

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, February 22, 2005

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:10 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 FEBRUARY 22, 2005

Mayor Parker asked that a special permit application to hold a St. Patrick's Day party at the Village Grille be added as item 10E on the agenda for the regular meeting agenda. There were no objections.

Mayor Parker asked that a special permit application to hold the Stargazing Concert be added to the agenda as item 10F on the agenda for the regular meeting agenda. There were no objections.

- Approval of Minutes

Vice Mayor Kennedy asked that the regular meeting minutes be corrected to show that Mr. Silverstone was agreeable to initiating a system like the Volunteer Fire Department in the City of Plantation. There were no objections to the correction.

- Reports

There were no objections to the proposed budget report for the period ending January 31, 2005. Mayor Parker asked if a presentation would be provided for the Town's Comprehensive Annual Financial Report. Manager Baldwin replied affirmatively, stating that representatives from Rachlin Cohen would be in attendance to provide a presentation.

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- Ordinance No. 2005-06, Pool Setback Requirements

There were no objections to the ordinance on second reading.

- Consent Agenda

There were no objections to the Consent Agenda as amended by the addition of two special permit applications.

Old Business

- Item 12A, Request for development of dock on Town property

Mayor Parker stated that he wished to ask for a reconsideration of this issue to have the Commission determine that the Town should not pursue this issue any further. It was agreed that it was proper to consider the Isaacs' request; however, it would not be in the Town's best interest to permit the private use of public lands.

- Item 12B, Agreement with Broward County to remove barrier from the Hibiscus and Bougainville Avenue

Assistant Town Manager Laura Ward explained Broward County's staff position in this matter and the Town's options. She indicated that the Director of Traffic Engineering, Jihad El Eid, would be recommending against the removal of Seagrape Drive from the Traffic Engineering Services Agreement. Ms. Ward stated that the County was concerned that although the Town might take over the liability for this road, the County would not be completely absolved from liability. She stated that Mr. El Eid would only be amenable to accepting the Town's complete removal from the Service Agreement with the exception of maintenance for traffic signals. Ms. Ward referred to Mr. El Eid's letter, dated February 21, 2005, wherein he indicated that County staff would not approve the removal of Seagrape Drive from the Service Agreement and, in fact, would ask for the whole agreement to be rescinded with the exception of the traffic signals.

Mayor Parker asked if the Town could remove all its streets from the Agreement. Attorney Cherof stated that the Town had to consider the additional monetary costs involved for the additional liability. Manager Baldwin indicated that Ms. Ward was working to obtain information concerning the differences in costs. He indicated that staff would also contact the League of Cities to inquire as to the additional premiums. Ms. Ward advised that even if the Town opted to remove itself from the Service Agreement, the Town would need to follow the traffic standards set by the Florida Department of Transportation. Mayor Parker felt that the special needs of the Town had to be considered when determining traffic calming methods.

Ms. Ward explained that under the Service Agreement, the County was basically only responsible for the replacement of stop signs and the maintenance of traffic signals. She indicated that the County did not even provide for the street striping when street surfaces were repaved.

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After a brief discussion, the Commission agreed that this issue should be resolved by March 22, 2005. It was requested that this item be placed on the agenda for consideration at that time.

Commissioner Yanni asked if State or County representatives had reviewed the site to make their determinations. Ms. Ward replied that she was unsure. Town Planner Walter Keller stated that Mr. Andrew Sebo had originally indicated that the idea of erecting two stop signs would be supported; however, he indicated that the County had since been somewhat uncooperative.

Mayor Parker asked if the Town decided to take back control of its streets, would Mr. Keller be willing to assist the Town with the required traffic studies. Mr. Keller replied affirmatively, but recommended that the Town complete a traffic study for the entire Town to determine the special needs within all areas. He explained that this was a much better method of resolving traffic issues than to prepare a traffic study whenever a new stop sign was requested. Mr. Keller also strongly recommended that the study be completed prior to the Town making its determination to take control of the streets. Attorney Cherof agreed, stating that he could not recommend that the Commission assume the responsibility for street control unless all information was obtained first. He explained that a complete inventory was needed, including existing devices and what intersections have caused a liability to the County. Attorney Cherof felt that the Commission did not currently have sufficient data to make this determination.

Commissioner Wessels questioned how the Town could pursue the placement of a traffic calming device under unusual circumstances if the study did not show that a device was needed in that particular area. Mr. Keller explained that the standards provided for special circumstances to be considered by the Commission in making a final determination.

Ms. Ward explained that she understood the residents' concern in the amount of time that it was taking to completely remove the barrier from Hibiscus; however, she emphasized the importance of ensuring that all liability issues were considered prior to moving forward. Some discussion followed.

There was a majority consensus of the Commission that the Town should consider taking control of its streets if it was found to be economically feasible. Vice Mayor Kennedy stated that cost and liability should be researched thoroughly prior to making a determination in this matter. Commissioner Wessels agreed, stating that further study needed to be completed.

There was full consensus to table this item to the next meeting in order to obtain further information. 5-0

There was full consensus to authorize Vice Mayor Kennedy and Assistant Town Manager Ward to present the Town's request concerning Hibiscus Avenue to the Broward County Commission in order to obtain the two stop signs needed before the barrier on Hibiscus Avenue could be removed. 5-0

- New Business, Item 13A, proposed pavilion design

Town Engineer Kevin Hart provided a brief presentation and provided a rendering proposed by the Master Plan Steering Committee for the Commission's review. He also described a previous proposal for a pavilion design. Mr. Hart provided a plan view of the site as well as a view of the proposed elevation for the Commission's consideration.

Vice Mayor Kennedy expressed concern that that Commission had not yet determined if concerts would be permitted at the proposed site and felt that it was necessary to ensure that the existing businesses in the area were not detrimentally affected by the proposed pavilion. He felt that the Town did, however, need to provide shaded areas, landscaping, restrooms, and showers to enhance the area for swimmers and beach-goers. Lengthy discussion followed with the Commission discussing other possible options of improvements, such as the architectural plan used on Palm Avenue Portal.

Ms. Ward stated that on behalf of the Master Plan Steering Committee she felt she needed to encourage the Commission's consideration of the new proposal for the pavilion design. She described the pavilion, adding that this type of pavilion was being used in Las Vegas, Nevada, as well as by Broward County, the Fort Lauderdale International Airport, and several cities around the country.

Vice Mayor Kennedy stated that he only wanted to ensure that a functional use of the area was provided until the Town decided what long-term improvements were needed.

4. ADJOURNMENT

Commissioner Yanni made a motion to adjourn the meeting. There being no objections and no further business to discuss, the meeting was adjourned at 7:16 p.m.

Ed Kennedy, Vice Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____