

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 26, 2004

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:04 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.

Noting the decorations, Mayor Parker reminded the public about the Halloween Dance scheduled for Saturday, October 30th, and the children's party on Sunday, October 31st. He commended the Halloween committee for their great job.

3. REVIEW AGENDA FOR REGULAR MEETING OF OCTOBER 26, 2004

- Presentations

Mayor Parker noted that Chief MacLean would announce the Volunteer Firefighter of the Month.

- Reports

Reviewing the reports scheduled, Mayor Parker asked confirmation that Mayor Ilene Lieberman would still attend. Town Clerk Medina responded in the affirmative. The Mayor suggested that Mayor Lieberman's report should be taken out of turn upon her arrival, and there was Commission consensus to do so.

- Approval of Minutes

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

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- Ordinances (2nd Reading) "Public Hearing"

Mayor Parker asked for confirmation that the proposed ordinance was only a housekeeping issue. Attorney Cherof responded that the ordinance acted to modernize and conform the language in the Code to the way the Town currently operates Fire Services. Mayor Parker stated there had been some complaints concerning the ordinance, and he offered his understanding regarding the Town's authority over a Town-run department versus a third-party contract, with which Attorney Cherof agreed.

Vice Mayor Kennedy suggested that, in the case of incompetence, the Town Manager should be able to lodge complaints to the third party entity. Mayor Parker indicated that he would be able to do so, but this ordinance would not give the Town Manager the authority to tell a third party what to do. With further discussion, the Vice Mayor noted that an article written by Mr. Thompson contained misstatements and had been given editorial prominence. He believed that the Commission should respond, and he volunteered to do so. Mayor Parker had no objection.

There was Commission agreement that the ordinance should be passed.

Additionally, in further discussion, the Commissioners expressed their understanding that the ordinance did not give the Town Manager authority over the Volunteer Fire Department or the power to hire and fire.

Commissioner Wessels believed that the language of Section 8-23, Suspension, was lending to the confusion. Attorney Cherof noted that this section, read with Section 8-21, outlined the four methodologies of service.

- Consent Agenda

At Vice Mayor Kennedy's question of Item D, Mayor Parker indicated there had been a slight cost overrun, which the Town was obligated to pay. Vice Mayor Kennedy termed \$30,000 more than "slight," and Mayor Parker noted that the Volunteer Fire Department budget had been \$510,000.

Manager Baldwin provided a history, stating that he had placed an additional \$100,000 in the Fire budget as a prudent measure for the transition year. While the Volunteer Fire Department had believed that the Town was trying to inflate the costs for the department, he noted that the \$100,000 had been exceeded by \$30,500. Mayor Parker added his belief that the expenditures were for equipment in preparation of the merger with the Sheriff's Office and the increase in service area. Manager Baldwin offered many of the expenditures had been in September, as a result of the hurricanes, and that unanticipated expenses included salaries and incentive.

There were no other questions concerning the consent agenda.

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Returning to the Volunteer Fire Department item, Manager Baldwin added that the Town had also received another fuel bill. As a result, the figure should be changed to \$30,500, rather than \$30,300.

Mayor Parker commented that Item D would then be removed from the Consent Agenda in order to amend it.

- Old Business

Mayor Parker indicated that the Town Engineer would address both items following the review of the remainder of the agenda.

- New Business

Concerning Item A, Mayor Parker stated that it had been brought to his attention that the residential and disabled parking spaces on Washingtonia Avenue were well used. He suggested that two of the metered spaces on Washingtonia, between A-1-A and El Mar Drive, could be converted to residential permit spaces. Vice Mayor Kennedy agreed that this idea was logical. Mayor Parker offered that the affected parties had believed this an acceptable remedy. It was the general belief that residents should have a "break" on parking at the beach, and he agreed.

Commissioner Wessels indicated that, while he did not object to the concept, he did object to the location. He suggested this was consistent with his earlier position.

At Mayor Parker's comment that the residential parking spaces should be those closest to the beach, Manager Baldwin noted that the disabled space must be the closest and there must then be three spaces.

Commissioner Yanni disagreed. He offered that he had spoken with numerous people, and they had been upset with the removal of the parking. He hoped the Commission would reconsider its earlier decision and reinstate parking.

Mayor Pro Tem Clark also supported the reconsideration. At the display of the Washingtonia diagram, he recalled that there had been nine spaces originally, and it was his feeling that at least five or six spaces should be reinstated.

Manager Baldwin distributed the landscape plan of the Washingtonia portal for the Commission's perusal.

Mayor Parker suggested that, as a compromise, there should be no parking in the 25-foot gateway because the view would be obstructed. Approximately seven parking spaces could be placed in the remaining 75 feet along El Mar Drive. The Mayor also suggested that it would be unfair to allow the hardship parking to utilize that space; he believed that the seven parking spaces on Washingtonia between El Mar and A-1-A should be used for hardship parking.

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Commissioner Wessels noted that he had passed the Washingtonia area at 4:00 p.m.; 90 percent of the parking spaces were vacant, and there were two cars between El Mar Drive and the sand. He commented that hardship parking was first-come, first-serve, and it did not guarantee the use of those spots. There were currently six parking spaces on the south, and one disabled space, two residential permit spaces, and one open space on the north. The Commission had voted to eliminate all 10 spaces, and he believed this was a hardship. As to looking toward a Master Plan, it would not be implemented for years. Commissioner Wessels believed that the Town would ultimately find a solution that would serve all interests, but it would be years before the Master Plan would be implemented.

Viewing the plan, Mayor Parker suggested that the northern six parking spaces be kept, with space #6 as disabled, and that the south half of space #7 and all of spaces #8 and #9 be eliminated. The view to the ocean would not be obscured.

Commissioner Yanni suggested that only spaces #8 and #9 be eliminated. Mayor Pro Tem Clark agreed that seven parking spaces should be preserved, and Commissioner Wessels indicated he would accept that compromise.

At further questions, Town Engineer Kevin Hart indicated that he would study making space #7 a disabled spot and moving space #1 further north in order to allow a more open view through the portal.

With further discussion, Commissioner Yanni indicated that he would move for reconsideration and Mayor Pro Tem Clark would second.

- Item 13A, Washingtonia Beach Portal Parking

Some discussion followed concerning the parking at the Washingtonia Beach Portal, with Municipal Services Director William Mason stating that three metered spaces could be changed to permit parking spaces. Mr. Baldwin provided copies of Michael Fays landscape plan for Washingtonia Portal to the Sea.

Lengthy discussion followed concerning possible changes to the parking area, with the Commission asking Mr. Hart to provide two options for the Commission's consideration. It was noted that perhaps spaces 8 and 9 be removed, with space 1 being moved further north to allow for an open view through the portal. The Commission agreed that space 7 should be the handicap space in order to provide easy access.

There was a majority consensus to continue to provide hardship parking spaces at this location. 3-2, with Mayor Parker and Vice Mayor Kennedy dissenting.

- Item 13B, Hot Dog Carts within Sidewalk Cafes

In response to Mayor Parker's concern as to whether this use would be permitted under the Town's Code, Attorney Cherof explained that the Code did not currently prohibit the use as long as the food was cooked in the restaurant's kitchen and the restrooms were

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made available to the patrons. He indicated that Code Section 17-91 addressed sidewalk cafes and advised that any table-side cooking would not be permitted.

Commissioner Wessels expressed concern that the ambiance the Town had strived for in that area would be changed if this type of use was permitted. Mayor Pro Tem Clark expressed concern that this type of use would create a litter problem and indicated that some assurance was needed that the patrons would stay on the premises. Manager Baldwin suggested that if litter was a concern, the Town could request that the food be served on glassware. Commissioner Yanni, too, expressed concern regarding this type of use. He indicated that although he did not have any problems with its use during special events, he did not approve of its regular use.

Joyce Moissett, Manager of the Country Ham & Egg Restaurant, provided photographs for the Commission's review. She advised that she had no problems with ensuring that the patrons stayed on the premises to eat.

Mayor Pro Tem Clark asked if the Town had any remedy if it proved that the use of the hot dog cart caused a problem or became a nuisance. Attorney Cherof replied negatively, stating that the sidewalk café worked on an annual permit.

There was a majority consensus that the Commission should not attempt to prohibit the proposed use at this time; however, it was made clear that if this use became a problem or a nuisance, the Commission would reconsider this matter at a later date. 3-2, with Commissioner Wessels and Commissioner Yanni dissenting.

- Item 12B, requirements for redevelopment on Seagrave Drive to include sidewalks to the Town's specifications

Town Engineer Kevin Hart provided a history of this project and the options provided during its initial review. He felt that no matter how the Town chose to pursue the recovery of the costs involved in building the sidewalks, the Town should ensure that run-off from the private property did not go onto public property and that the location of the sidewalks be mapped out to ensure continuity.

Attorney Cherof stated that the Town could plan out the development of the sidewalk and then provide an assessment to pay for the cost. He explained, however, that the Town had been opposed to assessing properties for these types of improvements in the past.

Some discussion followed, with the Commission expressing concern with the loss of parking area if the sidewalk was built in sections. Mr. Hart explained that the proposed project did not include landscaping, but rather only the concrete required for the sidewalk.

4. ADJOURNMENT

Commissioner Yanni made a motion to adjourn the meeting. As there was no further business to discuss, the meeting was adjourned at 7:02 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina
Town Clerk

Date Accepted: _____