

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, February 22, 2005
7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 7:28 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. INVOCATION, TOWN CHAPLAIN

Father Handrahan delivered the invocation.

4. PRESENTATIONS

A. Broward Sheriff's Office Firefighter(s) of the Month (*Chief Charles Lanza*)

Chief Chris Koski introduced Driver-Engineer Pete Costanza and Firefighter-Paramedic James Bornick and provided a brief history of their careers. He recounted an incident in which they provided compassionate services to assist a Lauderdale-By-The-Sea resident. Chief Koski stated that after attending a medical emergency, both Driver-Engineer Costanza and Firefighter-Paramedic Bornick stayed behind to clean the premises thereby ensuring that when the patient was discharged from the hospital he did not have to face this task upon returning home. He explained that this act of compassion was expressly appreciated as the patient lived alone. Chief Koski thanked Driver-Engineer Costanza and Firefighter-Paramedic Bornick for their compassion and ensuring that the overall service experience was treated with the utmost care.

The Commission congratulated Driver-Engineer Costanza and Firefighter-Paramedic Bornick for their recognition. They also thanked them for a job well done and for taking the extra steps to ensure the comfort of a Town resident.

Town Commission Regular Meeting Minutes
February 22, 2005

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

Chief Gooding introduced Tanesha Williams-Stephenson, Clerical Specialist, and commended her for the assistance she regularly provided to District 13. He indicated that Ms. Williams-Stephenson was very detail-oriented and took great care to ensure that the office ran smoothly.

The Commission congratulated Ms. Williams-Stephenson.

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

Cindy Geesey, Marilyn Carr, Ron Piersante, and Kathy Moore presented a proclamation to Assistant Town Manager Laura Ward for her assistance throughout the years to the Town and its residents. Ms. Geesey read the proclamation into the record.

Assistant Town Manager Ward thanked the Property Owners Association for their recognition.

The Commission congratulated Assistant Town Manager Ward.

- D. Proclamation in honor of Colon Cancer Awareness Month

Mayor Parker read the proclamation into the record. He indicated that his mother, Audrey Parker, had suffered from colon cancer and encouraged everyone to be tested as recommended.

5. REPORTS

- A. Budget Report for Period Ending January 31, 2005

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to approve the Budget Report for the period ending January 31, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Comprehensive Annual Financial Report for Fiscal Year 2003-2004

Jerry Chiocca, of Rachlin Cohen Holtz, presented the annual financial report and briefly detailed the findings. Mr. Chiocca explained that the financial report for the Volunteer Fire Department had not yet been included as the department had not yet provided some of the information needed to finish the review of their accounts.

Mr. Chiocca cautioned the Commission against unbudgeted studies and projects in order to meet its goals. He offered to meet with the Commission to discuss any questions they might have.

Mr. Chiocca stated that he had no material weaknesses to report within the Town's internal financial reporting and advised that there were no incidents of non-compliance that needed to be addressed. He thanked Manager Baldwin and Finance Director Esther Colon for their assistance.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, accepting the Comprehensive Annual Financial Report for fiscal year 2003-2004. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner Yanni commended Manager Baldwin and Finance Director Colon for a job well done. The Commission agreed. Mayor Parker stated that he was looking forward to the Town winning another award.

6. APPROVAL OF MINUTES

- A. February 8, 2005, Agenda Conference
- B. February 8, 2005, Regular Meeting

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, approving the minutes of the meetings held on February 8, 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 Hearing"

- 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.

Mayor Parker briefly described the changes made by the proposed ordinance, stating that it would provide uniform requirements for pool setbacks in the north and south sections of the Town.

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

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

8. PUBLIC COMMENTS

Mayor Parker advised that the Commission would, later in the meeting, be reconsidering its position on allowing public lands to be used for private use.

Sandra Booth referenced the upcoming Taste of the Beach festivities and provided information regarding the activities that could be expected. She invited all to attend. Ms. Booth thanked the members of the board who had devoted so much time to ensure that all the preparations were completed and the festivities could be enjoyed.

Ms. Booth referenced the Neighborhood Watch program being sponsored by the Broward Sheriff's Office and the volunteer work it provided for the benefit of all residents and property owners. She stated that on behalf of the Neighborhood Watch Program, she and her husband wanted to donate a defibrillator to the Town for its use. Ms. Booth advised that she was working with Chief Gooding in this matter to ensure its proper use.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, accepting the donation of a defibrillator from the Booths. In a roll call vote, all voted in favor. The motion carried 5-0.

The Commission thanked Mr. and Mrs. Booth for their thoughtful donation.

Lawrence Wick provided information regarding upcoming events sponsored by the Kiwanis Club, which included Bingo, and invited everyone to participate.

Mr. Wick addressed the Commission concerning the proposed design for the pavilion and asked for a favorable consideration.

Cindy Geesey, 256 Imperial Lane, stated that the Property Owners Association was sponsoring a "pack" (a group of people who donate funds and/or walks for the benefit of the Humane Society Walk for the Animals). She provided the details and asked for donations to assist Broward County in its efforts to aid animals in its shelters. Ms. Geesey thanked Mayor Parker for his donation which brought the Association to the minimum fund requirement to ensure participation.

Ms. Geesey stated that the Community of Performing Arts Center would be performing "*Six in the City*" this weekend and invited everyone to attend. She briefly named the actors that would be performing.

Ms. Geesey expressed her belief that Ms. Demco had not, during the last meeting, received the respect that she deserved for what her family had done for the Town. She referenced the entranceways being proposed by the Master Plan Steering Committee and suggested that perhaps one of the obelisks could be used to honor each of the founding families. Ms. Geesey stated that that would leave three obelisks left for use in the future for other families that made great contributions to the Town.

Town Commission Regular Meeting Minutes
February 22, 2005

Ms. Geesey acknowledged the dangers of colon cancer and encouraged everyone to go through the screening process.

Dr. Bob Jones, 247 Imperial Lane, felt discouraged that the removal of the barrier on Hibiscus Avenue was being put off for yet another month. He indicated that Mr. Andrew Sebo, from Broward County, supported the Town's request and could not understand what was causing the delays. Mayor Parker stated that the Commission had agreed to table the consideration of taking its streets off the service agreement with the County until further information could be obtained. Dr. Jones stated that the County was prepared to review the need for stop signs in the area once the barrier was removed and felt the Town should move forward with its plans. Mayor Parker explained that the County had not yet agreed to replace the original two stop signs and, therefore, the barrier could not yet be removed.

Jerome McIntee, 1612 SE 21 Avenue, stated that the Volunteer Fire Department had met with BSO Fire Chief Charles Lanza. He indicated that all members of the board of directors agreed that Chief Lanza had proven to be a class act, hearing the department's complaints and promising quick action and complete cooperation. Mr. McIntee stated that the Volunteers were willing to continue working with the BSO Fire Department and asked for the opportunity to address the Commission's questions and concerns. He assured the Commission that the Volunteers were not out there bargaining, but trying to obtain the necessary information to ensure proper coverage.

Vice Mayor Kennedy referenced a recent boat fire and congratulated the Fire Departments for a job well done.

Dr. Kenneth Most, Chairman of the Lauderdale-By-The-Sea Sister Cities Association, provided a report on the progress being made with the Town's donations for its Sister City, San Isidro, Peru, South America. He explained that San Isidro had a serious problem meeting the needs of its disabled citizens and that the project to provide the necessary medical equipment, such as wheelchairs, crutches, etc., was well underway. Dr. Most indicated that the necessary paperwork was being prepared to deliver the equipment as soon as possible.

Dr. Most thanked the Commission for all its support since the time of the Association's inception 18 months ago.

Dr. Most stated that the Association would be holding its first Lauderdale-By-The-Sea Annual International Soccer Competition. He thanked Manager Baldwin for his approval to use Firefighters Park for this purpose. Dr. Most encouraged the creation of a "home" team.

Dr. Most stated that the City of San Isidro was in the process of creating a seven foot sculpture monument and suggested using one of the portals for its erection.

Town Commission Regular Meeting Minutes
February 22, 2005

Vice Mayor Kennedy stated that starting any organization was a tough undertaking; however, he indicated that Dr. Most had done a fabulous job in coordinating the Town's Sister Cities Program. He stated that Dr. Most had won the support of the Town and its residents and felt that the Association provided a great benefit to the Town.

Teresa Cohn, resident of Bel Aire, questioned the length of time permitted before a construction project had to be completed. She expressed concern that there were several sites that were unkempt and unsightly and asked the Town's assistance to ensure that these sites were cleaned up.

Ms. Cohn also referred to the new lights erected in the area and felt that they were unacceptable. She asked that lights similar to those near LaSpadas be used instead.

James Silverstone, president of the Volunteer Fire Department, referenced the fire on a boat and stated that this was a good demonstration of the department working well with the Broward Sheriff's Office Fire Department. He congratulated Mr. McIntee for his efforts during that fire.

Mr. Silverstone thanked Manager Baldwin for his assistance to ensure that a training session with the City of Fort Lauderdale was not canceled.

Tom Carr, 254 Miramar Avenue, stated that he had seen the Commission meeting of February 8th and thanked the Commission for working with the Volunteer Fire Department and allowing them the opportunity to make their presentation during that meeting.

Mr. Carr stated that he was in favor of the proposed design for the pavilion.

Stuart Dodd, 232 Imperial Lane, referenced the barrier on Bougainville Drive and could not understand why the barrier had not yet been removed. He felt that traffic calming devices could be provided later, if needed, but expressed his belief that the Town was only paying "lip-service" over this issue.

Gretel McClausland, provided information concerning the next meeting of the Citizens Initiative Committee. She indicated that the meeting would be held on March 2nd, at 7:00 p.m., at Jarvis Hall and invited everyone to attend.

Ms. McClausland referred to the new sidewalk being set on Seagrape Drive and expressed her belief that this improvement was not actually necessary.

Ms. McClausland suggested that additional benches be placed at the portals to allow residents seating areas when visiting the sites. She thanked the Commission for their support of the Volunteer Fire Department. Ms. McClausland stated that the Citizens Initiative Committee was seeking donations for an attorney.

Ms. McClausland commended the Code Enforcement Division for a job well done, indicating that they worked through the weekend to ensure inspections were made throughout the week.

Cristie Furth stated that she had attended the last Master Plan Steering Committee meeting and was heartened that the Committee had voted to keep mixed uses limited to A1A and preserve the residential status of El Mar Drive. She felt that the Town should focus on solutions that will maintain the quality of life its residents wanted as opposed to attracting a higher quantity of retail development.

Adrienne Roberts, 220 Imperial Lane, asked to see some action on the removal of the barrier on Bougainvillea Drive. She also spoke in favor of the proposed design of the pavilion.

Bob Roberts felt it should be no problem to get the two stop signs the Commission was seeking. He distributed copies of a letter from Andrew Sebo, from Broward County's Traffic Engineering Division, and felt that the barrier should be removed now, with the stop signs being erected later.

Mr. Roberts also spoke favorably for the proposed pavilion design.

Diane Boutin, 4244 El Mar Drive, congratulated the Town and the Public Works Department for the landscaping work performed on El Mar Drive. She also spoke in favor of the proposed design for the pavilion, stating that it inspired relaxation.

Rosalee Malcone stated that the Bel Aire area was a very united neighborhood. She indicated that residents were looking to beautify the area and requested the Town's consideration of a guardrail in the location being considered for a dock. Ms. Malcone stated that the lamp posts that had recently been erected in her neighborhood were not acceptable.

Bob Eckland, 1937 Southeast 17 Street, stated that as part of the resident civic association a committee had been formed to provide recommendations on beautification of the North Beach area. He questioned if those recommendations could be forwarded to staff for incorporation into the proposed design for improvements to the park area in North Beach. Manager Baldwin suggested that the residents' recommendations be forwarded to the Town's Engineer, Kevin Hart.

9. ORDINANCES (1st Reading)

There were no ordinances for first reading to be considered.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to amend the Consent Agenda by adding Items E and F. In a roll call vote, all voted in favor. The motion carried 5-0.

10. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: Garden Club Flower Show; Saturday, April 2, 2005; from 1 p.m. to 4 p.m. (also requesting set up on Friday from 11 a.m. to 4:00 p.m. and again on Saturday, from 7:00 to 9:00 a.m.)
- B. SPECIAL EVENT PERMIT: Easter Sunrise Services; Sunday, March 27, 2005 (estimated length of time is one hour past scheduled sunrise)
- C. REQUEST FOR PURCHASE: from the Broward Sheriff's Office for two (2) Segway Human Transporters (Law Enforcement Trust Fund)
- D. PROPOSAL: for engineering services for a Master Utility Plan on El Mar Drive
- E. SPECIAL PERMIT: St Patrick's Day/Village Grille, Thursday, March 7, 2005
- F. SPECIAL PERMIT: Stargazing/Community of Performing Arts Center, Saturday, March 12, 2005

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

11. RESOLUTIONS

There were no resolutions to be considered by the Commission.

12. OLD BUSINESS

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

Mayor Parker passed the gavel and made a motion to reconsider the Isaacs' request to develop a dock on Town property. Mayor Pro Tem Clark seconded the motion. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, directing the Town Manager to turn down the Isaacs' request and maintain the subject property in the public's hands.

Vice Mayor Kennedy commended the community for coming together and voicing its concerns and suggesting other options for improvements of the property. He indicated that in speaking with Assistant Town Manager Ward, it was possible that the Town

Town Commission Regular Meeting Minutes
February 22, 2005

could obtain a grant for some improvements to the site. Vice Mayor Kennedy stated that the demographics of the Town were changing drastically and believed that the Town needed to address these issues.

In retrospect, Vice Mayor Kennedy stated that it was important to provide residents with the opportunity to address its ideas. He felt it was good government for the Commission to consider all options. Commissioner Wessels agreed, explaining that although he did not like the idea of providing public lands for private use, it was the Commission's responsibility to consider all options.

Manager Baldwin referenced the grant mentioned by Vice Mayor Kennedy and briefly provided a description of the grant which provided for beautification. He explained that this was a \$10,000 matching fund grant.

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

B. Discussion and/or action concerning an agreement with Broward County to remove barrier from the Hibiscus and Bougainvillea Avenue

Mayor Parker provided a history of this issue and what progress had been made with Broward County concerning the stop signs that were necessary before the barrier could be removed. He stated that based on the discussions held during the Agenda Conference, the Commission had agreed to consider the removal of the Town's streets from the interlocal agreement providing street services, but required additional information to determine its liabilities. Mayor Parker stated that the Commission had also agreed to appoint Vice Mayor Parker to address the stop sign issue with Broward County Commissioners in an effort to complete this project. He emphasized that the Town could not move forward with the removal of the barrier until the stop signs were erected at that intersection.

Mayor Parker asked if there were any objections to appointing Vice Mayor Kennedy, together with Assistant Town Manager Ward and any other necessary staff, to lobby the County Commission to allow the Town to erect two stop signs on Bougainvillea Drive and Hibiscus Avenue. The Commission had no objections. Vice Mayor Kennedy accepted the appointment.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, directing the Town's Administration to provide a report on March 22, 2005, regarding the cost, including insurance premiums, to have the Town take over its own streets. 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 table this item to March 22, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

13. NEW BUSINESS

A. Discussion and/or action to approve the proposed pavilion design

Michael Arker, 5100 North Ocean Boulevard, stated that as a resident he felt privileged to have the opportunity to present designs and ideas to the Commission which could be used to enhance the Town and its appearance. He explained that he liked to view things with some foresight to the future. Mr. Arker invited the Commission to several locations to view improvements that could be used or modified for use within the Town. He stated that the proposed design would provide an area where the Town could hold concerts, meetings, and mingling without any prohibition in reaching the beach.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to approve the proposed pavilion design.

Vice Mayor Kennedy stated that the proposed design was a good design, but felt that it was premature to provide improvements in that area until a final determination was made on how the area was to be used.

Commissioner Yanni stated that since the pavilion would not affect the pier nor Aruba's parking, he had no objections.

Commissioner Wessels stated that choosing a design came down to a matter of taste and what your particular vision was for that area. He explained that the proposed design did not meet his vision for the area. Commissioner Wessels indicated, too, that the Commission had to consider that whatever improvements were made would eventually be changed.

Mayor Pro Tem Clark asked if the pavilion floor could be raised to three steps. Town Engineer Kevin Hart replied affirmatively.

Manager Baldwin asked Mr. Hart if he believed the cost of raising the pavilion could be achieved within the currently approved budget. Mr. Hart replied affirmatively, but explained that the cost would probably be increased. Some discussion followed.

Mayor Pro Tem Clark made a motion to raise the height of the pavilion to three feet. Mr. Hart expressed his preference for using the two foot level as it would serve the residents on a day-to-day basis and would better accommodate a handicap ramp. Mayor Pro Tem Clark withdrew his motion.

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

Town Commission Regular Meeting Minutes
February 22, 2005

B. Discussion and/or action regarding restrictions on members of the Town Commission when attending Master Steering Committee meetings

The Commission discussed their need for providing some autonomy to the discussion held by its appointed boards. Among the reasoning was the ability to obtain a fresh outlook from board members. Mayor Parker stated that Commissioners were not shy about voicing their concerns and believed they should stay out of the recommendation portion of the process until the Steering Committee made its decision and presented it to the Commission. He reminded the Commission that they always had the ability to discuss all matters during their own regular meeting.

Mayor Pro Tem Clark stated that he attended many of the Steering Committee meetings to observe and listen. He felt it was a learning experience and appreciated the opportunity to see other points of views. Mayor Pro Tem Clark did not believe this effort was necessary.

Vice Mayor Kennedy felt that the Commission should always be allowed to participate as this should be a collaborating effort and provided the opportunity to discuss different ideas. He stated that he understood that Commissioners should not speak as a member of the Commission; however, he felt that as a resident each Commissioner should be allowed to participate in the discussions.

Vice Mayor Kennedy stated that the Steering Committee was a superior committee with a great membership. He felt that unless a member had complained, this action was not necessary.

Commissioner Wessels stated that the Commission did its discussing on issues on Tuesday nights and felt it was important to allow the individual boards to discuss issues in their own manner. He also questioned if more than one Commissioner could attend a meeting without violating the Sunshine Law. Attorney Cherof replied affirmatively, as long as the meeting was properly noticed and minutes were taken.

Commissioner Yanni felt that the Commission should not attend board meetings at all.

Vice Mayor Kennedy felt that attending board meetings provided the Commission with the chance to become as educated as possible on any issue. He also felt that it was the duty of each Commissioner to hear all options. Vice Mayor Kennedy stated that board members and the Commissioners themselves were residents of the Town and should work as a part of the same team.

Mayor Parker felt that it was difficult not to speak during a board meeting and felt that Commissioners should not provide any influence during the decision process.

There was full consensus that Commissioners could attend the Steering Committee meetings, but would not participate in the discussions.

- C. Discussion and/or action concerning a recommendation to the U.S. Coast Guard regarding the schedule for the bridge located on Commercial Boulevard Bridge

Commissioner Wessels made a motion, seconded by Commissioner Yanni, to advise the U.S. Coast Guard that the Commercial Boulevard Bridge should be opened twice an hour. In a roll call vote, all voted in favor. The motion carried 5-0.

- D. PROPOSAL: for a planning study to be performed by Walter H. Keller, Inc. for the area located to the south of the Commercial Boulevard Alleyway

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, accepting the proposal. In a roll call vote, all voted in favor. The motion carried 5-0.

Manager Baldwin asked if there were any specific issues the Commission wished Mr. Keller to review as part of the study. Mayor Parker asked for Mr. Keller's understanding of the Commission's request in this matter. Mr. Keller replied that the basic approach would be to study the existing zoning and three alternate zoning proposals that could possibly include a combination of residential/commercial/hotel uses.

Development Services Director Harry Diehl stated that he wanted to be assured that the Master Plan Steering Committee would have the opportunity to review the study and provide input prior to Mr. Keller's presentation to the Commission. Mr. Keller assured the Commission that this would occur.

14. TOWN MANAGER REPORT

Manager Baldwin had no reports for the Commission's consideration.

15. TOWN ATTORNEY REPORT

Attorney Cherof had no reports for the Commission's consideration.

16. COMMISSIONER COMMENTS

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

Commissioner Yanni had no reports for the Commission's consideration.

Commissioner Wessels reminded everyone of the free concert being held at the Stargazing festivities and invited everyone to attend.

Vice Mayor Kennedy stated that during the public comments portion of the meeting, someone had indicated that he was in favor of the B-2 zoning on El Prado and along El Mar Drive. He stated that the Commission was in the process of planning and felt it was a responsibility to discuss all issues; however, he emphasized that he had never

advocated the B-2 zoning for use anywhere. Vice Mayor Kennedy invited all residents to participate in the planning process and asked that erroneous information stop being disseminated.

Mayor Parker announced the upcoming events within the Town, including Taste of the Beach, Stargazing, Saint Patrick's Day, and the Easter Egg Hunt. He invited everyone to attend and wished everyone safe and happy holidays.

17. 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 9:32 p.m.

Ed Kennedy, Vice Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____