

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, September 11, 2007

6:00 P.M.

- 1. CALL TO ORDER, MAYOR OLIVER PARKER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION, TOWN CHAPLAIN**
- 3A. TOWN ATTORNEY REQUEST FOR CLOSED DOOR SESSION** to Discuss KAY BAYMAN and NELLIE BAYMAN vs. TOWN OF LAUDERDALE-BY-THE-SEA, CIRCUIT COURT CASE NO. 07-15080 CACE (13) (Town Attorney James Cherof)
- 4. PRESENTATIONS**
 - a. Employee of the Month - Lauderdale-By-The-Sea: (John Olinzock – Assistant to the Town Manager)
 - b. Paramedic of the Year 2007 - Broward Sheriff's Office - Fire: Lieutenant Roy Antonucci (Chief Richard Sievers)
 - c. Employee of the Month August 2007 – Broward Sheriff's Office - Fire: Reserve Firefighter Daniel Appelblatt (Chief Richard Sievers)
 - d. Deputy of the Month July and August 2007 – Broward Sheriff's Office: (Lt. Caren Pollaccia)
 - e. Presentation by Raul Ocampo regarding Commercial Boulevard Beach Pavilion Conceptual Drawings (John Olinzock – Assistant to the Town Manager) Tabled from the July 24, 2007 meeting.
 - f. Presentation of Petition by Sea Ranch Club Condo, Larry McGuinness (Mayor Parker)
- 5. REPORTS**
 - a. End of Month Budget Report for July 2007 (Martin Sherwood – Director of Finance and Budget)
 - b. Broward Sheriff's Office Monthly Report for July 2007 (Lt. Caren Pollaccia)

- c. Broward Sheriff's Office Fire Rescue Monthly Report for July 2007 (Chief Sievers)
- d. Development Services Department Monthly Activity Report for July 2007 (Tatiana Solovieva - Development Services)
- e. Municipal Services Monthly Report for July 2007 (John Olinzock – Assistant to the Town Manager)
- f. City of Ft. Lauderdale / Sale of Water System – Report by Mark Darmanin, City of Ft. Lauderdale (James Cherof)
- g. Application for Jarvis Hall-Morningstar Condominium Association Annual Meeting (John Olinzock – Assistant to the Town Manager)

6. APPROVAL OF MINUTES

- a. July 10, 2007 Regular Meeting
- b. July 24, 2007 Workshop Meeting
- c. July 24, 2007 Regular Meeting
- d. July 31, 2007 Special Meeting

7. PUBLIC COMMENTS

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

9. COMMISSIONER COMMENTS

10. ORDINANCES (1st Reading)

- a. **Ordinance No. 2007-10 - Off-Site Parking:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-155 "PARKING OTHER THAN ON-SITE LOCATION" TO SET FORTH CONDITIONS FOR WHEN OFF-SITE PARKING IS ALLOWED; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)
- b. **Ordinance No. 2007-11- Drive Through Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 24-5-111, "B-1 DISTRICT-BUSINESS" AND SECTION 24-4.4(a)(2)(h) "SITE PLAN REQUIREMENTS" TO SET FORTH CONDITIONS FOR DRIVE THROUGH SERVICE AS AN

ACCESSORY USE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

- c. **Ordinance No. 2007-12 – Prohibiting Rentals in Residential Areas:**

Request to table to September 25, 2007 (James Cherof)

- d. Ordinance No. 2007-13 - Moving Election from March to January 2008:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA PROVIDING FOR THE MODIFICATION OF THE TOWN'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008 AND IN EACH SUBSEQUENT YEAR THAT IS A MULTIPLE OF FOUR (4) PURSUANT TO SECTION 101.75, FLORIDA STATUTES; SPECIFICALLY PROVIDING FOR THE 2008 GENERAL MUNICIPAL ELECTION IN THE TOWN TO OCCUR ON JANUARY 29, 2008; PROVIDING FOR THE QUALIFYING PERIOD FOR THE GENERAL MUNICIPAL ELECTIONS, AND SPECIFICALLY FOR THE QUALIFYING PERIOD FOR THE 2008 MUNICIPAL GENERAL ELECTION TO OCCUR BETWEEN NOON ON FRIDAY, NOVEMBER 2, 2007 THROUGH NOON ON FRIDAY, NOVEMBER 16, 2007; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICERS TAKE OFFICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- e. Ordinance 2007-14 – Unified Land Development Regulations:** AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES TO PROVIDE A COMPREHENSIVE REVISION TO THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE RENUMBERING AND RECODIFICATION OF THE LAND DEVELOPMENT REGULATIONS AS CHAPTER 30 OF THE CODE OF ORDINANCES; AMENDING OR ADDING PROVISIONS REGARDING FINAL SITE PLANS, SITE PLAN REQUIREMENTS FOR PERVIOUS AREA AND GREENSPACE, ARCHITECTURAL STANDARDS FOR THE RD-10, RM-25, AND RM-50 ZONING DISTRICTS, PROCEDURES AND REQUIREMENTS FOR REZONING INCLUDING APPLICATION PROCESS AND REQUIREMENTS, VESTED RIGHTS DETERMINATIONS, QUASI-JUDICIAL PROCEEDINGS, GENERAL PROVISIONS INCLUDING LEGISLATIVE INTENT, PURPOSE, RULES OF INTERPRETATION, EFFECTIVE STAFF DECISIONS, ENFORCEMENT, VIOLATIONS AND PENALTIES AND COMPUTATION OF TIME, DEFINITIONS, NON-CONFORMING USES AND STRUCTURES, INCLUDING PROVISIONS FOR EXTENSIONS, ALTERATION, ENLARGEMENT AND RECONSTRUCTION, ZONING MAP, INTERPRETATION OF DISTRICT BOUNDARIES, PURPOSE AND INTENT OF ZONING DISTRICTS, CORNER LOT LANDSCAPING IN THE RS-5 ZONING DISTRICT, PLANNED UNIT DEVELOPMENT REGULATIONS, OFF-STREET PARKING REQUIREMENTS IN THE RM-25 ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1-A ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1 ZONING DISTRICT, BOATS, BOAT LIFTS AND BOAT HOUSES, BOAT DAVITS, HEIGHT OF FENCES, WALLS AND HEDGES, SWIMMING POOL AND DECK SETBACK REQUIREMENTS, ACCESSORY BUILDINGS AND STRUCTURES, OFF-STREET PARKING AND LOADING REQUIREMENTS,

TELECOMMUNICATION TOWERS AND ANTENNAS, WINDOW AWNINGS AND ENTRANCE CANOPIES, SIGNS, AND LANDSCAPING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Attorney James Cherof)

- f. **Ordinance 2007-15 - Setback Regulations For Construction Site Containers And Regulation Of Portable Storage Units:** AN ORDINANCE OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA AMENDING CHAPTER 6, BUILDING AND BUILDINGS REGULATIONS, OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6.8 TO PROVIDE SETBACK REGULATIONS FOR CONSTRUCTION SITE CONTAINERS AND TO ADD A NEW SECTION 6-8,1 TO PROVIDE REGULATION OF PORTABLE STORAGE UNITS; PROVIDING FOR ENFORCEMENTS AND PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Attorney James Cherof)

11. **CONSENT AGENDA**

- a. Service agreement between the Town of Lauderdale-By-The-Sea and Bien-Aime Inc., regarding Senior Center Activities Fiscal Year 2007/2008. (Town Manager Colon)
- b. Special Events Permit – Christmas By The Sea (Assistant to the Town Manager John Olinzock)
- c. Request for Issuance of 50 Parking Permits for Ocean Conservatory's International Coastal Cleanup, Saturday September 15, 2007, 8:00 AM until 2:00 PM, Bougainvillea Drive Parking Lot.
- d. Seagrape Drive Status & Town Permit Fee Waiver Request (Walter Keller)

12. **RESOLUTION**

- a. **Resolution No. 2007-14:** 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 2007/2008 PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Town Manager Colon)

13. **OLD BUSINESS**

- a. **Public Hearing** - The Planning and Zoning Board tabled the proposed Wings site plan (fka: Mack's Groves) located at 4405 N. Ocean Drive to their meeting of July 18, 2007 based on their concerns with the architecture of the

proposed building (Walter Keller, Town Planner) (Tabled from July 24, 2007 meeting)

- b. Public Hearing** - The Board of Adjustment is scheduled to review a proposed parking variance for the Wings Beachware project located at 4405 N. Ocean Drive at their July 17, 2007 meeting. There is an accompanying zoning petition request that was originally scheduled for the Planning and Zoning Board on June 20, 2007 in which the Board tabled the accompanying zoning petition to their meeting of July 23, 2007 (Walter Keller, Town Planner) (Tabled from July 24, 2007 meeting)
- c.** Discussion and/or action regarding change to El Mar Drive from present configuration to one lane (Commissioner Silverstone – tabled from June 12, 2007 meeting)
- d.** Discussion and/or action regarding renewing performing arts center contract (Vice Mayor Yanni) (Tabled from July 10, 2007 meeting)
- e.** Discussion and/or action regarding giving the Performing Arts Center priority with dates at Jarvis Hall (Mayor Parker) (Tabled from July 10, 2007 meeting)
- f.** Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Walter Keller, Town Planner) (Tabled from July 10, 2007 meeting)
- g.** Discussion and/or action regarding Town hiring a fire inspector (Commissioner Silverstone) (Tabled from July 10, 2007 meeting with direction for BSO Fire to attend meeting)
- h.** Discussion regarding unauthorized advertisements on Channel 78 "infomercials" at recent group meeting (Commissioner McIntee) (Tabled from July 24, 2007 meeting)

14. NEW BUSINESS

- a.** Discussion and/or action pertaining to Ordinance 2007-04 (Waiving Weekday Parking Meter Fees) (Commissioner Clark)
- b.** Discussion and/or action to change zoning on the south of Commercial Boulevard from RM-25 to B-1 on the West Side of A1A. (Vice Mayor Yanni)
- c.** Discussion and/or action pertaining to July 24, 2007 Consent Item 11-E: Construction of Permanent Monument Signage (Commissioner Silverstone)
- d.** Discussion and/or action for reconsideration of Variance pertaining to 4243 Bougainvilla Drive (Commissioner McIntee)

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- e. Discussion and/or action pertaining to reduction of one sergeant position with BSO – Police Contract (Commissioner McIntee)
- f. Discussion and/or action pertaining to Violation of Town's Code of Ordinance – Order Imposing Fine / Certificate of Lien / Abatement Order (Town Manager Esther Colon)
- g. Discussion and/or action of Award of Agreement for Generator Relocation/Installation and New Town Hall Electrical Service, Invitation to Bid No. 06-07-05 (Assistant to the Town Manager John Olinzock)
- h. Request to change Regular Commission Meeting date of December 25, 2007 (Town Clerk June White)

15. TOWN MANAGER REPORT

16. TOWN ATTORNEY REPORT

PUBLIC COMMENTS (remaining members of the public to speak at this time)

17. FUTURE AGENDA ITEMS

September 14, 2007

- a. **RESOLUTION 2007-11 - Fire Assessment**
- b. **RESOLUTION 2007-12 - Stormwater Management Utility Fees**
- c. **RESOLUTION 2007-13 - Adopting Millage Rate**

September 25, 2007

- a. Discussion regarding response units to Fire calls in Lauderdale-By-The-Sea by Broward Fire Department and who is covering TL32 when it is out of Town (Commissioner McIntee – tabled from the June 26, 2007 and July 10, 2007 meeting)
- b. Selection of Architect for the Commercial Boulevard Beach Pavilion (Walter Keller, Town Planner)

September 27, 2007

- c. **Final Budget items**

October 9, 2007

- a. Report on the allocation of parking lots to serve the various restaurants in the Town's core area (per Commission directive at March 27, 2007 meeting)

November 13, 2007

- a. Discussion and/or action regarding placing pavers on El Mar Drive for the Coral Key project (Mayor Parker – Tabled from the July 10, 2007 meeting)

Items Tabled until Uncertain Date

- a. Discussion and/or action regarding BSO letter of complaint dated 4/11/07 and event report dated 4/7/07 (Mayor Parker) (Pending IA report)
- b. Report on public records request regarding tape referred to in 4/27/07 Commission Meeting (Mayor Parker) (Pending IA report)
- c. Approximate Costs for the Town to Perform Solid Waste Collection

11. 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.