

MINUTES

PARKLAND CITY COMMISSION MEETING

SEPTEMBER 20, 2006

7:00 P.M.

I CALL TO ORDER 7:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Udine invited “young-at-heart” City Engineer Charles DaBrusco, attending his last Commission meeting as an employee of the City, to lead the Pledge of Allegiance.

ROLL CALL

Present:

Commissioner Jared E. Moskowitz
Vice Mayor Tracey McGilvray
Commissioner Jay D. Smith
Mayor Michael Udine

Also Present:

Mark Lauzier, City Manager
Caryn Gardner-Young, Assistant City Manager
Andrew Maurodis, City Attorney
Roberta Moore, Planning Director
Scott Davidoff, Leisure Services Director
Jim Berkman, Public Services Director
Brian Archer, Environmental Resources Director
Charles DaBrusco, City Engineer
Dave Carry, BSO Chief
Don Haupt, Fire Chief
Sandra Couzzo, City Clerk

II APPROVAL OF MINUTES

August 23, 2006 Regular City Commission Meeting Minutes

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 2

Mayor Udine asked that Mr. Cardenas' first name be corrected to "Al."

MOTION made by Commissioner Smith to approve the August 23, 2006 Regular City Commission Meeting Minutes as amended. Seconded by Vice Mayor McGilvray.

MOTION passed unanimously.

III PUBLIC INPUT

Christine Hunschofsky, 9976 N.W. 64th Court, reminded the Commission about past discussion regarding recycling containers at the parks. She noticed plastic containers strewn on the ground at Pine Trails Park the previous weekend, and she believed that having the recycling containers would be a great message for the kids.

Mayor Udine introduced future State Senator Jeremy Ring, who thanked everyone for their support. As a resident of Parkland, the Senator-Elect stated that he looked forward to representing the City and working closely with the Commission. He promised to set up meetings with each member of the Commission, as well as with the City Manager, once his office is established.

Former Mayor Harold Bockhold of the Ranches indicated that he had been asked if another area of the City, properly zoned, might accommodate the location of landscaping businesses.

IV COMMENTS BY MAYOR AND COMMISSION

Comments made by Vice Mayor McGilvray:

- Reminded everyone about the Pine Trails Park Phase 2 groundbreaking on Tuesday, September 26th, from 6:00 to 8:00 p.m.
- Asked that staff prepare a brief review of the current recycling program in the parks.
- Met a Margate business owner who turns golf carts into NEV's. The vehicles would be picked up, dropped off, modified per specifications, and assisted with road registration. She suggested that the City's website include information about this conversion possibility to encourage people toward modification and compliance with the law.

Comments made by Mayor Udine:

- Reminded everyone about the Parkland Chamber of Commerce meeting tomorrow morning at 7:15 a.m. at the TPC Marriott.
- Noted capacity conferences have been taking place in most of the local schools, and he acknowledged that the Assistant City Manager would update the Commission later in the meeting about Elementary School "Z" and ancillary issues.
- Attended several meetings on the "Wedge" property with local landowners, and he thanked the City Manager and City Attorney for their input. He believed it moving forward nicely.
- Commented about the last meeting's disorder, for which he accepted responsibility and apologized; he did not intend to let it happen again. He requested that the audience show

respect to the speakers at the podium, and he asked Chief Carry to usher disruptive individuals out of the meeting. He understood the emotionalism of the issues, but wished the decorum of the meeting maintained.

V PROCLAMATIONS AND SPECIAL RECOGNITIONS

**1. PROCLAMATION: NATIONAL ALCOHOL & DRUG
ADDICTION RECOVERY MONTH**

Mayor Udine invited Watershed representative Bob Jordan and the Commission to the podium, where he read the proclamation designating September 2006 as National Alcohol and Drug Addiction Recovery Month in the City of Parkland.

VI APPROVAL OF AGENDA

Mayor Udine noted that most of the public were present for the Ranches items. He suggested starting the agenda with Item #3.

MOTION made by Commissioner Smith to amend the agenda, starting at Item #3. Seconded by Commissioner Moskowitz.

MOTION passed unanimously.

REGULAR AGENDA

3. RESOLUTION NO. 2006-80: PBS & J CONTRACT MODIFICATION

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING A CHANGE ORDER IN THE AMOUNT OF \$306,313 FOR THE WILMA DISASTER DEBRIS MONITORING CONTRACT WITH PBS & J; PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-80. He noted that PBS&J representatives and staff were prepared to present the rationale and justification for the change order and to assure that it is a FEMA-reimbursable expense.

City Engineer Charlie DaBrusco recalled that the Commission requested further information at the last meeting, and he introduced PBS&J representatives David Vicknair and Bert Shipman.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 4

Referring to a summary handout, Mr. Vicknair noted there had been three similar instances with other municipalities. Mr. Shipman added that the municipalities had either amended their Task Authorizations or provided PBS&J payment in full for the overruns that had occurred.

Commissioner Smith questioned how many cities PBS&J had serviced. Mr. Shipman indicated there were 10 cities in Broward County, in addition to the County itself. Of the 10 cities, the bills of six cities were later modified and three of those six had agreed to pay the difference. He noted that a standard Task Order in the amount of approximately \$295,000 had been used for most of the communities, and only Lauderdale Lakes and Lauderdale-by-the-Sea had not exceeded that amount.

Mr. Vicknair added that, unique to Parkland, there had been no plans to enter the private communities when the contract was signed on October 29th. He recalled that Mr. DaBrusco had worked for a week to gain access. With approximately 75 percent of the City in gated communities, the volume of the scope had changed significantly and explained the majority of the difference.

Vice Mayor McGilvray asked the City Manager regarding the Ashbritt contract and their estimate. Mr. Lauzier responded that the Ashbritt contract was based upon their estimate of 250,000 cubic yards, and the actual had been very close to that number. Mr. Vicknair believed their total was 248,000 cubic yards.

The Vice Mayor acknowledged that FEMA had dictated stricter guidelines, such as for stumps and the process of locating and evaluating dangerous trees, etc., after the City's contract had been signed. However, she noted that Ashbritt had come very close to their original estimate, and she questioned why monitoring would be so much more.

Mr. Vicknair responded that, from Ashbritt's point-of-view, it was a per cubic yard price; it made no difference whether placed at the curb of the residence or outside the gates. With PBS&J, debris brought outside the gates required far less monitoring than entering the individual communities. He offered further explanation, and discussion ensued.

Commissioner Moskowitz commented that the cities of Oakland Park, Southwest Ranches and Sunrise were notified in February about the increase, and he questioned why the City was notified in August. Mr. DaBrusco confirmed that the City was also notified in February; however, there were questions about the bills to resolve, noting that the City had been billed in excess of \$601,000. He believed it strictly a billing issue.

Commissioner Moskowitz asked if other cities were also undergoing adjustments with FEMA. Mr. Vicknair responded in the affirmative, and he briefly explained the bill payment process.

The Commissioner questioned the City Manager about City contact with FEMA and payment of the bill. Mr. Lauzier indicated that the City had spoken with FEMA's Broward County coordinator, and he briefly explained how FEMA made their overall computations. Mr. Vicknair added that FEMA paid

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 5

based on actuals and the City's submission of the PBS&J invoice to them. He stated that the City would not receive the reimbursement from FEMA if the bill was not paid.

Mayor Udine asked what might happen should the Commission not approve this. Mr. Vicknair stated that it would be turned over to Corporate for handling, which they preferred to avoid. He also mentioned that PBS&J would help with FEMA and work through any issues with them at no additional cost. The Mayor asked regarding a guarantee that the City would be refunded should FEMA fail to reimburse. Mr. Vicknair indicated that could not be done, but they would certainly file an appeal in the City's behalf. Mr. Shipman added that this was an extension of eligible work, and the City had already been reimbursed based on the original PW. He believed the City would have three years from the contract ending date to seek additional funds from FEMA.

Commissioner Smith asked if it would be possible to work out an arrangement with FEMA to pay PBS&J when the FEMA check to the City is issued. Mr. Lauzier indicated that FEMA only reimbursed; the City must pay PBS&J in order to be reimbursed by FEMA. He noted there was a process for requesting an advance, but the City was well beyond a cash flow issue. Mr. Lauzier acknowledged that PBS&J should improve its processes, but he recommended that the Commission approve payment.

Commissioner Moskowitz commented that he was not comfortable paying the additional \$300,000 dependent upon FEMA reimbursement and indicated he would vote no.

MOTION made by Commissioner Smith to approve Resolution No. 2006-80, PBS&J Contract Modification. Seconded by Vice Mayor McGilvray.

ROLL CALL VOTE:

Commissioner Moskowitz	No
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	No

MOTION failed for lack of majority.

Mayor Udine explained that the item may be brought back.

Mr. Vicknair asked whether PBS&J may help the City get the project worksheet written and submitted to facilitate payment to the City. Mayor Udine answered affirmatively, and suggested that PBS&J work with the City Manager.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 6

In introduction of the next agenda items, City Manager Mark Lauzier gave background information regarding his involvement in the Ranches issues, beginning with his attendance at a Ranches community meeting in October 2004. He acknowledged misconceptions, misinformation, acrimony and personal attacks, and he did not envy the position of the Commission to mediate, resolve, and move forward. There were many neighborhood issues, and the City was attempting to assist the community in resolving their conflicts. He believed the City was being responsive to the issues presented by its citizens and that advances that had been made since that time.

Mr. Lauzier recalled the City Attorney's initial involvement and his lengthy Ranches memo of January 2006 and the appointment of special counsel. He introduced Attorney Jeff Siniawsky, who had recently taken over the role of special counsel, and noted his review and concurrence of the work to this point. He believed staff was methodically moving forward, and Mr. Lauzier briefly spoke regarding the role of the Planning and Zoning Board and making value-based decisions in these difficult issues.

**4. ORDINANCE NO. 2006-27: AMENDING SECTION 22-4,
ENTITLED DEFINITIONS**

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING SECTION 22-4, ENTITLED "DEFINITIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-27.

Planning Director Roberta Moore gave a brief explanation of the definitions proposed and indicated that additional changes concerning the definitions of "farm," "corn raising," and "boarding stable" would be made as a result of contact with the Broward County Farm Bureau.

Mayor Udine asked regarding the proposed change to "boarding stable." Ms. Moore indicated the possible change, which would be further clarified for second reading.

Mayor Udine opened to the Commission.

Vice Mayor McGilvray noted the past definition for "boarding stable," and Ms. Moore indicated the definition would be clarified to include a certain percentage of the property owner's horses.

Commissioner Moskowitz read from the "nursery" definition, believing the City did not allow retail sales. Ms. Moore indicated that staff would reference a State statute.

Mayor Udine passed the gavel.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 7

MOTION made by Mayor Udine to approve the staff definitions, including the forestry definition with 10 acres. Seconded by Vice Mayor McGilvray.

MOTION withdrawn by Mayor Udine, and he took back the gavel.

MOTION made by Vice Mayor McGilvray to approve the staff definitions. Seconded by Commissioner Moskowitz.

Mayor Udine opened to the public.

Kevin Bolling of the Ranches noted that, of the 13,100 definitions on the Internet, there was not one that mentioned property. He was disappointed that the City Commission would not accept the State's definition, and he spoke regarding the denial of his occupational license, his business, and permitted uses.

Michael Schiff of the Ranches spoke regarding commercialization. He believed that most residents wanted to stop the commercialization of the Ranches, and he viewed the ordinances as encouraging it instead. He recalled that the intent of the Ranches was as a residential area, not commercial.

Fred Segal, President of the Broward County Farm Bureau, indicated that these issues had recently been called to his attention, and he stated he would work with Ms. Moore for clarification of State statute. He noted that the State statute "nursery" definition did not specify wholesale or retail and stated that municipalities or counties could not regulate agricultural use.

Former Mayor Bockhold expressed concern about the Commission's involvement. He believed the problem had escalated because of the inattention of prior administrations and failure to follow the covenants of the land. He suggested that agricultural was commercial in nature as produce or animals would eventually be taken to market. He spoke regarding the Commission's directive, the 80/20 rule, and imposition and acceptance, and he proposed that the Commission reconsider.

Brenda Selner of the Ranches spoke regarding deed restrictions and restrictive covenants and she read from items of the document. She believed the vision was as a secondary activity to normal country living and noted that commercial activities were prohibited. She offered a copy of these provisions as part of the record.

Mike Squillace of the Ranches stated that he opposed the ordinances directed at the Ranches and in violation of the covenants, the Florida Farm Act, and the 80/20 provision. He believed they were a thinly-veiled attempt to appease a small vocal minority looking to change the character of the area, and he suggested they should be brought to a vote before the people in the Ranches.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 8

Elliott Newman of the Ranches suggested that discussions should be about what exists and what accommodations are necessary. With the confusion between commercial and agricultural, he felt the City should regulate what is needed and leave alone what is not needed.

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

Commissioner Moskowitz suggested there was confusion that any Commission action would violate the 80/20 rule, and special counsel had indicated that not to be the case. He commented that he agreed with Mayor Bockhold's statement that this Commission was in effect being punished for the inaction of the past decades.

Mayor Udine noted that changes in the definitions would be incorporated for second reading.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

5. ORDINANCE NO. 2006-28: AMENDING SECTION 13-7, RIGHTS-OF-WAY

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, RELATING TO THE LICENSING OF ITEMS WHICH ENCROACH WITHIN PUBLIC OR PRIVATE RIGHTS-OF-WAY; AMENDING SECTION 13-7 "RIGHTS-OF-WAY" OF ARTICLE I "IN GENERAL", CHAPTER 13 "PLANNING AND DEVELOPMENT"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-28. He noted this issue had also been brought up in the community. While the City had an existing rights-of-way ordinance, it was felt this update would furnish a process that would better allow their management.

Planning Director Roberta Moore advised that the amendment clarified public and/or private rights-of-way and their definition and provided for a permit process, including a \$25 application fee, to license

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 9

and review items proposed for placement within the right-of-way. She noted that the amendment also provided an appeal process for the granting or denial of the permit.

Commissioner Smith questioned, other than mailboxes, street signs, and landscaping, what else might be permitted within the rights-of-way. Public Services Director Jim Berkman responded that utilities, such as cable boxes, could be located there.

MOTION made by Vice Mayor McGilvray to approve Ordinance No. 2006-28. Seconded by Commissioner Smith.

Mayor Udine opened to the public.

Kevin Bolling of the Ranches asked regarding exemption of the \$25 fee and suggested that language be added that rights-of-way may not be used for profit. Mr. Lauzier believed this covered in that use of the right-of-way without authority would be violation of the Ordinance. He believed that the fee was appropriate because of the staff time involved in the review of the application and site inspection.

Michael Schiff of the Ranches agreed with Mr. Bolling: he did not believe the public right-of-way should be used for private purposes. He believed the City should not give permission for any use of the right-of-way, citing danger to children, bikers and pedestrians as well as the loss of bridle paths. He also objected to the application process for mailboxes, even exempt from fee.

Michael Squillace of the Ranches spoke regarding the removal of the Brazilian peppers, and he questioned whether his privacy hedge would then require removal.

Mayor Udine indicated that staff would respond at the end of public comments.

Gretchen Heath of the Ranches asked about the path cleared between Cypresshead and the Ranches and whether it was intended for the multi-purpose trail. Mr. Lauzier believed the area was part of the NRCS drainage project. Asking about the 15-feet for the trail, and noting that some areas were blocked with landscape material, Ms. Heath suggested that the City should allow only soft supple plantings in the right-of-way areas so that children were not hurt by boulders or cactus.

Former Mayor Harold Bockhold applauded the Commission for paying attention to City property, which had not been done in years. He also noted that a certain area of the Trotters Lane right-of-way had huge Australian pines, and he suggested their removal would allow pavement.

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

Mr. Lauzier commented that staff agreed that the right-of-way should not be used for profit and he agreed that both Mr. Squillace and Mayor Bockhold had made good points. He stated that staff is trying to tighten the rules.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 10

Mr. Siniawsky commented that the points made by Messrs. Lauzier, Schiff, and Bolling about private commercial use of the right-of-way were valid and constitutional in nature. While Mr. Lauzier had stated that no such application would be approved, he agreed that it might make sense to consider adding language to clarify that commercial private use of public right-of-way was not permitted.

Mr. Berkman added that this Ordinance was not about removal but rather about permitting to place things there. He noted that the City reserves the right, however, to remove something from the public right-of-way for safety or other issues.

Regarding the mailboxes, Mr. Lauzier noted they should be breakaway and, for that reason, should be reviewed.

As to the trail between Cypresshead and the Ranches, Mr. Berkman stated that the clearing had been within the drainage easement and had nothing to do with the trail. Mr. Lauzier stated that staff would be happy to meet with Mrs. Heath about the location.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

6. ORDINANCE NO. 2006-25: THE PARKING OF COMMERCIAL VEHICLES, AMENDING CHAPTER 9

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING THE CODE OF ORDINANCES REGARDING THE PARKING OF COMMERCIAL VEHICLES; AMENDING SECTION 9-2 "DEFINITIONS" OF ARTICLE I "IN GENERAL" OF CHAPTER 9 "LANDSCAPING AND VEGETATION"; AMENDING SECTION 11-81 "DEFINITIONS" OF ARTICLE VIII "IDENTIFICATION OF COMMERCIAL VEHICLES" OF CHAPTER 11 "OFFENSES AND MISCELLANEOUS PROVISION"; AMENDING SECTION 13-162 "DEFINITIONS" OF ARTICLE VIII "COMMERCIAL PROPERTY

MAINTENANCE STANDARDS,” CHAPTER 13 “PLANNING AND DEVELOPMENT”; AMENDING SECTIONS 22-4 “DEFINITIONS” AND 22-137 “PARKING OF COMMERCIAL VEHICLES” OF ARTICLE VI “OFF-STREET PARKING” OF CHAPTER 22 “ZONING” OF THE CODE OF ORDINANCES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-25. He noted this Ordinance would update all the various sections within the Code that have an impact on the parking of commercial vehicles through consistency in the definitions, identifying what is allowable, setting and updating the standards, and shielding from sight.

Planning Director Roberta Moore explained the changes that would be made in each section of the Code. She noted the two versions of the Ordinance – one from the Planning and Zoning Board and the other from staff – with the key difference that the Board had recommended that all regulations for AE-1 and AE-2 be eliminated, as well as the limitation on overnight parking.

Vice Mayor McGilvray expressed concern about the monitoring of overnight parking twice a year as annotated in Section 5, as well as about vegetative screening, with specific sizes and time periods.

Commissioner Moskowitz noted that the Ordinance would be enforced 45 days from the date of second reading, and he suggested that the timeframe should be expanded for vegetative materials.

Commissioner Smith questioned how a reasonable height to block a commercial vehicle would be decided, noting that many cities did not allow hedges over six feet. He also questioned the terminology of “opaque vehicle cover.”

Assistant City Manager Caryn Gardner-Young offered that the height limitation applies within the setback and most vehicles would not be located there. As to opaque, she suggested it was a “reasonable person standard” in that, if it could be seen from the roadway, it was not opaque.

Vice Mayor McGilvray commented about the 45-day effect. She believed most residents would prefer landscaping as screening, and agreed the additional growth time should be included. Ms. Moore indicated that she would do further research and include a timeframe at second reading.

Mr. Lauzier summarized that the consensus appeared that the time for compliance should be increased.

Mayor Udine asked confirmation that properties with valid agricultural use could have commercial vehicles and the City could not regulate them. Mr. Siniawsky explained that Florida statutes indicate that all power-driven or self-propelled equipment on the farm may be stored, maintained and repaired

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 12

within the boundaries of the farm so long as it is at least 50 feet from the public road, and is not subject to any other limitation. The Ordinance would be enacted City-wide but certain exemptions would come up on a case-by-case basis.

Mayor Udine questioned that, in the case of a home office and occupational license, the resident would be allowed to park two heavy vehicles provided that it is screened. Mr. Siniawsky responded in the affirmative. He noted certain limitations already existed within the City's license ordinance.

Mr. Lauzier questioned Mr. Siniawsky about the Vice Mayor's concern with monitoring two instances of overnight parking per year. Mr. Siniawsky acknowledged that enforcement was a different set of problems from enacting the regulation. With removal of the two times per year limitation, there would then be no limitation. It would be up to the Commission to decide whether they wished to undertake the enforcement, which would be difficult.

MOTION made by Commissioner Smith to approve Ordinance No. 2006-25. Seconded by Vice Mayor McGilvray.

Mayor Udine opened to the public.

Mike Squillace of the Ranches noted that a bona fide agricultural exemption did not require a license, and he quoted from the Farm Act regarding duplication of regulatory authority. Reading from Florida statutes, Mr. Siniawsky noted there was no absolute unqualified exemption from occupational licensing. He provided further information concerning the Right to Farm Act, which he interpreted does not provide, create, or recognize an unqualified, unrestricted right to farm, and the authority of local government. It was his opinion that the City could adopt restrictions necessary for the City.

Ellie Scofield of Country Acres asked whether a horse trailer longer than 22 feet would be considered a commercial vehicle. Ms. Gardner-Young indicated that it would have to be screened.

Elliott Newman of the Ranches proposed prohibiting the parking of any commercial vehicle, except those permitted by occupational license, and he suggested that the license should include information on the vehicles. He also spoke regarding the extended growth time needed to screen large moving trucks.

Rory O'Dwyer of the Ranches agreed with Mr. Newman. He believed that large vehicles should be eliminated, rather than providing an option to screen them – which did not alleviate the problem, but created another.

Mr. Lauzier noted that occupational licenses were unnecessary under agricultural exemption and the Farm Act, which could include equestrian activities – thereby creating a huge “hole” if commercial vehicles were tied to occupational licensing.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 13

Mr. Siniawsky offered that he had noted staff's attempt in the ordinances to weigh and accommodate competing interests. Unfortunately, the end result could be situations where people were equally unhappy on each side. He believed it more a policy rather than a legal issue.

Mr. Lauzier commented that the screening was staff's attempt to address the issue without causing a huge problem.

Mr. Siniawsky noted that even State statute tried to accommodate other interests, such as the requirement that farm equipment be placed at least 50 feet from a public road.

Ms. Gardner-Young added that staff was following through with similar-type screening already existing in the Code, noting that home occupations were required to screen materials or equipment.

Mayor Udine believed the Ordinance would help because it at least tried to curtail through the limitation of two vehicles with home occupation licenses.

Michael Schiff of the Ranches stated that he was not aware of a home occupation that needed trucks such as semis, well diggers, power shovels, ambulances, etc. He believed the City should first examine what trucks could be used appropriately for the home occupation, make them permissible under certain conditions, and eliminate the rest. He suggested that agricultural zoning did not automatically make the property a farm by State law, and believed the Ordinance much too broad.

Mayor Udine believed that a valid home occupation license for the City of Parkland should be included in the Ordinance language.

Peter Navarre of the Ranches suggested that the traffic during the day would not be changed even with the elimination of residents' trucks since trucks were entering the area for lawn and garden maintenance and home construction. He believed the Ranches quiet after 6:00 p.m.; speeders were residents.

Former Mayor Harold Bockhold agreed that this Ordinance was not what it could be and suggested tabling the matter for further study. He noted that recreational vehicles had not been discussed, and he questioned how they would be addressed.

Kevin Bolling of the Ranches spoke regarding trucks, traffic, and safety associated with local agricultural businesses. He suggested that an 80/20 vote of the Ranches and Pinetree be taken to let the community decide what they want.

Joe Gravagna of the Ranches stated that he had lived in the City for 22 years and that his moving truck had also been here for that time. He did not understand the distinction between his truck and the landscape vehicles.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 14

Gretchen Heath of the Ranches commented about vehicle weight limitation, noting that anything over 10,000 pounds had a commercial tag. She did not believe the limitation could be enforced in AE-1 and AE-2 areas.

Debra Garcia of the Ranches stated she was concerned about safety and agreed that the streets in the Ranches were crazy during the day.

Jonathan Bouchard of the Ranches commented that he had commercial vehicles. Noting that he has had a valid occupational license for landscaping for two years, he questioned why he must now eliminate the vehicles from his property.

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

Mayor Udine asked the City Manager and City Attorney for their comments.

Mr. Lauzier offered his belief that the weight limitation had been increased to 15,000 pounds to accommodate the "dualies." Ms. Moore added that she had researched various manufacturers and had learned that heavy duty trucks weighed approximately 14,000 pounds and, as a result, the weight limitation had been increased to 15,000 pounds. Mr. Lauzier commented that the shielding issue did not apply to a personal use vehicle under 15,000 pounds, with which Ms. Moore agreed.

Mayor Udine commented that nurseries were permitted with allowable accessory uses. It was his understanding that lawn maintenance services were non-conforming. At comments from the audience, the Mayor noted that staff was trying to correct things that had happened in the past.

Vice Mayor McGilvray expressed concern that residents had been issued occupational licenses in the past, and she asked if something else might be done. While she had no solution, she suggested that one should be discussed. She believed there were numerous "holes" in the Ordinance, particularly with respect to weight and type of trucks and recreational vehicles. Mr. Siniawsky noted this Ordinance would apply only to commercial vehicles and those types identified within; it would not apply to boats and recreational vehicles.

Mr. Lauzier offered that an issue had been raised relating to land use and zoning. Although this Ordinance concerned vehicles, he did not believe it addressed the other problems of permitted uses and occupations. He termed it a "time of transition," and suggested that administrative and enforcement issues must be addressed in concert with the community to serve its best interests.

The Vice Mayor questioned that discussions on enforcement of these ordinances should take place later and mentioned the possibility of "grandfathering."

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 15

Mr. Lauzier commented that “grandfathering” would be an issue to discuss in the future to encompass some of the concerns that have been raised. If not, there would be interpretive issues, dealing with the Code and complaints as they occurred.

Mr. Siniawsky noted that the Ordinance was not complicated or long and involved and, with the exception of the definitions, addressed three simple areas: parking in public right-of-way; overnight parking of large commercial vehicles; and screening of commercial and heavy commercial vehicles. Occupational license concerns were a separate issue.

Mayor Udine commented that the Ordinance did not go far enough for some people but too far for others. He viewed it as a first step to try to limit some of the trucks; he noted not much could be done about agricultural vehicles and they were not what the City was trying to regulate. Mr. Siniawsky added that this Ordinance would not address the number or types of vehicles that entered and exited the neighborhood.

Commissioner Moskowitz spoke regarding the quandary of residents with commercial vehicles and occupational licenses for uses not allowed but erroneously issued. He believed that people were “pushing the envelope” and taking advantage.

Vice Mayor McGilvray noted that the blame should not be laid solely on staff, present or in the past, as the situation had snowballed over the years.

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

7. ORDINANCE NO. 2006-26: NUISANCE ABATEMENT

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, ADDING SECTION 22-92.1 ENTITLED “NUISANCE ABATEMENT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 16

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-26.

Planning Director Roberta Moore explained that the proposed ordinance was meant to identify nuisances, including the accumulation of waste, yard trash or rubble and debris, and height of grass, weeds, and underbrush that creates a danger to the public health, safety, and welfare. It includes the manner in which the abatement shall occur, the procedure for enforcement, and an appeals process.

Displaying photographs, Environmental Services Director Brian Archer explained the examples of what has been dealt with. He believed the Ordinance would better equip the City to deal with the violations.

Commissioner Moskowitz expressed concern that some properties were overgrown and had become dumping sites. He hoped that the Ordinance would be used for its correct purpose.

Mr. Siniawsky stated that the City would not engage in selective enforcement. He believed that the staff could establish a "priority" list of properties for inspection and enforcement, going after the worst offenders first.

MOTION made by Vice Mayor McGilvray to approve Ordinance No. 2006-26, Nuisance Abatement. Seconded by Commissioner Moskowitz.

Mayor Udine opened to the public.

Gerry Calabro of the Ranches stated that she was more disturbed by the yards with high grass than any truck. She noted that, three years ago, even properties along Holmberg Road had been dumping grounds and the properties should be equally treated.

Former Mayor Harold Bockhold expressed concern that enforcement would displace wildlife, and he suggested that properties in Pinetree Estates and the Ranches should be allowed to have mulch groupings for the animals.

Natalie Bigio of Pinetree Estates asked whether homeowners who maintain the majority of their property areas but have natural areas as well would be affected.

Mr. Archer indicated that, once a lot was cleared for construction, it must be maintained at no more than two feet.

Mr. Archer stated that natural areas would not fall under these provisions. Natural areas were promoted.

Commissioner Moskowitz suggested that the Ordinance contain a definition of "vacant lot."

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 17

Mr. Siniawsky indicated that this change could be made within the body of the Ordinance for second reading, and there was Commission consensus to do so. Mr. Siniawsky also suggested a clarification of natural areas as well.

Brenda Selner of the Ranches believed that many of the lots used for dumping were in Pinetree Estates near the Sawgrass Expressway. She believed that requiring someone to clear those lots would be a burden if they must be maintained at 24 inches. She suggested a mandate for cutting the setbacks further from the road, as well as at the sides of the property.

With respect to the sides, Mr. Archer noted that an ordinance already exists about cutting back the sides to the property line.

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

ROLL CALL VOTE:

Commissioner Moskowitz	Yes
Vice Mayor McGilvray	Yes
Commissioner Smith	Yes
Mayor Udine	Yes

MOTION passed unanimously.

A brief recess was taken.

1. RESOLUTION NO. 2006-85: LOBBYIST APPOINTMENT

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF PARKLAND AND _____ TO PERFORM LOBBYIST/STRATEGIST SERVICES.

Mayor Udine reviewed that the Commission had received the proposals yesterday, and he offered that he, the City Manager, and the City Attorney met with some of the landowners on this date. He believed that one of the proposals would be rescinded due to a conflict.

The Mayor received the consensus of the Commission for presentations by the applying firms at a special meeting. Mr. Lauzier suggested that the meeting be held at 6:00 p.m., October 4th, before the Regular Commission meeting. Staff would notify the parties, and Mr. Lauzier will confirm the meeting date.

MOTION made by Commissioner Smith to table Resolution No. 2006-85, Lobbyist Appointment, to a future date set by the City Manager. Seconded by Vice Mayor McGilvray.

MOTION passed unanimously.

**2. RESOLUTION NO. 2006-95: PROFESSIONAL SERVICES/
ENGINEERING – BID AWARD**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AGREEMENTS WITH SIX (6) FIRMS TO PROVIDE PROFESSIONAL ENGINEERING AND/OR ARCHITECTURAL SERVICES ON A CONTINUING BASIS AND FOR CERTAIN CAPITAL PROJECTS, PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier recommended tabling this item until the October 4th meeting. He commented that staff wished to discuss further some other various and related issues.

MOTION made by Vice Mayor McGilvray to table Resolution No. 2006-95, Professional Services/Engineering – Bid Award, to the October 4th meeting. Seconded by Commissioner Moskowitz.

MOTION passed unanimously.

**8. RESOLUTION NO. 2006-88: VICE MAYOR APPOINTING
PROCEDURE**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, SETTING FORTH A PROCEDURE FOR APPOINTING A VICE MAYOR.

Mayor Udine recalled the issue at the time of Vice Mayor McGilvray's appointment. He believed that, if the Charter amendment changes City elections to the November cycle, the Vice Mayor should be appointed each November after the election. If the Charter changes do not pass, he believed the Vice Mayor should be appointed each March.

Mr. Maurodis indicated his understanding that it would be an annual appointment. Only the starting date need be provided. He suggested that, if the Commission wished to provide for that contingency, it could be done now or after November 8th.

Vice Mayor McGilvray asked regarding fulfillment of a term in the event of a resignation or other event.

Mayor Udine believed that, should the term of the Vice Mayor not be completed, there could be an interim appointment to complete the term, with the ordinary cycle then resumed. He offered that the interim appointee could be appointed for a full succeeding year, if it was the will of the Commission. He believed it would be the easiest procedure.

Mr. Maurodis suggested that this Resolution be brought back after the election, and there was Commission consensus to do so.

VII COMMENTS BY THE CITY MANAGER

City Manager Mark Lauzier offered that the City had been receiving information about changes in demographics and population that could impact Elementary School "Z". He also stated that Assistant City Manager Caryn Gardner-Young was working on the MPO in relation to University Drive and a project that was being proposed to expand that. He asked that Ms. Gardner-Young report on both items.

Ms. Gardner-Young indicated that conflicting information was coming from School Board staff. She offered that the best information she had was that, due to a decrease in enrollment numbers, the State has dictated that the counties must prove the need for additional schools. The two schools affected were Pine Trails and Riverglades. A meeting was scheduled for October 3^d to discuss all of the schools; only High School "LLL" would be discussed at the workshop meeting on September 26th. Ms. Gardner-Young promised to provide more information as it is learned. She believed it imperative to get the data from the School Board before the meeting so that the City would be well prepared.

Ms. Gardner-Young stated she was a member of the Technical Coordinating Committee of the MPO. The agenda for the coming Monday meeting included an item to evaluate eligible projects for a program called TRIP for regional level roadways. The eligibility list included University Drive from Holmberg Road to County Line. Funding and criteria were not addressed, but her recommendation was to get it off the list if possible. She suggested drafting a letter to the MPO stating the City's objection, as outlined previously by Resolution.

Mr. Lauzier added that an issue of the eligibility project was expanding the width of the roadway as well.

Commissioner Moskowitz expressed disappointment about the abrupt change in position about Elementary School "Z". He believed that the City, and not the School Board, would be blamed. He suggested the City must fight as hard as possible.

PARKLAND CITY COMMISSION MINUTES

SEPTEMBER 20, 2006

PAGE 20

Mr. Lauzier advised that the fire engine for the Western Fire Station was in the process, and he asked about remaining consistent with the color green. He noted that \$450,000 had been budgeted for the engine, and he anticipated a cost of just under \$440,000. The change order would be \$9,500. The color was not a safety issue.

Following discussion, there was Commission consensus to keep the fire truck green.

VIII COMMENTS BY THE CITY ATTORNEY

None.

Commissioner Moskowitz asked regarding obtaining proposals for outsourcing code enforcement before hiring individuals for the two positions budgeted. He asked to see other options and costs before any decisions were made.

There was Commission consensus to do so. Mayor Udine suggested investigating with Coral Springs and BSO.

IX ADJOURNMENT

MOTION made by Commissioner Moskowitz to adjourn the meeting at 10:17 p.m. Seconded by Commissioner Smith.

MOTION passed unanimously.

ATTEST:

SANDRA COUZZO, C.M.C.
CITY CLERK

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