

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES REVISED

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 14, 2008

7:05 P.M.

Revised to correct Public Comment made by Lawrence Wick

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pauline McGuinness, Member of the Bahia Spiritual Assembly of Ft. Lauderdale and Lauderdale-By-The-Sea gave the Invocation.

4. PRESENTATIONS

a. Deputy of the Quarter - June, July, August, September 2008 - Broward County Sheriff's Office (Chief Gooding)

Chief Gooding announced Deputy Eric Weiner for June; Deputy Stephanie Newton for July; Deputy Harry Joseph for August; and Deputy Terry Kyle for September as Deputy of the Quarter.

Vice Mayor McIntee made a motion to move Item 15d to the beginning of the agenda.

Manager Colon pointed out that Consent item 11b had a change in the number of parking permits from 85 to 60. She also pointed out that New Business item 15i was a duplicate of item 15o Vice Mayor McIntee removed Item 15o from the agenda.

Item 15D - Discussion and/or action - lack of police enforcement on beach.
Request last 3 months count on tickets, etc., for violations on beach (Vice Mayor McIntee)

Cathy Barrett was concerned about violations on the beach after 5:00 p.m. and on weekends, such as fishing off the shore, use of spear guns, and boaters too close to shore. Ms. Barrett believed there should be better enforcement and suggested police patrol 2 to 3 times a week.

5. REPORTS

Mayor Minnet inquired of the status of the Volunteer Fire Department transition. Chief Perkins replied that everything went well. Mayor Minnet inquired of the recent Beach Rescue and asked who oversaw the training. Chief Perkins said he oversaw the training of beach rescue.

Commissioner Dodd asked Chief Gooding for an update on the surveillance cameras. Chief Gooding said the cameras were assembled and should go on the poles within 6 or 7 days.

Commissioner Dodd asked Brooke Liddle, AMR, for his assurance that AMR would be fully equipped to handle an emergency should another call come in. Mr. Liddle gave his assurance.

Commissioner Dodd asked Chief Perkins if the breathing equipment was returned. Chief Perkins said it was not. Commissioner Dodd wanted a list of the call outs and asked that the VFD not become ambulance chasers. Chief Perkins said they would be doing that for at least 30 days and, if feasible, would stop after that. Commissioner Dodd was concerned with the resignation of Chief Pontu and Scott Falor and asked if Chief Perkins was concerned. Chief Perkins said that Scott Falor was a trained lifeguard and that Mr. Falor stated that he could not do it anymore. Commissioner Dodd had major issues with training instruction on the ATV's and requested Chief Perkins look into it and get a qualified trainer for the ATV's. Commissioner Dodd asked at what standard the firefighters stood. Chief Perkins said they were at their highest. Commissioner Dodd wanted professional, highly trained firefighters.

Vice Mayor McIntee asked whether the appropriate number of firefighters responded to the calls and whether there were minimum medical standards for a person to ride on a ATV. Chief Perkins said 17 firefighters responded and the minimum requirement was First Responder, EMT, Paramedic, and Firefighter 1. Vice Mayor McIntee asked whether it was a requirement for the Volunteer Fire Dept to have lifeguards. Chief Perkins said the Firefighters were not lifeguards and that they would call 911 should there be a situation. When asked what the purpose was for responding to

ambulance calls, Chief Perkins said it was a part of training to learn the streets, addresses, and give an understanding of the Town.

Vice Mayor McIntee asked for an overview of ambulance response time. Brooke Liddle, AMR said ambulance service arrived to the first call within 2 minutes and the 2nd and 3rd responded within 4 minutes.

Manager Colon was surprised at the questioning and report requirements. She asked that the Commission address their requirements so that she could make sure the department head addressed them in their report prior to placement on the agenda. She thought the Commission agreed that everyone would work together with AMR, VFD, BSO and all Lauderdale-By-The-Sea employees.

Commissioner Clotey asked if an Emergency Medical Technician was on board with each responder. Chief Perkins said at least one person knew CPR. Commissioner Clotey thought that putting a lifeguard on an ATV would create a false sense of security, but having someone on an ATV with CPR training was good. Commissioner Clotey questioned Chief Perkins qualifications to train ATV drivers. Chief Perkins said he has been driving one for twenty five years.

Commissioner Dodd said he fully supported the Volunteer Fire Department ATV Program. He said he wanted to ensure that all staff was property trained and felt he had the right as a Commissioner to ask questions.

6. TOWN MANAGER REPORT

a. Televising Committee Meetings

Manager Colon said this was a non-issue and if the Commission decided to televise meetings, staff would do so.

Commissioner Dodd made a motion to televise the Master Plan Steering Committee and the Planning and Zoning Board. Discussion followed regarding the cost involved to televise any meeting and the televising of Committee meetings. Manager Colon advised that Advisory Boards and the Commission Meetings were televised. Vice Mayor McIntee believed out of fairness, that if one Committee was televised, all Committees should be televised. Commissioner Silverstone offered an amendment that televising should be allowed under the request of the Committee. Commissioner Dodd did not accept the amendment. He felt the Master Plan Steering Committee was a critical part of the Dias. In a roll call vote, the motion carried 3-2. Vice Mayor McIntee and Commissioner Silverstone voted no.

b. Ordinances

Manager Colon stated that modifications could be made as motioned and approved by the Commission.

c. Waiving of Right of Way Fees (Tradewinds/Bombay Emergency Stormwater Drains)

Manager Colon said the Town had an Ordinance that charged for the right-of-way. She asked for the right-of-way fees to be waived.

Commissioner Silverstone made a motion to waive of right-of-way fees for the Bombay emergency drain repair. Commissioner Clotey seconded the motion. All voted in favor, 5-0.

Commissioner Dodd addressed the issue of televising meetings. He stated that on October 14, 2006 the Commission approved televising the Master Plan Steering Committee and Planning and Zoning Board meetings. Discussion followed regarding costs involved and that since the Boards could turn the equipment on themselves there should be no cost involved. Commissioner Dodd made a motion to televise the Master Plan Steering Committee and Planning and Zoning Board meetings. Commissioner Clotey seconded the motion. All voted in favor, 5-0.

7. APPROVAL OF MINUTES

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

Commissioner Silverstone made a motion to approve the minutes of September 12, 2008, September 15, 2008 and September 25, 2008 Special Hearing Minutes. Vice Mayor McIntee seconded the motion. All voted in favor, 5-0.

a. September 12, 2008 Regular Meeting Minutes

b. September 15, 2008 Continuation of September 12, 2008 Meeting Minutes

c. September 25, Special Public Hearing Minutes

8. PUBLIC COMMENTS

Bob Fleishman thought that LBTS had a concern with finances and made some suggestions to improve it.

Frank Herrmann believed that everyone will survive no matter who won the Presidential Election, as would the Volunteer Fire Department. He was against an Oversight Committee.

Lawrence Wick felt there should not be an additional 10% on the license agreements for sidewalk cafes. Mr. Wick believed it was time to get the meters up for parking revenue and that the Oversight Committee should have been brought up at the time the Volunteer Fire Department contract was negotiated.

Diane Boutin addressed the safety concerns in regards to turtle season. She believed the street light issue needed to be addressed and improved. Ms. Boutin felt that the blue bags were not working and asked to have them reviewed. Ms. Boutin asked for guidelines regarding boil water issues.

Cristie Furth invited everyone to attend the Halloween Fright Night Community Event on Friday, October 31, 2008 at Jarvis Hall, from 6:30 to 8:30 p.m.

Bill Ciani, owner of building 107 and 109 Commercial Boulevard was against bagged meters that can only be used by certain businesses.

9. ORDINANCES

A. Ordinances 1st Reading - "Public Comments"

B. Ordinances 2nd Reading - "PUBLIC HEARING"

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)

Attorney Abbott read Ordinance 2008-19 by title only. He pointed out the section that was amended at the Sept 12 meeting. Mayor Minnet opened the public hearing.

Diane Boutin understood the intent of the Ordinance but felt that refunding the fee was wrong as staff's time was used whether the decision was correct or not.

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

Mayor Minnet was against refunding fees that had expenses associated with them.

Commissioner Dodd made a motion to adopt Ordinance 2008-19. Commissioner Silverstone seconded the motion.

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

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)

Attorney Abbott read Ordinance 2008-20 by title only. Mayor Minnet opened the public hearing.

Barbara Cole requested verification that the Variance fees were passed at \$350 for all types of properties. With no one else wishing to speak, Mayor Minnet closed the public hearing.

Commissioner Dodd reviewed the video of February 26, 2008 and March 11, 2008 where the Commission agreed that the variance fee would start at \$350 for commercial and single family properties. He did not feel that commercial properties should be charged three times that amount for a simple variance.

Discussion followed regarding whether emails were public record. Attorney Abbott said if they become public record upon receipt. Manager Colon stated for the record that when emails were received from the Commission she responded; if the Commission wanted her to attach emails to the agenda items she would. Manager Colon said all emails were filed according the record retention law. Commissioner Silverstone believed the distribution of information should be left to the Town Manager at her discretion. He stated that there had not been any problems to date and suggested that the Commission themselves could forward their emails to each other.

Commissioner Silverstone returned to the variance fee issue. He said that if the Commission wanted to charge the same fee for commercial properties as they did for residential properties he would support it.

Commissioner Clotley made a motion to table to October 28, 2008 and have the Town Clerk review the video regarding the \$900 fee for commercial properties. Commissioner Silverstone seconded the motion. Manager Colon said the video had been reviewed and that the Commission passed a Resolution approving single family and commercial properties at \$350. In a roll call vote, the motion failed 4-1. Commissioner Clotley voted yes.

Commissioner Dodd made a motion to adopt Ordinance 2008-20 with a variance fee for residential properties at \$350 and a simple variance for commercial properties at \$350. The motion died for lack of a second.

Commissioner Silverstone made a motion to adopt Ordinance 2008-20. Vice Mayor McIntee seconded the motion. In a roll call vote, the motion carried 3 - 2. Mayor Minnet voted no. Commissioner Dodd voted no.

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)

Attorney Abbott read Ordinance 2008-21 by title only. Mayor Minnet opened the public hearing.

Diane Boutin suggested a base fee for everyone and a graduated fee for additional time.

Barbara Cole believed application fees should be based priced with additional charge for professional review.

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

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Commissioner Silverstone made a motion to adopt Ordinance 2008-21. Commissioner Dodd seconded the motion with an amendment to alter the fee to \$350 for a basic variance. Commissioner Clotey seconded the motion. Attorney Abbott clarified that the Commission would vote on the amended version of Ordinance 2008-21. In a roll call vote, the motion to amend carried 3-2. Vice Mayor McIntee and Commissioner Silverstone voted no.

In a roll call vote, the motion to approve Ordinance 2008-21 as amended carried 5-0.

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)

Attorney Abbott read Ordinance 2008-22 by title only. Mayor Minnet opened the public meeting.

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

Commissioner Silverstone made a motion to adopt Ordinance 2008-22. Vice Mayor McIntee 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)

Attorney Abbott read Ordinance 2008-23 by title only. Mayor Minnet opened the public meeting.

Diane Boutin asked the Commission to consider older properties that lack the space to grow.

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

Commissioner Silverstone made a motion to adopt Ordinance 2008-23. Commissioner Dodd 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)

Attorney Abbott read Ordinance 2008-24 by title only. Attorney Abbott pointed out the change from the draft Ordinance on 1st reading, Section 30-8 (c) 3 should have read Section 30-8 (c) 4.

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

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

10. COMMISSIONER COMMENTS

Commissioner Clotley talked about her ideas for a Citizens Safety Oversight Committee for Fire, Police, and EMS that consisted of members that were not members of Police, Fire or Ambulance. She added that the Committee should research what other communities have done, contact the committees from those communities, and talk with them to develop a plan of action, and later hold a public hearing to obtain more information. Commissioner Clotley added that once all the information was collected, the Oversight Committee should present their findings to the Commission.

Commissioner Silverstone agreed with Manager Colon that the Commission is not acting like a team. He said every Commissioner brought experience to the Dias and should be doing more. Commissioner Silverstone invited everyone to the Halloween Event.

Commissioner Dodd had the utmost respect for Vice Mayor McIntee and his ability as a firefighter. He announced the completion of the new jetties at the Hillsboro Inlet and added that the Hillsboro Inlet's millage rate had been lowered. Commissioner Dodd added that he fully supported an Oversight Committee.

Vice Mayor McIntee felt there was a movement on the Dias against the Volunteer Fire Department. He had no problem with an Oversight Committee but believed the members should not consist of Town residents. He said everyone knew they could have had it at the time of negotiating the contract.

Mayor Minnet said she had brought up the Oversight Committee many times in the past. She thanked everyone for attending Greenfest and announced that the next Greenfest was scheduled for October 3, 2009. Mayor Minnet reminded everyone of the upcoming Fish Fry on Friday, October 15, 2008 at the Shutters Tiki Bar, sponsored by the Chamber of Commerce. She also announced that the League of Women's Voters was invited to attend the Senior Center on Thursday, October 16, 2008 from 11:30 a.m. to 12:30 p.m. to discuss the upcoming Broward County and State Amendments. Mayor Minnet asked everyone to support the recycling program and to use the Pelican Hopper.

Mayor Minnet recessed the meeting at 9:05 p.m. and reconvened at 9:20 p.m.

11. CONSENT AGENDA

Consent items 11b, 11e, 11f, 11g, and 11h were pulled from consent for discussion.

Vice Mayor McIntee made a motion to approve item 11a on consent. Commissioner Dodd seconded the motion. In a roll call vote, the motion carried 5-0.

- a. Commission approval of the Chamber of Commerce one (1) year agreement, \$27,000 with the Chamber remaining at its current location (Clerk White)
- b. Commission approval for the issuance of 85 parking permits for the Women's Club of Lauderdale-By-The-Sea (Clerk White)

As pointed out earlier in the meeting, the number of permits had been reduced from 85 to 60.

Commissioner Clotey questioned the number of members that showed up at the meetings. Assistant Town Manager Olinzock explained that he had encouraged the members of the Women's Club to share permits, but they preferred to have their own.

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Commissioner Clotley made a motion to approve the issuance of 60 parking permits for the Women's Club of Lauderdale-By-The-Sea. All voted in favor, 5-0. Commissioner Silverstone seconded the motion.

- c. Appointment of one member to the Walk Around Committee (Clerk White)**

Vice Mayor McIntee made a motion to appoint Bob Fleishman as a member of the Walk Around Committee. Commissioner Silverstone seconded the motion. All voted in favor, 5-0.

- d. Appointment of one member to the Master Plan Steering Committee (Clerk White)**

Commissioner Silverstone made a motion to nominate Holly Burns as a member to the Master Plan Steering Committee. Commissioner Clotley seconded the motion. All voted in favor, 5-0.

- e. Commission approval of license agreement between the Town and Paddy's Inheritance, Inc. for sidewalk café (Assistant Town Manager Olinzock)**

Items 11e, 11f, and 11g were discussed and voted on as one. The Commission questioned whether the 10% increase was in addition to the Consumer Price Index (CPI). Assistant Town Manager Olinzock said it was.

Vice Mayor McIntee made a motion to charge the same fee as last year without a 10% increase and without the Consumer Price Index (CPI) for this year only and upon renewal, the 10% increase and the Consumer Price Index (CPI) would be reinstated. Commissioner Dodd seconded the motion. Commissioner Clotley asked whether the businesses requested the fees be waived. Assistant Town Manager Olinzock said they did not. Commissioner Clotley wanted to know the reason for giving up the income. Vice Mayor McIntee believed that the construction of the Pavilion would cause an undo hardship on the businesses. In a roll call vote, the motion carried 5-0. Commissioner Dodd seconded the motion.

- f. Commission approval of license agreement between the Town and Aruba Bay, Inc. for sidewalk café (Assistant Town Manager Olinzock)**

- g. Commission approval of license agreement between the Town and Beach Restaurants, Inc. for sidewalk café (Assistant Town Manager Olinzock)**

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- h.** Commission approval of Town Sponsored Special Event Application for Halloween 2008 (Commissioner Silverstone)

Commissioner Dodd received a complaint that the Halloween Committee was given 17 days to prepare their Halloween Event. He said they are usually allowed 6 days, and did not want to block out the Senior Center. Commissioner Dodd made a motion to approve 10 days, from Friday, October 24th through November 2nd, for the Halloween Committee to do their elaborate display. Commissioner Silverstone stated that he had spoken to Mrs. McGuinness and the Director of Senior Services who indicated they were fine with it and requested a heads up in the future. Commissioner Dodd withdrew his motion.

Commissioner Dodd made a motion to approve the application as it stood. All voted in favor, 5-0. Commissioner Silverstone seconded the motion.

12. RESOLUTION - "Public Comments"

13. QUASI JUDICIAL PUBLIC HEARINGS

- a.** Site plan submission for review and approval for the re-construction of the Ocean Terrace Beachside Condominium (4564 El Mar Dr.), which suffered water and wind damage in 2006. The applicant is seeking to rebuild the rear two units that were damaged. Additionally, the applicant is seeking a modification to the original approved site plan by increasing the height of the building by four (4) feet six (6) inches, which would result in a height of twenty-four (24) feet ten (10) inches (Assistant Manager Olinzock)

Attorney Abbott swore in those wishing to testify.

Applicant Rick Rodriguez represented Ocean Terrace, made his presentation. Mr. Rodriguez said that the project had been damaged by Hurricane Katrina. He added that they worked with the insurance companies and the Town to make the necessary modifications and prior to re-submitting to the State, the Town had to approve the improvements made to the project.

Assistant Town Manager Olinzock had no objection to the modifications and confirmed staff approval.

Attorney Abbott invited the public to testimony.

Lawrence Wick as Chairman of the Planning and Zoning Committee

gave an overview of the Planning and Zoning Board requested changes and indicated that Ocean Terrace came into compliance.

With no additional testimony, Attorney Abbott informed the Commission that they could begin deliberations.

Vice Mayor McIntee made a motion to accept the site plan as presented. All voted in favor, 5-0. Commissioner Dodd seconded the motion.

14. OLD BUSINESS

- a. Electronic Voting System - Cost \$2,745.00 - Capital Outlay Budget for FY08-09 \$1,000.00 (Clerk White)**

Commissioner Clotey believed it was important to have the voting system and worth an additional \$1700. She said the voting system allowed the Commission to vote with their conscience.

Commissioner Silverstone saw the value in the voting system and suggested that there may be a way that the votes could be recorded on the system laptop.

Vice Mayor McIntee and Mayor Minnet concurred that it would be a burden to staff and that it was more important that spending go toward Capital Improvement. Mayor Minnet did not feel the need for a voting system at this time.

Commissioner Dodd asked Mayor Minnet to reconsider as he believed the voting system would make the Commission think about their vote rather than going down the line.

Commissioner Clotey believed that the most important thing the Commission did was to cast their vote. Vice Mayor McIntee supported the idea of researching an alternate form of voting such as suggested by Commissioner Silverstone.

Vice Mayor McIntee made a motion to table to October 28, 2008. All voted in favor, 5-0. Commissioner Silverstone seconded the motion.

- b. Discussion and/or action on Town Hall car park (Commissioner Dodd)**

Commissioner Dodd suggested that residents who wished to park in the Town Hall parking lot should present their drivers license and/or proof of residency for the Town of Lauderdale-By-The-Sea to the Clerk in Town Hall. He added they would receive a free parking

sticker for placement in their vehicle that allowed them to do their business in Town Hall. Commissioner Dodd said all others would be charged for parking. The Commission talked at length regarding parking in the Town Hall parking lot.

Mayor Minnet thought a workshop was needed to discuss parking town wide and resolve the issues. Commissioner Dodd believed a workshop had already occurred.

Commissioner Dodd made a motion to table this item to the October 28, 2008 Commission meeting, pending Old Business item 14b.

Commissioner Silverstone seconded the motion. All voted in favor, 5-0.

- c. Discussion and/or action for the Town of Lauderdale-By-The-Sea to be Green Certified by the Florida Green Building Coalition (Tabled at the September 25, 2008 Commission meeting by Commissioner Silverstone)

Mayor Minnet did not recommend the Town become green certified as it was not economically feasible at a cost of over \$10,000. She added that the Town was working toward green initiatives.

Commissioner Silverstone made a motion not to go forward. Vice Mayor McIntee seconded the motion. All voted in favor, 5-0.

- d. Discussion and/or action on parking issues town wide (Commissioner Dodd)

Commissioner Dodd believed it was time to address the parking issues town wide regarding the bags over of meters.

Commissioner Dodd made a motion to remove the bags and enforce of the meters. Commissioner Clotey offered a friendly amendment to the motion to remove the bags from December to May and put them back on for the remaining months. Commissioner Dodd accepted the friendly amendment. Vice Mayor McIntee and Mayor Minnet believed the parking issues needed more attention.

After lengthy discussion regarding various options, Commissioner Dodd withdrew his motion. Commissioner Clotey withdrew her second. Commissioner Dodd made motion to have a workshop on parking issues town wide. Commissioner Clotey seconded the motion. Lengthy discussion followed regarding removing the bags from the meters and a date to schedule the workshop. The workshop was scheduled for November 10, 2008 at 5:00 p.m. In a roll call vote, the motion carried 5-0.

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- e. Discussion and/or action to draft a resolution to Broward County to request them to provide lifeguard services to the Town as LBTS is a public beach used by everyone other than LBTS residents (Mayor Minnet)**

Mayor Minnet said that Broward County should be responsible for the beaches. She requested a Resolution be drafted, be considered by the Commission and if approved, forwarded to Broward County.

Vice Mayor McIntee agreed to send a draft Resolution, not to Broward County but to the County Legislature instead.

Vice Mayor McIntee made a motion to send a draft Resolution to the County Legislature requesting lifeguard services. Commissioner Silverstone seconded the motion.

There was discussion on the intent of the draft Resolution. Mayor Minnet explained that, should other cities and/or Towns pick up on the Resolution, that perhaps the resolution would put pressure on Broward County to provide lifeguard services throughout Broward County.

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

- f. Discussion and/or action to form an Oversight Committee for Public Safety (Fire, EMS, Police) (Mayor Minnet)**

Mayor Minnet explained she requested an Oversight Committee prior to the public safety contracts for the Town. She added that she had always supported the Volunteer Fire Department. Commissioner Clotey reinstated her comment that there should be an Oversight Committee. Commissioner Silverstone added that there already was an Oversight Committee that consisted of the Town Manager, Vice Mayor McIntee and himself.

Vice Mayor McIntee inquired as to whether Mayor Minnet had received \$3,000 from the BSO Fire union for her campaign. Vice Mayor McIntee felt there was a lot of pressure from fire department unions against a private ambulance service and a Volunteer Fire Department. He added that he could not support any member from the community as a member of the Oversight Committee, but would accept and support people that were not residents of the Town. Vice Mayor McIntee believed Mayor Minnet prejudiced herself when she accepted the \$3,000.

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Commissioner Dodd was in favor of an Oversight Committee even though he had great respect for the VFD. He thought that if the Oversight Committee could prevent one accident, it would be worth it. He added that goals could be set and standards increased by the Committee.

Mayor Minnet questioned whether the Volunteer Fire Department was required by law to respond to informational requests. Attorney Abbott said they were according to the public records law.

Manager Colon stated that she had distributed two opinions on case law that argued both ways. Vice Mayor McIntee said there was case law that said if someone was being harassed by untruths or malicious intent, they were not required to respond. Attorney Abbott said he was not aware of that exception. Vice Mayor McIntee said he would supply the case law to Attorney Abbott and requested he research it.

Commissioner Dodd made a motion to recess the remainder of the meeting. Mayor Minnet recessed the meeting at 10:55 p.m., until Monday, October 20, 2008 at 5:00 p.m.

15. NEW BUSINESS

- a. Discussion and/or action to email Commissioners with an interim agenda one week before each Commission meeting (Commissioner Dodd)
- b. Discussion and/or action to reject this year's automatic pay raise for Commissioner's salary (Commissioner Dodd)
- c. Extension for sewer hook-up for Bel-Air residents. From 90 days to 180 days. Request Pompano to allow installment payments (Commissioner Clotey)
- d. Discussion and/or action - lack of police enforcement on beach. Request last 3 months count on tickets, etc., for violations on beach (Vice Mayor McIntee)

This item was discussed earlier in the evening.

- e. Discussion and/or action pertaining to ordinance against topless bars (Vice Mayor McIntee)
- f. Discussion and/or action concerning current town wide height limits, grade definitions and clarification where the height is measured (Commissioner Dodd)

- g.** Discussion and/or action - parking for ambulance only in front of new building (Commissioner Clottey)
- h.** Discussion and/or action - Equity in Commissioner's Salaries (Commissioner Clottey)
- i.** Discussion and/or action - Allocate/designate 4 parking spaces in A1A parking lot for residents (Commissioner Clottey)
- j.** Discussion and/or action - Allocate funds for Iguana control (Commissioner Clottey)
- k.** Discussion and/or action regarding consideration of the attached Resolution from the Broward League of Cities urging the Legislature of the State of Florida to fully fund the Broward County Court System and to specifically provide sufficient funding to sustain Broward County's traffic magistrate citation program (Mayor Minnet)
- l.** Discussion and/or action regarding Earth Day event, April 22, 2009 (Mayor Minnet)
- m.** Discussion and/or action - Commission consideration to draft a resolution to Broward County to provide lifeguard services as LBTS is a public beach used by everyone other than LBTS residents (Mayor Minnet)

This item was removed as a duplicate to Old Business item 14e.
- n.** Discussion regarding Town sponsored events (Vice Mayor McIntee)
- o.** Discussion and/or action regarding 6 parking spaces for Town Residents - Bougainvilla new lot (Vice Mayor McIntee)

Vice Mayor McIntee withdrew this item as it was a duplicate of Item 15 i.
- p.** Discussion and/or action regarding Town Entryway/Fountainhead (Vice Mayor McIntee)

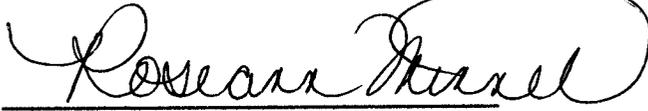
16. TOWN ATTORNEY REPORT

17. FUTURE AGENDA ITEMS

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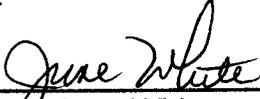
18. ADJOURNMENT

The meeting was recessed to October 20, 2008 at 5:00 p.m. as stated earlier



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

11/25/08
~~11/24/08~~

Date

