

# TOWN OF LAUDERDALE-BY-THE-SEA

## TOWN COMMISSION

### WORKSHOP

### MINUTES

Town Commission Meeting Room

*4501 Ocean Drive*

*Wednesday, May 13, 2009*

*7:01 P.M.*

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:00 p.m. Also present Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clotey, Town Attorney Susan L. Trevarthen, Assistant Town Manager John Olinzock and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS OF DISCUSSION:

a. Fire

- i. Re: City of Cape Canaveral Referendum (Vice Mayor McIntee - February 10, 2009)
- ii. Ordinance 2008-17: An Ordinance of the Town of Lauderdale-By-The-Sea, Florida amending the Town Charter to require the Town to contract with Lauderdale-By-The-Sea Volunteer Fire Department, Inc., for the provision of fire protection services within the Town; requiring referendum approval or four-fifths vote of the Town Commission for any entity other than Lauderdale-By-The-Sea Volunteer Fire Department, Inc. to provide primary fire Protection services in the Town; providing for conflicts with other provisions of the Town Charter; calling for a referendum election; providing for the form of the ballot; providing for conflicts, severability, codification and an effective date (Vice Mayor McIntee - November 10, 2008)

Vice Mayor McIntee withdrew this item.

Mayor Minnet opened the item for public comments.

Ray Wolowicz questioned whether the item could be put back on the agenda at a later date. Vice Mayor McIntee advised that anyone could bring it back.

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Cristi Furth asked for a summary of what Cape Canaveral or Deerfield Beach referendums were about.

Barbara Cole explained that the difference between the Cape Canaveral fire department and the Lauderdale-By-The-Sea fire department was that Cape Canaveral was larger.

Bob Fleishman said the VFD had a five year contract.

Bill Patola said the VFD was doing a great job. He did not believe that anyone was going to kick them out.

Diane Boutin believed the Town should preserve the integrity of RFP's.

Ben Freeny could not come up with any reason why the VFD should become a permanent provider.

Louis Marchelos said the VFD had shown their professionalism.

There were no more speakers.

Vice Mayor McIntee said the VFD had worked hard to bring up their status and professionalism and the previous Commission replaced them. He said the VFD wanted some protection that their service would not be a political decision. Vice Mayor McIntee thought the people should decide.

Commissioner Silverstone stated that a super majority should vote for dismissal of a public safety provider. He said the VFD was a non-profit organization and he did not understand why lies and accusations were made against them.

Commissioner Dodd said he was against any ordinance of this nature. He said that by the time the VFD contract was up in 2013 the VFD should have proven they were worthy. Commissioner Dodd said he would do his best to help the fire department with any training they would need.

Mayor Minnet said she was against a referendum. She said if any referendum should be written it should be to prohibit a member of the VFD to be a Commissioner.

- b. Height
- i. Minutes
- ii. Previous Referendum
- iii. Additional Documents

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Mayor Minnet stated that this was placed on the workshop to determine whether there should be a referendum regarding height limits.

Mayor Minnet opened the item for public comments.

Barbara Cole said to go to 33 feet was unfair to the residents and believed the height should remain at 44 feet.

Cristi Furth said 44 feet turned out to be Oriana that people did not want. She said Old Town had a maximum of 33 feet and should remain at that height. Ms. Furth said if people wanted to go back to 44 feet the people should go out and start a petition.

Diane Boutin said that the Windjammer Resort was over density and should something happen they could not rebuild. She added that under the current code they would need to add 10,000 square feet to rebuild. She believed density was the issue and zoning needed to be revamped.

Mark Furth believed that should the Town take the direction of 3 over 1, the hotels would not survive. Mr. Furth hoped there would be positive support for the hotels. He wanted to know whether 3 of the Commissioners could put the Overlay District back in place.

Joe Couriel said that the people wanted the Commissioners to keep from flip flopping on their decisions. He said the people did not want the Downtown District to be gone. Mr. Couriel stated that the people will run the Town the way they want to run it, one way or another.

Louis Marchelos believed a 33 foot height limit was ridiculous and 44 feet was needed.

Bill Vitello believed 44 feet should be allowed on the beach and on A1A the back-out parking should be stopped. He suggested a two story with parking underneath. He said 44 foot hotels should be allowed as it would not be affordable to keep the hotels alive at 33 feet.

Lawrence Wick, Planning and Zoning explained that the big change was the setback for the green space.

Paul Novak wanted to modify 44 feet so that there would not be another Oriana. Mr. Novak said if you wanted to keep the Hospitality District it should be maintained at 44 feet.

Dan Brenner said without a Hospitality District taxes would have to be increased.

Commissioner Silverstone believed that whatever was decided, whether it was 33 or 44 feet, it would have to be set in concrete.

Commissioner Clotley believed a referendum was needed. She said 3 Commissioners put in an Overlay District and 3 Commissioners took it away. Commissioner Clotley felt that the people should decide what they want for their Town. She suggested that support and help should be provided to the hotels.

Commissioner Dodd believed that 3 over 1 was a way to increase the height limit to 44 feet. He said that the people voted 3 times for 3 over 1. Commissioner Dodd believed in 3 over 1 and thought it was the right height for the Town. He felt that the setbacks were the issue and not the height.

Vice Mayor McIntee agreed that the people voted 3 times for 44 feet. He pointed out that the previous Commission changed the rules and created an Overlay District where developers could build higher and that resulted in Oriana. Vice Mayor McIntee said let the people decide with a referendum.

Mayor Minnet said it should go to the people but it wasn't all about height. She said density was an issue that needed to be addressed. Mayor Minnet said there were other areas in Town that needed to be identified, hospitality and commercial areas. She said no one wanted a bedroom town but they did want a balance in the community.

Vice Mayor McIntee said he would support the 1973 guidelines that the Town had set up and if the people wanted to keep the Town as a bedroom community, they should have it. He felt that if a building went down it should come back up.

Commissioner Clotley asked the Town Attorney if the majority of the Commission could remove an Overlay District, could they bring it back. Commissioner Silverstone asked whether this Commission could pass a rule to build 44 feet east of A1A. Attorney Trevarthen she would have to look closer at the Charter. Commissioner Clotley directed the Attorney to research and come back with clarification on both issues.

Commissioner Dodd believed the density and/or the footprint caused the problem. He felt they needed to find a way to protect their beach property and keep the business district alive and stop the Town from turning into a residential town.

Vice Mayor McIntee directed the Town Attorney for an opinion as to who made the overlay district and whether it was illegal. Commissioner Clotley asked whether the request to determine legality would be costly. Attorney Trevarthen said she did not believe it would as it appeared to be interwoven. Commissioner Dodd thought it was an interesting concept as to whether it was legal and could be brought back.

Mayor Minnet believed it was the density that controlled the size of a building. She pointed out that a bedroom community would have higher taxes and a balance of commercial and hospitality was needed.

Mayor Minnet recessed the meeting at 8:40 p.m. and reconvened at 8:50 p.m.

c. Capital Assets

- i. Re: City of Deerfield Beach - Resolution No. C-1998/073
- ii. Restrictions on the sale, gift, trade, transfer or lease of all or a portion of City owned real property

Diane Boutin believed the Town should take a look at the Code and redefine them.

Mary Ann Wardlaw believed the Town should analyze what was done in the past in order to prevent repeat mistakes.

There were no other speakers.

Commissioner Silverstone said this was an idea he had gotten from Deerfield Beach and believed it was important to protect the people of the Town. He felt the people should be involved and wanted to word the referendum the way Deerfield Beach did.

Vice Mayor McIntee said the cul de sac on Shore Court was a piece of property that was given away by the previous Commission and now sat vacant. He said the Town lost control. Vice Mayor McIntee did not believe a Commission had the right to give away property and supported the referendum.

Commissioner Dodd asked whether the referendum referred to the purchase or on the sale only. Commissioner Silverstone confirmed it was on the sale only.

Commissioner Clotey thought it should be less than \$1 million dollars. She said she would support \$250,000.

Mayor Minnet believed that if the people wanted a referendum, the people should bring their petition with their 650 votes and present it to the Commission for referendum. She did not feel the Commission should decide to have one.

d. Determination on Proposed Special Election

Mayor Minnet said November would cost \$14,000 and March would cost \$16,000

Barbara Cole agreed it should not go to referendum unless people said they wanted it. She suggested that if they decide to go to referendum do it in March.

Diane Boutin believed the Town should not spend money they did not need to spend when it could be done in March at no extra cost. She did not believe the issues were critical issues.

Cristi Furth was in favor of a referendum to protect town property.

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Marie Sharo did not feel a referendum was necessary as there will always be people there to fight.

Commissioner Silverstone said the intent of the referendum was to protect the possibility that this property could be bought. He did not think it was necessary to put 2 issues on Special Referendum.

Vice Mayor McIntee stated that a motion was passed to sell the property on Dixie Highway. He asked if the referendum passed would the Town still be able to sell the property. Attorney Trevarthen said she would have to look at the wording but it would be preferable to sell the property before the referendum goes on the ballot.

Commissioner Clotey had no preference as to when the items went to referendum. Commissioner Dodd wanted to add Ethics to the March referendum and perhaps other issues would be raised that the people would also want on referendum.

Mayor Minnet was in favor of putting the proposed referendums on the March ballot.

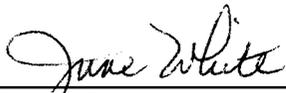
With no further business before the Commission, Mayor Minnet adjourned at 9:25 p.m.

**4. ADJOURNMENT**



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Mayor Roseann Minnet

ATTEST:



\_\_\_\_\_  
Town Clerk, June White

5/27/09

\_\_\_\_\_  
Date

