

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, February 8, 2005

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:07 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.

Mayor Parker advised that Town Attorney Cherof had two reports to provide and indicated that these two issues would be discussed later in the meeting, time permitting.

3. REVIEW AGENDA FOR REGULAR MEETING OF FEBRUARY 8, 2005

The Commission began its review of the agenda and advised there were no objections to the Code Compliance Status Report.

Upon review of the minutes for the meeting of January 25, 2005, Commissioner Wessels requested the correction of the spelling of Bob Karley's name on pages 5 and 6 of the regular meeting minutes. Commissioner Yanni referenced the second paragraph of page 9, of the regular meeting minutes, and asked that the third sentence be revised to read as follows: "Commissioner Yanni emphasized that the only way to preserve the businesses was to preserve the hotels." Additionally, Commissioner Yanni referenced the third paragraph on page 10, of the regular meeting minutes, and asked that "seawall" be changed to "Marechski perimeter wall". There were no objections to the requested changes and Mayor Parker advised that the minutes would be adopted as amended during the regular meeting.

- Ordinance, 1st Reading

Mayor Parker asked if the proposed ordinance provided for a five foot setback for pool regulations. Attorney Cherof replied affirmatively.

Vice Mayor Kennedy asked if this ordinance corrected the differences between Broward County's regulations and the Town's. Attorney Cherof replied affirmatively, but indicated that staff was still working on other issues that differed between the two.

Town Commission Agenda Conference Minutes
February 8, 2005

Vice Mayor Kennedy asked when the remainder of the changes to the Unified Land Development Regulations would be completed. Attorney Cherof stated that his staff was currently reviewing the proposed changes made by Town staff and anticipated that this issue would be ready for the Commission's review and consideration by the first meeting in April.

- Consent Agenda

The Commission briefly reviewed the consent agenda. Commissioner Wessels questioned if the special permit request was the same as that used in previous years. Municipal Services Director William Mason replied affirmatively.

The Commission had no objections to the adoption of the consent agenda as presented.

- New Business, Item 13B, proposed plans by the Volunteer Fire Department

Mayor Parker stated that Mr. Jim Silverstone had requested an opportunity to make a presentation to the Commission concerning the Volunteer Fire Department's plans for future organization.

Commissioner Wessels asked if there were any information for the Commission's review concerning this matter. Mayor Parker advised that documentation would be provided during the presentation.

A brief discussion ensued, with Commissioner Wessels stating that in the future, no item should be placed on the agenda for consideration unless information was provided for the Commission's review prior to the meeting. He felt that the Commission should be provided with sufficient time to review all issues placed before them for consideration. Mayor Pro Tem Clark agreed and asked that no items be placed on the agenda unless the appropriate documentation was included. Mayor Parker agreed, but requested that Mr. Silverstone be permitted to move forward with his presentation.

- New Business, Item 13C, Master Utility Plan for El Mar Drive Corridor

Mayor Pro Tem Clark explained his request, stating that staff should be directed to meet with representatives of the various utility companies, including water and sewer representatives, to determine what, if any, standardization could be used in the El Mar Drive corridor. He expressed concern that if the Town did not standardize utilities in the area, the Town would be left to deal with the surprises as development proceeded. Mayor Pro Tem Clark stated that once staff discussed this issue with the various utility companies, staff should be prepared to make recommendations on preparing a master utility plan for that area.

Mayor Parker questioned if the Commission's adoption of plans in this area had not taken this issue into consideration. Town Engineer Kevin Hart explained that the

Town Commission Agenda Conference Minutes
February 8, 2005

Commission had adopted plans for a particular section of El Mar Drive and, if he understood the request correctly, Mayor Pro Tem Clark was requesting that the Town provide standardization for design elements for the entire corridor. He indicated that although staff was requiring the implementation of the design concept into some of the new developments on El Mar Drive, a full study and plan, which included drainage, location of outfalls, etc., had not been completed.

Mayor Pro Tem Clark was concerned that a "patchwork appearance" would result as the area was developed if the Town did not address this issue quickly. He expressed the importance of ensuring that the Town was aware of what impacts could be expected depending on the improvements made. Commissioner Wessels agreed.

Mayor Parker stated that he had been under the impression that Mr. Hart was suppose to have developed a design plan for El Mar Drive in connection with the Oriana project that was required to bury all utilities. He advised that since the moratorium had been lifted, this issue needed to be resolved immediately. Some discussion followed.

- Town Attorney Report

Attorney Cherof provided a history of the petition filed regarding the Volunteer Fire Department. He stated that since the Commission had made a determination on that matter during its last regular meeting, the Commission could now proceed with its consideration of the proposed resolution supporting the Volunteer Fire Department. Attorney Cherof explained that, at the request of Mayor Parker, the original resolution had also been amended to include a whereas clause providing a three-year limit for compliance. He further explained that both resolutions did not conflict with the existing agreement with the Broward Sheriff's Office.

Mayor Parker advised that the authority to determine if the department met the Town standards would still lie with the Town Commission.

Commissioner Yanni asked for confirmation that it would be appropriate for the Town to consider this resolution at this time. Attorney Cherof replied affirmatively, stating that the petition had been considered and found to be insufficient.

Mayor Parker asked that the fourth whereas clause be modified to read ". . . in accordance with the provisions of the agreement with the Broward Sheriff's Office".

Vice Mayor Kennedy felt that consideration of this resolution could be premature and expressed concern that a three-year limit could restrict the Volunteers if compliance was met sooner. He emphasized the importance of ensuring that the Town set the necessary qualifications and was in agreement with the proposed manner in which the department would be run. Mayor Parker stated that perhaps a committee could be formed to set the required standards.

Commissioner Wessels stated that he had no real objections to the resolution; however, he felt that a deadline should be provided in order to provide incentive for compliance.

Town Commission Agenda Conference Minutes
February 8, 2005

Mayor Pro Tem Clark agreed and indicated that although he supported the Volunteers, the resolution did not remove the responsibility of choice from the Town Commission.

Commissioner Yanni expressed concern that the Town had not yet been privy to the department's proposed plans for the future. He indicated that although he had no objections to the resolution itself, he felt it was the Commission's responsibility to ensure that the department's proposals were consistent with the Town's needs. Commissioner Yanni felt that Mr. Silverstone should provide his presentation first and then, at that time, the Commission could reconsider the resolution. He reminded the Commission that at one point, the Volunteers wanted to take over EMS responsibilities yet it was now noted that they did not want to take on that endeavor.

Vice Mayor Kennedy agreed and felt that it was not in the Town's best interest to perform its negotiations in public. He expressed concern that the ramifications and costs were not available to the residents and emphasized the Town's responsibility to be fiscally prudent. Vice Mayor Kennedy felt that a time limit should not be provided, stating that compliance could be obtained prior to three years. He indicated that it was imperative that the Town be included in the decisions determining what type of organization was needed, what qualifications would be mandatory, how much training would be necessary, and how the administration of the department would work.

Mayor Parker felt that the driving force behind the resolution was to support the Volunteers as the primary fire department within the town. He felt that the estimated cost, not counting capital expenditures, would be cheaper. However, Mayor Parker stated that the Commission would be the one to ultimately decide whether the switch would be fiscally responsible and safety prudent. He believed that if the Commission did not become pro-active with regards to fire services, the referendum petition would be raised again.

Commissioner Yanni reiterated that the Commission should not consider adopting the resolution until such time as the department made its presentation. He did not believe that a rush should be placed on such an important issue. Vice Mayor Kennedy agreed, stating that the correct information needed to be provided so that the Town could make a proper decision.

Some discussion followed, with Mayor Parker stating that the Commission could adopt the resolution and hold several workshops to further discuss issues of concern such as requirements, administration, and cost. Commissioner Wessels agreed, stating that a determination did not need to be made until the three-year time period was over. He emphasized that the Commission could not delegate the safety of the public and was solely responsible for this obligation. Commissioner Wessels felt that standards, costs, and fire suppression and EMS services could all be worked out in the meantime.

Commissioner Yanni reiterated that he was not opposed to the adoption of the resolution, but felt that it was unfair to have the Commission consider this item until after the presentation by the Volunteers was made. After some discussion, the Commission

agreed that the resolution would be considered after the presentation was completed. It was agreed that the resolution would be added to the agenda as item 13B1.

Attorney Cherof stated that the Village of Sea Ranch Lakes had requested that the Commission consider a temporary construction easement along Palm Avenue to allow them to replace the wall in that area. He expressed concern with one operational issue noted in the contract as it pertained to the existing landscaping at and near the subject site. Commissioner Wessels felt that the contract needed to be specific as to replacement of any damaged landscaping. He indicated that approval to clearing existing landscaping could not be approved.

The Commission agreed to add this item as "D" under New Business.

Vice Mayor Kennedy stated that there were several residents in attendance concerning the Isaacs' request to construct docks on public property. He indicated that it was his understanding that the attorney for this proposal was looking to withdraw this matter.

4. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn. There being no objections and no further business to discuss, the meeting was adjourned at 7:01 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____