

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

Referendum Workshop

AGENDA MINUTES

Jarvis Hall

4505 Ocean Drive

Monday, October 26, 2009

6:01 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Commission agreed to take Public Comments at the end of the meeting.

3. ITEMS OF DISCUSSION:

a. Discussion and/or action on a "two hats" referendum item (Commissioner Dodd)

The Commission discussed sample versions of a referendum question in relation to conflicts of interest. There was clarification on what exactly was considered a conflict of interest. The Commission agreed that it was any sitting elected official that voted on a topic that would result in personal financial gain. It was later added that any elected official conducting work with a business or resident in Town would be considered a conflict of interest.

Some Commissioners were only in favor of creating this referendum if it was worded correctly. The Town Attorney confirmed all of the provisions that the Commission wanted in the referendum ordinance. Commissioner Dodd extended the voting restrictions to elected officials who were also board members of businesses and volunteer organizations contracted with the Town.

b. Discussion and/or action regarding the height limit:

1. Implementation of referendum to clarify 33 foot height limit in Town (Vice Mayor McIntee)

The Commission and Town Attorney discussed whether or not to talk about this topic while litigation was still pending. Attorney Trevarthen did not recommend discussing the topic.

2. "Should the 15 story height be restored in the North end of Town" (Commissioner Dodd)

The Commission discussed the current height restrictions in the Charter and clarified the provisions and definition of grade with the Town Attorney. Discussion followed regarding the width of buildings and whether that was something that could be restricted without causing litigation. Direction was given to the Town attorney to create a referendum ordinance that eliminated the clause to build above the flood zone height of 8 feet, to restrict the north end of Town to 44 feet, to restrict the south end of Town to 33 feet, and to protect the current provisions for non-conforming buildings.

3. Should the Town change the zoning to allow the 44 foot height limit that was passed at three previous referenda for development within the boundaries of the Old Marina Overlay, Beach Overlay and Hospitality Districts? The setbacks, green space and density to be calculated from the 1973 original charter provisions and not the more recent overlay districts parameters (Commissioner Dodd)

This item was discussed with item 3.b.2.

- c. Discussion and/or action concerning a referendum question for lifeguards (Commissioner Dodd)

The Commission discussed the cost for lifeguard services and locations along the beach. It was the consensus of the Commission that it was not necessary to place lifeguards along the entire beach; only near the areas with public access. Direction was given to the Town Attorney to create a referendum ordinance that clearly gave the cost to have lifeguards along the entire beach, the cost to only have lifeguards between the portals, and the cost to have the same coverage time as the City of Ft. Lauderdale in both scenarios.

- d. Discussion and/or action regarding referendum items for the March 2010 ballot (Mayor Minnet)

This item was discussed during item 3A

Public Comments

Cristi Furth clarified that the residents did not vote for an exact 44 foot height limit, only a maximum of 44 feet that could be implemented through zoning regulations.

Frank Herrmann recalled that many of the early Mayors and Commissioners were also members of the Volunteer Fire Department and it was never a problem. He did not feel there was a need for lifeguards.

George Crossman reviewed the Coastal Construction application specifications.

Lawrence Wick reviewed the height limit specifications and felt it was best to remove the Coastal Construction Control Line provision.

Rosa Michaliuk disagreed with having a "two hat" referendum and did not want the height limit any higher.

Louis Marchelos, John Oughton, Mark Brown, Yann Brandt, Ben Freeny, and Edmund Malkoon were in favor of an Ethics referendum.

Spiro Marchelos wanted to see the will of the people protected.

Barbara Cole was no longer in favor of any referendums.

Chris Vincent was in favor of a height referendum to finally clear up the confusion.

Paul Novak felt the height restrictions made a negative economic impact on the Town. He felt that a 44 foot height limit allowed for development and turnover in the Town.

4. ADJOURNMENT

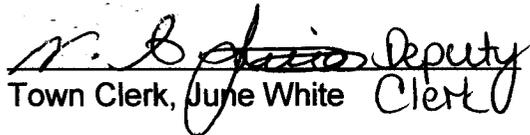
Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:45 p.m.



Mayor Roseann Minnet



ATTEST:



Town Clerk, June White Deputy Clerk

11/10/09
Date