

REGULAR MEETING
OAKLAND PARK CITY COMMISSION
OAKLAND PARK CITY HALL

SEPTEMBER 20, 1995
7:30 P.M.

CALL TO ORDER: The regular meeting of the Oakland Park City Commission was called to order at 7:30 P.M. by Mayor Walls.

ROLL CALL: Present for roll call were Mayor Walls, Vice Mayor Arnst and Commissioners Sproc and Wilson. Commissioner Stevens was absent. Also present were City Manager Johnston, City Attorney Doody and City Clerk Gold.

INVOCATION: Vice Mayor Arnst gave the invocation which was followed by the pledge to the flag.

PROCLAMATION: A Proclamation, sponsored by Mayor Walls, recognizing September 26, 1995, as "Good Neighbor Day" was presented. Vice Mayor Arnst, seconded by Commissioner Sproc, moved to adopt. On roll call, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried and the Proclamation was published. (Tape 1, #37)

(#1) FY 95-96 MILLAGE RATE: City Manager Johnston introduced this item. Advertising for a Public Hearing appeared September 16, 1995, and the Public Hearing was opened. No one wishing to speak, the Public Hearing was closed. Commissioner Wilson, seconded by Vice Mayor Arnst, moved to adopt a millage rate of 5.5395 mills. On roll call, Commissioner Sproc voted "no," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. Vice Mayor Arnst, seconded by Commissioner Wilson, moved to adopt Resolution R-95-94 "adopting a final millage rate of 5.5395 mills for the City's General Operating Fund for the fiscal year beginning October 1, 1995, and ending September 30, 1996; providing that the final millage rate is 5.5395 mills. The millage rate to be levied exceeds the computed rolled-back rate by zero percent (0%); providing for severability; providing for conflicts; and providing for an effective date," which was read in its entirety. On roll call, Commissioner Sproc voted "no," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. (Tape 1, #65)

(#2) FY 95-96 BUDGET - GENERAL OPERATING FUND: City Manager Johnston introduced this item. Advertising for a Public Hearing appeared September 15, 1995, and the Public Hearing was opened. Jim McCracken, 4220 NE 16 Terrace, questioned certain items in the budget. Mary Laveratt, 1748 NE 36 Street, commented on various budget items. No one else wishing to speak, the Public Hearing was closed. Vice Mayor Arnst, seconded by Commissioner Wilson, moved to adopt Resolution R-95-95 "adopting a final budget for the fiscal year beginning October 1, 1995, and ending September 30, 1996; determining and fixing the amounts necessary to carry on the government of the City for the ensuing year; determining the amount of applicable funds on hand; estimating receipts and expenditures for the General Fund, Exhibit 'A'; Solid Waste Fund and Utilities Fund, Exhibit 'B'; Garage Fund, Stormwater Drainage Fund and Management Services Fund, Exhibit 'C'; providing for severability; providing for conflicts; and providing for an effective date," which was read in its entirety. On roll call, Commissioner Sproc voted "no," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. (Tape 1, #176)

(#3) CASE #CD95-29CU: City Manager Johnston introduced this item on second reading. Brian Herbert, an architect, 4801 South University Drive, Davie, was sworn in and offered to answer any questions on behalf of the applicant. Advertising for a Public Hearing appeared on September 9, 1995, and the Public Hearing was opened. John Bokos, 719 NE 37 Street, was sworn in and commented on the granting of conditional uses. Patti Lynn, 120 Royal Park Drive, was sworn in and

spoke in favor of granting the conditional use. There being no one else wishing to speak, the Public Hearing was closed. Bill Wood of Lipton Toyota was sworn in and responded to Commission questions. There was discussion. Commissioner Wilson, seconded by Vice Mayor Arnst, moved to adopt Ordinance O-95-12 "approving the application for an Amended Conditional Use for a 'New Car Agency' as filed by Robert L. Lipton, doing business as 'Lipton Toyota', for property located at 1680 and 1700 West Oakland Park Boulevard, Oakland Park, Florida, described as a portion of the Northwest one-quarter (N.W. 1/4) of Section 28, Township 49 South, Range 42 East, Broward County, Florida, as more particularly described herein and containing 3.30 net acres more or less; approval of the City Commission is subject to the Conditional Use provisions set forth in Section 24-41 (C) Chapter 24 of the Land Development Code of the Code of Ordinances, City of Oakland Park, Florida; providing for the issuance of building permits on the heretofore described real property; providing for conflicts; providing for severability; and providing for an effective date" which was read by title. On roll call, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. (Tape 1, #645)

(#4) CASE #95-30V: City Manager Johnston introduced this variance request. Bernard McMahon, 3870 North Andrews Avenue, was sworn in and offered to answer any questions. Advertising for a Public Hearing appeared on September 9, 1995, and the Public Hearing was opened. George LaMonica, 7904 NW 83 Street, Tamarac, was sworn in and spoke in favor of the petitioner. No one else wishing to speak, the Public Hearing was closed. City Manager Johnston indicated that a letter had been received from a lady who opposed the variance but could not attend this meeting. Mr. McMahon responded to Commission questions. There was discussion. Commissioner Wilson, seconded by Commissioner Sproc, moved to adopt the resolution based on the findings of fact listed in Community Development Department Memorandum #95-073. Commissioner Wilson, seconded by Commissioner Sproc, moved to amend by adding a condition to the resolution regulating the hours of operation. On roll call on the amendment, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. Resolution R-95-96 "approving an application for a Variance (CD95-30V) seeking relief from the following sections of the Code of Ordinances; Section 24-80 (C) (1), to permit one (1) parking space per 67 square feet of customer service area for a total of twelve (12) vs. one (1) parking space per 40 square feet for a total of twenty (20); and Section 24-83 (B) (1), to permit two (2) curb cuts on Northeast 19th Terrace having a centerline to centerline separation of 39 feet vs. 50 feet; on real property located at 1940 Northeast 45th street, Oakland Park, Florida, as submitted by Bernard McMahon/Mom's Kitchen; approval of City Commission subject to conditions; providing for severability; providing for conflicts; and providing for an effective date" was read by title. On roll call on the Resolution as amended, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. (Tape 1, #1100)

(#5) FY 1995/96 APPROPRIATIONS ORDINANCE - GENERAL FUND: City Manager Johnston presented this Ordinance. Commissioner Wilson, seconded by Vice Mayor Arnst, moved to adopt. A proposed Ordinance "adopting a budget for the fiscal year beginning October 1, 1995, and ending September 30, 1996; and setting forth appropriations for the operation of the government, estimating receipts from taxation and other revenue sources for the General Operating Fund, Exhibit 'A'; Solid

Waste Fund and Utilities Fund, Exhibit 'B'; Garage Fund, Stormwater Drainage Fund and Management Services Fund, Exhibit 'C'; providing for severability; providing for conflicts and providing for an effective date" was read by title. On roll call, Commissioner Sproc voted "no," Commissioner Wilson "yes," Vice Mayor Arnst "yes" and Mayor Walls "yes." Motion carried. (Tape 1, #1891)

(#6) PUBLIC COMMENTS: Alan Mautner, 741 NW 36 Street, spoke favorably of the City's money management, cited an article from the *Sun Sentinel*, and asked that the issue of privatizing solid waste services be settled. Jay Robinson, 530 NE 32 Court, spoke in opposition to the weight based system. John Bokos, 719 NE 37 Street, quoted an article from the *Miami Herald* regarding the one cent school tax. Joseph Domino, 3910 NE 5 Avenue, stated he has a big problem with illegal dumping in his dumpster. Jim McCracken, 4220 NE 16 Terrace, spoke about the budget. Gene Campbell from the American Legion Post 22, 4250 NW 5 Avenue, spoke in opposition to the weight based system. Patti Lynn, 120 Royal Park Drive, spoke in favor of the weight based system and in opposition to privatization and commended the City staff. Mel Distel of Mica Suppliers and a cabinet shop, 560 East Prospect Road, spoke in opposition to the weight based system. Mary Laveratt, 1748 NE 36 Street, addressed the solid waste system, emergency medical services, and spoke about budget matters. William Erhardt, 1530 SW 18 Terrace, Ft. Lauderdale, who owns commercial property in Oakland Park spoke about problems with illegal dumping. Richard Wells, 4208 NE 5 Avenue, who owns an upholstery shop spoke about illegal dumping. Bob Golden, 115 Royal Park Drive, spoke about the dumpster situation. Bill Baldwin, 1530 NE 40 Place, spoke about solid waste rates and the budget. (Tape 1, #1953)

CONSENT AGENDA: Vice Mayor Arnst pulled Item #9 from the Consent Agenda which now consists of Items #7, #8, #10, and #11.

(#7) SMOKE DETECTOR PARTNERSHIP PROGRAM: Approval and implementation of a Smoke Detector Partnership Program.

(#8) ANNUAL BOND RENEWAL FOR RESERVE WASTEWATER CAPACITY: Acceptance of renewal bonds or letters of credit and authorizing the City Manager to request payment for those not replaced prior to expiration.

(#10) GROUP HEALTH BENEFITS: Resolution R-95-97 "authorizing the proper City Officials to approve and execute an agreement with EBP Health Plans, Inc., and the City of Oakland Park, Florida; relative to the City's health insurance program; a copy of the Agreement is attached hereto and identified as Exhibit 'A'; providing for severability; providing for conflicts; and providing for an effective date" was read by title.

(#11) SUPERFUND REFORM: Authorization for the City Manager to execute a petition to the United States Congress in support of the Local Governments for Superfund Reform.

Commissioner Wilson, seconded by Commissioner Sproc, moved to adopt the Consent Agenda. On roll call, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Mayor Walls was absent and Vice Mayor Arnst voted "yes." Motion carried. (Tape 2, #865)

(#9) ADOPT-A-STREET PROGRAM REVISIONS: Vice Mayor Arnst presented photographs of a type of sign which he would like sponsored by private industries in the City to offset the expense to the City and have nicer looking signs for this program. He requested that staff proceed with this aspect of the program. Commissioner Sproc, seconded by Commissioner Wilson, moved to adopt the proposed Resolution with recommendations suggested by Vice Mayor Arnst. Resolution R-95-98 "authorizing the proper City Officials to accept and approve the revised Adopt-A-Street Litter

Removal Agreement between the City of Oakland Park, Florida, and individuals, civic associations and/or business entities participating in this program; a copy of the agreement is attached hereto and identified as Exhibit 'A'; providing for severability; providing for conflicts; and providing for an effective date" was read by title. On roll call, Commissioner Sproc voted "yes," Commissioner Wilson "yes," Mayor Walls was absent and Vice Mayor Arnst voted "yes." Motion carried. (Tape 2, #927)

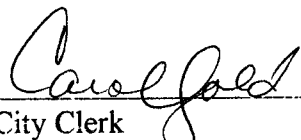
(#12) REPORTS FROM CITY COMMISSION: Commissioner Sproc gave a report on the results of the one cent sales tax election and commented on his survey. He spoke of a letter dated August 17, 1995, regarding EMS services to Wilton Manors and asked for a report from the City Manager at the next meeting. Commissioner Wilson commented on the solid waste issue. Vice Mayor Arnst concurred with Commissioner Wilson's comments and commented on the problems of illegal dumping, the benefits of recycling and asked that the City Manager respond to the problems mentioned during Public Comments. The City Manager was directed to look into cardboard recycling, especially during the holiday season. Mayor Walls shared correspondence from Mr. Tobin requesting that we stop all efforts of annexation at this time. She indicated that this Commission has made its policy well known on annexation and asked the City Manager to respond to Mr. Tobin's letter. She reiterated that she is not running for the School Board. She reminded everyone of "Good Neighbor Day" next Tuesday, September 26, 1995, and National Night Out Against Crime on Wednesday, September 27, 1995. (Tape 2, #1068)

(#13) REPORTS FROM CITY MANAGER: City Manager Johnston responded to Commission and Public Comments. He addressed the individuals who spoke at Public Comments and asked that they provide a telephone number so that the City can work with them to eliminate illegal dumping and to have their dumpsters repaired through our ongoing maintenance program. (Tape 2, #1560)

(#14) REPORTS FROM CITY ATTORNEY: City Attorney Doody reported that the City is in the third day of a jury trial regarding a case for an alleged taking regarding a dedication of a right of way brought by the Heckmans against the City in 1988.

(#15) ADJOURN: Meeting adjourned at 9:36 PM upon a motion by Vice Mayor Arnst, seconded by Commissioner Wilson.


Mayor

ATTEST: 
City Clerk

NOTE: A complete tape recording has been made of the foregoing meeting from which these minutes have been prepared. These tapes are on permanent file in the office of the City Clerk.

Approved on October 4, 1995

ARNST	<u>YES</u>
SPROC	<u>YES</u>
STEVENS	<u>YES</u>
WILSON	<u>ABSENT</u>
WALLS	<u>YES</u>