

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

Town Commission Meeting Room  
**4501 Ocean Drive  
Tuesday, January 22, 2008  
7:00 p.m.**

**1. CALL TO ORDER, MAYOR OLIVER PARKER**

Mayor Parker called the meeting to order at 7:00 p.m. Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner McIntee, and Commissioner Silverstone were present. Also present were Town Attorney James Cherof, Town Manager Esther Colon, and Town Clerk June White.

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

**3. INVOCATION, TOWN CHAPLAIN**

**4. PRESENTATIONS**

**a. Presentation of holiday decoration awards to winner (Commissioner Clark)**

**b. Comprehensive Annual Financial Report (Rachlin, Cohen & Holtz)**

G. Jerry Chiocca announced that as of January 1, 2008, Rachlin, Cohen & Holtz changed their name to Rachlin, LLC.

Mr. Chiocca gave an overview of the Comprehensive Annual Financial Report and said the Town was in good shape. He noted that this was the tenth time the Town of Lauderdale by the Sea received an award for good reporting and praised Manager Colon.

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

**5. REPORTS**

**a. Development Services End of Month Report - December 2007 - (Frank Rabinowitz - Director of Development Services)**

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

- b.** Municipal Services Monthly Report - December 2007 (John Olinzock - Assistant to the Town Manager)

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

- c.** Broward County Sheriff's Office Monthly Report - December 2007 (Chief Gooding)

Commissioner McIntee made a motion to accept the report. Mayor Pro Tem Clark seconded the motion.

Discussion followed with Commissioner Silverstone requesting a comparable report be included in future police and fire reports.

Commissioner McIntee made a motion to direct Chief Gooding to include a prior year to date column on both reports for Fire and Police for a comparable analysis in future monthly reports. Mayor Parker seconded the motion. In a roll call vote, the motion carried 5 - 0.

- d.** Broward Sheriff's Office Fire Rescue Monthly Report - December 2007 (Chief Sievers)

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

- e.** Commission request for justification of the building height for the Buena Vista Project at 4217 - 4225 El Mar Drive. (Frank Rabinowitz - Development Services Director)

There was extensive discussion regarding height limits throughout the Town. Mayor Parker pointed out that it was not the Town Code that stipulated where the measurement begins, but the Charter itself set the limit. Development Services Director Rabinowitz said Ordinance 2006-06 clearly spelled out the same criteria.

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Commissioner McIntee was concerned that the building the Commission approved allowed a part of the structure, whether it was engineering equipment, machines, or a pent house, to be nine feet above the maximum height. He said if the building was forty-four feet, and the Commission allowed the structure to go up fifty three feet, that structure was nine feet above the forty-four foot height limit.

Mayor Parker said when the people voted on the forty-four foot height limit, the people knew the measurement would begin 18" above the crown of the road to the highest point of a flat roof, or to the mid-point of a sloped roof. He did not believe the Charter needed to be amended.

Vice Mayor Yanni made a motion to approve the format. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5 - 0.

**f.** Discussion and/or action regarding Wings Dedication Agreement - (Attorney Cherof)

Attorney Cherof said the changes had been made to the Dedication Agreement as requested by the Commission and recommended approval.

Mayor Parker inquired as to when the Town would get the Deed to the parking lot and/or the Quit Claim Deed for release of Reversionary Interest in the Alleyway. Attorney Cherof believed it would be a couple of days. He said at this point the Dedication Agreement did not require the Mayor's signature, but approval of its format.

Mayor Parker made a motion to approve the format of the document. Mayor Pro Tem Clark seconded the motion.

Manager Colon believed it would be a safety problem if the parking lot was used for storage and mobilization while they were in Construction. Attorney Cherof stated that paragraph 4 (g) of the Dedication Agreement indicated that construction dumpsters and merchandise storage would be stored until the final building permit was closed for the construction on the property.

Discussion followed regarding delaying the construction of the entryway to the Town parking lot on A1A. Commissioner McIntee

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recommended that this item be tabled to the February 12, 2008 meeting. He felt there were serious issues that changed the parking lot and delayed the entryway off of A1A. He requested Assistant to the Town Manager Olinzock to return to the Commission with a short report addressing those issues. Mayor Parker disagreed.

Commissioner McIntee made a motion to table. Commissioner Silverstone seconded the motion. In a roll call vote, the motion failed 2 - 3. Mayor Parker, Vice Mayor Yanni, and Mayor Pro Tem Clark voted no.

Mayor Parker made a friendly amendment to modify his original motion to approve, on the stipulation that there is a collateral document giving the Town indemnification during the construction period, if there was an accident. Mayor Pro Tem Clark accepted the amendment. Lengthy discussion followed regarding the number of spaces and the speed in which the project was taking place.

Vice Mayor Yanni made a motion to reconsider the motion to table to the February 12, 2008 meeting. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 4 – 1. Mayor Parker voted no.

Commissioner McIntee made a motion to table to the February 12, 2008 Commission meeting. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5 - 0.

**6. APPROVAL OF MINUTES**

**a. January 8, 2008 Regular Meeting Minutes**

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

Commissioner Silverstone made a motion to approve the minutes of January 8, 2008. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 5 - 0.

**7. PUBLIC COMMENTS**

Ron Piersonte wished Mayor Parker good luck in his future.

L. Peanuts Wick gave the current status on Marie White's health. He asked for clarification on the time the restrooms opened in the park.

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Birute Ann Clotney believed Mayor Parker had done a lot of good for the community in the years he served.

Stuart Dodd addressed the height issue and said he was pro development.

Rosa Michailiuk thanked the Commission for all the things they have done and hoped the Commission would use square footage in determining the fire assessment.

James Reagan gave an update on the Burt J. Harris claims. He said they remained claims and not lawsuits because a legal process needed to be followed.

Cindy Geesey gave a positive review on the recent Performing Arts venue and said everyone had good laughs. She believed the financial report was a positive one and the residents should be proud.

John MacMillan said Mayor Pro Tem Clark, Vice Mayor Yanni and Mayor Parker inspired him and attempted to present an award in the form of appreciation. Mayor Parker refused the award.

Maureen McIntee extended well wishes and good health.

Patrick Pointu told the Commission that if they had questions regarding the Volunteer Fire Department to please come to them.

Frank Herrmann felt helpless regarding the Town's future.

Without objection, Mayor Parker recessed the meeting at 8:25 p.m. Mayor Parker reconvened the meeting at 8:33 p.m.

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

**9. COMMISSIONER COMMENTS**

Mayor Pro Tem Clark congratulated winners of the holiday decoration contest. He thanked the Mayor for his service over the years and thanked Town Manager Colon for another good year of financial reporting.

Commissioner Silverstone expressed his parting thoughts to Mayor Parker. He said the first time he met Mayor Parker he was in front of the fire station

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thirteen years ago and he actually campaigned for him. Commissioner Silverstone asked the people not to judge them by their anger and arguments, but to look at the cause. He said that is where they will find their answers.

Commissioner McIntee wished Mayor Parker well. He was upset by the article "Bicycles" written by the By the Sea Times newspaper. He said the Volunteer Fire Department had a home in Lauderdale by the Sea for fifteen years before the Broward Sheriff's Office put them out. Commissioner McIntee believed the Town needed unity and peace. He wished Mayor Parker good luck.

Vice Mayor Yanni read a letter that was passed around at the square by the Citizen's Initiative Committee that he believed was a slap in the face to the Godfathers of the Town. He expressed his views on the negative articles written in the newspapers and by the Citizen's Initiative Committee.

Stuart Dodd, Chairman of the Citizen's Initiative Committee wished to respond and was denied by Mayor Parker.

A Point of Order was called by Commissioner McIntee. He believed Mr. Dodd had a right to respond. Commissioner McIntee made a motion to allow. Mayor Parker denied the motion. Discussion followed and the Motion was seconded by Commissioner Silverstone. In a roll call vote, the motion failed 3-2 with Vice Mayor Yanni, Mayor Pro Tem Clark, and Mayor Parker dissenting. Heated discussion followed and several members of the Citizen's Initiative Committee were removed from the meeting.

Vice Mayor Yanni pointed out a few "lies" in the By the Sea Times newspaper.

Mayor Parker apologized that he did not have it in his heart to accept a hypercritical condolences award. Heated words followed along with a Point of Order. Commissioner McIntee made a motion to remove Mayor Parker from the chair. Commissioner Silverstone seconded the motion. In a roll call vote, the motion failed 3-2 Vice Mayor Yanni, Mayor Pro Tem Clark, and Mayor Parker dissenting.

Mayor Parker pointed out the financial report and said the millage rate and the fire assessment could have been lower. He also pointed out that the four story height limit was in the Charter and amended in 2006. Mayor Parker thanked the residents and said he enjoyed his service to the Town.

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**10. ORDINANCES (1st Reading)**

**11. CONSENT AGENDA**

Mayor Parker removed item 11d from the Agenda and removed item 11e from the Consent Agenda for discussion. There were no objections.

Commissioner McIntee made a motion to approve items 11a, 11b, and 11c. Commissioner Silverstone seconded the motion. In a roll call vote, the motion carried 5-0.

- a. Certification of Lien Orders has been prepared and is ready to be placed into the Public Records to constitute a lien. The Town Commission is notified pursuant to Florida State Statute 162 (Frank Rabinowitz - Director of Development Services)
- b. Commission approval of Special Event Permit Application for "Walk Against Hunger" event, on Sunday, February 10, 2008, 8:00 a.m. till 10:00 a.m., and approval to refund application fee (John Olinzock - Assistant to the Town Manager)
- c. Commission approval of Special Event Permit Application for LBTS Chamber of Commerce Event, "Lauderdale-By-The-Sea Craft Festival", Saturday & Sunday, March 8th and 9th, 2008, and November 22nd & 23rd, 2008, 5:00 a.m. till 11:00 p.m. (John Olinzock - Assistant to the Town Manager)
- d. Authorization for POA meeting in March in Jarvis Hall on TV (Commissioner Clark)

This item was removed from the agenda without objection.

- e. Commission approval of Special Event Permit Application for Super Bowl Party Event, Sunday, February 23, 2008, 4:00 p.m. till 12:00 a.m. at Commercial Blvd & El Mar Drive (John Olinzock - Assistant to the Town Manager)

This item was pulled from the Consent Agenda for discussion.

Vice Mayor Yanni thought there would be a problem closing a main street, such as Commercial Boulevard. He believed there was plenty of space on the sidewalks and parking spaces to put tables and TV's.

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Vice Mayor Yanni wanted the street to be cleaned up after the Super Bowl Party Event. He also believed the set up should not begin prior to 4:00 p.m. and the dismantling should be complete by 12:00 a.m. Commissioner McIntee asked whether other streets were also being closed. Assistant to the Town Manager Olinzock said El Mar Drive to the north of Commercial Boulevard. Commissioner McIntee saw no reason to deny the closing of Commercial Boulevard as long as all the permits were approved. Vice Mayor Yanni argued that Commercial Boulevard was the main artery coming into Town and should not be closed. Discussion followed regarding the size of the sidewalk and number of spaces involved, and whether to close only one lane.

Commissioner McIntee made a motion to approve The Village Grill, Mr. Gatsby's side, as presented. Mayor Pro Tem Clark seconded the motion.

Vice Mayor Yanni made a motion to amend in order to leave one lane open going west. Mayor Parker seconded the motion.

Paul Novak had no problem with Friday night Jazz and hoped everyone would soon be moved into the new Pavilion. He recommended the closure of the west bound lane and leave the east bound lane open.

Discussion continued regarding previous altercations and Dave Gatsby was advised that Code Enforcement would be on the scene to correct any violations immediately. Mr. Gatsby had no problem with that.

Vice Mayor Yanni asked Chief Gooding and Chief Sievers whether there was a safety issue closing Commercial Boulevard on the west side. Chief Gooding and Chief Sievers both said they did not. Vice Mayor Yanni withdrew his motion. Mayor Parker withdrew his second.

In a roll call vote, the motion to approve as presented carried 5-0.

**12. RESOLUTION**

- a. RESOLUTION 2008-02: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A**

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GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2008/2009 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Esther Colon - Town Manager)

Attorney Cherof read Resolution 2008-02 by title.

Mayor Parker made a motion to approve Resolution 2008-02. Commissioner Silverstone seconded the motion. In a roll call vote the motion carried 5-0.

- b. RESOLUTION 2008-03: An Ordinance to lower the cost of a variance for single family homes (Tabled to February, 2008 Pending Commission Direction)

This item was tabled to the February 26, 2008 Commission meeting.

**13. OLD BUSINESS**

- a. Setting time to swear in Elected Officials on February 4, 2008 at 5:00 p.m. and approve an Organizational Meeting for Tuesday, February 12, 2008 at 5:00 p.m. - 7:00 p.m. (June White - Town Clerk)

There was brief discussion regarding the availability of the certification of the Election results. Clerk White advised that the Supervisor of Elections would not have certification results before Friday, February 1, 2008 at 5:00 p.m.

Commissioner McIntee made a motion to approve the time at 5:00 p.m. for the February 4, 2008 and February 12, 2008 meetings. Vice Mayor Yanni seconded the motion. In a roll call vote, the motion carried 5-0.

**14. NEW BUSINESS Item a: Report regarding response from BSO Police.**

- a. Report regarding response form the Broward Sheriff's Office Police as discussed earlier in the meeting.

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Manager Colon gave a report regarding the elimination of one sergeant as agreed to. She said BSO legal department made the changes to the document and she had not yet received them.

Manager Colon said she personally called Sheriff Lambertti as he was the one who agreed to the reduction of the Sergeant position and he advised her that he numbers were "upside down". Lengthy discussion followed regarding knowledge by the Broward Sheriff's Office that the Sergeant had been gone since October 13, 2007, bringing the Sergeant back without the Town of Lauderdale By The Sea's knowledge, and whether the Town could function with one less Sergeant. Mayor Parker pointed out that if the Town was "upside down" with three Sergeants then the Town would be more "upside down" with four. He believed the Manager and the Town Attorney should be the negotiators and not a Commissioner. Mayor Parker made a motion to appoint the Town Attorney and the Town Manager to enter into negotiations. The motion failed for lack of a second. Discussion followed regarding naming a Commissioner to participate in the negotiations.

Mayor Pro Tem Clark made a motion to authorize Commissioner McIntee, Town Attorney Cherof, and Town Manager Colon enter into negotiations with the Broward Sheriff's Office regarding the elimination of one position. Mayor Parker seconded the motion. In a roll call vote, the motion carried 5 - 0.

**15. TOWN MANAGER REPORT**

- a. Commission Ratification to Televisе the "Meet the Candidates Debate" officiated by the Broward League of Women's Voters held in Jarvis Hall on Monday, January 14, 2008.**

Manager Colon said she received telephone calls asking to have the debates televised. She said she called the Mayor and Commissioners and was asked for Commission Ratification to televise the "Meet the Candidates Debate".

Mayor Parker made a motion to ratify the Commissions previous decision to authorize Manager Colon to televise the "Meet the Candidates Night" up to this point. Mayor Pro Tem Clark seconded the motion.

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Commissioner McIntee made a friendly amendment to the motion that any official Town business be recorded and televised. Attorney Cherof said the friendly amendment was beyond the scope of the item that the Manager brought forward, but Commissioner McIntee could change that by making a motion to amend the agenda.

Commissioner McIntee made a motion to amend the agenda to allow any official Town business be recorded and televised. Mayor Pro Tem Clark seconded the motion.

Mayor Parker made a motion to table Commissioner McIntee's motion to the February 12, 2008 meeting. The motion failed for lack of a second.

In a roll call vote, the motion to amend the agenda carried 4- 1. Mayor Parker voted no.

Mayor Parker advised that the Commission would vote to allow the motion to record and televise official Town business after the Town Manager's Report is completed.

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

- b.** Manager Colon said that as the Ordinance stated, she wanted to be able to televise, record and rebroadcast per Ordinance "Meet the Candidates Debate" on Wednesday, January 23, 2008.

Mayor Parker made a motion to allow the Town Manager to televise record and rebroadcast as requested, but to only rebroadcast the January 23, 2008 debate. Commissioner McIntee seconded the motion. In a roll call vote the motion carried 5-0.

- c.** Bel-Air Sanitary Sewer Project

Manager Colon advised that she would be realigning the budget as the Bel Air Sanitary Sewer Project will be completed by March or April, 2008. Mayor Parker requested an invitation be sent to former Commissioners to attend the ribbon cutting ceremony.

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d. Variance application fees

Manager Colon felt that reducing the cost of variance fees for single family homes from \$900 to \$453 barely represented the cost of the variance in surrounding municipalities. She asked that if there was a complex variance that needed review by the Town Engineer and/or

Town Planner that the Town be allowed to recoup those costs. Manager Colon said that \$453 was comparable to other cities.

Mayor Parker placed this item on the February 26, 2008 agenda as a Resolution setting the variance fees and prepared by Attorney Cherof. There were no objections.

e. A1A entrance to Town parking lot

Manager Colon reported that the Florida Department of Transportation approved the presentation of facts as sent to them on December 13, 2008 with three conditions. She added that on January 16, 2008 the Town presented the designs to the Florida Department of Transportation and met with their three conditions. Manager Colon believed an affirmative reply should be received before the end of the month.

Mayor Parker re-called Commissioner McIntee's motion as discussed in Item 14a.

Commissioner McIntee made a motion to record and televise any official Town business. Discussion followed regarding allowing the Town Manager the authority to decide which functions should be recorded and broadcasted. Manager Colon said in order for her to do that the Jarvis Hall Ordinance would need to be changed. Commissioner McIntee placed this item on the February 26, 2008 Commission meeting agenda.

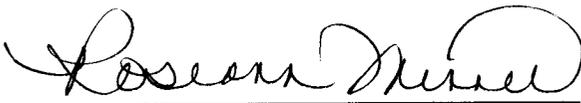
**16. TOWN ATTORNEY REPORT**

There was nothing to report.

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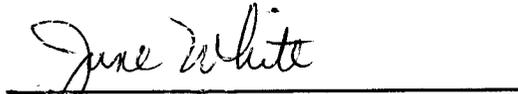
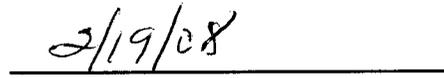
17. PUBLIC COMMENTS (remaining members of the public to speak at this time)
18. FUTURE AGENDA ITEMS
19. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn. With no further business before the Commission, Mayor Parker adjourned the meeting at 10:24 p.m.



Mayor Roseann Minnet

ATTEST:

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