

# MINUTES

## PARKLAND CITY COMMISSION MEETING

OCTOBER 4, 2006

7:00 P.M.

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**I CALL TO ORDER** 7:03 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Udine invited Marjorie Stoneman Douglas High School DECA students, along with their advisor Sharon Cutler, to lead the Pledge of Allegiance.

**ROLL CALL**

**Present:**

Vice Mayor Tracey McGilvray  
Commissioner Jay D. Smith  
Commissioner Jared E. Moskowitz  
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  
Suzi Hayes, Library Director  
Dave Carry, BSO Chief  
Don Haupt, Fire Chief  
Sandra Mihm, Assistant City Clerk

**II APPROVAL OF MINUTES**

# PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 2

September 6, 2006 Regular City Commission Meeting Minutes

**MOTION** made by Commissioner Smith to approve the September 6, 2006, Regular City Commission Meeting Minutes. Seconded by Vice Mayor McGilvray.

**MOTION** passed unanimously.

### **III PUBLIC INPUT**

Sharon Cutler of 7421 W. Upper Ridge Drive spoke on behalf of the Education Advisory Board. She informed the Commission about a plan to soon install a new parent loop off Holmberg Road between Westglades and Stoneman Douglas, and there were significant safety concerns. While it would be discussed at a SAC meeting, Ms. Cutler noted that Planning Director Roberta Moore had not known about it until the previous evening, and she found it disturbing that the City had not been advised by the School Board of their plans.

Mayor Udine asked that staff investigate.

Kevin Bolling of the Ranches wished to publicly thank Jim Berkman and his staff for the professional work done in the Ranches.

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

Comments made by Mayor Udine:

- Sadly announced the passing of Bill Keith, a true friend of the City for decades. A moment of silence was observed. He indicated that arrangements were forthcoming.
- Attended the focus forums/capacity conferences to discuss the boundary issues at Park Trails and Riverglades, as well as the School Board workshop in Hollywood. The boundary meetings had quickly changed into whether schools should be built. He recalled that the forum at Douglas was unanimous that the community wants Elementary School "Z" to proceed. The Mayor thanked the members of the Education Advisory Board and recognized those present. He noted that a Resolution of support for Elementary School "Z" had been placed on the dais, which he asked to add to the agenda. There was Commission consensus to do so.
- Attended the Stoneman Douglas SAC meeting on this date and, in speaking to Principal Ann Kowalski on an unrelated issue, had found out that the school had no letter-size copy paper. Volunteers were cutting legal-size to letter-size. Since the City had just received 20 cases, he asked to lend Stoneman Douglas five cases, which would be paid back when their supply is received. There was Commission consensus to do so.
- Thanked staff for the groundbreaking, which he believed an excellent community event.
- Thanked City Manager Mark Lauzier and Commissioner Moskowitz for the State of the City address given at Aston Gardens.

## PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 3

- Asked that staff or the City Attorney gather ideas and options for the corner of Trails End and Pine Island Road. Acknowledging the problem, he asked if it might be possible to expedite the warrants. He wanted all options investigated.

Comments made by Vice Mayor McGilvray:

- Agreed with the Mayor about the Trails End and Pine Island intersection. The Vice Mayor noted that, even the night of the groundbreaking, there had been an accident there. She hoped that it would not take a fatality for the County to take action.
- Asked that the City look into participating in FPL's Sunshine Energy Program, which was available to individual customers for an additional \$10 per month. With the Kyoto Protocol and other efforts, she believed it would be an easy way to help reduce air pollution for a small extra charge.
- Hoped to bring the bus contract cancellation to the next agenda. She believed some of the Commission were under the wrong impression that the contractor did not know about the last vote, and she would like it brought back as soon as possible.
- Acknowledging that certain issues had taken control of recent meetings, she hoped to soon resume work on the environmental work plan.

Comments made by Commissioner Moskowitz:

- Appreciated the moment of silence for Bill Keith. He believed his passing a real loss to the community, and his thoughts and prayers were with his family.
- Met with Mayor Bockhold over the weekend and discussed letters written by Mrs. Blount describing what the Ranches were intended to be and how it began. He believed it very interesting from an historical perspective.
- Also attended the boundary meeting at Stoneman Douglas. Was concerned about Elementary School "Z", and he suggested that the Mayor and Commissioners personally contact School Board members to support its opening in 2008.
- Asked for a status report on the Holmberg Road/University Drive traffic signal and intersection improvements and requested firm dates for completion.
- Regarding the intersection of Trails End and Pine Island, he noted that money had been appropriated for the traffic signal by WCI but that Broward County has jurisdiction. He believed the City should examine all legal strategies to move it along. City Attorney Andrew Maurodis spoke regarding his past experiences and meeting the warrants, and he promised to examine all angles.
- Spoke regarding the affect of ordinances on the Ranches, Pinetree, and Country Acres. He acknowledged that the problems had been festering for a long time, but things had spiraled out of control and boiled over in the past days. He hoped that the situation would calm down and that people would act more level-headed.

Comments made by Commissioner Smith:

- Acknowledged that he also has received e-mails and phone calls about Park Trails. Noted that obscene gestures were being made toward crossing guards, whom he believed were

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 4

doing everything they could to alleviate the problems. He asked Chief Carry's help that the deputies in the area might help control the traffic flow as well as the speed.

- Had a great time at the barbecue last week and was happy to give back to City staff. He thanked staff for everything they do.

Mayor Udine recognized former Mayor Sal Pagliara and former Mayor Harold Bockhold in the audience. He announced his intention to soon invite all former mayors to a Mayor's quarterly breakfast or lunch conference for their expertise and advice on issues.

**V PROCLAMATIONS AND SPECIAL RECOGNITIONS**

**1. PROCLAMATION: FLORIDA CITY GOVERNMENT WEEK  
OCTOBER 15 – 21**

Mayor Udine announced that the week of October 15<sup>th</sup> through October 21<sup>st</sup> was proclaimed "Florida City Government Week," through the Florida League of Cities.

City Manager Mark Lauzier commented that elementary schools would visit City Hall, where presentations would be made about the services of government. He hoped to institute in the future a mock City Commission meeting with high school students, and he asked the Commission's assistance in setting that up.

**2. PROCLAMATION: FIRE PREVENTION WEEK**

Joined by the Commission at the podium, Mayor Udine read the proclamation declaring the week of October 8<sup>th</sup> through October 15<sup>th</sup> as "Fire Prevention Week" in the City. He presented it to Chief Don Haupt of the Coral Springs Fire Department.

Chief Haupt gave brief comments. He noted that, statewide, the Fire Department responds every 16 seconds to an emergency and every 22 seconds to a medical emergency; a fire occurs every 8 minutes, 40 seconds in the State. The theme, "Watch What You Heat," is extremely important because one-third of all fires were as a result of cooking and, in the City of Parkland, cooking causes 37 percent of the fires.

**3. PROCLAMATION: DISTRIBUTIVE EDUCATION  
CLUBS OF AMERICA (DECA)**

Mayor Udine commented regarding the Stoneman Douglas safe driving campaign and an assembly he had attended there approximately two weeks before.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 5

Mayor Udine read the proclamation recognizing the week of October 9<sup>th</sup> through October 13<sup>th</sup> as “DECA Week,” and he presented it to DECA Advisor Sharon Cutler, President Katie Shedlow, and Vice President Sarah Perkins.

Ms. Cutler indicated that, during DECA Week, safe driving would be promoted to students through a grant by State Farm Insurance. She explained that students would be given tickets for doing the right thing, giving them a chance to win free gas cards and homecoming tickets each day. The event will culminate during homecoming week. Ms. Cutler believed it was a great way to also get the community involved, and she thanked the City and BSO for their help.

**4. PROCLAMATION: DECLARING SPECIAL ELECTION**

Mayor Udine read the proclamation declaring the Special Election on November 7, 2006, on which date the Commissioner for District 4 would be elected and Charter amendments would be voted upon.

**VI APPROVAL OF AGENDA**

Mayor Udine noted the addition of the Resolution for Elementary School “Z”, which he suggested should be first. With one Consent Agenda item, he asked that it be pulled so that it may be briefly discussed.

City Manager Mark Lauzier spoke regarding the Pinetree Water Control District and their canal cleaning activities in both Country Acres and the area between Winner’s Circle and Country Place. With explanation of the situation, there was Commission consensus to add the issue to the end of the agenda.

**MOTION** made to approve the Agenda as amended. Seconded by Commissioner Smith.

**MOTION** passed unanimously.

**ADDED AGENDA ITEM**

**A. RESOLUTION NO. 2006-98: CONSTRUCTION OF ELEMENTARY SCHOOL “Z”**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, SUPPORTING THE CONSTRUCTION OF ELEMENTARY SCHOOL “Z” AND REQUESTING THE SCHOOL BOARD OF BROWARD COUNTY IMMEDIATELY APPROVE THE AWARDDING OF THE CONSTRUCTION CONTRACT WITH A TARGET COMPLETION DATE OF AUGUST 2008.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 6

City Manager Mark Lauzier read the title of Resolution No. 2006-98. He believed the Resolution and agenda summary self-explanatory, and he invited Education Advisory Board member Christine Hunschofsky to present the issue.

Ms. Hunschofsky indicated that the Education Advisory Board had discussed the school at length at their meeting the evening before. They believed the Resolution would present a strong message of the Commission's full support of the construction of Elementary School "Z" for an August 2008 opening, which was supported by student generation numbers.

Ms. Hunschofsky additionally mentioned that a community focus forum would be held on Tuesday, October 10<sup>th</sup>, at 11:00 a.m. at Stoneman Douglas High School. Anyone who would like to speak on this issue would be welcome.

Mayor Udine offered that the City would be happy to supply data. He was in full support of the Resolution and noted that the community forum meetings had been unanimously in favor of proceeding with Elementary Schools "Z".

**MOTION** made by Commissioner Moskowitz to approve Resolution No. 2006-98, Construction of Elementary School "Z". Seconded by Vice Mayor McGilvray.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

Commissioner Moskowitz suggested that the Commissioners should also call the School Board members.

Mayor Udine noted that the following item had been pulled from the Consent Agenda:

**1. RESOLUTION NO. 2006-94: ENTRY & TESTING AGREEMENT FOR CELL TOWER**

COMMENTS: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, TO AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE

ATTACHED ENTRY AND TESTING AGREEMENT FOR ACCESS TO OLD CITY HALL BY FLORIDA TOWERS, L.L.C.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-94. He explained this agreement would authorize the study phase for the possible placement of a stealth tower at Old City Hall. He noted this would allow access to the property, for which the company would pay a fee, and that staff time had been invested. If the site is acceptable, a permanent agreement would be submitted in the future. Mr. Lauzier offered that Assistant City Manager Caryn Gardner-Young or the consultant could answer any Commission questions.

Mayor Udine wanted to be on the record that, by allowing the company to test, they would not be given vested rights. While he believed that another cell tower was needed in the City, he would only want to do it as a stealth tower. The Mayor wanted to be sure that the City would not be required to pay anything.

Assistant City Manager Caryn Gardner-Young stated that the agreement would only allow the petitioner access to evaluate the site, as cell tower construction was a considerable cost. It was understood that they would not be given exclusive rights. She assured that a lease agreement would be brought back to the Commission for the lease agreement, as well as a site plan amendment and perhaps a variance request.

Commissioner Moskowitz asked about anticipated revenue. Mr. Lauzier estimated between \$24,000 and \$35,000 recurring revenue each year, with an escalator. Should three or four providers be placed on the tower, about \$100,000 could be recurring annually.

Commissioner Moskowitz also questioned the location of Old City Hall, suggesting that a tower might better blend in elsewhere. He asked if other sites had been investigated.

Mr. Lauzier stated that the market, technology and radio frequency coverage determined the location of the cell site; locations were dictated by service needs. He believed that other options could be considered. He noted there had already been discussion about integration of a tower into the Pine Trails Park amphitheater.

Commissioner Moskowitz stated for the record that he was in favor of adding a cell tower. He had reservations about the specific area, believing that a tree-like tower would stand out.

Ms. Gardner-Young indicated that the petitioner would be requested to present visuals and documentation that other sites have been checked when the lease agreement is proposed.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 8

City Attorney Andrew Maurodis commented that access was for a 30-day period but, to provide extra security, a paragraph would be added that there would be no commitment to lease.

Commissioner Smith asked if the \$3,000 adequately covered the staff time invested, and Mr. Lauzier responded in the affirmative.

**MOTION** made by Vice Mayor McGilvray to approve Resolution No. 2006-94, Entry & Testing Agreement for Cell Tower. Seconded by Commissioner Smith.

Mayor Udine opened to the public.

Former Mayor Sal Pagliara commented that he was very familiar with cell towers, and he believed it wise to move forward. He suggested that the petitioner should prepare natural visuals, rather than photographs, for consideration, and he cautioned about possible default and tower removal costs.

Mark Weissman of Parkland Terraces asked if the agreement included providing a copy of the test results to the City. Mr. Maurodis agreed that a paragraph should be added.

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

John Ruth, a principal of Florida Towers, L.L.C., offered that initial testing was limited to a survey. With positive feedback from the Commission, they would move forward with a soil sample to determine the type of foundation needed. He stated that this agreement would compensate the City for its time. He agreed with the points made, and acknowledged that this was not an agreement for the tower itself. Mr. Ruth had no objections to the paragraph proposed. He noted the trees at the location were approximately 80 feet tall, and they would propose a 100-foot tree, which should not look out of place. He briefly noted his experience and agreed with the revenue estimates made by Mr. Lauzier.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**REGULAR AGENDA**

- 1. RESOLUTION NO. 2006-97: A BETTER PLACE SERVICES**

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 9

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 SUBSCRIPTION TO SOFTWARE THAT WILL ALLOW THE CITY TO TRACK COMPLAINTS AND/OR REQUESTS FROM CITIZENS THROUGH THE INTERNET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Mark Lauzier read the title of Resolution No. 2006-97. He commented that the existing citizen complaint or recommendation form had failed, and staff had found commercial services available that were very inexpensive. It was considered a customer-focused government service, and an agreement with e-Better Place would provide a link giving staff an opportunity to track issues, respond to them in a timely manner, and provide reports.

Assistant City Manager Caryn Gardner-Young reviewed that a staff committee had investigated and evaluated three internet-based prospects. The top choice had been e-Better Place, and she introduced Florida League of Cities' representative Mike Taylor to make a brief presentation.

Mr. Taylor noted this customer complaint/request tracking application had been developed by the Florida League of Cities, which is utilized by municipalities in Florida and also outside the State. He demonstrated input into the system on the customer side, as well as the "back end" administration and reports.

Vice Mayor McGilvray asked regarding the ability to query the system from outside, and Mr. Taylor assured that, aside from tracking their own request through an assigned number, there would be no citizen access to the personal information of others who have used the system. He noted that approximately 80 percent of the users preferred anonymity.

The Vice Mayor hoped that the system would not be used to "tattletale" on neighbors. Mr. Taylor stated that they had not seen a lot of that. He indicated that a requirement for mandatory information could be an enhancement, and he suggested that other cities using the system be contacted for their experiences.

Mr. Lauzier stated that the staff goal would be to respond to every e-mail request or complaint on the system within 24 hours on business days. Departments would be assigned categories to address and track, and he and Ms. Gardner-Young would be responsible for monitoring. He offered that it was being used as part of the Spirit program to make sure the City was meeting the expectations of residents. E-mails would be routed through the City Manager Administrative Team, as well as to the primary department. Mr. Taylor offered suggestions about multiple accesses.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 10

Commissioner Moskowitz asked that staff pledge their updating of the status. Mr. Lauzier commented that this tool would help implement the Parkland Spirit. The City's web page would contain a "hot" button for a citizen service request; the current pull down does not work.

Mayor Udine commented that e-mails were now being sent to the Commissioners and the City Manager, all of which are then forwarded to staff. He believed that the system and its link would save the City money and considerable time.

Mr. Lauzier noted that one response could be cut and pasted into various inquiries.

Commissioner Moskowitz also questioned the election to have no on-site training. Ms. Gardner-Young offered that it was a very easy system, and that she and Ms. Moore had used it in other cities; internal in-house training would be simple. Mr. Lauzier added that it had been quite an extensive presentation at the demonstration given to staff.

Commissioner Moskowitz also noted that the contract would automatically renew. Mr. Taylor offered that there had not been a price increase in five years; should there be one, it would be a maximum of 10 percent. He did not foresee any cost increase as the Florida League of Cities was not looking for profit.

**MOTION** made by Vice Mayor McGilvray to approve Resolution No. 2006-97, A Better Place Services. Seconded by Commissioner Smith.

**ROLL CALL VOTE:**

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

**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 read the title of Resolution No. 2006-95. He explained the process that had taken place. Public Services Director Jim Berkman had chaired the staff committee.

Responding to the Mayor's question, Public Services Director Jim Berkman offered that all documentation was included within the packet, and he briefly reviewed the processing of submissions. The packages had been reviewed over several weeks, narrowed to eight firms, and subsequent presentations had narrowed them further to six firms.

Mayor Udine questioned that engineering had been combined with architectural, believing they should have been separate. Additionally, with only one architect among the firms selected, the Commission had been effectively relieved of that duty. He admitted concern with the process.

Commissioner Moskowitz commented that staff had unintentionally picked the architect. He suggested that the Commission adopt a policy that future RFQ's and other similar documents should be drafted by the City Attorney as he believed that the ranking system used could potentially pose a problem. While the matter should be expedited, he believed it more important that it be done correctly.

Mr. Maurodis responded that the staff undertaking had been done in the Sunshine. Number ranking made the process more mechanical, but the negative was that there may be controversy. He would prefer that it be left more generalized: with staff review and making recommendations to the Commission, as opposed to isolating and ranking.

Mayor Udine commented there were specific examples, noting that the mean scores of some excluded firms were actually higher than those selected.

Commissioner Moskowitz proposed that the Commission adopt a policy that all of these types of documents would be drafted by the City Attorney.

Mr. Maurodis suggested that staff could short-list the applicants; with presentations made to the Commission, the ranking would then be done by the Commission.

While Vice Mayor McGilvray agreed, she noted this was the second time that an RFQ or RLI has been twice advertised, and she questioned fairness to the applicants. She also criticized that, by re-advertising, everything would be public, including the scoring criteria. She reiterated that the City must fix the process.

Mr. Maurodis offered that his goal would be to give the Commission authority, but commented that strict numerical grading did not give any discretion. The Vice Mayor agreed there should be the ability

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 12

to compromise. While she acknowledged the hard work of staff, she agreed that architectural and engineering should have been separated.

Commissioner Smith questioned Article 5, Compensation. Mr. Maurodis commented there were few times that the State regulated municipalities in procurement, and he explained the ranking and negotiation process under the Competitive Consultants' Negotiations Act.

**MOTION** made by Commissioner Moskowitz to reject all proposals.

Commissioner Moskowitz suggested that the City Attorney devise some way, other than numerical ranking, to document a short list. Mr. Lauzier offered that there were six areas rated, and Mr. Maurodis commented they could be listed as criteria.

**MOTION** seconded by Commissioner Smith.

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

**3. ORDINANCE NO. 2006-36: KNOX BOXES**

COMMENTS: FIRST READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, RELATING TO REQUIRING KEY BOXES AT ENTRANCEWAYS; ADDING SECTION 14-2 OF THE CODE OF ORDINANCE ENTITLED "KEY BOXES"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

City Manager Mark Lauzier read the first reading of Ordinance No. 2006-36. He commented that this Ordinance would address the issues of emergency access for police and fire.

Planning Director Roberta Moore made a brief presentation. She explained that police and fire personnel had increasingly encountered difficulty in accessing gated communities during emergencies, and the key box system would eliminate needless forced entry, assure entry without delay, and satisfy

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 13

fire code regulations. The key boxes would be installed at all new and existing developments when the fire and/or police chief have determined that access is difficult due to secure openings or where immediate access is necessary for life/safety or firefighting purposes. Staff had also proposed giving existing developments six months from the date of adoption to conform.

Commissioner Smith indicated he was in favor of this Ordinance; however, he asked the approximate cost to each community.

Fire Chief Don Haupt indicated that, while the device was approximately \$100, the cost would depend on the type of the existing entry system at the development. He offered examples of code key pad, siren-activated, and general gate malfunction. Keys for the boxes would be regulated and used only in emergencies; a missing key must be replaced at the department's expense. He noted that the Knox box device was used nationwide by fire and police agencies.

Mayor Udine commented that, should emergency vehicles encounter a gate that would not open, emergency vehicles would enter anyway. Chief Haupt agreed, noting that this sometimes resulted in significant damage.

BSO Chief Dave Carry asked that police be provided at least 40 keys for each box, as there were currently 33 deputies and five more would soon join the District.

Mr. Lauzier stated that, as an operational issue, this requirement could be made at the rollout of the Ordinance.

Vice Mayor McGilvray asked regarding improvements in technology beyond having antiquated key boxes. Chief Haupt responded that, while it seems like extra effort, the key is access is available, uniform, and simple. He noted this was also somewhat mechanical in nature in that, dependent upon the age of the entry, it would allow some gates to be pushed open if it does not mechanically activate. He noted that even 24-hour guards were not there 24-7.

**MOTION** made by Commissioner Moskowitz to approve Ordinance No. 2006-36, Knox Boxes. Seconded by Commissioner Smith.

Mayor Udine opened to the public.

Robert Meyersohn, 6042 N.W. 80<sup>th</sup> Manor, agreed that, from a safety issue, the boxes would be welcome. However, he questioned the need of 40 keys to each community. He believed it should be one box, with one key that would be carried City-wide.

Chief Haupt responded that the Fire Department would have one Parkland key and one key for use in Coral Springs, and the Police would have one key for all of Parkland. He commented there were

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 14

actually two keys -- one for Police and one for Fire, so that it would be known who may have left a gate in the open position.

The Vice Mayor asked that a letter regarding the Ordinance and its requirements be addressed to all associations, and Mr. Lauzier responded in the affirmative.

Former Mayor Sal Pagliara suggested the use of a master key, and he added his comments about the process and handling of the previous Architecture and Engineering Bid.

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

**ROLL CALL VOTE:**

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

**MOTION** passed unanimously.

Mayor Udine welcomed Attorney Jeffrey Siniawski, sitting in for City Attorney Andrew Maurodis, to the dais.

**4. ORDINANCE NO. 2006-21: AMENDING SECTION 15-9 OF CODE OF ORDINANCE RELATING TO FLAG POLES AND FLAGS**

COMMENTS: SECOND READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, RELATING TO FLAG POLES AND FLAGS; AMENDING SECTION 15-9 ENTITLED "FLAG POLES AND FLAGS IN ALL ZONING DISTRICTS" OF THE CODE OF ORDINANCE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (1<sup>st</sup> reading 9/6/06)

City Manager Mark Lauzier read the second reading of Ordinance No. 2006-21.

Planning Director Roberta Moore reviewed the changes made to the Ordinance since the first reading. She offered that the proposed changes were an attempt by staff to avoid any visual pollution by regulating the height and size of the poles and the flags displayed on them. It was proposed that

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 15

flagpoles not exceed a height of 25 feet in residential areas and the permitted height of the zoning district or 70 feet, whichever is less, in non-residential. Maximum dimensions of flags in proportion to the size of the pole and the setbacks for flagpoles, as well as all other amendments from first reading, were incorporated.

Vice Mayor McGilvray asked if this Ordinance relaxed the existing Code. Ms. Moore confirmed that this Ordinance allowed residential properties greater than two acres the ability to have more than one flagpole. Additionally, based on comments from first reading, the height of the pole and size of the flag based upon zoning districts, including non-residential, were outlined. She briefly reviewed the existing regulations.

Mayor Udine commented that this was a difficult issue for the Commission because the flagpoles were being used to convey messages. With such hostilities existing, he hated to see a Commission action in any way contribute to the situation.

Mayor Udine opened to the public.

Former Mayor Harold Bockhold commented that, from a political perspective, he believed that all of the Ordinance considered should be tabled until a full Commission was seated.

Todd Bates of the Ranches reiterated that his stance on flagpoles would continue: he has two flagpoles, and he will continue to have two. He challenged the City to remove the second one.

Kevin Bolling of the Ranches commented that the Commission should not waste its time on flagpoles. He offered that military protocol provided flagpoles at entrances, and he did not understand why two flagpoles would be a problem.

Rory O'Dwyer of the Ranches noted that the existing Ordinance permitted only one flagpole. He favored keeping the Ordinance as is.

Elliott Newman of the Ranches believed that the Ranches should be treated like any other part of the City and that passage of this Ordinance gave larger properties twice the "right to speak." He believed it a bad precedent.

Gretchen Heath of the Ranches stated that she was disturbed at what her neighborly community had become in the past 15 months. The flagpole incident had been examined for four months; she believed that the items should be closed and that it was time to move on.

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

Vice Mayor McGilvray asked regarding a ratio of acreage to the number of flagpoles; specifically, whether there were constitutional guidelines and what other cities might do. Mr. Siniawsky stated that

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 16

the First Amendment right to free speech was not an absolute right, and he gave examples of restrictions. He believed the City's Ordinance was an attempt to reasonably restrict speech to meet governmental interest of avoiding visual pollution. He felt that the proposed Ordinance would meet constitutional muster as a reasonable restriction on free expression.

The Vice Mayor commented that there was actually a lesser restriction than before, and Mr. Siniawsky agreed. The Vice Mayor noted, however, Mr. Newman's point about more land entitling more rights, and she asked if that may be discriminatory. Mr. Siniawsky agreed that more property allowed greater expression, but he did not feel it discriminatory in intent or illegal or unconstitutional.

Commissioner Moskowitz expressed his support. He wanted it clear, however, that residents must abide by the City's decision.

**MOTION** made by Commissioner Smith to approve Ordinance No. 2006-21, Amending Section 15-9 of Code of Ordinances Relating to Flag Poles and Flags. Seconded by Commissioner Moskowitz.

**ROLL CALL VOTE:**

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

**MOTION** passed on a 3-1 vote.

**5. ORDINANCE NO. 2006-22: ELECTION SIGNS AND FREE EXPRESSION SIGNS**

COMMENTS: SECOND READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, RELATING TO SIGNAGE; AMENDING SECTION 15-40 ENTITLED "ELECTION SIGNS AND FREE EXPRESSION SIGNS" OF THE CODE OF ORDINANCE; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (1<sup>st</sup> reading 9/6/06)

City Manager Mark Lauzier read the second reading of Ordinance No. 2006-22.

## PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 17

Planning Director Roberta Moore reviewed that staff proposed an amendment for election signs to increase the permitted square footage. The only change made by staff from first to second reading was posting to 60 days rather than 90 days.

Commissioner Moskowitz suggested a further reduction in the time allowed to 45 days. Mayor Udine recalled that 60 days had been a compromise.

Mayor Udine opened to the public.

Elliot Newman of the Ranches interpreted that signs could not be more than six feet in height and at least 10 feet from right-of-way. He believed that, for 90 percent of the properties in the Ranches, the signs would be behind fences five to seven feet high. He suggested that, while the Ordinance allowed signs, they could not be seen from the road.

Commissioner Moskowitz believed that the Ordinance was meant to address major roadways, such as Holmberg.

Vice Mayor McGilvray disagreed that the Ordinance should be specific to major roadways since there were corners in the Ranches, as well as Pinetree, that may be too dangerous if signs were allowed too close to the road.

Commissioner Moskowitz suggested a distinction: ten feet from major roadways and five feet from non-major roadways.

Vice Mayor McGilvray also suggested the criteria of line-of-sight.

Assistant City Manager Caryn Gardner-Young clarified that the ten feet from right-of-way and six feet in height was as existing.

Former Mayor Harold Bockhold commented that the right to expression was proper, but that some people abuse that right. He agreed that rights-of-way should not be used, and he noted that signs could be placed on a fence or bush.

Rory O'Dwyer of the Ranches offered his interpretation of Mr. Newman's remarks and suggested an exception to "normal" election signs.

Vice Mayor McGilvray asked regarding insertion of language without re-advertising. Mr. Siniawsky responded that minor changes could be made, as long as the title itself did not change.

Commissioner Moskowitz suggested the use of old language parameters.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 18

Ms. Gardner-Young clarified that paragraph 4 would state, "Election signs over three square feet that are posted on ground shall be set back a minimum of 10 feet from the public or private right-of-way." Mayor Udine and Commissioner Moskowitz agreed with the wording.

Robert Meyersohn of Mayfair commented that, although November 7<sup>th</sup> was Election Day, there was also early voting, which would make a difference in the time. He questioned that free expression signs could then be posted 365 days per year.

Mayor Udine believed that these were addressed elsewhere in the Code.

Kevin Bolling of the Ranches recalled that the signs seemed to be fair for everyone, and he did not believe the rules should be changed.

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

Commissioner Moskowitz recalled, aside from the banner on Holmberg Road, the reasons why this issue had been brought up.

Ms. Moore asked clarification regarding the setback should signage be less than three square feet. Mayor Udine recalled no problems with smaller signs, and Commissioner Moskowitz suggested a setback of five feet from the right-of-way for smaller signs.

**MOTION** made by Commissioner Smith to approve Ordinance No. 2006-22, Election Signs and Free Expression Signs, as amended. Seconded by Vice Mayor McGilvray.

**ROLL CALL VOTE:**

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

**MOTION** passed on a 3-1 vote.

**6. ORDINANCE NO. 2006-24: TREE REMOVAL & CLEARING**

COMMENTS: SECOND READING OF AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, RELATING TO THE MAINTENANCE OF VACANT RESIDENTIAL PARCELS; AMENDING SECTION 9-21 "GENERAL REQUIREMENTS" OF ARTICLE II "TREE



## PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 20

meet on the following day. They were seeking the City's input regarding the District actions, follow-up to re-implement the contract, and reparations for removed vegetation.

Pinetree Water Control District John Petty explained that they hoped to get the Commission's conceptual approval so that the process may be started with the Board on the following evening. Following that, it would be brought back to the City to work with staff and City residents on the resolution of this matter. He acknowledged that the residents have rights as property owners and may take individual action. He hoped to get the City's backing of remedial action.

Addressing Country Acres, Mr. Lauzier commented that he had discussions with residents regarding additional work and the end product. He noted an Option 2, which he believed had been the primary desire of the community, regarding the removal of Australian pines. The pines were viewed as a significant threat to power lines and the canals, and he believed the residents concurred.

Environmental Services Director Brian Archer agreed that the Australian trees were a safety threat, particularly their location in unstable ground and how they had grown.

Mr. Lauzier reviewed that the contractor had first started to remove all of the trees and then had become more selective; trees on the berm were unstable. Staff believed that the District should at least be given direction even though City property was not involved. He believed the question of how to buffer and replant the area should be discussed with residents, and he expressed concern that public funds might be spent on private property.

Mr. Petty interjected that the survey had been completed. It had been found that the District's easement covered the area where the trees remained.

Mr. Lauzier clarified that the replanting would take place on District property. Stiles Corporation had offered to plant without cost if the material were provided.

Mr. Petty commented that Mr. Lauzier's remarks were on point. He stated that the District had held the contractor responsible, and he acknowledged their affirmative response. He indicated that approximately 600 feet of trees remain of the original 1,000 feet; trees were about 80 feet tall, with FPL power lines through the middle. The issue was that the contractor was willing to remove the trees, and the District wanted to continue; however, the spoiled berm would easily erode with rain. Planting material would make sense, which the contractor was willing to do at cost, but funding for the trees must be supplied. Mr. Petty stated that the District had approached the City hoping for a tree program.

Commissioner Moskowitz questioned the District's request. Mr. Lauzier offered that the District had not specifically asked for money, and Mr. Petty added that the District "would not mind it at all" if the City did supply it.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 21

With further explanation, Mr. Lauzier summarized that it was two issues: a free removal of Australian pines, and the use of City funds, such as the Hurricane Wilma Tree Replacement Program Grant, for replanting on District property.

Vice Mayor McGilvray asked regarding the availability of grant funds, and Mr. Archer confirmed that funds remained. She commented that she was not prepared to discuss the use of these funds because priority should be given to other areas that had waited since Hurricane Wilma and before.

Mr. Lauzier stated that he would try to understand the ownership issue and would discuss with Mr. Archer the eligibility of the hurricane program. He suggested it could be brought back to the next meeting.

Mayor Udine asked if the remainder of the trees should be removed for safety reasons.

Mr. Petty suggested that, under both options, material could be planted in the area that was cleared while the funding for it was decided. He acknowledged that they had not yet spoken with the homeowners. He would like to proceed with the basic concept, without committing any funds from the City, and discuss it with the District Board and residents. He asked that it be understood that they would not cut down any further trees until the issue of replanting was discussed and decided. They would like to finish the contract, removing the material from the canal. Mr. Petty noted that they had not intended work on the bank, and they would like to return to the canal work.

Mr. Lauzier commented there was obviously an issue if there was no plan to replant. If the trees were all cut down, people on the other side of the canal would also have an issue.

Mr. Petty offered that certain damage would be caused with removal of the trees, rather than the potential to cause damage by leaving the trees. He spoke regarding options, such as planting Areca palms on the 400 feet that was cleared and leaving the 600 feet of Australian pines. With the contractor working in the water, Mr. Petty reiterated there was time to discuss possibilities of replanting and where those funds would be obtained. If the City decided that it could not fund and the District could not find the funds, he was afraid that the area would be left as is.

Commissioner Moskowitz stated this would be unacceptable. He described the destruction left by bulldozers at Winner's Circle and the frustration felt. He believed that Pinetree Water Management District should find a way to fix the area on its own as there had been total damage and disregard for the area. He stated that he did not trust the District, and he did not feel that the City should be brought into it.

Mayor Udine opened to the public.

## PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 22

Ripp Smith of Country Acres commented regarding the Australian pines along the berm, believing that the trunks and root balls should be removed. He believed that the ultimate solution was the leveling of the ground and removal of the entire berm.

Mr. Lauzier noted that the trees and the berm were on District property.

Ellen Scofield of Country Acres noted a reference to a homeowners' association in the area, and Mr. Petty responded that a resident had represented himself as the head of the Roadway Homeowners' Association. The contractor had looked for access to the side road to take the trees down, and he was concerned about obtaining permission to utilize that road.

Ms. Scofield commented that the Roadway association no longer existed. She acknowledged that the trees should be removed, but that the area had been demolished through the use of heavy crane equipment. She felt it lucky that there had not been heavy rains.

Mr. Lauzier offered that a Pinetree Water Control District meeting would be held on the following evening at Parkland City Hall and issues could be brought directly to its Board. He suggested that the District would like to hear from the people impacted by the District's projects.

Mayor Udine commented that he did not understand why the City had been involved; it was not a City issue. He noted it was Pinetree property, their mistake, and a Pinetree problem to resolve. City property had been involved at Winner's Circle. He invited Country Acres residents to attend the District's meeting on the following day at 6:00 p.m.

Donice Muccio of Country Acres questioned why the process had been stopped. Mayor Udine stated that this type of question needed to be asked of the District and Mr. Petty. He reiterated that this was not a City project; it was a Pinetree Water Control District issue. Mr. Petty indicated that he would provide her a response.

Mr. Lauzier stated that Winner's Circle was a separate issue. When he met with the District, they had explained that they were 80 to 90 percent finished with the clean-up when the work was stopped. The contractor would like to enter the area to remove their equipment and the debris left behind; the intent was to proceed by barge. Plans for replanting would take place later. Mr. Archer offered that it had been completed as of this date. Mr. Lauzier encouraged everyone to visit the east side of the site to see how densely planted it is; the re-growth on the City's property was even blocking the path in some areas. He asked Mr. Petty to address the plan for contractor completion and the replanting issue.

Mr. Petty explained that it had been the District's intent to remove trees overhanging the flow ways, if they could safely be removed from the barge. The contractor had launched the barge from public right-of-way, and it was their understanding that public right-of-way extended along the bank. He stated that the contractor had taken advantage of the situation when it became difficult to pull out stumps; the damage had resulted through the use of heavy equipment for stump removal. Mr. Petty explained that

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 23

this was not what was intended, and the contractor will be held accountable. The contractor had offered 20 bald cypress trees, which he believed would be a nice addition to the area, along with associated lower-scale brush and landscaping bush material used as filler.

Mr. Petty added that District personnel had been through the area and had videotaped it, trying to inventory the backhoe damage. There would be additional material removed from the flow ways to eliminate flow restrictions, but no further removal from the banks. He looked for direction from the City that this meets the general conformance of trying to resolve the issue without agreeing to specific funding.

Vice Mayor McGilvray asked clarification of Mr. Petty's proposal. Mr. Petty reiterated there would be no further removal from the banks, other than to remove equipment and trash piles. He acknowledged there were stumps on the banks that were not considered an impediment to the flow. Mr. Lauzier noted 15- to 20-foot "stumps" leaning towards the land and not impeding the flow; they would remain there unless the contractor was instructed otherwise.

Mayor Udine related his understanding of the areas of responsibility at Winner's Circle and the plans that had been discussed.

Discussion ensued.

Mr. Petty indicated that they would like to move forward so that they might come back to the Commission at a later date with indications that there had been discussions with the public, who were in general agreement, and with staff. They hoped for Commission agreement to this plan so that it may be conveyed to the Board at the meeting on the following day.

Mayor Udine indicated, on record, that this would be a starting point and that it must be made sure that this action would bring the area back to being whole again. The City would not, however, waive its rights.

Mr. Petty added that it was the District's intent to have the contractor monitored on site every minute.

Mr. Maurodis reinforced the Mayor's comments: the City was not waiving any rights. The City encouraged the District to move ahead with the caveat that it would work with the neighborhood.

Mayor Udine hoped that Mr. Archer would also continue to closely monitor the area.

Mr. Lauzier pledged that staff would continue to work with the District and probably the homeowners' association to present the plan. It was hoped to have consensus before it would be brought back to the Commission for the final approval.

PARKLAND CITY COMMISSION AGENDA

OCTOBER 4, 2006

PAGE 24

Vice Mayor McGilvray expressed concern about the 15- to 20-foot tree trunks remaining. Mr. Archer noted that, apart from aesthetics, they would grow back aggressively and become a safety hazard. Mr. Lauzier believed they should be cut down to near ground level.

Vice Mayor McGilvray stated, for the record, that the District should be responsible for removal of the stumps. Mr. Archer commented that other green vegetation may need to be removed to access those stumps. The Vice Mayor suggested that, if it was an invasive, it should not be a problem; if it was not, it should be discussed. Commissioner Moskowitz agreed that this policy should be established.

Mr. Lauzier asked if the stumps that remained complied with the Stiles agreement. Mr. Petty explained that the District held the contractor responsible for all actions on the bank; if these trees were topped and had not yet been pulled, the contractor would be held responsible. Should additional pods of material be removed for stability or some other issue, it would be negotiable. He asked if that might satisfy the residents.

Mayor Udine suggested that this start was a good first step. It would be brought back to the Commission in a few months, and the City could then finalize everything.

Mr. Lauzier indicated staff would represent the Commission's position at the District meeting on the following evening.

At Commissioner Moskowitz' comments regarding his lack of trust in the District and Mayor Udine's further clarification of the issue, there was Commission consensus to proceed. The City would not waive its rights, and the Commission would be able to revisit the issue.

**VII COMMENTS BY THE CITY MANAGER**

None.

**VIII COMMENTS BY THE CITY ATTORNEY**

None.

**IX ADJOURNMENT**

**MOTION** made by Vice Mayor McGilvray to adjourn the meeting at 9:55 p.m. Seconded by Commissioner Moskowitz.

**MOTION** passed unanimously.

ATTEST:

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SANDRA COUZZO, C.M.C.  
CITY CLERK

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