

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **AGENDA CONFERENCE**

#### **MINUTES**

Town Commission Meeting Room

**4501 Ocean Drive**

**Tuesday, January 11, 2005**

**6:00 P.M.**

#### **1. CALL TO ORDER, MAYOR OLIVER PARKER**

The meeting was called to order by Mayor Parker at 6:08 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. REVIEW AGENDA FOR REGULAR MEETING OF JANUARY 11, 2005**

At the Commission's request, Attorney Cherof referenced the issue of the petition served upon the Town with respect to the amendments to the Code of Ordinance as it pertained to volunteer fire services. He explained that pursuant to the Charter provisions adopted in March 2004, a committee of citizens had submitted a petition to the Town Clerk containing a proposed ordinance. Attorney Cherof stated that under the provisions set forth in the Charter, it was the Clerk's responsibility to review the petition to determine whether the petition complied with the filing requirements of Section 4.3 of the Charter. Attorney Cherof advised that the Clerk, with the assistance of the Supervisor of Elections Office, examined the signatures on the petition to determine if the signatures were those of registered electors of the Town. He added that the form and content of the petition and the accompanying affidavit of the circulator was also reviewed. Attorney Cherof explained that upon her initial review, Ms. Medina advised the committee that the petition was insufficient, advising that a supplementary petition could be filed within 14 days. He advised that the committee had since filed the supplementary petition and that the petition was being reviewed for sufficiency and that a response would be provided by Thursday.

Attorney Cherof stated that the Commission's role in the process did not begin until after the certification of sufficiency was issued. He indicated that if the petition was found to be sufficient, it would be brought before the Commission for review and consideration. Attorney Cherof stated that in the event that the petition was found to be insufficient, the committee would have the opportunity to request that the Commission review the

Town Commission Agenda Conference Minutes  
January 11, 2005

petition for sufficiency. He explained that the request for additional review would need to be made by the committee.

Attorney Cherof stated that Ms. Medina would require assistance in completing the review and, therefore, advised that there was no action for the Commission to take at this time.

Vice Mayor Kennedy asked if the sufficiency review included a review of the contents and/or merits of the petition. Attorney Cherof replied negatively, emphasizing that the review of the merits of the petition could not begin until the next meeting.

Mayor Parker provided Mr. James Bosley with an opportunity to discuss any questions he might have concerning the process. Mr. Bosley advised that he did not have any issues of concern at this time.

- Approval of Minutes

There were no changes offered to the minutes of the meetings held on December 14, 2004.

- Ordinance, Second Reading, Ordinance 2005-02

Commissioner Yanni asked if the ordinance would cover both sides of Seagrape Drive. Attorney Cherof replied negatively, advising that the Commission would consider a proposal from Craven Thompson later in the meeting. He indicated that these changes, if approved at a later date, would be adopted by separate ordinance. There were no objections to the ordinance as proposed.

- Ordinance, Second Reading, Ordinance 2005-03

Attorney Cherof recommended that this ordinance be tabled to the next meeting as there were some issues that needed to be addressed concerning the proposed ordinance. He explained that he and Fire Administrator Frank Buchert had participated in a conference with representatives of the State Fire Marshal. Attorney Cherof explained that as a result of the conversations held, there was some question as to whether an audit would be required to ensure compliance with State requirements. He indicated that he had recommended that Manager Baldwin address this issue with the chair of the pension board to ensure that the board's actuary reviewed the impacts, if any, on the calculations and justification to retirement benefits. Attorney Cherof felt it was important to ensure the soundness of the plan. He explained that if the calculations were incorrect and the Town over-contributed to the fire pension, the pension board would need to either make an adjustment, provide a credit for future payments, or refund the overpayment.

Town Commission Agenda Conference Minutes  
January 11, 2005

Mayor Parker asked if it was really necessary to table the item, stating that he did not believe the pension board would penalize retirees. Attorney Cherof explained that the pension board had a fiduciary responsibility to ensure that proper audits were provided and that the plan remained sound. He indicated that if the ordinance was adopted, it was possible that if an adjustment was needed, retirees would need to refund overpayments to the plan.

Attorney Cherof stated that volunteers received \$27 for each call; however, in the event of an audit, proof might need to be provided that the funds received were true to the costs involved.

Attorney Cherof stated that although the passage of the ordinance would have no effect on past employees' retirement, it did not mean that an employee's retirement benefits would not be recalculated. It was considered that the ordinance be passed in good faith; however, it was understood that the Town might need to deal with the consequences of its adoption at a later date to ensure compliance.

- Ordinance, Second Reading, Ordinance 2005-04

There were no objections to the proposed ordinance.

- Ordinance, Second Reading, Ordinance 2005-05

There were no objections to the proposed ordinance.

- Ordinances, First Reading, Ordinance 2005-01

Municipal Services Director briefly described the ordinance and its requirements.

- Consent Agenda

Commissioner Wessels questioned the use of additional services to survey proposed improvements to Seagrape Drive north. He felt that redevelopment in that area was not so extensive that this issue needed to be handled at this time. Commissioner Wessels expressed concern that this manner of dealing with the redevelopment issue in this area was essentially an assessment that would not be assessed to everyone who would benefit from those improvements.

Attorney Cherof noted that the contract with Craven Thompson quoted different hourly rates for a normal work hour and that charged for an expert witness. After a brief discussion, the Commission agreed that the contract should be amended to ensure that the hourly rates were the same regardless of the type of work being performed by an individual under the contract.

- Resolution 2005-01

Town Commission Agenda Conference Minutes  
January 11, 2005

The Commission briefly discussed the resolution pertaining to the moratorium proposal and the boundaries that were encompassed therein. It was agreed that the Master Plan Steering Committee needed to be given clear direction to address the Town's concerns.

**4. ADJOURNMENT**

There being no other business to discuss, the meeting was adjourned at 6:58 p.m.

\_\_\_\_\_  
Oliver Parker  
Mayor

ATTEST:

\_\_\_\_\_  
Alina Medina, Town Clerk

Date Accepted: \_\_\_\_\_