

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, January 13, 2009

7:00 P.M.

- 1. CALL TO ORDER, MAYOR ROSEANN MINNET**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION**
- 4. PRESENTATIONS**
 - a. Municipal Services Employee of the Quarter – January 2009 (Assistant Town Manager Olinzock)
 - b. BSO Deputy of the Quarter – October, November, December 2008 (Chief Gooding)
 - c. Lifesaving Award to Mark Mitchell (Mayor Minnet) – Request to table to January 27, 2009
- 5. REPORTS**
- 6. PUBLIC SAFETY DISCUSSION**
- 7. TOWN MANAGER REPORT**
 - a. Open House for Public Safety Building
 - b. Proposed Residential Permit Parking Only
 - c. Local Agency Program (LAP) Grant
- 8. APPROVAL OF MINUTES**
 - a. November 25, 2008 Regular Meeting Minutes
 - b. December 1, 2008 continued from November 25, 2008 Regular Meeting Minutes

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- c. December 16, 2008 Workshop Minutes
- d. December 16, 2008 Regular Meeting Minutes
- e. December 20, 2008 continued from December 16, 2008 Regular Meeting Minutes

9. PUBLIC COMMENTS

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

- 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 (MANAGER COLON)
- 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 (MANAGER COLON)
- 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 (MANAGER COLON)
- 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 (MANAGER COLON)

- 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 (COMMISSIONER SILVERSTONE)

2. Ordinances 2nd Reading – “PUBLIC HEARING”

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a. Commission approval for preparation of Fire Assessment Report for Fiscal Year 2009-2010 - \$29,987.00 (Manager Colon)
- b. Commission approval to purchase canvas to cover fire engines and necessary apparatus/equipment - \$25,200 plus permit cost [Insurance Services Organization (ISO) Recommendations] (Manager Colon)
- c. Commission approval for use of Jarvis Hall by Congressman Klein's staff as satellite office for meetings with LBTS residents, second Thursdays of the Month, 9:00 a.m. to 11:00 a.m., February thru December 2009 (Assistant Town Manager Olinzock)
- d. Commission approval of Special Event Application for LBTS Chamber of Commerce Taste of the Beach 2009 – Tuesday, February 24, 2009, 9:00 a.m. until Wednesday, February 25, 2009 11:00 a.m. (Assistant Town Manager Olinzock)
- e. Commission approval of the issuance of eighty (80) parking permits for use in the El Prado lot by Shareholders of Caribe Inc., of Broward County on Tuesday, March 3, 2009 from 8:00 AM till 12:00 PM, during their annual meeting in Jarvis Hall (Assistant Town Manager Olinzock)
- f. Commission approval to provide clarification from Town Commission in providing five (5) residential parking permit spaces in the Bougainvillea Drive Parking Lot; remove five (5) meters and install permit signage (Assistant Town Manager Olinzock)

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- g. Any open position paying over \$50,000 per year cannot be filled on a permanent basis until it was first advertised in the Sun Sentinel. All qualified candidates must be interviewed before a hiring decision is made (Commissioner Clotney)
- h. Approval of Town Planner, Chen & Associates to begin design plans for A1A Streetscape Beautification improvement project (Manager Colon)

13. RESOLUTIONS – “Public Comments”

- a. **Resolution 2009-01:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2009/2010 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Manager Colon)
- b. **Resolution 2009-02:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A INTERLOCAL AGREEMENT APPLICATION FOR FUNDS AVAILABLE FOR THE COMMUNITY BUS THROUGH BROWARD COUNTY OFFICE OF TRANSPORTATION FOR THE FISCAL YEAR 2009/2010 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Manager Colon)
- c. **Resolution 2009-03:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA RECOGNIZING THE “BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS” INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT (Manager Colon)

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

- b. 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

15. OLD BUSINESS

- a. 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? Requested at the November 25, 2008 and December 16, 2008 Commission meeting by Vice Mayor McIntee
- b. Town Commission approval of Conceptual Bel Air subdivision sign design (Assistant Manager Olinzock/Colon) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey – Tabled at the December 16, 2008 Commission meeting by Commissioner Clotey
- c. Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line with what other municipalities charge. Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey – Tabled at the December 20, 2008 Commission meeting by Vice Mayor McIntee
- d. Discussion and/or action regarding opening the pier access road (Mayor Minnet) Tabled at the December 20, 2008 Commission meeting by Vice Mayor McIntee
- e. Discussion and/or action regarding parking a boat trailer in the front driveway in Bel Air (Mayor Minnet) Tabled at the December 20, 2008 Commission meeting by Commissioner Clotey

16. NEW BUSINESS

- a. Discussion and/or action regarding independent cell phones for the Town Commission (Requested at the December 1, 2008 continuation of the November 25, 2008 Commission meeting, by Vice Mayor McIntee)
- b. Discussion and/or action regarding the use of personal business cards containing an elected officials' title (Requested at the December 1, 2008 continuation of the November 25, 2008 Commission meeting, by Vice Mayor McIntee)
- c. Pave North Tradewinds as requested by resident petition (Vice Mayor McIntee)

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- d. Discussion regarding scale models of new projects in Town (Vice Mayor McIntee)
- e. Discussion and/or action regarding kite surfing - parasailing - on the beach (Vice Mayor McIntee)
- f. Discussion and/or action to place on a referendum expenditures for any one project which exceeds "x" in value, and/or selling of a town valued asset valued over "y" (Commissioner Silverstone)
- g. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee)
- h. When a code violation is discovered it should be dealt with properly. However, a mass sweep of the town looking for similar violations cannot be done without prior approval of the Town Commission (Commissioner Clotney)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

January 27, 2008

- 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)

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.