

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

## **TOWN COMMISSION**

### **REGULAR MEETING**

### **MINUTES**

Town Commission Meeting Room

***4501 Ocean Drive***

***Tuesday, May 23, 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 McIntee and Commissioner Silverstone. Also present were Town Manager Robert 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**

##### **A. Dr. Brenda C. Snipes, Supervisor of Elections**

Mary Cooney, Public Services Director for the Supervisor of Elections, briefed the Commission on some election law changes and advised that the Supervisor of Elections was still looking for pollworkers. She indicated that election results would not be provided on a precinct by precinct basis. Ms. Cooney advised that new voters registration cards would now be issued, with new registration numbers. She advised that the new cards would no longer have the voter's signature. Ms. Cooney stated that campaigning would need to be done 100 feet away from the doors of any voting place.

Vice Mayor Yanni questioned if mail-out voting could be implemented. Ms. Cooney replied affirmatively, but explained that mail-out voting was strictly for referendum questions.

Commissioner McIntee commended the efforts of the Supervisor of Elections Office.

Mayor Parker indicated that the *Sun-Sentinel* reported that more people voted in November than in March and wondered if that was true. Ms. Cooney stated that many municipalities were choosing to move elections to November, stating that the cost was much more reasonable in that manner.

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

Chief Gooding requested to make his presentation next month. There were no objections.

- C. Update on Reef Restoration as previously presented by Marc Furth (*Marc Furth/Mayor Oliver Parker*)

Marc Furth, 4525 El Mar Drive, provided an update regarding the proposal for the reef restoration. He indicated that due to busy hurricane season, the project had been temporarily put on hold. Mr. Furth stated that in light of the new sitting Commission, he wished to allow Dr. Tom Goreau, president of the Global Coral Reef Alliance, make a brief presentation.

Dr. Goreau provided a brief description of the types of damages sustained by the reef. He indicated that the International Coral Reef Symposium would be held in Fort Lauderdale in 2008 and felt it would be a unique opportunity to illustrate how reef restoration could be accomplished. Dr. Goreau provided an explanation of how the project would proceed and the advantages that could be expected. He provided a PowerPoint presentation that depicted various projects underway that had been successful.

Dr. Goreau stated that he was proposing to prepare an 80-foot reef, at a height of three feet. He indicated that since the area experienced a high amount of wave activity, the lower reef would be preferable.

Mayor Parker stated that it was his understanding that \$30,000 was being requested to begin the project. Dr. Goreau stated that he estimated that the project would cost \$60,000. He indicated that this would include eight 10-foot long units, plus permits. Mr. Furth stated that with the Commission's approval, the paperwork could be started with a promise for funding in the amount of \$60,000 in the upcoming fiscal year.

Mayor Parker asked that this item be included in the budget presentation for consideration once the proper documentation was provided.

Commissioner Silverstone expressed concern with dredging of sand as the beach to the south of the pier was to be expanded. Mr. Furth stated that the reef could be installed to the north of the pier, but did not believe that the dredging would affect the project. Dr. Goreau stated that if the reef was protected, dredging would not be permitted.

Commissioner Silverstone asked how long it would take to construct the reef. Dr. Goreau replied that the project would be complete within weeks once the permits were

in place. He explained that results would be seen within days of completing the project. Dr. Goreau stated that one of the important issues to resolve was the matter of obtaining electricity.

Commissioner McIntee stated that this was a phenomenal idea and felt that the project should be approved now, with funding to be allocated during the budget process. He asked that this issue be placed on the agenda for discussion in three weeks.

## 5. REPORTS

### A. Budget Report for Period Ending April 30, 2006

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

### B. Report on the review of costs for the Town to obtain satellite internet connections as part of its hurricane preparedness program (*Municipal Services Director William Mason*) (*tabled from May 9, 2006*)

Jerry Sehl stated that the Town had obtained information, but unfortunately had obtained information on residential packages. He indicated that the satellite could be used with wi-fi packages and advised that there were 10 to 12 terminals in the Senior Center that could be connected to the system.

Mr. Sehl stated that the equipment cost was \$800, with a \$400 charge for installation. He indicated that he used the fee of no more than \$130 a month, with an additional \$10 fee for additional departments who wished to connect to the system.

It was the consensus of the Commission to consider a proposal at the next meeting.

### C. Placement of two additional benches at the Palm Avenue Portal (*Vice Mayor Yanni*) (*continued from May 9, 2006*)

Municipal Services Director William Mason stated that the cost for each additional bench was approximately \$1,500, installed. He indicated that he had spoken with the contractor who had had no objections to incorporating the additional benches into the project.

Vice Mayor Yanni made a motion, seconded by Mayor Parker, authorizing an expenditure of up to \$5,668 to purchase and install the benches. In a roll call vote, all voted in favor. The motion carried 5-0.

### D. Report on the Australian pines located east of El Mar Drive (*continued from May 9, 2006*)

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Mr. Mason stated that he had met with the members of the condo association who had picked a couple of tree species in the event that the Town was not successful in maintaining the Australian pines in that area.

Mayor Parker stated that he had spoken with State Representative Eilyn Bagdanoff who agreed to intervene on the Town's behalf with the Department of Environmental Protection to see if it was possible to keep the Australian pines. He emphasized that this was not a guarantee that the intervention would be successful, but they had offered to try.

Mayor Parker made a motion to hold off on removing the Australian pines until it was determined if intervention would assist the Town. The motion died due to the lack of a second.

Commissioner Silverstone asked how long it would take for new trees to provide shading. Mr. Mason replied that the residents of the condo were interested more in the screening the trees provided and felt that it would take approximately 10 years for the same type of screening to be enjoyed.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to proceed with the elimination of the Australian pines.

Vice Mayor Yanni stated that Australian pines were considered nuisance trees and felt that the faster they were eliminated and replaced, the faster new growth would show. Mayor Parker felt that Australian pines were lovely trees, indicating that the majority of the condo owners wanted to keep the existing trees.

In a roll call vote, the motion carried 4-1, with Mayor Parker dissenting.

E. Report on four Bert J. Harris claims and request for action. (*Town Attorney James Cherof*)

Attorney Cherof announced that the Town had been served with four individual claims under the Bert J. Harris Jr. Protection Act due to the Charter amendment that was passed during the March election.

Attorney Cherof noted the claims received as follows:

James Edmondson (Sea Watch Restaurant) in the amount of \$8,300,000  
Palm Yacht and Beach Club, Inc. in the amount of \$2,700,000  
El Dorado Club in the amount of \$5,100,000  
Coastal Arms, Inc. in the amount of \$4,800,000

Attorney Cherof explained that these notices represented the commitment of the claims

process under the Bert J. Harris Jr. Protection Act and that the Town had 180 days to respond and propose settlement of the claims. He stated that he would provide additional information at the next Commission meeting, outlining a plan of action and providing options available to the Commission for purposes of responding.

Vice Mayor Yanni stated that he had a question concerning the closed door session. Attorney Cherof cautioned the Commission against speaking publicly on any item discussed during a close door session, stating that any questions concerning the session could be posed to him privately after the meeting.

Commissioner McIntee questioned why a court reporter was present at the meeting. Attorney Cherof explained that any person could bring a court reporter into a public meeting to transcribe whatever may be said publicly for whatever benefit they deemed appropriate. He felt it would be inappropriate to question the reason for their attendance.

## **6. APPROVAL OF MINUTES**

- A. April 25, 2006, Regular Meeting
- B. May 9, 2006, Agenda Conference

Mayor Parker advised that the Commission had agreed during the agenda conference to amend the minutes of April 25, 2006, on page 14, to change the reference from "Fire Chief" James Pollack to "Fire Chaplain" James Pollack. There were no objections.

Commissioner Silverstone made a motion, seconded by Commissioner McIntee, to approve the minutes as amended. In a roll call vote, all voted in favor. The motion carried 5-0.

## **7. PUBLIC COMMENTS**

Marie White, 234 Hibiscus Avenue, spoke concerning Seagrape Drive and the proposals for installing speed humps, expressing her belief that speed humps were not needed. She questioned why the Pelican Hopper was not driving on Seagrape Drive when the speed humps had not yet been installed. Manager Baldwin stated that the Commission had directed staff to request a route change from Broward County in preparation for the installation of the speed humps.

Lawrence Wick, 4900 North Ocean Drive, provided information concerning upcoming events. He recommended that a coin exchange machine be provided in the downtown area as businesses were bearing the burden of providing change to customers for the meters.

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Mr. Wick stated that the previous Commission had supported the Volunteer Fire Department and its pursuit of becoming the sole fire suppression provider. He asked that a status be provided.

Mr. Wick stated that he agreed with Ms. White's comments and indicated that the driver of the Pelican Hopper picked up more people on Seagrape Drive than on the current route.

Mr. Wick stated that using the center lane on Bougainvilla Drive for metered parking would create a dangerous situation, not to mention create a problem for delivery trucks in the area. He suggested that a new Town Hall be constructed with parking on top.

Tom Carr, 254 Miramar, reminded residents that Memorial Day would be celebrated this weekend in honor of the men and women who served this country. He expressed his belief that the south part of Town had lost some of its representation with the annexation. Mr. Carr stated that the north part of Town had demanded to maintain a full time fire team instead of joining the southern section of Town with its use of the Volunteer Fire Department. He questioned when the new fire station would be constructed.

Mr. Carr stated that the Volunteers had recently received a memorandum that limited their response to calls. He questioned how the Volunteers would receive their training if they were not permitted to respond to emergency calls.

Maria Prunskis, 2024 Southeast 16 Street, stated that 21<sup>st</sup> Avenue was used as a by-pass instead of A1A. She explained that there were many families with small children in this area and felt that the speed limit needed to be reduced and speed humps installed. Ms. Prunskis stated that there was a proposal to construct a bank at the intersection of A1A and Commercial Boulevard, reducing the setback. She felt that this too would create a dangerous atmosphere for pedestrians.

Birute Clotey, 1770 Southeast 21 Avenue, asked that the Commission review the Town's policy for notifying residents when a variance was being considered. She felt that a variance being requested in the center of Town that affected everyone, a larger mailing should be mandatory.

John Thompson, 671 Lakeside Circle, Pompano Beach, referenced the Bert J. Harris claims that had been received and questioned whether they were even valid claims. He felt that it had to be an act by the Town, not its residents, who could affect a property owner in that manner. Mr. Thompson felt that only an appeals court could set precedence with this type of legal issue.

Mr. Thompson spoke in favor of the Volunteer Fire Department and encouraged the Town to assist them in achieving sole provider status. He referenced the proposed

contract with Russ Klenet and felt that the Town did not need this lobbyist's assistance.

Rosa Michaliuck, 4621 Bougainville Drive, stated that she was under the impression that the Waste Management fees would be raised and expressed concern with the constant increases in fees.

MaryAnn Corley discussed the loss of the Australian pines, stating she was sad to see them destroyed. She indicated, however, that she understood rules and expressed her trust that Mr. Mason would try to replace the trees with the best species possible.

Ms. Corley thanked Commissioner McIntee for cleaning up the area around the Commercial Boulevard beach entrance and hoped, that whatever monument was chosen for this area would be kept simple. She felt that the names of all past mayors and commissioners should be listed on a plaque in their honor. Ms. Corley asked that the sidewalks along Seagrape Drive be installed as safety concerns remained along that roadway.

Ms. Corley stated that she had no objections to pets, but could not imagine why anyone would want to allow dogs on the beach. She asked that this concept not be approved.

Ms. Corley was disappointed that the Property Owners Association meeting had not been televised in its entirety.

Maryann Wardlaw, 279 Capri Avenue, was upset with the comments made against her husband at the last meeting and spoke in his favor.

Stuart Dodd, 252 Imperial Lane, spoke in favor of term limits, stating that the Citizens Initiative Committee was working on a petition in this matter. He also spoke in favor of the Volunteer Fire Department and felt that they were ready to take on the responsibility for providing full protection to the Town. Mr. Dodd felt that the Town should place its trust in the newly trained Volunteers, providing them with full support and the residents with a substantial saving.

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

- A. **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

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Attorney Cherof read the ordinance by title only.

Mayor Parker opened the public hearing.

Beverly Kennedy 3240 Seaward Drive, spoke in favor of the ordinance, stating that cutting the trees behind her house saved her property and the lines behind her home during Hurricane Katrina.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, to adopt Ordinance 2006-04 on second reading.

Commissioner McIntee opposed the concept of mandating residents, under penalty of fines, to trim the trees under the lines going to their house.

In a roll call vote, the motion carried 3-2, with Commissioner McIntee and Commissioner Silverstone dissenting.

- B. **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 IV, "Underground Utilities"; providing for severability; providing for codification; providing for conflicts; and providing for an effective date

Attorney Cherof read the ordinance by title only.

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

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to adopt Ordinance 2006-05 on second reading. In a roll call vote, all voted in favor. The motion carried 5-0.

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

- A. **ORDINANCE NO. 2006-06:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending the Code of Ordinances, Chapter 17, "Streets, Sidewalks and other Public Places", Article III, "Official Map of Town", to add a new subsection 17-48, "Property Identification Signs"; providing for conflicts, providing for severability, providing for codification; and providing for an effective date.

Attorney Cherof read the ordinance by title only. At Mayor Parker's request, Attorney Cherof explained the ordinance and its effective date upon adoption.

Commissioner Silverstone made a motion, seconded by Vice Mayor Yanni, to adopt Ordinance 2006-06 on first reading. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **ORDINANCE NO. 2006-07:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 20, entitled "Utilities", Article IV, entitled "Stormwater Management Utility" by deleting Section 20-41, entitled "Billing," Section 20-43, entitled "Appeals", and Section 20-45, entitled "Delinquent Charges", amending Section 20-44, entitled "Cost Avoidance Credits and Adjustment of Fees" to add a new Subsection (J) concerning timing for requests, and adding Sections 20-50 through 20-65 to authorize the levy, collection and enforcement of the Town's Stormwater Management Utility Fee pursuant to Sections 197.3632 and 197.3635, Florida Statutes; providing for definitions; providing for notice and hearing requirements for Stormwater Management Utility Fees; providing for procedures for the collection of the Stormwater Management Utility Fee; providing for enforcement, conflict, severability, codification, and an effective date

Attorney Cherof read the ordinance by title only. At Mayor Parker's request, Attorney Cherof explained the ordinance.

Mayor Pro Tem Clark made a motion, seconded by Commissioner McIntee, to adopt Ordinance 2006-07 on first reading.

Commissioner Silverstone asked if this item would be an actual part of the ad valorem taxes. Attorney Cherof replied negatively, stating that it would appear on the tax bill as a separate line item.

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

## 10. COMMISSIONER COMMENTS

Mayor Pro Tem Clark thanked the previous members of the Planning and Zoning Board, as well as the Board of Adjustment, stating that their service was greatly appreciated.

Mayor Pro Tem Clark thanked Mr. Mason, Judy Mufale, and Belinda Smith, as well as all other staff who had assisted with the Hurricane Preparedness Fair, expressing his belief that it had been a success. He asked that the Administration ensure that this Fair was held on a yearly basis.

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Mayor Pro Tem Clark referenced the Fourth of July festivities and briefly provided an update on the celebrations being planned.

Commissioner Silverstone stated that there had been a great turn out by the community to assist with the clean up of the beach entrance on Commercial Boulevard. He referenced his proposal for a budget committee, stating that this was another manner in which the community could participate within the Town.

Commissioner Silverstone was excited to see the reef restoration project underway, indicating that it would greatly benefit the natural resources of the Town.

Commissioner Silverstone referenced the Volunteer Fire Department, stating that he was the current Fire Chief and expressed his belief that the department had fully changed in the last five years. He stated that he wanted to review costs and the possibilities of having the Volunteers completely take over the Town's fire suppression. Commissioner Silverstone felt that he would pursue this matter aggressively, stating that he was proud of the Volunteers and believed they could move much further.

Commissioner Silverstone stated that he had requested information from Waste Management and would be further reviewing this matter.

Commissioner McIntee offered his apology to the Wardlaw family.

Commissioner McIntee stated that he was the Deputy Fire Chief and the Training Chief for the Volunteer Fire Department. He stated that he was very proud of his troops and the different services they provided, including the cleaning of streets. Commissioner McIntee acknowledged that the Broward Sheriff's Office personnel had also been assisting with these services.

Commissioner McIntee indicated that within the last month, the Volunteers' response to calls had been limited. He stated that there were approximately 70 firefighters in the department and the only way he could train the personnel was with hands-on operations. Commissioner McIntee indicated that any changes to the contract had to be in writing, yet the Volunteers had not agreed to this change. He stated that Engine 36 was manned with paramedics and that it did not make sense to take them out of service for fire calls when they might be needed for emergency medical calls.

Commissioner McIntee stated that he did not believe Chief Joseph Lello understood how serious a matter this was. He indicated that there were options and, if forced to take those options, the Volunteers would opt to do just that.

Commissioner McIntee referenced the annexation and the requests made by the northern section of Town. He felt that perhaps this issue should be taken to referendum

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to ensure that the Volunteers could continue to serve the southern section of the Town.

Commissioner McIntee stated that he would prefer to work together with the Broward Sheriff's Office, but felt that the Broward Sheriff's Office was forcing "our" hand. He did not believe the Volunteers were being provided a fair shake and stated that he would do anything to keep the integrity as a foundation block of the Town.

Commissioner McIntee stated that although Robert's Rules of Order allowed a chair to make motions and seconds if the body had less than 12 members, the Mayor had changed precedence. He felt that this was an unfair advantage to the Mayor.

Vice Mayor Yanni thanked Mayor Parker and Commissioners McIntee and Silverstone for working on the clean up of Commercial Boulevard.

Vice Mayor Yanni stated that he had read a suggestion in the *Sun-Sentinel* for hurricane preparedness which he thought had been useful. He indicated that it was suggested that the solar lights used along pathways in the yard could be brought in during evening hours to light up the house. Vice Mayor Yanni stated that although it seemed like a simple solution, he had never thought of it and wanted to share it with residents.

Mayor Parker wished everyone a happy Memorial Day.

Mayor Parker thanked all the residents and staff that had worked on the beautification project on Commercial Boulevard.

Mayor Parker mentioned that perhaps bollards could be installed along the Washingtonia Park, stating that people were parking on the newly laid pavers. He indicated that there were removalable bollards that could be used to ensure that access could be obtained. Mayor Parker asked that this item be placed on the next agenda.

Mayor Parker stated that a new ordinance was to be drafted to address problems raised by the Sea Colony case and requested a status report. Attorney Cherof stated that a draft had been prepared and would be ready for Commission review at the next meeting.

Mayor Parker stated that accusations had been made by Ken and Maryann Wardlaw regarding comments he had made during the last meeting; however, he noted that the Wardlaws had never been mentioned by name and that only a specific incident had been noted to make a point about how he felt with regards to Commissioners having keys to Town Hall. He emphasized that the only way the Wardlaw name had come into the picture was because they, themselves, had made note of the fact that the incident mentioned involved then Mayor Ken Wardlaw. Mayor Parker found it interesting that Mr. Wardlaw was being so sensitive when Mr. Wardlaw was known for continuously making false accusations.

## 11. CONSENT AGENDA

- A. SPECIAL EVENT PERMIT: **Fourth of July Celebrations**/Town of Lauderdale-By-The-Sea, Monday, July 3<sup>rd</sup>, and Tuesday, July 4, 2006; from 6:00 a.m. to 11:00 p.m. (*amendment to the parking relief requested in original application*)
- B. SPECIAL EVENT PERMIT: **Fourth of July Celebrations**/Town of Lauderdale-By-The-Sea, Monday, July 3<sup>rd</sup>, and Tuesday, July 4, 2006; from 6:00 a.m. to 11:00 p.m. (*authorization for the temporary use of a 4<sup>th</sup> of July Banner, measuring 16 feet long by 4 feet high, through the end of the Fourth of July Celebrations*) (Mayor Pro Tem Chuck Clark)
- C. REQUEST FOR EXTENSION: on the Development Order for 230 Cove (Rodriguez Design Group/B&B Garden Court LLC), located at 226 and 230 Garden Court and 4149 Seagrape Drive, for a period of six months
- D. REQUEST FOR EXTENSION: on the Development Order for Duval (Rodriguez Design Group/B&B Duval LLC), located at 4209 and 4215 Seagrape Drive, for a period of six months

Commissioner Silverstone made a motion, seconded by Mayor Pro Tem Clark, to approve the consent agenda. In a roll call vote, all voted in favor. The motion carried 5-0.

## 12. RESOLUTION

- A. **RESOLUTION NO. 2006-12:** A resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, expressing support for the efforts of the Broward County Commission to develop and implement strategies to meet the affordable housing needs in Broward County, and the efforts of the Broward League of Cities in working with Broward County to develop these strategies; and providing for effective date

Attorney Cherof read the resolution by title only.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, to adopt Resolution 2006-12. In a roll call vote, all voted in favor. The motion carried 5-0.

- B. **RESOLUTION NO. 2006-13:** A resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, canceling the Commission

meetings regularly scheduled for August 2006; and providing an effective date.

Attorney Cherof read the resolution by title only.

Vice Mayor Yanni made a motion, seconded by Mayor Pro Tem Clark, to adopt Resolution 2006-13. In a roll call vote, the motion carried 4-1, with Commissioner Silverstone dissenting.

### **13. OLD BUSINESS**

- A. **“PUBLIC HEARING”** Presentation by Richard A. Berrie, of Berrie Architecture and Design, for the property located at 1400 South Ocean Boulevard, normally referred to as the Sea Colony

Commissioner McIntee noted that the Commission had agreed during the agenda conference to allow the applicant a half hour for their presentation.

Beth Ann Krimsky, of Ruden McCloskey, representing the applicant, thanked the Commission for the opportunity to provide this presentation. She explained that the presentation was only a concept and was not to be deemed a waiver of the rights with regards to any pending site plan application or litigation.

Richard Berrie, representing the applicant, provided a brief description of the proposed concept as well as renderings for the Commission's review. He explained that on the ocean side, the applicant was looking to provide a public area that contained trellis work, seating, and showers along with a beach access. Mr. Berrie stated that the public area would be attached to a main entrance so that it would be assumed as a private access. He emphasized, however, that it was understood that this would be a well known area with amenities to be enjoyed by everyone.

Mr. Berrie stated that the applicant had moved the building to the north, while making the building narrower in width, eliminating approximately 2,800 square feet. He indicated that the project continued to house 40 units, explained the main lobby area location, and advised that the parking would be located about 10 feet above grade level.

Commissioner McIntee stated that on photograph 3, parking and a beach access area was depicted. Mr. Berrie stated that the photograph was an aerial depiction of the area and indicated that the walkway depicted was existing. It was Mr. Berrie's understanding that the road was privately owned, but was unsure of the history. Mr. Berrie stated that he did not believe that was a public access, which was the reason the applicant had been requested for a public access with their project. He then began to explain the proposed elevations, apologizing that the landscaping plan had not been provided.

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Mr. Berrie described the entranceway, emphasizing that sufficient radius had been provided for emergency vehicles. He stated that there would be 59 parking spaces within the building, with another 21 parking spaces on the deck.

Mr. Berrie stated that it had been the applicant's desire to keep the design clean and simple, with the least obstruction to surrounding buildings. He indicated that the roof would house a surround enclosure to keep all mechanical elements out of sight. Mr. Berrie advised that the building would be "turtle friendly", with turtle reflective glass to ensure minimal impact to the beach area.

At Vice Mayor Yanni's inquiry, Mr. Berrie explained the location of the units and confirmed that the proposed density had not changed.

Mayor Pro Tem Clark questioned how the parking would be used. Mr. Berrie explained that there was a total of 80 parking spaces that would be used by owners and visitors.

Mayor Parker asked if it were true that the property owner would give the Town the south 40 feet of the property, fee simple. Mr. Berrie stated that he was unaware of the details, but had been advised to provide for a public access. He was unsure if the access would be provided via an easement. Mayor Parker noted that six of the parking spaces were located on the 40 feet of property located on the south of the site.

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

- B. Discussion and/or action concerning staff's review of use of round-a-bouts 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 May 9, 2006)*)

Ron Piersante, 227 Lake Court, provided a bit of history of the area, stating that the "cut-through" traffic had been reviewed on more than one occasion. He indicated that during the last study, Mr. Walter Keller had stated that round-a-bouts would not properly work in this area. Mr. Piersante advised that speeding had never been a problem on Seagrape Drive, the problem was the cut-through traffic. He explained that with the new construction, congestion would only get worse.

Mr. Piersante stated that residents had been told that speed humps had been deemed to cause a problem with emergency vehicles. He indicated that he had visited Station 35 of the Fort Lauderdale Fire Department to obtain information, stating that he had been assured that although fire departments did not like speed humps, they were dealt with. Mr. Piersante stated that Fort Lauderdale had many speed humps throughout the city and that the Fire Department took the necessary precautions when using them.

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Mr. Piersante questioned whether speed humps hampered response time.

Mr. Keller stated that he had studied this area on and off for about six years, confirming that the majority of the problem within the area was due to cut through traffic. He explained that a diverter had been erected and the cut-through traffic had significantly been reduced. Mr. Keller indicated, however, that as opposition had been voiced, the diverter had been removed.

Mr. Keller recommended two speed humps, one on each side of Lake Court where the stop sign was located. He indicated that it could be tested for a while to determine if cut-through traffic was reduced and, if not, two additional speed humps could be installed.

Mr. Keller stated that he had reviewed the possibility of installing round-a-bouts; however, he explained that this type of improvement would be costly as the Town had to ensure that emergency vehicles could get through properly. He indicated that if the Town chose to use round-a-bouts, he recommended the use of three at a cost of approximately \$75,000.

Commissioner McIntee asked Mr. Keller if he was aware that the Department of Transportation recommended against the use of speed humps on any road where emergency vehicle traffic was expected. Mr. Keller referenced his memorandum of recommendation, stating that although generically referred to as speed humps, what he was actually recommending was speed tables designed to the standards of the Department of Transportation. He indicated that he did not personally like speed humps and understood that there was some impacts to emergency vehicles, but felt that if they were designed properly no problems should be experienced.

Commissioner McIntee stated that there were already two stop signs on that road. He indicated that the older residents in that area were upset that the route had been changed for the Pelican Hopper as the community bus would not use roads with speed humps. Commissioner McIntee expressed his belief that the residents were being penalized because the Town wanted to eliminate traffic. He indicated that everyone faced traffic no matter what road they were on.

Mayor Pro Tem Clark stated that he did not like speed humps; however, he did like round-a-bouts and asked what type of round-a-bout was being proposed that cost that kind of money. He could not believe that these could not be designed to allow passage by emergency vehicles without exorbitant cost. Mr. Keller explained that the curbing and the drainage improvements that were placed on the west side of Seagrape Drive would need to be modified, which raised the overall cost by almost double. He explained, too, that round-a-bouts would impact adjacent properties that obtained their access from Seagrape Drive. Mayor Pro Tem Clark asked if the size of the round-a-

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bouts could be changed so that the impact was not as significant. Mr. Keller explained that the size could not be reduced significantly without impacting passage by emergency vehicles and ensuring traffic safety.

Commissioner Silverstone stated that he did not see the existing traffic in that area as a problem, stating that if and when the new construction was completed and a problem was noted, he would reconsider the matter at that time.

Vice Mayor Yanni provided some information he had obtained regarding round-a-bouts for the Commission's consideration. He did not believe that the size could not be reduced to lower costs and still provide some traffic calming within the area. Vice Mayor Yanni felt that the Town should try at least one round-a-bout to determine whether it would work.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to find the money to install one round-a-bout as an experiment.

Mayor Parker felt that the traffic circle was a much better option, but indicated that the diagrams showed the round-a-bout off center. Mr. Keller stated that the reason for the configuration was that the round-a-bout was located at a "T" intersection instead of a four way intersection.

Manager Baldwin suggested that a round-a-bout be designed for North Seagrape Drive where improvements had not yet been made. He felt that in this manner, the Town could properly gauge if it would work as a traffic deterrent.

Vice Mayor Yanni asked if a concept design could be developed for the Commission's review. Mr. Keller replied affirmatively. Manager Baldwin asked what would be the cost of developing the concept. Mr. Keller stated that \$2,000 would include the necessary sketches and construction plans to complete the project.

Vice Mayor Yanni amended his motion directing Mr. Keller to design a concept for a round-a-bout by June 13, 2006, so the project could be implemented. Commissioner McIntee amended his second. In a roll call vote, the motion carried 3-2, with Mayor Pro Tem Clark and Commissioner Silverstone dissenting.

- C. Discussion and/or action concerning the reconfiguration of Jarvis Hall, including the enclosing of the portico and the moving of the dais (*tabled from May 9, 2006*)

Mr. Mason reviewed bids obtained in May of 2005 to enclose the portico, stating that the lowest bid had been \$233,400. He indicated that with Commission approval, he could budget \$240,000 to \$250,000 for construction and \$50,000 for improvements to the interior.

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Vice Mayor Yanni stated that the cost seemed reasonable for the type of improvements that could be provided. He felt that enclosing the portico would also provide a home for the Performing Arts Center.

Mayor Parker asked if a steel beam would be provided. Mr. Mason replied negatively, stating that the wall between the windows could be removed, but the header above would have to stay. Mayor Parker felt that if Jarvis Hall was to be remodeled, it should be done so correctly. He felt that having poles obstructing the public's view was not acceptable.

Manager Baldwin reminded the Commission that in order to obtain prices for that type of improvement, the Town would have to pay for the review and the plans. Mr. Kevin Hart expressed his belief that it would not be a large expense to turn in a concept plan with initial estimates.

Mr. Mason explained that one of the main problems encountered was the difference in ceiling heights, stating that the portico had a different height.

Commissioner McIntee felt that the architect would have considered all these issues to ensure that the building was safe and met the necessary building codes. Manager Baldwin explained that the original design had been made to enlarge the Senior Center and not for a redesign of the Commission Chambers.

Vice Mayor Yanni stated that he wanted to move forward with this project, approving the design and cost of construction at this time. He indicated that any changes to the plans could be made upon receipt of the plans. Manager Baldwin advised that the project would need to be budgeted for the coming year, but advised that it would compete with any other projects the Commission wished to pursue.

Mayor Parker asked how much it would cost to design the drawings. Mr. Mason replied that he was unsure, but offered to obtain quotes from the construction company that had originally provided the bid.

Vice Mayor Yanni made a motion directing staff to obtain an architect to design the plans so that it could be reviewed and approved during budget time.

Mayor Parker asked Vice Mayor Yanni if he had any objections to including direction to staff to obtain a quote for designing the plans and providing the information at the next meeting. Vice Mayor Yanni had no objections.

Commissioner McIntee seconded the motion as amended. In a roll call vote, all voted in favor. The motion carried 5-0.

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- D. Discussion and/or action concerning the list of names of attorneys provided by the Florida League of Cities with regards to the hiring of an attorney for an independent review of the fire assessment (*Commissioner Jerome McIntee*) (*tabled from May 9, 2006*)

Commissioner McIntee thanked Manager Baldwin for his work on this matter and indicated that in reviewing the resumes, he wished to recommend the use of Mr. Davis.

Commissioner McIntee made a motion, seconded by Mayor Parker, to use the services of Bryant Miller & Olive, PA. In a roll call vote, all voted in favor. The motion carried 5-0.

Manager Baldwin advised that he would negotiate the price for the services needed and return to the Commission with a proposed contract.

- E. Discussion and/or action requesting permission from the Court to remove Ordinance 2005-20 from the ballot in November (*Mayor Oliver Parker*) (*continued from May 9, 2006*)

Mayor Parker stated that the second ballot question, in his opinion, would enable mid-rise buildings in the southern part of the Town to be replaced by multiple mid-rise buildings. He indicated that he had been opposed to its placement on the ballot and felt that it was a mistake to place it on the ballot.

Mayor Parker made a motion directing the Town Attorney to request permission from the Court to remove it from the November ballot. The motion died to the lack of a second.

At the request of Vice Mayor Yanni, Attorney Cherof explained the two ballot questions proposed for the November ballot regarding height restrictions. Vice Mayor Yanni asked Attorney Cherof if he had an opinion concerning the removal of the ballot question. Attorney Cherof felt that the question should be removed from the ballot, stating that he felt that the proposal had been advanced by the development community and added on as a second question. He did not believe that this proposal would advance the Town's concept.

Commissioner McIntee questioned the integrity of the Commission, stating that he had been asked to go to the Citizens Initiative Committee to determine how they wanted to proceed. He indicated that the Citizens Initiative Committee had indicated that they did

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not want to have the second question removed from the ballot.

Vice Mayor Yanni felt that with the promise of the lawsuits against the Town, it would not do any good to expend funds to remove the item from the ballot.

- F. Discussion and/or action regarding the equipment used and schedule followed for street clean-up (*continued from April 26, 2006*)
  - 1) Purchase of a street sweeper
  - 2) Revised schedule for cleaning streets

Mr. Mason stated that the cost for a private contractor to maintain the sweeping town wide from June 1<sup>st</sup> through September 30<sup>th</sup> was \$9,120. He indicated that the cost for purchasing a new street sweeper was \$121,070.

Mr. Mason stated that there were no funds allocated for the price of the contractor and suggested that the funds be moved from the general fund contingency into street maintenance. He indicated that the purchase of the new sweeper could be added to the new budget.

Mayor Parker made a motion, seconded by Vice Mayor Yanni, directing that \$121,070 be added to the budget for the upcoming budget to purchase a new street sweeper.

Mayor Pro Tem Clark stated that he had a problem with the general concept of piggybacking on a contract without being provided other options to review. He questioned, too, if the contractor would be monitored to ensure that the work was being completed. Mr. Mason replied affirmatively.

Commissioner Silverstone indicated that it was his understanding that some street sweepers also cleaned the sidewalks. He asked if this equipment also had that capability. Mr. Mason believed it did.

Mayor Parker asked if staff could obtain other quotes for review prior to purchasing the new equipment. Mr. Mason replied affirmatively.

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

Mayor Parker made a motion, seconded by Mayor Pro Tem Clark, authorizing the use of \$9,120 to US Grounds to provide street sweeper services. In a roll call vote, all voted in favor. The motion carried 5-0.

- G. Discussion and/or action regarding the proposed site plan layout for the fire station and fire truck parking at Spicola Park (*Town Engineer Kevin Hart/Municipal Services Director William Mason*)

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Mr. Hart stated that part of the back-up included a sketch for the proposed location of the parking area for the fire truck. Brief discussion followed.

Commissioner McIntee stated that "we" were paying for the improvement and, therefore, there would be no cost to the Town.

Commissioner McIntee made a motion, seconded by the Vice Mayor, to approve the site plan and allow the pad to be built, with the Volunteers paying the bill. In a roll call vote, all voted in favor. The motion carried 5-0.

H. Discussion and/or action regarding a consulting contract with Russ Klenet  
(*Vice Mayor John Yanni*)

Vice Mayor Yanni stated that Mr. Russ Klenet had worked with the Town for 10 years and had assisted the Town in pursuing many projects within Broward County and the State. He indicated that this was the first time the Town had not received funding from the State and noted that it was the first time the Town had no representation at the State.

Vice Mayor Yanni stated that Mr. Klenet had agreed to provide monthly reports and felt that the Town should consider the renewal of his contract.

Vice Mayor Yanni made a motion, seconded by Mayor Parker, to renew Russ Klenet's contract at the same rate as before.

Commissioner McIntee stated that he had received several telephone calls regarding Mr. Klenet and that none of them had been positive. He questioned why, after originally approving the contract, the Commission withdrew its approval. Commissioner McIntee questioned, too, whether Mr. Klenet was reimbursed for all expenses. Manager Baldwin replied that with the past contract, Mr. Klenet received a monthly retainer and was reimbursed for expenses. Commissioner McIntee stated that he had heard some accusations of false invoicing and felt that perhaps the Town should review this matter. He indicated that perhaps the Town should consider the hiring of a lobbyist on an as needed basis. Manager Baldwin replied that the Commission could choose to hire a lobbyist as needed. With regards to Mr. Klenet's fees, Manager Baldwin indicated that none of the invoices received for expenses were that high.

Mayor Pro Tem Clark stated the reason he had reconsidered the contract was that he had felt that the contract had not been complied with. He stated that the Town was suppose to be receiving monthly reports, but it was not. Mayor Pro Tem Clark indicated that perhaps using a lobbyist on an as needed basis would be more costly and felt that perhaps these services should be bid out.

Commissioner Silverstone asked David Nixon, Chairman of the Economic Development

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Task Force, if he felt that lobbying would be needed. Mr. Nixon felt that lobbying would be needed to move forward with the Community Redevelopment Agency, but did not know what type of services or to what extent those services would be needed.

Mayor Parker agreed with Vice Mayor Yanni that the services of Russ Klenet were needed.

In a roll call vote, the motion failed 2-3, with Mayor Pro Tem Clark, Commissioner McIntee, and Commissioner Silverstone dissenting.

I. Discussion and/or action regarding the Town's hurricane trailer

Mayor Parker stated that upon considering this item at the last meeting, he had not realized what the hurricane trailer was used for. He indicated that it had sounded as though the trailer was for the purposes of providing aid to our citizens; however, after discussing this matter with various individuals, it had become clear that the trailer was for the Public Works Department. Mayor Parker stated that the trailer was intended to provide food and shelter, as well as provide other needs for the Public Works personnel so that they could tend to their jobs assisting residents. He explained that the trailer was not for use by the public at large and felt it was not in the Town's best interest to take the trailer away from the Public Works Department. Mayor Parker indicated that the individuals best suited to determine what was stored in the trailer was the personnel from Public Works. He indicated that the Town depended on Public Works' ability to perform their duties immediately after a hurricane.

Mayor Parker made a motion, seconded by Vice Mayor Yanni, to withdraw the authority the Commission gave the Volunteer Fire Department to take control of the Public Works hurricane trailer, placing the trailer at the exclusive control of the Public Works Department.

Commissioner McIntee stated that the Volunteers had never implied that "we" were taking the trailer over from the Town. He stated that the trailer would only be cleaned, stocked, and made available, with Mr. Mason being able to take anything he needed to at any time. Commissioner McIntee stated that "we" were not placing the trailer over by the Volunteer Fire Department. He indicated that he had offered Mr. Mason to use any equipment out of the trailer. Commissioner Silverstone agreed and stated that the Volunteers did not want control of the trailer, only to maintain and keep it in the spirit of cooperation.

Mayor Parker stated that if an additional trailer was needed, he had no objections to its purchase; however, he reiterated that as first responders who required specific equipment and a safe location to work from after a hurricane, the trailer should be maintained under the control of the Public Works Department.

It was the general consensus of the Commission that the trailer would be maintained by the Volunteers, but was under the control of the Public Works Department.

In a roll call vote, the motion failed 1-4, with Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner McIntee, and Commissioner Silverstone dissenting.

#### **14. NEW BUSINESS**

- A. Review of proposed changes to architectural style as noted in Code Section 24-5.276 and 24-5.277 to the property located at 258 Commercial Boulevard

Ken Brenner provided a color rendering of a proposal for color change. He indicated that there was a Code issue with the project, stating that the surrounding neighbors had voiced no objections after seeing the proposed color palette. Mr. Brenner stated that the columns would also be painted white.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to approve the light purple with the side of the building being white, as noted in page 3 of the proposal. In a roll call vote, all voted in favor. The motion carried. 5-0.

- B. Discussion and/or action to provide additional funds for the Town Manager to get the medians and entranceways cleaned up into and in the Town  
*(Commissioner Jerome McIntee) (continued from May 9, 2006)*

Mr. Mason provided a brief description of the improvements made in recent weeks. Manager Baldwin asked if the Commission desired to extend the line of trees further north.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to allow Manager Baldwin to purchase as many trees as he feels necessary, not to exceed \$10,000, to dress up El Mar Drive. In a roll call vote, all voted in favor. The motion carried 5-0.

- C. Appointment of Representative to the Broward County Metropolitan Planning Board *(one Town Official to vacant seat previously held by former Vice Mayor Ed Kennedy)*

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, appointing Mayor Parker the Broward County Metropolitan Planning Board. In a roll call vote, all voted in favor. The motion carried 5-0.

- D. Nomination of one member to the Board of Adjustment to fill vacancy  
*(term expiring on April 30, 2008)*

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Mayor Parker stated that Sarah Stewart was the first alternate and indicated that it was customary to make alternate members full members upon a vacancy.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, to appoint Sarah Stewart as a member of the Board of Adjustment. In a roll call vote, all voted in favor. The motion carried 5-0.

Mayor Pro Tem Clark made a motion, seconded by Vice Mayor Yanni, to move the second alternate to the first alternate position. In a roll call vote, all voted in favor.

Vice Mayor Yanni made a motion, seconded by Commissioner McIntee, to appoint James Pollack as second alternate to the Board of Adjustment. In a roll call vote, all voted in favor. The motion carried 5-0.

- E. Ratification of the Chair and Vice Chair chosen by the members of the Board of Adjustment (*Chair, William Hubly; Vice Chair, Thomas Carr*)

Attorney Cherof read that portion of the Code that required the Commission to appoint the Chair and Vice Chair for the Board of Adjustment. He indicated that upon nominating the Board, the Commission had suggested that the Board make the appointments, subject to the Commission's ratification.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to accept the Board's appointments of Chair and Vice Chair. In a roll call vote, all voted in favor. The motion carried 5-0.

- F. Ratification of the Chair and Vice Chair chosen by the members of the Planning and Zoning Board (*Chair, Roseanne Minnet; Vice Chair Bernard Eckhardt*)

Attorney Cherof read that portion of the Code that required the Commission to appoint the Chair and Vice Chair for the Board of Adjustment. He indicated that upon nominating the Board, the Commission had suggested that the Board make the appointments, subject to the Commission's ratification.

Mayor Pro Tem Clark made a motion, seconded by Commissioner McIntee, to accept the Board's appointments of Chair and Vice Chair. In a roll call vote, all voted in favor. The motion carried 5-0.

- G. Discussion and/or action regarding the acceptance of an agreement from Mark Berman, Esquire, to provide services as Special Magistrate for the Code Enforcement Hearings and Administrative Hearings for Parking issues (*Acting Development Services Director Bradford Townsend*)

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Vice Mayor Yanni made a motion, seconded by Commissioner Silverstone, to appoint Mark Berman as Special Magistrate. In a roll call vote, all voted in favor. The motion carried 5-0.

- H. Discussion and/or action regarding a proposed amendment to have the Board of Adjustment choose its own Chair and Vice Chair from the membership appointed by the Commission (*Mayor Oliver Parker*)

Attorney Cherof advised that both Code sections in question currently read the same. Mayor Parker pulled this item from the agenda, requesting no further action be taken. There were no objections.

- I. Discussion and/or action to create a "walk around" committee (*Commissioner Jerome McIntee*)

Commissioner McIntee explained a concept for a community based committee, with one member being appointed by each Commissioner, to make recommendations of issues that needed to be addressed by the Town.

Attorney Cherof recommended that this issue be addressed by ordinance, stating that any committee that made a recommendation to the Town Commission had to abide by the Sunshine Law. Some discussion followed.

Commissioner McIntee stated that he did not envision the Committee reviewing Code Enforcement type issues but, rather, improvements that could be made throughout the Town.

Mayor Parker asked Commissioner McIntee if he had any objections to delaying the appointments to the next meeting in order to allow each Commissioner an opportunity to determine who they would appoint. Commissioner McIntee had no objections.

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to extend the meeting past 11:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

- J. Discussion and/or action regarding a policy directing the Town Manager to provide approximate cost figures whenever the Commission request additional work from consultants (i.e., Town Planner, Town Engineer) other than the Town Attorney (*Commissioner James Silverstone*)

Commissioner Silverstone stated that the Commission was making some decisions without knowing the costs involved. He indicated that he was not aware that Messrs.

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Hart and Keller were paid additional consulting for some of the decisions made and felt it was important for the Commission to have this information before hand to make appropriate decisions.

Manager Baldwin stated that it would be difficult to determine just how much funds were spent on some projects, with designing, redesigning, etc. He explained that staff performed their duties as part of a regular work day, but all consultants charged for additional work performed. Manager Baldwin indicated that changing projects throughout the course of implementation always raised the price. He had no objections to requesting additional information prior to bringing additional revisions to the Commission for consideration.

Commissioner Silverstone made a motion, seconded Mayor Pro Tem Clark, directing the Town Manager to present a policy for the Commission to have a cost approximation with regards to consult fees. In a roll call vote, the motion carried 4-1, with Vice Mayor Yanni dissenting.

- K. Discussion and/or action regarding the use of the middle lane of Bougainvilla Drive, south of Commercial Boulevard, and using it for parking spaces *(Mayor Oliver Parker)*

Mayor Parker stated that perhaps the Town should review the possibility of providing parking spaces along the center line on Bougainvilla Drive, alternating with a landscaped area every few spaces. He felt that the Town could probably gain 40 to 50 parking spaces in that area. Mayor Parker asked if it would be terribly expensive to pursue this issue. Mr. Hart did not feel it would be terribly expensive, but indicated that there would definitely be a cost associated with providing necessary curbing, irrigation, and landscaping.

Commissioner Silverstone felt that this might make it difficult for the delivery trucks that used the area for the nearby businesses. Mr. Hart stated that he had not surveyed the area, but could look into it if the Commission desired. He indicated that conceptually, this type of setting would provide a traffic calming affect and beautify the area. Mr. Hart offered to provide a fee proposal, stating that it would cost approximately \$3,500 to develop a conceptual plan.

Mayor Pro Tem Clark did not believe that this project needed to be pursued at this time. He felt that the Commission could reconsider this issue at another time.

- L. Discussion and/or action regarding the contract between the Town and the Broward Sheriff's Office Department of Fire Rescue and Emergency Services *(Commissioner Jerome McIntee)*

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Commissioner McIntee made a motion, seconded by Commissioner Silverstone, directing the Town Attorney to provide all necessary information of what actions were necessary to terminate the Town's contract with the Broward Sheriff's Office for fire suppression.

Attorney Cherof asked for clarification that the motion did not include an analysis of the Volunteers' contract with the Broward Sheriff's Office. Commissioner McIntee replied negatively.

Mayor Pro Tem Clark stated that a workshop was necessary to review these issues. He asked that the scheduling of a workshop on all fire related issues be placed on the next agenda for discussion. Vice Mayor Yanni asked if the Broward Sheriff's Office would be invited to attend the workshop. Mayor Pro Tem Clark replied affirmatively, stating that he would expect them to attend. Commissioner McIntee felt that "we" should be able to review the issues, prior to inviting the Broward Sheriff's Office.

Commissioner Silverstone stated that the relationship between "ourselves" and the Broward Sheriff's Office had become "one way". He indicated that a resolution had been passed by the Town that if "we" got to the position where "we" could take over fire suppression, the Town would support it. Commissioner Silverstone felt that "we" were there and should be given the opportunity to proceed. He indicated that the emergency medical services provided were excellent, but the question arose of whether it was too costly.

Vice Mayor Yanni stated that the Town was lucky to have a consolidated plan and could not believe that these issues could not be resolved. He indicated that each time the Commission met either the problems were being resolved or new ones were brought forward.

Commissioner McIntee agreed with Vice Mayor Yanni, but stated that if "we" could not respond to fire calls the relationship would not work. He indicated that "we've earned the right to go to those calls, we live here" and he had 70 troops that "want to be a part of this world and part of this system and a part of fire department". Commissioner McIntee questioned how they were suppose to learn to do things, stating that the education had been taken away from the Volunteers.

Attorney Cherof stated that the Commission had discussed on other occasions, the necessity of maintaining the legal separation between the Volunteer organization and the Town. He indicated that it was confusing the record and perhaps to the residents to refer to "we" and "us" from the dais without identifying what entity was being discussed.

Vice Mayor Yanni asked Battalion Chief John Frailey regarding the comments made earlier that the response calls for the Volunteers had been limited. Chief Frailey stated that he continued to work with the Volunteers to correct some issues of concern. He

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indicated that the situation being talked about had been agreed to in December 2004. Commissioner Silverstone indicated that the actual date was in April 2005. Chief Frailey stated that the most recent memorandum was dated in April 2005, which was a clarification of a jointly established procedure on December 15, 2004. Commissioner Silverstone stated that the contract required that changes be made in writing.

Vice Mayor Yanni asked why the response calls had been cancelled. Chief Frailey stated that the Volunteers were responding to calls and offered to meet with Chief Silverstone and Deputy Chief McIntee. He explained that he had not been involved with the process during the initial agreement in 2004 and could not provide additional information regarding the specifics. Chief Frailey explained that the Town contracted with the Broward Sheriff's Office for emergency services and, based on its protocol, only one engine was sent to respond.

Mayor Parker questioned why the Volunteers would want more than one engine to respond to calls if the additional vehicle was not needed. Commissioner Silverstone stated that Engine 36 was manned with paramedics and could serve as an emergency medical unit. He felt that Engine 36 should be kept on stand-by to attend emergency medical calls. Commissioner McIntee agreed, stating that the Volunteers were not being provided with an opportunity to train.

In a roll call vote, the motion carried 3-2, with Mayor Parker and Vice Mayor Yanni dissenting.

M. Discussion and/or action concerning the creation of a Citizen's Budget Review Committee (*Commissioner James Silverstone*)

Commissioner McIntee stated that he had placed this on the agenda in an effort to get the community involved with the budget process. He felt that the committee could work year-round, but specifically during budget time, to review and make recommendations concerning the Town's budget.

Mayor Parker stated that there were several past Commissioners who might be interested in participating in a project such as this. Commissioner Silverstone had no objections to the suggestion.

Vice Mayor Yanni did not agree with this concept, stating that the Town employed one of, if not the best finance officer in Broward County. He stated that the Town had received awards for its budget for the past ten years and felt that if funds were being spent incorrectly it was the Commission's responsibility. Vice Mayor Yanni indicated that he did not agree with this concept at all and reiterated that it was the Commission's responsibility to be accountable for the budget.

Attorney Cherof reminded the Commission that any board or committee formed to

provided recommendations to the Commission would be bound by the Sunshine Law. He indicated that appointing too many committee members also limited individuals from freely speaking on issues and bringing items of concern to the Commission.

Mayor Parker stated that after hearing the discussions, he felt perhaps it would be best if individual Commissioners review the budget with residents of their choosing to obtain recommendations. He felt that Vice Mayor Yanni and Attorney Cherof had made good points. Commissioner Silverstone agreed as well, but thanked the Commission for their consideration. He reiterated that the intent had been to provide a forum for community participation. Vice Mayor Yanni reminded Commissioner Silverstone that the public would have opportunities to be involved through the budget workshops and public hearing process.

- N. Discussion and/or action regarding the possibility of providing port-a-potties near the business district (*Commissioner Jerome McIntee*)

Commissioner McIntee stated that many of the downtown businesses were suffering from the burden of providing restrooms to the general public. He felt that perhaps the Town should provide port-a-potties until such time as it was agreed to construct public restrooms.

Commissioner McIntee made a motion, seconded by Vice Mayor Yanni, directing the Town's Administration to obtain pricing on port-a-potties for beach areas.

Vice Mayor Yanni stated that although he agreed that restrooms were needed, he was not sure that port-a-potties was the best option. He indicated that he preferred obtaining bids for the cost of real bathrooms. Mayor Parker agreed, but felt that public restrooms would, in the long run, create a burden to the Town.

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

## **15. TOWN MANAGER REPORT**

- A. Agenda Item Request Forms

Manager Baldwin referenced the agenda request forms that were being used and indicated that a supply of the forms had been provided to each of the Commissioners for their use.

Manager Baldwin stated that the Department of Transportation had permitted an entrance and exit for the new parking lot from State Road A1A. He indicated that the Commission had approved the plan without an entrance or exit from A1A, but asked for direction if the consensus had changed. There were no objections to proceeding as

previously planned.

Commissioner McIntee questioned when the improvements would begin. Mr. Mason stated that bids were being requested for the parking lot, as well as the parking area at Leisure Towers.

Mayor Parker asked if the plans for Leisure Towers had been shown to the residents. Mr. Mason replied affirmatively, stating that two options had been provided and the residents had chosen the first option.

**16. TOWN ATTORNEY REPORT**

Attorney Cherof advised that he had no reports for the Commission's consideration.

**17. ADJOURNMENT**

Vice Mayor Yanni made a motion to adjourn the meeting. As there were no objections or any further business to discuss, the meeting was adjourned at 11:50 p.m.

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

ATTEST:

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

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