

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 23, 2007

7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker opened the meeting at 7:06 p.m. Present were Vice Mayor Yanni, Commissioner Silverstone, and Mayor Pro Tem Clark. Also present were Town Manager Esther Colon, Town Attorney James Cherof, and Town Clerk June White.

Commissioner McIntee was absent.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION, TOWN CHAPLAIN

Father Hanrahan gave the Invocation.

Mayor Parker announced that the Halloween party will be given for the children at Jarvis Hall on October 31, 2007 from 6:00 p.m. to 8:00 p.m. with supervised trick or treating.

Mayor Parker inquired as to why Quasi Judicial was being held first. Attorney Cherof said the notice that was published indicated the Quasi Judicial was advertised to begin at 7:30 p.m. Mayor Parker continued with the agenda starting with Presentations with direction to begin Quasi Judicial Public Hearing, Item 3A at 7:30.

Mayor Parker recessed the meeting at 7:10 p.m. and reconvened at 7:14 p.m.

3A. QUASI JUDICIAL PUBLIC HEARING – Application for Variance for 1603 West Terra Mar Drive Property Owner Bayman (Frank Rabinowitz – Director of Development Services)

4. PRESENTATIONS

- a. BSO Fire Rescue Response in LBTS and Auto-Aid agreement with Pompano Fire Rescue (Chief Sievers – Broward Sheriff's Office Fire)

Chief Sievers gave a PowerPoint presentation. He explained that the City of Pompano Beach Agreement indicated that if Engine 11 was tied up on a call, Ladder 24 would respond.

Chief Sievers pointed out that the Pompano Beach Agreement stated that that if the Broward Sheriff's Office was no longer the contracted service provider for fire rescue to the Town of Lauderdale-By-the-Sea or the Village of Sea Ranch Lakes then the City of Pompano Beach's obligation to provide automatic aide would immediately cease to that municipality.

There were no questions from the Commission.

5. REPORTS

- a. Budget Report – September 20, 2007 – Preliminary Close (Martin Sherwood – Director of Finance and Budget)

Commissioner Silverstone made a motion to approve the Budget Report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

- b. End of Month Report – September 2007 (Frank Rabinowitz – Director of Development Services)

Vice Mayor Yanni made a motion to approve the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

- c. Monthly Report – September 2007 (John Olinzock – Assistant to Town Manager)

Mayor Pro Tem Clark made a motion to approve the report. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 4-0.

- d. Monthly Report – September 2007 - Broward Sheriff's Office Fire Rescue (Chief Sievers)

Vice Mayor Yanni made a motion to approve the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

- e. Monthly Report – September 2007 (Chief Gooding – Broward Sheriff's Office)

Vice Mayor Yanni made a motion to approve the report. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

Commissioner Silverstone had questions regarding the breakdown of the \$465,000 that was set aside. Chief Sievers said that the Broward Sheriff's Office was absorbing the costs, and that Broward County was picking up the difference until Broward Sheriff's Office can renegotiate. Mayor Parker asked about a signed contract between the

Broward Sheriff's Office and the Village of Sea Ranch Lakes. Chief Sievers said the contract had not been signed. Mayor Parker said under the new contract between the Village of Sea Ranch Lakes the Town of Lauderdale-By-The-Sea, when it came time to renegotiate with the Broward Sheriff's Office, the Village of Sea Ranch Lakes was supposed to pay their share of the costs.

Mayor Parker requested Chief Sievers report on the status of the contract with Sea Ranch Lakes at the November 13, 2007 meeting.

Further discussion regarding the time the Village of Sea Ranch Lakes had with their current contract. Chief Sievers said that the Broward Sheriff's Office took over the original contract from Broward County and there was a clause in the contract 3 years ago that rolled over to renew for five years.

Attorney Cherof asked to put this issue aside at this time to address the Quasi Judicial Public Hearing. Discussion continued regarding the beginning date of the contract with Broward Sheriff's Office and renegotiation rates.

QUASI JUDICIAL PUBLIC HEARING – Application for Variance for 1603 West Terra Mar Drive Property Owner Bayman (Frank Rabinowitz – Director of Development Services)

Attorney Cherof swore in those who wished to testify. He announced that copies of documents that were part of the agenda packet would be available through the Town Clerk's office. He added that documents added during testimony would be included in the agenda packet and available to the public.

Mr. Jim Brady represented Kay and Nellie Bayman. He said the variance was to seek relief from lot coverage to allow an additional 4.8% for the newly constructed house. Mr. Brady added that a permit was issued, the older home was demolished, and a new building was now in its place. Mr. Brady informed the Commission that the prior record was being made part of the current record and asked the Commission to take Quasi Judicial notice of that record in addition to the Town of Lauderdale-By-the-Sea's code Section 24-4.4, Subsection 11 that dealt with the coverage issue if the home were in the old town.

Witnesses were the applicant, Kay Bayman, the Architect of Record, Mr. Jones, the Contractor of Record, and Brice Lambert who would discuss the ramifications of disapproval.

Mayor Parker said he was given a memorandum from the previous Development Services Director, Jim Bell, dated April 27, 2007 and referred to page 3. He advised that there were seven requirements necessary to meet in order to be entitled to a variance under the Town of Lauderdale-By-The-Sea. Mr. Brady said he would address them.

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Kay Bayman acknowledged he was under oath. Mr. Brady asked if Mr. Bayman met with anyone from Town and Mr. Brady said he met with Jim Bell and mentioned to him that he wanted to demolish the house. Mr. Bayman said Mr. Bell made the notations on the lower left of the survey that indicated the setbacks.

Director of Development Services Frank Rabinowitz said the new Comprehensive Code allowed 55% coverage of the lot, maintained the same setbacks and increased the impervious area to 75%. He clarified that the house, as it stood, would not be in violation of any of the violations it was previously under.

Mayor Parker requested permission from Mr. Brady to allow the public to speak at this time and advised that Mr. Brady would be allowed to cross examine and allowed to complete presentation of his case if he so desired.

Leo Holt spoke against the variance and addressed statements made by Mr. Brady and Mr. Bayman. He said that he had a copy of the first plan that was signed on October 10, 2006 by J. W. B. showed Mr. Bayman's house to be 5,297 square feet, plus the pilings, and ended up to be 5,313 square feet. Mr. Holt added that Mr. Bayman's house was 20% over what it was supposed to be. He said the second set of plans in April 2007 showed the house shrank to 4,684 square feet. Mr. Holt said at the May 8, 2007 meeting he presented 3 sets of plans. Mr. Holt believed the plans had been adjusted.

There were no other speakers wishing to speak against the variance.

Mayor Parker made a motion to grant the variance. Vice Mayor Yanni seconded the motion.

There were no speakers in favor of the variance.

Commissioner Silverstone asked if Mr. Bayman was in compliance at this time. Development Services Director Rabinowitz said it was in compliance with the revised code.

Mayor Pro Tem Clark asked Mr. Brady if he had any comment regarding the corrected plans. Mr. Brady said as he understood it, the architect had made a mistake in reading the calculations and went back and made corrections. He added that the figures on the April 16th site plan, on the right hand side, were accurate. Mayor Pro Tem said he would feel more comfortable if an independent looked at the figures prior to voting. Mayor Pro Tem Clark asked whether signers of Mr. Bayman's petition were offered cash to sign Mr. Bayman said no money was promised in return for signature.

Mr. Brady addressed Mr. Holt's concerns regarding the difference in square footage. He understood that they took out the circular drive and made it a straight drive, removed a walkway, and took out an apron in the back patio that went out to the waterway which then exposed more green area

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Gregory Jones, Architect said the discrepancy was with the square footage under the patio. He believed the covered patio area was not building foot print; it was covered patio and not interior building area. He was certain that was the difference in the square footage.

Mayor Parker pointed out that there was a change in law on the property and while it may have needed a variance under the old code, it did not need a variance under the new code.

In a roll call vote, the motion carried 4-0.

6. APPROVAL OF MINUTES

- a. September 27, 2007 Special Budget Meeting
- b. October 9, 2007 Regular Commission Meeting
- c. November 14, 2006 Regular Commission Meeting

Vice Mayor Yanni pointed out that the spelling of Sheriff Lambardi should be Lamberti the Minutes of September 27, 2007.

There were no other additions, deletions or corrections to the minutes.

Commissioner Silverstone made a motion to approve the corrected minutes of September 27, 2007, October 9, 2007, and November 14, 2006. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0

Mayor Parker recessed the meeting at 8:36 p.m. and reconvened at 8:43 p.m.

7. PUBLIC COMMENTS

Jean Smith Park Hill Apartments said she always had 11 spaces and when she came in to get her 6 permits she was told the permits were revoked until she went before the board. She requested 2 more in addition to the 6 permits she always received.

Stuart Dodd spoke about the \$100 application fee for the use of Jarvis Hall. He said the Citizen's Initiative Committee was a registered non-for profit organization and asked the Commission to occasionally allow the Citizen's Initiative Committee use of their 3 minutes during public comments to make short announcements to promote meetings. Mr. Dodd asked permission to televise State Representative Ellyn Setnor Bogdanoff to speak about insurance issues, homestead, taxes and any other questions the voters wish to ask and asked the Commission to attend to meet and greet Representative Bogdanoff.

Yamile Montero said as a tenant at Park Hill Apartments there were currently 6 parking spaces available and 12 tenants. She requested the Commission grant the hardship permits.

Margaret Reichenstien spoke about Consent Item 11 a. She did not want the mess containing piles of sand and rocks next to her building and the carbon monoxide was seeping into her house.

Happy Vasil said her tree would have little chance of survival if they had to be moved and did not want to put the town in \$16,000 debt. She asked if perhaps the trees could be replaced with smaller ones in another area instead.

Frank Herrmann believed most Ordinances were unnecessary and objected to a rental Ordinance. He said he was not aware of any noise that the Broward Sheriff's Office could not handle.

Lisa Mitchell talked about pulling item 14D as Commissioner McIntee was not present for that item. Ms. Mitchell said she will pull every CD and send it to the ethics committee if the war did not end. She wanted her Town back to normal.

Roseann Minnet did not believe in parking meters and felt that the free parking limits were abused by the businesses and residents. She believed the Commission could develop a better means of revenue. Ms. Minnet was appalled that permission was given to allow large heavy equipment to park in residential areas and felt it needed to be addressed. Ms. Minnet said that signage identified the character of the Town of Lauderdale-By-The-Sea. She suggested the Commission create a plan and stick to it.

Robert Mann was 25 feet away from the camouflage construction trailer. He said Code said it was approved orally by someone, but would not supply the name. He said Mayor Parker explained that there was something called "the greater good of the Town". Mr. Mann said that Mayor Parker explained that to mean the Town can change the zoning laws "temporarily".

Diane Boutin addressed the Commission on parking. She said she used the new parking lot even though it was a little difficult to get to. Ms. Boutin said mitigating parking meter was a no win situation and thought a rotation of the bagged meters might help, or perhaps leave a bag off one or two. Ms. Boutin referred to the relocation of the Monument from Commercial Boulevard and EL Mar Drive to El Prado Drive and thought it was a better location. She suggested an allocation of funds for existing buildings for their maintenance.

Mayor Parker ended public comments at 9:15 p.m. and announced anyone else wishing to speak would have the opportunity to do so later in the evening.

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

- a. ORDINANCE NO. 2007-12 - Rentals: AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADDING A NEW ARTICLE IV TO CHAPTER 6 OF THE TOWN CODE OF ORDINANCES ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR THE RENTAL OF**

**RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)**

Attorney Cherof read Ordinance 2007-12 by title.

Mayor Parker opened the public portion of the hearing.

L. Peanuts Wick thought a Workshop should have been held as people did not understand a lot of it. He did not believe enough discussion was done before passing this ordinance.

Diane Boutin supported the Ordinance and thought the key word was residential and the turnover should not be every week or two.

Reverend George Hunsaker indicated that there are certain residents that are advertising their rentals.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

Mayor Parker made a motion to adopt Ordinance 2007-12 on second reading. Mayor Pro Tem Clark seconded the motion.

Mayor Parker referred to page 4, lines 13 and 14, Section 6-54. He thought the Title was supposed to be "prohibition of short term rentals of single family homes or duplex units" and should have read "short term rentals i.e.: for a term of less than 6 months of single family homes and duplex units are prohibited". Attorney Cherof said the language read "short term rentals of single family homes or duplex units for a term of less than 6 months are prohibited." He said the meaning of the phrase was the same.

Commissioner Silverstone asked whether Townhomes were addressed in Ordinance 2007-12. Attorney Cherof said it did not.

Commissioner Silverstone made a motion to amend the Ordinance to read "single family, townhomes, and duplex units. Mayor Parker seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker pointed out that on page 1, line 13, it read "single family and duplex residential dwellings" and should read "single family townhomes, and duplex residential dwellings.

Vice Mayor Yanni said Ordinance 2007-12 was started because there were problems in the residential area regarding rentals and pointed out that most duplex units were seasonal and should not be included.

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Attorney Cherof reminded the Commission that several other changes were made and were indicated on a notated version of the document asked that a blanket motion to amend to incorporate the changes shown on the document.

Mayor Parker made a motion to amend to include the notated changes on the notated document. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker compared duplex homes in the North and in the South part of the Town of Lauderdale-By-The-Sea. He explained that duplex units were used as a buffer zone between residential single family and multifamily homes.

Vice Mayor Yanni said in his opinion people would not rent a duplex for 6 months as they were seasonal and should be exempt.

Mayor Parker said the Florida Legislature decreed that there was a difference between a short term rental and a long term rental. He added that there was a sales tax for rentals that were more than 6 months and no sales tax on rentals that were for less than 6 months. Mayor Parker explained that the Florida Legislature treated rentals for less than 6 months as a transient rental.

Commissioner Silverstone made a motion to table Ordinance 2007-12. The motion failed for lack of a second.

Vice Mayor Yanni made a motion to exempt the duplex units from Ordinance 2007-12. Commissioner Silverstone seconded the motion. In a roll call vote, the motion failed with Vice Mayor Yanni and Commissioner Silverstone in favor and Mayor Pro Tem Clark and Mayor Parker dissenting.

Attorney Cherof referred to page 7 on the notated version of Ordinance 2007-12, Section 3 that provided for an "effective date", suggested that the Ordinance "take effect immediately on adoption" and delay the effective date to allow staff an opportunity to develop as strategy for dealing with monitoring and enforcement.

Mayor Parker made a motion to amend Ordinance 2007-12 to take effect on February 1, 2008. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

In a roll call vote, the motion to approve Ordinance 2007-12 as amended failed 3-1 with Vice Mayor Yanni and Commissioner Silverstone dissenting.

Mayor Parker moved to reconsider and changed his vote to "no" so that he could table the Ordinance for reconsideration. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker made a motion to table Ordinance 2007-12 for second reading to November 13, 2007. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker directed re-advertisement of Ordinance 2007-12 and the 3 amendments incorporated into the document for second reading.

9. COMMISSIONER COMMENTS

Mayor Pro Tem Clark wished everyone a Happy Halloween and asked the residents bring out the kids.

Commissioner Silverstone thanked the Lauderdale-By-The-Sea Property Owner's Association for the October Fest event. He reminded everyone that the Firemen's Ball was on November 10, 2007 in Jarvis Hall. Commissioner Silverstone thanked Christie and Marc Furth the preparation of the Halloween decorations. Commissioner Silverstone thought that sometimes Government made decisions on short term basis rather than looking at long term ratifications. He believed the problems ran deep and were not addressed properly.

Vice Mayor Yanni thanked the Lauderdale-By-The-Sea Property Owner's Association for the October Fest for the great food and great entertainment. He said it reminded him of the Old Town when everyone got along.

Mayor Parker announced that the Halloween Party for the children would take place in Jarvis Hall on Wednesday, October 31, 2007 and hoped all the children would come for a safe and happy Halloween. Mayor Parker noticed that on Bougainvillea Drive, south of Commercial, was still blocked and made it difficult for people to use the Town's parking lot. He wanted Fort Lauderdale to clear up that problem and if not, then he requested a report as to why Fort Lauderdale had not fixed the problem. Mayor Parker was upset with the way Mr. Mann suggested he was not sympathetic to his problems. He said he was not feeling well when he spoke with Mr. Mann and assured him he would do whatever was in the best interest of the Town of Lauderdale-By-The-Sea as a whole.

10. ORDINANCES (1st Reading)

- a. **ORDINANCE NO. 2007-16 – Waiving Parking Meter Fees: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-25, "TIME RESTRICTED PARKING" BY AMENDING SUBSECTION (g), FOR PORTIONS OF COMMERCIAL BOULEVARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney Cherof)**

Attorney Cherof noted that a notated copy of Ordinance 2007-16 was presented to the Commission showing the proposed changes.

Mayor Parker made a motion to adopt Ordinance 2007-16 on first reading as proposed by the notated handout. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

11. CONSENT AGENDA

Mayor Parker pulled items 11a1, 11b, 11d, and 11e for discussion.

Mayor Parker made a motion to adopt Items 11a2, 11a3, and 11c. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 4-0.

a. Seagrape Streetscape Project

1. Request for Commission approval for a staging area at 254 Algiers Avenue for ROW Permit #2007-008 (Walter Keller – Town Planner)

Walter Keller explained that the contractor leased the lot at 254 Algiers Avenue without Town Commission approval and moved his equipment onto the lot. Planner Keller added that alternate sites were not available for temporary use. He requested temporary approval to remain at the current lot for approximately 1 month. Planner Keller said the lot that was used by Fort Lauderdale for the water works project lot would then become available.

Manager Colon stated that Tenex had the right to park on the right of way. She said she spoke with Tenex and told them the neighbors were not happy. Manager Colon said she told Tenex to prepare to pull everything out, and they were in the process of trying to find another place to park the equipment. Manager Colon thought they could park temporarily at the water works or on the empty lot across from the Church on Poinciana Street.

Mark Levine of Tenex said he spoke with Bernie Berkowitz regarding leasing the water works lot once Ft. Lauderdale was out of there.

Commissioner Silverstone recommended using the soccer field temporarily and in return Tenex could re-sod the soccer field and said he would like to make that his motion. Mayor Parker added that the sidewalks would have to be redone also as the equipment would tear them up.

Mayor Pro Tem Clark asked Mr. Levine if the soccer field was suitable for their staging area. Walter Keller said it would be and spoke of possible damage to trees and shrubs which could be replaced. Mayor Pro Tem Clark asked if Tenex was prepared to re-sod and do all that would be necessary to replace shrubbery, trees, and sidewalks. Mr. Levine did not believe it would be a problem.

Mayor Parker believed the direction they were headed was wrong and the Mayor's job was to pursue the common good and sometimes sacrifices had to be made to pursue the common good.

Vice Mayor Yanni did not feel it was alright for Margaret, or anyone to breathe those fumes.

Mayor Parker said Manager Colon identified an alternate site that could be used as their staging area on Bougainvillea Drive.

Vice Mayor Yanni made a motion for Manager Colon to negotiate with the owners of the lot on Bougainvillea Drive and if unsatisfactory then allow Tenex to use the soccer field. Mayor Parker seconded the motion. Brief discussion followed regarding items in the current staging area and reminded Mr. Levine there would be no storage of equipment other than the shed. Mr. Levine said he had already moved the equipment out of there. In a roll call vote, the motion carried 4-0.

2. Change order – Tenex

This item was approved earlier.

3. Change order - Walter H. Keller

This item was approved earlier.

- b. Ratification of 10/12/07 Poll Vote for Property Owner Association (October Fest Event) and Volunteer Fire Department (Firemen's Ball) (Esther Colon – Town Manager)

Manager Colon said this was on the agenda for the October Fest and Firemen's Ball as polled by the Commission and wanted to put it on the record that it was approved.

Mayor Parker made a motion to approve. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

- c. Commission Approval of Relocation of Anglin Monument Sign to El Prado Park East of El Mar Drive by the Developer, Minto Communities, Inc. (John Olinzock – Assistant to the Town Manager)

This item was approved earlier.

- d. Commission Approval for Use of Jarvis Hall by the LBTS Citizens Action Committee on Sunday, November 11, 2007, from 7 till 10 PM to provide for State Representative Bogdanoff to Speak, to provide for Televising of the Event, and to waive the \$100.00 Application Fee (John Olinzock – Assistant to the Town Manager)

Mayor Parker said he would be happy to grant an open house to State Representative Bogdanoff if she requested it. Mayor Parker directed Manager Colon to invite Representative Bogdanoff to speak and to televise it as a Town event.

Discussion followed with the Commission explaining it was already a done deal and it did not make a difference as to who was sponsoring the event.

Mayor Pro Tem Clark made a motion to approve the use of Jarvis Hall. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 3-1 with Mayor Parker dissenting.

- e. Discussion and / or Action pertaining to Violation of Town's Code of Ordinance Order Imposing Fine / Certificate of Lien / Abatement Order (Case #'s 07-02-00280, 07-02-00281, 07-01-00462) (Frank Rabinowitz – Development Services)

Frank Rabinowitz explained that these violations were approved for fine by Hearing by the Special Magistrate. Manager Colon explained that the liens approved by the Special Magistrate are before the Commission for permission to file the liens with Broward County.

Mayor Pro Tem Clark moved to authorize filing of the liens with Broward County. Mayor Parker seconded the motion.

Vice Mayor Yanni said that in the past, once the Special Magistrate made the decision it did not go to the Commission for approval, and asked why it was necessary to come before the Commission. Attorney Cherof explained the Commission was only authorizing the recording of the lien.

In a roll call vote, the motion carried 4-0.

12. RESOLUTION

13. OLD BUSINESS

- a. Application for use of Jarvis Hall - By-The-Sea Times – Change of Dates (Esther Colon - Town Manager)(Tabled at the October 9, 2007 Meeting)

Commissioner Silverstone made a motion to approve the use of Jarvis Hall. The motion died for lack of a second. Commissioner Silverstone asked if that meant they stay with the original dates, and Mayor Parker said it meant they don't have new dates.

Mayor Pro Tem Clark requested this item be tabled to the November 13, 2007 meeting. There were no objections.

14. NEW BUSINESS

- a. Waving application fees for Chamber Events (Vice Mayor Yanni)

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Vice Mayor Yanni explained that the Chamber paid a \$100 application fee for every event. He exampled the Green Garden that was held every 2 weeks, at a cost of \$100 each time and indicated the Chamber did not make much money on the event.

Vice Mayor Yanni made a motion to permanently waive the application fee for Chamber events. Mayor Parker seconded the motion.

Attorney Cherof suggested that the Commission authorize him to write a provision into the Code of Ordinance that would authorize the Commission to waive fees.

Mayor Parker moved to direct Attorney Cherof to prepare an amendment to the Ordinance authorizing the Town of Lauderdale-By-the-Sea to waive the application fees for special events run by town subsidized vendors. Vice Mayor Yanni seconded the motion.

Commissioner Silverstone suggested a motion to pay the fee, rather than waive it. Attorney Cherof said the Town of Lauderdale-By-the-Sea was authorized to make payment on behalf of the applicant if funds were available. Manager Colon explained that the application fee for Christmas By-The-Sea was waived as it was a Town sponsored event.

Discussion followed as to whether the Town could pay the fees for town sponsored events and how the funds would be applied.

Mayor Parker seconded Commissioner Silverstone's motion. In a roll call vote, the motion carried 4-0.

Mayor Parker noted this motion superceded the previous motion to direct the Town Attorney to amend the Ordinance.

b. Discussion and/or action for issuance of Parking Permits at Metered Spaces – free of charge (Women's Club of Lauderdale-By-The-Sea) (Mayor Parker)

Mayor Parker stated that the Women's Club had been in Town for over 50 years and when they built the Clubhouse parking was not included. Mayor Parker said the Town Commission directed the Town to provide permit parking in the metered spaces across the street from the Blue Moon.

Mayor Parker made a motion to instruct the Town to issue parking passes. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 4-0.

Discussion followed with Manager Colon requesting for the record, the number of parking permits to be issued; dates, and times. It was determined that 12 permits would be issued between the hours of 9:00 a.m. to 4:00 p.m. every Wednesday, and on the third Thursday of every month; requests for permit approvals would come before the Commission on a yearly basis.

c. Discussion and/or action for Issuance of Hardship Permit (Esther Colon –
Town Manager)

Manager Colon said as per Ordinance hardship permit requests were to come before the Commission with a reason for the need. Mayor Parker thought hardship permits were limited to 3 per building. Manager Colon stated that some buildings have more than 3. Vice Mayor Yanni believed it was increased to 5 per building.

Mayor Parker said that Park Hill had 12 units and 5 parking spaces, if they were granted 7 parking permits no one else could use parking at that portal. He believed the Commission should stay with the maximum of 3 parking permits per building.

Jean Smith said she had permits for 4 spaces on the north side of Hibiscus Avenue between El Mar and A1A, meter numbers 98 thru 106 equaling to 11 actual spaces. Ms. Smith said that under new management, new ownership, Park Hill was full and would like to have at least their 6 spaces, if not additional.

Discussion followed regarding available spaces in other areas, the cost of the parking permit, the amount of rent collected for each unit. Mayor Parker made a count of the bedrooms with 5 one bedrooms, 1 two bedroom, and 6 efficiencies equaling 12 units.

Mayor Parker suggested six permits at \$500 per year, per permit. Ms. Smith thought that was high. Mayor Parker felt that collecting \$1,100 to \$1,200 per month from each rental, and paying \$40 for each permit was a good deal.

Mayor Parker made a motion to allow 6 spaces at \$500 per year. Mayor Pro Tem Clark felt the Commission should take a look at whole issue. Mayor Parker suggested tabling to the next meeting and having Development Services count the meters. Manager colon said there was an Ordinance in place that said the rate was \$85.

Mayor Parker said that in order for people to get multiple parking spaces they illegally converted units by taking two bedrooms, closing one off, and making efficiency. He felt there was a need to determine if there is a true hardship.

Commissioner Silverstone made a motion to table to November 13, 2007 with instruction to Manager Colon to extend the current parking permits that were issued last year until a decision was made. Mayor Parker seconded the motion.

Mayor Parker also wanted to include a review of the documents to determine the number of units. Mayor Pro Tem Clark said the Commission should be looking at the entire hardship issue.

In a roll call vote, the motion carried 3-1 with Vice Mayor Yanni dissenting.

Mayor Parker gave direction to Development Services Director to count electrical meters and determine how many units everyone on the hardship permit list was supposed to have.

- d. Discussion and/or action regarding instructing the Town Attorney to file ethics complaint against Commissioner Silverstone and Commissioner McIntee for repeated violation of the rule of voting, conflict of interest, and for attempting to terminate the contract of an existing Town vendor and giving the contract to another vendor controlled by them and which employ them (Mayor Parker)

Mayor Parker made a motion to instruct the Town Attorney to file the ethics complaint. Vice Mayor Yanni seconded the motion.

Commissioner Silverstone made a motion to table this item to the November 13, 2007 meeting Commissioner McIntee would be in attendance. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker directed Clerk to note for next meeting that a motion by Mayor Parker and a second by Vice Mayor Yanni had already taken place and the Commission would only discuss and then vote.

- e. Discussion and/or action of changing Commission meeting of December 11, 2007 to December 13, 2007. (Reconsideration of changing Commission meeting back to December 11, 2007) (Mayor Parker)

Mayor Parker said he had contacted Pepi Dunay, Director of Community Relations of the Jewish Federation of Broward County. Mayor Parker said that Ms. Dunay informed him that Rosh Hashanah, Yom Kippur, Sukkot, Passover, and Shavuot were their Holy days.

Vice Mayor Yanni made a motion to move the December 13, 2007 meeting back to December 11, 2007. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-0.

Vice Mayor Yanni made a motion to extend the meeting to 11:30 pm. Mayor Parker seconded the motion. In a roll call vote, the motion carried 4-0.

- f. Discussion and/or action to prohibit giving tickets during Jarvis Hall events in Jarvis Hall (Vice Mayor Yanni)

Vice Mayor Yanni made a motion that anyone attending Jarvis Hall events should not be given a ticket. Commissioner Silverstone seconded the motion.

Mayor Parker asked for clarification as to whether the motion included, not only in front of Jarvis Hall, but also on El Prado and in front of the Tennis Courts. Vice Mayor Yanni said yes. Commissioner Silverstone also agreed.

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Manager Colon asked if the motion was for Jarvis Hall or Jarvis Hall events. Vice Mayor Yanni said Commission meetings were included. Mayor Parker said that whatever the event, in Jarvis Hall, no tickets would be written.

In a roll call vote, the motion carried 4-0.

- g. Designating a voting delegate and alternate to the National League of Cities (June White – Town Clerk)**

Mayor Parker said the Commission never wanted to go.

Mayor Parker moved to appoint Commissioner McIntee as the Voting Delegate. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker moved to have the Town pay up to a max of \$3,000. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor moved to appoint Vice Mayor Yanni as the alternate. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 3-1 with Commissioner Silverstone dissenting.

- h. Discussion and/or action regarding placing a sign at the new parking lot on A1A (Mayor Parker)**

Mayor Parker made a motion to approve placement of the signs and to include expenditure. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-0.

- i. Discussion regarding options to obtain an entrance to the parking lot on A1A (Mayor Parker)**

Mayor Parker said the Town could collect more money if vehicles could enter the parking lot from A1A and exit on Bougainvillea. Manager Colon said she had notified the Commission that the entrance was to be on Bougainvillea and if they wanted the entrance on Ocean Drive it would require reconfiguration of the lot specifications, construction plans in addition to Florida Department of Transportation for permitting and planning.

Mayor Parker made a motion for Manager Colon to move forward. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-0.

Mayor Parker requested Manager Colon to present a report at the November 13, 2007.

15. TOWN MANAGER REPORT

16. TOWN ATTORNEY REPORT

- a. Report regarding the parking lot on A1A near Mac's Grove as requested by Vice Mayor Yanni at the October 9, 2006 meeting.

Manager Colon stated that this item had already been resolved.

- b. Opinion regarding an Ordinance prohibiting the display of inappropriate material in store fronts.

Attorney Cherof requested this item be tabled to November 13, 2007. There were no objections.

Manager Colon announced that on behalf of the Town of Lauderdale-By-The-Sea she accepted an award by the Kids of Voting Broward for government of the year.

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

L. Peanuts Wick asked the Town to find a better way for homeowners to dispose of their grass and tree clippings and/or allow access to the Town dumpster.

Mr. Wicks indicated that the Oriana Project was going to ask for certification of occupancy on the ocean side and wondered if that was allowed and if so, where the million dollars in escrow would go. Mr. Wicks asked the Commission to look into a road that came in and went out of their center building. He indicated it was a 17 foot easement that was not supposed to be paved over, but currently was.

Mayor Parker asked Development Services Director Rabinowitz and Attorney Cherof to check into the 17 foot easement and the million dollar escrow fund that Mr. Wicks referred to.

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

Vice Mayor Yanni made a motion to adjourn. With no other business to come before the Commission, Mayor Parker adjourned the meeting at 11:16 p.m.



Mayor Oliver Parker

ATTEST:



Town Clerk, June White

11/13/07

Date