

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, July 26, 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, Attorney Julie F. Klahr, 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. Senator Jeff Atwater and Representative Ellyn Bogdanoff

Senator Atwater and Representative Bogdanoff presented and signed a \$600,000 check to the Town for the Stormwater and Sanitary Sewer Improvement project. Senator Atwater pointed out that Commissioner Jim Scott also had a hand in obtaining these funds. He thanked the Town and its staff for its diligence in pursuing these grant funds.

B. Proclamations of Appreciation

Mayor Parker presented Proclamations to Senator Atwater and Representative Bogdanoff in appreciation of their diligent efforts in obtaining a \$600,000 grant for the Town's Stormwater and Sanitary Sewer Improvements project.

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

Lieutenant Woodall recognized Deputy Peter LaGana and Richard Kruetar as Employees of the Month for their magnificent work in solving a crime involving credit card fraud.

D. Firefighter(s) of the Month, Broward Sheriff's Office Fire-Rescue and Emergency Services (*Chief Don King*)

Town Commission Regular Meeting Minutes
July 26, 2005

Chief King and Chief MacLean recognized the personnel of BSO Engine 36 and Rescue Twelve who, on July 8, 2005, responded along with the Lauderdale-By-The-Sea Volunteer Fire Department Engine 12 to a hazardous material spill in the 1800 block of South Ocean Drive. It was noted that thanks to the personnel's quick thinking and skillful operations, delivery of quality medical care and rapid mitigation of a potential hazardous situation was obtained.

- E. Economic Development Task Force *(presentation by David Nixon/Michael Arker) (continued from June 28, 2005)*

David Nixon and Michael Arker gave a PowerPoint presentation and provided an update of cost estimates and research regarding Community Redevelopment Agencies. Manager Baldwin advised that \$50,000 had been budgeted to do an analysis in the coming fiscal year.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to have the Economic Task Force and Lauderdale-By-The-Sea staff work together to identify remaining issues during August and September 2005, and to provide a formal recommendation to the Commission at the October 10, 2005 Regular Meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

5. REPORTS

- A. Budget Report for Period Ending June 30, 2005

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to approve the budget report as presented. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Update on traffic concerns regarding the intersection of Commercial Boulevard and State Road A1A *(Lieutenant Ken Woodall/Richard Mitinger, Assistant Traffic Operations Engineer of Florida Department of Transportation)*

Lieutenant Woodall explained how the light at this intersection was programmed to work and advised against taking charge of the light, as the liability would fall to the State/Town. He added that a selective traffic enforcement program is being addressed along with other areas of concern.

Vice Mayor Kennedy talked about the possible installation of residential conclaves, changing the traffic flow at the intersection at A1A and Commercial Boulevard, the possible closure from A1A to the ocean, and perhaps, creating an emergency transient lane. He spoke of the change in demographics and the changes that follow.

Mayor Parker expressed his displeasure with the idea of widening A1A which would increase the problem rather than relieve it. Assistant Traffic Operations Engineer Mr. Mitinger explained his suggestion would be to improve the intersections with turn arrows,

Town Commission Regular Meeting Minutes
July 26, 2005

add additional turn lanes, and add pedestrian instructions to traffic signals, rather than widening the entire road.

Commissioner Yanni asked about the removal of a pre-existing turn arrow at Commercial Boulevard and A1A, and the placement of additional stop signs at Washingtonia. Mr. Mitinger said he would investigate the turn signal issue, but advised against additional stop signs. He said people tend to go through stop signs where heavy traffic would be scarce.

6. APPROVAL OF MINUTES

- A. June 7, 2005, Workshop Meeting
- B. June 21, 2005, Workshop Meeting
- C. July 6, 2005, Workshop Meeting
- D. July 12, 2005, Agenda Conference

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to approve the June 7, 2005, June 21, 2005, July 6, 2005 Workshop minutes and the July 12, 2005 Agenda Conference minutes. In a roll call vote, all voted in favor. The motion carried 5-0.

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

There were no ordinances for second reading to be considered.

Mayor Parker announced that pursuant to the Agenda Conference three items had been taken out of order to be considered prior to Public Comments.

- Item 13C, New Business, Discussion and/or action concerning request to have the United States Post Service establish one zip code for the entire Town (*Mark Brown/Fred Hartman*)

Fred Hartman, 1960 SE 18th Street, and Mark Brown, 1440 S. Ocean Boulevard, appeared. Mr. Hartman read his letter addressed to Congressman Clay Shaw, regarding a zip code change into the record and requested the Town send it.

Mayor Parker directed Attorney Klahr to prepare a letter to be signed by the Mayor, the Commissioners, Town Manager and Town Attorney, with copies to the Post Master of the United States Postal Service, Governor Jeb Bush, United States Senators, Mark Foulie, and United States Representative Katherine Harris.

- Item 12B, Old Business, Discussion and or action regarding the portals at Washingtonia Avenue and Datura Avenue (*Commissioner Yanni*)

Commissioner Yanni requested the public speak prior to Commission discussion. There were no objections.

Town Commission Regular Meeting Minutes
July 26, 2005

Diane Boutin distributed a rendering of the view of the Datura Portal. Bo Hollingsworth, Architect, presented the Commission with the details regarding the rendering.

Bess LoGuercio, 4552 N. Ocean Drive, requested open sides on the Washingtonia portal using the original location of the showers on the northeast section of Washingtonia Avenue.

Jackie O'Neil, 223 Algiers Avenue, talked about the lack of shade structure and thanked Engineer Hart who had assured her that the showers would be relocated close to their original location, along the sea wall, with benches beneath, as well as in front of it. Ms. O'Neil expressed her desire to have the north and south walls removed with just the four pillars supporting the structure, and preferred the design presented by Diane Boutin to the Commission.

Engineer Hart spoke about the additional costs involved to be an additional \$18,000 to redesign the structure and felt that a four to six month delay in completion of the project could be expected.

The Commission discussed the costs relating to the redesign of the structures and additional costs involved with the construction and requested a dollar amount that provided justification for use prior to making a decision. Vice Mayor Kennedy suggested the Town proceed with the construction and leave the shelter until the design and all costs have been determined.

Mayor Parker expressed his displeasure at the additional cost involved and said he preferred the existing design as it was more aesthetic than the new design. He thought, however, that the reconfiguration of the seats would make them more useful.

Engineer Hart said he could have a full report regarding the total costs from the architect within four to six weeks. He advised that, if possible, the report could be presented for Commission review at the September 6, 2005 Regular Commission, or, if not ready, then at the meeting of October 11, 2005.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to direct Engineer Hart to architecturally redesign the structures of the portals at Datura and Washingtonia Avenues, not to exceed \$18,000. In a roll call vote, Commissioner Yanni and Mayor Pro Tem Clark voted in favor. Vice Mayor Kennedy, Commissioner Wessels and Mayor Parker dissented. The motion failed 3-2.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to direct Engineer Hart to proceed with the construction of the portals at the Datura and Washingtonia portals absent the two structures at Washingtonia and Datura Avenues, and to instruct the architect to appear before the Commission at the September 6, 2005 Commission meeting. In a roll call vote Vice Mayor Kennedy and Mayor Pro Tem Clark voted in favor. Commissioner Wessels, Commissioner Yanni and Mayor Parker dissented. The motion failed 2-3.

Town Commission Regular Meeting Minutes
July 26, 2005

Commissioner Wessels made a motion to proceed with all the modifications pursuant to the modified plan already agreed to by the Engineer, except for the wall structure of the portals on Washingtonia and Datura Avenues. The motion died due to the lack of a second.

Mayor Parker instructed Engineer Hart to proceed with the construction and make whatever accommodations possible without increasing the cost, and without starting over.

Mayor Parker called a recess at 9:19 p.m. The meeting reconvened at 9:25 p.m.

- Item 12C, Old Business, Discussion and/or action of the street blockage of Washingtonia Avenue at Seagrape Drive (*Mayor Pro Tem Clark*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to reconsider the closure of Washingtonia Avenue on a trail basis.

The Commission expressed their concerns regarding safety and talked about other options available regarding traffic calming such as speed humps and round-a-bouts.

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

The original motion to close Washingtonia Avenue at Seagrape Drive had been put back on the table for reconsideration. Mayor Parker explained that a "yes" vote was to close Washingtonia Avenue at Seagrape Drive; a "no" vote was not to close Washingtonia Avenue at Seagrape Drive. In a roll call vote, all voted nay. The motion failed 0-5.

The Commission discussed the need to perform a traffic study in the Silver Shores area, along East Tradewinds Avenue, Seagrape Drive and all cut-thru roads. Vice Mayor Kennedy thought the study would fare most during peak season and should include the entire Town. He added that the Town should wait to get the report from the Department of Transportation. Mayor Parker said that Planner Keller had been directed to present a report from the Department of Transportation at the September 6, 2005 Regular Commission meeting.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to have a traffic count performed in the area, not to exceed a cost of \$2,000. In a roll call vote, the motion carried 3-2 with Vice Mayor Kennedy and Commissioner Yanni dissenting.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to instruct Town Administration to prepare a report for the September 6, 2005 regarding the costs involved for the placement of an automatic gate on Washingtonia Avenue and Seagrape Drive. In a roll call vote, the motion carried 4-1, with Vice Mayor Kennedy dissenting.

Mayor Pro Tem Clark expressed his preference to having sidewalks on both sides of Seagrape Drive, and added that if only one side could be done, he would rather have the sidewalk located on the east side. Mayor Parker agreed with sidewalks on both sides of the road, but added that it was impractical to put a sidewalk on the east side. He reasoned

Town Commission Regular Meeting Minutes
July 26, 2005

that, one, residents park their cars on that side and, two, there are more houses on the east side; therefore leaving the west side as the better choice. Commissioner Wessels declared his preference for the sidewalks to be located on the west side as a matter of safety.

Commissioner Wessels made a motion, seconded by Commissioner Yanni, to install sidewalks on Seagrape Drive, to include both sides of Washingtonia Avenue from Seagrape Drive to Poinciana Street, as stated in the Capital Improvement Plan. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to install sidewalks on the west side of Seagrape Drive. In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

Commissioner Wessels made a motion, seconded by Commissioner Yanni, to finish the sidewalk on Bougainvilla Drive and the sidewalk on the north side of Hibiscus Avenue, between Seagrape Drive and Bougainvilla Drive to be of equal quality and style. In a roll call vote, all voted in favor. The motion carried 5-0.

8. PUBLIC COMMENTS

Edward Neil, 222 Corsair Avenue, said he respects the decision of the Commission and suggested that by closing Washingtonia Avenue the Town could have acquired feedback from the residents. Mr. Neil asked the Commission to consider allowing motorcycles to double and triple park in one space.

Larry McGinness, 5100 N. Ocean Boulevard, thought that the decision not to close Washingtonia Avenue would direct more traffic towards the traffic light in front of Publix.

Joe Couriel, 222 N. Tradewinds Avenue, asked the Commission to visit and review the traffic calming devices Pompano Beach had recently installed at 26th Avenue on Harbour Drive.

Mary Ann Corley, 232 Algiers Avenue, thanked the Commission for their decision not to close Washingtonia Avenue. Ms. Carley also thanked Marie White for doing Christmas By-The-Sea on a Saturday.

Charles Leachman, 245 Oceanic Avenue, expressed his dislike towards the Ordinance regarding the cutting of coconuts during hurricane season and asked the Commission to rescind the Ordinance.

Ron Piersante, 227 Lake Court, talked about the property owners meeting to be held at Mulligan's Restaurant July 27, 2005.

Kim Hayes, 4525 W. Tradewinds Avenue, talked about the survey sent out regarding the closing of Washingtonia and wondered who wanted the closing in the first place.

Town Commission Regular Meeting Minutes
July 26, 2005

Pauline Brooks McGuinness, 5100 N. Ocean Boulevard, expressed her feelings towards safety, and added she favored sidewalks and more police presence regarding speeding and stop signs. Ms. McGuinness said she was against using cell phones while driving, SUV's that tailgate and pedestrians that cross against the light. She said she favors a united community and asked that the community unite and collectively add to their own safety.

John Thompson, 4900 N. Ocean Boulevard, reminded the Commission that the Sea Ranch Club was contributing five times, maybe seven or eight times as much to the roads in Silver Shores as the people in Silver Shores and, therefore, would not like the idea that they cannot use those roads. He added that he was glad the decision to block the road had been rescinded and suggested policing the area, use of round-a-bouts, and possibly, an automatic gate.

Happy Vasil, 4521 Seagrape Drive, said four feet was plenty of room for a sidewalk, and expressed disfavor towards a swale or extra trees on her property.

9. ORDINANCES (1ST Reading)

There were no ordinances for first reading to be considered.

10. CONSENT AGENDA

- A. Transfer of Funds for the purchase a wireless microphone system from TM Sound and Lighting (*\$1,500 from equipment maintenance and \$648.86 from operating, miscellaneous, to machinery and equipment*)
- B. REVISED AGREEMENT: with Bien-Aime Inc. for operation and monitoring services of the Senior Center (*revision is the amendment from a sole proprietorship to a corporation*)
- C. SPECIAL EVENT PERMIT: **Motion Picture**/Hoot Productions, LLC, Wednesday, August 3, 3005; from 5:00 a.m. to 9:00 p.m.
- D. AWARD OF BID: 2005 National Urban and Community Forestry Grant Program for Landscaping Services (*lowest bidder being Wallack and Sons, Inc. for a total of \$17,595*)
- E. AWARD OF BID: 2005 National Urban and Community Forestry Grant Program for Curbing Services (*lowest bidder being Colonna Asphalt Restoration, Inc. for a total of \$4,620*)
- F. AWARD OF BID: North Beach Neighborhood Improvement – Phase I (*Terra Mar Island and Sunset Lane*) (*lowest bidder being Man-Con, Inc. for a total of \$4,065,010, with an alternate bid of \$115,000*)

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

11. RESOLUTION

- A. **Resolution No. 2005-09:** a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, relating the provisions of fire protection services, facilities and programs in the Town of Lauderdale-By-The-Sea, Florida; describing the method of assessing fire protection assessed costs against assessed property located within the Town's geographical boundaries, known as Fire Protection Assessment Area – Townwide; establishing the estimated rates for fire protection services for the fiscal year beginning October 1, 2005; directing the preparation of an assessment roll for Fire Protection Assessment Area – Townwide; authorizing a public hearing and directing the provision of notice thereof; providing for conflict; providing for severability; providing for an effective date.

Attorney Klahr read Resolution No. 2005-09 by title only.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve Resolution No. 2005-09. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **PUBLIC HEARING – Resolution No. 2005-10:** a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea adopting the Evaluation and Appraisal Report of the Town's Comprehensive Plan; stating the intent of the Town Commission to amend the Comprehensive Plan based upon the recommendations contained in the Report; and approving its transmittal to the Florida Department of Community Affairs in accordance with Section 163.3191, Florida Statutes.

Attorney Klahr read Resolution No. 2005-10 by title only.

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

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to approve Resolution No. 2005-10. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. **Resolution No. 2005-11:** a Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea adopting a proposed millage rate of _____ for fiscal year 2005-2006; announcing the current year rolled-back rate; providing for the establishment of and setting forth the date, time and place of a public hearing to consider the proposed millage rate and the tentative budget; providing for severability; providing for conflicts; and providing for an effective date.

Attorney Klahr read Resolution No. 2005-11 by title only.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to approve Resolution No. 2005-11 setting a millage rate of 4.99%. In a roll call vote, all voted in favor. The motion carried 5-0.

Attorney Klahr disclosed the proposed millage rate at 4.99 and a rollback rate of 4.1558 leaving a percentage change of the rollback rate of 20.07%. She advised a public hearing was set for September 6, 2005, at 7 p.m.

12. OLD BUSINESS

- A. Update on plan for the installation of Broward Transit approved speed humps on Seagrape Drive, south of Commercial Boulevard (*Town Engineer Kevin Hart*) (*continued from July 12, 2005*)

Kevin Hart advised that the cost for the installation of speed humps was \$3,500 for each.

Commissioner Wessels made a motion, seconded by Commissioner Yanni, to authorize the installation of the Broward Transit approved speed humps as per the sketch, together with the transfer of \$10,000 from contingency to streets. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to continue the meeting past 11:00 p.m. In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

- B. Discussion and or action regarding the portals at Washingtonia Avenue and Datura Avenue (*Commissioner Yanni*)

This item was discussed prior to Public Comments.

- C. Discussion and/or action of the street blockage of Washingtonia Avenue at Seagrape Drive (*Mayor Pro Tem Clark*)

This item was discussed prior to Public Comments.

13. NEW BUSINESS

- A. **“PUBLIC HEARING” SITE PLAN AND 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 (*continued from July 12, 2005*)(*Planning and Zoning Board requesting this item be continued to September 6, 2005*)

At Mayor Parker’s request, Planner Keller confirmed the address of the project as 230 & 231 Garden Court.

Town Commission Regular Meeting Minutes
July 26, 2005

Attorney Klahr swore in speakers that would be giving testimony regarding the site plan.

Planner Keller advised that the applicant had amended his original application and staff had completed their review of the amendments. He added that the recommendation of approval was subject to the conditions and comments set forth in his memorandum.

Mayor Parker asked Christopher Scott Bench, President, East Coast Communities, to review condition numbers one (1) through seventeen (17) and comments one (1) through six (6) of the letter. Mr. Bench did so and agreed to the new conditions and comments.

Enrique Rodriguez, Architect, explained the changes made to the site plan regarding setbacks, sidewalk widths and landscaping. Mayor Parker added, and Mr. Bench agreed to, condition number eighteen (18), an additional guest parking space on the north side of the island.

John Thompson, 4900 N. Ocean Boulevard, suggested the Commission consider an additional condition. He referred to Mr. Frank Rysavy's letter that questioned the developer's contribution of funds towards the improvement of Silver Shores waterways.

Vice Mayor Kennedy made a motion, seconded by Mayor Pro Tem Clark, to approve the site plan as amended contingent upon staff's recommendations and the Vacation of the right-of-way on Garden Court. In a roll call vote, the motion carried 4-1, with Commissioner Wessels dissenting.

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to continue the Vacation of Right-of-Way to the September 6, 2005 Regular Commission meeting and directed the Planning and Zoning Board to consider the Vacation of Right-of-Way at the August 17, 2005 meeting.

- B. Discussion and/or action regarding a proposed review of Town Code Section 24-5.155 as it pertains to the leasing of parking areas (*Commissioner Yanni*)

This item was reviewed, with action taken during the Agenda Conference.

- C. Discussion and/or action concerning request to have the United States Post Service establish one zip code for the entire Town (*Mark Brown/Fred Hartman*)

This item was discussed prior to Public Comments.

- D. Discussion and/or action considering the addition of listings to Town Topics (*Mayor Pro Tem Clark*)

This item was discussed, with action taken during the Agenda Conference.

- E. Discussion and/or action concerning fire incident (*Vice Mayor Kennedy*)

Town Commission Regular Meeting Minutes
July 26, 2005

This item was discussed, with action taken during the Agenda Conference.

F. Discussion and/or action considering the possible increase in Stormwater Fees

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to increase stormwater fees to \$7.00 per month, per unit. In a roll call vote, the motion carried 3-2, with Commissioners Wessels and Yanni dissenting.

G. Designating a Lobbyist

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to utilize \$25,000 for lobbying purposes in the upcoming budget without designating a specific lobbyist. In a roll call vote, the motion carried 4-1, with Commissioner Yanni dissenting.

Mayor Parker asked that consideration of the contract with Town Lobbyist Russell Klenet be placed on the September 6, 2005 Regular Commission agenda under Old Business.

14. TOWN MANAGER REPORT

There were no reports to be considered.

15. TOWN ATTORNEY REPORT

There were no reports to be considered.

16. COMMISSIONER COMMENTS

Commissioner Wessels asked about cleanup and the policing of the area between the bridge and Bayview General. He referred to a complaint he had received regarding the littering of the waterway in that area and thought that regardless of jurisdiction, it needed attention.

Vice Mayor Kennedy wished everyone a healthy and prosperous August.

Mayor Parker wished everyone a wonderful month of August and a wonderful Labor Day. He announced his anniversary date as August 2nd, and expressed his love to Mrs. Parker and wished her a Happy Anniversary.

17. ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Clark made a motion to adjourn the meeting.

There being no objections, the meeting was adjourned at 11:45 p.m.

Town Commission Regular Meeting Minutes
July 26, 2005

Oliver Parker
Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____