

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

## **TOWN COMMISSION**

### **REGULAR MEETING**

### **MINUTES**

Town Commission Meeting Room

**4501 Ocean Drive**

**Tuesday, April 25, 2006**

**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 Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town 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.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to delete Item 8A, Ordinance 2006-02, and to add Item 13G, to Schedule a Workshop on the Unified Land Development Regulation. In a roll call vote, all voted in favor. The motion carried 5-0.

#### **4. PRESENTATIONS**

- A. Proclamation (*Amateur Radio Week, June 19 – 25, 2006*)

There were no objections to proclaiming June 19-25, 2006, as Amateur Radio Week.

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

Chief Scott Gooding introduced Sergeant Pete Lagana. Chief Gooding said Sergeant Lagana was selected by Crime Stoppers as their employee of the month, not only for our District, but also for Broward County, who presented him with an award. Chief Gooding explained that on March 7, 2006, in an attempt to locate a criminal, Sergeant Lagana described the suspect to people at various bus stops and asked they contact him with information. The following day one of those people made contact with a deputy at Central Mass Transit and pointed out the suspect. Chief Gooding said Sergeant Lagana's initiative, investigative skills, and quick action resulted in the apprehension of the suspect, who later confessed to robbing three people on Commercial Boulevard.

## 5. REPORTS

### A. Budget Report for Period Ending March 31, 2006

Commissioner Silverstone made a motion, seconded by Commissioner Yanni, to accept the Budget Report for Period Ending March 31, 2006. In a roll call vote, all voted in favor. The motion carried 5-0.

### B. Report on Referendum Advertisement Expenses (*Mayor Oliver Parker*)

Manager Baldwin gave breakdown of the costs, explaining that although \$75,000 was budgeted, only \$36,720.00 was spent.

Mayor Parker asked for a motion to approve the report.

Commissioner McIntee was infuriated that the Town spent taxpayer dollars to have an outside firm call 197 people, at \$75 per person, for their opinion. He requested Attorney Cherof contact the State Attorney's Office to inquire as to whether the Town committed any crime.

Attorney Cherof said he would if the Commission, by majority, directed him to do so.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, directing Attorney Cherof to contact the State Attorney's Office to determine if the Town violated any laws. In a roll call vote, the motion carried 3-2, with Mayor Pro Tem Clark and Mayor Parker dissenting.

Discussion followed regarding the poll's intent to find out how people felt about the Referendum. Commissioner McIntee stated that 21 people were asked for their evaluation on himself and Mr. John Thompson, and he wanted to know the person responsible for that.

It was the consensus of the Commission 5-0, to approve the report.

### C. Report on the progress of repairs to the waterline at Terra Mar Island (*Town Engineer Kevin Hart*) (*continued from February 14, 2006*)

Engineer Hart explained that the repairs were made months ago and the roads in Terra Mar Island were re-surfaced. He said he was in the process of performing final testing and certification of the sewer system.

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

- D. Master Plan Steering Committee – Report on beach dunes by Town Engineer Kevin Hart (*tabled from April 11, 2006*)

Engineer Hart said research had been completed regarding the installation of a wooden pathway over the dunes and recommended it be included in the Capital Improvement Plan.

Discussion followed regarding the estimated cost of \$40,000, whereby Mr. Hart said the cost could be less. Mayor Parker requested Mr. Hart call the contractors that installed the dune structures at Sea Ranch Condos for a cost comparison and to bring his findings before the Commission at the next meeting. There were no objections.

- E. Report on the approximate cost per foot to bury utility lines as part of site plan reviews/approvals (*Town Engineer Kevin Hart*)

This item was discussed later in the meeting, with Item 13B.

## **6. PUBLIC COMMENTS**

Jerry Sehl distributed a packet regarding hurricane response and awareness, and requested placement on the April 26, 2006 Workshop Agenda. There was no objection.

Barbara Cole, 2211 Washingtonia Avenue, was impressed and disheartened that the election was continuing. She felt that Board and Committee members should have a good mix so the old and the new could work together to bring forth new ideas.

Tom Carr, 254 Miramar Avenue, thanked the members and supporters of the Citizen's Initiative Committee for their physical and financial support, along with the voters who took the time to come out and vote. He talked about the fee for Waste Management and requested the twelve parking spaces be retained at El Prado and El Mar for beach permit holders.

Peter Debs, 1010 South Ocean Boulevard, favored Mayor Pro Tem Clark's protocol for adding items to the agenda and asked that the Commission not make an example of his site plan approval item, but to give favorable consideration.

James Reagan, 1410 South Ocean Boulevard, opposed the Sea Colony Development plans. He said he did not want street parking or any active public use of that land and urged the Commission to have Mr. Mellow submit a different plan.

Larry McGuinness, 5100 North Ocean Boulevard, distributed a recent article printed in the Wall Street Journal referencing a parrot in the redevelopment plan for the Town of Anaheim, California.

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Bess LoGuercio, 4552 North Ocean Boulevard, asked the Commission to consider planting shade trees on the beach. She said the sea oats took up all the shade and now she had no place to sit.

John Thompson, 671 Lakeside Circle, Pompano Beach, discussed the push poll and the results. He commended Mayor Pro Tem Clark for his proposal on the selection of Board and Committee members.

Lawrence Wicks, 4900 North Ocean Boulevard, reminded everyone that the week of April 24, 2006 was National Volunteers Week and encouraged everyone to volunteer. He talked about the Kiwanis Wine & Cheese Tasting Event on Saturday, May 13, 2006 from 6:00 to 8:00 p.m. at the Assumption Parish Church Hall. He explained that tickets were \$15 each and all proceeds would go to "Save the Children of the World".

Diane Boutin, 4244 El Mar Drive, congratulated the Commission for proclaiming Amateur Radio Week and for their pursuit in burying utility lines. She believed the cleaning of the beach, the portals, and roadways leading to them, should be a priority.

There were no objections to taking item 14G, the paving of pedestrian access out of turn.

Daniel Butler, 5555 North Ocean Boulevard, thanked the Commission for the access ways/portals. He said the residents in the north section of Town did not have a lot of accessibility to the beach and asked the Commission to make sufficient improvements to accommodate the handicap.

The Commission discussed the proposal with Town Engineer Kevin Hart to include ramp access and showers.

Commissioner McIntee made a motion to authorize Town Manager to review reports and pursue.

Attorney Cherof advised that depending on the actual cost of the improvements, the purchasing policy could necessitate this item return to the Commission for actual approval. Mr. Hart suggested it could be attached to the parking lot project.

At Clerk Medina's request, Commissioner McIntee clarified his motion to be, that Mr. Baldwin follow Mr. Hart's lead in tagging off the Bougainvillea project, assuming it's below the figures Mr. Cherof indicated they would have to be (\$15,000), to include a shower at the beach end. Commissioner Silverstone seconded the motion. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker requested a status report at the Commission May 23, 2006. Mr. Hart agreed.

**7. APPROVAL OF MINUTES**

- A. April 4, 2006, Special Meeting

This item was pulled from the agenda for clarification.

- B. April 11, 2006, Agenda Conference

- C. April 11, 2006, Regular Meeting

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to approve the April 11, 2006 Agenda Conference and Regular meeting minutes as corrected by Commissioner McIntee during the Agenda Conference.

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

- A. **Ordinance No. 2006-02:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 24 of the Code of Ordinances to provide a comprehensive revision to the Town's Land Development Regulations; providing for the renumbering and recodification of the Land Development Regulations as Chapter 30 of the Code of Ordinances; amending or adding provisions regarding final site plans, architectural standards for the RD-10, RM-25, RM-25A, and RM-50 zoning districts, procedures and requirements for rezoning including application process and requirements, vested rights determinations, quasi-judicial proceedings, general provisions including legislative intent, purpose, rules of interpretation effective staff decisions, enforcement, violations and penalties and computation of time, definitions, non-conforming uses and structures, including provisions for extensions, alteration, enlargement and reconstruction, zoning map, interpretation of district boundaries, purpose and intent of zoning districts, regulations for the RM-25A zoning district, planned unit development regulations, off-street parking requirements in the B-1A zoning district, off-street parking requirements in the B-1 zoning district, boats, boat lifts and boat houses, boat davits, height of fences, walls and hedges, swimming pool and deck setback requirements, accessory buildings and structures, off-street parking and loading requirements, telecommunication towers and antennas, window awnings and entrance canopies, signs and landscaping; providing for severability; providing for codification; providing for conflicts; and providing for an effective date. ***(tabled from February 28, 2006)***

This item was deleted from the Agenda earlier in the meeting.

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

There were no Ordinances for first reading.

**10. COMMISSIONER COMMENTS**

Commissioner Silverstone thanked Manager Baldwin and the Town's Administration for their prompt response to his request regarding wheelchair access to the beach. He felt the \$36,000 cost for a poll regarding the Referendum was a mistake and steps were needed to avoid a re-occurrence.

Commissioner McIntee stated he had received calls regarding the medians and the entranceways to the Town from Commercial Boulevard to A1A. He said there was \$332,000 in salaries that were not being spent and requested Manager Baldwin to add an additional \$50,000 to the budget for the hiring of independent gardeners and landscapers to clean them up and make them pretty. Commissioner McIntee requested placement on the agenda for the May 9, 2006 meeting.

Vice Mayor Yanni understood Municipal Services was short staffed, but felt the portals needed cleaning. Director Mason advised that the portals were cleaned once a week, but could be increased to three, or five days a week in the near future.

Mayor Parker commented on the Referendum poll. He said it was inexcusable to single out specific individuals and, on behalf of the Town, apologized for the way the poll was taken. He added that the Easter Egg Hunt had been very successful and thanked everyone for their assistance.

**11. CONSENT AGENDA**

- A. SPECIAL EVENT PERMIT: United Cerebral Palsy Association of Miami/Clarion Hotel; Saturday, June 3<sup>rd</sup> and Sunday, June 4<sup>th</sup>, 2006; from 8:00 a.m. to 8:00 p.m.
- B. SPECIAL EVENT PERMIT: Jazz on the Square/The Village Grille; every Friday through April 2007; from 6:00 p.m. to 10:30 p.m.
- C. AGREEMENT: with the Supervisor of Elections for use of Jarvis Hall as a poll facility for the elections scheduled for September 5 and November 7, 2006
- D. REQUEST FOR EXTENSION: of Franchise Agreement with Waste Management for a period of thirty days
- E. REQUEST FOR EXTENSION: on the Development Order for Villa Caprice, located at 4108 and 4110 El Mar Drive for a period of six months

Vice Mayor Yanni made a motion, seconded by Commissioner Silverstone, to approve items 11A-D of the Consent Agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

Item 11E was pulled from the consent agenda at the Agenda Conference.

- 11E, REQUEST FOR EXTENSION: on the Development Order for Villa Caprice, located at 4108 and 4110 El Mar Drive for a period of six months

There was discussion regarding the lateness of the request. Planning and Zoning Administrator Brad Townsend said no reason had been provided.

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

## 12. RESOLUTION

- A. **RESOLUTION NO. 2006-09:** A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the adopted Evaluation and Appraisal Report of the Town's Comprehensive Plan; and approving its transmittal to the Florida Department of Community Affairs in accordance with Section 163.3191, Florida Statutes

Attorney Cherof read Resolution 2006-09 by title only.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to approve Resolution 2006-09.

Commissioner Silverstone asked if affordable housing was addressed in Resolution 2006-09. Attorney Cherof said there was a component regarding affordable housing in it.

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

## 13. OLD BUSINESS

- A. Discussion and/or action regarding the concept drawings for the Commercial Boulevard Pavilion (*Town Engineer Kevin Hart/Architect Anthony Abbate*)

Architect Anthony Abbate gave a presentation on the Commercial Boulevard Pavilion renderings. He explained that the portals had to comply with State regulations regarding high velocity hurricane conditions. Mr. Abbate indicated the concept reflected the portal as a public event facility that could be used for presentations and community celebrations. He further explained his rendering in detail.

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Discussion followed regarding the design in that it was too sterile for the area. The Commission indicated that the residents preferred a brighter atmosphere that would portray a beachy/Key West type setting. Commissioner Silverstone believed it would be worth losing grant money in order to have something that the public would enjoy. Mayor Parker believed the roof design offered good acoustics for a band shelter. He concurred that Broward County had stated that no additional extensions on the grant money would be approved.

Bob Terrien, 5100 North Ocean Boulevard, said this was one of three renderings presented to the Master Plan Steering Committee. He believed the stand-alone project renderings did not make proper visuals, but believed Mr. Abbate's design fell into the same scheme used for the Town's portals.

Vice Mayor Yanni wanted to know why the other renderings were not offered to the Commission for consideration. Mr. Terrian said the other renderings were not presented to the Master Plan Steering Committee as a completed presentation. Discussion followed regarding the other designs, including the Fort Lauderdale design for a gazebo.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to direct Municipal Services Director William Mason to contact Fort Lauderdale to obtain their rendering and present it at the May 9, 2006 meeting.

Mayor Parker suggested the Commission contact Broward County Commissioners in an attempt to obtain an extension on the grant. He also suggested contacting Florida Atlantic University, School of Architecture, to initiate a contest that would aid in the design of the portal.

Engineer Hart suggested offering a Request for Proposal for a design that may result in different ideas. He added that the process would probably take approximately three to four months.

Discussion followed regarding an attempt to extend the current grant with the option of applying for another.

Commissioner McIntee withdrew his second. Vice Mayor Yanni withdrew his previous motion.

Vice Mayor Yanni made a motion, seconded by Mayor Pro Tem Clark, to instruct Town Engineer Hart and Attorney Cherof to prepare a Request for Proposal for an Architect to prepare a design for the Commercial Boulevard Pavilion. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Parker made a motion, seconded by Vice Mayor Yanni, to instruct Manager Baldwin and members of the Commission to contact Broward County Commissioners to request an extension of the grant. In a roll call vote, all voted in favor. The motion carried 5-0.

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- B. Discussion and/or action regarding the preliminary cost estimates for proposing a bond referendum to bury overhead utility lines, install natural gas lines, and construct drainage improvements townwide (*continued from February 28, 2006*) (*Town Engineer Kevin Hart*)

Mr. Hart stated that the cost estimate contained costs involved to bury overhead utility lines along the front, rather than the back yards. He believed it would be more costly and problematic to obtain easements to convert the overhead lines in the back yard, rather than in the swale area.

Clerk Medina clarified that Item 5E referred to specific site plan reviews for the inclusion of cost to bury utility lines, as previously discussed by the Commission. She explained that Item 5E was not part of the discussion held for the possible bond referendum.

Mr. Hart explained that the \$43 million, referred to in his report, included the conversion of the overhead lines to underground, the installation of gas mains, and some drainage improvements throughout Town. Discussion followed as to whether the Town could afford to do this with Manager Baldwin responding in the negative.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to remove Item 5E from the agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. Discussion and/or action regarding the scheduling of a workshop meeting to discuss a proposed ordinance permitting a dog beach (*continued from April 11, 2006*)

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to schedule a workshop on June 6, 2006, from 6:00 p.m. to 7:00 p.m., for discussion on a dog beach. In a roll call vote, all voted in favor. The motion carried 5-0.

- D. Discussion and/or action regarding the proposal of an ordinance requiring beach front properties to have street addresses posted on the beach side to aid with emergency calls and notification of locations (*Mayor Oliver Parker*) (*continued from April 11, 2006*)

Mayor Parker made a motion, seconded by Commissioner McIntee, to instruct Attorney Cherof to prepare an Ordinance for beach front properties to post street addresses on the beach side to aid with emergency calls and notification of locations.

The Commission talked about a numbered flag system on the beach. Director Mason indicated a similar system was currently posted at the seawalls at the Portals, at the 4600 block and the 4500 block at El Prado Avenue, and at the 100 block at Commercial Boulevard. He believed the stenciling of numbers on property owners' seawalls was not a

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bad idea. Commissioner Silverstone pointed out the distance between the beach and the seawall and felt the flag system would aid rescue attempts.

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

Attorney Cherof agreed to present the Ordinance for first reading in May.

- E. Report on beach easements as public beach access in the northern sections of Town (*Development Services Director Harry Diehl*) (*tabled from April 11, 2006*) (**Attorney Cherof requesting a tabling to May 23, 2006**)

This item was tabled to May 23, 2006. There were no objections.

- F. Discussion and/or action concerning the naming of portals in honor of Town residents (*Vice-Mayor John Yanni*) (*continued from January 24, 2006*)
  - 1) Commercial Boulevard Portal: Alan and Mae Gibson
  - 2) Pine Avenue Portal: Jack and Shirley Forrest

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to name Commercial Boulevard Portal in honor of Alan and Mae Gibson.

Mayor Parker preferred a protocol, but felt the Commercial Boulevard Portal was the main Portal of the Town.

Mayor Parker made a motion to amend the motion to name the Datura Avenue Portal or the Hibiscus Avenue Portal, after Alan and Mae Gibson. The motion to amend failed for lack of a second.

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

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to name Pine Avenue Portal in honor of Jack and Shirley Forrest.

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

Mayor Parker asked whether Vice Mayor Yanni would consider El Prado Avenue rather than Commercial Boulevard for Alan and Mae Gibson. Vice Mayor Yanni said he would ask Ms. Gibson, and if agreeable, would make the amendment at the next meeting.

- G. Discussion and/or action to Schedule a Workshop on the Unified Land Development Regulation.

This item was added earlier in the meeting.

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to schedule a Workshop on June 6, 2006, from 7:00 p.m. to 10:00 p.m., on the Unified Land Development Regulation. In a roll call vote, all voted in favor. The motion carried 5-0.

#### 14. NEW BUSINESS

- A. Discussion and/or action regarding the use of the Government Access Channel for the purpose of broadcasting the Lauderdale-By-The-Sea Community Performing Arts' play "The Odd Couple" (*Vincent Ragusa*) (*continued from April 11, 2006*)

Vincent Ragusa gave an update on the Community Performing Arts' organizational meeting and talked about the play, indicating it was the female version of "The Odd Couple". He added that approximately \$2,000 in expenses was needed from a sponsor.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to authorize an expenditure of \$2,000 and the use of the Government Access Channel for the purpose of broadcasting the Lauderdale-By-The-Sea Community Performing Arts' play "The Odd Couple". In a roll call vote, all voted in favor. The motion carried 5-0.

- B. Discussion and/or action regarding the use of Jarvis Hall and the Government Access Channel for the purpose of televising the Property Owner's Monthly Meeting (*Cindy Geesey*) (*meeting scheduled for May 10, 2006*)

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, to allow the use of the Government Access Channel for broadcasting the Property Owner's monthly meeting.

Commissioners Silverstone and McIntee believed that broadcasting, if allowed for one organization, should be accessible to all other organizations as well. Vice Mayor Yanni concurred.

Mayor Pro Tem Clark believed that everyone should have access as long as it was not for political assemblies.

In a roll call vote, the motion failed 3-2, with Commissioners Silverstone, McIntee and Vice Mayor Yanni dissenting.

Discussion followed relating to the procedure for approving broadcasting, indicating that Manager Baldwin had the first say, and if he denied access, it would then be forwarded to the Commission for case-by-case approval. Attorney Cherof suggested he would obtain information as to how other municipalities handled the broadcasting of their meetings.

Vice Mayor Yanni requested Attorney Cherof report back to the Commission on May 9, 2006, to discuss and/or act upon his findings. Attorney Cherof agreed.

C. Discussion and/or action regarding the disbanding of the Master Plan Steering Committee (*Mayor Oliver Parker*)

Mayor Parker explained that the intent of the Master Plan Steering Committee was to have independent input to the redevelopment of the Town and not a reflection of another Committee.

Mayor Parker made a motion, seconded by Vice Mayor Yanni, to disband the Master Plan Steering Committee.

Commissioner Silverstone questioned the disbanding since it would be the Commission's choice to choose appropriate members to create a fair and balanced Committee. Mayor Parker explained that the Planning and Zoning Board and the Board of Adjustment had projects brought to them, and the Master Plan Steering Committee sought projects. He added that the Community Redevelopment Agency would function in the same manner as the Master Plan Steering Committee.

Mayor Pro Tem Clark and Commissioner McIntee thought it was a bad idea to disband the Committee as they had done a good job, and the Commission had agreed to a 7 member committee.

Vice Mayor Yanni agreed with Mayor Pro Tem Clark and Commissioner McIntee, and withdrew his second. The motion failed.

D. Discussion and/or action regarding the advance scheduling and preparation of agenda items (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark proposed that agenda items be submitted in a timely manner and not left to be reviewed at the last minute.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to submit items for agenda placement 10 days prior to a Commission meeting date, with public safety issues being the only exception, and to include submission forms.

Discussion followed regarding the number of days required for submission complete with backup, along with a submission form to be used at the administrative level, and accompanied with each item.

Mayor Pro Tem Clark amended the motion, seconded by Commissioner Silverstone, to submit items for agenda placement 7 days prior to a Commission meeting date, with public safety issues being the only exception, and to include submission forms. In a roll call vote, all voted in favor. The motion carried 5-0.

E. Discussion and/or action regarding the scheduling of a communication meeting (*Commissioner Jerry McIntee*)

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Commissioner McIntee explained the communication meeting would be an informal meeting to last approximately one hour. The Commission discussed possible dates and times with a suggestion to delay Agenda Conference and Regular Meetings by one hour. Manager Baldwin requested Attorney Cherof review Town Code for time certain on Commission Meetings. Attorney Cherof explained that Section 2-16 of the Code was date specific, but not time specific. He advised that reasonable notice must be available to the public and the Commission must produce an outline of what was to be discussed to afford the public the opportunity to know what the Commission was discussing.

Due to difficulties in choosing a date specific, this item was tabled to May 9, 2006. There were no objections.

F. Discussion and/or action regarding term limits (*Commissioner Jim Silverstone*)

Commissioner Silverstone made a motion to draft a Charter Amendment limiting Commission seats to two terms.

Mayor Parker clarified that beginning 2014 no one would qualify to run who had served eight years or more. Commissioner Silverstone agreed, adding that they could take off two years and then run again.

Commissioner McIntee seconded the motion with discussion.

Attorney Cherof asked when the Commission wanted the Charter Amendment to go to the voters. Mayor Parker said November would be the soonest. He understood the amendment would state that starting with the 2014 Election, a candidate that served eight years or more would be ineligible to run. Attorney Cherof agreed to create a draft for Commission review.

Vice Mayor Yanni referenced the people's choice at the last election and felt that term limits were not necessary. He felt that such an amendment would take away someone's choice as to who they wanted to serve the Town.

In a roll call vote, the motion failed 2-3, with Vice Mayor Yanni, Mayor Pro Tem Clark and Mayor Parker dissenting.

G. Discussion and/or action regarding the paving of pedestrian access at Seawatch Restaurant, from State Road A1A, to the beach for wheelchair accessibility (*Mayor Oliver Parker for Dan Butler*)

This item had been considered previously.

There was discussion regarding the difference in the cost to do colored concrete. Engineer Hart said approximately \$4,000 to \$5,000.

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Commissioner McIntee made a motion, seconded by Mayor Pro Tem Clark, to amend the previous motion to substitute colored concrete for the asphalt. In a roll call vote, all voted in favor. The motion carried 5-0.

- H. Discussion and/or action regarding procedures for selecting members to boards (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark made a motion, seconded by Mayor Parker, to review submitted applications and select 7 members to boards by vote, to include a run off for tied votes.

Mayor Pro Tem Clark believed with the Commission voting in the members, the politics would be taken out of member selection. Discussion followed in opposition.

In a roll call vote, the motion failed 3-2, with Vice Mayor Yanni, and Commissioners McIntee and Silverstone dissenting.

- I. Discussion and/or action concerning available parking for Auxiliary 12 (*Commissioner Jerry McIntee*)

Fire Chief Chaplain James Pollack stated that Fire Rescue had solicited \$16,000 towards the building of a parking pavilion and the re-location of Station 36.

Discussion followed regarding the sharing of space between the personnel of Station 36 and Med 12. At Mayor Parker's request, Chief Frailey agreed to look into the possibility and report back at the next meeting.

Commissioner McIntee suggested extending the pad opposite the police station where the cars park alongside the roadway, at the first lane in, suggesting that space be used to park the pumper truck. Municipal Services Director Mason believed that would block the sidewalk. Additional discussion followed regarding other areas and/or other garages.

It was agreed to table this item pending a report from Chief Frailey and to have Engineer Hart submit a site plan for review.

This item was tabled to May 9, 2006. There were no objections.

- J. Discussion and/or action regarding the ability to apply for resident parking permits (*Commissioner Jim Silverstone*)

Commissioner Silverstone suggested a \$25 to \$50 permit that would allow residents to park anywhere in Town for up to four hours, or up to two hours along commercial property. Mayor Pro Tem Clark concurred and requested Manager Baldwin report back with options.

Discussion followed with Mayor Parker suggesting \$150 a year to park anywhere and/or \$30 a year to park in the new parking lot and/or beach resident parking space. He felt that time limitations would result in parking citations, as people tend to lose track of time.

Commissioner McIntee concurred with time limitations. He believed \$150 was too much to charge for a resident permit.

Mayor Pro Tem Clark made a motion, seconded by Commissioner Silverstone, to direct staff to review resident parking permits and report back to the Commission with options on June 13, 2006.

Mayor Parker requested the following item be placed on the agenda for the May 9, 2006 meeting: For discussion and/or action regarding taking the middle lane of Bougainvillea Drive, south of Commercial Boulevard and turning it into parking spaces.

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

- K. Discussion and/or action concerning the scheduling of roadway cleaning  
*(Mayor Oliver Parker for Mr. Polonowski)*

Mayor Parker stated he received complaints regarding the cleaning of A1A. He suggested cleaning A1A once a week and every street in Town once a month. Mayor Parker requested Municipal Services Director Mason to report back at the May 9, 2006 meeting, with a plan regarding the proposed cleaning schedule. Discussion followed regarding the hiring of a sub-contractor for street sweeping.

Mayor Parker made a motion, seconded by Commissioner Silverstone, to direct Manager Baldwin and Director Mason to present a schedule for cleaning the streets as stated and to include the cost to purchase a street sweeper. In a roll call vote, all voted in favor. The motion carried 5-0.

## **15. TOWN MANAGER REPORT**

There was nothing to report.

## **16. TOWN ATTORNEY REPORT**

Attorney Cherof indicated there were a few variances working their way towards the Commission for their consideration. He prepared a memorandum to advise the Commission of the procedure for reviewing and granting a variance (attached hereto as part of these minutes).

## **17. ADJOURNMENT**

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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 10:58 p.m.

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

ATTEST:

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

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