

# MINUTES

## PARKLAND CITY COMMISSION MEETING

FEBRUARY 1, 2006

7:00 P.M.

**I CALL TO ORDER** 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:**

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

**Also Present:**

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

**II APPROVAL OF MINUTES**

October 28, 2005

Special City Commission Meeting Minutes

**MOTION** made by Commissioner Udine to approve the October 28, 2005, Special City Commission Meeting Minutes.

Commissioner Ribotsky noted that the Ordinance and Resolution numbers on page 9 should be inserted.

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**MOTION** seconded by Commissioner Ribotsky, as amended.

**MOTION** passed unanimously.

October 31, 2005

Special City Commission Meeting Minutes

**MOTION** made by Commissioner Ribotsky to approve the October 31, 2005, Special City Commission Meeting Minutes. She asked confirmation of Ordinance No. 2005-29, which is the number omitted in the October 28<sup>th</sup> Minutes. Seconded by Vice Mayor Beck.

**MOTION** passed unanimously.

November 9, 2005

City Commission Work Session Minutes

**MOTION** made by Vice Mayor Beck to approve the November 9, 2005, City Commission Work Session Minutes.

Commissioner Ribotsky asked that Item 4, Discussion: University Drive/Palm Beach Connector, be transcribed verbatim and distributed to the Commission.

**MOTION** made by Commissioner Ribotsky to approve the Minutes, as amended with the transcription of the verbatim comments on University Drive. Seconded by Commissioner McGilvray.

**MOTION** passed unanimously.

### **III PUBLIC INPUT**

Mayor Marks noted that it was a long agenda, with public comments limited to the three-minute maximum.

Dr. Leo Gosser of Pinetree Estates recalled that he had asked the City Manager in early January for permission to post a banner at City Hall to advertise the Parkland/Coconut Creek Health Fair, to be held at Carl's Furniture, Coconut Creek. He also requested that the event be listed on the City's website. He was advised that the City Commission must approve these requests. He compared the Health Fair organization with the Chamber of Commerce, noting that it was included on the City's website and posted banners at City Hall.

Mrs. Marie Gosser added that the Health Fair had been held for six years, and that Mayor Pagliara had in the past authorized posting of the banner.

Vice Mayor Beck asked that this subject be added as a discussion item at the end of the meeting, which was seconded by Commissioner McGilvray. Commissioner Ribotsky recalled that added items were to

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be emergencies, but Vice Mayor Beck and Commissioner McGilvray expressed concern about the time sensitivity.

City Manager Mark Lauzier explained that the Health Fair had been felt inappropriate due to its location outside the City, and it had been excluded last year for the same reason. If the Commission felt that the event would serve the City and its residents, he had no objection.

Commissioner Ribotsky offered that this and other policy issues had been discussed with an outside attorney, and she believed there should be a policy Resolution. She noted the City's membership in the Chamber of Commerce, an organization with bylaws, while the Health Fair was a non-profit organization that happened to be run by Parkland residents. She was concerned that a precedent would be set.

Vice Mayor Beck also suggested a policy discussion concerning community service organizations permitted to advertise on Channel 78. She again asked that the Health Fair discussion be added at the end of the agenda, which was seconded by Commission McGilvray.

Mayor Marks indicated that the Comments by Mayor and Commission would be held until the end of the meeting.

**V PROCLAMATIONS AND SPECIAL RECOGNITIONS**

**1. PROCLAMATION: BLACK HISTORY MONTH**

Mayor Marks read the proclamation announcing the month of February as "Black History Month."

City Clerk Sandra Couzzo commented that Mr. Dorsey Miller was to have accepted the proclamation; unfortunately, he was unable to attend.

**2. PROCLAMATION: CONGENITAL HEART DEFECTS AWARENESS DAY**

Lisa Cooper and her son, Sammy, were present to accept the proclamation, which was read by Mayor Marks. February 14<sup>th</sup> was designated as "Congenital Heart Defects Awareness Day" in the City of Parkland.

Mrs. Cooper thanked Mayor Marks and Commissioner Ribotsky for their assistance. She noted that Parkland had been the first Broward County city to proclaim the day last year and other Broward County cities, including Broward County government, had now recognized the event. She offered printed material on the illness, and was proud to state that Riverglades had been the top fundraising school in the state for the American Heart Association.

**VI APPROVAL OF AGENDA**

City Manager Mark Lauzier recommended that Item #10 be stricken from the agenda. He indicated that staff had spoken with Broward County Traffic Engineering. He noted that the City must defer to the County, and that the County must defer to the State; it was not an FDOT-approved use of the traffic signal. Since it could not be approved by the County, Mr. Lauzier felt there was no point in discussing it.

**MOTION** made by Commissioner Udine to strike Item #10 and add a discussion item of Parkland Health Fair. Seconded by Commissioner McGilvray.

**CONSENT AGENDA**

Commissioner Ribotsky and Vice Mayor Beck both asked that the Community Wildlife Habitat be pulled from Consent.

The Vice Mayor also asked that the Lightning Protection System for Schools be pulled, and Commissioner McGilvray asked that Code Red be pulled for a brief comment.

**1. RESOLUTION NO. 2006-08: PINE TRAILS PARK BLEACHERS**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING FUNDS TO BE USED TO PURCHASE 16 BLEACHERS AT PINE TRAILS PARK.

**4. RESOLUTION NO. 2006-15: ADDING ONE ADDITIONAL POSITION - PLANNING DIRECTOR**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AUTHORIZING AN INCREASE IN THE TOTAL NUMBER OF FULL-TIME POSITIONS WITHIN THE 2005-2006 BUDGET FROM 81 FULL-TIME POSITIONS TO 82 POSITIONS.

**MOTION** made by Commissioner Udine to approve Consent Agenda Items #1 and #4. Seconded by Vice Mayor Beck.

**MOTION** passed unanimously.

**2. RESOLUTION NO. 2006-09: CODE RED PROGRAM**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, TO AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED AGREEMENT FOR IMPLEMENTATION OF A RESIDENT EMERGENCY NOTIFICATION SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner McGilvray asked to workshop the guidelines and implementation of this program. Giving examples, she asked regarding the authority to dispatch, recording the message, the phone numbers to be called, etc.

Vice Mayor Beck also questioned whether test procedures existed, and she asked confirmation that it was not a duplicate of the BSO service.

Mayor Marks asked that staff specify the type of notices contained in provision 20.

**MOTION** made by Vice Mayor Beck to approve Resolution No. 2006-09, Code Red Program. Seconded by Commissioner Udine.

**MOTION** passed unanimously.

**3. RESOLUTION NO. 2006-10: COMMUNITY WILDLIFE HABITAT DESIGNATION**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, SUPPORTING THE CITY OF PARKLAND'S APPLICATION TO OBTAIN THE NATIONAL WILDLIFE FEDERATION CERTIFICATION AS A COMMUNITY WILDLIFE HABITAT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Beck recognized the current and past presidents of the Parkland Garden Club in the audience. She stated that the Parkland Garden Club was working in conjunction with the Women's Club, and they were hoping to enlist other organizations in this effort.

Mrs. Star Fischer, a National Wildlife steward and the past president of the Parkland Garden Club, introduced Christine Juneau, current president. Mrs. Fischer was delighted to have the City's support of this effort.

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Commissioner Ribotsky commented that, while she was not necessarily opposed, she would prefer that this item be tabled. She was concerned that, while National Wildlife Federation costs were minimal, an enormous staff time for the certification would be expended as it was a lengthy process. She was also concerned about the validity of the certification due to the ease in which she had her own yard certified. The Commissioner questioned that the designation of wildlife habitat was necessarily in line with what was wanted for the City, as it might steer away other projects that may better serve residents.

Vice Mayor Beck noted that staff had been interested in launching the project prior to the Garden Club's involvement, and she asked that Mr. Archer address Commissioner Ribotsky's comments.

Commissioner McGilvray acknowledged the ease of on-line residential certification, and she questioned whether the 150 homes would obtain their certification in that same manner or if more stringent standards would apply.

Environmental Resources Director Brian Archer responded that he did not believe anyone from the National Wildlife Federation would inspect the properties. The 150 to 200 homes were required for points in the community certification process.

Mayor Marks noted that, with the Garden Club's member trained in certification, the City could require review of the properties. Acknowledging the disappearing habitat, he stated that he was in favor of anything that could be done to preserve habitat and encourage wildlife.

Mr. Archer indicated that a program to inspect properties for certification could be put together, which the Mayor believed the Commission should require.

Commissioner McGilvray commented that she shared Commissioner Ribotsky's concerns. She believed that most people were aware of her advocacy for the environment and animal rights. Unless more stringent standards would apply, she would not be interested in the application. She acknowledged that considerable staff time was required, and would prefer to see the time and money spent on a program that could truly benefit the City.

Vice Mayor Beck understood that the primary purpose of the program was to educate the community on providing habitats for wildlife. She believed it would be of great benefit to schools and the community.

Mr. Archer acknowledged that the community as a whole would receive the certification, with separate requirements for individual residences, community properties, and schools. He noted that the business community would also be involved.

Vice Mayor Beck stated that she would prefer to pass the program at this meeting, and she asked that a more formal presentation of the program be given at the next meeting.

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Commissioner Udine was also in favor of passing the program at this meeting, with which Mayor Marks agreed.

**MOTION** made by Commissioner Ribotsky to table Resolution No. 2006-10, Community Wildlife Habitat Designation. She reiterated that the City must learn the implications to staff, and she expected that 10 to 20 percent of Mr. Archer's time would be filled with the program. She asked what already existed of the required elements and an analysis of the 150 homes. She suggested higher fees for a Parkland-certified yard, with extra revenue placed in a tree fund.

Mayor Marks commented that Coconut Creek had obtained the designation, and Coral Springs and other cities were in the midst of obtaining it. He recalled this had been discussed months ago and Mr. Archer's initial efforts in this regard were approved. The Mayor believed that this delay would send a bad message about the City's commitment to the environment and wilderness preservation, and he indicated that he would vote against the table.

**MOTION** to table seconded by Commissioner McGilvray.

**ROLL CALL VOTE:**

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

**MOTION** failed on a 2-3 vote.

**MOTION** passed by Commissioner Udine to approve Resolution No. 2006-10, Community Wildlife Habitat Designation. Seconded by Vice Mayor Beck.

**ROLL CALL VOTE:**

Commissioner McGilvray	Yes*
Vice Mayor Beck	Yes
Commissioner Udine	Yes
Commissioner Ribotsky	Yes**
Mayor Marks	Yes***

\* Commissioner McGilvray commented that she favored this type of program; however, she hoped this was the best program for the City and that staff would continue to look for other programs that may be more efficient or beneficial.

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\*\* Commissioner Ribotsky expressed disappointment that staff had not provided more information and a proper analysis to the Commission. It was a “feel good” project, but it did not mean that the program would not distract from other core priorities and staff time. She believed the Commission should be better informed and given options.

\*\*\*Mayor Marks did not view the program as a “feel good” one. He believed the City would commit to and benefit from the project. He asked Mr. Archer to enact a higher standard than exists and to utilize the assistance of the Garden Club and the expertise of its members.

**MOTION** passed unanimously.

**5. RESOLUTION NO. 2006-11: LIGHTNING PROTECTION SYSTEM FOR SCHOOLS**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, URGING THE BROWARD COUNTY SCHOOL BOARD TO INCLUDE LIGHTNING PROTECTION AT ALL FUTURE SCHOOL RECREATIONAL FACILITIES.

Vice Mayor Beck noted that this Resolution encouraged the Broward County School Board to include lightning protection at all school recreational facilities. She suggested adding a section that would allow cities, jurisdictions, or PTAs to provide such devices should the School Board not fund the equipment.

Commissioner McGilvray indicated that, while she would support this amendment, she questioned its legality.

Following the Vice Mayor’s mention of the City’s help in building the Stoneman Douglas Stadium, Commissioner Ribotsky noted that the PTA at Riverglades bought the sunshades with the City’s matching grant. She assumed it would be allowed, but doubted that any PTA in the County would have the budget to afford such equipment. The Commissioner believed it was a good suggestion for the City to have that option.

Mayor Marks remarked that, while PTAs contributed to the schools, everything was purchased through the schools. He noted that the School Board could take the position that it had already complied through its purchase of portable lightning protection devices already used by personnel. He believed the City’s Resolution should be strengthened to specifically state a permanent lightning protection device, such as that utilized in the City’s parks.

City Manager Mark Lauzier noted that, following the Monarch tragedy, the City Clerk had been unable to find an adopted resolution from any other municipality.

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Commissioner Udine suggested that Section 1 should be amended to include “permanent fixed lightning protection,” as well as specific mention of Thor Guard or Light System.

**MOTION** made by Commissioner Udine to approve Resolution No. 2006-11, Lightning Protection for Schools, as amended. Seconded by Commissioner McGilvray.

Vice Mayor Beck questioned the inclusion of her suggestion about the PTA. Commissioner Udine replied that, while it would be acceptable, he would rather require the School Board’s action, and he suggested that it be revisited later.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**REGULAR AGENDA**

**1. ORDINANCE NO. 2005-30: ESTABLISHING THE EDUCATION ADVISORY BOARD**

COMMENTS: SECOND READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, ESTABLISHING AN EDUCATION ADVISORY BOARD. (first reading 12/7/05)

City Manager Mark Lauzier read the second reading of Ordinance No. 2005-30. He noted that the amendments suggested by the Commission had been made, and he recommended approval.

**MOTION** made by Commissioner McGilvray to approve Ordinance No. 2005-30, Establishing the Education Advisory Board. Seconded by Commissioner Udine.

Vice Mayor Beck expressed her appreciation for staff’s work. She suggested that the Board should meet jointly with the Commission to begin identifying their issues, in addition to those they may identify themselves. She also suggested that a town hall meeting with the Board and Commission should be held once a year on education concerns in the community.

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Mayor Marks recommended changes in Section 1: the inclusion of two alternate appointments; that each commissioner-appointed member shall serve a term co-extensive with the commissioner appointing that member; and that alternates would also be appointed at large serving two year terms.

Mayor Marks opened to the public.

Mrs. Carolyn Marks addressed the Commission. She commended the exclusion of boundaries, but she cautioned that many things could become difficult with the Board dealing in the Sunshine. She gave as examples multi-track, year-round schooling and the calendar issue. She believed residents would be thrilled with the idea of the Board, and she wished it success.

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

Vice Mayor Beck commented that PERC had been around for years, and she thanked the people who had been so dedicated. She assured that the Educational Advisory Board would not replace their important role in the community.

Mayor Marks noted that the third Whereas clause indicated that the Board was a supplement and not a substitute for the activities of interested Parkland residents. PERC had been, and would continue to be, an outstanding group to advocate issues, perhaps serving where the Board may be restricted.

**MOTION** made by Commissioner McGilvray to approve Ordinance No. 2005-30, Establishing the Education Advisory Board, as amended. Seconded by Commissioner Udine.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**2. RESOLUTION NO. 2006-05: SUNTRUST BANK BUILDING  
SITE PLAN APPROVAL  
(QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING THE SITE PLAN AMENDMENT AND COMMUNITY APPEARANCE BOARD APPLICATIONS TO ADD A SECOND WALL

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SIGN TO THE EAST ELEVATION OF THE SUNTRUST BANK BUILDING LOCATED AT 5801 HOLMBERG ROAD AS DESCRIBED MORE PARTICULARLY HEREIN AND PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-05.

Assistant City Manager Caryn Gardner-Young made a brief PowerPoint presentation. She explained that SunTrust's specific request was to allow a second wall sign on its east elevation within the Shoppes of Parkland, which would be compatible to existing signage and would comply with the uniform sign plan. There were no objections from the shopping center owner, and the signage also met all of the requirements for the site plan amendment. The Planning and Zoning Board had reviewed and approved the matter with one additional criterion: that the adjacent perimeter buffers should be brought back into compliance with the approved landscape plans. Staff recommended approval. Ms. Gardner-Young asked that the staff report be included as part of the record.

Ms. Nelly Williams, on behalf of Wedding Architects, 221 Commercial Boulevard, Lauderdale-by-the-Sea, waived the quasi-judicial proceeding. She introduced Al Wolfe of SunTrust Bank. The sign would be located on the east façade of the existing SunTrust Bank, located at the northwest corner of 441 and Hillsboro Boulevard. She confirmed that the Planning and Zoning Board had requested that the landscaping be brought back into compliance. SunTrust was happy to comply with the request, and they had proceeded with bids to restore the landscaping.

Ms. Gardner-Young confirmed the signage would be the same in size, color, font, and design as what already existed on the building, renderings of which were included in the packet.

Commissioner Ribotsky expressed concern with Section 1 of the Resolution as there was no time certain for completion of the landscaping. She asked to include the condition that the landscape buffer should first be installed and completed before the sign was permitted.

**MOTION** made by Commissioner Udine to approve Resolution No. 2006-05, SunTrust Bank Building Site Plan Approval, as amended. Seconded by Vice Mayor Beck.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

City Manager Mark Lauzier offered that the explanation for Items #3, #4, and #5 would be handled together as one item.

**3. RESOLUTION NO. 2005-79: CVS PHARMACY – SITE PLAN APPROVAL (QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING THE SITE PLAN AND COMMUNITY APPEARANCE DESIGN FOR THE CVS PHARMACY LOCATED WITHIN THE WATERWAYS SHOPPES, AS DESCRIBED MORE PARTICULARLY HEREIN AND PROVIDING AN EFFECTIVE DATE

**4. RESOLUTION NO. 2005-77: CVS PHARMACY – VARIANCE APPROVAL (QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, GRANTING PETITION OF SIMON AND DOUGLAS DEVELOPMENT, L.C. FOR VARIANCE APPROVAL FROM SECTION 22-233(E) TO REDUCE THE WESTERN LANDSCAPE BUFFER BY 1.09 FEET, FROM SECTION 22-226 TO REDUCE THE EASTERN BUILDING SETBACK FROM THE DRIVE-THRU CANOPY BY 13 FEET AND THE MAIN BUILDING BY 4 FEET; AND FROM THE APPROVED UNIFORM SIGN PROGRAM FOR THE WATERWAYS SHOPPES TO ALLOW 24 INCH LETTERING ON A SECOND SIGN ON THE NORTH BUILDING FACE; ON PROPERTY LOCATED WITHIN THE WATERWAYS SHOPPES, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE; CASE NO. 02-V-05.

City Manager Mark Lauzier read the title of Resolution No. 2005-77. He asked Assistant City Manager Caryn Gardner-Young to explain all of the related agenda items and what had been recommended by staff and the Planning and Zoning Board. He noted that these recommendations had been consistent.

**5. RESOLUTION NO. 2005-78: CVS PHARMACY – SPECIAL EXCEPTION APPROVAL**

**(QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, GRANTING THE PETITION OF SIMON AND DOUGLAS DEVELOPMENT, L.C. FOR SPECIAL EXCEPTION APPROVAL TO ALLOW A CVS PHARMACY WITH DRIVE-THRU AT THE WATERWAYS SHOPPES COMMERCIAL DEVELOPMENT, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE; (CASE NO. 02-SE-05).

Addressing first the Special Exception Approval, Ms. Gardner-Young explained that the petitioner had asked to build a free-standing, 14,671-square-foot pharmacy within a two-lot outparcel of the Waterways Shoppes. She noted that the owner was required to obtain special exception approval for the development of any outparcel within the shopping center.

Following its review, Ms. Gardner-Young stated that staff recommended denial because the petitioner had presented a plan with a second drive-thru for the pharmacy, which required the variance. The Planning and Zoning Board and staff have both recommended denial of the variance and, therefore, as long as the site plan is the basis of the special exception as well as the variance, approval could not be recommended. She indicated that, should the petitioner delete the second drive-thru lane, staff would change its opinion.

As to the Site Plan and Community Appearance Board approval, Ms. Gardner-Young offered that staff had examined the landscaping, access and circulation, the use, the lighting, concurrency, and design. The Planning and Zoning Board had recommended approval based upon this review. She stated again that staff recommended denial due to the second drive-thru.

Regarding the Variance Request, Ms. Gardner-Young explained the three variances: a reduction in the landscape buffer on the western border, located between the parent tract and the property; changes in the setback of the main building and drive-thru canopy; and changes in the sign lettering for the second sign. Staff and the Planning and Zoning Board both opposed the variance for the drive-thru canopy setback.

Staff recommended denial of the three items, unless the petitioner was willing to delete the second drive-thru lane.

The quasi-judicial proceedings were waived by Nectaria Chakas, of Ruden, McClosky, representing the applicants. Ms. Chakas explained that Simon & Douglas owned the Waterways Shoppes and Corporate Property Services managed the property. She noted that Craig McDonald with Corporate

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Property Services was present. Cedarwood Development, developer of CVS pharmacies across the nation, was under contract to purchase the CVS site.

As the petitioners experienced technical difficulties, Ms. Chakas asked that the Commission proceed with another item.

**6. RESOLUTION NO. 2005- 96: HERON BAY III  
(QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, FOR APPROVAL WCI COMMUNITIES INC.'S REQUEST FOR PLAT APPROVAL OF THE HERON BAY NORTH 3 PLAT; APPROXIMATELY 136.498 ACRES LOCATED NORTH OF HERON BAY BLVD. NORTH, SOUTH OF COUNTY LINE ROAD, EAST OF CONSERVATION AREA AND WEST OF NOB HILL ROAD; CASE NO. 03-PT-05.

City Manager Mark Lauzier read the title of Resolution No. 2005-96.

Assistant City Manager Caryn Gardner-Young gave a brief presentation. She noted this was one of the last two plats left in the entire residential development of Heron Bay. The petitioner had requested approval to construct 305 single-family dwelling units, with lot widths of 75-, 65-, and 50-feet within three separate areas. The request was in compliance with zoning and land use, compatibility, and plat information, and the Development Review Committee recommended approval. She explained additional conditions of approval, which were also recommended by the Planning and Zoning Board. The Board added one additional condition: "that no residential dwelling unit building permits shall be issued under this plat until the Certificate of Occupancy is issued for the second recreational facility within the Heron Bay development and until the certificate of completion is issued for the basketball courts, pool, and accessory buildings and uses adjacent to the second recreational facility."

Ms. Gardner-Young indicated that staff recommended approval as presented by the Planning and Zoning Board.

Attorney Howard Nelson, with the law firm of Bilzin, Sumberg, was present on behalf of WCI. He introduced traffic consultant Walter Keller and noted the presence of several WCI representatives. Mr. Nelson waived the quasi-judicial proceeding. He indicated the plat was comprised of 136.5 acres, and he reiterated that 305 dwelling units were requested, with an overall density of 2.23 dwelling units per acre – below the allowable density for that designation. He noted that all concurrency requirements had been met, and he offered to answer questions.

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Vice Mayor Beck expressed her concern about school overcrowding, and noted that the schools were already bursting at the seams.

Commissioner Ribotsky was concerned about the length of time to complete WCI's contracts as a number of future residents had complained that the two-year time had been far exceeded. She was disappointed that WCI continued with development while purchasers awaited completion of their homes. The Commissioner noted that she had asked how the City might slow down the building process. She agreed with the Vice Mayor about additional students and no school to accommodate them. She noted that schools had the option of capping enrollment and, while it had not yet been done, it was her sense that it may happen during the next boundary hearings.

Addressing their comments, Mr. Nelson indicated that WCI was also concerned about the schools, and commended the City for setting up the Educational Advisory Board. He suggested that the School Board had land and money and that they should be assisted in getting the schools built. Mr. Nelson stated that WCI had diligently worked with the School Board, as had every other developer and the Builders' Association of South Florida, to move forward and provide schools.

Commissioner Udine commented that he had the same concerns, particularly with density and the existing schools. He asked the status of the second community facility. Mr. Nelson responded that the City's Building Department had informed WCI that the pool permit was ready to pick up, and the building should be done in a few months. He noted these were private amenities.

Mr. Nelson stated their concern about the condition requiring a Certification of Completion. He noted that WCI could have the building and pool open and useable, but still be working on lighting aspects. He respectfully asked that the language of the condition be modified to give staff flexibility to determine when the ancillary facilities were substantially complete.

Vice Mayor Beck asked the percentage of completion at Heron Bay and the percentage of the community inhabited. Tara Patton responded they were approximately 90 percent complete in terms of approved number of units, and she estimated 65 to 70 percent inhabited. Estimating a 30 percent inventory, the Vice Mayor noted that purchasers were waiting to two-and-a-half years for their homes; they could not move in, nor could they get out of their contracts. Ms. Patton believed that customers understood their constraints and the unexpected environmental issues, and the fact that this situation was posed to potential buyers at the time of contract. She believed WCI had been open to customers who wished to sell back.

Vice Mayor Beck reviewed the problems of overcrowded schools and amenities that weren't being completed; however, WCI has asked to develop another 300+ units when a sizeable inventory already existed. With Heron Bay 60 percent complete, it was not unreasonable to have the second recreational facility ready, and she believed the amenity condition was reasonable.

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Mayor Marks asked the timeframe for pool completion. Ms. Patton hoped it would be ready for summer, and she anticipated that the full amenity would be complete by the end of the year. The Mayor noted that the Commission had urged construction of the second recreational facility, and he was disappointed in the slowness of this happening.

Mayor Marks questioned the City Attorney as to what grounds the Commission might deny a plat. Mr. Maurodis stated that it must be found that the applicant had failed to meet a Code requirement in order to deny a plat. For the record, he stated that he felt certain that every member of the Commission would adopt a provision in the City's Code to provide for school concurrency, but the Commission could not do that; therefore, a plat cannot be denied because of school issues. Mr. Maurodis noted that the density for Heron Bay had been set by an agreement entered into years ago with regard to annexation issues. He believed the City's requirement regarding the second amenity was reasonable.

Mayor Marks acknowledged the School Board's recent adoption of concurrency starting in 2007, with a requirement of mitigation. He asked if this situation might be considered mitigation. Ms. Gardner-Young responded that school concurrency in Broward County must be implemented by February 1, 2008, through interlocal agreement. The City's interlocal agreement with the School Board must be amended, and the City must adopt a Comprehensive Plan Amendment in order to implement it. While mitigation was a portion of school concurrency, it was not yet defined.

Mayor Marks commented that the School Board already required mitigation, and he asked if mitigation could be required for this site. Mr. Maurodis believed that mitigation requirement was applicable to the Land Use Plan, which Ms. Gardner-Young confirmed.

Mayor Marks noted that NSID would hear the issue of School Site Z and its drainage on the following day and, if approved, the school would move ahead.

The Mayor reiterated the Commission's concerns about the City's overcrowded schools and the impact of these communities.

Commissioner Udine asked regarding the reasonableness of the added condition. Mr. Maurodis stated that, given the context, stage of development, and the plan shown to the Commission, he believed the Planning and Zoning Board's requirement was reasonable and a good balance.

Mayor Marks confirmed that a Certificate of Completion for every item of the second recreational facility would be required.

Mayor Marks opened to the public.

Mrs. Carolyn Marks addressed the Commission. She believed it absurd that 305 homes would generate 76 elementary-age children. The School Board would soon have the land for a school that would help, but the school must be built in west Margate; they did not have the dollars to build. She

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believed it would be fortunate to have developer funds to get the school constructed sooner, including an addition to Douglas or Westglades.

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

Mayor Marks advised that there had been word at the Broward League of Cities that the Oversight Committee, which is in charge of the interlocal agreement between the School Board and the cities, has supposedly revised the student generation formula.

Regarding the student generation formula, which had not been revised since 1997, Vice Mayor Beck recalled Commissioner Ribotsky's suggestion that the City should do its own inventory of students, and provide that information to the School Board.

**MOTION** made by Commissioner McGilvray to approve Resolution No. 2005-96 – Heron Bay III, with the condition. Seconded by Commissioner Udine, with the provision that the condition recommended by the Planning and Zoning Board be followed to the letter on this issue.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**7. ORDINANCE NO. 2006-03: AMENDING THE FUTURE LAND USE MAP - 1.12 ACRE FROM COMMERCIAL TO COMMUNITY FACILITIES**

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PARKLAND AS DESIGNATED IN EXHIBIT A CONSISTING OF 1.12 ACRE FROM COMMERCIAL TO COMMUNITY FACILITIES (FIRE STATION/MARGATE BLOUNT); CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE; CASE NO. 03-CS-06.

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City Manager Mark Lauzier read the first reading of Ordinance No. 2006-03. He noted this was an administrative item related to the location of the western fire station. The land had been donated by WCI and staff recommended approval.

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

**MOTION** made by Commissioner Udine to approve Ordinance No. 2006-03, Amending the Future Land Use Map – 1.12 Acre from Commercial to Community Facilities. Seconded by Commissioner Ribotsky.

**ROLL CALL VOTE:**

Commissioner McGilvray	Yes
Vice Mayor Beck	*
Commissioner Udine	Yes
Commissioner Ribotsky	Yes
Mayor Marks	Yes

\*Vice Mayor Beck was out of the room.

**MOTION** passed 4-0.

**8. ORDINANCE NO. 2006-04: AMENDING THE FUTURE LAND USE MAP - 10 ACRES FROM RESIDENTIAL 1 TO PARK**

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PARKLAND AS DESIGNATED IN EXHIBIT A CONSISTING OF 10 ACRES FROM RESIDENTIAL 1 TO PARK (EQUESTRIAN CENTER EXPANSION); CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE; CASE NO. 01-SC-06.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-04. He noted this was also an administrative update to the City's Future Land Use Map to allow the proper land use for the Equestrian Center expansion.

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Mayor Marks asked that the parcel be identified. Assistant City Manager Caryn Gardner-Young stated that it was the parcel immediately to the west of the existing Equestrian Center. It is owned by the City, purchased at a reduced price from WCI in 1998. Mayor Marks offered that the County bond fund would enable the purchase of another parcel, which would complete the linear park.

Mayor Marks opened to the public.

Charles Butler of Pinetree Estates commented that, while he believed it great to add to the parks and continue the green belt, no additional equestrian facilities were needed.

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

**MOTION** made by Commissioner Udine to approve Ordinance No. 2006-04, Amending the Future Land Use Map – 10 Acres from Residential 1 to Park. Seconded by Commissioner Ribotsky.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**3. RESOLUTION NO. 2005-79: CVS PHARMACY – SITE PLAN APPROVAL (QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING THE SITE PLAN AND COMMUNITY APPEARANCE DESIGN FOR THE CVS PHARMACY LOCATED WITHIN THE WATERWAYS SHOPPES, AS DESCRIBED MORE PARTICULARLY HEREIN AND PROVIDING AN EFFECTIVE DATE

**4. RESOLUTION NO. 2005-77: CVS PHARMACY – VARIANCE APPROVAL (QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, GRANTING PETITION OF SIMON AND DOUGLAS DEVELOPMENT, L.C. FOR

VARIANCE APPROVAL FROM SECTION 22-233(E) TO REDUCE THE WESTERN LANDSCAPE BUFFER BY 1.09 FEET, FROM SECTION 22-226 TO REDUCE THE EASTERN BUILDING SETBACK FROM THE DRIVE-THRU CANOPY BY 13 FEET AND THE MAIN BUILDING BY 4 FEET; AND FROM THE APPROVED UNIFORM SIGN PROGRAM FOR THE WATERWAYS SHOPPES TO ALLOW 24 INCH LETTERING ON A SECOND SIGN ON THE NORTH BUILDING FACE; ON PROPERTY LOCATED WITHIN THE WATERWAYS SHOPPES, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE; CASE NO. 02-V-05.

**5. RESOLUTION NO. 2005-78: CVS PHARMACY – SPECIAL EXCEPTION APPROVAL (QUASI-JUDICIAL)**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, GRANTING THE PETITION OF SIMON AND DOUGLAS DEVELOPMENT, L.C. FOR SPECIAL EXCEPTION APPROVAL TO ALLOW A CVS PHARMACY WITH DRIVE-THRU AT THE WATERWAYS SHOPPES COMMERCIAL DEVELOPMENT, AS MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE; (CASE NO. 02-SE-05).

City Manager Mark Lauzier recapped the staff presentation and the recommendations for approval on the variances for the main building setback, the landscape buffer, and the sign, but denial of the setback to the east as related to the second drive-thru. He noted that the petitioner had previously waived quasi-judicial on all three items.

Using a display board, Ms. Chakas indicated the location of the southwest corner of Loxahatchee Road and 441; the storefront would face Loxahatchee Road, and they had requested signs on both frontages. Total square footage would be over 14,000 square feet, which included a mezzanine level for storage; the actual building footprint was a little over 12,000 square feet.

Using a site plan rendering, Ms. Chakas believed that they had done a good job of integrating the aisles with the master parcel. She reviewed the setback variance along 441 and the two drive-thru lanes accessed from the south side of the property. The requested variance was for a canopy, which she described as a porte cochere-like architectural feature. The petitioner also requested a variance from the sign code for 24-inch lettering, an increase of two inches from the standard sign, on the 441 side of

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the building. Ms. Chakas believed they were permitted by the City code to have that sign, but the Waterways Shoppes signage master plan did not allow that; Simon and Douglas were in agreement and had no objection. She felt that the large setback requirement had created a hardship.

Commissioner Ribotsky noted that there were buildings set behind their building, with which Ms. Chakas agreed. She noted they were in-line tenants and, with their setback, no increase in lettering size would help their visibility from the right-of-way.

Ms. Chakas noted that CVS would dedicate a four-foot bike lane along 441. As to the drive-thru lanes, she reasoned that this building would be built on two parcels and would have a more attractive appearance than multiple buildings along 441. The Code would have allowed a gas station canopy to be 50 feet from the right-of-way, and she believed that gas station canopies served the same purpose as canopies for drive-thru aisles. She suggested that the Code had not contemplated this trend in pharmacy development. Ms. Chakas explained that two drive-thru lanes had been requested because it had been demanded of them by their customers for convenience: one lane would be for pick-up only, while the other would be for drop-off. No merchandise other than prescriptions would be sold through these lanes. Other CVS pharmacies had one drive-thru lane, but they were older and were probably acquired through Eckerd's.

Regarding the buffer, Ms. Chakas explained that the Code required 10 feet between their property and the master parcel. While they would provide three feet, it would be combined with five from the master parcel, with the permission of Simon and Douglas. As mitigation to providing a smaller buffer, additional landscaping of 13 trees and 39 shrubs would be installed.

Returning to the drive-thru aisles, Ms. Chakas indicated that another hardship demonstrated before the Planning and Zoning Board had been that, of the 200 foot right-of-way for 441, 166 feet had been provided from their side of the roadway. Most roads were centered on section lines but, for some reason, Palm Beach had not been aligned with the Broward County side.

Mayor Marks questioned the reasons behind the recommendations for denial, and if CVS built other stores without two lanes. Ms. Gardner-Young believed the Board's opinion was that the petitioner must justify the change, and they did not see the need for two drive-thru lanes. She believed a big factor was that other stores were successful with one drive-thru. She related her knowledge of one store with one lane, built in the last two years, but Ms. Chakas indicated that the store was an Eckerd's that was acquired. Ms. Gardner-Young reiterated that the hardship had not been proven before the Planning and Zoning Board.

Commissioner Ribotsky remarked that two lanes would be convenient if there was sufficient staff to serve both lanes.

Commissioner Udine asked whether the two lane drive-thru would be allowed because of the four feet or if the double drive-thru wouldn't be allowed regardless. Ms. Gardner-Young replied the latter

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rather than the former; a variance would be needed to allow the second lane due to the structure in the setback. The petitioner has claimed they need the second lane to conduct business, and she confirmed the original presentation had been with two lanes.

Ms. Chakas interjected that the canopy was not like a traditional structure. There would be a roof but no walls. She stated that the petitioner did not believe that it was this type of structure that the City had in mind. Additional landscaping would also be provided to “camouflage.”

Commissioner Udine commented that two parcels had been combined into one and, theoretically, there could have been two separate businesses, each with one drive-thru. His personal opinion was that he would have no problem with it being two lanes if the design works for the City. With its location on 441, he did not believe it to be a huge issue.

Vice Mayor Beck asked the traffic pattern for the double lane drive-thru. Ms. Chakas indicated that the lanes were side-by-side; cars would enter through the one-way access at the south side of the building. One lane, with a pneumatic tube, was intended for dropping off prescriptions, while the other lane would be dedicated to picking up.

As to the signage, Vice Mayor Beck recalled that a request for a monument sign had been denied, and she asked regarding the variance basis. Ms. Chakas indicated their request pertained to letter size on the secondary sign; it would be the trademark CVS sign, but bronze in color.

Commissioner Ribotsky asked if the City’s Code allowed two signs. Ms. Chakas indicated that the signs would be on the Loxahatchee Road and 441 sides of the building, and noted the similarity to SunTrust’s request.

Ms. Gardner-Young noted that the designation of drop-off and pick-up lanes was heard for the first time at this meeting, and she questioned the handling of non-observing customers. It was indicated that, while small signs would designate the lanes, it would be possible to both drop-off and pick-up in both lanes.

Vice Mayor Beck commented that she was pleased with the signage. While she felt certain that CVS could “live” with one drive-thru lane, she did not have much of a problem with it.

Commissioner Ribotsky admitted that she had first been against the sign, but hearing the distance she had changed her mind. About the drive-thru, she did not see the necessity or the benefit, and she believed the Commission should respect the opinion of the Planning and Zoning Board. The Commissioner noted that many exceptions had been made lately, and she believed the City should either stick to its Code or change it. She did not see a true hardship.

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Vice Mayor Beck asked regarding a signage on a sheet labeled B-8. It was explained that this instructional sign would not be visible from the street and would be adjacent to the drive-thru window. Other sign dimensions were also addressed.

Mayor Marks commented that: he had wanted assurance that the presentations made to the Planning and Zoning Board and the Commission were the same; he wanted to be sure that the City was not being arbitrary about the two lanes; and he agreed that, without the assurance that two employees should be dedicated to servicing the drive-thru lanes, two lanes would be meaningless to residents. He felt that the hardship had not been proven.

Ms. Chakas commented regarding staffing of the pharmacy. Commissioner Ribotsky noted that, if one person was helping a customer inside the pharmacy, one person would be left to service the two lanes.

Mr. Lauzier noted that page 2 of the Resolution was written in a manner that would deny the eastern setback related to the canopy, as recommended by staff and the Planning and Zoning Board. Ms. Gardner-Young indicated that the Resolution title and Section 2 should be corrected to read that the sign lettering would be on the east building face. Mr. Lauzier offered that the Resolution reflected one lane; should the Commission wish to grant the additional setback requested and allow two lanes, amendment language should be added.

**MOTION** made by Commissioner Ribotsky to approve Resolution No. 2005-77, CVS Pharmacy – Variance Approval, with the change in signage direction as indicated by the Assistant City Manager. Seconded by Commissioner McGilvray.

Commissioner McGilvray asked clarification that the lettering would not be red, and Ms. Chakas agreed. Mayor Marks noted that all of the City’s centers were consistent in their lettering.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

City Manager Mark Lauzier read the title of Resolution No. 2005-78, CVS Pharmacy – Special Exception Approval.

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Assistant City Manager Caryn Gardner-Young indicated that staff recommended denial. However, should the Commission wish to approve the Resolution, she noted that Section 1 should be amended to approve the site plan, minus the second drive-thru lane.

**MOTION** made by Commissioner Ribotsky to approve Resolution No. 2005-78, CVS Pharmacy – Special Exception Approval, with amendment as stated by the Assistant City Manager. Seconded by Commissioner McGilvray.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

City Manager Mark Lauzier read the title of Resolution No. 2005-79, CVS Pharmacy – Site Plan Approval.

Assistant City Manager Caryn Gardner-Young indicated that staff also recommended denial. Should the Commission wish to approve, Section 1 must be amended to indicate the site plan without the second drive-thru. Additionally, she noted that staff had requested that garbage be removed six days a week. The petitioner has indicated that the store would not generate that much, and has requested garbage pick-up two days a week. She confirmed that the Resolution was worded for six days a week.

Ms. Chakas indicated that the petitioner appreciated the Commission’s consideration. She stated that this store, and most CVS stores, did not generate enough garbage to warrant a six-day-a-week schedule. Their refuse consisted of boxes, cardboard, and very little foodstuff; there was a box compactor in addition to the dumpster. Ms. Chakas requested that the condition be amended to two days a week.

Commissioner Ribotsky asked if the petitioner would be agreeable to a condition allowing two days a week pick-up unless City staff determined at a later date that more frequent pick-ups should be made. With further explanation, City Attorney Andrew Maurodis indicated that “at the City’s total discretion” could be included. The Commissioner added, while she did not wish to cause the petitioner hardship, the City had some bad experiences with dumpsters and, with the location on 441, others would also use the dumpster.

Ms. Chakas stated they would be agreeable to starting out with the two days.

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At the Mayor's question, Ms. Gardner-Young indicated that staff had not researched the pick-up schedules of other pharmacies as it had not before been questioned.

City Engineer Charlie DaBrusco noted there were two dumpsters: one for regular trash and the other strictly for boxes.

Mayor Marks questioned if the dumpster site would be "protected" from use by others, and Ms. Chakas indicated that the gates would be kept locked.

Commissioner Udine agreed with Commissioner Ribotsky's condition. He believed it was important to give the petitioner the incentive to comply or the number of pick-up days would be increased, resulting in more expense.

Mayor Marks asked that, in addition, a penalty on CVS be imposed should they not comply within a certain time period, such as one week.

Ms. Gardner-Young indicated that item #5 would read, "The applicant shall schedule trash pick-up by a waste removal company between the hours of 8:00 a.m. and 8:00 p.m. two days a week, but the number of trash pick-ups per week can be increased as determined in the sole discretion of the City. The increased pick-ups shall occur within one week of the notice from the City."

Ms. Chakas stated that, if their garbage was overflowing, they would be agreeable, but she questioned that the condition accomplished that. Mayor Marks suggested that the City would have the right to increase the number of pick-ups should boxes sit outside the compactor, or trash sit outside of the dumpster, or if the dumpster lids could not be closed.

**MOTION** made by Commissioner Ribotsky to approve Resolution No. 2005-79, CVS Pharmacy – Site Plan Approval, with the amendment as stated by the Assistant City Manager. Seconded by Vice Mayor Beck.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**9. DISCUSSION:**

**LAYOUT OPTION FOR 8' CITY HALL  
SIDEWALK**

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City Manager Mark Lauzier recalled that the Commission had approved an amendment to the Capital Improvement Program several months before for the City Hall sidewalk. The City Engineer had laid out three different options for the sidewalk. It would be linked with the signalization at the corner of Holmberg and University. He offered that his preference was Option 2.

City Engineer Charlie DaBrusco gave a PowerPoint presentation of the three options for the pathways, which would be constructed in accordance with ADA requirements. He recommended that concrete be used for the eight-foot-wide sidewalks. He noted that the City would work with WCI on this project since the sidewalks would tie in with the corner signalization. He described the property limits to the north and east, and pointed out the particular alignments and issues of the three options. Approximate costs were \$60,000 for Option 1, \$72,000 for Option 2, and \$86,000 for Option 3.

Vice Mayor Beck believed it very clear that Option 2 was the better option for the long term, and Commissioners McGilvray and Udine agreed.

Commissioner Ribotsky expressed concern with the accessibility of all three options, particularly the inclusion of a ramp to cross on the east-west portion at the corner of University and Holmberg. Mr. DaBrusco assured that these designs would be tied in with the intersection improvements, which included sidewalks and crosswalks for all four corners.

Commissioner Ribotsky commented that she found the access to the Library of Options 1 and 3 attractive. She indicated that she had spoken with the City Manager and that a combination of Option 1 and 2 would be possible, with both a back and front entrance to the Library. She believed it would promote both pedestrian and bicycle safety. Mr. DaBrusco indicated that the additional cost would be approximately \$26,000 to \$30,000.

The Commission's consensus was for Option 2.

Mayor Marks hoped that, with the sloping from the berms, the project would be accomplished in such a way as to avoid a mildew problem and continual pressure cleaning.

**10. DISCUSSION: UNIVERSITY DRIVE TEMPORARY TRAFFIC LIGHT**

Mayor Marks noted this item had been stricken from the agenda.

**ADDED ITEM: HEALTH FAIR DISCUSSION**

Mr. Lauzier reviewed the request of the Gossers and the issues, and he requested the guidance of the City Attorney.

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City Attorney Andrew Maurodis suggested that the Commission should stay away from the issue of content.

Mr. Lauzier indicated that a policy would be brought back to the Commission but, for the issue at hand and expediency, he asked the Commission's direction about the banner and inclusion on the website.

Commissioner McGilvray commented that she was not in favor of allowing the banner for this or the Chamber function, but she had no objection to allowing website advertising. She believed the City should adopt a formal policy.

Mr. Maurodis stated that his recommendation would be that no sign be allowed. He deemed it a "slippery slope" because of constitutional issues as an off-premise sign.

Vice Mayor Beck commented that, since the event occurred in another city, she was not in favor of the banner, and she would expect that Coconut Creek would feel the same way if the event were to occur in Parkland. She believed the health fair benefited the community and, without having a set policy, was in favor of posting on the City's website.

Commissioner Ribotsky asked if the City and its website were prepared to handle all of the non-profit organizations that Parkland residents may be interested in. She believed that non-profit organizations had other vehicles for advertising, such as local magazines or press releases. The health fair was a non-sanctioned event, and she believed the Commission would set a precedent.

Commissioner Udine agreed that the City should have a policy for the future and that the subject should be discussed at workshop. However, as the date was set, he did not believe that the City would be hurt by advertising on the website, such as through a link. He was not in favor of the banner signs.

Commissioner Ribotsky reiterated her objection. She suggested that the City's website was a media vehicle; she did not see a difference between it and the sign ordinance.

Dr. Gosser commented that the Parkland Health Fair was already listed on the City's website as a civic organization. He noted it was a 501(c)3 non-profit organization; there was a board of directors, a charter, open financial records, and meeting minutes. Free medical services were provided; it was a humanitarian effort.

Mr. Lauzier noted there were no further issues with the 55+ Club.

After further discussion, there was Commission consensus that no signs be allowed.

Commissioner McGilvray, Vice Mayor Beck, Commissioner Udine, and Mayor Marks were in favor of the website inclusion, with the understanding that a policy should be discussed at workshop.

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Commissioner Ribotsky continued in her objection, and she indicated she would submit her list of events for the website on the following day.

### IV COMMENTS BY MAYOR AND COMMISSION

Comments by Commissioner McGilvray:

- Enjoyed the Public Safety building dedication and the Spirit of the City celebration. She was pleased by the turnout.
- Noted the Community Concert would be held Saturday, March 25<sup>th</sup>, with Lou Gramm of Foreigner.
- Attended the Committee for the Environment of the Broward League of Cities with Commissioner Ribotsky. A South Florida Water Management District staff member had advised that South Florida water retention areas were being taken over by booming development and the paving-over of the area. She believed that developers would be required to furnish additional open lands for water retention.

Comments by Vice Mayor Beck:

- With Commissioner McGilvray, would hold a Pinetree Area Focus Meeting on February 23<sup>rd</sup> at 7:00 p.m. The meeting would be specific to the Pinetree Estates community and their concerns, such as infrastructure and water.
- Thanked everyone for their efforts and participation in the Spirit in the City celebration and Artistically Parkland. She commended the staff for an amazing job, as well as volunteers Marilyn Krantz and Christine Hunschofsky for their cultural arts effort and the Parkland Big Band for their entertainment. She hoped that the January timeframe for an artistic exhibit and Spirit in the City would continue into the future.

Comments by Commissioner Ribotsky:

- Noted the passing of Coretta Scott King, occurring during Black History Month and shortly after the MLK celebration. She hoped that the City would consider a special tribute to Mrs. King on MLK Day next year.
- Her office hours would move from February 15<sup>th</sup> to February 16<sup>th</sup>, from 9:00 to 11:00 a.m.
- Asked that residents with specific Public Works concerns e-mail them to her for the next few days. On Monday, she would tour with the new Public Works Director to specifically address issues in her district.
- The school calendar has been a hotly-debated issue, and it seems that it may be State-legislated at some point. She asked that the Commission pass a resolution of the City's position to the Broward Delegation and the Governor's Office. She asked that it be added as a discussion item. A later start date appeared the demand.
- Complimented Vice Mayor Beck and everyone who worked on the Spirit in the City celebration, which she described as an absolutely beautiful night. She had given some thought to a place where art could be permanently displayed, and she asked that protective glass

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cases within the pillars outside the main entrance be given consideration, with plans to constantly rotate the artwork.

- Regarding the water management issues mentioned by Commissioner McGilvray, she agreed there were some alarming tendencies. The League of Cities intended a future airboat outing of all League members and commissions to view sites and understand the implications, followed by a half-day workshop on how cities might work on the problem within and outside their boundaries.

### Comments by Commissioner Udine:

- Spirit of the City was a great evening, and he thanked everyone involved. The dedication of the Public Safety Building was also well received.
- Reminded everyone about the first movie night at Terramar Park on February 10<sup>th</sup> at 7:00 p.m. He thanked staff for getting it set up, as it should be a good treat for residents. A second movie night would occur on February 25<sup>th</sup>.
- Elementary School Z was on the NSID agenda. He planned to attend the meeting. Some drainage issues remained to be worked out.
- As to the school calendar, he attended the workshop approximately a week ago; the anticipated compromise of August 14<sup>th</sup> had fallen through, and a closed door meeting had brought it closer to August 9<sup>th</sup>. He had received an e-mail from the "Save Our Summers" people, and they were trying to organize people to lobby for later dates.
- Thanked the City Manager and Parks and Recreation Director Jim Cowen for meeting with Coach Grad at Douglas about some potential ideas for use of their fields by City leagues.
- Received a memo about a University Drive meeting on February 10<sup>th</sup> at 10:00 a.m., which he forwarded to the City Manager for response to the MPO staff. He hoped for the City Manager's report after the meeting.

### Comments by Mayor Marks:

- Has been looking into the unincorporated Palm Beach County triangle piece. A land use change for that property has been requested by the owners, which include WCI, Huizenga, Mecca, and Transeastern. He has had conversations with WCI about the possibility of annexing Palm Beach County land into Parkland and Broward County. WCI admits past involvement in legislative issues, and they were "looking into it."
- Regarding the MPO meeting on February 10<sup>th</sup>, he and the City Manager had conversations with Roger Del Rio's office to understand why the issue of University had again been opened since funding had been pushed to 2010. The Palm Beach MPO has asked the Broward MPO to expand State Road 7 to eight lanes from the Sawgrass Expressway to County Line, and the Broward MPO has asked the reaction of the three affected cities: Parkland, Coral Springs, and Coconut Creek. DOT has 12 lanes under consideration: six lanes for University and six lanes for State Road 7, or four lanes for University and eight lanes for State Road 7. When the City has spoken regarding its concept of a country road with a treed median, DOT believes it impractical. The MPO in Broward County and this Commission has not taken any position to expand 441.

- Mayor's office hours on the Spirit on the City bus had four riders per hour last week. It was interesting.
- Attended the inauguration of Parkland Lacrosse. Two hundred children had already signed up.

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

- Regarding the MPO meeting, it was his intention to say that the existing position of the City was contained within Resolution No. 2005-23, which he had placed on the dais. The north-south connectors between the two counties west of 441 will be discussed. He would offer no other suggestions and would report back.
- The South Florida Regional Transportation Authority has requested a letter of support for some type of dedicated local funding source related to transportation for major mass transit projects they are promoting in this area. Ideas floated were the penny sales tax, penny local option gas tax, a dedicated \$130 title fee on new cars, a recurring \$15 annual vehicle registration fee, or a \$2 per day fee for renting a car in the area. Local funding would leverage federal dollars. He asked for direction from the Commission to send a letter of support. Commissioner Udine commented on dedicated funding sources and the east-west connector/high speed rail. He agreed that a general letter of support would be acceptable.  
Following some discussion, the letter of support would not be sent.
- Regarding the debate tape, he asked the Commission's views on when best to air it on Channel 78. A draft schedule included Monday evenings at 9:00 p.m., Thursday mornings at 9:00 a.m., and Sunday mornings as well. There was Commission agreement that the City Manager may use his discretion in the airings.
- The next Commission workshop, which would be held on Wednesday, February 8<sup>th</sup>, at 3:30 pm., would be dedicated to the Ranches issues.
- Arbor Day would be held Saturday, at 9:00 a.m., at Terramar Park.

Mayor Marks noted that any residential construction after May 1991 required automatic rainy day shutoff devices for lawn sprinklers. The Water Resource Division had recently become a Naturescape irrigation service working with municipalities to improve irrigation efficiency. The City chose not to participate at the last meeting in October, and he believed the City should "jump" into this and discuss an ordinance that would require retrofitting of sprinkler systems for all residential units in the City. He asked that staff research it.

Mr. Lauzier commented that, while he fully supports water conservation, the City does not have a utility department, nor does it have utility employees for enforcement. He agreed that everyone had a vested interest, but utilities had a greater interest to conserve and keep rates low. He had not expended staff time to begin a process of distribution and collection for that reason.

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Mayor Marks noted that City parks and public buildings had irrigation systems, and he believed it was the obligation of the City to set the standard. He asked that the City Manager look into this, as well as the ordinance about shut-off devices on residential property.

Mr. Lauzier advised he had left a report on the dais about the effects of Hurricane Wilma, which Commissioner McGilvray labeled as extremely informative and valuable. Environmental Resource Director Brian Archer was in the process of evaluating it, and he hoped to incorporate this discussion into the upcoming Environmental Work Plan project.

Vice Mayor Beck requested about five minutes at the next workshop to discuss some ideas about the University Drive issue, and Mr. Lauzier indicated it would be added as a second item.

**VIII COMMENTS BY THE CITY ATTORNEY**

None.

**IX ADJOURNMENT**

**MOTION** made by Commissioner Udine to adjourn the meeting at 10:38 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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