

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, November 23, 2004

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:00 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. REVIEW AGENDA FOR REGULAR MEETING OF NOVEMBER 23, 2004

Mayor Parker referred to the referendum initiative that had recently been served on the Town. He indicated that the Town needed to determine if the Charter provision used was legally sufficient. Mayor Parker asked for a description of the steps the Town would need to follow in this matter. Attorney Cherof stated that the Town Clerk would need to have the signatures compared to those of the voters' signature to determine if the petition met the basic criteria set forth in the procedure. He explained that the petition would not be brought before the Commission until that part of the criteria was completed.

Mayor Parker remarked that many of the signatures were not attached to complete copies of the proposed ordinance. Attorney Cherof stated that he would work with Ms. Medina to proceed as necessary to ensure compliance with the requirements.

Attorney Cherof provided a brief description of the procedures to be followed and indicated that, in the event that compliance was not met or the Commission decided that this was not a proper matter to submit to a referendum, he would request the Commission's permission to move forward with the appropriate legal action. Mayor Parker asked if legal action was taken, would that be the proper time to challenge the Charter revision itself. Attorney Cherof replied affirmatively.

Mayor Parker asked that the Commission be provided with a report at its January meeting, with details on the complete number of signatures including how many signatures were verified and whether the petition met the necessary requirements.

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Vice Mayor Kennedy expressed concern that the referendum was not properly written, indicating that insufficient information was being provided for the public to make an informed decision. He emphasized the importance of ensuring that the public at large was not deceived into voting for an issue that was not accurate and correct. Attorney Cherof agreed with Vice Mayor Kennedy, stating that the initiative was confusing and prepared in a manner that would entice the public to vote based on emotion and not content.

Vice Mayor Kennedy asked if the initiative had to be filed for referendum in a verbatim format. Attorney Cherof explained that the Commission's role was limited based on the Charter provision that was put into place during the last election.

There was full consensus of the Commission to have the Town Clerk and Town Attorney report back on this matter during the first meeting in January 2005.

The Commission then began its review of the regular meeting agenda.

There were no objections to the presentations, the budget report, or the minutes.

Mayor Parker briefly explained Ordinance 2004-17, regarding the budget, set for second hearing. There were no objections.

Mayor Parker stated that Ordinance 2004-18, set for first reading, regarding the budget was an amendment to include expenditures that had been inadvertently left out. Manager Baldwin explained that the expenditures noted were hurricane related. There were no objections.

Mayor Parker referred to Ordinance 2004-15, regarding the franchise agreement with Comcast and stated that he would not repeat his objections noted in earlier meetings. There were no other objections.

Mayor Parker addressed ordinance 2004-19, regarding demolition requirements. There were no objections to the proposed ordinance.

Mayor Parker briefly described Ordinance 2004-20, regarding the rates for stormwater utilities. Mike Rocca, of Hartman & Associates, Inc., was present and provided a brief summary of the study performed on behalf of the Town. Commissioner Wessels felt that some discussion should be held concerning this matter. Commissioner Yanni asked if waterfront property would not pay for stormwater utilities. Mr. Rocca replied that waterfront property would also pay a share of the costs for these improvements.

In response to Manager Baldwin's inquiry, Mr. Rocca explained how properties were allocated within the plan, stating that the impervious area of each property was used to determine the charges for each property. He advised that a random sampling was provided by computer, with the average impervious area being 4,472 square feet.

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Mr. Rocca stated that in order to obtain \$200,000 in revenues to pay for the necessary improvements, a charge of \$7 was determined for the equivalent of each unit based on the impervious area.

Commissioner Wessels questioned what percentage of randomness was issued by the computer. Mr. Rocca stated that the equivalent of 15 percent was used for the computer to choose random properties on a general basis. He assured the Commission that there had been no personal intervention in the choosing of the properties used as samples. Mr. Rocca reiterated that the number of dwelling units had no bearing on the calculations as the square footage of impervious area was being used for the calculations.

Vice Mayor Kennedy stated that he would support this ordinance, believing that it was the Town's responsibility to provide proper drainage townwide. He indicated that although the northern section of the Town did not have as major a problem with drainage as that of the southern section, the proposed ordinance would be providing an equitable way of paying for the needed infrastructure.

Mayor Pro Tem Clark expressed concern that in comparison to neighboring cities, the proposed cost for the Town was too high. He felt that the cost should be lowered to \$3.50 per unit.

- Special Event Application, Extension of time for Jazz on the Square

Dave Gadsby, of the Village Pump & Grille, was present and provided a brief description of his request to extend the existing permit through June 2005. He indicated, too, a special request to provide two different events on Christmas Eve and New Year's Eve. Mr. Gadsby stated that since both holidays fell on Friday evenings, he was proposing to forego the regular Jazz on the Square events to provide for these changes. He indicated that he was proposing to donate musicians on the Square from 5:00 p.m. to 8:00 p.m. on Christmas Eve, with no blockage of the streets nor any service in the area, to provide for a quite atmosphere. Mr. Gadsby also requested that he be allowed to extend the celebration on New Year's Eve to 12:30 a.m. He indicated that at that time, cleaning would begin and the event would be done by 1:00 a.m. There were no objections.

- Special Event Application, Lehmann wedding

There were no objections to the special event application.

- 30th Year Community Block Grant Agreement

There were no objections to the town submitting the Grant application.

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- Interlocal Agreement for the Installation of Multi-way Stop Signs

Town Planner Walter Keller was present and indicated that discussions with County staff indicated that the Broward County Commission would not sign this type of agreement any more based on counsel's advice. He indicated that perhaps the Town had received incorrect information. Mr. Keller indicated, however, that County staff was willing to assist the Town in obtaining the needed speed humps to provide traffic calming in the area.

Mayor Parker felt that staff should move forward and ask the Broward Commission to consider the Town's request as presented.

Mr. Keller explained the contract between the County and the Town as it pertained to the use of traffic calming devices. He indicated that if the Town broke the agreement, it was possible that the Town would have to accept liability for the traffic engineering. Manager Baldwin stated that staff had not reviewed the Town's ability to undertake this type of liability and asked that the Commission provide time for this review.

Commissioner Yanni stated that the Town would have a dangerous situation if Bougainvillea Drive was opened and stop signs could not be provided to calm traffic in that area. Mr. Keller stated that his report addressed this situation.

Manager Baldwin asked if the Town had its own traffic engineering, could the Town install its own stop signs. Mr. Keller replied that in that case, the Town would have more leeway to make those types of decision. He emphasized, however, the need to follow the set criteria.

Commissioner Wessels emphasized that the dangerous intersection was the main issue of concern during the discussions in this matter. He indicated that this matter would need to be reviewed again if the Town could not proceed with its plans for traffic calming in this area. Mr. Keller stated that even if the Town had its own traffic engineering, the Town should follow the manual and the standards set forth therein. He expressed his belief that the County had been more concerned with the large number of stop signs being proposed.

Vice Mayor Kennedy felt that this issue could possibly be out of the realm for staff as politics were involved and a political effort was needed. He agreed that this issue should be taken before the Broward County Commission and that the Town needed to fight for what it felt was necessary to provide a safe environment for its residents. Vice Mayor Kennedy stated, however, that he would not move forward with the removal of the diverter unless the stop signs were installed.

Mayor Pro Tem Clark stated that he had no objections for a standardization of the traffic engineering; however, he did not agree with the County being able to overrule the Town with what it felt was needed to provide safety.

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Commissioner Yanni questioned if "yield" signs were also covered in the manual. Mr. Keller replied affirmatively, stating that yield signs had yet another criteria to be followed.

Mayor Parker agreed with the Commission and stated that the Town should move forward with this project before the County Commissioners.

There was a majority consensus to cancel the regular meeting of December 28th, 4-1, with Commissioner Wessels dissenting.

There was full consensus to adopt the resolution expressing support for changes to the boundary line established by the Broward County School Board as they effect Terra Mar Island so that all students who reside on Terra Mar Island are assigned to the same high school.

4. ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Clark made a motion to adjourn the meeting.

There being no objections, the meeting was adjourned at 7:02 p.m.

Oliver Parker
Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____