

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Jarvis Hall

4505 Ocean Drive

Tuesday, November 10, 2009

7:00 P.M.

- 1. CALL TO ORDER, MAYOR ROSEANN MINNET**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION – Reverend George Hunsaker**
- 4. PRESENTATIONS**
 - a. Presentation from State House Representative Ellen Bogdanoff on the state of the State (Mayor Minnet)
- 5. PUBLIC COMMENTS**
- 6. REPORTS**
- 7. PUBLIC SAFETY DISCUSSION**
- 8. TOWN MANAGER REPORT**
 - a. Survey Results
 - b. Emergency Procurement
- 9. APPROVAL OF MINUTES**
 - a. October 23, 2009 Roundtable Minutes
 - b. October 26, 2009 Referendum Workshop Minutes
- 10. ORDINANCES – PUBLIC COMMENTS**
 - 1. Ordinances 1st Reading**
 - a. **Ordinance 2009-29: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN**

GENERAL," SECTION 30-6 "PLANNING AND ZONING BOARD" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

- b. **Ordinance 2009-30:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE DEFINITION OF "TOWNHOUSE DWELLING" IN SECTION 30-20; AMENDING THE DEFINITION OF "VACATION RENTAL" IN SECTION 30-155, AMENDING REFERENCES TO VACATION RENTALS AS AN ACCESSORY USE IN THE RS-4, RS-5, RD-10, RM-25 AND RM-50 ZONING DISTRICTS, AND AMENDING SECTION 30-327 "VACATION RENTALS," ALL WITHIN CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE
- c. **Ordinance 2009-31:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 17, ARTICLE I SECTION 17-9 ENTITLED "OBSTRUCTING PARKS, STREETS, OR OTHER PUBLIC PROPERTY; PERMISSION REQUIRED, " BY ADDING CRITERIA, PROCEDURES AND OTHER REQUIREMENTS FOR APPROVAL OF ENCROACHMENTS ONTO PUBLIC PROPERTY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE

2. Ordinances 2nd Reading

- a. **Ordinance 2009-28:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 20, ARTICLE IV, ENTITLED "UTILITIES", REPEALING SECTIONS 20-40 AND 20-44 AND SECTIONS 20-50 THROUGH 20-65 THEREOF PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF THE TOWNS STORMWATER MANAGEMENT UTILITY FEES; PROVIDING FOR CODIFICATION OF THE REPEAL IN ARTICLE IV, CHAPTER 20 OF THE CODE OF ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a. Commission selection of contractor and award of ITB 09-09-02 – Lauderdale-By-The-Sea Recreational and Senior Center Services (Manager Colon)
- b. Commission to approve an extension to complete the construction of a single family home located at 4 Sunset Lane (Assistant Town Manager Olinzock)

- c. Place an announcement on the website and Channel 78 requesting residents who are interested in serving on the Hillsboro Inlet Commission to submit their application by December 1, 2009 (Commissioner Clottey)

13. RESOLUTION – “Public Comments”

- a. **Resolution 2009-27:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING (MOU) AMONG BROWARD COUNTY, THE BROWARD SOLID WASTE DISPOSAL DISTRICT, WHEELABRATOR SOUTH BROWARD, INC. AND WHEELABRATOR NORTH BROWARD INC. FOR A TERM OF TEN YEARS FROM AUGUST 4, 2011, WITH A TEN (10) YEAR EXTENSION BY MUTUAL AGREEMENT
- b. **Resolution 2009-29:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE RATES ON THE PARKING FEE SCHEDULE FOR HARDSHIP AND EMPLOYEE PERMITS

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Discussion and/or action by Town Commission to provide resolution to approve encroachment existing on public property: (Assistant Town Manager Olinzock) ***Deferred at the October 20, 2009 Commission meeting by Commissioner Clottey***

1. 16 Commercial Blvd

- b. Discussion and/or action by Town Commission to provide Resolution to approve Encroachments existing on public property: (assistant Town Manager Olinzock ***Deferred at the September 22, 2009 Commission meeting***

1.) 4404 Bougainvilla Drive

2.) 263 Commercial Boulevard

- c. Commission to approve a two (2) year time extension for the completion of the development at 231 Shore Court per the applicant's request and per Ordinance 6-12(c). Backup attached (Assistant Town Manager Olinzock) ***Deferred at the October 27, 2009 Commission meeting by Commissioner Clottey***

- d. Commission to approve a two (2) year time extension for the completion of the development at 226 Garden Court per the applicant's request and per Ordinance 6-12(c). Backup attached (Assistant Town Manager Olinzock) ***Deferred at the October 27, 2009 Commission meeting by Commissioner Clotley***
- e. Discussion and/or action – Hillsboro Inlet ***Deferred at the October 27, 2009 Commission meeting by Commissioner Clotley***

16. NEW BUSINESS

- a. Commission approval to reschedule the September 28, 2010 Commission meeting due to the Jewish Holiday of Sukkot (Clerk White)
- b. Commission approval of three (3) Hardship Permit Applications: (Clerk White)
 - 1.) Beachview Apartments
 - 2.) Sea Cliff Apartments
 - 3.) Santa Barbara Inn
- c. Discussion and/or action on Hillsborough Inlet (Commissioner Dodd)
- d. Discussion and/or action on the "Cone of Silence" rules (Commissioner Dodd)
- e. Discussion and/or action regarding a trial for employee parking south of Commercial at Hibiscus junction/ Bougainvilla junction just south of the Chamber (Commissioner Dodd)
- f. Discussion and/or action for a change in Town Code providing for restoration of building sites that remain uncompleted after building permits have expired (Commissioner Silverstone)
- g. Discussion and/or action regarding homeless people in our beach access areas, especially in Washingtonia Beach Park. LBTS should have posted signs indicating how long and when people can linger at each of the portals and Pavilion. No sleeping should be allowed on the benches (commissioner Clotley)
- h. Discussion and or action regarding: At the last Commission meeting when I was speaking on the last item, Mrs. Barbara Cole called me "inappropriate words". This goes way beyond a person's freedom of speech rights. People acting like that should be removed from the meeting immediately and asked not to return to the next meeting (Commissioner Clotley)
- i. Discussion and/or action regarding a contest for a new slogan (Commissioner Clotley)

- j. Town Commission Approval of Processing of Proposed Regulatory Changes
(Assistant Town Manager Olinzock)

17. TOWN ATTORNEY REPORT

18. ADJOURNMENT

19. FUTURE AGENDA ITEMS

December 1/ December 8, 2009 - Environmental Sustainability

December 1, 2009 - Ordinance 2009-** on Regulatory Changes - Chapter 30 -
1st read.

January 12, 2010 - Ordinance 2009-** on Regulatory Changes - Chapter 30 –
2nd read.

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.