

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 12, 2004

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:03 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. REVIEW AGENDA FOR REGULAR MEETING OF OCTOBER 12, 2004

Noting the presence of Garden Club members, Mayor Parker asked, regarding New Business – Item E, whether the Commissioners had an objection to the Garden Club's request for a one-time donation of \$2,500. He explained that the funds would be used to produce a poster to advertise the Club and act as a fundraiser. Vice Mayor Kennedy questioned if funds were available in the budget, and Town Manager Baldwin indicated that the funds could be taken from Special Events.

Project Chair Sue Gregg, 1484 E. Terramar Drive, explained that the poster would act as an advertisement for their flower show in April and would fund two community service projects, one at Holy Cross Hospital, and the other at North Andrews Gardens Elementary School.

There were no objections to the request, and the Commission gave their commitment for approval.

Mayor Parker asked if the Garden Club would be amenable to donating a poster to the Town so that it could be displayed. Ms. Greg indicated that the Club would be honored to oblige. She offered that an initial 500 posters would be printed and that note cards and postcards would also be available for sale. She thanked the Commission for their support.

Resuming the agenda review, Mayor Parker noted there would be two presentations made.

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- Reports

As to reports, the Commissioners stated they would have no objections to the budget report and capital improvement report. Commissioner Wessels reserved a question for the latter.

- Approval of Minutes

There were no additions, deletions, or corrections offered regarding the minutes.

- Public Hearing: Resolution No. 2004-21

There were no objections to the proposed resolution.

- Ordinances, 1st reading

With respect to Ordinance No. 2004-15 to approve the franchise agreement with Comcast, Vice Mayor Kennedy commented that the operation of the Town's government access channel in the northern section of Town had been sporadic; however, he noted that programming for other cities could be viewed.

Assistant Town Manager Laura Ward responded that service problems were immediately communicated to Cindy Stoddard at Comcast by either she or the Town Clerk and that she had not been aware of any problems. Ms. Ward recalled past complaints regarding AT&T, and she promised to report the Vice Mayor's comments to Comcast on the following day. Town Manager Baldwin added there had been discussion with Comcast and that some work had occurred. Town Clerk Medina noted that Ms. Stoddard would be present for the regular meeting.

In response to the Vice Mayor's question of the contribution noted in the proposed agreement, Town Attorney Cherof advised that a capital grant of \$11,000 would be paid within 30 days of execution. Ms. Ward noted that no strings were attached to the contribution. Mr. Cherof added that, should the Commissioners wish to question the agreement further, he would have Mr. Ezrol personally meet with them between first and second reading of the ordinance or, in the alternative, be present at second reading.

Vice Mayor Kennedy also commented regarding the quality of the transmission, and he believed the City of Pompano Beach had much better camera coverage. Mayor Parker offered that he had also heard complaints regarding the sound quality. Assistant Town Manager Ward advised that, following the execution of the agreement, Comcast would no longer provide a camera person for the meetings; the equipment listed on Exhibit B would be installed by Comcast for use by the Town. She explained that Comcast was taking this action in all neighboring towns.

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At Vice Mayor Kennedy's further concerns, Ms. Ward stated that the agreement had been a two-year process and that Mr. Ezrol had spent considerable time on it. Mr. Cherof added that Comcast wished to use the agreement as a model for neighboring cities. Ms. Ward explained some of the enhancements to be provided by Comcast.

Commissioner Wessels questioned future enhancements in programming and the provision of software by Comcast. He believed that the Town could do far more with Channel 38, and he hoped that a connection for a "beach cam" in conjunction with the Town's web site would be explored.

Commissioner Yanni asked if the Town would be required to pay someone to run the equipment. Ms. Ward suggested that the Commission discuss this with Ms. Stoddard; however, it was her understanding that the equipment was self-sufficient.

Mayor Pro Tem Clark asked regarding an estimate of the cost to the Town once Comcast was no longer directly involved with the operation of the equipment. Ms. Ward believed that only additional programming would add cost. She noted that the agreement contained a provision that the Town could enact an ordinance six months in advance to have Comcast assess each cable customer 25 cents to cover any additional expenses incurred by the Town.

Mayor Parker wished competition with Comcast was available in the Town; he related problems in customer service and billing. Ms. Ward suggested that citizen complaints could be better handled through Town Hall staff intervention. The Mayor reiterated his belief that Comcast was not consumer friendly; he did not like the fact that there would no longer be a camera person and that the equipment would be up to the Town to maintain. He did not believe 25 cents per month, per customer, was a reasonable cost estimate. He added that, aside from sporadic service and poor sound quality, he did not understand why every municipality had a different cable lineup. Mayor Parker stated that he was not ready to sign the agreement, which he viewed as one-sided in favor of Comcast. Vice Mayor Kennedy suggested that a workshop with Comcast be held, and the Mayor agreed.

With regard to Ordinance 2044-16, Mayor Parker described it as a housekeeping ordinance in line with the recent changes in how fire services are provided. There were no Commission objections.

- Consent Agenda

Requesting that Item H be pulled for discussion, Vice Mayor Kennedy was concerned that what should have been a one-month project was now approaching seven months. Ms. Ward offered that FAU had requested information that the Town had to obtain from Broward County. While some of the information had been provided prior to the hurricanes, the last of it had been obtained and forwarded to FAU in the previous week.

Following the Mayor's comment that one month made little difference to have the study done right, Vice Mayor Kennedy agreed to leave the agreement extension on the

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Consent Agenda. The Vice Mayor hoped, however, that three alternatives would be provided, and Town Clerk Medina assured that this request had been forwarded to FAU.

- Old Business

As to Item 13A, Commissioner Yanni indicated that he had not invited anyone from the Historical Commission and recalled that it had been the Town's choice to leave the decision up to the property owner. However, he did not believe the ordinance reflected that and suggested it be voted upon and "cleaned up."

Vice Mayor Kennedy suggested that the ordinance should be tabled until the Town's master plan was in effect.

Commissioner Wessels agreed that the ordinance must ensure that the decision was up to the property owner and suggested that it may take some time to refine. With further discussion, Mayor Parker suggested that the ordinance could be voted upon in concept and that a workshop could be scheduled to revise the language, with which Mayor Pro Tem Clark agreed.

Commissioner Wessels offered that historic preservation was important in every town and that it should be addressed in the Town's master plan. He suggested that, in the interim, the Town Attorney start refining the language. There was agreement that a workshop in January would be scheduled.

Mayor Pro Tem Clark asked for clarification that Broward County could act only if the Town failed to appoint a commission. Town Attorney Cherof agreed, but noted that Broward County also reserved authority to declare historic properties throughout the County; they had not yet taken that step. The Mayor noted that the Commission could appoint itself the historical board and that it may be wise to do so. Mr. Cherof indicated that he would create several versions of the document.

Vice Mayor Kennedy stated that he would be interested to know how many other municipalities in the county had a historical board.

- New Business

With a poll of the Commission, it was indicated some questions would be asked concerning the site plan. Town Attorney Cherof asked that the applicant, who was present, be ready to state publicly his agreement with the standard and additional conditions in Mr. Keller's report.

Concerning the parking regulations, there was no objection that Item 14B would be moved toward the beginning of the meeting for Mr. Piersante's benefit.

Regarding the Christmas decorations, Municipal Services Director William Mason explained that the decorations would augment existing decorations, and he confirmed

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their location between the bridge and the pier. He also offered that he had received information concerning snow-making equipment for the Christmas-By-The-Sea event that he had not been able to include in the agenda backup. Mr. Mason described the equipment and indicated that the cost was three units at \$500 per unit and six cases of artificial snow at an additional cost of \$3,520.

At Commissioner Wessels' question, Mr. Mason confirmed that the snow-making machines would augment the Chamber's project. It was his understanding that it would occur around the area of the Christmas tree placed at Pelican Square and that the six cases would furnish eight days of snow. There would be three or four additional snow-making machines furnished by privately owned businesses.

There was additional discussion concerning equipment maintenance and operation, with particular concern as to liability and indemnification. The Commission agreed that the matter must be further discussed. Vice Mayor Kennedy suggested that, as a Chamber project, the Town could approve the expenditure for that use. Town Attorney Cherof agreed this would be a better way of handling liability issues.

Regarding the Portals to the Sea, Landscape Architect Michael Fay and Town Engineer Kevin Hart presented the conceptual plans. The four portals would continue with the design theme already used with respect to the shelter, pavers, site furniture, landscaping, and identification signs.

At the Pine Avenue site, Mr. Fay indicated that the area was too small for a shelter; a paver entry would be featured, with benches, trash receptacle, new shower location, identification sign, and new landscaping. There would be educational signs placed throughout the portals about dune plantings, coral reefs, and manatees. Mr. Hart added that this site would remain mainly in its natural state and that some existing pavement would be removed. Mr. Fay noted the location of existing Australian pines, the relocation of the shower, and where the asphalt would be replaced with sand over the existing stabilization. He emphasized that the dunes would not be disturbed.

Vice Mayor Kennedy hoped that an oasis area in the sand would be created, while keeping the area in its natural state as much as possible. Mr. Fay indicated that coconut palms could be added to create shade areas.

At the Datura Avenue site, Mr. Fay explained that a shelter similar to Palm Avenue would be constructed, with two showers, benches, trash receptacles, a bike rack, identification sign, new landscaping, and pavers. The existing parking would be modified and only one parking stall at the east end would be lost. Mr. Hart noted that Michael Arker would contribute \$25,000 for the improvements to this specific portal. He also commented that landscaping in all portals would be at grade, with no raised planter walls being provided.

4. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 7:00 p.m. upon a motion made by Vice Mayor Kennedy.

Oliver Parker
Mayor

ATTEST:

Alina Medina
Town Clerk

Date Accepted: _____