

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, February 8, 2005
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:10 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.

The Commission offered its sympathy to the family and friends of former Commissioner Howard Hall who served the Town from 1971 through 1982. Mayor Parker announced that the flag would be placed at half staff through Monday of the following week.

Mayor Parker wished the Boy Scouts of America a happy birthday.

4. PRESENTATIONS

- A. Honoring individual for substantial contributions to the Property Owners Association (*Cindy Geesey, Property Owners Association*)

At the request of the Property Owners Association, the Commission agreed to continue this item to February 22, 2005.

5. REPORTS

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

Judy Swaggerty thanked the Commission for their assistance in obtaining a new sign for the Chamber which states "Welcome Center". She also thanked Municipal Services Director William Mason and his staff for their continued support and assistance.

Town Commission Regular Meeting Minutes
February 8, 2005

Ms. Swaggerty provided information concerning the upcoming Taste of the Beach festivities and invited all to attend.

Ms. Swaggerty and Bill Davis, president of the Chamber of Commerce, presented Ron Piersante with a certificate of appreciation for the time and effort he placed in assisting the Chamber and his constant attention to ensuring the betterment of the Town.

B. Code Compliance Status Report

Commissioner Yanni made a motion, seconded by Vice Mayor Kennedy, adopting the Code Compliance Status Report. In a roll call vote, all voted in favor. The motion carried 5-0.

6. APPROVAL OF MINUTES

- A. January 25, 2005, Agenda Conference
- B. January 25, 2005, Regular Meeting

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to adopt the minutes of the meetings held on January 25, 2005, as amended during the Agenda Conference. In a roll call vote, all voted in favor. The motion carried 5-0.

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

There were no ordinances for second reading to be considered.

8. PUBLIC COMMENTS

Gail Schwarz, 4329 Poinciana Street, thanked the Commission for considering the resolution in support of the Volunteer Fire Department. She asked for the Commission's favorable consideration.

Lori McIntee, 1612 Southeast 21 Avenue, referenced the public property where the proposed docks were being considered for private use. She felt that public property should remain available for public use and asked that the Commission reject this proposal.

Bob Roberts, 220 Imperial Lane, referenced the removal of the barrier at Bougainvillea and asked for an update concerning its progress. He questioned, too, if contributions to the Volunteer Fire Department was still tax deductible.

Fred Hartmann, 1960 Southeast 18 Street, agreed with Ms. Schwarz and asked that the Commission reject the proposal. He asked that the Commission work with the residents of Bel Air who had some ideas of how the property could be improved for the benefit of all residents.

Town Commission Regular Meeting Minutes
February 8, 2005

Bob Karley, 242 Bombay Avenue, referenced the round-table discussions concerning fire services and taxes and provided information regarding their last meeting. He hoped that the Commission would look favorably on the Fire Department's proposed plan to be held later in the meeting.

Cindy Geesey, 256 Imperial Lane, referenced the three-over-one referendum and felt that the major concern of the people was the lack of trust in its local government and its officials. She stated that the Commission had previously considered a code of ethics and felt that it should be reconsidered and adopted.

Nancy Demco, 4232 North Ocean Drive, stated that the new ***Town Topics*** announced that the Commission had taken steps to honor several Lauderdale-By-The-Sea civic leaders and firefighters. She could not understand why the entire park was not named in honor of Melvin and Sarah Anglin; Mr. Anglin being the founder and first mayor of the Town. Ms. Demco could not believe how the Commission could justify not honoring them in the naming of the park. Mayor Parker explained that there were several locations in Town named in honor of the Anglin family and advised that the municipal park had originally been named Friedt Park. He emphasized that the Anglin family was not forgotten and their contributions to the Town were well established.

Vice Mayor Kennedy suggested that Ms. Demco meet with the Town Manager and a member of the Commission to further discuss this matter. Commissioner Wessels agreed, stating that the door should not be shut on this matter.

Jerome McIntee, 1612 Southeast 21 Street, referenced the proposed resolution in support of the Volunteers and indicated that the Volunteers were well on their way to meeting the Town's requirements. He indicated that the Commission had voiced concern regarding the loss of \$1 million for the construction of a new fire station; however, he indicated that the Volunteers had, in just two weeks, collected almost \$100,000 for a building fund to construct the new fire station. Mr. McIntee stated that he had no objections to naming the new fire station after the Anglin family and emphasized that the cost would be paid without taxpayer dollars.

Gretel McClausand, 251 Oceanic Avenue, referenced the petitions that had been circulated and felt that although there may have been some insufficiencies, she could not understand why the Commission had not allowed them to continue with the process.

Ms. McClausand felt that the Commission needed to work with the residents to ensure that their wishes were met. She also asked that the Commission reconsider the use of the proposed docks, believing that the area should be left for the use of all residents.

John Thompson, 490 North Ocean Boulevard, complimented the Town's webmaster, Sunny Eckhardt, stating that the site was well constructed.

Mr. Thompson referenced his being asked to leave during the last Commission meeting for being disruptive, stating that he felt it was his responsibility to advise the Commission of State Statutes governing the petitions they were discussing at the time.

Cristie Furth, 4525 El Mar Drive, complimented Commissioner Wessels for his acknowledgement that the proposed petitions be permitted to move along with the process. She referenced the annexation and felt that "Old Town" was being assaulted by changes that only benefited North Beach residents.

Bruce McNealidge, 1900 Ocean Walk Lane, expressed his belief that the Commission was alienating all if its residents. He could not believe that the petitions had not been permitted to move forward due to technicalities.

9. ORDINANCES (1ST Reading)

- A. **Ordinance No. 2005-06**; an ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the Land Development Code Article 5, Section 24-5.148(29) to clarify the applicability of the stated pool setback regulations to property in the jurisdiction limits of the Town; providing for severability; providing for codification; providing for conflicts; and providing for an effective date.

Attorney Cherof read the ordinance by title only.

Commissioner Wessels made a motion, seconded by Vice Mayor Kennedy, to approve Ordinance 2005-06 on first reading. In a roll call vote, all voted in favor. The motion carried 5-0.

Vice Mayor Kennedy advised that this was the first part of unifying the Town's Code townwide.

Mayor Parker advised that the second reading of this ordinance would be held on February 22, 2005.

10. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **Art/Craft Shows**/Chamber of Commerce, March 19 and 20; 10:00 a.m. to 5:00 p.m. (with set up beginning at 5:00 a.m. on March 19th and take down beginning at 5:00 p.m. on March 20th)
- B. PROCLAMATION: Engineers' Week (February 20-26)
- C. AGREEMENT: Stormwater Billing Services Agreement with the City of Pompano Beach, Florida (*William Mason, Municipal Services Director*)

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

11. RESOLUTIONS

There was no resolution to consider at this time; however, the Commission agreed to consider a resolution supporting the Volunteer Fire Department later in the meeting as Item 13B1.

12. OLD BUSINESS

There was no old business to be considered.

13. NEW BUSINESS

A. SITE PLAN REVIEW, Villa Solemar “PUBLIC HEARING”

Michael Arker, Quinn Nicholas, and Jaime Leiche, representing the applicant, were present. All parties were sworn in by the Town Attorney who then explained the quasi-judicial process.

Mr. Nicholas provided a PowerPoint presentation for the Commission's review that detailed the improvements being proposed for the site, including elevations, color renderings, and floor plans. He briefly described the materials and the architectural features to be used.

Commissioner Wessels asked if additional parking would be provided for guests. Mr. Nicholas replied negatively, but indicated that additional parking would be provided as described in the planning report.

In response to Vice Mayor Kennedy's inquiry, Mr. Arker described the egress and ingress being provided for the site, stating that all accesses would be provided off Bougainville Drive. He confirmed that no access would be provided from Ocean Drive.

Mayor Parker questioned if the site plan complied with ADA requirements as the handicap spaces provided on the site were only for residents/owners. Mr. Arker confirmed that the site plan was in compliance with the necessary ADA requirements.

Mayor Parker requested an explanation of the additional parking being proposed for Bougainville Drive. Mr. Arker explained that 13 additional metered parking spaces would be provided and briefly detailed the plans depicting the area in question. Some discussion followed, with Mr. Arker agreeing to pay for the cost of the parking spaces on Bougainville Drive.

Mayor Parker asked what was the actual height of the structure being proposed. Mr. Arker advised that the building was below 44 feet in height.

Gretel McClausand hoped that some of the landscaping to be used would be native to the area. Mr. Arker replied affirmatively, stating that they had received assistance in this matter.

Town Commission Regular Meeting Minutes
February 8, 2005

Ms. McClausand asked for a comparison to describe the size of the development. Mayor Parker advised that the development was the length of approximately two and one-half houses.

Ms. McClausand stated that although she believed the development was very attractive, she felt that perhaps the Town should not pursue this type of development. Mayor Parker advised that a property owner had the right to build their property as long as the development was in compliance with the Town's Code.

Marvin Sanders, the landscape architect for the project, briefly listed the landscaping materials that would be used.

Ms. McClausand felt that the petitioner should be required to provide guest parking on their property. Assistant Town Planner Brad Townsend stated that the Town's Code did not require additional guest parking spaces; however, the developer had agreed to providing the additional parking spaces on Bougainvillea Drive.

Cindy Geesey, chairperson for the Planning and Zoning Board, stated that the Board had been pleased to see that the petitioner had, on his own, opted to make additional improvements to an already approved development.

Bill Davis, president of the Chamber of Commerce, stated that the board of directors had reviewed the plans and urged the Commission to approve the request.

Mayor Parker addressed the additional parking spaces being provided on Bougainvillea and suggested that perhaps they should be placed towards the middle to ensure that there was no interference with redevelopment on the other side of the road. There were no objections.

Mr. Nicholas addressed the issue of the proposed porte-cochere and asked if the Commission would overlook the Fire Marshal's recommendation in this matter. Attorney Cherof advised that the Commission could not deviate from any of the provisions of the life-safety codes.

Mr. Townsend submitted the planning report for the record and read the conditions stated therein into the record.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, finding Villa Solemar in compliance with the beach overlay district. 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, that the porte-cochere would not be used on this project. In a roll call vote, all voted in favor. The motion carried 5-0.

Town Commission Regular Meeting Minutes
February 8, 2005

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, authorizing the Town Planner, Town Manager, and Town Attorney to work with the petitioner in providing and paying for at least 13 parking spaces as noted in the planning report. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker asked Mr. Arker if he agreed with the special conditions of the planning report. Mr. Arker replied affirmatively.

Mayor Parker closed the public hearing.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, approving the site plan subject to the conditions noted in the planning report. In a roll call vote, all voted in favor. The motion carried 5-0.

Mr. Arker advised that the construction was scheduled to begin some time in April or May 2005.

Mayor Parker called a recess at 8:20 p.m.. The meeting was reconvened at 8:27 p.m.

B. Discussion and/or action regarding proposed plans by the Volunteer Fire Department (*Jim Silverstone, Volunteer Firefighter*)

Jim Silverstone, Volunteer Firefighter, discussed the budget as submitted by the Volunteer Fire Department earlier tonight. He indicated that for a cost of approximately \$900,000, the Volunteers could provide townwide fire suppression, hire a full-time fire chief, start a building fund, and purchase a third fire truck. Mr. Silverstone explained that the Insurance Service Offices (ISO) rating system requirements had been used in preparing the document. He stated that there was a fear that if the Volunteers were housed with the Broward Sheriff's Office Fire Rescue Department, the Volunteers would cease to be needed.

Mayor Parker stated that there had been some discussions concerning the Volunteers sharing a public facility building with the police department headed by the Broward Sheriff's Office. He asked if the Volunteers had any objections to this concept. Mr. Silverstone replied negatively.

Mr. Silverstone stated that the Volunteers were professional firefighters who took their responsibilities seriously. He felt that the department could fulfill the needs of the Town for fire suppression.

Mr. Silverstone provided a PowerPoint presentation, stating that there were 31 individuals certified; including 16 Firefighters I and 15 Firefighters II. He indicated that there were currently 15 individuals being accepted to provide coverage 8 hours a day, free of charge. Mr. Silverstone felt that this would aid in continuing the sense of community within the Town.

Town Commission Regular Meeting Minutes
February 8, 2005

Mr. Silverstone stated that he had no objections to working with the Broward Sheriff's Office Fire Rescue Department and believed that their EMS system was first class. He assured the Commission that the Volunteers did not want to take over that aspect of the fire department.

Mr. Silverstone stated that the Volunteers had no objections to becoming a direct department of the Town of Lauderdale-By-The-Sea. Vice Mayor Kennedy asked if the Volunteers were amenable to initiating a system like the one used by the Volunteer Fire Department in the City of Plantation. Mr. Silverstone replied ~~negatively~~ affirmatively.

Commissioner Wessels stated that if the Volunteers had no objections to working with the Broward Sheriff's Office, what type of benefits were being experienced. Mr. Silverstone stated that BSO had proven to be very professional, but felt that as a unit they did not have anything that the Volunteers could not provide. He indicated that BSO was part of Broward County and, as a result, had already been paid for by taxpayers. Mr. Silverstone felt that BSO could provide a good back-up service, but reiterated his belief that the Volunteers could provide townwide fire suppression services.

Commissioner Wessels stated that the Town has liability responsibilities that included assurances that personnel policies and standards were met. He indicated that the Volunteers needed to ensure that issues such as cost breakdown, rosters, and strategies for response were addressed. Commissioner Wessels emphasized the importance of having the Volunteers meet with the Town to discuss these issues.

Vice Mayor Kennedy stated that other issues that needed to be addressed were the specific qualifications of the fire chief, whether the fire chief worked for the Town or for the Volunteers, whether it was elected by the membership of the Volunteers, what type of recruiting and training programs would be available, and the setting of perimeters for the department. Mr. Silverstone explained that this was the reason why the Volunteers had created the station watch to ensure coverage at all times.

Vice Mayor Kennedy asked if the Volunteers believed they could raise the \$1.5 million dollars needed in the building fund to construct the new fire station. Mr. Silverstone replied affirmatively.

Vice Mayor Kennedy stated that it was important to determine whether the Broward Sheriff's Office would continue to provide police and EMS services at the same cost of the fire suppression was removed from the current contract. He indicated that a proposal for the administration of the fire department had to be created to ensure that the Town's needs were met.

Vice Mayor Kennedy stated that he did not see any reason why this proposal could not be successful. He indicated that although he was a tough task-maker, he was pleased with the positive strides the Volunteers had undertaken.

Commissioner Yanni stated that the Volunteers were asserting that automatic aid would not be necessary and questioned if mutual aid would be used. Mr. Silverstone replied

Town Commission Regular Meeting Minutes
February 8, 2005

affirmatively and emphasized that there had never been any problems experienced with the use of mutual aid.

Commissioner Yanni asked for confirmation that the proposed new fire station would not cost the taxpayers any money. Mr. Silverstone stated that the Volunteers would make every effort to collect all the funds necessary to move forward with this project.

Commissioner Yanni inquired if the fire station would be manned at all times. Mr. Silverstone replied affirmatively and indicated that the department was able to begin 24-hour monitoring by the following day.

Commissioner Yanni asked if Volunteers were paid for responding to a false fire alarm. Mr. Silverstone replied affirmatively. He indicated that the current cost was \$27.56 a call; however, he advised that the department was looking to reduce the cost to \$25 a call.

Mayor Pro Tem Clark asked Mr. Silverstone if the Volunteers were comfortable with a three-year limit. Mr. Silverstone responded that the department could be ready within one year.

Mayor Parker advised that approval of the proposed resolution did not prevent the Town from staying with the Broward Sheriff's Office if the Volunteers did not meet the necessary requirements.

1. Consideration of Resolution in Support of the Volunteer Fire Department

Attorney Cherof read the resolution by title only.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, amending the resolution to include "transition will be in accordance with the Broward Sheriff's Office agreement." 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, to modify the fourth whereas by deleting the words "can and". In a roll call vote, the motion carried 4-1, with Commissioner Wessels dissenting.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to adopt Resolution 2004-02 as amended. In a roll call vote, all voted in favor. The motion carried 5-0.

C. Discussion and/or action regarding a master utility plan for the El Mar Drive corridor (*Mayor Pro Tem Clark*)

Town Engineer Kevin Hart was present.

Town Commission Regular Meeting Minutes
February 8, 2005

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, directing Town staff to prepare a procedure for a master utility plan for El Mar Drive in coordination with the applicable utility representatives, and reporting to the Commission by the first meeting in April 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

D. Temporary Construction Easement as requested by the Village of Sea Ranch Lakes

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, authorizing the Town's Administration and the Town's Attorney to negotiate the language of the proposed temporary construction easement; and authorizing the Town Manager to execute the agreement upon completion of the negotiations. In a roll call vote, all voted in favor. The motion carried 5-0.

14. TOWN MANAGER REPORT

Assistant Town Planner Townsend stated that Mr. Walter Keller had been in contact with the Broward County Traffic Engineering Division concerning the removal of the diverter on Hibiscus Avenue, as well as the erection of two stop signs. He indicated that Town staff was awaiting the County's response.

15. TOWN ATTORNEY REPORT

Attorney Cherof advised that he had no further reports for the Commission to consider.

16. COMMISSIONER COMMENTS

Vice Mayor Kennedy stated that he had no reports for the Commission's consideration.

Commissioner Wessels stated that he had no reports for the Commission's consideration.

Commissioner Yanni wished everyone a happy Valentine's Day.

Mayor Pro Tem Clark stated that he had no reports for the Commission's consideration.

Mayor Parker wished everyone a happy Valentine's Day and provided an update of the upcoming events and festivities to be held in the Town.

Mayor Parker asked that the next agenda include a reconsideration of using public property for the purposes of constructing a private dock.

The Commission then wished Mayor Parker a happy birthday.

17. ADJOURNMENT

Vice Mayor Kennedy made a motion to adjourn the meeting. There being no objections or further business to discuss, the meeting was adjourned at 9:27 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____