

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, May 27, 2008

7:00 p.m.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. PRESENTATIONS

Mayor Minnet requested Item 15f be tabled to next meeting. She added that the representative for the Calypso Project was not able to attend the current meeting. Commissioner Clotey made a motion to table to the June 11, 2008 meeting. The motion failed for lack of 2nd.

Vice Mayor McIntee made a motion to consider New Business Item 15o directly after Item 4a, presentation of fire services. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

a. Presentation of RFP 08-04-03 - Fire Services

Chief Perkins gave a PowerPoint presentation and presented an overview of services proposed such as fire suppression and incident mitigation, beach patrol, and fire prevention. Chief Perkins reviewed their budget and the goals of the Volunteer Fire Department.

Commissioner Clotey heard that the Volunteer Fire Department received a gift from another fire department. Chief Perkins said they received bunker

equipment from a fire department in New York. One of the Volunteers displayed the gear.

Commissioner Silverstone noted for the record that he had not seen the equipment prior to the display. Chief Perkins said that was true. Commissioner Silverstone recognized the multiple members of the Volunteer Fire Department that were present at the meeting.

Vice Mayor McIntee asked Chief Perkins whether he had seen any part of the RFP prior to the meeting. Chief Perkins said he did not. Vice Mayor McIntee asked whether the Volunteer Fire Department needed money for a fire truck. Chief Perkins said they did and supporters were to pay for the truck.

Commissioner Dodd asked Chief Sievers whether he was 100% behind the VFD. Chief Sievers said he was fully prepared to assist the Town during hurricane season. Chief Perkins said he would, at the Town Manager's direction, assist people with boarding up their homes.

Mayor Minnet questioned response time for emergency calls at 95% of the time. Chief Perkins said it would be an acting chief within 7 minutes and a firefighter within 9 minutes. Chief Sievers indicated response times were for fires and averaged 3 minutes and 43 seconds for the current year.

Mayor Minnet questioned the inconsistency of beach patrol. Attorney Abbott said the key was to make sure residents and visitors knew what was, and was not available. Mayor Minnet asked about the housing of the vehicle. Chief Perkins hoped there would be four trucks in the Town of Lauderdale-By-The-Sea, and in case of a hurricane the Volunteer Fire Department would get instruction from the Town Manager as to where they would go. He indicated that for now, the trucks would be stationed at Holy Cross Hospital. Mayor Minnet questioned incentives. Chief Perkins said a volunteer was paid \$25 per call. Mayor Minnet questioned why there were no expiration dates. Battalion Chief Pontu said there were no expiration dates for firefighter 1 or firefighter 2. Vice Mayor McIntee noted that a Broward Firefighter broke down to approximately \$450 a call compared to the \$25 a day a VF received.

Commissioner Clotey asked what the BSO Firefighter's response time was per their contract. Chief Sievers said they were not noted in the contract. Vice Mayor McIntee was not pleased with his reply. Commissioner Silverstone asked if there were any response times in BSO Fire contract. Chief Sievers said there were. Manager Colon said most agreements required a target response.

Vice Mayor McIntee wanted to vote on the RFP at this time since there were no other RFP's to consider. Mayor Minnet said the award for fire services was on the June 11, 2008 agenda. Attorney Abbott said that unless there was a local regulation, it would be legal to entertain a motion. Commissioner Clotey preferred the Commission not to rush into a vote. Vice Mayor McIntee agreed and requested the Town Manager begin the necessary steps. Commissioner Clotey agreed. Manager Colon requested approval to speak with Chief Gooding regarding CAD communications. There were no objections.

Commissioner Dodd made a motion to direct Manager Colon to begin negotiations for the CAD and automatic aid and mutual aid. Vice Mayor McIntee and Commissioner Silverstone recused themselves from voting on this item.

Item 15o - Public Safety: Accusation that the public safety AMR contract was illegally influenced by Vice Mayor McIntee. Vice Mayor McIntee read a By The Sea Future newspaper article that he believed to be untruthful and accused him of several felonies. He denied any contact with Judy Stern regarding AMR and / or any contact with Mr. McGuinness regarding the offshore port. He asked Mr. Brown to explain his article. Mr. Brown stated that if he was to be sued he would not discuss his article at a public hearing.

Vice Mayor McIntee requested a motion to direct Attorney Abbott to make a complete investigation and take sworn statements from AMR and Suez as well as his own statement. Commissioner Clotey inquired of a conversation between Mayor Minnet and Judy Stern. Mayor Minnet replied that she did not remember being introduced to Judy Stern in Tallahassee and if she had, she did not talk with her about anything.

Commissioner Dodd made the motion to direct Attorney Abbott to investigate allegations by the By The Sea Future. Commissioner Clotey seconded the motion. Commissioner Silverstone said he would defend anyone against lies. In a roll call vote, the motion carried 5-0.

5. REPORTS

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

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

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

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

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

Commissioner Clotley received calls asking when parking was going to become available on the Minto Project. Manager Colon said Minto Corporation had 6 weeks to come into compliance with FPL.

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

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

Vice Mayor McIntee asked for an update on the BSO training. Chief Gooding said 60% was trained by choice.

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

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

Chief Sievers explained that the quarterly report contained the basics as it was a very time consuming report and the Town no longer paid for a Chief. Brief discussion continued as to whether Chief Sievers would attend future Commission meetings. Chief Sievers said he would not and was unable to send anyone else.

Commissioner Clotley made a motion to accept the report. Commissioner Dodd believed the report was meaningless. Commissioner Clotley withdrew her motion.

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

Commissioner Dodd made a motion to accept the report. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 3 - 0. Vice Mayor McIntee and Commissioner Silverstone recused themselves from voting on this item.

Manager Colon advised that there were no bids received for the ATV's. She requested permission to revisit quotes received for police ATV's and obtain quotes for vendors in house. Mayor Minnet directed Manager Colon to go forward.

6. TOWN MANAGER REPORT

a. Current Capital Projects

Manager Colon referred to the 2 change orders she received for the Bel Air \$138,654.11 and Sunset \$16,687 projects. She requested approval to amend the agreement to complete and close out the projects. Vice Mayor McIntee made a motion to Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5-0.

b. Capital Balances

Manager Colon advised there was a pending change order due to an irrigation issue with the Washingtonia sidewalk. She said due to the design change to the Seagrape sidewalk some irrigation components were removed. She said if the irrigation was to be put back an estimated change order would come from Planner Keller for the additional cost.

Commissioner Clotney requested an update on the reef project and the beach pavilion. Manager Colon said she spoke with Mark Furth, who spoke with representatives for Global, who expected the project would be completed before September or the fiscal year. She added that the Pavilion was out for bid and the Town should be opening bids within a month.

Commissioner Silverstone asked whether the \$2.3 million represented the amount budgeted for the projects. Manager Colon confirmed there was approximately \$50,000 in reserve and did not include the beach pavilion. She added that the general fund would pay for the pavilion.

c. Sea Colony Project - Status

Manager Colon explained that the Sea Colony project obtained their application prior to the height referendum and has been on hold at the direction of the Commission. She requested Commission direction to contact Sea Colon as to whether the project should go forward.

Vice Mayor McIntee made a motion to direct Manager Colon to contact Sea Colony, advise them of Commission support, and determine whether they want to move forward. Commissioner Silverstone seconded the motion.

Commissioner Clotney wanted assurance that after the building was built a large fire truck would be able to pull up next to it. Vice Mayor McIntee added that the Sea Colony agreed to give beach access to the north end of Town. Commissioner Silverstone asked whether it was up to Sea Colony to present something to the Town of Lauderdale-By-The-Sea according to

the court's decision. Attorney Abbott said he would do the research. Manager Colon said that Sea Colony was one of the claimants in the Burt J. Harris claim. She asked whether that would change anything. Attorney Abbott said it could if the value of the property decreased due to the height limitation.

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

d. Replacement of VFD Hurricane Trailer Supplies

Manager Colon requested approval to buy and replenish hurricane trailer supplies.

Vice Mayor McIntee made a motion to allow the replacement of VFD Hurricane Trailer Supplies. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

7. APPROVAL OF MINUTES

a. May 13, 2008 Regular Meeting Minutes

Mayor Minnet requested the following corrections/changes; 1) on page 5 Mr. Overton may have been more passionate than threatening in his comments; 2) on page 12, item 11o Vice Mayor McIntee and Commissioner Silverstone recused themselves from voting Beach Safety Patrol budget; 3) on page 18, item 15n (palm club) the vote regarding funds for the Palm Club Sewer Project was 4-1 and not 5-0.

Vice Mayor McIntee made a motion to approve the minutes of May 13, 2008 with corrections. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5-0.

Mayor Minnet recessed the meeting at 8:55 p.m. and reconvened at 9:10 p.m.

8. PUBLIC COMMENTS

Maria Chiarello insisted that forms were submitted by the Property Owners Association in a timely manner and that they had requested use of kitchen.

L. Peanuts Wick was in favor of "Meet your Commissioner", establishing a local Government Academy, an off shore deep water port, and the use of LED lighting.

Diane Boutin requested replacement of signs stating "do not feed the birds, the pigeons, and wildlife". She pointed out that septic tanks were becoming obsolete.

Maureen McIntee was not pleased with the nine (9) lies written in the newspaper. She said Vice Mayor McIntee and Commissioner Dodd did not receive one dime in benefits.

Joyce Murray said that televised public meetings should not include discussion regarding employee performance. She was opposed to the Calypso Project.

Frank Herrmann wanted to hear both sides regarding the Calypso Project.

Bob Fleishman referred to a California article regarding a strike by American Medical Response (AMR) with approximately 300 strikers nationwide. He wanted to know what would stop AMR from striking here.

Larry Mc Guinness was against a deep water port.

Arthur Franczak did not think it was fair to remove the signup sheet prior to the start of the meeting.

Lisa Mitchell asked to have someone speak in her place. Her request was denied. Ms. Mitchell had no comment.

9. ORDINANCES - "PUBLIC HEARING"

i. Ordinances 1st reading

- a. **Ordinance 2008-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 20-16 OF THE CODE OF ORDINANCES, TO ELIMINATE THE REQUIREMENT THAT PROPERTIES HELD UNDER A COOPERATIVE FORM OF OWNERSHIP CONNECT TO THE SANITARY SEWER SYSTEM; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

Mayor Minnet read Ordinance 2003-13 on first reading by tile only.

Mayor Minnet opened the meeting for public comments. Diane Boutin thought that to eliminate the requirements to connect to the sewer system was ludicrous.

John Thompson was unable to find the Statute that required all septic systems be replaced by a certain time.

Vice Mayor McIntee said that the change was for Palm Clubs benefit. He added that if the Ordinance was not amended then Palm Club would be forced to hook up to their own sewers.

Discussion followed regarding a State Statute that allowed municipalities to hook up to sewer systems but did not require it.

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

Commissioner Clotley made a motion to adopt Ordinance 2008-13 on first reading. Commissioner Dodd seconded the motion. Commissioner Silverstone wanted to study the State Statute further and look into State and County hook up requirements. Vice Mayor McIntee suggested tabling while Commissioner Dodd questioned whether the Ordinance could be corrected on second reading if necessary. Attorney Abbott said it could.

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

- b. **Ordinance 2008-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 17-114 OF THE CODE OF ORDINANCES, TO ALLOW, IN THE DISCRETION OF THE TOWN COMMISSION, THE PLAYING OF LIVE OR RECORDED MUSIC UNTIL 10:00 P.M. AT PERMITTED SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Requested at the May 13, 2008 Commission meeting - Commissioner Dodd)**

Mayor Minnet read Ordinance 2004-14 by title.

Mayor Minnet opened the meeting for public comments. Diane Boutin was not happy with stopping music at 10:00 p.m. With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-14 on first reading. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. **Ordinance 2008-15: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REPEALING CHAPTER 21, ARTICLE III OF THE CODE OF ORDINANCES ENTITLED "COCONUT REMOVAL REQUIRED", PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (for discussion and/or action - Commissioner Dodd)**

Mayor Minnet read Ordinance 2004-15 by title.

Mayor Minnet opened the meeting for public comments.

Commissioner Dodd explained he placed this on the agenda because he believed it was a hardship on the people. Discussion followed.

Ron Piersante explained that someone came by every year to cut the coconuts at the Chamber of Commerce and recently two coconuts had fallen and one fell on a car.

Mark Fleishman said coconuts caused serious injuries.

Maria Chiarello wanted to know if the Town would be responsible if something should happen.

Mr. Franschsez did not believe there should be a law, but that people should not stand or sleep under a coconut tree.

Commissioner Clotey inquired as to the liability due to fallen coconuts. Attorney Abbott said that the landowner was responsible for liability and if on Town property, the Town would be responsible. Commissioner Dodd indicated that the Ordinance on the books was intended to have people care for their properties and not to strip trees of coconuts.

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

Commissioner Dodd made a motion to adopt Ordinance 2008-15 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

ii. Ordinances 2nd reading

- a. **Ordinance 2008-01: 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 FOR AN EFFECTIVE DATE (Approved 1st reading January 8, 2008)**

Mayor Minnet read Ordinance 2008-01 by title.

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

Developer Rabinowitz explained that Planner Keller had requested the Commission table this item to July 8, 2008.

Vice Mayor McIntee made a motion to table to July 8, 2008. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. **Ordinance 2008-11: 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 (Approved 1st reading May 13, 2008)**

Mayor Minnet read Ordinance 2008-11 by title.

Mayor Minnet opened the meeting for public comments. Ken Flackman asked the Commission to adjust the ordinance to allow the Lauderdale Beach Hotel, Hojos, to set up 8 cabanas 40 feet off the storm wall. He added that he was aware that the turtles can nest undisturbed, as they are no more than 50 feet from the high tide water line.

L. Peanuts wick thought if someone spoke during public comments they could not speak during ordinances also.

Commissioner Silverstone wanted a clear definition of shore line.

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

Vice Mayor McIntee made a motion to table Ordinance 2008-11 to the September 12, 2008 Commission meeting. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. **Ordinance 2008-12: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REPEALING ORDINANCE NO. 2007-03 WHICH WOULD HAVE CHANGED, SUBJECT TO APPROVAL BY REFERENDUM, THE DATE OF MUNICIPAL ELECTIONS FROM THE SECOND TUESDAY IN MARCH TO A DATE CERTAIN IN NOVEMBER COMMENCING IN 2012, AND WHICH WOULD HAVE ALSO PROVIDED FOR THE EXTENSION OF THE TERMS OF OFFICE FOR ELECTED OFFICIALS**

DURING A TIME OF TRANSITION, AND FOR AMENDED QUALIFYING PERIODS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (Approved 1st reading May 13, 2008)

Mayor Minnet read Ordinance 2008-01 by title.

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

Attorney Abbott explained that this ordinance would repeal the previous ordinance to hold Municipal Elections in November, beginning 2012.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-12. Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5 - 0.

10. COMMISSIONER COMMENTS

Vice Mayor McIntee said that Tom Carr volunteered to be a Volunteer Firefighter as a Fire Truck driver. He addressed the Calypso Project and agreed with Mr. Herrmann to hear both sides. Vice Mayor McIntee was not happy that he was accused of a felony by Mr. Brown and said the Town Attorney would be investigating.

Mayor Minnet thanked the Aruba Restaurant and their staff for a successful Memorial Day event. She thanked all servicemen and their families for all they have done. Mayor Minnet reminded everyone that June 3, 2008 was Hurricane Preparedness Day. She encouraged everyone to attend. Mayor Minnet advised that Chairperson Shirley Rusotti would be the contact person for the Adopt A Street Program. Mayor Minnet referenced the Calypso Project and corrected the way it was titled on the agenda. She pointed out that it should have said "discussion and/or action regarding the support of a Resolution on the liquefied gas Calypso Project". Mayor Minnet said it was not intended to be for or against the project.

Commissioner Clotney did not believe that passing a resolution would do any good regarding the calypso project. She requested people to let the 4th of July Committee know whether or not they will participate in the parade. Commissioner Clotney recognized the parking problems at Minto and advised that the cause lied with FPL and not with the Town. She addressed the way the newspaper tallied Commission votes and asked that the newspaper double check their facts and be unbiased. Commissioner Clotney felt that the use of the kitchen should be made available to the organizations.

Company. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- e. Commission approval of Special Event Application for the United Cerebral Palsy of S Florida Volleyball Tournament on Saturday, June 6, 2008 and Sunday June 7, 2008, 7:30 AM till 7:00 PM (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to approve the Special Event Application for the United Cerebral Palsy of S. Florida Volleyball Tournament. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- f. Commission approval of Construction Contract for Vehicular Entrance to Bougainvilla Drive parking lot from North Ocean Drive (SR A1A) by Arrow Asphalt & Engineering in the amount of \$11,265 (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve the Construction Contract for Vehicular Entrance to Bougainvilla Drive parking lot from North Ocean Drive. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- g. Commission approval of Special Event Application for Wine and Food Festival to be held Saturday July 5, 2008, 11:00 AM to 12:00 AM and July 6, 2008, 11:00 AM to 11:00 PM (Assistant to the Town Manager Olinzock)

Commissioner Silverstone questioned time requested.

Athena's Restaurant owner Louis Marcellos said the he needed time to set up for the event and to clean up afterwards.

Vice Mayor McIntee made a motion to approve the Special Event Application for Wine and Food Festival to be held Saturday July 5, 2008. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- h. Commission approval of Special Event Application for Music by the Sea to be held on Friday evenings from 4:00 PM to 11:00 PM (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee thought that Friday evening would conflict with another event and offered Saturday as an alternative. There were no objections.

Vice Mayor McIntee made a motion to amend the Special Event Application for Music by the Sea to be held on Saturday evenings rather than Friday evenings. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

Commissioner Silverstone suggested a phone call be made to clarify any information prior to printing.

Commissioner Dodd thought that perhaps Mr. Brown made a typo along with other facts he had gotten wrong and suggested Mr. Brown check facts prior to printing. Commissioner Dodd welcomed anyone who wanted to take part in the 4th of July event. He suggested the Planning and Zoning Board convene to discuss the impact of the removal of the overlay districts. He wanted recommendations to discuss zoning heights, setbacks, and parking requirements that would encourage good development.

11. CONSENT AGENDA

The Commission agreed to discuss each item separately.

- a. Commission approval for purchase of digital mapping system - GIS training, and update service for consolidation of Town mapping and property data - \$5,500 (Tabled at the May 13, 2008 Commission Meeting) Request to table to June 11, 2008 - Development Services Director Rabinowitz)

Vice Mayor McIntee made a motion to table to June 11, 2008. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Commission approval for Digital Map of the Towns Storm Water Drainage System - Chen & Associates - not to exceed \$14,374 (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve Chen & Associates for the Digital Map of the Towns Storm Water Drainage System. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. Commission approval for Repair to Fire Trucks: #2090 & #2091 - Sales Auto Repair - \$3,576.00 (Town Manager Colon)

Commissioner Dodd made a motion to approve Repair to Fire Trucks #2090 & #2091. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d. Commission approval for Storm Drain Maintenance Program for \$13,000 with Shenandoah General Construction Company - piggyback from Palm Beach County (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to approve the Storm Drain Maintenance Program for \$13,000 with Shenandoah General Construction

Company. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- e. Commission approval of Special Event Application for the United Cerebral Palsy of S Florida Volleyball Tournament on Saturday, June 6, 2008 and Sunday June 7, 2008, 7:30 AM till 7:00 PM (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to approve the Special Event Application for the United Cerebral Palsy of S. Florida Volleyball Tournament. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- f. Commission approval of Construction Contract for Vehicular Entrance to Bougainvilla Drive parking lot from North Ocean Drive (SR A1A) by Arrow Asphalt & Engineering in the amount of \$11,265 (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve the Construction Contract for Vehicular Entrance to Bougainvilla Drive parking lot from North Ocean Drive. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

- g. Commission approval of Special Event Application for Wine and Food Festival to be held Saturday July 5, 2008, 11:00 AM to 12:00 AM and July 6, 2008, 11:00 AM to 11:00 PM (Assistant to the Town Manager Olinzock)

Commissioner Silverstone questioned time requested.

Athena's Restaurant owner Louis Marcellos said the he needed time to set up for the event and to clean up afterwards.

Vice Mayor McIntee made a motion to approve the Special Event Application for Wine and Food Festival to be held Saturday July 5, 2008. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- h. Commission approval of Special Event Application for Music by the Sea to be held on Friday evenings from 4:00 PM to 11:00 PM (Assistant to the Town Manager Olinzock)

Vice Mayor McIntee thought that Friday evening would conflict with another event and offered Saturday as an alternative. There were no objections.

Vice Mayor McIntee made a motion to amend the Special Event Application for Music by the Sea to be held on Saturday evenings rather than Friday evenings. Commissioner Clotley seconded the motion. In a roll call vote, the motion carried 5 - 0.

12. RESOLUTION

- a. Resolution 2008-14: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING RESOLUTION No. 2005-06, TO ELIMINATE PALM CLUB DRIVE FROM THE TOWN'S SEWER IMPROVEMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Mayor Minnet read Resolution 2008-14 by title.

Mayor Minnet opened the meeting for public discussion. Hank Overton indicated that it was illegal to discontinue the sewer project for the Palm Club sewer project. He hoped this could be resolved without legal action.

Commissioner Clotney made a motion to adopt Resolution 2008-14. Commissioner Silverstone seconded the motion. Mayor Minnet thought it was unfortunate how this was being done. In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

13. OLD BUSINESS

- a. Discussion and/or action regarding cosmetic improvements to Jarvis Hall - \$125,000 (Vice Mayor McIntee)**

Vice Mayor McIntee made a motion to direct Town Manager to spend \$125,000 for cosmetic improvements to Jarvis Hall. Mayor Minnet preferred discussion on the improvements during budget time. Vice Mayor McIntee withdrew his motion and tabled this item indefinitely.

- b. Discussion and/or action regarding funding of Chamber of Commerce (Tabled at the May 13, 2008 Commission Meeting - Commissioner Dodd)**

Commissioner Dodd requested that the funds for the Chamber of Commerce for 2009 include the value of the building and other services. He also requested consideration of an annual contract with the Chamber of Commerce. Vice Mayor McIntee asked Paul Novak to submit copies of whatever contact he had with Commissioner Dodd to Manager Colon as public record.

- c. Commission Approval of \$40,000 for July 4th Celebration (excludes fireworks) - \$20,000 Town \$20,000 Donations Authorization to Town Manager to sign contracts/agreements and waiving of procurement policy related to July 4, 2008 celebration (Commissioner Dodd)**

Vice Mayor McIntee made a motion to approve \$40,000 for the July 4th Celebration. Commissioner Silverstone seconded the motion. In a roll call

vote, the motion carried 4 - 0. Commissioner Clotley recused herself from voting on this item.

- d. **Reject RFP # 08-04-02 Network Surveillance System due to budgetary reasons. Projected cost was \$70,000. Proposals received came in over \$157,000 (more than double the projected cost) (Manager Colon)**

Manager Colon indicated that the lowest bid was much greater than the projected cost.

Vice Mayor McIntee made a motion to reject RFP # 08-04-02 Network Surveillance System due to budgetary reasons. Commissioner Silverstone seconded the motion. Commissioner Dodd asked whether the original proposal was for twelve cameras. Chief Gooding said it was for 6. In a roll call vote, the motion carried 5 - 0.

Commissioner Dodd made a motion to direct Manager Colon to proceed with the project. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

14. PUBLIC HEARINGS

15. NEW BUSINESS

- a. **Purchase of Property located at 4513 North Ocean Drive (Manager Colon)**

Manager Colon advised that Attorney Abbott had reviewed all documents and provided a proposed agreement which had been reviewed by the property owner. She requested Commission approval to purchase the property.

Commissioner Clotley asked for an update on the off-site property. Manager Colon said she had received one appraisal and once a second appraisal was received, the process to begin the sale of property would begin. Mayor Minnet believed that Town Hall could be considered as a public safety complex. She preferred to wait until after budget time before making any decisions.

Commissioner Silverstone made a motion to approve the purchase of property located at 4513 North Ocean Drive. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

- b. **Approval of addendum to the City of Pompano Sanitary Sewer Agreement (Delete Palm Club) (Manager Colon)**

**Town Commission Regular Meeting
May 27, 2008 (continued to May 28, 2008)**

Manager Colon said the project was on hold pending the addendum to the City of Pompano Sanitary Sewer Agreement. She requested Commission approval for the addendum to delete Palm Club from the project agreement.

Commissioner Dodd made a motion to approve the addendum to the City of Pompano Sanitary Sewer Agreement. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4 - 1. Mayor Minnet voted no.

Vice Mayor McIntee requested the Commission give direction to Manager Colon to arrange a meeting with the Walk Around Committee to begin and report their assessments at the June 24, 2008 meeting. Manager Colon advised that she was meeting with the Chairperson during the week.

Commissioner Dodd requested the continuation of the meeting on Wednesday, May 28, 2008 begin at 7:00 p.m. After brief discussion Mayor Minnet recessed the meeting at 11:20 p.m., to reconvene Wednesday, May 28, 2008 at 3:00 p.m. and end at 4:45 p.m.

c. Discussion and/or action to set up "Pre Agenda" conference (Mayor Minnet)

Commissioner Dodd suggested an informal Commission meeting that would be open to the public, but not open for public comments, which would allow the Commission discussion on certain issues prior to their regular meeting. He believed such a meeting would avoid midnight meetings and/or continuation of meetings on the following day. Mayor Minnet had no objection. Commissioner Silverstone added that the public was welcome to call the Commission and discuss their concerns at any time. Vice Mayor McIntee stated that previous pre- agenda conferences did not work very well and did not recommend it.

Commissioner Dodd questioned whether televising the meeting would satisfy the record of the meeting or whether the Clerk, the Town Attorney, or other staff, would have to be present. Attorney Abbott replied that televising was not required by law, and rough minutes would need to be taken; however, rough minutes should be taken, and can be taken by any one of the elected officials if they wished, and was acceptable by law. Vice Mayor McIntee felt Commissioner Dodd's suggestion was a good one and suggested a ½ hour for informal meetings. Attorney Abbot advised that the meeting would need to be posted. Commissioner Clotney felt the Commission should get together a few days prior to the meeting so the Commission would have time to think and listen to feedback. Vice Mayor McIntee reminded everyone that there were going to be many meetings during budget time and suggested waiting until July.

Commissioner Clotney questioned the reason for moving the June 10, 2008 Commission meeting to June 11, 2008. She added that there was concern

from the public that there was not a Jewish Holiday on June 10, 2008 to warrant the change. Clerk White explained a request was made by the Jewish Federation of Broward County and distributed a copy of the request to the Commission.

Commissioner Dodd made a motion to hold an informal pre-commission meeting on June 11, 2008 from 6:30 p.m. to 7:00 p.m. Manager Colon advised that the Budget Workshop was scheduled for June 11, 2008. Commissioner Clotey suggested a Friendly Amendment, to go from 6:00 to 6:30 with a break to give the public an opportunity to speak to them. Since the Budget Workshop was on June 11, 2008, Commissioner Dodd amended his motion to hold the pre agenda conference on June 24, 2008 from 6:00 to 6:30 p.m. Vice Mayor McIntee seconded the motion. Vice Mayor McIntee requested that if the budget on June 11, 2008 was not completed, the Commission would not have the pre-agenda conference on June 24, 2008. Commissioner Dodd had no objection. Commissioner Dodd agreed. In a roll call, the motion carried 5-0.

- d. Discussion and/or action to set up LBTS "Meet Your Commissioner" (Mayor Minnet)

Vice Mayor McIntee stated that the Citizen's Initiative Committee already scheduled a Meet the Commission for August 3, 2008. Ms. Viola Gray confirmed that she had submitted her application for approval and the Commissioners and the Mayor were invited. Mayor Minnet indicated that her intention was to have a monthly event and believed this was a great start.

- e. Discussion and/or action to establish Town of Lauderdale By The Sea Local Government Academy (Mayor Minnet)

Mayor Minnet received a book from Fort Lauderdale and asked the Commission and the Town Manager to review it for consideration of a local academy.

- f. Discussion and/or action regarding the creation of a Resolution to support Liquefied Natural Gas "Calypso Project" Off Shore "Deep Water Port" (Mayor Minnet for discussion and/or action)

Mayor Minnet clarified that the item was to give support of a resolution that opposed the calypso project.

Mayor Minnet opened the meeting for public discussion. There were no public speakers.

Vice Mayor McIntee stated that on May 22, 2008 Mayor Minnet sent packets to a great deal of people explaining that she did not support the Calypso

project. Mayor Minnet replied that Dan McGuinness was to appear at the May 13, 2008 meeting where people would have heard both sides regarding the project. She added that since Vice Mayor McIntee indicated to Mr. McGuinness that he would not be able to speak at that meeting Mr. McGuinness thought the meeting of June 11, 2008 would be better.

Mayor Minnet invited everyone to the International Game and Fishing Association meeting in Davie at 7:30 p.m. where Suez International, along with the U. S. Coast Guard, will make presentation of the Calypso project.

Commissioner Clotey was not in favor of the project because the people she represented opposed it. She added that she was willing to listen to both sides.

g. Discussion and/or action regarding LED lighting solutions (Commissioner Silverstone)

Commissioner Silverstone explained that LED lighting was very efficient, saved money, and electricity. He believed it was worth the cost. Commissioner Silverstone thought that the Master Plan Steering Committee, or someone else, should look into the lighting. Mayor Minnet did not believe the Town should go forward at this time. She believed other more cost effective technologies were available.

Vice Mayor McIntee recommended choosing 3 or 4 lights and try them in one place, such as Jarvis Hall. Commissioner Silverstone suggested trying them as streetlights. Assistant Olinzock said there was a standard for street lighting that was used for the past twelve years, and they were not yet ready for the technology. Commissioner Silverstone thought that perhaps just the bulbs could be used. Commissioner Clotey thought solar panels were worth researching. Commissioner Dodd suggested that as long as a Committee was to look into lighting perhaps they could research grants for solar energy.

Vice Mayor McIntee made a motion to direct the Town Manager to turn the lights in Jarvis Hall to LED with a maximum cost of \$3,000. Commissioner Silverstone seconded the motion. Discussion followed. In a roll call vote, the motion carried 5-0.

h. Discussion and/or action to rescind the appointment of Robert Eckblad, 1st alternate, to the Master Plan Steering Committee and appoint one (1) member and a 2nd alternate to the Master Plan Steering Committee (Clerk White)

Manager Colon requested clarification on whether alternates could become members. Vice Mayor McIntee said he received a call that the Board and Committee members were required to submit a Statement of Financial Disclosure and they did not want to do that. He added that in the past,

alternates were moved up to fill a spot. Commissioner Clotley agreed with Manager Colon that an alternate should automatically move up as a member. The Commission agreed.

Commissioner Dodd made a motion that alternate members were to automatically move up as a member when a vacancy became available. Vice Mayor McIntee seconded the motion. Attorney Abbott said that the staffing of Boards was sometimes done in an Ordinance and would research that. In a roll call vote, the motion carried 5-0.

Commissioner Clotley appointed Robert Eckblad as a member to the Master Plan Steering Committee. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Silverstone made a motion to appoint Miguel San Miguel as the 2nd alternate to the Master Plan Steering Committee. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

i. Discussion and/or action regarding special permit applications (Commissioner Silverstone)

Guy Contrada, Aruba Beach Café, stated that his permit was handed in 90 days prior, but was not taken care of right away. He did not understand why Commercial Boulevard would be closed since it was a main artery. Manager Colon inquired as to where the application sat for 52 days. Assistant Olinzock stated that Mr. Contrada was using the date of a courtesy memo addressing certain issues to the Commission. He added that staff could not begin the review process until the application had gone through the Commission for approval. Manager Colon added that staff could not sign off on the state application until the Commission approved it.

Vice Mayor McIntee questioned the problem with closure of Commercial Blvd. Mr. Contrada said it affected his business and was concerned with safety. Chief Gooding said the closure was only on the north side of Commercial Boulevard.

Manager Colon said any special event permit will get date stamped at the front desk.

j. Discussion and/or action regarding raising Jarvis Hall ambient thermostat setting from 70 degrees to an acceptable environmentally friendly level (Commissioner Dodd)

Commissioner Dodd announced that the thermostat in Jarvis Hall had been raised by 5 degrees. He added that the previous floor temperature was 62

degrees and was presently at 71. Commissioner Dodd said he would continue adjusting the thermostat until a comfort zone was reached.

k. Discussion and/or action regarding replacement of the head of the Performing Arts (Commissioner Dodd)

Commissioner Dodd inquired as to whether the Town had a board for the Arts. Ms. Viola Gray said there was a board for 9 years. Vice Mayor McIntee advised that that particular board was not a Town Board, but was part of Vincent Ragusa's Community of the Performing Arts Center.

Sandi Galo-Mann with Palette, Mask & Lyre introduced her company. She explained the benefits to the Town and the type of productions Studio Theatre, Inc. would provide.

Commissioner Clotey asked whether Ms. Galo-Mann would consider working with a board. Ms. Galo-Mann said she would consider it. Vice Mayor McIntee questioned the cost, whether Ms. Galo-Mann would allow the Commission to review the scripts, and whether she would consider a trial period over a year contract. Ms. Galo-Mann submitted a summary of the company financials, agreed to Commission review their scripts, and agreed to a trial period.

Commissioner Silverstone wanted to see the two groups come together and asked when Ms. Galo-Mann would like to begin her trial period. Ms. Galo-Mann said 6 months with 5 shows. Commissioner Silverstone made a motion to approve on a trial basis, for 6 months, and both groups work together. Manager Colon asked when the first payment would be due, Galo-Mann said she wasn't expecting anything, and was currently only looking for space. She said she would need to find funds, and would accept funds from the Town should it be offered. Manager Colon said they would have to work out rehearsal dates as other groups already had scheduled events. Commissioner Dodd seconded the motion. Vice Mayor McIntee believed 6 months was a whole season, and suggested 3 months. Commissioner Silverstone amended his motion to 3 months, with the option to renew.

Attorney Abbott said that if the Town wanted to offer contract he would be available to draft one, or the Town could offer a permit and use to schedule events in Jarvis Hall. He encouraged direction from the Commission. Mayor Minnet believed staff could work through the paperwork.

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

I. Discussion and/or regarding Iguana Control (Commissioner Clotley)

Commissioner Clotley explained that she placed this on the agenda in pursuit of controlling the iguana population. Assistant Olinzock said he had spoken to trapper David Johnson and indicated that the web site, iguanatrapp.com, was available for any resident interested in hiring him.

Vice Mayor McIntee made a motion to allow up to \$1,000 for iguana control. Commissioner Clotley added that the iguanas were disposed of as allowed by law. Vice Mayor McIntee withdrew his motion and encouraged Commissioner Clotley to pursue her idea.

Commissioner Clotley made a motion to spend a \$1,000 to begin iguana control. In a roll call vote, the motion carried 5-0.

m. Commission Approval for Issuance of Twenty(20) Parking Permits to be used in the Town Hall Parking Lot on Saturday, June 14, 2008, from 9 AM till 1 PM, by Ocean Watch Foundation, Inc. during the 20th Anniversary Reef Sweep and Beach Cleanup (Assistant to the Town Manager Olinzock)

Commissioner Silverstone made a motion to approve twenty parking permits as requested. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

n. Commission Approval of Agreement to provide Engineering Services for the Design, Bidding Assistance, Construction Administration for the Replacement of the Existing Force Main Piping at the Hibiscus Lift Station by Chen and Associates for \$15,675. Approval of emergency repair of Force Main pipe on Saturday, April 19, 2008 by Man Con in the amount of \$18,685.02 (Assistant to the Town Manager)

Vice Mayor McIntee made a motion to approve emergency repair of force main. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

o. Public Safety: Accusation that the public safety AMR contract was illegally influenced by Vice Mayor McIntee (Vice Mayor McIntee)

This item was discussed earlier.

16. TOWN ATTORNEY REPORT

Attorney Abbott referred to the Town's lawsuit against 5 property owners that asserted administrative claims against the Town under the Burt J. Harris Act. He did not feel there was a strategic advantage to try to induce a judge to enter a

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Birute Ann Clathey</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Town Commission</i>
MAILING ADDRESS <i>1770 SE 21 Ave</i>	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 <i>Lauderdale-by-the-Sea Broward</i>	NAME OF POLITICAL SUBDIVISION: <i>Lauderdale-by-the-Sea</i>
DATE ON WHICH VOTE OCCURRED <i>5/27/08</i>	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, Birute Ann Clotey, hereby disclose that on 5-27- 20 08:

(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 had nothing to gain or lose personally from voting on this issue but was concerned about the propriety of voting to approve funds for an event that I am co-chairing

5-30-08
Date Filed

Birute Clotey
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 SILVERSTONE, JANE, J	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE JOHN COMMISSIONER
MAILING ADDRESS 278 MIRAMAR AVE BERWAD	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 LAuderdale - Dade - FL - 330	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/27/08	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.

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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.

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- 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 SILVERSTONE, hereby disclose that on 5/27/08, 20 08:

(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:

DUE TO ~~A~~ CHANCE THAT I MAY GAIN OR LOSE FROM MY ASSOCIATION TO THE LEADERS BY THE SEA VOL. FIRE DEPT. I CHOOSE TO NOT VOTE ON A RELATING ISSUE THAT CAME BEFORE ME.

6/3/08

Date Filed

[Signature]

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.