

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, July 10, 2007 - 7:00 P.M.
(Continued to Saturday, July 21, 2007 – 10:00 A.M.)

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker called the meeting to order at 7:00 p.m. Vice Mayor Gianni, Commissioner McIntee, Commissioner Silverstone, Mayor Pro Tem Clark were present. Also present were Town Attorney Jim Cherof and Town Clerk Tina Angelone.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION, TOWN CHAPLAIN

Father Hanrahan gave the invocation

4. PRESENTATIONS

- A.** Government Finance Officers Association Distinguished Budget Presentation Award (Town Manager Colon)

Alan Owens presented the Government Finance Officers Association Distinguished Budget Presentation Award to the Town of Lauderdale-By-The Sea for the ninth time.

Mayor Parker, the Commissioners and Town Manager Colon accepted the award.

Mayor Parker requested moving Item 14R to Presentations to issue a proclamation. There were not objections.

Mayor Parker amended the agenda to issue the proclamation listed as Item 14R.

- A1.** Proclamation issued by the governing body of Lauderdale By-The-Sea to Hyatt Aldahwi, an eight-year old resident of Lauderdale-By-The-Sea, for winning a first place at 2007 Sunshine State Games Figure Skating Championships, May 18-20, 2007 (Commissioner Silverstone).

Mayor Parker read the proclamation into record. Hyatt Aldahwi was applauded for her achievement.

- B.** Presentations of Professional Architects (RFQ 06-07-01; 05-06-02)

1. Ocampo

Ernie Ojito, of Ocampo and Associates Architects gave an overview of his company and talked about the pavilion project. At Mayor Parker's request, Mr. Ojito explained a concession/bathroom building in conjunction with an amphitheatre surrounded with lawn type seating his firm had designed for the City of Riviera Beach.

Commissioner McIntee requested renderings of previous pavilions Ocampo and Associates Architects had done within the past five years. Mr. Ojito agreed. Commissioner McIntee said there were two likable plans, plus a like-ability to a combination of the two plans. He asked Mr. Ojito if it was reasonable to ask his firm to generate two preliminaries of the architectural plans and a third preliminary that might be a middle of the road combination of the two. Mr. Ojito said there would be no problem but advised consideration of the budget. He added that the plan chosen would be the more cost effective choice.

Commissioner McIntee ended by saying he would like to see three concepts; concept one, concept two and a combination of concepts one and two.

When asked by Commissioner Silverstone, Mr. Ojito said he preferred the chosen design with the addition of some shade, with an enhancement of the design to incorporate musical events. Commissioner Silverstone indicated that was a good idea.

Mayor Pro Tem Clark inquired of the time to regenerate the architectural plans and the additional costs. Mr. Ojito said he could have them in about two weeks.

Mayor Parker asked about the additional cost for three renderings.

He added that he would have to figure the cost and report back to the Commission.

Mayor Parker reminded the Commission that there was a three/two vote for the original project with two changes.

Commissioner McIntee said that although there had been a Commission majority, he believed it was not the plan the majority of the community had chosen.

2. Russell Partnership

Terry Holt presented Russell Partnership Architects for the Commercial Boulevard Beach Pavilion. He introduced his company as a long standing firm and advised the credentials of the firm's three partners. Mr. Holt gave an overview of his Architectural drawings and said he would be very comfortable working on the Architectural preferences the Commission had previously spoken about.

Commissioner McIntee reminded Mr. Holt that the majority of the people were in favor of the Key West design. Commissioner Silverstone believed in open space and thought

the concept fit very well. Vice Mayor Yanni asked where the coastal construction line was located. Mr. Holt said that according to the Department of Environmental Protection web site the two closest beach monuments were where the coastal construction line was located. He added he would verify before continuing.

Mayor Parker asked the additional cost to do several design concepts and Mr. Holt said he would provide an approximate cost estimate to the Commission.

Town Manager Colon reminded the Commission that a decision would have to be made at this meeting as to which Architectural firm would do the renderings otherwise the Commission would not have the new renderings before them until September. She talked about the timetable needed to review construction plans and for an RFP and advised it would bring the project into December. She added the project must be completed and have a Certificate of Occupancy issued by December 1, 2008.

Mayor Parker felt it would be wise to go forward as quickly as possible. Discussion followed regarding the chance of losing funds and obtaining additional extensions.

Commissioner Silverstone requested Item K of New Business to be moved up directly after Public Comments. Vice Mayor Yanni objected to moving the item. Brief discussion followed that explained the move was to allow the people to have discussion regarding the renderings as it related to the Commercial Boulevard Pavilion.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to leave Public Comments where they are on the agenda and move Item K of New Business directly after Public Comments. In a roll call vote, the motion carried 5-0.

5. REPORTS

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

Town Manager Colon introduced Joan Garrett who had dedicated 13 years of service in parking enforcement to the Town of Lauderdale-By-The-Sea. She added that Joan also dedicated the past seven years to the youth and residents of Broward County as a mentor coordinator supporting abused children. Town Manager Colon said Joan demonstrated that she deserved the nomination of Employee of the Month for July 2007.

B. Deputy of the Month (Chief Gooding, Broward Sheriff's Office)

Lieutenant Caren Pollaccia honored the entire ALPHA shift for Deputy of the Month. She said the shift performed 28 arrests. She added that the deputies relied on their proactive approach and instincts to seek out criminals throughout the late night and early morning hours to ensure the safety of the Town of Lauderdale-By-The-Sea. Lieutenant Pollaccia said they represented the level of commitment and professionalism that make them an asset to the Town and the Broward Sheriff's Office. Deputy Roberto

Caceres, Deputy Stephanie Newton and Deputy Craig Jacobson accepted the award on behalf of the ALPHA shift.

C. Burton and Associates (Preliminary Report regarding Fire Assessment)

Mr. Michael Burton reviewed direction given by the Commission at the June 12, 2007 meeting to develop a fire assessment rate under the current methodology and an alternative methodology using value of improvements as the primary criteria. Mr. Burton added that the Commission also requested that he meet with the Broward Sheriff's Office to evaluate their allocation of contract costs to the Town for fire services and Emergency Medical Service (EMS). He said that Broward County indicated the allocation was performed years ago and was unable to produce the records. Mr. Burton added that he discussed two alternate ways to do the allocation with Broward Sheriff's Office, but as of this date had not yet received a response.

Mr. Burton gave a lengthy overview of his draft Fire Assessment Report pointing out that the costs involved for residential were \$1,850,000 and \$379,000 for non-residential. He added that an increase to commercial property at the current rate would amount to approximately 6 ½ percent.

Mr. Burton stated that in the alternative assessment methodology all fire service costs were allocated to service benefit first, based upon the marginal cost of the average call for fire service and watch standing, or availability benefit, were the remaining calls. He added that the benefit was derived to properties within the service area as the value of protection against loss and the ability to obtain fire insurance. Mr. Burton continued to explain building value as protection from the loss of value of the property, meaning "building" value and not land value.

Mr. Burton talked about the different classes of property and the ranges in residential and non-residential costs. He indicated fire costs were at \$2,200,000 with an allocation of \$196,000 to fire service and a little over \$2,000,000 to watch standing.

Mr. Burton stated that under the current methodology \$1,800,000 was allocated to residential class and under the new methodology \$2,000,000 was allocated to residential class. He added that the old methodology was 83 percent of the cost and the new methodology was 90 percent of the cost indicating a shift in allocation to the residential class. Mr. Burton said under the new method there would be a 96 percent cost recovery.

Mr. Burton said that the draft report, including the preliminary assessment roll, was to be delivered to the Commission on July 18, 2007 with any changes that occur before that date. In addition, he indicated a review of the draft report with Town staff was scheduled for July 25th with the final report due on July 31st. Mr. Burton said Burton and Associates would present the Fire Assessment Report to the Commission on August 7, 2007.

Mr. Burton advised that the Town Commission must adopt a Fire Assessment Roll by Resolution or Ordinance according to Florida Statutes prior to September 15, 2007 and the Resolution and Assessment Roll must be certified to the County Tax Collector according to Florida Statutes by September 15, 2007.

Town Manager Colon advised that the Commission recessed in August and therefore, the presentation of the draft report would need to be received by July. Discussion followed to determine a date in July, whereby Attorney Cirullo clarified the timeframe and stated that the preliminary assessment rate had to be delivered to the Property Appraiser's Office by August 3, 2007 in time for the TRIM notices to be mailed by the Property Appraiser's Office.

Commissioner McIntee questioned the reason Broward Sheriff's Office did not cooperate and provide the information to Mr. Burton. Assistant Chief Gregory Holness, Broward Sheriff's Office Department of Fire Rescue, said that the information was a historical piece of information and was no longer available.

Commissioner Silverstone asked Assistant Chief Holness why if personnel costs exist, these personnel costs were not transferred to Mr. Burton. Mr. Burton answered for Assistant Chief Holness saying that he never had any indication that the Broward Sheriff's Office was going to be uncooperative and said that the Broward Sheriff's Office said the information would be supplied.

Commissioner McIntee asked for an explanation as to what a resident would pay according to the value of their property; building value only. Town Manager Colon explained that a residential property with a value of more than \$250,000 would pay more than the current \$260. Property valued under \$250,000 would pay less. She added that commercial property valued at \$2,000,000 would pay \$2,649. Commissioner McIntee expressed concern regarding an increase on the commercial side. Mr. Burton said that small business would have to be valued at over \$450,000 to pay more than their current rate.

Mayor Pro Tem Clark requested copies of the draft report, whereby Mr. Burton advised that a preliminary draft would be ready as soon as the next meeting was scheduled. Town Manager Colon advised that the next regular meeting was scheduled for July 24, 2007. She suggested scheduling a Budget Workshop and a Regular Meeting for July 30, 2007 for the proposed Millage, Stormwater, and Fire Assessment fees, at the same time. In addition, Town Manager Colon said, that allowed Mr. Burton an additional week to present his final report. Mr. Burton said he would present the preliminary draft at the July 24, 2007 meeting.

Town Manager Colon asked the Commission to give direction to Mr. Burton in order for him to prepare a preliminary report. This is essential for finalization.

Mayor Parker inquired as to the percentage of residential properties that were valued below \$250,000. Mr. Burton replied it was 53.6 percent. Mayor Parker summarized the

percentage as 53 percent getting a decrease and 47 percent getting an increase and a significant amount of commercial properties getting increased. Mr. Burton said that was correct.

Mayor Parker expressed his dislike of the methodology Mr. Burton presented. Mayor Parker questioned the benefit of two residential properties with equal square footage; one valued higher than the other and assessed six times higher. He asked whether six times as many fire trucks would respond to that call or whether the fire trucks would arrive six times faster. Mayor Parker understood the logic behind charging per square footage, but did not understand how square footage related to value. He felt the system Mr. Burton presented was not a fair system.

Mayor Parker and Mr. Burton spoke about State law and Case law regarding the different methodologies used for assessment. Mayor Parker indicated one was front footage, and not applicable; the other was square footage and was applicable. He added that one more was to treat everyone the same. Mayor Parker believed that since the fire department responds to every fire equally, then everyone should be treated the same. He did not understand why Mr. Burton would want to change a fair system that had been working well. Mr. Burton said the decision was up to the Commission as to which system they wanted to use.

Mayor Parker requested a copy of Mr. Burton's PowerPoint presentation. Mr. Burton said he would supply a copy to Town Manager Colon for distribution.

Commissioner Silverstone thought Mr. Burton's method was fair, and although the method could not be changed in time for this year, he felt it would be wise to change it next year. He added that although some residents may get increased, others would see a decrease.

Commissioner McIntee requested an additional two minutes to speak. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-1 with Mayor Parker descending.

Commissioner McIntee felt a new methodology would be wise for Town businesses to thrive. He concluded that the original methodology may not be the correct one and may not have been legal and referenced North Lauderdale, North Miami, and Lauderhill.

Mayor Parker pointed out the fundamental difference between providing fire service and providing fire insurance. He said fire insurance replaced the building if it should burn down. Mayor Parker added that the benefit of fire insurance was determined by the cost of rebuilding and therefore, made sense to charge different valued properties different amounts. He added that it cost the same amount to provide fire service to \$1,000,000 home with 2500 square feet as it did to provide service to a \$100,000 home with the same square footage. Mayor Parker had no problem accepting an assessment based on square footage but not on value.

Commissioner Silverstone made a motion to adopt the methodology Mr. Burton had recommended for next year. Commissioner McIntee seconded the motion.

Mayor Parker emphasized that Mr. Burton needed direction for the upcoming fiscal year.

Commissioner Silverstone asked Mr. Burton to clarify his opinion was not to change the methodology this year because there was not enough information from the Broward Sheriff's Office and the Property Appraiser's Office to make it prudent. Mr. Burton agreed.

Commissioner Silverstone made a motion to adopt the current methodology for the upcoming fiscal year. Mayor Pro Tem Clark seconded the motion.

Commissioner McIntee felt the Commission was opening doors and believed the new methodology was a better choice.

Commissioner Silverstone questioned the issue as it related to the numbers received from the Broward Sheriff's Office regarding EMS costs allocated to Fire.

Mr. Burton said it was the Commission's choice to pursue it but would not be correct, as it would be impossible to get the validation to the Property Appraiser's Office with all the parcel records. He believed it would be advantageous to continue and do it next year.

Commissioner Silverstone amended his motion to include Mr. Burton's thoughts on getting the numbers from Broward Sheriff's Office. Mayor Parker and Commissioner Clark accepted the amendment.

Mayor Parker clarified the motion to go forward with the present methodology and get better data from Broward Sheriff's Office.

Commissioner McIntee was not comfortable with the motion in fear that Broward Sheriff's Office would not present the information. He amended Commissioner Silverstone's motion to support the current methodology as if there was a clear and distinct breakdown between EMS and Broward Fire.

Mayor Parker said Commissioner McIntee's amendment did not relate to the motion. Commissioner McIntee asked for the Town Attorney's opinion.

Attorney Cirullo recommended a motion to move forward with the current methodology so long as the information was received from the Broward Sheriff's Office between now and the final report.

Attorney Cirullo added that the assessment was for fire rescue and not to include Emergency Management Services per case law whether the current methodology was used or a new methodology was used.

Mr. Burton requested a default in the motion. He said that he would not be able to present his final report if the numbers from Broward Sheriff were not obtained. He said in order for the Commission to adopt an assessment they would need a finding from Burton and Associates as to what it should be.

Commissioner Silverstone clarified his motion to go with the current methodology and get the numbers from Broward Sheriff's Office and that Burton and Associates present their report based upon the numbers received from Broward Sheriff's Office.

Vice Mayor Yanni said that Assistant Chief Gregory Holmes stood before the Commission and said that they had attempted to get the information requested and was unable to obtain it. He asked where they were supposed to get information that they don't have.

Mr. Burton said that at this point the Broward Sheriff's Office needed to develop that documentation and look at it again. He added that even if Broward Sheriff's Office found the documentation he believed it would be beneficial to look at how current services were provided, as it may have been different than originally.

Mr. Burton said at this point he would have make a finding that said what the Broward Sheriff's Office had in terms of their invoices, as a basis for him to move forward. He said the only way it could be done now was for the Broward Sheriff's Office to show him their line item budget and show their allocations directly to Fire and EMS.

Mayor Pro Tem Clark interjected that current data is needed and then the Commission would proceed as best they can with what they have. He added it is important to move on.

Commissioner Silverstone requested that Attorney Cirullo explain what exactly the Commission needs to do at this point.

Attorney Cirullo said the Commission would need to make two decisions to move forward – the Preliminary, that had to be done by August 3, 2007, and the Final that had to be done by September 15, 2007. He added that what is passed on August 3, 2007 does not have to be passed September 15, 2007. Mr. Cirullo said that the Commission could not raise any figures between the Preliminary and the Final.

Town Manager Colon stated that the Commission could not change methods between the Preliminary and the Final and Attorney Cirullo clarified that it would be impossible to change methods, as it would impact properties.

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

Mayor Parker requested Chief Holness present the costs to Mr. Burton, specifically:

1. Total cost to provide fire costs alone (fully staffed).
2. Total cost to provide EMS costs alone (fully staffed).

Chief Holness complied.

Commissioner McIntee considered this to be a clear violation, for the record, of the contract with Broward Sheriff's Office. He advised Mr. Burton that if he did not receive cooperation from the Broward Sheriff's Office to call Attorney Cherof.

Mr. Burton said he needed to have Broward Sheriff's Office data by early July 18, 2007 to review his preliminary report with staff and get a final to the Commission by July 24, 2007. He added that July 26, 2007 would be the very latest to receive the information in order to present it in the final report.

Mayor Parker granted a five minute recess at 9:30 p.m. The Commission reconvened at 9:46 p.m.

6. APPROVAL OF MINUTES

A. June 26, 2007

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to approve the June 26, 2007 Minutes. In a roll call vote, the motion carried 5-0.

7. PUBLIC COMMENTS

Maureen McIntee said that 14 days ago Vice Mayor Yanni, Commissioner McIntee, and Commissioner Silverstone voted to keep the March 2008 and not change to January 2008. Mrs. McIntee inquired as to what happened in the last 14 days that prompted Vice Mayor Yanni to change his mind. She said she was against the change. She talked about the historical fire costs indicating that the current fire costs were available.

Cristi Furth said riding in the Volunteer Fire vehicle in the July 4th parade was great fun. She said she couldn't believe it when she received a copy of a letter of commendation from Town Manager Colon and felt the Town needed more good women like Town Manager Colon and Tina Angelone on the Dais. Ms. Furth also felt that if the Commissioners insisted on an expensive Fire Assessment then they should let the wealthy pay their fair share.

Rosa Machaliak said she was unhappy that again she had to pay higher assessment fees than everyone else.

Ron Personte advised that the Property Owners Association was having a Hurricane Preparedness, July 11, 2007, at 6:45 p.m. in Jarvis Hall. He said a number of companies would be present to weigh in on the subject. In reference to the Beach Pavilion, Mr. Personte asked Commissioner McIntee how many people were the "majority" of the people.

George Hunsaker said Broward Sheriff's Office needed to understand that if they provided services to the Town of Lauderdale-By-The-Sea they should treat the Town like they are being paid \$2,000,000 a year, rather than treating the Town like the Town must use them. Mr. Hunstaket said Broward Sheriff's Office avoided answering questions because they did not want the Town to know the cost breakdown between Fire Services and EMS. He suggested a new contract.

Cindy Geesey thanked everyone for their support during the July 4th celebration. Ms. Geesey believed that if a Commissioner took in new information that caused him to change his mind, it was intelligent and good public service.

Stuart Dobbs referred to Item 14m, moving the election date, and questioned Vice Mayor Yanni's decision to move the election to January. Mr. Dobbs thanked Town Manager Colon for doing a great job and Tina Angelone for producing accurate minutes. Mr. Dobbs thanked other others for their actions and / or lack of action. He talked about the election and what he proposed the outcome would be. He ended with his vote for the Key West design for the Beach Pavilion.

Marilyn Carr spoke about the displays in storefront windows some of which were quite offensive and asked if this is the way the Commission wanted our visitors to see our Town. Ms. Carr said the Town bags the meters to give businesses a break, and buy expensive land to make parking lots for their customers. Ms. Carr believes the shop owners afford little appreciation for the help they receive from the Town. She added that she also preferred the Key West design for the Beach Pavilion.

Barbara Cole said she changed her mind regarding the January election because of the six-week gap. Ms. Cole preferred the March elections. She felt that too much money was spent on the 4th of July celebration and offered suggestions to cut back. Ms. Cole said he hopes the Commission reconsiders the Beach Pavilion design and preferred the Key West style. Ms. Cole was against the Wings project and preferred Hooter's did not come to Town.

Beverly Kennedy said that during the July 4th celebration her two grandchildren left the beach area crying because a rocket was set off just in front of where they sat. She said every portal should have had a sign that forbade entry with fireworks along with a fire truck and emergency services.

Diane Boutin congratulated the Commission their continued movement to secure the best and most functional portals for the Town of Lauderdale By-The-Sea at Commercial Boulevard and the ocean. She felt the portal design should have its own design but should be simple in design. Ms. Boutin felt the fire assessment should be based on current data.

New Business Item K: Discussion regarding Commercial Boulevard Pavilion
(Commissioner Silverstone)

Commissioner Silverstone believed the Beach Pavilion at Commercial Boulevard should be special and unique. He asked Chairperson Booth to explain how the Master Plan Steering Committee chose the Pavilion Design.

Sandra Booth, Chairperson of the Master Plan Steering Committee selected five presentations for aesthetic design, functional design, and craftsmanship. The chosen designers were Eddy Forbes and Ken Brenner with the majority favoring Mr. Forbes design.

Commissioner McIntee inquired of the position Mr. Brenner took in relation to the voting. Ms. Booth said it was a 3 to 4 vote. Commissioner McIntee introduced Eddy Forbes and applauded him for a job well done.

At this time Commissioner McIntee responded to Mr. Piersante and said that a majority is one more or 51 percent of the majority and his figure came from a poll done by the By-The-Sea Times. He said he believed 86 responded and the tally was somewhere around 68.2 percent to 31.8.

Mayor Parker felt that the Key West Design blocked the view of the ocean from Commercial Boulevard and did not believe any of the portals should block the view of the ocean, that instead, it should frame the ocean. He preferred the design that featured all portals as consistent and compatible with each other. Mayor Parker felt that relocating the entrance could solve the issue with the restrooms facing the restaurant. Mayor Parker reminded the Commission that the role of the Master Plan Steering Committee was not to make a choice but to provide choices to the Commission.

Commissioner Silverstone said he would like to see Ken Brenner and Eddy Forbes incorporate their designs on the floor plan and the building plan and give their ideas to the Architect to fine tune.

Mr. Brenner and Mr. Forbes agreed to work together to develop an acceptable design. The Commission offered suggestions such as moving the restroom doors inside rather than outside, and making the shell thinner to allow a wider view and to add tile work. Mayor Parker advised they had two weeks to accomplish the task.

Vice Mayor Yanni admitted it was a difficult choice to make and added that in his opinion the restrooms should not be combined together and that is one reason why he preferred the Forbes design.

8. ORDINANCES (2nd Reading) “Public Hearings”

There were no Ordinances for 2nd Reading

Commissioner McIntee suggested the meeting be continued after Commissioner Comments. The Commission discussed the date and time to continue the meeting.

Commissioner McIntee made a motion to do the Consent Agenda, Commissioner Comments and adjourn the meeting to Saturday, July 21, 2007 at 10:00 a.m. Commissioner Clark seconded the motion.

Town Manager Colon reminded the Commission there were two Public Hearings on the agenda that needed to be addressed.

Commissioner McIntee amended his motion to do Commissioner Comments, Consent Agenda, Public Hearings, and adjourn the meeting to July 21, 2007 at 10:00 a.m.

In a roll call vote, the motion carried 5-0.

9. COMMISSIONER COMMENTS

Vice Mayor Yanni reminded Ms. Cole that she also changed her mind regarding the January Elections at the last meeting. He thanked the Fire Chief and Deputy Chief/Commissioners for their road show in the 4th of July parade and felt Ms. Furth's sign, "BSO Must Go", ruined parade.

Commissioner McIntee was upset that one of Broward Sheriff's Office Deputies allegedly threatened to arrest several people who had aided sea turtles find their way back toward the water. He said that the officer told the people that he had not met his quota would arrest them if they did not drop the turtles. Commissioner McIntee said he called the State to learn the rules on turtles was not to interfere with them, tease them, endanger them, but they are allowed to be picked up and returned to the ocean when necessary. Commissioner McIntee asked the Lieutenant investigating the issue to present him with a detailed written report.

Commissioner McIntee wished to respond to an old questioning of Mr. Personte's regarding delivery of an ambulance in agreement with Chief Putney from the City of Plantation. Commissioner McIntee said he recently spoke with Dr. Levy, President of the Council in Plantation who had told him that Mayor Parker had requested that he not deliver the ambulance, as it was surplus equipment.

Commissioner Silverstone thanked Mayor Pro Tem Clark for a great 4th of July parade. He said he had a great time and felt very safe on the fire truck. He was upset that Broward Sheriff's Office had not produced the numbers requested and did not understand what the problem was with accountability on what the cost for Fire and EMS was.

Commissioner Silverstone thanked the Garden Club for beautiful flowers on Commercial Boulevard. He said he was looking forward to the future and invited children between the ages of six and twelve to join his basketball league on Saturday mornings between 9:00 and 11:00 a.m.

Mayor Pro Tem Clark also thanked the Garden Club for rearranging the baskets and getting them redecorated. He congratulated Town Manager Colon and her staff for the Distinguished Budget Award, Hyatt Aldahwi for her outstanding skating achievements, and the volunteers for their efforts on the 4th of July event, especially to Ian Maclean. Commissioner Clark said Chief Maclean did an outstanding job staging that parade. He reminded everyone that the Lauderdale-By-The-Sea Property Owners Association was hosting a meeting in Jarvis Hall, Wednesday, July 11, 2007 at 6:45 p.m.

Mayor Parker thanked Mayor Pro Tem Clark for a great job on the 4th of July. He felt moving the fireworks to the pier was a great idea because it not only saved the Town \$15,000, but also doubled beach space for people to watch the fireworks. Mayor Parker asked Mayor Pro Tem Clark if he spoke with Vice Mayor Yanni regarding changing the Election Day. Mayor Pro Tem Clark said he did not and Mayor Parker said he also did not.

Mayor Parker said he received a letter from Michael Somoli, President of the Ocean Bay Club, regarding a matter that was outstanding from two years ago. Mayor Parker had turned this matter over to the administration and thought the matter had been handled two years ago. Apparently it was not.

Town Manager Colon said the matter came to her attention on July 2, 2007. She said Jim Bell, Director of Development Services, had confirmed that the Australian Pines were on the side of the Assumption Church and the Cabana Club and that Ocean Bay had responsibility of the Australian Pines.

Mr. Bell confirmed the matter and said Code did provide for the maintenance of a site for overgrown property lands or debris that protruded onto another property. He said Code Enforcement would make sure the debris was cleaned up. At Mayor Parker's request, Director Bell agreed to send Mr. Somoli a letter informing him that the Town will take care of the problem.

Mayor Parker said he did not call Dr. Levy; Dr. Levy called him. He said that apparently Dr. Levy received a call from a newspaper asking why Plantation was giving a fire truck to the Town of Lauderdale-By-The-Sea. Mayor Parker denied telling Dr. Levy to do anything.

10. ORDINANCES *(1st Reading)*

There were no Ordinances for 1st Reading

11. CONSENT AGENDA

- A. Recommend award of a professional planner RLI # 06-07-01 (Town Manager Colon)

Town Manager Colon recommended the hiring of Keith & Schnars, P.A. as the professional planner.

Commissioner McIntee made a motion to hire Keith & Schnars, P.A. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

- B. Approve voting delegate for Florida League of Cities Annual Conference, August 2007 (Town Manager Colon)

Mayor Parker pulled his item from the Consent Agenda for discussion. There were no objections.

- C. Special Events Application/Aruba Beach Bash-Labor Day September 3, 2007 12-8 pm (Assistant to the Town Manager John Olinzock)
- D. Special Events Application/Chamber of Commerce Green Market July 14, July 28, August 11, August 25, September 8, September 22, October 6, October 20, November 3, November 17, December 1, December 15, 2007; 8am-1 pm) (Assistant to the Town Manager John Olinzock)

Commissioner Silverstone made a motion to approve items C and D on the Consent Agenda. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- 11B.** Approve voting delegate for Florida League of Cities Annual Conference, August 2007 (Town Manager Colon)

Mayor Parker said that he was unable to attend this year. Commissioner McIntee advised that he and Commissioner Silverstone were signed up to go if Mayor Pro Tem Clark was unable.

Mayor Parker made a motion to make Commissioner McIntee the voting delegate and Commissioner Silverstone the alternate to the Florida League of Cities Annual Conference. Vice Mayor Yanni seconded the motion. Commissioner's McIntee and Silverstone accepted the motion. In a roll call vote, the motion carried 5-0.

PUBLIC HEARINGS

It was decided earlier in this meeting by Commission consensus to address New Business and to hold the public hearings on variance requests for property owners at 4455 East Tradewinds Avenue and 4243 Bougainvillea Drive.

Attorney Cirullo swore in those wishing to speak on the Public Hearing for a variance for the property located at 4453 East Tradewinds Avenue.

Director Bell recommended approval of the variance at 4453 East Tradewinds Avenue allowing the proposed addition of the building to be located 23.8 feet from the front yard property line rather than 25 feet as per Code.

The Commission discussed the criteria used to grant the variance and questioned whether the problem stemmed from being a corner lot. They talked about possibly creating an ordinance to address the issue. Attorney Cirullo advised that if there was a pattern in that type of application then the Commission could direct staff and the Town Attorney if there was a need for an ordinance.

Commissioner Silverstone requested the variance for 4453 Tradewinds Avenue be placed on the July 24, 2007 agenda for discussion / action to create an ordinance to address the issue.

Vice Mayor Yanni made a motion to approve the Variance. Mayor Pro Tem Clark seconded the motion.

Commissioner McIntee asked Mr. Eckert if his addition was built yet and Mr. Eckert said it was not.

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

Attorney Cirullo attempted to swear in those wishing to speak on the Public Hearing for Variance 4243 Bougainvillea Drive. There were no speakers.

Commissioner McIntee made a motion not to approve the variance, as the applicant was not present. Commissioner Silverstone seconded the motion.

Mayor Parker made a motion to table the Variance to the July 24, 2007 meeting. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 3-2 with Commissioners McIntee and Silverstone dissenting.

Commissioner McIntee said that Marc Furth has a showing of his photographs, on Friday, July 13, 2007, at the St. Lawrence Gallery on Federal Highway near Nick's Italian Restaurant. Mayor Parker said he believed Mr. Furth was known as the Marine Photographer Laureate of Lauderdale-By-The-Sea.

Vice Mayor Yanni made a motion to recess. There were no objections. The meeting was recessed at 11:00 p.m. until Saturday, July 21, 2007 at 10:00 a.m.

Mayor Parker continued the Commission of July 10, 2007 on July 21, 2007.

Mayor Parker opened the meeting at 10:00 am followed by the Pledge of Allegiance to the Flag.

Mayor Parker began the meeting with Old Business, Item 13 A.

12. RESOLUTION

There were no Resolutions considered at this time.

13. OLD BUSINESS

- A.** Discussion and/or action regarding renewing performing arts center contract (Vice Mayor Yanni—tabled from 6/26/07 meeting)

Vice Mayor Yanni thought this item was previously voted in favor of the contract. Town Clerk Angelone said there was an issue regarding the amount of the contract. She added that there was a motion to give a sense of a contract. Vice Mayor Yanni said the contract was in effect and he believed the Commission renewed the contract for eight more years at \$12,000 a year.

Town Manager Colon clarified that Mr. Ragusa did not provide documents regarding profit and loss on the existing contract. She added that at that time Vice Mayor Yanni moved to extend the contract and the issue was tabled.

Attorney Cherof read the term provision in the current agreement stating it was in effect for five years beginning October 2004, and ending September 30, 2009 and may be renewed upon the mutual written consent of the parties for an additional five year period.

Vice Mayor Yanni made a motion to table Item 13A to the September 11, 2007 meeting. The motion was seconded by Mayor Parker. In a roll call vote, the motion carried 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

- B.** Staff has received a request for an additional time extension (unspecified duration) for the Bougainvillea Townhomes project located at 4430, 4432, and 4436 Bougainvillea Drive (See attached memorandum and applicant's justification letter) (Jim Bell Development Services—tabled from 6/26/07 meeting)

Director of Community Services Jim Bell recommended a six-month time extension, to December 13, 2007. Commissioner McIntee questioned whether the property was a vacant lot. Director Bell believed it was a vacant lot. Commissioner McIntee reminded Director Bell that the Commission had previously passed an ordinance that if the lots were vacant for six months, the property had to be grassed. Mr. Bell said he would check, and if not, it would get grassed.

Commissioner Silverstone made a motion to approve a six-month time extension as recommended by staff. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5-0.

- C.** Staff has received a request for an additional time extension (unspecified duration) for the Poinciana Townhomes project located at 4415, 4417, 4419, and 4421 Poinciana Street (See attached memorandum and applicant's justification letter) (Jim Bell Development Services—tabled from 6/26/07 meeting)

Director Bell recommended a six-month time extension to December 13, 2007. Vice Mayor Yanni made a motion to approve a six-month time extension as recommended by staff. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- D. Staff has received a request for an additional six (6) month time extension to December 14, 2007 for the Pelican Cove Townhomes project located at 235 Hibiscus Avenue (See attached memorandum and applicant's justification letter) (Jim Bell Development Services—tabled from 6/26/07 meeting)

Director Bell recommended a six-month time extension to December 14, 2007. Since the applicant was not present, Commissioner McIntee made a motion to table item 13D to the September 24, 2007 meeting to obtain additional information from the applicant. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

- E. Staff is requesting the Town Commission review proposed amendments to the Code that would address provisions for the placement and durations of POD's dumpster (construction type) containers, and portable storage units in the Town (Jim Bell Development Services—tabled from 6/26/07 meeting)

Director Bell said the Code of Ordinance was not specific as to the placement and duration of PODs. For enforcement purposes, he recommended an amendment to the Code of Ordinance to address revisions for the placement and duration of PODs, dumpster containers and portable storage units within the Town to include: 1) no permit shall be issued for longer than 30 days within a 12 month period; 2) cannot exceed 130 square feet; 3) must have a setback of five feet from the front property line, at least three feet from the side property line; 4) shall be placed in a driveway or hard surface setback five feet from the front property line and three feet from the side property line; and 5) must be removed within 72 hours pending a hurricane warning or hurricane threat. He suggested adding language regarding the issuance of violations and fines if, locations, and durations were not followed.

Mayor Pro Tem Clark felt that the 30-day duration period was not adequate for some types of construction. He also felt there should be a provision to allow a variance if the project was to continue beyond the 12 month period.

Commissioner McIntee suggested Attorney Cherof review comparable Ordinances of other Florida cities and towns for compatibility. Director Bell informed the Commission that his recommendations were taken from either North Lauderdale or Tamarac, and Margate.

Commissioner McIntee made a motion, directing the Town Attorney to begin the process of creating an ordinance as recommended by Director Bell and to take into consideration Commissioner Clark's request. Commissioner Silverstone seconded the motion.

Director Bell asked the Commission to clarify their preference for duration of timeframe.

Mayor Parker questioned whether the standards used were for construction containers and PODs. Director Bell said the timeframe was related to the actual construction period and confirmed that the recommendation was to add setback requirements only and not change the duration of timeframe for construction containers. Mayor Parker disagreed with the 30-day duration for PODs, saying it was way too long. He felt that one week was enough and the permit should not be limited to one year.

Vice Mayor Yanni believed the concept of construction was for the storage of contractor's equipment, and not for personal use. He recommended that the permit should be for 60 days with the option to renew for an additional 60 days if warranted. Mayor Pro Tem Clark agreed with Vice Mayor Yanni but believed provisions needed to be in place. He also felt that placing furniture in the POD made sense during construction within the home.

Commissioner McIntee agreed 60 days was acceptable but preferred the extension be increased to six months with no additional extensions.

Mayor Parker thought it was reasonable to have separate rules for construction containers and PODs. He was concerned with people using PODs to simply store personal items and therefore, believed a one-week time period was sufficient.

Commissioner Silverstone amended the motion to contain language to charge a regulatory fee as an incentive for removal of the PODs as quickly as possible. Commissioner McIntee seconded the motion.

Commissioner McIntee suggested a base period prior to charging the fee. Attorney Cherof suggested a base period followed by a week-to-week regulatory fee.

Mayor Parker interjected that he believed the Town had enough fees assessed against residents and he would vote against the additional fee.

In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

In a roll call vote, the amended motion carried 5-0 with Mayor Parker dissenting.

Director Bell asked for clarification on the motion. Mayor Parker said Commissioner McIntee's motion was to accept Commissioner Clark's suggestion to increase to 60 days with an option to extend. Commissioner McIntee confirmed.

- F. Discussion and/or action regarding member of sitting volunteer committee verbally abusing Town employee three (3) times publicly (Commissioner McIntee—tabled from 6/26/07 meeting)

Commissioner McIntee made a motion to withdraw Item 13F from the agenda item as Town Administration had already handled the situation. There were no objections.

- G. Discussion regarding response units to Fire calls in Lauderdale-By-The-Sea by Broward Fire Department and who is covering TL32 when it is out of Town (Commissioner McIntee—tabled from 6/26/07 meeting)

Commissioner McIntee pointed out a representative from Broward Sheriff's Office Fire was not present and therefore not able to respond. Commissioner McIntee explained that the aerial truck promised by Broward Sheriff's Office Fire was not supplied. He said Broward Sheriff's Office Fire was in violation of their contract.

Commissioner McIntee made a motion to table to the September 24, 2007 Commission meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner McIntee made a motion to remove his motion to table item 13D. Mayor Pro Tem Clark seconded the motion. The motion carried 5-0.

Commissioner McIntee made a motion to approve the time extension to December 14, 2007. Commissioner Silverstone seconded the motion. The motion carried 5-0.

- H. Discussion and/or action regarding missing beach buoys (Commissioner Silverstone—tabled from 6/26/07 meeting)

Commissioner Silverstone made a motion to remove item 13H from the agenda as his concerns for safety had been satisfied. There were no objections.

- I. Further discussion regarding Garden Court Townhomes (requested at 6/26/07 meeting) (Commissioner McIntee)

Commissioner McIntee indicated he had met with the owners and developers of Garden Court Townhomes at their request, in Town Hall lobby, where the conversation was taped for their convenience. Commissioner McIntee clarified for the record that grassing the area was a volunteered effort.

Attorney Cherof indicated that the Developer's escrow funds were recently tended and an escrow account was opened. He added that the documents were in his possession and he was meeting with the developer and Town staff to verify that all documents were on file and conditions of approval were acknowledged.

Mayor Parker requested copies of the tape and directed Manager Colon to distribute copies to the Commissioners.

Commissioner Silverstone inquired as to whether a motion to should be made regarding taping the meetings between the Commission and Developers. Attorney Cherof said the Commission could establish rules. Commissioner Silverstone requested an agenda item to establish rules regarding all communications to be placed on the July 24, 2007 Commission meeting.

- J. At the June 26, 2007 Town Commission meeting, Staff indicated that the Town Engineer had some issues with the easements that were presented to Staff to be recorded for the Garden Court roadway associated with the Garden Townhomes project. The Commission asked the applicant to return to the Commission on July 10, 2007 with documents pertaining to the cul-de-sac abandonment and new roadway configuration for Garden Court that have been approved by the Town Engineer and Town Attorney and are ready to be recorded (Jim Bell—Development Services)

Director Bell said all issues and documents have been met and brought up to date. He recommended going forward with the execution of the documents. Attorney Cherof agreed.

14. NEW BUSINESS

- A. **Public Hearing**—Variance for 4453 East Tradewinds Avenue (Jim Bell—Development Services)

This item was discussed on July 10th.

- B. **Public Hearing**—Variance for 4243 Bougainvilla Drive (Jim Bell—Development Services)

This item was discussed on July 10th.

- C. Discussion and/or action regarding placing pavers on El Mar Drive for the Coral Key project (Mayor Parker)

- 1. At the June 26, 2007 Commission hearing, the applicant for the Coral Key Ocean Club project located at 4601 El Mar Drive requested that the Commission approve a change to El Mar Drive and Washingtonia Avenue to allow for paver crosswalks to his project. The Commission voted to have this item return to the Commission on July 10, 2007 for consideration (Jim Bell—Development Services)

Director Bell stated that conversations with the Florida Department of Transportation indicated that the pavers have been posing maintenance problems such as tripping hazards and yearly maintenance. He recommended the use of stamped or colored concrete or asphalt in areas used by pedestrians.

Discussion followed regarding the appearance of colored concrete compared to that of pavers. Director Bell described it as a coral painted look without the grooves associated with a brick look. Mayor Parker asked if the Town was required to follow Florida Department of Transportation's recommendation and Director Bell indicated it was not required. Manager Colon suggested the Commission consider Director Bell's recommendation.

Michael Arker suggested the use of bomanite. Director Bell indicated the Engineer would have to take a look at that material to determine if it would be structurally stable.

Commissioner McIntee made a motion to table Item 14C to the November 27, 2007 Commission meeting. Commissioner Clark seconded the motion. The motion carried 5-0.

- D. Discussion and/or action regarding giving the Performing Arts Center priority with dates at Jarvis Hall (Mayor Parker)

Mayor Parker made a motion to table Item 14D to the September 11, 2007 Commission meeting. Commissioner McIntee seconded the motion. The motion carried 5-0.

- E. Informing residents of projects in their area (Mayor Parker)

Mayor Parker received a number of complaints from people who said they were prevented from using their properties, without notice from Fort Lauderdale, regarding work on the water pipes. He believed that the residents should be informed so that other arrangements could be made, such as alternate parking.

Mayor Parker made a motion to create a policy to give advance notice to Town residents that work was to be performed. Manager Colon advised that notice had been given through first class mailings in May, Town Topics in May and June, and on Channel 78, and the front page on the Town's web page. She asked the Mayor to specify his intent to notify residents personally.

Attorney Cherof suggested door hangers. Discussion followed regarding the costs involved, who would hang them, and the time involved to place them.

Commissioner McIntee made a friendly amendment to Mayor Parker's motion to create door hangers for distribution by the building department. Mayor Pro Tem Clark seconded the motion. Discussion followed regarding calls received.

In a roll call vote, the motion carried 4-1 with Vice Mayor Yanni dissenting.

- F. Status of all Town projects (Mayor Parker)

Mayor Parker inquired when the parking lot would be finished.

Manager Colon advised the parking lot is finished and the first inspection required electrical upgrades. She indicated that the parking lot was scheduled to open the following week, pending final inspection.

Vice Mayor Yanni inquired as to initiating a fine for every day a project did not pass inspection. Attorney Cherof said he would review the contract to determine whether a suitable provision existed and would report his findings at the July 24, 2007 meeting.

Manager Colon gave an update on Town projects specifically the Sea Grape sidewalk project. She said it was anticipated that the project should be completed in January 2008. Discussion followed regarding the resident's preferences towards the project without additional landscaping and streetlights. Vice Mayor Yanni said he has received numerous calls from residents in this area and all they really want are sidewalks

without all the frills and requested a renegotiation with the contractor. Attorney Cherof suggested change orders that could be opened for discussion with the contractor.

Mayor Pro Tem Clark stressed that this project needs to move forward.

Commissioner Silverstone requested placement of the Sea Grape Project on the July 24, 2007 agenda as discussion and/or action to review the contract and renegotiate as a way to save money and to do the job quicker. There were no objections.

Commissioner McIntee said the people previously had the opportunity to state their preferences on the Sea Grape project and the Commission had decided to take the middle road on their suggestions. He said this project has gone on for too long and now, with higher building costs, he did not see how renegotiating would save the Town money. Mayor Parker agreed and added that the project was consistent with what was done on the south side of Sea Grape Drive. He believed the Commission needs to move on with the project.

Vice Mayor Yanni believed that the will of the people was to have a sidewalk and to renegotiate the contract and he would go with the will of the people.

Commissioner McIntee made a motion to direct Town Manager Colon to move forward on the Sea Grape Sidewalk Project. Mayor Parker seconded the motion. The motion carried 4-1 with Vice Mayor Yanni dissenting.

Mayor Parker asked for an update on the Bel Air Sewer Project.

Manager Colon said Kevin Hart sent the plans for the Bel Air Sewer Project to Pompano Beach and were currently being reviewed. She indicated that Pompano Beach was interested in entering into an Interlocal Agreement with the Town of Lauderdale-By-The-Sea.

Manager Colon said the Palm Club Sewer Project was scheduled for next year.

G. Discussion and/or action on purchasing SunBank (Vice Mayor Yanni)

Vice Mayor Yanni said his previous concerns that SunTrust would sell out, were no longer warranted.

Vice Mayor Yanni requested a drawing depicting the rebuilding of Town Hall be placed on the November 13, 2007 agenda. There were no objections.

H. Reconsideration of changing election date from March to January (Vice Mayor Yanni)

Vice Mayor Yanni said no one influenced him in his decision to change the election date from March to January. He said he reconsidered due to information he read and due to the fact that other towns were going that route.

Vice Mayor Yanni made a motion to reconsider. Mayor Parker seconded his motion. Mayor Pro Tem Clark asked Mr. Cherof to comment on his email in relation to the elections. Attorney Cherof said he had reviewed the Charter Provisions, Code Provision and the Special Act that passed, that allowed municipalities to move March elections to the Presidential Primary Election in January and concluded that the Town Commission was authorized to move the March 2008 election to January 2008 to coincide with the presidential preference primary. He added that the successful candidate would take office the Friday after the election and explained their terms, otherwise, and as set forth in the Charter, the terms of office, or whose term of office otherwise would expire in March, would end when their successor takes office following the January 2008 election.

Attorney Cherof clarified that because that is an Ordinance provision, and not a Charter provision, the Commission is permitted to deal with the "when do you take office" issue, but the term begins sometime just after the January 2008 election. To clarify further, Attorney Cherof explained that if the Commission did not wish to take office on that Friday they could do it at the next regular meeting.

Commissioner McIntee asked whether a person moving into the area in August would be eligible to run for election in January 2008 and Attorney Cherof said he could not as he would have to meet the six-month qualifying period.

Commissioner Silverstone asked if the January 2008 election did not work out could it be changed back. Attorney Cherof said it was a four-year cycle and could be changed back after that time period. Mayor Parker inquired as to when the qualifying date was

and Attorney Cherof suggested the Commission draft a list of questions for him and he would research the details. Mayor Parker believed that whoever won the election would take office at the first regular meeting following the election or 7 days (the first Tuesday) following the election.

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

Vice Mayor Yanni made a motion directing the Town Attorney to prepare an Ordinance moving the Town Elections from March 2008 to January 2008. Commissioner Clark seconded the motion. The motion carried 3-2 with Commissioner McIntee and Commissioner Silverstone dissenting.

At the request of Mayor Parker, Attorney Cherof agreed to present a report to the Commission at the July 24, 2007 Commission meeting, and would have the first reading of the Ordinance reading for the September 11, 2007 Commission reading.

- I. Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Jim Bell—Development Services)

Director Bell explained that the developer did not make specific efforts to initiate construction on this particular site but because the Duval Project provided for significant upgrades staff recommended approval of a time extension.

Since the applicant was not present, Commissioner McIntee made motion to table Item 14I to the September 11, 2007. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

- J. Discussion and/or action regarding: ordinance preventing inappropriate displays in store fronts windows (Vice Mayor Yanni)

Vice Mayor Yanni referred to a comment made by a resident regarding material being displayed in a storefront. He said he and Commissioner McIntee visited the store and the owners refused to take down the offensive material.

Vice Mayor Yanni requested this issue be placed as an agenda item to discuss the preparation of an Ordinance to prohibit clothing with obscene messages from being displayed in storefronts.

Attorney Cherof said it would be challenging to draft due to freedom of speech issues, but said he would pursue the extent to which the Commission could regulate content of that nature.

Vice Mayor Yanni made a motion to direct the Town Attorney to prepare an ordinance preventing inappropriate displays in storefront windows. Mayor Pro Tem Clark seconded the motion.

Discussion followed regarding existing code preventing the display of inappropriate material on doors. Commissioner McIntee suggested Manager Colon direct Code Enforcement to issue a violation summons to anyone violating code. Attorney Cherof requested direction from the Commission to research and return an opinion as to what the Commission could and could not limit. Mayor Parker gave him direction to include prohibiting certain words from being displayed or used and whether punishment could be applied to heighten their sensitivity to Code Enforcement.

Attorney Cherof explained that the type of memo he intended to return to the Commission was to explain what current case law indicated, as subject of regulation or not regulation and, if subject to regulation, what type of penalties were available to enforce those violations.

Manager Colon asked Commissioner McIntee to clarify his request. Commissioner McIntee explained that it was against Code to have T-Shirts hanging off doors. Mayor Parker explained further that Code said that displays could not be in the walk way leading into, or on the outside of the store.

Mayor Parker asked Attorney Cherof to present his report at the September 11, 2007 meeting. Attorney Cherof agreed.

In a roll call vote, the motion carried 5-0.

- K. Discussion regarding Commercial Boulevard Pavilion (Commissioner Silverstone)

Commissioner Silverstone requested this item be removed from the agenda as it is scheduled for discussion at the September 11, 2007 Commission meeting.

- L. Discussion and/or action regarding Town hiring a fire inspector (Commissioner Silverstone)

Commissioner Silverstone requested removal of Item 14L. He explained that due to the contract there was no choice to use Broward Sheriff's Office Fire Inspector. He said his intent was to reduce cost and hire someone in Town that would be beneficial to Commercial and Residential people to get things done.

Commissioner McIntee indicated that the Commission could include in the contract that the Town of Lauderdale-By-The-Sea could hire their own fire inspector.

Commissioner Silverstone rescinded his request to remove and instead made a motion to table to September 11, 2007 with direction to Broward Sheriff's Office Fire to attend

the meeting. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- M.** Discussion on why we did not receive the donated fire ambulance from Plantation, who called Plantation and stopped the transfer to our citizens of this life saving piece of equipment (Commissioner McIntee)

Commissioner McIntee withdrew Item 14M from the agenda as it was discussed during Commissioner Comments at the July 10, 2007 Commission meeting. Vice Mayor Yanni said he spoke with Dr. Levi and Dr. Levi said Mayor Parker did not discourage him from giving the ambulance to Lauderdale-By-The-Sea. He said there was conflict within their organization.

There was additional discussion regarding the change of decision to give an ambulance to the Town of Lauderdale-By-The-Sea.

- N.** Discussion regarding hiring part time life guards on our beach (Commissioner McIntee)

Commissioner McIntee said he was advised that the Ft. Lauderdale lifeguards were taken over completely by the Ft. Lauderdale Fire Department and are increasing the size of their life guard patrol by placing meters at the north end of the beach to help pay for it. He added that Ft. Lauderdale would be willing to advise the costs involved if the Town of Lauderdale-By-The-Sea was interested in having part-time lifeguards.

Commissioner McIntee requested Manager Colon to follow up with Ft. Lauderdale. Vice Mayor Yanni questioned the effectiveness of one or two lifeguards sitting in a lifeguard booth. He felt a lifeguard patrol would be more effective. Mayor Parker suggested asking Ft. Lauderdale to suggest the better system.

In a roll call vote, the motion carried 5-0.

Manager Colon agreed to contact Chief Addy, Ft. Lauderdale Fire Department and report to the Commission October 23, 2007.

- O.** Discussion and/or action regarding salacious statements on inventory in tee shirt stores (Commissioner McIntee)

Commissioner McIntee withdrew Item 14O.

- P.** Discussion on Broward Sheriff Office potentially bankrupting Pembroke Park by increasing costs even though they had a contract, can it happen to us? (Commissioner McIntee)

Commissioner McIntee spoke with Dr. Levy who informed him that they have the same contractual agreement with Broward Sheriff's Office, as did the Town of Lauderdale-By-The-Sea. Commissioner McIntee said that the Town of Lauderdale-By-The-Sea

needed to look at their future and figure out a way to control public safety. Commissioner McIntee said he intended to research further and look into cuts.

Vice Mayor Yanni said he did not want a security company patrolling the Town. He preferred certified deputies with arrest powers.

Mayor Pro Tem Clark said Pembroke Park has been without a contract for the last couple of years and enjoyed additional deputies provided for an annexed area. He said he believed that Pembroke Park wanted deputies at the same costs and that the Broward Sheriff's Office was not willing to do that. Mayor Pro Tem Clark implied that further data was needed.

Q. Discussion regarding resort area street signs installed in our Town
(Commissioner McIntee)

Commissioner McIntee presented pictures showing signage that the Department of Transportation approved. He wanted three signs placed immediately. Manager Colon clarified that the cost was less than a \$1,000 for the documents but she had located a memo dated November 2006 that said the design layout was forwarded to the Department of Transportation to proceed with the permitting process. Manager Colon said that was an inaccurate memo. She indicated that John Olinzock had since contacted the Department of Transportation who indicated they would help move this along as long as we used the standard signs.

Commissioner McIntee made a motion to approve item IQ and direct the Town Manager do whatever is necessary to get the signs approved. Commissioner Silverstone seconded the motion.

Vice Mayor Yanni said he supported the signs and their placement 100%. Mayor Parker said it looked as though the signs were in the middle of the sidewalk where people could walk into them and preferred their location to the side.

In a roll call vote, the motion carried 5-0.

R. Discussion regarding preparing a proclamation for Hyatt Aldahwi, eight-year old resident of Lauderdale-By-The-Sea winning a first place at 2007 Sunshine State Games Figure Skating Championships, May 18-20, 2007 (Commissioner Silverstone)

This item was discussed earlier during presentations as Item 4 A1.

15. TOWN MANAGER REPORT

A. Tax Reform Update

On July 2, 2007 the Town's annual growth rate was provided to the Department of Revenue as 2.24% and indicated the Town could do a 100% roll back rate, at 4.1 with a majority vote, or go with the current rate.

At Vice Mayor Yanni's request Manager Colon recommended a millage rate of 4.35 because of hurricane season, and noted that once the sanitary sewer project is complete the Community Improvement Project Funds would no longer be available.

B. CRA Update

Manager Colon met with Simon Larson at Broward County on June 19, 2007 and staff said the revised study did not answer their concerns and requested a response to their letter in writing. Manager Colon interjected this was the first time anyone from Lauderdale-By-The-Sea staff had attended such a meeting regarding the CRA. She also said that funding had not been released and indicated that once the Consultant gets the responses it would go back to Broward County. Manager Colon advised that a redevelopment plan was required for a CRA. Discussion followed regarding the steps involved and Manager Colon explained that once Broward County accepted the document the Town could technically have a CRA, but not until a Redevelopment Plan was done by the Town and submitted to Broward County because an Inter-local Agreement with the Broward County was necessary. Manager Colon stressed that a new redevelopment plan must be undertaken at a cost of \$50,000 to \$100,000.

Commissioner McIntee expressed concern that there are hidden expenses that he was not aware of.

Mayor Parker stated that the Town does not have to have the redevelopment plan done before the approval of the CRA.

Attorney Cherof clarified that phase 1 was the CRA and did not include the preparation of the Community Redevelopment Plan. He said that was phase 2.

C. Internal Building Department/ Reduction of Fees

Manager Colon suggested removing Item 15C from the agenda unless the Commission wanted to do the study at a cost of \$25,000. It was suggested to remove the item with the option to bring it back at a later time.

Mayor Pro Tem Clark made a motion to delete Items 15 B and 15 C from the September 11, 2007 agenda. Commissioner McIntee seconded the motion. The motion carried 5-0.

Manager Colon advised that if the Commission wanted to go to a paperless agenda she needed direction to proceed as the cost of laptops continue to increase. She advised the concept of Web casting and the Grancius process would be presented at the July 24, 2007 Commission meeting.

Vice Mayor Yanni made a motion to direct Manager Colon to proceed with the laptops. Commissioner McIntee seconded the motion.

Commissioner McIntee amended the motion to direct Manager Colon to proceed and purchase the laptops. Discussion followed as to whether the item needed to be placed on the agenda and where the funds would come from. Attorney Cherof advised that if there are funds allocated for the Manager to do it, then the Commission could do it as an administrative direction.

Mayor Pro Tem Clark asked Manager Colin about an approximate cost for laptops. Manager Colon responded that at last inquiry they were about \$800 per laptop.

In a roll call vote, the motion carried 5-0.

Mayor Parker asked if the laptops were Town property and Manager Colon said they were. Attorney Cherof advised that protocols would need to be developed that the Commission will have to be aware of as to the use, accessibility, the public records aspect, and internet access.

Manager Colon said she advertised the old vehicles for sale as per Commission request, but did not get any response. She asked if the vehicles could be donated to a non-profit agency.

Commissioner McIntee made a motion to donate the vehicles to a non-profit agency giving the Veterans first choice. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 5-0.

Manager Colon requested direction regarding the Leisure Mar parking lot and advised that Attorney Cherof would handle it under Town Attorney Reports.

16. TOWN ATTORNEY REPORT

A. Sea Colony

Attorney Cherof gave an overview of the Sea Colony case. He said a writ of mandamus was filed for the Town of Lauderdale-By-The-Sea to process their application for a high-rise structure. He added that the Town appealed and took the position that there was zoning in progress and it was not required to process the site plan. Attorney Cherof informed the Commission that recently the 4th District Court of Appeal upheld Judge Andrews order to accept and process the application. He advised that there were no further appeals and the Town would process the site plan application.

Attorney Cherof also passed out a summary of litigation update report listing pending litigation that explained the status and legal fees to date. He said his report also contained a list of claims to be filed and likely to lead to litigation.

Commissioner Silverstone questioned the time limit to submit negotiations and Attorney Cherof said he would report back to the Commission as to what the limitations of actions were on Burt J. Harris claims.

Mayor Parker understood that the District Court of Appeal's order was to accept and process the site plan application that was submitted originally and no other. Attorney

Cherof agreed but advised that they could also submit an alternate plan. There was further discussion regarding a time limit as to when the site plan needed to be submitted and Attorney Cherof said that Sea Colony was not ordered by the Court to submit; only the Town of Lauderdale-By-The-Sea was ordered to accept and process their application.

Attorney Cherof advised that in the past Leisure Towers acquiesced to the use of property in front of their building for part of the underground power line installation along A1A. Attorney Cherof believed an agreement had been reached through the Town Manager's office several years ago in that the Town would relocate and pay for parking on their property that had been taking by the underground. He advised that recently an effort was made to expand the obligations of Leisure Towers and to provide beach access alongside their property. He said there was an allegation that the Town had delayed the relocation of the parking issue while the beach access issue was outstanding.

Commissioner McIntee made a motion to go forward as per the agreement. Mayor Parker seconded the motion.

Manager Colon reminded the Commission that a boundary survey, approved by the Commission, was needed. She added that the contractor would sign the contract and the Town would proceed with the permits with Commission approval.

Commissioner Silverstone believed the project was held up pending beach access. Manager Colon advised that Leisure Towers decided not to provide beach access.

In a roll call vote, the motion carried 5-0.

Attorney Cherof advised that the City of Ft. Lauderdale had a Water Service Agreement in place. He said the City of Ft. Lauderdale was claiming that their prior water agreement had expired and wished to enter into negotiations for a new agreement. He suggested the Town ask Ft. Lauderdale to take the existing agreement and red line the areas they wanted to change and then bring that to the Commission for review.

It was decided by Commission consensus to direct Town Manager Colon to proceed with contacting the City of Fort Lauderdale and request proposed changes to the existing Water Service Agreement.

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

Beruit Clatty, Bel Air resident, enjoyed the 4th of July and thanked Commissioner Clark. She said as a mother she asked that the Commission please make sure the event was safe for children and was upset with the shirts that read "BSO Must Go" and the people who had too much to drink or were high on drugs.

Frank Herman, 4244 Sea Grape Drive, expressed his opinion regarding Mr. Forbes design on the pavilion and the will of the people. He said either the Commission was for the will of the people or against it.

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn. As there were no objections or any further business to discuss, Mayor Parker adjourned the meeting at 1:00 p.m.

Oliver Parker, Mayor

ATTEST:

June White, Town Clerk

Date: _____