

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP MEETING MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Saturday, June 17, 2006

9:00 A.M. to 9:30 A.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 9:06 a.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof, Acting Development Services Director Bradford Townsend, and Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. DISCUSSION ITEMS

- A. The Town Commission will consider short and long term Town policies and operational issues that may require more detailed review and policy formation at future Commission meetings

Commissioner McIntee made a motion, seconded by Commissioner Silverstone, to suspend the rules for this meeting to have general communication between all members of the dais, including the Town Attorney and Town Manager. In a roll call vote, all voted in favor. The motion carried 5-0.

It was agreed that order would still be maintained by the Mayor for purposes of ensuring that all speakers were provided with an opportunity to participate.

Commissioner McIntee stated that he felt one of the problems being confronted at the Town was the enforcement of Town rules, including parking permits and fire inspections. He felt that the "picking" was driving people crazy and felt that this needed to be addressed. Mayor Parker stated that some times it appeared as though a little leniency could be provided; however, he believed that there were many Code issues that were not being pursued. Mayor Pro Tem Clark agreed, stating that stricter Code enforcement was necessary. He indicated, however, that he had received some complaints as to the manner in which people with Code violations were approached. Mayor Pro Tem Clark advised that he had noted several unsafe violations and believed these types of violations should be addressed immediately. He felt that Code Enforcement Officers should note these violations and report them to the proper individuals so that compliance could be obtained. Manager Baldwin stated that the

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Commission had to keep in mind that sometimes, just because it “looked” bad did not mean that there was a Code violation.

Commissioner McIntee felt that warnings should be given prior to citations for Code violations being issued. Manager Baldwin explained that the current system provided that written notices of violations be provided and, if compliance were not met, then a citation was issued.

Commissioner McIntee stated that the Fire Inspector was placing pressure on business to meet current Fire Codes and believed these types of violations should be handled by Manager Baldwin. Mayor Parker pointed out that fire violations were a matter of life and safety and that violations of that sort could not be ignored. Commissioner McIntee stated that he had been told by “a very reliable source” that fire inspections were money makers for municipalities. Manager Baldwin stated that the Town made no money from fire inspections. Mayor Pro Tem Clark suggested that the Town review the feasibility of hiring its own fire inspector. He questioned why the Town did not have one currently. Manager Baldwin explained that the Town had its own fire inspector at one time; however, the Volunteer Fire Department’s Fire Chief had requested that Broward County be contacted for these types of services. Some discussion followed, with the Commission requesting that the Manager provide an analysis as to the feasibility of hiring a fire inspector. Additionally, Attorney Cherof was asked to provide a report on the statutory requirements of a fire inspector and the possible liability issues that could be confronted.

Mayor Parker stated that perhaps the Town should consider only providing Code violation enforcement when a neighbor complained. Mayor Pro Tem Clark disagreed, stating that the rules should be unified throughout Town. Manager Baldwin reiterated that warnings were issued and, in most cases, compliance was obtained without further problems. He emphasized that although Code Enforcement Officers were required to use good judgment, he expressed concern that staff be allowed to use discretion as favoritism would eventually be a problem. Manager Baldwin stated that in many cases when specific issues were brought to the Commission’s attention (i.e. overgrown areas), the Commission directed that staff not pursue the matter. Mayor Pro Tem Clark stated that unless the Commission provided for a Code amendment, staff should follow its current requirements. Manager Baldwin provided some history on several issues that had caused some dissention between residents and the Commission. He indicated that at that time, staff was directed to discontinue enforcement. Manager Baldwin stated that this was a difficult issue for an administrator to deal with. Mayor Parker agreed and provided additional information regarding some issues that had been brought before the Commission for consideration.

At Vice Mayor Yanni’s request, Mr. Townsend described the process followed when a Code violation was found. He indicated that depending on the violation itself, a specific amount of time was provided for the property owner to bring the property into compliance. Attorney Cherof explained that there were also statutory requirements that

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were followed for the notices of violations as well as for fines imposed for non-compliance.

Manager Baldwin explained that the Commission had to understand that enforcement of violations was difficult and placed staff in a tough position. He explained that even Parking Enforcement Officers received sensitivity training; however, he emphasized that although there was a system in place to make the process friendly, the fact that you were confronting an individual who was disregarding a rule made it difficult. Manager Baldwin reminded the Commission that the Town even provided additional free minutes on each parking meter.

Commissioner McIntee referenced Fire Code requirements again and indicated that the Town should look into offering the ability for businesses to avoid paying for fire personnel during a special event as long as a fire engine was standing by. Some discussion followed, with the Commission agreeing that if a fire inspection was not passed, a warning should be issued prior to being cited. Mayor Parker stated that the initial fee should include the cost of a second inspection, if needed. He indicated that there were several types of businesses, such as hotels, that were inspected every year. Commissioner McIntee felt this was "over kill".

Attorney Cherof explained that there were several matters that were dealt with locally, such as violations of the Code of Ordinances. He indicated that these were either prosecuted before the Magistrate or pursued in County Court. Attorney Cherof explained that aside from the Town's regulations, the Town had to contend with county, state and federal regulations. He emphasized that although some of these other regulations did not actually preempt the actions the Commission pursued; many did, however, especially in areas of public health, safety, and welfare. To that end, Attorney Cherof further explained that in those cases, the Town did not have the authority to deviate from those regulations.

Attorney Cherof referenced several local and national instances where public health and welfare had been jeopardized because of such circumstances. He explained that having a contractor for these types of services did, to some extent, shelter the Town as to the liability. In either event, he reiterated that these types of issues were controlled by statutes above the local legislative body's control. After some further discussion, the Commission agreed to have Attorney Cherof prepare an amendment that would refer to the concept of Code Enforcement as Code Compliance. Commissioner McIntee reiterated his concern that the fire inspector was not a Town employee and did not directly report to the Town.

In addition, the Commission requested that Municipal Services Director William Mason provide a report on the amount of free time provided at each parking meter.

Commissioner McIntee asked if the Commission agreed this type of meeting would be beneficial in the future. The Commission agreed this was a good format to discuss issues prior to further consideration.

4. ADJOURNMENT

Vice Mayor Yanni made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at 9:48 a.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____