

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, February 13, 2007
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Oliver Parker called the regularly scheduled meeting to order at 7:15 p.m. Vice-Mayor John Yanni, Mayor Pro Tem Clark, Commissioner Jerome McIntee and Commissioner James Silverstone were present. Also in attendance were Town Manager Robert Baldwin, Deputy Town Clerk Andrea Gerlach and Town Planner Walter Keller.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Handrahan led the Invocation.

4. PRESENTATIONS

- A. Introductions and acceptance of Resolution No. 2007-01 with regards to a Sister City relationship with Henley-on-Thames (*Dr. Kenneth Most*)

Town Attorney Cherof read Resolution 2007-01 by title and content.

Mayor Pro Tem Clark motioned to adopt Resolution 2007-01. The motion was seconded by Vice-Mayor Yanni and carried unanimously.

Mayor Parker introduced Dr. Barry Wood, Mayor of Henley-on-Thames.

Mayor Wood expressed his gratitude to the Town of Lauderdale-By-The-Sea for cementing the Sister City relationship with Henley-on-Thames and on behalf of the citizens of Henley-on-Thames presented to Mayor Parker photographic views depicting the four seasons.

Mayor Parker accepted on behalf of the Town of Lauderdale-By-The-Sea and assured Mayor Wood the photographs would hang prominently in Town Hall.

- B. Proclamation – United States Naval Academy Day, February 16, 2007

Mayor Parker read the Proclamation, proclaiming February 16, 2007 United States Naval Academy Day.

- C. Proclamation – Children’s Week, March 25 – April 1, 2007

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Mayor Parker read the Proclamation, proclaiming the week of March 25 through April 1, 2007 Children's Week.

D. Deputy of the Month, Broward Sheriff's Office, District 13 (*Chief Scott Gooding*)

Chief Scott Gooding told the Commission that Deputy Stephanie Newton is the newest Lauderdale-By-The-Sea deputy. Chief Gooding described Deputy Newton as the "new breed" of deputy educated, bright and energetic. Deputy Newton works midnights and has led her shift in the number of arrests, more specifically driving under the influence, taking very dangerous people off the street. For this reason she has been chosen as Employee of the Month for February 2007.

The Commission offered congratulations to Deputy Newton.

E. Artificial Reef Fish Habitat (*Dr. Thomas Goreau*)

Dr. Thomas Goreau addressed the Commission and said that a contract had been drafted in order to proceed with the fish habitat located at the beach, south of the pier. Dr. Goreau noted there were a couple of modifications he would like to see included in the contract.

Discussion ensued regarding this being a presentation and whether or not the contract could be entered into this evening. It was decided by Commission consensus to amend the agenda in order to consider the approval of the contract.

Dr. Goreau advised the Commission there were three (3) minor changes. First, the date the contract was to be signed was originally November 2006 and Dr. Goreau requested that be changed to February 2007. Additionally, in paragraph 12, it called for completion within sixty (60) days. Dr. Goreau went on to explain that much of the underwater work would require clear working days and requested a one (1) day extension for each day of inclement weather. The final change was in Exhibit A where it states a specific range of DC voltage. A variable transformer would be used so exact voltage would be uncertain. Dr. Goreau requested this verbiage be removed.

Town Attorney Cherof suggested that the motion to approve the conditions would be conditional upon legal review. The Commission would see the document for signature only after Town Attorney Cherof had signed off.

Commissioner Silverstone asked if Town staff had any problems with these changes.

Municipal Services Director Bill Mason responded none he was aware of.

Commissioner Silverstone motioned to approve the contract subject to the conditions being reviewed and approved by the Town Attorney. Commissioner McIntee seconded the motion.

Vice-Mayor Yanni asked if there would be any maintenance involved and who would be performing the maintenance.

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Dr. Goreau responded there would be minor maintenance, especially after a storm. Dan and Stephanie Clark are based locally and run the local divers coral reef monitoring organization here in Broward County and would be overseeing the maintenance.

Vice-Mayor Yanni asked if there would be a cost associated with this maintenance.

Dr. Goreau advised the cost is included in the contract. Dr. Goreau added that next year is the International Coral Reef Symposium in Fort Lauderdale and thousands of coral reef experts will be attending. This is an excellent opportunity to showcase our area.

Commissioner Silverstone commented this is will have a positive impact on our beach and is all for anything we can do to contribute to it.

Commissioner McIntee suggested the Chamber of Commerce get on board with this event as it would be a tremendous boost to our economy. Additionally, Commissioner McIntee asked Municipal Services Director Mason to share information he had received from Broward County.

Municipal Services Director Mason advised that Ellen Bogdonavitch had asked him to complete a budget appropriation form so that her office could sponsor this project. This amounts to a grant of approximately \$50,000.

Commissioner McIntee extended kudos to Marc Furth and Dr. Goreau for getting this project under way.

Mayor Parker said he was hopeful this contract would be approved and the local news publications would inform the citizens that the Town of Lauderdale-By-The-Sea would be the one of the first communities in Florida taking steps to save and improve our reefs.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion carried unanimously.

- F. Professional Engineering Consulting:
 - a. Kimley–Horn and Associates
 - b. Chen and Associates
 - c. SRS Engineering, Inc.

Municipal Services Director Mason advised the Commission requests for proposals had been sent in an effort to find an engineering firm to assist the Town with projects. Mr. Mason said there are three (3) firms on the short list and each would make a short presentation.

Mayor Parker asked Mr. Mason if the staff would like to make a recommendation.

Mr. Mason declined at this time, saying staff would also be interested in hearing the presentations.

It was decided by Commission consensus to randomly select the order of presentations.

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Ignacio Serralta, President of SRS Engineering, Inc. stated his firm is a mid-size general engineering consulting firm and a full service civil engineering firm founded in 1995. The firm consists of twenty-two (22) professional engineers and support personnel. The firm is mostly geared toward, municipal, public works and land development projects with an array of services. The firm is divided into two groups; the engineering design group and the construction management team. Mr. Serralta provided a synopsis of work that has been done by his firm. Mr. Serralta offered to the Commission that his firm should be chosen because they have experience in design and construction and can provide the Town with a full realm of services. Finally, Mr. Serralta pledged his principled commitment to provide outstanding service.

Vice-Mayor Yanni said that most of SRS Engineering, Inc.'s work had been done in Dade County and questioned just how much work had been done in Broward County.

Mr. Serralta responded his work has been done throughout Florida, but work in Broward County has been primarily private.

Commissioner McIntee asked Mr. Serralta if his firm would provide an engineer to attend the bi-monthly Commission meetings and if so would he expect to be paid for that.

Mr. Serralta advised if that was part of the agreement he certainly would have an engineer present at every meeting and added he would expect compensation for that.

Commissioner McIntee asked for the cost of having an engineer attend the Commission meetings.

Mr. Serralta approximated \$150. per hour.

Commissioner Silverstone expressed interest in Mr. Serralta's background and asked if he had ever been cited by any government agency for problems.

Mr. Serralta responded no.

Commissioner Silverstone complimented Mr. Serralta for his excellent presentation.

Peter Moore, Vice President and Broward County Branch Manager for the firm of Chen and Associates talked to the Commission about his firm's history, team members and relevant project experience and project approach. Chen and Associates was founded in 1986 in Broward County and has diverse services to include civil and environmental engineering. Additionally, they are proud to be a certified minority business enterprise. Mr. Moore stated that Chen and Associates only serve public clientele therefore eliminating any conflicts with any developers or their private interest. Mr. Moore detailed some of the larger projects that have been done by his firm in Broward County and the City of Miami Beach on their barrier island. Mr. Moore added that his firm could provide a wide variety services to include working with grant funds.

Jim Barton, engineer with the firm talked about being responsive to a number of people to include staff, and residents. Mr. Barton said his firm would be able to bring information into the Town as well as being able to distribute data to those needing it. Chen and Associates utilizes visualization allowing for engineering drawings to come to life and being better able to communicate with residents concerning their streets and neighborhoods.

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Mr. Moore advised the Commission that environmental compliance is very important to his firm and they have the ability to do in field testing. Mr. Moore said his firm is very proud of the fact that the construction administrators and construction inspectors are trained in public involvement because they are the first line of defense. It is very important that coordination is used to minimize disruption. Mr. Moore concluded by saying he believes his firm has the best set of value added services for this work, but most of all they want this job.

Vice-Mayor Yanni said he had visited Chen and Associates website and was impressed with the work they had done for various municipalities. Vice-Mayor Yanni phoned some of the municipalities and reported that Chen and Associates comes highly recommended.

Commissioner McIntee asked Mr. Moore if his firm would provide an engineer to attend the bi-monthly Commission meetings and at what cost.

Mr. Moore advised it would depend on what individual was selected and said for example Mr. Barton's rate is approximately \$120 per hour.

Commissioner McIntee asked Mr. Moore if his firm had worked with anyone currently working with Lauderdale-By-The-Sea.

Mr. Moore said he had worked with Kevin Hart as Craven Thompson is a subcontractor on some of the firm's projects. When asked if he had worked with Walter Keller, he responded no.

Commissioner Silverstone asked Mr. Moore if his firm had ever been cited by any government agency.

Mr. Moore responded no.

Vice-Mayor Pro Tem Clark asked how long Chen and Associates had been the city engineer for the City of Coral Springs and North Miami.

Mr. Moore advised they began with the City Coral Springs in February 2005 and were formally put on contract in May 2005 and began with North Miami sometime about October 2005.

Mayor Pro Tem Clark asked if the firm still worked for both cities.

Mr. Moore answered affirmative.

Mayor Parker asked if Dr. Chen had ever been a city engineer.

Mr. Moore responded that Dr. Chen has always worked his entire career in consulting. He served as the interim utilities director for the City of Margate for several months and contractually he is listed as the city engineer for the City of Coral Springs.

The Commission complimented Mr. Moore on an excellent presentation.

Mike Carey of Kimley-Horn and Associates said his firm just celebrated its fortieth (40th) anniversary. The firm started as a traffic and transportation engineering firm in North Carolina serving public sector clients similar to Lauderdale-By-The-Sea. The firm has grown to over

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2,000 employees nationwide with nineteen (19) offices in Florida. The Fort Lauderdale office has forty-six (46) employees with diversified backgrounds serving Dade, Broward and Palm Beach counties with excellent client service. Core values has allowed Kimley-Horn and Associates to be listed in Fortune Magazine as one of the top one hundred (100) firms to work for. The Fort Lauderdale office is made up of professional engineers, landscape architects, scientists, ecologists and wild life experts allowing them to be a full service firm. Mr. Carey detailed the many projects his firm is working on or has completed in the surrounding counties and communities. Kimley-Horn and Associates is currently the city engineer for the Town of Miami Lakes that was incorporated in 2001. Mr. Carey told the Commission that Kimley-Horn and Associates has a proven municipal track record and will be on board from vision through construction and will be part of the solution.

Commissioner McIntee asked Mr. Carey for the hourly rate to have someone attend the bi-monthly Commission meetings.

Mr. Carey responded he would not be able to answer that at this time.

Commissioner McIntee asked Mr. Carey if anyone in his firm had worked with anyone currently working in Lauderdale-By-The-Sea.

Mr. Carey responded he did not think so.

Commissioner Silverstone asked if Kimley-Horn and Associates had ever been cited by a government agency or if here was or ever had been any litigation.

Mr. Carey responded he did not think so.

Mayor Pro Tem Clark asked what kind of projects Kimley-Horn and Associates had done for Pompano Beach.

Mr. Carey answered they had done water and sewer work for their Public Works Department. They are also the airport consultant.

Mayor Parker asked if the clients were limited to municipal clients or did they include private sector clients.

Mr. Carey answered they have both.

Mayor Parker asked if would be possible for a private concern to come before the Commission that is or had been a client.

Mr. Carey answered yes.

Mr. Carey was asked about the Community Rating System (CRS) and he explained that it is a system by which flood insurance is determined. Based on the rating the homeowner gets a credit for flood insurance. The lower the rating the better the credit will be. This rating affects everyone in the community.

Mayor Parker thanked all the applicants for their presentations saying they were all excellent and very informative.

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Mayor Parker recessed the meeting at 8:55 p.m.

Mayor Parker reconvened the meeting at 9:08 p.m.

5. PUBLIC HEARING

- A. A resolution of necessity of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, promulgated pursuant to Section 163.355, Florida Statutes, in order to begin the formal process of creating a Community Redevelopment Agency to function within the Town of Lauderdale-By-The-Sea; approving a slum and blight study; defining the redevelopment area; determining that the redevelopment area suffers from one or more indicators of blight; determining that the redevelopment area is appropriate and critically necessary in the interest of the public health, safety, morals, and welfare of the residents of the Town; making certain other required findings and determinations; and providing effective date therefore (*David Nixon, Economic Development Task Force*)

Town Attorney Cherof read Resolution 2007-04 by title only.

Town Attorney Cherof advised the report should be made prior to public comments.

Mr. David Nixon of 4317 El Mar Drive and Chairman of the Economic Development Task Force advised the Commission of a report that was done by Siemon and Larsen and requested the Commission approve Resolution 2007-04 so that it could be forward onto to Broward County. Mr. Nixon reminded the Commission that the Economic Development Task Force would really be the best structure to revitalize our business. There have been many Community Redevelopment Agencies started in Broward County and assured all that it in no way attaches a stigma to our Town. Mr. Nixon was unable to provide an amount of money that could be received from Broward County saying it would be dependent on what projects are applied for and what we want to accomplish.

Mr. Charlie Siemon advised the Commission that although the terms slum and blight frightens some, the Community Redevelopment Agency is all about preservation too. Mr. Siemon advised the Commission of statutory requirements to establish a Community Redevelopment Agency (CRA). Under Florida law, the first step is to have Broward County which is a charter county approve the findings of necessity in creating a Community Redevelopment Agency (CRA). Mr. Siemon added that if Broward County were not a charter county, the approval would simply be a function of the municipality. After the approval by Broward County, the Town would create a Community Redevelopment Agency (CRA), create a plan laying out what kind of policy decisions should be made about what kind of revitalization we want to pursue. Following approval of this plan, it would again be presented to the Broward County Commission. Following the approval of the plan by the Broward County Commission, the eligibility begins for available funding from the Redevelopment Trust Fund. Mr. Siemon stated his firm's obligation was to examine the community and determine whether or not we could identify the conditions that would make the findings of necessity appropriate. Under Florida Statutes, there are a series of criteria. After looking at those twelve (12) criteria, five (5) were identified that showed competent evidence here in the community to demonstrate compliance. Mr. Siemon provided

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the Commission with a brief overview of those inadequacies to include streets lacking the character of an address, a gross deficit of parking spaces, faulty lot layout with no sense of coherence, deterioration of buildings where improvements are of less value than the land, outdated density and patterns and diversity of ownerships. In conclusion, Mr. Siemon said in his opinion the community does qualify and believes that Broward County will find the Town has satisfied both the statutory requirement of the Florida Statutes and the County's own qualifications.

Commissioner Silverstone asked when this study had been performed and if there had been a decrease in land values since.

Mr. Siemon replied these are last year's figures and current values had not been checked.

Commissioner Silverstone asked Mr. Siemon how he proposed to accumulate buildings that are owned by multiple owners.

Mr. Siemon answered he had not been retained to do a study as of yet, but believes a comprehensive parking strategy for the commercial area is going to be a vital part. The Commission may even want to consider using eminent domain to acquire the property.

Commissioner Silverstone asked if the Town or Broward County would be paying for these studies and what the ballpark figure would be.

Mr. Siemon advised the Town would have to front the funds, but it is possible that future funding would reimburse for the qualifying services. The cost would be somewhere in the neighborhood of \$40,000.

Commissioner Silverstone wanted assurance that if Lauderdale-By-The-Sea is fortunate enough to receive this money, it would not benefit just a small group of people.

Commissioner McIntee took exception to the figures shown for parking along the Intracoastal Waterway and said it was an unfair representation.

Mr. Siemon commented that the purpose of the finding of necessity study is to enable us to stand up in front of the Broward County Commissioners and say we can meet several of the criteria that had been laid out. It is not intended to be a complimentary study or intended to be a Lauderdale-By-The-Sea is the most wonderful Town study. It is intended to allow us to say criteria by the Broward County Commissioners has been addressed and matched against the criteria and we are able to receive a claim check. Mr. Siemon urged to the Commission to not look at this as condemnation of the Town, but rather as facts that can be presented to be successful.

Commissioner McIntee stated that people are in fear of the term eminent domain and it is a disaster to use it. Commissioner McIntee said he is defensive of our Town and everyone will need to pull together to make this work. Finally, Commissioner McIntee wanted to know who would be responsible deciding how the money is spent.

Mr. Siemon said project approval is made by the Community Redevelopment Agency (CRA) but ultimately it is subject to final approval by the Town Commission and then forwarded to Broward County for governmental agreement.

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Vice-Mayor Yanni asked Mr. Siemon to explain his comments on improvements being of less value than land and how this affects the Community Redevelopment Agency (CRA).

Mr. Siemon said one of the criteria is that the site improvements are no longer maintaining a competitive economic position in the market place and are in need of either revitalization or replacement. This indicates that the land is valuable because of the location and access, but the improvements are not able to command a competitive income stream.

Vice-Mayor Yanni asked if this would be a reason to facilitate eminent domain for a piece of property.

Mr. Siemon answered absolutely not. Under Florida law it would not be permitted under any circumstance.

Vice-Mayor Yanni advised he had already talked to Broward County Commissioners and they were in favor of supporting us. Vice-Mayor Yanni believes the sooner we get this done, the better.

Mayor Pro Tem Clark commented that he has seen Mr. Siemon's Community Redevelopment Agency (CRA) efforts in Clearwater Beach and results are very impressive.

On behalf of the entire Town, Mayor Parker thanked Mr. Siemon and Mr. Nixon for their efforts and said he supports what they are doing. Mayor Parker made it quite clear that he does not support using eminent domain to acquire property except in the direst of emergencies, which we do not have.

Vice-Mayor Yanni questioned whether or not full value would need to be paid if property is taken by eminent domain.

Mr. Siemon answered that under Florida law you are required to pay the owner full compensation for value of the property together with that party's attorneys fees. Mr. Siemon emphasized he has been in this business a very long time and has never been involved with acquiring property through eminent domain.

Mayor Parker said he remembers that in the last legislative session a law was passed prohibiting the use of eminent domain to take property in order to give it to a private developer. Mayor Parker asked Town Attorney Cherof if this was correct.

Town Attorney Cherof advised that was correct.

Mr. Siemon reiterated that parking was going to be significant challenge in achieving the kind of revitalization to the commercial area that the Town is looking for.

Commissioner McIntee asked Town Attorney Cherof if this matter is moved for approval, could it be stipulated there would be no use of eminent domain.

Town Attorney Cherof advised he did not think that would be an appropriate amendment to this resolution.

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Commissioner Silverstone asked if the Community Redevelopment Agency (CRA) would have any authority that supersedes the Commission's authority.

Town Attorney Cherof advised that the Community Redevelopment (CRA) has many powers. They do not necessarily supersede the power of the Commission, but they work in conjunction with them.

Mr. Siemon interjected that the Community Redevelopment Agency (CRA) is always subordinate to the Commission.

Commissioner Silverstone wants the Commission to have total authority regarding how the funds are spent.

Mayor Parker opened the public hearing.

Diane Boutin, General Manager of the Windjammer Resort Beach Club located at 4244 El Mar Drive congratulated Mr. Nixon and Mr. Siemon for one of the better and more realistic presentations the Town has seen in the past eight (8) to ten (10) years. Ms. Boutin continued to say the Town does have problems and this is the beginning of the solution.

Cristie Furth of 4525 El Mar Drive commented that Mr. Nixon has said the Community Redevelopment Agency (CRA) would give us a business district we could be proud of. Ms. Furth said she has no problem with that and any help we could give to our downtown businesses is wonderful. Ms. Furth is confused and has no concept about what this plan is going to do for El Mar Drive, State Road A1A, Bougainvillea Drive, Seagrape Drive and Poinciana Street etc. where the vast majority of properties are residential. Ms. Furth expressed concern about who will be a part of Community Redevelopment Agency (CRA) and who will be coming up with the visions regarding how "Old Town" will look in the future. Ms. Furth also expressed concern about what she had heard tonight and wondered if the Town will lose its quaintness and charm. Ms. Furth asked for honest answers so she will know what is going on in her neighborhood.

Barbara Cole of 221 Washingtonia Avenue and 5000 North Ocean Boulevard commented that intentions are good, but it is in the wake of a lot of distrust and a lot of problems. There must be a lot of transparency and the entire matter must be open to the public. Ms. Cole said she has been reading the newspapers and does not see much of a positive impact concerning the Community Redevelopment Agencies (CRA). Ms. Cole wants to maintain the seaside village image.

John Thompson of 671 Lakeside Circle, Pompano Beach congratulated Mr. Nixon and Mr. Siemon on the presentation. It is very clear that is a good way to obtain money, but he has several concerns. Mr. Thompson said approximately ninety-five percent (95%) of the properties in Town are residential and most of owners came here because this was a small laid back area. Mr. Thompson added that he does not think these property owners are looking forward to be eased out one way or another, either directly or indirectly. Mr. Thompson expressed concern about how the Community Development Agency (CRA) is going to be run, how members will be chosen and how it will be paid for in the future.

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Lawrence "Peanuts" Wick of 4900 North Ocean Boulevard, No. 1105 said he thinks people are looking at pitfalls and how this will potentially fail instead of how it will benefit the community. Mr. Wick thinks that Mr. Nixon has done a superb job and is hopeful this will be approved.

Bob Terrien of 5200 North Ocean Boulevard appealed to the Commission to support the Community Redevelopment Agency (CRA) saying he totally endorses looking for the positive.

John MacMillan of 223 Commercial Boulevard commented on why there is so much mistrust and board members being nastily removed. Mr. MacMillan went to say the actions of the Commission in the past have been vicious and rude. Mr. MacMillan said he encourages Mr. Nixon, but at the same time will keep his eyes on him.

Eileen Larkin of Palisades, New York said she has been a guest at Souter's Apartments for the past eight (8) years and has thoroughly enjoyed Lauderdale-By-The-Sea. Lauderdale-By-The-Sea is a gem and today we have a tendency to destroy what we consider old fashioned. Mrs. Larkin commented you should always be aware of powers that agencies have.

Rosa Machaliuk of 4621 Bougainvillea Drive said she agrees with establishing a Community Redevelopment Agency (CRA), but only for the business area, leaving the residential areas alone. Mrs. Machaliuk said that diversity makes the Town beautiful.

Ron Piersante of 227 Lake Court said it is interesting people will comment and do not even live in Town. Mr. Piersante finds it hard to believe that criticism would be allowed to be directed to someone who has worked hard on this concept. Mr. Piersante encouraged the Commission to give this a chance before they start being negative.

Yvette London of 2005 Ocean Walk Terrace commented this is a great project and we have a terrific start. Ms. London encouraged citizen participation.

Mayor Parker closed the public hearing.

Vice-Mayor Yanni motioned to adopt Resolution 2007-04 and move forward on the creation of a Community Redevelopment Agency (CRA) in Lauderdale-By-The-Sea. The motion was seconded by Mayor Pro Tem Clark and carried unanimously.

Commissioner McIntee motioned to prohibit the Town from using eminent domain to further the Community Redevelopment Agency (CRA). The motion was seconded by Mayor Parker and carried unanimously.

6. REPORTS

A. Broward County Department of Fire Rescue and Emergency Services Animal Rescue (*Battalion Chief John Frailey*)

Mayor Parker asked Chief Frailey if he was prepared to submit his report and asked why the report refers to animal rescue.

Chief John Frailey said this report was in reference to allegations made at a previous meeting involving a dog that had drowned. Chief Frailey reminded the Commission he had been asked

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to report on how the Broward Sheriff's Office responds to animals. Chief Frailey said he had since met with the homeowner where the incident had occurred and in the pet owners panic she had called the volunteer fire department upon finding her dog floating in the pool. At that point, Jim Pollack had called 911. The homeowner realized she should have called her veterinarian and after removing her dog from the pool was in her car on her way to the veterinarian to have her dog treated. Unfortunately, the dog succumbed to its injuries. Chief Frailey stated the Broward Sheriff's Office prides itself in the way it responds to needs of animals. The Broward Sheriff's Office has equipment on board emergency vehicles to assist animals in distress and many times fire personnel receive Employee of the Month awards for the rescue and treatment of animals in distress. Chief Frailey said this event never made it to fire rescue, but policy has since been initiated that when these calls are made it will be left up to the Battalion Chiefs to decide if calls should be dispatched.

Commissioner Silverstone advised he had listened to the 911 tape. Jim Pollack had been put on hold for a few minutes before the dispatcher came back and in a nasty tone advised Mr. Pollack that the Broward Sheriff's Office does not handle calls of this nature.

Chief Frailey responded that he was not going to defend the intake operator. He too had listened to the tape and agreed the dispatcher's response was rather sarcastic. He reiterated that in the future calls of this nature would be sent to the Battalion Chief. The department policy is that any public call for service will be responded to regardless of the incident.

Mayor Parker asked Chief Frailey if the 911 operator was going to be disciplined.

Chief Frailey said the matter had been turned over to communications.

Mayor Parker said he would like to have a report on the outcome.

A discussion ensued concerning the procedure for recessing and reconvening meetings when the meetings exceed the 11:00 hour.

Commissioner McIntee stated that if the Commission needs to adjourn a meeting because of the 11:00 hour then the public comments need to be brought back when the meeting reconvenes.

Mayor Pro Tem Clark said he could not vouch for what was on the tape, but his intent was if there was time. Mayor Pro Tem Clark said he would not say whether that was or was not what he in fact said.

Mayor Pro Tem Clark motioned to recess this meeting until February 27, 2007 at 5:00 p.m. and the meeting will begin with public comments. The motion was seconded by Vice-Mayor Yanni and carried with Vice-Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker voting yes and Commissioner McIntee and Commissioner Silverstone voting no.

Mayor Parker recessed the meeting at 11:10 p.m.

Mayor Parker reconvened the Commission meeting of February 13, 2007 on February 27, 2007 at 5:06 p.m. Vice-Mayor Yanni, Commissioner Jerome McIntee and Commissioner James Silverstone were in attendance. Mayor Pro Tem Clark attended the Commission meeting via

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telephone conferencing. Acting Assistant Town Manager Esther Colon, Town Attorney James Cherof and Deputy Town Clerk Andrea Gerloch were also present.

At the request of Mayor Parker, The Pledge of Allegiance was recited.

Mayor Parker opened the meeting with public comments.

7. APPROVAL OF MINUTES

A. September 14, 2006, Regular Meeting (*tabled from January 23, 2007*)

It was decided by Commission consensus to have Mayor Parker direct the Town Clerk's Office to have the Commission meeting minutes of September 14, 2006 generated and produced at a regularly scheduled Commission meeting no later than March 13, 2007.

B. September 26, 2006, Workshop Meeting (*tabled from January 23, 2007*)

Commissioner McIntee motioned to approve the Commission Workshop meeting minutes of September 26, 2006. The motion was seconded by Mayor Pro Tem Clark and carried unanimously.

C. September 28, 2006, Regular Meeting (*tabled from January 23, 2007*)

It was decided by Commission consensus to have Mayor Parker direct the Town Clerk's Office to have the Commission meeting minutes of September 28, 2006 generated and produced at a regularly scheduled Commission meeting no later than March 13, 2007.

Commissioner McIntee motioned to have the outsourced stenographer prepare the Commission meeting minutes of September 14, 2006 and September 28, 2006 so that they will be complete and unabridged. The motioned was seconded by Commissioner Silverstone and carried unanimously.

8. PUBLIC COMMENTS (*random selection of individuals; limited to half hour*)

Rosa Michailiuk of 4621 Bougainvillea Drive commented that her dog had been lost and thanked everyone involved that helped find him and returning him home.

Lawrence "Peanut" Wick of 4900 North Ocean Boulevard, No. 1105 commented that there is an agenda item 12A calling for a resolution urging the State Legislators to support issues this year. Mr. Wick said he not seen what any of the issues are and was confused. Item 14B of this agenda calls for support of Governor Charlie Crist's tax proposal. Mr. Wick said it sounds wonderful, but it is a regressive tax and it is going to cost this Town. He feels there should be no rush and more time needs to be spent on this issue. Mr. Wick also commented that we are being asked to support the State Legislature, but not one grant came to the Town last year from them. Mr. Wick also commented on positive changes being proposed by Development Services Director Jim Bell.

Stuart Dodd of 232 Imperial Lane welcomed Esther Colon in her new role as Acting Assistant Town Manager. Mr. Dodd commented that he thinks the new procedure for public comments

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and allowing the public to speak is unrealistic. Mr. Dodd expressed concern over how many times an employee is allowed to drop the ball and plead the "fifth". Mr. Dodd also commented that the Town Attorney is paid by the citizens of the Town and is employed to carry out the business of the Commission and he should be reminded that he should show respect to all those on the dais and show no favoritism or disrespect. Lastly Mr. Dodd said the Commission might deserve a raise and diplomatically suggested that Acting Town Manager Colon investigate pay structures of other municipalities in an effort to determine what would be fair.

9. ORDINANCES (2nd Reading) "Public Hearings"

Mayor Parker stated that Town Attorney Cherof advised that none of the ordinances on this agenda had been advertised for second reading and therefore would need to be tabled to the next regularly scheduled meeting.

Commissioner Silverstone motioned to table Ordinance 2006-18, Ordinance 2007-01, Ordinance 2007-02 and Ordinance 2007-03 to the next regularly scheduled Commission meeting of February 27, 2007. The motion was seconded by Commissioner McIntee and carried unanimously.

Commissioner McIntee said someone should be held responsible for these ordinances not being advertised properly and questioned why one (1) ordinance had been advertised twice at an additional cost of \$600.

The Town Manager or his designee was directed to report on this at the Commission meeting of February 27, 2007.

- A. **ORDINANCE NO. 2006-18:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, providing interpretation of the November 2006 Charter amendment regarding qualifications for office and term limits; providing for severability; codification; and an effective date
- B. **ORDINANCE NO. 2007-01:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, creating an Article IV of Chapter 6, Buildings and Building Regulations of the Code of Ordinances; providing for regulations of building color; providing for permits; providing for amortization of non-conforming buildings; providing for conflicts, severability, codification and an effective date
- C. **ORDINANCE NO. 2007-02:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Section 4-32 of the Code of Ordinances to prohibit animals in Town parks; providing for conflicts, severability, codification and an effective date.
- D. **ORDINANCE NO. 2007-03:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, changing the date of municipal elections from the second Tuesday in March to the first Tuesday following the first Monday in November in even number years; providing for

extension of the terms of office for elected officials at time of transition from March to November elections; providing for amended qualifying periods; amending conflicting provision in Section 6.1 of the Town Charter; submitting the amendment to approval by referendum; providing for conflicts; severability; codification and an effective date.

10. ORDINANCES *(1st Reading)*

There were no ordinances for first reading.

11. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **Marathon Race**/Exclusive Sports Marketing; Sunday, February 18, 2007; from 6:00 a.m. to 12:30 p.m.
- B. SPECIAL EVENT PERMIT: **St. Patrick's Day**/Village Grille, Mulligan's and Athena's Restaurants; Saturday, March 17, 2007; from 4:00 p.m. to 11:00 p.m.
- C. VEHICLE PURCHASE: truck for community standards *(\$13,686; under Bid FSA #06-14-0821)*
- D. BID ACCEPTANCE: for North Beach Neighborhood Improvements Phase II - Bel Air Section *(recommendation: Man-Con, Inc.)*
- E. PROPOSAL: with Craven Thompson & Associates for construction services on Phase II of the North Beach Neighborhood Improvements, Bel Air Section *(No. 2007-170.056)*
- F. PROPOSAL: with Craven Thompson & Associates for underground utility location services *(in the amount of \$5,900)*
- G. AGREEMENT: with Florida Department of Transportation for certification as part of the Local Agency Program
- H. AGREEMENT: with Florida Department of Transportation for landscaping project on State Road A1A from Pine Avenue to Terra Mar Drive
- I. AGREEMENT: for transcription services with Prototype, Inc. *(\$75 per meeting hour unattended; piggybacking bid with City of Fort Lauderdale)*
- J. Discussion and/or action regarding proposal for Beach Access Paths in North Beach

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Vice-Mayor Yanni said he had no intention of removing Item "A" from the Consent Agenda, but said last year there was a clean up problem after the Marathon and did not want it repeated this year.

Mayor Parker requested that Item "B: concerning Saint Patrick's Day is removed from the Consent Agenda.

Commissioner McIntee motioned to approve all the Consent Agenda Items excluding Item "B". The motion seconded by Commissioner Silverstone and carried unanimously.

Mayor Parker expressed concern regarding street closures and parking.

Mr. Lawrence "Peanuts" Wick of 4900 North Ocean Boulevard, No. 1105 stated that there had been discussion between the groups and instead of closing off the entire road from east to west, only the parking places would be closed to allow Athena's Restaurant to use them leaving the east and west lanes open.

David Gadsby of the Village Grille advised he had originally submitted the application that included closing the west bound lane from El Mar Drive to State Road A1A, however some had expressed concern. Mr. Gadsby was not aware of any conclusion to the matter. Mr. Gadsby had spoken to the owners of Athena's Restaurant and they had requested the parking spaces be closed.

Mayor Parker stated the representatives of Aruba Café informed him they do not want the parking spaces closed because it would affect their business.

Mr. Gadsby declared this would be an issue between the Commission, Athena's Restaurant and the Aruba Café.

Commissioner McIntee asked Mr. Gadsby if he had any objections to closing these parking spaces.

Mr. Gadsby answered no that it does not affect him one way or another. Mr. Gadsby added that today he had spoken to representatives of Mulligan's and was told it does not affect them whatsoever.

Commissioner McIntee called a representative from Athena's Restaurant to come forward and asked how many times a year they asked for a road closure.

Mr. Louie Marchela of Athena's Restaurant said he asked for the closure on New Year's Eve and at that time Mayor Parker indicated it was a good idea.

Commissioner McIntee stated this is only the second time in a year this request had been made and asked Mr. Marchela if his request was about the same size street closure as requested by Mr. Gadsby.

Mr. Marchela answered probably less because it would only involve closing Commercial Boulevard and added that all the tenants on that street are in favor of it.

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Commissioner McIntee said these matters should be decided fairly and if privileges are given to one it should be given to anyone else with the same reasonable request.

Commissioner Silverstone asked Mr. Wick if the Aruba Café had asked for the street to remain open but just the parking spots closed.

Mr. Wick answered yes. Mr. Wick added that the Aruba Café is concerned that the westbound closure would not allow their customers easy access to the restaurant and by closing just the parking spaces, it would not be as likely to affect business.

Mr. Marchela of Athena's Restaurant said his only objection is one of safety. He does want any situation where cars making a turn around would cause his patrons peril. He added there should be a closure of the entire street or no street. Mr. Marchela went on to say that Mr. Gadsby does this every weekend and he has never once complained that it affects his business, even though it does.

Commissioner Silverstone said he did not have a problem with closing the street for one day, but was hoping the Town could offer some assistance to the Aruba Café.

Vice-Mayor Yanni wondered how many people are expected at this event and said there is a big difference in closing a side street or closing a main artery. Vice-Mayor Yanni asked Chief Scott Gooding for input.

Chief Gooding advised he had approved the request and the Broward Sheriff's Office Fire Services had also approved it. Chief Gooding said he had spoken to Peggy Mohler from Aruba Café and she expressed concern about traffic. Chief Gooding told her to lessen her concerns an additional deputy could be assigned to the circle. Chief Gooding ended by saying he did not see the concern.

Vice-Mayor Yanni expressed concern that there would be no access to the Aruba Café and still believes the road should not be closed.

Mayor Pro Tem Clark stated we have done this over and over in the past and asked Chief Gooding how this worked.

Chief Gooding responded there has been no problem and added if had thought there was a safety issue he would not have approved it.

Mayor Pro Tem Clark asked Chief Gooding if additional law enforcement was required.

Chief Gooding said in his opinion he did not think so, but the Broward Sheriff's Office was very flexible. Chief Gooding said the Duty Sergeant could assess the situation that evening and act accordingly.

Mayor Pro Tem Clark suggested to error on the side of safety there should be additional law enforcement.

Chief Gooding responded he would take care of it.

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Mayor Parker asked Mr. Gadsby if the north alleyway from the Aruba Café to El Mar Drive would be blocked at all.

Mr. Gadsby responded it would not be blocked at all.

Mayor Parker said he could support the Special Event Request for everyone provided certain things are done. Firstly, parking enforcement would need to be waived on Saturday from 3:00 p.m. to Sunday at 6:00 a.m. town-wide. Secondly, Chief Gooding has a deputy stationed at the traffic circle during the hours of the event.

Commissioner Silverstone motioned to approve the Special Event Request with the proviso that additional support be provided by the Broward Sheriff's Office, the alleyway remain open according to plans, the Broward Sheriff's Office provide their message board to advise of traffic conditions and parking enforcement be suspended on Saturday from 3:00 p.m. to Sunday at 6:00 a.m. town-wide. The motion was seconded by Commissioner McIntee and carried unanimously.

Mayor Parker advised that Aruba Café should be informed they would have access to the El Prado Parking Lot for use by the Valet.

12. RESOLUTION

- A. RESOLUTION 2007-02, A resolution of the Town of Lauderdale-By-The-Sea, Florida, urging members of the Florida Legislature to support the following issues during the 2007 legislative session

Town Attorney Cherof read Resolution 2007-02 by title only.

Mayor Parker asked if support of these issues was recommended by the Florida League of Cities and the Broward League of Cities.

Town Attorney Cherof responded he believed they were recommended by the Broward League of Cities and could not speak to whether or not they were recommended by Florida League of Cities.

Commissioner McIntee motioned to adopt Resolution 2007-02. The motion was seconded by Vice-Mayor Yanni and carried unanimously.

- B. RESOLUTION 2007-03, A resolution of the Town of Lauderdale-By-The-Sea, Florida, authorizing and directing the appropriate Town officials to execute a grant application for funds available through the Community Development Block Grants Program through Broward County for the fiscal year 2007/2008; providing for conflict; providing for severability; and providing for an effective date

Town Attorney Cherof read Resolution 2007-03 by title only.

Vice-Mayor Yanni motioned to adopt Resolution 2007-03. The motion was seconded by Commissioner McIntee and carried unanimously.

13. OLD BUSINESS

- A. Discussion and/or action regarding a citizen's committee to establish protocol and procedures for naming public property after citizens (*tabled from November 28, 2006*)

Commissioner Silverstone said he researched other cities concerning the protocol and procedures used for naming public property. Commissioner Silverstone suggested the Master Plan Steering Committee be tasked with developing protocol and procedure.

Commissioner Silverstone motioned to task the Master Plan Steering Committee with reviewing options and choosing a method of protocol and procedure for naming public property and report back to the Commission at the regularly scheduled Commission meeting of May 8, 2007. The motion was seconded by Commissioner McIntee.

Vice-Mayor Yanni questioned if the Master Plan Steering Committee would appoint someone to choose the option.

Mayor Parker explained the Master Plan Steering Committee would bring recommendations to the Commission and the Commission would choose the option.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll. The motion carried unanimously.

Mayor Parker directed the Town Clerk's Office to inform the Master Plan Steering Committee of this additional duty and the request for the report at the May 8, 2007 Commission meeting.

- B. Discussion and/or action regarding the installation of call phones at beach access points and installation of signs providing information on rip currents (*Mayor Oliver Parker*) (*continued from January 9, 2007*)

Mayor Parker said he believed the signs had already been installed and that staff was not recommending the use of call phones.

Municipal Services Director Bill Mason said that was correct. He had researched the matter concerning the use of call phones and there was nothing being offered that would withstand inclement weather.

Vice-Mayor Yanni suggested there might be other alternatives such as sirens to be used when swimmers are in trouble. Vice-Mayor Yanni said there must be something that could send a warning when someone is in trouble.

Mr. Mason said there are boxes available with panic buttons that light up at night but he did not know how effective they would be. Additionally, he did not know how loud a siren would have to be to be effective. Mr. Mason will further research the matter and report back to the Commission at their regularly scheduled meeting of March 13, 2007.

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Mayor Parker stated there is no equipment available that is dependable and he has been advised by the Town Attorney and Town administration that this could create a liability for the Town.

There was no Commission action taken at this time.

C. Discussion and/or action regarding the recovery of all equipment bought by Lauderdale-By-The-Sea taxpayers (*Commissioner Jerry McIntee*) (*tabled from January 9, 2007*)

Commissioner McIntee requested that Chief John Frailey come forward and asked him about the status of the aerial, pumper and rescue car.

Chief Frailey reported that all of the equipment is sitting at the station and has been there for two (2) or three (3) weeks now.

Commissioner McIntee wanted to know if the equipment was being used at any other location of the Broward Sheriff's Office as a backup unit or responding to calls to other locations outside of Town.

Chief Frailey responded no.

Commissioner McIntee asked if it was going to be.

Chief Frailey again responded no.

Commissioner McIntee indicated there were MSA packs and ancillary equipment purchased with grant monies and referred to a letter saying the equipment was to be returned to the volunteer fire department. He asked Town Attorney Cherof about this letter.

Town Attorney Cherof advised he was not aware of this matter.

Commissioner Silverstone interjected that the letter had been sent to Town Manager Baldwin. Commissioner Silverstone said that because the equipment was obtained with grant monies the equipment could only be used by the volunteer fire department and Mr. Baldwin was going to look into this. Commissioner Silverstone said he thought this would be referred to the Town Attorney for opinion.

Town Attorney Cherof asked if the applicant was the Town or the volunteers.

Commissioner Silverstone responded the volunteers.

Town Attorney Cherof asked Commissioner Silverstone to provide him with a copy of that agreement.

Commissioner McIntee requested the Broward Sheriff's Office return the MSA packs and ancillary items if the Town Attorney determines it is the property of the volunteer fire department.

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Town Attorney Cherof said he wanted to make it clear that he wanted see the agreement to determine whether or not there is any interest the Town has in the equipment. Absent of any interest by the Town he would not be prepared to render an opinion to the volunteer organization that they are entitled to recover any equipment. That would be for the volunteer organization's attorney to deal with. Mr. Cherof said he would be happy to look at the agreement to see if the Town has any interest in that property. Mr. Chreof said that because Commissioner McIntee was raising the question that would be his interest tonight.

Commissioner McIntee said he was interested in making sure that if the property belonged to someone else besides the Broward Sheriff's Office the Sheriff would not be entitled to keep it and Commissioner McIntee continued to say he would be very aggressive in determining who owns that property.

Mayor Parker inferred that what Commissioner McIntee was doing was not right. The Commission's role is to represent the Town and no other organizations. If the Town has no interest then the volunteers need to take up the issue with the Broward Sheriff's Office outside of this chamber.

Vice-Mayor Yanni asked Chief Frailey if the Broward Sheriff's Office is using the equipment.

Chief Frailey responded no they are not. They are still in the station and nothing has been removed.

Vice-Mayor Yanni stated if the equipment is returned to the volunteers the matter would be done with and he could see no reason not to return it.

Chief Frailey said there was over \$100,000 in federal grant monies awarded to the Town for the volunteer fire department. Chief Frailey said he was not certain of the legal ramifications

There was no Commission action on this issue.

D. Discussion and/or action regarding an agreement between the Town and TM Sounds for providing camera coverage at Commission and Planning and Zoning Board meetings

Municipal Services Director Bill Mason reported that there had been some problems concerning our boards and media coverage of their meetings. Mr. Mason said that TM Sounds provide camera coverage and technical support to many municipalities. Mr. Mason advised the cost for this service would be approximately \$90.00 an hour with a four (4) hour minimum. The Town is requesting to contract with TM Sounds for this service and to piggyback a contract with City of Fort Lauderdale.

Mayor Parker said that Commission meetings certainly are four (4) hours, but it is unlikely that any Town board or committee meeting would meet that minimum.

Mr. Mason agreed, but said unfortunately the only contract available is a four (4) hour minimum. Mr. Mason informed the Commission he had inquired of other companies, but there are not too many that provide on-site services. Currently the Town's Public Information Officer, Steve D'Olivera provides the service of videoing the Commission meetings. Mr. Mason explained that

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if the contract is approved, it would be used on an as needed basis when Mr. D'Olivera is on vacation or unavailable.

Mayor Pro Tem Clark said he had looked at the backup and believes that \$94.50 per hour is ludicrous. Secondly, the Town is installing new digital equipment sometime this week and Mayor Pro Tem Clark does not see how we are going to need this kind of backup. Thirdly, he does not see why we cannot have adequately trained personnel within the administration to take care of this problem.

Commissioner McIntee said that Town Manager Baldwin had informed him that TM Sounds would break these videoed meeting into blocks making it easier for the public to view.

Mr. Mason said that the digital video equipment being installed would perform that function. That function is a separate item and is already being handled.

Commissioner McIntee stated that all that is being done is just a duplication of what Mr. D'Olivera is already doing.

Mr. Mason answered that was basically it. The contract simply allows us to pick up the phone and arrange for the service if it is ever needed.

Commissioner McIntee asked if there was an initial charge for the contract.

Mr. Mason said no sir it merely puts the company on call. Mr. Mason said the downside is the four (4) hour minimum.

Commissioner McIntee stated this seems like a smart thing to do as it is always good to have a backup.

Vice-Mayor Yanni asked if the new digital equipment would have the capability of being downloaded into a computer to be viewed from a website.

Mr. Mason said that he knows that capability exists but did not know the technical aspects of it or how it would work.

Commissioner Silverstone stated he had sent a memorandum to the Town Manager concerning Web Casting and Acting Assistant Town Manager Colon had done an excellent job in getting back to him. Commissioner Silverstone said that he wanted the Town to have more transparency in an effort to keep things as open as possible. The Town meetings are currently broadcast on Cable TV, but Web Casting would allow access to those with satellite dishes as well. Commissioner Silverstone thanked Ms. Colon for her follow-up on this and said a computer is a great tool and we needed to use it.

Mayor Parker asked if we would need to sign this contract in order to get the computer access.

Municipal Services Director Mason responded no.

Mayor Parker said that he done some quick calculations and just to do the Commission meetings it was cost somewhere between \$12,000 and \$15,000 per year and the rest of the boards would cost between \$5,000 and \$15,000 per year. These figures are representative of

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using the services regularly and Mayor Parker feels that if the contract is signed the temptation would be to use the services regularly. Although this is something the Commission should keep in mind, Mayor Parker does not believe it would be appropriate to enter into it now. We need to entertain alternatives such as having in-house people trained as backup.

Mr. Mason clarified this is not really a contract that needs to be negotiated, but just a solution if the need arises.

Mayor Parker polled the Commission concerning their wishes on this matter.

Commissioner McIntee said he believed this would be a great tool for the Town Manager if there was ever a need to reach out for the service. Commissioner McIntee does not believe there is anything for the Town to lose.

Mayor Parker said he believes it should be understood that the service should be used only in emergencies to eliminate creeping costs.

Town Attorney Cherof stated he wanted to be certain that appropriate source of funds was being designated.

Acting Assistant Town Manager Colon advised that General Government Professional Services would be used.

Commissioner McIntee motioned to utilize TM Sounds as a resource at the direction and request of the Town Manager. The motion was seconded by Vice-Mayor Yanni.

Ms. Colon advised the Commission that this is part of the Web Casting the Town is trying to get done. Ms. Colon reported this is a very expensive project, but this was the beginning to getting this done. Ms. Colon stated that technology is very expensive and reminded the Commission that Town's technology is twenty (20) years old.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion carried unanimously.

- E. Nominations for the appointment of members to the Planning and Zoning Board (*vacant seats for two members and one alternate member*) (*last Commissioner to make an appointment was Commissioner McIntee*)

Commissioner Silverstone motioned to reinstate those members previously terminated from the Planning and Zoning Board. The motion was seconded by Commissioner McIntee.

Mayor Parker asked Town Attorney Cherof if that was a debatable motion.

Town Attorney Cherof responded yes.

Commissioner McIntee said that he thought Commissioner Silverstone was doing the right thing and continued to say that he believed it was a rush to judgment for the members of the Commission to terminate four (4) individuals of the community for voicing their public spirited

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interest. Commissioner McIntee said until the wrong is righted, the credibility of the boards is damaged.

Commissioner Silverstone reiterated what Commissioner McIntee had said. Commissioner Silverstone said we, as a Town, should promote citizens involvement and the members of Commission should not set a precedent where people will not want to get involved.

Mayor Parker stated that he had been advised by Town Attorney Cherof that the Commission had adopted Rules of Order and according to rule 22 any item for reconsideration may be requested only at the same meeting unless special circumstances as determined by the Town Attorney and reported to the Town administration require consideration at a later meeting.

Commissioner McIntee said one of the reasons these individuals were terminated is because they were accused of violating the Sunshine Law and they were being sued because of it. We now have a special circumstance where all the charges have been dismissed and the lawsuits have been dropped. Commissioner McIntee considers this a special circumstance and inquired Town Attorney Cherof's opinion.

Town Attorney Cherof said he would be unable to render the opinion because he did not know the special circumstances or the status of the litigation referred to.

Commissioner McIntee again asked Town Attorney Cherof if the circumstances as described were true would that constitute a special circumstance.

Town Attorney Cherof responded yes if that were true.

Mayor Parker pointed out that since that rule was adopted motions for reconsideration have been allowed at a later meeting on a number of occasions. Mayor Parker continued to say that it was his understanding that rule 22 pertains only to quasi judicial matters and does not apply to normal procedure and there would be no reason to not reconsider this matter. Subject to being overridden by motion, Mayor Parker asked the Town Clerk's Office to clarify that rule 22 only pertains to quasi judicial matters. Mayor Parker asked if there was an objection to his ruling.

There was no objection to Mayor Parker's ruling.

Mayor Parker asked for further discussion on the reconsideration. There was no further discussion on the reconsideration and Mayor Parker asked the Deputy Clerk to call the roll.

The motion for reconsideration was defeated with Commissioner McIntee and Commissioner Silverstone voting yes and Vice-Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker voting no.

Mayor Parker read a list of eligible candidates. The applicants were Benjamin Freeny, Ron Piersante, Cindy Geesey, David Gilman, Fred Hartman, Robert Kaufman and Jack Phillips.

Commissioner Silverstone motioned to reappoint Barbara Cole to the Planning and Zoning Board. The motion was seconded by Commissioner McIntee and defeated with Commissioner McIntee and Commissioner Silverstone voting yes and Vice-Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker voting no.

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Mayor Pro Tem Clark motioned to appoint Ron Piersante to the Planning and Zoning Board. The motion was seconded by Mayor Parker and carried with Vice-Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker voting yes and Commissioner McIntee and Commissioner Silverstone voting no.

Commissioner McIntee stated he thought the alternate would automatically be appointed and turned to the Town Attorney asking if it was in the Town Charter.

Town Attorney Cherof said this would not be in the Charter and would more likely be in the Town Code or Ordinances or in special rules that the Commission had adopted.

Mayor Parker motioned to appoint David Gilman to the Planning and Zoning Board. The motion was seconded by Vice-Mayor Yanni and carried with Vice-Mayor Yanni, Commissioner McIntee, Mayor Pro Tem Clark and Mayor Parker voting yes and Commissioner Silverstone voting no.

Commissioner McIntee motioned to appoint Lawrence "Peanuts" Wick as second alternate member to the Planning and Zoning Board. The motion was seconded by Commission McIntee and carried unanimously.

F. Nominations for the appointment of members to the Master Plan Steering Committee (*vacant seat is for one member*)

Commissioner Silverstone motioned to appoint Marilyn Carr to the Master Plan Steering Committee. The motion was seconded by Commissioner McIntee and carried with Commissioner McIntee, Commissioner Silverstone, Mayor Pro Tem Clark and Mayor Parker voting yes and Vice-Mayor Yanni voting no.

G. Discussion and/or action regarding the award of contract for the Seagrape Drive Improvements

Municipal Services Director Bill Mason said this project had been advertised and two (2) bids were received for construction of the North Seagrape Drive Project. The low bidder had not performed any streetscape improvements for any municipalities, did not have the experience and because of the importance of the project, the committee could not recommend them. The committee has recommended the only other bidder, Tenex Enterprises, Inc.

Mayor Parker said he thought Mr. Mason was going to resubmit the bid.

Municipal Services Director said that he had contacted other municipalities where Tenex had done work and received very positive feedback.

Mayor Parker said he remembered that Town Planner Keller had said at the last Commission meeting he had problem with Tenex and asked Mr. Keller to comment.

Town Planner Keller commented he had no problem.

Mr. Mason advised he had discussion with Acting Assistant Town Manager Colon concerning this project being budgeted for \$500,000, but the project is coming in at approximately one million dollars. Mr. Mason said staff is recommending to the Commission that this project be

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awarded in phases. Mr. Mason said the project would start with the existing funded budget and as we approach next year's budget the project would be completed.

Commissioner McIntee asked if Tenex was prepared to do this project in two (2) phases.

Town Planner answered there a few items that need to be taken care of to get this project started and it will work fine if spread over two (2) years.

Commissioner McIntee said his concern is to lock in the price.

Town Planner Keller advised this would be one (1) price spread over two (2) years.

Mayor Parker asked about an anticipated start date.

Mr. Mason said he could not give an exact answer because there are FPL poles in the way and the biggest obstacle right now is getting those poles moved back behind the property lines. This is currently under way. Mr. Mason continued to say that by the time this project is fully under way, we would already be approaching next fiscal year.

Town Attorney Cherof recommended the Commission table this matter for two (2) reasons. First, Mr. Cherof did not think there was sufficient information in the Commission backup to award a contract of this amount. Secondly, Town Cherof said there is legislation pending that would provide tax reform. Under the current legislation being discussed, The Florida League of Cities projects that Lauderdale-By-The-Sea would have a shortfall of reduced revenue amounting to 4.8 million dollars next fiscal year. Before the Commission makes a decision to approve this project with the expectation of making an appropriation this coming fiscal year, they might want to wait to see what the impact of this pending legislation is.

Commissioner Silverstone asked how long the bidding process is.

Municipal Services Director Mason responded from start to finish approximately two (2) to three (3) months.

Commissioner Silverstone said he observes people walking up and down that street all the time and it is not safe. Commissioner Silverstone went on to say that the people in the area want it and are expecting it. The project has already been promised and budgeted and he sees no reason to table it.

Mayor Parker commented on Town Attorney Cherof's recommendation saying that the State Legislature is proposing to raise the sales tax by 2.5 cents per dollar and earmark that money for local government. Secondly, they are proposing that homestead be expanded so instead of getting \$25,000 homestead exclusion you would get one hundred percent (100%) of the value of your property. They are also proposing to cap how much municipalities may spend and proposing to go back to 2001. Essentially saying the Town may spend as much as it spent in 2001 plus inflation. Mayor Parker said quite frankly if that part of the legislation becomes law, the Town is facing bankruptcy. We would not be able to provide services and pay our debt service. Mayor Parker explained there is an escape clause whereby a Commission super majority can vote to exceed the legislature set. Mayor Parker believes the Commission should award the contract now.

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Town Attorney Cherof again advised that until this legislation is voted on and finalized he did not know what the Town would be safe in doing.

Commissioner McIntee motioned to award the contract to Tenex Enterprises, Inc. and expend \$1,098,177 for the completion of the Seagrape Drive improvements. The motion was seconded by Commissioner Silverstone.

Mayor Parker asked for discussion.

Town Attorney Cherof requested the Commission make an amendment to include in the contract a provision for phasing.

On the advice of Town Attorney Cherof, Commissioner McIntee amended his original motion to include a provision for phasing. Commissioner Silverstone agreed to the amendment.

Vice-Mayor Yanni asked the amount of the low bid.

Mr. Mason estimated \$800,000. Mr. Mason said based on materials and supplies the committee thought the project could not be done for that amount. Not to mention the company's lack of experience.

Town Planner Keller agreed that the amount bid was too low to get a quality project.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion carried unanimously.

Mayor Parker directed the Town Clerk's Office to have the contract ready for signing as soon as possible.

14. NEW BUSINESS

- A. Discussion and/or action regarding building permit fee comparison (*Jim Bell, Development Services Director*) (*continued from January 23, 2007*)

Development Services Director Jim Bell advised the Commission had directed staff to research building permit fees for three (3) jurisdictions saying those jurisdictions were Broward County, Pompano Beach and Fort Lauderdale. Mr. Bell said the Town currently uses Broward County. The fees in Broward County and Pompano Beach are comparatively comparable. Fort Lauderdale's fees are significantly less. Mr. Bell stated he had provided documentation to the Commission detailing the fees based on comparable job values. The City of Fort Lauderdale does not have fees related to training, public awareness, plan review or processing, significantly lowering the cost of a permit.

Commissioner Silverstone asked Mr. Bell for a recommendation to lowering costs.

Mr. Bell reiterated that the Town currently uses Broward County and said it is advantageous that we use them because over half of the Town were previously under Broward County's

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jurisdiction. Our records were maintained by Broward County and all the information we get is from Broward County. Mr. Bell added the Town does not have room for records management.

Commissioner McIntee expressed concern over big dollar differences and said it does not make any sense.

Commissioner Silverstone asked if there would be any transitional cost if the Town would choose to do business with Fort Lauderdale.

Mr. Bell said that any jurisdiction would apply a surcharge. Mr. Bell stated that within the industry he does not hear too many nice things about Fort Lauderdale in terms of the amount of time required for processing.

Commissioner Silverstone inquired concerning a cost analysis where permitting would be done in-house.

Acting Assistant Town Manager Colon said a cost analysis study had already been done and she would try and locate it. Ms. Colon reported that she believed it was close to \$500,000 just to get up and running.

Mr. Bell reminded the Commission that the Town quite possibly would have to instill some of the fees of other jurisdictions in order to get quality plans examiners and quality staff. Mr. Bell said quite frankly he did not know how Fort Lauderdale was getting away with such cheap prices.

Mayor Parker asked for a cost comparison between Broward County and Pompano Beach.

Mr. Bell responded it was nominal and referred to the Commission's backup documentation

Mayor Parker asked if the Town could eliminate the Lauderdale-By-The-Sea surcharge.

Mr. Bell answered that we could, but he would think the Town would want to retain some fees. Mr. Bell said there is also zoning staff that reviews permits.

Mayor Parker wondered if Fort Lauderdale would be willing subsidize the Town in the manner it subsidizes its own department.

Mr. Bell said he was not sure, but there would still be the records and information storage issue.

Mayor Parker said he had heard that no matter how difficult Broward County is to deal with Fort Lauderdale was worse. Mayor Parker asked how Pompano Beach was to deal with.

Mr. Bell responded that was what he was getting at earlier. Mr. Bell indicated that he had not heard one way or another about Pompano Beach.

Mayor Parker suggested that if we really wanted to help builders we could eliminate our surcharge and asked how much that generates.

Acting Assistant Town Manager Colon said last year the Town generated \$113,000.

Commissioner McIntee asked the surcharge amount that would be charged for a roofing permit.

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Mr. Bell answered that the surcharge is based on 2.2 percent of job value and the permit charge is .5 percent of job value.

Vice-Mayor Yanni suggested the Commission was trying to reinvent the wheel. Vice-Mayor Yanni wanted to wait for Acting Assistant Town Manager Colon to submit costs for operating our own building department and make further decisions based upon that.

Commissioner McIntee motioned to have Acting Assistant Town Manager Colon direct Development Services Director Jim Bell to contact four (4) additional cities and research costs relative to a \$20,000 roofing job and the replacement of ten (10) windows. The motion was seconded by Mayor Parker and carried unanimously.

Acting Assistant Town Manager Colon clarified that staff was to acquire a larger sampling and she would bring back a cost analysis for operating our own building department.

- B. Discussion and/or action to adopt resolution supporting Governor Charlie Crist's proposal for changes to Tax Code (*Mayor Oliver Parker*)

Mayor Parker withdrew this item from the agenda.

- C. Discussion and/or action regarding the membership of the Master Plan Steering Committee (*Mayor Oliver Parker*)

Mayor Parker withdrew this item from the agenda.

- D. Discussion and/or action regarding Development Services Department restructuring of department responsibilities (*Jim Bell, Development Services Department*)

Development Services Director Jim Bell said he was asked to look at the way business is currently run in his department. Mr. Bell advised that building permits are reviewed by his entire staff. Each page of a set of plans are now being stamped in an effort to more easily know what revisions are being required. Currently there is a Broward County structural plans examiner and a permit tech in the department. Broward County is on board now and it is running smoothly. Numerous inspections will be performed on commercial and residential development projects ensuring they remain consistent with approved site plans. The process will be revised to allow a final sign off at the end of the permit process. Currently, after a project is approved by the Commission it is supposed to go back to the department to ensure that all conditions are in compliance. Mr. Bell said unfortunately this was not being done previously.

Mayor Parker would like for the Town to purchase an embosser stamp so that entire sets of plans can be stamped in an effort to avoid substitution of pages.

Acting Assistant Town Manager Colon said the Town recently purchased an embosser for the Town Clerk's Office and it cost about \$900.00. Ms. Colon will research the cost of purchasing an embosser for building services.

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Commissioner McIntee wanted assurance that someone would be checking plans against the model that is now required for development review.

Mayor Parker suggested that he would like to see virtual reality computer presentations used for multi million dollar projects.

Mayor Pro Tem Clark asked Mr. Bell if would be fair to say a zoning review following all county comments prior to the issuance of any single permit would be a further safeguard to preventing what has happened in the past.

Mr. Bell responded yes and that is his intention.

Mayor Parker suggested having a survey done after the foundation has been laid.

Mr. Bell said a spot survey is a good idea, but does not know if it is a good idea for all types of projects and said parameters would have to be set. Spot surveys are not usually required for single family homes.

Mayor Parker stated that cities do include single family homes and with no Commission objection directed Mr. Bell to mandate this for all projects at foundation or slab.

E. Discussion and/or action regarding escalating the hiring of an Assistant Town Manager (*Commissioner Jerry McIntee*)

Commissioner McIntee asked Acting Assistant Town Manager Colon how long it had been since the Town has had an Assistant Town Manager.

Acting Assistant Town Manager Colon advised about three (3) years.

Commissioner McIntee responded that is absolutely ridiculous.

Mayor Pro Tem said he has been addressing this problem for over a year now and it has gotten beyond the point of being ridiculous and we just need to do it as fast and professionally as we can. When personnel are hired they are on probation and if they do not work out, we deal with it accordingly.

Acting Assistant Town Manager Colon said in all fairness to the Town Manager he has been interviewing. Ms Colon said that in this field most professionals would need to give thirty (30) days notice.

Commissioner McIntee said he had discussed this with Town Manager Baldwin and Mr. Baldwin had someone he was interviewing someone he was happy with, but he would not get to it until he returns from his ten (10) week leave. Commissioner McIntee emphasized that is too long to wait.

Commissioner McIntee motioned to hire an Assistant Town Manager within forty-five (45) days. The motion was seconded by Commissioner Silverstone.

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Mayor Parker asked for clarification on the motion saying if an Assistant Town Manager was hired, but that person needed additional time in order to leave their present employment would that be acceptable.

Commissioner McIntee asked Mayor Pro Tem Clark for his input.

Mayor Pro Tem Clark said he wanted this done as quickly as possible but done within the parameters of reality.

Commissioner McIntee stated he had no problem with that.

Mayor Parker clarified that when someone was hired they could be given up to thirty (30) days for transition.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion carried unanimously.

- F. Discussion and/or action regarding letter received from Bryant Miller Olive regarding potential problems with fire assessment (*Commissioner Jerry McIntee*)

Commissioner McIntee said recently each member of the Commission received a very aggressive letter from the representatives of the people that were looking into the Town's fire assessment. Commissioner McIntee said this is a very serious problem and it would require a shade session to discuss it. It is a major red flag and could cause a major amount of problems.

Town Attorney Cherof advised there can be no shade sessions and discussion would have to be public since there is no pending litigation involving the fire assessment. Mr. Cherof continued to say that the subject matter of the fire assessment and any recommendations that come either from the special counsel, the Town Manager or any other source can be discussed in the context of the fire assessment that roll around next year. This would be part of the budget review.

Commissioner McIntee asked Town Attorney Cherof if it would be reasonable to publicly read the letter.

Town Attorney Cherof reminded Commissioner McIntee that the Commission was advised by special counsel not to discuss this publicly.

Commissioner McIntee again asked Town Attorney Cherof if he could read the letter he had received from the special counsel.

Town Attorney Cherof advised Commissioner McIntee he could certainly do so against their recommendation.

Commissioner McIntee asked if he would be in violation of any state statute.

Town Attorney Cherof advised not that he was aware of.

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Mayor Parker advised that he did not think the letter should be read.

Vice-Mayor Yanni said if the letter was going to be read he would leave the dais because he did not want to be party to it.

Town Attorney Cherof said there is apparently a disagreement over the extent of what the Commission can discuss on that subject matter and continued to say he had read the statute in question that the attorney is relying on. Mr. Cherof disagrees with the extent to which it applies to keeping the matter confidential, but suggested special counsel seeks a legal opinion from the Attorney General to see if this could be discussed publicly.

Commissioner McIntee directed the Town Clerk's Office to include this matter for discussion and/or action at the next regularly scheduled Commission meeting. Commissioner McIntee further asked Town Attorney Cherof to take whatever legal procedures necessary to ensure that is okay to address this publicly. Commissioner McIntee asked Town Attorney Cherof if this was reasonable.

Town Attorney Cherof advised Commissioner McIntee that by doing it in this manner, it would protect the other members of the Commission from what their concerns are.

Mayor Pro Tem Clark asked exactly what Commission meeting Commissioner McIntee was referring to.

Commissioner McIntee said he wanted this on agenda for the regularly scheduled Commission meeting of March 13, 2007.

Mayor Parker stated this would be an item on the agenda of the regularly scheduled Commission meeting of March 13, 2007 subject to a ruling by the Commission that it not be discussed until further decided at that time.

G. Discussion and/or action regarding putting *By The Sea Times* boxes in Town (*Commissioner Jerry McIntee*)

Commissioner McIntee motioned to allow twenty (20) By The Sea Times boxes in Town. The motion was seconded by Commissioner McIntee.

Mayor Parker asked Town Attorney Cherof if this could be done without amending the Town ordinance.

Town Attorney Cherof advised this would require an amendment to the ordinance since the ordinance is specific with respect to locations and numbers.

Mayor Parker asked Town Attorney Cherof what impact this would have if the ordinance was amended.

Town Attorney Cherof advised he did not know what impact this would have and said he would defer to staff and the newspaper vendor that maintains those racks.

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Commissioner McIntee asked if he could rephrase his motion to allow the By The Sea Times to place the newspapers in boxes in the Town if the ordinance is changes to permit that.

Town Attorney Cherof advised that would not be the proper motion. The motion would be to direct an amendment to the ordinance that would permit that. Mr. Cherof asked if the amendment would be company or news vendor specific.

Commissioner McIntee said it would be specific to this company, but anyone else wanting to do it should have the same right.

Town Attorney Cherof suggested that Commissioner McIntee was going to invite challenge because that would include a standard that is so discretionary and said he was not sure we could defend that.

John MacMillan from By The Sea Times said he had previously asked this matter be withdrawn from discussions, but has since had second thoughts. Mr. MacMillan stated he would maintain and be responsible for his boxes. Mr. MacMillan added that Mr. Cherof has senior talent as a lawyer and was sure he could write this if he wanted to.

Town Attorney Cherof responded that he had just explained the difficulty he would see in drafting it in that fashion. Mr. MacMillan would essentially be granted a special privilege over other similar newspapers.

Mr. MacMillan said the Sun Sentinel and Miami Herald have their papers there and asked Town Attorney Cherof if he should operate under the company that is handling them.

Town Attorney Cherof answered the Commission adopted an ordinance that is very specific that was intended to deal with both an aesthetic issue and a public safety issue regarding the location of boxes and number of boxes that could potentially be placed throughout Town. To deviate from that standard without amending the ordinance would not be the right way to go. If there are more appropriate spaces for news racks, that would for the Commission to decide as a policy matter. Mr. Cherof said it would be difficult to tell one (1) company they could do it and another that they could not.

Mr. MacMillan asked Town Attorney Cherof for a suggestion.

Town Attorney Cherof said that he had already suggested to do this by an amendment to the ordinance, but predicated on a finding that there are other suitable locations and that they pass muster in the same manner that the original set was adopted.

Mr. MacMillan said there are boxes now with additional space for another set of boxes.

Town Attorney Cherof responded that he did not know that to be a fact and added that was Mr. MacMillan's opinion about it. Mr. Cherof said it took a year or more for the Commission to decide what were the appropriate locations, what the dimensions of those locations would be and it should come back to the Commission for them to decide whether or not they want to expand those locations. Mr. Cherof added this is a policy issue not a legal issue.

Mr. MacMillan asked what Commissioner McIntee should do to put this in the form of a motion.

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Town Attorney Cherof said for the third time adopting an amendment to the ordinance after an appropriate study and finding of facts.

Mr. MacMillan asked why not just do that.

Town Attorney Cherof suggested Mr. MacMillan persuade the Commission that is the thing to do and we could do that.

Commissioner McIntee motioned to amend the ordinance with respect to locations and numbers as advised by Town Attorney Cherof. The motion was seconded by Commissioner Silverstone.

Mayor Parker pointed out it took the Commission three (3) years to adopt a newspaper ordinance and before that newspaper ordinance was adopted there were times that we had as many sixteen (16) newsstands. The Commission, in order to make this fair, hired a vendor that sells newsstand space and what ever publication wanted boxes applied to the vendor and got their spaces. Mayor Parker said he personally did not see how we could change the ordinance without opening it back up to let anyone put whatever publication they wanted wherever they wanted it. Even if the Commission said give one (1) more space that would not guarantee Mr. MacMillan a space. Mayor Parker said what Mr. MacMillan is really asking is to put his newspaper stand next to the vendor's space that is leased out. Mayor Parker believes this is a mistake.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion was defeated with Vice-Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Mayor Parker voting no and Commissioner McIntee voting yes.

15. TOWN MANAGER REPORT

A. Municipal Services Department Monthly Report

Acting Assistant Town Manager Colon advised the Commission had received Municipal Service Director Bill Mason's report in their backup documentation and any questions or concerns should directed to him.

Commissioner Silverstone told Mr. Mason he was doing a great job.

Commissioner McIntee asked Mr. Mason to convey to all his employees they are doing a great job.

Acting Assistant Town Manager Colon clarified there had been no Assistant Town Manager for two (2) years rather than three (3) as previously stated.

16. TOWN ATTORNEY REPORT

Town Attorney Cherof distributed a memorandum from Development Services Director Jim Bell to the Town Manager dealing with a tennis court restoration at 288 Codrington Drive located on an cul de sac at the Intracoastal Waterway. This property originally had a tennis court and the owner is now in the process of restoring the tennis court after storm damage. There was an

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issue of whether or not there could be a replacement of tennis court lights. There was no evidence of any permits ever being issued to allow lights to be installed on the tennis court in a residential neighborhood. Town Attorney Cherof said that Mr. Bell was going to handle his recommendation administratively and not allow the lights. Since the lights were not legally grandfathered in it was a nonconforming use.

Mayor Parker commented that he knows for a fact that our building department was not very good at keeping records. Mayor Parker added that he lives across from the mentioned tennis court and knows of no one on his street that objects to the tennis court lights.

Commissioner Silverstone motioned to allow the installation of the lights at the tennis court. The motion was seconded by Mayor Parker.

Mayor Parker asked for further discussion.

Commissioner McIntee said in all fairness the tennis court lights were up a long time and is in favor of the letting the owner put the lights up.

There was no further discussion and Mayor Parker asked the Deputy Clerk to call the roll.

The motion carried unanimously.

Town Attorney Cherof advised the Commission that Mr. Bell brought this forward because it is important for staff to communicate with the Commission. Mr. Bell was basically applying the provisions of the code with respect to properties like this. Mr. Cherof said the Commission's treatment of this is an indication that the Commission has interpreted it slightly differently. Mr. Cherof asked the Commission if they wanted staff to report on matters such as this in the future.

Mayor Parker said he was not indicating that anyone should do this, but felt this particular instance was grandfathered in.

Development Services Director Bell said he had an issue because this tennis court was relatively close to other property. The current adjacent owners might not have a problem, but staff was trying to protect the interest of future owners.

It was decided by Commission consensus that Mr. Bell acted appropriately in coming before the Commission with this matter.

17. COMMISSIONER COMMENTS

A brief discussion ensued concerning whether or not to entertain Commissioner Comments.

Commissioner McIntee suggested foregoing Commissioner Comments now and having Commissioner Comments follow the Public Comments at the next regularly scheduled meeting of February 27, 2007.

Commissioner McIntee's suggestion was allowed by Commission consensus.

18. PUBLIC COMMENTS (*remaining speakers*)

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There were no public comments.

19. ADJOURNMENT

Having no further business to discuss Mayor Parker adjourned the meeting at 7:25 p.m.

Mayor Oliver Parker

ATTEST:

Town Clerk

DATE: _____