

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
Workshop
MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, January 13, 2009
5:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 5:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Manager Esther Colon, Town Attorney Daniel L. Abbott, Town Clerk June White, and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. **ITEMS OF DISCUSSION:**

a. Code

The Commission agreed to discuss the boat issue first in order to allow the public to express their thoughts.

Section 5-60 – Unsightly Boats

Mayor Minnet opened the meeting for public discussion.

Mar Jo Lexa asked the Commission to consider Broward County's Code to which Terra Mar always complied with prior to annexation.

Bill Hart asked that the Broward County Code be honored and reinstated. He said it would cost about \$2,000 a year to store his boat off site.

Richard Nearly felt his community was being discriminated against by this Commission.

With no one else wishing to speak, Mayor Minnet closed the meeting to public comments.

Commissioner Dodd felt residents were relatively happy and the Commission should not impose restrictions on them. Commissioner Clotey

stated that many residents did not want to have boats all over people's yards. Vice Mayor McIntee thought the Town should support grandfathering. Commissioner Silverstone believed that if people were led to believe that they were allowed to keep their boats on their property, then it would be fair to grandfather them in.

Mayor Minnet said there were very few people that were not in compliance. She recommended that the definition of "nuisance" be added to the Ordinance as "a nuisance threatens or endangers public health, welfare, safety or may reasonably cause decrease or adversely effects and impaired the economic welfare of adjacent property."

Discussion followed regarding a petition signed by 113 residents of Bel Air that allowed Ms. Lexa to keep her boat on her property that was there prior to annexation.

Vice Mayor McIntee made a motion to direct the Town Attorney to create an Ordinance with a grandfathering clause for the annexation area of the north end of Town. He added that proof of ownership at time of annexation would be required and once the property was sold the grandfathering would expire. Commissioner Silverstone seconded the motion. Brief discussion followed regarding the lack of numerous complaints.

The motion carried 4-1. Commissioner Dodd voted no. He felt there were not enough complaints and believed it was an unnecessary step.

Section 19-21 (TC) 39-27 (BCC) Boats & Commercial Vehicles

Commissioner Dodd recommended limiting temporary coverage of vessels to 3 months and made a motion to put in the appropriate Section of Code. Vice Mayor McIntee seconded the motion. All voted in favor.

The Commission continued with the remaining workshop items.

Section 30-123(g)(1) – Site plan approval - The Commission discussed the difference in the time allocated for site plan approval with 18 months for the east side of Town compared to 12 months for the west side of Town. It was determined that Code allowed more time for the east side of Town because it took longer to get permit approval. The Commission decided to leave Section 30-123(g) (1) the way it was. Commissioner Dodd made a motion to direct Town Attorney to look at neighboring cities and report back to the Commission. Vice Mayor McIntee seconded the motion. All voted in favor.

Section 30-318(a) and 30-318(b) - Parking – The Commission discussed the use of compact cars to better utilize parking in town; recommended

developers do a study that showed parking was sufficient; keep the allowed 2 parking spaces per dwelling for condominium owners; and to look at electric cars for Town use. Commissioner Dodd requested that the Master Plan Steering Committee look at the square footage requirement for restaurant parking and report back to the Commission with a recommendation.

Mayor Minnet suggested that restaurant owners could pay into a fund to purchase parking spaces. Manager Colon stated that Wings and 101 Ocean paid a fee for additional parking spaces. She said it would require separating the funds between the parking and general funds. There were no changes to the Ordinance.

Section 30-313 (23.5) and Section 17-16 (a) through (e) - Swales –

Attorney Abbott was asked to review the Ordinance and structure it in such a way without using the word grandfather to allow existing homeowners some leniency. Vice Mayor McIntee pointed out that the swale areas were designed as a pervious area and noted that a lot of residents paved over the swales for parking purposes. He recommended recovering the swales and require that those who paved over the swales, rip them out do them over. Commissioner Dodd believed surface water should be directed toward the swale and the Town should encourage zero landscaping in an effort to save water. He questioned the removal of tree trimming; whether new gravel driveways could be established; hedge height; and he disliked asking residents to water the swale (vegetation between the sidewalk and the road). Commissioner Clottey questioned the prohibition of non-native plants and disliked the idea of forcing elderly people to remove their gravel driveways or making people come before the Commission every time they wanted to landscape their front yards.

Assistant Town Manager Olinzock advised that the Town adopted “the right tree right place policy” with the utility companies and was in compliance with the Broward County Code. He added that the policy followed the South Florida Water Management recommendations in an effort to keep Florida with native species and avoid problems with newly planted items. Development Services Director Jeff Bowman clarified that the items that were removed from the Ordinance were addressed in other sections of the Code.

Mayor Minnet addressed vegetation and the roots that affected the swales. She suggested an inclusion in the Ordinance to prevent problems.

Vice Mayor McIntee made a motion to direct the Town Manager to aggressively pursue the paved swale areas throughout Town and report back to the Commission with their recommendation. Commissioner Dodd seconded the motion with brief discussion as to the direction the residents

would be required to follow. Vice Mayor McIntee stated the swale was town property and reasonable time would be allowed for compliance.

Cristi Furth pointed out that the swales along Bougainvillea Drive, Poinciana Street and the eastern side of Seagrape Drive was paved over by the previous Town Administration and not the people that live there.

Vice Mayor McIntee refined his motion to apply to swale areas in residential sections and not in business sections. Commissioner Dodd seconded the motion. All voted in favor.

Section 30-313(4) - Fences – The word “ten” was recognized as a scrivener’s error to be corrected to “twelve”. The Commission discussed Broward County Building Code compliance as assurance that the fence would be constructed properly to meet wind and State regulation to protect lives and property. Discussion followed regarding the elimination of chain link fencing with Commissioner Dodd recommending a 2 foot chain link fence for animals. He made a motion to that effect and then removed it as the portion of chain link fencing in this Section applied to the business zoning district. The Commission discussed hedge height for privacy. Vice Mayor McIntee pointed out that anything higher than 12 feet could cause trouble with cable and power lines. Attorney Abbott pointed out that hedge height requests could be brought before the Commission as a variance. The Ordinance stayed as presented.

Section 6-72 through 6-75 – ROW – The word “municipal” was changed to “development” and the word “permit” fee was changed to “review” fee. Commissioner Silverstone made a motion to accept the changes as presented. Vice Mayor McIntee seconded the motion. All voted in favor.

Section 30-211 (c) (4) - Roof Overhangs – The Commission discussed distance for roof overhangs and side setbacks. Commissioner Dodd made a motion to leave at 5 feet. Vice Mayor McIntee seconded the motion. All voted in favor.

Joey Leechman believed the Commission should be generous with the overhang or at least 3 feet.

Section 30-123 – Numbering Error – Development Service Director Bowman stated that in Section 30-123 (a) (4) was eliminated as it duplicated Section 30-123 (a) (3) – He added that Section 30-123 (a) (4) was added to incorporate Ordinance 2005-04. He explained that when code was unified the language was left out. Commissioner Dodd made a motion to go back to the language in Ordinance 2005-04.

Section 30-507 - Real Estate Sign - Commissioner Silverstone made a motion to accept as recommended. Commissioner Dodd seconded the motion. All voted in favor.

Section 30-507 –Sign – Commissioner Silverstone made a motion to accept as recommended. Commissioner Dodd seconded the motion. All voted in favor.

Section 30-313 (30) (a) - There were no changes.

Section 14-79 - Lewd Merchandise – The Commission felt more research was needed.

Section 8-2 Fire Inspection Fees – The Commission agreed to lower only the annual fire safety inspection fees by 10%.

Section 30-502 (15) Signs – The intent was to address signs in the Town right of way. Manager Colon would work with the Town Attorney on the proper wording.

Vice Mayor McIntee made a motion to recess the remaining Code items in 3 a, along with 3b, 3c, and 3d Workshop items to January 20, 2009 7:00 p.m. Commissioner Silverstone seconded the motion. All voted in favor. Mayor Minnet recessed the meeting at 6:55 p.m.

- b. Height
- c. Capital Improvement
- d. 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 (Commissioner Silverstone)

4. ADJOURNMENT



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White

January 30, 2009
Date