would you do. Manager Baldwin said that if he requested a copy he would tell the Clerk to get the minutes and to fulfill the request. Commissioner McIntee also asked that if you would then give a copy to all Commissioners. Commissioner McIntee then asked if this is the procedure. Manager Baldwin said that was correct. Commissioner McIntee asked if that is the direction that you give the Town Clerk. Manager Baldwin said that it is his policy. If minutes are transmitted out of his office that is not finished, there should be something indicating they were transmitted and who asked for them. Manager Baldwin explained that typically staff prepares the minutes and would then be given to me and either has a transmittal slip attached or would write in the corner who is to get the minutes. Commissioner McIntee said that there is no question that if one Commissioner gets the minutes all Commissioners get the minutes and that is the direction of the Town Clerk. Manager Baldwin said that they should.

Mayor Parker said that he just asked that if there were any corrections, deletions or additions to these minutes that is the only thing that we are discussing right now.

Commissioner McIntee wanted to ask the Town Clerk a question; there maybe a lot. I need to know if they are done correctly.

Attorney Cherof explained that if there was anything criminal that Commissioner McIntee should take this up with the State's Attorney's Office.

A. June 13, 2006, Regular Meeting

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

B. September 14, 2006, Regular Meeting

Commissioner McIntee had several corrections, and then Commissioner McIntee proceeded to list them. Town Manager went on to explain what transpired. Mayor Parker asked the Town Clerk how long it would take to do the minutes verbatim and the Town Clerk said that it would take a long time to do. Commissioner McIntee wanted the Town Clerk to try to put in everything that was said by Mr. Thompson, and Commissioner McIntee explained that there were many more corrections. Attorney Cherof suggested that this set of minutes be tabled so that Commissioner McIntee could bring the Town Clerk his corrections. Attorney Cherof suggested that each Commissioner make their comments and submit them to the Clerk for the proper language. Commissioner McIntee stated on page 3 that Attorney Cirullo said that no fund would be used for Emergency Services, it said that it said shall pay for medical services; top of page 4 Vice Mayor Yanni never said fire suppression it was in there twice. Commissioner McIntee stated that this is the very serious one; "Mayor Parker asked if any fees were used for the

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purpose of paying for medical services; Ms. Colon replied negatively. Mayor Parker said that he remembered getting a negative answer. Commissioner McIntee said that it was not on the tape it was reviewed by multiple people and that it was definitely inserted into the minutes. Mayor Parker said that he disagreed. Town Clerk Medina explained why she types the minutes from the video because sometimes the Commissioners do not always speak into their microphones. Commissioner McIntee said that this was in the Mayor's lawsuit and wanted to know how this was in there, someone gave the minutes to the Mayors attorney; Commissioner McIntee asked why he didn't receive them.

Commissioner Silverstone wanted to know what the proper procedure is. Attorney Cherof then explained how this works.

Lengthy discussion followed.

Commissioner McIntee moved to strike page 4, dies for lack of second.

Vice Mayor Yanni moved to approve, dies for lack of second.

Commissioner McIntee then went thru each page and gave a run down on what was incorrect in the minutes.

Commissioner McIntee moved to table for 2 weeks for review of the minutes, seconded by Commissioner Silverstone. In a roll call vote, the vote carried 4-1 with Vice Mayor Yanni dissenting.

C. September 26, 2006, Workshop Meeting (*tabled from December 12, 2006*)

Commissioner Silverstone pointed out that on page 12 there was an error; questioned a remark by Mayor Parker. Mayor Parker did not remember saying anything to that affect; asked that the Clerk amend these minutes as well.

Commissioner McIntee moved to table, seconded by Commissioner Silverstone. In a roll call vote, the motion carried 4-1 with Vice Mayor Yanni dissenting.

D. September 28, 2006, Regular Meeting (*tabled from December 12, 2006*)

Commissioner Silverstone had a correction on page 4, relating to a question Mayor Parker brought up. Mayor Parker said that he remembered making the statement. Commissioner Silverstone said that it did not include borrowed money in the motion.

Page 8; Commissioner McIntee stated the amount being proposed for the budget actually was Commissioner Silverstone who made the comment.

Commissioner Silverstone moved to table until next meeting, seconded by Commissioner McIntee. In a roll call vote, the motion carried 3-2 with Vice Mayor Yanni and Mayor Parker dissenting.

E. October 24, 2006, Regular Meeting (*tabled from December 12, 2006*)

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Commissioner McIntee had a correction on page 2; referenced what Mr. Wick had said. Mayor Parker said that further down the page is where Mr. Wick's summary was.

Commissioner McIntee made a correction and have the Town Clerk try to put in general what is said.

Vice Mayor Yanni then went thru each of the residents comments and stated that they said more than what was in the minutes.

Vice Mayor Yanni moved to approve; seconded by Mayor Parker. In a roll call vote, the motion carried 4-1 with Commissioner McIntee dissenting.

F. November 28, 2006, Regular Meeting (*tabled from December 12, 2006*)

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

G. December 12, 2006, Regular Meeting

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

7. PUBLIC COMMENTS

Raymond Wolowicz, 1620 South Ocean Boulevard, I think its about time that someone from the North side spoke about the lack of concern certain Commissioner's regarding the town's business if it does not pertain to the Volunteer Fire Department it is my belief that these Commissioner's sought election and for one purpose only that we expect the Commission that has the best interest for all citizens including those of us in the North end of town, and are ruining the integrity of this body with their antics and their self centered speeches and they are not serving in the best interest of the entire community, if any one should be recalled it should be you. When we were annexed I was appointed to a committee along with 9 citizens and I had high hopes that the committee could serve a valuable service before one member ruined it for everyone.

Joe Padden, 159 Southeast 3rd Avenue Pompano Beach, I have been a member of the Lauderdale-By-The Sea Volunteer Fire Department since 1991 and I'm here to report on the status of the Volunteer Fire Department. The Volunteer Fire Department has participated in some town wide holidays and our schedule will go back to normal. Also we are going to start our Firefighter 1 class during the first quarter of 2007. Planning to continue our ocean rescue; explorer program has continued and will go to competition this March; on a darker note we are still locked out and was wondering what happened to Engine 12; the sign on the fire engine was taken off and there was nothing wrong with it.

Geoffrey Evans, 1941 Southeast 18th Street, Mr. Evans was attending this evenings meeting in support of Stuart Dodd's recall effort.

Birute Clotney, 1770 Southeast 21st Avenue, Complained on how meetings are run and also about how the minutes are being handled. Also asked that the Mayor to step down.

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Tom Carr, 254 Miramar Avenue, read an article on the census about how much is spent on elections, also several complaints about the elections.

Marilyn Carr, 254 Miramar Avenue, Had several complaints that the Vice Mayor had stated at a previous meeting and also for Mayor Parker said that she picked up an agenda and now that her name had been added later in the day, thought this was supposed to be public knowledge.

Gail Schwartz, 4629 Poinciana Street, she had asked if the volume can be turned up on the meeting and also complained about the parking lots by the beach; and wanted to know what happened to the ocean rescue vehicle and also complained about the bus shelters.

Cindy Geesey, 256 Imperial Lane commented that every newly appointed board member is instructed on the compliance of Sunshine Law from the Town Attorney's Office. Ms. Geesey said that Town business should be conducted by well informed responsible individuals that are not afraid to be held accountable for their actions or statements. Ms. Geesey went on to say that taxpayers should not have to foot the bill when a board member does something on his/her personal time that must be defended in court.

Lisa Mitchell, 4238 Seagrape Drive, Had several complaints about the Mayor and that he should be recalled. She also stated that she is in direct contact with Senator Bogdanoff and that she was sent here to represent her because she is in Tallahassee; also had several other complaints.

Hilda Maier, 1780 East Terra Mar Drive, Had several complaints; she said that she is happy with the BSO Fire and Pompano was there when my husband needed help and not with the Volunteer Department who keeps asking her for donations. She also supports Mayor Parker in all he does.

Frank Herrmann, 4244 Seagrape Drive, praised the Volunteer Fire Department for keeping the cost down for insurance rates concerning fire services. Mr. Herrmann continued to say that the BSO Fire Department is costing him big dollars.

Lawrence Wick, 4900 North Ocean Drive, Wanted to thank several people and businesses on helping with Marie White's Christmas. Wanted to know why the Stargazing was on a Friday when there are other special events going on at that time. Mr. Wick is in favor of bringing back our own Police Department.

Yann Brandt, 2011 Northeast 60th Street. Fort Lauderdale; Complained about the Fire Department not responding in a reasonable time; and also how many units they have to pull from other cities to respond to our town for mutual aid.

Beverly Kennedy, 3240 Seaward Drive, Ms. Kennedy had nothing but praise for the Mayor and 2 of the Commissioners; there is no reason why we need to have two zip codes because this town is no longer unified. Also thanked the Town Clerk, Town Manager and Town Attorney for all their hard work.

John Macmillan, 223 Commercial Boulevard, He mentioned that he also reviewed the tapes in question and I find that Commissioner McIntee is accurate and the Mayor is not. Mr. Macmillan also said that it is reasonably important that you present a lawsuit especially to one of our

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citizens that you accurate information. Mr. Macmillan said that he heard a lot of other residents complaining.

Maureen McIntee, 1612 Southeast 21st Avenue, Ms. McIntee read an article outlining an accident that had happened recently and stated that Commissioner McIntee was there to help the people involved; and that she also reviewed the tapes in question and that no where on the tape was heard on what was written in the minutes.

Diane Boutain, 4244 El Mar Drive, She spoke on an item on the agenda regarding keeping animals out of the parks; also said that she whole heartily supports this item and also to ban the animals out of the beach; Item 13C beach safety issues, Ms. Boutain said that she thinks this one is very critical to keep the flags to warn the people.

John Thompson, 671 Lakeside Circle, Pompano Beach commented that democracy has been suffering in Town and residents are not getting along. Mr. Thompson praised long-time residents Bill and Eva Karley and former Commissioner Fontaine.

Ron Piersante, 227 Lake Court, Mr. Piersante pointed out several complaints; also complained about how Chief Frailey was getting a discount on his lunch at several restaurants; that was not true when 2 members of the Commission were getting a discount at several restaurants themselves. Mr. Piersante also complained about the recall against the Mayor and also about the Planning and Zoning Board members.

Rosa Michailiuk, 4621 Bougainvilla Drive is still hoping that the Volunteer's and BSO Fire Rescue can work together.

Mayor Parker called a recess at 9:14 pm. The meeting reconvened at approximately 9:25 pm.

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

- A. **ORDINANCE NO. 2006-15:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Article III "Maintenance of Property" of Chapter 6 of the Code of Ordinances to add a new Section 6-42 titled "Site Maintenance of Projects Under Development"; providing for minimum landscaping requirements for sites under development; providing for severability; codification; and an effective date
- B. **ORDINANCE NO. 2006-16:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 24-43(b) of Article IV "Application for Final Site Plan Approval" of Chapter 24 of the Code of Ordinances, to require the submission of a scale model of a proposed project in an overlay district as a condition of site plan submission; providing for severability; codification; and an effective date.
- C. **ORDINANCE NO. 2006-17:** An ordinance of the Town Commission of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Section 24-43(g) effect period of final site plan approval;

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providing clarification of the effective period of an approved site plan;
providing for conflicts, severability, codification and an effective date.

Mayor Parker asked Town Manager Baldwin why staff requested that the second reading of these ordinances be tabled. Town Manager Baldwin responded that the request was due to advertising requirements. Attorney Cherof said that the Town Clerk had advised him that these ordinances had not been published ten days prior to that evening's meeting.

Commissioner Silverstone made a motion to table items 8a, 8b, and 8c until January 23, 2007, seconded by Vice Mayor Yanni. In a roll call vote, all voted in favor. The motion carried 5-0.

9. COMMISSIONER COMMENTS

Vice Mayor Yanni thanked Municipal Services Director Bill Mason for fixing the drainage problems on West Trade Winds. Vice Mayor Yanni stated that he had inspected the drains after heavy rains and observed that the problem had been corrected.

Vice Mayor Yanni responded to Mr. Brandt's comments about the Broward Sheriff's Office. He asserted that there were always negative things being said about the Broward Sheriff's Office, but he reminded Mr. Brandt that the Broward Sheriff's Office was composed of volunteers who, like the volunteer firefighters, are required to follow the direction of their boss, which in this case is the Sheriff. Vice Mayor Yanni remarked that Mr. Brandt was putting the blame on them and never talked about the lives or property saved by the Broward Sheriff's Office or the people benefited by EMS services. Vice Mayor Yanni summed up that he believed that it would have been better for both parties if they had worked together.

Vice Mayor Yanni recounted that during the last meeting he had reminded Mr. Joe Padden that he had said "we don't want BSO" when asked why VFD couldn't work with BSO. According to Vice Mayor Yanni, Mr. Padden denied making such a statement. Then, Vice Mayor Yanni proceeded to read a portion of the meeting minutes into the record in which it was stated that Mr. Padden had said "we don't want BSO". Vice Mayor Yanni doubted that there had ever been any intention to try to work with BSO and emphasized that the Town was very divided.

Commissioner McIntee declared that the meeting minutes are the foundation of our government and thus if the minutes weren't correct or honest, the government was not correct or honest. He remarked that it was important to make sure the minutes were documented fairly, honestly and accurately. He brought us his concern about the minutes from the September 14th meeting which prompted him to request an emergency meeting with the State's Attorney's Office during which both the meeting minutes and Oriana by the Sea were discussed.

Commissioner McIntee said that the State's Attorney's Office would be issuing subpoenas shortly, though he did not know for what. He recounted that the State's Attorney's Office told him that Lauderdale-by-the-Sea was going to be aggressively investigated.

Commissioner McIntee proceeded to explain why he had called the State's Attorney's Office. When he read the papers served on Stuart Dodd from Mayor Parker, he noted a reference to Exhibit B, which was page four of Lauderdale-by-the-Sea's minutes for September 14th. However Commissioner McIntee said this was the first time he had seen the minutes and suggested that the lawyer who drafted the service must have been in possession of the minutes

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for some time. This, according to Commissioner McIntee, was a violation of the rule that if one commissioner gets something, all commissioners get it. Commissioner McIntee quoted Mayor Parker as saying that the Town's clerical staff had orders to this affect; nonetheless the Mayor said he gave the minutes to the attorney.

Commissioner McIntee pointed out page nine of the suit where there is a quote from the September 14th meeting minutes. He explained that after comparing the minutes against a videotape of the proceedings, he discovered that events stated in the minutes were not recorded on the videotape. He concluded that somebody inserted these events into the minutes. These inserted events were, according to Commissioner McIntee, the major thrust of the lawsuit against Mr. Dodd. He encouraged everyone to see the tape so they could see he was telling the truth.

Commissioner McIntee next reported that in 2003, the Town paid \$3 million to support the BSO fire and police and \$6.25 million in 2006. He noted that with a guaranteed 5% raise per year and the extra truck, the Town could potentially have a budget of \$8 million for fire and police in a town that has 1 fire every 5 years. According to Commissioner McIntee, the only way to have controlled these costs would have been to have kept the volunteers and have them eventually take over. He expressed his belief that the Broward Sheriff's Office had figured this out and shut down the volunteers with the support of three commissioners.

Commissioner McIntee asked Mr. Baldwin to confirm his understanding that the Fire Administrator had told the Town Manager that the Town was not as safe now as it was with the volunteers.

Mr. Baldwin refuted this and said that the Fire Administrator did draft a letter which was sent to the Sheriff and that a meeting with Chief Lello will be held to discuss what the operational plan is; but he did not tell him that he thought the town was unsafe. Mr. Baldwin elaborated that he, along with Town Attorney Jim Cherof, had called the Sheriff the day he terminated and talked to his attorney. At that time, they said the town was just as safe now as it was before.

While Commissioner McIntee acknowledged that he might have been mistaken about the Fire Administrator's comments, he went on to express his concerns about the Town's safety under the new fire and rescue arrangement. He stated that on the preceding Sunday, there was a fire call in west Broward that left the island with only one engine and one rescue truck. He also restated that BSO was pricing their services out of the Town's ability to pay. This is why, he concluded, that he was going to support bringing back the old police department and volunteer fire department.

Commissioner Silverstone responded to earlier public comments about Plantation's fire truck. He reiterated that he was present when the Fire Chief had promised to give the Town the vehicle. He elaborated that the Fire Chief did qualify the donation by saying that he had to OK it with his town first. Commissioner Silverstone entreated Town residents to remember that he and Commissioner McIntee do more than talk about the Town's fire protection services. He recalled positive changes regarding parking and sea turtles.

Commissioner Silverstone outlined how his position on the Town's fire protection arrangements was consistent with his strong belief in trying to save the money of Town residents. He brought up that people were currently paying \$260 per year for fire protection whereas before they were paying \$92 per year. Commissioner Silverstone went on to say that to keep BSO and sustain

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another truck would cost \$1-1.5 million, which would translate to a \$400+ increase in fire assessments. The Commissioner announced that the Town was not as safe as before when it was protected by the Volunteer Fire Department. An average of 14 people responded to a typical call, according to Commissioner Silverstone. He continued to say that these volunteers had 4 trucks at their disposal (2 from BSO and two from the Town) whereas with BSO the trucks are not all dedicated to the Town.

Then, Commissioner Silverstone announced that he was very upset with Vice Mayor Yanni for saying things and then forgetting them like that the volunteer firefighters would be back and that the Town would be safer. Commissioner Silverstone cited statistics from the Sun Sentinel's Website that supported his assertion that the Town was paying too much for fire and police protection. He illustrated his point by noting that of all the contact cities in Broward County that pay BSO for fire protection, Lauderdale-by-the-Sea pays the highest per capita rate of \$334 (as opposed to Weston that pays about \$133 per person or Pembroke Park that pays about \$224 per persons). He went on to explain that helping people to reduce their taxes was one of the reasons he became a commissioner and this is why he spent so much time talking about the Fire Department. He stated that he had nothing personal against the BSO officers or EMS personnel; and if they wanted to run two rescue units with volunteers handling one of the units, he would support this even though it wouldn't save as much money.

Commissioner Silverstone next expressed his concern over item 16.7 in the Town's contract with BSO that stipulates fee changes if the amount of people providing services from BSO is changed. He went on to refute claims that the VFD did not negotiate when they had the chance. Commissioner Silverstone elaborated on the timetable. He said the accusations began on only the first or second day they could have negotiated; and that this delayed start was due to the Thanksgiving holidays and key players being out of town.

Mayor Pro Tem Clark volunteered that he had intended on wishing everybody a happy New Year, but changed his mind because it looked like things weren't headed that way. He likened the Town to a circus, which made him sad.

Commissioner Clark disagreed with Commissioner Silverstone's assessment of the Volunteer Fire Department's negotiations when he said they were just giving lip service. He said it was clear to him that the negotiations were headed nowhere which is where they were headed for over a year. While it was a shame that events unfolded as they did, Commissioner Clark declared that the right thing had been done and that he didn't apologize for it.

Commissioner Clark then addressed the residents of Terra Mar and the current town topic of hooking up the sewer system by January 31st. He suggested that the ordinance be changed to reflect an April 1st deadline so that it would coincide with Pompano Beach's sewer connection. The Commissioner then announced that Town Clerk Alina Medina had left the meeting and was on her way to the hospital.

Commissioner Clark made a motion, seconded by Mayor Parker, that an amendatory ordinance reflecting the April 1st deadline be procured for first reading at the next meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker wished everyone a Happy New Year. He remarked that Christmas by the Sea was a great event that brought the town together. The Mayor said he wanted to thank everyone

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involved, including the Chamber of Commerce, David Gadsby, Village Grill, Aruba, Mulligan's and Athena by the Sea.

Mayor Parker recognized Marie White for putting on Santa by the Sea and said he hoped the Town did it again next year. He congratulated Ms. White for a great event, in spite of the rain, during which a lot of kids were given an opportunity to see Santa.

Finally, Mayor Parker thanked everyone in putting on a great New Year's Eve party downtown, including the Village Grill, Aruba's, Mulligan's, the Village Pub, Athena by the Sea, the Village Market and the Chamber of Commerce.

Mayor Parker then warned against comparing police protection costs of a seaside town like Lauderdale by the Sea with bedroom communities that didn't have beaches or tourists. He went on to point out that the Town was just about the safest community in Broward County. Mayor expressed his opinion that the Sheriff's office does a good job and noted that the Sheriff charged less than what was paid to the Town's own police department (at least if inflation is considered). Mayor Parker stated that the Town gets more men for less money while keeping greater control which is why he believed the Town needed to keep BSO.

The Mayor concluded by reminding the Commission to stop bullying its staff including Town Clerk Alina Medina because it's just plain wrong.

10. ORDINANCES (1ST Reading)

- A. **ORDINANCE NO. 2006-18:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, providing interpretation of the November 2006 Charter amendment regarding qualifications for office and term limits; providing for severability; codification; and an effective date (*tabled from December 12, 2006*)

Attorney Cherof read the ordinance by title only.

Commissioner Clark made a motion, seconded by Vice Mayor Yanni to approve Ordinance NO 2006-18 on the first reading.

Commissioner Silverstone asked the Town Attorney if there was any reference taken out to being retroactive and if someone were elected in March 2008 would they start out fresh?

Town Attorney Cherof referred to page two, section two, lines 50-57 of the Ordinance. He responded that there was no reference to retroactivity in the charter amendment itself. Mr. Cherof said the ordinance says what it says and that it does not address whether the word retroactive should or should not be in it.

Commissioner Silverstone asked Mr. Cherof to clarify the meaning of line 54. The Commissioner said the referendum says that to qualify for office, a candidate would have to include any prior term. He asked Mr. Cherof to confirm that the language of the Ordinance takes this requirement away.

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Mr. Cherof said that Commissioner Silverstone was not correct. He elaborated that the Ordinance does not amend the charter provisions.

Commissioner Silverstone state he would vote against the ordinance because he thought the people who did vote for this, clearly understood that when the next election came up, that whatever prior term you had would be counted toward being able to run for that term.

In a roll call vote, the motion carried 4-1 with Commissioner Silverstone dissenting.

- B. ORDINANCE NO. 2007-01:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, creating an Article IV of Chapter 6, Buildings and Building Regulations of the Code of Ordinances; providing for regulations of building color; providing for permits; providing for amortization of non-conforming buildings; providing for conflicts, severability, codification and an effective date

Attorney Cherof read the ordinance by title only.

Mayor Parker asked what zoning districts this ordinance would affect.

Mr. Cherof responded that it would apply to the whole town without respect to the zoning districts. He suggested that the Commission may want to consider whether to give the Ordinance effect only along the major corridors or town-wide. According to Mr. Cherof, the wording on page two, lines 54 and 72, that references major corridors would need to be deleted to make the ordinance effective town-wide.

Mayor Parker asked if the charter amendment prohibiting the Commission from changing residential zoning districts meant that a referendum would be required.

Mr. Cherof said that in his opinion a referendum was not needed because the Ordinance is not structured as a provision of the land development regulations. He elaborated that it is a color control that is provided for in Chapter 2 – Building and Building Regulations.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to approve Ordinance No. 2007-01 on the first reading.

Mayor Parker asked if the Commission wanted to limit this ordinance to major corridors or make it town-wide.

Mr. Cherof interjected that he worded the Ordinance with some room because there was no specific discussion about this issue when he was instructed to draft the Ordinance. He reminded the commissioners that if they opt for town-wide effectiveness, residential property owners will be required to obtain a permit to paint the exterior of their home.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to amend Ordinance No. 2007-01 to make it town-wide.

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Mayor Parker stated that he had no problem making it town-wide provided that single family homes and duplexes didn't have to get a permit to paint their house.

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

Mayor Parker made a motion to amend Ordinance No. 2007-01 so that in the event that a single-family homeowner or duplex owner fails to get a permit before painting their home in an acceptable color, that there be a fine of only \$25.

Town Attorney Cherof advised that the lien associated with any fine would eventually be the property of the Town Commission that could reduce or waive the lien.

In a roll call vote, Vice Mayor Yanni, Commissioner McIntee, Commissioner Clark and Commissioner Silverstone voted yes. Mayor Parker voted no. The motion carried 4-1.

Mayor Parker stated that he voted no because he didn't think we should be putting single family home owners in a position where they will get a fine just for not getting a permit.

- C. **ORDINANCE NO. 2007-02:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Section 4-32 of the Code of Ordinances to prohibit animals in Town parks; providing for conflicts, severability, codification and an effective date.

Attorney Cherof read the ordinance by title only.

Mayor Pro Tem Clark moved to approve, seconded by Mayor Parker.

Commissioner McIntee wanted to know if this affects the middle of El Mar. Mr. Mason said it does not.

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

- D. **ORDINANCE NO. 2007-03:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, changing the date of municipal elections from the second Tuesday in March to the first Tuesday in November; providing for a transition period for elected officials who are serving a term of office at time of adoption of this ordinance; providing for amended qualifying periods; amending conflicting provision in Section 6.1 of the Town Charter; submitting the amendment to approval by referendum; providing for conflicts, severability, codification and an effective date

Attorney Cherof read the ordinance by title only.

Mayor Parker point out two things, the first one is for 2010 and not 2008 and the election would not be changed, it would be a charter amendment.

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Vice Mayor Yanni moved to approve on first reading, seconded by Mayor Pro Tem Clark. In a roll call vote, the motion carries 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

Mayor Parker advised that all four Ordinances would be on January 23, 2007 for second readings.

11. CONSENT AGENDA

- A. AGREEMENT: with Municipal Code Corporation for updating and format changes, as well as formalizing online process of Town's Code
- B. LEASE AGREEMENT: between the Town and AMISUB (North Ridge Hospital) for use of the Town's off-site building
- C. SPECIAL EVENT PERMIT: Stargazing concert/Lauderdale-By-The-Sea Performing Arts Center; Friday March 10, 2007, from 7:00 p.m. to 10:00 p.m.
- D. PROPOSAL: from Craven Thompson for Landscape Improvements
- E. PROPOSAL: from Craven Thompson for Beach Access Paths in North Beach
- F. AGREEMENT: with the Supervisor of Elections Office to engage, train, and assign poll workers and other necessary staffing in connection with election regulations, as needed

Commissioner Silverstone asked about item 11b the amount we are charging for the property is it going to be increased.

Town Manager Baldwin said that they noticed it did not have an expiration date on the agreement and that's why the lease came back.

Mayor Parker removed item 11C from the consent agenda.

Commissioner Silverstone moved to approve items 11a, 11b, 11d, 11e and 11f, seconded by Commissioner McIntee. In a roll call vote, all voted in favor. The motion carries 5-0.

Mayor Parker had a question for Mr. Ragusa, did you talk to Dave Gatsby about having this on a Friday. Mr. Ragusa stated that this is a misprint, it should be Saturday. Mr. Ragusa thanked Bill Mason, Bob Terrien and Alina Medina for helping me to put the permits together.

Commissioner McIntee moved to approve, seconded by Commissioner Silverstone. In a roll call vote, all voted in favor. The motion carries 5-0.

12. RESOLUTION

There were no resolutions to be considered.

13. OLD BUSINESS

- A. Discussion and/or action regarding the possibility of the Town providing trash collection (*tabled from October 24, 2006*)

Commissioner McIntee moved to table until February 27, 2007 with direction from the Town Manager, seconded by Mayor Parker. In a roll call vote, the motion carries 4-1 with Vice Mayor Yanni dissenting.

- 1. Discussion and/or action regarding the possibility of providing for an assessment for solid waste collection for residential customers (*tabled from November 14, 2006*)

Commissioner McIntee moved to table until April 3, 2007 with direction from the Town Manager, seconded by Mayor Parker. In a roll call vote, the motion carries 4-1 with Vice Mayor Yanni dissenting.

- B. Discussion and/or action regarding the short list selection for professional engineering consulting services (*Municipal Services Director William Mason*) (*tabled from November 28, 2006*)

Mr. Mason said that they have reviewed each one and came up with a short list; we short listed the three and sent out letters to tell them that they were selected and to make a presentation on the February 13, 2007 meeting.

- C. Discussion and/or action concerning beach safety issues (*Mayor Oliver Parker*) (*tabled from November 28, 2006*)
 - 1. Installation of call phones at all beach access areas
 - 2. Installation of signs regarding rip currents; providing instructions on what to do if a person is caught in a rip current

Mayor Parker making 2 proposals for call phones on the beach; Mr. Mason said that they already installed the signs explaining how to get out of rip currents and so forth. Also he has some price quotes and the approximate cost would be about \$4,400 each, did not know if this would withstand the winds or a hurricane. Manager Baldwin also said that he did not know the legal issues involved with this. Attorney Cherof explained that this could be a liability if the equipment does not work properly.

Commissioner Silverstone stated that as you know the Volunteer Fire Department to have a proposal to include the donation of cell phones and a beach rescue devise or a surf board; actually had someone from Pompano with a surf board to help the rescuing of people. Commissioner Silverstone asked members of the Commission if they would have any thoughts about this.

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Commissioner McIntee made a motion to have a proposal from the Volunteer Fire Department for rescue service on the beach, seconded by Commissioner Silverstone.

Vice Mayor Yanni wanted to know if this is feasible. Attorney Cherof said that he believed so.

Mayor Parker stated that this item is not on the agenda; therefore this item will be placed on the next agenda for consideration.

Commissioner McIntee stated that this item be placed on the next agenda.

Town Manager said that he already directed the Town Clerk to place this item on the agenda.

- D. Discussion and/or action concerning the naming of El Prado after Bill and Eva Karley (*Commissioner Jim Silverstone*) (*tabled from November 28, 2006*)

Mayor Parker stated that according to the minutes of May 9, 2006 that the Datura portal is already named for the Karley's.

Commissioner Silverstone wanted to know if there would be one named for Mr. Fontaine, also should create a monument with names to be added periodically.

Town Manager Baldwin said that he had the Town Clerk do some research on this. Also believed this was tabled until the meeting in February.

14. NEW BUSINESS

- A. **PUBLIC HEARING - SITE PLAN** Coral Key Ocean Club, located at 4601 El Mar Drive (*Planning and Zoning Board recommending approval subject to conditions outlined in the planning report; staff recommending approval subject to the conditions outlined in the planning report*)

Town Attorney Cherof swore in each person that was going to testify on this matter. Attorney Cherof also stated that if there is any evidence to be presented please give to Town Clerk.

Michael Arker, 5100 North Ocean Drive presented this item. Project was redesigned 2 or 3 times already, Mr. Arker then explained what he would be doing with this project. Mr. Keller made some recommendations to this project.

Commissioner McIntee asked if the diagram that he has is the same one as before, Mr. Arker said yes.

Mr. Arker then showed the Commission a power point presentation of the project. Mr. Arker asked what the code would be to install a spa in a certain area of the lobby would this be something that you would consider. Mayor Parker asked if this is a four story building or a 3 over 1. Mr. Arker explained that it is a 2 over 1 in 90% of the building and the only part that is 3 over 1 is the corner of El Mar and Washingtonia. Mayor Parker asked where is the 3 over 1 on the bottom floor there is no living area. Mr. Arker said that there is only reservations and parking. Mayor Parker said that the only use should be 3 over 1 and one is for recreational

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purposes. Mr. Keller said that he does not think this is a permitted use only for storage, reception, lobby,

Mr. Keller stated that during the DRC meeting they were asked to remove the spa from the first floor, since the DRC meeting this has been reduced.

Commissioner McIntee what is the density. Mr. Keller said 25 units an acre. Commissioner McIntee wanted to know how many units he has. Mr. Keller said that he has 20 condominium hotel rooms and 6 condominiums. Mr. Keller said that he is in line with the code.

Commissioner Silverstone asked Mr. Keller if there were any restricted use. Mr. Keller said that this would probably be deed restricted and should be approved by the Town Attorney. Mr. Keller then explained further what would happen.

Mr. Arker showed the Commission a power point rendering on what the project would look like.

Mayor Parker opened the public hearing.

John Thompson, 671 Lakeside Circle, Pompano Beach, commented on an ordinance passed by the electorate in 1973 dealing with the height limits and said it provided for setbacks as well. It is his understanding that the charter provision that was passed said that the only way this could be amended was by the same way it was passed. Mr. Thompson said he does not believe there has been any electorate vote to amend setbacks. Mr. Thompson has obtained an opinion from the Attorney General's Office and wanted the to bring this matter to the Commission.

Mayor Parker closed the public hearing.

Commissioner McIntee said that he would make sure that this would be on the next agenda.

Mayor Parker asked Mr. Arker if he agrees to the 11 conditions stated in the memo. Mr. Arker replied yes.

Mr. Keller had a couple of questions we usually have 4 standard conditions that are added which includes Commission approval and the characteristics; 45 days for final drawings, and plans for 3 months; no development order until recorded.

Mr. Keller also stated on other conditions there needs to be minor repairs. Attorney Cherof also stated that there would be a deed restriction.

Commissioner Silverstone wanted to know if Mr. Arker talked to any of his neighbors about this project. Mr. Arker stated that he did.

Commissioner McIntee motioned to approve the site plan subject to the 4 standard conditions and 12 special conditions as outlined by Town Planner Keller and agreed to by Michael Arker. Vice Mayor Yanni seconded them motion. Motion carried 5-0.

Mayor Pro Tem Clark motioned to recess this meeting until January 23, 2007 at 6:00 p.m. Commissioner McIntee seconded the motion. Motion carried 5-0.

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There being no objections by Mayor Parker the meeting was recessed until January 23, 2007 at 6:00 p.m.

Mayor Parker noted that this meeting was a continuation of the Town Commission's Regular Meeting of January 9, 2007 on January 23, 2007. Mayor Parker reconvened the meeting at 6:00 p.m. Vice-Mayor Yanni, Mayor Pro Tem Clark, Commissioner Jerome McIntee and Commissioner Jim Silverstone were present. Assistant Town Attorney Julie Klahr, Town Manager Robert Baldwin and Deputy Town Clerk Andrea Gerlach were also in attendance.

B. Discussion and/or action regarding the current membership of the Planning and Zoning Board

Vice Mayor Yanni expressed his concern that certain members of the Planning and Zoning Board spoke adamantly against development, specifically about Oriana by the Sea. He went on to say that he was concerned that applicants may not obtain fair treatment during the review process. Vice Mayor Yanni thought that a specific group of people in the town controlled these Board members and it was the influence of these three members about which he was concerned.

Vice Mayor Yanni, seconded by Mayor Parker, made a motion to immediately eliminate three members from the Planning and Zoning Board and replace them with applicants that were already submitted. The three members were: Barbara Cole, Lawrence Wick and Julio Omana.

Commissioner McIntee remarked that this action was a violation of the civil rights of these Board members and showed disregard for the Constitution. He warned that no board should have all "yes people" on it and that Vice Mayor Yanni had targeted three people who had a contrary view to the sitting majority on the Commission even though they had the right to dissent from the majority.

Commissioner McIntee also remarked that the Law says you have to have cause to remove these Board members and that there was no proof of and had been no discussion regarding cause. He then suggested that he would have to file a complaint with the federal attorneys regarding the violation of the constitutional rights of these three Board members. He admonished Vice Mayor Yanni for using the power of the dais to deter people from expressing their opinions because he didn't like what they had to say. Commissioner McIntee concluded by saying that he hoped the Mayor Pro Tem Clark agreed with him due to his 20 years of military service to protect such rights as these.

Commissioner Silverstone remarked to Vice Mayor Yanni that the motion before the Commissioner was the most ridiculous thing of which he'd ever heard. He argued that our government is arranged around competing points of view and that this action would make the playing field unbalanced. According to Commissioner Silverstone, the Board's track record, such as approving Coral Key, spoke for the positive things they've accomplished and that they were not against development. He noted that this was especially so because the Board decisions aren't binding on the Commission.

Commissioner McIntee went on to recount a conversation between Commissioner Silverstone, Vice Mayor Yanni and himself during which Vice Mayor Yanni said that under no circumstances did he want Cindy Geesey on any boards and that he wanted to drop the Chamber of Commerce's funding down to zero. Commissioner McIntee recounted that he responded to Vice

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Mayor Yanni that Ms. Geesey had the right to be on whatever she wants and that he would have to look at the Chamber of Commerce situation before he could take action. Commissioner McIntee concluded that political situations like that was something he never understood or liked and that they hurt the rights of the minority which was unacceptable.

Vice Mayor Yanni confirmed that a conversation did take place and that there was discussion of Cindy Geesey, the Chamber of Commerce and a lot of other things. However, Vice Mayor Yanni adamantly denied saying that he was going to cut off the funding for the Chamber of Commerce. He also questioned Commissioner McIntee about how he had said earlier that there would be no retroactive term limits and yet now he wanted retroactive term limits.

Vice Mayor Yanni asked about the constitutional rights of developers when one member of the Planning and Zoning Board emailed another member of the Board telling them how to vote on a project. It wasn't right or fair, according to Vice Mayor Yanni, who restated that the three Board members in question should be replaced by people that are fair-minded and don't have any special agenda.

Vice Mayor Yanni stated that he thought the Commission did have the right to replace Board members under these circumstances and that if people couldn't get a fair shake from other committees, these members should be replaced as well. He concluded by pointing out that Barbara Cole served on two committees when everyone knew you were only supposed to serve on one.

Commissioner Silverstone responded to Vice Mayor Yanni's comments about term limits by agreeing with him that he had said he wanted term limits and wasn't going to make it retroactive. However, Commissioner Silverstone noted that Vice Mayor Yanni had not heeded his warning when he voted against the term limits ordinance proposed by Commissioner Silverstone. According to Commissioner Silverstone, when this agenda item (that did not include retro-active term limits) failed to pass, the people took over and put together a referendum (that did include retro-active term limits).

Commissioner Silverstone remarked that he had looked over the emails between Barbara Cole and other Board members and that he could find nothing in there about how to vote.

He then encouraged the members of the Commission who were going to vote for the motion to explain why they were voting this way.

Commissioner Clark stated that he was voting for the motion because these members of the Planning and Zoning Board were supposed to have had talent for the job. They were supposed to be able to look at plans, understand these plans, and pass on their expertise by giving the Commission guidance and advise. However, according to Commissioner Clark, this didn't happen because of the political payback that was happening. As far as the emails were concerned, Commissioner Clark said that they may not have been a violation of Sunshine, but he believed they were a violation of common sense ethics. He concluded by characterizing Mr. Wick's earlier comments from the dais about donations to a specific cause as uncalled for and irrelevant.

Mayor Parker reminded members of the audience that they were not supposed to yell out. Specifically, Mayor Parker noted that Mr. Wick and Mrs. Furth had yelled out and if either of them did so again, he would be forced to have them removed from the meeting. The Mayor

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encouraged everyone to maintain decorum while in the Hall.

Pursuant to Commissioner Silverstone's request, Mayor Parker outlined his reasons for voting for the motion. He said he had also read the emails between Barbara Cole and Julio Omana, and had concluded, in his opinion that they were in violation of the Sunshine Law and grounds for removal. Mayor Parker went on to state that he believed Mr. Wick had used his position on the Board to attack people and that this warranted his removal.

The Mayor then cited Section 7.3 of the Town Charter that outlines how members of all advisory boards serve at the pleasure of the Commission. Thus, he concluded, removing them was not a violation of their civil rights. He supported his point by noting that upon assuming his office, Governor Crist rescinded 423 appointments made by Governor Bush in the waning days of his administration. The Mayor reasoned that this example showed how people in appointed positions serve at the pleasure of those who appoint them. And, if the people who appoint them no longer have confidence in them, they may remove them. This, said the Mayor, is why he was going to vote yes.

Commissioner Silverstone asked for a point of clarification from the Town Attorney regarding Statute 112.500. According to Commissioner Silverstone, he read the statute as requiring the Commissioner to proceed by resolution.

Commissioner McIntee then asked if he could read the relevant statute to the audience. Mayor Parker said no. Commissioner McIntee then asked the Town Attorney if Robert's Rules of Order allowed him to read the statute because it was being passed to each commissioner. He was told that it was not a Robert's Rules of Order issue and that the statute being passed would become part of the record.

Then Commissioner McIntee started reading the statute aloud. Mayor Parker asked him to read it silently to himself. Commissioner McIntee responded that he sometimes had to talk when he read because he had difficulty. Mayor Parker said that he should then turn off his microphone while reading aloud. Commissioner McIntee responded that he would not turn off his microphone, and then he continued to read the statute aloud.

Mayor Parker advised the Commissioner that he was violating the rules of this body. Commissioner McIntee went on reading the statute aloud. Mayor Parker once again advised the Commissioner that he was violating the rules of this body. Commissioner McIntee reiterated that he had difficulty reading sometimes and that he had to verbally say what he was reading. The Mayor asked him to turn his chair around and turn off his microphone if he had to read aloud. Commissioner McIntee agreed to do this. Mayor Parker warned Commissioner McIntee that he was in contempt of the Commission and that he needed to act with due respect and the decorum required of him.

Assistant Town Attorney Klahr then responded to the earlier point of clarification requested by Commissioner Silverstone. She said that the paper that had been passed around to the Commissioners was Section 112.501 of the Florida Statutes. Entitled Municipal Board Members Suspension and Removal, this section discusses how and when an advisory board member may be removed. According to the Town Attorney, the provision provides for removal procedures and suspension procedures when it's not provided for by the town itself. She particularly noted Subsection 8 of the Statute, where it says, "this section applies in absence of a Charter provision since the Charter provides for a mechanism by which an individual may be

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suspended or removed, the Charter prevails.”

In a roll call vote, the motion carried 4-1 with Commissioner McIntee dissenting with the possibility of reconsideration.

The Mayor then asked Vice Mayor Yanni if he would like to take this moment to remove Barbara Cole from the Walk Around Committee, since as his appointee she served at the Vice Mayor's pleasure. Vice Mayor Yanni replied that he would like to remove her.

Commissioner McIntee asked the Mayor how he had jumped from the Planning and Zoning Board to the Walk Around Committee, a completely different topic about a different committee, which was not on the agenda. Commissioner McIntee then asked the Town Attorney for a point of clarification on this matter. If it's not on the agenda, asked Commissioner McIntee, can the Mayor insert something into the agenda without asking the Commission to approve its being placed in the agenda?

The Town Attorney replied that the Commission has the deference to what they wish to add or not add to their agenda.

Then, Vice Mayor Yanni made a motion, seconded by Mayor Pro-Tem Clark, to add removing Barbara Cole from the Walk Around Committee to the Commission's agenda.

In a roll call vote, the motion carried 4-1 to amend the agenda, with Commissioner Silverstone dissenting and Commissioner McIntee voting for the motion but with future reconsideration thoughts.

Vice Mayor Yanni stated that he wanted to remove Barbara Cole from the Walk Around Committee.

Mayor Parker then instructed the Town Clerk to advertise that there were three openings on the Planning and Zoning Board. However, Commissioner McIntee reminded Mayor Parker that the motion provided for replacing the three Board members with applications already on file.

Mayor Parker remembered that a procedure (that had been suggested by Commissioner McIntee) was already established and that under this procedure the alternate did not automatically move up. He said according to this procedure whoever on the Commission is slotted to make a recommendation does so.

Commissioner McIntee took issue with Mayor Parker's recollection and denied suggesting this procedure. Mayor Parker felt sure that it was Commissioner McIntee who brought up the procedure, but regardless of who brought it up, this was the precedent that had been set so the Commission needed to advertise the vacancies and find out who was the last person to make a nomination.

Commissioner McIntee asked for a point of clarification concerning the one person on the waiting list. The Commissioner said that he understood that this is what Vice Mayor Yanni had said. He also noted that he did not know the identity of the person on the waiting list. After more discussion, Vice Mayor Yanni confirmed that he did refer to applications already submitted, but that he had said nothing about the alternate.

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Mayor Parker summed up the discussion by directing the Town Clerk to add to the new business section of next meeting's agenda the consideration of the applicant the Commission already had on file. Mayor Parker pointed out that the Commission may choose not to fill the vacancies with these applications, but that the Commission would consider the applicants they already have.

C. Discussion and/or action pertaining to procedures for public comments and
Commissioner Comments (*Mayor Pro Tem Chuck Clark*)

Commissioner Clark remarked that for the last several months the Town's ability to conduct business has been severely impaired by the way public and the commissioner comments are applied in Town meetings. He then proposed reviewing and changing how these comments are handled.

Commissioner Clark suggested keeping public comments in their current place in the Town Meeting Agenda, however, limiting the allotted time to 30 minutes that will put an end to marathon 1-1 ½ hour public comments sessions. Anyone who wants to speak, according to the Commissioner, would fill out a slip prior to the 7:00 pm. Speakers would be chosen at random from these slips.

Mayor Parker interrupted Commissioner Clark to address the audience. He asked that they stop chuckling and that they show decorum. Commissioner McIntee then stated that Mayor Parker was "running a kangaroo court." Mayor Parker then reminded Commissioner McIntee that he did not have the floor and that he needed to learn decorum and to follow the rules.

Commissioner Clark went on to say that his proposed procedure would prevent any group from stacking the deck. Only residents and/or taxpayers of Lauderdale by the Sea will be allowed to speak. Subject matter would also be restricted to current agenda items with a 3-minute maximum per speaker and no personal attacks from either the dais or podium would be allowed, said the Commissioner. Finally, if there was anyone still wishing to be heard after the 30 minutes of allotted time, they could do so at the end of the meeting.

Commissioner Clark then proposed that commissioner comments be moved to the end of the agenda sequence and for there to be a time limit of no more than five minutes.

At Mayor Parker's request, Commissioner Clark verified that he was indeed making a motion with his proposed procedure and that it was his intent that this procedure would be implemented with that day's 7:00 pm Town Commission Meeting. Mayor Parker seconded the motion.

Commissioner Silverstone remarked that he felt like he was having a bad dream and that the proposed procedural change would not be a problem if there was not so much mistrust and miscommunication, thus the Town's problems weren't going to go away by making this action. He also questioned that the new procedure would cut down meeting time because people who still wanted to speak could do so at the end of the meeting. Commissioner Silverstone said this motion was a slap in his face as an American.

Commissioner McIntee declared this motion to be a disgrace and a reflection of the fact that Mayor Parker, Vice Mayor Yanni and Mayor Pro Tem Clark could not take the heat. Commissioner McIntee argued that the Town's people had every right to come up to the podium and call the Commission anything they want. He went on to say that this motion violated these

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people's right. Commissioner McIntee concluded by saying that Mayor Parker was an evil person and that this motion was "wrong, wrong, wrong."

Mayor Parker reprimanded Commissioner McIntee when he reminded him that there were no personal attacks allowed.

Commissioner McIntee continued by saying that it is a constitutional right to speak out and to be heard. He admonished the members of the Commission who were retired army majors and lawyers by saying "shame."

Commissioner Silverstone hoped that he wasn't wasting his time by trying to talk to the other commissioners. He said that he might change his mind by something that was said here and hoped that other commissioners would do the same.

Commissioner McIntee apologized to members of the audience for the dais and the way members of the Commission were using their authority to abuse the townspeople's constitutional rights and stated that things like this only happened in totalitarian regimes. He lamented that the supporters of this motion were not even going to have the common courtesy to let those who came to speak that night have their last hurrah.

Mayor Pro-Tem Clark said that Commissioner McIntee was the one who was evil. Mayor Parker interjected that both Commissioners McIntee and Clark were out of line and that there were no personal attacks.

Commissioner McIntee emphasized that he thought Mayor Parker was taking care of everyone but the townspeople. He said that this is why there was a recall and why people were up in arms. Finally, he stated that there had been a meeting at Aruba's on the day of the election attended by three individuals now sitting on the Commission. During the meeting, according to Commissioner McIntee, they sat down and said, "I will be Mayor Pro Tem. He will be the Vice Mayor; and he'll be the mayor. We'll work it out and screw the two new guys." Commissioner McIntee said that he had people who gave him sworn statements to this effect that they had been holding back.

Mayor Parker responded that this was a lie. Mayor Pro-Tem Clark said that this was a lie.

Vice Mayor Yanni said that he first wanted to say that what Commissioner McIntee had just said was a blatant lie. Next, he noted that he had taken abuse for almost a year when at each meeting he listened to Commissioners Silverstone and McIntee and CIC people make comments. He said that Stuart Dodd had started a recall on Mayor Parker and a violation/conflict of interest action had been initiated against the Vice Mayor. Vice Mayor Yanni wondered when it was going to stop? He noted that he had gotten a ruling in 2000 that said he did not have any conflict of interest, but fellow commissioner Mark Furth wrote the ethics committee and asked for another ruling because he did not believe agree with the first ruling. Vice Mayor Yanni declared that he had the letter with him to support this statement.

Vice Mayor Yanni remarked that ever since they've been elected, the Town's done nothing but argue and fight, but that it was time to put all this aside and pursued the business of the Town. He pointed out that the CIC was not the entire town and that he had heard Cristie Furth say, "Oh we got the town where we want them right now." He encouraged the people in favor of moving on to speak up and express their feelings about the Town and the commissioners who are

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doing all this recalling and backstabbing and lying with the newspaper.

Mayor Parker said to Mrs. MacMillan that she was admonished and warned for speaking out and that if she yelled out again, he would have her removed.

In a roll call vote, the motion carried 4-1, with Commissioner McIntee dissenting and Commissioner Silverstone voting yes but with reconsideration.

Commissioner Silverstone called for a point of information from the Town Attorney regarding the implementation of the motion. He asked if the Commission could retroactively change something that people were already at the meeting to do.

Town Attorney Cherof said that it was his understanding that the motion applied to the next commission meeting that began at 7:00 pm and thus it was not retroactive.

Town Manager Baldwin noted that implementation would complicate things a bit at this first meeting because systems were not yet in place.

D. Discussion and/or action regarding the forming of an individual police department (*Commissioner Jerry McIntee*)

Commissioner McIntee commented that at the present rate, BSO is costing the Town \$6 million per year and that it would go up another \$1.2 million in 4 years. He noted that BSO is pricing itself out of the ball game.

He pointed out that Miami Gardens just created a new police department with the assistance of a nice federal grant. According to Commissioner McIntee, he had done some research and there were federal grants around to help towns create their own departments and that he thought this was the way to go.

Commissioner McIntee thought that bringing back the Town's own police department would be better for everybody because policing would become personal again because they would know everybody in town. He did congratulate the Sheriff on doing an absolutely great job and said that he couldn't think of anything not good about the police enforcement the Town now had except that it was too expensive. He also expressed his concern that the Town had too many policemen here per capita. Commissioner McIntee also commented that if the town had its own police force that it still received mutual aid from BSO, such as homicide detectives and photo units because everyone is a Broward County taxpayer.

Commissioner McIntee then made a motion, seconded by Commissioner Silverstone, to direct the Town Attorney to do some research into other cities that have recently started their own police department in the state of Florida and get back to the Commission on his findings.

Commissioner Silverstone recalled that he had been with the Town long enough to remember when the Town had its own police department as well as the reasons it was necessary to get rid of them. He said that the unions were causing the Town problems and made it so the Town couldn't fire anybody and that it was expensive. After a little analysis, Commissioner Silverstone concluded that BSO wasn't really a bad deal, but he felt compelled to get requests for proposals to make sure that the townspeople's money was being spent appropriately. Commissioner

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Silverstone concluded by praising Chief Gooding for giving great reports and having great accountability.

Mayor Parker said he would vote against this motion because he thought it was a bad idea to go back to the Town having its own police force. He said he remembered when the Town had its own police force, which was one of the reasons why he ran for the Commission. He recounted how before he got elected to the Commission, he came back from a Christmas party in 1993 to find that his house had been burglarized. He said that he felt strongly that he knew who the burglar was when he called the police at 2:00 am. According to Mayor Parker, the police didn't arrive until 4:30 am because it took 2 ½ hours for the 911 operator to decide it was important enough to call the police. The town police arrived and it turned out they didn't have the ability to dust for fingerprints or pursue the suspect because this person lived in Ft. Lauderdale which was out of their jurisdiction, said Mayor Parker.

Mayor Parker then pointed out how there had been a murder in the Town about two weeks ago, and that the person arrested for that murder lived in Deerfield. He imagined what might have happened if the Town had its own police department who said, "well we can't investigate Deerfield. It's not in our jurisdiction.

Commissioner Silverstone then asked Chief Gooding if it was true that if a crime happened and somebody went to Ft. Lauderdale, BSO would have jurisdiction in both places.

Chief Gooding responded that as the constitutional law enforcement agency for the entire County they had jurisdiction throughout the County. He also noted that if a town's police force needed to go into another jurisdiction, that the procedure was that they would contact BSO and BSO would escort them.

Commissioner McIntee said he thought Mayor Parker's story was absolutely ridiculous. He then asked Chief Gooding, if it were true that BSO has mutual aid with every department in Broward County. He specified that if there were a homicide in the Town and it had its own police force, the Town could call for BSO's homicide detectives.

Chief Gooding said he thought that was what happened before.

Commissioner McIntee asked Mayor Parker to stop the alarming stories because they didn't make sense. Mayor Parker reiterated that they didn't investigate.

Vice Mayor Yanni noted that EMS, fire and police protect the residents of this town and that these two guys wanted to take it all away. He asked where the Town would get police who would come to Lauderdale by the Sea and work. He doubted that anyone would quit the Broward Sheriff's Office and work for the Town making \$25,000/year. Vice Mayor Yanni said he thought the only people the Town would get would be guys out of the academy who don't know what they are doing yet or somebody who's retired from New York and is coming to Florida so they can have an easy job. He argued that the Town shouldn't even be thinking about getting rid of the police because this would put the residents' lives at risk 24 hours a day.

Mayor Parker rebutted Commissioner McIntee doubts by reaffirming that this is what happened to him. According to the Mayor, the local police department said he could go down to the State's attorney and fill out a complaint to see if any other police department would investigate. Mayor Parker noted that wasn't the exactly the level of service he'd like to have in the Town.

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In a roll call vote, the motion failed 4-1, with Commissioner McIntee affirming and Vice Mayor Yanni, Commissioner Silverstone, Commissioner Clark and Mayor Parker dissenting.

Mayor Parker noted that since it was now 7 o'clock, a motion needed to be made to finish the agenda before starting the next meeting. Commissioner Clark made such a motion, seconded by Vice Mayor Yanni, to continue this meeting until the agenda is completed. In a roll call vote, the motion passed 4-1 with Commissioner McIntee dissenting.

Commissioner Silverstone made a motion, seconded by Mayor Parker, to leave the public comments sign-up sheet out until the next meeting started. In a roll call vote, the motion passed 4-1 with Commissioner McIntee dissenting.

E. Discussion and/or action regarding accusations against Cindy Geesey by Planning and Zoning Board member Lawrence Wick and against Bob Terrien by Master Plan Steering Committee member Marilyn Carr (*Mayor Oliver Parker*)

Cindy Geesey, of 256 Imperial Lane, said that while she didn't wish to take time out of the agenda, but when a member of a town board uses his position at a board meeting to attack a citizen of this town, no matter who they are, the incident becomes town business. Ms. Geesey noted that she served on the Board of Adjustment for two years and then as Chairman of Planning and Zoning Board for four years and that she was honored to have the privilege of serving the community. She then stated that Lawrence "Peanuts" Wick had asked her a question in order to make the deliberate impression that she had accepted a bribe from a developer while she was Chairman of the Planning and Zoning Board. She said she thought it wasn't an inadvertent, innocent question.

Ms. Geesey went on to say that Mr. Wick could have found out with a little homework exactly where the funds raised by the Sandy Paws Pack came from and how much each donor gave. She remarked that this was in keeping with a policy frequent in town for last nine months to not let the truth interfere with the impression one is trying to make. Ms. Geesey expressed her dismay that this nonsense affected a good group of people, a wonderful charity and her efforts to help homeless animals. She said that there's no excuse for such nastiness.

Ms. Geesey reminded the Commission that the allegation of anyone at Oriana donating \$1,000 to the Sandy Paws Pack was completely false. Ms. Geesey then challenged Mr. Wick to put his money where his mouth was and accept her challenge to donate \$1,000 in cash to the Sandy Paws Pack if he could not produce any proof of his allegation. She promised that if Mr. Wick could show proof of the alleged donation, she would donate the \$1,000 in cash she said she was holding in her hand to the Humane Society in Mr. Wick's name.

Ms. Geesey summed up by asking the Commission to police its board members, including Commissioners, to prevent attacks, disparaging remarks or lies being spread about the citizens of the Town.

Bob Terrien of 5100 North Ocean Boulevard, noted that about 3 ½ years ago, the Commission thought it necessary to establish the Master Plan Steering Committee after it received the final master plan. According to Mr. Terrien, the Commission saw fit to change the structure of the

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Committee following the last election in March. He asserted that the Committee had become politicized and that there was an atmosphere of “our people” and “their people” which was disheartening. Mr. Terrien explained that he volunteered his time not to be anybody’s “people,” but to benefit to the community.

He then remembered how a new member of the Steering Committee made a personal attack against him and that it seemed the Planning and Zoning that the Board was being politicized. He concluded by asking the Commission to revert to the old way of forming the Steering Committee which was having 10 members and one staff appointed by the Town Manager at the Commission’s direction.

Mayor Parker asked Mr. Terrien to elaborate on the nature of the personal attack. However, Mr. Terrien declined to do so. He said he didn’t think elaborating on the incident served any purpose and was unnecessary. Mr. Terrien did say that the attack had nothing to do with any agenda item before the Steering Committee and that it was obviously prepared in advance of the meeting to further a political agenda.

Marilyn Carr, of 254 Miramar Avenue, who allegedly made the attack, responded to Mr. Terrien’s comments. She noted that the Committee had come before the Commission to ask what the Commission what they would like us to do. According to Ms. Carr, the Commission gave them three projects: the portals, the entryways and signage. About a month ago at a meeting of the Steering Committee, Mr. Terrien decided to ask Mr. Keller, about density, setbacks, and hotel rooms, said Ms. Carr. She noted that these were topics not mandated by the Commission and this is why she asked Mr. Terrien if, since he had admitted to a violation, did this in any way conflict with the answers he gave to the Planning and Zoning Board and the Steering Committee.

Ms. Carr noted that she never did get an answer to her question. She then referred item four on a handout she had passed to all the Commissioners. She said her question was about what circumstance led Mr. Terrien to reproduce Edwin Kennedy’s editorial and have it mailed to registered voters of Lauderdale by the Sea.

Ms. Carr noted that Mr. Terrien had worked for a higher building height limit than what she had wanted which made her doubt his statements that he was not politically involved with anything. She pointed out that she just asked a question if regarding a possible conflict of interest.

Mr. Terrien then gave a rebuttal to Ms. Carr’s statement saying that some are cherry picking and twisting issues. Mr. Terrien continued to say this is wrong and is destroying the community .

Mayor Parker mad a motion, seconded by Vice Mayor Yanni, to remove Marilyn Carr from the Master Plan Steering Committee.

Commissioner Silverstone noted that Ms. Carr was a hard-working person and so was Mr. Terrien and that they each have own view points.

Commissioner McIntee noted that the Mayor didn’t give Mr. Terrien 30 seconds to speak before making a motion to dismiss Marilyn Carr from the board. Commissioner McIntee then went on to attack the Mayor. Commissioner McIntee then went on with his speech about the Mayor and members of the boards in question.

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The motion carried 4-1 in a roll call vote, with Commissioner McIntee dissenting.

Mayor Parker asked the Town Clerk to also put in a notice for applicants for Steering Committee and bring back 2 Meetings from now (2/27/07).

F. Discussion and/or action regarding developer lawsuits against sitting board member and alternate board member and pending resignations of additional board members (*Commissioner Jerry McIntee*)

Commissioner McIntee stated that the way this commission is sitting it is going to be 3-2 anyway, what Commissioner Silverstone had said earlier that we are wasting time and the people that got sued they had a judge and jury here that just hung them, and the sad thing is that I would support any person on either side of this room and when they were notified that they were being sued the town left them hanging and that was wrong, the town has a contract with League of Cities to defend them and nobody ever told them that and they went out and hired their own attorney's and money out of their own pockets and now the League of Cities took over their defense.

Mayor Parker asked the Town Attorney if this was true that the town hung them up. Attorney Cherof said that not in his opinion and said that he and Town Manager Baldwin initiated the process with the Florida League of Cities as soon as they were able to receive a copy of the Town's insurance policy. The policy was reviewed and the Florida League of Cities was contacted about defending the parties on behalf of the Town.

Commissioner McIntee then called Ms. Cole to the podium. Ms. Cole said that Mr. Cherof had contacted her and asked her if she knew that she was being sued. She answered no and said by whom. Mr. Cherof said by Pier Pointe and she asked him if the Town was going to represent her. She was told no, this was a personal problem. Ms. Cole proceeded to hire an attorney although, not actually not having been served yet. Ms. Cole continued to say that prior to the P & Z Board hearing Mr. Cherof had called again and asked. Again, Ms. Cole said no. Ms. Cole again asked if the town was going to represent her and again she was it was personal. That same evening, Ms. Cole attended the meeting and I did not pass Oriana and that was the only thing I did not pass. Ms. Cole stated her past records show that she is not anti development, she is planned development. She knows how to look at plans. The next day she was served. This is when she hired an attorney. Ms. Cole claims she was never contacted by the Town concerning legal coverage. After New Years Eve, a man named Michael Burke contacted her saying he was from the League of Cities and he was representing her. Mr. Burke told Ms. Cole that he had been trying to get a hold anybody at town hall and could not reach anyone. He was specifically looking for Ms. Colon. Ms. Cole called her attorney who got with Mr. Burke. She never heard from anyone again.

Commissioner McIntee said to Town Attorney Cherof that when they spoke to you, you did not think she was covered by the Town. Attorney Cherof said that was not true, I told her that the matter of defense was up to the commission. Mr. Cherof reiterated that he and Town Manager Baldwin explored the possibility that the Town insurance coverage might provide that defense. As soon as it was found out that the language was in place, and the League of Cities had appointed an attorney, Mr. Cherof spoke with Ms. Cole on two occasions.

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Attorney Cherof then explained to Commissioner McIntee what was happening. Ms. Cole then had her attorney speak; Mr. Schulmeister said that he had talked to Mr. Burke about this and about the reservations of rights. Ms. Cole said that she disagrees and that she spoke with Mr. Omana as well.

Town Manager Baldwin said that he does not remember who brought this matter to his attention but it may have been Commissioner's Silverstone or McIntee, so we checked into this and had the finance director contact Mr. Cherof and he acted appropriately.

Commissioner Silverstone said he thinks we have a serious problem. Commissioner Silverstone then called Ms. Cole and Mr. Omana to the podium to clear some things up. The attorney is telling us that he had a conversation with you. Ms. Cole said yes, several. I had a conversation with him and he asked me if I was being sued and I had another conversation asking if I had been served yet the day of P & Z meeting. I never heard from anyone again.

Mr. Cherof said that was never said, the league was providing defense and Mike Burke was going to contact her. Commissioner Silverstone then asked Mr. Omana if this was the same circumstances you found. Mr. Omana said more or less. Mr. Omana stated that he first made the call to Mr. Cherof who was kind enough return the call and then asked if the town would back us up and he stated that Mr. Cherof said no. A couple of days later he called back and asked who my lawyer was and asked several times.

Mr. Cherof said that call was not directed to him. It was directed to one of the other associates in the office and was advised. Mr. Cherof said he called you back to see if you were served. Our initial concern was to make sure you did not get stuck with this and that there was a case pending. We spoke a second time concerning whether or not the Town was providing a defense to you and I told you that the Town was not providing a defense. This would require Commission action to provide the defense. I pursued this with the Town Manager and then the next call was made to Mike Burke who told me that he was contacting the both of you and you were being defended.

Commissioner Silverstone said that I mirror what Commissioner McIntee had said that anybody on any board if they would to get sued that we would defend any one.

G. Discussion and/or action regarding the naming of El Prado in memory of former Vice Mayor-Commissioner Ernie Fontaine (*Mayor Oliver Parker*)

Mayor Parker pointed out that the former Vice Mayor had been an active member of this community for many years and he served with distinction on the Commission. Former Vice-Mayor Fontaine served with distinction on the Master Plan Steering Committee and Main Street, also with distinction. Mayor Parker said he wanted the El Prado portal named in his honor and moved to name it Ernie and Debbie Fontaine Portal. The motion was seconded by Vice Mayor Yanni.

Commissioner McIntee asked if there was a list of portal names and was not there already one named for Mr. Fontaine. Commissioner McIntee asked if there were any names on the list in front of Mr. Fontaine.

Mayor Parker said no.

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Commissioner Silverstone pointed out that for William and Eva Karley, Datura was named for them.

In a roll call vote. The motion carried 4-1 with Commissioner McIntee dissenting.

H. Discussion and/or action regarding a proposed amendment to the parking meter ordinance as it concerns businesses on Commercial Boulevard
(Mayor Pro Tem Chuck Clark)

Mayor Pro Tem Clark said at the last meeting we discussed this and in detail and recommended that Town Attorney be directed to amend the ordinance to provide two parking meters suspended from the enforcement which are in front of the Dairy Queen establishment which is located at 235 East Commercial. The purpose is to be fair to the businesses which operate beyond the 5 PM limitation that is specified in the ordinance. He further recommend that the parking meters located at north of Commercial Boulevard on Bougainvillea Drive be added to the list of suspended enforcement specified in the ordinance and that would accommodate the businesses between State Road A1A and Bougainvillea Drive.

Mayor Parker asked if these were the spaces by the Community Church. Mayor Pro Tem Clark said yes, south of it. Mayor Parker asked Mayor Pro Tem Clark if the first part was two spaces on or near the Dairy Queen. Mayor Pro Tem Clark said correct. Mayor Parker stated no meters at all, correct. Mayor Pro Tem Clark said that only two meters be allowed for that establishment after 5 PM. Mayor Parker stated that he did not quite understand his motion; Mayor Pro Tem Clark said that they operate beyond 5 PM. Mayor Parker said that you do not want their meters to go in effect. Mayor Pro Tem Clark said right, I want them to be suspended until close of business, seconded by Mayor Parker.

Commissioner McIntee said that he would like to amend that motion; he also stated that there are other stores in that area as well, why don't we just make this free meter parking all the time except on weekends why just pick two stores if this is a problem. Mayor Pro Tem Clark said that if we want to go to 6 PM for everybody except for the Dairy Queen he wants to go beyond that. Mr. Mason said that the ordinance that was adopted several months ago allowed free parking from 9-5 Monday thru Friday. Commissioner McIntee said that if we do this for the Dairy Queen and someone else could call up next week lets do it again, he said how about we do this for everyone.

Mayor Parker asked if he can make a suggestion that we amend this from 9-5 to 9-6 and give Dairy Queen two spaces that are exempt from the meters except on weekends. Mayor Pro Tem Clark said that was fine. Mr. Mason stated that from 5 PM on Friday to 9 AM on Monday the meters are pay, however we looked at this before and there was some law stating that we can not dedicate any two spaces to any one establishments, and if we did assign two public places then it would be first come first serve basis.

Commissioner McIntee said that he would like to amend his motion to read that the meters are not enforced except on weekends as it is presently enforced. Mayor Pro Tem Clark said that he would accept it, seconded by Mayor Parker.

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

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Mayor Parker directed Town Attorney Cherof to prepare an ordinance stating the hours between 5:00 p.m. on Friday and 7:00 a.m. on Monday on Commercial Boulevard and Bougainvillea Drive.

- I. Discussion and/or action to eliminate all Broward Sheriff's Office vehicles parked behind Town Hall to increase parking for Town residents
(*Commissioner Jerry McIntee*)

Commissioner McIntee said that he has no problem with actions that Chief Gooding is taking and he has reduced the parking and there is now there is room for citizens to park.

- J. Discussion regarding employees parking inside Town Hall buildings with their personal cars and trucks (*Commissioner Jerry McIntee*)

Commissioner McIntee asked Mr. Mason if he allows his employees to park in the garages. Mr. Mason said no, only Town vehicles, do you allow personal vehicles to be washed. Mr. Mason said no personal vehicles are to be washed. Commissioner McIntee then asked if our water was metered. Mr. Mason said yes it is. Commissioner McIntee said that it could be expensive if personal cars are washed. Mr. Mason said yes. Commissioner McIntee said that this is specifically referring to the fire department and on a routine basis parking their cars inside our old fire station and washing their cars inside; Commissioner McIntee then stated that if our citizens and our employees can't do this, the fire department can't as well.

Mayor Parker said that it was his understanding that the old fire station now leased to the Broward Sheriff's Office and it is under their custody and control and I don't think we can tell them what to do.

Commissioner McIntee said that we can certainly tell them they can't use our water to wash their cars.

Vice Mayor Yanni was asking if they pay for utilities. Mr. Mason stated that he is not sure but I know the utilities are broken down.

Mayor Parker said that he knows that the utilities are charged within the budget, along with Police and EMS.

Commissioner McIntee said that he never saw the police abuse this at all and never wash their cars and I don't think the fire department should do this.

Commissioner Silverstone made a motion to direct the adequate people to contact BSO not to park inside the buildings, seconded by Commissioner McIntee.

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

- K. Discussion and/or action demanding the Broward Sheriff's Office return all Lauderdale-By-The-Sea fire equipment within Town limits as our taxpayers bought this equipment with their tax dollars (*Commissioner Jerry McIntee*)

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Commissioner McIntee said the town purchased a chief's car, aerial truck and an engine, and it was also stated that the Sheriff's office removed all the signs. Commissioner McIntee then stated these vehicles have approximately 10,000 miles on them and feared when these units go back into the fleet. Commissioner McIntee continued to say the reserve units of the Broward County Fire Department has over 100,000 miles on them and the Town's vehicles would be used first before the reserve units. If these go back into service they would take a beating and the taxpayers are going to let \$750,000 in equipment be used by the Sheriff as a re-supply for his mass fire department, and that the fire trucks should stay in this town. Commissioner McIntee also stated that if these trucks were sent to other cities that they would come worn out to the town; and that is why these vehicles should remain in the station.

Commissioner McIntee made a motion to direct the Town Manager to send a letter to the Sheriff requesting all equipment be returned to our town, seconded by Commissioner Silverstone.

Mayor Parker asked Chief Frailey if these trucks were being used out of town. Chief Frailey said no, the Commission is making allegations that are not true and with the report that was made at the last meeting these vehicles are assigned as part of the contract with town.

Mayor Parker then asked why they are at the motor pool. Chief Frailey stated that they are being re-lettered. Mayor Parker wanted to know if all 3 vehicles will have "Serving the Town of Lauderdale-By-The-Sea", Chief Frailey stated yes. Mayor Parker then asked if all three vehicles are going to be used in the town. Chief Frailey said yes.

Commissioner Silverstone stated that he just wanted to applaud the Town Manager for putting this in the contract that when the Volunteer's come back that all equipment will be returned in the same condition that it was given.

Mayor Parker asked Chief Frailey how long it would take to get the vehicles back. Chief Frailey said that it is not a priority right now because they are not in service. Mayor Parker then asked if the Chief can make it a priority. Chief Frailey said yes. Mayor Parker asked if this can be done in two weeks, and the Chief said it could. Mayor Parker then asked if the Chief can report back at the next Commission meeting telling us that it is done. Chief Frailey said yes.

Commissioner McIntee asked Chief Frailey where the command car is. Chief Frailey stated that it is at the motor pool; and has that ever been used for transport. Chief Frailey said no. Commissioner McIntee then asked if Engine 12 has not been used for any facilities or activities in the fire department other than going to the motor pool. Chief Frailey stated that Engine 12 and Squirt 12 have been used in Town and we are doing a drivers training class for drivers in the promotional test have been using the truck for pump testing. Commissioner McIntee then asked if these trucks were used in any functions or any fires in the county. Chief Frailey said it has not been used.

Commissioner McIntee said he knew that Engine 12 had appeared at firefighter's funeral.

Chief Frailey said he was unaware of it.

Mayor Parker said the fire department stated that they are lettering the vehicle and they would be back here at the next Commission meeting.

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Commissioner McIntee tabled this item to the February 13, 2007 meeting.

15. TOWN MANAGER REPORT

A. Municipal Services Department Monthly Report

Commissioner Silverstone moved to approve, seconded by Commissioner McIntee. In a roll call vote, all voted in favor. The motion carried 5-0

B. Development Services Department Quarterly Report

Commissioner Silverstone moved to approve, seconded by Commissioner McIntee. In a roll call vote, all voted in favor. The motion carried 5-0

Town Manager Baldwin introduced the new Development Services Director Jim Bell to the Commission and also filled the second vacancy with John Olinzock who would be working in Municipal Services as a Special Projects Coordinator.

16. TOWN ATTORNEY REPORT

No report given.

17. ADJOURNMENT

There being no objections by Mayor Parker, the meeting was adjourned at 8:00 p.m.

Oliver Parker, Mayor

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ATTEST:

ProtoType, Inc. for Town Clerk

Date