

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

## **TOWN COMMISSION**

### **AGENDA CONFERENCE MINUTES**

Town Commission Meeting Room

*4501 Ocean Drive*

*Tuesday, January 10, 2006*

*6:00 P.M.*

#### **1. CALL TO ORDER, MAYOR OLIVER PARKER**

The meeting was called to order by Mayor Parker at 6:19 p.m. Present were Mayor Parker, Vice Mayor Kennedy, Mayor Pro Tem Clark, Commissioner Wessels, and Commissioner Yanni. 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. DISCUSSION ITEM**

- A. Request for Shade Session in accordance with the procedures set forth in Florida Statutes Section 286.011(8) to discuss the following pending litigation:

McIntee vs. Town of Lauderdale-By-The-Sea, Florida,  
Case Number 05-18390 CACE (11).

Attorney Cherof noted publicly that the Commission was to meet in a shade session pursuant to Florida State Statute 286.011(8).

Commissioner Yanni made a motion, seconded by Mayor Pro Tem Clark, to authorize a Shade Session during the Regular meeting at 7:00 p.m. In a roll call vote, all voted in favor. The motion carried 5-0.

There was no objection to amend the Regular Agenda to include the Shade Session.

#### **4. REVIEW AGENDA FOR REGULAR MEETING OF JANUARY 10, 2006**

There was no objection to amend the Regular Agenda to include the Property Owner's Associations' request to televise the Broward County Property Appraiser's meeting on January 23, 2006, and Meet the Candidates on February 21, March 8, 2006, as item 10D.

Cindy Geesey requested permission to televise the Property Owners Association meetings with Lori Parish, Broward County Property Appraiser, on January 23, 2006, and the Meet the Candidates Nights to be held on February 21, and March 8, 2006. There was no objection to amend the Consent Agenda to include the request as item 10D.

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Reports

- 5B, Harry Diehl suggested postponing parking enforcement until January 16, 2006 to allow ample time to re-educate the public that parking restrictions are back in force. There were no objections.

There were no objections to the November 8, 2005, Regular Meeting minutes; December 13, 2005, Agenda Conference minutes; December 13, 2005, Regular Meeting minutes; or the December 24, 2005, Special Meeting minutes.

Consent Agenda

- 10A, Agreement: with Burger King for the leasing of parking areas.

Town Manager Baldwin questioned the payment of sales taxes regarding the Burger King contract. Attorney Cherof confirmed there was no obligation to pay the sales taxes as the Town was tax exempt.

The Commission discussed landscaping and maintenance with Mayor Parker suggesting that improvements be limited within the first year and, if satisfied, followed by a multi-year agreement.

Attorney Cherof commended Municipal Services Director Mason for his persistence in obtaining the Burger King contract.

There were no objections to the Consent Agenda.

Resolutions

- 11A, Resolution 2006-01: A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging members of the Florida Legislature to support the following issues during the 2006 Legislative Session.

Mayor Parker read Resolution 2006-01 by title and described the issues mentioned within the Resolution. There were no objections to its passage.

- 11B, Resolution No. 2006-02: A Resolution of the Town Commission of Lauderdale-By-The-Sea, Florida, designating the National Incident Management System (NIMS) as the basis for all incident management in the Town of Lauderdale-By-The-Sea.

Town Manager Baldwin explained that federal government regulations required local governments to adopt the National Management System as their system for dealing with emergencies. Attorney Cherof explained the federal government was trying to standardize their process to avoid dealing individually with each municipality for distribution of monies.

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There were no objections.

Old Business

- A, Discussion and/or action regarding the Town's request for the use of one uniform zip code townwide (*Vice Mayor Kennedy/Manager Robert Baldwin*) (*continued from December 13, 2005*)

Vice Mayor Kennedy explained that the United States Postal Service had a format for proper request including numerous forms. Mayor Parker advised that the National League of Cities was lobbying Congress to require the United States Postal Service to cooperate with cities. There were no objections to having the Town's Administration proceed with this matter.

- B, Update regarding possible use of newly purchased used fire truck by Lauderdale-By-The-Sea Volunteer Fire Department for training and responding to fire alarms (*Battalion Chief Don King*) (*continued from December 13, 2005*)

Battalion Chief Don King announced the election of the new Volunteer Fire Chief, James Silverstone and the new Deputy Chief, John McIntee.

Chief King advised that the Broward Sheriff's Office had agreed to allow the use of the newly purchased used fire truck for training purposes under the provision that the Volunteer Fire Department was responsible for all costs involved (letter attached hereto and made a part of these minutes).

- C, Discussion and/or action concerning the moratorium on development of the area bordered by the alleyway south of Commercial Boulevard on the north, Datura Avenue on the south, State Road A1A on the west, and El Mar Drive on the east (*to include a recommendation from the Master Plan Steering Committee*) (*Town Planner Keller*) (*moratorium expires January 10, 2006*)

There were no objections extending the moratorium to March 28, 2006.

- D, Discussion and/or action concerning floating a bond issue to install natural gas lines, bury all utility lines, and the provision of a referendum to achieve this goal (*Mayor Oliver Parker*) (*continued from November 22, 2005*)

Town Engineer Kevin Hart indicated it would take approximately 8 weeks to complete his study at a cost of approximately \$26,000, but advised that it would take years to complete the project. He said an outline depicting a breakdown of costs would be available for presentation on February 14, 2006. There was discussion regarding the inclusion of drainage costs.

Mayor Parker questioned the repair of water lines on Terra Mar Drive. Mr. Hart advised that those lines are currently being repaired. Mayor Parker instructed Mr. Hart to present a report before the Commission on February 14, 2006.

Mayor Parker requested taking Item 4A, National Flood Insurance Program Award, out of turn for discussion at this time. There were no objections.

Heidi Lyles, representing the Federal Emergency Management Association, presented a plaque for Outstanding Performance in the Community Rating System. She recognized Municipal Services Director Bill Mason for his outstanding assistance, and noted that his efforts achieved a 10 percent discount for the Town's residents.

New Business

- A, "PUBLIC HEARING" SITE PLAN – Pelican Cove of Lauderdale By The Sea, LLC, located at 227, 231, and 235 Hibiscus Avenue (***applicant requesting a tabling to February 14, 2006***)

This item was tabled.

- B, Discussion and/or action concerning parking acquisition (*Town Manager Robert Baldwin*)

Town Manager Baldwin requested the Commission consider an option agreement that required a \$5,000 deposit, with a decision to purchase the property by February 28, 2006, followed by a 2nd deposit of \$45,000 within 60 days.

There were no objections to authorizing the acceptance of the option agreement.

**5. ADJOURNMENT**

Commissioner Wessels made a motion to adjourn. As there was no further business to discuss, the meeting was adjourned at 6:53 p.m.

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

ATTEST:

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

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