

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING
MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, January 25, 2005
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:02 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni. 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 Broward County had decided to move forward with a county-wide election on March 8th. He advised that March 8th was a regular meeting day for the Commission and asked if there were any objections to rescheduling or canceling this meeting. There was full consensus that the agenda be amended to include the consideration for the cancellation of the March 8th meeting.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to cancel the Commission meeting of March 8, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker requested that the agenda be amended to move Item 13C over to the Consent Agenda. There were no objections.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to move Item 13C to the Consent Agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker asked to move Item 12A, regarding the Hibiscus/Seagrape Drive Road closure, out of turn.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to move Item 12A to the beginning of the meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

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- Item 12A, Hibiscus Avenue Closure and Status of 4-way stop signs on Seagrape Drive

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to remove the barrier from Hibiscus Avenue and provide a stop sign at Hibiscus east, at the intersection, and, if the County permits, another stop sign at the intersection of Bougainvillea south, and directing the Town to remove the barrier as quickly as possible.

Vice Mayor Kennedy stated that the barrier was put in for a specific reason, which was the traffic and hazardous driving conditions on Seagrape Drive. He emphasized that the Commission had agreed to the removal of the barrier contingent upon stop signs being provided to prevent accidents. Vice Mayor Kennedy stated that both sides of this issue had merit; however, he felt it was the Commission's duty to ensure the safety of the Town's residents.

Commissioner Wessels agreed with the description of the events surrounding the agreement to remove the closure. He indicated that he was still in favor of ensuring that the removal of the barrier was done simultaneously with the erection of the stop signs.

In a roll call vote, the motion carried 3-2, with Vice Mayor Kennedy and Commissioner Wessels dissenting.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, instructing the Administration to amend the agreement with Broward County to remove Seagrape Drive, between Commercial Boulevard and Hibiscus Avenue, from traffic control by Broward County. In a roll call vote, all voted in favor. The motion carried 5-0.

Some discussion followed concerning the erection of stop signs within the subject area.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to reconsider the previous motion concerning the amendment of the agreement with Broward County. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to amend the motion regarding the agreement with Broward County to remove Seagrape Drive, from Basin to Hibiscus, from traffic control by the County. In a roll call vote, all voted in favor. The motion carried 5-0.

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

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to instruct Administration to install stop signs at all intersection on Seagrape Drive, to include Marine Court, Lake Court, Shore Court, Garden Court, and Hibiscus Avenue. In a roll call vote, all voted in favor. The motion carried 5-0.

4. PRESENTATIONS

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

Chief Scott Gooding introduced Dolores Regis and advised that she was the Administrative Specialist for the department. He briefly described Ms. Regis' undertakings and advised that she had worked within the Town for 17 years. Chief Gooding thanked Ms. Regis for her hard work and congratulated her on her accomplishments.

The Commission congratulated Ms. Regis.

- B. Broward Sheriff's Office/Volunteer Firefighter(s) of the Month (*Chief Charles Lanza/Chief Ian MacLean*)

Chief Ian MacLean stated that the Volunteer Fire Department's objective was to obtain 100 percent certified firefighters and advised that the department had, in fact, been able to do this. He introduced the current members to be certified which included Paul Lacoursiere, Ed Herson, James Pollack, Ryan Johnson, Kevin Finnegan, Doug Smyth, and Pat Quinlivan. Chief MacLean advised added that the department had supplemented its personnel's training by approximately 200 hours.

Chief MacLean introduced Bob Bertrone, Instructor III and member of the Volunteer Fire Department, who stated that the department had remained within an average of at least 82. He explained that the extra training had included high-rise firefighting, interior firefighting, search and rescue, hazardous material, and advanced first responder course. Mr. Bertrone congratulated the volunteers for their efforts.

Chief MacLean stated that the volunteers had continued to ensure that training classes were open to all volunteers within the area. He thanked the Plantation Volunteer Fire Department for facilitating the testing of this year's class.

Chief Charles Lanza presented the Commission with a plaque honoring the Town for its continued efforts with the Emergency Medical Services program. He congratulated the Town for its commitment.

5. REPORTS

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A. Budget Report for Period Ending December 31, 2004

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to accept the budget report for the period ending December 31, 2004. In a roll call vote, all voted in favor. The motion carried 5-0.

B. Status Report on Capital Improvements Plan

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to accept the report on the Capital Improvements Plan. In a roll call vote, all voted in favor. The motion carried 5-0.

6. APPROVAL OF MINUTES

- A. January 11, 2005, Agenda Conference
- B. January 11, 2005, Regular Meeting

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to approve the minutes of the meetings held on January 11, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

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

- A. Ordinance No. 2005-01**; an ordinance of the Town of Lauderdale-By-The-Sea providing for the issuance of Town permits for work within the public right-of-way and/or utility easements and establishing a fee schedule for engineering and municipal services inspection, permit review and administrative costs; providing for codification as Article IV of Chapter 6 of the Code of Ordinances, severability, and an effective date.

Attorney Cherof read the ordinance by title only.

Mayor Parker opened the public hearing. As no one spoke, the public hearing was closed.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to adopt ordinance 2005-01 on second hearing. In a roll call vote, all voted in favor. The motion carried 5-0.

8. PUBLIC COMMENTS

Jerome McIntie, 1612 Southeast 21 Avenue, stated that he was a member of the Volunteer Firefighter and advised that he had recently been elected as one its board members. He stated that the Volunteer Fire Department had, as indicated by an Instructor III from the State, made phenomenal gains in its training and abilities. Mr.

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McIntie thanked Vice Mayor Kennedy for his insight to have the department provide training, a professional appearance, and proper responses to calls. He indicated that the department had met all of those requirements, now having 20 certified Firefighter II, and 16 certified Firefighter I within its personnel. Mr. McIntie stated that when responding to fire calls, the volunteers were now putting more certified firefighters on location than that of Broward County's Fire-Rescue Department. He indicated that although this was not a competition, the volunteers were striving to meet the Town's expectations. Mr. McIntie advised that the volunteers could not take over fire services within the Town in three months, but stated that it was possible within the next six months to a year. He stated that in an effort to clear the air, the Town had to realize that the volunteers had no intentions of providing emergency medical services.

Bob Roberts, 220 Imperial Lane, referenced the traffic barrier on Seagrape Drive and provided a brief history of the area. He felt that multiple stop signs were not necessary and asked the Commission to reconsider their use.

Kevin O'Riordan, 1 Sunset Lane, questioned the schedule for completing the sewer hook-ups in that area. Mayor Parker advised that the sewer system was to be completed first in the Terra Mar area. He indicated that upon its completion, approximately 12 to 18 months, construction of the sewer system in Bel Air would then begin. Mayor Parker stated that following the completion of that section of the project, the construction for the sewer system on Sunset Lane and Palm Club would begin. He advised, however, that the Commission had not yet firmed the construction plans for the last phase of the project.

Bob Karley, 242 Bombay Avenue, stated that he was representing the Citizen Action Committee and advised that there would be another round-table discussion on February 1st, at 7:00 p.m.

Mr. Karley referenced the stop signs on Hibiscus Avenue, stating that he resided on the other side of Commercial Boulevard and the Town should review the traffic pattern on the northern section of Seagrape Drive. Mr. Karley felt that providing all the additional stop signs to the south of Commercial Boulevard was "overkill".

Mr. Karley again referenced the round-table discussion and asked that the Committee be permitted to televise the discussions.

John Thompson, 4900 North Ocean Boulevard, felt that the Commission should reschedule its March meetings to the 15th and the 29th, instead of canceling the meeting on the 8th.

Mr. Thompson agreed with Mr. Karley that the round-table discussion be televised. He also addressed the Commission regarding the petitions on the agenda, stating that since Broward County was having an election, the Town should consider making a special request to have the County make an exception and allow the Town to include the proposed height ordinance on the ballot. Mr. Thompson encouraged the

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Commission not to rely on technicalities with regards to the fire suppression petition and move forward with the petition regardless of its insufficiencies.

Diane Boutin stated that as manager of a small resort, she worried about how the next three to five years would affect resort and business owners in Town. She felt that the Town had to have a mission to ensure the quality of life of its constituents, which included the anticipation of the needs for residential, infrastructure needs, and business and leisure centers. Ms. Boutin stated that the Town had already lost 15 percent of its resort areas with an additional 10 to 15 percent to be lost in the near future. She believed that the Town was looking to the future, but emphasized the need to ensure that it was realistic as it pertained to the possible decline of business and its repercussion on the Town's viability. Ms. Boutin stated that the three-over-one height limitation was, to some extent, suffocating the resort industry and jeopardizing the viability of the downtown area.

Stuart Dodd, 232 Imperial Lane, referenced the barricade on Hibiscus Avenue and congratulated the Commission for its decision to move forward with its removal. He expressed his belief, however, that the Town should wait before installing the proposed stop signs. Mr. Dodd believed that the stop signs were unnecessary and asked that the Commission reconsider its decision to erect them.

Cristie Furth, 4525 El Mar Drive, stated that she had addressed the Commission regarding the Master Plan Steering Committee during its last regular meeting. She still felt that improper notice was provided as specific agenda items were not noted on the government access channel or in the Town Topic. Ms. Furth stated that property owners were not invited to participate until the end of the meeting and felt that the Committee itself was biased heavily on the side of pro-development.

Doug Bosley, 4560 El Mar Drive, stated that the petition regarding fire suppression was mischaracterized on a regular basis and asked for the opportunity to clarify its intent. He indicated that the Committee did not believe that the Volunteer Fire Department was yet prepared to take on full fire suppression responsibilities within the Town. Mr. Bosley stated, however, that the Commission heed the assertion of Volunteer Fire Chief Ian MacLean and provide the necessary financial support to ensure that the department could take on that responsibility within a year or two.

9. ORDINANCES (1st Reading)

There were no ordinances for first reading.

10. CONSENT AGENDA

- A. INTERLOCAL AGREEMENT: with Broward County for Comprehensive Emergency Operations Plan for All Hazard Homeland Security

Special Event: Ground Breaking Ceremony/Oriana at Lauderdale-By-The-Sea, Thursday, February 10, 2005; 4:30 p.m. to 7:30 p.m.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to approve the consent agenda, including former Item 13C. In a roll call vote, all voted in favor. The motion carried 5-0.

11. RESOLUTIONS

- A. **PUBLIC HEARING: Resolution No. 2005-01**, A resolution of the Town of Lauderdale-By-The-Sea, Florida, authorizing issuance of a Notice of Intent to allow the Town Administration and consultants to study, review and revise the standards and requirements for development of the area bordered by the alleyway south of Commercial Boulevard on the north, Datura Avenue on the south, State Road A1A on the west, and El Mar Drive on the east; providing for issuance of notice; for public hearing; and for an effective date.

Attorney Cherof provided a brief history of Notices of Intent and explained the procedures that were to be followed in this process. He requested that the Commission provide clarification as to the full scope of the area to be studied and the elements of what the study should be so that staff could proceed in preparing its recommendations. The Commission agreed that the Committee should review the zoning designations used within the area, the advisability of mixed uses which were to be included within the B-1 zoning designation, the use of residential units on the first floor, and the need to have the zoning designation B-1A. The Commission also agreed that the Committee should review the recommendations of the Goodkin Report to determine what, if any, development standards or zoning districts should be used or added within the designated area, as well as what setbacks and parking requirements should be mandated.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, making a declaration of a moratorium for 180 days in the study area noted within the resolution. In a roll call vote, all voted in favor. The motion carried 5-0.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, making a declaration of zoning in progress.

Commissioner Wessels encouraged the Town and the Committee to make every effort to complete the project within six months.

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

Attorney Cherof read the resolution by title only.

Mayor Parker opened the public hearing for the Notice of Intent.

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Cristie Furth, 4525 El Mar Drive, believed that this was a bad idea and could not believe that the Commission would actually try to commercialize El Mar Drive.

Uli Brandt, 4537 West Tradewinds Avenue, did not believe that this project was good a good idea. He felt that proceeding with this project would continue to detrimentally affect the resort and business community in the area.

John Thompson, 4900 North Ocean Boulevard, believed that the Commission should defer any action on this matter until such time as the petition referendum was considered by the voters.

Michael Arker, 5100 North Ocean Boulevard, emphasized the importance of ensuring that residents understood that the Master Plan Steering Committee was only an advisory board that provided recommendations to the Commission for their consideration. He explained that although it was true that the Committee asked for public comments towards the end of their meeting to ensure that all business was discussed, there had been many times in which the Committee then reconsidered an item during its next meeting based on the comments made. Mr. Arker felt that comments concerning the Committee being biased were unfair, stating that each of its members were only looking out for the best interests of the Town as a whole. He emphasized that all Committee members were contributors to the Town who were unselfishly volunteering their time for the betterment of the Town.

Mayor Parker closed the public hearing.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, adopting resolution 2005-01.

Commissioner Wessels stated that residents had to understand that the Town was not what it was in 1981, that there were variables such as market forces and cost of land that controlled the solutions available to successfully deal with new problems facing the Town. He felt that if the Charter were changed to essentially lock in the ability to modify ordinances without special elections, the cost to the Town and its residents would be phenomenal. Commissioner Wessels expressed concern that dealing with the Town's future in this manner would be difficult at best.

Mayor Parker stated that it had been suggested that the Town needed to support the resort industry; however, he felt that many of the resort industry buildings needed repairs and/or redevelopment. He indicated that in an effort to provide the additional support, the Town had undertaken an economic feasibility study to save El Mar Drive and the resort industry. Mayor Parker discussed the Goodkin Report and advised that one of the solutions was to allow ten-story buildings on El Mar Drive. He did not feel that this was the type of development the Town envisioned; however, he agreed that it was not feasible to allow El Mar Drive to become completely residential. Mayor Parker explained that the moratorium would provide an opportunity to review the options

available to revive the business district, with the possibility of enlarging the business area.

Commissioner Yanni indicated that property owners along El Mar Drive invested a lot of money on their properties and disagreed that any of the properties along that stretch needed to be torn down. He believed that those individuals who stayed in the Town in the past would only find another hotel to stay in. Commissioner Yanni emphasized that the only way to preserve the businesses Town was to preserve the its hotels and ~~small businesses~~. He was not in favor of making any changes to the existing zoning designations within the area.

In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

12. OLD BUSINESS

- A. Discussion and/or action concerning Hibiscus Avenue Closure and Status of 4-way stop signs on Seagrape Drive (*Mayor Parker*)

This item was discussed earlier in the meeting.

- B. Discussion and/or action concerning the existing moratorium (*continued from December 14, 2004*)

After a brief discussion, there were no objections to allowing the moratorium expire at the end of the month.

Mayor Parker confirmed with Attorney Cherof that no action was needed at this time.

- C. Discussion and/or action concerning a request to develop a dock on Town property (Robert and Sandra Isaacs, 2100 Southeast 15 Street)

Emerson Allsworth, 1177 Southeast 3 Avenue, Fort Lauderdale, representing Robert and Sandra Isaccs, was present. He stated that Mr. and Mrs. Isaacs were proposing the construction of two docks on the public property located on the waterway across the street from their home. Mr. Allsworth stated that although the property was currently unused, the Master Plan designated the area for use as a park or docks, or some combination thereof. He emphasized, however, that it was currently a derelict piece of property which the Isaacs wished to improve by providing a dock for private use, with one dock for public use. Mr. Allsworth stated that Mr. and Mrs. Isaacs were willing to assist with a portion of the expenses in exchange for a lease on the use of the property. He indicated that there were currently no drawings available for review, but requested the Commission's favorable consideration, directing the Administration to work on a plan.

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Mayor Parker asked how long a lease term the Isaacs were requesting. Mr. Allsworth stated that this type of negotiations had not yet taken place; however, he felt a long-term lease would be in order.

Mayor Parker stated that the same proposal had been made last summer and the Commission had denied the request. He asked what changes the Isaacs had made to their proposal. Mr. Allsworth stated that the previous proposal did not include the Isaacs' contributions to develop the property for the Town.

Vice Mayor Kennedy felt that the Town should allow the Isaacs to prepare a plan the Commission could consider. Commissioner Yanni stated that he understood that there were planned improvements for this area noted in the Master Plan. He questioned if the property could be used by the Broward Sheriff's Office instead of allowing the property to be designated for private use. Commissioner Yanni expressed concern that there had been previous problems with the use of public property for the Marcheski perimeter a seawall, yet the Commission was now considering allowing another individual the use of public land. He expressed concern over the possibility of liability problems. Attorney Cherof stated that the main issue was one of policy. He indicated that the Commission was considering entering into an agreement for the use of public property, allowing one individual to use the property over many others for a fixed period of time.

Mayor Pro Tem Clark stated that he, too, would like to see the proposal in detail, including improvements proposed, maintenance, and the type and length of the requested lease so that the Commission could properly consider the proposal.

Mayor Parker felt that the Town would need to consider charging an appropriate amount of rent for the use of the property. Mr. Allsworth had no objections to negotiating this aspect into the lease agreement. Mayor Parker stated that he was opposed to "giving away" the Town's property or resources. He indicated that consideration had to be given to the fact that if a 20 year lease was approved, the docks would need to be repaired or replaced within that time. Some discussion followed. Commissioner Wessels emphasized the need to ensure that there were no other residents who wished to use the land prior to accepting any proposal. He indicated that if needed, a lottery system could be used.

Mayor Parker reminded the Commission that staff had recommended against the private use of public property.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, asking the Administration to explore the best use of the property, including the possibility of making an arrangement with the Isaacs, and reporting back to the Commission. In a roll call vote, all voted in favor. The motion carried 5-0.

13. NEW BUSINESS

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A. Discussion and/or action regarding Petition to amend Section 277 of the
Town Charter as submitted by the LBTS Citizens Initiative Committee

Tom Carr, 254 Miramar Avenue, supported both petitions and asked for the Commission's favorable consideration.

Attorney Cherof provided a brief history of this petition and referenced the memorandum provided by Ms. Medina as part of the agenda packet. He explained that the Commission needed to either move the item forward to the next general election scheduled for November 2006, or call a special election prior to that date. Attorney Cherof stated that as the Committee had invoked the State Statute for this procedure, the State Statute requirements should be followed.

Mayor Parker asked if it was the Commission's responsibility to review the language of the petition. Attorney Cherof replied that it was the Town's duty to cure any deficiencies in the ballot title or ballot explanatory language before it reached the voters. Commissioner Wessels stated that he wanted Town Planner Keller to review the petition and the significance of the issue with regards to what it proposed to achieve and how it complied with the Master Plan. He indicated that the Town Attorney should review the ramifications of the proposal to determine what might be the unexpected consequences of its approval.

Vice Mayor Kennedy stated that the issue addressed by the petition was an issue that was easy to make appear demigod as most individuals could not explain the three-over-one concept. He indicated that the three-over-one concept only made sense in a small area east of El Mar Drive. Vice Mayor Kennedy explained that this concept did not deal with height limits as it was presented by the petition as the Town's ordinances allowed 44-foot buildings. He added, however, that if four stories were used, the ground floor could not be used for anything which equaled no development within the Town. Vice Mayor Kennedy explained the three-over-one concept, stating that setbacks, actual height limits, and zoning requirements would be the manner in which to establish development. He felt that approving this proposal would certainly subject the Town to lawsuits to protect property rights. Vice Mayor Kennedy felt it was the Town's responsibility to ensure that the public was well informed in order to make an appropriate decision.

Mayor Parker stated that he supported the three-over-one concept townwide; however, he felt that this particular proposed amendment would not be in the Town's best interest. He proceeded to explain several problems he had noticed, which included the height of the elevator shaft and stairwell. Mayor Parker indicated that the manner in which the amendment was written only provided the ability to develop a three-story building. He advised that another deficiency with the proposed amendment was that it did not consider the requirements of the Bert J. Harris Act which could require the Town to compensate property owners if their property value decreased by 10 percent due to a land use change.

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Attorney Cherof recommended that the Commission consider placing this issue on the ballot at the latest possible time to allow staff and counsel the opportunity to properly review the petition for content. He agreed that the petition, as written, would subject the Town to lawsuits based on the Bert J. Harris Act.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to set the petition for referendum election in the general elections scheduled for November 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, directing the Town Attorney and the Town Planner to review the document and prepare a report by the second meeting in March. In a roll call vote, all voted in favor. The motion carried 5-0.

The Commission agreed that a workshop would be scheduled after the Commission received a report from the Town Attorney and Town Planner. It was requested that Town Engineer Kevin Hart provide any input necessary to assist the Town Attorney and Town Planner.

- B. Discussion and/or action regarding the Certificate of Sufficiency for the Petition to adopt an ordinance pertaining to a town-wide volunteer firefighters service as submitted by Save Our Town Citizens Committee

Attorney Cherof provided a brief history of the petition in question and explained the process followed in this matter. He explained that Ms. Medina had requested legal assistance with the review of the petition and, based upon the process, she had determined that the petition was insufficient. Attorney Cherof indicated that Ms. Medina had concluded that the petition did not meet the submission requirements set forth in Section 4.3 of the Charter. He advised that he believed the Clerk had properly applied the provisions of the Charter in her determination. Attorney Cherof clarified that although the Charter provision allowed the Town Attorney to review the petition at its inception, it did not provide any provisions for the Town Attorney to review the petition as it worked its way through the process. As such, he explained that his only assistance in this matter had been to the Town Clerk.

Attorney Cherof explained that the Committee was appealing the Clerk's determination and, therefore, a final determination by the Commission was now in order. He recommended that the Commission limit itself only to the review of sufficiency, stating that the Commission could review the contents of the petition at a later date if necessary. Attorney Cherof believed that if the petition was found to be flawed then, in that event, the Commission could pursue other options including litigation.

There was full consensus of the Commission agreeing with the interpretation of the Charter as provided by Town Clerk Medina and Attorney Cherof.

Commissioner Wessels commented that he would like to see this issue move forward.

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There was full consensus of the Commission that the petition did not meet the requirements of the Charter.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to prepare an ordinance regarding this matter for consideration at a special election.

Attorney Cherof asked for clarification as to what the Commission wished to present to the electors as the content of the petition had to be addressed. He explained that there were issues within the petition that were incorrect and needed to be resolved.

Mayor Pro Tem Clark withdrew his second.

Commissioner Wessels restated his motion to prepare an ordinance regarding this matter for consideration at a special election. The motion died due to the lack of a second.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, rejecting the petition based on the findings of law and fact.

Vice Mayor Kennedy asked if the Commission would review the contents of the proposed amendment. Attorney Cherof explained that if the petition was rejected, it would not be further considered at this time.

In a roll call vote, the motion carried 4-1, with Commissioner Wessels dissenting.

Mayor Parker asked if the Commission could consider the merits of the petition at this time. Attorney Cherof recommended against further discussion at this time.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, authorizing the Mayor to execute a written motion regarding this matter containing findings of law and facts. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. SPECIAL EVENT: **Ground Breaking Ceremony/Oriana at Lauderdale-By-The-Sea**, Thursday, February 10, 2005; 4:30 p.m. to 7:30 p.m.

This item was approved as part of the Consent Agenda.

- D. Discussion and/or action to consider membership of alternate member of the Planning and Zoning Board

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Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to leave the membership of the Planning and Zoning Board as it currently was. In a roll call vote, all voted in favor. The motion carried 5-0.

- E. Discussion and/or action regarding the Traditional Neighborhood District noted in the Goodkin Report

Vice Mayor Kennedy made a motion, seconded by Commissioner Clark, to schedule a workshop for March 1, 2005, at 6:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

14. TOWN MANAGER REPORT

There was no report to be considered.

15. TOWN ATTORNEY REPORT

There was no report to be considered.

16. COMMISSIONER COMMENTS

Mayor Pro Tem Clark had no report to be considered.

Commissioner Yanni asked for an update at the next meeting considering the restriction of having certain newspapers disseminated near the Municipal Park.

Commissioner Wessels referenced the petition concerning fire suppression services and regretted that it had taken such a toll on the community. He felt that aside from the technicalities, there were other issues that needed to be addressed.

Vice Mayor Kennedy stated that the Terra Mar Homeowners Association had met last night and had briefly discussed the sewer project. He felt that there was still some confusion within the community concerning this matter and asked that the Commission work with the City of Pompano Beach to further pursue an amicable resolution. Some discussion followed.

Commissioner Wessels made a motion, seconded by Commissioner Yanni, authorizing the Mayor, with the assistance of the Vice Mayor, to work with the City of Pompano Beach to complete negotiations regarding the sewer project in Terra Mar. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker provided information regarding upcoming events within the Town and invited everyone to participate.

17. ADJOURNMENT

Commissioner Wessels made a motion to adjourn. There being no objections and no further business to discuss, the meeting was adjourned at 10:07 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____