

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **REGULAR MEETING**

#### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, January 26, 2010**

**7:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

George Hunsaker gave the Invocation.

Mayor Minnet noted the following changes to the agenda: Ordinance 2009-36 will be on the February 9, 2010 agenda. She announced that Broward County Ken Keechl may not be available for his Presentation.

New Business item 16i was added for discussion and/or action on the Chamber of Commerce.

Town Manager Report item 8b was added regarding a forum for residents regarding street closures and music.

4. PRESENTATIONS

a. Presentation from Broward County Mayor Ken Keechl on the state of Broward County (Mayor Minnet)

b. Presentation from Broward County, Betty Rosse of the Elderly and Veteran's Services Division (Town Manager Colon)

Ms. Rosse talked about a 411 for Aging program for people 60 and over which included 16 topics regarding growing older.

This item was added at the beginning of the meeting.

Manager Colon requested to hold a forum for residents only regarding street closures and music, similar to the business meeting that took place on January 21, 2010.

Manager Colon responded to a comment made by a resident regarding political signs. She stated that an Elections Manual was distributed to the Candidates that contained the code regarding political signs. She said there were problems with the signs and if the Commission wanted Code Enforcement to enforce the Code it would entail paying overtime. She added that the distance from the middle of the road varied throughout Town. Attorney Trevarthen confirmed.

Mayor Minnet asked for a status on the Botchy Court and the possibility of getting together with the Attorney for Pacific Blue. Manager Colon stated that the Botchy Court had not yet been completed and that Attorney Crush needed to speak with the Town Attorney.

Mayor Minnet questioned the removal of the stop sign at the cross section of El Prado and El Mar Drive. Manager Colon stated that the Broward County Traffic Engineer said they would not do anymore traffic studies after the last one that removed the sign at the Town's request.

Mayor Minnet inquired of the meeting with the League of Women Voters as to whether there was a 2 minute or 3 minute introduction. Manager Colon stated she would confirm with the League of Women Voters and distribute the answer to the Commission and to the Candidates.

Mayor Minnet asked that when the budget amounts for the Chamber of Commerce were determined, were the allocations made at the discretion of the Town Manager to only give the allotted amount for the profit and loss. Manager Colon said it was not at the discretion of the Town Manager. She reminded Mayor Minnet that the Chamber of Commerce received \$20,000 from the County and she believed that was why they showed a loss.

Commissioner Silverstone thanked Manager Colon for putting the rules of the Tennis Courts out there. He asked whether one stop sign could be provided at the cross section of El Mar Drive and El Prado. Manager Colon said she would submit the request.

Commissioner Clotley inquired of the Green Hopper. Manager Colon said the Green Hopper preferred not to enter into an agreement with the Town because of insurance requirements. She added that they had no problem entering into an agreement with a private company.

Commissioner Clotey questioned as to whether there were any programs for the fragile residents in the area that were under 60. Ms. Rosse said she could connect people with specific needs with the appropriate organizations.

Mayor Minnet questioned whether Ms. Rosse was ready to begin April 8, 2010. Ms. Rosse said she was.

At Mayor Minnet's request, Attorney Trevarthen asked everyone to refrain from campaigning at the podium.

## 5. PUBLIC COMMENTS

Lynda Spicola wanted to know why, as a co-op owner living here part of the year, could not suspend garbage service as she did with cable and telephone.

Cindy Geesey requested the Commission look for ways to make things work better.

Tracey Plunkett believed the Friday and Saturday evening events were good for the Town and favored green space.

Joe Couriel believed some of the money should be spent on greening the El Mar Median.

Edmund Malkoon wanted to know why political signs in violation were not being enforced.

Barbara Judge believed the Town was unique due to the closing of the streets for Friday and Saturday night music.

Joseph Judge wanted to keep the music on Friday and Saturday nights.

Mark Brown believed the Senior Center was still not working as people had to fill out many forms. He suggested the Commission reject the grant funding and pay for the Senior Center Activities.

Ken Kugler favored preservation of green space on El Mar Drive and believed the infrastructure should be addressed.

Diane Kugler believed green space was needed along El Mar Drive and requested a traffic study on El Mar Drive while the traffic was here.

Chris Vincent believed the Commission did not vote for the El Mar Drive design that people wanted.

Spiro Marchelos believed the current dais did not make the proper decisions for the people of the Town.

Scot Sasser requested the Commission pause and get El Mar Drive right.

Marjorie Evans suggested using some of the money to repair the cracks in the sidewalk along El Mar Drive.

Frank Herrmann believed that the beautification of El Mar Drive should be delayed.

Vito Chiarello did not believe money should be spent on gates and lights in Bel Air at this time since the Town recently spent \$40,000 on signs.

Yann Brandt believed that monthly bank statements and financial reports should be online.

Bob Karely believed the truths were being twisted.

Cristi Furth believed stop signs were needed rather than a traffic study on El Mar Drive. She stated that the business meeting on January 21, 2010 was about parking and not about music.

Maureen McIntee stated that she never heard of anyone going into the canal at Bel-Air and the people in the Bel Air area did not want a barrier.

Louis Marchelos stated that political opinions were put aside at the business meeting on January 21, 2010 and good discussion was made.

Bill Vitollo suggested the placement of detour signs when roads were closed for special events. He suggested landscaping on El Mar Drive and he believed people should not walk down the center of El Mar Drive.

Attorney Courtney Crush believed there was a misconception that her client, Pacific Blue was concerned with music.

There were no more speakers.

**6. REPORTS**

**a. Finance and Budget Monthly Report - December 2009 (Manager Colon)**

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

**b. Development Services Monthly Report - December 2009 (Assistant Town Manager Olinzock)**

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

- c. Municipal Services Monthly Report - December 2009 (Assistant Town Manager Olinzock)

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- d. BSO Police Monthly Report - December 2009 (Chief Llerena)

Vice Mayor McIntee made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

- e. VFD Fire Monthly Report - December 2009 (Chief Perkins)

Mayor Minnet asked what the VFD was doing as far as Haiti relief.

Deputy Chief Padden stated that the VFD were doing a boot drive and collected approximately \$50,000. In addition the VFD asked of clothing, food, water and diapers. Deputy Chief Padden said people can drop their items off at the Public Safety Building and/or Town Hall.

Commissioner Clotey questioned the time between a call to 911 and dispatch. Deputy Chief Padden suggested if someone in a condo heard an alarm they should call 911.

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- f. AMR EMS Monthly Report - December 2009 (Operations Manager Liddle)

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

- a. Chamber of Commerce

Town Manager stated the net loss of \$19,081.23.

- b. Forum for residents regarding street closures and music

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

9. APPROVAL OF MINUTES

10. ORDINANCES - PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

- a. Ordinance 2009-36:AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-261 "B-1-A DISTRICT-BUSINESS" IN ORDER TO PROVIDE THAT COMMUNITY THEATRES AND CULTURAL CENTERS ARE PERMITTED USES IN THE B-1-A DISTRICT; FURTHER AMENDING SECTION 30-271 "B-1 DISTRICT-BUSINESS" IN ORDER TO PROVIDE THAT COMMUNITY THEATRES AND CULTURAL CENTERS ARE PERMITTED USES IN THE B-1 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was rescheduled for the February 9, 2010 Commission meeting earlier in the evening.

- b. Ordinance 2009-35:AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Attorney Trevarthen read Ordinance 2009-35 by title. She requested a typo in the existing ordinance to be changed on line 57 as the word "of" should be "or".

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

Mayor Minnet noted that the Planning and Zoning Board previously failed the Ordinance 4-0. She understood the Ordinance as to be for corner lots only and not for front yards. Mayor Minnet believed the Commission should review and discuss the Ordinance before making a decision. Mayor Minnet pointed out that line 23 stated that Planning and Zoning approved front yard swimming pools.

Commissioner Dodd supported Planning and Zoning and believed there was a miscommunication. Commissioner Dodd made a motion to postpone until Planning and Zoning had time to review the issues. The motion failed for lack of a second.

Commissioner Silverstone said at one time the Town allowed it and currently did not. He believed it should be written to conform to what there was before. Commissioner Silverstone understood it was in relation to corner lots.

Vice Mayor McIntee said the Ordinance was to allow a pool in corner lots if it maintained the strict rules.

Vice Mayor McIntee made a motion to defer to the June 22, 2010 Commission meeting. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

#### 11. COMMISSIONER COMMENTS

Commissioner Dodd stated that he campaigned on 44 feet building height. He said no one can change zoning and height without the vote of the people and not the Commission. Commissioner Dodd put El Mar Drive on the agenda because the residents he spoke with regarding a walkway down El Mar Drive preferred the money be spent on landscaping and sidewalks.

Vice Mayor McIntee stated that the Circuit Court ruled that the City of Panama was not liable in their Burt J. Harris case, Case Number 1DOA4983. Vice Mayor McIntee advised that underground power would cost millions of dollars.

Mayor Minnet asked whether the case was under appeal. Attorney Trevarthen said it was possible.

Mayor Minnet said she sent a certified letter to the publisher and the editor of The ByTheSea Times stating that she voted in favor of the VFD agreement, the Transition and for the beach boat. Mayor Minnet said it was imperative that this Town was recognized in the Census to receive and be eligible for grant funding.

Mayor Minnet stated that she took an oath to uphold the Charter. She said she did not want to do away with the height limit and the only way the height could be changed was to go before the residents for a vote. Mayor Minnet announced a beach cleanup the first Saturday of every month at 9:00 a.m. and encouraged people to participate. She asked that everyone be considerate of the political signs and felt that stealing signs were unfortunate.

Commissioner Clotley stated that one of her colleagues told the residents not to vote for a certain candidate and believed it was unfair for the Mayor to tell everyone what she was for when she did not allow others running against her, equal time. Commissioner Clotley stated that she believed there should be a Community Center for everyone in Town. She said it was not true when people say that she or the Town Manager "stirred

the pot". Commissioner Clotney stated that the money for El Mar Drive was supposed to be used for pedestrian friendly. She said it was the people who wanted the median and she voted for what the people wanted. Commissioner Clotney pointed out that if landscaping was to be put in there should be money put aside for its maintenance and should be salt resistant.

Commissioner Clotney did not know why the Imperial Lane item was on the agenda as the people did not want barriers. She wanted to pull the Hillsboro Inlet item because she did not want it to be a political issue. Commissioner Clotney said the Hillsboro inlet spent a lot of money on dredges that are only used 3 months out of the year. She said it would be cheaper to rent the dredges from Port Everglades than keep staff full time.

Commissioner Silverstone believed there was a major problem for this Town when someone Googled Lauderdale-By-The-Sea the first thing that comes up is a blogger's site that had nothing good to say about the Town. He said the ramifications affected the Town in the future. Commissioner Silverstone said the negativity needed to stop. He asked people to bring forth positive ideas. Commissioner Silverstone believed the people were being stifled.

Mayor Minnet recessed the meeting at 9:25 p.m. and reconvened at 9:40 p.m.

## 12. CONSENT AGENDA

Mayor Minnet pulled item 12a and 12b for discussion.

Vice Mayor McIntee made a motion to approve item 12c on Consent. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- a. Commission approval of use of Jarvis Hall by LBTS Garden Club on Friday, January 29, 2010 and Saturday, January 30, 2010, for Annual Rummage Sale, additional Town staff hours on Saturday for cleaning and set-up, and to allow use of deposit to offset additional staff time (Assistant Town Manager Olinzock)

Commissioner Dodd wanted to know whether the Garden Club got their deposit back last year. Assistant Town Manager said they did. Discussion followed regarding staff time.

Commissioner Dodd made a motion to approve without charge for Town staff. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

- b. Commission approval of a one (1) year contract extension for Air Conditioning Maintenance Services with Advanced Roofing, Inc. (Assistant Town Manager Olinzock)

Commissioner Dodd questioned why the Town did not go out for RFP. Assistant Town Manager Olinzock explained there was a clause in the contract that allowed the Contractor to submit a letter requesting an extension with Commission approval.

Commissioner Dodd made a motion to approve. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

- c. Commission approval of a ninety (90) day contract extension for Martial Arts Instructor (Town Manager Colon)

This item was approved on consent.

13. RESOLUTION - "Public Comments"

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Commission approval of Special Event Permit Application for Jazz on the Square - Village Pump and Grille "Jazz on the Square" Event, Quarter 2, every Friday night, 4:30 PM till 11:30 PM, April 23, 2010 through July 23, 2010 (Assistant Town Manager Olinzock) - Deferred at the January 12, 2010 Commission Meeting by Commissioner Dodd

Commissioner Dodd hoped that Pacific Blue would get together with the other business owners and Town staff. He made a motion to approve the application.

Commissioner Clotley said she would approve the weekend of the 4th of July and requested that the Village Grille coordinate with other events over the course of several days, Friday, Saturday and Sunday.

Commissioner Silverstone believed the Commission agreed to approve the events quarterly.

Dave Gadsby said he had filled out all three applications at one time for the Commission to decide however they wanted to approve them, whether all at once or individually as they came up.

Commissioner Dodd believed the Commission previously voted against 2 day events. Commissioner Clotley said the key word was "coordinated".

Commissioner Dodd went forward with his motion to approve. There was no second and Commissioner Dodd withdrew his motion until after the March 9, 2010 elections.

- b. Discussion and/or action - Hillsboro Inlet - Deferred at the January 12, 2010 Commission Meeting by Commissioner Dodd - Applications attached

Commissioner Clotley made a motion to defer to the April 13, 2010 Commission meeting. Vice Mayor McIntee seconded the motion. The motion carried 4 – 0. Commissioner Dodd abstained.

- c. Discussion and/or action by Town Commission regarding appointment of a Local Complete Count Committee for the purpose of building awareness of the 2010 Census (Assistant Town Manager Olinzock) - Deferred at the January 12, 2010 Commission Meeting by Vice Mayor McIntee - Application attached

Mayor Minnet stated that Ron Piersante and Joyce Murray expressed their interest. Manager Colon said that a Committee could not consist of 2 individuals and guidelines needed to be followed. Vice Mayor McIntee asked what the Committee was supposed to do. Manager Colon said the Committee would basically give awareness.

Mayor Minnet said there were other numerous activities. She hoped awareness would continue and encouraged people to make sure they were counted.

- d. Discussion and/or action regarding amendment to the current BSO Contract (Chief Llerena) - This item was deferred at the January 12, 2010 Commission Meeting by Commissioner Silverstone

Manager Colon stated that Chief Llerena asked this item be deferred at the request of the main office. She did not want to defer it. Manager Colon did not want unions and politics to get involved in how the Town ran. She believed a 12 hour shift would not meet the needs of the community.

Vice Mayor McIntee stated that the deputies were happy with the way things were now. He did not feel that the union should dictate how the Town should operate.

Mayor Minnet believed the Commission was in consensus that everything was working well. Manager Colon recommended that the Town Commission follow something similar to Weston.

Commissioner Silverstone made a motion to direct the Town Attorney to draft an addendum similar to the Weston agreement for the Town of Lauderdale-By-The-Sea. Commissioner Clotley seconded the motion. The motion carried 5 - 0.

- e. Discussion and/or action to have the Town Engineer research the traffic flow on Imperial Lane to see if signage or a barrier is needed to prevent through traffic from A1A from entering this street (Commissioner Clotley) - This item was deferred at the January 12, 2010 Commission Meeting by Commissioner Silverstone

Commissioner Dodd thought there could be some landscaping with a sign that said "no outlet" where the road narrowed between 219 and 220 Imperial Lane. He believed the

drawings could be done in house. Assistant Town Manager Olinzock pointed out that there was an Interlocal Agreement with Broward County for traffic engineering and anything they do including flower pots would have to go through them.

Commissioner Clotey stated that Miami used flower pots to close part of a street road. She thought that Town staff could run that by Broward County.

Vice Mayor McIntee believed it would be difficult for the employees of the Town to put barriers in the streets as they would have to meet specific standards. Attorney Trevarthen stated that Broward County would have to make the determination.

Mayor Minnet stated that the residents of Terra Mar Island paid for their own gate. She wondered whether the people on Imperial Lane would pay for theirs. Assistant Town Manager Olinzock said that Terra Mar Island also paid for the operating costs.

Commissioner Dodd made a motion to direct the Town Manager to send a proposal to Broward County Traffic Engineering to follow the scheme of Miami and put down a couple of flower pots. Vice Mayor McIntee seconded the motion. The motion carried 4 - 0. Commissioner Dodd abstained.

#### **16. NEW BUSINESS**

Items 16a and 16b were considered separately and voted on together.

- a. Discussion and/or action: Commission to consider approving amendments to Ordinance 6-42 "Maintenance of sites under development" (Assistant Town Manager Olinzock)

Manager Colon explained that whenever an issue arise with a code conflict it would be brought before the Commission in this manner in an attempts to resolve them without having a workshop with many issues. She noted that both New Business 16a and 16b were before the Commission for their review.

Attorney Trevarthen asked Commission permission to consult with staff to look at issues and try to resolve them.

Commissioner Dodd wanted further consideration given to the Planning and Zoning Board at their first meeting following their appointment. He believed Section 4 should include information regarding delays and at whose expense. Commission Dodd also wanted to see realistic time frames and consideration for stiff fines. Mayor Minnet pointed out that there was no longer any "Overlay District" and that reference had to be removed.

Manager Colon requested that if the Commission noticed anything in the Ordinance that they send their input via email or in person, prior to sending it to the Planning and Zoning Board for review.

- b. Discussion and/or action: Commission to consider approving an ordinance requiring mortgagee to register with the Town upon default by the mortgagor (Assistant Town Manager Olinzock)

Mayor Minnet explained that this item was the same application as the item before. Commissioner Dodd asked whether there was any thought on the level of fines to be imposed and how soon the fine should be levied. He suggested \$250 a day per violation with a maximum of \$1,000 a day.

Commissioner Clotey believed that rather than have the properties sit there for a long time, the Town should take it over. Assistant Town Manager Olinzock said if they did not comply within a certain period of time, it went before the Magistrate.

Vice Mayor McIntee made a motion to have the Town Manager review the Ordinances discussed in items 16a and 16b. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

- c. Town Commission short-listing selection of no fewer than three firms for the design of the Florida Department of Transportation (FDOT) Local Agency Program (LAP) SR-A1A Enhancement Project FM - 418022-1, Pine Ave to Terra Mar Drive, to set date for presentation of short-listed forms, and authorization for Town Manager to negotiate contract agreement for completion of the design (Assistant Town Manager Olinzock)

Mayor Minnet said there were 14 applicants and that Manager Colon had requested that the Commission select no fewer than 3 so they could start negotiations. Manager Colon said this was only a conceptual plan. She added that the share from the stimulus package was over \$600,000. Manager Colon stated that the selection of an Engineer was needed to begin the process.

Commissioner Silverstone said everyone submitted professional documents. He wanted to hear from the Town Engineer. Mayor Minnet said they would be supervising the project.

Vice Mayor McIntee believed they were too in-depth and looked for Commissioner Dodd's recommendation.

Commissioner Dodd inquired of the scale staff used to come up with their recommendation.

Assistant Town Manager Olinzock stated that the Town Commission was the Selection Committee as per the advertisement for the RFQ. He said he looked to the dais for their guidance. Commissioner Dodd believed it was a strange way to go as no amounts were proposed. Assistant Town Manager Olinzock said the Florida Statute stated that a

minimum of 3 were to be chosen. He added that if the negotiations with the selected 3 were not satisfactory, staff would return to the Commission for a selection of another 3.

Commissioner Dodd wanted to see the Town's recommendations of their Top 4 before they proceeded. Assistant Town Manager Olinzock said the RFQ would have to be re-advertised as the RFQ stated that the Town Commission would be the Selection Committee. Assistant Town Manager Olinzock said the State wanted the design component completed by mid June.

Mayor Minnet asked whether the Town would lose the funding if they did not move forward with the project. Assistant Town Manager Olinzock said that without the design component completed there would be no funding for construction and the Notice to Proceed would not be provided. Mayor Minnet suggested moving forward as quickly as possible.

Commissioner Silverstone stated his 3 choices were Keith & Schnars, Buckley, Ocampo and Associates, and Miller Legg.

Vice Mayor McIntee suggested the Town chose the best 3, have Commissioner Dodd review them and bring his suggestions back before the Commission for Commission decision.

Manager Colon stated she had spoken with Mayor Minnet, Commissioner Clotley and Commissioner Silverstone and asked them to read the requirements of the Statute. Manager Colon said she did a courtesy review and looked at when the company was incorporated and at the number of years they were in business. She advised that Broward County recently increased the funding to the Town and the Scenic Highway was a start and a beginning to the sidewalk and the lighting.

Manager Colon recommended, in order of preference, Post Buckley, Ocampo and Associates and Walter Keller. She added her recommendation was based on the illustrative project, the relevant projects and the relationship the Town had with all 3 firms.

Commissioner Clotley chose Post Buckley and Buckley, Ocampo and Associates.

Vice Mayor McIntee made a motion to approve Post Buckley, Ocampo and Associates and Walter Keller. Commissioner Clotley seconded the motion. The motion carried 4 - 1. Commissioner Dodd voted no.

d. Discussion and/or action regarding updating Fire Suppression System in Jarvis Hall Kitchen (Assistant Town Manager Olinzock)

Vice Mayor McIntee believed the kitchen would be used more if it was up to snuff. He believed it would be money well spent.

Assistant Town Manager Olinzock stated that the costs were between \$13,000 and \$16,000 for an exhaust system and fire suppression system. He added that the stove was considered a commercial unit and could not be used without a hood.

Commissioner Silverstone made a motion to approve Hood Depot International. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

- e. Discussion and/or action to direct the Town Attorney to proceed with legal action against Terry Arthur regarding Greenfest (Vice Mayor McIntee)

Ron Piersante inquired as to whether the Town Attorney investigated this and how much it cost.

Barbara Cole believed this should be withdrawn.

Vice Mayor McIntee said that Terry Arthur was sitting on \$159,000 liens. He said Terry Arthur was asked to submit the documents and Mr. Arthur did not comply. Vice Mayor McIntee said the fines were initiated as per code. He pointed out that the Commission voted 5-0 to initiate the fines.

Mayor Minnet stated that the documents had been turned over and was not accepted. She pointed out that the Vice Mayor requested bank statements. Mayor Minnet did not believe Commissioner Dodd voted in favor.

Commissioner Silverstone said that Town Code said that full accountability for all expenditures was required. He did not understand why Mr. Arthur refused to turn over a copy of his bank statement.

Commissioner Dodd asked whether the Town could collect if the gentleman lived outside of the State of Florida. Attorney Trevarthen said there were ways.

Commissioner Dodd made a motion to drop the issue.

Commissioner Clotley suggested they send it to the Magistrate as a code violation.

The motion died for lack of a second.

Commissioner Clotley believed the Magistrate was the proper place for this to go. Commissioner Dodd stated that the Commission did not have the authority to initiate a lien. Commissioner Clotley stated that the Magistrate had the authority.

There was no further discussion.

- f. Discussion and/or action: safety barrier for the north entrance of Bel-Air (SE 15th Street) Mayor Minnet

Mayor Minnet said she brought this to the Commission for public safety reasons. She asked that the Commission look at whether there was a possibility.

Vice Mayor McIntee stated that no one in Bel-Air wanted the barriers.

Commissioner Clotey believed this issue should be sent to the Bel Air Civic Association to look into it. Mayor Minnet believed that was a great suggestion.

**g. Discussion and/or action on rules for Senior Center Activities (Commissioner Dodd)**

Commissioner Dodd believed the applications were harsh. He felt that if the majority did not qualify for the grant funding, the Town should find another way of funding it. He asked whether the hold harmless agreement was necessary for a computer class or bridge.

Vice Mayor McIntee made a motion to continue the meeting past 11:00 p.m.  
Continuation was granted.

Commissioner Clotey believed the center should be a Community Center to be used by all. She said that the schools used hold harmless agreements because people thought twice about filing lawsuits.

Attorney Trevarthen stated that Hold Harmless Agreements were generally enforceable and at the time of discussion with staff it was in relation to the yoga class.

Commissioner Silverstone believed that in order to receive the grant for the Senior Center certain criteria had to be met which was what the Town Manager did. He did agree that a Hold Harmless Agreement was not necessary for some activities such as playing cards. Commissioner Silverstone had no objection to filling out forms and agreed that the Center should be open to everyone.

Mayor Minnet said there was a reason for the Hold Harmless such as someone playing bridge could come in and trip and fall and therefore, everyone needed to sign a Hold Harmless Agreement.

Manager Colon said the forms were derived from the grant. She said if the Commission did not want to use the forms they should give up the grant. Commissioner Dodd said he previously asked for an analysis as he did not want to subject the seniors to filling out all the forms if it was not necessary. Manager Colon said the problem arose because people were signing without knowing what they were signing. She asked how Commissioner Dodd could rely on data that was incomplete.

Commissioner Clotey said she previously pointed out the guidelines regarding income levels. She pointed out that looking at old information would not be useful and would only point out to Broward County that nothing was done correctly.

Mayor Minnet believed it was the consensus of the Commission that it should be a Community Center.

Commissioner Dodd made a motion to defer to June 8, 2010 to allow Town staff to collect data for 4 months as to whether the figures would justify the grant. Vice Mayor McIntee seconded the motion. The motion carried 5-0.

- h.** Discussion and/or action for the Commission to give its final approval to the final construction drawings for the El Mar Drive Beautification before the construction begins (Commissioner Dodd)

Mr. Nixon thought it would be wise to take a fresh look at the project and consider green space. He said the Town had \$1 million from Oriana and green space up along down El Mar Drive from Pine Avenue to Palm Avenue donated by the designers.

Diane Boutin encouraged fiscal responsibility, to add money for maintenance, and consider the infrastructure. She believed there should be short term plans and long term plans in 5 year increments and money should be put aside for maintenance of the Portals.

Commissioner Dodd made a motion to postpone until after either the next Commission the next Master Plan Steering Committee was in office. Commissioner Clotey seconded the motion for discussion. She believed the people wanted landscaping and should not defer it. She felt the Master Plan Steering Committee should sit with the architects and discuss what the people want and to give direction. Commissioner Clotey said it should not take another year. She wanted the Master Plan Steering Committee to come back before the Commission within 2 months.

Commissioner Silverstone suggested a friendly amendment to amend the plan to take the sidewalks out and bring in landscaping and lighting. Manager Colon said the construction plans were to be submitted to the Commission and suggested making the changes at that time.

Mayor Minnet wanted it noted that she and Commissioner Dodd did not vote to continue with the project at this time.

Raul Ocampo stated that they were somewhere between 50% and 75% complete on the drawings. He said the sidewalks were the first thing they had to work with due to drainage.

Mr. Ocampo said he could produce copies of the plans to date and submit them to the Town Manager. He added that he would review a new direction from the Master Plan Steering Committee and come before the Commission with additional drawings.

Mayor Minnet asked what the cost would be to change the plans. Mr. Ocampo replied that he agreed to amend the contract to go forth with changes and advised he would have to obtain information from the consultants before giving figures.

Commissioner Clotey agreed it should go back to the Master Plan Steering Committee.

Commissioner Dodd stated that it was the people's choice not to change the amount of green space, not to put a concrete walkway down the middle, and not to put a pathway there.

Commissioner Dodd made a motion to pass it back to the Master Plan Steering Committee and for a representative from Ocampo to be there and take part in the discussion. Commissioner Clotey seconded the motion with a time period of 2 months.

Mayor Minnet said there was a Master Plan Steering Committee meeting at 7:00 p.m. on Thursday, February 18, 2010. Mr. Ocampo said they would make themselves available.

The motion carried 5-0.

**16 i – Discussion and/or action regarding the Chamber of Commerce**

This item was added at the beginning of the meeting

Commissioner Dodd stated that the Commission approved \$28,000 and the Chamber of Commerce should have received the full \$28,000.

Commissioner Dodd made a motion that the Chamber of Commerce be funded the missing amount of money. Mayor Minnet seconded the motion.

Commissioner Silverstone believed the tax payer dollars were used to give the Chamber of Commerce, a non-profit organization, a profit. Manager Colon was concerned that public funds were used for funding a private organization. Commissioner Silverstone wanted justification.

Commissioner Clotey believed the Commission gave the Chamber an extra \$4,500 which brought the funds closer to the \$28,000. She said she had no problem giving the Chamber a little extra and stated that the Chamber of Commerce already received over \$20,000 from the Town.

Manager Colon reminded Commissioner Dodd that last year he requested the financial records of the Chamber of Commerce because he questioned what the Chamber did with the \$35,000 they received.

Diane Boutin believed the Chamber of Commerce was the sole marketing arm for Lauderdale-By-The-Sea. She encouraged support.

Vice Mayor McIntee pointed out that the Town paid for the Chamber of Commerce building and maintenance. He added that the Town also supported other businesses outside the Town limits as the Chamber funded out of Town businesses in addition to local business.

Commissioner Clotley amended the motion to deduct the \$4,500. Commissioner Dodd accepted the amendment. Mayor Minnet rejected it. The amendment failed.

Paul Novak said the Chamber could not stand on its own in their present location and that was why they went outside the Town. He added the Chamber was the only group in Town that promoted the Town.

Commissioner Silverstone could not justify giving money to a non-profit organization when it turned into a profit.

Mayor Minnet said the Commission was not looking at the whole picture of what the Chamber of Commerce did for the Town.

The motion that the Chamber of Commerce be funded the missing amount of money failed 3-2. Mayor Minnet and Commissioner Dodd voted in favor.

Commissioner Clotley made a motion to give the Chamber \$2,350. The motion failed for lack of a second.

There was no further discussion.

Vice Mayor McIntee asked to be excused from the next meeting for personal reasons. He was excused.

17. TOWN ATTORNEY REPORT

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:59 p.m.

19. FUTURE AGENDA ITEMS

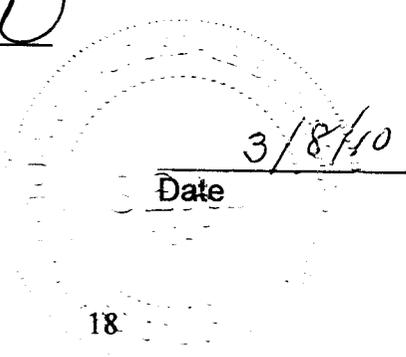


Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

  
Date 3/8/10