

# MINUTES

## PARKLAND CITY COMMISSION MEETING

JANUARY 18, 2006

7:00 P.M.

**I CALL TO ORDER** 7:06 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:**

Vice Mayor Debby Beck  
Commissioner Michael Udine  
Commissioner Mimi Ribotsky  
Mayor Robert Marks

Commissioner Tracey McGilvray – arrived at 7:12 p.m.

**Also Present:**

Mark Lauzier, City Manager  
Andrew Maurodis, City Attorney  
Caryn Gardner-Young, Development Services Director  
Brian Archer, Environmental Services Director  
Charlie DaBrusco, City Engineer  
Dave Carry, BSO Police Chief  
Sandra Couzzo, City Clerk

**II APPROVAL OF MINUTES**

September 21, 2005 Special Joint Meeting with Planning and Zoning Board

**MOTION** made by Commissioner Udine to approve the September 21, 2005, Special Joint Meeting Minutes with the Planning and Zoning Board. Seconded by Commissioner Ribotsky.

**MOTION** passed unanimously.

October 19, 2005

Regular City Commission Meeting Minutes

**MOTION** made by Vice Mayor Beck to approve the October 19, 2005, Regular City Commission Meeting Minutes. Seconded by Commissioner Udine.

**MOTION** passed unanimously.

### **III PUBLIC INPUT**

Barry Spiegel of Old Brook, Heron Bay, and president of the Old Brook Association, asked the City's help. Nob Hill Road traffic had not been an issue when their homes were purchased; however, now there was tremendous construction traffic. There was no landscaped berm or trees separating the road from their community, and they hoped the Commission would consider planting to help alleviate the noise.

Mayor Marks suggested that Mr. Spiegel speak with the Planning Director. He found it hard to believe that the City would have approved the plat or site plan without a buffer area. He promised the City's assistance should it be something that WCI has failed to provide.

Maria Kokinakos of Mill Run updated the Commission on activities of the Parkland Horseman's Association. They were working with Parks and Recreation Director Jim Cowen and the City's matching grant funds to place shade covers over two new bleachers, one at each ring, at the Equestrian Center. Plans were donated by an architect from outside the community. Stating that the City's matching grant funds had helped the park considerably, she asked that residents also donate their time to help construct the two structures.

Vivian Silbiger of 6354 N.W. 80<sup>th</sup> Drive, Mayfair, commented on the portable traffic signals that were used by Coral Springs after Hurricane Wilma. She suggested that the City either rent or purchase a portable light for the intersection of Holmberg and University Drive until the permanent signal is installed.

Joe Vizzini, a business owner in Parkland Town Center, indicated his business had opened 18 months before and, since that time, six businesses had left and two or three were considering it. He believed the Town Center was underutilized and in need of help; he requested the Commission's consideration of a sign over his door. He advertised extensively and attracted customers from a 20-mile radius, but they could not find his store. Mr. Vizzini explained the sign prohibition at his building, and he asked that the Commission address this inequity.

Mayor Marks recalled the Commission's intent to limit the signage, but to have the sign at the entrance door; he did not wish any business at a disadvantage. Ms. Gardner-Young stated that the signs at Town Center were dependent upon where the businesses were located. She indicated she would discuss options with Mr. Vizzini.

Neil McAdorey of Parkland Isles presented a check of \$1,058 to the Mayor and Parks and Recreation Director Jim Cowen on behalf of the Red Hawks Recreational Lacrosse League for

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field lacrosse equipment. He noted this was their inaugural season, and their first clinic would be held on January 28<sup>th</sup>.

Mayor Marks wished their league great luck, and he expressed his appreciation for their participation in the matching grant program. A photograph of the occasion was taken.

### **IV COMMENTS BY MAYOR AND COMMISSION**

Comments by Commissioner McGilvray:

- Attended the Education Committee meeting of the Broward League of Cities. The School Board Funding Committee would finally address the student generation rate formula. She hoped that a dialogue between the City and the School Board on this subject would soon commence.
- Commended the Library's MLK Celebration, and particularly the video of residents' recollections of Dr. King and the Civil Rights movement.
- Save the date for the Community Concert on Saturday, March 25<sup>th</sup> from 3:00 to 10:00 p.m. The headliner band choice had been narrowed to two, and she anticipated a great, festive occasion.

Comments by Vice Mayor Beck:

- Would have office hours on January 24<sup>th</sup> from 10:00 a.m. to 7:00 p.m.
- Indicated that she, along with Commissioner McGilvray, Mayor Marks, and Commissioner Udine, had attended the Broward League of Cities' Education Committee meeting, and she believed it had been successful. The League's Executive Committee would workshop growth management and overcrowding issues with the School Board.
- Reminded residents of the Public Safety Building's dedication at 5:30 p.m. on Saturday, January 21<sup>st</sup>. She noted that the Spirit of the City reception would follow to thank the City's volunteers. In conjunction, the City would have its first art exhibit in the Atrium for the month of February. She thanked her committee, including Marilyn Krantz and Christine Hunschofsky, for their work.

Comments by Commissioner Ribotsky:

- Noted one important area – at Lox Road and 441 – had been zoned but not designed or planned. Rather than wait for the developer to approach the City, she believed that Planning and Zoning should approach the developer with the City's vision for that plot. She believed it would expedite the process and give the City what it wanted.
- Would like an update on the Charter Review process and if the Board's recommendations would be ready for a November referendum.
- Would also like to explore a bond issue for Phase III of Pine Trails Park so that this referendum might be combined with the Charter questions in November.
- Recommended that the City begin surveying the riders of the recently-launched "Spirit of Parkland" shuttle bus to know the why they are riding, where they are going, their rating of the experience, and commenting about the schedule.

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- Temperatures were freezing at the Audi Scholarship Run on Sunday. She commented that, for the second year, notice about the event had been short, and she felt that it was a great deal of money for the City to spend on so few resident-participants. She believed the City should establish a policy about the smaller events in the City, such as criteria about the number of participants or certain things to showcase.
- Announced that the Chamber of Commerce would meet at Heron Bay on the following morning from 7:30 to 9:00 a.m. The Chamber would host a Mayor and Commissioner debate on February 2<sup>nd</sup> at the Heron Bay hotel. She asked that the City Manager comment regarding the progress to broadcast that event.
- The Chamber would host a Black Tie Gala on Friday, February 24<sup>th</sup>, at the Coral Springs Marriott. Tickets were \$100 per person. There will be an auction and the Parkland Big Band will perform.
- Thanking Jim Cowen for his assistance, a City of Parkland Night with the Florida Panthers would be held on April 1<sup>st</sup>. They would play the Tampa Bay Lightning. Resident tickets would be discounted 50 percent, and they would also receive a voucher to a free Florida Pit Bulls game.
- As to the shade covers at the Equestrian Center, she hoped they would be included in hurricane preparation plans. She noted that Riverglades Elementary had not removed their structure for the hurricane and must replace it at a cost of \$16,000.
- Regarding the portable traffic signal, she commented that Coral Springs' lights were sitting unused in a warehouse. She suggested that the City talk to Coral Springs about the possibility of renting for a fair price.
- Recalled the City Manager's memo about Senate Bill 360 for "pay as you grow" concurrency, which she hoped to workshop. She believed the City should take the lead regarding the interlocal agreement for school concurrency, enacting it as soon as possible and pressuring the School Board. She suggested drafting an interlocal agreement, perhaps modeling on other districts of the state.

Comments by Commissioner Udine:

- Asked that the City Manager's report on the University Drive-Holmberg Road intersection include a follow-up about a potential four-way stop at Trail's End and Pine Island. He recalled the City had been close to achieving it until the hurricane occurred.
- Thanked the Parks and Recreation and the Public Works Departments for their efforts at Family Fun Day. While it was cold, it was well-received and participants had been complimentary.
- As to Mr. Spiegel's comments, he offered that Heron Bay met on this date to discuss the assessment for replacement of common area trees. There were schematics of what was planned, and he believed some trees may be replaced in Mr. Spiegel's area. The Commissioner indicated he would follow-up, and he hoped that Mr. Spiegel would do the same.
- Commended the Library staff on its excellent MLK celebration, and particularly the video remembrances.

Comments by Mayor Marks:

- Thanked Library Director Suzi Hayes and the students who participated in the MLK tribute. Noted this was the event's third year, and each year it had grown in participation and excellence.
- Noted that the Audi event was tied into Parkland Family Fitness Day. He had officiated at the children's runs, and he hoped for continued expansion through additional Parks and Recreation-planned events for the day.
- Understood that the equestrian shades would be a permanent structure and hurricane-resistant, similar to the judging area.
- The "Spirit of Parkland" bus had been inaugurated in the past week. He briefly described the route and, as his effort to encourage ridership, would hold the Mayor's office hours on the bus each Thursday starting at 3:50 p.m. He welcomed the public to accompany him.

## **V PROCLAMATIONS AND SPECIAL RECOGNITIONS**

### **1. PROCLAMATION: NATIONAL MENTORING MONTH**

Mayor Marks read the proclamation designating January as "National Mentoring Month." Ms. Wanda Robinson of Broward County Schools was present to accept the proclamation, and she thanked the City for its recognition of mentoring and its importance. She invited Parkland residents and staff to join the program.

### **2. PROCLAMATION: PARKLAND CITY ELECTION DAY**

**MOTION** made by Vice Mayor Beck to approve the announcement of the general election on Tuesday, March 14<sup>th</sup>. Seconded by Commissioner Udine.

**MOTION** passed unanimously.

## **VI APPROVAL OF AGENDA**

There was Commission consensus to approve the agenda.

### **REGULAR AGENDA**

#### **1. ORDINANCE NO. 2005-21: CODE AMENDMENT RELATING TO EQUESTRIAN HELMET REQUIREMENT**

**COMMENTS:** FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, CREATING A NEW SECTION 11-77, RELATIVE TO HORSEBACK RIDING IN PUBLIC AREA; PROVIDING FOR INCLUSION IN THE CITY

CODE; PROVIDING FOR SEVERABILITY; PROVIDING  
FOR AN EFFECTIVE DATE.

City Manager Lauzier read the first reading of Ordinance 2005-21. He noted that the Ordinance had been amended per the discussion at the recent workshop, with a system of progressive fines for citations as well as clarification that it would apply to riders under the age of 18.

Mayor Marks opened to the public.

Maria Kokinakos spoke on behalf of the Parkland Horseman's Association. She noted that the City of Plantation was the only other city in the state with an equestrian helmet ordinance. The mandatory use of helmets had been instituted in their horse shows. She urged the Commission to approve the Ordinance for the safety of the City's children.

There were no further comments or questions, and the Mayor closed to the public.

Mayor Marks suggested that fines should be clarified with the removal of "not to exceed" in Section 2. He believed that the Ordinance should be amended to read that first offense would be \$25, second offense \$50, and third and thereafter \$100. He agreed with the provision of three warnings.

Commissioner Ribotsky noted that the three warnings were mentioned in the Agenda Summary, but the Ordinance did not contain that provision. Additionally, she questioned why there would be warnings for helmets but not for golf cart usage. At the Mayor's belief that a grace period existed for the golf carts, Commissioner Ribotsky indicated that they were "judiciously enforced." She believed the City should be consistent.

Vice Mayor Beck questioned the system that the Park Rangers would use to keep track of the warnings. Mr. Lauzier replied that he had not reached that level of detail. He was aware that the rationale was that, first and foremost, safety issues would first be stressed, taking names and addresses of individuals given warnings. The updating of that list and keeping track of the warnings would be at the discretion of the Rangers.

Mr. Maurodis commented that institutionalizing a warning system was not a good idea. He believed warnings could be appropriate, but they should be at the discretion of the Rangers.

Mr. Lauzier suggested that staff should be directed to use their discretion to enforce the law. He believed that at least one courtesy warning would be given before citing.

Mayor Marks clarified that this Ordinance was applicable not only to the rider, but to parents and commercial organizations with children in public areas.

Commissioner Udine suggested that vendors providing pony rides for birthday parties should also be made aware that they must provide helmets for the children to wear.

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**MOTION** made by Vice Mayor Beck to approve the first reading of Ordinance No. 2005-21, Code Amendment Relating to Equestrian Helmet Requirement, as amended. Seconded by Commissioner Ribotsky.

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Vice Mayor Beck        | Yes |
| Commissioner Udine     | Yes |
| Commissioner Ribotsky  | Yes |
| Commissioner McGilvray | Yes |
| Mayor Marks            | Yes |

**MOTION** passed unanimously.

**2. RESOLUTION NO. 2006-06: SNACK-TIME CONCESSIONAIRE**

**COMMENTS:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA AUTHORIZING THE CITY OFFICIALS TO AMEND THE CONTRACT WITH SNACK-TIME, INC. FOR FOOD AND REFRESHMENT CONCESSION SERVICE AT TERRAMAR PARK, QUIGLEY PARK, THE EQUESTRIAN CENTER AT TEMPLE PARK, AND PINE TRAILS PARK; RFP NO. 2003-01; CONTAINING AN EFFECTIVE DATE.

City Manager Lauzier read the title of Resolution No. 2006-06. Mr. Lauzier introduced the item, indicating that the concessionaire had requested relief from the mandatory payment, due to the weather events as well as to logistical problems in facility availability. He commented that the City had been unable to get the concessionaire to move his overturned trailers at Pine Trails Park, which had been done by Public Work staff at the City's expense of several hundred dollars.

Parks and Recreation Director Jim Cowen recalled that, in 2004, the vendor had asked relief from his original contract and had been credited at a reduced rate for four months. Rather than waiting until the end of the contract, the Commission had asked to review. However, the concessionaire has asked for further relief.

Mayor Marks noted that the Resolution indicated a rent reduction while Mr. Torocsik's letter asked that it be rent-free. Mr. Cowen responded that he had not included a number as he thought it best that Mr. Torocsik present his own case.

Peter Torocsik, of Snack Time, Inc., addressed the Commission. He indicated that, while he had asked rent-free for the year 2006, he would welcome any relief and gave examples of doing business with other organizations at \$350 per month. He indicated that 2005 had been a terrible year; the hurricane had blown over his trailers and had caused the parks to remain closed. Mr. Torocsik stated that he did not have the money to remove the trailers and had even tried to give them away for free. Without a facility, he would use a picnic-type setup.

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At Mayor Marks' questions, Mr. Cowen reported on the status of concession areas at the various parks: Terramar, the Equestrian Center, Pine Trails, and Quigley. He confirmed that Mr. Torocsik had questioned him about the use of the portable trailer and storage of gasoline.

Mr. Lauzier noted the City's revenue budget. The City had assumed \$6,000 in revenue from the concession agreement, and he hoped to reach that figure. The City was investing in Pine Trails to get the concession open.

Responding to Vice Mayor Beck's question of the status of the Pine Trails building, Mr. Cowen indicated that staff was working on it. The plumbing was finished, and he was working with the Building Department and EDSA for the electrical. He anticipated a couple of months until the permitting was completed.

Mr. Cowen explained that Mr. Torocsik had been credited for the summer months and the 2004 hurricane; with the reduced rate, there had been credit to him for January through August 2005. His obligations for September through December had been paid, but the parks had been closed for a considerable time.

Mr. Lauzier summarized that Mr. Torocsik would owe \$1,400 for the remainder of the year, meeting the City's \$6,000 budget.

**MOTION** made by Commissioner Udine to accept the City Manager's recommendation, letting Finance figure out the details.

Mayor Marks recalled that leagues had originally supplemented their fees through concession revenue. Due to several reasons, the Commission decided to contract to a professional concessionaire, but the intent was to return the concessions to the leagues. Concessionaires would have only reimbursed the City for expenses such as electricity and water, and he believed there should have been an offset in the budget to return the funds to the leagues.

Mr. Cowen recalled that the leagues voluntarily relinquished the concessions. While they had used the revenue to offset the cost of their programs, they had not wanted to run the concessions and comply with the health codes. The City contracted for the private concessionaire and the City Commission chose to give the monies realized back to the leagues. Mr. Cowen admitted that this practice had stopped over the past few years through an administrative decision, and he noted that staff had brought problems about facilities and weather before the Commission.

Mayor Marks believed that the original intent of past Commissions should be reinstated.

Vice Mayor Beck questioned if Commissioner Udine would accept an amendment to his **MOTION** to reduce the amount by \$500 per month for the three months that the City parks had been closed in hardship consideration as revenue could not be recovered.

At Mr. Cowen's indication that the cost had been \$1,150 per month, Commissioner Udine accepted the amendment to his **MOTION** to reduce to \$4,850 for the year.

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Commissioner Ribotsky recalled that she had raised concessionaire issues while serving on the Parks and Recreation Board three years before. She had requested a greater variety and healthier snacks, which had not been agreed to by the concessionaire. She had also had several complaints that "open" hours were not consistent, and she had asked for set times of operation. She noted that the concessionaire had already been granted one relief last year from \$2,300 to \$1,150 and, aside from the five weeks, Snack Time had been able to do business. If the concessionaire could meet the needs of the City, she felt it should go out to bid. The Commissioner stated that she could not support anything but the original contract.

Vice Mayor Beck believed that the original dollar amount had been based upon the opening of Pine Trails Park concession building, and she understood this was the reason for the relief being granted before. Mr. Torocsik agreed.

**MOTION** seconded by Vice Mayor Beck.

For the record, Commissioner Udine stated that he agreed with Commissioner Ribotsky's comments. This vendor may not be the best for the City's parks in the future, but it did not make sense to continue to pile on costs as he had basically lost his business due to the hurricane.

Vice Mayor Beck asked when the contract expired, and Mayor Marks indicated February 2007. The Vice Mayor formally stated to the vendor that the City would consider other options at contract expiration.

At Mayor Marks's request, Mr. Lauzier reviewed that, based upon last year's reduction, the vendor would pay \$1,150 per month, or \$13,800. The City had received four payments, totaling \$4,600. The relief, therefore, was \$7,800 – or less than 50 percent of what was owed – by paying \$500 a month for the year, totaling \$6,000. The motion on the floor was to relieve an additional month that the vendor could not operate. Mr. Lauzier indicated that he had recommended a simple solution of \$500 a month, and it had been somehow complicated.

At the Mayor's restatement of the facts, Commissioner Udine withdrew his **MOTION** and Vice Mayor Beck withdrew her second. Commissioner Udine understood that a month's credit should be \$500, subtracted from \$6,000, for a total rent of \$5,500.

**MOTION** made by Commissioner Udine to reduce the annual rent to \$5,500, which must be paid by September 30, 2006. Seconded by Commissioner McGilvray.

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Vice Mayor Beck        | Yes |
| Commissioner Udine     | Yes |
| Commissioner Ribotsky  | No  |
| Commissioner McGilvray | Yes |
| Mayor Marks            | Yes |

**3. RESOLUTION NO. 2006-01: TREE REPLACEMENT PROGRAM**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA TO AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO REPLACE TREES IN CITY PARKS, PUBLIC FACILITIES AND PUBLIC STREETS; TO ADOPT THE CITY OF PARKLAND'S TREE REPLACEMENT PROGRAM INCLUDING A NEIGHBORHOOD ASSOCIATION GRANT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Lauzier read the title of Resolution No. 2006-01. He offered that staff had continued to work on the program since the Commission workshop discussion. The intent of the program was to replace trees in parks, public facilities, and streets, as well as provide a mechanism to assist communities and residents to replace their lost tree canopy.

Environmental Resources Director Brian Archer highlighted the essential points of the program through a brief PowerPoint presentation. It was a three-phase program: replacement trees in parks, public facilities, and public streets; public trees within privately-maintained landscaped buffers, entryways, and street trees adjacent to private property; and trees on private property.

Mr. Archer listed the areas that sustained loss on public properties, with a breakdown of replacement sizes and prices. The City suffered a loss of 335 trees: 200 large shade trees and 135 medium-to-small trees. Staff recommended use of containerized trees, which would be a condition of bid requirements. Large trees, from 12 to 14 feet tall, were estimated at \$550 per tree installed price, and small-to-medium trees in 25-gallon containers at \$350 per tree installed price. Quotes had been obtained from local landscapers and others doing business with the City. Replacement of City trees would total \$157,250.

As to Phase 2, Mr. Archer indicated staff proposed a tree replacement neighborhood association grant. He reviewed project eligibility, noting the intent that public funds would only be used to enhance features visible from public rights-of-way. The City would match up to a maximum of \$5,000 of the out-of-pocket costs for installation of replacement trees, and a total of \$50,000 had been budgeted. Grant applications would be accepted until March 31, 2006, and would be awarded on April 14<sup>th</sup>. All approved projects were to be completed by February 1, 2007.

Private residences would receive help through Phase 3 of the program. Contractors have agreed to honor the same prices for residents.

Mayor Marks questioned the total dollars required to be spent annually based upon Tree City USA regulations. Mr. Archer responded \$2 per capita, and Mr. Lauzier added that would total approximately \$42,000. Noting that the \$50,000 of Phase 2 would be expended on a first-come, first-served basis, the Mayor believed that associations should also be afforded the benefit of the

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City's costs, similar to that of private residences. He asked that this provision be added to the program, and Mr. Lauzier indicated this should not be a problem.

Mayor Marks believed that the fourth Whereas clause of the Resolution should be changed to contractor(s) in plural.

Regarding the tree replacement chart, Mayor Marks questioned whether grant proposals could include contractors other than those the City had arranged. Mr. Lauzier explained that the concept was that, once bid, there would be multiple contractors to fulfill all of the needs, honoring the same City pricing structure. The Mayor requested that the chart include an asterisk that "tree cost no greater than the City-negotiated price." Additionally, he questioned the definition of "financial support" on the grant applications, and Mr. Archer explained that the organizations should provide their half of the grant.

Commissioner Udine remarked, in trying to simplify the concepts, he was in favor of Phase 1, with the caveat that there were some additional places he would like to add, and in favor of Phase 3. However, he felt that Phase 2 did not accomplish anything for the City, and that it was extremely unfair due to the number of associations and the \$50,000 cap, as well as areas not addressed. He noted that Heron Bay anticipated a cost of \$1.6 million to replace their tree canopy; a grant application for \$5,000 would not be worthwhile. The Commissioner favored moving the \$50,000 to tree replacement in the City areas. He believed the City had already gone above and beyond, and had taken the risk without guarantee of reimbursement, by removal of debris from gated communities. He was not in favor of Phase 2.

Commissioner McGilvray respectfully disagreed with Commissioner Udine about the homeowners' associations. She was concerned that the associations would assess their communities, probably at the maximum allowed. She felt the associations should not be neglected because they would be a huge part of re-canopying the City. She hoped they could be worked into the plan in a different way. The Commissioner agreed that limiting the \$5,000 grants to the first 10 associations was unfair and, to many smaller associations, \$5,000 was not a "drop in the bucket" if they anticipated spending \$50,000, for example.

Commissioner McGilvray asked clarification whether associations could use their own landscaper and whether the \$5,000 matching must be used for trees. Mr. Archer indicated they would be free to use whomever they wanted, but that the \$5,000 must be used for trees.

Commissioner Ribotsky noted that the grant application indicated that the plan must be submitted by a Florida-registered landscape architect. She indicated that she felt comfortable with the process, but she believed that an inspection should take place before the check is released. As to the homeowners' associations, the Commissioner believed that the award of the \$50,000 should be discretionary, dependent upon the number of associations applying as well as deserving. She felt there should be a ranking and point system in deciding the award.

Commissioner Ribotsky also expressed concern about the City-planted trees along Parkside Drive. She believed it should be used as an opportunity to replant the trees mindful of where the sidewalks would be installed. Additionally, she believed that Six Acre Wood and Covered

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Bridge Park had been omitted. While she was aware that the Winner's Circle buffer was a separate issue, the west side of the Winner's Circle trail was City property and should also be included.

Mr. Lauzier commented that he, the City Attorney, and Ms. Gardner-Young had a first meeting with Winner's Circle. It was hoped, with the start of this dialogue, the City would work with them to replace the buffering. He toured the area on this date, and he described the west side as a "gigantic invasive farm." While he admitted that the City could clean it out and plant, he hoped first for the Commission's policy direction. He confirmed that funds had not been budgeted.

Mr. Archer added that 99 percent of what was lost in most areas were invasives, such as Australian pine and Brazilian pepper, and they had not been counted. Without the proper clean up, replacement trees would be taken over by invasives.

Commissioner Ribotsky commented that Covered Bridge Park did not have an invasive problem and six slash pines had been lost. Mr. Archer indicated those trees had already been dead.

Mr. Lauzier indicated that plantings in Covered Bridge Park could be included in the program. As to the pathway and Six Acre Wood, he was not sure. Mr. Archer stated that his intent had been to relocate trees from Parkside Drive to enhance that area. By the time the trees and sidewalk of Parkside Drive were installed, he hoped for a better plan to deal with the Winner's Circle buffer and Six Acre Wood.

Commissioner Ribotsky asked that Covered Bridge Park be included, as well as a time certain for a policy decision and funding sources for Six Acre Wood and the trail. Mr. Lauzier responded that he would like to evaluate it and include a comprehensive and specific plan for this "Linear Trail Connector – Covered Bridge/Six Acre Wood" in the 2006-2007 budget process.

Vice Mayor Beck asked regarding a plan for the removal of trees from Parkside Drive, as well as an understanding of tree and sidewalk placement. Mr. Lauzier offered that the plan was part of the CIP project that the City Engineer was currently working on. Community input meetings were planned; he hoped for the ideas of the Commission and the public in its design, for which the City would hire an engineering firm. The Vice Mayor commented that the design should be functional as well as beautiful.

Mayor Marks recapped his earlier comments. The City's existing matching grant program was meant to encourage organizations in projects to benefit the entire City, and he believed this program would encourage associations through incentives to keep Parkland green. He believed prioritization should be to those associations bordering the main rights-of-way through the City, such as Holmberg Road, University Drive, and Parkside Drive, and any public streets, rather than within the private communities. He gave Heron Bay as an example, with its outside edges versus interior roadways. The Mayor believed all associations should be given the incentive, regardless of the priority later assigned.

Commissioner McGilvray agreed with the Mayor in his evaluation of providing incentive to associations that border main roadways, but she was concerned that some smaller communities

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may suffer. Mr. Lauzier commented that some communities had no association and no common properties; individual homeowners could then take advantage of Phase 3.

Commissioner McGilvray asked about the timeframe for the bid and the grant deadline. Mr. Archer indicated that, with the Commission's approval, the bid package had already been prepared and could be published within a week. The Commissioner suggested that, with award of the bid, the negotiated prices should be placed on the City's website so that it would be easily accessible for comparison.

Mayor Marks agreed that the information should be on the website. He also believed that the information should be transmitted and communicated to the associations, and that the process must be made clear to them.

Commissioner Udine commented that some of the associations have already done the work. He was concerned that the process was cumbersome and unfair.

Commissioner McGilvray recalled that she had specifically asked about communities already in process. At Mayor Marks' indication that the applications could not be retroactive, the Commissioner believed this unfair. Discussion ensued.

Commissioner Udine suggested that only Phases 1 and 3 of the program be adopted, and that a separate \$50,000 matching grant fund be established in the future that might be used for trees anywhere in the City.

Commissioner McGilvray believed this was an opportunity to set up a wonderful program for hurricane recovery in the future. Mr. Lauzier commented that the intent was that the program could be activated at any time with the Commission's authority and funding.

Vice Mayor Beck questioned the tree inventory. Mr. Archer responded that trees were available for the program, but that some species were more accessible than others.

The Vice Mayor complimented staff and believed that it was a good plan. While she felt that it was not perfect, she believed it would set Parkland apart.

Mayor Marks asked that right-of-way prioritization and retroactivity be clarified. Mr. Maurodis commented that location on a public street would be a requirement as otherwise there would be no public benefit. There was further discussion.

Mr. Lauzier stated that staff's recommendation was no retroactivity.

Mayor Marks polled the Commission.

Commissioner McGilvray believed associations were being penalized for their efficiency.

Commissioner Ribotsky, while sympathizing with the efficient associations, believed that everyone could not then be treated equally as the documentation would be different. The

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objective was to rebuild the City's tree canopy. She also hoped it would evolve -- this year for tree replacement, perhaps next year for landscape enhancement.

Vice Mayor Beck agreed that the program should not be retroactive. She also noted that the hurricane season may have again commenced when these trees are planted in the ground. With the predicted hurricane cycle, the City may want to examine more closely the trees sustainable for the long-term. Mr. Archer confirmed that the City's tree size and caliper requirements remained the same.

Commissioner Ribotsky suggested that, as part of the long-term restoration, the City should tie in a communications program letting residents know their responsibility to replant, as well as individual home site inspections in approximately 12 months to check the percentage of tree coverage. She also believed that an end date for the program should be decided upon and advertised.

Commissioner Udine commented that it would take at least a decade to replace the tree canopy. He believed the City should get as many trees in the ground as possible, and it was his opinion that, rather than hinder the program, a separate matching grant fund for trees should be established.

Mayor Marks summarized that the consensus was to follow the recommendations of staff: that the project will be for public rights-of-way and would not be retroactive and that the applications, which must include landscape plans, would be accepted through March 31, 2006.

Commissioner McGilvray was concerned that enough time had been allowed. She asked that the information be disseminated to the public within the next two weeks.

Mr. Lauzier asked regarding the requirement for the landscape architect, as it did create the problem of hiring a professional. Mr. Archer responded that the Code required that plans submitted for permit must have been drawn by a Florida-registered landscape architect; however, since this was not a permitting process, he believed that a landscaper-drawn plan would be acceptable. Mr. Lauzier agreed that the program should be more flexible, and he favored an amendment to recognize approval by the Environmental Resources Director.

Mayor Marks resumed the summary: that there would be no retroactivity; that land must be viewed from the rights-of-way; that there would be a determination made by the Environmental Resources Director as to the plan review; that Covered Bridge and Parkside would be added in; that costs could not be greater than the price negotiated by the City; that multiple contractors would be used; and that it was not required to be a replacement due to Hurricane Wilma.

**MOTION** made by Commissioner McGilvray to approve Resolution No. 2006-01, Tree Replacement Program, as amended.

Mr. Lauzier commented that staff had proposed the program as hurricane replacement. While it could be opened to anyone, he believed that priority should be given to hurricane-related issues.

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Mayor Marks opened to the public.

Alison Wilde of Country Place commented that residents had asked for Commission assistance for the past three years for planting in their area and filling buffer areas. She understood, and was grateful, for the staff work on Winner's Circle and the buffer. Mrs. Wilde stated that not one tree has been planted in the vicinity of Country Place, Country Point, or Sable Pass, and she was upset that their area has not been included in the program due to the invasives. It was a mess and residents wanted it cleaned up.

There were no further comments or questions, and the Mayor closed to the public.

**MOTION** seconded by Vice Mayor Beck.

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Vice Mayor Beck        | Yes |
| Commissioner Udine     | No  |
| Commissioner Ribotsky  | Yes |
| Commissioner McGilvray | Yes |
| Mayor Marks            | Yes |

**MOTION** passed on a 4-1 vote.

**4. ORDINANCE NO. 2006-02: BACKUP GENERATOR  
REQUIREMENT FOR GAS  
STATIONS WITHIN CITY**

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, ADDING SECTION 22-109 ENTITLED "SPECIAL REGULATIONS FOR GASOLINE STATIONS" TO THE CODE OF ORDINANCES; REQUIRING THAT RETAIL GASOLINE STATIONS BE EQUIPPED WITH AN ALTERNATIVE MEANS OF POWER GENERATION SO THAT THE STATION'S FUEL PUMPS MAY BE OPERATED IN THE EVENT OF A POWER OUTAGE; PROVIDING A PERIOD OF TIME FOR EXISTING RETAIL GASOLINE STATIONS TO COMPLY WITH THE ACT; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALER CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE; CASE 11-ZTA-05.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-02.

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City Attorney Andrew Maurodis stated that the City had been provided a copy of a letter from the Board of Rules and Appeals for Broward County, which is charged with the administration of the Florida Building Code. He noted that the City of Hallandale had passed a similar ordinance, and the Board's counsel offered an opinion that the City of Hallandale was without power and authority to adopt that type of ordinance as it was viewed tantamount to an amendment to the building code. Mr. Maurodis indicated that he had known Attorney Zeigler for many years and respected his work with the Board, and he believed it may be appropriate to speak with Mr. Zeigler and research further before the Commission moves forward with the ordinance.

Mayor Marks commented that today's newspaper contained an article on this item, and it spoke of various cities that had either already adopted it or were in the process of adopting. The Broward League of Cities had taken the position that the more cities proactive, the better the chance to support State legislation that is in the process. The Mayor believed the City should be proactive, showing concern about the events that occurred as a result of Hurricane Wilma, and move ahead.

With comments on the Ordinance, Mayor Marks noted that Section 1, paragraph (b), believed the date should be June 1, 2007, rather than 2006. Assistant City Manager Caryn Gardner-Young indicated that the Planning and Zoning Board had changed it from 2007 to 2006. The Mayor also found the verbiage in paragraph (a) about an agreement to equip with the City questionable. Ms. Gardner-Young offered that the language included was to address a concern that the City's existing gas station owner, who intended to install a generator, had expressed about compliance date. This language would allow the gas station owner to have the option of a City-loaned generator. Mayor Marks believed that the date certain should be reasonable but "no later than." The purpose of the ordinance was to make sure gas stations made the commitment to have generators, rather than relying on the City. Ms. Gardner-Young clarified that the agreement would not be mandatory but rather an option.

Commissioner Ribotsky indicated that she respected Mr. Maurodis' request to table, and she hoped he would be able to get in contact with the Board's attorney before second reading and make any adjustments felt necessary. She found June 1, 2006, acceptable, as long as there was good intent and proof of purchase order or some other documentation. The Commissioner expressed concern, however, with the requirement for above- or below-ground generators. She believed that the hours of operation should be restricted for the existing gas station due to the noise of an above-ground generator, and suggested that underground generators should be required for future gas stations.

City Engineer Charlie DaBrusco suggested that buffering for noise via sound walls instead be required since there were issues with flooding.

Commissioner Udine commented that emergency situations caused extraordinary conditions. If the purpose was to have gas by utilizing a generator, he believed it should be as least restrictive and as easy as possible for the station owner. The Commissioner felt that the ordinance would be challenged on many levels and additional requirements to the station owners were unfair.

Discussion ensued.

**MOTION** made by Commissioner Udine to approve Ordinance No. 2006-02, Backup Generator Requirement for Gas Stations within City. Seconded by Commissioner McGilvray.

Ms. Gardner-Young offered that staff had spoken with the gasoline station owner, who was not in objection to the ordinance as originally drafted. However, due to the burden of purchasing the generator, the owner asked that the Commission consider an expedited permitting process and a waiver of the permitting fees.

There was Commission consensus for these requests.

Commissioner Udine asked the City Attorney if an ordinance existed to activate the City's police powers. Mr. Maurodis indicated that the declaration of the state of emergency brought phenomenal power.

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Vice Mayor Beck        | Yes |
| Commissioner Udine     | Yes |
| Commissioner Ribotsky  | Yes |
| Commissioner McGilvray | Yes |
| Mayor Marks            | Yes |

**MOTION** passed unanimously.

**5. CONSIDERATION: POLITICAL SIGNS AND ELECTION SIGNS AND BANNERS**

City Manager Lauzier indicated that this item's purpose was: to ascertain a proper operational understanding of the Commission's desires in the enforcement of the sign code for the election; to discuss some suggestions made by Mr. Archer relative to the sign code; and to discuss larger City signs to encourage voting.

City Clerk Sandra Couzzo detailed that the pricing for a three-foot by five-foot banner would cost approximately \$117 per banner. There was an additional charge of \$21 per pole. She suggested banners at each City entranceway, such as University Drive, Riverside Drive, 441 and Holmberg Road, and the roundabout by Westglades Middle School. With seven locations proposed, the cost to the City would be just over \$1,000.

Commissioner Ribotsky asked the sign content. Ms. Couzzo indicated the signs would encourage "Vote" and the date of election, which could be changed and reused.

Commissioner Ribotsky loved the idea of the signs and believed they should be set up as soon as possible. She believed the e-mail system should be used to inform people about registering to vote and registration deadline. She asked that the e-mails be sent weekly. Once the ballot is available, she believed the PDF ballot should also be included.

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Ms. Couzzo indicated that she was working with Webmaster Louie Alfano to design an election page for the City's website.

Mr. Lauzier suggested that, should the Commission wish to do the election signs, their expense might be covered by promotional activities.

Vice Mayor Beck believed that the web site page was a great idea. As to the weekly "blast," she did not wish the City to begin a habit that may become a nuisance to people. The "blast" has been reserved for important news, and she believed a weekly reminder to vote is excessive. The Vice Mayor also believed that the gateway banners as reminders to vote were also somewhat excessive and unnecessary. She noted that the City historically had one of the highest voter turnouts in the County.

Commissioner McGilvray admitted that she liked Coral Springs' light pole signs, and suggested something in between.

Ms. Couzzo indicated that the green signs could again be used, with the change in date.

Commissioner Udine believed that the election signs should be placed, and he agreed with the e-mails but did not feel they should be done weekly. He felt one about the registration deadline and one about the election would be sufficient.

Vice Mayor Beck commented that the City should continue the use of the green signs and remain "understated."

Mr. Lauzier summarized that the City would stay status quo with the signs, with good information for the website and two "blasts."

Mr. Lauzier asked the Commission for their ideas relating to candidate signs.

Acting in his code enforcement capacity, Brian Archer reviewed a brief PowerPoint presentation of the code requirements for election signs. He noted that a copy of these requirements is distributed to candidates by the City Clerk at the time of their filing for office. Mr. Archer believed that the two major issues were signs placed in road rights-of-way and vehicles displaying banners parked at the side of the road, neither of which was permitted by ordinance.

Mayor Marks indicated his understanding that banners and roof signs were prohibited from past years, but he suggested that the issues of hand-held election signs and magnetic car signs could not be addressed. With respect to the vehicle signs, Mr. Archer read from Code Section 15-5 (10), which suggested that signs of less than 10 square feet would be permissible. As to the hand-held election signs, he indicated that Code Section 15-37(d) addressed traffic circulation effects, and he interpreted that they would be permitted as long as the sign holders did not physically or visually obstruct traffic circulation. Distraction was not addressed.

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Mr. Lauzier believed that an issue had been whether sign holders could stand within traffic circles or roundabouts; he assured this would not be permitted.

There was further discussion concerning magnetic signs, where cars may park, and other criteria. Mr. Maurodis offered there was a realization that magnetic signs were difficult to control, and the City would be as reasonable as possible and allow the democratic process.

Mayor Marks noted the proliferation of illegal ground signs on Election Day in the past, and he believed this should continue to be stringently enforced.

Commissioner Ribotsky suggested that confiscated signs should not be returned to the candidates, which she believed would encourage placing of signs in the proper places.

Commissioner Udine asked if these rules should then be signed off on by the candidates. Ms. Gardner-Young indicated that the intent was to educate and avoid these situations, and Mr. Lauzier agreed that the concern was that everyone would be fairly and equitably treated.

Mrs. Carolyn Marks commented that School Board policy specifically prohibited any kind of electioneering in the schools and on school property -- to include magnetic car signs and T-shirts.

City Engineer Charlie DaBrusco added that enforcement of no signs in the medians was also of concern.

### **VII COMMENTS BY THE CITY MANAGER**

- Reminded the Commission of the Public Safety building dedication on Saturday, January 21<sup>st</sup>, at 5:30 p.m., which would be followed by the VIP reception at City Hall.
- Comcast would not televise the candidate debate. They suggested holding the debate at City Hall, where cameras were installed and it could be recorded or, alternatively, contracting with T&M Sound, which could cost from \$1,000 to \$2,500.
- Arbor Day would be February 4<sup>th</sup> at 9:00 a.m. at Terramar Park.
- As to the portable traffic light, there were concerns about timing – the logistics of use in rush hours versus 24/7. Rather than cones and the temporary traffic light, flexible reflective stop bar ribbons could be used at the stop signs as a first measure.
- At Pine Island and Trails End, he offered that Mr. DaBrusco had talked with County Traffic Engineering about doing a temporary 10-foot circle with poles, which he described as a more visual alert to the intersection. Mr. DaBrusco provided further information about the materiel and placement. Vice Mayor Beck suggested the use of double cones to alert drivers to use caution in the area. Mr. DaBrusco noted that the cones cost \$40 to \$50 each, and they were routinely stolen; they could not be left out at night. Following considerable discussion, Mr. Lauzier indicated staff would investigate further.
- Bid opening for Pine Trails Park Phase II is January 30<sup>th</sup>.
- The City Clerk will provide a report of the Charter Review work.

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Relative to the concessionaire contract, Vice Mayor Beck believed that the contract did not have to be honored since the City had made so many modifications. She suggested that the concessionaire should be informed that the City would open to bids in the next budget cycle.

Reopening the discussion on televising the debate, Commissioner Ribotsky believed that the City should absorb the cost as it brought a great service to residents. Vice Mayor Beck agreed that she had not understood how the matter had been resolved.

Mr. Lauzier explained that the Commission must make the decision about hiring someone to tape the debate.

Vice Mayor Beck understood there were two other political forums and debates that the City may be asked to televise and fund: the Heron Bay Women's Club Forum and a political forum at Stoneman Douglas. She felt the City should not be expected to pay for all three.

Commissioner Ribotsky believed that the Chamber debate would be the best attended and most significant; the others were forums where candidates would make only statements. Over the past few years, many people had missed the debates due to conflicts, and she believed that paying \$1,000 to tape the debate would be money well spent.

Vice Mayor Beck opposed the use of taxpayer funds, and she believed that the City's obligation to inform did not extend to everything. She suggested that interested citizens should attend the debate, or attend one of the other opportunities to hear the candidates speak.

- Mr. Lauzier advised about the possibility of a low-flying helicopter on Sunday around Pinetree. BSO was helping with the FEMA assessment for the swales, and he would confirm the event with an e-mail "blast."
- The bid package was published for the Pinetree entryway paving.

Commissioner Ribotsky requested a vote on televising the debate at a cost of \$1,000.

Commissioner McGilvray asked clarification of the cost and necessity of "production." Mr. Lauzier explained that the cost could range from \$1,000 to \$2,500, depending upon the complexity of the taping; camera, lighting, microphones, and a knowledgeable staff were needed for a professional job. The Commissioner stated that she would not mind having copies available at the Library, but she was not sure of the expense and she was concerned that a precedent would be set for future debates.

Considerable discussion followed.

Commissioner Ribotsky asked about airing the debate on Channel 78, should she be able to get the debate taped with little or no charge.

Marilyn Krantz of Pinetree Estates agreed with Commissioner Ribotsky that it would be a great opportunity to tape the debate. She believed the election was important, that the City should help

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provide outreach and education in providing this service to the community, and she was in favor of the City making this investment. She trusted the Chamber to do a professional job.

The Commissioners expressed their support or opposition to the debate taping.

**MOTION** made by Commissioner Ribotsky to have the debate professionally taped, either under the auspices of the Chamber Board or through her personal efforts to find a professional local volunteer, and aired on Channel 78 three times a week until the election takes place.

Mayor Marks stated that he personally opposed the taping unless all of the candidates signed a statement that there would be no abuse of the tape by the candidate or their supporters.

**MOTION** seconded by Commissioner Udine.

There was a verbal agreement to the Mayor's suggestion, with the understanding that it would be used in public education and not as a campaign tool.

Natalie Bigio of Pinetree Estates commented that she was in favor of televising the debate on Channel 78, and she agreed there should be no personal gain.

Commissioner Ribotsky noted that, in case everyone had not already received their invitations, there would be a \$75 charge to participate. She explained that it had cost the Chamber over \$500 to rent the room.

Mayor Marks summarized that there would first be clarification from the Chamber and, if the debate is televised, it would not be used in any political campaign.

### **VIII COMMENTS BY THE CITY ATTORNEY**

City Attorney Andrew Maurodis noted that a question had been raised about his ownership of a lot in the Florida Fruitlands Plat, an area abutting the Ranches, and a former association with a Ranches nursery owner. He believed it was appropriate to inform the Commission that the lot was zoned A-1 and that the partnership was dissolved. He admitted that perceptions and confidence in the decision-making process were important, and he was concerned that the Commission would have any doubt about a perceived conflict and his representation of the City. He suggested that the City may wish to have the opinion of an outside counsel.

Mayor Marks asked if Mr. Maurodis would have any financial gain, and Mr. Maurodis responded that he was not aware of any. He indicated his willingness to refund his billing for research.

Commissioner Udine remarked that he had no doubt of Mr. Maurodis' integrity but, with the form of his previous partnership, it would be best to have the examination by outside counsel to remove any appearance of impropriety.

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Commissioner Ribotsky indicated that she had been impressed with Mr. Maurodis' analysis of the situation and its caveats. She believed there had been no bias. She expressed doubt that a costly second review was required and noted the delay in the process as well.

At the Mayor's request for consensus, Commissioner Udine, while expressing his belief that Mr. Maurodis had the utmost integrity, believed that an outside counsel should do the review.

As to Winner's Circle, City Manager Mark Lauzier commented that Mr. Archer had informed him that it would not be feasible to plant native trees among where Australian pines or other invasives fell down on City property as the native trees would be strangled. He would recommend that the Commission not authorize this, and he promised to soon address how the City should proceed for the long-term. Staff was discussing the east side with Winner's Circle.

Commissioner Ribotsky clarified that, despite the remarks of Country Place residents, the residents of Winner's Circle were also greatly impacted by the tree loss.

Vice Mayor Beck admitted there were responsibility issues with the City, Pinetree Water Control District, and the master association. She suggested that property owners should mitigate on their own properties until a solution was reached.

**IX ADJOURNMENT**

**MOTION** made by Commissioner Udine to adjourn the meeting at 10:48 p.m. Seconded by Commissioner McGilvray.

**MOTION** passed unanimously.

ATTEST:

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SANDRA COUZZO, C.M.C.  
CITY CLERK

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