

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, November 28, 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 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. REVIEW AGENDA FOR REGULAR MEETING OF NOVEMBER 28, 2006

Mayor Parker stated that there were a few presentations and reports that could be discussed at the regular meeting.

Commissioner McIntee stated it was his understanding that there might be some intention to extend the meeting till tomorrow. He stated that if this was the case, he had not been advised of this plan. Mayor Parker stated that he had not requested an extension, but stated that if a Commissioner wished to make a motion to that affect at 11:00 p.m., and if the agenda had not been completely reviewed, they could do so at that time. He felt it was premature to consider this matter at this time.

- Approval of Minutes
 - A. November 14, 2006, Agenda Conference
 - B. November 18, 2006, Special Meeting

There were no amendments or corrections offered to the minutes.

- Ordinances, 2nd Reading

Mayor Parker advised that there were no ordinances for second reading for consideration. He indicated that the Commission would hold an attorney-client executive session that could not be discussed at this time.

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- Ordinances, First Reading

Ordinance No. 2006-14, regarding the franchise agreement with Florida Power and Light

Mayor Parker stated that Commissioner McIntee had voiced some concerns at the last meeting regarding the approval of the franchise agreement and asked for clarification on those concerns. Commissioner McIntee stated that there were two issues, with the lights in front of Sea Ranch Condos being one and the other being the light at El Mar Drive and Commercial Boulevard. He stated that Municipal Services Director William Mason had advised that Florida Department of Transportation was responsible for the lights on State Road A1A, but felt that the light at El Mar Drive should be corrected.

- Consent Agenda

Mayor Parker requested some background information concerning Items A and B of the consent agenda.

Attorney Cherof explained the consortium to promote undergrounding of utility facilities, stating that the municipalities involved in the consortium had agreed to split the cost of the work being done on their behalf. Attorney Cherof stated that the Commission had previously agreed to join the consortium,

Town Engineer Kevin Hart stated that the proposal was to obtain information on the underground facilities regarding the distribution system. He indicated that the Town had to confirm the depth and extent of the facilities underground to proceed with the sewer project.

Mayor Pro Tem Clark asked for information regarding Item D of the consent agenda.

Manager Baldwin stated that the Town had been operating under the Certificate held by the Broward Sheriff's Office. He explained that Broward County, however, had indicated the Town should really obtain its own EMS Certificate of Public Convenience and Necessity. Manager Baldwin stated that the cost to obtain the Certificate was approximately \$50.

Mayor Pro Tem referenced the consortium and indicated that it appeared that approximately \$2,300 needed to be expended. Manager Baldwin stated that staff had originally been under the impression that no cost was involved, but had been incorrect and, therefore, the agreement was back before the Commission for consideration. Attorney Cherof advised that there could be a liability for continuing costs.

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Manager Baldwin advised that the Town Clerk had advised that some difficulties were being experienced with the recording equipment as well as the audio equipment for the televising of the meeting. Brief discussion followed.

Mayor Parker stated that he had several concerns with the Memorandum of Understand with Waste Management and asked to table this item to the next meeting. There were no objections.

Commissioner McIntee stated that the report by the Walk Around Committee had inadvertently been left off the agenda and asked if there were any objections to adding this item to the agenda. Mayor Parker suggested placing this issue as Item F, under Reports. There were no objections.

- Old Business
 - A. Discussion and/or action regarding Minto's proposal for development of the northeast corner of El Prado and El Mar Drive (*continued from September 28, 2006*)

Craig Unger, of Minto's Properties, stated that Minto's Properties was offering the Town a short-term lease for the northeast corner of El Mar Drive and El Prado so that it could use the property as a public facility while the development commenced. He offered to sod that section of the property, indicating that the Town could add benches or trees with no objections.

Mayor Parker asked if there would be any problems with the maintenance of this property. Manager Baldwin replied negatively, stated that this lease agreement had been negotiated on behalf of the Town. There were no objections to the proposal.

- B. Discussion and/or action to allow *By The Sea Times* to place fifteen (15) paper boxes in Town at the present locations (*Commissioner Jerry McIntee (tabled from October 10, 2006)*)

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

- C. Discussion and/or action regarding the possibility of providing for special fees to cover the cost of trash collection for residential areas within the Tax Bill (*Town Manager Robert Baldwin (continued from October 24, 2006) (At the meeting of November 14, 2006, the Commission requested this item be tabled to January 9, 2007)*)

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1. Discussion and/or action regarding an assessment for solid waste collection by the Town for residential customers (*Municipal Services Director William Mason*) (*tabled from October 24, 2006*) (*staff requesting to report on this item together with "C" above on January 9, 2007*)

Ms. Medina explained that although this item had been originally tabled to this meeting, the first item had been placed on the last agenda to allow the Commission to determine if it wished to pursue the necessary advertisements while the study was completed. She stated that the Commission had then tabled the items to January 9, 2007, but that the items were currently listed as they had originally been tabled to this meeting. Ms. Medina stated that staff only wanted the Commission to confirm the tabling to January 7, 2007, for both items. There were no objections.

- D. Discussion and/or action regarding who picks Fourth of July parade marshal and the possibility of opening the selection to Town residents (*Commissioner Jerry McIntee*) (*tabled by Mayor Parker at the meeting of September 28, 2006*) (*tabled from October 24, 2006*)

Commissioner McIntee stated that he would be making a motion at the regular meeting that the grand marshal would be chosen by applications submitted to the Commission. He felt this was a good way to get residents involved.

- E. Discussion and/or action concerning beach safety issues (*Mayor Oliver Parker*) (*tabled from October 24, 2006*)
 1. Installation of call phones at all beach access areas
 2. Installation of signs regarding rip currents; providing instructions on what to do if a person is caught in a rip current

Mayor Parker stated that he was giving direction to the Town Manager to obtain cost estimates and a policy for maintenance to install call phones and signs regarding rip currents.

- F. Discussion and/or action to establish a citizen's committee to establish protocol and procedures for naming public property after citizens (*Town Manager Robert Baldwin*) (*continued from October 24, 2006*)

Manager Baldwin stated that the Commission had requested information regarding the procedures used by other communities, stating that the information was included in the agenda back-up.

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- G. Discussion and/or action concerning the naming of El Prado after Bill and Eva Karley (*Commissioner Jim Silverstone*) (*tabled from October 24, 2006*)

Commissioner Silverstone provided a brief history on this issue and stated that after speaking with Mrs. Eva Karley, Mrs. Karley had had no objections to having the portal at El Prado named after her husband. There was some question as to whether another portal had already been designated in honor of Mr. and Mrs. Karley. Commissioner Silverstone had no objections to tabling this item to allow staff time to further review this matter.

- H. Discussion and/or action regarding the designation of certain neighborhoods for residential traffic only – Avalon Avenue at Seagrape Drive and West Tradewinds Avenue (*Mayor Oliver Parker upon the request of Eva Karley*) (*tabled from October 24, 2006*)

Mayor Parker stated he understood that perhaps the Town could not officially change the designation of roads; however, he felt that if the signs were installed, it might help with cut-through traffic. There were no objections.

Manager Baldwin stated that the Town Clerk had just advised him that the recording equipment appeared to be working now, but staff was still working on the audio being televised.

- I. Discussion and/or action reviewing the details and seeking Commission policy direction for the Request for Proposal for emergency medical services and automatic aid (*Town Manager Robert Baldwin*) (*tabled from October 24, 2006*)

Manager Baldwin advised that a request for proposal had been attached as part of the back-up for the Commission's review to determine that it followed the Commission's wishes on this matter. He indicated that Chief Chuck Lanza was present tonight in the event that the Commission had any questions concerning this matter.

- J. Discussion and/or action regarding the Town obtaining Letters of Interest for engineering services from other providers (*Municipal Services Director William Mason*) (*tabled from October 24, 2006*)

Mr. Mason stated that the committee was reviewing the letters of interest received and confirming references and advised that a recommendation would probably be ready by the first meeting in December. It was decided that this matter would be further discussed during the regular meeting.

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- K. Request to extend the site plan development order for Luxury Dwelling Homes, Carbonell, agent/Vinci, Owner; for the properties located at 4644 and 4646 Poinciana Street (*continued from October 24, 2006*)

The applicant was not yet present. It was agreed that the applicant would need to be present at the meeting for further discussion.

- L. Discussion and/or action regarding referral of the Oriana Development to the State Attorney (*Mayor Oliver Parker*)

Mayor Parker stated that since this item was similar to that of Commissioner McIntee's, he would defer to Commissioner McIntee.

- M. Discussion and/or action regarding criminal investigation "Oriana" project (*Commissioner Jerry McIntee*)

Commissioner McIntee stated that he had been advised that two State Attorneys had been assigned to the investigation of the Oriana development. He indicated that he did not expect to hear anything from them until the investigation was done or he received a subpoena. Mayor Parker asked if Items L and M should be removed from the agenda. Commissioner McIntee replied affirmatively.

- N. Discussion and/or action regarding red-tagging "Oriana" project (*Commissioner Jerry McIntee*)

Commissioner McIntee stated that he would discuss this matter at the regular meeting.

- New Business

- A. Discussion and/or action regarding the possibility of requiring properties that remain vacant for more than one year to landscape and remove construction fencing (*properties to be included are 4444 and 4500 Ocean Drive; 4448, 4436, 4451, and 4512 El Mar Drive; 222, 226, 230, and 231 Shore Court; and 1740 East Terra Mar Drive*) (*Mayor Oliver Parker*) (*tabled from October 24, 2006*)

Mayor Parker stated that he felt six months from the time of demolition was a reasonable amount of time. Mayor Pro Tem Clark stated that perhaps a shorter period of time should be considered. Commissioner McIntee agreed, stating that three months should be sufficient.

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- B. Discussion and/or action regarding the possibility of establishing a Town Ethics Committee (*Commissioner Jerry McIntee*) (*tabled by Mayor Parker at the meeting of September 28, 2006*) (*tabled from October 24, 2006*)

Commissioner Silverstone had requested that the Town Administration review the policies of other municipalities for local ethics committees so the Town could consider appointing its own committee.

- C. Discussion and/or action regarding the removal of the overlay district (*Commissioner Jim Silverstone*) (*continued from October 24, 2006*)

Commissioner Silverstone stated that he wished to discuss this matter at the regular meeting.

- D. Discussion and/or action regarding speed humps on west side of Terra Mar Island (*Mayor Pro Tem Chuck Clark*) (*tabled from October 24, 2006*)

Mayor Pro Tem Clark stated that he had received many complaints concerning speeding on the west side of Terra Mar Island and felt that the Municipal Services Department, together with the Broward Sheriff's Office, could perform an informal study. He stated that he was, however, opposed to spending a lot of money for a study, feeling this could be handled in-house.

Chief Scott Gooding stated that he could review the traffic patterns in that area for a week or two and provide the information at the next meeting. There were no objections.

- E. **PUBLIC HEARING** - SITE PLAN Villa Caprice, located at 4108 and 4110 El Mar Drive (*request for temporary sales office to be located in the Villa Caprice development*) (*tabled from October 24, 2006*)

Mayor Parker stated that this was a public hearing and would be discussed at the regular meeting.

- F. Discussion and/or action regarding an extension to the site plan development order for Whitecap Motel Site/Robert White, Owner; located at 4608 El Mar Drive (*tabled from October 24, 2006*)

The applicant was not yet present. It was agreed that the applicant would need to be present at the meeting for further discussion.

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- G. Discussion and/or action regarding an extension to the site plan development order for B&B Garden Court/Rodriguez Design Group; located at 226 and 230 Garden Court and 4149 Seagrape Drive (*tabled from October 24, 2006*)

Enrique Rodriguez, representing the applicant was present. Mayor Parker advised that this issue would be discussed during the regular meeting.

- H. Discussion and/or action regarding an extension to the site plan development order for Ocean Park (Villa Caprice)/Rex Nichols, Architect; located at 4108 and 4110 El Mar Drive (*tabled from October 24, 2006*)

Susan Delegal, representing the applicant, was present. Mayor Parker advised that this issue would be discussed during the regular meeting.

- I. Discussion and/or action regarding an extension to the site plan development order for B&B Duval/Rodriguez Design Group; located at 4209 and 4215 Seagrape Drive (*tabled from October 24, 2006*)

Enrique Rodriguez, representing the applicant was present. Mayor Parker advised that this issue would be discussed during the regular meeting.

- J. Discussion and/or action on clarifying and correcting the Charter updates previously submitted to the State to include Section 4 of the height limit petition as approved by the voters in March in order to implement the will of the people (*Commissioner Jerry McIntee*) (*tabled from October 24, 2006*)

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

- K. Discussion and/or action on correcting the injustice of letting developers use beach area and call it green space, beating the 25 percent green space rule on new development (*Commissioner Jerry McIntee*) (*tabled from October 24, 2006*)

Commissioner stated that if he did not see 25 percent green space within a project, he would be opposed to the development.

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- L. Discussion and/or action regarding the possibility of installing new bus stops within the Town's municipal boundaries (*Vice Mayor John Yanni*) (*continued from October 24, 2006*)

Vice Mayor Yanni stated that there was no shelter provided at bus stops and felt that the possibility of providing shelter should be reviewed. Mr. Mason stated that the Commission had discussed this issue in the past, but no direction had been given to proceed.

- M. Discussion and/or action regarding the consideration to eliminate the agenda conference (*Mayor Pro Tem Chuck Clark*)

Mayor Pro Tem Clark stated that this could be discussed further during the regular meeting, but expressed his belief that the agenda conference had been turned into a waste of time. He felt that perhaps the regular meeting should just be scheduled to begin at 6:00 p.m.

Commissioner McIntee asked if this could be voted upon at this time. Mayor Parker replied negatively, but had no objections to moving this item to the top of the agenda if the rest of the Commission had no objections. There were no objections.

- N. **PUBLIC HEARING** - SITE PLAN Mulligan's Grill & Raw Bar, located at 4403 El Mar Drive (*Planning and Zoning Board tabled this hearing to November 15, 2006; staff requesting tabling of this hearing to December 14, 2006*)

Mayor Parker stated that the Planning and Zoning Board had tabled this item to their November 15th meeting and staff was requesting the Commission table the item to December 14, 2006. Mayor Pro Tem Clark stated there was a typographical error on the agenda and the next Commission meeting should be December 12, 2006.

- O. Discussion and/or action regarding the adoption of the Evaluation and Appraisal Report based Comprehensive Plan amendments (*Town Planner Walter Keller*)

Town Planner Walter Keller stated that the Commission had adopted the Evaluation and Appraisal Report, with 18 months to complete the necessary amendments. He indicated that he had prepared the proposal to work on the amendments to the Comprehensive Plan so that the Evaluation and Appraisal Report could be implemented.

16. TOWN MANAGER REPORT

- A. Code Compliance Quarterly Report (*tabled from November 14, 2006*)
- B. Municipal Services Monthly Report (*tabled from November 14, 2006*)

There were no objections to have the Town Manager provide his reports during the regular meeting.

17. TOWN ATTORNEY REPORT

There were no objections to have the Town Attorney provide his reports during the regular meeting.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. As there were no objections or any further business to discuss, Mayor Parker adjourned the meeting at 6:55 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____