

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, November 25, 2008

7:00 P.M.

- 1. CALL TO ORDER, MAYOR ROSEANN MINNET**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION**
- 4. PRESENTATIONS**
- 5. REPORTS**
 - a. Finance and Budget Monthly Report – October 2008 (Manager Colon)**
 - b. Development Services Monthly Report – October 2008 (Assistant Town Manager Olinzock /Bowman)**
 - c. Municipal Services Monthly Report – October 2008 (Assistant Town Manager Olinzock /Colon)**
 - d. BSO Police Monthly Report – October 2008 (Chief Gooding)**
 - e. VFD Fire Monthly Report – October 2008 (Chief Perkins)**
 - f. AMR Fire Rescue Monthly Report – October 2008 (Operations Manager Liddle)**
- 6. PUBLIC SAFETY DISCUSSION**
- 7. TOWN MANAGER REPORT**
- 8. APPROVAL OF MINUTES**
 - a. September 25, 2008 Revised Minutes**
 - b. October 14, 2008 Revised Minutes**
 - c. October 28, 2008 Regular Minutes**
 - d. November 10, 2008 Workshop Minutes**
 - e. November 10, 2008 Regular Minutes**

9. PUBLIC COMMENTS

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

- a. Ordinance 2008-25:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 4; ARTICLE II, SECTION 4-30 OF THE CODE OF ORDINANCES OF THE TOWN OF LAUDERDALE-BY-THE-SEA IN ORDER TO ESTABLISH PROVISIONS PROTECTING THE PUBLIC FROM DANGEROUS DOGS; PROVING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

2. Ordinances 2nd Reading – "PUBLIC HEARING"

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a.** Commission approval of Special Event Application for Village Grille and 101 Ocean Saint Patrick's Day Party 2009, Tuesday March 17, 2009, 2:00 PM till 1:00 PM (Assistant Town Manager Olinzock /Bowman)
- b.** Commission approval of Special Event Application for Village Grille and 101 Ocean SuperBowl Party 2009, Sunday February 1, 2009, 3:00 PM till 11:00 PM (Assistant Town Manager Olinzock /Bowman)
- c.** Commission approval of Special Event Application for Village Grille and 101 Ocean New Year's Eve Party 2009, Wednesday December 21, 2008, 5:00 PM till 2:00 AM (Assistant Town Manager Olinzock /Bowman)
- d.** Commission approval of Special Event Application for Exclusive Sports Marketing and United Way A1A 2009, Sunday February 22, 2009, 4:00 AM till 1:00 PM (Assistant Town Manager Olinzock /Bowman)

13. RESOLUTION – "Public Comments"

- a. Resolution 2008-31:** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; SUPERSEDING CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

b. Resolution 2008-32: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2007/2008 FISCAL YEAR BUDGET; APPROPRIATING SAID AMOUNTS TO SPECIFIC DESIGNATED ACCOUNTS IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A" TO THE SPECIFIC DESIGNATED FUNDS; AUTHORIZING EXPENDITURE OF THOSE AMOUNTS IN ACCORDANCE WITH THE BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. An appeal by Coral Key Ocean Club (Half Ventures Ocean Development of Florida) pertaining to letter received by Development Services July 14, 2008 regarding interpretation of Town Code Section 30-123 (g). Property: 4601 El Mar Drive, Coral Key Ocean Club – Appeared before BOA on October 15, 2008 (Assistant Town Manager Olinzock/Bowman) Tabled at the November 10, 2008 Commission meeting at the request of applicant

15. OLD BUSINESS

- a. Discussion and/or action regarding drafting an Ordinance to pull bags from the parking meters on Bougainvillea and Poinciana (Tabled at the March 25, 2008 Commission meeting by Vice Mayor McIntee) Staff requests table to December 16, 2008
- b. Discussion and/or action regarding shade trees on the beach at Washingtonia Avenue Portal (Tabled at the November 10, 2008 Commission meeting by Commissioner Silverstone) Staff requests table to December 16, 2008 – Garden Club report not received
- c. Report from AMR about the incident that occurred on October 25 on the beach near Ocean Colony. Please make sure a representative of AMR is in attendance at the 11/10 meeting to give a report on the incident and answer any questions commissioners may have (Mayor Minnet) Tabled at the November 10, 2008 Commission meeting by Commissioner Dodd)
- d. Town Commission approval of Conceptual Bel Air subdivision sign design (Assistant Town Manager Olinzock/Colon)
- e. Discussion and/or Action regarding:
 - 1. Provide assurance, including financial assurance, that the artificial reef structure be maintained throughout its design life, and removal of in a timely manner because of adverse effect on essential fish habitat to NOAA National Marine Fisheries.

2. Approval of execution of USCG Private Aids to Navigation application for Artificial Reef Project. (Assistant Manager Olinzock/Colon)

- f. Discussion and/or action to form an Oversight Committee for Public Safety (Mayor Minnet)

16. NEW BUSINESS

- a. Discussion and/or action to find funds to complete the Seagrape Drive Project (Requested at the November 10, 2008 Commission meeting by Vice Mayor McIntee) (Assistant Town Manager Olinzock/Colon)
- b. Correction of Development Order Buena Vista Oceanside LLC located at 4217 and 4225 El Mar Drive. Time frame to secure a building permit indicated eighteen (18) months and the code provides for twelve (12) months per Town Code Section 30-123 (g) (1) (Assistant Town Manager Olinzock/Bowman)
- c. Letter received from Buena Vista Oceanside requesting a one-year extension from January 8, 2009 to January 8, 2010 (Assistant Town Manager Olinzock/Bowman)
- d. Discussion and/or action concerning drafting a referendum for a Charter change to take effect after the next election in 2010 to prevent a conflict of interest ever occurring between employment with a public safety provider for the Town of Lauderdale-By-The-Sea and that of an elected official (Commissioner Dodd)
- e. Discussion and/or action regarding complete accounting of Green Fest – copies of all material made. Why were bills sent to Coconut Creek, FL and why were supplies sent there? (Vice Mayor McIntee)
- f. Discussion and/or action to appoint a Commissioner to AMR's Medical Review Board (Commissioner Dodd)
- g. Discussion and/or action on the Oriana walkway lights (Commissioner Dodd)
- h. Discussion and/or action – Feasibility and estimated costs of updating the Town's web site to allow interactive Town wide straw polls for those with PC's and e-mails. Continue with Town Topics for those without (Commissioner Dodd)
- i. Discussion and/or action regarding Town entryway flag poles (Commissioner Dodd)
- j. Discussion and/or action regarding increasing fines for false fire alarms (Vice Mayor McIntee)

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- k. Discussion and/or action regarding an offer to Town to buy the property adjacent to Town Hall directly west of the recent property acquired by Town for housing public safety (Commissioner Silverstone)
- l. Discussion regarding accusations made by Commissioner Dodd on actions by the Town Manager regarding the distribution of information to all Town Commissioners (Commissioner Silverstone)
- m. Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line what other municipalities charge (Commissioner Clotley)
- n. Discussion and/or action concerning the attachment of light fixture to the electric power transmission pole on SE 19 St. just west of A1A. Area is very dark (Commissioner Clotley)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

December 16, 2008 – Workshop 6:00 PM

- a. Lifeguards on the beach (Requested at the November 10, 2008 Commission meeting by Commissioner Clotley)

December 16, 2008 – Regular Meeting 7:00 PM

- a. Discussion and/or action concerning fire lane at By the Sea Laundry (Commissioner Dodd) Tabled at the November 10, 2008 Commission meeting by Vice Mayor McIntee to the December 16, 2008 Commission meeting
- b. Discussion and/or action regarding town wide parking following workshop (Commissioner Dodd) Tabled at the November 10, 2008 Commission meeting by Commissioner Clotley to the December 16, 2008 Commission meeting.

January 13, 2009 – Workshop 5:00 PM

- b. Code, Height and Capital Improvement (Requested at the September 25, 2008 Commission meeting by Commissioner Silverstone)

February 10, 2009

- a. Discussion and/or action pertaining to referendum ie: City of Cape Canaveral (Tabled at the September 12, 2008 Commission meeting by Vice Mayor McIntee to the February 10, 2009 Commission meeting)

May 12, 2009

- a. Ordinance 2008-17:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE TOWN CHARTER TO REQUIRE THE TOWN TO CONTRACT WITH LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC., FOR THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE TOWN; REQUIRING REFERENDUM APPROVAL OR A FOUR-FIFTHS VOTE OF THE TOWN COMMISSION FOR ANY ENTITY OTHER THAN LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC. TO PROVIDE PRIMARY FIRE PROTECTION SERVICES IN THE TOWN; PROVIDING FOR CONFLICTS WITH OTHER PROVISIONS OF THE TOWN CHARTER; CALLING FOR A REFERENDUM ELECTION; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE (FOR FIRST READING) (TABLED AT THE NOVEMBER 10, 2008 COMMISSION MEETING BY VICE MAYOR MCINTEE FOR 6 MONTHS)

19. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.