

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, March 12, 2024

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Chris Vincent
Vice Mayor Edmund Malkoon
Commissioner Buz Oldaker
Commissioner Randy Strauss
Commissioner Theo Pouloupoulos

Linda Connors, Town Manager
Susan Trevarthen, Town Attorney
Katrina Adler, Town Clerk

Regular Town Commission

Tuesday, March 12, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR CHRIS VINCENT**
 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
 3. **INVOCATION by Pauline Brooks McGuinness representing the Bahai Faith**
 4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
 5. **PRESENTATIONS**
 6. **PUBLIC COMMENTS**
 7. **PUBLIC SAFETY DISCUSSION**
 8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report for March 12, 2024
 9. **TOWN ATTORNEY REPORT**
 10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes for February 13, 2024
 11. **CONSENT AGENDA**
 12. **OLD BUSINESS**
 13. **NEW BUSINESS**
 - 13.a. Application for Relief of Code Compliance Lien at 4109 N. Ocean Drive, Lauderdale-By-The-Sea, FL, 33308
 - 13.b. Special Event Application: Community Christian Church Spring Beach Baptism, May 18, 2024
 14. **COMMISSIONER COMMENTS**
 15. **ORDINANCES 1st Reading**
 16. **ORDINANCES 2nd Reading**
 17. **RESOLUTIONS – PUBLIC COMMENTS**
 18. **QUASI JUDICIAL PUBLIC HEARINGS**
 19. **ADJOURNMENT**
-

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) 640-4200 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 ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Town Commission Agenda Item Report

Meeting Date: March 12, 2024

Submitted By:

Submitting Department: Administration

Item Type: Presentation

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report for March 12, 2024

Explanation: Following is the Town Manager's report for March 12, 2024.

1. Employee Parking

We are excited to announce that Town Business Employees can now purchase their Employee Parking Permits online! This new system will allow employees to:

- Create an account for automatic renewals.
- Upload all necessary documents directly from their phone or computer.
- Purchase their permit anytime/anywhere.

We have received a lot of positive feedback on this new option available for our business employees and are working to make this option available for residents in the near future.

2. Downtown Enhancement Project Accolades

We were just notified that the Downtown Enhancement Project won the Florida Public Works Project of the Year for roads and highways less than \$5 million! The award will be given at the statewide AWPAs conference in Daytona this April. Our project will also be prominently highlighted in a future issue of Landscape Architect News.

3. Grant Success!

As you know, we have been submitting grant applications and funding requests for projects to help reduce our reliance on our millage rate to fund projects. It takes time to see results - but we are finally starting to realize success. This week we received notice that the Town is included in the State of Florida's budget for a direct appropriation of \$1 Million towards the planning and development of a public safety building. We are also scheduled to receive \$200K for Friedt Park improvements and \$50K for the construction of beach portals. These funding opportunities will be finalized when the Governor signs the FY25 budget in July.

4. Surtax Funding Requests

The deadline for project requests for the County's surtax funding was last Friday, March 8th.

The Town submitted applications for the development of plans for traffic-calming measures in South Silver Shores, North Silver Shores and Bel Air neighborhoods. We also applied for funds to construct a traffic island on Commercial Boulevard that would prohibit vehicles from dangerously crossing Commercial Boulevard at West Tradewinds. Finally, we submitted a request to fund our microtransit program, Circuit.

5. Taste of The Beach

We had a fantastic Taste of the Beach event last Wednesday. The rain stayed away during the sold-out event and attendees were able to enjoy good food, good music and, more importantly, a great evening with their neighbors enjoying the small town feeling that we love about LBTS. Taste was a fantastic first event to celebrate the Town's 75th anniversary! Thank you to all the restaurants that participated and a special thank you to Peggy Mohler for her assistance in organizing!

6. Vacation Rental Update

As a reminder, the Town regulates vacation rentals for single family and duplex properties (ordinance adopted in 2009) and short term rentals for 2, 3 and 4 unit properties (ordinance adopted in 2017). It seems like every year, the State Legislature proposes legislation to limit the Town's ability to regulate these businesses and this year is no different. We are lucky in that our 2009 ordinance continues to be considered grandfathered, which means we can continue to limit stays to 7 days. However, the 2017 ordinance that the Town adopted to regulate 2, 3 and 4 unit properties is not. Therefore, the proposed legislation that passed the House this session will affect our 2,3 and 4 unit properties, if it is ultimately approved. The proposed legislation

- Restricts what local governments can require as part of a local registration program
- Permits a short-term rental to have 5 code enforcement violations before a suspension can occur
- Places significant new enforcement responsibilities on the Department of Business and Professional Regulation and new accountability measures on advertising platforms
- Preempts all municipal ordinances adopted after July 1, 2014, and
- Maintains the grandfather for ordinances adopted prior to June 1, 2011.

7. Upcoming Meetings

Date	Type	Time
March 19, 2024	Municipal Elections	7AM -7PM
March 28, 2024	Special Magistrate	5:00 PM
April 2, 2024	Commission Meeting	6:30 PM

Recommendation: None.

Exhibits: None



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: March 12, 2024

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

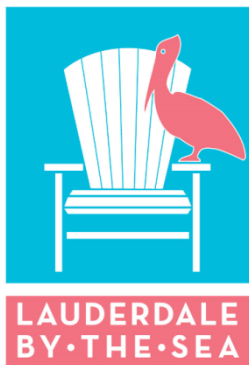
Subject Title: Approval of Minutes for February 13, 2024

Explanation: Draft minutes for approval for the January 23, 2024 Regular Commission Meeting.

Recommendation: Accept/Approve

Exhibits:

1. 2-13-24 Regular Commission Meeting



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 13, 2024
6:30 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Senior Special Events and Marketing Coordinator Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

Pompano Beach Fire Inspector Ashley Zalewski honored the C shift crew of the Pompano Beach Fire Department (PBFD), which recently responded to a medical emergency and saved the life of an individual in cardiac arrest. She noted that the Broward Sheriff’s Office (BSO) also responded to this call.

The following Item was taken out of order on the Agenda.

7. PUBLIC SAFETY DISCUSSION

a. PBFD January 2024 Public Safety Report

Fire Inspector Zalewski reported that during the month of January, the PBFD responded to 152 calls for service with an average response time of 5 minutes 40 seconds. The Fire Department provides closest unit response, which means if their rescue unit is out on a call when another call comes in, the closest unit must respond. This means the unit at the Lauderdale-By-The-Sea station is required to respond if they are the closest unit, even if the call to which they respond is not located in the Town.

The Department was present at the recent Friday Night Music event and held an Open House at the Fire Station.

Commissioner Oldaker asked if some of the more exceptional response times could be removed from the report, as these skew the average. Fire Inspector Zalewski replied that the PBFD is in the process of implementing a new reporting system which may be able to break down the different types of calls.

Commissioner Oldaker also requested an explanation of the PBFD's certification. Fire Inspector Zalewski explained that in order to be hired by the PBFD, an individual must be both a Firefighter and a paramedic, which is the highest level of emergency response. This means they can respond to a range of medical emergencies. There are also emergency medical technicians (EMTs) with extensive experience who can assist in certain emergencies. Paramedics must renew their licenses every two years.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Ken Brenner, resident, noted that the Town has negotiated higher interest rates on taxpayer funds held at Truist Bank. He suggested that these funds be used toward some of the items removed from the current year's budget, such as road resurfacing and addressing of flooding in neighborhoods.

Howard Goldberg, resident, thanked Town residents for the turnout at the recent fish fry event, which was held the previous week. He invited all residents to attend the Fort Lauderdale Marathon, which is scheduled on Sunday, February 18, 2024 from 6 a.m. until 12 p.m.

Mr. Goldberg requested the use of Jarvis Hall on March 16, 2024 for the Chamber of Commerce's second annual Health Fair, which will be held in conjunction with Imperial Point Hospital. The event is free of charge and will run from 9 a.m. to 1 p.m.

John Graziano, resident, addressed Agenda Item 13.c, which will discuss the sale of food and alcohol on the beach. He was not in favor of this proposal.

Richard DeNapoli, resident, wished all present a happy Valentine's Day.

With no other individuals wishing to speak at this time, Mayor Vincent closed public comment.

Town Manager Linda Connors showed a video highlighting the Annual Report for fiscal year (FY) 2023. She thanked Town Staff for their work on all the projects noted in the video, which will be posted on the Town's website.

7. PUBLIC SAFETY DISCUSSION

a. BSO Presentation

BSO Captain Bill Wesolowski reported that the A1A marathon is scheduled for Sunday, February 18, 2024, which will affect traffic along El Mar Drive, Palm Avenue, and A1A. Businesses will not be affected, although traffic delays are expected. BSO personnel will monitor intersections throughout the marathon route.

Captain Wesolowski continued that BSO has implemented a program called "While You Were Sleeping," which allows Deputies to communicate with property owners regarding concerns such as open garage doors and unsecured vehicles. Cards will be placed in the mailboxes or doors of these homes to alert residents of crime prevention opportunities.

Captain Wesolowski also played a brief video from BSO which is intended to encourage residents to lock their cars and secure their belongings. There were 17 auto thefts in Lauderdale-By-The-Sea in 2023, including five golf carts. Seven of the stolen cars had key fobs left within the vehicles. He also noted that the signals from key fobs left in proximity to doors can be reproduced by criminals. The video will be shared through the Town's social media.

Commissioner Strauss asked if there are any methods that can prevent the reproduction of key fob signals. Captain Wesolowski advised that keys can be wrapped in aluminum foil to disrupt the transmission of signals. Keeping keys away from the front door area is another method of prevention.

Commissioner Pouloupoulos asked if a license plate reader (LPR) camera for the Town is located at the north portal is still out of order. Captain Wesolowski replied that one of these two cameras is still down following a crash. The Town has purchased replacement equipment which has not yet arrived. The other Town camera system, which includes approximately 81 cameras throughout the Town, is being upgraded.

Commissioner Pouloupoulos also asked if more sophisticated auto thieves have learned how to circumvent old-fashioned deterrents, such as “the club” or other devices. Captain Wesolowski noted that these deterrents can still be effective.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Connors advised that the Town is applying for a grant to fund the replacement of surveillance cameras.

Construction on the Bel Air seawall has been completed and Staff is adjusting the level of the nearby sprinkler system, as the new seawall is significantly higher than the old one. Property owners will be billed in March 2024 for their share of the seawall’s construction costs.

Staff has worked with Truist Bank to improve the Town’s bank services. This includes an increased interest rate, which is generating approximately \$30,000/month. These funds are not budgeted.

There has been discussion in the past of a new Public Safety building, and the Town has purchased property for this building. Staff recommends that the increased interest generated by banked funds be reserved for use on this building. Commissioner Oldaker requested that this proposal be brought back as an Agenda Item at a future meeting so

the Commission can further discuss the interest generated by the Town's accounts before committing those funds to a specific use.

Vice Mayor Malkoon observed that it made sense to segregate the interest funds while awaiting a discussion on their use. He also thanked Town Staff for their leadership in addressing the Bel Air seawall repairs, and suggested that in the future, the Commission may wish to restore benches and park amenities at that location.

Town Manager Connors continued that two members of Town Staff participated in a recent "Career Safari" event at Winston Park Elementary. She added that she will speak at the International City/County Managers' Association (ICMA) Conference regarding the recent Downtown enhancement project.

Town Manager Connors requested the following changes to upcoming meeting dates:

- March 26, 2024: as this meeting follows the upcoming election, this date would be changed to April 2, 2024 in order to allow time for certification of election results
- September 11, 2024: the first municipal budget hearing, which had been scheduled for this date, would be changed to September 12, 2024
- September 24, 2024: this meeting would be changed to September 17, 2024 to allow the Town Manager to speak at the ICMA conference

The Commissioners agreed to these proposed changes by consensus.

Town Manager Connors advised that there have been several requests from residents to expand the Town's recycling options. Glass will continue to be excluded from the program due to its negative value; however, aluminum, more plastics, uncoated paper board, newspapers, office paper, and cardboard containers can now be recycled. The Town is working with Conceptual Communications to prepare advertising on this topic.

b. Development Services Report Q1-FY24

Development Services Director Jhanelle Campbell reported that from October to December 2023, the Department received 18 applications and issued 14 new business tax receipts (BTRs). Two issues were addressed before the Commission during this same reporting period. Several permit applications were received, including right-of-way permits, lien searches, and architectural reviews.

During the same reporting period, Code Compliance investigated 103 incidents, and 54 cases are currently under the Special Magistrate's jurisdiction, with 109 cases under the Code Officer's jurisdiction. The Town has 144 registered vacation and short-term rentals.

The Building Department took in \$385,137.63 in building permit fees during the same reporting period, one of which was for a job which cost over \$100,000.

Commissioner Oldaker referred to the map on the Town's website which shows the locations of registered vacation rental properties. He asked if the turnaround time for addition of a new vacation rental has been shortened. Development Services Director Campbell confirmed that this time frame has been narrowed; however, the process can be held up if inspections of vacation rental units show that unpermitted work has been done. The properties cannot be licensed until these issues are addressed.

c. Business Outreach Team Report – January 2024

Assistant to the Town Manager Courtney Easley reported that the Business Outreach Team (BOT) was created in January 2024 to help support the Town's businesses. Since January 10, 2024, the team has visited 25 businesses to introduce themselves and provide information about Town events. There is also a business resource page on the Town's website. A dedicated email address, businessteam@lbtz-fl.gov, reaches all team members. The team's goal is to resolve most issues between 24 and 48 hours.

d. 75th Update

Senior Special Events and Marketing Coordinator Katie Anderson advised that the Town is roughly six weeks into its 75th anniversary celebration. She thanked Vice Mayor Malkoon for his support and direction throughout this ongoing event.

Anniversary banners have been displayed in Connie Hoffmann Plaza and Ocean Plaza as well as in medians, at several neighborhood entrances, and along El Mar Drive, A1A, and Commercial Boulevard. Town Staff email signatures have been updated to reflect the anniversary, and the Town's website includes a dedicated landing page. The weekly *Town Topics* e-blasts include facts about the Town's history.

Each of the Town's five annual events in 2024 will be enhanced with an anniversary component. There are also two new events, Taste of the Beach in March and a Founders' Day picnic in the fall. Taste of the Beach is scheduled for Wednesday,

March 6, 2024 and will be held in El Prado Park and its parking lot from 5 p.m. to 8 p.m. There will be live music in the Park. Tickets are \$25 and can be purchased on the Town's event website. Senior Special Events and Marketing Coordinator Anderson recognized Peggy Mohler, owner of the Aruba Beach Café, for her assistance in planning this event.

Commissioner Oldaker asked if Taste of the Beach will use tents. Senior Special Events and Marketing Coordinator replied that it is not intended to be a covered event. The destination in case of rain will be Jarvis Hall.

Commissioner Oldaker asked if the Town has a budget line item for anniversary events. Senior Special Events and Marketing Coordinator Anderson explained that some costs are factored into the individual plans for events, and there is also an individual 75th anniversary budget.

Vice Mayor Malkoon recognized Senior Special Events and Marketing Coordinator Anderson for her work on the 75th anniversary events. Branded merchandise is also available at Town Hall and the Visitors Center, and residents are encouraged to share photographs and memories as well.

e. December 2023 Finance Report

Director of Budget and Finance Lucila Lang advised that \$7.5 million in ad valorem tax revenues were collected during December 2023 for a total of \$10.5 million through that month. An additional \$300,000 has been collected since that time. \$673,000 was collected in December for the Fire Fund Assessment for a total of \$931,000, with another \$20,000 collected since then.

The December Parking Fund shows a 2.7% decrease (approximately \$5000). Director of Budget and Finance Lang noted that the decrease may have been due to the bad weather we had during that time.

Commissioner Oldaker addressed the cash investment report, noting that this report shows strong interest rates. Town Manager Connors added that Truist Bank has reached out to Staff to schedule a meeting for further discussion of additional ways to invest.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for January 9, 2024

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Special Event Application – Community Church Easter Sunrise Service, March 31, 2024

Commissioner Strauss made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 5-0.

b. Special Event Application – Chamber of Commerce Health Fair, March 16, 2024

It was noted that this event requests a fee waiver. Town Manager Connors recalled that this fee was waived in 2023 and Staff recommends its waiver again in 2024.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

c. Discussion on Permitting Hotels with Restaurants to Serve Food and Alcohol on the Beach

At this time Mayor Vincent opened public comment.

Joe Imbrogno, general manager of Plunge Beach Resort, stated that this business is seeking approval to serve food and beverages from their restaurant to patrons using the Resort's beach chairs. The Resort has over 100 rooms and is authorized to provide food and beverage service in their lobby restaurant and behind the pool deck. Service would be provided during restaurant hours when beach chairs are rented from 12 noon to 3 p.m.

Mr. Imbrogno noted that Fort Lauderdale has tested a pilot program for this type of service for two years. Those licensed businesses provide food and beverages, including alcohol, to beach patrons. He pointed out that unlike these businesses, which must cross A1A to provide service, Plunge is directly adjacent to the beach. Other municipalities allowing food and beverage service on the beach include Hallandale Beach, Hollywood, and Deerfield Beach. Plunge would exclusively cater to patrons renting its beach chairs and would be responsible for appropriate consumption, use of recyclable items, and daily cleanup.

Mr. Imbrogno recalled that some Commissioners had expressed interest in expanding food and beverage service to include restaurants on the beach which are not attached to hotels. The only two such businesses are Aruba Beach Café and Anglin's Beach Café, which already serve food and beverage on the beach as permitted by their property lines.

With no other individuals wishing to speak on this Item, Mayor Vincent closed public comment.

Mayor Vincent asked if food and beverage service would be considered an off-premise service. It was clarified that this would instead be an extension of service to hotel patrons.

Development Services Director Campbell advised that one major difference between the proposed program and the pilot program in Fort Lauderdale would be that other beachgoers are not permitted to walk up and purchase food. Service would only be provided to hotel patrons using the hotel's beach chairs. The only other property that would be able to take advantage of the proposed program would be the former Holiday Inn site, which is currently a vacant lot.

Service would be provided from 12 p.m. to 3 p.m., seven days per week. Resort patrons would be identified by wristbands.

Commissioner Strauss expressed concern with the possibility of litter on the beach, but noted that he had been assured by hotel management that this would not become an issue.

Commissioner Oldaker observed that there is little information in the backup materials for this Item which can be shared with the community. He also pointed out that the Town strives to be different from the other nearby municipalities which provide this type of service, and recommended an organized approach to the request. He was in favor of hearing more public input on the proposal.

Commissioner Pouloupoulos commented that the proprietor of Plunge had advised the resort would carry additional insurance, and asked if they will also need to carry any additional liability insurance to serve alcohol on a public beach. Mr. Imbrogno replied that there was no such need to the best of his knowledge, the resort's license covers this service. Their blanket liability coverage already extends to the beach, and the chairs are viewed as an extension of the business's outlets. He added that he will follow up and look into this further.

Commissioner Pouloupoulos also asked if the beach chairs are located on Plunge property. Development Services Director Campbell replied that they are on Town property. Town Attorney Susan Trevarthen further clarified that because the Town's beaches have been renourished over the years, this converts the beach to public property; however, the location of private property lines up and down the beach vary.

Development Services Director Campbell addressed the insurance question, explaining that when sidewalk cafés are permitted, restaurants are required to provide insurance and to add the Town to this insurance. She suggested that a similar step could be followed for beach service. Town Attorney Trevarthen noted that should the Commission choose to move forward with this program, additional implementation details will need to be worked through, including some of the components being discussed at tonight's meeting.

Commissioner Pouloupoulos stated that he shared some of Commissioner Oldaker's concerns that this pilot program could constitute a slippery slope for the Town. At present, Code states any hotel or facility wishing to implement beach service must have at least 100 rooms, which would not apply to most of the Town's hotels. He noted that if the pilot program is successful, there could be requests to change Code. While he did not object to a pilot program, he agreed that the Town should not seek to emulate larger

beachfront communities. He also expressed concern that the program could affect Downtown restaurants.

Mayor Vincent reiterated that Plunge is currently the only hotel in the Town which would be able to provide food and beverage service on the beach under Code. Town Attorney Trevarthen further clarified that the relevant zoning district includes a provision that allows restaurants in hotels with over 100 rooms to provide the proposed service.

Mayor Vincent confirmed that he was in favor of the pilot program because he did not anticipate additional applications being received in the future. The Town would be able to monitor the program's success. He also noted that the Town does not stop beachgoers from bringing alcohol to the beach, and he was more comfortable with the oversight that the resort would provide.

Vice Mayor Malkoon was also comfortable with a pilot program if all details can be worked through. He was also in favor of keeping the Town's businesses, including hospitality providers, competitive with other hotels of comparable size that provide similar services.

Town Manager Connors addressed Commissioner Oldaker's concerns regarding a lack of backup documentation, explaining that the Town is seeking additional backup information. This was why the proposal is for a pilot program so more information can be gathered. The program would include definite start and end dates, after which time it would be brought back to the Commission with backup information and details so the Commissioners can make an informed decision on whether or not to continue the program.

Commissioner Pouloupoulos asked what metrics would be used to measure the success of the pilot program, as well as when the program would begin. Town Manager Connors replied that she was in favor of beginning it immediately once all licensing is complete. Code Enforcement will visit the Plunge property on a periodic basis to see how the program is working. She was also confident that Town residents would let Staff and the Commission know if concerns arise.

Staff will work with the Plunge, as well as with Code Enforcement and Development Services Staff, to collect data on the program and monitor how the area in question is maintained. All of this information will be brought back to the Commission at the end of the pilot program.

Commissioner Strauss made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 4-1 (Commissioner Oldaker dissenting).

d. Resolution 2024-08: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JUSTFOIA, INC. FOR SOFTWARE TO PROCESS REQUESTS FOR PUBLIC RECORDS, LOBBYIST REGISTRATION, AND LIEN SEARCHES FOR A ONE-YEAR TERM WITH AUTOMATIC RENEWALS; PROVIDING FOR EXECUTION, IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

Town Manager Connors advised that a prompt response to requests for public records is one of the Town's statutory responsibilities. The Town Clerk has identified a new public records request system, JustFOIA, Inc., which is used widely by many municipalities and would improve and update the Town's responses to these types of requests. The software is streamlined and user-friendly for both Town Staff and the public and tracks public records requests.

The software will also allow the Town to add more services to the system: for example, lien search requests can be provided and tracked as well, which will add greater transparency and ability to respond. The Town's lobbyist registration system can also be added to the platform at no extra cost.

The cost of the program for FY 2024, including setup fees, would be \$6820. Future fees would be just under \$5000 annually, with a 5% annual increase. Most of this expense is because most public records requests and lien searches come from the Building Department. For this reason, fees could come from the Building Fund and would not affect the Town's millage rate. Staff recommends moving forward with the purchase.

Commissioner Strauss asked if the Town charges a fee for public records requests, noting that this would allow the Town to recoup some of its investment in the program. Town Manager Connors replied that there is a small charge if the request requires a significant amount of copying. There is a charge for lien searches. She confirmed that the Town would be able to recoup part of its investment in this way.

Commissioner Strauss also asked if the system would include an artificial intelligence (AI) component. Town Manager Connors replied that she was not certain. Staff will continue to be responsible for fulfilling any public records requests.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss wished all present a happy Valentine's Day.

Commissioner Oldaker complimented the annual report video and recommended that the proposed recycling program changes be presented to the community to avoid confusion. It was confirmed that Town Staff will work with Conceptual Communications to ensure awareness of the change, using flyers, video, email blasts, presentations to neighborhoods and condominiums, and other means.

Commissioner Oldaker also requested a future Agenda Item introducing the Town's website to residents who may not know how to use it effectively. He also addressed beach renourishment, requesting that information on this topic be provided on the website so the public is more aware of this program. He concluded that the Town should consider implementing more electronic speed limit signs and may wish to seek out a source of funding for these instruments.

Commissioner Pouloupoulos wished his daughter Nicola a happy birthday.

Vice Mayor Malkoon also addressed the annual report video and was in favor of making the video more public to increase transparency among residents. He also cautioned that some actions that might be sensible in other municipalities might make less sense in Lauderdale-By-The-Sea, but recommended keeping an open mind on these activities as long as they do not interfere with the Town's unique nature.

Mayor Vincent also addressed the food and beverage pilot program, emphasizing the need to be careful in recognizing where comments from the public may be coming from and the validity and substance of any complaints. He reiterated that the Plunge is the only hotel that could move forward with a food and beverage service program on the beach due to their size. He felt the greatest concern was monitoring of the program and did not expect the program to create any issues.

15. ORDINANCES 1ST READING

- a. **Ordinance 2024-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 17, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE VI, “SIDEWALK CAFES” TO MODIFY REGULATIONS RELATED TO MAINTENANCE OF RIGHT OF WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

Development Services Director Campbell recalled that in 2021, the Commission amended Code to establish a charge for the cleaning of sidewalk café areas. She noted, however, that businesses have not been charged this fee to date due to the ongoing impact of the COVID-19 pandemic as well as the Downtown enhancement project.

After the enhancement project’s completion, Staff requested direction from the Commission regarding implementation of the fee. In January 2024, Staff was directed to change the sidewalk café cleaning fee from mandatory to optional. The Ordinance before the Commission would achieve this request.

Staff also recognizes that additional changes will need to take place due to the new configuration of the Downtown outdoor dining areas. These changes will be brought before the Commission at a later date.

Commissioner Oldaker requested additional information on the change of the fee from mandatory to optional. Development Services Director Campbell explained that the language was changed from “shall” to “may” so in the future, should the Commission decide to institute the fee once again, it can be done without bringing forward another Ordinance.

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 5-0.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:21 p.m.

Mayor Chris Vincent

ATTEST:

Katrina Adler, Town Clerk

Date



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: March 12, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentations

Agenda Section: NEW BUSINESS

Subject Title: Application for Relief of Code Compliance Lien at 4109 N. Ocean Drive, Lauderdale- By-The-Sea, FL, 33308

Explanation: The Town received a mitigation application (**Exhibit 1**) from 4051 N Ocean Drive LLC for the property located at 4109 N. Ocean Drive (the Property) on January 24, 2024. The current owners purchased the property in September 2021. A summary of violations is provided below in **Table 1**.



Figure 1- Subject Property

Table 1: Violations and Permit History

CASE# 22010024- FBC BCA Section 110.15 - Building Safety Inspection Program.

DATE	NARRATIVE
9/30/2021	4051 N Ocean LLC purchases subject property
1/21/2022	A Notice of Violation was issued on 1/21/2022 for failure to comply with the Broward County Building Safety Inspection program. Proof of service was obtained by posting property. The respondent was given until 2/7/2022, to comply the violation by obtaining and submitting an engineer's report as required by the building safety program.
2/24/2022	At the February 24, 2022, Special Magistrate Hearing, the Magistrate ordered a Continuance to the March 24, 2022, hearing.
3/24/2022	At the March 24, 2022, Special Magistrate hearing, the Magistrate continued the case to April 28, 2022.
3/26/2022	The engineer's report was submitted to the Town on 3/26/22 and denied due to repairs being required. The report submitted was not valid because it included information for several buildings and the Magistrate requested a new updated report. The April 28, 2022, hearing was continued to May 26 th , 2022.
5/26/2022	At the May 26, 2022, Special Magistrate Hearing, the Magistrate ordered a continuance to the June 23, 2022, hearing.
6/23/2022	At the June 23, 2022, Special Magistrate Hearing, the Magistrate ordered the property to comply by submitting a Building Safety Inspection Report for the property by July 27, 2022, or a fine of \$200 per day will begin to accrue beginning July 28, 2022. A hearing cost of \$50 was assessed. The engineer, Wolfgang Schwerdt, was present on behalf of the property owner.
7/28/2022	At the July 28, 2022, Special Magistrate Hearing, the Magistrate certified the lien and assessed a hearing cost of \$200.
8/4/2022	The Town received a revised building safety inspection report. However, it was denied again due to repairs being needed.
8/25/2022	At the August 25, 2022, Special Magistrate Hearing, the Magistrate heard from the contractor, Ilan, and heard testimony from the Building Official and Development Services Director. The magistrate declined the request for leniency and the lien was recorded.
10/4/2022	The lien was recorded on 10/4/2022. INSTRUMENT # 118438298

A summary of the case and the offered settlement is shown in **Table 2**. The applicant is requesting a 90% reduction in fines for a total offered settlement of \$12,000.00.

Table 2: Code Fines Summary

Case	Violation	Days In Violation	Daily Fine	Total Due	Offered Settlement	Reduction Requested
22010024	FBC BCA Section 110.15 - Building Safety Inspection Program.	560	\$200	\$112,000	\$12,000	\$100,000 (89 % reduction)

Under the Town's procedures for relief from code enforcement liens (Resolution 2014-22, Policy Section 5) the Commission shall consider all relevant factors to determine what relief, if any, is appropriate, including the following criteria:

1. The nature and gravity of the violation.

The property was cited for failure to comply with the Florida Building Safety Inspection Program - FBC BCA Section 110.15 - Building Safety Inspection Program which was due for this property in 2020.

The Board of Rules and Appeals (BORA) has established a building safety inspection program for buildings and structures that have been in existence for a period of 25 years or longer. The program calls for structural and electrical safety inspections to be completed by an engineer and are required at ten-year intervals from the year the building or structure reached 25 years of age. The following structures are exempt from the program;

- One and two-family dwellings
- U.S. government buildings
- State of Florida owned buildings
- Schools under the jurisdiction of the Broward County School Board
- Buildings built on Indian reservations
- All buildings under 3500 square feet

The applicant's property qualifies for the program because it is a multi-unit property and is larger than 3500 square feet.

2. Any actions taken by the Respondent to correct the violation.

It should be noted that the property was cited in January of 2022 and sold to 4051 N. Ocean Drive LLC in September of 2021. The current owner worked diligently to remedy the violation once the property was cited. The following actions were taken to remedy the violation.

- A report was Submitted 3/26/22 and denied due to repairs being required. In addition to the repairs the report needed to be corrected to only show info about 4109 N. Ocean Drive.
- A corrected report was submitted on 8/4/2022 but was still denied due to repairs needed to be done.
- Owner began repair process obtaining permits on 8/16/2022 to correct electrical issues.

Additionally applied for permits on 9/19/2022, 2/7/2023, 7/25/2023, 7/27/2023 and approved report submitted on 2/7/2024. Several permits were submitted. Some were approved and others had to be resubmitted and reinspected. Work includes some work without permit for an interior renovation, concrete restoration and railing replacement, along with work done to the electrical room.

3. The length of time between the previously ordered compliance date and the date the violation was brought into compliance.

Compliance was ordered 7/27/2022 and was not complied until 2/7/2024. The violation existed for a total of 560 days.

4. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation.

Building permits were obtained with a job cost of \$152,750.00.

5. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town.

4109 N OCEAN DR

CASE #	VIOLATION	FINES PAID
20030001	Section 6-37(a). - Maintenance appearance standards - Unit 7 - Outside unit 7 a buildup of cleaning material and other household items i.e. lamps, sheets, pillow, cleaning supplies and garbage bags. Please remove and store indoor accordingly. Section 6-36(1)(a) - General structural specifications - Unit 11 - Unit 11- All windows are not functional in this unit. Please repair/replace all windows. Section 6-40(a) - Garbage,	Complied after many continuances due to covid pandemic. Complied 1/27/2021. (This violation was obtained under prior ownership)

	rubbish and/or weeds. - Please remove all trash and rubbish from the property.	
22080002	Violation of FBC 105.1 (work without permits) as per Building Official Simo Mansor. On August 2, 2022, the Building Official and Code Compliance observed interior renovations work without permits in two units on the second floor of this building:	Complied and fines of \$4,400 mitigated by special magistrate to \$1,000. Paid. (This violation was obtained under current ownership)
22080005	Per Building Official Simo Mansor: Violation of NEC 110.26 - Access and working space shall be provided and maintained about all electrical equipment to permit ready and safe operation and maintenance of such equipment. Ensure that every electrical room and/or meter room complies with the "access and working space" requirements of the National Electric Code, as per Building Official Simo Mansor.	Complied prior to hearing no fees. (This violation was obtained under current ownership)

Recommendation: Town staff requests that the Commission review the applicant's request and determine a mitigation amount payable to the Town no later than May 13, 2024. Typically, the Town requests payments within 30 days but the applicant is requesting to make the mitigation payment over 3 months. If the mitigated amount is not received, the fines would revert back to the original amount of \$112,000.

Exhibits:

1. Exhibit 1 -Application

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 2

3. Foreclosure Order, with the recording date, book and page shown;
4. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
5. Certification of Lien Order, with the recording date, book and page shown;
6. New Certificate of Title, with the recording date, book and page shown;
7. Town's Final Order of Imposition of Fine; and
8. Claim of Lien(s) with the recording date, book and page shown.
9. Reduced payment offer per case. Justification of the offered amount must be provided for each case.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

1. The nature and gravity of the violation(s);
2. Any actions you have taken to correct the violation(s);
3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
4. Any actual costs you expended to cure the violation(s), if supported by documentation;
5. Any other prior or current violations you committed on the subject property or upon any other property you own within the Town; and
6. Equitable considerations.
 - i. Whether there was any extraordinary hardship which existed or currently exists;
 - ii. Whether the Applicant was the property owner when the fine or lien was imposed;
 - iii. Whether the property is homestead or non-homestead property;
 - iv. Whether the Town lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

WHY RELIEF SHOULD BE GRANTED:

(When you completed this section, at a minimum, address the above factors.)

See Attached.

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 1

TOWN OF LAUDERDALE-BY-THE-SEA

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Tel: (954) 640-4210 Fax: (954) 634-4654

Notice: This application is available as a WORD document for your convenience.

The Town accepts applications for code fine relief from owners of properties that have corrected ALL of the violations on the subject property. In certain very limited circumstances, the purchaser of a single family property may apply for a code fine or lien reduction before compliance is complete.

The Town's policy and procedures for code relief is set forth in Resolution 2014-22. You are required to read Resolution 2014-22 prior to submitting your relief application.

CASE # 22010024

TOWN OF LAUDERDALE-BY-THE-SEA vs. 4501 N. Ocean Drive, LLC
(Name of Respondent(s) as listed)

Property owner: 4501 N. Ocean Drive, LLC
Address:

Phone numbers: 954-391-9979 or 305-482-3392
Email Address: elie@yn-stores.com

ADDRESS OF PROPERTY: 4109 N. Ocean Drive, Lauderdale By The Sea
(Where violation(s) existed) FL. 33308

NATURE OF VIOLATION: Failure to Comply with Florida Building Safety
Inspection Program.

Name of applicant (if not owner):
Contact information:

THIS PROPERTY CURRENTLY IS ☐ IS NOT ☒ (check one) INVOLVED IN LITIGATION

All Applications SHALL submit a copy of the following documentation (when applicable):
(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. Foreclosure Complaint;

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 3

Name of Property Owner or Representative: 4051 N. Ocean Drive, LLC
Mr. Nir Sela, Manager

Address: 418 S. Dixie Hwy, Hallandale, FL 33008

Business Phone Number: 954-391-9979

Cell Phone Number: 305-482-3392

Email Address: elie@yn-stores.com

I CERTIFY THAT I have read Resolution 2014-22 and that I am:

- ☒ the owner of the subject property;
- ☐ an Attorney representing the owner,
- ☐ the legal representative for the property, or
- ☐ otherwise authorized to act on behalf of the property owner in this matter.

AND DOCUMENTATION OF THIS IS ATTACHED.

 1/22/2024
Signature of Applicant Date
Nir Sela, Manager

**4051 N. Ocean Blvd, LLC
418 S. Dixie HWY. Hallandale, FL. 33008**

Application for relief from Code Fines and Liens

Town of Lauderdale By The Sea:
4501 Ocean Drive
Lauderdale By The Sea
Florida, 33308

Case: 22010024 – 4109 N. Ocean Drive. LBTS

We the Owners of the Subject Matter property, 4501 N. Ocean Dr, LLC hereby submit this request for relief due to the following:

- 1) On Sept. 2021 we purchased this property which includes three addresses – 4109, 4105 and 4051 N. Ocean Dr. Lauderdale By The Sea. The property consists of 3 buildings and a swimming pool.
- 2) Although City records show that the first notice of violation was sent on Jan. 21, 2022, we actually received the notices only in May 2022.
- 3) At the time we already hired a GC to do some renovations to a couple of units in the building, which we learned after the fact that he did not pull permits and was caught by the city inspectors. We would like to confirm again that at no time did the Landlord/Owner ever give permission to the GC to do any renovation in this building (4109) or any other building without pulling permits.
- 4) It goes without saying that we immediately fired this GC, even though it came a cost of nonrefundable deposits and expenses.
- 5) By this time, we already had hired RAS Engineering PA to conduct a 40-year recertification inspection of all 3 buildings on the property.
- 6) Attached are payments we made to RAS Engineering dated early 2022 (before the May notice of violation or hearing).
- 7) The City approved the imposition of a lien on the property on 8/2/2022 and the lien was recorded on 10/4/2022. Attached a copy of the recorded lien.
- 8) The Engineering report was finally submitted in Q3 2022 and we immediately started a bidding process for qualified GCs.
- 9) RAS Engineering completed the project Manual in Jan. 2023 and we pulled permits in Feb 2023. Attached a copy of the project manual.

4051 N. Ocean Blvd, LLC
418 S. Dixie HWY. Hallandale, FL. 33008

- 10) We hired MEGA Builders Corp on June 2023 who completed all work on Dec 2023 and final inspection letter was submitted to the City on Jan. 12, 2024.
- 11) Since Nov. 2022, when Elie Mimoun took over as operations manager for Owner, he has been working closely with the building department and the Zoning department to make sure that all work is done in a timely fashion and professional manner.
- 12) Moreover, throughout 2023 we corrected all work done without permits pulled and closed all other necessary permits so that there are no open permits on the property.
- 13) Attached is the GC schedule of values for all work completed throughout 2023 and costs.
- 14) As stated, and described above, from when first realized the Owner tried to mitigate any and all violations and did its best to finish the 40-year certification.
- 15) In addition, we would like to point out that the property and buildings were past due on the 40-year recertification before the current owner purchased the property, however, there was no notice when we conducted municipal lien searches at the time of purchase, so this came as a hard and costly surprise when we were cited with these violations.
- 16) Therefore, we ask that the City manager and esteemed Town commission, acknowledge all the hard work, efforts and large costs that the owner has invested in the property, remove all liens recorded and reduce all the fines levied on this building (4109) to \$12,000 for payment in 3 installments. (90 DAYS)

Respectfully,

4051 N. Ocean Blvd, LLC

Nir Sela, Manager



Case Overview

Property/Incident Information

Owner	Address	Site Address
4051 N OCEAN DRIVE LLC	6030 HOLLYWOOD BLVD #130 HOLLYWOOD, FL 33324	4109 N OCEAN DR, LAUDERDALE BY THE SEA, FL 33308 1-8

Legal Description

LAUDERDALE BY THE SEA 6-2 B LOT 15 LESS PT INC'D IN PAR
ALG W/L LOTS 15 & PT 14 FOR 80.35, ELY 3.33, NLY 80.35 TO POB & LESS PT INC'D IN PAR
101 OF CA 86-20486 BLK 28

Description

22010024 - BSIP.

Case Status	Open	Case #	22010024	Date Next Inspection	8/25/2022
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Notes Failure to comply with Florida Building Safety Inspection Program. The Building Safety Inspection for this property was due in 2020.

FBC BCA Section 110.15 - Building Safety Inspection Program.

The BORA has established a building safety inspection program for buildings and structures that have been in existence for a period of 40 years or longer. The BORA by written policy shall establish the guidelines and criteria which will be the minimum requirements for the Building Safety Inspection Program. The Building Official shall enforce the building safety inspection Program. U.S. Government buildings, State of Florida buildings, buildings built on Indian Reservations, Schools buildings under the jurisdiction of the Broward County School Board, and One and Two Family Dwellings are exempt from this program.

Exceptions: All single family residences, duplexes and minor structures defined as buildings or structure in any occupancy group having a gross floor area less than 3,500 square feet.

In order to implement the new Building Safety Inspection Program in an orderly manner to clear a backlog of buildings needing inspection, implementation shall proceed as follows:

1. 40 year or older buildings of 11,000 square feet or more – compliance in calendar year 2006
 2. 40 year or older buildings 7,000 square feet or more – compliance no later than calendar year 2007
 3. 40 year or older building 5,500 square feet or more – compliance no later than calendar year 2008
 4. 40 year or older buildings 4,650 square feet or more – compliance no later than calendar year 2009
 5. 40 year or older buildings 3,800 square feet or more – compliance no later than calendar year 2010
 6. 40 year or older buildings 3,500 square feet or more – compliance no later than calendar year 2011
- Subsequent building inspections shall be required at ten (10) year intervals -Section 110.165 Effective January 1, 2006, regardless of when the inspection report for same is finalized or filed. Any buildings or structures not otherwise excluded as set forth herein shall be inspected at the same time as the initial 40 year inspection of the building and shall be re-inspected in accordance with the schedule for the building.

According to Town Records and Broward County Records, this property is past due for compliance with the Building Safety Inspection Program.

Please comply with the requirements of the Building Safety Inspection Program. A copy of the inspection form is located at:

<https://www.broward.org/CodeAppeals/Documents/40%20Year%20Building%20Safety%20Inspection%20Program.pdf>

If you have any questions you may contact the Building Department for assistance at 954-640-4215 or Building@lbs-fl.gov.

Thank you.

Bethany Banyas

954-640-4220

code@lbs-fl.gov

Documents Issued

Case Overview

<u>Date Issue</u>	<u>Document Type</u>
1/21/2022	Complaint
1/21/2022	Notice of Violation
1/21/2022	Notice of Hearing
2/12/2022	Affidavit of Service
2/24/2022	Affidavit of Non-Compliance
3/1/2022	Notice of Hearing
3/25/2022	Notice of Hearing
5/3/2022	Notice of Hearing
5/5/2022	Affidavit of Non-Compliance
5/25/2022	Affidavit of Non-Compliance
5/31/2022	Notice of Hearing
6/28/2022	Final Order
6/30/2022	Notice of Hearing
7/27/2022	Affidavit of Non-Compliance
8/2/2022	Order of Imposition/Liens
8/5/2022	Notice of Hearing
9/1/2022	Special Magistrate Mitigation
10/4/2022	Lien Recorded Information

Violations

<u>Ordinance/Regulation</u>	<u>Section</u>	<u>Description</u>	<u>Date Complied</u>
Florida Building Code	FBC BCA Section 110.15 - Building Safety Inspection Program.	The BORA has established a building safety inspection program for buildings and structures that have been in existence for a period of 40 years or longer. The BORA by written policy shall establish the guidelines and criteria which will be the minimum requirements for the Building Safety Inspection Program. The Building Official shall enforce the building safety inspection Program. U.S. Government buildings, State of Florida buildings, buildings built on Indian Reservations, Schools buildings under the jurisdiction of the Broward County School Board, and One and Two Family Dwellings are exempt from this program. Exceptions: All single family residences, duplexes and minor structures defined as buildings or structure in any occupancy group having a gross floor area less than 3,500 square feet. In order to implement the new Building Safety Inspection Program in an orderly manner to clear a backlog of buildings needing inspection, implementation shall proceed as follows: 1. 40 year or...	Not in Compliance - Reinspection Date: 8/25/2022

Fines

<u>Fine Type</u>	<u>Section</u>	<u>Fine Type</u>	<u>Date Complied</u>	<u>Total Fine</u>
Individual Violation	FBC BCA Section 110.15 - Building Safety Inspection Program.	Individual Violation		\$78,000.00
Admin Fixed		Admin Fixed		\$50.00
Admin Fixed		Admin Fixed		\$200.00
Total Fines				\$78,250.00

Case Overview

Payments

<u>Date</u>	<u>Payment Type Name</u>	<u>Amount</u>
7/12/2022	Credit	\$50.00
	Total Payments	\$50.00
	Fees Outstanding	\$78,200.00



Town Commission Agenda Item Report

Meeting Date: March 12, 2024

Submitted By: Katie Anderson, Special Events and Community Marketing Coordinator

Submitting Department: Administration

Item Type: Presentations

Agenda Section: NEW BUSINESS

Subject Title: Special Event Application: Community Christian Church Spring Beach Baptism, May 18, 2024

Explanation: Pastor Tim Gray with the Community Christian Church (the "Applicant") has submitted a Special Event Application (**Exhibit 1**) for their Spring Beach Baptism (the "Event") scheduled to take place on Saturday, May 18, 2024. Saturday, May 25, 2024 is reserved as a rain backup date. This is a long-standing community event, with one occasion being held in the Spring, and another being held in the Fall season.

Saturday, May 18, 2024 (Rain Backup: Saturday, May 25, 2024)	
Start of Setup:	7:00 AM
Event Start:	8:00 AM
Event Ends:	10:30 AM
Start of Cleanup:	10:30 AM
Cleanup Completed:	11:00 AM

The event is proposed to take place on the beach just East of El Prado Park and is anticipating approximately 45 participants, 15 spectators, and 30 volunteers.

The Application includes the following requests:

1. Event set up to include one (1) 10' x 10' canopy, one (1) 8' x 8' canopy, and four (4) 6' folding tables.
2. Placement of two (2) A-frame directional signs in and near El Prado Park during the times of the Event.
3. Camera Equipment will be utilized to film the baptism.
4. A small amplified sound system is intended to be used during the baptism portion of the

event.

The Applicant has paid the \$100 application fee.

Recommendation: Staff recommends approval of the Spring Beach Baptism Special Event Application with the conditions outlined in the Event Permit (**Exhibit 2**).

Exhibits:

1. SEA Spring Beach Baptism
2. LBTS Permit Spring Beach Baptism



PARK PERMIT APPLICATION INFORMATION

Park Permits are for private events (where the public is not invited) for 25 or more people. You do not need a permit for a private event with fewer than 25 people for a location that is “first come, first served.”

If you are a business wishing to do business or hold a private gathering on the beach or in one of our parks, please call our Special Projects Coordinator at 954-640-4205.

For your event to be considered by the Town Manager, a fully completed, notarized application must be submitted at least 30 days prior to the date of the event. (We normally have a notary available in Town Hall.)

*This application is available in Word format at **www.lbts-fl.gov/town/docs.htm**. If possible please use the Word document and your computer to complete the application.*

An application is not considered complete unless it includes:

1. A full description of the proposed event,
2. A detailed site plan (*very important!*),
3. All required documents, and
4. The application fee.

Questions? Call our Special Projects Coordinator at 954-640-4205 or email debbieh@lbts-fl.gov.

Payment of permit fee is required at the time of notarized Application submission via hand delivery or by mail to:

***Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308***

Important to remember:

1. Your event is approved by the Town Manager with “Conditions” that must be met or your event is cancelled. *READ* and understand the Conditions. *Talk with us if you have questions.*
2. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction, providing the Town evidence of all required insurances, and providing evidence of organization and/or charity.
3. You have to file all of the required documents not later than 30 days prior to the event date or the event authorization terminates (unless prior arrangements have been approved by Town).
 - a. Insurance
 - b. Vendor lists and licenses
 - c. File site plan
4. Parking is limited in Lauderdale-By-The-Sea, and will be a consideration when approving your event.

5. You may have to obtain permits from the Building and Fire Departments to meet the Florida Building Code or Fire Code.
6. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction.

I (Applicant) have read and fully understand the above:



Signature of Applicant

Print Name:

Tim Gray

Full Description of Community Christian Church Beach Baptism

Saturday, May 18, 2024

(Weather Reschedule Backup Date: Saturday, May 25, 2024)

Location: On the beach at El Prado Park

Event setup will begin at 7:00 AM

- One 10'x10' canopy
- One 8'x8' canopy
- Four 6' folding tables
- Camera equipment
- 2 A-frame Directional signs

Event starts at 8:30 AM

- About 45 people will be baptized in the ocean
 - There will be about 15 onlookers
 - There will be about 30 workers

Event should complete by 10:30 AM and the beach cleared by 11:00 AM



SPECIAL USE PARK PERMIT APPLICATION

Special Use Park Permits are for private events (not open to the public) of 25 or more people.

You do not need a permit for private events with fewer than 25 people, but will not be guaranteed a location.

Please submit this completed application at least 30 days prior to the proposed date of your event.

DETAILED SITE PLAN REQUIRED (see details at end of application)

Site Plans often do not include details that are necessary to approve an application or to issue a permit and delays are caused by the rejection of initial application.

Once you have completed the written portion of the application, provide a Site Plan on the last page or attach separately to this application.

Name of Event:

Spring Beach Baptism

Event Purpose, Description and Activities:

baptizing in the ocean

New Event ☐ or Returning Event ☒ Previous Attendance ☐

Day(s) and Date(s) of Event: Saturday May 18th, 2024 [weather reschedule date May 25, 2024]

Proposed location of the Event (location, streets, landmarks): on the beach at EL Prado

How many people do you anticipate on site at any peak time?

Participants: 45 #Spectators 15 #Adult volunteers: 30

Please note that if the public is invited to attend your event, then a Special Event Application needs to be filed with the Town and those requirements and deadlines are different than for a Park Permit.

Please complete the following table:

Activity	Day	Time
Start of set-up:	5-18-24	7:00 AM
Start time of the Event:	"	8:00 AM
EVENT	"	
End time of the Event:	"	10:30 AM
Start of Clean up:	"	10:30 AM
Clean-up completed by: (Site restored to original condition)	"	11:00 AM

Host or sponsoring organization:

Name: Community Christian Church
Address: 10001 W Commercial Blvd

Is applicant a Non-Profit Organization?

Please attach Organization's proof of 501c3 IRS exemption. → attached

☒ YES ☐ NO

Person submitting Application ("Responsible Party"):

Name: Pastor Tim Gray
Mailing address: 10001 W Commercial Blvd
Phone: 954-724-7400 ext 211 Mobile phone: 404-449-6981
Email: tgray@communitycc.com Fax: N/A

Representative(s) who will be at each day of the event:

Name(s):
Mailing address:
Phone:
Evening phone:
Email:

Same as above

Mobile phone:
Fax:

Add information as necessary

Will you have an event contractor or planner?

☐ YES ☒ NO

If yes, please provide the contact information of your event contractor (event planner)

Name: Company Name:
Business Address: Company Email:
Phone Office: Phone Mobile:

List contractors that will be on site before, during or after the event (use separate page if needed) – final list required 30 days prior to event.

FEES

Are there fees or donations collected on site from the participants or spectators?

☐ YES ☒ NO

If yes, provide details:

SOUND SYSTEMS

The event sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. Violations of the Town's noise ordinance are grounds for the immediate termination of the source of the noise and may be grounds to terminate the event.

Do you plan to use amplified sound? Provide details, time and location, and if you require electrical connections for:

- ☒ Proposed amplified sound/speaker system:
- ☐ Proposed live music: List genre, type, ambiance:
- ☐ Planned recorded music
- ☐ Do you require electrical connections for any of the above? Please give details:

CLEAN EVENT STANDARDS

Keeping the event area clean during the event and immediately following the event, including trash removal, walkways, and streets, is the responsibility of the applicant. See Clean Up Deposit under Conditions

Please note that, except for very small events, all events shall provide a recycling plan and follow recycling requirements. See Recycling Requirements under Conditions. For more info email recycle@lbts-fl.gov.

Name the person or contractor who is responsible for your Event's waste management

Name: Pastor Tim Gray

Email: tgray@communitycc.com

Address: Daytime phone: 954-724-7400 ext 211 Mobile phone: 904-449-8981

TENTS, CANOPIES, STAGES, BLEACHERS

Tents are generally defined as temporary structures having two or more sidewalls or drops.

A canopy is a tent without sides.

All Tents, canopies larger than 120 sq. ft., multiple canopies without separation, and stages require a building permit. The use of tents or large canopies require approval of the LBTS Fire Marshal and are required to have building permits obtained via LBTS Building Dept. prior to Event. Manufacturer's labels are required to be attached to the tents and canopies.

Rental agencies shall provide documentation of the flame spread labeling of 25 or less submitted with application. All canopies larger than 120 sq. ft. shall submit copies of the manufacturer's labels attached to the tents or canopies with application.

Stages and bleachers shall include product approvals that are supplied by the manufacturer.

Indicate if any of the following will be assembled at the event and include locations on Site Plan. List sizes and numbers of each:

Tents: _____

Canopies: 2 10x10 and 8x8

Stages: _____

Bleachers: _____ list size and max load:

UTILITIES

All utilities requirements shall be approved by the Director of Development Services and the Fire Marshal prior to Application submission to Town Commission.

Depending on location of event, electrical and/or water may be available from the Town for a fee.

Electrical Requirements: Electrical work requires an Electrical Building Permit.
Generators over 5KW require an Electrical Building Permit.
A Florida Licensed Electrical Contractor is required to obtain permits.

All electrical requests shall meet the requirements of the Florida Building Code with final approval from the Town's Building Official at least 30 days prior to the event. Contractor is required to schedule and successfully complete inspection of work prior to event opening. Florida Building Code 101.4.1, 105.4.5.

Will any **electrical equipment be installed** in conjunction with the Special Event? (i.e. lighting in tents, outlets for cooking, stages, etc.) ☐ Yes ☒ NO

If the Event requires the following on public property, list what equipment is to be installed and locations (include voltage, amperage, and phases of wiring) as well as company name providing the equipment. Describe below, include location and use, and also include locations on Site Plan:

- ☐ Electrical power:
- ☐ Water:
- ☐ Gas, propane, BBQ grills, generators:
- ☐ Fuel Storage:

SIGNAGE

All signage shall be included in the application if you wish to exceed the Town Code requirements. Signage shall be reviewed by Development Services (LindaC@lbts-fl.gov) before Application is submitted to Town Commission). No signage shall be installed without permit.

Information about signage shall include location, colors, size and number of signs. Indicate signage to be placed in any right of way that directs traffic to the event and their approximate size.

Are you requesting permission to erect signage for this event? ☒ YES ☐ NO

For each sign please provide:

Description, number of signs, proposed dates, location, size of signs in square feet and letter size: 2 A frame signacades 4' X 2' w/church name + arrows pointing

Include sign locations on detailed Site Plan or attach a separate sheet.

attached

RESTROOMS (show on Site Plan)

The number of portable toilets required depends on the location of the event, number of attendees, length and type of event, as determined by the Building Official.

Local businesses that have more than the required number of restroom facilities that allow their facilities to be used may count towards the extra restroom facilities required.

If event is downtown, permit holder is required to obtain written approval from restaurants to allow participants to use their restroom facilities.

Number of restroom facilities required by Town: 1
Number of additional restroom facilities, and type, that will be on event site: 0
(Show on Site Plan)

STREET CLOSURES

Street closures may be required at the Event's expense

Are you requesting that any public streets be closed for the event? ☐ YES ☒ NO
☐ I don't know and would like to discuss with the Town staff

If yes, indicate the streets and blocks and times the closure is requested:

TRAFFIC CONTROL/BARRICADES

A traffic control contractor may be required for events that require barricades or traffic control signage.

Please list your traffic control contractor, if applicable:

VEHICLES

Vehicles are not allowed to drive or park on Town property or park grounds due to damage to underground irrigation systems and to the sod. Applicant shall be responsible for restoration of any damage to Town property.

Are you requesting to drive or park on town property or park grounds: ☐ YES ☒ NO

If you are requesting that vehicles be permitted to drive or park on Town property, please indicate the type(s) of vehicles, the locations, and times they would be parked. Must be approved by Town's Parking Department prior to Event.

LOADING/UNLOADING: If you are requesting that vehicles be permitted to load/unload in non-metered areas, please indicate the location and times loading and unloading would occur:

Unload at 7AM at EL Prado area + load up at 11AM at same area.
TRAFFIC CONTROL PLAN

Parking exemptions shall be approved by Assistant Town Manager prior to Application submission to Town Commission). Town may block spaces for safety and other reasons at the expense of the Event.

Include detailed Site Plan indicating how on and off street parking will be accommodated.

Are you requesting the reservation of any Town parking meter spaces for the event? ☐ YES ☒ NO

If yes, provide the meter numbers on the Site Plan and purpose for which they will be used.

All parking meter fees are paid 30 days prior to the event.

OFF DUTY POLICE/CODE COMPLIANCE OFFICERS

Off-duty police officers are required, at the applicant's expense, for street closures, events with alcohol, or large crowds, as determined by the Sheriff's Department. Large events may require a code compliance officer to ensure compliance with Town codes.

Do you anticipate needing off duty police officers for your event? ☐ YES ☒ NO

Do you anticipate needing code compliance officers for your event? ☐ YES ☒ NO

CONCESSIONS:

Are you planning to have any type of concessions? ☐ YES ☒ NO

If YES, has the Florida Health Department approved the food vending Site Plans?

☐ YES ☒ NO

If yes, is the food provided by a Non-Profit _____ or For Profit _____ organization?

Is the food free of charge _____ or for sale _____

Do all food vendors have a temporary food service permit? ☐ YES ☒ NO

Please list the types of food that will be served:

Are you requesting any of the following types of cooking equipment be used on site:

- | | | | |
|--|--|-----------------------------------|-------------------------------------|
| ☐ Charcoal Grills | ☐ Sterno | ☐ Fryers | ☐ Open fires |
| ☐ Propane Grills | ☐ Refrigerators | ☐ Smokers | ☐ Hoods |
| ☐ Concession trailers | ☐ Warmers | ☐ LP Tanks | ☐ Other |

Provide details of dispensing locations here and on Site Plan

ALCOHOL

State license is required to be submitted to the Town at least 30 days prior to the event

Are you planning on selling alcoholic beverages at the event? ☐ YES ☒ NO

If YES, has a liquor permit been obtained from the State of Florida? ☐ YES ☒ NO

Provide details of dispensing locations here and on Site Plan

Provide contact information for all license holders that will be serving alcohol:

VENDORS

A list of all vendors their company name is required for initial approval and final list is required 30 days prior to event and subject to approval (add here or on separate page, and vendor location on Site Plan):

Name	Company	Vendor Type
------	---------	-------------

ANIMALS

Any exhibition or similar undertaking in which animals are required to participate in performances for the amusement or entertainment of an audience is subject to Town Commission approval.

Are animals included in your event?

☐ YES ☒ NO

If yes, please give details:

FIREWORKS

(Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event?

☐ YES ☒ NO

SALE OF MERCHANDISE

Are you requesting approval to offer other items for sale at the event?

☐ YES ☒ NO

List items for sale:

RIDES

Rides or other amusement may require a State of Florida inspection

Copies of contracts with any provider of rides, mechanical devices and amusements shall be submitted to the Town at least 30-days prior to the event.

Are rides to be included in the event?

☐ YES ☒ NO

If yes, please provide the number and description of each type:

Mechanical/Electrical:

Inflatable (bounce house etc.):

Manual (slides, trampolines):

Other:

FIRE WATCH or EMS ONSITE

If required by the Fire Marshal, the applicant shall provide for a fire watch and/or an EMS Crew during the event. Large events or those using combustible materials may require qualified stand-by personnel and the appropriate equipment, the cost of which is the responsibility of the applicant.

First Aid facilities may be required by Town at Event's expense. Initial T.G.

INSURANCE

Normally small, private events do not require insurance.

Insurance requirements differ depending on the type of event and if alcohol is served.

For events not serving alcohol and without fireworks, the Applicants shall provide a Certificate of Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty days' written notice required for cancellation.

Certificate of Liability Insurance naming the Town as additional insured is required from all Event businesses, promoters, and other related event planners

An approved form of a Certificate of Liability Insurance may be required with your Application for approval by the Town Commission and/or shall be provided the Town at least 30 days prior to the event date.

Talk to Town Staff representative if your event proposes serving alcohol or having fireworks about insurance requirements, as both require additional insurance.

Do you and all parties involved have the required insurance coverage needed for this event?
☒ YES ☐ NO ☐ N/A

EVENT CONDITIONS

Approval for this event shall expire without future action of the Town if all documents such as but not limited to insurance certificates, health and liquor licenses, BSO police detail contract(s), Fire Marshal or Development Services approvals, MOT Plan, Solid Waste Plan, final Site Plan, any monies due to Town, and other material requirements are not submitted at least 30 days prior to the event.

Copies of State and County licenses for all vendors and contractors shall be filed with the Town 30 days in advance of the event. (Final list of vendors and their locations shall be submitted to the Town no later than two weeks prior to the event unless otherwise approved in advance by Town)

If the event is approved by Town, they will establish Park use conditions that the applicant shall abide by for the event. Standard Conditions shall include, but are not limited to the following:

1. Permission for this event may be suspended or modified by the Commission, Town Manager or his designated Staff.
2. Turtle Clause: If any of the set-up will take place on the beach sand please avoid any marked sea turtle nests with a minimum buffer of 30 feet.
3. Setup of the event will start at about 7 AM and the area will be cleaned and open by 11 AM
4. The Police Chief shall specify the number of BSO detail officers needed for traffic and crowd control. The Applicants shall contract with BSO Detail Office for the detail BSO deputies within ten (10) days of receiving event approval.
5. The Police Chief shall approve the Applicant's Maintenance of Traffic Plan (MOT), if one is required.
6. The Applicants shall submit a solid waste and recycling plan for approval at least 30 days prior to the event to the Municipal Services Director. The Applicant shall provide additional waste receptacles and recycling bins. During the event as needed and at the end of the event, the Applicant shall empty all of the waste receptacles and recycling bins and pick up litter within the event site and 100 feet of the site.
7. All signage will be approved and permitted with Development Services at least 30 days prior to the event
8. All related Fire Marshal and Building Official's related requirements have been approved
9. Provide proof of additional restroom facilities ordered at least 30 days prior to event
10. The event and its approved sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. All music shall end promptly at ____ pm.
11. The event site shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered so as to not pose a hazard to the public or event staff, or will be battery operated.
12. Parking Requirements have been identified, fees paid and listed on site plan
13. The Applicant shall provide a written notice to all properties affected by this event by (date), (30 days in advance) for approval prior to distribution; and confirm in writing which properties have been notified.
14. Clean up Deposit may be imposed, based on the final Site Plan, and due two weeks prior to the event.
15. Clean up fee starting at \$150 will be charged if area is not cleaned to Town standards.
16. Final Site Plan must be presented for approval at least 48 hours in advance of the event.
17. Streets and sidewalks will be free of any debris and cleaned at the end of tear down.
18. A Damage Deposit may be imposed, based on size of event and location.

19. Any inspections or work required by Town Staff after normal working hours will incur additional costs set forth by the respective department.
20. Upon showing by the Applicant of a valid reason, or if required by the Town, the Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special events.
21. The Applicant shall meet the following minimum insurance requirements per Ordinance 2015-06, which may be modified by action of the Town Commission for a specific event:
 - a. Prior to issuance of the requested permit, proof of commercial general liability insurance, whether through a single policy, or a combination of policies, in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury and property damage.
 - b. No required policy shall have a deductible or self-insurance retention greater than \$15,000.
 - c. All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance shall provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any event, the Applicants shall be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement shall be issued as part of any required policies. The Applicants shall provide an original certificate of insurance as evidence of continued coverage prior to any annual renewal of the permit. Failure to comply with these requirements shall justify a denial, suspension or revocation of the requested approval by the Town Manager or designee.
 - d. If applicable, at least thirty (30) days prior to the first event, the Applicants shall provide a Certificate of Liquor Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage, which provides coverage for each event authorized by this permit. The Certificate shall specify that the Town will be given at least thirty (30) days written notice of any cancellation.
 - e. In the event that control of any applicable event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Applicant (the "sub-applicant"), the sub-applicant shall provide insurance and indemnification meeting the requirements of this Section under which the Applicant is applying, as if they were the Applicant and shall be held responsible for compliance with the Town Code as if the sub-applicant were the Applicant.
22. In the event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this event shall expire unless the Town Manager finds there are extenuating circumstances that the event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the event, without increasing the administration costs of the Town.
23. Applicant shall owe no monies to the Town at the time of the event. There shall be no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past property owners or operators requesting the special event permit. A special event permit will not be issued until all outstanding debts to the Town are paid in full.
24. The Town Manager may suspend permission for this event due to failure of the Applicants to comply with the terms and conditions of the Town's event permit, due to conflicting activities, for health or safety issues, or for the best interests of the Town.

The onsite Town representative may terminate an event due to the Applicant not complying with the terms and conditions of the Town's event permit, for health or safety issues, and for such as but not limited to, crowds that exceed the capacity of the event site.

INDEMNIFICATION

Applicant shall indemnify, defend and hold harmless the Town, its officers, agents and employees, from and against any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising directly or indirectly from this Special Event and resulting or accruing from any intentional act or any negligent act, omission or error of Applicant which in turn results in or relates to injuries to body, life, limb or property sustained in, about or upon the Special Event Area, and arising from the use of the Town property.

Applicant shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the Town as a result of any claim, suit or cause of action accruing or in any way arising out of this Special Event Application for injuries to body, life, limb or property as set forth above.

Applicant shall save the Town harmless from and against all judgments, orders, decrees, attorneys' fees, costs, expenses and liabilities incurred in and about any claim, and the investigation or defense of them, which maybe entered, incurred or assessed as result of the foregoing.

SITE PLAN DETAILS

Site Plans often do not include the details that are necessary to approve an application or to issue a permit and delays are caused by rejections of initial applications.

The following details are intended to be a guide to assist you in developing a Site Plan. A current survey of the property is most helpful. If a survey is not available, a drawing depicting the area of the event should include these details, as necessary. More than a one page Site Plan may be included in your application if details of specific areas are important to your event.

*A detailed map of the event site identifying location of each of the following **MUST** be drawn here or attached to this application prior to submission. Dimensions are required to determine if available site will support all of the proposed activities.*

Cooking Areas need to be separated from public areas with fences or barricades

Canopy, tents or other covers: locations should include the size, type, & (shelter, vending, food, EMS)

Location:

The site of the event, with streets, parks and other landmarks identified

Routes for races, parades, etc.

Traffic routing and road closures

Ticket kiosks

Access control points

Signage (*shall be approved by Development Services prior to Application submission to Town Commission*)

Signs (location, size, color and wording)*

Public Services:

Fire lanes (emergency access for fire equipment and EMS)

Restroom facilities (incl. Portable & Private)

Locate electrical equipment, permanent and temporary (temporary electrical installation (must be to code and approved by Town)

Trash and Recycling receptacle locations

Smoking and No Smoking areas

Pedestrian walkways

Garbage Cans

Recycling Bins

Hazard/ Precautions:

Hazards at the site (ditches, construction areas, obstructions to pedestrian traffic, bodies of water)

Fencing, barriers, barricades, walls, gates, etc.

Gasoline, propane, grills, fire, charcoal, generators, any other flammable fuel

Fuel Storage and dispensing areas

Fire Extinguishers Minimum size 4A/10BC one every 75 ft of travel. If cooking, Class K or 1 40BC rated Fire

Extinguisher for every cooking station or canopy (at discretion of Fire Marshal)

Generators (shall be approved by Fire Marshal in advance)

Event:

Canopies, tents, stages (types shall be specified) locations for sales, food service, etc. *Large tents will require Fire Marshal approval of illuminated exit signs and fire extinguishers*

Vendor locations (booths or tables and approximate size, (Vendor's company names phone numbers and email addresses required on separate page at least 48 hours in advance of the Event)

Restrooms – Portable and Private

First Aid facilities

Trailers, storage, sleeping facilities, service boxes, displays, etc.

Alcohol serving/consuming areas

Rides and Amusements, Rides, demonstrations, performance areas and stages including Musicians and Artists

Parking:

Parking areas, location, parking spaces, and parking space numbers that will be blocked;
to load/unload before, during or after the event and the amount of time for each occurrence

Code or Security Enforcement (paid by Event)

EMS stand-by or Fire watch areas (include first aid stations)

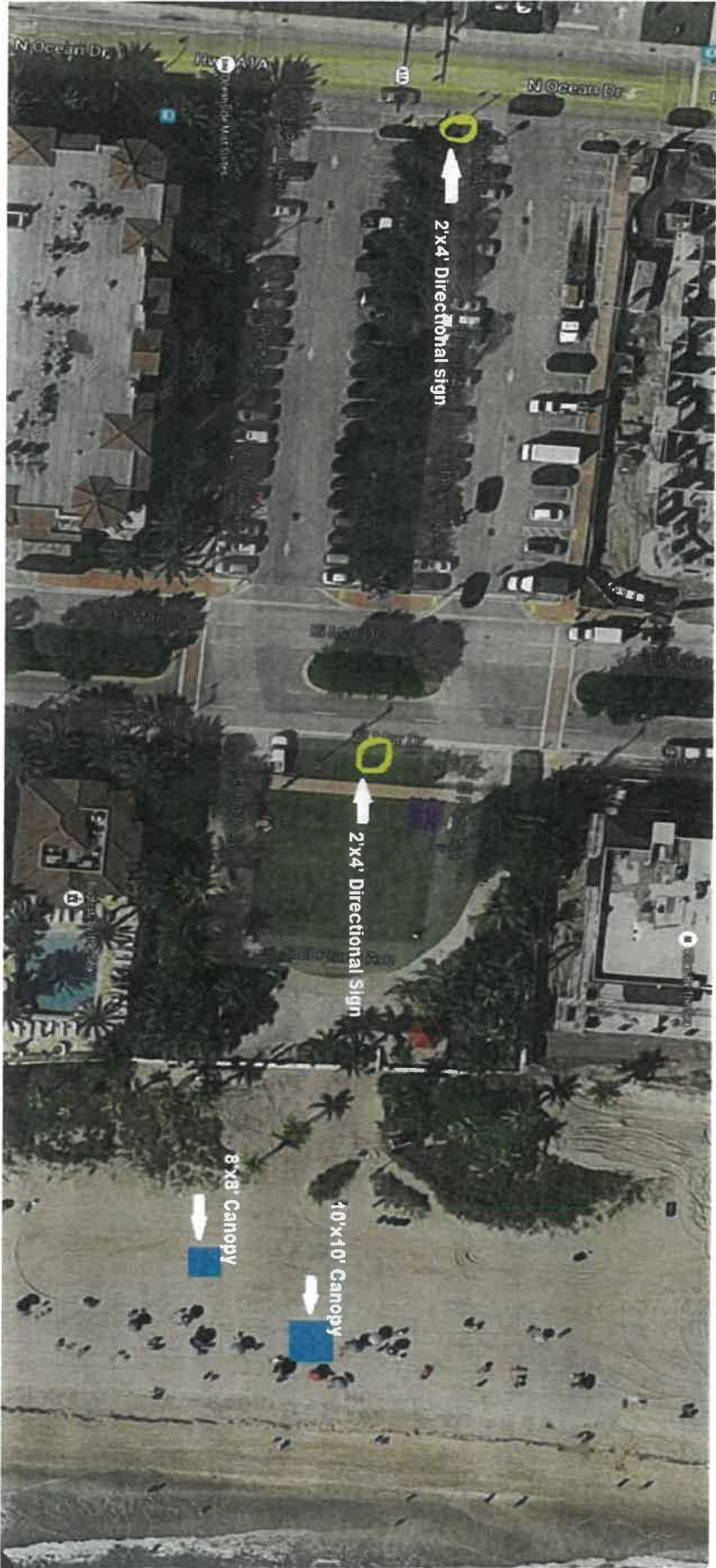
Police: Off duty police officers (if known)

DETAILED SITE PLAN

See above for inclusion examples

*A detailed map of the event site identifying location of each of the following **MUST** be drawn here or attached to this application prior to submission. Dimensions are required to determine if available site will support all of the proposed activities.*

El Prado Park Site Map



Applicant's Certification

By signing this event application, the petitioner agrees to all terms, conditions, and indemnification in this application, and understands that this application or the approval of this event application by the Town Commission does not grant any permission to violate any laws, ordinances or statutes.

Additions and/or revisions to this application shall be submitted in writing.

I understand the Town's requirements for park use and the information provided in this application is complete to the best of my knowledge.

Applicant's Signature (required)

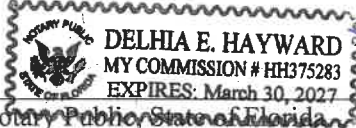
Date

Pastor Tim Gray
Applicant's Printed Name and Title/Organization

2/14/24
Date
954-724-7400 ext 211
Telephone Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida,
by Tim Gray who is personally known to me/provided _____ as identification
and who did/did not take an oath.


Notary Public, State of Florida
My Commission Expires:

Delhia E. Hayward

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: OCT 24 2019

COMMUNITY CHRISTIAN CHURCH OF FORT
LAUDERDALE INC
C/O BRIAN BECKNER
10001 W COMMERCIAL BLVD
TAMARAC, FL 33351

Employer Identification Number:
59-1629256
DLN:
17053158321039
Contact Person:
JULIE CHEN ID# 31261
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(i)
Form 990/990-EZ/990-N Required:
No
Effective Date of Exemption:
September 8, 1967
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

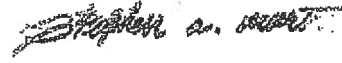
For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

-2-

COMMUNITY CHRISTIAN CHURCH OF FORT

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen A. Davis". The signature is written in a cursive style with some capital letters.

Director, Exempt Organizations
Rulings and Agreements

Letter 947



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Keyes Coverage Insurance
5900 Hiatus Road
Tamarac FL 33321

CONTACT NAME: Kim Bromaghim

PHONE (A/C, No, Ext): 954-724-7000

FAX (A/C, No): 954-724-7024

E-MAIL ADDRESS: kbromaghim@keyescoversage.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Philadelphia Insurance Company

INSURER B: Philadelphia Indemnity Ins Co

-23850

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED
Community Christian Church of Fort Lauderdale, Inc
10001 W Commercial Blvd
Tamarac FL 33351

15145

COVERAGES

CERTIFICATE NUMBER: 1791260394

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:		PHPK2481673	10/30/2022	10/30/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS		PHPK2481673	10/30/2022	10/30/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000		PHUB938227	10/30/2022	10/30/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Beach Baptism on Oct 7th, 2023.

Town of Lauderdale-By-The-Sea hereby listed as Additional Insured per written contract.

CERTIFICATE HOLDER

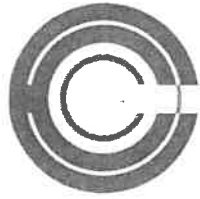
Town of Lauderdale-By-The-Sea
4501 N. Ocean Drive
Suite 101
Lauderdale-By-The-Sea FL 33308

CANCELLATION 30 days cancellation- 10 for non-pay

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Community
CHRISTIAN CHURCH

April 18, 2024

Via U.S. Mail

Villas By The Sea Condominium Association, Inc.
4445 El Mar Dr.
Lauderdale-By-The-Sea, FL 33308

To Whom It May Concern:

Per our LBTS Park Permit, we have been asked to advise you that Community Christian Church will be holding a water baptism event on the beach just east of El Prado Park on Saturday, May 18, 2024. In the event of inclement weather, the event may be moved to May 25, 2024. We will begin setting up at 7:00 AM, followed by water baptisms in the ocean from 8:30 to 10:30 AM and will be all cleared out by 11:00 AM. We will leave no trace of our presence removing all trash as we go.

Should you have any questions, please feel free to contact me. Thank you for your understanding and cooperation.

Sincerely Yours,

Tim Gray
Pastor to Adults
Community Christian Church
tgray@communitycc.com
954-724-7400 ext. 211

10001 W. Commercial Blvd. Tamarac, FL 33351 • 954.724.7400 • communitycc.com

• a place to believe, belong and become •

COMMUNITY CHRISTIAN CHURCH
OF FORT LAUDERDALE, INC.

10001 W. COMMERCIAL BLVD.
TAMARAC, FL 33351
TELEPHONE: (954) 724-7400

TRUIST
68-4261514

25843

02/08/2024

TOWN OF LAUDERDALE BY THE SEA

PAY TO THE
ORDER OF:

One hundred and 00/100*****

**100.00

\$

DOLLARS

TOWN OF LAUDERDALE BY THE SEA
DEVELOPMENT SERVICES DIRECTOR
4501 OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FL
33308

MEMO PERMIT

AUTHORIZED SIGNATURE

⑈025843⑈ ⑆263191387⑆ 1100003908214⑈



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

PERMIT HOLDER INFORMATION

NAME / ORGANIZATION:	The Community Christian Church	REPRESENTATIVE:	Pastor Tim Gray
STREET ADDRESS:	10001 W Commercial Boulevard	CITY, STATE, ZIP:	Tamarac, FL 33351
PHONE NUMBER (S):	(954) 724-7400 x 211	EMAIL:	tgray@communitycc.com

DATE AND LOCATION OF EVENT

TYPE OF EVENT:	Ceremony	DATE(S) OF EVENT: RAIN BACKUP DATE:	Saturday, May 18, 2024 Saturday, May 25, 2024
HOUR(S) OF EVENT:	7:00 AM – 11:00 AM	ADDRESS / LOCATION OF EVENT:	4500 El Mar Drive, Lauderdale-By-The-Sea, FL 33308

DESCRIPTION OF EVENT (Temporary Structures, Signage, Banners, Balloon, Etc. – Location, Colors, Size and Number)

Spring beach baptism ceremony. Approximately 45 participants are expected.

SATURDAY, MAY 18, 2024 (RAIN BACKUP: SATURDAY, MAY 25, 2024)	
Start of Set Up:	7:00 AM
Start Time of Event:	8:00 AM
End Time of Event:	10:30 AM
Start of Cleanup:	10:30 AM
Cleanup Completed By:	11:00 AM

SPECIAL CONDITIONS

The EVENT was approved by Town Commission on March 12, 2024 with the following conditions:

1. Applicant has paid the \$100 application fee.
2. Marine Turtle Protection: If any of the activities take place on the beach sand, the Event organizers shall ensure a minimum buffer of 10 feet is kept clear around any marked sea turtle nests, or any areas that appear to be a new nest. All proposed event activities will stay clear of all active nests. No activities adjacent to a nest that might directly or indirectly disturb the area within the staked circle. No holes are to be dug in the sand west of the high tide line.



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

3. Road Closures, Lane Closures, and Parking Spaces:
 - a. The Event may unload along El Mar Drive between 7:00 a.m. and 8:30 a.m. and load from 10:30 a.m. to 11:00 a.m.
 - b. Parking will operate according to normal parking regulations.
4. Setup:
 - a. One 10' x 10' canopy, as well as one 8' x 8' canopy are planned to be utilized for the event.
 - b. Tables, chairs, stage, equipment, etc. shall not interfere with pedestrian walkways, ingress or egress.
 - c. Sidewalks next to the Event site and within the Event shall remain open and clear for pedestrian traffic.
 - d. The Event shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered to not pose a hazard to the public or event staff.
5. Broward Sherriff Office (BSO):
 - a. BSO shall specify the number of detail officers needed for traffic and crowd control. The Permit Holder shall contract with BSO directly for the necessary BSO personnel within ten (10) days of receiving event approval.
 - b. BSO shall approve the Event's traffic plan, if one is required.
6. Signage
 - a. On the morning of the Event, the Permit Holder may place two (2) A-frame directional signs in and / or near El Prado Park. The location of the signage is subject to the approval of Town Staff and BSO.
7. The Event and its approved sound systems will be operated so as not to violate the Town's code, including section 13-6, Noise Limitation.
 - a. A small, amplified sound system is permitted for use during the Event.
8. The Permit Holder shall provide the notice and distribution map to the Town for review by March 30, 2024. Once approved by the Town Manager, this notice will be distributed by the Permit Holder to any impacted properties in the area no later than April 18, 2024.
9. A clean up deposit may be imposed, based on the final Site Plan, and due two weeks prior to the Event. Clean up fee starting at \$150 will be charged if the area is not cleaned to the Town's standards by 9:00 a.m. the day of the Event.
10. Final Site Plan must be presented to Town Staff for approval at least 48 hours in advance of the Event. The Permit Holder shall arrange for an inspection of the event site to occur two hours before the start of the event. This inspection shall include Town's Event Manager or designee, and the Event's dedicated on-site representative for the purpose of ensuring the event is organized in a safe manner.



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

11. The cost of any inspections or work required by Town Staff after normal working hours will be billed to the Event and must be paid within two weeks of invoice date.
12. Insurance:
 - a. At least thirty (30) days prior to the Event, the Permit Holder shall provide a Certificate of Liability written in comprehensive form naming the Town as additional insured in the amount of:
 - \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury; and
 - \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty (30) days written notice for cancellation
 - b. No required policy shall have a deductible or self-insurance retention greater than \$15,000
 - c. All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance will provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any event, the EVENT will be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement will be issued as part of any required policies. Failure to comply with these requirements will justify a denial, suspension or revocation of the requested approval by the Interim Town Manager or designee.
13. In the event that control of any applicable event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Event (the "Subcontractor"), the Subcontractor shall be required to meet the insurance and indemnification requirements of set forth in the Permit and this Approval, under which the EVENT is applying, as if they were the Event and will be held responsible for compliance with the Town Code as if the Subcontractor for the Event.
14. In the event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for the Event shall expire unless the Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.
15. The Event shall owe no monies to the Town at the time of the event or have any code citations or violations. There shall be no code violations or monies due such as fines, fees, taxes or other charges, permits or licenses outstanding or owed to the Town by the current or past property owners or operators of the Event unless all monies due are paid, permits/paperwork received, and code issues resolved 14 days prior to the Event.



TOWN OF LAUDERDALE-BY-THE-SEA SPECIAL EVENT PERMIT

16. The Town Manager may suspend permission for this event or require changes in the site plan due to conflicting activities, failure of the Event to comply with the terms and conditions of the Town's event permit, for health or safety issues, or for the best interests of the Town.
17. The Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special events if deemed necessary by the Town or upon the EVENT proposing a valid reason.
18. Permission for the Event may be suspended or modified by the Commission, Town Manager, or designated Staff.
19. The Town Manager or onsite Town representative may terminate the Event or Event's participation due to the Event not complying with the terms and conditions of the Town's event permit, for health or other safety reasons.
20. If any Condition is not met by the EVENT, the Town may charge a \$500 fee for each occurrence of a violation of these Conditions.



Insurance Provided.

SIGNATURES REQUIRED

PERMIT HOLDER: I agree to comply with all conditions of this permit	
SIGNATURE OF PERMIT HOLDER:	DATE:
PASTOR TIM GRAY PRINTED NAME	

TOWN REPRESENTATIVE:	
SIGNATURE:	DATE:
KATIE ANDERSON, SENIOR SPECIAL EVENTS & MARKETING COORDINATOR PRINTED NAME & AFFILIATION TO EVENT	

TOWN REPRESENTATIVE:	
SIGNATURE:	DATE:
 COURTNEY EASLEY, ASSISTANT TO TOWN MANAGER PRINTED NAME & AFFILIATION TO EVENT	