9a

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive
Tuesday, February 23, 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. Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clottey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Town Clerk June White.

Commissioner Silverstone made a motion to excuse Vice Mayor McIntee due to illness. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Reverend George Hunsaker

Reverend George Hunsaker was not available to give the Invocation. Mayor Minnet asked for a moment of reflection.

Resolution 2010-03, Supporting Ocean Energy was added as agenda item 13b.

4. PRESENTATIONS

a. Presentation from the Daughters of the American Revolution - Betty Schulz

Betty Schulz explained the mission of the Daughters of the American Revolution was to educate the public, patriotism, and historical preservation. She said it was important to educate future generations on the history of the United States. Ms. Schultz urged the Commission to preserve the Town's history.

Commissioner Clottey asked if the organization had any type of associate membership. Ms. Schultz said they did not; however their meetings were open to the public.

b. Presentation by School Board staff regarding Second ILA (Interlocal Agreement - Chris Akabosu, Director, Growth Management Division & Lisa Wight, Planner, Growth Management Division (Assistant Town Manager Olinzock)

Chris Akabosu gave a PowerPoint presentation. He explained the process for concurrency began in 2003 and specified the criteria required to achieve concurrency. Mr. Akabosu pointed out that the Town was located in an area that was not covered under the first agreement. He added that the process needed to begin early to allow proper planning to meet a certain level of service. He discussed the specific amendments to the agreement and their benefits. Mr. Akabosu explained that it was important that this agreement move forward before September before any new boundaries could be set.

Commissioner Dodd was concerned that the Town was receiving the short end of the stick and questioned why the Town should move forward with this agreement. Mr. Akobosu explained that even though the Town did not have any schools within their limits, the students of the Town would benefit by attending neighboring schools that met the level of service. Commissioner Dodd questioned why tax dollars should be used when the Town was short the number of students needed. Mr. Akobosu explained that the schools that serviced the Town would benefit from the agreement by allowing them to use portables as to not exceed their level of service.

Commissioner Silverstone clarified that this agreement was created due to past overdevelopment and asked how much of the Towns' input was used in drafting the agreement. Mr. Akobosu explained that the Town signed on last year and staff was then required to attend the meeting to give input. Commissioner Clottey asked if this agreement would solve the issue of busing students across the County. Mr. Akobosu explained that it would not directly affect the issue; however the agreement would create a domino effect that would eventually help ease the situation.

c. Volunteer Firefighters Pension Plan Audit Report - FY 2008-2009 - Marcum Rachlin, Susan Friend, Partner-Quality Control, Andrew Fierman, Manager (Town Manager Colon)

Andrew Fierman gave a brief overview of the audit report including the financials of the Pension Board. Mr. Fierman stated that the VFD Pension Board had $127,000 in contributions; a net investment income of $65,977; $18,000 in deductions; a net increase of $175,000; and net assets totaling $787,000. He explained that Marcum Rachlin did not have any deficiencies to report and that the Pension Plan was now fully compliant and fully funded.

Mayor Minnet questioned whether the decrease in administrative funds and vested members was normal for a plan of this type. Mr. Fierman explained that it varies from year to year. Mayor Minnet questioned whether a determination letter was required and if so would the VFD be receiving one. Mr. Fierman confirmed

that the letter was required and they would receive one. Commissioner Silverstone clarified that the State was responsible for the overall plan. He asked if a 7% investment rate of return was normal for a fund of this type. Susan Friend said the numbers varied. Commissioner Silverstone was concerned that the number needed to be lowered to a more reasonable level.

Manager Colon explained the VFD Pension Plan audit was never previously presented to the Commission and the reason for it now was due to the State withholding $84,000 from the fund due to the transition from BSO to the VFD.

Commissioner Clottey questioned the reason for the decline in administrative funds. Miguel San Miguel, Chairman of the VFD Pension Board, asked the Commission to remember that this year's numbers were very different from last year due to the transition to the VFD from BSO.

Commissioner Silverstone stated he has always had a difference of opinion with the actuary on the 7% investment rate of return because of the high turn over rate within the organization.

d. Comprehensive Annual Financial Report - FY 2008-2009 - Marcum Rachlin, Susan Friend, Partner-Quality Control, Andrew Fierman, Manager (Town Manager Colon)

Andrew Fierman gave a brief description of the procedures involved with conducting the audit. He explained that the auditing staff was rotated each year to have fresh eyes during each audit process. Susan Friend gave a detailed description of the different sections within the audit and explained that there were no material deficiencies found that were required to be reported. Ms. Friend stated that the total revenues for the Town were $12.7 million dollars and the total expenditures were $15.2 million dollars. She explained that the total payoff of two promissory notes totaling $6.8 million dollars resulted in a savings to the Town of approximately $700,000. Ms. Friend stated that the year end Fund Balance for the Town was $6,600,000. She described the difference between the Towns' reserved, unreserved and designated, and unreserved and undesignated sections of the audit. Ms. Friend stated that the Town was in good financial health due to having a 13% level of undesignated funds, and that the total amount of unrestricted assets for the Town was $11,273,000.

Commissioner Silverstone asked if the Town was financially sound, and questioned whether the Town had saved or lost money by paying off the two promissory notes. Ms. Friend stated that in her opinion, the Town was financially sound and that the Town did save approximately $700,000 by paying off two promissory notes. Commissioner Silverstone described the basic procedures conducted during the audit and asked where Rachlin Marcum ranked the Town among the other municipalities the company audited. Mr. Fierman said the Town was ranked somewhere in the top five.

Mayor Minnet questioned the procedures for monetary testing and pointed out a correction needed to the Volunteer Fire Department address. Ms. Friend clarified the firms' procedures for testing monetary amounts and explained that the government facilities listed in the audit could be listed individually rather than grouped; it was the preference of the Town. Mayor Minnet inquired of the method used to determine the number of vehicles for the Police and Fire department. Ms. Friend explained that that information was received from the Town and was not audited by the firm.

Commissioner Dodd was disappointed that the firm did not make any positive recommendation to the Town and questioned the percentage of municipalities the firm found that had material deficiencies. Ms. Friend explained that a recommendation could be made, and that she did have clients with significant material deficiencies. Commissioner Dodd hoped the firm would submit a proposal when the RFP came out.

5. PUBLIC COMMENTS

Ann Rhinesmith believed the residents on Bougainvilla Drive were charged an absorbent amount for solid waste pickup.

Liliana Pomareda said that Freedom of Speech was protected under the Constitution and asked that the negativity and racial remarks at Town meetings be stopped. She reminded the Commission there was a parking issue at the park.

John Oughton stated that the Commission did not save $600,000; they prevented further interest rate hemorrhaging when they paid off the loan.

Joyce Murray stated that public discussion gave the citizens awareness.

Joe Couriel believed the Commission needed to educate themselves more before voting on the school board issue.

Alex Love liked the music on Friday nights and believed there should be more benches at the pavilion. He did not want sidewalks down the middle of El Mar Drive for people to walk their dogs.

Scot Sasser suggested the Commission hold off on negotiating with PBS&J as they were being investigated.

Paul Novak announced that the Taste of the Beach was on Wednesday, February 24, 2010 at 6:00 p.m.

Marjorie Evans congratulated the Town on the audit; she felt it was amazing in this economy to be in sound financial condition.

Spiro Marchelos believed that the pavilion was designed wrong. He wanted to promote beach safety.

Daniel Halpern believed that whoever sat on the new Commission will have a huge responsibility. He hoped they would be roll models to others.

Bob Fleishman believed the Town had no emergency fund.

Cindy Geesey announced the Sandy Paws Pack walk with the Broward County Humane Society on March 6, 2010.

Adam Geesey preferred burying overhead utility lines town wide rather than beautifying El Mar Drive.

Erik Schot believed Mayor Minnet brought a respectful decorum to the dais and was mindful of the residents needs.

Dennis Ritchie stated that there were people in Town that were afraid to come to Commission meetings for fear of retaliation.

Frank Herrmann stated that the purchase of the building at 4513 Ocean Drive was not a bad purchase.

Bob Karley believed the bitterness needed to stop.

Rosa Michailiuk wanted the Candidates to be clear as to what they intend to bring to the residents at the next "Meet the Candidates".

Louis Marchelos was upset with the behavior at the last meeting.

There were no more speakers.

Mayor Minnet recessed the meeting at 9:15 p.m. and reconvened at 9:25 p.m.

6. REPORTS

a. Finance and Budget Monthly Report - January 2010 (Town Manager Colon)

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

b. Development Services Monthly Report - January 2010 (Assistant Town Manager Olinzock)

Commissioner Dodd questioned the number of applications submitted. Assistant Town Manager Olinzock took note of the error and said he would get back to him.

Commissioner Dodd made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

c. Municipal Services Monthly Report - January 2010 (Assistant Town Manager Olinzock)

Commissioner Silverstone made a motion to accept the report. Commissioner Clottey seconded the motion. The motion carried 4 - 0.

d. BSO Police Monthly Report - January 2010 (Chief Llerena)

Chief Llerena stated that BSO made a successful move into the Public Safety Building.

Commissioner Silverstone asked whether the crime rate was actually cut 42%. Chief Llerena stated that was a reflection of year to date from 2009 to 2010. Commissioner Silverstone inquired of the move into the Public Safety Building. Chief Llerena said that they need to adapt to the parking situation, due to emergency vehicles going in and out, but overall the deputies were happier with the new space.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

e. VFD Fire Monthly Report - January 2010 (Chief Perkins)

Mayor Minnet stated she saw Chief Perkins on CBS 4. Chief Perkins said it regarded what the VFD did regarding rip currents. He said that he advised that they had initiated beach patrol, a pole system and jet skis that resulted in less drownings.

Commissioner Silverstone made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

f. AMR EMS Monthly Report - January 2010 (Operations Manager Liddle)

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. The motion carried 4-0.

g. Stormwater Master Plan - Progress Status Report (James Barton)

Commissioner Dodd questioned the revision in which Chen & Associates met with staff regarding the report. James Barton stated that there were minor comments in the draft that were revised and resubmitted. Commissioner Silverstone asked whether the completion date was February 26, 2010. Mr. Barton stated that the second task would be completed which was the existing conditions model.

Commissioner Silverstone made a motion to accept the report Commissioner Clottey seconded the motion. The motion carried 4 - 0.

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

Manager Colon thanked the VFD, the Municipal Services Department, BSO and everyone that worked as a team to help BSO move into their new facility, the Public Safety Building.

9. APPROVAL OF MINUTES

a. January 26, 2010 Regular Meeting Minutes

Commissioner Dodd asked for a correction to the Public Comment made by Maureen McIntee. He said she did not speak regarding a car going into a canal or a barrier on Imperial Lane; it was Bel Air. Clerk White said she would check the tape. He also felt that the minutes did not accurately reflect the vast majority of public speakers that spoke very strongly against a walkway down the middle of El Mar Drive. Commissioner Dodd requested those alterations be made to the minutes if possible.

Commissioner Silverstone made a motion to defer to the March 4, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

b. February 9, 2010 Regular Meeting Minutes

Commissioner Silverstone made a motion to approve the minutes of February 9, 2010. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

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. Approved on 1s Reading January 12, 2010

Attorney Trevarthen read Ordinance 2009-36 by title.

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

Commissioner Dodd inquired as to whether the uses could be put on a separate issue to avoid changing the Ordinance every time, similar to the way they do the fees. Attorney Trevarthen stated that she asked for authorization from the Commission to look at the business uses and to date she had not received that authorization. She added that these type of changes could not be done by Resolution.

Mayor Minnet asked for direction from the dais on how they want to proceed with Ordinance 2009-36.

Commissioner Clottey made a motion to adopt Ordinance 2009-36 on second reading. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

11. COMMISSIONER COMMENTS

Mayor Minnet confirmed the Town did have an Emergency Fund of $2.3 million. She asked that everyone attend the Taste of the Beach event the following night and "Meet the Candidates" on February 25, 2010 at 7:00 p.m. Mayor Minnet encouraged everyone to attend the LBTS Flower Show and reminded everyone that the next Commission Meeting was scheduled for March 4, 2010. She asked people to join the Beach Clean-up on March 6, 2010. Mayor Minnet addressed citizens concerns with the purchase of the Public Safety Building and clarified that

her reason for not voting in favor of the purchase was that the warehouse was yet to be sold.

Commissioner Clottey reiterated the Mayor's reminders of upcoming events in Town. She corrected misconceptions that the current Commission was responsible for taking out the loans paid off late last year. Commissioner Clottey explained that she was never in favor of shutting down the music; it was an issue that the music was too loud late at night. She addressed the concerns of residents who did not want sidewalks on the median and pointed out that the Commission did not want the sidewalks either. She said she was in favor of burying the utility lines, but she felt the benefit versus the cost needed to be balanced. Commissioner Clottey felt the Town had a problem with the garbage service and that the Commission was in a difficult position to fix the issue. She urged residents to pay attention to the candidates during the debates and to judge the incumbents based on their history on the dais.

Commissioner Silverstone thanked the staff for their work on the audit report. He assured that the Commission was working on the garbage issue to make it fair for everyone, and hoped the residents would call him regarding their concerns on the loan payoffs. Commissioner Silverstone thanked Joyce Murray for pointing out the amount of work the Commission had to do and assured that he always supported the music. He explained the drainage issue at the pavilion was being worked on and stated that he had not seen any increase in the number of people fishing on the beach. Commissioner Silverstone was in support of burying the utility lines possibly with grant funds, and was happy with the purchase of the current Public Safety Complex.

Commissioner Dodd questioned how much the Town could have saved if the loan information had been presented to the Commission several months earlier. He was disappointed that the Town Manager did not fairly educate all the members of the dais on how matching grants work. Commissioner Dodd stated that the Hillsboro Inlet was looking for bids on a refurbished work boat. He reminded the Commission that the Town did not have a kite surfing ordinance on the books, and asked that his cell phone allowance be terminated. He reminded the citizens to go out and vote on March 9, 2010.

12. CONSENT AGENDA

Mayor Minnet pulled Consent Items 12a, 12c, 12d, 12e and 12f for discussion.

Commissioner Dodd made a motion to approve 12b, 12g, and 12h on Consent. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

a. Commission approval for issuance of five (5) parking permits to be used at all Town Beach Portals for Service Vehicles only, from March 1, 2010 thru February

28, 2011 by Nova Southeastern University staff during Sea Turtle Stranding and Disorientation events (Clerk White)

Commissioner Clottey believed the University should have the same type of permits they currently have. Commissioner Dodd believed it was changed last year because they had to unload equipment.

Assistant Town Manager Olinzock stated that the Commission granted permits for service vehicles to be able to use the Portals for unloading and loading equipment. He said that was what they requested this year. Commissioner Clottey believed they were only allowed to park in the Portals only to load and unload otherwise they had to park in Bougainvilla Parking lot. She pointed out that this allowed them to park there all the time.

Mayor Minnet asked whether Commissioner Clottey wanted to only allow utilization of the Portals to unload and load their equipment and then must park in the Bougainvilla Parking Lot. Commissioner Clottey confirmed.

Commissioner Clottey made a motion to approve the permits for service vehicles for loading and unloading purposes only. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

b. Commission approval of Special Event Application for Village Grille and 101 Ocean Saint Patrick's Day Party 2010, Wednesday, March 17, 2010, 2:30 PM till 12:00 AM (Assistant Town Manager Olinzock)

c. Commission approval of contract agreement with PBS&J, Fort Lauderdale, in the amount of $58,300.00 for the design of the Florida Department of Transportation (FDOT) Local Agency Program (LAP) SR-A1A Enhancement Project FM-418022-1, Pine Avenue to Terra Mar Drive (Assistant Town Manager Olinzock)

Commissioner Dodd believed this item should be postponed to the next meeting until investigated.

Manager Colon said she received a letter from FDOT stating that PBS&J was qualified to do the job.

Commissioner Silverstone asked if the item was postponed would there be any delays or a cause to lose the funds. Manager Colon said the plans must be in by June 30th or the Town would lose the funds. Manager Colon said she could contact FDOT directly and forward their response to the Commission before the next Commission meeting.

Commissioner Silverstone made a motion to defer until the March 4, 2010 Commission meeting. Commissioner Clottey seconded the motion.

Commissioner Clottey wished the information had been made public earlier since a $600,000 grant may go down the tubes. Manager Colon did not hear of it until today.

Commissioner Silverstone removed his motion. Commissioner Dodd wanted to go ahead with the motion. He believed it should still be investigated and delayed until March 4, 2010.

Commissioner Clottey asked whether the motion could be structured in such a way that the Commission directs the Town Manager get the information and if the derogatory information was correct she could automatically go to the second firm. Manager Colon explained that she will get the information from FDOT and the Town Attorney will find out the legal information.

Commissioner Silverstone put his motion back on the table.

Commissioner Silverstone made a motion to defer to the March 4, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

d. Town Commission approval of one (1) year extension to Electrical Maintenance Services Agreement with Imperial Electric, Inc., per existing contract agreement, paragraph #8 (Assistant Town Manager Olinzock)

Mayor Minnet believed the maintenance contracts should be negotiated and not extended until the backup information was provided from last year.

Commissioner Clottey made a motion to defer items 12d, 12e, and 12f to the April 13, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

e. Town Commission approval of one (1) year extension to Street Light Maintenance Services Agreement, with Imperial Electrical, Inc. per existing contract agreement, paragraph #8 (Assistant Town Manager Olinzock)

This item was considered and voted on with 12d.

f. Town Commission approval of one (1) year extension to Tree Trimming Services Agreement, with Lawn Logic, LLC per existing contract agreement, paragraph #8 (Assistant Town Manager Olinzock)

This item was considered and voted on with 12d.

g. Town Commission approval of agreement contract for Plumbing Maintenance Services Agreement with A-1 Paradise Plumbing, Inc. - ITB# 09-12-04 (Assistant Town Manager Olinzock)

h. Town Commission approval of contract agreement for Uniform Rental Services Agreement with Cintas - ITB# 09-12-03 (Assistant Town Manager Olinzock)

13. RESOLUTION - "Public Comments"

a. Resolution 2010-02: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING AND ADOPTING THE BROWARD COUNTY DECEMBER 2009 REVISED MULTI-JURISDICTIONAL LOCAL MITIGATION STRATEGY.

Attorney Trevarthen read Resolution 2010-02 by title.

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

Commissioner Silverstone made a motion to adopt Resolution 2010-02. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

b. RESOLUTION 2010-03: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA SUPPORTING THE IMPLEMENTATION OF RENEWABLE OCEAN ENERGY GENERATION; PROVIDING FOR AN EFFECTIVE DATE

This item was added earlier in the evening.

Attorney Trevarthen read Resolution 2010-03 by title.

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

Mayor Minnet was concerned there was not enough time for the people to review the Resolution.

Commissioner Silverstone stated that the Commission spoke about it at last meeting during Presentations. He said the Resolution supported the efforts of the energy source.

Commissioner Silverstone made a motion to defer Resolution 2010-03 to the April 13, 2010 Commission meeting. Commissioner Dodd seconded the motion. The motion carried 4 - 0.

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

a. Discussion and/or action regarding a contest for a new slogan (Commissioner Clottey) Deferred at the December 7, 2009 Commission meeting

Commissioner Clottey believed this item should be considered by the next Commission.

Mark Brown was concerned that the slogan which received the highest number of votes would be adopted. He feared that if an erroneous slogan was submitted and no one else submitted anything, it would be chosen. Mr. Brown requested the procedure in which the Town proposed; was it going to be marketed, go on the web site, Town stationary, and the Visitor's Guide.

Commissioner Clottey explained that she used to teach people how to do this. She did not believe that anyone on the dais would approve a derogatory slogan. Commissioner Clottey did not believe it had to be done at this time.

Commissioner Clottey made a motion to defer this item to the April 13, 2010 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 4-0.

16. NEW BUSINESS

a. Discussion and/or action to approve the Second ILA (Interlocal Agreement) for the Public School Facility Planning of Broward County - Back up attached (Assistant Town Manager Olinzock)

Commissioner Clottey believed this was controversial and more research should be done.

Commissioner Clottey made a motion to defer to the May 11, 2010 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 4 - 0.

b. Commission selection of Bus Shelter Design for the two eligible locations within Town for the Broward County Transit Shelter and Amenities Program (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock stated that the bus shelter locations were chosen based on ridership and not by staff and were located on A1A at Pine

Avenue and Commercial at Sea Grape Drive. He added that the shelters were paid for by Broward County and Lauderdale-By-The-Sea would be responsible for maintenance.

Mayor Minnet inquired as to whether there would be sides to the shelters or only an overhead. Assistant Town Manager Olinzock said there were 5 or 6 selections but Broward County offered this one.

Commissioner Clottey wanted to actually look at the shelters. She suggested putting them on the Town's web site and let the people look at them. Commissioner Clottey believed the Commission would need to make a decision very soon to get a date certain as to when Broward County would put them up.

Commissioner Silverstone asked whether the bus shelter locations were the Town's choice. Assistant Town Manager Olinzock said it was. Commissioner Silverstone suggested the installation of a bench on A1A between Publix and the Assumption Church in the near future.

Commissioner Dodd agreed the shelter should have sides for protection against wind and rain and favored seeing choices of colors.

Mayor Minnet asked when the deadline was. Assistant Town Manager Olinzock had not received a deadline date.

Commissioner Silverstone pointed out there was a project schedule from April 2010 through June 2011 and had Lauderdale-By-The-Sea to be announced therefore, he believed there was time. Manager Colon stated that the bus shelters were part of the A1A project. She said she would try to get a date and bring it back to Commission.

Commissioner Clottey thought this was a separate project from the A1A project as a lot of the cities were not on A1A. She said she was at the DOT meeting and suggested the Town should make their decision as soon as possible and obtain citizens input. Manager Colon stated that the pictures will be placed on the web site for citizens input.

Commissioner Dodd made a motion to defer to the April 13, 2010 Commission meeting. Commissioner Silverstone seconded the motion. The motion carried 4-0.

c. Discussion and/or action on Town related business (Commissioner Dodd)

Commissioner Dodd asked Manager Colon for an update at the next meeting regarding 1) timeline over the negotiations with Choice on multifamily and mixed commercial/residential issues; 2) sale of the Dixie property (off site property - 5423 NE 14 Ave, Ft. Lauderdale); 3) Turtle lighting; 4) Town staff's recommendation to resolve lighting at the Minto Parking Lot; 5) confirmation on the funding for the

Senior Center; and 6) whether the Town complied with Florida Statute 287.055 or should have gone out for RFQ. Commissioner Dodd presented a two page document in regards to his questions to Manager Colon and requested they be made part of the minutes (attached hereto and referenced as item 16c).

Manager Colon stated that she believed she already responded to 3 of the items via memo. She said she met with Choice and provided the information requested. Manager Colon explained that Choice arrived to the second meeting with their Attorney and Choice was advised that she would not meet without the Town Attorney present. She added that letters sent to Choice were copied to the Commission and it was up to Choice to come back and negotiate; she could not give the Commission any more information than what Choice gave her. Manager Colon stated that she gave a chronological event regarding the sale of property to the Commission along with competitive documents. She said she was waiting for direction from the Commission. Manager Colon stated that FDOT was working with The Florida Wildlife Association and Town staff on turtle lighting and was currently trying the sample shield suggested by the Commission. Manager Colon said she wrote a memo to the Commission regarding the Minto parking lot that informed the Commission that Minto gave a couple of thousand dollars to install shields on the lights. She added that FPL installed the wrong lights. She said the money was in the bank and FPL, Minto and the Florida Wildlife Association was working with Town staff to see if the shields would adapt to the current lights and if they did, it may be possible to give Minto back some of the funds. Manager Colon addressed the questions regarding the Senior Center audit. She said the Town was put on notice that when the auditors were ready to do an audit they will call and advise the date. Manager Colon said that Florida Statute 287.055 was complied with. She added that she will respond to Commissioner Dodd's questions via memo and attach all the memos she already gave to each Commission member.

Commissioner Silverstone stated that he was disappointed. He did not believe this was the proper way to transact Town business. Commissioner Silverstone remembered the memos and did not understand why it was being discussed. Mayor Minnet thanked Commissioner Dodd for bringing it up.

There was no further discussion.

17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:50 p.m.

19. FUTURE AGENDA ITEMS

_____
Mayor Roseann Minnet

ATTEST:

_____ _____
Town Clerk, June White Date

Re: 16c
2-23-2010

16c) I put this on the agenda since the last time I went to see the manager and ask about her item – Clarification of Recent issues I received the answer – I'll tell you tomorrow. I decided to publically ask for an update to be available on or preferably before the next commission meeting on the following topics.

1) Please produce a time line over the negotiations from the first complaint to the final projected resolution date with Choice on the multi family and the mixed commercial/residential issues. I first placed this on an agenda on Oct 13th long after the first complaint was received. – At that time the manager stated we had to change the ordinance before she could go and talk to Choice. An Ordinance was drawn up but put on hold. The manager changed her stance because there was no point in doing an ordinance if Choice wasn't willing to negotiate. The manager was then instructed to go and negotiate and if successful the commission would then change the code.. Where have those negotiations stalled and why? I will be asking for those affected to receive a rebate based on the date the contract was given to Choice. I find it surprising this has taken so long when we can put through plans, approvals, permits and complete drainage repairs in Bel Air outside a commissioner's house and yet picking up the phone and resolving two small issues in a contract is dragging out into months and months.
2) Sale of the Dixie property – Why did the town manager not bring this back to the commission once the six months had expired. According to the video the commission granted Asset Management the right to sell and promote the property for a very low commission for six months. You get what you pay for and nearly 18 months later we still own the site – it doesn't appear to have been advertised properly on the MLS and we still own it and it's costing us money. Why wasn't this added to the famous "tickler" or "brought forward" scheme that I was informed about when I first became a commissioner – I guess it fell through the cracks? We need to place this commercial property in the hand of the best commercial real estate broker and alter the price to reflect the current market.
3) Turtle lighting – Could you please refresh my memory as to when the commission passed the expense to put up the shields or did the manager make the decision and keep the cost under $15,000?
4) What action would town staff recommend to resolve the lighting at the Minto parking lot. I don't propose to ask why were the wrong lights installed in the first place or who was responsible since that's unproductive. I would like to ask staff to bring a solution back to this dais because the town could be liable if someone falls over because we have to turn off all the lights again this year. I personally feel this should be a higher priority than the tennis court lighting and want to ask the manager whether there is enough money in the budget to resolve both issues.

5) Please confirm the funding for the senior center to Bien Aime has not been stopped as stated in a recent memo and that Amelio will be present at the proposed audit by Broward County. He is primarily responsible for the wonderful senior center support and success over the past few years and knows more about the internal workings than town staff since he deals with the members every day. I have stated on record if the terms of the grant can't be met because they are too onerous I am publically asking the town manager to bring it back to the dais before taking any unilateral actions of her own. It is up to the dais to make the decision if they wish to fund the centre from other sources and not the managers.
6) While this town employs Chen and Associates as the engineer of record can I ask the town manager whether the town complied with all the requirements of the florida statute

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—otherwise known as the ConstItants Competative Negotiation Act.

My question is simple -- Should this town have gone out for an RFQ knowing the size of the project to be $1,000,000 in order to comply with the terms of the act.

I feel compelled to ask these questions publically and to ask this copy of my questions be placed in the minutes as a record.