

**TOWN OF LAUDERDALE-BY-THE-SEA**

**TOWN COMMISSION**

**REGULAR MEETING**

**MINUTES**

Town Commission Meeting Room

**4501 Ocean Drive**

**Tuesday, May 13, 2008**

**7:00 p.m.**

**May 13, 2008**

**1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Minnet called the meeting to order at 7:00 p.m. Mayor Roseann Minnet, Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotley was present. Also present were Town Manager Esther Colon, Town Attorney Daniel Abbott, and Town Clerk June White.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Reverend Hunsaker gave the Invocation.

**4. PRESENTATIONS**

**a. Adopt-A-Street Program (Mayor Minnet)**

Cari Kosher, representative for Broward Beautiful, gave a PowerPoint presentation. She reviewed the responsibilities of the Program Coordinator that included installing and maintaining signage along the roadways and litter removal. Ms. Kosher added that the Program Coordinator was also responsible for volunteer groups. She pointed out the annual Great American Cleanup event from March 1<sup>st</sup> through May 31<sup>st</sup>. Vice Mayor McIntee inquired as to whether prisoners could work with the Adopt a Street Program. Ms. Kosher said they do work with them at no cost to the Town. Commissioner Clotley asked if the beach would be included in the program. Ms. Kosher said it would not be in the Adopt a Street group but had heard of Adopt a Beach. She added that information would be forwarded once she made contact with that group.

**5. REPORTS**

**a. Finance Monthly Budget Report - March 2008 (Manager Colon)**

Commissioner Silverstone asked whether the Town was on target as far as tax revenue. Manager Colon said they were on target. Commissioner Silverstone inquired of the lost parking meter revenues as a result from Minto Construction and the El Prado parking lot. Manager Colon said she had spoken to Minto who said it was not feasible to give the Town any lost revenue due to the changes in their streetscape project.

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

**b. Development Services Monthly Report - March 2008 (Development Services Director Rabinowitz)**

Vice Mayor McIntee received an email from a citizen regarding a conversation between a police officer and Development Services Director Rabinowitz. Director Rabinowitz said the citizen was belligerent, hostile and irrational. He added that he felt intimidated and asked to have a deputy nearby.

Commissioner Clotey questioned the extent of the irrational behavior and whether Director Rabinowitz was physically threatened. She did not believe a police officer was necessary under the circumstances unless a physical threat was present. Manager Colon said three other employees also felt threatened and she heard the conversation herself. She did not feel that any employee should have to contend with that type of behavior. The Commission agreed that employees should be allowed police protection should they feel threatened.

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

**c. Municipal Services Monthly Report - March 2008 (Assistant to Town Manager Olinzock)**

Assistant to Town Manager Olinzock said the permit for the Jazz on the Square was about to expire and there was a 60 day window in which the item was to take place according to Ordinance. He added the item was on the agenda for the Commission to consider.

Dave Gadsby, owner of the Village Grill Restaurant said that in the past existing permits needed only be renewed by extension through the Commission. He was not aware of the current procedure.

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

- d. Broward County Sheriff's Office Monthly Report - March 2008 (Chief Gooding)

Chief Scott Gooding reported 6 bicycles had been stolen and recovered.

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

- e. Broward Sheriff's Office Fire Rescue Quarterly Report - January, February March, 2008 (Chief Sievers)

The Commission refused to accept the report. They questioned whether it was necessary for the Fire Chief to be present at the meeting in order to present their report. Attorney Abbott said he would have to review the contract to make that determination. Vice Mayor McIntee wanted the public to know the condition of the equipment, such as the batteries and the trucks that the Broward Sheriff's Office Fire returned to the Volunteer Fire Department. Commissioner Dodd wanted a full explanation of response time to fires. Commissioner Silverstone was disappointed with the lack of professionalism from the Broward County Sheriff's Office Fire. Mayor Minnet requested the Commission direct Manager Colon to request Chief Sievers to appear at the May 27, 2008.

- f. Volunteer Fire Department Transitional Report - March 2008 (Chief Perkins)

Chief Perkins stated that the average age group of the Volunteer Fire Department was 34 years. He reported that the first drill for the beach patrol was to start this week. Chief Perkins said there were 51 men and women currently training. Commissioners Clotey and Dodd asked if the Volunteer Fire Department could come back before September 1, 2008. Chief Perkins said they could be ready by August 1, 2008 if the Town needed them. Manager Colon said she was comfortable with the Volunteer Fire Department and said she would support the costs but reminded the Commission that the bid process had not yet been completed and the successful bidder would not be awarded until June, 2008.

Battalion Chief Pontu said most of the equipment had been returned by the Broward Sheriff's Office Fire but they were still waiting for them to return the FEMA equipment. He added that the Volunteer Fire Department did not expect the equipment would be returned in bad condition. Mayor Minnet asked whether there was a certified fire truck mechanic station in Town where the Fire Department normally brought their trucks. Manager Colon said that Broward Sheriff's Office had a fleet maintenance and Town staff was currently reviewing their maintenance logs.

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

**6. TOWN MANAGER**

**a. Public School Assignments**

Manager Colon explained that one of the Commissioners had inquired as to whether school assignments could be changed. She reported that 136 children attend public schools and it was the parents of those children that needed to contact the school. The Town could not do anything about the school assignments.

**b. Budget/Fire Assessment Workshops and Hearings**

Manager Colon pointed out that the tentative date for the Public Hearing of September 11, 2008 had to be changed to September 12, 2008 as per State Statute the Property Appraiser needed 20 days to deliver TRIM notices.

Manager Colon reviewed the remaining dates for the budget workshops and public hearings as tentatively scheduled on the distributed calendars. She requested Commission direction.

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

Manager Colon announced that a Hurricane Workshop / Fair will be held at Jarvis Hall on June 3, 2008 from 9:00 a.m. to 1:00 p.m. She said representatives from Red Cross, FEMA, and EOC will be in attendance as well as staff to answer questions.

**7. APPROVAL OF MINUTES**

There were no changes, deletions, or additions to the minutes.

**a. March 31, 2008 Workshop Minutes**

Commissioner Silverstone made a motion to approve the minutes of March 31, 2008. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

**b. April 8, 2008 Regular Meeting Minutes**

Commissioner Silverstone made a motion to approve the minutes of April 8, 2008. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

**c. April 16, 2008 Workshop Minutes**

Commissioner Silverstone made a motion to approve the minutes of April 16, 2008. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

**8. PUBLIC COMMENTS**

George Hunsaker was committed to diversity and had contacted others to arrange for their interest in doing the Invocation.

L. Peanuts Wick believed the Village Grill should have been given an extension. He wanted an explanation regarding spending money on banners and another review of the Jarvis Hall Ordinance.

Grant Smith wanted to speak during Item 15q. The Commission allowed it. Robert Fleishman said that services were promised to Terra Mar wondered whether the Town of Lauderdale by the Sea had bitten off more than they could chew. He was not in favor of AMR as the Town's Emergency Medical Provider.

Beverly Kennedy expressed her interest in a uniform zip code but was concerned that the Town would be giving up their safety and the town would separate.

L. McGinness was not in favor of the pricey banners, the cost of the Jarvis Hall patio enclosure, or putting sewer lines in Palm Club.

Vincent Ragusa handed in his resignation as Director of the Performing Arts Center.

Lisa Mitchell wanted Municipal Elections to be held in March. She felt that BSO response times were unprofessional. Ms. Mitchell asked the Commission to consider a recreation program for the kids.

Dr. Kenneth Most talked about the two Sister Cities Associations. He said San Pedro's new Mayor had not responded to the relationship with the Town, but Henley on the Thames was interested and the Association planned on visiting them in the near future. He appealed to Developers and restaurant owners to send delegates along as there was great potential there.

Gerri Ann Capotosto talked about energy, florescent lighting and energy efficient light. She introduced the entrance of lighting diodes that were free of mercury and turtle friendly.

Hank Overton, Palm Club president, addressed funding for the sewer project. He said the Palm Club was promised sewers and if the funds that were promised for the project were not used then the funds should either be placed in escrow or paid back against the loan and not used for another purpose. He said the annexation doubled the size of the Town and that they were promised qualified firefighters. Mr. Overton stated that if the Town continued to give lip service, then one day the Town would see a sign at A1A and Pine Avenue that said "Welcome to Pompano Beach". Mr. Overton said the Palm Club had sent a letter to the Commissioners

showing the concessions they were willing to make to get sewers installed at this time.

Chuck Gress liked the idea of the Jarvis Hall patio enclosure but not the cost. He believed it should wait until better times.

Tom Carr wanted El Prado opened. He said the Town lost parking and revenues. Mr. Carr wanted to see the roads finished and opened by May 27th.

Mayor Minnet recessed the meeting at 8:50 p.m. and reconvened at 9:00 p.m.

## 9. ORDINANCES

### I. Ordinances 1st reading

- a. **Ordinance 2008-10: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 5-34 OF THE CODE OF ORDINANCES, BEACH MAINTENANCE, TO EXTEND THE REQUIREMENT THAT BEACH EQUIPMENT BE REMOVED FROM THE BEACH EACH EVENING TO THE ENTIRE SHORELINE OF THE TOWN, AND TO ELIMINATE THE REQUIREMENT THAT THE LOCATION OF BEACH EQUIPMENT BE RESTRICTED TO SPECIFIED BEACH AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE**

Mayor Minnet opened public comments. L. Peanuts Wick did not like the idea that a hotel could not leave a swivel rocker on the beach at night. With no one else wishing to speak, Mayor Minnet closed the public comments. Commissioner Clotney said years ago the property owners on the beach were given a choice by the government to either sign away their rights to the beach or to pay a significant amount of money to have the beach in front of their property refurbished and be entitled to all the services. She said the people declined and let the beach fall to the government. Commissioner Clotney added that the property owners began roping areas off to keep others from entering their area. She added that a deal was made to allow use during the day but not to leave anything on the beach in the evening.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-10 on first reading. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

### II. Ordinances 2nd reading - "PUBLIC HEARING"

**10. COMMISSIONER COMMENTS**

Commissioner Dodd addressed the newspaper article that claimed he voted himself health insurance. He added that he received health insurance benefits through the Hillsboro Inlet Commission. Commissioner Dodd asked the attorney to look into the question of de-annexation, and whether the south can legally apply a special assessment to pay back the expense of the sewers spent in the north end of Town.

Vice Mayor McIntee requested Manager Colon to send a card to Marcella Christian, a 100 year old resident and long time member of the Garden Club. Vice Mayor McIntee talked about the needed improvements to Jarvis Hall, such as the lighting, electrical and seating. Vice Mayor McIntee accepted the resignation of the Director of the Center for Performing Arts, Vincent Ragusa. He asked the Town Manager to have a meeting with the Walk Around Committee to address their requests. He believed the 4<sup>th</sup> of July event would have an impressive turnout.

Mayor Minnet was in favor of the Volunteer Fire Department and AMR and she looked forward to moving forward. She welcomed Town Attorney Dan Abbott to the Town of Lauderdale by the Sea and thanked the various organizations for their support and Marc Furth for her recent photograph. She announced that Town Chaplain, Father Hanrahan had retired and returned to Boston. Mayor Minnet believed a unified zip code would bring the Town together.

Commissioner Clotley believed there was good opportunity to reduce the Town's debt and lower the millage rate. Commissioner Clotley said there was a going to be a referendum to remove school taxes from property tax bill and replace it with a 1% sales tax, but most likely would be 2%. She felt that everyone needed to look closely at that referendum before voting on it. Commissioner Clotley was surprised that Chuck Clark was in favor of de-annexation.

Commissioner Silverstone thought the LED light was a great idea and looked forward to seeing it on the May 27, 2008 agenda. Commissioner Silverstone said there have been some problems with the applications for special permits and requested placement on the May 27, 2008 agenda for discussion and or action concerning some problems associated with the applications. He addressed de-annexation and said he supported it, if that is what they wanted to do, but believed there was a misunderstanding by few.

**11. CONSENT AGENDA**

- a. Commission approval of Special Event application for the Memorial Day Beach Bash to be held on Monday, May 26, 2008 from 7:30 AM to 8:30 PM (Assistant to Town Manager Olinzock)

Item 11a and 11j were discussed concurrently.

Assistant to Town Manager Olinzock reviewed requirements for permitting alcohol at special events. He asked the Commission to consider compliance with the state division of alcohol and tobacco, enforcement of the open container ordinance, building permits for canopies, tents, and porta potties, and specific Fire Marshall requirements. Assistant Olinzock added that these items should also be considered for the Jazz on the Square event. Manager Colon said the state alcohol licenses for off property were not obtained, the permits were not pulled, and the inspections were not done. She added that the State would not give any private business a license on two concurrent weekends, or four weekends in a row, to sell liquor outside their business. Manager Colon said everyone had to follow State law and Fire Marshall law.

Guy Catrada, Aruba Beach Café, showed the permits he received. He said he could not get the canopy permit until the Commission approved the event. John explained that before the Town issued the permit for the Special Event, all of the permits from the building department needed to have been received and inspections needed to be done.

Vice Mayor McIntee made a motion to approve Aruba Beach Cafe special event application for the Memorial Day Beach Bash, pending proper licensing and permits. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

Dave Gadsby, Village Grill Restaurant, said that in the past, the special event application had been different and was not aware of the current questions and/or requirements. Commissioner Dodd inquired as to how often the Jazz on the Square would occur. Mr. Gadsby said it usually was every Friday. Commissioner Dodd believed there was a glitch in the noise ordinance and asked that the Ordinance be amended so that the music stopped at 10:00 p.m. and present it at the May 27, 2008 Commission meeting. Attorney Abbott said he would. Commissioner Dodd wanted proper instruction to the police as to what their duties were concerning traffic and people wandering with open containers. He also requested the music be lower out of consideration to those wishing to have conversation. Commissioner Clotey suggested Mr. Gadsby put up detour signs to direct traffic to hotels.

Vice Mayor McIntee made a motion to grant the special event application for the first Friday Night Jazz on the Square to be held on May 23, 2008. Commissioner Silverstone asked whether it was possible for the Town to lease out that property and as an option to hold the event every Friday. Commissioner Clotey asked whether Mr. Gadsby would close down if the State would not allow Jazz on the Square weekly. Mr. Gadsby said he would need to research it. Manager Colon indicated that Commissioner Dodd had instructed the Town Attorney to change the noise Ordinance from 9:30 p.m. to 10:00 p.m. Attorney Abbott said he would consult with staff.

Commissioner Dodd made a motion that special event times could be amended to supersede the actual ordinance time to 10:00 p.m. Vice Mayor

McIntee seconded the motion. Attorney Abbott confirmed that the Town could make an exception to the noise ordinance for Town sponsored events.

In a roll call vote, the motion to grant special event application for Jazz on the Square, May 23, 2008, carried 5-0.

In a roll call vote, the motion to amend special event times carried 5-0. Commissioner Silverstone seconded the motion.

- b. Commission approval for Engineering Services for the design, bidding assistance, and construction services for the repair of two sinkholes located at 272 Imperial Lane and at the intersection of West Tradewinds and Corsair Avenue; Chen and Associates \$11,588.00 (Assistant to Town Manager Olinzock)

Commissioner Silverstone asked whether \$11,588 was the cost just for the survey. Manager Colon said it was. Commissioner Dodd wanted routine inspections for sink holes, and a full maintenance plan for the gullies. Assistant to the Town Manager explained that the sink holes were caused by old sewer pipes that were collapsing and the Town did not have access to some properties in the north. Manager Colon said she had put out for quotes for a drainage atlas that would aid the Town in locating the outfalls on the properties. She hoped to have it ready for the May 27, 2008 agenda.

Commissioner Silverstone made a motion to approve Engineering Services for the design, bidding assistance, and construction services for the repair of two sinkholes located at 272 Imperial Lane and at the intersection of West Tradewinds and Corsair Avenue. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. Commission approval for Air Conditioning Installation Offsite; All Pro Air Conditioning and Refrigeration \$2,350.00 (Assistant to Town Manager Olinzock)

Commissioner Silverstone made a motion to approve air conditioning installation offsite by All Pro Air Conditioning and Refrigeration \$2,350.00. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d. Commission approval Requested for Hurricane Trailer; Trailers For Less \$4,900.00 (Assistant to Town Manager Olinzock)

Commissioner Silverstone made a motion to approve Hurricane Trailers for Less \$4,900.00. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- e. Commission approval for Landscape Maintenance Service Agreement - Gator Landscaping \$15,800 - Brookview Landscaping \$4,200 (Assistant to Town Manager Olinzock)

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Commissioner Silverstone made a motion to approve Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- f. Commission approval for replacing hurricane storm shutters located in Jarvis Hall; Keenan Window and Screen \$2,343.00 (Assistant to Town Manager Olinzock)

Commissioner Silverstone made a motion to approve Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- g. INTERLOCAL AGREEMENT: with Broward County providing for division and distribution of the proceeds of the Local Option Gas Tax imposed by the Broward County Local Option Gas Tax Ordinance (Manager Colon)

Items 11g, 11h, and 11i were explained by Manager Colon that the Interlocal Agreements were annual agreements for gas tax revenues, and were voted on concurrently.

Commissioner Silverstone made a motion to approve the Broward County Interlocal Agreements for Local Options Gas Tax Ordinance, the Local Options Gas Tax on Motor Fuel Ordinance, and the Local Options Gas Tax on Motor Fuel for Transit. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- h. INTERLOCAL AGREEMENT: with Broward County providing for division and distribution of the proceeds from the Broward County Additional Local Options Gas Tax on Motor Fuel Ordinance (Manager Colon)
- i. INTERLOCAL AGREEMENT: with Broward County providing for division and distribution of the proceeds from the Broward County Fifth Cent Additional Local Options Gas Tax on Motor Fuel for Transit (Manager Colon)
- j. Commission approval for Special Event Permit application for Village Grill's "Jazz on the Square" event, Friday evenings, 4:30 PM till 11:30 PM, May 26, 2008 thru May 15, 2009 (Assistant to Town Manager Olinzock)

**This item was discussed earlier with Consent item 11a**

- k. Commission approval requested for purchase of a Chipper/Shredder; Suncoast Trailers \$5,850.00 (Assistant to Town Manager Olinzock)

Commissioner Silverstone questioned whether this was going to be the Town's equipment. Manager Colon said the chipper was for the Town's daily use and during the hurricane season. She added it was the one recommended by Broward County for going green.

Commissioner Clotley made a motion to approve Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

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- l. Notification to the Commission to record lien authorized by the Special Magistrate as per State Statute 162; Case # 07-02-00357 for violation of code section 6-38 (Director of Development Services Rabinowitz)**

**Commissioner Silverstone made a motion to approve Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.**

- m. Purchase of mapping system, GIS training, and update service for consolidation of Town mapping and property data (Director of Development Services Rabinowitz)**

**Commissioner Silverstone questioned whether the Town was getting their own GIS system and Community Development Director Frank Rabinowitz said they were not. Director Rabinowitz indicated this was an update to a current program that would allow the Town to do the mapping. He added that the Town's current GIS system did not offer that ability.**

**Commissioner Silverstone made a motion to table until further information or other options can be obtained. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.**

- n. Commission approval request for Bracket and Banner purchase and installation on the Northern Part of Town (Assistant to Town Manager Olinzock)**

**Mayor Minnet asked how starfish was chosen for the banners and why the hyphens were not used in Lauderdale-By-The-Sea. Manager Colon assured Mayor Minnet that the hyphens will appear in future banners. Assistant to the Town Manager said staff looked for something unique and chose the starfish.**

**Commissioner Clotey requested staff look into using more flowers in Town as the Town of Lauderdale-By-The-Sea was the prettiest. Manager Colon said she would ask the Garden Club for their opinion as flowers do not hold up well.**

**Commissioner Dodd made a motion to approve Bracket and Banner purchase and installation on the Northern Part of Town. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.**

- o. Commission approval request for Beach Safety Patrol budget (Manager Colon)**

**Mayor Minnet asked whether the private beach, as well as the public beach, would be patrolled from Imperial Lane to Terra Mar. Chief Perkins said the entire beach would be patrolled. Mayor Minnet was concerned with liability. Attorney Abbott said the Town would be held liable for negligence. She asked about liability on a private beach and Attorney Abbott said that first the Town would need to obtain a right to access private property. Chief Perkins said that they would patrol high tide line with the ATV's and not at the sea wall. Commissioner Clotey suggested going back into the records some time during the 60's when the beach was refurbished and all the property**

owners signed off to the state. She believed the condos did not own the beach. Commissioner Silverstone thought there was a statute of limitations and after 20 years or so, would revert back. He requested Manager Colon look into that.

Commissioner Dodd made a motion to accept the Beach Safety Patrol budget. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 2 - 1. Mayor Minnet voted no. Vice Mayor McIntee and Commissioner Silverstone recused themselves from the vote.

- p. Commission approval to repair Pier Fishing Sign (Assistant to Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve repair to the pier fishing sign. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

## 12. RESOLUTION

- a. Resolution 2008-09: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO REQUEST THE UNITED STATES POSTAL SERVICE TO DESIGNATE THE TOWN OF LAUDERDALE-BY-THE-SEA AS THE DEFAULT CITY FOR ZIP CODE PURPOSES FOR ZIP CODES WITHIN THE TOWN OF LAUDERDALE-BY-THE-SEA; ALTERNATIVELY, REQUESTING THAT THE ENTIRE TOWN OF LAUDERDALE-BY-THE-SEA BE ASSIGNED TO THE SAME DEFAULT ZIP CODE; DIRECTING TOWN ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO MEMBERS OF THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES WHO REPRESENT THE TOWN OF LAUDERDALE-BY-THE-SEA, THE TOWN'S STATE LEGISLATIVE REPRESENTATIVES, THE POSTMASTER GENERAL FOR THE UNITED STATES POSTAL SERVICE, AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public portion of the meeting.

Commissioner Silverstone made a motion to adopt Resolution 2008-09. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

- b. Resolution 2008-10: A RESOLUTION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA APPROVING PARTICIPATION IN THE BROWARD COUNTY ADOPT-A-STREET PROGRAM, AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Minnet opened the meeting for public comments. With no one wishing to

speaking, Mayor Minnet closed the public portion of the meeting.

Commissioner Silverstone made a motion to adopt Resolution 2008-09. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- c. Resolution 2008-11: A RESOLUTION EXPRESSING THE OPPOSITION OF THE TOWN OF LAUDERDALE BY THE SEA, BROWARD COUNTY, TO THE ADOPTION OF HOUSE BILL 991, AND COMPANION SENATE BILL 2276, PURPORTEDLY CREATING THE "VOICE OF THE PEOPLE ACT"; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Mayor Minnet opened the meeting for public comments. With no one wishing to speak, Mayor Minnet closed the public portion of the meeting.

Commissioner Dodd made a motion to adopt Resolution 2008-09. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

### 13. OLD BUSINESS

- a. Commission Approval of Agreement for Special Magistrate Services - Gordon B. Linn, Esquire (Manager Colon)

Commissioner Silverstone made a motion to approve the agreement for Special Magistrate Services with Gordon B. Linn, Esquire. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5-0.

- b. Award of Construction Contract to MBR Construction in the amount of \$404,511.16 for the construction of Jarvis Hall Patio Enclosure, RFP # 08-03-01 - Tabled at the 4/8/08 Commission meeting by Commissioner Dodd (Assistant to the Town Manager Olinzock)

This item failed for lack of a motion.

Vice Mayor McIntee said the Town could save approximately \$400,000. He wanted to place this on the May 27, 2008 agenda for discussion regarding cosmetic improvement to Jarvis Hall including the purchase of chairs.

### 14. PUBLIC HEARINGS

- a. "PUBLIC HEARING" - QUASI JUDICIAL: Variance for 1907 SE 19th Street to allow construction of an accessory structure (Tiki Hut) 7 feet from principal building rather than required 10 feet (Development Services Director Rabinowitz)

Attorney Abbott swore in those wishing to give testimony on this matter.

James Eskew explained that the lot was configured differently and he needed to

build the Tiki Hut closer to the building. Mr. Eskew requested the Commission grant a variance to build the Tiki Hut 7 feet from the building rather than 10 feet required by Code.

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

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

**15. NEW BUSINESS**

**a. Discussion and/or action reinstating the March Election (Vice Mayor McIntee)**

Attorney Abbott explained that an Ordinance to repeal Ordinance 2007-03 was necessary to keep the Municipal Elections in March.

Vice Mayor McIntee made a motion to direct the Town Attorney to draft an Ordinance to rescind Ordinance 2007-03 for first reading on May 27, 2008. Attorney Abbott said the Commission could move the Ordinance on first reading at the current meeting and hear the second reading at the May 27, 2008 Commission meeting. Vice Mayor McIntee changed his motion to move the Ordinance first reading to rescind Ordinance 2007-03 changing the Election from January back to March. Commissioner Clotey seconded the motion.

Mayor Minnet opened the meeting for public comment. With no one wishing to speak, Mayor Minnet closed the public comment portion.

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

**b. Discussion and/or action to appoint a one (1) member and two (2) alternates to the Board of Adjustment (Clerk White)**

Commissioner Dodd made a motion to appoint Kenneth Mikos as the first member to the Board of Adjustment. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee made a motion to appoint Carol Dickman as the first alternate to the Board of Adjustment. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

Mayor Minnet made a motion to appoint Charles Greis as the 2nd alternate to the Board of Adjustment. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

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- c.** Discussion and/or action to appoint a 1st and 2nd alternate to the Master Plan Steering Committee (Clerk White)

**Commissioner Clotey made a motion to appoint Robert Eckblad as the first alternate to the Master Plan Steering Committee. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.**

**There were no other applicants for the 2nd alternate to the Master Plan Steering Committee. Commissioner Dodd suggested advertising on Channel 78 and in the Town Topics. Manager Colon said it already was. Mayor Minnet placed this item on the May 27, 2008 Commission meeting.**

- d.** Discussion and/or action to appoint one regular member to the Walk Around Committee (Clerk White)

**Vice Mayor McIntee made a motion to appoint Robert Dickman as a regular member to the Walk Around Committee Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.**

- e.** Discussion and/or action regarding Commission appointment of Chair and Co-Chair to the Walk Around Committee and the Master Plan Steering Committee (Vice Mayor McIntee)

**Vice Mayor McIntee made a motion to appoint Robert Dickman as the Chair to the Walk Around Committee. Vice Mayor withdrew his nomination of Robert Dickman and appointed Shirley Russotti. Commissioner Clotey had no objection. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.**

**Mayor Minnet made a motion to appoint Robert Dickman as the Co-Chair to the Walk Around Committee. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.**

**Commissioner Clotey made a motion to appoint Joe Guerrero as Chair person to the Master Plan Steering Committee. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.**

**Commissioner Silverstone made a motion to appoint Paul Novak as the Co-Chair to the Master Plan Steering Committee. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.**

**Vice Mayor McIntee made a motion to extend the meeting to 11:30 p.m. Commissioner Silverstone seconded the motion.**

- f.** Discussion and/or action regarding resident's year-round parking pass (Mayor Minnet)

**Mayor Minnet wanted to discuss the possibility of giving Town residents a year**

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round parking pass. Commissioner Dodd was in favor of giving residents a 2 hour parking pass as the bags on the meters created problems. He said he wanted to know the cost prior to initiating passes and believed a workshop was necessary to discuss the issue. Commissioner Clotey agreed.

Commissioner Dodd made a motion to schedule a workshop on parking to discuss parking in the Town of Lauderdale-By-The-Sea.

Commissioner Dodd amended his motion to hold a workshop on parking between 6:00 p.m. and 7:00 p.m. on May 27, 2008. In a roll call vote, the motion carried 5-0.

- g.** Discussion and/or action regarding BSO response times (Commissioner Dodd)

Commissioner Dodd tabled this item to the May 27, 2008 Commission meeting for the attendance of Broward Sheriff's Office Fire Chief Sievers.

- h.** Discussion and/or action regarding Community Performing Arts Contractual agreement (Vice Mayor McIntee)

The Commission accepted the resignation of Vincent Ragusa, Director of the Community Performing Arts.

- i.** Discussion and/or action regarding creating an Ordinance to grandfather existing non-conforming structures (Vice Mayor McIntee)

Vice Mayor McIntee stated that the north part of Town did not have the same restrictions that the south part of Town had. Manager Colon explained that if the structure was permitted prior to annexation, it would automatically be grandfathered. She added that the problem occurred when construction was not permitted prior to annexation. Attorney Abbott agreed that lawful conforming buildings could remain in effect even if zoning ordinances were changed.

Attorney Abbott said he would research whether an Ordinance could be created to recognize the grandfathering of unlawful structures.

- j.** Discussion and/or action regarding automatic placement of all Board, Organization or Civic Association meetings on "Sunshine Notice Board" affording the Commissioners and Mayor the opportunity to speak without breaking the law and new condition to the use of Jarvis Hall (Commissioner Dodd)

Commissioner Dodd requested notice on the calendar to allow the Commissioners and Mayor to speak during other meetings under the Sunshine Law. He requested, as per Sunshine Law, a short description of the meeting be drafted and handed to the Town Clerk for record keeping. Attorney Abbott clarified that there were two requirements to meet the Sunshine Law: 1) post reasonable notice on the Sunshine Board and 2) rough minutes be taken and delivered to the Clerk.

Sunshine Law: 1) post reasonable notice on the Sunshine Board and 2) rough minutes be taken and delivered to the Clerk.

Commissioner Dodd and Vice Mayor McIntee made a motion for automatic placement of all Board, Organization or Civic Association meetings on "Sunshine Notice Board" to allow the Commissioners and Mayor the opportunity to speak and for rough minutes to be taken at the meetings and handed to the Clerk for record keeping. In a roll call vote, the motion carried 5-0.

- k. Discussion and/or action regarding funding of the Chamber of Commerce (Commissioner Dodd)

Commissioner Dodd had a conference with the Chamber of Commerce and was currently waiting for additional information.

Commissioner Dodd made a motion to table to the May 27, 2008 Commission meeting. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

- l. Commission approval of the televising of the meeting of the Property Owners Association to be held on May 14, 2008, 6:45 PM to 9:00 PM (Assistant to Town Manager Olinzock)

Vice Mayor McIntee stated that it had been previously determined that no organization could televise a political agenda except those invited specifically by the Town.

The item failed for lack of a motion.

- m. Appointment by Town Commission of a Town Elected Official for Voting Membership and an Alternate to the Broward County Metropolitan Planning Organization (Assistant to Town Manager)

Vice Mayor McIntee made a motion to nominate Birute Ann Clotley as the Town Elected Official for voting membership to the Broward County Metropolitan Planning Organization. Commissioner Clotley accepted. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee made a motion to nominated Commissioner Silverstone as the Alternate member to the Broward County Metropolitan Planning Organization. Commissioner Silverstone accepted. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- n. Discussion and/or action regarding funds for the Palm Club Sewer Project (Mayor Minnet)

Mayor Minnet passed the gavel to Vice Mayor McIntee. Mayor Minnet believed it was important to bring unity to the Town. She stated that one can not buy their way in a unified town. Mayor Minnet said everyone benefited when they paid less taxes. She suggested that could happen if the \$3.4 million dollars, borrowed to fund the Palm Club sewer project, was used to pay down Town debt.

Mayor Minnet made a motion that if the Town did not move forward with the Palm Club sewer project, the \$3.4 million should be used to reduce Town debt. Commissioner Clotey seconded the motion.

Discussion followed regarding fiscal responsibilities, prepayment penalties, and the cost of a future loan. Vice Mayor McIntee was not in favor of using all the money to pay down debt and was against forcing the Town Manager to do things without thinking it through and getting her input. Lengthy discussion followed.

In a roll call vote the motion to use funds from the sewer project to reduce Town debt, failed 4-1 with the Vice Mayor and Commissioners voting "no".

Commissioner Dodd made a motion to table this item indefinitely. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-1. Mayor Minnet voted "no." This item was tabled indefinitely.

- o. Commission approval of the use of Jarvis Hall by the Property Owners Association for Informational Meeting to be held on July 9, 2008, 6:30 PM to 9:00 PM. Requesting televising and waiving of the associated fee (Assistant to the Town Manager Olinzock)

Commissioner Dodd was against televising. He preferred the Property Owners Association schedule their meeting on alternate Wednesdays or some other day, so that their meetings do not follow Commission meetings. Commissioner Dodd believed the \$100 fee should be waived as they are a Civic Organization. Manager Colon stated that with the waiver of the \$100 fee, Town staff would not set up for, or clean up after the events and that the kitchen would be closed.

Marilyn Carr inquired about access to the kitchen. Manager Colon stated that the kitchen would be closed as the Property Owners Association indicated they had no use for the kitchen when the application was submitted, and they did not pay for the use.

This item died for lack of a motion.

- p. Commission approval of the use of Jarvis Hall by the Property Owners Association for Informational Meetings and Oktoberfest Party. Requesting televising and waiving of the associated fee for meetings as indicated (Assistant to the Town Manager Olinzock)

Assistant to the Town Manager Olinzock stated that he encouraged all organizations to enter one event per page so that there are no misunderstandings as to what is requested for each event. He indicated this application had 5 events listed on one page.

Vice Mayor McIntee objected to Organizations reserving Jarvis Hall more than 3 months in advance. He felt it was unfair to the entire community. Mr. Selastino explained that the request for Ocktoberfest 3 months in advance was to allow time to hire entertainment.

Manager Colon asked the Commission if they could reconsider on the Octoberfest and get back to the Property Owners Association on the informational meetings. Vice Mayor McIntee said he would this time, but in the future he wanted requests within a 3 month period.

Marilyn Carr thought the Town wanted the agenda from Property Owners Association a year ahead for events such as the Flower Show and Octoberfest. Vice Mayor McIntee agreed with Ms. Carr, but indicated the problem lied with the 5 different events listed on one sheet. Vice Mayor McIntee withdrew his objection.

Mayor Minnet stated that the Property Owners Association could move forward with Octoberfest. There were no objections.

**q.** Discussion and/or action regarding 235 Hibiscus (Vice Mayor McIntee)

Vice Mayor McIntee invited the developers to speak on thier behalf as was requested and reminded them that the Overlay District no longer existed.

Grant Smith, represented Chuck Bradford, owner and developer. Mr. Smith requested a site plan extension and explained that Mr. Bradford had spent hundreds of dollars in preparation of the development.

Commissioner Dodd wanted to know the difference in the building structure before the Overlay District was created and when the Overlay District existing.

Gus Carbonel said when the overlay district was created it allowed some relief in the zoning to allow these type of projects to be developed such as the set back area in the front for encroachment, the balcony encroachment, and back out parking.

Mayor Minnet said it was unfortunate that this project could not move forward.

**16.** TOWN ATTORNEY REPORT

**17.** FUTURE AGENDA ITEMS

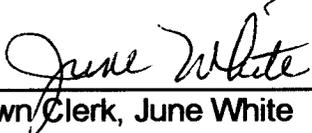
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18. ADJOURNMENT

Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 12:02 a.m.

  
\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

  
\_\_\_\_\_  
Town Clerk, June White

  
\_\_\_\_\_  
Date

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SILVERSTONE, JAMES JUDE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CBTS TOWN COMMISSION
MAILING ADDRESS 4501 N. OCEAN DR. BROWARD	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Lauder Lake - By - The - Sea	NAME OF POLITICAL SUBDIVISION: TOWN
DATE ON WHICH VOTE OCCURRED 5/13/08	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, JAMES J. SILVERSTONE, hereby disclose that on MAY 13<sup>th</sup>, 2008:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

VOTE ON THE BUDGET TO THE CAVERDASH-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT BEACH RESCUE SERVICE TO WHICH I'M A MEMBER OF.

5/20/08  
Date Filed

James J. Silverstone  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>McIntee, Jerry</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CBTS TOWN Commission</b>
MAILING ADDRESS <b>4501 N. Ocean Drive Broward</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <b>Lauderdale by The Sea</b>	NAME OF POLITICAL SUBDIVISION: <b>TOWN</b>
DATE ON WHICH VOTE OCCURRED <b>5/13/08</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

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A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, JEROME S MONTES, hereby disclose that on 13 MAY, 2008:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM A MEMBER OF THE LRTS VOLUNTEER FIRE DEPARTMENTS, AND THE VOTE WAS TO SPEND TOWN MONEY TO BUY LOTS VED EQUIPMENT

5/22/08  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.