

Amended 12/09/05

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, December 13, 2005

7:00 P.M.

1. **CALL TO ORDER, MAYOR OLIVER PARKER**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION, TOWN CHAPLAIN**
4. **PRESENTATIONS**
5. **REPORTS**
 - A. Update regarding parking along buildings on Commercial Boulevard that back up to Harbor Drive (*Hurricane Wilma damage update for parking purposes*) (*Development Services Director Harry Diehl*)
6. **APPROVAL OF MINUTES**
 - A. November 9, 2005, Workshop Meeting
 - B. November 22, 2005, Agenda Conference
 - C. November 22, 2005, Regular Meeting
7. **ORDINANCES (2nd Reading) "Public Hearings"**
 - A. **Ordinance No. 2005-19:** An ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending section 24-5.66(a) of the Land Development Code to allow for temporary real estate sales offices in the RM-25 zoning district; providing for severability; providing for codification; providing for conflicts; and providing for an effective date
8. **PUBLIC COMMENTS**
9. **ORDINANCES (1ST Reading)**

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A. **Ordinance No. 2005-16:** An ordinance of the Town Commission of the Town of Lauderdale-by-The-Sea, Florida, amending Chapter 24, Section 24-5.5 to require Commission approval as a condition allowing for designation of the front lot line of a property to be designated by the property owner and amending the definition of "Lot, Corner"; amending Section 24-5.36 of the Land Development Code to require additional landscaping to buffer and screen properties which elect an alternate front yard; providing for severability; providing for codification; providing for conflicts; and providing for an effective date (*continued from November 22, 2005*)

B. **Ordinance No. 2005-20:**

OPTION A. An ordinance of the Town of Lauderdale-By-The-Sea, Florida submitting to referendum an amendment to Article XIV, Section 277 of the Town Charter, deleting Section(5)(f), amending Section 5(e) and related sections to allow the replacement of existing non-conforming buildings with multiple non-conforming buildings and eliminating restrictions on the square footage of non-conforming buildings that are replaced or rebuilt, but otherwise maintaining height limits; providing for notice of an advertisement of the referendum election to be published in accordance with the State of Florida Election Code; providing that this ordinance, when adopted, shall be submitted to the qualified electors of the Town of Lauderdale-By-The-Sea, Florida on the March 2006 Municipal Election Ballot and shall become effective as provided by law; providing for conflicts; providing for severability; and providing for an effective date.

or

OPTION B. An ordinance of the Town of Lauderdale-By-The-Sea, Florida, submitting to referendum an amendment to Article XIV, Section 277 of the Town Charter, amending Sections 5(d) through 5(f) and related sections to allow the replacement of existing non-conforming buildings with multiple non-conforming buildings and eliminating restrictions on the square footage of non-conforming buildings that are replaced or rebuilt, but otherwise maintaining height limits; providing for a notice of an advertisement of the referendum election to be published in accordance with the State of Florida Election Code; providing that this ordinance, when adopted, shall be submitted to the qualified electors of the Town of Lauderdale-By-The-Sea, Florida, on the March 2006 Municipal Election Ballot and shall become effective as provided by law; providing for conflicts; providing for severability; and providing for an effective date.

10. CONSENT AGENDA

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- A. MATCHING GRANT AGREEMENT: with Broward County for a grant in the amount of \$8,785 to fund an entryway beautification project located at 12 Southeast 15 Street
- B. AGREEMENT: authorization for Tele-Vac South to perform post hurricane outfall and stormwater drain clean-up (*piggybacking from contract with City of Sunrise, Bid No. 02 (15) 12-07-05-22-C, expiring September 30, 2006*) (*last sweep, Hurricane Wilma*) (*not to exceed \$12,000*)
- C. AGREEMENT: authorization for Grubbs Emergency services, LLC. and Waste Management to perform post hurricane clean-up (*last sweep, Hurricane Wilma*) (*not to exceed \$10,000 each*)
- D. AGREEMENT: with the Broward County Supervisor of Elections Office for necessary staff for election polls for the March 2006 Municipal Election
- E. RESOLUTION 2005-26: designating insurance carriers for various categories insurance coverage for the Town and Town officers, employees, and agents; directing the Town Administration to process applications for insurance coverage; and providing for an effective date
- F. RESOLUTION 2005-27: 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 2006/2007; providing for conflict; providing for severability; and providing an effective date

11. RESOLUTION

- A. **“PUBLIC HEARING” - Resolution No. 2005-24:** A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, setting forth the Town’s intent to use the uniform method for the collection of a non-ad valorem special assessment to be levied upon real properties lying within the municipal boundaries of the Town, as more particularly described in Exhibit “A”, attached hereto, to fund the Town’s stormwater utility system; stating a need for such levy; providing that a copy of this Resolution shall be forwarded to the Property Appraiser, Tax Collector and the Florida Department of Revenue; providing for conflicts; providing for severability; and providing for an effective date.
- B. **Resolution No. 2005-25:** A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging Congress to reject proposed legislation that would eliminate local franchising authority,

existing cable franchises and local government authority to provide communications services.

12. OLD BUSINESS

- A. **“PUBLIC HEARING” VARIANCE** – James Pollock/Thomas Keaney (Ocean Mist Pub), 210 Commercial Boulevard (*staff recommending denial; Board of Adjustment recommending approval*) (*continued from November 8, 2005*)
- B. Report on protocol for processing applications for Environmental Resource Licenses (*Development Services Director Harry Diehl*) (*continued from November 22, 2005*)
- C. Discussion and/or action regarding the Town’s request for the use of one uniform zip code townwide (*Mayor Oliver Parker*)
- D. Update regarding possible use of newly purchased used fire truck by Lauderdale-By-The-Sea Volunteer Fire Department for training and responding to fire alarms (*Battalion Chief Don King*)
- E. Discussion and/or action regarding proposed ordinance for Land Development revisions per Block 15 Study (*Town Planner Walter Keller*)
- F. Discussion and/or action concerning Economic Task Force and community redevelopment (*Town Attorney James Cherof/David Nixon*)
- G. Discussion and/or action to reschedule hurricane preparedness workshop meeting to a different date to allow for a longer meeting (*Commissioner Charles Clark*)

13. NEW BUSINESS

- A. **“PUBLIC HEARING” SITE PLAN** – Silver Capital Investment, 4649 Bougainvilla Drive) (*staff recommending approval subject to the planning report; Planning and Zoning Board recommending approval subject to the planning report*) (*tabled from November 8, 2005*)
- B. **“PUBLIC HEARING” SITE PLAN** – Real Investment, Inc., 4417/4421 Poinciana Street (*staff recommending approval subject to the planning report; Planning and Zoning Board recommending approval subject to the planning report*) (*tabled from November 22, 2005*)

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- C. **“PUBLIC HEARING” SITE PLAN** – Real Investment, Inc., 4432/4436 Bougainvillea Drive (*staff recommending approval subject to the planning report; Planning and Zoning Board recommending approval subject to the planning report*) (*tabled from November 22, 2005*)
 - D. **“PUBLIC HEARING” VARIANCE** – Fountainhead Condo, 3900 Ocean Drive (*request to reduce setback from 20 feet to 10 feet; request to increase wall height from 6 feet to 20 feet*) (*staff recommending approval; Board of Adjustment recommending approval*)
 - E. **“PUBLIC HEARING” SITE PLAN** – Fountainhead Condo, 3900 Ocean Drive (*staff recommending approval subject to the planning report; Planning and Zoning Board recommending approval subject to the planning report*)
 - F. Discussion and/or action regarding the proposed contract renewal between the Town and GSG, Inc. (*Attorney James Cherof/Camille Tharpe*) (***continue to January 24, 2006***)
 - G. Discussion and/or action regarding status of weekly Fire Rescue meetings (*Chief Frank Buchert*)
 - H. Consideration of providing assistance with funding for the Community Performing Arts Center (*continued from November 22, 2005*)
 - I. Discussion and/or action regarding protocol for neighborhood development to assess for special improvements (*Mayor Oliver Parker*)
 - J. Discussion and/or action regarding a protocol for providing color palettes for site plan reviews (*Commissioner John Yanni*)
 - K. Discussion and/or action regarding the Citizen Initiative Committee's petition for referendum (*Commissioner David Wessels*)
 - L. Discussion and/or action regarding laws regulating the direction of parallel-parked vehicles (*Mayor Parker*)
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- 14. **TOWN MANAGER REPORT**
 - 15. **TOWN ATTORNEY REPORT**
 - 16. **COMMISSIONER COMMENTS**

17. 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 ACCOMODATION 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.