

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

Town Commission Meeting Room
**4501 Ocean Drive
Tuesday, February 19, 2008
7:00 p.m.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:06 p.m. Mayor Roseann Minnet, Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Clotley, and Town Attorney Mike Cirullo were present. Also present were Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION, TOWN CHAPLAIN

Reverend George Hunsaker gave the Invocation.

4. PRESENTATIONS

a. Employee of the Month - January 2008 (Assistant to the Town Manager Olinzock)

Manager Colon presented Employee of the Month to Staci DeNicolas, Parking Enforcement Officer, for her "no nonsense" parking enforcement and public service.

b. Broward Sheriff's Office Fire Rescue Employee of the Month - January, 2008 (Chief Sievers)

Chief Sievers recognized the Logistics Division for their support to the combat personnel.

5. REPORTS

a. Wings Dedication report - (approval of Wings Dedication Agreement - (Attorney Cherof) (Tabled from the January 22, 2008 Commission meeting)

Attorney Cirullo said the agreement is consistent with the development order and recommended approval.

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The Commission questioned storage of construction material, the use of the parking lot, and cost. Manager Colon advised that the existing parking lot would be used as a mobilization site as well as a storage site. She added that the Bougainvilla parking lot would not be used.

Mayor Minnet questioned the location of the dumpster and believed Wings should be responsible for maintaining it. Albert Levi said the plans showed that a new enclosure would be built in the back of the lot. Commissioner Clotey asked why Mr. Levi would give the property to the Town. Mr. Levi said he would not be able to open the location because he did not have the required parking spaces.

Commissioner Dodd made a motion to accept the Wings Dedication report. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Request from the January 8, 2008, Commission meeting for Oriana Permit progress (Development Services Director Rabinowitz)

Director Rabinowitz reported that the Oriana project was for eighteen months from the time of issuance of the development order. He said the town houses along the beach have been issued the Certificate of Occupancy but the three condo buildings have not, but should be sometime around October of 2008.

Commissioner Clotey questioned page 6, item #2 regarding the restrictions placed on the balcony. Rabinowitz stated that enclosure of the balconies was prohibited.

Commissioner Dodd did not like the idea that Oriana was using Town land to complete their project and did not feel Oriana had to tear up El Mar Drive so early. Director Rabinowitz said they would have to complete the repairs to the road prior to the issuance of the Certificate of Occupancy. He added that in the meantime, he will contact the Engineer.

Vice Mayor McIntee believed Code Enforcement should be investigating the concerns of people and of the Commission.

Manager Colon explained that the reason the beach access was open was because there was no entrance and exit at the Oriana project site. She believed that once the Certificate of Occupancy was issued, beach access would become the Town's beach access.

Mayor Minnet suggested Vice Mayor McIntee get together with Director Rabinowitz and come back at the next Commission meeting with a full report.

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- c. Finance and Budget End of Month Report - December 2007 (Town Manager Colon)

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

6. APPROVAL OF MINUTES

- a. January 22, 2008 Regular Meeting Minutes
- b. February 4, 2008 Special Meeting Minutes

Commissioner Silverstone made a motion to approve the minutes of January 22, 2008 and February 4, 2008. Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5 - 0.

7. PUBLIC COMMENTS

Manager Colon advised that policy on public comments was not to use names in a derogatory manner. She advised that a three minute time limit was allowed for each speaker and everyone, resident or non-resident, would be allowed to speak.

L. McGuinness said for forty years residents have paid sewer fees but Palm Club did not.

Joe Couriel looked forward to the future. He believed it was going to be very bright.

Reverend Jim Goldsmith, Pastor of the Community Church represented Sister Cities. He said they would like to continue to have one of the Commissioners represent the Town as part of that Organization.

Marvin Convissar was upset with the idea that an organization would turn over their property to the Town so that the Town could renovate it. He was also upset with the Town's agreement with Palm Court to put sewers up to A1A. Mr. Convissar believed it would be foolish for the Town to take their road.

Henry Overton, President of Palm Club request he be allowed to speak on the Palm Club issue later in the evening. Vice Mayor McIntee said he would call him at that time.

Beverly Kennedy talked about having a workshop regarding Zoning and Code Enforcement to have an input from the Community. She also suggested it was time for a uniform zip code. Ms. Kennedy believed the Commission should attend

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a workshop on the Sunshine Law offered by the Florida League of Cities. She believed a Volunteer Fire Fighter / Commissioner should abstain from voting.

Lisa Mitchell talked about the Sunshine Law and hoped this Commission would stand up and make a change. She supported the Volunteer Fire Department.

Frank Herrmann asked the Commission to remove the Overlay Districts and return the Volunteer Fire Department to Town.

Happy Vasil was upset with the traffic and dust created by the sidewalk project on Seagrape, and wanted to stop the traffic. She was in favor of roundabouts.

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

9. COMMISSIONER COMMENTS

A Point of Order was raised by Vice Mayor McIntee and granted by Mayor Minnet. Vice Mayor McIntee suggested an order of rotation from left to right, beginning with Commissioner Dodd at the current meeting, Vice Mayor McIntee next meeting and so on down the line. There were no objections.

Commissioner Dodd advised that the issues regarding the Overlay Districts and Term Limits were both on the February 26, 2008 Agenda.

Vice Mayor McIntee felt peace on the Dias. He believed this Dias was a peaceful and friendly Dias. He said backroom deals were no longer and everything would be on the table with five Commissioners listening to the people. Vice Mayor McIntee believed in supporting the employees. He said there was a massive turnaround in Town government.

Mayor Minnet asked the people to get involved in Town sponsored events. She believed that is what made the Town great. She said the fire safety issue must be resolved and placed a request on the February 26, 2008 Town Commission meeting for a workshop open to all.

Commissioner Clotney looked forward to the next four years. She said there were tough decisions to be made and believed the Commission's decision would not satisfy everyone. She said she requested an analysis of monies brought in and gone out since the Annexation of the North area.

Commissioner Silverstone believed the future of the Town was looking great, but it was only as good as the people. He talked about staffing the boards and committees. Commissioner Silverstone asked the people to get involved.

10. ORDINANCES (1st Reading)

11. CONSENT AGENDA

Items 11a 11d and 11c were pulled for discussion.

- a. Commission approval to change the date of Use of Jarvis Hall for North Beach Civic Association Annual Meeting from Monday, February 11, 2008 (Assistant to Town Manager Olinzock)**

Vice Mayor McIntee questioned the date change. Manager Colon explained the request was to change the date to Monday, March 10, 2008.

Mayor Minnet asked whether that type of change could be made administratively rather than come before the Commission since it was not a televised event. Manager Colon said that it would be up to the Commission to change the process.

Vice Mayor McIntee made a motion to accept Consent Item 11a. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Commission approval of Special Event Permit Application for LBTS Chamber of Commerce Event, "Taste of the Beach", Wednesday, February 27, 2008 (Assistant to Town Manager Olinzock)**

Commissioner Clotey questioned Paul Novak regarding the promotion of business to business, specifically outside business. Mr. Novak said if the Chamber did not try to get outside businesses they may not survive.

Mr. Novak announced that the location for the Taste of the Beach was in the parking lot of the Lauderdale Beachside Hotel. Manager Colon said metered parking was waived from 6:00 p.m. to 10:00 p.m. and parking will be allowed on the inside lanes of El Mar Drive and Pine Avenue to Palm Avenue.

Vice Mayor McIntee made a motion to approve the special permit. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. Award of Construction Contract to Tenex Enterprises, Inc. for the Town Entryway Project (Assistant to Town Manager Olinzock)**

Commissioner Silverstone questioned the vast difference in the bids submitted. Manager Colon believed the Pelican structure threw everyone for a loop and caused the big difference in the price.

Manager Colon said she would like to proceed with the flag pole containing the Town flag.

Commissioner Silverstone made a motion to accept with a flag pole containing the American flag on top and the Town flag secondary. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

For the record Manager Colon said the project was not only for concrete, but consisted of permitting irrigation, electrical and lighting, palm tree relocation and landscaping. She said it was a complete project. Commissioner Silverstone questioned the original cost for the Pelican idea. Manager Colon replied that the first quote was \$15,000 each.

12. RESOLUTION

13. OLD BUSINESS

- a. Palm Club Sewer Project (Tabled at the November 27, 2007 meeting - Commissioner McIntee)

Vice Mayor McIntee said Items 13a, 13b, and 13c were tabled by Mayor Parker.

Henry Overton, president of Palm Club explained the reason why sewers were brought to Palm Club. He said in April of 2005 the Commission voted unanimously to install sewer systems to the Palm Club. Mr. Overton said Palm Club residents pay taxes just like everyone else in Town. He believed it would be a mistake if the Town reversed their agreement.

Vice Mayor McIntee asked what assurances Palm Club would give the Commission that Palm Club would not sell to a Developer five years from now. Mr. Overton asked if the Commission was offering to put the sewers in if the residents of Palm Club promised not to sell. Vice Mayor McIntee said that the majority of people in the Town were against giving sewers to Palm Club. Mr. Overton stated that the Palm Club did not want the Town to pay for the paving of their streets when they do it themselves and said they only wanted sewer mains just like the other communities in Town.

Commissioner Silverstone wanted to see the comparables and wanted to know how he could walk into the Palm Club Community. Mr. Overton said there was a walk in gate that was open all the time. He referred to Burt J. Harris and wanted assurances that should the Town put in the sewers that Palm Club residents would not sell to a Developer unless the Town received some of the money they put into the sewers. Mr. Overton believed this was a free enterprise and believed one of their freedoms, the freedom to

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sell, was being denied. He said the Palm Club residents had no plans to build on the 100 foot lot on the ocean but the Town took away their right to have a lot.

Commissioner Dodd believed Sunset Lane was wrong and believed Burt J. Harris was a separate issue. He said if there were any constructive suggestions where the Town could help with the situation without infringing on legalities of using tax payer dollars, he would be glad to hear them. Mayor Minnet believed there must be further investigation to how the cost of the sewer project be allocated. She believed it was in the best interest of the Town to work with the Palm Club and move forward.

Commissioner Clotney believed that before Annexation, Palm Club paid \$250,000 per year to Broward County and in turn received police protection, beach cleaning, and other services. She added that was not excess tax dollars. Commissioner Clotney said the people of the North end of Town cannot expect the people of the South end of Town to pay for everything. Lengthy discussion followed.

Commissioner Dodd made a motion to direct Town Manager to explore excess revenues resulting from the Annexation agreement. Commissioner Clotney seconded the motion. Manager Colon requested that she present her report at the March 25, 2008 meeting. There were no objections. In a roll call vote, the motion carried 5 - 0.

- b. Discussion and/or action regarding a Special Assessment for Palm Club or, in the Alternative, deed the road to the Town (Tabled at the November 27, 2007 meeting - Commissioner McIntee)

There was no discussion on item 13b as it was satisfied in the previous item.

Vice Mayor McIntee made a motion to enter recess. Commissioner Dodd seconded the motion. Without objection, the Commission went into recess at 8:25 pm. and reconvened at 8:38 p.m.

- c. Discussion and/or action regarding the status of Town Planner (Requested at the December 11, 2007 meeting - Commissioner McIntee)

Manager Colon said Planner Keller would be completing his project and if his services were needed in the future, and he was competitive, he would be asked to submit his bid.

- d. Discussion and/or action on RFP for Fire Support and EMS for the Town of Lauderdale By The Sea (Manager Colon)

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Manager Colon advised that this item had been tabled by Commissioner Clark. She reported an Emergency Medical Services analysis based on the bids submitted by the Broward Sheriff's Office and American Medical Response, the only submissions that were responsive. She added that Fort Lauderdale and Pompano Beach had been contacted regarding their interest in providing fire services.

Lengthy discussion followed regarding safety, the current level of service, the level of training, insurance liability, response time, and ambulance service.

Manager Colon hoped to have a decision for a contract agreement by the first meeting in March and that the Commission would agree to schedule a workshop prior to making their decision. Vice Mayor McIntee suggested segregating the workshop into two areas; one on fire and one on the proposed contract for EMS. Manager Colon said she would put it on for the March meeting. Extensive discussion followed regarding the Volunteer Fire Fighters level of experience.

14. NEW BUSINESS

- a.** Approval of the following changes to Commission meeting dates due to Religious Holidays: Cancel April 22, 2008 (Passover April 20th thru April 27th); change June 10, 2008 (Shavuot) to June 11, 2008; and cancel August 12, 2008 and August 26, 2008 for Commission Recess (Clerk White)

Commissioner Silverstone made a motion to cancel the meeting of April 22, 2008; change the meeting of June 10, 2008 to June 11, 2008; and cancel the meetings of August 12, 2008 and August 26, 2008. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b.** Appointment of Town Representative to the Hillsboro Inlet Commission (Commissioner McIntee)

Commissioner Silverstone made a motion to send a letter to the Hillsboro Inlet Commission indicating Mayor Oliver Parker was removed from the Commission and Commissioner Stuart Dodd had been appointed to the Hillsboro Inlet Commission. Commissioner Clotey seconded the motion.

Discussion followed that explained the Hillsboro Inlet Commission job description and whether benefits were available.

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

- c.** Discussion and/or action of Town sponsored Events: Easter Egg Hunt, Easter Sunrise Service, 4th of July Activities (Commissioner McIntee)

Christie Furth gave an update regarding the Easter Events and explained the contests categories.

Commissioner Silverstone explained the Sunrise Service

Manager Colon announced that this item was on the February 26, 2008 Commission agenda for special events approval along with the Sunrise service.

Vice Mayor McIntee made a motion to accept Commissioners Dodd and Clotey to Co-Chair the 4th of July event. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

d. Designating Marc Furth as the official Town Photographer (Commissioner McIntee)

Vice Mayor McIntee made a motion to designate Marc Furth as the official Town Photographer. Commissioner Dodd seconded the motion.

Mayor Minnet was concerned about the Town's liability under the official title of Town Photographer. She asked Attorney Cirullo whether the photographs would become Town property and if Mr. Furth tripped and fell or dropped and broke his camera, would the Town be responsible. She also wanted to know if the Commission should send out a request to see if anyone else wanted to be the Town Photographer. Attorney Cirullo said he would need time to review all those issues. He suggested checking the limitations with the Insurance Company to determine what the coverage was for those type of issues. Vice Mayor McIntee asked for a vote on his motion. Discussion continued. Manager Colon said that Mark Furth had been the Town Photographer for the eight years but had not retained the official title. She added that he always gave the original photographs to the Town. Mayor Minnet said that she was concerned as to what the status of his official title brought to the Town. Mayor Minnet called for the vote on the motion.

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

e. Discussion and/or action of Lauderdale by the Sea - Volunteer Fire Department (Commissioner McIntee)

1. Broward Sheriff's to allow the Volunteers use of the fire house.

Vice Mayor McIntee advised the Volunteer Fire Department already returned to the Fire Hall.

2. Broward Sheriff's Office to return equipment to the Volunteer Fire Department for

training and drills.

Manager Colon stated she had a draft agreement from the Broward Sheriff's Office that was sent to the Town Attorney's Office for review. She said once the agreement is approved by the Town Attorney she will bring it before the Commission for approval and at that time the equipment will be turned over to the Town. Manager Colon said the Volunteers needed to get up and running and asked the Commission for a Workshop to discuss public safety. She said she spoke to the Chief regarding a transition budget and/or funding and a time frame to work together.

Vice Mayor McIntee asked if a budget was provided showing what would be needed for training purposes. Manager Colon said they provided a Transitional Budget of \$83,754. Vice Mayor McIntee asked if the Town had the money to give them to begin the training process. Manager Colon said it could come from the contingency budget without jeopardizing the fund but it would be the decision of the Commission whether to fund it at this time. Discussion followed regarding the budget.

Commissioner Clotey made a motion to approve the money requested by the Volunteer Fire Department. Commissioner Dodd seconded the motion.

Commissioner Silverstone believed the Volunteer Fire Department should be reimbursed from the Town. Manager Colon stated that a transitional agreement needed to be in place before turning over the money and recommended that the Volunteer Fire Department be treated the same as a professional contractor. She suggested giving Broward Sheriff's Office 1/12th and followed the same procedure with the Volunteer Fire Department.

Vice Mayor McIntee asked how much was paid to Broward Sheriff's Office Fire. Manager Colon said their annual contract for fire was over \$2 million.

Mayor Minnet believed the commission was being a bit premature and felt it was important to have an agreement in tact. She said it was imperative to have a workshop and listen to the people. Commissioner Silverstone said the people had spoken during the election.

In a roll call vote, the motion carried 2 - 1. Vice Mayor McIntee and Commissioner Silverstone recused from voting. Mayor Minnet voted no.

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- f.** Discussion and/or action regarding the Broward Urban Independent Fire District (Commissioner McIntee)

Commissioner Silverstone did some research and determined that other Cities had voted against the Broward Urban Independent Fire District.

Commissioner Silverstone made a motion to direct the Town Attorney to draft a Resolution opposing the Broward Urban Independent Fire District. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

15. TOWN MANAGER REPORT

- a.** Schedule a Workshop - Town Business

Manager Colon suggested a workshop to cover debt, administration, acquisition and sales of town property, public safety, the north beach analysis, and capital improvement as soon as possible. She suggested March 11, 2008, at 4:00 p.m.

Commissioner Silverstone made a motion to schedule a Workshop for March 11, 2008 at 4:00 p.m. to discuss debt management, land acquisition and / or sale of Town properties, capital improvement projects, public safety consisting of current and future services, and North Beach analysis. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

16. TOWN ATTORNEY REPORT

Attorney Cirullo announced the resignation of Attorney Cherof and asked the Commission to provide information or undertake process for appointment of an Interim Town Attorney and selection of a successor.

Commissioner Silverstone made a motion to request Town Manager to obtain Request for Proposals. Vice Mayor McIntee seconded the motion.

Vice Mayor McIntee questioned whether the firm would be available for the next couple of meetings. Attorney Cirullo said the firm would be available until the Commission appoints and Interim Attorney.

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

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

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

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Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:16 p.m.



Mayor Roseann Minnet



Town Clerk, June White



Date