

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 28, 2008

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. 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 -

George Hunsaker gave the Invocation followed by a moment of silence for Tom Carr and Eldon Moore.

4. PRESENTATIONS

5. REPORTS

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

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor, 5-0.

b. Development Services Monthly Report - September 2008 (Assistant Town Manager Olinzock)

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor, 5-0.

c. Municipal Services Monthly Report - September 2008 (Assistant Town Manager Olinzock)

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

d. Broward Sheriff's Office Monthly Report - September 2008 (Chief Gooding)

The Commission questioned recent burglaries, halfway houses, police patrol and the status of the surveillance cameras and signs at entryways. Chief Gooding stated that burglaries were the number one crime in Town. He added that there was a half-way house in Town where people on supervised release stayed at night and worked during the day. Chief Gooding stated that deputies patrolled different areas at different times so that people were unaware of their locations. He added that the surveillance cameras were close to installation and he and the Town Manager were working on the logo for the entryway signs.

Commissioner Silverstone made a motion to accept the report. Vice Mayor McIntee seconded the motion. All voted in favor, 5-0.

e. Volunteer Fire Department Monthly Report - September 2008 (Chief Perkins)

Commissioner Dodd questioned Chief Perkins regarding the filing of an incident report. Chief Perkins said the incident was typed on an incident sheet and faxed to Broward County. Commissioner Dodd wanted to know how long before anyone could look at them. Chief Perkins said anyone can look at their sign in sheet as that was instant.

Commissioner Dodd inquired of the process for the public to view the incident report. Chief Perkins said anyone could come to his office and pick one up.

Commissioner Dodd wanted access to those reports and suggested that he and Chief Perkins get together and come up with something. Manager Colon clarified that she did not have access to their programs and that the system the fire department used was the same system that used by the Broward Sheriff's Office.

Commissioner Clotey wanted to know how much longer the Volunteer Fire Department would run behind ambulances. Chief Perkins said about 2 more months.

Vice Mayor McIntee asked Chief Perkins to clarify the process of recording their calls. Chief Perkins said the officer on the first truck out filled out a sheet that explained who was on the call, where the call was and what the call was about. He added that each sign in sheet was given a number that corresponded with the call number. Chief Perkins said the CAD System

locked in the time from responding to a call and arriving on scene. He added that the information was later put into Sun Pro.

Commissioner Silverstone thought there should be a report from all public safety providers and not just the Volunteer Fire Department.

Mayor Minnet said she had minutes that stated that Manager Colon explained that she had the Broward Sheriff's Office place software in the Town's computer. Manager Colon clarified that the Town's Computer was not the Town Manager's Computer. She added that the software was installed on the Town's Computer in Town Hall and under the custodian of records.

6. TOWN MANAGER REPORT

7. APPROVAL OF MINUTES

a. September 25, 2008 Regular Minutes

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

8. PUBLIC COMMENTS

Joe Couriel was in favor of the Volunteer Fire Department going on medical calls as that created the same level of service as was with BSO Fire Rescue. He did not believe it was appropriate to suppress the Town Manager in her duties as the public safety supervisor.

Frank Herrmann thought people should thank the volunteers for putting together the upcoming Halloween event. He demanded the best safety program the Commission could provide.

Lawrence Wick thought that the salary of the Commissioners and the Mayor should be equal and should start with the new Commission. Mr. Wick wished the newspapers would report accurately and get their facts straight.

Gerri Ann Capotosto talked about new lighting for sea turtles that people could see and turtles could not. She said the survival of the species was dependant on the coast line being darker than that of the moon light shining on the ocean.

Bob Fleishman questioned the sunshine law regarding Commissioners/Firefighters. He asked whether they were Firefighters or Commissioners.

Vice Mayor McIntee pointed out that Mr. Fleishman's remarks were personal and believed the Mayor should have stepped in.

Mark Mitchell talked about the near drowning on the 25th of October. He said he went out to the buoy to assist a lady that was in troubled and waited there for help. He added that when help finally arrived the fire fighters stopped at the shore line. Mr. Mitchell said one fire fighter came out approximately 30 feet into the water and helped bring the woman to shore. Mr. Mitchell was disappointed that there were 22 respondents without proper equipment and there training was not satisfactory.

John Toohey was also upset with the rescue efforts by the Volunteer Fire Department and American Medical Response. He felt the Volunteer Fire Department, the Broward Sheriff's Office and American Medical Response needed guidelines.

9. ORDINANCES

- a. Ordinances 1st Reading - "Public Comments"
- b. Ordinances 2nd Reading - "PUBLIC HEARING"

10. COMMISSIONER COMMENTS

Commissioner Dodd requested that Mayor Minnet put the Oversight Committee on the November 10, 2008 Commission agenda and for each Commissioner to come prepared with names for the Committee. He explained the Oversight Committee was not a personal attack against the Volunteer Fire Department.

Commissioner Dodd talked about 3 over 1, 44 foot height limit, the 1973 Electoral Ordinance of setbacks and green space. He asked where the people were when the Citizen's Initiative Committee campaigned on height limits. Commissioner Dodd thought that the staff writer of a newspaper should contact the Commissioner she intended to write about to get her facts right. Commissioner Dodd was behind the Volunteer Fire Department despite the rumors maliciously spread to the contrary.

Vice Mayor McIntee said Mr. Mitchell fought a rip current to bring a woman to shore. He explained that the first responders were the ambulance with two (2) EMT's on board and that they were responsible for the patient. Vice Mayor McIntee said the Volunteer Fire Department was only responsible for bringing the ATV's and had responded with 1 fire truck. He clarified that they were not responsible for medical care.

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Vice Mayor McIntee said the biggest Oversight Committee was looking at the fire department. He said ISO was doing a complete review of the Volunteer Fire Department and they were impartial.

Mayor Minnet thanked the public for coming to the meeting. She thanked Chief Gooding for the Shred-A-Thon and mentioned it will occur again next year. Mayor Minnet talked about available parking on Election Day and asked everyone to vote. She reminded everyone to come out and enjoy the Halloween Event. Mayor Minnet stated she was appointed to the Broward County Task Force and would keep everyone updated.

Commissioner Clotney said other municipalities did not spend their surplus tax dollars wisely and are suffering with their pension funding. She said that is not so with the Town of Lauderdale-By-The-Sea. She encouraged everyone to vote in the General Election on November 4, 2008. Commissioner Clotney invited everyone to come out and join in on the Halloween fun.

Commissioner Clotney thought that the Town was demoralizing the Volunteer Fire Department. She stated that the Volunteer Fire Department was part of the Town's history and if there was a problem with just one person, it should not be taken out on the Volunteer Fire Department.

Commissioner Clotney suggested a link on the Town's website regarding hazardous rip tides in Broward and Dade County. Commissioner Clotney said she believed in the freedom of speech even though the rest of the Commission did not agree. She thought that the community should decide whether they want to pay for lifeguards and did not feel the Volunteer Fire Department messed up.

Commissioner Silverstone felt there was a divide in the Town and he had been negatively attacked in regards to being able to respond to both jobs; a Commissioner and a Firefighter. He was appalled at the fact that because he wore two hats he was labeled incapable. Commissioner Silverstone stated that in actuality he currently wore 8 hats and over the years, 22. He named the titles he currently possessed such as: Volunteer Fire Fighter, Town Commissioner, Basketball Youth Couch, Chairman of the Halloween Committee, Chairman of the Christmas-By-The-Sea Committee, Business owner, Homeowner, and Resident. Commissioner Silverstone went on to name the titles he possessed over the years.

11. CONSENT AGENDA

At Commissioner Silverstone's request Mayor Minnet pulled item 11b for discussion.

Vice Mayor McIntee made a motion to approve items 11a, 11c, and 11d on consent. Commissioner Dodd seconded the motion. All voted in favor, 5-0.

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- a. Commission approval of Special Event Application for Christmas-By-The-Sea 2008 (Town Sponsored Event) (Assistant Town Manager Olinzock)**
- b. Commission approval of Special Event Application Marie White's Santa is Coming to Town 2008, Refund of the application fee (Assistant Town Manager Olinzock)**

Lawrence Wick explained that Marie White's Christmas-By-The-Sea will take place on Saturday, December 13, 2008 from 12:00 to 3:00 p.m. Mr. Wick said donations would be accepted in the form of a check made payable to Marie White Santa's Coming to Town Fund. He added that the donations would be used for toys and candy for the children.

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

- c. Commission approval of the issuance of ten (10) Parking Permits for Broward County Association of Student Council Beach Clean-up Broward, Saturday November 22, 2008 8:00 AM till 2:00 PM, in the Bougainvilla Drive parking lot (Assistant Town Manager Olinzock)**
- d. Commission approval of Hardship Parking Permits: (Clerk White)**

12. RESOLUTION - "Public Comments"

13. QUASI JUDICIAL PUBLIC HEARINGS

14. OLD BUSINESS

- a. Electronic Voting System - Cost \$2,745.00 - Capital Outlay Budget for FY08-09 \$1,000.00 (Clerk White) Tabled at the October 14, 2008 Commission meeting pending technical information**

Commissioner Silverstone asked for clarification of cost to do the voting on the laptop as \$10,000. Clerk White said that was true. Commissioner Silverstone felt that was costly.

Commissioner Dodd made a motion to approve getting the electronic voting system. Commissioner Clotey seconded the motion. Vice Mayor McIntee pointed out that at first he was against the voting system but had since learned the value of private voting.

Mayor Minnet stated that per Town Charter the Mayor always voted last. She asked Attorney Abbott how that would work with the voting system. Attorney Abbott confirmed that the Town Charter did state that the Mayor

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voted last, but did not know whether the voting system would be consistent with the Charter.

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

- b. Discussion and/or action - Equity in Commissioner's Salaries (Commissioner Clotley) Tabled to the October 28, 2008 Commission Meeting by Commissioner Silverstone

Commissioner Silverstone thanked Manager Colon for the salary survey of the Mayor of other municipalities. He did not feel that the Mayor had 25% more work load than that of a Commissioner.

Commissioner Clotley explained to Mayor Minnet that the Commission was not looking to reduce her salary. She said the issue was to determine the salary for the Mayor at the next election.

Commissioner Dodd felt the Mayor's salary should be left alone.

15. NEW BUSINESS

16. TOWN ATTORNEY REPORT

Mayor Minnet inquired of her request for a Resolution on lifeguard services for the community. Attorney Abbott said a Resolution would be drafted for the November 10, 2008 Commission meeting.

17. FUTURE AGENDA ITEMS

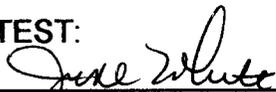
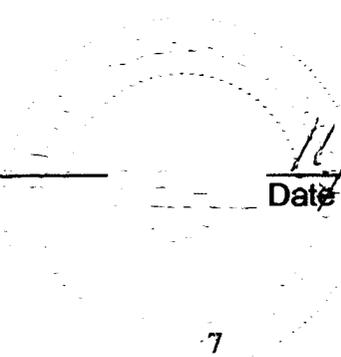
18. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:45 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White
Date 11/25/08