TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, February 10, 2009

6:30 P.M.

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

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

3. **INVOCATION**

4. **PRESENTATIONS**

5. **REPORTS**

6. **PUBLIC SAFETY DISCUSSION**

7. **TOWN MANAGER REPORT**

8. **APPROVAL OF MINUTES**

   a. January 13, 2009 Regular Meeting Minutes
   b. January 21, 2009 Conference Minutes
   c. January 21, 2009 Continued from January 13, 2009 Workshop Minutes
   d. January 26, 2009 Special Meeting Minutes

9. **PUBLIC COMMENTS**

10. **ORDINANCES**

    1. **Ordinances 1st Reading - "Public Comments"**

       a. **Ordinance 2009-15:** 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

b. **Ordinance 2009-16:** 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 SEREVICES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

2. **Ordinances 2nd Reading – "PUBLIC HEARING"**

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

a. Commission approval of Special Event Application for Cole Wedding Saturday, April 11, 2009, 4:00 PM to 6:00 PM (Assistant Town Manager Olinzock)

b. Commission approval of Special Event Application for the LBTS Chamber of Commerce Event Craft Festival, Saturday, March 14, 2009, 5:00 AM thru Sunday, March 15, 2009, 7:00 PM.

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

b. **Resolution 2009-05:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA ESTABLISHING FEES FOR PARKING IN METERED PARKING SPACES

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

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

b. Discussion and/or action regarding Valet Parking for 101 Ocean and Village Grill (Vice Mayor McIntee) Tabled at the January 27, 2009 Commission meeting by Vice Mayor McIntee

c. Discussion and/or action regarding an RFP 09-02-01 for Solid Waste, Bulk Waste, and Recycling Collection services (Requested by Commissioner Dodd at the January 27, 2009 Commission meeting)

16. NEW BUSINESS

a. Leisure Towers FP&L Easement request (Mayor Minnet)

b. Discussion and/or action: Putting a referendum on the Ballot to let the citizens decide on height regulations in our Town (Vice Mayor McIntee)

c. Garden Court – Discussion and/or action rescinding donation of land to developer back to the Town (Vice Mayor McIntee)

d. Discussion and/or action concerning downspouts, curbs and repaving Sea Grape Drive extension at the North end (Commissioner Dodd)

e. Discussion and/or action regarding North Trade Winds resurfacing and petition (Commissioner Dodd)

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

g. Discussion and/or action: Oriana North side alley - Can it, by law, be used for another use other than beach access (Vice Mayor McIntee)

h. Clean Energy Day - Discussion and/or action concerning a Town sponsored event to inform residents and businesses of the various solar products/systems currently on the market. Event would include presentations by experts and/or sales reps of companies making or selling products that are appropriate for use in LBTS (Commissioner Clottey)

i. Commission approval for issuance of five (5) parking permits to be used in the Bougainvilla Drive parking lot from March 1, 2009 thru February 28, 2010 by Nova Southeastern University staff during Sea Turtle Stranding and Disorientation Events (Clerk White)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

February 24, 2009

a. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee) Tabled by Vice Mayor McIntee at the January 22, 2009 Commission Meeting to the February 24th, 2009 Commission Meeting

b. **Ordinance 2009-03 for 2nd Reading**: 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)

c. **Ordinance 2009-06 for 1st Reading:** 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)

d. **Ordinance 2009-08 for 2nd Reading**: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY- THE- SEA, FLORIDA, AMENDING SECTION 19-21 OF THE CODE OF ORDINANCES TO EXEMPT FROM CERTAIN VESSEL PARKING AND STORAGE REGULATIONS THOSE OWNERS OF VESSELS WHO OWNED THE VESSELS AT THE TIME THEIR PROPERTY WAS ANNEXED INTO THE TOWN; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (Approved 1st reading on at the January 27, 2009 Commission meeting)

e. **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 JURISDDICTION 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)

f. **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

g. **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

March 10, 2009

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

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

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.