

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, January 8, 2008

7:00 p.m.

1. CALL TO ORDER. MAYOR OLIVER PARKER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. INVOCATION. TOWN CHAPLAIN

Father Handrahan gave the Invocation

Mayor Parker ruled Item 14B was not an appropriate Commission item and removed it from the agenda. Commissioner McIntee appealed.

Discussion followed regarding whether the Commission was restricted as to what could be placed on the agenda. Attorney Cherof said the Commission was restricted to putting items on the agenda to Town Business.

Commissioner McIntee made a motion to overrule the chair. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion failed 2 - 3. Mayor Parker, Vice Mayor Yanni, and Mayor Pro Tem Clark voted no.

4. PRESENTATIONS

a. Introduction to Web Cast

Steve D'Oliviera presented live video of the current Commission meeting and showed how to access the agenda on the Web.

b. Broward Sheriff's Office Deputy of the Month - December, 2007 (Chief Gooding)

Chief Gooding recognized Deputy Scott Williams as employee of the month for his overall outstanding performance, experience, leadership, mentorship, and dedication to the Town of Lauderdale by the Sea.

c. Broward Sheriff's Office Fire Rescue Employee of the Month - December, 2007

(Chief Sievers)

Chief Sievers announced employees of the Month from the C-Shift for their professional and organized response to a structure fire on November 12, 2007.

- d. EAR Based Comprehensive Plan Amendments and Transmittal to DCA (Walter Keller - Town Planner)

Mayor Parker moved this item out of order earlier in the meeting to precede Ordinance 2008-01. Walter Keller talked about the process required for the EAR based amendments and the public hearing.

Manager Colon, as well as staff, concurred with the recommendations and changes made by Planner Keller.

Commissioner McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion.

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

5. REPORTS

- a. Chief Lello to report on the \$450,000 and an update on the Village of Sea Ranch Lakes Fire Service

Chief Lello reviewed his report.

Commissioner Silverstone asked about the \$450,000 that was set aside for the Volunteer Firefighters that the Broward Sheriff's Office now owed the Town since the Volunteers were no longer with them. Chief Lello agreed the current contract was upside down \$188,000.

Commissioner Silverstone asked Attorney Cherof if the same service was provided at different rates would that be a double taxation issue. Attorney Cherof replied it was not because there was no tax being applied.

Commissioner McIntee asked whether the contract would be at least \$3.4 million, should the Town of Lauderdale by the Sea accept the contract with the Broward County Sheriff's Office. Chief Lello said when the merger happened in 2003 the Broward County Sheriff inherited a number of upside down contracts, handed over that way by Broward County with intentions of making them right.

Mayor Parker pointed out that when Broward Sheriff's Office fire comes up for bid they would need to branch out the proportionate share.

Mayor Parker requested Broward County Sheriff's Office to have their Attorney to talk with the Town of Lauderdale by the Sea's Town Attorney and provide a report at the January 22, 2008 Commission meeting. Chief Lello said he would ask General Counsel to contact Attorney Cherof.

Commissioner McIntee made a motion to overrule Mayor Parker's request for a report on the grounds that there was enough going on the next meeting, and that this was a question for the next Commission. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 4 - 1. Mayor Parker voted no.

- b. Finance & Budget End of Month Report - November 2007 (Esther Colon - Town Manager)

Commissioner Silverstone made a motion to approve report. Mayor Pro Tem Clark seconded the motion.

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

- c. Development Services End of Month Report - November 2007 - (Frank Rabinowitz - Director of Development Services)

Commissioner McIntee asked Director Rabinowitz to provide rules and regulations and the laws that allow the developers to go above the 44 foot building height limit. He said that when the report was received he will request that it get posted on the Town of Lauderdale by the Sea's Web site and on Channel 78.

Development Rabinowitz said to maintain what the Commission and the Town wanted, the Town Code would have to be changed to eliminate the factors that allow a measurement of more than 44 feet.

Director Rabinowitz said he will provide the report at the January 22, 2008 Commission meeting.

Vice Mayor Yanni made a motion to accept the November 2007 report. Commissioner McIntee seconded the motion.

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

- d. Municipal Services Monthly Report - November 2007 (John Olinzock - Assistant to the Town Manager)

Commissioner Silverstone made a motion to accept the November 2007 report. Mayor Pro Tem Clark seconded the motion.

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

- e. Broward County Sheriff's Office Monthly Report - November 2007 (Chief Gooding)

There was brief discussion regarding enforcement of overnight parking with Chief Gooding acknowledging that the Broward Sheriff's Office does enforce it.

Commissioner Silverstone made a motion to accept the report. Mayor Pro Tem Clark seconded the motion.

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

- f. Broward Sheriff's Office Fire Rescue Monthly Report - November 2007 (Chief Sievers)

Commissioner Silverstone made a motion to accept the report. Mayor Pro Tem Clark seconded the motion.

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

- g. Review of PowerPoint report - to implement a sprinkler ordinance for homes to have sprinklers (Commissioner Silverstone)

Commissioner Silverstone explained that he believed it would be in the best interest of the Town to look into the installation of home sprinkler systems. He said his intention was not to implement an Ordinance but only for informational purposes. He added that it could be cost effective for the people.

- h. Disclosure of Local Officer's Interest - Form 8B (Attorney Cherof)

Attorney Cherof explained the purpose of the form.

- i. A report of Permit Fee Schedules, Computation of Permit Fees for 2500SF Single Family Residence, 3000SF Roofing Permit, Window Change out permit with \$20,000.00 value (Frank Rabinowitz - Director of Development Services)

Frank Rabinowitz presented the differences in the costs for variances at other cities.

Commissioner McIntee made a motion to table to the March 11, 2008 Commission meeting. Mayor Parker seconded the motion.

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

6. APPROVAL OF MINUTES

a. December 11, 2007 Regular Meeting Minutes

Commissioner Silverstone made a motion to approve the minutes of December 11, 2007. Mayor Pro Tem Clark seconded the motion.

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

7. PUBLIC COMMENTS

Janet Hornik was not happy with the soccer balls that continue to come into her yard.

Chuck Gress referred to Mayor Parker's quote "lets do what's right for the greater good of the community" and believed that everyone should take a look at the short term rentals in residential neighborhoods.

Stuart Dodd talked against Resolution 2008-01. He felt the Town should not use public funds to educate the public on the proposed property tax amendment.

Ron Piersante compared comments made by By the Sea Future and the By the Sea Times.

Vincent Ragusa was upset regarding agenda Item 13b and the Pelican newspaper.

Birute Ann Clotney was upset that political signs and a roofing sign had disappeared from her property and the false statements she had read.

L. Peanuts Wick talked about the first reading of Ordinance 2008-01 (the EAR report). He suggested ways to shorten public comments.

Cindy Geesey was upset regarding personal comments previously made against Mayor Parker and inappropriate items placed on the agenda.

Lisa Mitchell said that the Volunteer Fire Department had served Lauderdale by the Sea since 1961 and that the Broward Sheriff's Office - Fire were the visitors.

Maureen McIntee talked in favor of the Volunteer Fire Department and against political campaign advertising by the Broward Sheriff's Office.

Joyce Murray introduced a new program for seniors to help them obtain transportation to and from medical services. She said information could be obtained by calling 954 943-1747 and asked to have transportation services information posted on Channel 78 and in the Town Topics. The Commission had no objection to Ms. Murray's request and advised her to contact Town Hall.

Mayor Parker advised that the remaining speakers under Public Comments would be heard later.

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

9. COMMISSIONER COMMENTS

Vice Mayor Yanni addressed Mr. Wick's suggestion of having someone available on Saturday at Town Hall.

Commissioner McIntee addressed the comments made in the newspapers and believed they were one-sided and some were lies. He referred to articles written on police related expenditures and the use of taxpayer dollars, who voted for and against the fire assessment, and the original agreement with the North Beach Civic Association.

Commissioner McIntee addressed the rumor regarding a Mayoral candidate stealing a political sign and read the police report. He said a man should not be accused of being a thief unless the facts are known. Commissioner McIntee apologized to Mr. Wick.

Vice Mayor Yanni rebutted. He said no one had the right to take something from someone else's property. He said it was like someone taking something from a store.

Commissioner Silverstone agreed people should not take hearsay as fact. He added that people could now search the web site for information, including Town Codes.

Commissioner Silverstone addressed lies regarding the Volunteer Fire Department and insurance costs. Commissioner Silverstone believed the Town was going in the right direction with the purchase of the new program, Granicus. He believed things would get better.

Mayor Pro Tem Clark talked about news media and did not believe it had a place on the agenda. He addressed the fire assessment and said the value of the property determined whether a person paid more or less.

Mayor Parker wished everyone a happy and prosperous New Year and congratulated Mr. Silverstone on his engagement. He also addressed lies and

accusations and said it was more wrong when done with malice and forethought with the purpose of destroying reputations.

Mayor Parker asked Roseann Minnet, Vice Mayor Yanni, and Mayor Pro Tem Clark if By-The-Sea Times ever contacted them about appointing him as the Town Attorney. They all said they did not. Mayor Parker said By the Sea Times printed the article indicating he was appointed and referred to a letter Mayor Parker wrote seventeen years ago. Mayor Parker demanded a front page retraction.

10. ORDINANCES (1st Reading)

- a. Ordinance 2008-01: "PUBLIC HEARING" AN ORDINANCE OF THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA, PROVIDING FOR CERTAIN TEXT AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN TO ADDRESS THE 2005 EVALUATION AND APPRAISAL REPORT; PROVIDING FOR TRANSMITTAL OF THE PROPOSED AMENDMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Attorney Cherof read Ordinance 2008-01 by title.

Mayor Parker opened the public hearing. With no one wishing to speak, Mayor Parker closed the public hearing.

Commissioner Silverstone made a motion to adopt Ordinance 2008-01 on first reading. Mayor Pro Tem Clark seconded the motion.

In a roll call vote, the motion carried 4 - 1. Commissioner McIntee voted no.

It was announced that the second reading would not occur until April, 2008 pending review by the State of Florida, Department of Community Affairs.

Vice Mayor Yanni read from Section VII - Capital Improvement Implementation of the EAR report to point out that the Town was financially stable.

- b. Ordinance 2008-02: An Ordinance to lower the cost of a variance for single family homes (Requested at the December 11, 2007 Commission Meeting)**

Attorney Cherof explained that an Ordinance was not required and would be available administratively in the form of a Resolution and available at the January 22, 2008 meeting.

Commissioner McIntee inquired as to whether the cost of variances to other cities had been researched. Director Rabinowitz said in his experience, \$900 was the average.

Commissioner McIntee made a motion to table to the March 11, 2008 Commission meeting. In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting. Mayor Pro Tem Clark seconded the motion.

13. OLD BUSINESS

- a. Discussion and/or action regarding drafting an Ordinance to pull the bags from the parking meters on Bougainvillea and Poinciana (Mayor Parker) (Requested at the December 11, 2007 meeting)

This item was pulled out of order for discussion.

Commissioner McIntee said he asked the businesses and they did not want the bags pulled. He added that two hour parking enforcement had begun and the businesses were very happy with it.

Commissioner McIntee made a motion to table to the March 11, 2008 Commission meeting. Mayor Parker seconded the motion.

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

11. CONSENT AGENDA

Mayor Pro Tem Clark requested an item be added to the Consent Agenda. Mayor Parker agreed to consider the request after the Commission considered the Consent items.

Mayor Parker pulled Items 11c and 11a from the Consent Agenda for discussion.

- a. Commission approval of Special Events Application - Chamber of Commerce Green Market (John Olinzock - Assistant to the Town Manager)

Assistant to Town Manager Olinzock did not recommend approval of the parking request. He believed the current Ordinance would need to be changed to address the Saturdays that the event was to take place.

Mayor Parker and Commissioner McIntee asked Attorney Cherof whether the Town Manager could direct Parking Enforcement Officers not to issue tickets. Attorney Cherof said no. He added that Assistant to the Town Manager Olinzock was correct and the Ordinance would need to be changed.

Commissioner McIntee made a motion to approve as presented including waiving the parking. Commissioner Silverstone seconded the motion.

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

- b.** Commission approval for use of Jarvis Hall by Gardenia Place Condominium Association, Inc., for Association Board Meeting on Wednesday, February 6, 2008 at 6:00 PM. Video recording for broadcast is not being requested. (John Olinzock - Assistant to the Town Manager)

Mayor Parker made a motion to approve. Commissioner Silverstone seconded the motion.

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

- c.** Certification of Lien Orders prepared by Magistrate and ready to be placed into the Public Records to constitute a lien. Notification to the Commission is being provided (Frank Rabinowitz) (Tabled at the December 11, 2007 meeting)

Attorney Cherof explained the necessary process involved in recording Lien Orders in order to receive monies issued as fined.

Commissioner McIntee made a motion to accept. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 4 - 1. Mayor Parker voted no.

Property Owners Association Meeting added by Mayor Pro Tem Clark as an agenda item.

Mayor Parker allowed Mayor Pro Tem Clark to opportunity to place his item on the agenda

Mayor Pro Tem Clark made a motion to allow the addition of an item that allowed the Property Owners Association to have their meeting in Jarvis Hall on January 19, 2008 from 9:00 a.m. to 12:00 p.m. Vice Mayor Yanni seconded the motion.

Commissioner McIntee inquired as to whether staff received the proper paper work and Manager Colon said staff did not. Mayor Pro Tem Clark said the Commission could approve by exception.

Mayor Parker asked whether broadcasting and the waiving of the fee was included in the motion and the second. Mayor Pro Tem Clark and Vice Mayor Yanni said it was.

Cindy Geesey explained that Lori Parrish would address questions at the meeting along with announcements regarding the Property Owners Association's next meeting and the winners of the Decorating Contest.

Manager Colon said this was the first time that she and Assistant to the Town Manager Olinzock had seen the document. Ms. Geesey said she was told to submit a letter to the Commission.

Mayor Parker made a motion to amend the motion to grant the Property Owner's Association meeting without broadcasting. Mayor Pro Tem Clark seconded the motion.

Discussion followed the motion regarding the possibility of an endorsement of the State mandate for the tax change. Ms. Geesey said she did not intend on asking for an endorsement. She added that if that was the only problem the Commission had, then the Property Owners Association would be fine without broadcasting.

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

Commissioner McIntee inquired of the purpose of Notarization. Assistant to the Town Manager, Olinzock replied that by Ordinance an application was required to be filled out and one of the items in the application required Notarization along with the notarization of an Indemnification. He added that neither of those sections had been notarized.

In a roll call vote, the motion carried 4 - 1. Commissioner Silverstone voted no.

Mayor Parker recessed the meeting 10:12 p.m. and reconvened at 10:25 p.m.

12. RESOLUTION

- a. Resolution 2008-01: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY-THE-SEA, FLORIDA AUTHORIZING AND DIRECTING THE TOWN ADMINISTRATION TO EXPEND PUBLIC FUNDS FOR THE PURPOSE OF FURNISHING INFORMATION TO THE CITIZENS AND RESIDENTS OF THE TOWN PRIOR TO THE JANUARY 29, 2008 ELECTION ON THE PROPOSED PROPERTY TAX AMENDMENT TO THE FLORIDA CONSTITUTION; BUDGETING AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$10,000 FOR THE PURPOSE OF FUNDING THE PUBLIC EDUCATION EFFORTS ASSOCIATED WITH THE PROPOSED CONSTITUTIONAL AMENDMENT; FINDING THAT THIS EXPENDITURE IS IN THE BEST INTERESTS OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS AND RESIDENTS OF THE TOWN; AUTHORIZING THE APPROPRIATE MEMBERS OF THE TOWN ADMINISTRATION TO DO ALL THINGS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Cherof read Resolution 2008-01 by title.

The Resolution failed due to lack of a motion.

Commissioner McIntee believed items of this nature should not be placed on the agenda without Commission approval.

13. OLD BUSINESS

- a. Discussion and/or action regarding drafting an Ordinance to pull the bags from the parking meters on Bougainvillea and Poinciana (Mayor Parker) (Requested at the December 11, 2007 meeting)**

This item was discussed earlier in the meeting.

- b. Discussion and/or action on sale or purchase of property (Commissioner Silverstone) (Tabled at the December 11, 2007 meeting)**

Commissioner Silverstone advised that the property in question was on A1A next to the trailer at a cost of \$2.4 million and suggested it would be worth exploring.

Commissioner Silverstone made a motion to direct Manager Colon to look into the feasibility of purchasing the property and provide information at the March 25, 2008 Commission meeting. Commissioner McIntee seconded the motion.

Discussion followed regarding other facilities housing Town vehicles. Vice Mayor Yanni suggested the Town sell the building for \$2 million and pay down Town debt rather than spend \$2 million to buy a hotel, tear it down, and put something else in its place. The Commission discussed purposes for purchasing the property.

Commissioner McIntee made a motion to table to the March 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 3 - 2. Mayor Parker voted no. Vice Mayor Yanni voted no.

- c. Discussion and/or action to hold a workshop for the people to come together and make a decision on El Mar Drive (Vice Mayor Yanni) (Tabled at the December 11, 2007 meeting)**

This item was removed from the agenda.

- d. Discussion and/or action regarding new safety program approach for the Town (Commissioner McIntee) (Tabled at December 11, 2007 meeting)**

Commissioner McIntee explained that the safety program consisted of the installation of three cameras at the entrances and exists at the three points of the Town and six sporadic points throughout the Town, and paid for with seized drug money. Discussion followed regarding the costs involved.

Manager Colon reminded the Commission that the bid process would have to be followed and annual maintenance costs would also need to be looked at.

Mayor Parker made a motion to amend the motion to instruct Town Manager to begin the bidding process. Commissioner McIntee seconded the motion.

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

- e. Discussion and/or action regarding Public School assignments for Town residents (Commissioner McIntee) (Tabled at the December 11, 2007 meeting)

Commissioner McIntee was interested in trying to get all the children in the zip code 33308 to go to the same schools and all the children in 33062 go to the same schools should they chose. He requested the Town Manager send a letter to the School Board requesting that children in the same geographical area go to the same schools.

Commissioner McIntee made a motion to direct the Town Manager to send a letter to the Broward County School Board requesting that children in the same geographical area go to the same schools. Mayor Parker seconded the motion.

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

Mayor Parker requested Manager Colon to report back to the Commission in April 22, 2008.

- f. Discussion and/or action regarding Lifeguard Services (Esther Colon - Town Manager) (Tabled at the December 11, 2007 meeting)

Commissioner McIntee made a motion to table to the March 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 4 - 1. Mayor Parker voted no.

14. NEW BUSINESS

- a. Discussion and/or action regarding placing a 12 foot chain link fence on the north boundary of the soccer field. (Explanation - the fence should be the same height

as the Tennis Court fence) (Mayor Parker)

Commissioner McIntee made a motion to direct the Town Manager to begin the bidding process for the building of the fence. Mayor Parker seconded the motion.

Commissioner McIntee made a motion to amend the motion to look at two options, the fence and temporary netting. Mayor Parker seconded the motion.

In a roll call vote, the motion to begin the bidding process carried 5 - 0.

In a roll call vote, the amended motion to look at two options carried 5 - 0.

Mayor Parker directed Manager Colon to report to the Commission at the February 12, 2008 Commission meeting.

- b. Discussion regarding malicious statements in "By The Sea Future" (Commissioner McIntee)

This item was removed from the agenda earlier in the meeting.

- c. PUBLIC HEARING - Site Plan review and approval for Buena Vista Hotel (20 condo hotel units) Renovation/Redevelopment located at 4217, 4225 El Mar Drive within RM-25 Residential Zoning District and Hospitality Overlay District (Frank Rabinowitz - Director of Development Services)

Attorney Cherof swore in those wishing to speak.

Director of Development Services read the nine conditions as stipulated in his memorandum dated December 28, 2007 and attached to current agenda packet.

Mayor Parker made a motion to extend the meeting to midnight. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 3 - 2. Commissioner McIntee and Commissioner Silverstone voted no.

Mayor Pro Tem Clark made a motion to approve site plan. The motion did not receive a second and was lost.

Commissioner McIntee made a motion to table to the April 8, 2008 Commission meeting. Commissioner Silverstone seconded the motion.

Carola Lutta advised the Commission that they have worked a year and half to come into compliance. She said her company chose to build in Lauderdale by the Sea for its beauty. Ms. Lutta reminded the Commission that Buena Vista was a four star hotel and not a condominium.

Vice Mayor Yanni made a motion to approve with nine conditions. Mayor Parker seconded the motion.

Commissioner McIntee made Point of Order that he had made the motion to table prior to Vice Mayor Yanni's motion to approve.

In a roll call vote, the motion to table failed 2 - 3. Mayor Parker, Vice Mayor Yanni, and Mayor Pro Tem Clark voted no.

Mayor Parker read the nine conditions and asked the applicant if they agreed to the conditions. The applicant agreed.

Discussion continued regarding the height of the elevator shaft with Commissioner McIntee letting the people know that the 44 foot height limit had been disregarded. Mayor Parker disagreed.

In a roll call vote, the motion carried 3 - 2. Commissioner McIntee and Commissioner Silverstone voted no.

15. TOWN MANAGER REPORT

a. Agenda Format

Mayor Parker made a motion to table to the February 12, 2008 Commission meeting. Vice Mayor Yanni seconded the motion.

In a roll call vote, the motion carried 3 - 2. Commissioner McIntee voted no. Commissioner Silverstone voted no.

16. TOWN ATTORNEY REPORT

Attorney Cherof asked the Commission for direction regarding Wings Beachwear Dedication Agreement.

Mayor Parker requested it be the first item of business at the January 22, 2008 Commission meeting under Reports as Discussion and / or action.

Commissioner Silverstone made a motion to Adjourn.

The Motion to adjourn was removed as there were additional public speakers yet to be heard.

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

Roseann Minnet addressed the Comprehensive Plan and said one of her recommendations was to look at the overlay district as they were three years old. She applauded the Web Casting and asked for a Pavilion update.

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

Vice Mayor Yanni made a motion to adjourn. With no further business before the Commission, Mayor Parker adjourned the meeting at 11:48 p.m.



Mayor Oliver Parker

ATTEST:


Town Clerk, June White

1/22/08
Date