

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

Town Commission Meeting Room  
**4501 Ocean Drive**  
**Tuesday, April 26, 2005**  
**7:00 P.M.**

Mayor Parker advised that the flag had been flying at half staff in honor of Doug Yanni, Commissioner Yanni's son who had recently passed away.

**1. CALL TO ORDER, MAYOR OLIVER PARKER**

The meeting was called to order by Mayor Parker at 7:07 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, and Commissioner Wessels. Also present were Town Manager Baldwin, Town Attorney Cherof, and Town Clerk Medina.

Commissioner Yanni was not in attendance.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was recited.

**3. INVOCATION, TOWN CHAPLAIN**

Father Handrahan delivered the invocation.

A. Excused Absence for Commissioner Yanni

Mayor Parker advised that Commissioner Yanni had requested an excused absence due to a death in the family.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to excuse Commissioner Yanni from attendance at this meeting. In a roll call vote, all voted in favor. The motion carried 4-0.

**4. PRESENTATIONS**

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

Chief Gooding recognized Richard Kreuter and Charles Pickell for their efforts in a recent burglary which uncovered that that particular theft had occurred due to an inside job and led to the solving of additional thefts.

Chief Gooding also recognized Guntis Terijs for his outstanding job in recovering an unreported stolen car, undamaged.

B. Lauderdale-By-The-Sea Volunteer Fire Department Firefighter(s) of the Month (*Chief Ian MacLean*)

Chief MacLean recognized Firefighter Gary Roberts who had assisted in the rescue of two young adults who found themselves in a perilous situation with a jet ski.

Chief MacLean announced that a benefactor of the Volunteer Fire Department donated \$5,500 worth of sports equipment, specifically basketball padding, volley ball equipment, and soccer equipment. He added that the benefactor also expressed interest in helping to fund an explorer program and a water rescue specialist program. Chief MacLean advised that the Volunteer Fire Department wished to donate the equipment to the Town for use by its residents and visitors.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, accepting the donation from the Lauderdale-By-The-Sea Volunteer Fire Department, Inc. In a roll call vote, all voted in favor. The motion carried 4-0.

## 5. REPORTS

A. Budget Report for Period Ending March 31, 2005

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, approving the Budget Report for the period ending March 31, 2005. In a roll call vote, all voted in favor. The motion carried 4-0.

B. Fourth of July Celebrations

Lawrence Wick, Vice Chairman of the Fourth of July Committee, provided an update on the Fourth of July celebrations and indicated he is still searching for volunteers.

Jerry Sehl provided handouts for the Commission's review from Mercedes-Benz, stating they might be interested in future endeavors. He then listed the prizes that were currently being offered, which included a digital camera to be raffled amongst the volunteers.

Jane Karnapp, 231 Marine Court, Corporate Communications Manager for View Tech, the nation's fourth largest manufacturer of video projection screens. Ms. Feehan added that they also manufacture the art screen which transforms plasma TV into a work of art and is happy to donate this screen with thanks to Howard Sincoff, President of View Tech.

Mr. Sehl then briefly listed the major sponsors to the Fourth of July festivities and thanked them for their support.

**6. APPROVAL OF MINUTES**

- A. April 12, 2005, Agenda Conference
- B. April 12, 2005, Regular Meeting

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, approving both sets of minutes for the meetings held on April 12, 2005. In a roll call vote, all voted in favor. The motion carried 4-0.

**7. ORDINANCES (2<sup>nd</sup> Reading) "Public Hearing"**

There were no ordinances for second reading to be considered.

**8. PUBLIC HEARING**

- A. Comprehensive Plan Evaluation and Appraisal Report

Town Planner Walter Keller provided a brief description of the Comprehensive Plan and the process that was required for Broward County to adopt the document. He then provided a brief history of the meetings that had been held in an effort to obtain public input to be included in the document.

Mayor Parker opened the public hearing.

John Thompson, 4900 North Ocean Boulevard, expressed his views regarding mixed use in residential areas as having enough commercial use, and suggested that specific policies be developed to discourage further population growth with regard to road infrastructure, specifically on State Road A1A.

With no one else wishing to speak, Mayor Parker closed the public hearing.

Planner Keller asked if there were any comments the Commission wished to be incorporated into the document. There were no amendments offered by the Commission.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, directing the Town's Administration to submit the Comprehensive Plan Evaluation and Appraisal Report to appropriate agencies.

In response to Vice Mayor Kennedy's inquiry, Planner Keller advised that the Department of Community Affairs and the Florida Regional Planning Council would be reviewing the documentation.

In a roll call vote, all voted in favor. The motion carried 4-0.

**9. PUBLIC COMMENTS**

Cindy Geesey, 256 Imperial Lane, commended Assistant Town Manager Laura Ward for her achievements in the City of Fort Lauderdale. She went on to announce that Assistant Town Manager Ward was named as the City of Fort Lauderdale's 2005 Distinguished Citizen with a permanent plaque at the City. Ms. Geesey also addressed the sewer issue and explained her views regarding assessments.

John Thompson, 4900 North Ocean Boulevard, referenced the referendum which had been scheduled for the general elections of 2006 requesting that the Commission reschedule the referendum to March 2006.

Mr. Thompson requested a town wide moratorium regarding the preventing the construction of any new construction not replacing existing buildings above 3 over 1 stories, pending the holding of the referendum election.

Attorney Cherof requested additional time to research the question of a town wide moratorium.

The consensus to consider carried 3-1 with Vice Mayor Kennedy dissenting.

Vice Mayor Kennedy denied consideration of anything over 4 stories

Fred Hartman, 1960 Southeast 18 Street, referenced the Bel Aire Civic Association who had recently met with Chief King, Chief MacKlean and Chief Gooding attending. He thanked them for answering their questions regarding the devastating boat fire and other issues of concern. He also thanked Vice Mayor Kennedy for attending and invited the rest of the Commission to consider attending future meetings of the Association.

Mayor Parker stated that he had been unaware of the meeting date and asked that the Commission be advised of future meetings.

**10. ORDINANCES (1st Reading)**

There were no ordinances for first reading to be considered.

**11. CONSENT AGENDA**

- A. Proclamation: Civility Month during the month of May 2005
- B. Environmental Site Assessment and Asbestos Survey/Purchase from Vrana, Ltd.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, adopting the Consent Agenda. In a roll call vote, all voted in favor. The motion carried 4-0.

## 12. RESOLUTIONS

There were no resolutions to be considered by the Commission.

## 13. OLD BUSINESS

- A. Discussion and/or action concerning the removal of advertisements from bus benches in the northern section of Town – Report on the number of bus benches affected and contract eligibility (*Mayor Parker*) (*continued from April 12, 2005*)

Municipal Services Director William Mason advised that the surveys of the benches had been completed; the three benches removed are in the process of being replaced, but the advertising was gone.

- B. Discussion and/or action concerning Mulligan's Restaurant's application for a license agreement for a sidewalk café in the public right-of-way (*continued from April 12, 2005*) (**staff requesting a tabling to May 10, 2005**)

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, tabling this item to May 10, 2005. In a roll call vote, all voted in favor. The motion carried 4-0.

Mayor Parker asked that the applicant for Mulligan's Restaurant be advised that this item would be denied if they were not prepared to move forward at the next meeting.

- C. Discussion and/or action concerning a streaming video/community banner program (*PIO D'Oliveira*) (*continued from April 12, 2005*) (**staff requesting a tabling to May 10, 2005**)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, tabling this item to May 10, 2005. In a roll call vote, all voted in favor. The motion carried 4-0.

- D. Discussion and/or action concerning sanitary sewers on Sunset Lane (*Manager Baldwin*) (*continued from April 12, 2005*)

Uli Brandt provided some history on the annexation of the North Beach area and indicated that although he had no objections to the actual improvements, the Commission should also consider the improvements that were needed in the south part of Town. He felt that the needed improvements in the south side should be addressed before the improvements to Sunset Lane.

In response to Mayor Parker's inquiry, Attorney Cherof advised that Mr. Hart had agreed to the following amendments to the agreement:

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- Delete the hourly rate for expert testimony and court appearance on page 5. Services will be billed at regular hourly rate.
- Delete the clause regarding hourly charges which provides for an increase in charges beyond the firms normal business hours 8:00 to 5:00.
- Delete the clause regarding a lump sum fee increase of 1% per month after initial term of six (6) months or until the completion of the work.
- Delete the clause regarding a separate payment of \$150.00 fee for affidavits.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, authorizing the installation of sewers in Sunset Lane as part of Phase One at no cost, and directing Attorney Cherof to prepare a resolution to that effect. In a roll call vote, all voted in favor. The motion carried 4-0.

Commissioner Wessels felt guidelines for improvements on private property should be set, adding it is compelling as a public service to rid the Town of septic tanks. He also suggested looking at several areas; must factor costs into budget; tax increases; where improvements will put other capital improvements; will it be economically feasible to divide sewer improvements; timetables.

Vice Mayor Kennedy stated that the priorities of the Town, regardless of their location, were infrastructures that had to do with environmental concerns. He indicated that the Town's demographics are changing radically and issues such as this had to be addressed immediately. Vice Mayor Kennedy emphasized the importance of eliminating the division between north and south as the Town had to be viewed as one.

Mayor Parker stated that part of the annexation agreement was that the Town would provide sewer improvements in that area. He also explained that it should be a Town requirement for all properties hook up to the Town's sewer system.

Mayor Parker requested another motion authorizing the Town Manager to sign the contract on behalf of the Town by Craven Thompson inclusive of the following amendments:

- Deleting the expert witness testimony charge
- Deleting the court appearance charge
- Deleting the paragraph title "Hourly Charges"
- Deleting the paragraph title "Lump Sum Fees"
- Deleting the first sentence of the paragraph title "Affidavits"

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, authorizing the Town Manager to execute the contract as amended by the Town Attorney. In a roll call vote, all voted in favor. The motion carried 4-0.

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- E. Discussion and/or action concerning the consideration of including Palm Club as a third phase in the sanitary sewer project (*continued from April 12, 2005*)

Bob Terrien, 238 Lombardi Avenue, spoke in favor of moving forward with the promises made in the annexation agreement. He indicated, however, that the Town was not paying for that portion of the sewer lines being installed in Pompano Beach and felt that that the Town should only bring the line into the beginning of the development and not through private property.

Ron Piersante, 277 Lake Court, stated that the private club started at State Road A1A and did not feel that the Town should pay for the remainder of the installation.

Vice Mayor Kennedy explained that "at no cost" only referred to the main line as each property owner would be required to pay for the cost of hooking up to the main line.

Mayor Parker added that the property owner was not only required to break up their septic tanks, they were required to drain them, pump them out, haul the waste away and filling them in with fresh sand fill.

Commissioner Clark made a motion, seconded by Vice Mayor Kennedy directing the Town Attorney to prepare a Resolution for the May 3, 2005 creating a Phase III to the sewer plan for Lauderdale-By-The-Sea for Palm Club to be installed at no cost to Palm Club. In a roll call vote, all voted in favor. The motion carried 4-0.

#### **14. NEW BUSINESS**

- A. Discussion and/or action considering the Property Owners Association's request to televise their monthly meeting in May 2005 (*Cindy Geesey, President, Property Owners Association of Lauderdale-By-The-Sea, Inc.*)

Ms. Cindy Geesey, President of the Property Owners Association, supplied copies to the Commission of their proposed agenda along with sample door hangers. She explained events that had been added to the agenda such as a credit to the Village Grill; the 4th of July raffle; and a comprehensive program on hurricane preparedness.

Commissioner Wessels made a motion, seconded by Commissioner Clark, authorizing the Property Owners Association's request to televise their monthly meeting in May. In a roll call vote, all voted in favor. The motion carried 4-0.

- B. Discussion and/or action concerning a request for a workshop to discuss Capital Improvements (*Manager Baldwin*)

Commissioner Wessels made a motion, seconded by Commissioner Clark to set a Workshop to discuss Capital Improvements on Tuesday, May 3, 2005 at 6:00 P.M. In a roll call vote, all voted in favor. The motion carried 4-0.

**15. TOWN MANAGER REPORT**

Town Manager Baldwin expressed the importance of the Workshop to discuss capital improvements, whereby he will explain the financial situation of the Town and try to prioritize some of the Town's capital needs.

Town Manager Baldwin thanked Assistant Town Manager Laura Ward and Zoning Code Administrator John Schlegel for their tenure advising that Assistant Town Manager Ward may stay on as consultant. Town Manager Baldwin offered his condolences to Commissioner Yanni and his family.

Town Manager Baldwin requested a report on the capital improvements up on North Beach, with Director Mason agreeing to Mayor Parker's request to make a full report at the Workshop, May 3, 2005 and / or at the May 10, 2005 Commission Meeting.

**16. TOWN ATTORNEY REPORT**

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

**17. COMMISSIONER COMMENTS**

Mayor Pro Tem Clark thanked Laura Ward and John Schlegel for their contributions to the Town. He offered condolences from both himself and his wife, to Commissioner Yanni and his family.

Commissioner Wessels extended his sympathies to Commissioner Yanni and his family. He also commented on the quality and sound of the video regarding the last commission meeting indicating it was difficult to follow.

Vice Mayor Kennedy expressed his condolences to Commissioner Yanni and his family. He wished both Laura Ward and John Schlegel well in their endeavors.

Manager Baldwin apologized for not properly notifying Vice Mayor Kennedy of the unfortunate news regarding Doug Yanni.

Mayor Parker expressed his deepest sympathies to Commission Yanni and his family on the loss of their son. He also congratulated Laura Ward on her impending retirement and on her well deserved award for Citizen-of-the-Year of Fort Lauderdale. He expressed his sorrow at John Schlegel's departure. Mayor Parker offered his congratulations to Pope Benedict, XVI for his recent election. He also wished the residents of the Town a Happy Passover, Happy Easter, and Happy Mother's Day.

**18. ADJOURNMENT**

Commissioner Clark made a motion to adjourn the meeting. There being no objections and no further business to discuss, the meeting was adjourned at 8:47 p.m.

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Oliver Parker, Mayor

ATTEST:

\_\_\_\_\_  
Alina Medina, Town Clerk

Date Accepted: \_\_\_\_\_