

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

Town Commission Meeting Room  
**4501 Ocean Drive**  
**Tuesday, November 22, 2005**  
**7:00 P.M.**

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

The meeting was called to order by Mayor Parker at 7:05 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 James 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**

Mayor Parker changed the order of presentations without objection.

C. Optimist Club of Lauderdale-By-The-Sea (*Mayor Oliver Parker*)

Jim Silverstone, thanked Julie, Roxanna, and Jasmine of the Basketball Youth League for their assistance with the Halloween decorations.

Gretel McCausland introduced Rachel, Amanda, Kristen, Calvin, Daniel, Griffin, Philipo, Christopher, and Sterling of the Youth League Soccer Team.

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

Chief Scott Gooding introduced Reserve Deputy Walter Lesser. He explained that Deputy Lesser had a full time job and offered his own time to Lauderdale-By-The-Sea. Chief Gooding gave special recognition to Deputy Lesser for giving Lauderdale- By-The-Sea fifty (50) hours of his own time over a two week span, to assist with Hurricane Wilma. He added that last year Deputy Lesser had given the Town eleven hundred (1,100) hours and mentioned that Deputy Lesser had been one of the Town's original Law Enforcement Officers.

B. Citizen's Observer Patrol (*Chief Scott Gooding*)

Chief Gooding recognized Bill Johansen and Richard Clark for providing over fifty (50) hours of their time to assist in hurricane relief efforts. He said they were a terrific asset to our Town, and offered Mr. Johansen and Mr. Clark a Certificate of Appreciation from the Broward Sheriff's Office for all their volunteer work following Hurricane Wilma.

**5. REPORTS**

A. Budget Report for Period Ending September 30, 2005

B. Budget Report for Period Ending October 31, 2005

Vice Mayor Kennedy made a motion, seconded by Commissioner Yanni, to approve the budget reports for the period ending September 30, and October 31, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

C. Display of the U.S. Flag from U.S. Representative Clay Shaw (*Mayor Oliver Parker/Cindy Geesey*) (*continued from November 8, 2005*)

Cindy Geesey advised that the flag has been received and delivered for case fitting. She indicated the mounted flag would be presented to the Commission at the January 10, 2006 meeting.

**6. APPROVAL OF MINUTES**

A. November 8, 2005, Workshop Meeting

B. November 8, 2005, Conference Agenda

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Kennedy, to approve the November 8, 2005 Workshop minutes and the November 8, 2005 Conference minutes. In a roll call vote, all voted in favor. The motion carried 5-0.

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

A. **Ordinance No. 2005-15:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the Land Development Code to designate dental laboratory as permitted uses in the B-1 zoning district; specifically amending Section 24-5.111(a); providing for severability; providing for codification; providing for conflicts; and providing for an effective date

Attorney Cherof read Ordinance 2005-15 by title only.

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

Commissioner Yanni made a motion, seconded by Commissioner Wessels, to adopt Ordinance 2005-15. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **Ordinance No. 2005-18:** An ordinance of the Town of Lauderdale-By-The-Sea, Florida, submitting to referendum an amendment to Article XIV, Section 277 of the Town Charter, entitled "Maximum Height for Buildings Established", applying the three over one height limitation to all property in the jurisdictional limits of the Town; authorizing the Town Commission to grant height variances up to not more than fifteen stories and/or not more than one hundred fifty feet for buildings in the area north of Pine Avenue and east of Sate Road A1A; modifying restrictions on the square footage of non-conforming buildings that are rebuilt; providing for a notice of an advertisement of the referendum election to be published in accordance with the State of Florida Election Code; providing that this ordinance, when adopted, shall be submitted to the qualified electors of the Town of Lauderdale-By-The-Sea, Florida, on the March 2006 municipal election ballot and shall become effective as provided by law; providing for conflicts; providing for severability; and providing for an effective date.

Attorney Cherof read Ordinance 2005-18 by title only.

Mayor Parker opened the public hearing.

Gretel McCausland thought it would have been better if the Commission worked with the residents of the Town rather than creating an Ordinance.

John Thompson, 4900 N. Ocean Boulevard, gave his interpretation of the Election Code and did not believe that the placement of Ordinance 2005-18 on the March elections was consistent with code requirements.

Sue Delegal, Palm Avenue, proposed three amendments to Ordinance 2005-18 relating to height variance and described each individually. She suggested the Commission offer options to the community and suggested an adoption of a Comprehensive Plan.

Lawrence Wick, 4900 N. Ocean Drive, talked about mixed use, first floor habitation, and the need for affordable housing.

Bob Terrien, 5100 N. Ocean Boulevard, advised that if the language within Ordinance 2005-18 was changed to four stories, most people would have to show parking availability and very few would comply for first floor habitation. Mr. Terrien commented

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that when restrictions were administered, it closed minds to new ideas and restricted imagination.

Jim Silverstone, 205 Washingtonia, talked about his letter to the Attorney General's Office requesting an opinion regarding the Bert J. Harris Act.

Mayor Parker advised that if Ordinance 2005-18 passed he would ask the Commission to instruct Attorney Cherof to formulate a letter asking for an opinion from the Attorney General as to whether a height limit, imposed by initiative by referendum, was exempt from the Bert J. Harris Act.

Jerry McIntee, 1612 SE 21 Avenue, said he had obtained signatures on a petition from residents willing to fight to keep their Town from being ruined. Mr. McIntee said the residents were upset that the Town's referendum would be available in March, while the citizen's referendum was postponed to November.

Mayor Parker explained that the reason for the postponement was that certain criteria needed to be met.

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

Commissioner Yanni made a motion, seconded by Vice Mayor Kennedy, to adopt Ordinance 2005-18.

Mayor Parker discussed Ms. Delegal's proposed amendments to Ordinance 2005-18 and explained that an amendment to the ordinance would require a title change and reconsideration before the Commission on first reading.

Vice Mayor Kennedy talked about the 3-over-1 height limit and its restrictive use of the ground floor. The Commission had further discussion regarding non-conforming uses, the need to zero in on a vision, the Bert J. Harris Act, and the proposed referendum.

The Commission recessed at 9:18 p.m. and reconvened at 9:25 p.m.

Mayor Pro Tem Clark inquired as to whether the Ordinance could be amended to allow flexibility to salvage the hospitality industry. Discussion followed regarding possibilities, including Charter amendment.

Mayor Parker believed that, with correct language, the second referendum could be contingent upon the first referendum, which would give the people an option. Attorney Cherof explained that both referendums would go before the people, and the amended version (the second referendum) would contain the language that would make it contingent upon the first referendum. He explained further that if the first referendum failed, the second referendum would automatically fail as well. If the first passed, then the second referendum would also pass.

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Commissioner Yanni thought it would be beneficial to move forward with the Community Redevelopment Agency to develop the Town. He said the allowance of a high end, 400-unit hotel would save the resort area.

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

Mayor Parker suggested two ways to amend the Charter; amend Item "F" which specifies that the non-conforming space in the new building could not exceed the space in the old building; or, amend the Charter to say that the Charter could be amended in March, and site specific projects could be held in a special election, provided that the developer was willing to pay for the special election.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to direct the Town Attorney, Sue Delegal, and Mayor Parker to meet and devise alternatives. In a roll call vote, all voted in favor. The motion carried 4-1, with Commissioner Wessels dissenting.

Mayor Parker pulled item 12A for discussion. There was no objection.

- 12A, Discussion and/or action regarding a special request by the Santa-By-The-Sea Committee to have the Town Commission participate as part of a Christmas choir with the children attending the event (*Mayor Oliver Parker/Marie White*) (*continued from November 8, 2005*)

Marie White requested the presence of Town employees. She explained that the event would be held on December 17, 2005, from 12:00 to 3:00 p.m. Ms. White added that Santa and his elf will be there, and that food and gifts would be available.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to direct the Town Commission and the Town Manager to participate as part of a Christmas Choir on December 17, 2005. In a roll call vote, all voted in favor. The motion carried 5-0.

## **8. PUBLIC COMMENTS**

Marie White thanked the Commission and Town staff for their assistance with food and water to those who were locked in during Hurricane Wilma.

Lawrence Wick, 4900 N. Ocean Drive, talked about the Toys For Children's Sake program. He said the Kiwanis Club was collecting toys for under-privileged children and named several businesses in Town that had a box for donations.

Jerry McIntee, 1612 SE 21 Avenue, thanked everyone for their cards, letters and donations of appreciation for the assistance they received from Fire Department.

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Tom Carr, 254 Miramar Avenue, gave a big thank you to the coordinator for the street clean-up and encouraged voters to come out for the March elections. He expressed the importance to understand the height proposal and referendum so residents could vote appropriately.

Bill Davis, President of the Chamber of Commerce, expressed his appreciation toward Fire Department and the Broward Sheriff's Office for their relief efforts during and after Hurricane Wilma. He also thanked the Fire Department for their assistance with the Christmas tree. Mr. Davis provided information regarding the upcoming holiday events and asked everyone to participate. He wished everyone a happy Thanksgiving.

Shirley Russotti, thanked the Mayor and Commission for the proclamation previously presented to her. She talked about the permits regarding sign set backs and advised that there was no charge for them.

Maureen Stanton, 5100 N. Ocean Drive, represented the Property Owners Association. Ms. Stanton invited everyone to the Property Owners Association meeting on Wednesday, December 7, 2005, at 7:00 p.m. She announced there would be discussion regarding development, as well as the height limit proposals, and the economics of it all.

Jim Silverstone, 205 Washingtonia Avenue, mentioned that basketball would start in January, and that due to Hurricane Wilma the lights were not working on the basketball courts. He requested permission to park the Volunteer's newly purchase used fire truck on Town property. Mayor Parker recalled that permission had been granted at the last meeting, as long as there was enough space for all the fire equipment. After some discussion it had been determined that there was enough room. The consensus of the Commission was 5-0, allowing the fire truck to be parked at the fire station.

John Thompson, 4900 N. Ocean Drive, talked about the amount of time spent listening to a developer, and not enough time spent listening to the voters.

Richard Rio, 1461 S. Ocean, talked about beach access in front of his building. Vice Mayor Kennedy advised that Manager Baldwin would look into the situation and present his findings at the first meeting in February, 2006.

Cindy Geesey, thanked the staff and everyone for all their hard work and assistance with hurricane relief efforts.

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

- A. **Ordinance No. 2005-16:** An ordinance of the Town Commission of the Town of Lauderdale-by-The-Sea, Florida, amending Chapter 24, Section 24-5.5 to require Commission approval as a condition allowing for designation of the front lot line of a property to be designated by the

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property owner and amending the definition of “Lot, Corner”; amending Section 24-5.36 of the Land Development Code to require additional landscaping to buffer and screen properties which elect an alternate front yard; providing for severability; providing for codification; providing for conflicts; and providing for an effective date

Attorney Cherof read Ordinance No. 2005-16 by title only.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to direct Attorney Cherof to redraft Ordinance 2005-16 for 1st reading at the December 13, 2005 meeting as discussed during the agenda conference. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **Ordinance No. 2005-19:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending section 24-5.66(a) of the Land Development Code to allow for temporary real estate sales offices in the RM-25 zoning district; providing for severability; providing for codification; providing for conflicts; and providing for an effective date

Attorney Cherof read Ordinance No. 2005-19 by title only.

Vice Mayor Kennedy made a motion, seconded by Commissioner Wessels, to adopt the Ordinance on first reading.

Ordinance 2005-19 was amended to include “the temporary sales office must be approved by the Town Commission in conjunction with the Commission’s approval of the site plan, or by other separate consideration, and shall not be allowed to remain in use for more than six (6) months from the effective date of site plan approval, unless time extensions are granted by the Town Commission.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to amend the Ordinance as presented. In a roll call vote, all voted in favor. The motion carried 5-0.

In a roll call vote, all voted in favor. The motion carried 5-0. Ordinance 2005-19 passed on first reading as amended.

## 10. CONSENT AGENDA

Mayor Parker removed items 10C and 10H from the consent agenda for discussion.

- A. SPECIAL EVENT PERMIT: Request to reschedule event (**date change only**) due to Hurricane Wilma – **Arts and Crafts Show**/Chamber of Commerce – new dates: Wednesday, January 4 and Thursday, January 5, 2006

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- B. SPECIAL EVENT PERMIT: Request to reschedule event (**date change only**) due to Hurricane Wilma – **Marathon Race**/Exclusive Sports Marketing – new dates: Sunday, February 19, 2006
- D. SPECIAL EVENT PERMIT: **Taste of the Beach**/Chamber of Commerce, Wednesday, February 22, 2006; from 6:00 p.m. to 10:00 p.m.
- E. SPECIAL EVENT PERMIT: **Boat Parade Party**/Blue Moon Fish Co., Saturday, December 17, 2005; from 7:00 p.m. to 11:30 p.m.
- F. SPECIAL REQUEST: from the Property Owner's Association to have its December 7, 2005 meeting televised on the government access channel
- G. AGREEMENT: ratification of Disaster Relief Funding Agreement with the Department of Community Affairs as it relates to Hurricane Wilma
- I. AGREEMENT: authorization for Tele-Vac South to perform post hurricane outfall and stormwater drain clean-up (*piggybacking from contract with City of Sunrise, Bid No. 02 (15) 12-07-05-22-C, expiring September 30, 2006*)
- J. AGREEMENT: authorization for purchase order with Tele-Vac South for stormwater basin and outfall rehabilitation and maintenance, not to exceed \$50,000 (*piggybacking from contract with the City of Sunrise, budgeted from account number 104-538-000-500-498*)
- K. AGREEMENT: authorization for purchase order with Tele-Vac South for sewer line maintenance, not to exceed \$50,000 (*piggybacking from contract with the City of Sunrise, budgeted from account number 103-535-000-500-459*)
- L. Ratification of expenditures for post-hurricane clean up of beach areas by Man-Con, Inc. (*Hurricane Wilma*)
- M. Ratification of expenditures for post-hurricane clean up of stormwater basin and outfalls by Tele-Vac South (*Hurricane Wilma*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve the consent agenda, minus Item 10C and Item 10H. In a roll call vote, all voted in favor. The motion carried 5-0.

- Item 10C, SPECIAL EVENT PERMIT: **New Year's Eve Party**/Chamber of Commerce, Saturday, December 31, 2005; from 5:00 p.m. to 1:30 a.m.

Commissioner Yanni said it had been brought to his attention that the closing of Commercial Boulevard from A1A to the beach would disallow valet service to Aruba's Restaurant and, as a result, cause a business loss.

Bob Terrien said that this matter had been discussed and assured that the closing was in accordance with Aruba's agreement.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to approve item 10C. In a roll call vote, all voted in favor. The motion carried 5-0.

- Item 10H, AGREEMENT: ratification of the contract with PBS&J for monitoring services during debris removal after Hurricane Wilma (*Task Authorization No. 1*)

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to approve item 10H subject to certification of work done, and credit for work that did not occur. In a roll call vote, all voted in favor. The motion carried 5-0.

## 11. RESOLUTION

- A. **Resolution No. 2005-21:** A resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the 2004/2005 fiscal year budget; appropriating said amounts to specific designated accounts in accordance with the attached exhibit "A" to the specific designated funds; authorizing expenditure of those amounts in accordance with the budget as amended; providing for conflicts; providing for severability; and an effective date.

Attorney Cherof read Resolution No. 2005-21 by title only.

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to approve Resolution 2005-21. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **Resolution No. 2005-22:** A resolution of the Town of Lauderdale-By-The-Sea, Florida, extending the Commission's previous declaration of zoning in progress and extending the Notice of Intent to allow the Town's Administration and consultants additional time to study, review and revise zoning and building standards and requirements for development of buildings in excess of forty-four feet in height in the area in the Town north of Pine Avenue and south of the Pompano Beach corporate limits (known commonly as the north beach annexation area); providing for issuance of notice; for public hearing; for an effective date; and providing an effective date.

Attorney Cherof read Resolution No. 2005-22 by title only.

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Mayor Pro Tem Clark made a motion, seconded by Commission Yanni, to approve Resolution 2005-22. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. **Resolution No. 2005-23:** A resolution of the Town of Lauderdale-By-The-Sea, Florida, canceling the regularly scheduled Commission meeting scheduled for December 27, 2005; providing for an effective date

Attorney Cherof read Resolution No. 2005-23 by title only.

Commissioner Yanni made a motion, seconded by Vice Mayor Kennedy, to approve Resolution 2005-23. In a roll call vote, all voted in favor. The motion carried 5-0.

## 12. OLD BUSINESS

- A. Discussion and/or action regarding a special request by the Santa-By-The-Sea Committee to have the Town Commission participate as part of a Christmas choir with the children attending the event (*Mayor Oliver Parker/Marie White*) (*continued from November 8, 2005*)

This Item was discussed earlier in the meeting.

- B. Report on Code Section 24-5.155, as it pertains to the leasing of parking areas (*Town Planner Walter Keller*) (*continued from November 8, 2005*)

This item was tabled to December 13, 2005 without objection.

- C. Discussion and/or action concerning removal of the seawall located between High Noon and Aruba and on Pine Avenue (*Commissioner John Yanni*) (*continued from November 8, 2005*)

Commissioner Yanni made a motion, seconded by Commissioner Wessels, to direct the Town to access the ocean with beach raking equipment only by Pine Avenue or the south alleyway. In a roll call vote, all voted in favor. The motion carried 5-0.

- D. Discussion and/or action concerning the proposed contract renewal between the Town and GSG, Inc. (*continued from November 8, 2005*) (***staff requesting a continuance to December 13, 2005***)

This item was tabled to the December 13, 2005 meeting without objection.

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- E. Reconsideration of contract renewal with Russ Klenet for providing professional legislative consulting services (*Mayor Pro Tem Charles Clark*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to reconsider contract renewal with Russ Klenet. In a roll call vote, the motion carried 3-2 with Commissioner Yanni and Mayor Parker dissenting.

Mayor Parker noted that the original motion to renew the Mr. Kenet's contract was made by Commissioner Yanni and seconded by Mayor Pro Tem Clark. He suggested Mayor Pro Tem Clark withdraw his second from the original motion.

Mayor Pro Tem Clark withdrew his second from the original motion.

There was no second to Commissioner Yanni's motion to renew the contact and, therefore, the original motion died for lack of a second.

- F. Discussion and/or action regarding protocol for processing applications for Environmental Resource Licenses (regarding dock and seawall permits) (*Town Planner Walter Keller*) (*continued from September 6, 2005*)

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to direct dual certification of applications by the Zoning Administrator and the Director of Development Services to be included on the Plans as discussed during the agenda conference, with confirmation to be provided at the next meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

- G. Discussion and/or action regarding changes to the Evaluation and Appraisal Report (*Town Planner Walter Keller*)

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, to table Item 12G until such time as the Town's Administration was read to proceed. In a roll call vote, all voted in favor. The motion carried 5-0.

- H. Discussion and/or action regarding firefighters assisting in the monitoring/confiscation of fireworks on the beach for the Fourth of July (*Chief Scott Gooding/Battalion Chief Don King*)

Chief Gooding did not believe the firefighters had the ability to enforce the confiscation of fireworks. He added, however, that they could assist the Police Department by supplying information as to the location where the fireworks were being used.

Chief MacLean agreed that the firefighters had no authority to instruct people to stop the use of fireworks, unless safety was at risk.

Chief Gooding agreed to develop a plan and report to the commission at the February 12, 2006 meeting.

### 13. NEW BUSINESS

- A. **“PUBLIC HEARING” SITE PLANS** – Sandy By The Sea Townhomes, located at 4557 Poinciana Street, 4558, 4561, 4637, and 4641 Bougainvilla Drive (*tabled from November 8, 2005*) (*staff recommending approval subject to conditions noted in the planning report; Planning and Zoning Board recommending approval subject to conditions noted in the planning report*)

Attorney Cherof swore in those who chose to give testimony or address the Commission regarding this matter.

Mayor Parker postponed this item for later consideration while Sandy Stella, owner, and Shawn Cavanaugh, co-owner, reviewed the four conditions standard to all the drawings and the 12 conditions applicable to individual drawings. There were no objections.

- B. Proposal for study on the traffic flow in the downtown area; determine best locations for parking garage (*Town Planner Walter Keller*)

Planner Keller explained that the study would look at the impact of traffic flow on A1A, on Washingtonia Avenue, Datura Avenue, and on Commercial Boulevard. He added that the study would not determine the best location for a parking garage, but would provide alternatives, such as closing off Commercial Boulevard eastbound and / or the addition of turning lanes.

Vice Mayor Kennedy, made a motion, seconded by Commissioner Wessels, to authorize the study and accept the proposal. In a roll call vote, all voted in favor. The motion carried 5-0.

Commissioner Yanni made a motion, seconded by Vide Mayor Kennedy, to extend the meeting past 11:00 p.m. In a roll call vote, the motion carried 3-2 with Mayor Pro Tem Clark and Commissioner Yanni dissenting.

- C. Consideration of providing assistance with funding for the Community Performing Arts Center (*continued from November 8, 2005*)

This Item was continued to the December 13, 2005 meeting without objection.

- D. Discussion and/or action concerning a consulting contract with Laura Ward (*Commissioner David Wessels*)

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Commissioner Wessels expressed his belief that Ms. Laura Ward could assist the Town with various grants; lobby on local issues; and assist the Community Redevelopment Agency. The Commission agreed.

Commissioner Wessels made a motion, seconded by Mayor Pro Tem Clark, directing the Town Attorney to enter into negotiations and contract with Laura Ward for presentation at the January 10, 2006 meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

- E. Discussion and/or action concerning floating a bond issue to install natural gas lines, bury all utility lines, and the provision of a referendum to achieve this goal (*Mayor Oliver Parker*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Wessels, to direct the Town's Administration to determine the cost and time certain the referendum would be placed on the ballot, with presentation at the January 10, 2006 meeting. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker resumed discussions on Item 13A.

- Item 13A, "PUBLIC HEARING" SITE PLANS – Sandy By The Sea Townhomes, located at 4557 Poinciana Street, 4558, 4561, 4637, and 4641 Bougainvillea Drive (*tabled from November 8, 2005*) (*staff recommending approval subject to conditions noted in the planning report; Planning and Zoning Board recommending approval subject to conditions noted in the planning report*)

Sandy Stella, owner, and Shawn Cavanaugh, co-owner, agreed to all sixteen (16) conditions set forth.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Yanni, to approve Item 13A, subject to the planning report.

Commissioner Wessels questioned the rendering presented. Planner Keller advised that the rendering had the wrong colors, but the architectural drawing was correct. Ms. Stella said the Planning and Zoning Board preferred sage green over yellow. Planner Keller disagreed and explained that the Planning and Zoning Board specified the second location was to be sage and that the building at 4641, be a light yellow.

Planner Keller recommended continuation of this item as the renderings presented were not the same renderings approved at the Planning and Zoning Board. Ms. Stella indicated that the appropriate color chips were available for consideration, and was willing to make any changes necessary to the color scheme.

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Commissioner Wessels made a motion to table Item 13A to the next meeting. The motion failed due to the lack of a second.

Attorney Cherof suggested moving forward with approval, if desired, reserving consideration of color schemes.

Mayor Pro Tem Clark amended his motion, seconded by Commissioner Yanni, to approve Item 13A subject to the planning report and Commission approval of color schemes, to be presented at the January 24, 2006 meeting.

Mayor Parker advised the applicant of the 17th condition and requested confirmation of understanding from the applicant. Ms. Stella and Mr. Cavanaugh confirmed and agreed to all seventeen (17) conditions set forth in the planning report.

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

#### **14. TOWN MANAGER REPORT**

Manager Baldwin indicated that \$165,000 had been spent to date on Hurricane Wilma. He reported that the new roof for the Public Works facility on Dixie Highway, would cost approximately \$111,000 of which the Town's insurance deductible of \$1,000 was covered by the Florida League of Cities.

#### **15. TOWN ATTORNEY REPORT**

There were no reports by Town Attorney Cherof.

#### **16. COMMISSIONER COMMENTS**

The Mayor and Commission wished everyone a happy Thanksgiving.

Commissioner Yanni requested the discussion for protocol to provide color palettes to be placed on the agenda for the December 13, 2005 meeting.

Commissioner Wessels requested a Workshop for the 2nd meeting in February 2006, to discuss post hurricane evaluations.

Vice Mayor Kennedy expressed his appreciation to staff for cleaning up the Town.

Mayor Parker talked about the Christmas By-The-Sea event, scheduled for Tuesday, December 6, 2005, from 3:00 to 10:00 p.m.

Mayor Parker requested an agenda item for discussion / action to establish a protocol for neighborhood development regarding special improvement for the December 13, 2005 meeting.

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Mayor Parker addressed the enforcement of parking meters on Commercial Boulevard for the buildings that back up to Harbor Drive. After a brief discussion staff was instructed to continue with non-enforcement. Mayor Parker requested a report from Development Services Director Harry Diehl, to be presented at every meeting, until this matter was resolved. Commissioner Wessels requested this item be placed on the agenda for the December 13, 2005 meeting without objection.

**17. ADJOURNMENT**

Mayor Pro Tem Clark made a motion to adjourn the meeting. As there was no further business to discuss, the meeting was adjourned at 11:38 p.m.

\_\_\_\_\_  
Oliver Parker  
Mayor

ATTEST:

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

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