

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING MINUTES Town Commission Meeting Room 4501 Ocean Drive Tuesday, November 9, 2004 7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:00 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 Handrahan delivered the invocation.

Mayor Parker stated that based on the discussions at the Agenda Conference meeting, the Commission would continue to discuss Item 13A, Franchise Agreement with Comcast Communications. There were no objections.

Commissioner Yanni stated that the Town was definitely behind the times when it came to broadcasting on its government access channel. He felt that the Town Manager should be permitted to negotiate the contract and move forward with completing the franchise agreement.

Mayor Parker asked who would be responsible for ensuring that the transmission would be adequate. Ms. Stoddart stated that Comcast would continue to be responsible for ensuring that the transmission was adequate. She emphasized the need to ensure that the product reaching their customers met their standards.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to schedule the ordinance, first reading, for November 23, 2004. In a roll call vote, the motion carried 4-1, with Mayor Parker dissenting.

4. PRESENTATIONS

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

Chief Gooding advised that this month's employee of the month was Jason Dietrich, the Town's motorcycle officer. He indicated that Deputy Dietrich was in charge of responding to all traffic problems and was charged with operational plans, moving the message board, using the smart trailer, and combating, responding to, and providing preventative measures to reduce traffic accidents. Chief Gooding stated that traffic accidents in the Town had been lowered 17 percent, equaling a total of 24 crashes. He indicated that Deputy Dietrich had shown exceptional capabilities as a motorcycle officer and provided outstanding services to the Town.

Chief Gooding stated that Deputy Dietrich had been unable to attend tonight's meeting due to a prior engagement, but offered his congratulations for a job well done.

The Commission congratulated Deputy Deitrich.

5. REPORTS

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

Judy Swaggerty announced the festivities to be held for Christmas-By-The-Sea, providing details as to what could be expected. She indicated that the event would begin at 3:00 p.m. on December 4th, and invited all to attend.

Ms. Swaggerty advised that the Chamber's annual Christmas party was scheduled for December 7th, at Damon's Restaurant, beginning at 5:00 p.m.

Bill Davis, representing the Chamber of Commerce, also invited the Commission and Town residents to attend Christmas-By-The-Sea. He advised that the Chamber's Board of Directors had met recently and, although the Chamber believed that there was a parking problem within the Town, the Chamber would not stand in the way of the Steering Committee, the Master Plan, or the Commission in making plans to provide improvements that would benefit the entire Town.

- B. Budget Report for Period Ending September 30, 2004

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark to accept the budget report for the period ending September 30th. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. Code Compliance Quarterly Report

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to accept the Code Compliance Quarterly Report. In a roll call vote, all voted in favor. The motion carried 5-0.

6. APPROVAL OF MINUTES

- A. October 26, 2004, Agenda Conference
- B. October 26, 2004, Regular Meeting

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

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

There were no ordinances, second reading, to be considered at this meeting.

8. PUBLIC COMMENTS

Thomas Carr, 254 Miramar Avenue, announced the festivities to be held for the 229th Birthday of the United States Marine Corps. He provided detailing information regarding the festivities and invited everyone to attend in order to honor the Marines. Mr. Carr stated that the festivities would be held at the American Legion Post, located at 4250 Northeast 5th Avenue, beginning at 1800 hours.

Mr. Carr invited residents that cared for the Town to express their concerns by contacting their elected officials or by attending the meetings.

Frances Mulka, 3240 Oleander Way, stated that she had three children and was requesting the Commission's assistance with a problem she had recently run across. She explained the school boundaries as set by the School Board and indicated that the boundaries suffered a minor over site with children residing in the Terra Mar area. Ms. Mulka stated that she would be attending a meeting held by the School Board and asked if it would be possible to have the Commission's support in this matter.

Mayor Parker asked how the Commission would feel about preparing a resolution in this matter. Vice Mayor Kennedy stated that he had no objections to a resolution, but felt that the Town should call the School Board directly. Commissioner Wessels questioned how many children this would affect. Ms. Mulka stated that there were approximately two children who would need to be moved. Commissioner Wessels stated that he had no objections to the resolution and indicated that with the small number of children affected in the change in boundary, the proposed change should not create a hardship to the schools in question. Commissioner Yanni stated that he had no objections to the resolution and offered to speak with the School Board. Mayor Pro Tem Clark had no objections to a resolution. Mayor Parker asked Attorney Cherof to prepare the necessary resolution to be considered at the next meeting.

Ben Bittner, 4420 West Tradewinds, requested that the Town not approve the special permit application for Blue Moon Fish Company and explained his reasons for his

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request, including the fact that the parking would exceed parking capacity for the restaurant, the venue for the celebration was to be at the restaurant and not in the tent proposed for erection, and that the proposed tent would be erected adjacent to the residential homes and there would be no structure to observe or dissipate the noise made by the additional people and the amplified music. He indicated that if the Town chose to approve the application, he respectfully requested that the music be restricted to no later than 11:00 p.m. Mr. Bittner stated that although residents were well aware that parade night provided for busy streets and loud gatherings, he did not believe the residents should be made to continue suffering through it for two hours after the event was over.

John Thompson, 4900 North Ocean Boulevard, stated that he was pleased with the proposed resolution, but felt that it could be improved in so much that the resolution did not provide assistance for the Volunteers to meet the Town's requirements. He felt that the Commission should consider some improvements to the proposed resolution.

Diane Boutin, 4244 El Mar Drive, stated that she was excited that the Town was proceeding with the improvements to the portals and congratulated the Town for its forethought in moving forward with its capital improvements. She asked that the Commission consider that each of the portals had different levels of activities and usage and asked that consideration be provided to ensure that each design be unique to the activities held in each individual portal.

9. ORDINANCES (1ST Reading)

- A. **Ordinance No. 2004-17**; an ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida amending the 2003/2004 fiscal year budget; appropriating said amounts to specific designated accounts in accordance with the attached Exhibit "A" to the specific funds; authorizing expenditure of those amounts in accordance with the budget as amended; providing for conflicts; providing for severability; and an effective date.

Attorney Cherof read the ordinance by title only.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve the ordinance, first reading. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker advised that the second reading and public hearing on this ordinance would be held on November 23rd.

10. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: Blue Moon Fish Company (Winterfest Boat Parade), Saturday, December 18, 2004; 6:00 p.m. to 1:00 a.m.

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- B. SPECIAL EVENT PERMIT: Sousa (Wedding), Sunday, December 19, 2004; 3:00 p.m. to 6:00 p.m.
- C. PURCHASE: Rescue Max, Broward Sheriff's Office
- D. RESOLUTION: expressing support for the future operation of the Town Fire Department by a volunteer contingent of firefighters

Mayor Parker asked that Item A and D be pulled from the consent agenda for discussion. There were no objections.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve Items B and C on the Consent Agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker referred to Item 10A, Special Event Permit Application by Blue Moon Fish Company, and asked Attorney Cherof if the Commission could impose a time restriction on the music. Attorney Cherof replied affirmatively and asked that the restriction be included as part of the Commission's motion.

Commissioner Yanni made a motion, seconded by Vice Mayor Kennedy, to approve Item 10A with the additional restriction of concluding the music at 11:00 p.m. In a roll call vote, all voted in favor. Motion carried 5-0.

Mayor Parker referred to Item 10D, stating that it was his understanding that the Commission's intent had been to express the Commission's hope that the Volunteer Fire Department could be the sole fire department in Town within three years.

Mayor Pro Tem Clark questioned if the Town had any problems with approving the proposed resolution. Attorney Cherof stated that the resolution only served to express the Commission's intent; however, he felt the timing might be suspect due to an outstanding issue in the public. Mayor Parker did not believe that providing a time line was unreasonable.

Vice Mayor Kennedy did not believe that the resolution should be specific as to providing a timeframe for the Volunteers to meet the necessary requirements. He indicated that if the Volunteers met the necessary requirements, the Town would obviously approve the most cost effective method of providing fire suppression services. Vice Mayor Kennedy felt that it was not necessary for the Town to continue to address this subject.

Commissioner Wessels asked if perhaps the resolution could be amended to include a phrase that the Commission would review this issue again at a later date. Attorney Cherof replied affirmatively, but reminded the Commission that a resolution had a non-binding effect on future commissioners. There were no objections to Commissioner Wessels' proposed change to the resolution.

Vice Mayor Kennedy asked for a legal opinion concerning the issuance of this resolution at this time. Attorney Cherof recommended tabling this issue until such time as the current initiative process was completed.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to table the resolution until such time as the initiate process was over. In a roll call vote, the motion carried 4-1, with Mayor Parker dissenting.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to bring the resolution back for consideration in January, as amended by Commissioner Wessels. In a roll call vote, all voted in favor. The motion carried 5-0.

11. RESOLUTIONS

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

12. OLD BUSINESS

- A. Discussion and/or action concerning the design of the Washingtonia Beach Portal Parking (*Kevin Hart, Town Engineer*)

Manager Baldwin provided copies of a memorandum from Town Engineer Hart, which provided details of the two options being proposed by Mr. Hart for the parking changes. Mr. Hart briefly explained the changes between the two proposals and indicated that staff was recommending the use of Alternate 1 or 3.

Some discussion followed concerning the parking changes and how each alternative would affect the parking and the view. Commissioner Wessels stated that he preferred the use of Alternate 4 as it provided additional parking spaces.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to accept Alternate 3. In a roll call vote, the motion carried 3-2, with Commissioners Wessels and Yanni dissenting.

13. NEW BUSINESS

- A. **PUBLIC HEARING**; Transmittal Stage Hearing, Comprehensive Plan Recertification Amendments (*Walter Keller, Town Planner*)

Town Planner Walter Keller described the transmittal process and the amendments being proposed for consideration. He asked for the Commission's approval to transmit the amendments to the Broward County Planning Council.

Mayor Parker opened the public hearing.

John Thompson urged the Commission to reconsider designating the El Prado area back to a park use instead of high density residential.

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There being no additional comments, Mayor Parker closed the public hearing.

Commissioner Wessels made a motion, seconded by Vice Mayor Kennedy, to approve the transmittal of the proposed amendments to the Department of Community Affairs and other regional agencies.

Vice Mayor Kennedy stated that Mr. Thompson had made a valid point and questioned when the Town could address the issue of updating the Land Use, based on the Comprehensive Plan. Mr. Keller stated that the Town could submit their proposals for amendments twice yearly. He explained the process and indicated that although the Town had received provisional approval, this process would allow the Town's Land Use Plan to be the effective plan within the community.

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

Mayor Parker called a recess at 8:10 p.m. The meeting reconvened at 8:22 p.m.

B. Discussion and/or action concerning the Cross Section at El Mar Drive
(*Ernie Fontaine, Chairman, Master Plan Steering Committee*)

Michael Archer, 5100 El Mar Drive, stated that he had been pleased to work with the Master Plan Steering Committee. He emphasized the Committee's desires to work together for the benefit of the Town. Mr. Archer provided a color rendering and elevation for the Commission's review.

Mr. Hart provided a brief description of the improvements being proposed.

Commissioner Wessels stated that he had heard some concerns regarding the loss of parking for special events held on El Mar Drive three or four times a year. He indicated that the Commission had already agreed that parking needed to be addressed and, he felt, that parking should begin to be reviewed at this time. Commissioner Wessels stated that although changes to the area may take three or four years to complete, the Town needed to be prepared to proceed with parking improvements immediately.

Mayor Parker stated that his understanding was that Mr. Hart would identify the areas wherein the developers would either begin to make the improvements or provide the Town with the funds to make the proposed improvements. He indicated that an ordinance should be prepared to allow for this project to proceed. Mayor Pro Tem agreed with Mayor Parker, but felt that the Town should be prepared to move forward with this project immediately.

Mayor Parker asked that Attorney Cherof work with staff to prepare an ordinance to address this issue, including improvements such as the road, pavers, and burial of the utilities within the median, etc. There was full consensus of the Commission, 5-0.

Commissioner Yanni stated that the drainage on El Mar Drive was fairly poor and asked if the drainage lines could be accessed to drain towards the intracoastal. Mr. Hart

stated that the lines could be prepared for this connection, but reminded the Commission that the lines to the intracoastal did not currently go out that far east. Commissioner Yanni asked if curbing would be provided. Mr. Hart replied affirmatively.

Commissioner Yanni expressed concern with the use of back-out parking in the design if El Mar Drive would remain as a single lane street. Mr. Hart did not suspect that this would create a problem.

Mayor Parker asked if the ordinance could be ready for first reading in December. Manager Baldwin expressed concern that this was insufficient time for staff to review all the ramifications of the proposed improvements. He asked that staff be provided until January to complete its review. There were no objections.

There was full consensus to accept the conceptual plan as presented, 5-0.

Vice Mayor Kennedy stated that if the Town was going to move forward with the conceptual plan, then the Town needed to address the parking issues at the same time. He felt that staff should be preparing recommendations concerning the parking for the Commission's review.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, that concurrently with the approval of the conceptual plan for El Mar Drive, the Steering Committee, together with staff, review the parking issues and provide recommendations for parking to be included in Mr. Keller's parking analysis.

Vice Mayor Kennedy stated that it was important to obtain input from local businesses.

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

There was a majority consensus to accept, in concept, the closing of Commercial Boulevard. 4-1, with Commissioner Yanni dissenting.

Commissioner Yanni expressed the importance of ensuring that the closure of Commercial Boulevard did not negatively impact businesses in that area.

- C. Discussion and/or action concerning the renewal of the franchise agreement with Comcast Communications (*Kerry Ezrol, Town Attorney; Cindy Stoddart, Comcast*)

This issue was discussed earlier in the meeting.

14. TOWN MANAGER REPORT

Manager Baldwin advised that Town Planner Keller had issued the results of his parking analysis and that staff was now in the process of reviewing his recommendations. He anticipated that the report could be provided to the Commission for its review in the near future.

Mr. Hart provided an update concerning the negotiations with the City of Pompano Beach as it pertained to the sewer lines. He indicated that this matter was currently in the hands of the respective attorneys and advised that the Commission would be provided with recommendations in the near future.

Chief Chris Koski stated that the Broward Sheriff's Office Division of Fire and Rescue would begin attending each Commission meeting and would have personnel available to provide free blood pressure readings and informational pamphlets. He was grateful for the opportunity to serve the Town's residents.

Manager Baldwin introduced Harry Diehl, Planning and Zoning Director, and provided a brief description of his experience.

The Commission congratulated Mr. Diehl on his appointment. Mr. Diehl thanked Manager Baldwin and the Commission for the opportunity to serve the Town.

15. TOWN ATTORNEY REPORT

Attorney Cherof had no reports for the Commission to consider.

16. COMMISSIONER COMMENTS

Vice Mayor Kennedy asked for the support of the troops who were currently overseas and undertaking a fight on behalf of the United States. He hoped residents would keep the troops and their families in their prayers.

Vice Mayor Kennedy referred to the Pine Island Portal and indicated that parking was proving to be a problem. He expressed his belief that the Town needed to begin addressing this issue as quickly as possible.

Commissioner Wessels thanked the Master Plan Steering Committee for the time and effort they had put into their work. He indicated that each of the members had served the Town well and their assistance was greatly appreciated.

Commissioner Yanni urged the Commission to consider business owners whenever a project included the closing of Commercial Boulevard. He indicated that the Town needed to ensure that such projects did not negatively impact the businesses in that area.

Mayor Pro Tem Clark thanked the Master Plan Steering Committee, expressing his gratitude for their assistance.

Mayor Pro Tem Clark indicated that the Halloween festivities had been a great success despite the uncooperative weather. He thanked the residents and business owners who had so graciously assisted to make the evening so successful.

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Mayor Parker stated that the Town had seen a record number of residents out voting this past Tuesday. He was pleased that so many residents had taken an active roll in the democratic process.

Mayor Parker stated that he had been unable to attend the Halloween festivities; however, he thanked Mayor Pro Tem Clark and his wife, Bonnie Clark, who had, in his absence, worked tirelessly to ensure that it was a great success. He also thanked his own wife, Lorene, for her assistance. Mayor Parker then individually thanked all the individuals and businesses who had participated in the Halloween festivities.

17. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn. As there were no objections, Mayor Parker adjourned the meeting at 9:02 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____