

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, June 11, 2008

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Reverend James Goldsmith gave the Invocation.

4. PRESENTATIONS

- a. Deputy of the Quarter for February, March, April, and May 2008 - Broward County Sheriff's Office (Chief Gooding)**

Chief Gooding named Maria Sosa, Deputy Bob McDonald, Deputy Charles Pickell, and Detective Kim Pullease as the Deputies for the Quarter.

- b. Presentation by Suez Corporation regarding the Off Shore Project (Vice Mayor McIntee)**

Mayor Minnet allowed public participation after the Suez presentation.

Dan McGinnis, project manager for the Deep Water Port gave a PowerPoint presentation, attached hereto as part of these minutes. He explained that liquid natural gas was cooled down to 360 degrees. Mr. McGinnis stated that Florida was at the end of the pipeline and paid more for natural gas than any other state. He said protocols were established to de-couple, move their ships and shut down natural gas on the approach of a hurricane. He explained that a deep water port was basically buoys with underwater mooring that exported through a flow line to the pipeline and the pipelines passed through a 210 foot concrete tunnel to protect coral reefs. In summary, Mr. McGinnis pointed out that the Calypso deep water port was safe and environmentally responsible.

Lengthy discussion continued as the people put forward their questions and concerns such as where the liquefied gas came from, the possible risk factor scenarios and impacts to the environment. Mr. McGinnis explained that the liquefied gas came from Trinidad, West Africa, North Africa, Egypt and Norway. He stated that should a large airliner crash into a tanker there would be a large explosion as the plane would blow up and the liquefied gas would burn.

c. Chen & Associates – GIS Mapping (James Barton, Town Engineer)

James Barton, Town Engineer gave a PowerPoint presentation, attached hereto as part of these minutes, and explained the many different types of maps available. He advised that training would occur first and then the Town could purchase maps and/or print their own maps. Engineer Barton added that should large maps be needed he would print them for the Town.

5. REPORTS

a. Bel Air Beautification Committee Report (Vice Mayor McIntee)

Michael Power spoke about plans to elevate the standard of living in Bel Air to be consistent with their neighbors to the south. He suggested upgrades to the entryways, landscaping, and bench replacement along with the proposal to close the 19th street entrance for public safety purposes. Vice Mayor McIntee asked whether there was money in the budget for the proposals. Manager Colon said maybe some but not all. Vice Mayor McIntee made a motion to direct Manager Colon to set up a \$20,000 budget for the entrance ways in Bel Air. Manager Colon stated that the amount should be consistent with the proposed entryways that fell into the Master Plan. Vice Mayor McIntee clarified his motion to direct Manager Colon to segregate \$20,000 for the beautification of Bel Air entrance way that is comparable to the Master Plan of the two main entrance ways north and south of the Town. Mr. Power accepted. Commissioner Clotney seconded the motion for discussion.

Commissioner Clotney said that as a resident of Bel Air, she can not rely on getting taxi service or shuttle service to the air port and suggested the Bel Air Beautification Committee look into obtaining street names rather than the numbers that were issued for annexation purposes with Pompano Beach. Commissioner Silverstone believed something should be done to improve the look of the pumping stations. Commissioner Dodd believed the Town had a Master Plan and improvements such as this should be submitted to the Master Plan Steering Committee.

Commissioner Clotney wanted to have something done around the pump station. Assistant Olinzock said Pompano Beach owned the pump station and landscaping was not allowed around the pump stations because it had to be kept open for entry of service vehicles.

Attorney Abbott said he would review the agreement with the City of Pompano Beach to determine how accessible that structure should remain.

Mayor Minnet was concerned that staff had not had an opportunity to view the proposals presented by Mr. Power.

Vice Mayor McIntee withdrew his original motion. He made a motion that the \$160,000 that was presently allocated for the north and south entrance ways, that \$20,000 was to be segregated to work with the Bel Air Beautification Committee and use those funds towards cleaning up the entrance ways to Bel Air. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-1. Mayor Minnet voted "no".

Mayor Minnet recessed the meeting at 9:15 p.m. and reconvened at 9:30 p.m.

6. TOWN MANAGER REPORT

a. Development Orders – Oriana and Minto

Manager Colon pointed out that the Development Order gave a specific width for the pedestrian walkway and was waiting on Attorney Abbott's opinion before going forward.

Manager Colon requested Commission direction on additional items not on the agenda. She believed the Volunteer Fire Department (VFD) and American Medical Response (AMR) would respond to an RFP from Sea Ranch Lakes for fire and ambulance services. She felt AMR and VFD needed direction to understand what was agreed and advised that VFD leased the vehicles.

Manager Colon stated that a Hurricane Trailer was received and supplies were forthcoming. She said a hitch was needed on the F250 vehicle to pull the trailer and requested authorization to proceed.

Manager Colon believed the VFD was to purchase a fire truck to meet the demands of the RFP. She reminded the Commission that the Town of Lauderdale-By-The-Sea owned the VFD's vehicles and believed the Town of Lauderdale-By-The-Sea should purchase that truck and lease it to them.

Manager Colon requested that the Commission schedule a Code Enforcement Development Workshop to review Town Ordinances that need tweaking.

Vice Mayor McIntee believed AMR should be allowed to go into Sea Ranch Lakes, but at a cost and with a major portion going to the Town of Lauderdale-By-The-Sea. He believed the VFD should be allowed to go into Sea Ranch Lakes, also at a fee charged to Sea Ranch Lakes.

Vice Mayor McIntee made a motion that the Town of Lauderdale-By-The-Sea approve the submission of bids from AMR to Sea Ranch Lakes for ambulance service using equipment detail to the Town of Lauderdale-By-The-Sea and also approve the submission of bids by the Volunteer Fire Department to Sea Ranch Lakes for services. Manager Colon believed the bids had already been submitted. She stated that as part of the AMR agreement and the VFD agreement, that if the Commission allowed AMR and VFD to service Sea Ranch

Lakes, that the Town of Lauderdale-By-The-Sea would receive a fair share since AMR was supposed to be exclusive to the Town of Lauderdale-By-The-Sea and VFD used the Town of Lauderdale-By-The-Sea equipment. Attorney Abbott agreed it was fair and added that with direction from the Commission he would add that point as part of the negotiations.

Commissioner Dodd had no objections provided that they paid realistic costs and would not be detrimental to the service of the Town of Lauderdale-By-The-Sea.

Vice Mayor McIntee said that the national standard was one ambulance for every 25,000 people. He did not believe both Sea Ranch Lakes and the Town of Lauderdale-By-The-Sea would top 7500.

Chief Perkins said he would need direction from the Town to go into Sea Ranch Lakes. He said if VFD was chosen they would charge Sea Ranch Lakes, or if Pompano Beach was chosen, VFD would go in as mutual aid.

Lengthy discussion continued regarding public safety and the use of money received going towards the betterment of the VFD. Commissioner Clotey and Mayor Minnet concurred in the importance of maintaining public safety levels and that the Town of Lauderdale-By-The-Sea received fair and equitable service. Commissioner Dodd and Manager Colon expressed their concern that should AMR receive three (3) calls they would only be able to respond to two (2). Manager Colon requested Commission authorization to negotiate with AMR and VFD to bring additional units to the Town of Lauderdale-By-The-Sea should they service Sea Ranch Lakes.

Vice Mayor McIntee made a motion to direct the Town Manager to negotiate with AMR and VFD. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

Manager Colon requested direction on the purchase of a hitch for the truck to pull the trailer and to add the F250 truck to the VFD lease.

Commissioner Dodd made a motion to purchase a hitch for the F250 truck and to lease the F250 to the VFD. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

Manager Colon announced that the El Prado parking lot was complete and asked whether the Commission wanted a ribbon cutting ceremony the week before the 4th of July as Minto was willing to sponsor an event there. Commissioner Dodd was going away the week prior to July 4th. Manager Colon said she would co-ordinate with Minto.

7. APPROVAL OF MINUTES

Commissioner Clotey pointed out the incorrect spelling of her name in the minute document. There were no other corrections, deletions or additions.

a. May 27, 2008 Workshop Minutes

Commissioner Silverstone made a motion to approve the May 27, 2008 Workshop Minutes. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

b. May 27, 2008 Regular Meeting Minutes

Commissioner Silverstone made a motion to approve the May 27, 2008 Regular Meeting Minutes. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

8. PUBLIC COMMENTS

Peanuts Wick liked the idea of sea oats rather than a boardwalk.

Diane Boutin dedicated her comments in memory of Uli Brandt.

Maureen McIntee asked everyone to come out and join the 4th of July events.

Frank Herrmann thought that the Commission was doing a good job if the only complaint was the use of the kitchen.

Mark Brown talked about the deep water project and the inconsistencies of safety.

Chris Chiari opposed the Calypso Project.

Vice Mayor McIntee requested to have the Town Attorney Report moved up and discussed at this time. There were no objections.

TOWN ATTORNEY REPORT

Attorney Abbott reported on his research regarding Commission contact with Judy Stern and alleged improprieties in procurement for emergency medical services. Vice Mayor McIntee requested Attorney Abbott read the 4 page statement verbatim and hereto attached as part of these minutes.

Vice Mayor McIntee wanted the Town to institute a suit against the ByTheSeaFuture with himself as the Plaintiff and with the money won in the lawsuit earmarked for the Town of Lauderdale-By-The-Sea. Attorney Abbott said a lawsuit could be brought forth if the lawsuit served a public purpose.

Vice Mayor McIntee made a motion to direct the Town Attorney to institute the lawsuit against ByTheSeaFuture with the restriction being that anything that is recovered would go directly to the Town of Lauderdale-By-The-Sea. Commissioner Silverstone seconded the motion.

Commissioner Clotney wanted to know if this was the best way handle this type of situation and whether Attorney Abbott would represent Vice Mayor McIntee. Attorney Abbott said the Town Attorney was required to represent elected officials and Town employees. Mayor Minnet was concerned that should the case be lost, the people would have to pay. She believed that to be unfair. Vice Mayor McIntee believed that to be unfair. Vice Mayor McIntee believed that Attorney Abbott has already provided evidence of a win.

Commissioner Dodd made a motion to table for a shade session. Vice Mayor McIntee seconded the motion. Attorney Abbott stated that since litigation had not been filed the Commission could not meet in private as that would be a violation of Sunshine. Commissioner Dodd wanted to discuss their options with Attorney Abbott at the next meeting.

Vice Mayor McIntee made a motion for the Town Attorney to send a letter to ByTheSeaFutures requesting a front page public retraction. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion to direct the Town Attorney to send a letter carried 4 - 1. Mayor Minnet voted no.

Vice Mayor McIntee and Commissioner Silverstone retracted their seconds on the previous motions to direct the Town Attorney to institute a lawsuit and the motion to table for a shade session.

Vice Mayor McIntee asked what material on the Dais became public record, such as a note he created and would read from, including email and text messages received on blackberries and/or iphones. Attorney Abbott replied that if the note and/or text message permanently perpetuated his knowledge, it would be maintained as a public record. Vice Mayor McIntee requested that the Town Clerk maintain those notes and text messages as public records. The Commission denied receiving any text messages or email messages while on the Dais.

Mayor Minnet recessed the meeting at 11:00 p.m. to Wednesday, June 12, 2008 at 5:00 p.m.

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 (Attorney Abbott)**

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 approve Ordinance 2008-13 on first reading. Commissioner Clotley seconded the motion. Commissioner Dodd clarified that the reason for this Ordinance was to prevent the Town from forcing the Palm Club to hook up to the sewer system. In a roll call vote, the motion carried 5-0.

II. Ordinances 2nd reading

- a. 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 (APPROVED FIRST READING MAY 27, 2008)**

Mayor Minnet opened the meeting for public comments.

Lisa Mitchell thought it would benefit the Town to increase the time from 9:30 to 10:00 p.m.

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

Commissioner Dodd made a motion to approve Ordinance 2008-14. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

- b. 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 (APPROVED FIRST READING MAY 27, 2008)**

Mayor Minnet opened the meeting for public comments.

Arthur Franchez offered his time should the Commission have any questions regarding Ordinances rather than repeal them.

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

Commissioner Silverstone made a motion to approve Ordinance 2008-15. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 4-1. Mayor Minnet voted "no".

10. COMMISSIONER COMMENTS

Mayor Minnet thanked staff for getting El Prado parking lot opened and for putting together the hurricane seminar. She also thanked Manager Colon for her assistance in reviewing agenda packages prior to the meetings. She reminded everyone that Ocean Watch Foundation was sponsoring a beach cleanup, Saturday, June 14, 2008 from 9:00 a.m. to 12:00 p.m. at the Anglin Pier. Mayor Minnet took a moment of silence for Uli Brant.

Commissioner Clotey was in favor of purchasing property adjacent to Town Hall for housing employees currently in trailers, and for additional staff. She stated that she did not support any major renovations to the new property unless it was part of the Master Plan. Commissioner Clotey encouraged everyone against the Calypso Project to contact their State and Local Legislature. Commissioner Clotey was disappointed in the delay in finishing the sidewalks on Seagrape Drive and Washingtonia Avenue. She officially asked Manager Colon to review all previous capital improvement projects supervised by the previous Town Planner. She wanted to know how much the Town had spent on the change orders and re-designs during his tenure and she wanted the information made public.

Commissioner Silverstone expressed his condolences to the families of Uli Grant and Joe Guerrero. He gave his opinion regarding the people that volunteered their time to the Town and the people that created problems.

Commissioner Dodd wanted the Master Plan Steering Committee to include in their agenda, the possibility of adding solar lights on the Beach Pavilion through grants. He thanked Mr. Wick and Zoning Administrator Tatiana Solovieva their work on their handouts and requested the Planning and Zoning Board present the Commission with suggestions of tasteful redevelopment. Commissioner Dodd believed there was a conflict of interest with the Special Magistrate employed as a full time attorney to the City of Pompano Beach. He stated he would do whatever he could to bring the millage down, but thought money may need to be put into the infrastructure to maintain the Town's storm water pipes. Commissioner Dodd said volunteers were needed for the 4th of July celebration and should anyone be interested they should contact Cristi Furth or himself.

Vice Mayor McIntee stated that Commissioner Silverstone drove with him to Tallahassee without an attorney for \$400 to \$500, saving the tax payers money. He added that because of Mark Brown's articles in ByTheSeaFuture the Town was divided. Vice Mayor McIntee believed that the 4th of July event was going to be a good one and announced that the VFD was also going to be there helping out. He remembered Diane Boutin's Mother, Uli Brandt, and Joe Guerrero.

11. CONSENT AGENDA

- a. Mapping system and GIS training from Chen and Associates compatible to our current Arc View 9.2 program subscription - \$4500 (Tabled from the May 13, 2008 and May 27, 2008 meetings) (Director Rabinowitz)

- b. Notification to the Town Commission of the recording of Certification of liens approved by the Special Master. The following cases are to be recorded: 08-01-00023 and 08-01-00025 at 220 Codrington Drive; 07-01-00932 at 259 Capri Ave.; 08-01-00010 at 288 Allenwood Dr.; 08-01-00057 at 4644 Poinciana St.; 08-02-00030 and 08-02-00031 at 1624 SE 21 Ave (Director Rabinowitz)
- c. Moving the "Agenda Item Request" deadline from Friday 5:00 PM to the following Monday noon (Only Commissioners) (Commissioner Clotley)
- d. Public meeting with business owners to listen to their concerns & a similar meeting with hoteliers (Commissioner Clotley)
- e. Public Announcement requesting additional proposals for the staging of cultural events in LBTS (Commissioner Clotley)
- f. Commission approval of the use of Jarvis Hall by the LBTS Citizen's Initiative Committee Inc., for Old Fashioned Town Hall meeting to be held on August 3, 2008, 7:00 p.m. to 10:00 p.m. Requesting use of kitchen and waiving of associated fees, no televising of event (Assistant Olinzock)
- g. Commission approval of special event application for the Parker wedding to be held on Monday, July 14, 2008 from 3:30 a.m. till 1:00 p.m. at the Beach Side Hotel (Assistant Olinzock)

Commissioner Clotley made a motion to approve items 11a through 11g on consent. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

12. RESOLUTION

- b. **Resolution 2008-15:** – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, OPPOSING THE PROPOSED CONSTRUCTION OF A DEEPWATER PORT FOR THE OFFLOADING OF LIQUEFIED NATURAL GAS (LNG) TO BE LOCATED APPROXIMATELY 8 TO 10 MILES OFF THE COAST OF THE TOWN OF LAUDERDALE-BY-THE-SEA (Commissioner Clotley)

Commissioner Clotley requested the Town Attorney to replace lines 18, 19, and 20 to include a statement that the Town Commission concurred with the residents to contact the Governor, State Senator, State Representative, and Representatives in Washington to express their concerns regarding the deep water port.

Commissioner Clotley made a motion to accept Resolution 2008-15 with her statement that the *Town would ask the citizens of the Town of Lauderdale-By-The-Sea to contact their elected officials on a state and local level.* Commissioner Silverstone seconded the motion. The Commission expressed their views regarding the deep water port. In a roll call vote, the motion carried 5-0.

13. OLD BUSINESS

a. Award of RFP # 08-04-03 – Fire Services (Manager Colon) ATTACH DRAFT CONTRACT

Commissioner Dodd made a motion to accept. Commissioner Dodd seconded the motion. Commissioner Clotey said she received phone calls from people that were upset with Chief Perkin's statement that the money he would receive from Sea Ranch Lakes would go into the VFD (Volunteer Fire Department). She asked if the wording could relate that the money received would reduce the amount that the Town paid for fire services. Manager Colon believed it was the intent of the VFD that whatever proceeds they received as a result of that RFP, if awarded, would be rebated back to the Town of Lauderdale-By-The-Sea, as long as the Town kept those funds in a reserve account for equipment and vehicles. Chief Perkins agreed that was the intent. Commissioner Clotey said she wanted the contract to be very specific so that the people would not misunderstand.

Commissioner Clotey said she received complaints regarding the Town's purchase of fire equipment. Manager Colon explained that when equipment was purchased by the Town, it became Town property that was leased back to the VFD. She added that the Town had no costs associated with the vehicle as the VFD was responsible for insurance, repairs, and fuel.

Commissioner Dodd inquired of the cost of the vehicle. Chief Perkins, said it was a used 105 foot aerial that came with a lot of tools and ladders. He said the vehicle and extra equipment totaled \$70,000.

Vice Mayor McIntee asked whether there was another truck that VFD already purchased with their own money. Chief Perkins indicated there was. He added that the additional truck was so that the VFD would have three (3) trucks.

Mayor Minnet asked Chief Perkins to look into a Citizen Fire Review Board. She believed there was some diversity as far as what the people wanted to see. Mayor Minnet wanted plans for the servicing of condos and the maintenance of hydrants included in the contract. Vice Mayor McIntee advised that Mayor Minnet could not direct Chief Perkins to contemplate a Fire Review Board and told Chief Perkins to disregard.

Vice Mayor McIntee stated that the VFD was an intricate part of the Town. He requested placement on the June 24, 2008 agenda to discuss a referendum for the November Ballot that this Volunteer Fire Department could never be removed without referendum by the citizens of the Town of Lauderdale-By-The-Sea. He suggested Manager Colon contact Melbourne Beach who had done the same.

Commissioner Dodd suggested active drills for the condos and asked whether there were any planned training exercises for the high risers. Chief Perkins said they did have planned training exercises.

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

14. PUBLIC HEARINGS

15. NEW BUSINESS

- a. Discussion and/or action: Recycling Program for residential and business properties in Town (Mayor Minnet)

Mayor Minnet received calls to place recycle bins on the beach. She asked Manager Colon to explain what recycling was available for residents and business owners. Manager Colon said the Town paid for residential recycling throughout the Town at a cost of \$30,000 and provided the recycling totes. She said even though the Town received a grant that offset the expense it cost the Town money to recycle because a lot of the residents did not recycle. She added that a four (4) part recycle bin was to be placed in the Commercial area for a trial period.

Commissioner Dodd wanted to renegotiate the recycling contract as he believed the cost was too high for businesses. Manager Colon said the cost depended on the container.

Mayor Minnet encouraged everyone to recycle.

- b. Discussion and/or action to appoint one (1) member and one (1) alternate to the Board of Adjustment (Clerk White)

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

Commissioner Silverstone made a motion to appoint Helen Swinghammer as the 1st alternate to the Board of Adjustment. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

Vice Mayor McIntee made a motion to appoint Mary Ann Corley as the 2nd alternate to the Board of Adjustment. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5-0.

16. TOWN ATTORNEY REPORT

Attorney Abbott addressed the Commission’s request to look into another type of pedestrian walk way behind the two (2) developments, the Minto project, Villas By The Sea and the Oriana project, also known as Pier Point where the Town had obtained easements. He said the Development Order for Villas by the Sea contained a condition that required pedestrian access but did not require improvement. He added that in that case, beach sand would provide access. Attorney Abbott said that the easement given in the Oriana project contained a reversion and an exception. He added that he believed

that the condition was done in error and proposed that the Commission direct him to speak with Oriana / Pier Point developers to tell them that the Town did not agree with the condition of the easement and that the easement should be corrected. Commissioner Silverstone made a motion to direct the Town Manager to converse with Oriana / Pier Pointe developers to correct the condition of the easement. Commissioner Clotley seconded the motion.

Manager Colon advised that the Oriana Development Order and easement was approved by the current Commission and was tied to the Master Plan and the beach promenade project. Attorney Abbott said he would have to review that documentation, obtain the wishes of the Commission, talk with Oriana and report back to the Commission with his findings. Manager Colon advised that Oriana preferred to take the easement back.

Marc Furth said that around 1987 the upland owners had to sign off on their property rights or they had to pay for dredging. He suggested the Town contact the Department of Environmental Protection to find out for how long the contract was in effect. Attorney Abbott believed that if the property was public there would not be a need for an easement. He believed an investigation was necessary.

Commissioner Silverstone re-stated his motion to direct the Town Attorney to look into the issues and determine what the Town needed to do to keep that property and advise the Commission of their options. Commissioner Clotley agreed to the change. In a roll call vote, the motion carried 5-0.

Commissioner Clotley requested the Commission to allow Marc Furth to give an update regarding the 4th of July celebration. There were no objections.

Marc Furth talked about the banners for the 4th of July event and presented a detailed drawing of the events.

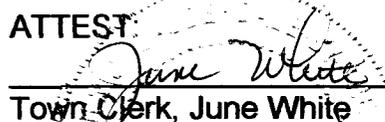
17. FUTURE AGENDA ITEMS

18. ADJOURNMENT

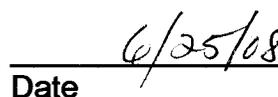
Vice Mayor McIntee made a motion to adjourn. With no further business before the town Mayor Minnet adjourned the meeting at 6:30 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White



Date

Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.

Memo

To: Mayor, Vice Mayor and Town Commissioners

Cc: Esther Colon, Town Manager

From: Daniel L. Abbott, Town Attorney *Don*

Date: June 11, 2008

Re: Investigation into alleged improprieties in procurement for
emergency medical services

At the Town Commission meeting of May 27th, I was asked to perform an investigation into alleged improprieties in connection with the Town's procurement of an emergency medical services provider and, if the investigation uncovered evidence of criminal wrongdoing, to report the matter the State Attorney's Office.

BACKGROUND

On or about May 22, 2008, a publication called ByTheSeaFuture issued a "News Alert" entitled "Offshore Energy Report", which generally pertained to Suez Energy North America's ("Suez") Calypso Project, a proposed deepwater port which would be used for the offloading of liquefied natural gas. A copy of the News Alert is attached to this report as Exhibit "A". At the request of Mayor Minnet, the subject of the Calypso Project was scheduled to be discussed at the Commission meeting of May 27th.

According to the News Alert,

"Vice Mayor Jerry McIntee – taking his marching orders directly from Judy Stern, a paid lobbyist for the energy company – is planning to table Minnet's resolution and deny the residents of LBTS the opportunity to speak out against

the project. Judy Stern is the same professional lobbyist whom McIntee worked with behind the scenes earlier this year to bring AMR ambulance company to LBTS.

The News Alert also advises its readers to "(d)emand that McIntee disclose the full extent of his secret dealings with the paid lobbyist for the energy company...".

INVESTIGATION

In connection with the investigation, I was able to obtain voluntary sworn statements from various individuals with relevant knowledge of the issues raised herein. Those statements are summarized as follows:

Vice Mayor McIntee

According to Vice Mayor McIntee, he has spoken with Judy Stern on a total of three occasions: once personally, and twice on the telephone. The first contact was by telephone, on May 22nd or 23rd. According to the Vice Mayor, Ms. Stern called and identified herself as a lobbyist for Suez Corporation, proponents of the Calypso Project. The Vice Mayor indicated that he does not deal with lobbyists, and that any proposed contact with the Vice Mayor should be made directly by Suez.

The second conversation was a telephone call placed by the Vice Mayor to Ms. Stern. The Vice Mayor placed the call because he was upset about the allegations contained in the "News Alert". According to the Vice Mayor, Ms. Stern confirmed that she had never personally met the Vice Mayor, and had never discussed with the Vice Mayor the subject of the Town contracting with A.M.R. to perform emergency medical services. Stern additionally stated that she did not serve as a lobbyist for A.M.R. in connection with the Town's procurement of emergency medical services. She did mention that she had a brief conversation with Mayor Minnet in Tallahassee, where Stern indicated that she was not lobbying for A.M.R., but that A.M.R. was a good company, and that they should be given a fair shake. Mayor Minnet thanked Stern for the information.

The third conversation was in-person, at a recent Suez meeting held at the Fishing Hall of Fame in Dania Beach. The meeting consisted of a simple introduction, and was the first time the two had met personally.

A copy of the statement given by Vice Mayor McIntee is attached hereto as Exhibit "B".

Judy Stern

Judith Stern is self-employed with the firm of Judith Stern Consulting, Inc. Judith Stern Consulting has a contract with A.M.R. whereby A.M.R. retains Stern on a project-specific basis. A.M.R. did not retain Ms. Stern's services in connection with the Town's R.F.P. for emergency medical services, and she was accordingly not involved in the subject procurement.

Ms. Stern states that her first contact with Vice Mayor McIntee was a telephone call she placed to him May 21st to discuss the Suez Calypso Project. According to Stern, McIntee stated that there would be no problem with Suez contacting him, but that he does not deal with lobbyists. Stern has not discussed the Suez Calypso project with any other elected officials of Lauderdale-By-The-Sea.

Ms. Stern says that she met Vice Mayor McIntee for the first and only time on May 28th.

Ms. Stern met Mayor Minnet on one occasion, in Tallahassee. Stern introduced herself, and said she was a lobbyist for AMR, but not in Lauderdale-By-The-Sea. Stern encouraged Mayor Minnet to call AMR and examine their facility. Stern emphasized that she was not lobbying on behalf of A.M.R.,

Ms. Stern says she had one telephone conversation with Mark Brown, of ByTheSeaFuture. Brown called to discuss the Suez project, and Stern mailed to him a brochure on the proposed project.

A copy of the statement given by Judith Stern is attached hereto as Exhibit "C".

Mayor Minnet

Mayor Minnet met Judith Stern on one occasion, in Tallahassee. Stern introduced herself, and may have mentioned A.M.R. Stern did not mention Suez. Mayor Minnet voted against A.M.R. in connection with the R.F.P. for emergency medical services.

A copy of the statement given by Mayor Minnet is attached hereto as Exhibit "D".

William Hall

William Hall is the General Manager of A.M.R. A.M.R. responded to the R.F.P. for emergency medical services, met with the Town Manager and with Commissioners, and made a presentation at a Commission meeting.

According to Mr. Hall, Ms. Stern has a retainer agreement with A.M.R. to provide lobbying services. A.M.R. retains Stern on a project-specific basis, and did not retain her in connection with the Lauderdale-By-The-Sea R.F.P.

A copy of the statement given by William Hall is attached hereto as Exhibit "E".

Mark Brown

Mark Brown is co-editor of ByTheSeaFuture. He confirmed that the News Alert was issued by ByTheSeaFuture, but would not say who the author of the News Alert was. Brown indicated that he would not answer any questions about the allegations contained in the News Alert, and the statement was terminated.

A copy of the statement given by Mark Brown is attached hereto as Exhibit "F".

Discussion

There is no material discrepancy in the testimony of the interviewed witnesses.

As to the award of the R.F.P. for emergency medical services, Judith Stern, while generally on retainer with A.M.R., was not hired to perform lobbying services in connection with this procurement. Stern had one, brief discussion with Mayor Minnet in Tallahassee that seems to have been little more than an introduction. Stern does not appear to have been "lobbying" and, in any event, Mayor Minnet ended up voting against award of the R.F.P. to A,M,R.

As to the Suez Calypso Project, Judith Stern made a single call to Vice Mayor McIntee. The conversation was brief, and McIntee told Stern that, while Suez could contact him directly, he would not discuss the substance of the project with Stern. Stern has not discussed the Suez Calypso project with any other elected officials of Lauderdale-By-The-Sea.

The investigation uncovered no support for the statement in the News Alert that the Vice Mayor was "taking his marching orders directly from Judy Stern" in connection the Suez Calypso Project or that he has had "secret dealings with the paid lobbyist for (Suez)". At the time of the News Alert, McIntee and Stern (according to both of them) had had only one, very brief telephone conversation wherein the Vice Mayor expressly stated that he would not deal with Stern on the issue.

The investigation uncovered no support for the statement in the News Alert that Stern is an individual with whom the Vice Mayor "worked with behind the scenes earlier this year to bring AMR ambulance company to LBTS". Stern and the A.M.R. General Manager deny that Stern was retained to perform lobbying services in connection with the R.F.P. Moreover, both Stern and McIntee have testified that that they had never even met, in person or by telephone, before the R.F.P. was awarded to A.M.R.

There has obviously been no misconduct on the part of any Lauderdale-By-Sea elected official. Accordingly, I have not contacted the State Attorney's Office regarding the results of this investigation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me.



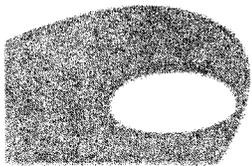
DELIVERING THE ESSENTIALS OF LIFE

Calypso LNG Fueling Florida's Growth

Dan McGinnis

June 11, 2008

Calypso



Agenda

- ▶ Who is SUEZ Energy?
- ▶ All about Calypso
 - ▶ Why do we need it?
 - ▶ What is a deepwater port? How does it work?
 - ▶ Where is it located?
- ▶ LNG Facts
- ▶ Q&A

Why Florida Needs Natural Gas

Sun-Sentinel

Watts up? FPL seeks 16%

Fuel charge could force us to pay more, st

BY JULIE PATEL
STAFF WRITER

Spiking fuel prices might hit South Floridians' monthly electric bills.

Florida Power & Light Co. on Tuesday asked state regulators for permission to increase residential customers' power bills by 16 percent on average to offset the utility's soaring oil and natural gas costs.

Under the proposal, a monthly bill would go to \$118.91 from \$102.63 for a customer using 1,000 kilowatt-hours of energy per month, slightly less than what the average residential customer uses. That would be an increase of about \$16.28 in the \$52.27 monthly fuel charge customers pay. FPL says it needs an extra \$746 million to cover unexpected fuel costs through the end of 2008.

FPL, the state's largest utility with 4.5 million customers, asked regulators to consider the price increase at their July 1 meeting. If the state Public Service Commission approves FPL's higher fuel charge, it would trigger the increase on monthly bills for August to December. FPL plans to propose 2009 fuel charges in September.

"We recognize that higher electric bills will be a burden on our customers. We never like having to increase the price customers pay for electricity, and it's especially painful during difficult economic times. However, the increase in fuel prices that we have been experiencing is extraordinary," FPL President Armando Oliveira said in a statement.

Progress Energy Florida, which

increase monthly bills by about 8 per-

■ FPL CONTINUES ON 2D

cent because of fuel costs.

In FPL's proposal, it says that it's working on several projects to increase the fuel efficiency of its facilities and to build new nuclear, solar and wind generators that use less fuel. For instance, regulators are expected to make a recommendation next month for three solar projects FPL proposed in May in Martin County, DeSoto County and Brevard County, at Kennedy Space Center. The Martin County project would be the largest solar plant outside of California, according to FPL.

The projects would cost about \$688 million, not including interest during construction. It would cost customers using at least 1,000 kilowatt-hours about 83 cents more on their monthly bills in 2011 and over the first 25 years the plants are operating they're projected to cost about 31 cents more each month.

FPL would be eligible to pass costs of the solar projects to customers under a sweeping energy bill that legislators passed this year and that Gov. Charlie Crist is expected to sign.

Julie Patel can be reached at jvpatel@sun-sentinel.com or 954-356-4667.

The Miami Herald

ELECTRICITY

FPL wants to hike bills 16 percent

■ A surcharge, which is likely to be approved, would appear in electric bills in August.

BY JOHN DORSCHNER
jdorschner@miamiherald.com

High fuel costs will start hammering consumers from another direction in August, when Florida Power & Light plans a 16 percent increase in electric bills.

If approved by regulators, the surcharge will push the monthly electric bill for a consumer who uses 1,000 kilowatt-hours from \$102.63 to \$118.91, the utility said Tuesday. Many homeowners with central air conditioning use considerably more power.

The hike will be tough on consumers already hit hard by skyrocketing gas and food

prices.

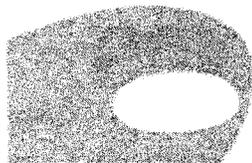
"It will affect me because I certainly don't believe in candles," said Luci Labernie, 73, who lives in Miami on \$800 a month from Social Security. "Rates are high enough as it is."

The budget-busting electric bills could mean higher costs in many other ways, and Labernie knows it. "Everything will go so high because everyone is going to be affected" as increased business power bills get passed down to consumers by grocery stores, pet groom-

• TURN TO FPL, 2A



MiamiHerald.com
Share your opinion
online



SUEZ Energy North America

- ▶ SUEZ's Everett Terminal is the longest operating LNG import facility in the United States, recognized for its exemplary safety standards
 - a. National Safety Council
 - b. United States Coast Guard's nationwide Operation Safe Commerce Post 911 Program
 - c. Massachusetts Safety Council
 - d. American Gas Association
- ▶ SUEZ is currently the largest importer of LNG in North America
- ▶ SUEZ's Neptune LNG Deepwater Port project off the coast of Massachusetts was approved by Governor Romney in 2006

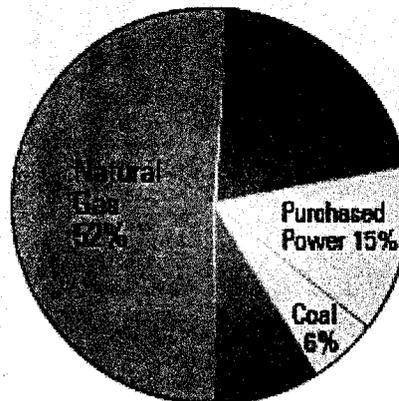
Why Florida Needs Natural Gas

A mix of fuels helps ensure reliability, balances costs

- ▶ Coal has come to a screeching halt
- ▶ New renewable sources to increase in the coming years
- ▶ Natural gas fueled generation growing
 - ▶ FPL 10-year site plan calls for 51% more natural gas through 2017 (from 52 to 72 percent of total mix)

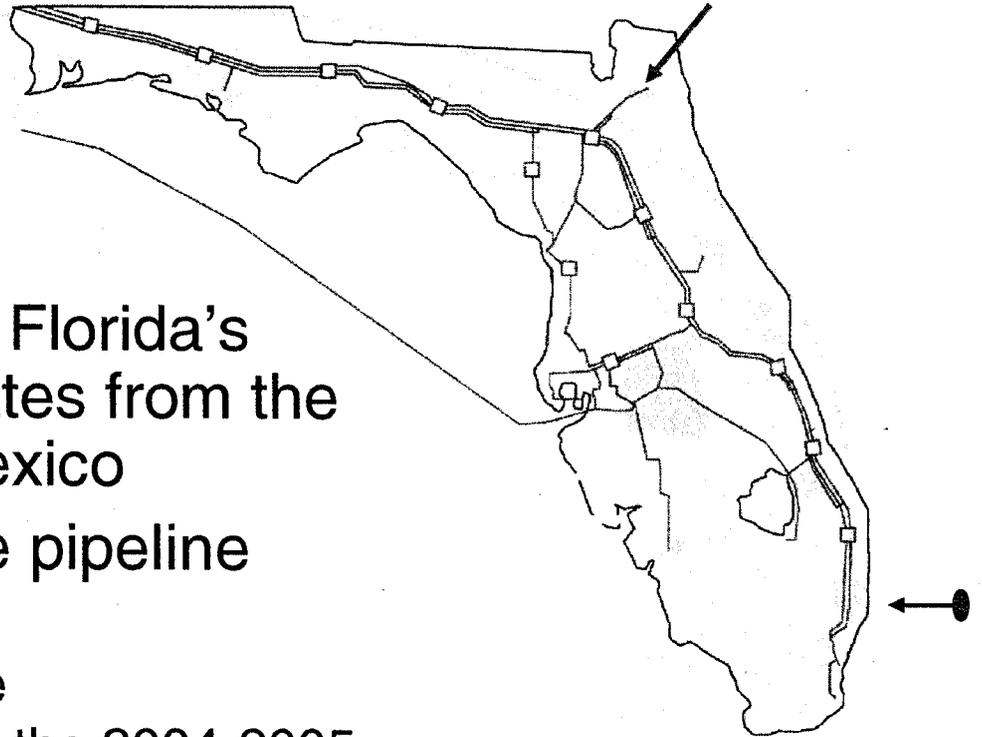
FPL

Kilowatt-Hours produced in
January 1st – December 31st, 2007



Florida Has All Its Eggs In One Basket

- ▶ Today – virtually 100% of Florida's natural gas supply originates from the Gulf Coast and Gulf of Mexico
- ▶ Florida is at the end of the pipeline system.
 - ▶ Supplies are on the decline
 - ▶ Vulnerabilities exist: during the 2004-2005 hurricane seasons – gas supply was reduced significantly for 2 weeks



Calypso Socio-economic Benefits

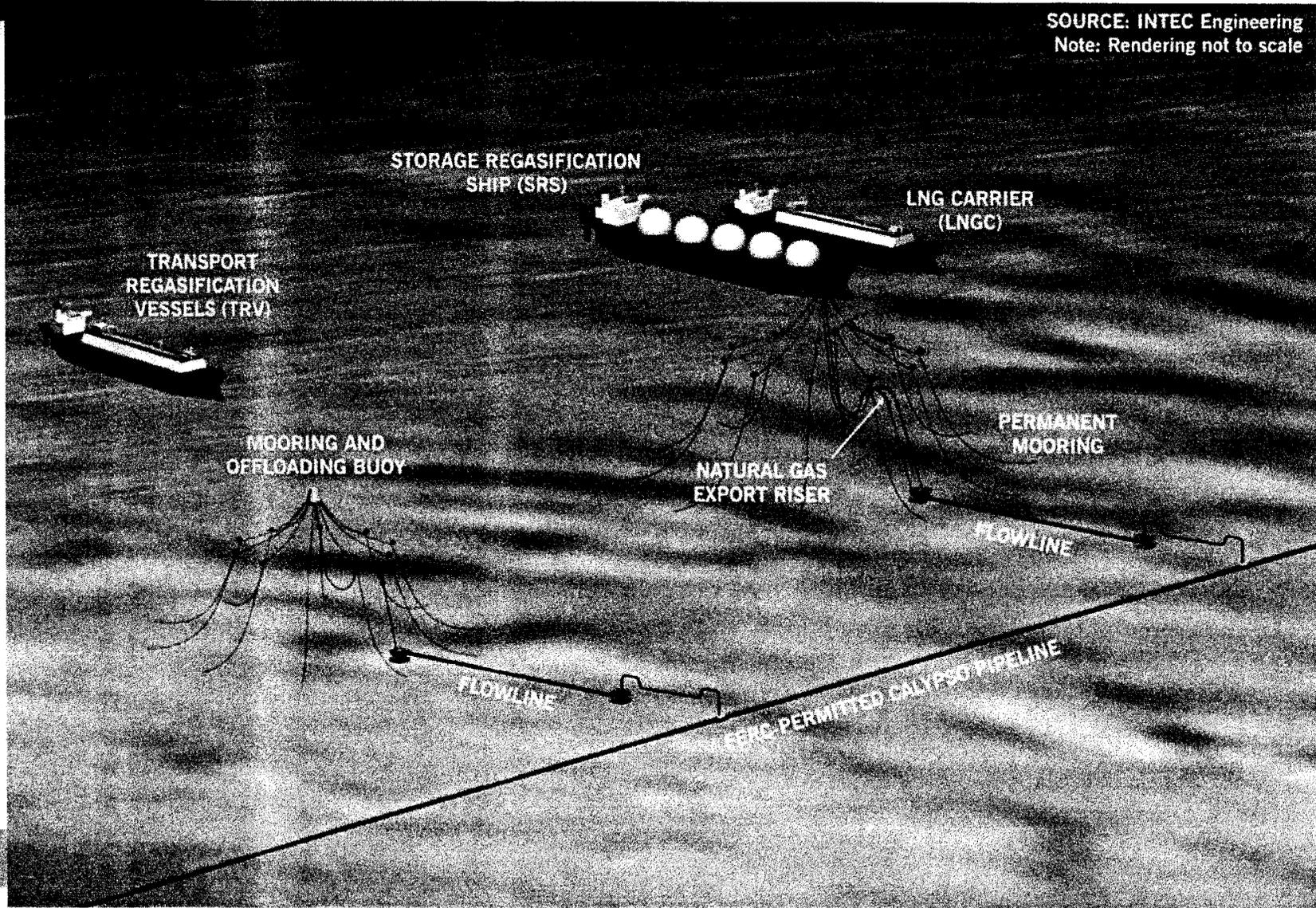
- ▶ Consistent with state mandates – fewer greenhouse gas emissions
- ▶ Additional gas supply dampens and moderates price volatility
- ▶ For the first time, Florida will be linked to global supplies of natural gas, helping to avoid supply interruptions and providing increased energy security
- ▶ Dramatic direct & indirect local & total economic impacts -- \$225 million annual impact to Broward County over a 25-year period

Local Economic Benefits – Long term ANNUAL Impacts Over 25 Years

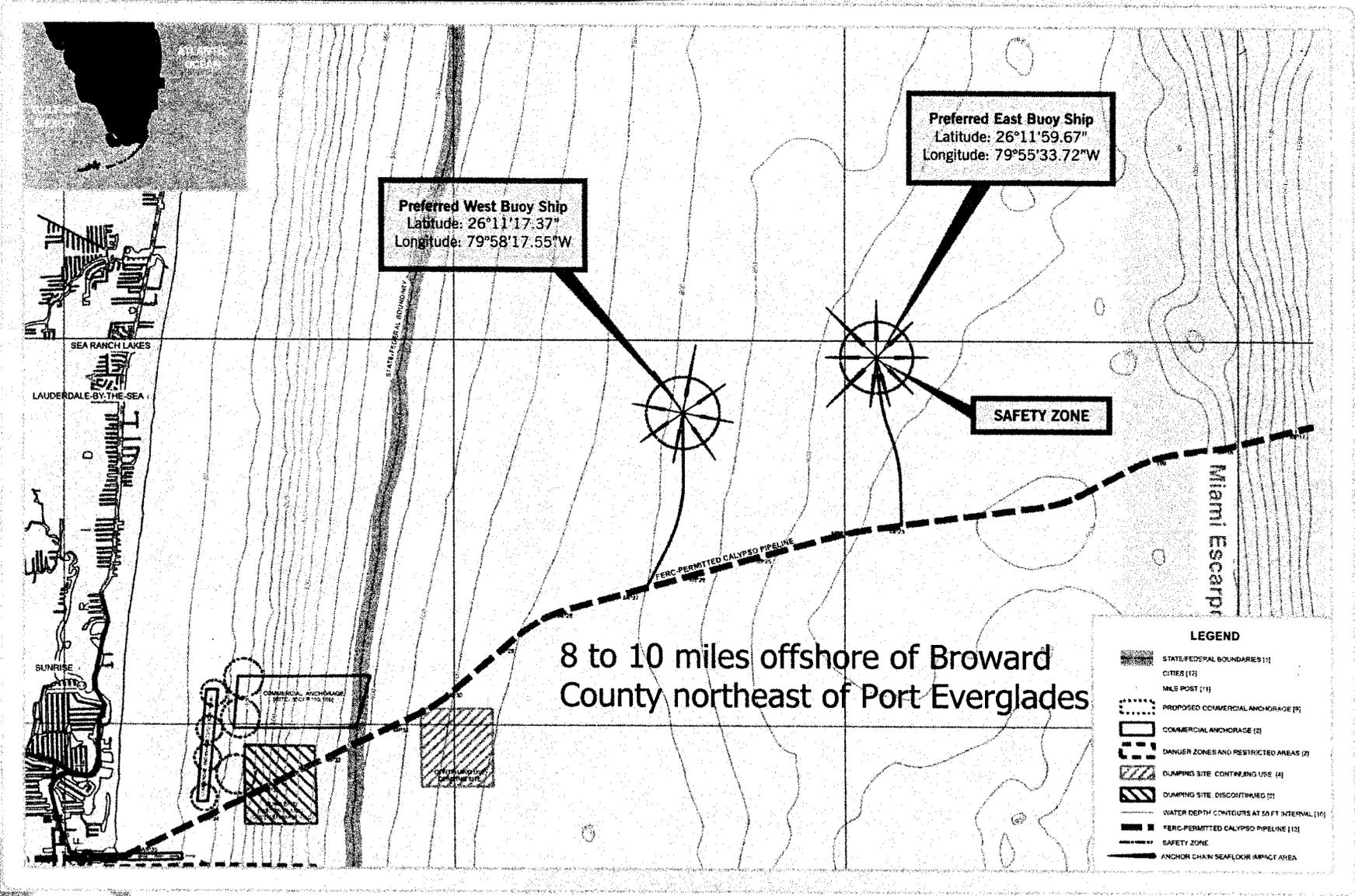
- ▶ Create 172 jobs for ongoing operations
- ▶ Provide direct stimulus from \$15 million in payroll and supplies expenditures
- ▶ Generate \$23 million per year in business sales to Broward County
- ▶ Generate \$6.5 million in personal income
- ▶ Generate \$1.5 million in Federal tax revenues and \$1.4 million in state and local taxes
- ▶ Contribute an average of approximately \$40 million in income taxes per year

What Is A Deepwater Port? How Does it Work?

SOURCE: INTEC Engineering
Note: Rendering not to scale



Calypso Location

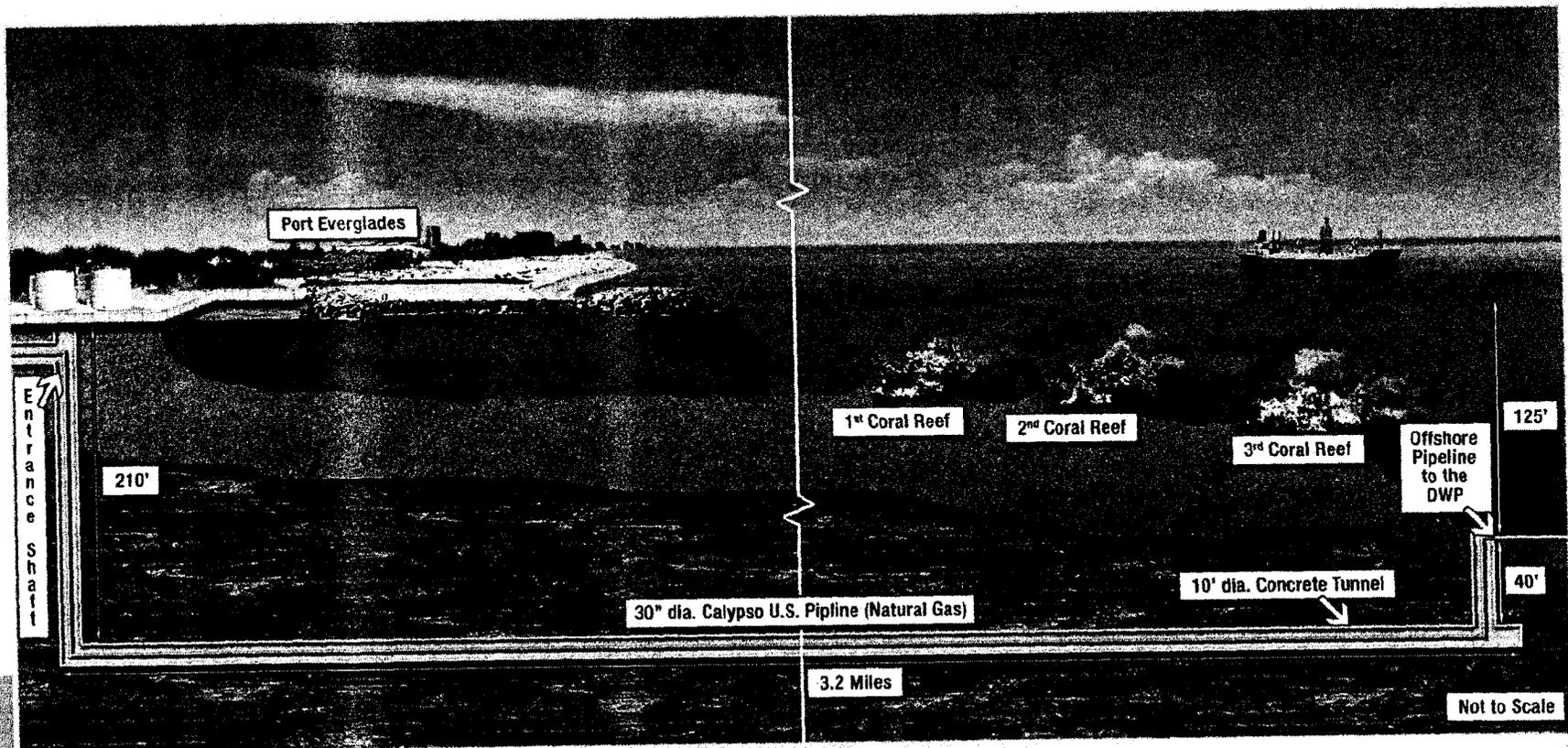


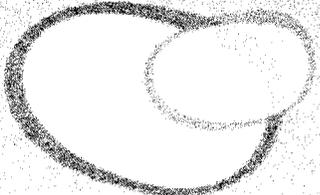
Location Benefits

- ▶ Brings dedicated gas supply directly into most populous area – South Florida
- ▶ Uses no coastal land
- ▶ The mobility of the Deepwater Port provides greater energy security in the event of a hurricane
- ▶ Proposed location minimizes the view-shed impact
- ▶ Proposed location is beyond near-shore reefs

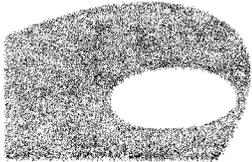
Environmental Benefits

- ▶ LNG re-gasified onboard ships using “closed loop” system; no usage of seawater for vaporization
- ▶ The Calypso Pipeline will pass through a 210-foot deep tunnel under the coral reefs, making landfall within Port Everglades





LNG Facts



Calypso

FACTS

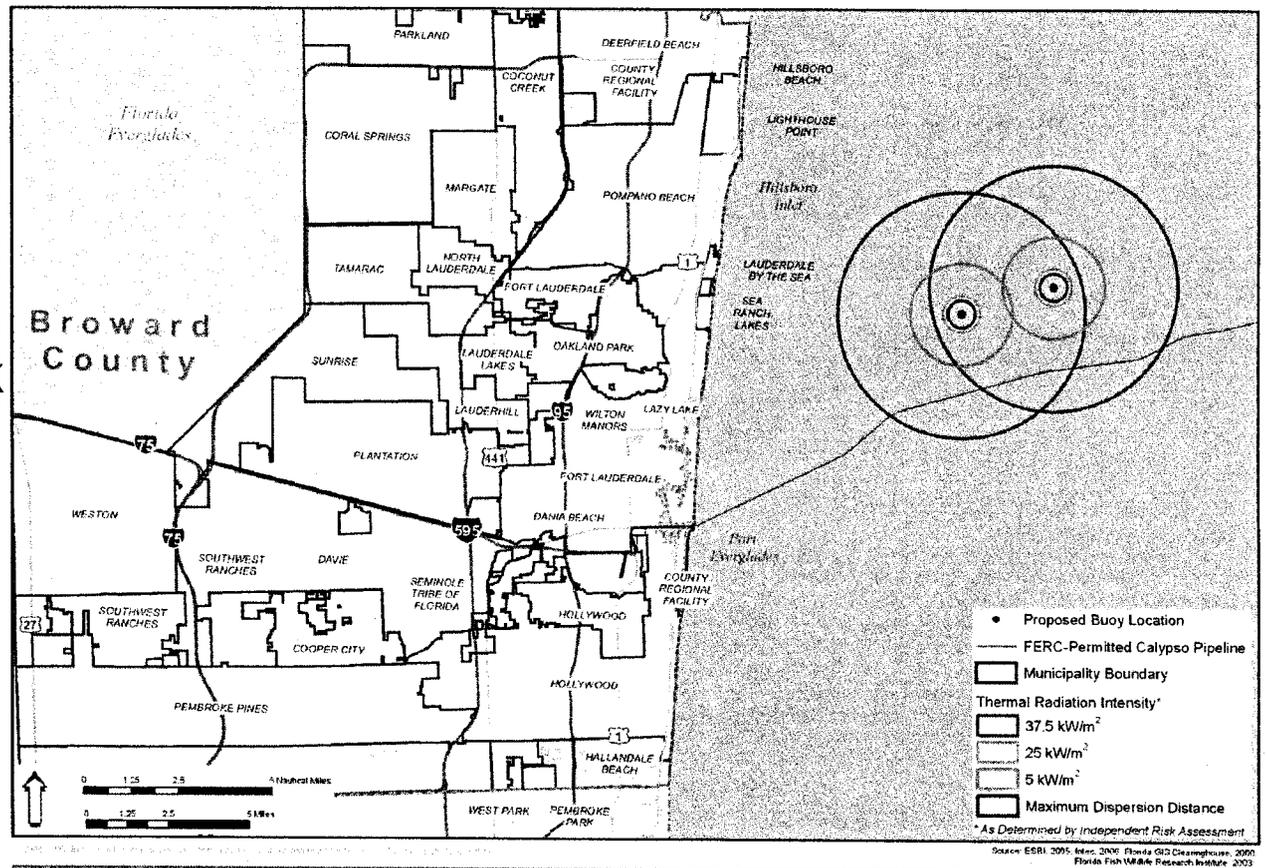
◉ **The Liquefied Natural Gas (LNG) shipping industry has an excellent safety record**

- ▶ There has never been a breach of a cargo tank on an LNG ship in the 45-plus year history of the industry
- ▶ LNG carriers have conducted more than 40,000 voyages worldwide, traveling more than 100 million miles without major incident

FACTS

The Calypso Deepwater Port is safe

- A safety zone (2,800 ft. radius) around each buoy will be established in cooperation with USCG
- The Independent Risk Assessment conducted by the US Coast Guard concludes that, even in a worst case credible scenario, coastal communities will not be affected



Calypso DWP Thermal Radiation Intensity Contours as Determined by Independent Risk Assessment

FACTS

- ◉ **The Calypso Deepwater Port is safe: “vapor cloud” is extremely unlikely and will not impact the shoreline**
 - ▶ An Independent Risk Assessment required for Calypso is conducted by the US Coast Guard.
 - ▶ Experts develop scenarios and model the consequences based on the specific ‘metocean’ data at the Calypso site.
 - ▶ In the very worst case credible scenario they could envision, an ignitable vapor cloud could extend up to 3.8 miles from the buoy.
 - ▶ The radius of “immediately damaging radiant heat” that would cause serious injury is 1.5 miles.
 - ▶ LNG cannot explode

FACTS

- **It is wrong to state that an LNG tanker's cargo "has the destructive force of 55 nuclear bombs"**
 - ▶ False and misleading information can be found all over the internet.
 - ▶ This is a reckless statement designed to do nothing more than scare people – when they have no reason to be scared.
 - ▶ This statement intentionally ignores the hazard potential between energy content and the rate at which energy content can be released.
 - ▶ Bombs are designed to release their energy with incredible speed creating destructive shockwaves.
 - ▶ Fuels such as natural gas, coal, oil or wood, depending upon the amount, will burn until the supply is exhausted – perhaps many hours or even days.
 - ▶ The energy stored at the storage facilities in Port Everglades is many times the amount stored at the Calypso DWP.

FACTS

◊ **The Calypso Deepwater Port will be protected from potential threats.**

- ▶ The US Coast Guard would not permit nor would SUEZ propose a project that presented a high risk of danger to any communities.
- ▶ There is no evidence to prove deepwater ports are more attractive targets for terrorists than any other energy facility located in Broward County, a tall building or a public meeting area.
- ▶ A tradition of excellent security has been established at Port Everglades – the busiest fuel importation port in Florida where on average, almost two ships per day dock and deliver over 12 million gallons of fuel to the 300 million gallons of existing storage facilities.

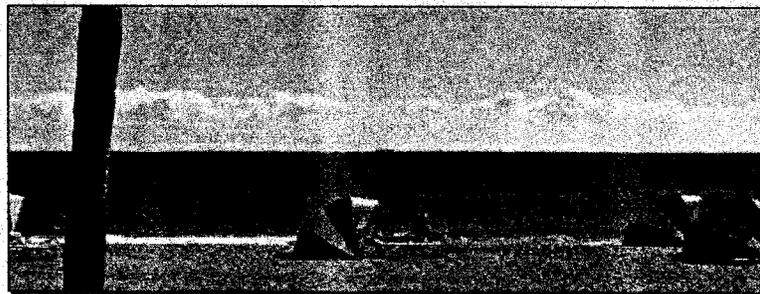
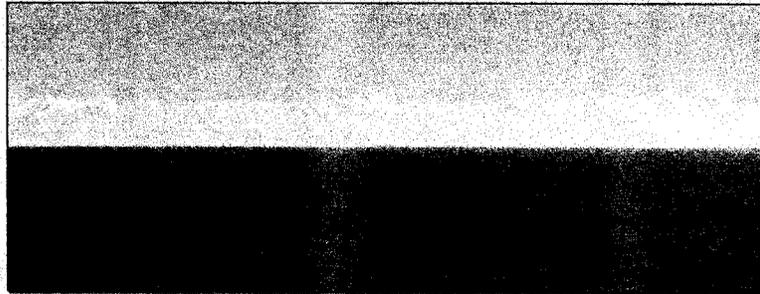
FACTS

- The Calypso DWP will not have a significant effect on the existing view-sheds of residents or tourists

Calypso Viewshed Photographs – Northern Location

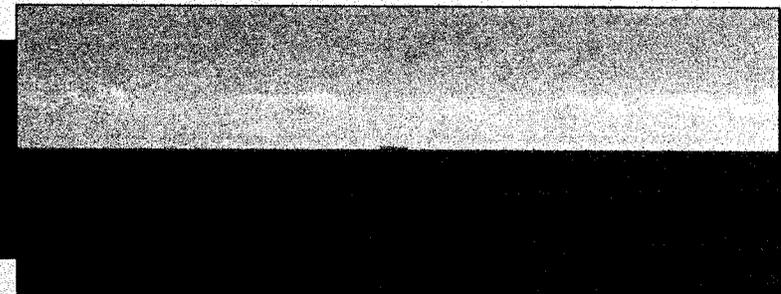
Calypso
CALYPSO LNG LLC

Eastern Buoy (10.3 miles offshore)



Photography Location:
Beachcomber Resort & Villas
1200 South Ocean Blvd.
Fort Lauderdale, Florida 33062

Western Buoy (7.7 miles offshore)



8th
F
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G
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D

Calypso/Viewshed Facts:

- SUEZ Boston vessel, part of SUEZ's global LNG fleet, used for photographs
- Western buoy used intermittently, principally summer-only
- Eastern buoy used principally summer-only during first 3 years of operation, and continuously thereafter
- No significant impact to viewshed based on distance offshore and existing ship traffic nearer shore

Summary

- ◉ **Florida needs a new source of clean natural gas**
- ◉ **Calypso DWP is a safe, environmentally responsible way to bring more needed energy to Florida**

Calypso Deepwater Port

Questions

www.CalypsoDWP.com

GIS for the Town of Lauderdale by the Sea

James Barton, P.E.

ESRI Authorized Trainer

June 11, 2008

Topics of Discussion

Introduction to GIS
Demonstration

GIS for Lauderdale by the Sea; June 11, 2008



Introduction to GIS

- GIS Basics
- Data
- Demonstrations

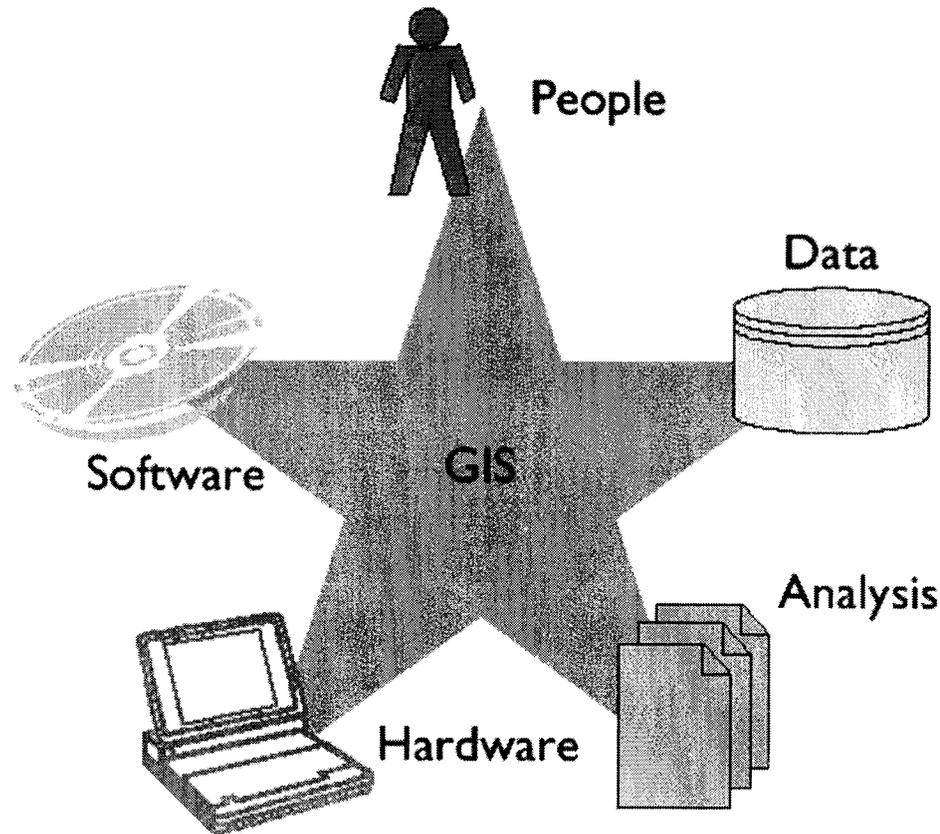
Better Management / Save Money

GIS 101 – The Basics

What is a Geographic Information System

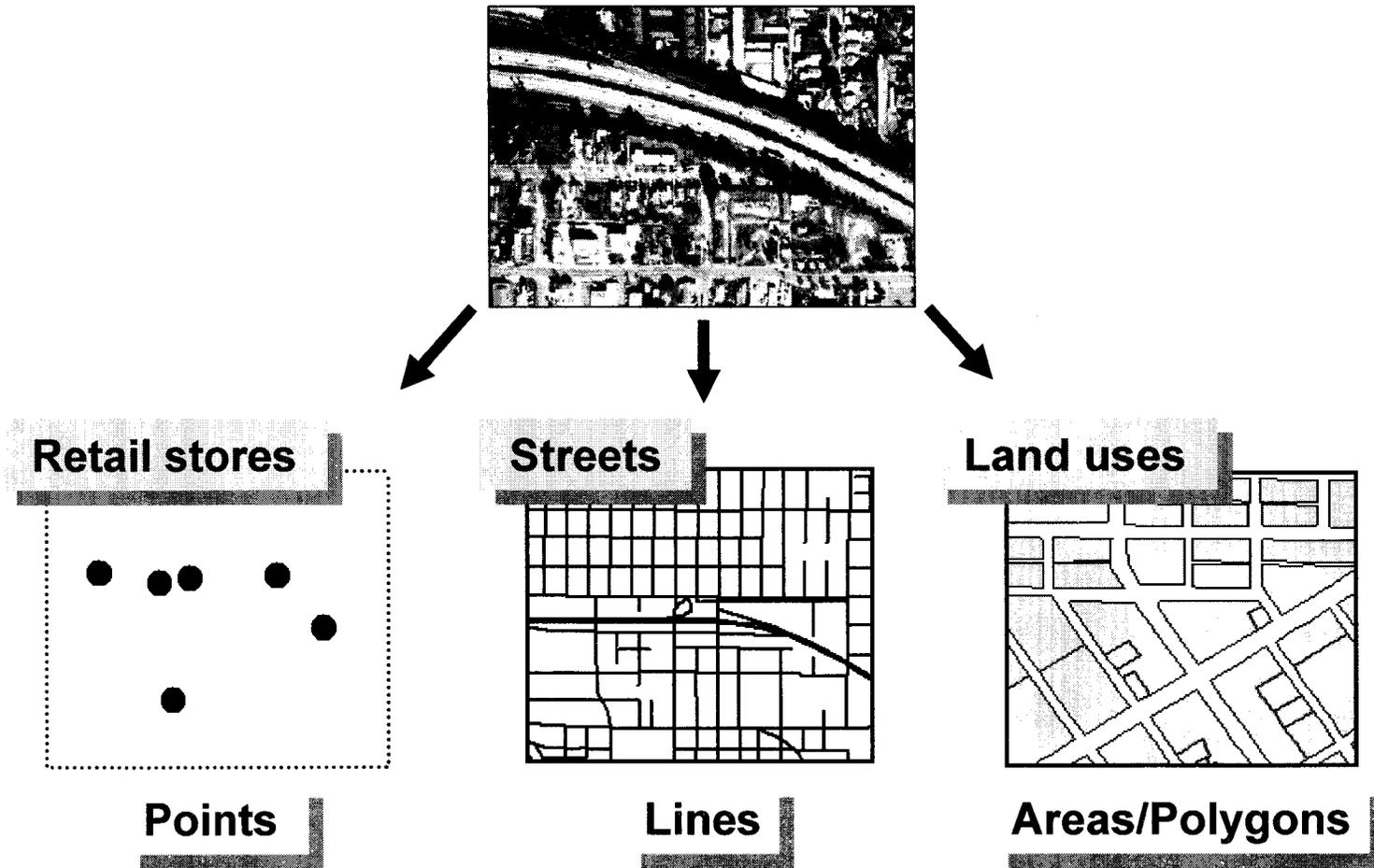
What is a GIS?

- An integration of five basic components



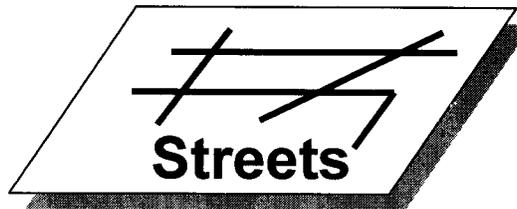
GIS Data Types

- Real-world entities are abstracted into three shapes

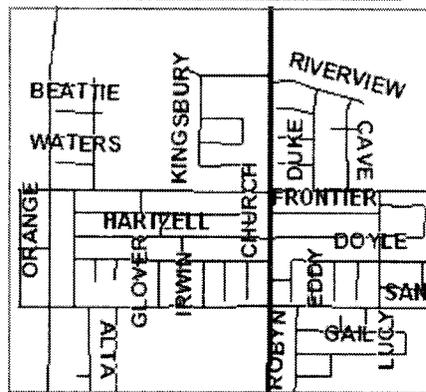


GIS Components

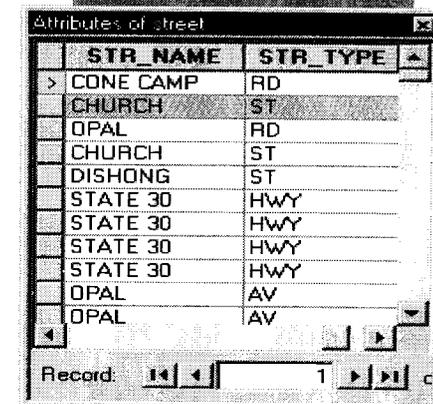
- General components to geographic information



Geometry



Attributes



Attributes of street

STR_NAME	STR_TYPE
> CONE CAMP	RD
CHURCH	ST
OPAL	RD
CHURCH	ST
DISHONG	ST
STATE 30	HWY
OPAL	AV
OPAL	AV

Record: 1

- Each feature corresponds to a record in the table

GIS Functions

Capture

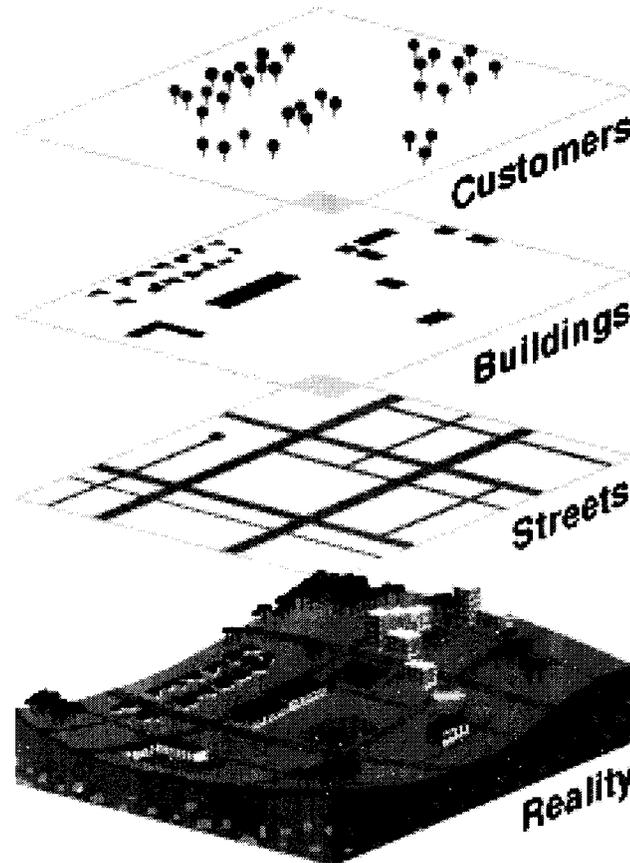
Store

Query

Analyze

Display

Output



Spatially Coincident !!

GIS for Lauderdale by the Sea; June 11, 2008

Benefits

Display → Analysis → Design

Users

Beginner

Intermediate

Advanced

Bring in Layers

Read Between

Calculations

Make Maps

Layers

Transfer Between

Quantities

Layers

Better Management / Save Money

GIS 101

Display

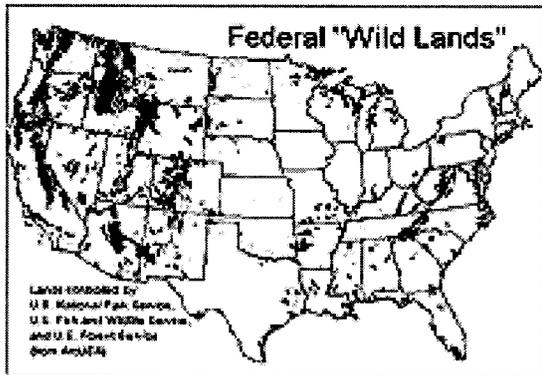
- Layers of Information
- Geography + Table
- Where & What
- Stored Independently
- Interchangeable / Onion Skin

GIS Data

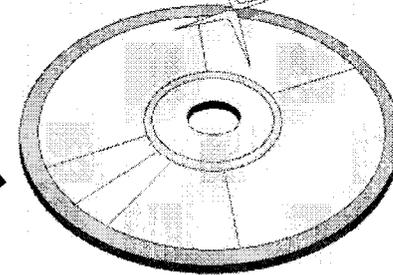
- GIS concepts
- What types of data are needed
- Where can we get data

Data Capture

Hardcopy maps

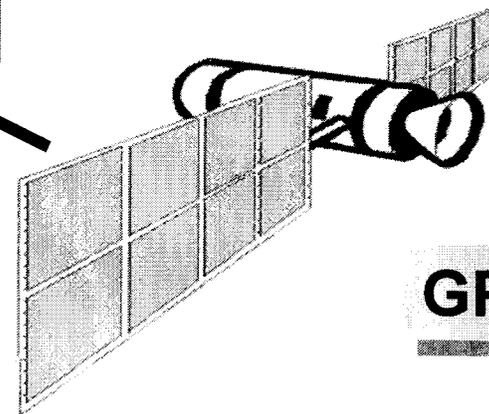
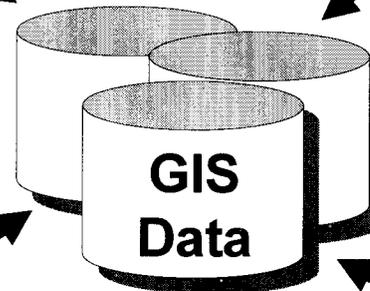


Digital data



Coordinates

480585.5, 3769234.6
483194.1, 3768432.3
485285.8, 3768391.2
484327.4, 3768565.9
483874.7, 3769823.0



GPS

GIS Demonstration

GIS for Lauderdale by the Sea; June 11, 2008

Display

- Permit Maps

Topo

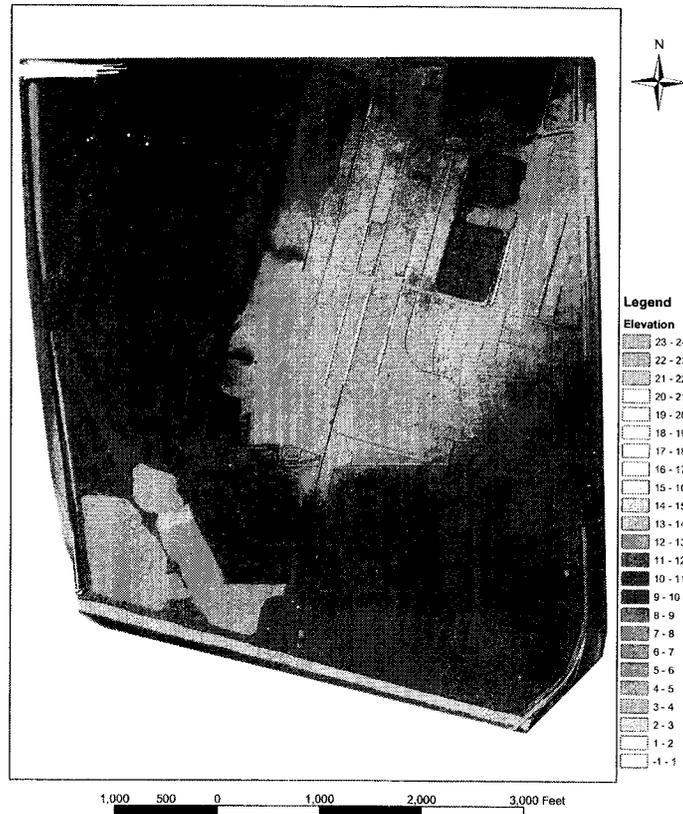


EXHIBIT: E-III-C-1
EXISTING TOPOGRAPHY

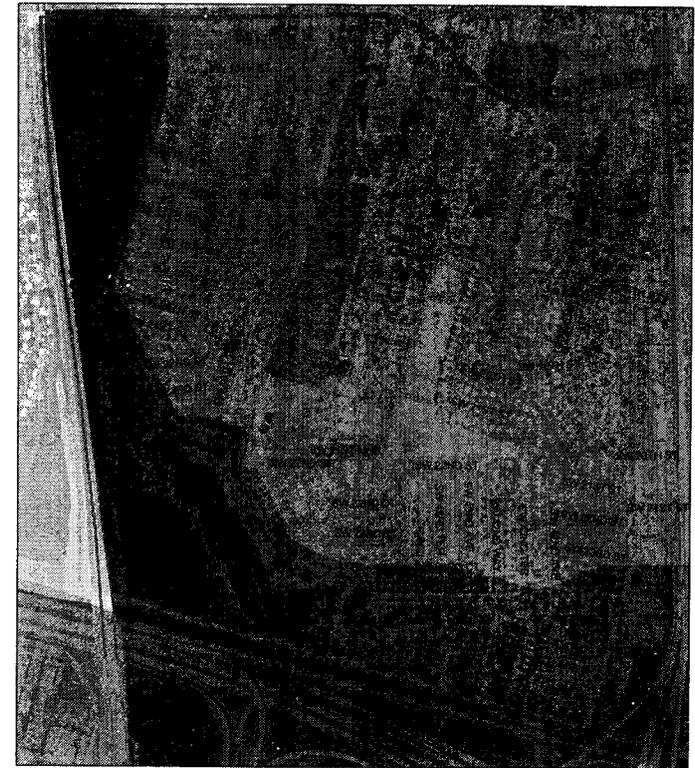
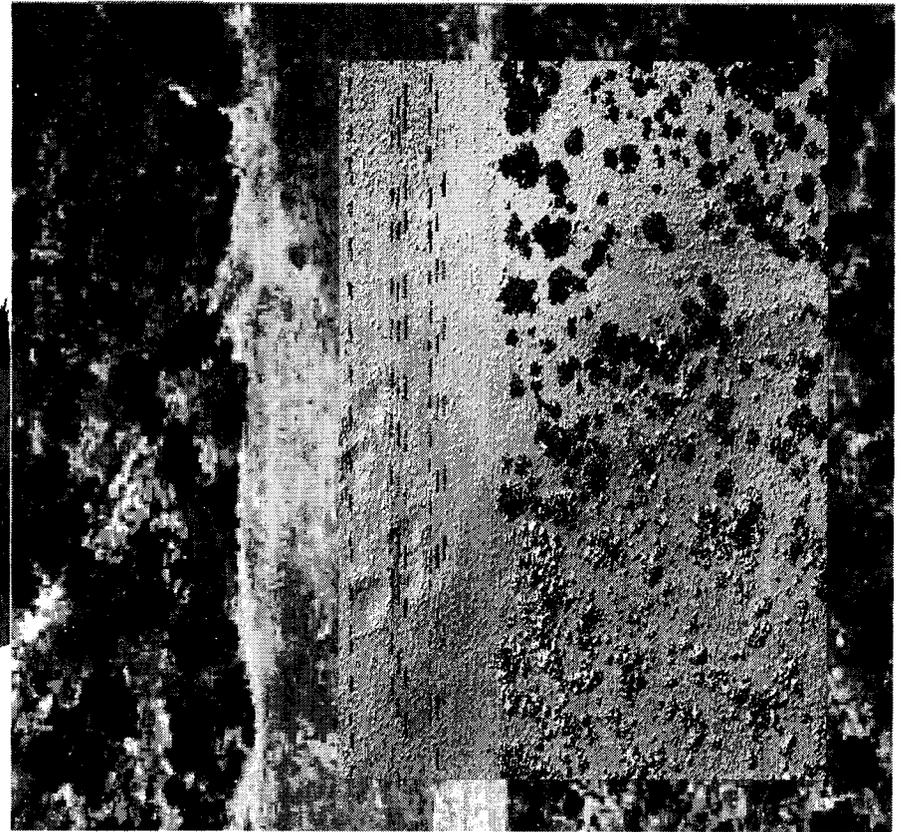
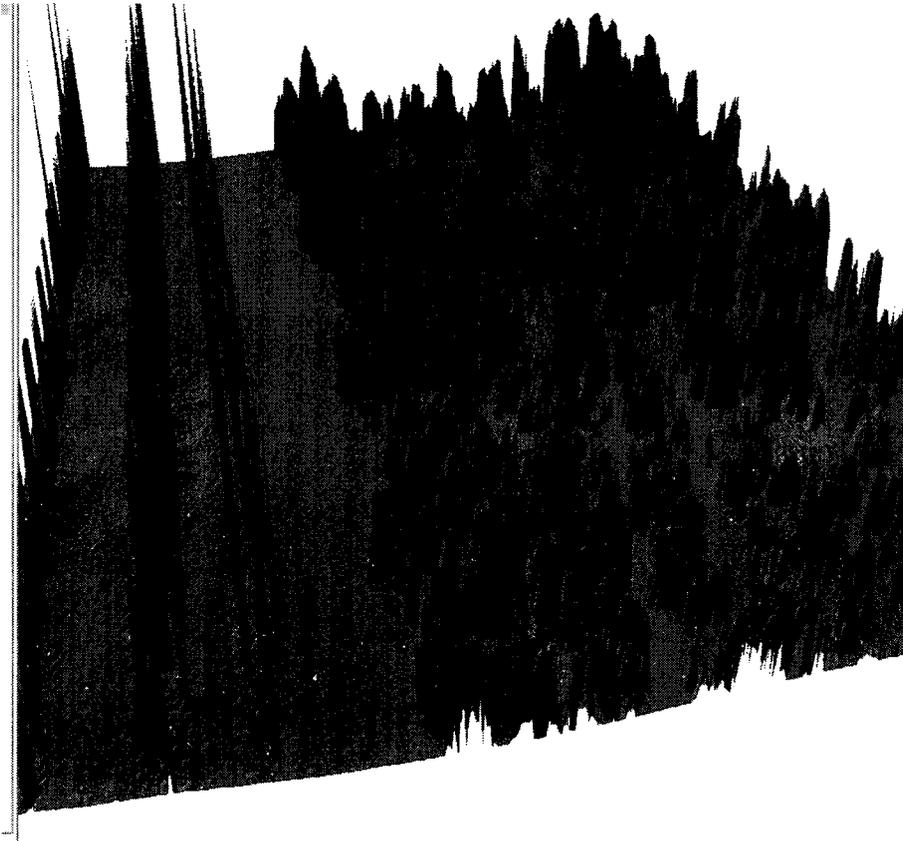


EXHIBIT: E-III-D
FEMA FLOOD ZONES

Flood Zones

Display

- LIDAR



GIS for Lauderdale by the Sea; June 11, 2008

Display

- Pictometry



GIS for Lauderdale by the Sea; June 11, 2008

Display

- Pictometry



GIS for Lauderdale by the Sea; June 11, 2008

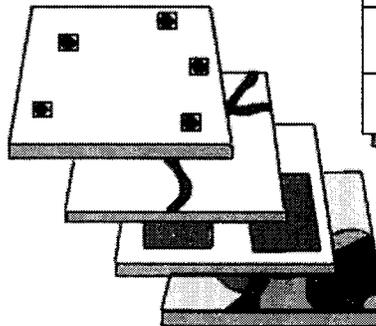
Analysis

Proximity

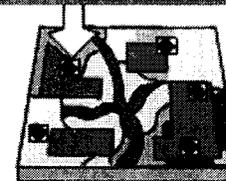


Which parcels are within 50 feet of the road?

Overlay



Well type	Drilled
Building owner	Smith
Soil type	Sandy



Network



Gee
It's
Simple

Start Small
Use GIS in house
Get better

James Barton, P.E.
ESRI Authorized Trainer
jbarton @ chenandassociates.com
954 - 914 - 8488