

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, August 10, 2004

7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:04 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, and Commissioner Wessels. Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina were also in attendance. Commissioner Yanni was not present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Hanrahan delivered the invocation.

4. PRESENTATIONS

- A. Employee(s) of the Month, Broward Sheriff's Office, District 13 (Chief Scott Gooding)

Chief Gooding presented Detective Craig Brown and Detective Andrew Cardarelli, stating that they were stationed at District 5. He indicated that both Detectives Brown and Cardarelli had provided assistance to his personnel in the investigation of two separate cases. Chief Gooding thanked Detectives Brown and Cardarelli for their willingness to assist fellow officers even though they were officially assigned to another district.

The Commission congratulated Detectives Brown and Cardarelli.

5. REPORTS

- A. Lauderdale-By-The-Sea Chamber of Commerce

Judy Swaggerty was present on behalf of the Chamber of Commerce. She detailed an incident wherein a radio station, WARX, in Hagerstown, Maryland, had announced that they would be vacationing in Lauderdale-By-The-Sea. She indicated that the Chamber

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was rolling out the red carpet for Mr. Bill Bennett, the station's host, and believed that it would have been impossible for the Chamber to pay for that kind of advertisement and appreciated Mr. Bennett's announcement that he would be visiting the "prettiest small town in America".

Ms. Swaggerty announced the upcoming "After Hours" to be held at the Blue Fish Company, 5:00 p.m. to 7:00 p.m.

Ms. Swaggerty advised that the Chamber had received approximately 79,000 entries to the photo contest, and announced the winners:

- Barbara Cooper, Lauderdale-By-The-Sea, 3rd Place
- Laura Captain, Fort Lauderdale, 2nd Place
- Maureen Stanton, Lauderdale-By-The-Sea, 1st Place

B. Code Compliance Status Quarterly Report

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to accept the report as submitted. In a roll call vote, all voted in favor. Motion carried 4-0

6. APPROVAL OF MINUTES

- A. July 27, 2004, Agenda Conference
- B. July 27, 2004, Regular Meeting

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to approve the minutes of July 27, 2004, as submitted. In a roll call vote, all voted in favor. The motion carried 4-0

- Item 12C, Discussion and/or action concerning Town website (Sunny Eckhardt, Webmaster)

Mayor Parker stated that pursuant to discussions during the agenda conference, this item would be heard at this time. Ms. Medina stated that she had advised Ms. Sunny Eckhardt of the change on the agenda and that Ms. Eckhardt was trying to arrive as quickly as possible. Mayor Parker indicated that this item would then be discussed upon Ms. Eckhardt's arrival.

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

- A. SCOOTER SALES: Ordinance No. 2004-12, amending the Land Development Code to designate motorized scooter/moped sales as permitted uses in the B-1 and B-1A Zoning Districts, specifically amended Sections 24-5.96(b)(1) and 24-5.111(a); providing for severability, codification, conflicts, and an effective date (*tabled from July 13, 2004*)

Attorney Cherof read the ordinance by title only.

Mayor Parker opened the public hearing. As no one spoke, Mayor Parker closed the public hearing.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to adopt ordinance 2004-12. In a roll call vote, all voted in favor. Motion carried 4-0

8. PUBLIC COMMENTS

Joan O'Malley, 266 Tradewinds Avenue, questioned what changes were being made to the sewer rates, to which Mayor Parker responded that no changes were being proposed, unless Pompano Beach raised their fees. He advised, too, that sewer rates for duplexes were being changed to an amount equaling that of a single family home.

Ms. O'Malley asked that the agenda be placed on the proposed website. Manager Baldwin advised that this issue was already being addressed and was incorporated in the presentation that would be made later in the meeting.

Mr. John Thompson agreed with Ms. O'Malley's comments and suggested that the minutes also be posted on the website. He also addressed Item 13A, regarding the Town Fire Station, requesting that the Commission take no action on this matter until the citizens had some idea of what action might be taken. Mr. Thompson felt that there were many issues that needed to be taken into consideration concerning this matter and, therefore, it should not be rushed.

Uli Bryant, 4537 West Tradewinds Avenue, commented on the fire assessment, stating that no one wanted a "free ride" but, rather, only to pay their fair share. He believed that politics should be removed from the issue at hand.

9. ORDINANCES (1st Reading, Public Hearing)

- A. SEWER RATE: Ordinance 2004-14, amending Section 20-10(b) of the Town's Code of Ordinances, entitled "Rates and Charges," to include duplexes within the single family home category for sewer user charges; providing for conflicts, severability, codification, and an effective date

Attorney Cherof read the ordinance by title only.

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Mayor Parker asked for confirmation that this ordinance did not propose raising sewer rates. Attorney Cherof replied affirmatively.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve the ordinance on first reading. In a roll call vote, all voted in favor. The motion carried 4-0

Mayor Parker advised that the public hearing for this ordinance would be held on September 13th.

10. CONSENT AGENDA

- A. PROCLAMATION Florida Water, Wastewater, and Systems Operators Week (*August 16 to 20, 2004*)
- B. Discussion and/or action concerning a Development Extension for Pier Point a/k/a Oriana
- C. Discussion and/or action concerning Development Services Director (*Town Manager*)
- D. TRANSPORTATION ENHANCEMENT: Resolution 2004-16, requesting the Florida Department of Transportation Enhancement Program Funds to partner in the beautification of the A1A corridor; authorizing Town Officials to take necessary steps to effectuate the intent hereof; providing for an effective date.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to approve Items 10A, C, and D. In a roll call vote, all voted in favor. The motion carried 4-0

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve the Development Extension [10B], subject to the Town Attorney's review and approval of the pedestrian access easement and quit claim deed submitted by Pier Pointe representatives. In a roll call vote, all voted in favor. Motion carried 4-0

Ms. Sue Delegal, representing the applicant, asked for confirmation that the documents needed to be completed prior to the expiration of the extension. Mayor Parker replied affirmatively. He also asked Attorney Cherof to advise the Commission if there were any problems in obtaining compliance.

11. RESOLUTIONS

There were no resolutions to be considered by the Commission.

12. OLD BUSINESS

- A. Discussion and/or action based on the Economic Feasibility Study (Chris Hamlin, Goodkin Consulting)

This item was discussed later in the meeting.

- B. Discussion and/or action regarding the Hibiscus Street Closure (Walter Keller, Town Planner)

Walter Keller was present and provided a brief summarization of the traffic study and the proposed changes to Bougainvillea Drive and Hibiscus Avenue. He explained the proposed locations of the new stop signs that would be used to slow or discourage additional traffic.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to adopt the recommendations presented by Mr. Keller.

Commissioner Wessels referred to the location of the Leisure East Apartments, stating that there was no curb in that area. He asked if it would be possible to add some bollards in this area to protect pedestrians from moving traffic. Mr. Keller explained that the Town had erected a sign in this area and felt that this issue had been addressed.

In a roll call vote, all voted in favor. Motion carried 4-0

- C. Discussion and/or action concerning Town website (Sunny Eckhardt, Webmaster)

This item was discussed later in the meeting.

13. NEW BUSINESS

- A. Discussion and/or action regarding Town Fire Station (*Town Manager*)

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to direct this issue to the Master Plan Steering Committee. In a roll call vote, all voted in favor. Motion carried 4-0

- B. SITE PLAN, Poinciana Point, 4560 Poinciana Street; Proposed site plan submitted by Pasquale Kuritzky Architecture, Inc. **“PUBLIC HEARING”**

Mayor Parker opened the public hearing. As no one spoke, the public hearing was closed.

Mayor Parker stated that during the Agenda Conference, the Commission had voiced no objections to the proposed site plan.

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Walter Keller, representing the Town, was present and detailed the recommendations for approval as noted in his memorandum dated August 3, 2004.

Harlan Kuritzky, Lillian Cabrera, and Gerard Vinci, were present and were accordingly sworn in by Attorney Cherof. Mr. Vinci, the property owner, stated that he had no objections to and agreed to complying with the Town's recommendations.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to approve the site plan, subject to the recommendations issued by the Town Planner. In a roll call vote, all voted in favor. Motion carried 4-0

C. SITE PLAN, Bougainvilla Drive Townhomes, 4337 Bougainvilla Drive;
Proposed site plan submitted by Luxury Homes Developers "**PUBLIC HEARING**" (*Request to open Public Hearing and Continue to September 13, 2004*)

Mayor Parker opened the public hearing and stated that staff had requested that this item be tabled to September 13th. There were no objections noted.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to table this item to September 13, 2004. In a roll call vote, all voted in favor. Motion carried 4-0

- Item 12C, Website

Sunny Eckhardt requested a few minutes to prepare for the presentation.

Mayor Parker called a recess at 7:38 p.m. The meeting was reconvened at 7:47 p.m.

Sunny Eckhardt explained that the website would always be a work in progress as changes would be made regularly to ensure updated information. She then distributed copies of the existing web pages that were completed.

Ms. Eckhardt provided a PowerPoint presentation and briefly provided descriptions of the site. She explained the differences between a ".gov" and ".org" regulations, stating that a ".gov" site could not link to sites that provided advertisements such as the Chamber of Commerce. Ms. Eckhardt stated that she would review the possibility of changing the site to a ".org" site to eliminate this restriction.

Mayor Parker asked if the Town's special events could be advertised on the website. Ms. Eckhardt replied affirmatively and indicated that she would continue to work closely with staff to ensure that the most up-to-date information was posted on the site.

Mr. Uli Bryant suggested that the .org designation be used to ensure that the website could provide additional information. Ms. Eckhardt stated that she would look into the regulation differences, adding that since the cost of the .gov had been recently increased, the change might be beneficial in more than one aspect.

- Item 12A, Economic Feasibility Study

Chris Hamlin, of Goodkin Consulting, was present and summarized the economic feasibility study. He indicated that Goodkin Consulting stood ready to provide consultation and to assist in the development of plans, if so desired. Mr. Hamlin stated that Broward County was presently out of residential developable land and the population projections for the County were approximately one million people for the next 25 years.

Mr. Hamlin stated that the upscale building within the County was projected to be along the coastline and, therefore, the pressures to be felt by the Town were long term and not temporary. He felt that if the Town did not initiate strong policies concerning development, the Town would lose control of how it was developed in the future.

Mr. Hamlin stated that the hospitality industry, as it was known today, would not continue to exist. He indicated that current land values, tax assessments, shallow lots, and the Town's highly restricted land use regulations made new hospitality businesses completely uneconomical. Mr. Hamlin advised that regular stays within the Town had decreased from approximately two weeks to four or five days. He expressed his belief that although the decrease in the industry could be delayed, it could not be stopped.

Mr. Hamlin stated that the study included residential, commercial, and hospitality markets. He strongly recommended that the Town pursue the Pier Point and Minto projects, stating that they were superbly crafted projects. However, Mr. Hamlin felt that after these projects were approved, the Town should "put their feet to the ground and dig in" and try to prepare a concise plan as to how to move the Town forward. He then described the five recommendations provided in the study (attached hereto and made a part of these minutes), which included incentive zoning. Mr. Hamlin explained how this type of zoning would encourage redevelopment and provide a new aspect to the retail market within the Town.

Mr. Hamlin discussed the use of a Business Improvement District and briefly described the regulations governing such an extension. He felt that a Parking Authority could be included into the Business Improvement District. Mr. Hamlin briefly depicted some solutions to the issue of lack of parking, which included parking garages and the sale of parking slots.

Mr. Hamlin felt that the long term net result to the Town's growth was a dramatic increase to ad valorem values beyond comprehension, thereby being able to move forward with the implementation of additional improvements.

Vice Mayor Kennedy referred to the incentive zoning and questioned how much control the Town would have under these development regulations. Mr. Hamlin stated that if an incentive zoning was not created, the Town would lose control of its development. He emphasized that the recommendations provided would ensure that the Town maintained complete control of future development.

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Commissioner Wessels felt that the study confirmed many of the issues that a lot of people already suspected. He asked for confirmation that Goodkin Consulting was in favor of allowing the Pier Point and Minto projects to proceed, to which Mr. Hamlin concurred. Mr. Hamlin added that this recommendation had not been made lightly, but that he really believed it would immediately provide a benefit to the Town.

Commissioner Wessels questioned if the Town could legislate, with any success, the development of only hotels and motels within the Town. Mr. Hamlin did not believe that this could be legislated in that matter as this was a legal matter; however, he indicated that the Town needed to keep in mind that it was currently impossible to build hotels and motels that would be viable within the Town. He provided some examples for the Commission to consider. Mr. Hamlin stated that the development of additional retail stores, restaurants, bars, and other forms of entertainment needed to be encouraged. Commissioner Wessels asked for confirmation that the study was basically recommending a mixed use approach. Mr. Hamlin replied affirmatively, stating that the mixed use with a vibrant residential, full-time element, would provide a wonderful flavor of a beachside community.

Mayor Pro Tem Clark commended Mr. Hamlin on the study, indicating that the Town would have to consider certain issues it had not thought about before. He addressed the proposed changes to the height restrictions, with Mr. Hamlin emphasizing that a uniformed height change was not being recommended, but, rather, the possibility of allowing height differences through incentive zoning on a case-by-case basis.

Mayor Parker stated that the study endorsed the idea of purchasing and maintaining control of the pier. Mr. Hamlin replied affirmatively and explained that there were several ways the Town could pursue this option, such as a private venture, private and public venture, or by public funds. He provided a few scenarios for the Commission to consider.

Mayor Parker stated that he disagreed with the logic of going to a five story height restriction if using the higher height would not salvage the hospitality industry. He felt that incentive zoning could be proposed without the need to use additional stories. Mr. Hamlin expressed his professional opinion that the Town should consider this option and expose it to ensure that unique situations could be addressed in order to encourage development. Mayor Parker asked that the final report provide an argument as to why the increase height restriction should be considered. He indicated, too, that an explanation should be provided as to whether the neighborhood concept would work if the height restrictions were not increased.

Mayor Parker stated that in order to change the building height regulations, the Town would have to go to a referendum. Mr. Hamlin stated that the Town only had to consider the possibility, with the understanding that any decisions would not be set in stone.

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In response to Mayor Parker's inquiry, Mr. Hamlin explained that if the Town chose not to consider the increased height restriction, the Town could lose the opportunity to encourage some spectacular projects.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to accept the report with instructions to complete the study. In a roll call vote, the motion passed with a majority vote of 3-1, with Mayor Parker dissenting.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to refer this issue to the Master Steering Committee, providing the Committee with copies of the report, with a joint workshop being scheduled to further review and consider the recommendations provided. In a roll call vote, all voted in favor. Motion carried 4-0

The Commission briefly discussed meeting dates, with there being a full consensus to schedule the meeting for September 14, 2004. Mr. Hamlin was advised that he was expected to make a presentation at that time.

The Commission then discussed a meeting time, with there being full agreement to begin the workshop at 6:00 p.m.

14. TOWN MANAGER REPORT

Chief Gooding introduced Major Larry Rogers, stating that Major Rogers was the individual to whom he reported to directly.

Major ~~Mayor~~ Rogers stated that he was the regional major for various beach districts, including Lauderdale-By-The-Sea, indicating that he spent a lot of time in this part of the County. He expressed appreciation for the Town's support and indicated that he was pleased to represent the Town.

15. TOWN ATTORNEY REPORT

Attorney Cherof had no reports to share with the Commission.

16. COMMISSIONER COMMENTS

Vice Mayor Kennedy reported on the signing ceremony with the Town's Sister City, San Isidro, Peru, South America, which was held on Monday, August 2nd. He described the gifts that had been presented to the Town which included a Peruvian flag, a San Isidro flag, an Inca heritage scepter, an artisan book by *Delfin*, multiple artisan bulls that were handmade by local Peruvians, and a copy of the resolution adopted by the Municipality of San Isidro.

Vice Mayor Kennedy stated that a reception had also been held on the following day at the Palm Club and he provided accolades to Dr. Kenneth Most for a job well done. He felt that this new partnership would provide new possibilities for the Town to pursue.

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Commissioner Wessels had no reports to share with the Commission.

Mayor Pro Tem Clark concurred with Vice Mayor Kennedy's comments and thanked Dr. Most and staff for their assistance in bringing this program to fruition.

Mayor Pro Tem Clark stated that he was excited to explore the possibilities that awaited the Town with its development.

Mayor Parker wished Commissioner Yanni a speedy recovery and hoped that he would be returning in the near future. He indicated that based on the previous meeting, this had been an excused absence for Commissioner Yanni.

Mayor Parker discussed the different offices that would be considered during the upcoming August election and encouraged all residents to participate in the voting. He reminded everyone that the meeting of August 24th had been canceled.

17. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn the meeting. As there was no further business to discuss, the meeting was adjourned at 9:09 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina
Town Clerk

Date Accepted: _____