

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, March 22, 2005

6:00 P.M.

1. CALL TO ORDER, VICE MAYOR KENNEDY

The meeting was called to order by Vice Mayor Kennedy at 6:08 p.m. Present were Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni. Also present were Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina.

Mayor Parker was not in attendance.

Vice Mayor Kennedy advised that Mayor Parker was ill and unable to attend the meeting. He stated that the Mayor had apologized for his absence.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. REVIEW AGENDA FOR REGULAR MEETING OF MARCH 22, 2005

There were no objections to the budget report.

There were no changes or modifications offered regarding the minutes.

Vice Mayor Kennedy advised that there were no ordinances for second reading to be considered at this meeting.

- Ordinance, 1st Reading

Ordinance No. 2005-07, regarding the Town's Comprehensive Plan providing amendments to the future Land Use map

Attorney Cherof explained that the proposed ordinance would implement amendments to the Comprehensive Plan. Commissioner Yanni questioned if the proposed ordinance permitted businesses within existing residential areas. Town Planner Walter Keller replied negatively, but explained that the ordinance would allow the Town to apply a five (5%) percent flexibility which provided the mechanism to allow the change. He explained that this proposal was the same as that which was provided by Broward County.

Town Commission Agenda Conference Minutes
March 22, 2005

In response to Mayor Pro Tem Clark's inquiry, Planner Keller explained that although the ordinance would allow the Town to apply for this exception, it did not require the Town to proceed with any actual changes.

Planner Keller also addressed the proposed change in policy regarding land use changes along the water, priority be given to water dependent uses. He explained that this amendment was a result of existing County policies.

Planner Keller provided a brief history of the process to maintain the Land Use Plan current and up-to-date. He indicated that the County had provided a provisional certification a few months ago, with a request for certain modifications. Planner Keller explained that until the Town's Plan was certified, the County's Land Use Plan was used for control within the Town's municipal boundaries.

Some discussion followed concerning the need for an ordinance that addressed historical properties within the Town. Commissioner Yanni felt that this issue needed to be addressed to ensure that the Town's interests were maintained.

In response to Commissioner Wessels' inquiry concerning the Town's compliance with the County's policies, Planner Keller explained that the proposed Land Use changes brought the Town into full compliance with the County's recommendations. He expected that certification could now be obtained.

Commissioner Wessels asked for confirmation that the Town did not have to proceed with the use of flexibility but, rather, the proposal provided the Town with an avenue to apply the flexibility. Planner Keller agreed.

Commissioner Wessels referred to the proposal concerning the use of septic tanks and private wells and asked if the need to hook-up to centralized sewer system was a County recommendation. Planner Keller replied affirmatively, but advised that the Town was already in the process of complying with this requirement.

Planner Keller explained that certain requirements and activities, such as schools and mining, were included because the County had wanted to see them addressed even if they were not pertinent or applicable within the Town.

- Consent Agenda

In response to Commissioner Wessels' request for information, Manager Baldwin explained that Item 10D, Transfer of Funds, provided only a transfer of funds for building demolition and parking improvements. Manager Baldwin advised that future plans would be brought back before the Commission for consideration before any work was completed.

There were no objections to the Consent Agenda.

Town Commission Agenda Conference Minutes
March 22, 2005

- Old Business
Item 12A, Line of Credit

In response to Vice Mayor Kennedy's inquiry, Manager Baldwin explained that the Town currently had a line of credit and that he and Finance Director Esther Colon recommended that the money be drawn down. Manager Baldwin felt confident that the funds would be necessary in order for the Town to move forward with the projects being considered by the Commission. He indicated that the interest rates were not likely to get any lower and, therefore, it might be in the Town's best interest to move forward at this time. Manager Baldwin asked that the Commission approve the recommendation, with an extension of the deadline to make the final draw to June 30, 2005; amend the loan agreement pertaining to the line of credit and extending the maturity date to ten years from the date of final draw; and authorizing changing the rate index from using the seven-year swap instrument to a ten-year swap instrument.

Manager Baldwin explained that the seven-year swap instrument was at a lower rate, but that the payment for the ten-year swap would provide for lower quarterly payments. He indicated that the total cost of the loan would increase by approximately \$200,000 as the funds would be borrowed for a longer period of time. Manager Baldwin stated, however, that the annual rate and the affects to the annual budget would be decreased.

Commissioner Wessels asked if the loan for the property off Oakland Park was also on a seven-year loan. Manager Baldwin replied affirmatively. Commissioner Wessels asked when that particular loan would be paid. Manager Baldwin replied that the loan would be paid by May 2008. He explained that the Town also anticipated the addition of new revenues because of redevelopment. Manager Baldwin felt that approval of the loan would lower the pressure to increase taxes within the Town. Commissioner Wessels asked what the expected annual payments would be. Manager Baldwin replied that the quarterly payments would be approximately \$89,603.

There were no objections noted.

Commissioner Wessels asked for information concerning the loan on the Oakland Park site and asked if the terms of that loan was similar to the current loan being discussed. Manager Baldwin replied affirmatively.

- Item 12B, Removal of the barrier on Bougainville Avenue

Assistant Manager Ward provided a brief history concerning this issue and advised that her research had revealed that assuming liability for the streets would not increase the Town's insurance premiums; however, she advised that the Town's insurance representative had made it clear that any stop signs had to be erected in accordance with standard procedures.

Assistant Manager Ward stated that Municipal Services Director William Mason had advised that the cost to the Town for replacing street signs was approximately \$30 to

Town Commission Agenda Conference Minutes
March 22, 2005

\$50 each. She explained how missing/damaged signs were currently reported and advised that one concern in this area would be the cost of having Public Works employees return to work for the replacement of a sign during off hours.

Assistant Manager Ward stated that the re-striping of streets was performed every five years, but indicated that the actual cost of this service was not known. She indicated that Town Planner Walter Keller had recommended during the last Commission meeting that in order to have the Town meet the federal guidelines a townwide traffic study be performed. Assistant Manager Ward advised that the cost for this study would be approximately \$15,000. She added that studies of individual intersections would range in cost from \$700 to \$1,200 each.

Assistant Manager Ward advised that Deputy Jason Friedrich had prepared a report that showed vehicular accidents that were mainly due to improper traffic devices or the lack thereof. She advised that out of the 362 reported incidents, the majority were the result of low-speed, no injury rear-end collisions. Assistant Manager Ward provided a brief description of the report results and advised that staff was looking into resolving some of the concerns raised.

Assistant Manager Ward referenced the removal of the diverter, stating that Mr. Mason had advised that the work would be completed by a private contractor. She explained that the Town would be responsible for re-striping the street in that area. Assistant Manager Ward recalled several conversations with Broward County Traffic Engineering, stating that Broward County had no objections to the removal of the barrier and a study would be performed immediately thereafter to determine what, if any, stop signs would be necessary.

Some discussion followed concerning how quickly the barrier could be removed and which signs would be erected. Mayor Pro Tem Clark and Commissioner Yanni felt that the barrier should be removed immediately. Assistant Manager Ward stated that the County had suggested that the Town use low-height speed humps in lieu of stop signs to discourage cut-through traffic. She explained that the use of low-height speed humps would allow the Pelican Hopper to retain its current route. Commissioner Wessels stated that if the barrier was to be removed, the problems on Seagrape Drive had to be addressed in tandem. He indicated that, at a minimum, the speed humps would have to be installed.

Some discussion followed concerning the existing contract with Broward County with regards to traffic engineering, with Assistant Manager Ward advising that the Town had to provide 90 days notice for a cancellation with an effective date of October 1st. Commissioner Yanni provided an example of street signs that were blown away during a hurricane and asked if the Town would be liable if the signs were not immediately replaced. Attorney Cherof replied that if the Town took over the care of its own streets, the Town would be liable for proper replacement. He cautioned that this was only one of the issues the Commission had to consider before making a final determination on this matter.

Town Commission Agenda Conference Minutes
March 22, 2005

Manager Baldwin stated that staff could not recommend taking over the liability by canceling its existing agreement with the County. Vice Mayor Kennedy stated that he did not agree with the cancellation of the agreement with the County, feeling that the liability issues were too great. Commissioner Yanni agreed.

Commissioner Wessels reminded the Commission that the barrier had initially been constructed to alleviate the number of vehicles cutting through the neighborhood. He indicated that the main problem in the area had not been a factor of "speed". Commissioner Wessels expressed the importance of maintaining the Town's pedestrian friendly atmosphere. Vice Mayor Kennedy agreed, stating that the barrier could not be removed until a stop sign could be erected on Bougainvillea. He could not agree with creating a dangerous situation which was inevitable if the stop signs were not erected.

- Item 12C, Traffic Study

Town Planner Keller stated that he had a PowerPoint presentation and asked if the Commission wished to view it during the regular meeting. The Commission opted against viewing the presentation, requesting that Mr. Keller provide a description of the report.

- Item 12D, Workshop with Volunteer Fire Department

Vice Mayor Kennedy stated that he had met with representatives of the Volunteer Fire Department and that the Volunteers had offered to meet with the Commission to address those issues the Commission felt were important.

- Item 13A, Fourth of July Expenditures

Mayor Pro Tem Clark asked that this item be removed from the agenda. There were no objections.

- Item 13B, Site Plan Review for Villa Caprice

Commissioner Wessels referenced the review of the site plan for Villas By The Sea, stating that the Commission had required an easement for use as a future promenade with no restrictions on rentals. He believed that all projects on State Road A1A, as well as those located east of A1A should include this requirement to ensure consistency. Vice Mayor Kennedy agreed, stating that the El Prado area was a jewel that needed to remain as an open vista from Town Hall to the ocean. He felt that the El Prado area was the perfect area to hold concerts and indicated that perhaps the Commission should consider placing the pavilion at the end of El Prado as opposed to Commercial Boulevard.

Town Commission Agenda Conference Minutes
March 22, 2005

Vice Mayor Kennedy stated that he had met with County Mayor Kristin Jacobs and Assistant Manager Ward recently and that Mayor Jacobs had agreed to extend the time limit in which the Town could apply for the grant for the pavilion. He indicated that the Town should seriously consider placing the pavilion on El Prado instead of on Commercial Boulevard. Vice Mayor Kennedy stated that Mayor Jacobs was quite pleased with the Town's efforts.

- Item 13D, Budget for Fiscal Year 2005/2006

Manager Baldwin advised that he would review his budget message during the regular meeting.

- Item 13E, Parking Acquisition

Manager Baldwin advised that he would be requesting the Commission's approval to enter into an agreement for the purposes of providing additional parking.

Vice Mayor Kennedy stated that the report concerning the Evaluation and Appraisal Report should be provided during the regular meeting.

4. ADJOURNMENT

Commissioner Wessels made a motion to adjourn the meeting. There being no objections and no further business to discuss, the meeting was adjourned at 6:58 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____