

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**TOWN COMMISSION**  
**REGULAR MEETING**  
**AGENDA**

Town Commission Meeting Room  
**4501 Ocean Drive**  
**Tuesday, November 28, 2006**  
**7:00 P.M.**

**1. CALL TO ORDER, MAYOR OLIVER PARKER**

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

**3. INVOCATION, TOWN CHAPLAIN**

**4. PRESENTATIONS**

- A. Economic Development Task Force (*David Nixon*)
- B. Lauderdale-By-The-Sea Performing Arts Center regarding Stargazing and discussion and/or action relating thereto (*Vincent Ragusa, President*)

**5. REPORTS**

- A. Report by Town Attorney and Town Clerk regarding the General Election of November 7, 2006, and discussion and/or action relating thereto (*continued from November 14, 2006*)

At the meeting of November 14, 2006, Mayor Parker made a motion, seconded by Vice Mayor Gianni, directing the Town Attorney to prepare an ordinance for first reading at the next meeting, interpreting the Charter amendment to be forward-looking and not retroactive, and instructing the Town Manager and Town Clerk to so interpret and act upon the Charter amendment. Discussions on the motion were tabled to this meeting.

At the meeting of November 14, 2006, Mayor Parker made a motion, seconded by Vice Mayor Gianni, directing the Town Attorney to prepare an ordinance to change the municipal elections from March to November and to extend the terms until November 2008. Discussions on the motion were tabled to this meeting.

- B. Report on special meeting held on November 10, 2006 (*continued from November 14, 2006*)

At the meeting of November 14, 2006, Mayor Parker made a motion, seconded by Mayor Pro Tem Clark, directing the Town Attorney to amend

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the ordinance for first reading at the next meeting, to now read that special meetings may be called by the Mayor, the Manager, or three Commissioners. Discussions on the motion were tabled to this meeting.

- C. Budget Report for the period ending October 31, 2006
- D. Report on status of Oriana project (*Mayor Pro Tem Chuck Clark*)
- E. Report by Broward Sheriff's Office on the progress of negotiations with the Volunteer Fire Department and discussion and/or action thereon (*Mayor Oliver Parker*)

**6. APPROVAL OF MINUTES**

- A. November 14, 2006, Agenda Conference
- B. November 18, 2006, Special Meeting

**7. PUBLIC COMMENTS**

**8. ORDINANCES (2nd Reading) "Public Hearings"**

**9. COMMISSIONER COMMENTS**

**10. ATTORNEY-CLIENT EXECUTIVE SESSION WITH TOWN COMMISSION**

In accordance with the procedures set forth in Florida Statutes Section 286.011, the Town Commission and the Town Manager will meet privately with the Town Attorney to discuss the following pending litigation:

Sea Colony vs. Town of Lauderdale-By-The-Sea, Florida,  
Case Number 05-14142 (09).

and

Coastal Arms vs. Town of Lauderdale-By-The-Sea, Florida  
Case Number 06-11563 (21).

It is estimated that the Shade Session will last approximately 45 minutes. Present in this Executive Session will be Mayor Oliver Parker, Vice Manager John Yanni, Mayor Pro Tem Chuck Clark, Commissioner Jerry McIntee Commissioner, Commissioner James Silverstone, Town Manager Robert Baldwin, Town Attorney James Cherof and a certified Court Reporter

**11. ORDINANCES (1<sup>ST</sup> Reading)**

- A. **Ordinance No. 2006-14:** An ordinance granting to Florida Power and Light Company, its successors and assigns, an electric franchise, imposing provisions and conditions relating thereto, providing for monthly payments to the Town of Lauderdale-By-The-Sea, Florida, and providing for an effective date (*tabled from November 14, 2006*)

**12. CONSENT AGENDA**

- A. INTERLOCAL AGREEMENT: with the Municipal Underground Utility Consortium to promote undergrounding of utility facilities and related implementation activities
- B. AGREEMENT: with Craven Thompson for underground utility location services
- C. MEMORANDUM OF UNDERSTANDING: with Waste Management Inc of Florida regarding special accommodations for collection service monthly rates for duplex residences
- D. Motion authorizing Town Manager to apply for EMS Certificate of Public Convenience and Necessity (*Town Manager Robert Baldwin*)

**13. RESOLUTION**

**14. OLD BUSINESS**

- A. Discussion and/or action regarding Minto's proposal for development of the northeast corner of El Prado and El Mar Drive (*continued from September 28, 2006*)
- B. Discussion and/or action to allow *By The Sea Times* to place fifteen (15) paper boxes in Town at the present locations (*Commissioner Jerry McIntee*) (*tabled from October 10, 2006*)
- C. Discussion and/or action regarding the possibility of providing for special fees to cover the cost of trash collection for residential areas within the Tax Bill (*Town Manager Robert Baldwin*) (*continued from October 24, 2006*) (*At the meeting of November 14, 2006, the Commission requested this item be tabled to January 9, 2007*)
  - 1. Discussion and/or action regarding an assessment for solid waste collection by the Town for residential customers (*Municipal Services Director William Mason*) (*tabled from October 24, 2006*) (*staff*)

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*requesting to report on this item together with "C" above on January 9, 2007)*

- D. Discussion and/or action regarding who picks Fourth of July parade marshal and the possibility of opening the selection to Town residents *(Commissioner Jerry McIntee) (tabled by Mayor Parker at the meeting of September 28, 2006) (tabled from October 24, 2006)*
- E. Discussion and/or action concerning beach safety issues *(Mayor Oliver Parker) (tabled from October 24, 2006)*
  - 1. Installation of call phones at all beach access areas
  - 2. Installation of signs regarding rip currents; providing instructions on what to do if a person is caught in a rip current
- F. Discussion and/or action to establish a citizen's committee to establish protocol and procedures for naming public property after citizens *(Town Manager Robert Baldwin) (continued from October 24, 2006)*
- G. Discussion and/or action concerning the naming of El Prado after Bill and Eva Karley *(Commissioner Jim Silverstone) (tabled from October 24, 2006)*
- H. Discussion and/or action regarding the designation of certain neighborhoods for residential traffic only – Avalon Avenue at Seagrape Drive and West Tradewinds Avenue *(Mayor Oliver Parker upon the request of Eva Karley) (tabled from October 24, 2006)*
- I. Discussion and/or action reviewing the details and seeking Commission policy direction for the Request for Proposal for emergency medical services and automatic aid *(Town Manager Robert Baldwin) (tabled from October 24, 2006)*
- J. Discussion and/or action regarding the Town obtaining Letters of Interest for engineering services from other providers *(Municipal Services Director William Mason) (tabled from October 24, 2006)*
- K. Request to extend the site plan development order for Luxury Dwelling Homes, Cabonell, agent/Vinci, Owner; for the properties located at 4644 and 4646 Poinciana Street *(continued from October 24, 2006)*
- L. Discussion and/or action regarding referral of the Oriana Development to the State Attorney *(Mayor Oliver Parker)*
- M. Discussion and/or action regarding criminal investigation "Oriana" project *(Commissioner Jerry McIntee)*

- N. Discussion and/or action regarding red-tagging "Oriana" project  
(Commissioner Jerry McIntee)

**15. NEW BUSINESS**

- A. Discussion and/or action regarding the possibility of requiring properties that remain vacant for more than one year to landscape and remove construction fencing (*properties to be included are 4444 and 4500 Ocean Drive; 4448, 4436, 4451, and 4512 El Mar Drive; 222, 226, 230, and 231 Shore Court; and 1740 East Terra Mar Drive*) (Mayor Oliver Parker) (*tabled from October 24, 2006*)
- B. Discussion and/or action regarding the possibility of establishing a Town Ethics Committee (Commissioner Jerry McIntee) (*tabled by Mayor Parker at the meeting of September 28, 2006*) (*tabled from October 24, 2006*)
- C. Discussion and/or action regarding the removal of the overlay district (Commissioner Jim Silverstone) (*continued from October 24, 2006*)
- D. Discussion and/or action regarding speed humps on west side of Terra Mar Island (Mayor Pro Tem Chuck Clark) (*tabled from October 24, 2006*)
- E. **PUBLIC HEARING - SITE PLAN** Villa Caprice, located at 4108 and 4110 El Mar Drive (*request for temporary sales office to be located in the Villa Caprice development*) (*tabled from October 24, 2006*)
- F. Discussion and/or action regarding an extension to the site plan development order for Whitecap Motel Site/Robert White, Owner; located at 4608 El Mar Drive (*tabled from October 24, 2006*)
- G. Discussion and/or action regarding an extension to the site plan development order for B&B Garden Court/Rodriguez Design Group; located at 226 and 230 Garden Court and 4149 Seagrape Drive (*tabled from October 24, 2006*)
- H. Discussion and/or action regarding an extension to the site plan development order for Ocean Park (Villa Caprice)/Rex Nichols, Architect; located at 4108 and 4110 El Mar Drive (*tabled from October 24, 2006*)
- I. Discussion and/or action regarding an extension to the site plan development order for B&B Duval/Rodriguez Design Group; located at 4209 and 4215 Seagrape Drive (*tabled from October 24, 2006*)
- J. Discussion and/or action on clarifying and correcting the Charter updates previously submitted to the State to include Section 4 of the height limit

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petition as approved by the voters in March in order to implement the will of the people (*Commissioner Jerry McIntee*) (*tabled from October 24, 2006*)

- K. Discussion and/or action on correcting the injustice of letting developers use beach area and call it green space, beating the 25 percent green space rule on new development (*Commissioner Jerry McIntee*) (*tabled from October 24, 2006*)
- L. Discussion and/or action regarding the possibility of installing new bus stops within the Town's municipal boundaries (*Vice Mayor John Yanni*) (*continued from October 24, 2006*)
- M. Discussion and/or action regarding the consideration to eliminate the agenda conference (*Mayor Pro Tem Chuck Clark*)
- N. **PUBLIC HEARING** - SITE PLAN Mulligan's Grill & Raw Bar, located at 4403 El Mar Drive (*Planning and Zoning Board tabled this hearing to November 15, 2006; staff requesting tabling of this hearing to December 14, 2006*)
- O. Discussion and/or action regarding the adoption of the Evaluation and Appraisal Report based Comprehensive Plan amendments (*Town Planner Walter Keller*)

**16. TOWN MANAGER REPORT**

- A. Code Compliance Quarterly Report (*tabled from November 14, 2006*)
- B. Municipal Services Monthly Report (*tabled from November 14, 2006*)

**17. TOWN ATTORNEY REPORT**

**18. 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.*