

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, April 12, 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. Also present were Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. INVOCATION, TOWN CHAPLAIN

Father Handrahan delivered the invocation.

Mayor Parker stated that the U.S. Flag had been flying at half-staff in honor of Pope John Paul II. He indicated that it would be raised again on Wednesday.

4. PRESENTATIONS

There were no presentations to be made.

5. REPORTS

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

Bill Davis, representing the Chamber of Commerce, provided an update of recent events within the Town and presented a schedule of upcoming events. He invited everyone to participate. Mr. Davis thanked the Commission, residents, and business owners for their support throughout the years.

B. Fourth of July Celebrations

Lawrence Wick, Vice Chairman of the Fourth of July Committee, provided an update of the proposed celebrations surrounding the Fourth of July festivities. He thanked current contributors and invited all residents and business owners to participate and donate to aid in the coordination of the festivities.

6. APPROVAL OF MINUTES

- A. March 22, 2005, Agenda Conference
- B. March 22, 2005, Regular Meeting

Mayor Parker made a motion, seconded by Vice Mayor Kennedy, to approve the minutes as amended during the Agenda Conference meeting earlier today. In a roll call vote, all voted in favor. The motion carried 5-0.

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

- A. **Ordinance 2005-07:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, providing amendments to the future Land Use map and text amendment to the future Land Use regarding infrastructure, conservation and intergovernmental coordination and other elements of the Town's Comprehensive Plan; providing for conflict; providing for severability; providing an effective date.

Attorney Cherof read the ordinance by title only and briefly described the reason for the ordinance. Town Planner Walter Keller briefly described the proposed amendments to the Comprehensive Plan and explained that the proposed changes were a part of the process to bring the Town's Comprehensive Plan in compliance with Broward County's Future Land Use Element.

Mayor Parker opened the public hearing.

John Thompson, 4900 North Ocean Boulevard, asked the Commission to reconsider the reclassification of El Prado from "Park" to "Residential" and designate it as "Park".

As no one else wished to speak, Mayor Parker closed the public hearing.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to adopt Ordinance No. 2005-07 on second reading. In a roll call vote, all voted in favor. The motion carried 5-0.

8. PUBLIC COMMENTS

Cindy Geesey, 256 Imperial Lane, stated that the Planning and Zoning Board had reviewed and approved the sidewalk café for minor expansion and thanked Vice Mayor Kennedy for his accolades to the Planning and Zoning Board, stating that the Board had been quite pleased that their efforts had been appreciated. Ms. Geesey also requested the Commission consider televising the Property Owners Association meeting and advised she will produce an agenda if required.

Bob Roberts, 220 Imperial Lane, thanked the Commission for removing the barrier on Bougainvillea Drive. He indicated the decrease in southbound cut-through traffic on Sea Grape was now apparent, but the signage at the intersection was inappropriate. Mr. Roberts commented on the inadequate fire suppression services currently being provided to Town residents and businesses. He asked what the Commission was doing to cancel the Broward Sheriff's Office contract for fire suppression services, and, in the meantime, why the Broward Sheriff's Office was not responding as back-up instead of providing main fire suppression.

Bob Karley, 242 Bombay Avenue, announced the next meeting of the Lauderdale-By-The-Sea Citizens Initiative Committee and invited residents to attend.

Mr. Karley addressed new business Item 13I, regarding construction sites. He explained that most residents did not complain about the length of time it could take to complete construction but the conditions in which those sites were kept. Mr. Karley asked that the Commission ensure that Code will address the debris issue.

Bob Terrien referenced the issue concerning the sideyard set backs, stating that not only did it eliminate the cimiterly to the building, but made it cost prohibitive.

9. ORDINANCES (1st Reading)

There were no ordinances for first reading to be considered.

10. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **United Cerebral Palsy Volleyball Challenge**/Clarion/Damon's, Saturday, June 4; and Sunday, June 5, 2005; 8:00 a.m. to 6:00 p.m.
- B. PROCLAMATION: Florida Amateur Radio Operators Week, June 20 through June 27, 2005
- C. EXTENSION OF SITE PLAN APPROVAL: Request for six month extension to site plan approval for Allen property located at 4337 Poinciana

- D. SITE ACQUISITION: Proposal for services with Advanced Asset Management, Inc.

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

11. RESOLUTION

- A. **Resolution No. 2005-05**, A resolution of the Town of Lauderdale-By-The-Sea, Florida, urging members of the Florida Legislature to support House Bill No. 373 which would enable local governments to periodically adjust occupational license taxes to meet the needs of the local government, its businesses and its residents; directing Town Administration to transmit a certified copy of this resolution to the Governor, the Florida Senate President, the Speaker of the Florida House of Representatives, the Town's State Legislative delegation, the Broward League of Cities, the Florida League of Cities and any other interested parties; providing for conflict; providing for severability; and providing for an effective date.

Attorney Cherof read the resolution by title only.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, adopting Resolution No. 2005-05. In a roll call vote, all voted in favor. The motion carried 5-0.

12. OLD BUSINESS

- A. Discussion and/or action concerning a request for a joint workshop between the Town Commission and the LBTS Volunteer Fire Department, Inc. (*Mayor Parker*)

Mayor Parker stated that the workshop was to set standards so the Volunteers could formulate a plan of action to be brought back before the Commission at a second workshop for approval.

Vice Mayor Kennedy stated that this workshop should be temporarily postponed until there was no dissention between the ranks and the Volunteers could show that there was some unity. He expressed a lack of confidence in a unit that perpetuated fear amongst residents.

Commissioner Wessels concurred that both issues could be addressed at the same time. But, while this was a difficult situation to manage at times, he suggested addressing several concerns such as whether the Volunteers wanted to be employees of the Town or strictly volunteers; the number for its memberships; and fallback plans for reduction of that membership. Commissioner Wessels felt that everyone should put everything on the table and deal in good faith in order to do proceed correctly.

There was full consensus to hold a workshop meeting. 5-0.

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Vice Mayor Kennedy asked Manager Baldwin if time was needed to gather facts to which Manager Baldwin responded negatively since a proposal had not yet been provided by the Volunteers. However, Manager Baldwin thought it would be appropriate to invite the Broward Sheriff's Office to the workshop as they were currently under contract with the Town for fire suppression services. There were no objections.

Manager Baldwin advised that at the point when the Town received the Volunteers' proposal, then, at that time, Town staff would need time to review the plan and properly prepare a response.

Mayor Parker suggested that the Volunteers provide a clear plan so that their plan could also provide solutions to the Town's emergency medical services problems. He indicated that internal procedures needed to be provided to ensure that disputes could be properly addressed.

Commissioner Clark made a motion, seconded by Commissioner Wessels, to schedule a workshop for Tuesday, April 19, 2005, at 6:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Discussion and/or action concerning closure of the west bound traffic movement from State Road A1A onto Hibiscus Avenue (*Manager Baldwin*)

Commissioner Wessels made a motion, seconded by Commissioner Clark, instructing the Town Administration to complete closure of the west bound traffic movement from A1A onto Hibiscus Avenue. In a roll call vote, all voted in favor. The motion carried 5-0.

13. NEW BUSINESS

- A. Discussion and/or action concerning Mulligan's Restaurant's application for a license agreement for a sidewalk café in the public right-of-way

George Hart, owner of Mulligan's Restaurant, and Bob McTeague, of RPM General Contractors, were present.

Bill Cianti, 1617 Middle River Drive, Ft. Lauderdale, owner of the building adjacent to Mulligan's Restaurant on the west side, stated his opposition. He expressed his belief that the Town had failed to properly notify the public of the hearing. Attorney Cherof advised that although there was no statutory requirement to provide advertisement for this meeting, the Town had, in deed provided notification to the public.

Cindy Geesey, Chairwoman of the Planning and Zoning Board, advised that the proposed application had originally been advertised for January and then continued to time certain.

Commissioner Wessels asked if the Town would be losing any parking spaces in this area. Mr. Hart replied negatively. After some discussion and a description of the area being encroached on the sidewalk, Commissioner Wessels expressed concern that the area

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around the crosswalk should not be changed. Mr. Hart stated that he understood the Commission's concern but felt that property owners should be allowed to police their own property.

Vice Mayor Kennedy stated that he was inclined to approve the request as he believed it would only aid in the viability of the area.

Commissioner Yanni inquired as to whether the corner can be seven feet rather than cutting it down to five feet. Mr. Hart had no objections to the change in the plans. There was discussion that in lieu of a railing, a continuation of planters, with a separation not to exceed 6 inches, be used. Mr. Hart agreed to the modification and indicated that this had been his intent all along.

Attorney Cherof advised that the Code required that a site plan be provided to show where the tables and chairs would be located for use with the café. He indicated that if the proposal was approved as submitted, the applicant would not be entitled to use tables and chairs.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to authorize an amendment to the application be resubmitted at next meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

B. Discussion and/or action concerning a streaming video/community banner program (*PIO D'Oliveira*)

A promotional video and banner program was presented to the Commission for consideration. The program was offered by Florida League of Cities and, with participation in this program, the Town would have four videos incorporated into the web site, along with twenty-five free banners, at no cost.

Commissioner Wessels was apprehensive regarding the mixed use of seasonal and non-seasonal banners since they are required to stay up for one year. Vice Mayor Kennedy agreed and expressed concern that so many banners, used year-round, would clutter the Town. The Commission discussed this issue at length and requested additional information concerning the length of time the banners had to be flown, whether they could be removed at the Town's discretion, and if the banners could be eliminated during special events and/or holidays.

Mr. D'Oliveira advised that he would provide additional information during the next meeting for further consideration by the Commission.

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- C. Discussion and/or action concerning a request by the Lauderdale-By-The-Sea Sister Cities Association, Inc. for a donation by the Town (*from general fund contingency account 519-000-500-497 to donations account 511-000-500-820*) (*Dr. Kenneth Most, LBTS Sister Cities Association, Inc.*)

Dr. Kenneth Most, Chairman of the Sister Cities Association, and Jack Cooney, Treasurer, were present. Dr. Most confirmed that this as a one-time donation request. Commissioner Yanni made a motion, seconded by Commissioner Clark, to pay the \$1,800. Commissioner Clark expressed concern as to how much was left and whether it was actually needed. He expressed his belief that the majority should come from private sector and inquired San Isidro's contribution in terms of promoting tourism or travel from San Isidro to Lauderdale-By-The-Sea. Dr. Most responded that the Town had not made any requests of San Isidro, but that San Isidro had made a request to the Town. He stated that Peru was very well represented in this area and believed that, given time, the fruits would be flowing in both directions.

Vice Mayor Kennedy recognized the great job done by the Sister Cities Association and acknowledged the wheelchair venture as an excellent accomplishment.

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

- D. Discussion and/or action concerning the removal of advertisements from bus benches in the northern section of Town (*Mayor Parker*)

Mayor Parker asked for a motion to survey existing buses and begin with the necessary procedures to remove advertising.

Commissioner Yanni made a motion, seconded by Commissioner Clark, to approve. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker requested an update at the meeting of April 26, 2005.

- E. Discussion and/or action concerning the cancellation of August 2005 meeting(s) (*Mayor Parker*)

Vice Mayor Kennedy made a motion, seconded by Commissioner Clark, to approve. In a roll call vote, the motion carried 4-1, with Commissioner Wessels dissenting.

- F. Discussion and/or action concerning sideyard setbacks (*Commissioner Yanni*)

Commissioner Yanni explained the request for review of the existing Code and suggested its removal when existing structures did not encroach onto the set back. He felt that this modification would encourage redevelopment.

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Vice Mayor Kennedy suggested making zoning changes at the same time the development plan was being considered and asked if it could wait until the rest of the Code was updated. There were no objections from the Commission.

Assistant Town Manager Ward stated that staff would like to have the opportunity to review those instances where properties that are currently non-conforming would be affected. Town Planner Walter Keller stated that he would do the research and have a report for the Commission to consider within the month.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to table this item to the meeting of May 10, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

G. Discussion and/or action concerning front yard setbacks [of corner lots]
(*Mayor Pro Tem Clark*)

Commissioner Clark explained the request for the review of the existing Code governing front yard setback as it pertained to corner lots.

With a brief discussion, there were no objections to having staff review the request and provide proposals for changes during the review of the entire land development code.

Commissioner Clark made a motion, seconded by Vice Mayor Kennedy, to table this item to the meeting of May 10, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

H. Discussion and/or action regarding the installation of newspaper boxes for By-The-Sea-Times (*Commissioner Yanni*)

John McMillan, publisher of By-The-Sea-Times, 223 Commercial Boulevard, requested the boxes be installed at his expense.

Mayor Parker inquired as to whether the Commission could, under the first amendment, submit to his request without returning to the proliferation of boxes that previously existed. Attorney Cherof responded negatively and suggested additional time be granted to review other options which may accommodate Mr. McMillian's request.

Mayor Parker directed Mr. McMillian to report back at the meeting of May 10, 2005.

I. Discussion and/or action concerning time limits for property owners to complete construction/remodeling (*Mayor Parker*)

Mayor Parker explained that the way code reads, an unlimited amount of time is allowed for completion of a building project as long as a permit was renewed. He suggested a time limit of 18 months be added to the Town's Code, with a requirement that fencing with

netting be provided during construction. Mayor Parker also believed that when making repairs, a time limit of six months should be imposed.

Attorney Cherof advised that the Town could provide for that type of provision in the Code and suggested that staff might want to consider monetary fees.

There was full consensus instructing the Town Attorney to prepare such an ordinance.

J. Discussion and/or action concerning sanitary sewers on Sunset Lane
(*Manager Baldwin*)

Vice Mayor Kennedy motioned, seconded by Commissioner Clark, to direct the Town's Administration to include Sunset Lane into the first phase of the sewer construction. In a roll call vote, all voted in favor. The motion carried 5-0.

K. Discussion and/or action concerning sanitary sewers in Pompano Beach
(*Manager Baldwin*)

Mayor Parker inquired as to whether Attorney Cherof reviewed this item or whether the item should be brought back for consideration at the next meeting. Attorney Cherof replied that he had not reviewed the documentation.

Mr. Jack Cooney asked the Commission to consider the concept of Palm Club as a third phrase in this project.

There was full consensus to bring this item back for further consideration at the meeting of April 26, 2005.

14. TOWN MANAGER REPORT

Manager Baldwin had no reports for consideration.

15. TOWN ATTORNEY REPORT

Attorney Cherof had no reports for consideration.

16. COMMISSIONER COMMENTS

Commissioner Yanni thanked everyone for attending the pancake breakfast on Easter Sunday after the Sunrise Services. He also thanked Mayor Parker and Mrs. Parker for their help with the Easter egg hunt.

Mayor Parker offered his condolences to residents for the loss of Pope John Paul II.

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Mayor Parker thanked the Volunteer Fire Department, the Kiwanis Club, the Women's Alter Guild, and the Lion's Club for their help with the Easter egg hunt and congratulated Susan Gamon as the new President of the Women's Alter Guild of the Assumption Catholic Church.

17. ADJOURNMENT

Commissioner Clark made a motion to adjourn the meeting. There being no objections or further business to discuss, the meeting was adjourned at 10:11 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____