

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, May 9, 2006

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:00 p.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Municipal Services Director William Mason, Town Attorney James Cherof, and Town Clerk Medina.

Town Manager Robert Baldwin was not present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. REVIEW AGENDA FOR REGULAR MEETING OF MAY 9, 2006

There were no objections to the presentations.

Reports

- 5B, Report on the approximate cost per foot to bury utility lines as part of site plan reviews/approvals (*Town Engineer Kevin Hart*) (*tabled from April 11, 2006*)

Mayor Parker provided Engineer Kevin Hart with an article in the Miami Herald relating to underground wiring in Jupiter Beach for his review and requested he obtain more information. Mr. Hart agreed to contact Jupiter Beach and provide further information during the Regular meeting.

Mayor Parker announced that Clerk Medina had double checked the minutes of the April 4, 2006 Organizational meeting and concluded that the Commission had agreed to place Public Comments immediately before Ordinances, 2nd reading.

Approval of Minutes

There were no objections, additions, or deletions to the minutes of the April 4, 2006, Special meeting, or the April 25, 2006 Agenda Conference meeting minutes.

Ordinances (1st Reading)

- 10A, ORDINANCE NO. 2006-04: An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, adopting Florida Power and Light's "Right Tree – Right Place" guidelines; providing for enforcement; providing for penalty; providing for severability; providing for codification; providing for conflicts; and providing for an effective date

Attorney Cherof made numerical changes to the Sections of Ordinance 2006-04 to clean up the numbering. In addition, he agreed to add Section 2.2(d) stating that property owners who undertake tree maintenance must use a Florida Power and Light approved contractor as agreed to during the April 26, 2006 Hurricane Workshop.

Commissioner McIntee disfavored the allowance of utility companies to have carte blanche access to private properties and requested that that area of the Ordinance be refined. He suggested 48 hours notice to the homeowner and, in an emergency, the utility worker could arrive with an escort from the Broward Sheriff's Office. Discussion followed with Attorney Cherof suggesting amending the language to state that Florida Power and Light would provide 48 hours notice to the property owner, unless there was a power outage or a power outage was imminent.

Mayor Pro Tem Clark was confused with the explanation of the planting of Palm Trees on page 2, Article III(d), and requested a clearer definition. Attorney Cherof said he would set an example that stated that, if at maturity the palm frond was 6 feet, then the tree would have to be planted 9 feet away from the lines.

Mayor Pro Tem Clark referred to Florida Power and Light's Right Tree – Right Place Guidelines and believed specific guidelines should be added to Article III(e). Attorney Cherof agreed to add either Florida Power and Light's link identifying their web site, or state that a copy of those guidelines would always be available at Town Hall.

Commissioner McIntee also requested Attorney Cherof to clarify and define "utility" as Florida Power and Light. Attorney Cherof agreed.

There were no objections to amending the Ordinance as suggested.

- 10B, ORDINANCE NO. 2006-05: An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 20 of the Code of Ordinances to add a new Article

Mayor Pro Tem Clark believed that Section 1(a)(2) - Substantially Redevelop or Reconstruct, would be problematic at 50% of the original cost. He suggested changing 50% of the "original cost" to 50% of the "assessed value of the structure". Mayor Pro Tem Clark also referred to Section 1(c), Waiver, and believed final authority to grant or deny a waiver should be decided by the Commission and not the Planning and Zoning Board. Planning and Zoning Administrator Brad Townsend advised that lines 25, 28 and 30 also needed to be amended to reflect that change.

Mr. Townsend questioned the underground wiring in relation to single family homes. Mayor Parker said only the feed from the pole, and not the actual lines from behind the house, would be buried underground. At Mayor Parker's request Attorney Cherof agreed to clear up the language.

There were no objections to amending the Ordinance as suggested.

Consent Agenda

11G, Motion to authorize the Town Administration to stock pile necessary provisions for use by emergency personnel after a natural disaster

Mayor Pro Tem Clark asked for clarification regarding item 11G. Clerk Medina indicated that at the April 26, 2006 Hurricane Workshop the Commission wanted the Town Administration to move forward with the miniature Federal Emergency Management type contract to provide for emergency supplies for emergency personnel during the first few days after a storm. She added that because it was a Workshop, the Commission could not make a motion authorizing Town Administration to move forward and, therefore, was placed on this agenda.

There were no objections to the Consent Agenda.

Resolutions

- 12A, RESOLUTION NO. 2006-10: A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, authorizing the appropriate Town Officials to take all steps necessary to request the United States Postal Service to designate the Town of Lauderdale-By-The-Sea as the default city for zip code purposes for zip codes within the Town of Lauderdale-By-The-Sea; alternatively, requesting that the entire Town of Lauderdale-By-The-Sea be assigned to the same default zip code; directing Town Administration to transmit a certified copy of this resolution to members of the United States Senate and House of Representatives who represent the Town of Lauderdale-By-The-Sea, the Town's State Legislative Representatives, the Postmaster General for the United States Postal Service, and any other interested parties; providing for conflicts; providing for severability; and providing for an effective date.

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Attorney Cherof explained that Resolution 2006-10 was another attempt to communicate with the Post Master General to obtain approval to unify the Town's zip code.

- 12B, RESOLUTION NO. 2006-11: A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, authorizing and directing the appropriate Town Officials to execute a Franchise Agreement with Waste Management, Inc.; providing for conflict; providing for severability; and providing for an effective date.

Attorney Cherof explained that Resolution 2006-11 was for the execution of the franchise agreement with Waste Management, Inc.

Old Business

- 13A, Discussion and/or action concerning staff's review of use of roundabouts on Seagrape Drive and/or the approval of the proposed contract with Florida Blacktop, Inc. to install five speed humps on Seagrape Drive, south of Commercial Boulevard (*piggybacking on contract with the City of Fort Lauderdale, Contract #10757, at a cost of \$21,052.75*) (*tabled from April 11, 2006*) (***staff requesting this item be removed from the agenda until a complete analysis can be presented***)
- 13B, Discussion and/or action concerning the reconfiguration of Jarvis Hall, including the enclosing of the portico and the moving of the dais (*tabled from April 11, 2006*) (***staff requesting this item be removed from the agenda until a complete analysis can be presented***)

After brief discussion, the Commission agreed to table, rather than remove Items 13A and 13B from the agenda.

- 13C, Discussion and/or action on a request made by Norma Fayer, of 5100 North Ocean Boulevard, concerning the policy for key deposits for shuffleboard/bocci court (*Mayor Oliver Parker*) (*tabled from April 11, 2006*)

Municipal Services Director recommended against approval at this time and requested reconsideration of this item during the budget process instead. There were no objections.

- 13D, Discussion and/or action regarding a request to televise the Property Owners' Association Meeting with regards to hurricane preparedness (*Vice Mayor John Yanni*)

Commissioner McIntee advised that Sidney Stoddart, of Comcast Communications, had indicated that using the government channel for the purposes intended was in violation of the Town's franchise agreement and not appropriate because private contractors would be using their products.

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Mayor Pro Tem Clark said his intention was to look at the agenda of all the organizations and consider them on a case-by-case basis. He added that if there were political intent in the agenda, they would not be considered. Mayor Pro Tem Clark believed there would not be a problem as long as the vendors were only supplying information.

Vice Mayor Yanni suggested taping and editing the program prior to showing it to the public. He believed it was important for the public to learn about hurricane preparedness. Commissioner Silverstone agreed, and believed that all safety personnel should be on the same page.

Mayor Parker believed that the Comcast contract prohibited the use of Channel 78 as a commercial broadcast channel and explained there was a difference between advertising products and providing hurricane information. He believed that the best people to provide information on shutters would be the people who provide them.

Mayor Pro Tem Clark requested a legal opinion regarding preference to live broadcasting or an edited, taped version. Attorney Cherof indicated that if the Commission were to choose between the two, then the taped broadcast would be the safest route. He said he would review the contract to determine who had the final word relating to broadcasting.

It was the consensus of the Commission 5-0, to use a taped, edited version for broadcasting.

- 13F, Discussion and/or action concerning the Commercial Boulevard Pavilion (*Commissioner James Silverstone*)

Commissioner Silverstone spoke about advertising a competition for contractors to design the pavilion and possibly offering an award. Engineer Hart advised that he had taken direction from the Commission at the last meeting to work with the Town Attorney to prepare a Request for Proposals for Architects to prepare a design approach for the project. He clarified that a Request for Proposal was different from a competition.

Commissioner Silverstone said his intent was to open this up to the public, allowing them the opportunity to draw up their own designs. Engineer Hart indicated he would need to consult with the Town Attorney to broaden the selection to include public participation, but was unclear on the advertising aspect of it. Attorney Cherof suggested that as one of the requirements the Architect would need to incorporate the opportunity for the public to participate and, that their ultimate design was to reflect public input.

Vice Mayor Yanni inquired as to the time limitation for grant funding. Engineer Hart said that at the last meeting it was decided that the Commission would contact Broward County Commissioners in an attempt to obtain an extension on the grant, or, if the extension was denied, apply for a new one. Vice Mayor Yanni believed that a contest

would delay the project too long and thought it was best for the Commissioners themselves, to go to other municipalities and take pictures of existing pavilions.

New Business

- 14B, Selection of members for the Board of Adjustment (*new term to run through April 2008*) (*five members, two alternate members*)
- 14C, Selection of members for the Planning and Zoning Board (*new term to run through April 2008*) (*five members, two alternate members*)

Mayor Parker explained that some applicants were applying for the Board of Adjustment and the Planning and Zoning Board. He indicated that those who were not selected to the Board of Adjustment would have a chance for nomination to the Planning and Zoning Board.

Mayor Parker explained the order of procedure for nominations would start with Vice Mayor Yanni, then Commissioner McIntee, and so on, ending with himself. He explained further that if a nominated person was not appointed, then the next Commissioner, following the order for roll calls, would make a nomination.

There were no objections to the order for appointing members to the individual boards.

- 14D, Discussion and/or action requesting permission from the Court to remove Ordinance 2005-20 from the ballot in November (*Mayor Oliver Parker*)

Mayor Parker spoke about the agreement with the Citizens Initiative Committee regarding Ballot question A and Ballot question B. He indicated that Ballot question B was sometimes referred to as the "Holiday Inn" amendment. Mayor Parker added that in order to remove either of those questions from the November Ballot, both parties were required to appear in court and agree to the removal.

Commissioner McIntee suggested tabling this item until he could present this request to the Citizens Initiative Committee. There were no objections.

- 14E, Discussion and/or action concerning the contracting of Chief Frank Buchert as a consultant to the Town for issues pertaining to emergency management, as well as fire support and emergency medical services issues (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark reminded the Commission that Chief Buchert resigned effective May 5, 2006, leaving the Town with a tremendous void with regards to emergency management procedures. He believed it would be beneficial to hire Mr. Buchert as the Town's consultant.

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Due to the late hour, the Commission agreed to discuss the remainder of the agenda at the regular meeting.

4. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. The meeting was adjourned at 7:02 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____