

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING MINUTES Town Commission Meeting Room 4501 Ocean Drive Monday, September 13, 2004 7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:05 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni (departed at 9:20 p.m.). Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina were also in attendance.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Hanrahan delivered the invocation.

4. APPROVAL OF MINUTES

- A. August 5, 2004, Budget Workshop
- B. August 10, 2004, Agenda Conference
- C. August 10, 2004, Regular Meeting

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to approve the minutes as corrected during the Agenda Conference. In a roll call vote, all voted in favor. The motion carried 5-0.

5. PUBLIC HEARINGS

- A. **RESOLUTION NO. 2004-18**, a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, relating to the provision of fire protection services, equipment, facilities and programs within the Town of Lauderdale-By-The-Sea; levying the fire protection special assessment upon specially benefited and assessed properties lying within fire protection assessment area – townwide within the municipal boundaries of the Town of Lauderdale-By-The-Sea for the fiscal year commencing

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October 1, 2004; updating and revising Appendix "A" of Resolution Number 2004-15, relating to assigning properties to residential and non-residential categories for apportionment purposes; approving, confirming, and adopting the non-ad valorem assessment roll; providing for other matters relating to the fire protection special assessment; providing for conflict; providing for severability; providing for an effective date.

Attorney Cherof read the resolution by title only.

Present, via telephone, was Camille Tharpe, of Government Services Group, Inc., the Town's consultant.

Mayor Parker briefly described the proposed resolution, as well as the definitions described therein.

Mayor Parker opened the public hearing.

Frederick Lapple, 1800 South Ocean Boulevard, supported the resolution.

Derek Lewin, 1800 South Ocean Boulevard, supported the resolution. He felt that the Town needed to move forward with unity and asked for the Commission's favorable consideration.

Mark Brown, 1440 Commercial Boulevard, strongly urged approval of the resolution. He commended the Commission for their efforts in uniting the Town as a whole.

Sandra Green, 3 Sunset Lane, thanked the Commission for arranging a fair and equitable cost for the services provided to the entire Town.

Dr. Kenneth Most, 2160 SW 19 Street, stated that there were two issues of concern: 1) the amount being paid and, 2) the distribution between the constituents. He felt that perhaps additional review of the distribution needed to be had and suggested appointing a committee to ensure a private review.

Uli Brandt stated that he did not agree with the fee schedule prepared for professional fire protection. He indicated that the Volunteer Fire Department did a good job and, if the north section of Town wanted to pay for the additional protection, then those residents should be made to pay for it.

Dianne Boutin, 4244 El Mar Drive, stated that she had no other option but to support Mr. Brandt's comments. She explained that she managed four timeshares in Town and believed that they should be categorized as commercial. Ms. Boutin stated that business owners already paid their share of taxes and fees. She indicated that the Town should consider a blended rate and hoped the Commission would reconsider this matter.

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Jim Pollack, 4244 East Tradewinds Avenue, expressed concern for the increase being proposed. He stated that the Volunteer Fire Department served at the will of the people and continuously put forth their best effort for the community. Mr. Pollack stated that the Volunteers had been told to combine with the Broward Sheriff's Office, but offered that this was not an easy transition. He felt that citizens should have the right to choose the type of protection they wanted, the risks they were willing to accept, and the cost they wished to pay. Mr. Pollack stated that he had had several seniors express their concern with the hike of taxes and their feelings that they did not believe the will of the people was being heard. He asked the Commission to reconsider other options to address this issue.

John Thompson, 4900 North Ocean Boulevard, expressed concern that the Volunteers could provide the services needed and that residents of Sea Ranch Club were satisfied that the Volunteers could protect the Town. He felt that a quarter of the expenses noted in the budget were for the Volunteers, with the remaining funds being set aside for the Broward Sheriff's Office. Mr. Thompson questioned why the Volunteers had not been provided with an equal opportunity to present their position in this matter. He believed that with the support of the Town, the Volunteers could provide adequate protection. Mr. Thompson added that ad valorem taxes should be used to pay for fire protection in lieu of using a fire assessment.

Mr. Thompson expressed his belief that there were inequities with the proposed resolution. He reiterated that raising the millage rate would alleviate the strain the fire assessment would place on the small businesses in Town.

Bob Carley opposed the merger of the two fire departments, stating that residents on the south side of Town felt like they were getting the short end of the stick. He felt the Volunteers were doing a great job in protecting the Town. Mr. Carley stated he wanted the Volunteers to provide the fire protection and felt that although he tried to keep an open mind, he did not like the idea of the Broward Sheriff's Office coming into Town and taking over.

Dr. Gilbert Purkin, Crystal Condominiums, strongly supported the Commission and its work to provide fire protection at a fair and equitable cost.

Bob Waller, 268 Neptune Avenue, stated that the Town would be paying all this extra money, but the residents would only be getting three men and one truck. He felt that the Town should take the extra money and get the additional equipment needed to properly protect the Town. Mr. Waller felt that in this manner, the Town would have sufficient funds left to construct the additional building.

Arthur Fraszak requested a description of how the funds in the budget were being spent. Mayor Parker identified the cost involved with the fire protection and described the services to be provided by the Broward Sheriff's Office. He explained that the Volunteer Fire Department could not properly provide the necessary services townwide. Mr. Fraszak felt that perhaps the Town provided too much protection.

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Attorney Cherof explained that the issue before the Commission was the fire assessment and not who would provide the services. He indicated that as a matter of contract with the Broward Sheriff's Office, the Town was under obligation to pay approximately \$1.98 million.

Jerry McIndale stated that he had received a brochure and expressed his belief that whoever sent out the brochure had only generated more trouble. He indicated that the brochure he had received indicated that the Fire Chief was Frank Buchert; however, the Chief for the Volunteer Fire Department was Ian McLean. On a separate note, Mr. McIndale expressed his belief that the Town was subsidizing the fire protection received by Sea Ranch Lakes.

Mayor Parker closed the public hearing.

Mayor Parker explained that the Town could not provide for a blended rate this year, but could possibly consider this matter in the future. He asked that the Town's administration look into all possibilities. Manager Baldwin explained that the contract approved by the Commission provided for a two-year study and, as such, he had not planned to prepare another study next year. Ms. Tarpe explained that the methodology used to calculate the assessment in a different manner. After a brief discussion, there was full consensus to again review this portion of the assessment.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to adopt the resolution. In a roll call vote, the motion carried 4-1, with Mayor Parker dissenting.

Mayor Parker stated that it had been suggested that the south was supplementing the north part of Town; however, he emphasized that this was not true. He then provided a history of the Volunteer Fire Department and fire protection within the Town.

Mayor Parker stated that the referendum had been pulled because it became apparent that there was no sentiment for a paid professional fire department. He indicated that although the Town had wanted to go strictly with the Volunteers, the Volunteers did not meet the National Standards of Fire Protection.

Mayor Parker had hoped that the assessment could be implemented in two stages to allow hotels and motels to collect on their fees by amending their room rates. He indicated that since that had not been possible, the Town still needed to ensure the safety of its residents.

Commissioner Wessels stated that the Town had discussed and reviewed several options. He indicated that it would be impossible to be completely equitable and that someone would always be upset. Commissioner Wessels felt it impossible to believe that anyone would want less than the National Fire Standards and, if anything, the Town should always strive to do better. He indicated that if the Volunteers managed to meet those standards in the future, this issue could be reconsidered at that time.

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Mayor Parker addressed the issue of paying for fire protection with ad valorem taxes, stating that the millage rate would need to be increased by approximately 1.5 mills in order to cover the costs.

- B. **RESOLUTION NO. 2004-19**, a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting a proposed millage rate for the fiscal year beginning October 1, 2004, and ending September 30, 2005; stating the percentage amount the proposed rate exceeds the rolled back rate; announcing the second and final public hearing to adopt the final millage rate; providing for severability, conflicts, and an effective date.

Attorney Cherof read the resolution by title only.

Mayor Parker opened the public hearing.

Dianne Boutin, 4244 El Mar Drive, supported the 5.1 millage rate, which would then allow for a blended rate on the fire assessment.

John Thompson, 4900 Ocean Boulevard, agreed with Ms. Boutin; however, he felt that with the extra funds, the Town could blend the assessment rates. He asked the Commission to keep in mind that paying for fire protection was not paying for the services needed during a fire, but for having the fire department present, equipped, and trained. Mr. Thompson believed that it only cost approximately \$400 to actually respond to a fire.

Mayor Parker closed the public hearing.

Commissioner Yanni made a motion, seconded by Commissioner Wessels, to adopt a millage rate of 5.1. In a roll call vote, the motion carried 4-1, with Mayor Parker dissenting.

- C. **RESOLUTION NO. 2004-20**, a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting a tentative budget for the fiscal year beginning October 1, 2004, and ending September 30, 2005; announcing the second and final public hearing to adopt the annual budget; providing for severability, conflicts, and an effective date.

Attorney Cherof read the resolution by title only.

Mayor Parker opened the public hearing.

Jim Pollack stated that the Volunteer Fire Departments budget for the current year was \$509,000. He indicated that during the negotiations, the Department had prepared its budget request extremely early. Mr. Pollack feared that the Department would be short \$30,000 to \$40,000 short as the Department was responding to many more calls in this year.

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Mr. Pollack stated that the Volunteer Fire Department's budget for the coming year was only \$412,000, indicating that \$160,000 had been removed from the budget. He explained that the additional funds were needed for the purposes of responding to calls, not to have them designated as part of training or equipment.

Fire Administrator Frank Buchert explained that the funds which had been removed from the operating budget had been placed in contingency with the Town for use for costs such as utilities and consulting fees. Vice Mayor Kennedy asked Chief Buchert if he felt that the Department was adequately funded for the coming year. Chief Buchert replied affirmatively.

John Thompson, 4900 North Ocean Boulevard, questioned the thought process behind the cost control; suggesting that the costs should be better displayed by showing how much of the millage was represented by different sections of the budget.

Dianne Boutin, 4244 El Mar Drive, asked if funds for the engineering portion of the capital improvement projects on El Mar Drive had been included in the proposed budget. Manager Baldwin replied affirmatively.

Mayor Parker closed the public hearing.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to adopt Resolution 2004-20. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker called for a recess at 9:10 p.m. The meeting reconvened at 9:21 p.m.

Mayor Parker advised that Commissioner Yanni was not feeling well and asked if there were any objections to excusing him from attendance during the rest of the meeting.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to excuse Commissioner Yanni for the remainder of the meeting. In a roll call vote, all voted in favor. The motion carried 4-0.

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

- A. SEWER RATE: Ordinance 2004-14, amending Section 20-19(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.

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 approve Ordinance 2004-14. In a roll call vote, all voted in favor. The motion carried 4-0.

7. PUBLIC COMMENTS

Public comments were taken later in the meeting.

8. CONSENT AGENDA

- A. SPECIAL EVENT: Anniversary, Village Pump & Village Grille, Saturday, October 2, 2004; 2:00 p.m. to 10:00 p.m.
- B. AGREEMENT: Funding Agreement between the Town and Lauderdale-By-The-Sea Community Arts Center
- C. Discussion and/or action concerning the proposal made by the Historical Preservation Board (*Commissioner Yanni*) (***staff requesting tabling to October 12, 2004***)

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve consent agenda items "B" and "C". In a roll call vote, all voted in favor. The motion carried 5-0.

- Consent Agenda, Item A

Dave Gadsby, representing the petitioner, was present. In response to Commissioner Wessels inquiry concerning road closures, Mr. Gadsby advised that the northbound lanes would, in deed, be closed during the event. He indicated that the Broward Sheriff's Office had been notified and that adequate coverage would be provided.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to approve item "A" of the consent agenda. In a roll call vote, all voted in favor. The motion carried 4-0.

The public comments were heard at this time.

Jim Pollack thanked Finance Director Esther Colon for her assistance during the budgeting process. He stated that she had been very helpful to the Volunteer Fire Department. Mr. Pollack also thanked Mayor Parker and his wife, Lorene, for the donation of the frame for the proclamation which had been adopted by the Commission. He added, too, his appreciation for the Commission's assistance through the years, including funding and development.

Mayor Parker asked for confirmation that Chief MacLean would still be making a presentation for the volunteer firefighter of the month. Mr. Pollack replied affirmatively. Mayor Parker stated that the Commission still wanted to continue receiving monthly reports.

Ron Piersante, 227 Lake Court, addressed the Commission regarding parking enforcement and described two incidents he had witnessed recently. He indicated that on both occasions visitors had claimed that the meters were running fast. Mr. Piersante suggested a printed card providing a "free" 15 minutes of parking. He felt that this idea would proclaim the Town as "the friendliest small town in America", believing that it was important to appear tourist friendly.

Mayor Parker asked that this issue be placed on the agenda for the first meeting in October. There were no objections.

9. RESOLUTIONS

- A. GRANT APPLICATION: Resolution 2004-17, authorizing the Town Manager to apply for and to enter into an Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry in order to obtain funding for the purchase and installation of trees.

Attorney Cherof read the resolution by title only.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve Resolution 2004-17. In a roll call vote, all voted in favor. The motion carried 4-0.

10. OLD BUSINESS

There was no old business to be discussed.

11. NEW BUSINESS

- A. SITE PLAN, Bougainvilla Drive Townhomes, 4337 Bougainvilla Drive; Proposed site plan submitted by Luxury Homes Developers "**PUBLIC HEARING**" (*tabled from August 10, 2004*)

The petitioner was not present.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy to table this item to October 12, 2004. In a roll call vote, all voted in favor. The motion carried 4-0.

12. TOWN MANAGER REPORT

Manager Baldwin thanked all the employees, fire departments, the Broward Sheriff's Office, and, in particular, Public Works for their diligent work during the recent hurricanes.

13. TOWN ATTORNEY REPORT

There was no report to be considered by the Commission.

14. COMMISSIONER COMMENTS

Vice Mayor Kennedy echoed the sentiments concerning staff's efforts during the hurricanes. He also praised Manager Baldwin for making himself available during the entire event, stating that residents should know that the Town was well watched over.

Commissioner Wessels agreed that Manager Baldwin and his staff had worked diligently on behalf of the Town and thanked them for their assistance.

Mayor Pro Tem Clark stated that he too appreciated Manager Baldwin's and staff's assistance and attention to the Town and its residents during this hurricane time. He advised that the Chamber of Commerce had also provided its accolades to the Town for all their efforts.

Mayor Pro Tem Clark stated that it was good to have Commissioner Yanni back in attendance.

Mayor Parker thanked Manager Baldwin and his staff who had made themselves available throughout the storm. He also thanked the Fire and Police Departments for ensuring the safety of the Town and its residents. Mayor Parker complimented the Commission as well for ensuring that they were available throughout the storm.

Mayor Parker indicated that he too was pleased that Commissioner Yanni was feeling better and had been able to attend tonight's meeting.

15. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn the meeting. With there being no further business to discuss, the meeting was adjourned at 9:43 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____