

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, October 10, 2006

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Vice Mayor Yanni at 6:00 p.m. Present were 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. Mayor Parker was not present.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. REVIEW AGENDA FOR REGULAR MEETING OF OCTOBER 10, 2006

- Item 4A, Deputy of the Month, Broward Sheriff's Office, District 13

There were no objections to having Chief Scott Gooding make the presentation during the regular meeting.

- Item 5A, Walk-Around Committee
- Item 5B, Lauderdale-By-The-Sea Performing Art Center

There were no objections having the reports presented during the regular meeting.

- Item 6A, July 25, 2006, Workshop meeting (*as it pertained to fire issues*)
- Item 6B, September 14, 2006, Agenda Conference
- Item 6C, September 28, 2006, Agenda Conference

There were no amendments to the minutes as presented.

- Item 8A, Ordinance 2006-12

Vice Mayor Yanni indicated that the public hearing would be held during the regular meeting.

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- Item 10A, Ordinance 2006-13

Commissioner McIntee stated that he would discuss this issue during the meeting.

- Consent Agenda

Vice Mayor Yanni briefly described the items listed under the Consent Agenda. Commissioner McIntee questioned if the charge noted in the agreement between the Town and Aruba Beach Café was a one-time charge or the rent. Acting Development Services Director Bradford Townsend stated that the amount charged was based on the formula provided in the governing ordinance as rent by the square footage.

Vice Mayor Yanni advised that there were no resolutions for consideration.

- Item 13A, regarding the hiring of a federal lobbyist

Commissioner McIntee stated that he would recommend that this item be tabled for one month while the Town Manager obtained names for the Commission's consideration. Mayor Pro Tem Clark advised that the cost for these services needed to be provided as well if the Commission was to consider this item.

- Item 13B, regarding the order in which items are placed on the agenda

Vice Mayor Yanni noted that Mayor Parker had requested that this item be tabled to October 24, 2006. He questioned if there was an agreement to this tabling. Manager Baldwin replied affirmatively, but indicated that a formal motion had not been made and voted on.

Commissioner McIntee stated that he wanted to ensure that requests for agenda items be time stamped upon receipt by the Town.

Vice Mayor Yanni questioned if this item had been presented by the Mayor or Commissioner McIntee. Ms. Medina explained that this item had been originally presented by Commissioner McIntee; however, at the meeting of September 28th, the Mayor had indicated that particular items would be tabled and asked for objections, but none were voiced. She explained that Commissioner McIntee had wanted this item reposted to this agenda and, as such, it had been placed on the agenda with a notation.

Vice Mayor Yanni indicated that this item would then be discussed at the regular meeting to determine what, if any action would be taken.

- Item 13C, regarding Requests for Proposals for fire rescue services

Commissioner McIntee stated that he would be making a motion to bids be obtained, with no obligation, to get ideas of what the service would cost. Vice Mayor Yanni

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questioned why, if the Volunteers were trying to take over the whole Town, would they be seeking proposals from Pompano Beach and Fort Lauderdale. Commissioner McIntee stated that if the Broward Sheriff's Office did not continue to provide services, the Town would need to have an alternate service for emergency medical services. He indicated that as far as for the fire suppression service, the Town might want to request bids on automatic aid to determine the cost for future references.

Vice Mayor Yanni indicated that Commissioner Silverstone had indicated that he wished to amend the existing contract to maintain emergency medical services, while suspending the portion of the contract that dealt with fire suppression. He added that Commissioner Silverstone had also indicated that he wished to move forward with the amendment to have the Town's Administration aggressively bid for emergency medical services. Commissioner Silverstone confirmed that he preferred for the Broward Sheriff's Office to remain within the Town to provide emergency medical services; however, he felt that the town needed to be prepared in the event that the Sheriff's Office did not want to continue with the contract.

Mayor Pro Tem Clark felt that the Volunteers should be the ones to seek bids, indicating that if the Town was going to have a contract with the Volunteers, emergency medical services should come under the Volunteers. Commissioner McIntee felt that in the long run, the Town should take the Volunteers back down the road to assume the control it was requesting. He indicated that "we" needed to know what the cost would be and, if the Volunteers requested the bids, it would have to charge the costs to the Town.

There were no objections to continue discussions on this matter during the regular meeting.

- Item 13D, regarding the establishment of a citizen's committee to establish protocol and procedures for naming public property

Commissioner Silverstone stated that he had some ideas he wished to discuss during the regular meeting in an effort to find a protocol for naming public property after Town residents.

- Item 13E, regarding the naming of Washingtonia Beach Park after Bill and Eva Karley

Commissioner Silverstone stated that he would discuss this item during the regular meeting.

- Item 13F, regarding the designation of certain neighborhoods for residential traffic only – Avalon Avenue at Seagrape Drive and West Tradewinds Avenue

As Mayor Parker was not present, the Commission agreed to table this item.

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- Item 13G, regarding procedures for allowing advertising in the Town's newsletter

Commissioner McIntee asked that this item be discussed during the regular meeting. There were no objections.

- Item 13H, regarding the extension of the site plan development order for Luxury Dwelling Homes, located at 4644 and 4646 Poinciana Street

Manager Baldwin stated that the applicant had been advised that attendance was required pursuant to the Commission's recent policy change.

Mayor Pro Tem Clark asked what was the reason for the delay. Mr. Townsend stated that the architect had indicated that the request was being made due to the complexity of the project. He felt that economically, it might not be the best time to move forward with the project. Mr. Townsend advised, however, that the applicant was aware that his attendance was necessary and could answer these specific questions. Some discussion followed.

- Item 13I, regarding the progress of the pedestrian sidewalk along Sea Watch Restaurant
- Item 13J, regarding the progress of the Request for Proposal for the Commercial Boulevard pavilion

Commissioner McIntee asked that staff provide a progress report during the regular meeting.

- Item 13K, regarding the progress of the parking lot on Bougainvillea Drive

Manager Baldwin advised that Commissioner Clark had requested this item be placed on the agenda. He indicated that Mr. Mason would provide an update during the regular meeting.

- Item 13L, regarding a construction contract with Global Coral Reef Alliance

Mayor Pro Tem Clark asked how many bids had been collected for this project. Manager Baldwin stated that there were no other bids collected for this project; however, he explained that funds had been budgeted for this project.

Commissioner McIntee stated that he had spoken with Marc Furth who had requested a tabling to the next meeting. He explained that Mr. Furth was trying to obtain permission for the use of electricity and would be requesting the Town look into his use of the Town's insurance.

Commissioner McIntee stated that he had no objections to obtaining three bids at the Commission's discretion. Vice Mayor Yanni asked if this was one of the projects that

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would need to be cut with the lower millage rate. Manager Baldwin stated that the Commission would have to decide what projects to cut. He indicated that some projects would need to be cut at a lower millage rate, but again indicated that the final decision would be up to the Commission.

Attorney Cherof questioned if this item would be tabled. Commissioner McIntee replied affirmatively, based on Mr. Furth's request for tabling. Manager Baldwin advised that it would be helpful if the Commission began to make motions for their tabling requests. He indicated that as an example, when this agenda was being prepared, formal motions were not made which placed staff in an uncomfortable position.

- Item 14A, Site Plan, White Cap of Florida, Inc./Commerce Bank, located at 4353 North Ocean Drive

Attorney Cherof asked if a notice had been placed for the public hearing scheduled tonight. Acting Development Services Director Brad Townsend replied affirmatively. Attorney Cherof strongly recommended that this item be published again prior to the January meeting due to the length of time elapsing between meetings. Commissioner McIntee asked who paid for the additional publication. Attorney Cherof replied that the applicant was responsible for the costs of all publications.

- Item 14B, regarding the establishment of a Town ethics committee

Commissioner McIntee stated that the reason why the indication regarding Mayor Parker's tabling of this item was noted on this item was that an agreement had been reached that the Mayor's items would be tabled to the next meeting, while Commissioner McIntee's own items would be placed on this agenda. He stated that he had generated a complaint and this issue was corrected. Manager Baldwin stated that during the meeting, the Mayor had indicated several items for tabling, asked if there were any objections and, upon receiving none, went on to other business. He further explained that Mayor Parker's presumption was that these items would be tabled until his return so that he could participate in the discussions, while Commissioner McIntee felt that his previous objections were sufficient to ensure that his own items would be placed on this agenda. Attorney Cherof explained that procedurally, the last meeting had ended with a "whimper" and, although there was no motion to table, Mayor Parker indicated that they would be tabled and asked for any objections, receiving none.

Commissioner McIntee stated that he wanted to move forward with this item, indicating that he wished to direct the Administration to look into other communities that provide their own ethics committees so that the Town could establish a committee of its own.

Mayor Pro Tem Clark stated that he had no objections to directing the Manager to look into this matter, but felt that this matter should not go any further at this meeting. Commissioner Silverstone agreed.

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- Item 15C, regarding the televising of meetings of the Master Plan Steering Committee on the governmental channel

Commissioner McIntee stated that the Planning and Zoning Board was televised and felt that the Master Plan Steering Committee was just as important and should be televised. Mayor Pro Tem Clark stated that he had no objections, but felt it should be discussed with the Committee during the workshop meeting. Some discussion followed, with the Commission agreeing that it would be helpful to televise the meetings to keep the public informed.

- Item 15D, regarding drainage on West Tradewinds Avenue

Vice Mayor Yanni stated that during the recent bad rain storms, he had been surprised to see four to six inches of water laying from Algiers to Bombay. He asked if there was any way to correct the drainage in that area. Mr. Mason stated that the Town would need to obtain easement from the property owner located at about Neptune and West Tradewinds, indicating that there was an existing outfall there. He indicated that the larger pipe that was sleeved would need to be repaired, but indicated that he was unsure as to the funds necessary to do it. Mr. Mason explained that bids would be required and felt that it would take less than a week to correct once the proper easements were obtained. Attorney Cherof explained that depending on the property owner, it could take a day to six months to obtain the proper easement to proceed with this project.

Mr. Mason stated that the outfall lay below the tide line, advising that when the tide was up, the area would flood during a storm. He explained that once the tide went down, the area would begin to drain. Vice Mayor Yanni asked if funds were available for this project. Mr. Mason replied that he had funds in the stormwater budget, but was unaware if it was sufficient funds to complete the project.

- Item 15E, regarding *By The Sea Times* to place 15 paper boxes in Town to the present locations

Commissioner McIntee stated that *By The Sea Times* had agreed to provide the Town with a page for anything it wished to announce for events, meetings, ordinances, etc. He indicated that Mr. MacMillian had also agreed to include any Commissioner comments in a column of their choosing. Mayor Pro Tem Clark asked who would be paying for the boxes. Commissioner McIntee stated that Mr. MacMillian would be responsible for all costs, stating that he had told Mr. MacMillian that although this would not be an easy "sell", perhaps a one year trial period could be obtained.

Vice Mayor Yanni stated that this was not the first time this item had been placed on the agenda and that many boxes had been removed. He indicated that a better solution might be to place the papers into the existing boxes. Mr. Mason stated that none of the existing papers using the boxes wanted to give up their space. Commissioner McIntee

stated that Mr. MacMillian was willing to piggyback on the existing boxes that would be brought before the Commission for their approval. Mr. Mason stated that there were now attachments that could be added to the existing modules. Mayor Pro Tem Clark expressed concern over the possible eye sore this could cause if not done properly indicating that it had taken the Commission a long time to remove the unsightly boxes from all over Town.

Attorney Cherof stated that it had taken the Commission two to three years to find the proper procedures to eliminate rogue paperstands. He indicated that there was an existing ordinance that limited the number of spaces to be made available and vended that out to eliminate problems. Attorney Cherof stated that the Commission had to consider that altering the ordinance at this time would encourage all other newspapers to request the same amendment. Mr. Mason stated that he indeed received calls on a regular basis from newspapers who wanted to add space for their papers.

Commissioner McIntee asked that this item be further discussed at the next meeting.

- Item 14F, regarding the issuance of a special edition of Town Topics to inform the public of the four ballot issues

Manager Baldwin advised that this item had been requested by Mayor Pro Tem Clark's item. Mayor Pro Tem Clark expressed his belief that it was the Town's responsibility to place information pertaining to the four referendum issues to be on the November ballot.

Mayor Pro Tem Clark stated that the Commission had to see what was going in the publication and felt that the information had to be generic with the politics left out. Commissioner McIntee stated that he was all for the recommendation as long as both sides were presented.

4. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn. As there was no further business to discuss, the meeting was adjourned at 6:32 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____