

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

Town Commission Meeting Room
**4501 Ocean Drive
Friday, September 12, 2008
7:30 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:30 p.m. Mayor Minnet, Vice Mayor McIntee, Commissioner Silverstone, Commissioner Dodd, and Commissioner Clotney 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 - Reverend George Hunsaker

Reverend George Hunsaker gave the Invocation.

4. PRESENTATIONS

a. Budget Presentation Award - Town Manager Colon

Alan Owens, Government Finance Association of America, presented the Budget Award and mentioned that this was the 11th year that the award was received by the Town of Lauderdale-By-The-Sea.

Commissioner Silverstone made a motion to amend the agenda to include, as the next item under Presentations, discussion regarding the authority of the Mayor as it was related to the Town Charter. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 3-2. Commissioner Dodd and Mayor Minnet voted no.

Commissioner Silverstone explained that upon watching a video he saw Mayor Minnet accept a picture in recognition of 9-11 and gave the picture to the Sheriff's Office "on behalf of the Town" and the "Future's Paper". Commissioner Silverstone did not believe the Town Charter gave permission for the Mayor to do so. He added that the Commission was a Commission Management form of government and the Mayor only had rights for ceremonial purposes, but to have the effect of people thinking that the Town

and some other entity such as a business, supported something or worked together without the support of the Commission, should not occur.

Vice Mayor McIntee agreed. He felt Mayor Minnet abused her authority. Commissioner Dodd gave Mayor Minnet the benefit of the doubt and believed she would not make the mistake. Mayor Minnet stated that abuse was not intended and it would not happen again.

- b. Presentation by Michael Arker to the Town of Lauderdale-By-The-Sea and the Volunteer Fire Department (Mayor Minnet)

Michael Arker presented a painted portrait by Michael Israel to Vice Mayor McIntee and his son thanking them for going to ground zero on 9-11.

5. REPORTS

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

- a. Finance & Budget Monthly Report - July 2008 (Manager Colon)
- b. Development Services Monthly Report - July 2008 (Assistant Olinzock)
- c. Municipal Services Monthly Report - July 2008 (Assistant Olinzock)
- d. Broward County Sheriff's Office Monthly Report - June 2008 (Chief Gooding)
- e. Broward County Sheriff's Office Monthly Report - July 2008 (Chief Gooding)
- f. Volunteer Fire Department Monthly Report - July 2008 (Chief Perkins)

6. TOWN MANAGER REPORT

Manager Colon stated that the Seagrape Project would not be completed until October 31, 2008. She added that Tenex and Engineer Keller had Change Orders that would be on the September 25, 2008 Commission agenda. Manager Colon advised that a Comcast box needed to be relocated causing a delay in the completion of the Washingtonia sidewalk. Manager Colon said there were some problems with the Fish and Wildlife regarding the Reef Habitat but they would be resolved. Manager Colon said the entryways were ready for the flags and staff and that she was waiting for direction from the Commission on the positioning of the flags. Manager Colon said renovations have been done on the new building and progress was being made.

Commissioner Silverstone made a motion to direct the Town Manager to purchase American Flags and Lauderdale-By-The-Sea Flags for the Town

entryways, a total of 4. Mayor Minnet wanted to consider the cost and look at the budget prior to taking a vote. In a roll call vote, the motion carried 5-0. Commissioner Clotey seconded the motion.

Commissioner Dodd was concerned with the complaints about improper supervision regarding the Seagrape Project such as planting tree alongside light poles. He wondered why Mr. Keller was putting in a Change Order for additional time.

Mr. Keller explained there was a revision in the plans to modify trees to be consistent with the Towns Powerline Ordinance. He said that delays were a direct cause from the utility companies. Mr. Keller added that since February, 2008 he had been paid 1/4 of the hours spent on the job. He added that his Change Order was for his extra time that was consistent with the extra time that Tenex was putting in, for construction supervision from May 27, 2008 to October 31, 2008.

7. APPROVAL OF MINUTES

- a. July 22, 2008 Workshop Minutes
- b. July 22, 2008 Special Hearing Minutes
- c. July 22, 2008 Regular Meeting Minutes

There were no questions, deletions or changes to the minutes. Commissioner Dodd made a motion to accept items 7a thru 7c. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

8. PUBLIC COMMENTS

Edmond Malkoon thanked Mayor Minnet for representing the Town during the Calypso hearing and for calling to see if anyone needed assistance during hurricane Fay. He said he would propose that his Board put together a list of special needs residents and forwarded the list to the Broward Sheriff's Office.

John Thompson thought that a \$100 security deposit along with the rental fee for Jarvis Hall was a good idea. He felt it was too late for item 15K but 15B showed great improvement.

Bob Fleishman disliked reference to the previous Commission as "the old guard". He felt that was disrespectful.

Cristie Furth announced the Old Fashioned Town Hall meeting on Sunday, September 21, 2008 at 7:00 p.m. in Jarvis Hall. She added that coffee and desert would be served.

Lawrence Wick was concerned about beach safety. He wanted the Town of Lauderdale-By-The-Sea to inform the people about the dangers of rip currents as the City of Ft. Lauderdale did with flags. Mr. Wick suggested the Master Plan Steering Committee have a public workshop to discuss what the Town would like for the future. Mr. Wick said poll workers were taking up parking spaces that senior voters could have used and hoped to see alternative parking for poll workers.

Frank Herrmann objected to a 1 year, \$4,000 contract for a Halloween Party. He would agree to a lesser amount of \$3,999 as it brought excitement to the kids.

9. ORDINANCES

A. Ordinances 1st Reading - "Public Comments"

1. Ordinance 2008-19: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-7 OF THE CODE OF ORDINANCES TO ESTABLISH AN APPLICATION FEE FOR APPEALS FROM ADMINISTRATIVE DECISIONS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action - Manager Colon)

Manager Colon explained that Ordinances 2008-19, 2008-20, and 2008-21 were reviewed and made consistent to comply with the Variance Application fee of \$350 for single family residents and \$900 for Commercial. Manager Colon stated that Ordinance 2008-22 addressed administrative appeals. She added that since the Board of Adjustment is an advisory board they should forward their recommendation to the Commission and the binding decision should come from the Commission by majority vote. Manager Colon explained that Ordinance 2008-23 clarified the criteria for a variance request and Ordinance 2008-24 gave clarity that the role of the Board of Adjustment was to make their recommendations to the Commission.

Mayor Minnet opened the meeting for public comment.

Diane Boutin did not understand the difference between the fee for a resident wanting a variance and a commercial building.

George Hunsaker asked whether the fee structure applied to multifamily residents and whether the "commercial" fee or the "residential" fee would apply.

Frank Herrmann had the same concerns regarding variance fees for multifamily units and condominiums.

Barbara Cole inquired as to whether there would be extra fees for multifamily units.

With no one else wishing to speak, Mayor Minnet closed public comments.

Commissioner Dodd asked whether it was correct to ask a business to put up \$900 to appeal a decision, and whether they would get their money back if they won the case. Manager Colon said that would be the decision of the Commission. Commissioner Dodd wanted Manager Colon to research what other municipalities charged for administrative appeals.

Manager Colon clarified that the Town Commission distinguished between the \$350 and \$900. She explained further that historically everyone was charged a \$900 fee. Manager Colon added that the Commission had since decided to lower the fee to \$350 for single family residents only. She stated the condominiums and multifamily units would be charged \$900 since they are not single family residents.

Mayor Minnet stated that Town Staff modified the Ordinances to meet the request of the Commission. She reminded the Commission that the Town had to look at the costs to the Town.

Commissioner Clotley made a motion to have staff look into what other communities charged. Manager Colon said the survey had been done previously. Commissioner Clotley said that staff was paid a salary and whether they worked on this research or something else they would still get paid for their time. Vice Mayor McIntee said previous research showed that \$350 was a rational figure with \$900 for industrials.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-19 on 1st reading pending additional research. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

Note: This Ordinance was reconsidered later in the meeting with amendment to refund the applicant should the applicant win the appeal.

2. Ordinance 2008-20: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-6 OF THE CODE OF ORDINANCES TO ESTABLISH THE APPLICATION FEE FOR APPLICATIONS INVOLVING THE

JURISDICTION OF THE PLANNING AND ZONING BOARD;
CLARIFYING THE PROCEDURE FOR MAKING APPLICATIONS
WHICH ARE REVIEWABLE BY THE PLANNING AND ZONING
BOARD; PROVIDING FOR SEVERABILITY; CODIFICATION; AND
AN EFFECTIVE DATE (For discussion and/or action - Manager
Colon)

Mayor Minnet read Ordinance 2008-20 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole asked for clarification on the cost as to whether it was for every application.

With no one else wishing to speak Mayor Minnet closed public comments.

Manager Colon stated that site plan applications were reviewed by the Planning and Zoning Board and variance applications were reviewed by the Board of Adjustment. She added that both applications would have the same fee as recommended by the Commission for single family residences.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-20 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

3. Ordinance 2008-21: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF ORDINANCES TO ESTABLISH BY ORDINANCE AN APPLICATION FEE FOR VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action - Manager Colon)

Mayor Minnet read Ordinance 2008-21 by title.

Mayor Minnet opened the meeting for public comments.

Diane Boutin pointed out that hotels, businesses and multi family units tended to renovate more frequently than single family residences and apply for either variance applications or building applications 3 to 4 times a year. She asked the Commission to reconsider the \$900 application fee.

With no one else wishing to speak Mayor Minnet closed public comments.

Commissioner Dodd did not feel that a variance fee should be charged to put a fence around a pool because a change in the county ordinance made it mandatory. He wanted a waiver of the fee to be added into Ordinance 2008-21.

Commissioner Dodd made a motion to adopt Ordinance 2008-21 on first reading with an exception in the instance of a variance for a swimming pool that was established prior to Broward County's legal requirement to fence the pool, that the variance fee be waived. Commissioner Clotey seconded the motion.

Commissioner Silverstone made friendly amendment to the motion not to apply to pools only, but to anyone that had an impact. Discussion continued as to whether it should apply to hardship. Commissioner Dodd clarified that it should only apply to hardships where there were changes in the legal requirements. Commissioner Clotey believed that in that case it should apply not only to pools, but to non-conforming property.

In a roll call vote, the motion carried 4 - 0. Commissioner Silverstone recused.

4. Ordinance 2008-22: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-7 OF THE CODE OF ORDINANCES TO ESTABLISH THAT THE TOWN COMMISSION WILL BE THE FINAL DECISION MAKER FOR APPEALS FROM ADMINISTRATIVE DECISIONS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action - Manager Colon)

Mayor Minnet read Ordinance 2008-22 by title.

Mayor Minnet opened the meeting for public comments.

With no one wishing to speak Mayor Minnet closed public comments.

Commissioner Silverstone made a motion to adopt Ordinance 2008-22 on first reading. Commissioner Clotey seconded the motion.

Commissioner Dodd questioned whether the applicant filing the appeal would get their money back should they win the appeal. Mayor Minnet pointed out that costs were involved and staff puts in a lot of time on

appeals. Commissioner Dodd believed that if staff was wrong then the applicant should not be penalized.

Commissioner Dodd made a motion to amend Ordinance 2008-22 on first reading to refund the application fee should the applicant win the appeal. Manager Colon thought the amendment would be more appropriate in Ordinance 2008-19. Attorney Abbott agreed.

Commissioner Dodd withdrew his amendment.

Commissioner Dodd made a motion to adopt Ordinance 2008-22 on first reading. Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5 - 0.

Commissioner Dodd made a motion to reconsider Ordinance 2008-19 with an amendment to refund the fee should the applicant win the appeal. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

5. Ordinance 2008-23: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF ORDINANCES TO MODIFY THE CRITERIA GOVERNING VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action - Manager Colon)

Mayor Minnet read Ordinance 2008-23 by title.

Mayor Minnet opened the meeting for public comments.

With no one wishing to speak, Mayor Minnet closed public comments.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-23 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

6. Ordinance 2008-24: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 30-8 OF THE CODE OF ORDINANCES TO REDESIGNATE THE PERSONNEL CHARGED WITH PROVIDING RECOMMENDATIONS TO THE COMMISSION IN CONNECTION WITH VARIANCE REQUESTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (For discussion and/or action - Manager Colon)

Mayor Minnet read Ordinance 2008-24 on first reading.

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

Commissioner Dodd made a motion to adopt Ordinance 2008-24 on first reading. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

B. Ordinances 2nd Reading - "PUBLIC HEARING"

1. 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 - Tabled at the May 27, 2008 Commission meeting by Vice Mayor McIntee)

Mayor Minnet read Ordinance 2008-11 by title.

Mayor Minnet opened the meeting for public comments.

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

Commissioner Silverstone made a motion to adopt Ordinance 2008-11. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

2. 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 - Tabled at the July 22, 2008 Commission meeting by Commissioner Clotey)

Mayor Minnet read Ordinance 2008-01 by title.

Mayor Minnet opened the meeting for public comments.

Barbara Cole asked for clarification on the changes to the Comprehensive Plan.
With no one else wishing to speak, Mayor Minnet closed the public hearing.

Engineer Keller said the Comprehensive Plan could be changed twice a year. He said this particular amendment was a State requirement put on the Town to do an Evaluation Appraisal Report and required a Water Supply Facility Work Plan.

Vice Mayor McIntee made a motion to adopt Ordinance 2008-01. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

10. COMMISSIONER COMMENTS

Vice Mayor McIntee received an opinion from Ethics Commission that there was no conflict of interest with a Commission member also serving as a contracted member of the Volunteer Fire Department. He added that the opinion clearly stated that he and Commissioner Silverstone could vote on any Volunteer Fire Department issues.

Vice Mayor McIntee indicated that the Volunteer Fire Department was patrolling the beach and stated that Chief Perkins had sent a request to the condominiums for drills and there had been no responses from the condominiums.

Mayor Minnet suggested a Citizen Oversight Committee even though she believed the Volunteer Fire Department would serve the Town in their best capacity.

Commissioner Clotey was pleased with the reduction in the deficit and the millage rate reduced to 3.9990. She addressed the recent drownings and believed tourists needed to be educated. Commissioner Clotey was in favor of purchasing the complex rather than spending \$7 million on building one.

Commissioner Silverstone thanked the Town Manager and staff for doing a great job with the budget. He said he had also contacted the Ethics Committee and was also told that there was no conflict of interest to vote on the Volunteer Fire Department issues. Commissioner Silverstone announced that he had started the basketball league for ages 6 to 12. He added the Citizen's Initiative Committee was hosting an old time meeting and encouraged everyone to attend.

Commissioner Dodd wanted to update the public on the communications between the Volunteer Fire Department and the Broward Sheriff's Office. Chief Perkins explained that they had gone over all the issues and things are moving quickly. He added that another meeting was scheduled for Monday, September 15, 2008

and the first call outs will begin September 24, 2008 and test runs will continue for at least a week.

11. CONSENT AGENDA

Items 11b, 11e, 11f, 11g, 11h, 11i were pulled for discussion.

Commissioner Silverstone made a motion to approve items 11a, 11c, 11d and 11j on consent. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- a. Commission Approval of Expenditure for Storm Drain Cleaning of 163 Structures by Piggybacking Palm Beach County Board of Commissioners Contract #05007A with Shenandoah Construction Company in the amount of \$63,180.00. Cleaning is to be completed in This Current Fiscal Year. Map of 163 Structures to be cleaned Attached (Assistant Olinzock)
- b. Approval of Agenda Item Request Form for Commission meetings from 10/14/2008 thru 03/24/2009; Date change of Nov 11, 2008 to Nov 12, 2008 due to Veterans Day (Clerk White)

Commissioner Clotley requested the meeting of November 11, 2008, Veteran's Day, be rescheduled for November 10, 2008. There were no objections. Vice Mayor McIntee requested the meeting of December 23, 2008 be cancelled and reschedule the meeting of December 9, 2008 to December 16, 2008.

Commissioner Silverstone made a motion to reschedule the meeting of November 11, 2008 to Nov 10, 2008, and December 9, 2008 to December 16, 2008, and cancel the meeting of December 23, 2008. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- c. Commission approval of the issuance of fifty (50) parking permits for Ocean Conservancy's International Coastal Cleanup, Saturday, September 20, 2008 8:00 AM till 2:00 PM, Bougainvillea parking lot (Assistant Olinzock)
- d. Ratification by Town Commission of the Meeting Date Change for the Master Plan Steering Committee to the Third Tuesday Evening of Every Month at 7:00 P.M. (Assistant Olinzock)
- e. Commission approval of Volunteer Fire Department Contract for Fire Protection and Fire Prevention Services (Manager Colon)

Commissioner Dodd asked whether appointments for a Fire Marshall and Fire Inspector would be in place before October 1st. Manager Colon said

the Town of Lauderdale-By-The-Sea had hired a Fire Marshall. Chief Perkins stated that there were two applicants for Fire Inspector and hoped to have one by October 1st. Vice Mayor McIntee reminded the Commission that the Volunteer Fire Department had until January 2008 to have a Fire Inspector in place.

Mayor Minnet asked whether the Volunteer Fire Department was a member of the Inter-local Fire Chief Association and whether Chief Perkins attended those meetings. Chief Perkins said they were a member but did not attend the meetings as they were not yet the official fire department. Chief Perkins was aware of the standards under the National Fire Protection Association. He said he would agree to add the National Fire Protection Association's training standards to the Volunteer Fire Department contract. Mayor Minnet feared that if something happened and litigation resulted, that would be the first thing that would be looked at. Attorney Abbott said it would not hurt to add it to the contract. Chief Perkins agreed to make it a part of the contract.

Vice Mayor McIntee pointed out that the book was 8 inches thick and contained many standards. Mayor Minnet said the National Fire Protection Association's standard 17.10 dealt specifically with a Volunteer Fire Department. Battalion Chief Pontu said most of the standards are recommendations and they change every two years.

Commissioner Dodd made a motion to approve the Volunteer Fire Department Contract for Fire Protection Services Commissioner Clotney seconded the motion. In a roll call vote, the motion carried 5 - 0.

f. Commission approval of Emergency Medical Services contract with Broward Ambulance, Inc. d/b/a American Medical Response (AMR) (Manager Colon)

Mayor Minnet said that she did not read in the contract that one EMS vehicle would remain in the Town as agreed to previously.

Operations Manager Brooke Liddle, American Medical Response explained that at Town Attorney's request the contract was re-written to contain language. Manager Colon pointed out that the location was included in the contract and was noted on page 1 of the contract on the bottom left side. Mayor Minnet said that she understood a dedicated unit would be at Holy Cross but there was supposed to be a unit located in the Town of Lauderdale-By-The-Sea.

Vice Mayor McIntee clarified that American Medical Response would have an ambulance station in Town 24 hours a day, 7 days a week, 365 days a year with 2 paramedics and 1 EMT along with another ambulance stationed at Holy Cross. Operations Manager Liddle confirmed.

Vice Mayor McIntee added that American Medical Response was also located at Powerline Road.

Commissioner Silverstone made a motion to approve the contract. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 4-1. Mayor Minnet voted no.

- g.** Commission approval of Villas By The Sea minor site plan modification for Building "D" (Assistant Olinzock)

Assistant Olinzock explained that no aesthetic changes were made that did not effect height requirements. He pointed out that even though Minto had indicated that the parking lot at El Prado Park was completed, it was not completed.

Commissioner Dodd wanted everyone know that the actual height of the building was 54 feet. He added that was what was planned and allowed under the overlay district at the time the site plan was passed.

Manager Colon said that staff was not required to bring minor site plans to the Commission. She had informed staff to bring all minor changes to Commission for approval.

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

- h.** Commission approval of Town sponsored Special Events Application for the first annual LBTS October Greenfest 2008, Saturday, October 4, 2008, from 7 a.m. to 2 p.m., providing for the Adopt-A-Street Program Kick-Off, Hazardous Waste and Electronics Recycling for the Town residents, use of Jarvis Hall during the Event (Assistant Olinzock)

Commissioner Dodd thought this was a wonderful idea to get rid of the old paint cans in the closet. He wanted to have it on Channel 78 and in the Town Topics. He asked whether a regular dumpster would be available in addition to the one for Hazard Materials and whether a driver's license would be required for proof of residency.

Mayor Minnet said the Hazardous Waste container was booked a year in advance and would be available. She added that she was working on obtaining a recycle bin for electronics. Assistant Manager Olinzock added Hazardous Waste materials could be brought to the Pompano Beach Dump on Saturdays.

Vice Mayor McIntee made a motion to approve the Special Events Application for the first annual LBTS October Greenfest 2008, Saturday, October 4, 2008, from 7 a.m. to 2 p.m., with removal of the Hazardous Waste. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- i. Consent for a \$4,000 budget for a Halloween Party (Commissioner Silverstone)

Commissioner Dodd wanted to know what the money was going to buy. Manager Colon said a report was sent out and would get the report to him. Commissioner Dodd wanted Commissioner Silverstone to make an attempt to come in under budget. Commissioner Silverstone said he requested the maximum amount but the cost would probably come in around \$2,000.

Commissioner Dodd made a motion to approve a maximum of \$4,000 for a Halloween Party. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5 - 0.

- j. Commission approval for Emergency Storm Drain Repairs by Man-Con, Inc., 4400 Bougainvillea Drive, 4629 El Mar Drive, 4546 El Mar Drive (Assistant Olinzock)

12. RESOLUTION - "Public Comments"

- a. Resolution 2008-18: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REPEALING RESOLUTION NO. 1254, WHICH PROVIDED FOR RENTAL FEES TO BE CHARGED FOR THE USE OF JARVIS HALL AND IMPOSING, INSTEAD, THE REQUIREMENT THAT ALL USERS OF JARVIS HALL MAKE A \$100 SECURITY DEPOSIT, TO BE APPLIED AGAINST ANY COSTS INCURRED IN CLEANING AND/OR REPAIRING JARVIS HALL AFTER ITS USE (Assistant Olinzock)

Mayor Minnet read Resolution 2008-18 by title.

Manager Colon pointed out that the word "refundable" should have been added before "security deposit". Mayor Minnet noted the change.

Mayor Minnet opened the meeting to public comments.

Marilyn Carr talked about having the kitchen cleaned. She said she had no problem giving a deposit if the kitchen was clean. Ms. Carr needed the oven and stove ready for use.

With no one else wishing to speak, Mayor Minnet closed public comments.

Commissioner Silverstone made a motion to adopt Resolution 2008-18. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Resolution 2008-23: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF A TOWING SERVICES AGREEMENT BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA AND SAL'S TOWING FOR THE PROVISION OF TOWING SERVICES; PROVIDING FOR AN EFFECTIVE DATE (Assistant Olinzock)

Mayor Minnet read Resolution 2008-23 by title.

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

Vice Mayor McIntee made a motion to adopt Resolution 2008-23. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

Vice Mayor McIntee asked Mayor Minnet to request that people remove their hats when in Jarvis Hall as hats should not be worn when there is a flag in the room. Mayor Minnet agreed.

13. QUASI JUDICIAL PUBLIC HEARINGS

- a. Variance for 4329 El Mar Dr for a 5 foot high fence within 25 feet of the front property line to enclose swimming pool (Assistant Olinzock)

Attorney Abbott swore in those wishing to speak.

Assistant Manager Olinzock had no issues with the application.

Vice Mayor McIntee said the applicant, Raymond Balassiano, would have to be grandfathered in order to return the variance fee. Attorney Abbott indicated that a new law would have to be adopted. He added that in this case there had been no administrative mistake. Attorney Abbott believed that the Town Code did not allow a fee refund on this variance.

Commissioner Dodd clarified that his point was to refund the fee to residents that were required to put a fence around their pools because of the changes in the 2003 law that made it mandatory to fence the pools when the pools were not fenced originally. Attorney Abbott stated that although an Ordinance had passed on 1st reading it did not become law until it passed on second reading. Commissioner Dodd understood and intended on proposing the refund once the variance was granted.

There were no additional speakers. Mayor Minnet closed the public hearing.

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

Commissioner Dodd made a motion to refund the fees to the applicant. Commissioner Clotney seconded the motion. Brief discussion followed that determined that there were two items of correction associated with the variance that needed correction. Commissioner Dodd withdrew his motion. Commissioner Clotney withdrew her second.

- b. Variance for 278 Miramar for fence location with a 4 foot setback from property line, put inside the hedge, 5 feet in height, with fence material other than wood (Assistant Olinzock)

Attorney Abbott swore in those wishing to speak.

Mr. Jim Silverstone, applicant, stated there was no fence around the Jacuzzi when he purchased his house. He said he was required to put fence around his pool and requested 4 foot fence as allowed by Broward County Code, rather than the 5 foot fence required by Town Code.

Commissioner Clotney asked whether it was a Jacuzzi or a pool. Mr. Silverstone said it was a large Jacuzzi.

Commissioner Dodd inquired as to whether the applicant was suffering a hardship because of changes in the law. Assistant Manager Olinzock said he was.

Mayor Minnet opened the hearing to the public.

Barbara Cole thought it would be a shame to put the fence where the board recommended.

Joe Couriel, member of Board of Adjustment asked to consider changing his vote from nay to aye.

Vice Mayor McIntee made a motion to approve the variance. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 4-0.

Commissioner Dodd made a motion that the variance fees are returned to the applicant due to a legal hardship. Commissioner Clotney seconded the motion. Vice Mayor McIntee stated he would have to recuse himself. Mayor Minnet did not believe anyone should get their money back on a variance as

staff time cost money. Lengthy discussion followed. In a roll call vote, the motion carried 4-0.

Vice Mayor McIntee inquired as to whether he would have to recuse himself for personal reasons. Attorney Abbott said only if he was to get financial gain. Commissioner Silverstone wanted clarification on whether a 4 ft fence was granted and not a 5 foot fence. In a roll call vote, the motion to refund the applicant the \$350 fee carried 3-1. Mayor Minnet voted no. Commissioner Silverstone recused.

Discussion followed as to whether the motion to approve the variance included a 4 foot fence or a 5 foot fence. Vice Mayor McIntee withdrew his original motion.

Vice Mayor McIntee made a motion to approve Variance for 278 Miramar for fence location with a 4 foot setback from property line, put inside the hedge, 5 feet in height and may be constructed of wood if so desired. Commissioner Clotey seconded the motion. In a roll call vote, the motion carried 5 - 0.

14. OLD BUSINESS

- a. Discussion and/or action regarding drafting an Ordinance to pull bags from the parking meters on Bougainvillea and Poinciana (Tabled at the March 25, 2008 Commission meeting by Vice Mayor McIntee)

Vice Mayor McIntee made a motion to table to the November 25, 2008 Commission meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

- b. Discussion and/or action: Chamber of Commerce Agreement (Tabled at the July 22, 2008 meeting by Vice Mayor McIntee)

This item was withdrawn by Vice Mayor McIntee as the Commission discussed it earlier.

- c. Discussion and/or action of the annual Christmas By-The-Sea - sponsored by Town, Chamber and local business (Tabled at the July 22, 2008 by Commissioner Silverstone)

Paul Novak said that the Chamber of Commerce lost approximately \$6,000. He hope the Town would give the Chamber more than \$5,000 for 2008 Christmas By-The-Sea.

Commissioner Dodd questioned the cost for advertising on Magic 102.7 radio. He did not believe it was necessary since the event was for the

Town of Lauderdale-By-The-Sea. Commissioner Dodd added that the 4th of July event was advertised on Channel 78 and in the Town Topics.

Mr. Novak requested \$7,000 from the Town and hoped to get \$5,000 from the Volunteer Fire Department. He preferred not to do away with the advertising as it got a lot of people out for the event.

Commissioner Dodd made a motion to grant \$7,000.

Manager Colon said that she did not receive a budget attached to this item. She added that the Town could not continue to award money that was not budgeted. Manager Colon stated that she needed to look at it.

Commissioner Dodd withdrew his motion.

Commissioner Silverstone made a motion to table to the September 25, 2008 Commission Meeting. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5 - 0.

d. Additional action and discussion with regard to the Chamber of Commerce (Commissioner Dodd)

Dodd believed it would be counter productive to move the Chamber of Commerce from its current location. He said he had requested the Chamber of Commerce look into making economical changes in regards to the requested \$35,000 and make a proposal.

Paul Novak said it would be difficult to operate without the \$35,000 but would do their part and take a 25% cut to \$27,000. He added he could not do it as a 5 year contract but agreed to a 1 year contract.

Commissioner Dodd made a motion to approve a 1 year contract at \$27,000 and keep the chamber where it was. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Silverstone suggested the remaining items be postponed to another meeting.

Vice Mayor McIntee made a motion to extend the meeting to 11:15 p.m. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 4-1. Commissioner Dodd voted no.

Commissioner Clotey made a motion to move 15k up as the next item on the agenda. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

15 k. Discussion and/or action to Allow VFD to patrol beaches ASAP (Commissioner Clotley)

Commissioner Clotley believed the Volunteer Fire Department should have the authority to get out on the beach as soon as possible.

Commissioner Clotley made a motion to allow the VFD to officially patrol the beach. Commissioner Dodd seconded the motion for discussion.

Commissioner Dodd requested a time sheet from the Volunteer Fire Department regarding training for the meeting of October 14, 2008.

Commissioner Dodd made a motion to place this item on the September 25, 2008 for discussion regarding the costs for identification posts and lifebuoys.

Discussion followed regarding payment for training as suggested by Commissioner Dodd. Commissioner Dodd clarified there would be no payment.

In a roll call vote, the motion to allow the Volunteer Fire Department to patrol the beach carried 5-0.

Clerk White requested Item 15 g be considered at this time as it had a time limitation. There were no objections.

15 g. Discussion and/or action to make an appointment to the Broward Water Resource Task Force (Mayor Minnet)

Vice Mayor McIntee made a motion to appoint Mayor Minnet to the Broward Water Resource Task Force. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner Dodd suggested continuing the meeting to another day and made a motion to table to the September 25, 2008 Commission meeting.

After brief discussion Vice Mayor McIntee made a motion to recess the meeting to 3:00 P.M. on Monday, September 15, 2008. With no further business before the Commission, **Mayor Minnet recessed the meeting at 11:15 p.m. to continue on Monday, September 15, 2008 at 3:00 P.M.**

15. NEW BUSINESS

a. Discussion and/or action regarding "Entertainment" Overlay District (Commissioner Dodd)

- b. Discussion and/or to allow residents during public comments to address Commissioners by name and let the Mayor be in charge of ensuring respect (Commissioner Dodd)
- c. Discussion and/or action on the roles of MPSC & P&Z with relation to the Overlay District (Commissioner Dodd)
- d. Discussion and/or action regarding Minto's continued use of the Town's El Prado Parking Lot for contractors and construction traffic (Commissioner Dodd)
- e. Discussion and/or action providing sand to residents to prepare for hurricanes (Mayor Minnet)
- f. Discussion and/or action regarding Town Hall parking on election dates and issuance of parking passes to Brenda Snipes for election supervisory staff (Commissioner Dodd)
- g. Discussion and/or action to make an appointment to the Broward Water Resource Task Force (Mayor Minnet)
Discussed earlier
- h. Discussion and/or action regarding an electronic voting system (Clerk White) (Requested by Commission Dodd)
- i. Discussion and/or action pertaining to referendum ie: City of Cape Canaveral (Vice Mayor McIntee)
- j. Discussion and/or action to require placement of rip current information in every hotel & condo (Commissioner Clottey)
- k. Discussion and/or action to Allow VFD to patrol beaches ASAP (Commissioner Clottey)
Discussed earlier

16. TOWN ATTORNEY REPORT

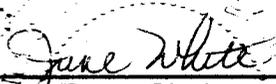
17. FUTURE AGENDA ITEMS

18. ADJOURNMENT



Mayor Roseann Minnet

ATTEST:



June White, Town Clerk

10/20/08

Date