

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **REGULAR MEETING**

### **MINUTES**

Town Commission Meeting Room

***4501 Ocean Drive***

***Tuesday, June 14, 2005***

***7:00 P.M.***

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

Mayor Parker called the meeting to order at 7:10 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, and Commissioners Wessels and 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.

#### **4. PRESENTATIONS**

##### **A. League for the Hard of Hearing**

Mayor Parker advised that the representatives for the League for the Hard of Hearing had been unable to attend tonight's meeting and asked that this item be tabled to June 28<sup>th</sup>. There were no objections.

#### **5. REPORTS**

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

Judy Swaggerty provided an update of upcoming events within the Town. She indicated, too, that the Walk Tour maps had again been created to benefit the Town's business owners and provided copies for the Commission's review.

##### **B. Code Compliance Quarterly Report**

Commissioner Yanni commended the Code Compliance Department for providing an excellent report.

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Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to accept the Code Compliance Quarterly Report. In a roll call vote, all voted in favor. The motion carried 5-0.

C. Fourth of July Celebrations

Mayor Parker advised that he had been asked to obtain a liquor license on behalf of the Town for the events being held during the Fourth of July weekend. He asked for the Commission's permission to proceed with obtaining the license.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, authorizing the Mayor to obtain a liquor license on behalf of the Town for the Fourth of July Celebrations. In a roll call vote, all voted in favor. The motion carried 5-0.

Lawrence Wick, Vice Chairman of the Fourth of July Committee, provided an update regarding the sponsors, events, and other festivities being planned for the weekend. Mr. Wick asked that the Commission consider providing free parking for the entire event.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, approving town wide free parking for Saturday, Sunday, and Monday. In a roll call vote, all voted in favor. The motion carried 5-0.

Mr. Wick questioned if the Town would permit the 4<sup>th</sup> of July Committee to place bags over the meters that stated "Compliments of Lauderdale-By-The-Sea" to show a sense of spirit throughout the community. Mayor Parker felt that this might be too time intensive for staff to prepare, stating that clean-up would also be needed. Mayor Pro Tem Clark stated that the Committee would take care of the labor necessary to move forward with this project.

Commissioner Yanni recommended that the meters be emptied on Friday, with all monies collected during the 4<sup>th</sup> of July weekend being donated to a charitable organization. Vice Mayor Kennedy asked Manager Baldwin if this was a doable project. Manager Baldwin replied affirmatively, but also confirmed that it would require special collections before and after the events. Vice Mayor Kennedy stated that perhaps the Town could just make a \$50 donation to a charity of its choosing. Commissioner Yanni stated that the funds collected could be used to begin the funds for next year's 4<sup>th</sup> of July.

Mayor Pro Tem Clark made a motion allowing the Committee to place bags over all meters that stated "Compliments of Lauderdale-By-The-Sea". The motion died due to the lack of a second.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to empty the meters prior to the celebrations and donating any funds received to a charitable

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

## 6. APPROVAL OF MINUTES

- A. May 24, 2005, Agenda Conference
- B. May 24, 2005, Regular Meeting

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, approving the minutes of the meetings held on May 24, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

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

- A. **Ordinance 2005-09:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 6 of the Code of Ordinances, Building and Building Regulations, to add a new Section 6-8 requiring the completion of new building projects within eighteen (18) months of first issuance of a building permit and completion of exterior building repair or restorations projects within six (6) months of first issuance of a building permit; prohibiting extended storage of construction material or debris; providing for penalty and enforcement; providing for severability; conflicts; and providing for an effective date. (*tabled from May 10, 2005*)

Attorney Cherof read the ordinance by title only.

Mayor Parker advised that there was a scrivener's error and asked for confirmation that the error would be corrected prior to codification. Attorney Cherof replied affirmatively.

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

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, adopting ordinance 2005-09. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **Ordinance 2005-10:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending the Land Development Code, Chapter 24 of the Code of Ordinances, Section 24-5.149(29)b, to clarify that public right-of-way means street right-of-way; providing for conflict, severability, and an effective date.

Attorney Cherof read the ordinance by title only.

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, adopting ordinance 2005-10. In a roll call vote, all voted in favor. The motion carried 5-0.

## **8. PUBLIC COMMENTS**

Michael Arker spoke regarding the height restrictions, stating that the Commission should also consider ensuring that the El Mar Drive corridor was designated as a hospitality district by way of an ordinance.

Marie White wished Kaye Yanni a speedy recovery.

Marie White referenced her mention of the Christmas-By-The-Sea event during the last meeting. She indicated that no one had prompted her to speak and that she was only relating the feeling of many residents who had discussed this matter with her. Ms. White stated that she strongly believed that this event should be held on a Saturday.

Ms. White thanked Chief Scott Gooding for his assistance to ensure that the 4<sup>th</sup> of July parade route could include "candy throwing" to the children. She felt that the children always looked forward to this aspect of the parade.

Commissioner Wessels suggested that if volunteers could be obtained, perhaps the Town could put on a special event on a Saturday prior to Christmas for the children in Town. Ms. White stated that she would be pleased to get volunteers for this purpose and advised that she would provide an update at the next regular meeting.

John Thompson stated that when the Commission was considering changes to how the fire department was run, he had asked the Commission not to remove the Volunteers as the main supplier. He indicated that there had been some problems with the pension plan and believed that if this issue could not be resolved immediately, the Town's ordinances should be changed back to their original format.

Mr. Thompson referenced the fire assessment, indicating that he had already questioned the methodology used to determine the cost and urged the Commission and the Town Attorney to ensure that the proper methodology was used this year. He noted that the City of Miami had experienced some troubles with the methodology they had used for this same type of tax.

Mr. Thompson stated that the resolution regarding the moratorium had not been included on tonight's agenda.

## **9. ORDINANCES (1<sup>ST</sup> Reading)**

There were no ordinances, first reading, to be considered by the Commission.

## 10. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **4<sup>th</sup> of July Decorations**/Aruba Beach Cafe, Monday, July 4, 2005; from 11:00 a.m. to 1:00 a.m.
- B. SPECIAL EVENT PERMIT: **Muckensturm Wedding**/Courtyard Villa, Saturday, July 16, 2005, from 6:00 p.m. to 11:00 p.m.
- C. AMENDMENT TO SPECIAL EVENT PERMIT: **Fourth of July Celebrations**/Doo Wop Concert, Saturday, July 2, 2005; from 1:00 p.m. to 11:00 p.m. (*amendment to location of cooking and serving areas*)
- D. AMENDMENT TO SPECIAL EVENT PERMIT: **Fourth of July Celebrations**, Monday, July 4, 2005; from 10:00 a.m. to 12:00 midnight (*amendment to allow for the use of banners, signs, and to permit sidewalk sales as noted in the application*)
- E. EXTENSION TO DEVELOPMENT ORDER: Arker/Half Ventures of Florida LLC; project located at 4240 Bougainvillea Drive (*applicant requesting a six month extension on existing development order*)

Vice Mayor Kennedy asked if there was any charge to attend the Fourth of July Celebrations. Mayor Parker replied negatively, with clarification that there would be a charge for food and beverages.

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

## 11. RESOLUTION

There was no resolution to be considered by the Commission.

## 12. OLD BUSINESS

- A. Report on request to consider waiving occupational licenses for church sponsored activities on church grounds (*continued from May 24, 2005*)

Attorney Cherof advised that the Commission would be unable to move forward with this issue unless the applicant was an agent of the church. He briefly explained the laws governing this matter.

- B. Update on Fire-Rescue Negotiations (*Commissioner Wessels*)

Mayor Parker stated that based on discussions held during the Agenda Conference, this item was being tabled to June 28<sup>th</sup>. There were no objections.

- C. Discussion and/or action concerning height referendum issues and amendments (*Mayor Pro Tem Clark*)

As this item was being discussed during the Workshop meeting, this item was tabled to June 28<sup>th</sup>. There were no objections.

Based on Mr. Arker's request, the Commission agreed to add the consideration of creating a hospitality district on El Mar Drive during its July meeting.

### 13. NEW BUSINESS

- A. **"PUBLIC HEARING"** VACATION OF RIGHT-OF-WAY, request from EastCoast Communities as it pertains to the project being developed on the property located at 230 Shore Court and 231 Shore Court

Town Planner Walter Keller provided a history of this application and stated that he had no objections to the proposal.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, finding that there was no longer a public purpose to maintain that portion of property being vacated and, in turn, approving the vacation of the right-of-way identified in the application, subject to compliance with the various requests made by the necessary utility departments.

There was brief discussion concerning Commissioner Wessels' ability to vote on this matter, with Attorney Cherof determining that since the sale of his property had taken place some time back, there was no reason he would need to abstain unless he believed there would be some monetary gain to his approving the request. Commissioner Wessels advised that he would not have any monetary gain regarding this matter.

In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, accepting the easement as noted in the application. In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

- B. Discussion and/or action concerning an appointment for an alternate member to the Board of Adjustment (*to complete existing term expiring May 1, 2006*)

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Ms. Medina advised that Ms. Marie White had resigned her position on the Board. Commissioner Yanni stated that he would like the opportunity to speak with Ms. White concerning her resignation.

In the event that Ms. White did not change her mind, it was agreed that notices would be posted to request volunteers for this matter. The Commission agreed to further consider this issue during the first meeting in July, if necessary.

- C. Discussion and/or action concerning property owners paying for the maintenance of sidewalks adjacent to their property (*Mayor Parker*)

Mayor Parker explained his proposal.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to direct the Town Attorney to prepare an ordinance that required property owners within the RM-25, RM-50, and B-1 zoning to pay for the maintenance of sidewalks adjacent to their properties.

Commissioner Yanni disagreed with the proposal, stating that residents already paid taxes to ensure that the infrastructure was maintained. He did not believe that the Commission was considering to further assess property owners with the cost of maintaining the sidewalks. Commissioner Yanni stated that if the sidewalks were in need of repair and someone was hurt, they would sue the Town in either event. He felt it was the Town's responsibility to ensure that the necessary repairs were made in a timely manner. Commissioner Wessels also disagreed with the proposal, stating that no one had exclusive use of any of the infrastructures within the Town. He felt that if this was the case, the cost of repairs should be pro-rated and included as part of the ad valorem taxes.

Vice Mayor Kennedy stated that he was persuaded by Commissioners Wessels' and Yanni's arguments and withdrew his second.

As no one offered a second to the motion, the motion died due to the lack of a second.

- D. Discussion and/or action concerning construction drawings for the entryway features (*Town Engineer Kevin Hart*)

Town Engineer Kevin Hart provided an update on this matter and indicated that the drawings should be ready for presentation to the Commission within 30 days. He asked to provide an update at the second meeting in July. There were no objections.

#### **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**

Vice Mayor Kennedy stated he had no reports for the Commission's consideration.

Commissioner Wessels wished Kaye Yanni a speedy recovery.

Commissioner Wessels suggested that the Town establish some type of "fix it" hot-line that people could call and report issues of concern such as damage to property. He felt that this telephone number could be announced on the government access channel as well as in the Town Topics. Commissioner Wessels felt that providing residents with an avenue to report issues of concern so that repairs could be made quickly would provide a more efficient method of working.

Commissioner Yanni provided information on former Commissioner Marc Furth's opening to display his photographs and invited all to attend.

Mayor Pro Tem Clark wished Kaye Yanni a speedy recovery. He also wished everyone a happy Flag Day.

Mayor Parker asked what was the status of the review being performed by the Master Plan Steering Committee regarding the existing moratorium. Mr. Keller stated that the review had been placed on hold until such time as the report from Florida Atlantic University was completed. Mayor Pro Tem Clark advised that he would be making a presentation to the Committee during its regular meeting scheduled for the coming Monday.

Ms. Medina advised that consideration of the moratorium was scheduled to be placed on the next agenda. Mr. Keller advised that he would provide a recommendation that could be included with the agenda packets.

Mayor Parker wished Kaye Yanni a speedy recover. He wished everyone a happy Flag Day and a happy Father's Day.

**17. ADJOURNMENT**

Mayor Pro Tem Clark made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at 8:27

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Oliver Parker, Mayor

ATTEST:

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Alina Medina, Town Clerk

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