TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, February 24, 2009

7:00 P.M.

1. **CALL TO ORDER, MAYOR ROSEANN MINNET**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **INVOCATION**

4. **PRESENTATIONS**

   a. Presentation of this season's LBTS VFD Youth Basketball Team (Commissioner Silverstone)

   b. Comprehensive Annual Financial Report (Rachlin, LLP)

5. **REPORTS**

   a. Finance and Budget Monthly Report – January 2009 (Manager Colon)

   b. Development Services Monthly Report – January 2009 (Assistant Town Manager Olinzock)

   c. Municipal Services Monthly Report – January 2009 (Assistant Town Manager Olinzock)

   d. BSO Police Monthly Report – January 2009 (Chief Gooding)

   e. VFD Fire Monthly Report – January 2009 (Chief Perkins)

   f. AMR Fire Rescue Monthly Report – January 2009 (Operations Manager Liddle)

6. **PUBLIC SAFETY DISCUSSION**

7. **TOWN MANAGER REPORT**

   a. Commercial Boulevard Beach Pavilion – Change Order

8. APPROVAL OF MINUTES

a. January 22, 2009 continued from January 13, 2009 Regular Meeting
b. January 27, 2009 Regular Meeting
c. January 28, 2009 continued from January 27, 2009 Regular Meeting
d. February 3, 2009 Commission Conference

9. PUBLIC COMMENTS

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

a. **Ordinance 2009-06:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, CREATING SECTION 17-16 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION OF SWALES, TO IMPOSE THE REPONSIBILITY FOR MAINTAINING SWALES ON THE ADJOINING PROPERTY OWNER OR OWNERS, AND TO REGLUATE THE ITEMS THAT MAY BE PLACED OR PLANTED IN SWALE AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 1st reading at the January 27, 2008 Commission meeting by Commissioner Dodd)

b. **Ordinance 2009-17:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY- THE- SEA, FLORIDA, CREATING SECTION 5-62 OF THE CODE OF ORDINANCES AND AMENDING SECTION 19-21 OF THE CODE OF ORDINANCES TO PROHIBIT THE USE OF TARPS OR OTHER NON-CUSTOM FIT BOAT COVERS IN THE COVERING OF BOATS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

2. Ordinances 2nd Reading – "PUBLIC HEARING"

a. **Ordinance 2009-03**: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY AMENDING SECTION 15-51 OF THE CODE OF ORDINANCES TO PROVIDE A DEFINITION OF "FALSE ALARM"; AND AMENDING SECTION 15-55 OF THE CODE OF ORDINANCES TO ESTABLISH A SERVICE FEE FOR EXECESSIVE FALSE ALARMS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 2nd reading at the January 27, 2009 Commission meeting by Commissioner Dodd)

b. **Ordinance 2009-08**: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY- THE- SEA, FLORIDA, AMENDING SECTION 19-21

OF THE CODE OF ORDINANCES TO AMEND THE VESSEL PARKING AND STORAGE REGULATIONS FOR THOSE PROPERTIES THAT WERE ANNEXED INTO THE TOWN IN 2001, FOR SO LONG AS OWNERSHIP OF SAID PROPERTRIES DOES NOT CHANGE; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading on at the January 27, 2009 Commission meeting)

c. **Ordinance 2009-09:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING SECTION 5-61 OF THE CODE OF ORDINANCES TO BE ENTITLED "INOPERABLE BOATS AND BOATS UNDER REPAIR" TO PROHIBIT BOATS THAT ARE INOPERABLE OR UNDER REPAIR FOR MORE THAN 90 DAYS FROM REMAINING IN THE JURISDICTION OF THE TOWN, EXCEPT FOR AT A LICENSED MARINE FACILITY; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading as amended on at the January 27, 2009 Commission meeting)

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

a. Commission approval of revised seating layout for sidewalk café - Aruba Beach Café, 1 Commercial Blvd (Assistant Town Manager Olinzock)

b. Commission approval of Special Event application for Easter By-The-Sea 2009, a Town sponsored event, Saturday, April 11, 2009, 8:30 AM till 1:00 PM (Assistant Town Manager Olinzock)

c. Commission approval of Special Event application for Walk Against Hunger 2009, Sunday, March 1, 2009, 8:00AM till 10:30 AM, Waiving the 60 Day submission requirement, refunding the $100.00 application fee. (Assistant Town Manager Olinzock)

d. Sanitary Sewer Repair Phase I – TeleVac $14,795 piggybacking the City of Sunrise Contract # (06) c-40-a-c (Assistant Town Manager Olinzock)

e. Emergency Electrical Repair-Police Department - $3,866.75. (Assistant Town Manager Olinzock

13. RESOLUTION – "Public Comments"

a. **Resolution 2009-04:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING FIRE RESCUE AND SAFETY SERVICE FEES BY DECREASING BY 10% THE PERIODIC/ANNUAL FIRE SAFETY INSPECTION FEES FOR EXISTING BUILDINGS (Tabled at the February 10, 2009 Commission meeting by Vice Mayor McIntee)

b. **Resolution 2009-06:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING AMENDMENTS TO CHAPTER 30 OF THE CODE OF ORDINANCES

14. QUASI JUDICIAL PUBLIC HEARINGS

a. An application submitted by Frank Trepepe, the property owners' representative of 232 Commercial Blvd. The applicant is requesting a variance to allow an encroachment of fire escape stairs and protection required by the Fire Marshal within the rear setback – Board of Adjustment recommended approval with conditions - Tabled at the January 13, 2009 Commission Meeting By Commissioner Silverstone

15. OLD BUSINESS

a. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee) (Tabled at the January 28, 2009 Commission meeting by Vice Mayor McIntee)

b. Discussion and/or action regarding information from Mr. Terri Arthur regarding Green Fest (Requested by Vice Mayor McIntee at the February 10, 2009 Commission meeting)

c. Discussion and/or action concerning adoption of the Miami – Dade code of ethics ordinance (Commissioner Dodd)

16. NEW BUSINESS

a. Discussion and/or action clarifying and revising Ordinance 2003-509 which only addresses resident and employee "Permits in Posted Areas" and Ordinance (Commissioner Silverstone)

b. Discussion and/or action concerning placing signs directing traffic to the hospitality and business districts on El Mar and Commercial. Can nice unobtrusive signs be placed on medians next to welcome signs, in front of Chamber, and on the pier sign? We need to request help from FDOT but should also consider placing our own signs if possible (Commissioner Clottey)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

March 10, 2009

a. **Public Hearing** and Town Commission Approval of Processing of Proposed Regulatory Changes

b. **Ordinance 2009-15 for 2nd reading:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY- THE- SEA, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES BY AMENDING SECTION 17-14 OF THE CODE OF ORDINANCES TO CHANGE THE FEE STRUCTURE FOR USE OF TOWN TENNIS COURTS; PROVIDING FOR AUTOMATIC ANNUAL FEE INCREASES; PROVIDING FOR PRORATED FEES FOR TENNIS KEYS PURCHASED DURING THE FISCAL YEAR; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE Passed 1st reading on February 10, 2009

c. **Ordinance 2009-16 for 2nd reading:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING CHAPTER 8.5 OF THE CODE OF ORDINANCES TO BE ENTITLED "EMERGENCY MEDICAL SERVICES" TO AUTHORIZE THE IMPOSITION OF FEES FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE Passed 1st reading on February 10, 2009

d. **Proposed Resolution**: of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida establishing Emergency Medical Service Fees (pending approval of Ordinance 2009-16 on 2nd reading, March 10, 2009)

e. **Proposed Resolution:** Residential Rental Property

f. **Proposed Resolution:** Vacation Rental Property

April 7, 2009

a. **First Reading of Proposed Ordinance** amending Chapter 30 by Town Commission

April 28, 2009

a. **Ordinance 2009-07 for 1st Reading:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313 OF THE CODE OF ORDINANCES, TO CLARIFIY PROVISIONS REGARDING THE HEIGHT OF HEDGES, PLANTINGS AND FENCES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Tabled on 1st reading at the January 27, 2009 Commission meeting by Vice Mayor McIntee)

May 12, 2009

a. **Ordinance 2008-17 for 1st Reading:** 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 (TABLED ON FIRST READING AT THE NOVEMBER 10, 2008 COMMISSION MEETING BY VICE MAYOR MCINTEE FOR 6 MONTHS)

b. **Second Reading of Proposed Ordinance** amending Chapter 30 By Town Commission

May 13, 2009

a. **Town Commission Workshop** - 7:00 PM – Fire, Height & Capital Expenditure (Requested at the February 10, 2009 Commission meeting by Vice Mayor McIntee and Commissioner Dodd)

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.