

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION**

REGULAR MEETING

AGENDA

Jarvis Hall

4501 Ocean Drive

Tuesday, July 28, 2009

7:00 P.M.

1. **CALL TO ORDER, MAYOR ROSEANN MINNET**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION** – Reverend George Hunsaker
4. **PRESENTATIONS**
 - a. Presentation – Wind Energy (Commissioner Clottey)
 - b. Presentation – Solar Lighting (Commissioner Clottey)
 - c. Presentation of proclamation proclaiming August 22, 2009 as Honeybee Awareness Day (Mayor Minnet)
 - d. Presentation - El Mar Drive Streetscape – Chen & Associates, Ocampo & Associates
5. **PUBLIC COMMENTS**
6. **REPORTS**
 - a. Finance and Budget Monthly Report – June 2009 (Manager Colon)
 - b. Development Services Monthly Report – June 2009 (Assistant Town Manager Olinzock)
 - c. Municipal Services Monthly Report – June 2009 (Assistant Town Manager Olinzock)
 - d. BSO Police Monthly Report – June 2009 (Lt. Angelo Cedeno)
 - e. VFD Fire Monthly Report – June 2009 (Chief Perkins)
 - f. AMR EMS Monthly Report – June 2009 (Operations Manager Liddle)

7. PUBLIC SAFETY DISCUSSION

8. TOWN MANAGER REPORT

- a. Solid Waste Update
- b. Tennis Program
- c. Swimming Program
- d. Insurance on Town owned Tree

9. APPROVAL OF MINUTES

- a. June 23, 2009 Regular Meeting Minutes
- b. June 30, 2009 Special Meeting Minutes
- c. July 14, 2009 Budget Workshop Minutes

10. ORDINANCES

1. Ordinances 1st Reading - "Public Comments"

- a. **Ordinance 2009-26:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 20, ARTICLE VI, SECTIONS 20-121, 20-122, 20-125, AND 20-126 PROVIDING ADDITIONAL WATER CONSERVATION REGULATIONS; CREATING NEW SECTION 20-126 ENTITLED "WATER CONSERVATION"; RENUMBERING EXISTING SECTIONS 20-126 AND 20-127 AS SECTIONS 20-127 AND 20-128; PROVIDING FOR CODIFICATION IN ARTICLE VI OF CHAPTER 20 OF THE CODE OF ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE

2. Ordinances 2nd Reading - "PUBLIC HEARING"

- a. **Ordinance 2009-10:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-21 "NON-CONFORMING USES AND STRUCTURES" TO AMEND REQUIREMENTS FOR CONTINUATION OF NON-CONFORMING USES AND STRUCTURES; AMENDING ARTICLE IV "SITE PLAN PROCEDURES AND REQUIREMENTS," SECTION 30-123 "APPLICATION FOR FINAL SITE PLAN APPROVAL" TO CLARIFY THE REQUIREMENTS FOR AN APPROVED SITE PLAN TO REMAIN EFFECTIVE; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-211"RS-5 DISTRICT—RESIDENCE" TO AMEND ROOF OVERHANG SETBACK REQUIREMENTS IN THE RS-5

DISTRICT; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-261 "B-1-A DISTRICT-BUSINESS" IN ORDER TO PROVIDE THAT BEAUTY SCHOOLS AND HAIR SALONS ARE PERMITTED USES IN THE B-1-A DISTRICT; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-271 "B-1 DISTRICT- BUSINESS" IN ORDER TO PROVIDE THAT COOKING SCHOOLS, CATERING BUSINESSES, MOTORIZED SCOOTER OR MOPED SALES AND RENTALS, AND BEAUTY SCHOOLS AND HAIR SALONS ARE PERMITTED USES IN THE B-1 DISTRICT; AMENDING ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-313 "GENERAL PROVISIONS" IN ORDER TO AMEND THE REQUIREMENTS FOR FENCES, WALLS, AND HEDGES AND TO PROVIDE DEVELOPMENT STANDARDS FOR DRIVEWAYS, SWALES, AND GENERATORS; FURTHER AMENDING ARTICLE VIII "SIGN REGULATIONS," SECTION 30-507 "DEFINITIONS AND RESTRICTIONS BY SIGN TYPE," TO AMEND THE DEFINITIONS OF "SIGN," "INFORMATIONAL, DIRECTIONAL OR TRAFFIC CONTROL SIGN," AND "REAL ESTATE SIGN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE *Approved 1st reading April 14, 2009*

- b. **Ordinance 2009-12:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY THE SEA, FLORIDA, AMENDING CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE VI "SIDEWALK CAFÉS," SECTION 17-89 "REQUIREMENTS OF A SIDEWALK CAFÉ PERMIT;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE *Approved 1st reading July 14, 2009*

- c. **Ordinance 2009-14:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13 "NOISE" OF THE CODE OF ORDINANCES TO PROVIDE FOR AMENDED NOISE REGULATIONS; AMENDING CHAPTER 17 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE VIII "SPECIAL EVENTS" TO AMEND THE REGULATIONS OF SPECIAL EVENT PERMITS TO PROVIDE GROUNDS FOR DENIAL OF A SPECIAL EVENT PERMIT FOR VIOLATION OF NOISE AND OTHER TOWN STANDARDS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE *Approved 1st reading April 14, 2009 Deferred at the June 9, 2009 Commission meeting by Vice Mayor McIntee*

- d. **Ordinance 2009-25:** AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 20, ARTICLE II, SECTION 20-19 PROVIDING FOR RATES AND CHARGES OF TOWN SANITARY SEWAGE DISPOSAL SERVICE; PROVIDING FOR CODIFICATION AS ARTICLE II OF CHAPTER 20 OF THE CODE OF ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE *Approved 1st reading July 14, 2009*

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a. Commission approval of contract agreement for construction of Bel-Air monument signs to Coastal Contracting, Inc. in the amount of \$19,900 (Assistant Town Manager Olinzock)
- b. Commission approval for annual storm drain cleaning by TeleVac South as required by (NPDES) National Pollutant Discharge Elimination System \$39,000 (Assistant Town Manager Olinzock)
- c. Commission approval for purchase of a new 2010 F150 4x4 \$17,556 (Assistant Town Manager Olinzock)
- d. Commission approval for purchase an F250 with a Utility Bed not to exceed \$23,000 (Assistant Town Manager Olinzock)

13. RESOLUTION – “Public Comments”

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. Commission approval of re-designation of lot line front per request submitted by Karen D’Uva, property owner of 1658 W. Terra Mar Drive, to change the designated front yard per Town Code Chapter 30 from Seward Drive to West Terra Mar Drive (Assistant Town Manager Olinzock)
- b. Town Commission to approve variance request submitted by Karen D’Uva, property owner of 1658 W. Terra Mar Dr. (Assistant Town Manager Olinzock)
- c. Commission approval of a zoning variance regarding the dumpster enclosure for 101 Ocean Restaurant located at 101 Commercial Boulevard. The applicant is requesting exception to the Town’s Zoning Code, Chapter 30 to allow the existing chain link enclosure to remain – BOA approval with condition (Assistant Town Manager Olinzock)

15. OLD BUSINESS

- a. Commission approval of reduction of right-of-way permit performance bond for Villas By The Sea Development, as requested by Minto Communities, LOLC (Assistant Town Manager Olinzock) (Deferred at the June 23, 2009 Commission meeting by Vice Mayor McIntee) Request to defer to July 28, 2009 Deferred at the July 14, 2009 Commission meeting
- b. Discussion and/or action regarding location and quantity of custom banners (Assistant Town Manager Olinzock) *Deferred at the July 14, 2009 Commission meeting*

- c. Discussion and/or action of FWC application for parking permits at the beach (Commissioner Dodd) *Requested at the July 14, 2009 Commission meeting*
- d. Discussion and/or action of Beach and Residential Parking Permit Fees (Mayor Minnet) *Requested at the July 14, 2009 Commission meeting*
- e. Discussion and/or action regarding Kite Surfing (Vice Mayor McIntee) *This item was deferred at the April 28, 2009 Commission meeting to the July 28, 2009 Commission meeting by Vice Mayor McIntee*
- f. Discussion and/or action to reschedule the Round Table that cancelled on June 30, 2009 (Mayor Minnet)
- g. Discussion and/or action regarding pavilion drainage (Commissioner Dodd)
- h. Discussion and/or action concerning review of the Town Manager as required by the Charter. New date to be set by the Commission for the Round Table review (Commissioner Dodd)

16. NEW BUSINESS

- a. Discussion and/or action regarding Heroes awards (Requested at the May 27, 2009 Commission meeting by Vice Mayor McIntee)
- b. Discussion and/or action regarding the installation of drainage on Bougainvillea Drive from Pine Ave to Commercial Blvd (Assistant Town Manager Olinzock)
- c. Discussion and/or action regarding Government Channel 78 Software Signage Update - \$4,755 (Manager Colon)
- d. Discussion and/or action to have public speakers state their full address (Mayor Minnet)
- e. Discussion and/or action to hold a budget meeting to allow citizen input before the meeting on September 14, 2009 by which time it will be too late (Commissioner Dodd)
- f. Discussion and/or action on extending the three months special events permits for Village Grille and Athena Restaurant known as Jazz on the Square and Elvis (Commissioner Dodd)
- g. Discussion and/or action regarding the audit company and the RFP's (Commissioner Dodd)
- h. Discussion and/or action on a storm water bond issue (Commissioner Dodd)

- i. There seems to have been a dual billing system for garbage collection services. Most paid the correct amount, a few paid less. This has been causing problems since the Town switched to Choice and everyone now is expected to pay the amount set by their dwelling's category. Switching these dwellings to the commercial rate or letting them have smaller totters would provide some financial relief to these residents who do not need large totters (Commissioner Clotley)
- j. Discussion and/or action for a proclamation for Marc Furth (Commissioner Silverstone)

17. TOWN ATTORNEY REPORT

18. ADJOURNMENT

19. FUTURE AGENDA ITEMS

September 14, 2009 - Special Public Hearing – Adopt Tentative Millage, TRIM, budget and final fire assessment

September 28, 2009 - Special Public Hearing – Adopt Final Millage, TRIM and Budget

November 24, 2009 – Environmental Sustainability Committee

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.