

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 12, 2004

7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:08 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni. 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. PRESENTATIONS

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

Chief Gooding announced that Deputy Kasa Gonzalez was being recognized for outstanding service in August. As a result of a CrimeStoppers tip in May concerning the sale of narcotics south of the pier, Deputy Gonzalez and Detective Kreg Costa began working undercover for approximately two months. Chief Gooding explained that because of their efforts an undercover buy took place and an arrest was made. He commended Deputy Gonzalez for her diligent efforts on her first undercover assignment.

Deputy Joe Duncan was recognized for two separate instances he had handled in September. Chief Gooding explained that shortly after the mandatory evacuation was imposed with Hurricane Frances, the Sheriff's Office received a call about a suspicious person on the beach and, in fact, a nearby room had been burglarized. Deputy Duncan, patrolling on the ATV, stopped the individual and arrested what was a career criminal. In the second instance, a shoplifting occurred at a local store. He stated that after receiving the tag number from a witness, Deputy Duncan ran the tag on his patrol car

laptop and apprehended the suspect as he arrived at his residence. Chief Gooding advised that all the stolen property was recovered.

Deputy Duncan was congratulated by the Commission.

B. Proclamation in Honor of Marc Furth

Mayor Parker invited the public to Town Hall to view the display of 31 underwater photographs of the Town's reefs taken by former Commissioner Marc Furth. The Mayor read the proclamation, which proclaimed him the "Official Town Marine Photographer Laureate." Mr. Furth thanked the Commission for the honor. He expressed concern about the longevity of our reefs and indicated that he would soon make a proposal to preserve them for future generations.

Mayor Parker noted that the Town Clerk had used one of Mr. Furth's photographs as the background for the proclamation.

Vice Mayor Kennedy suggested that Mr. Furth's proclamation and his photographs be displayed on the Town's web site for a period of time or as a permanent page. Mr. Furth had no objections.

5. REPORTS

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

Mayor Parker explained the discussion that had taken place during the agenda conference concerning the Town's purchase of three snow machines and six cases of artificial snow. He asked should the Town make a gift of the \$3,520 to the Chamber, if the Chamber would commit to purchase and operate the machines and snow.

Dianne Boutin stated that she could not accept for the Chamber, but would present it to the Board of Directors at their meeting in the coming days. Ms. Boutin indicated she would have President Bill Davis contact the Mayor.

Mayor Parker suggested that the Commission could approve the expenditure, subject to the Chamber's acceptance. There were no objections.

Presenting the Chamber report, Dianne Boutin, of the Windjammer Resort and Vice President of the Chamber of Commerce, invited the Commission, staff, and all residents to attend the 3rd Annual Old-Fashioned Fish Fry on Friday, October 15th from 5:00 to 9:00 p.m. She provided details regarding the location, menu, entertainment, and ticket sales and raffle. She thanked the volunteers for their dedication and businesses for their cooperation.

B. Budget Report for Period Ending August 31, 2004

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Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to accept the budget report for the period ending August 2004. In a roll call vote, all voted in favor. The motion carried 5-0.

C. Capital Improvement Program Status Report

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to accept the Capital Improvement Program status report. In a roll call vote, all voted in favor. The motion carried 5-0.

On behalf of the Halloween Committee, Mayor Parker invited everyone to attend a committee meeting on Saturday, October 16th, at 10:00 a.m., at Jarvis Hall, to participate with decorating the hall or helping out with the children's party or the adult dance. The Mayor indicated that help was needed and noted the strong possibility that there would be no Haunted House.

6. APPROVAL OF MINUTES

- A. September 13, 2004, Agenda Conference
- B. September 13, 2004, Regular Meeting
- C. September 21, 2004, Agenda Conference
- D. September 21, 2004, Regular Meeting

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

7. PUBLIC HEARINGS

- A. **RESOLUTION NO. 2004-21**, a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, authorizing and directing the appropriate Town Officials to execute an agreement with the City of Fort Lauderdale, providing for the sale of the water transmission and distribution system infrastructure to the City of Fort Lauderdale and providing for continued potable water service to the Town; providing for conflict; providing for severability; providing for an effective date

Attorney Cherof read the resolution by title only.

Recalling the presentation by Hartman and Associates at the last meeting, Manager Baldwin explained that the Town's aging water system would be sold to the City of Fort Lauderdale for \$350,000. He explained that a reversion clause, wherein the Town could purchase the system back, was included in the agreement. Mr. Baldwin suggested that the cost of repair and the liability was exceeding the value of the system. He indicated that the Town's agreement with the City of Fort Lauderdale had expired; it had required the Town to maintain the system. Mayor Parker believed that the sale would provide for better service and that residential costs would remain the same.

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Mayor Parker opened the public hearing. There were no comments or questions from the public, and the hearing was closed.

Commissioner Yanni made a motion, seconded by Vice Mayor Kennedy, to adopt Resolution No. 2004-21. In a roll call vote, all voted in favor. The motion carried 5-0.

Manager Baldwin reminded the Commission that the purchase had not been approved by the City of Fort Lauderdale. He believed they would be required to hold a public hearing as well.

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

There were no ordinances for second reading considered.

9. PUBLIC COMMENTS

Representing Country Ham and Egg Restaurant, Manager Joyce Moissett indicated that they wished to add a small hot dog stand inside their railed patio between the hours of 4:00 to 10:00 p.m. The restaurant itself was open until 3:00 p.m. and the stand would operate outside of those hours.

Mayor Parker explained that Code Enforcement had advised the restaurant that this addition was prohibited; however, the request was for on-site sale and preparation of food. Assistant Town Manager Laura Ward indicated that a hot dog stand was not a permitted use under the Town's Code. She expressed concern that the restaurant would be closed. Ms. Moissett disagreed with Ms. Ward's statement that the restaurant and restrooms would be closed.

Vice Mayor Kennedy advised that he could not make a decision without backup and a staff recommendation.

The Mayor suggested that the matter should be placed on the agenda for the meeting of October 26th.

Marie White, 234 Hibiscus Avenue, hoped to see everyone at the Fish Fry on Friday and indicated that she had tickets available for sale. Ms. White noted that the Sun-Sentinel's item about the event contained misinformation and she related the correct details, adding information about the Halloween Party. Lastly, she thanked the Commission for the dedication of the portal on Palm Avenue.

John Thompson, 4900 North Ocean Boulevard, had requested the Town be more frugal with its spending, and he suggested that the Town not approve the GSG contract, thereby saving \$15,500. He reiterated his belief that the fire assessment should be paid from ad valorem taxes.

Uli Brandt, 4537 W. Tradewinds Avenue, recalled his suggestions regarding the fire assessment and the millage rate, which he believed would have reduced rates and

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made them equitable. Mr. Brandt indicated this was not the first time that his suggestions had not been considered, and he believed that the budget process should begin earlier so as to give time to consider suggestions offered by the community.

As to the budget, Mr. Brandt commented that the idea of one town, one assessment was generally correct; however, he noted that the majority of the capital improvements were being made to the northern section of Town. He offered that he had owned his El Mar Drive property for ten years and, during that time, there had been no improvements in the area. Mr. Brandt believed that drainage in the southern part of Town was still a problem.

Mayor Parker noted that the Demko's had donated a photograph of the original fishing pier to the Town. He hoped that it would be blown up and exhibited.

Larry Wicks, 2000 S. Ocean Boulevard, believed that the Pine Avenue portal should utilize more than 25 feet of the available 50 feet. He hoped that the Town would become friendlier, designating certain days during the year for free parking with bags covering the meters stating "compliments of Lauderdale-By-The-Sea." Mr. Wicks also suggested that two or three public restrooms along the beach be considered by contracting for a month with a private company.

Ted Jankowsky, 4553 Bougainvillea Drive, complained that the street did not properly drain; even during normal rainfalls, the street was completely covered with water. He hoped that the situation would be investigated. Additionally, Mr. Jankowsky believed that the lighting on Bougainvillea should be improved as only one streetlight existed between the church and Washingtonia after the park lights went out. Mr. Jankowsky also commented regarding the effect of the fire assessment on the Town's businesses.

Mayor Parker asked Municipal Services Director Bill Mason to investigate the number and cost of streetlights on Bougainvillea and Poinciana and report back at the next meeting.

Concerning drainage, Manager Baldwin offered that a recommendation regarding a stormwater utility fee would be brought to the Commission within the next few months. Mayor Parker hoped that drainage problems would also be discussed at that time.

10. ORDINANCES (1ST Reading)

- A. **Ordinance No. 2004-15**; an Ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida; approving the franchise agreement with Comcast to utilize the Town's public ways to provide cable service over the cable system; providing for conflicts; providing for severability; providing for inclusion in the Code; and providing an effective date.

Cindy Stoddard, representing Comcast, was present.

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Vice Mayor Kennedy stated that the Commission had expressed concern with several issues and recalled his suggestion of a workshop. He noted that the government access channels were Channels 38 and 78, which had been moved from Channel 18 without notification and had been inoperable for some time. The Vice Mayor believed that the transmission, both reception and audio, was unacceptable. In looking at the transmission of meetings from other municipalities, specifically the cities of Pompano Beach, Margate, and Lauderdale Lakes, he noted that their transmission was much better. Vice Mayor Kennedy believed that the videos of the Town's meeting were very important and that its citizens routinely watched the programming.

Ms. Stoddard agreed, noting that the agreement would provide the Town robust government access production support. She suggested that it would be an enhanced, user-friendly system that would provide a multi-camera solution with pan, tilt, and zoom capabilities.

With respect to the annexed area, Ms. Stoddard provided information regarding the history of government access in that area and their efforts and investment to reconfigure it into the Town. She noted the integration of six different cable operators and, while the upgrade had been completed, there was still work to be done, particularly with the creation of a master channel lineup. Ms. Stoddard hoped that, by the first quarter of 2005, the Town's channel lineup would be incorporated into the master channel lineup. She believed that transmission concerns would then be addressed.

Vice Mayor Kennedy questioned the drawbacks if the Town were to hold off on its approval of the franchise agreement until the first quarter of 2005. Ms. Stoddard responded that, while a delay in the approval of the franchise agreement would also delay the enhancement process, Comcast wished the Town to be more than satisfied. She indicated they would be open to a workshop, stating that the Town has, despite its size, always been a priority.

Vice Mayor Kennedy believed the 12 years proposed for the agreement was a long time, and suggested that inconsistencies should be resolved prior to the Town's approval of the agreement.

Commissioner Wessels offered that his interest was in enhanced programming for Channels 38 and 78. He questioned what the equipment listed on Exhibit B would provide and how the automated system would work. Additionally, he hoped that a "beach cam" could be connected to either the government access channel or to the Town's website to market the Town.

Commissioner Yanni did not believe that a workshop was needed. He felt comfortable that Comcast would do as they promised and, if not, the Town could revoke the contract. He was satisfied with the agreement.

Mayor Pro Tem Clark expressed concern about losing the camera person for the meetings and getting equipment that the Town would be responsible for maintaining. Additionally, he wished to be provided with an estimate of future costs for maintenance

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and operation. The Commissioner asked if it may be possible to combine the two channels into one.

Ms. Stoddard believed that the agreement provided the Town with one government access channel. Addressing some of the Commission's concerns, Ms. Stoddard explained that Comcast's reasoning was that many municipalities were looking to expand communications to their residents – either by creating their own programming or expanding it to cover additional meetings. She noted the mechanism in the agreement that would provide funding support, and briefly related information about other options to explore.

Mayor Parker indicated that he had many concerns about Comcast: unfriendly customer service; the quality of the audio and reception; the accidental provision of equipment furnishing channels “not available in the area”; and billing problems. While the Mayor was pleased to hear about the master channel lineup, he believed that real competition in the area would promote better services. He recalled his suggestion from initial discussions about renegotiating the contract that a second channel for local programming should be added, which would enable local merchants and resorts to advertise and allow rebroadcasts of Performing Arts Center productions.

Ms. Stoddard replied that she was disturbed at the Mayor's dissatisfaction and his list of complaints. She noted that Comcast tracked all complaints and she was not aware of an increase. Ms. Stoddard stated that Comcast was committed to providing the best customer service, upgrade their plant, and roll out new products.

Commissioner Yanni noted that his reception of Channel 4 was terrible, and the Mayor added that Channel 2 was also a problem.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to schedule a workshop with Comcast on Wednesday, November 10th, at 6:00 p.m., and to table the first reading of the ordinance to the November 23rd meeting. In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

- B. Ordinance No. 2004-16;** an Ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida; amending Chapter 8, entitled “Fire Prevention and Protection,” Article II, entitled “Fire Department;” providing for Town Manager operation of a Fire Department; providing for authority to hire or contract for the services of a Fire Chief; providing for suspension of members of the Fire Department; providing for equipment funding; providing for administration of Town's water system to support fire suppression services; providing for release of Town employees to serve as Volunteer Firefighters; eliminating certain provisions as set forth hereinafter; providing for re-numbering of Chapter 8, Article II; providing for conflicts; providing for severability; providing for inclusion in the Code; and providing an effective date.

Attorney Cherof read the ordinance by title only.

Mayor Parker explained that this ordinance was a housekeeping issue to ensure that the Town's ordinances conform to the contracts signed. Mr. Cherof added that the ordinance also deleted obsolete provisions.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to adopt Ordinance No. 2004-16. In a roll call vote, all voted in favor. The motion carried 5-0.

11. CONSENT AGENDA

- A. PROCLAMATION: National Epilepsy Awareness Month, November 2004
- B. PROCLAMATION: Supporting National School Lunch Week, October 11, through October 15, 2004
- C. GRANT EXTENSIONS: Request for one-year extensions to the Sea Enhancement and Pavilion Enhancement grant projects
- D. DEVELOPMENT ORDER EXTENSION: Request for six-month extension from Silver Shores Corporation, 4433-4437 Poinciana Street
- E. DEVELOPMENT ORDER EXTENSION: Request for six-month extension from Seagrape Townhouses, 4332 Seagrape Drive
- F. LEGISLATIVE CONSULTING SERVICES; Request to extend existing agreement with Russ Klenet & Associates for the fiscal year ending September 30, 2005, at a monthly cost of \$2,200
- G. RESOLUTION: Proposal from Government Services Group, Inc. regarding the Fire Rescue Assessment Program for Fiscal Year 2005-06
- H. EXTENSION: Request by Florida Atlantic University to provide a no-cost extension to November 30, 2004, to allow for the completion of the redistricting project
- I. PROPOSAL: Barrier Island Disaster Recovery Center

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to adopt Consent Agenda Items A through I. In a roll call vote, all voted in favor. The motion carried 5-0.

12. RESOLUTIONS

There were no additional resolutions to be considered by the Commission.

13. OLD BUSINESS

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- A. Discussion and/or action concerning the proposal made by the Historical Preservation Board (*Commissioner Yanni*) (*tabled from September 13, 2004*)

Pursuant to the agenda conference discussion, Vice Mayor Kennedy motioned to table the ordinance indefinitely. With no second, the motion died.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, that a January workshop to discuss this ordinance be set at the December 14th meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

14. NEW BUSINESS

- A. SITE PLAN, Bougainvilla Drive Townhomes, 4337 Bougainvilla Drive; Proposed site plan submitted by Luxury Homes Developers “**PUBLIC HEARING**” (*tabled from September 13, 2004*)

Attorney Cherof swore in the participants.

For the record, Mayor Parker noted that a letter from Mr. Keller’s office, dated September 7, 2004, recommended approval of the proposal, subject to three standard conditions and two additional conditions: building color scheme and side elevation preference, and based upon the plans submitted by Edward M. Roussell Architect, dated September 1, 2004.

Engineer Walter Keller indicated that the Planning & Zoning Board had not been pleased with the building appearance and had requested that the architect submit a second rendering with improved architectural features. He indicated that increased banding between the floors had been added, with two different colors on the building being used, and the addition of some architectural detail enhancements.

The five conditions were read by Mr. Keller. Acknowledging that he was under oath, Architect Edward Roussell agreed to the five conditions.

Mr. Keller further explained the changes made since the project’s review by the Planning & Zoning Board, stating that shutters had been added to the side elevation as an enhancement, if desired by the Commission.

Commissioner Wessels noted ornamentation at the top of the windows in the elevation without shutters and questioned whether there would be trees in the swale. Mr. Keller responded affirmatively.

Mayor Parker questioned, if ornamentation would be placed over all windows, why the window nearest the entranceway did not have it. Mr. Roussell explained this as an oversight and confirmed that ornamentation would be placed over all windows.

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Mr. Keller offered that the site plan package would be prepared based upon the Town's final approvals.

There was Commission consensus that the building would be two-tone with white banding and that the architectural feature would be above all the windows. It was the majority opinion that the shutters were not necessary.

For the record, Mr. Roussell agreed to the selected color scheme, the ornamentation above all windows, and no shutters.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve the Site Plan for the Bougainvillea Drive Town Homes.

Mayor Parker opened the public hearing. There were no comments or questions from the public, and the hearing was closed.

In a roll call vote, all voted in favor. The motion carried 5-0.

B. Discussion and/or action concerning a proposal by Mr. Ron Piersante concerning parking regulations (*Ron Piersante*)

Ron Piersante recalled his comments from the September 13th meeting, having witnessed a tourist receive a parking ticket. Based on that incident, he proposed that Parking Enforcement personnel first place a notice on the vehicle windshield regarding the expired meter, providing 15 minutes of free time as a courtesy of the Town. Mayor Parker suggested that the notice should state at what time the parking citation would be issued.

Mr. Piersante further explained that Parking Enforcement should continue on their rounds and issue the parking citation at their later return to the vehicle with the courtesy notice. He hoped that Parking Enforcement personnel would be instructed to not sit at the end of Commercial Boulevard, El Prado, or Washingtonia waiting for the 15 minutes to expire. Mr. Piersante believed that the Town would become known as the "friendliest tourist Town in America," and he hoped the Commission would favorably consider the proposal.

Mayor Parker believed the proposal worth trying, barring significant revenue loss, and he questioned the Town Attorney if an ordinance would be necessary to make the change. Attorney Cherof indicated that he would need to review the parking code.

Manager Baldwin indicated that staff had not worked with Mr. Piersante, and he did not know all of the ramifications for enacting such a policy. He noted that Mr. Keller was currently undertaking a parking analysis, and options regarding hardship permits and other issues were being examined. Manager Baldwin suggested that Mr. Keller should examine the proposal. Town Manager Baldwin stated that he did not know the impacts of the proposal and believed that the administration could be difficult. He also questioned that "tourists" should get something not extended to residents and that the

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15 minutes should be given to everyone. Mr. Baldwin added that extra minutes were already programmed into the meters, and Mr. Mason offered that each meter had one extra minute. Mr. Baldwin indicated that his overriding concern would be the effect it would have on the revenues of the Town; if revenues were reduced through parking, revenues must be raised from the tax base.

Manager Baldwin asked Mr. Keller if a review of this proposal could be included in the parking study. Mr. Keller indicated that he did not have records regarding the expired time on meters, but noted that the Town's revenues could be significantly affected if short-term lapses were those most ticketed.

Commissioner Wessels questioned the tracking of the courtesy notice. Mr. Piersante did not believe they would be possible to track. Municipal Services Director Bill Mason interjected that the meters were programmable to provide extra time automatically before flashing "expired." He did not believe it reasonable to expect Parking Enforcement personnel to keep up with the times and notices. Mr. Mason further explained the program capability. Manager Baldwin noted that adding additional time to the meters would not require extraordinary efforts by Parking Enforcement and would be fair to both residents and tourists.

Commissioner Wessels suggested that each meter contain a notice that an extra five or ten minutes was given courtesy of the Town.

Mr. Piersante questioned the accuracy of the meters, and Mr. Mason explained the Town's ability to test and calibrate the meters. Mayor Parker asked regarding statistics about the accuracy tests. Mr. Mason indicated that he would assemble those statistics. He offered that they were digital meters, the same used by the cities of Pompano Beach and Fort Lauderdale.

Mr. Piersante commented that he did not believe the use of warning notices would overburden Parking Enforcement. There was some discussion concerning tracking and the route used for enforcement.

Mayor Pro Tem Clark suggested that 15 minutes be added to the meters, and that the tickets should state that the driver had already received 15 minutes past what they had purchased. Mr. Mason suggested that stickers could be placed on the meters. There was further discussion.

Vice Mayor Kennedy acknowledged that parking tickets generated the most complaints. He believed that the "free" time was an excellent idea; it would enhance the Town's businesses and would be an excellent public relations and marketing tool. The Vice Mayor believed it should be tried for several months.

Mayor Parker polled the Commission about whether the concept should be tried for three months; with the exception of Commissioner Wessels, who believed it should be further investigated, the Commissioners were in favor. The "free" time of 15 minutes was favored by Vice Mayor Kennedy, Commissioner Yanni, Mayor Pro Tem Clark, and

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Mayor Parker; however, Commissioner Wessels believed the time too long. Municipal Services Director Mason offered that the Parking Enforcement rounds could be adjusted to 10 or 15 minutes.

Mayor Parker suggested that the idea should be tried from December through February; the Commission indicated they were in favor, with Commissioner Wessels opposed.

Mayor Parker asked Attorney Cherof to research the matter and have the appropriate resolution or ordinance ready for the next meeting.

C. Discussion and/or action concerning the purchase of new Christmas holiday decorations (*William Mason*)

Mayor Parker explained that, of the \$17,432 total cost, \$3,520 would be given to the Chamber for the purchase of three snow machines and six cases of snow, provided the Chamber agreed to accept the donation.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, as above.

Commissioner Wessels indicated his support of the decoration purchase; however, he believed that the cost of the snow machine and snow should be equally split with the Chamber. He questioned where the snow machines owned by the private sector would be located. Mayor Parker believed they would be located on private property, with which Municipal Services Director Mason agreed.

In a roll call vote, the motion carried 4-1, with Commissioner Wessels dissenting.

Commissioner Wessels expressed concern about liability issues if the machines were to be operated on public property. Municipal Services Director Mason offered his understanding that snow machines would shoot snow out from within the Christmas tree and also would be located on rooftops. There was some discussion regarding indemnification of the Town and the special events permit. Attorney Cherof agreed that, if use of public property or right-of-way were an issue, a license agreement could be worked out.

D. Discussion and/or action concerning the design and construction of the portals (*Kevin Hart, Town Engineer*)

It was noted that the portals at Pines and Datura Avenues were discussed during the agenda conference.

Town Engineer Kevin Hart indicated that Hibiscus Avenue would be different in that there would be no shade shelter, but rather a series of benches and umbrellas facing the beach. At the Mayor's questions, Mr. Hart indicated that a shade structure would cost nearly \$50,000 and the area would be designed that the shelter could be added later. The area would have similar landscaping, with Mr. Hart advising that one parking stall would be lost.

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Concerning the Washingtonia portal, Mr. Hart indicated that two alternatives had been offered. The Alternate 1 design would maintain the existing roadway to the beach end; however, the parking would be reconfigured to conform to current standards for back-out parking. The portal would have: six parking spaces, one of which would be handicapped; a shade shelter, partially funded through a \$10,000 donation by Michael Arker; landscaping; and paver bricks. Alternate 2 relocated nine parking spaces to El Mar Drive, maximizing the use of public space. Mr. Hart explained that in this alternative, the pavers would extend from El Mar Drive to the beach end.

Assistant Town Manager Laura Ward offered that the Master Plan Steering Committee had suggested that two of the spaces be removed, relating the planning principle that every street should end in a vista. There would be a clear view of the portal and ocean when turning from A-1-A onto Washingtonia. With discussion concerning the first configuration and possible design liability issues, Manager Baldwin related his understanding that the parking would remain in the park, such as with a circular drive. Mr. Hart agreed that it had been planned to keep parking in some form there.

The two renderings were compared by the Commission. At Mayor Parker's poll, Alternate 2, without parking, was preferred, while Commissioner Wessels preferred Alternate 1, without back-out parking.

Commissioner Wessels asked whether the existing parking served hotels in the area. Assistant Town Manager Ward indicated that the parking was used by Ocean Reverie for four hardship parking spaces. Manager Baldwin recalled complaints regarding the lack of parking the area and asked how the area could be utilized if people could not drive to it. Mayor Parker believed that the parking would be used by the hardship permits. With a discussion of spaces in the vicinity, Municipal Services Director Bill Mason estimated there were a total of eight spaces.

Manager Baldwin recalled the proposal for parking on Pine Avenue and the elimination of Washingtonia parking. He commented that, with understanding that the Commission would approve parking at Washingtonia, the Pine Avenue parking proposal had been decided against. He believed that, without parking, no one would be able to utilize it. Commissioner Wessels suggested that, for the short term, a final adjustment could be made at adoption of a greater parking solution.

Vice Mayor Kennedy commented that the Master Plan would address centralized parking. He believed that the beach area should be environmentally sound; he noted that the portals were for residents and that most residents walked to the beach. Mayor Parker agreed and commented that the El Prado parking area was a short block away. Commissioner Wessels expressed concern about eliminating parking without having first a parking solution, and Commissioner Yanni noted that elimination of parking was an elimination of parking meters. Discussion ensued. Vice Mayor Kennedy offered that the Master Plan Steering Committee would recommend radical changes for El Mar Drive: buried utilities, as well as increased and enhanced landscaping. He believed that, in conjunction with the portals, the parking should be reallocated.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, approving the plans for the Datura, Hibiscus and Pine portals. In a roll call vote, all voted in favor. The motion carried 5-0.

In discussing the timing, Town Engineer Kevin Hart indicated that the next action to be brought before the Commission would be the award of the bid, which he believed would occur at the second meeting in January.

- E. Discussion and/or action concerning a request for financial assistance made by the Lauderdale-By-The-Sea Garden Club, in the amount of \$2,500 (*Mayor Pro Tem Clark*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to approve the Garden Club request in the amount of \$2,500. In a roll call vote, all voted in favor. The motion carried 5-0.

15. TOWN MANAGER REPORT

Manager Baldwin had no report for the Commission's consideration.

16. TOWN ATTORNEY REPORT

- A. Fire Rescue Services Issues

Attorney Cherof advised the Commission that the Town Clerk had received an initiative petition affidavit which would begin a referendum process concerning the Volunteer Fire Department. Under the Charter's procedures, he had 14 days from the October 5th filing date to review the petition and provide information regarding the legal form. He indicated that he would respond to the submitting committee within that time period. Attorney Cherof indicated that, while it was premature to comment, he had immediate concerns with the whereas clauses, which would constitute legislative findings of the Commission if adopted. He did not believe them consistent with what had been discussed to date. The Town Attorney indicated he would provide the Commission with a copy of his response.

Public Information Officer Steve D'Oliviera stated that the Town's web site had been completed. Pages would continue to be expanded as needed. He noted that the website address was www.lauderdalebythesea-fl.gov, which will be published on the government access channel and in the Town Topic.

17. COMMISSIONER COMMENTS

Vice Mayor Kennedy had no issues to bring before the Commission.

Commissioner Wessels had no issues to bring before the Commission.

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Commissioner Yanni asked regarding the opening of Bougainvillea. Town Planner Walter Keller indicated that he had submitted a request to Broward County Traffic on September 2nd to remove the diverter and install stop signs. As hurricane priorities were still being addressed, he could not say when the action would be taken.

Vice Mayor Kennedy suggested that the diverter should not be removed until the stop signs were installed. Mr. Keller expressed concern that all of the stop signs might not be approved, and Mayor Parker added his understanding that, if the Town assumed responsibility for the stop signs, the County would install them. There was discussion regarding the Town's assumption of liability, which Manager Baldwin and Planner Keller did not recommend. There was consensus 5-0 that the Town would assume liability.

Mayor Pro Tem Clark wished resident Dr. Anthony DePalma a happy 100th birthday, and Mayor Parker joined in the congratulations.

Mayor Parker reminded the audience about the Halloween festivities and asked for volunteer help in decorating and managing both the adult and children's events. He noted that a planning meeting would take place on Saturday, October 16th, at 10:00 a.m., at Jarvis Hall.

The Mayor noted that early voting would soon begin and stressed the importance that every vote counts.

18. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn. With there being no further business to discuss, the meeting was adjourned at 9:55 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina
Town Clerk

Date Accepted: _____