

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, June 12, 2007
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order at 7:01 p.m. Vice Mayor Yanni, Commissioner McIntee, Commissioner Silverstone, Commissioner Clark, Assistant to the Town Manager Olinzock, and Town Clerk Angelone were present. Mayor Parker and Town Manager Colon were absent.

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.** Lauderdale-By-The-Sea Employee of the Month (John Olinzock, Assistant to the Town Manager)

Assistant to the Town Manager Olinzock named Kathleen O'Brien Employee of the Month.

- B.** Deputy of the Month (Chief Gooding, Broward Sheriff's Office)
- C.** Firefighter/Paramedic of the Month (Chief Sievers, Broward Sheriff's Office)

Chief Sievers named Firefighter/Paramedic Toni Miller May 2007 Employee of the Month.

- D.** Master Plan Steering Committee Beach Pavilion Design Competition Recommendation (Walter Keller)

Sandra Booth Chairman of Master Plan Steering Committee stated that the Committee was given several projects to choose from and they chose to work on the Beach Pavilion. She stated that they came up with the concept of a design competition to get the most interest and to seek variety in design. She indicated that local residents were also invited to participate. She further noted that the Art Institute of Fort Lauderdale took this on as a major project in their environmental design class. She then stated that Master Plan Steering Committee was impressed with the passion and creativity exhibited in various submissions, both from the local presenters and the students of the Art Institute of Fort Lauderdale. She said it was obvious that each entrant spent a lot of hours formulating their design and she commented that all students should be commended for their time and design concepts. She stated that the final five concepts would be presented in alphabetical order. She then listed the names of the competitors: Ken Brenner, Carlos Carbajo, Eduardo Carbia and Edwin Forbes and Max

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Showker. Ms. Booth then introduced the instructor of the environmental design class, Mr. Winston Menish.

Professor Menish thanked the Commission and stated that he loved Lauderdale-By-The-Sea. He said the school is often offered competitions. He said that some want ideas, and he said that this particular offering was the most unusual, complicated (in student thought), and challenging. He stated that the Town was very generous in the prizes that it has offered. He said the class members diligently approached the project as seriously as they could have.

Vice Mayor Gianni thanked him and the students.

Sandra Booth then introduced the students one by one in alphabetical order.

Ken Brenner of Lauderdale-by-the-Sea discussed his methodology for designing the pavilion. He said that he designed it on a more timeless approach. He said the design is highly adaptable to suit the needs of the Town now and in the future. He stated that it was also suited to meet the climate and weather conditions of South Florida. He then stated that he designed his concept according to the guidelines provided by the Master Plan Steering Committee. He stated that his design was 30 x 60 on an overall plot of 40 x 80 feet. He indicated that he believed his design would foster a sense of community. He then continued to discuss the details of the interior and exterior design. He pointed to a stage area, seating options, landscaping and irrigation, beach access and handicap access, trash receptacles and other amenities, shower facilities, storage room, restrooms, and colored lighting. He concluded by stating that the pavilion will become the most visited location and he stated that the pavilion should set the Town apart and be unique. He said the design will achieve the Town's goal of maintaining its own identity today and in the future.

Carlos Cabajo from Peru stated that his design was a Key West Victorian style. He discussed needs such as bathroom and showers. He said that the Town was a nice and cozy area and he stated that he noted that the architecture had low buildings, brick facades on shops restaurants, brick inlays on the roads, benches, and green palms. He said he wanted to continue with the look of the Town in his design. He said he included a bathroom. He then discussed the size and shape. He said it would be 40 x 80 feet. He said he added two (2) levels. He then discussed varying height levels. He discussed seating, restrooms, showers, stage area, and columns. He stated that his design was more like a shelter from the sun. He said the foundation added to the Town's theme with a brick inlay.

Eduardo Carbia from Puerto Rico stated that the Town was his first client. He stated that his project has five sections. He said that the sectioning offers a Key West style. He indicated he did that to provide ample seating. He said that the seating is cement and arranged in a way so that no one's view is blocked. He said the roof was supported by fourteen (14) beams, which could be made of wood or cement covered in wood. He stated that he raised the floor up eighteen (18) inches to prevent water from entering the pavilion. He said that there were two (2) ramps for wheel chair access and three (3) steps on each side of the pavilion. He said that he left room for amenities such as restrooms, water fountains, and showers. He said that the ceiling gives a nice flow from Aruba down to the Pier.

Edwin Forbes from Homestead FL began by thanking everyone for the opportunity. He said he wanted to stay with a traditional look. He said that he was inspired by North Carolinian architecture. He said that he set the pavilion up to be wide open, and he did not want walls to obstruct the beach view. He said it was important to place the windows on top to add light and perhaps offer a varying wind direction. He stated that he set the seating to create separation

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from the people who will be in the pavilion. He explained the side areas. He noted that he added the trellis roof to bring in a home like feeling. He discussed other amenities such as restrooms, display cases, and seating. He said that the flooring incorporated the pavers that the Town had to bring the entire area together.

Max Showker from Virginia thanked the Commission and Town. He presented various boards displaying his design. He stated that the center is raised and elevated to keep the beach from eroding. He stated that the edges are curved for handicapped access. He then discussed the seating, restrooms, and the symmetry of the pavilion.

Sandra Booth concluded and asked for questions or comments.

Commissioner Silverstone said that it would be a difficult choice and thinks that they all did a great job.

Commissioner McIntee stated that he was impressed by the enthusiasm. He said that it was time to start thinking green. He said that Sandra Booth will save the Town a lot of money. He thanked Sandra Booth and the Master Plan Steering Committee for their work.

Sandra Booth stated that they had many meetings and there were also many other special meetings to get this accomplished. She thanked all the committee members for their hard work.

Commissioner McIntee stated that he would give the students an idea about when they were going to decide.

Sandra Booth stated that the ball was in the Commission's court.

Vice Mayor Yanni stated that he wanted to place on the agenda to make a selection for the beach pavilion at the next meeting.

Sandra Booth stated that at the next Master Plan Steering Committee meeting, they would be choosing an architect of the two proposals that they have.

5. REPORTS

A. Burton and Associates (Fire Assessment) (Michael Burton)

Michael Burton of Burton and Associates gave a recap of the Commission direction given to him at the May 22nd meeting. He stated that he wanted to discuss the availability of property data necessary to evaluate alternative scenarios that the Commission wanted to know about. He stated that the Property Appraiser's Office do not have the developed square feet of space for residential properties available at this point. He stated that they have a significant amount of records that do not have the developed square feet on them. He then moved on to the value of improvements on property. He stated that that data is generally available. He said that the value would be on improvements of parcels only. He then discussed parcels that could or could not be included.

Mr. Burton then stated that he would be presenting the alternative scenarios, and stressed that these were preliminary results. He said that the Commission wanted to see the current apportionment methodology where all fire service costs apportioned to property classes based upon calls for service. He indicated that he fundamentally disagrees with doing the fire assessment this way.

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Next Mr. Burton presented Burton and Associates' alternative apportionment methodology where all fire service costs allocated to service benefit and watchstanding availability benefit: where service costs apportioned to property classed based upon calls for service and watch standing costs apportioned to property classes based upon dwelling units for residential parcels and square feet of developed space for non residential parcels. He then discussed the options available if Town were to use a square foot methodology.

He then stated that with this methodology they would not be able to look at things in terms of cost apportioned to residential parcels based upon range of square feet of developed space on each parcel rather than equal per dwelling unit (developed square feet is not available for condos).

He stated that it would be difficult to do things in terms of cost apportioned to parcels based upon weighting of developed square feet and building value because developed square feet is not available for condos.

He then stated that the methodology would make considering hotel rooms as residential dwelling units a non issue.

He then went into the next steps. He then discussed material given to him by Commissioner McIntee and Mr. Thompson. He then expressed some concerns about the various choices available to the Town. Mr. Burton stated that none of these systems are perfect and he said that they are trying to get a reasonable rough justice solution that he believes to be a reasonable way to move forward.

Commissioner McIntee asked Mr. Burton to clarify improvements on the parcels.

Mr. Burton clarified stated that the improvements were on structures and he gave the examples of tennis courts, shed, or any structure that the property appraisers have deemed a structure on the property. He clarified it as building value.

He then moved on to model of preliminary fire service cost allocation. He gave the total fire rescue costs for fiscal year '08. He then discussed what EMS and Fire were in terms of calls for service.

He moved on to an analysis of cost to respond to a call. He moved between various models to come up with a cost that included an amortization of vehicles, an average of distance, and cost of fuel. Mr. Burton continued by offering various scenarios based on his cost scheme. He also discussed the analysis in terms of calls for service and watchstanding costs.

He stated that this is the methodology that he proposed at the last meeting.

He stated that things were allocated to the commercial properties, then it allocates out where commercial property would get a decrease and residential would get an increase.

Mr. Burton then showed how things were previously done, where things are allocated to property classes, and the results indicate that the residential rate is a percent lower and the commercial rate is a bit higher.

Mr. Burton stated that those were the two ways of looking at the assessment on a unit basis for residential and a square foot basis for non residential. He said the first one described is

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allocating the cost to service calls and watchstanding calls where most calls go into watchstanding and the commercial class gets less of an allocation. The second described was allocating the cost to all to service and have all those costs allocated for calls for service, which gives the commercial class more in that regard.

Mr. Burton then moved on to value. He stated that he is doing this with the methodology that he would recommend which is allocating service costs on the marginal costs to provide the calls and the watchstanding for the remaining costs. He said the service costs are still allocated the same way with 55% to real property and 45% to other. He then discussed figures of the various classes. He said it was a bit more difficult to do the assessment based on value because they had to determine the value of both residential and non residential property. He performed calculations based on value. He said that the commercial gets a higher allocation of service costs than value costs. He stated that when it's compared to the current rate it forms a curve. He then discussed the difficulties with classifying non residential rates.

Town Attorney Cherof asked about the value of improvement section and wanted to know where he derived the 30.7% as partial distribution.

Mr. Burton stated that it was from the analysis of the partial data given from the Broward County Property Appraiser's Office. He said it was from the value of improvement range.

Mr. Cherof then wanted to know the base value of the structure for one of the parcels in the 30.7% range. And he wanted to know if the base value would be assessed as well and then clarified stating that there were no properties in Town less than 100,000.

Mr. Burton stated that the \$100,000 was the value of improvement. He said that it is the value of the structure, the improvements that have been there from ground zero. He said the value is the structure.

Commissioner McIntee stated that his home is assessed at \$300,000, and he said that if he were to sell it, it would sell for \$600,000 and he wanted to know if it would fall in the \$200,000-\$300,000 range.

Mr. Burton said that he was incorrect because of the land value.

Commissioner McIntee then stated that the value of the land would be subtracted from the figure and that it is not a figure of what the sale of the property is worth.

Mr. Burton stated that it was what was being protected for fire service. He then restated that it is not the most perfect system in the world, but nothing is.

Town Attorney Cherof said that this model was not tested in court.

Mr. Burton stated that was true.

Commissioner McIntee stated that the methodology had not been tested from this Town.

Town Attorney Cherof stated that it was not tested in this Town, but the methodology the Town currently uses was tested in court.

Commissioner McIntee brought up a case from Fort Lauderdale that lost in court because of the methodology.

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Town Attorney Cherof stated that it did not lose on the methodology, but it was the ways the methodology was applied.

Mr. Burton stated that he would to defer to the Town Attorney about this. He stated that he understood the crux of the case to be EMS vs. Fire. He stated that he did not see it as the best methodology, but the courts did.

Mr. Burton asked Town Attorney Cherof if going with the current methodology is the safer way to go.

Town Attorney Cherof stated that there was no question that going with the current tested methodology is the safer way to go.

Mr. Burton showed the current figures and model to the Commission again.

Mr. Burton stated that the only issue was between EMS and Fire. He said that he did not know if this was an issue for the Town or not. He said that he would defer to the Broward Sheriff's Office (BSO).

Commissioner McIntee asked if he requested a breakdown of figures from BSO if they received a breakdown of figures.

Mr. Burton said he had requested information from BSO and that he received some and it gave him enough to do what he did on the model, but he said he needed much more intensive discussions with them about their basis for their array of resources that they put on the ground.

Vice Mayor Yanni asked if any of the assessments shown reduced rates lower than \$260.

Mr. Burton said that one did.

Vice Mayor Yanni stated that he thinks it should be left the way it is.

Commissioner Mc said that there is a situation where the businesses are being hurt from a high assessment rate.

Mr. Burton said that they have to take each property, each parcel, and see what they pay on the square footage basis and then with the value basis. He indicated that he could provide an outline of how it was done before and then another way. He said that a summary of that could be provided.

Commissioner Silverstone stated that the current way is legal, but the basis for the cost for EMS may not be correct.

Mr. Burton stated that part would be in conflict with the decision from the Supreme Court.

Commissioner Silverstone asked if he read the contract between BSO and the Town. He stated that it is the Town's responsibility to see if it fits in with the estimate of properties. He asked the Town Attorney whose liability is it to determine if the cost factors the Town is getting are accurate.

Town Attorney Cherof stated that it is the Town's responsibility to properly assess.

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Mr. Burton stated that they not only need numbers, they need to sit and council with them to have meetings with them.

Town Attorney Cherof agreed with Mr. Burton and stated that he should sit down and analyze the figures with BSO.

Com Silverstone asked if the way the Town is currently doing things as opposed to what Mr. Burton feels is a fairer basis would be something based on the improvement value.

Mr. Burton said yes, and then said that he agrees with the Town Attorney to have something that is fair and equitable.

Town Attorney Cherof stated that the more they model things based upon value of property or value of improvements, the more they mirror taxation and ad valorem. He said that as a third alternative they may consider going back to paying through ad valorem.

Mr. Burton said that the difference would be that they would not have a land value and no homestead exemption to eliminate the fee for lower value properties. He also noted that people may see it as a tax.

Commissioner Silverstone said that there may be a way to look at it as not ad valorem because they would not be assessing the entire value, but only part of it.

Commissioner Clark stated that they need to determine what is residential and non residential. He said there is a lot of question of commercial being treated as residential property. He said they need to realign this at the end of each year and if it terms out that "X" number of dollars of the fire assessment really should have been applied to EMS, then the Town should make that adjustment, and he said that if that is done consistently each year, then they would be being fair.

Mr. Burton stated that if the Town does decide to use the value criteria for the allocation, the Town would substantially solve the problem about determinations between residential and non residential. He said that his feeling on allocations between EMS and Fire Service is how the resources are arrayed.

Commissioner McIntee wanted to know if it was 80% EMS and 20% fire.

Mr. Burton stated that he didn't think the actual number of calls really fall on a mathematical formula. A short explanation followed regarding crossed trained personnel.

Vice Mayor Yanni asked if he was coming back again, and wanted to know if he wanted to sit with BSO.

Mr. Burton said he would if they were willing to.

Commissioner McIntee stated that BSO is obligated to discuss issues regarding fire assessment. He asked Mr. Burton if he asked BSO for the cost of allocation between EMS and Fire.

Mr. Burton stated he did and indicated that Esther gave him a computer sheet.

Commissioner McIntee stated that the figure given to him did not break anything down.

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Mr. Burton concurred and he stated that he has to rely on BSO's judgment.

Vice Mayor Yanni directed Mr. Burton to go to the chief and set up an appointment and come back with more information.

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to give Mr. Burton complete authority to ask any questions he wants to BSO as a representative of the dais.

The motion passed 4-0.

Town Attorney Cherof recommended a letter go out to BSO to confirm in writing that a request from Mr. Burton is a request by the Town.

Mr. Burton stated that he would provide a copy of what he had presented to be distributed to the Commission.

B. Naming Public Facilities Report (Master Plan Steering Committee) (Walter Keller)

Shevaun Steward-Kuhn and Marilyn Carr presented their report to the Commission.

Ms. Steward-Kuhn stated that they were given the task of providing the Commission the policy recommendation for naming of public property and designating Town facilities.

Ms. Carr asked if there was anything the Commission would like to go over or change.

Vice Mayor Yanni asked if one had to be dead to have something named after one.

Ms. Shevaun-Kuhn stated they had gone over a list of twelve (12) different communities and it seemed a wise decision; however, she stated it was the Commission's decision.

Commissioner Silverstone motioned, seconded by Commissioner Clark, to accept their report. The motion passed 4-0.

C. CRA Status Update Report (David Nixon)

Mr. Nixon stated that the meeting was very productive. And he said that he enjoyed the beach pavilion presentations. He then indicated that he had three things to go over.

1. Budget. He stated that on the last's meeting agenda there was a consent item to increase Siemon and Larson from \$20,000 to \$30,000. He then gave some background before offering recommendations. He stated that originally there were three (3) bids: \$47,000; \$44,000; and \$20,000. He said they chose Siemon and Larson because of the cost. He said that he thinks Siemon and Larson underbid, and he said it was not the Commission's problem to deal with. He said that he spoke to Charlie Siemon and he stated that Mr. Siemon was committed to completing the project all the way through to getting the county feedback and approval for the initial fee of the \$20,000. He said that it is not something the Commission should have to wrestle with.

2. Status with the County. Mr. Nixon stated that the information is being sent, and he said that he is speaking to the County on the phone to get feedback. He said they are continuing to

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move forward. He said that money is tight, and he said that they are being a little tighter than they have been historically, and he said that he thinks that they will get approval. He said that there is a recommendation from the county staff to change the way they fund new CRA's. He said the old method was called "tax increment financing" and they replaced that with the capital improvement fund, but they are recommending that alongside the capital improvement fund, they are recommending that future CRA's go back to tif financing. He then stated that there would be no tax increases on the Town. He recommended that they keep going and finish the project up because it doesn't cost anything.

Commissioner Silverstone asked about the overall budget. He wanted to know about the request for an increase.

Mr. Nixon clarified and stated that they are not asking for any more money.

Commissioner Silverstone asked if he still feels confident about becoming a CRA.

Mr. Nixon stated that he feels ok about it; he said that the County is not being as easy as they used to be, but he said that he was told that they should finish up the process because they are close.

Commissioner McIntee asked if there were any additional cost to the Town.

Mr. Nixon said there was no additional cost.

Commissioner McIntee stated that Mr. Nixon flew back at his own cost.

Mr. Nixon asked if there were any more questions.

Commissioner Clark stated that he believed Mr. Nixon has done a great job.

3. Project Management. Mr. Nixon stated that he's been in Washington to work on a business issue, and he's only been here for a few days in the past six (6) weeks. He indicated that he's entering a phase where he may not be here to respond when these meetings come up, and he stated that he needs someone to take the lead on the project for the next three (3) or four (4) months until he can be back. He then recommended that Town Manager Colon take it on, and he said that she may be comfortable with it, and he said that when she gets back he wanted to discuss it with her.

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to accept a temporary leave of Mr. Nixon and request Town Manager Colon to pick up the load.

The motion passed 4-0.

6. APPROVAL OF MINUTES

A. January 23, 2007

B. May 22, 2007

Commissioner McIntee motioned, seconded by Commissioner Clark, to approve the January 23, 2007 and May 22nd 2007 minutes. The motion passed 4-0.

7. PUBLIC COMMENTS *(random selection of individuals; limited to half hour)*

Lisa Mitchell, 4641 N Ocean Drive, wanted to discuss the BSO item under New Business D. She wanted to know if any of the reserves ever go out with the paid employees and she wanted to know if they are trained and if not, she wanted to know why not. She wanted to know about Lauderdale-by-the-Sea channel. She stated that she got stopped in Imperial Point by someone perverted. And she wanted a BSO page on Lauderdale-by-the-Sea's channel. She wanted to know if a BSO page would take away liability from the Lauderdale-by-the-Sea webpage. She said that the Town needs lifeguards; she said that children will be out there. She wanted to know if some kind of system could be put up there

L. Peanuts Wick, 4900 N Ocean, stated that he would like to congratulate the students that came up and said that the Commission had a very tough choice. He then thanked Aruba's for their Memorial Day party. He also thanked Mr. Burton and said he did a great job and he said the new methodology would have him paying more taxes, but it would be more equitable for the residents and the commercial properties. He then discussed Commissioner Clark's 4th of July event. He said that it would be great, but he's concerned about the Pier cost and did not understand why it would cost so much and wanted to know if the Pier's owner would consider donating that portion to the Town. He asked if the Commission could state the individuals and business who have donated to the event. He then discussed Vice Mayor Yanni's agenda item. He stated that he thinks the Commissioner Comments should be moved to where they used to be, and said they should be limited to town improvements and not comments against one another or the public. He said that he is going north in the near future, and he said that he did not believe it would be good to move the election back to November.

Tim Woodrum, 1961 SE 17 Court Bel Air, said he was here to discuss websites that support porn links. He said that he operates a website about the Town with a forum and its equal access; he discovered that there are unscrupulous people, mostly from Russia, that invade forums and put adult content, pharmaceuticals, and gambling links into the forum. He said that he has gone through and addressed the issues. He said that he found security patches that prevent this from happening; he said that the last website they tried to upload was Interior Digs. He said if someone had a site they wanted to submit they could. He said that he does all he can to keep those negative sites out; he stated that all he wants to do is provide a soapbox that everyone has access to, and there is no political agenda. He said that they are not perfect, and said that he cannot prevent it from happening again, but they are there morning noon and night to prevent it from occurring again. He said that it site is available at no cost to the Town and said that he has nothing to with pornography, out of area gambling, or pharmaceuticals.

Diane Boutin, Windjammer Resort 4244 El Mar Drive, said it was exciting to see the designs and she acknowledged the efforts of the Master Plan Steering Committee. She wanted to address the fire assessment, and she said that it was important for the Town to differentiate between what is residential and what is commercial. She said that the Town has to provide service to all its constituents; she said that because the Town has its administration that issues occupational licenses, it is really easy to identify business and commercial district. She wanted to urge the Commission that no one in the Town wants a free lunch, but she says they need equitable distribution across the board of fire assessment fees and she urged the Commission to contemplate and look at the data and encourage the proper assessment methodology. She said it is not easy, but it is something that can be looked at. She said that Lauderdale-by-the-Sea is a small town and she believes many have been misclassified.

Charles Leachman, 245 Oceanic Ave, wanted to address permit spots. He said he received a letter stating that spots were added across the street and wanted to thank the Town Manager and Commission for the quick response. He said that he has full confidence that he can spend

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an enjoyable day at the beach. He said that this is a temporary solution, and he would appreciate that the spots are incorporated into the final design because he doesn't want to go through all of this again. He then thanked the Commission again. He wanted to clarify that in the letter that he received, the Town Manager stated that the issue was a "complaint;" he wanted to clarify and note that it was not a "complaint," but rather a "concern." He said he would much rather be known as a concerned citizen rather than a chronic complainer. He then stated that he found two (2) code violations on his fence. And he said that he would assume that this was completely coincidental, but he stated that they were pretty petty. He said that it was a short time since he was there with his concerns. He said that if any other citizen finds that if they complain to the Commission and two (2) days later code shows up at their house, he wanted to know about it. He said that there is a buzz word about anti government, and he said that they should not be an anti commission. He said he does not need people holding his hand, and he does not need ordinances telling him to cut his coconuts, he said that he wants a certain amount of freedom, and he asked that when they exercise their authority in these matters, they should understand that many people do not want their hands tied.

Stuart Dodd, 232 Imperial Lane, stated that Town Manager Colon and Assistant to the Town Manager Olinzock are doing a great job. He then addressed the doggie stations on El Mar that do not have a negative "no dogs" sign, but instead offers "clean up and you're welcome." On another note, Mr. Dodd congratulated Assistant to the Town Manager Olinzock for opening the sidewalk at Oriana and said that it sends a message to the developer that the Town will not accept any more excuses. He then addressed "Old Guard" Vice Mayor Yanni and Commissioner Clark and said it could have been like this for the last 18 months with harmony, respect, and getting things done with no buttons and no bickering; he said the Town won't forgive or forget the tyranny of the last years of the "Old Guard" rule. He said the Town has systematically lost its small town charm to become a mini suburb of Fort Lauderdale. He stated that most of the in-house departments that built the Town have become disbanded or merged with Fort Lauderdale. He said that hopefully there are enough people out there to take back the Town and reestablish the Volunteer Fire Department, in-house planning, works, etc. so that we can again control the destiny of the Town. He requested that they go home and contemplate what went wrong and be uplifted that there are people who want the errors corrected and the Town restored to a welcoming friendly seaside resort that welcomes tourists and residents alike. He then congratulated Vice Mayor Yanni for a great meeting tonight.

Frank Herrmann, 4244 Seagrape Drive, stated that he had good news and bad news. He stated that they must determine how we'd raise 3 million dollars to pay the BSO. He indicated that Mr. Burton will receive his vote as the Town's hometown hero if he can present an accepted fire assessment fee. He said that he is experienced, knowledgeable, and seems to be a nice person. He said that he firmly demands that the fire assessment fee be unanimously accepted. He said that the fire assessment jargon has already confused him. He said he wanted to make things simple and fair to all and quit the nitpicking. He said he wanted the fee per square foot.

Tom Carr, 254 Miramar Ave, asked the Commission for consideration regarding Old Business Item 12 A, and stated that there are 86 families in Silvershores South who have problem enough getting out and across Commercial Boulevard. He said that by the time cars slow up they park across Tradewinds and they can't get out. He then asked about a traffic light because they are creating more of a traffic flow onto Tradewinds. He said that if the coffee shop is put in, it will be good for the coffee shop owner, but there will be even more traffic and problems to those across the street. He said not one of them most of the time live there and those are the people that complain about speed bumps and stop signs, but they can't get out. He said they need a sensor light similar to what they have at Sea Ranch Lakes. He said he thinks they are

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entitled to the same. He said they haven't gotten anything in the 14 or 15 years since he's been there. But, he noted that in the past 7 or 8 months they brushed his street.

Barbara Cole, 221 Washingtonia; 5000 N Ocean Blvd, stated that she read a letter to the editor in Sun Sentinel that discussed getting rid of municipalities and becoming only Broward County. She stated that Lauderdale-by-the-Sea should leave Broward County. She stated that until 1900 the Town was part of Miami Dade and split off to become Broward County. She stated that Glades County has around 11,000 in their population and she said that looking at the tax bill and see what goes to Broward County, essentially the Town would be ridding itself of the middle management people and have its own departments. She stated that the money would be kept in Town. She concluded by noting that the meeting was running very smoothly.

Kenneth Most, chairman of Lauderdale-by-the-Sea Sister Cities Association, reported that Henley on the Thames has resolved to make Lauderdale-by-the-Sea its Sister City as the Town already has resolved to make them our Sister City. He stated that the May issue of Town Topics announced that a delegation was being sent there at the end of July, but unfortunately this is not possible and it is postponed until September. He was hoping to get a group of people to go to Henley on the Thames to represent the Town. He stated they are in the process of determining what projects to undertake with Henley on the Thames; i.e., educational, social, medical, etc, which would further the interest between the Town's residents and theirs. He wanted to invite anyone listening to let him know if they have any projects they would like to pursue in that direction.

He then moved on and stated that as member of the Bel Air Civic Association he wanted to note that a meeting will be held on June 28th in Jarvis Hall at 7:00 p.m. and at 6:30 p.m. there will be refreshments, and important matters will be discussed, such as the impending sewers. He said he looked forward to seeing a lot of Bel Air residents there.

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

9. ORDINANCES (1st Reading)

10. CONSENT AGENDA

- A. Approval to increase Siemon and Larson, P.A. contract to \$30,000 (4/11/06 \$20,000 approved) (Town Manager Colon) (tabled from 5/22/07)

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to pull item A from the agenda as Mr. Nixon deemed it unnecessary. The motion passed 4-0.

- B. Special Events Application, Fourth of July Celebration BBQ—4th, 2007 10:00 a.m. to 11:00 p.m. **Costs:** 15,000.00 **Pier Rental**
34,000.00 **Fire Works Display**
2,000.00 **Fire Watch**

Total: 51,000.00

Pending Costs for: **Barricades, Beach Signs, and Permits**
(John Olinzock, Assistant to the Town Manager)

Commissioner McIntee stated that they have only taken in \$17,500 and he wanted a comparison to last year.

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Commissioner Clark stated that it was probably about half.

Commissioner McIntee stated that they took in \$34,000 and it's down to \$17,000 this year.

Commissioner Clark stated that the figure is closer to \$30,000.

Commissioner McIntee asked if the Lauderdale-by-the-Sea Volunteer Fire Department could march in the parade.

Commissioner Clark said that it was not decided yet.

Commissioner McIntee said that he wanted a decision before voting on the issue and asked if they may not be allowed.

Commissioner Clark said that it had not been decided, and he was not prepared to do it tonight.

Commissioner McIntee wanted to know who decided.

Commissioner Clark stated the committee decides.

Commissioner McIntee wanted to know what the requirements were to volunteer in parade.

Commissioner Clark said that generally there were none, but he hasn't received any specifics about what they want to do. He then noted that this was the first he heard of it.

Commissioner McIntee said that the volunteer's want to march in it and he said there would be no political displays and stated that they would be absolute gentlemen or ladies. And he said that the explorers wanted to participate as well. Commissioner McIntee asked if he saw any problems with that scenario.

Commissioner Clark said that he did not see any problems in that at this time.

Commissioner Silverstone stated that he did request the volunteer's to be in it.

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to approve 4th of July. The motion passed 4-0.

- C.** Commission Approval of Professional Services Agreement in the Amount of \$6,000.00 with Keith and Associates, Inc., for Boundary and Specific Survey Work to be performed at Leisure Towers (John Olinzock, Assistant to the Town Manager)

Commissioner Silverstone asked Assistant to the Town Manager Olinzock about the Boundary and Specific Survey and asked if it was under the assumption that an access walkway would be built.

Assistant to the Town Manager Olinzock stated that that was not correct. He said that they sent a letter requesting that, but they have not heard back from them.

Commissioner Silverstone asked what would happen if they say no.

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Assistant to the Town Manger Olinzock stated that the expenditure is there because the Town needs a survey to meet the Code and finish the project that was started in 2002 or 2003. He said that if they do not get a positive response then it's the Commission's decision to go forward on the project or not.

Commissioner Silverstone asked if project based on that.

Assistant to the Town Manger Olinzock stated that the project was based on the easements secured for underground utilities on A1A.

Commissioner Silverstone asked what would happen if it is not approved.

Assistant to the Town Manger Olinzock stated that the project would not be done.

Commissioner Silverstone stated that he wanted a beach access there.

Vice Mayor Yanni asked if this was for the underground.

Assistant to the Town Manger Olinzock stated that it was to mitigate some of the parking that was lost at that property.

Commissioner McIntee stated that it was the property that was promised a parking lot and it got lost in the shuffle.

Assistant to the Town Manger Olinzock stated that there was a very long history on the property.

Commissioner Silverstone said that he would like to see a public access way be built if possible.

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to approve with the stipulation that the \$6,000 is only spent once the Town gets granted permission to do it.

Assistant to the Town Manger Olinzock stated that a letter can be sent to the property with that requirement.

The motion passed 4-0.

- D. Commission Approval of Professional Services Agreement in the Amount of \$3,000.00 with Keith and Associates, Inc., for Specific Purpose Survey Work to be performed for the North Seagrape Drive Streetscape Project (John Olinzock, Assistant to the Town Manager)

- E. Commission Approval of Comcast Proposal in the Amount of \$23,284.46 for Cable Utility Relocation Work Association with the North Seagrape Drive Streetscape Project (John Olinzock, Assistant to the Town Manager)

Commissioner Silverstone motioned, seconded by Commissioner Clark, to approve both items D and E of the Consent Agenda. The motioned passed 4-0.

11. RESOLUTION

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- A. Herbert Hoover Dike Compliance Resolution (2007-09) (Carole Morris, South Florida Water Management)

Town Attorney Cherof read the resolution by title only.

Carole Morris of South Florida Water Management District stated that many areas are concerned about the condition of the dike surrounding Lake Okeechobee. She stated that it is a 140 mile dike. She stated that an evaluation of the dike found that it is in danger of eminent failure. The Army Corps of Engineers has a plan to repair the dike and is looking for full funding and full repairs to the dike by the year 2050. She stated that they are asking local governments to join and call upon Congress to step up the funding. She stated that a problem with the dike could have catastrophic circumstances for residents surrounding the lake and it could have a backlash to others in South Florida because it is our back up water supply.

Commissioner Silverstone asked if there was any cost impact to the Town.

Ms. Morris stated that ultimately there could be if taxes are raised to fund the repair, but she said there would be no cost directly to the Town.

Commissioner Clark motioned, seconded by Commissioner McIntee to approve. The motion passed 4-0.

12. OLD BUSINESS

- A. At the May 8, 2007 Town Commission meeting, the Commission directed staff to return on June 12, 2007 with standards that would allow drive-through businesses in Town (Jim Bell – Development Services) – tabled from 4/24/07, 5/8/07, 5/22/07 meetings) Staff recommending the item to be tabled until the July 10, 2007 meeting

Jim Bell, Development Services Director, requested to table in order to bring to Planning and Zoning Board and get their recommendations and opinions before bringing it back before the Commission.

Commissioner Clark motioned, seconded by Commissioner Silverstone, to table the item. The motion passed 4-0.

13. NEW BUSINESS

- A. **Public Hearing:** The Planning and Zoning Board tabled the proposed Wings site plan (fka: Mack's Groves) located at 4405 N. Ocean Drive to the meeting of June 20, 2007 to allow the applicant time to address parking issues. The project will need Board of Adjustment approval of a proposed parking study to address their parking needs. (Jim Bell, Development Services) At public hearing, Staff is recommending the item to be tabled until the July 24, 2007 meeting.

Mr. Bell stated that it has already been postponed by the Planning and Zoning Board, but it was advertised, so in order to be consistent he has to postpone it as well. He stated they are recommending to table until July 24th because there is an accompanied variance application so that at that point if the variance and site plan request could be made at the same hearing.

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Commissioner Silverstone motioned, seconded by Commissioner Clark, to table the item. The motion passed 4-0.

- B.** Discussion and/or action regarding placing Commissioner Comments where they used to be on the agenda (Vice Mayor Yanni)

Vice Mayor Yanni said that the comments should be moved back to where they used to be after Ordinances, and he also wanted to have a five (5) minute limit.

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to move Commissioner Comments back to their original place on the agenda with the stipulation that the comments do not exceed five minutes.

The motion passed 4-0.

- C.** Discussion and/or action regarding computer sites in Lauderdale-By-The-Sea with links to Town that also support porn sites (Commissioner McIntee)

Commissioner McIntee stated that he contacted the gentleman, and he said that the guy was embarrassed. Commissioner McIntee said that he was unhappy with the fact that the website said "official" site of Lauderdale-by-the-Sea, and the gentleman has changed that. Commissioner McIntee said that other people sweep the sites and he clarified that whether or not it is not the gentleman's fault, the Town still cannot support any sites that are on his site if it continues. He then said that if it continues, he would ask that anyone associated with the site remove themselves from it, or they may lose their Town funding. He concluded by noting that the gentleman went out of his way to fix the situation.

- D.** Discussion and/or action regarding status of BSO reserve fire program, request report from BSO fire (Commissioner McIntee)

Commissioner McIntee called Chief Sievers forward and said that this morning there were workers washing the fire truck, and he would request Assistant to the Town Manger Olinzock to request compliance officers who see people washing trucks to issue a ticket after one warning.

Chief Sievers stated that they were permitted to wash fire apparatuses by law.

Commissioner McIntee stated that they should not abuse the system.

Chief Sievers stated that it may have been during preventative maintenance.

Commissioner McIntee stated that he went by and saw people with a pail and soap.

Chief Sievers stated that they are refraining from using the hose and hydrants.

Commissioner McIntee asked Chief Gooding if there was a 911 call regarding the issue.

Chief Gooding said no.

Commissioner McIntee moved on to the Fire Reserve Program and asked if they ride in the BSO apparatus.

Chief Sievers indicated they do.

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Commissioner McIntee asked if they are allowed to respond to a fire call in the BSO apparatus.

Chief Sievers indicated that they do, with his crew.

Commissioner McIntee asked how many reserve firefighters go on average to a call.

Chief Sievers clarified the program and stated that when there is an open position, they ride with his crew. He stated that they do not respond independently on a fire apparatus.

A short discussion regarding the issue followed.

Commissioner McIntee asked if there were 15 calls last month, he wanted to know how many reserves were on each average call.

Chief Sievers stated that he would not know.

Commissioner McIntee asked if there would be one.

Chief Sievers stated that he was not prepared, but stated he would look. He said they are filling apparatus when there is an open position, they can also ride in a separate apparatus that is stationed in Lauderdale-by-the-Sea. He said they are scheduled in 12 hour shifts.

Commissioner McIntee asked if it was fair to say that they never had 14 reserve officers respond to a call.

Chief Sievers stated that they do not have 14 positions here.

Commissioner McIntee asked if there were 4 positions to a bumper and he stated that if there is a 3 man crew, then only 1 person could be in that.

Chief Sievers stated that they always up staff.

A short discussion followed.

Chief Sievers stated that up staffing benefits the Town every single day. Chief Sievers continued stating that he wanted to put things in writing and not grandstand in front of the television set.

Commissioner McIntee stated that Chief Sievers should show some respect because he is the Commission's employee.

Chief Sievers disagreed with that statement, and he then asked to be shown respect as well. He then asked Vice Mayor Yanni if Commissioner McIntee could submit his questions in writing.

Commissioner McIntee stated that he supplied Town Manager Colon with the request for Chief Sievers to prepare a report.

Chief Sievers stated that he was not aware of the report, and he stated that there were no questions presented for him to report on.

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- E.** Discussion and/or action regarding waiving parking meters for the October Arts and Crafts Fair (Commissioner Clark)

Commissioner Clark stated that this was to correct an oversight which was approved on the consent agenda. He stated that the waiving of the parking meters was inadvertently left off and needs to be added.

Commissioner Clark motioned, seconded by Commissioner Silverstone, to waive the parking meters for the October Arts and Crafts Fair.

Assistant to the Town Manger Olinzock asked for clarification of what is meant. He wanted to know if he meant Town wide waiving of the parking meters, or is it only in the areas affected by the fair.

Commissioner Clark stated that historically it has been done Town wide.

The motion passed 4-0.

- F.** Staff has received a request for a 2nd six (6) month extension to December 13, 2007 for the Whitecap Rental Motel Repair and Renovation project located at 270 Pine Avenue (See attached memorandum and applicant's justification) (Jim Bell, Developments Services)

Commissioner McIntee motioned, seconded by Commissioner Silverstone, to pass it. The motion passed 4-0.

- G.** Discussion and/or action regarding change to El Mar Drive from present configuration to one lane (Commissioner Silverstone)

Commissioner Silverstone presented three problems about changing El Mar drive to one lane. He stated that parking would be lost, and anytime they need extra parking, it would not be there. He also stated that it could be a hindrance to future fairs or events. He then said that people are used to that space and if it begins to get condensed then it will become a problem. He stated that he did not really see why it was necessary, and he said that they should strike one lane, leave it there and put a larger lane without the other advances to changing the strip of landscaping that could be dangerous to people on bicycles.

Commissioner Silverstone motioned to rescind the plan to change El Mar Drive.

Commissioner Clark motioned to table the issue.

Commissioner McIntee stated that he did not recall anyone changing the lane from 2 lanes to 1 lane.

Vice Mayor Yanni stated that in February from the White Cap to A1A took him 45 minutes because of traffic during the season. He stated that it would make things too congested.

Jim Bell stated that there is an improved streetscape plan called El Mar Drive streetscape plan. He said the problem with tampering with it is that there are already 2 developments who are building in conformance to this plan. He said there would be some non conformance with Oriana and Mintos because they are already in the permitting and approval process for those projects.

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Commissioner Clark said that they would have to conform also.

Mr. Bell stated that if they conform back to 2, they would have a situation where the roadway goes from 2 to 1 and then back to 2.

Commissioner Clark stated that it is already evolving into a single lane.

Mr. Bell concurred, but stated that it would be at the appropriate locations.

Commissioner McIntee seconded Commissioner Clark's motion to table until the 1st meeting in September.

The motion passed 4-0.

14. TOWN MANAGER REPORT

- A.** Discussion and/or action regarding waiving parking meters for all Town sponsored events and non-Town sponsored events such as Aruba's Memorial Day Pig Roast, Easter Egg Hunt, Easter Sunrise Service, etc.

Assistant to the Town Manger Olinzock discussed waiving fees for Town sponsored events and some for discussion.

Commissioner Clark stated that his problem is that in the future (in regard to revenue, etc) they may have to do some rethinking and put some of the fees back on.

Commissioner McIntee motioned, seconded by Commissioner Silverstone to waive the parking for Aruba's Memorial Day Pig Roast, Easter Egg Hunt, Easter Sunrise, and 4th of July to what the Town Manager sees as a reasonable time.

- B.** Commission approval to further study of Town of Lauderdale-By-The-Sea Internal Building Department and negotiable agreements as recommended by Chen & Associates (John Olinzock, Assistant to the Town Manager)

Assistant to the Town Manger Olinzock asked if the Commission wanted him to study this. He asked for direction to do this.

Commissioner McIntee motioned to give until September to complete this.

Assistant to the Town Manger Olinzock stated that he needs approval to proceed to have them do this.

Commissioner Clark asked if they are approving the study.

Assistant to the Town Manger Olinzock stated that they are and he would need \$25,000.

Commissioner Clark asked why the issue cannot be done internally.

Assistant to the Town Manger Olinzock stated that they do not have the expertise and secondly it would take staff away from things they need to do right now.

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Vice Mayor Yanni stated that the study was for getting the Town an internal building department.

Commissioner McIntee withdrew his motion.

Commissioner Clark stated that it does not make sense to do this at this time, and he stated that he understands what the study will do in regard to what revenues the Town will have, etc, but he stated that it will diminish in the near future.

Vice Mayor Yanni stated that there is no rush and it could be tabled until September or December.

Commissioner McIntee motioned, seconded by Commissioner Silverstone to table until September.

The motion passed 4-0.

15. TOWN ATTORNEY REPORT

Town Attorney Cherof stated that he had nothing to report.

16. COMMISSIONER COMMENTS

Commissioner McIntee stated that there are a lot of good changes in town; he offered his compliments to the park and the bags on the meters. He said he has a lot of love for Volunteer Fire Department and he stated that although he goes after BSO each meeting, there is a reason for it. He stated he wants the truth. And he said that anytime he has had Chief Gooding up there he always tells the truth. He said that he gives the answers and that does not bluff. He said that BSO should realize they need more people like Chief Gooding. He said he hopes the Volunteer Fire Department could be in parade, and he said there were disagreements tonight, but there was not bickering or battling. He then said happy anniversary to Mr. and Mrs. McMillan who have been married for 46 years.

Commissioner Clark congratulated Sandra Booth and the Master Plan Steering Committee and gave thanks to the people on the 4th of July committee and wanted to thank some of the contributors, and he noted that what he would be reading from was not a complete list. He said that so far they have substantial donations from Sea Ranch Lakes, Damon's, Aruba, Village Grille, The Windjammer, Rainbow by the Sea, Frame and Art, Mintos, and Sister Cities.

Commissioner Silverstone thanked Sandra Booth and said that it was nice to see input from people outside of the Town. He said that there was one problem he wanted to clear up regarding the Oriana fire truck going in. He stated that the May 8th meeting minutes show that Commissioner McIntee stated that he would bet anyone that a fire truck could not make a turn in the driveway and the response from Chief Sievers was that a fire engine could not make the turn. Commissioner Silverstone stated that in all fairness there was some misunderstanding about where the turn was going to be. He then went back to the fire service and stated that he always compares Lauderdale-by-the-Sea to Lighthouse Point and their fire assessment. He said that their fire assessment is about \$50.00 per household. He said that the average in Broward County is about \$130.00 for residential. He said that the Town pays the highest in Broward County and stated that this is something that needs to be worked out. He then thanked the Commission for approving the mission statement that he worked hard on and the Town Clerk worked on polishing up. He wanted to have everyone on the same page that the

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Town is a seaside village environment and as long as they work together, they can do some great things, and he sensed that tonight.

Vice Mayor Yanni, thanked members of the Master Plan Steering Committee for their hard work. He then congratulated the McMillan's on their anniversary. He said that a few meetings back, he appointed Peggy from Aruba to the Walk Around Committee and as soon as she went back, she got hassled by people, and she was upset that By the Sea Times had her name and address in the paper. She then began to receive nasty phone calls. He stated that she is in the type of business where she makes some people mad at times, and he believes it to be wrong to put anyone's address in the paper. He also stated that he believes it to be wrong for the public to give their name and address out at the podium. He stated that it is a dangerous thing today to do that. He stated that he would place that item on the following agenda.

There was a motion to adjourn. The meeting adjourned at 10:04 p.m.

17. PUBLIC COMMENTS (*remaining members of the public to speak at this time*)

18. FUTURE AGENDA ITEMS

June 26, 2007

- A. Discussion and/or action regarding the selection of a professional architect for the Commercial Blvd. Beach Pavilion (Walter Keller) (Pending RFQ's – tabled from 3/13/07)
- B. Presentation of a professional planner RLI # 06-07-01 (PowerPoint)
- C. Report on options for the Town to save money on building permit services and fees (per Commission directive at 3/13/07 meeting (Jim Bell – Development Services) – tabled from 4/24/07 meeting)
- D. Report on the allocation of parking lots to serve the various restaurants in the Town's core area (per Commission directive at 3/27/07 meeting) (Jim Bell, Development Services)—tabled from 4/24/07,5/8/07,5/22/07 meetings)
- E. Discussion and/or action regarding moving the election from January to November (Requested by Mayor Parker at 5/22/07 meeting)

July 10, 2007

- A. Burton and Associates (Preliminary Report regarding Fire Assessment)
- B. Recommend award of a professional planner RLI # 06-07-01
- C. Recommend award of a professional architect for the Commercial Boulevard Beach Pavilion RFQ 06-07-01 (Walter Keller)

July 24, 2007

- A. Discussion and/or action regarding the possibility of establishing a Town Ethics Committee (Commissioner McIntee - tabled from 3/13/07)

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- B. Burton and Associates (Final Report regarding Fire Assessment)
- C. Redlined version of the ULDR to be held at 6 p.m. (Jim Bell, Development Services)

Items Tabled until Uncertain Date

- A. Discussion and/or action regarding BSO letter of complaint dated 4/11/07 and event report dated 4/7/07 (Mayor Parker) (Pending IA report)
- B. Report on public records request regarding tape referred to in 4/27/07 Commission Meeting (Mayor Parker) (Pending IA report)

19. ADJOURNMENT

LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Mayor Oliver Parker

ATTEST:

Tina Angelone, Town Clerk

Date