

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, January 27, 2009

7:00 P.M.

1. **CALL TO ORDER, MAYOR ROSEANN MINNET**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION**
4. **PRESENTATIONS**
 - a. Certificate of Achievement for Excellence in Financial Reporting – Presented by Allan Owens (Manager Colon)
 - b. Lifesaving Award to Mark Mitchell (Mayor Minnet)
5. **REPORTS**
 - a. Finance and Budget Monthly Report – December 2008 (Manager Colon)
 - b. Development Services Monthly Report – December 2008 (Assistant Manager Olinzock)
 - c. Municipal Services Monthly Report – December 2008 (Assistant Manager Olinzock)
 - d. BSO Police Monthly Report – December 2008 (Chief Gooding)
 - e. VFD Fire Monthly Report – December 2008 (Chief Perkins)
 - f. AMR Fire Rescue Monthly Report – December 2008 (Operations Manager Liddle)
6. **PUBLIC SAFETY DISCUSSION**
7. **TOWN MANAGER REPORT**

8. APPROVAL OF MINUTES

a. January 13, 2008 Workshop Minutes

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 RESPONSIBILITY FOR MAINTAINING SWALES ON THE ADJOINING PROPERTY OWNER OR OWNERS, AND TO REGULATE THE ITEMS THAT MAY BE PLACED OR PLANTED IN SWALE AREAS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE
- b. Ordinance 2009-07:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313 OF THE CODE OF ORDINANCES, TO CLARIFY PROVISIONS REGARDING THE HEIGHT OF HEDGES, PLANTINGS AND FENCES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

Ordinance 2009-08: 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.

- 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

2. Ordinances 2nd Reading – "PUBLIC HEARING"

- a. Ordinance 2009-01:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF

ORDINANCES BY AMENDING SECTION 19-25 OF THE CODE OF ORDINANCES TO ELIMINATE THE WAIVER OF CERTAIN METERED PARKING FEES; AND BY CREATING SECTION 19-28 OF THE CODE OF ORDINANCES TO ESTABLISH METERED PARKING RATES; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE

- b. **Ordinance 2009-02:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING SECTION 8-2 OF THE CODE OF ORDINANCES TO PROVIDE THAT THE FEES TO BE CHARGED FOR THE INSPECTION OF CERTAIN PREMISES BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION, AND CLARIFYING THAT FEES FOR REVIEW OF PLANS FOR NEW CONSTRUCTION BY THE FIRE PREVENTION BUREAU WILL BE SET BY RESOLUTION; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE
- c. **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 EXCESSIVE FALSE ALARMS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE
- d. **Ordinance 2009-04:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA; AMENDING CHAPTER 2, ARTICLE II OF THE TOWN CODE BY CREATING A NEW SECTION 2-25 ENTITLED "CAMPAIGN FINANCE RESTRICTIONS" TO CREATE RESTRICTIONS UPON THE MAKING OR RECEIPT OF POLITICAL CAMPAIGN CONTRIBUTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
- e. **Ordinance 2009-05:** 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 ALLOW NON-RESIDENTS TO USE TOWN TENNIS COURTS, AND INCREASING THE FEES FOR USE OF TOWN TENNIS COURTS; PROVIDING FOR SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE (MANAGER COLON)

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

Town Commission Regular Meeting Agenda
January 27, 2009

- a. Approval to record attached liens approved by Special Magistrate (Assistant Town Manager Olinzock)
- b. Commission approval to amend the approved sidewalk café site plan - Aruba Beach Café, 1 Commercial Blvd - (Town Commission approved on 10-10-06) to allow four (4) additional tables with chairs (Assistant Town Manager Olinzock)
- c. Commission approval of request for modification to the existing approved sidewalk café - Athena By The Sea, 4400 Ocean Drive - that was approved in 2000 (Assistant Town Manager Olinzock)
- d. Commission approval of request for minor modifications to approved site plan – Wings, 4405 Ocean Drive (Assistant Town Manager Olinzock)
- e. Commission approval for Town Manager to execute an extension of the existing Solid Waste Franchise Services Agreement for ninety (90) calendar days with Waste Management, Inc. with the same terms and conditions (Assistant Town Manager Olinzock)
- f. Commission approval of Emergency Repair to the Chamber Roof at a cost of \$2,751 (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

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. A Variance request to allow setback requirements from Section 30-242 of the Towns Zoning Code opposed to the applicable 30-241 to construct a single family home within the RM-25 Zoning District. Property is located at 4312 El Mar Dr. – Staff recommends tabling to January 13, 2009 – This item was tabled until December 17, 2008 at which time the Board will consider the application. The applicant agreed and is to provide revised plans increasing the setbacks for the board to review (Assistant Manager Olinzock) Tabled at the December 16, 2008 Commission meeting to allow BOA to review revised plans – BOA recommended approval with conditions – Applicant requesting Table to January 27, 2009 – Tabled at the January 13, 2007 Commission meeting by Commissioner Silverstone

15. OLD BUSINESS

- a. 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 (Tabled at the December 1, 2008 Commission meeting by Vice Mayor McIntee) Pending 1/13/09 Workshop

16. NEW BUSINESS

- a. Discussion and/or action on specific location of Adopt A Street signage (Mayor Minnet)
 - a. Town Hall
 - b. Town Parks
 - c. Designated Locations
- b. Reward Program for residents and business energy efficient improvements or purchases (Mayor Minnet)
- c. Commemorative Tree Policy (Mayor Minnet)
- d. Discussion and/or action regarding valet parking for 101 Ocean and Village Grille (Vice Mayor McIntee)
- e. Commission consideration for a Lauderdale-By-The-Sea Environmental Sustainability Committee (Mayor Minnet)
- f. The pier parking lot should be allowed emergency access to the walkway north of the Oriana project until the pavilion is completed (Commissioner Clotey)
- g. Discussion and/or action regarding a referendum on funding lifeguards on the beach (Commissioner Clotey)
- h. Discussion and/or action concerning the use of Jarvis Hall for profit generating activities by non-residents or for-profit organizations not having a physical presence in LBTS (Commissioner Clotey)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

February 10, 2009

Town Commission Regular Meeting Agenda
January 27, 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)

February 24, 2009 – Quasi Judicial Public Hearing

- a. An application submitted by Frank Treppe, 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

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.