

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, June 25, 2024

6:30 PM



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

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

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

Regular Town Commission

Tuesday, June 25, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION by Rabbi Bentzion Singer**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Dive into Summer 2024 Recap
 - 5.b. Investment Opportunities
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
 - 7.a. BSO May 2024 Public Safety Report
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
 - 8.b. April 2024 Finance Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
 - 10.a. Approval of Minutes
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
 - 13.a. Mayor Malkoon - Consider Hiring Beach Ambassador in FY24
 - 13.b. Mayor Malkoon - Consider Reviewing the Town's Landscape Code and Updating It to Include Florida Friendly Standards
 - 13.c. FY25 BSO Proposed Budget
 - 13.d. FY25 CIP
 - 13.e. RESOLUTION 2024-24 A RESOLUTION OF THE TOWN OF LAUDERDALE BY THE SEA FLORIDA, DESIGNATING JUNETEENTH AND COLUMBUS DAY/INDIGENOUS PEOPLES' DAY AS OFFICIAL TOWN HOLIDAYS; PROVIDING

FOR AN EFFECTIVE DATE

14. COMMISSIONER COMMENTS

15. ORDINANCES 1st Reading

15.a. ORDINANCE 2024-06-AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND SECTION 30-154 “PROHIBITED USES” TO MODIFY, CLARIFY AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

15.b. ORDINANCE 2024-07- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “DEVELOPMENT PERMITS – APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” SECTION 30-125 “UNITY OF TITLE OR COVENANT IN LIEU OF UNITY OF TITLE” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

16. ORDINANCES 2nd Reading

17. RESOLUTIONS – PUBLIC COMMENTS

17.a. RESOLUTION 2024-25: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

18. QUASI JUDICIAL PUBLIC HEARINGS

19. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 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



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

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

Submitting Department: Administration

Item Type: Action Item

Agenda Section: PRESENTATIONS

Subject Title: Dive into Summer 2024 Recap

Explanation: The Town hosted the second Dive into Summer celebration on Saturday, June 1, 2024.

The event, featuring a lineup of four local musical talents, also included a vendor village comprised of coastal-centric artisans and organizations, a food village inclusive of several Town establishments, as well as other family-friendly entertainment.

The Town works closely with Scuba4Good, a non-profit organization, to bring this event to life. The relationship with Scuba4Good dates years back, originating with their affiliation to the Bugfest celebration previously hosted by the Town. Used as their primary showcase for sponsors and supporters, this year's event helped Scuba4Good raise approximately \$85,000. Every dollar raised by Scuba4Good goes directly towards aiding individuals with physical or cognitive disabilities obtain their scuba certifications and subsidize future dive trips. They also offer this opportunity to veterans.

We were fortunate to have incredibly favorable weather for our event day and are grateful to all the residents and neighbors who came from near and far to make this a spectacular day in the Lauderdale-By-The-Sea community.

Recommendation: N/A

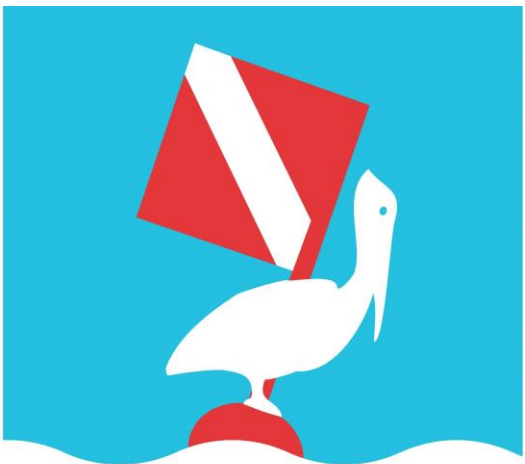
Exhibits:

1. DiveintoSummer_2024_RecapPresentation



DIVE INTO SUMMER 2024 RECAP

PRESENTED BY: Katie Anderson,
Events & Marketing Manager



**DIVE•INTO
SUMMER**

SATURDAY, JUNE 1ST
3-9:00PM, El Prado Park
4500 EL MAR DRIVE

LOCAL VENDORS, LIVE MUSIC
FOOD VENDORS, RAFFLE/AUCTION

Benefiting **scuba4good**

**LAUDERDALE
BY•THE•SEA**



CELEBRATE
75



**LAUDERDALE
BY•THE•SEA**











THANK YOU





Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Investment Opportunities

Explanation: The Commission has asked staff to pursue different investment opportunities to increase the Town's interest income and have the ability to liquidate if there should be a need. After several meetings with the Town's current bank, Truist, and discussions on what the Town's ultimate goals are, Truist has provided an overview of an investment in Treasury Notes.

Treasury Notes are government-issued fixed-income securities that are very low risk. These notes pay a fixed rate of interest every six months until they mature. These can be held until maturity or can be sold before maturity. Treasury notes have different maturity dates and pay different amounts of interest.

The attached charts display two options on how the Town can invest approximately \$2.5million in Treasury Notes. The first option involves purchasing 625 Treasury Notes in four increments, each with different maturity dates. This strategy spreads out the investment over time to manage interest rate risk and provide periodic liquidity as each set of notes matures. The second option provides simplicity and a specific timeframe of maturity, which may suit the Town's liquidity needs if funds are needed at the same time in the future.

Recommendation: Based on the analysis, direct staff on which option aligns best with the Town's objectives of increasing interest and maintaining liquidity.

Exhibits:

1. Truist-Laddered Portfolio-1
2. Truist-Laddered Portfolio-2



Laddered Portfolio
June 17, 2024

Qty (000)	Cusip	Moody/S&P FDIC #	Issue	Coupon	Maturity	Modified Duration	YTW	YTM	Price	YTC	TEY	Accrued Interest	Principal	Net Amount
625	91282CDH1	Aaa/-	United States Treas Nts	0.750%	11/15/2024	0.397	5.324%	5.324%	\$98.174	N/A	-	\$433.08	\$613,586.72	\$614,019.80
			-/-											
625	91282CEQ0	Aaa/-	United States Treas Nts	2.750%	05/15/2025	0.878	5.126%	5.126%	\$97.916	N/A	-	\$1,587.98	\$611,975.39	\$613,563.37
			-/-											
625	91282CFW6	-/-	United States Treas Nts	4.500%	11/15/2025	1.342	4.829%	4.829%	\$99.554	N/A	-	\$2,598.51	\$622,211.13	\$624,809.64
			-/-											
625	91282CHB0	Aaa/-	United States Treas Nts	3.625%	05/15/2026	1.812	4.678%	4.678%	\$98.097	N/A	-	\$2,093.24	\$613,104.69	\$615,197.93
			-/-											
Weighted Averages and Totals					2.906%	1.16	4.989%	4.989%	\$98.435	0.000%	\$6,712.81	\$2,460,877.93	\$2,467,590.73	
				Average Coupon	Average Years to Maturity		Average YTW	Average YTM	Average Price	Average YTC		Total Accrued Interest	Total Principal	Total Investment
(n) Floating/Variable rate - (c) Yield to Call - (p) Yield to Par Call - (w) Yield to Middle Call - (u) Yield to Put - (dis) Discount Yield - (r) Pre-Refund - (t) Mandatory Put - (f) Called in Full														

Monthly Coupon Payments	Jul/24	Aug/24	Sep/24	Oct/24	Nov/24	Dec/24	Jan/25	Feb/25	Mar/25	Apr/25	May/25	Jun/25	Total
United States Treas Nts					\$2,344								\$2,344
United States Treas Nts					\$8,594						\$8,594		\$17,188
United States Treas Nts					\$14,062						\$14,062		\$28,125
United States Treas Nts					\$11,328						\$11,328		\$22,656
Total	\$0	\$0	\$0	\$0	\$36,328	\$0	\$0	\$0	\$0	\$0	\$33,984	\$0	\$70,313

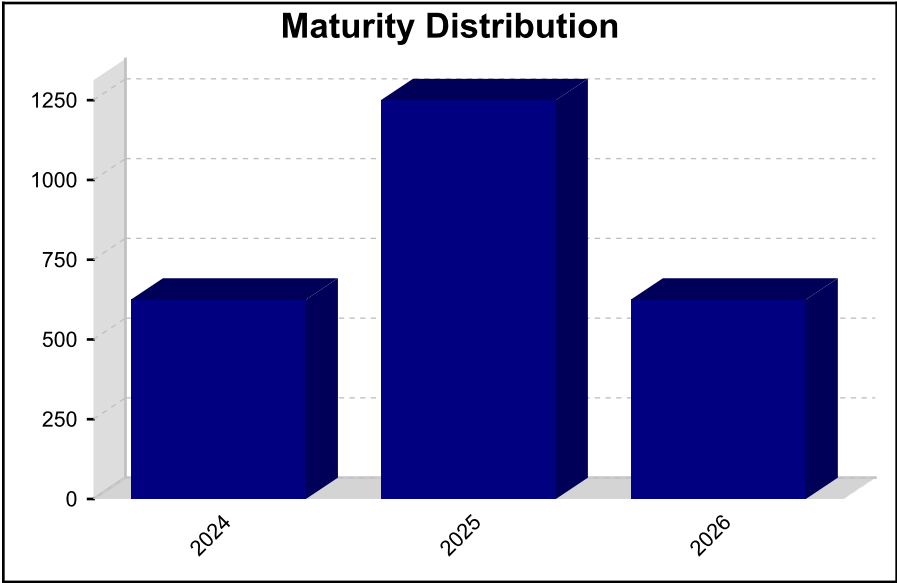
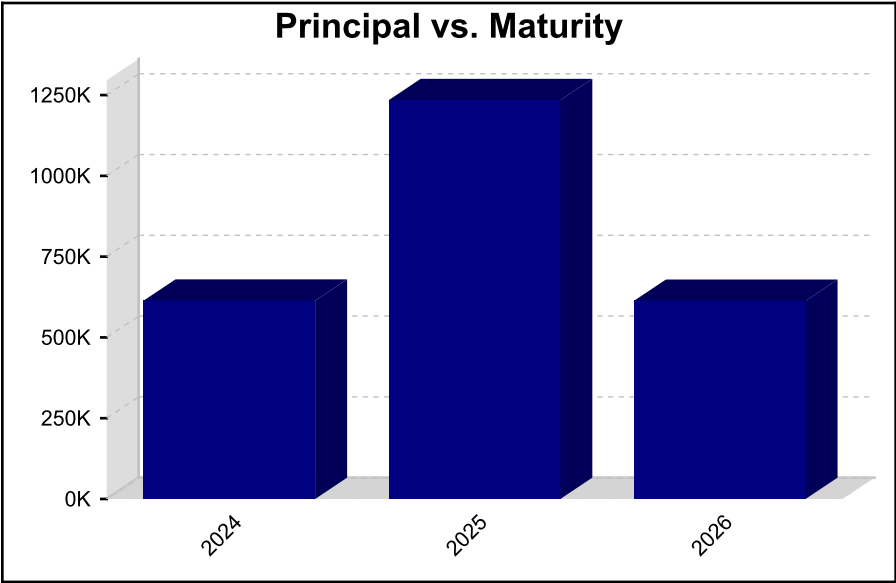
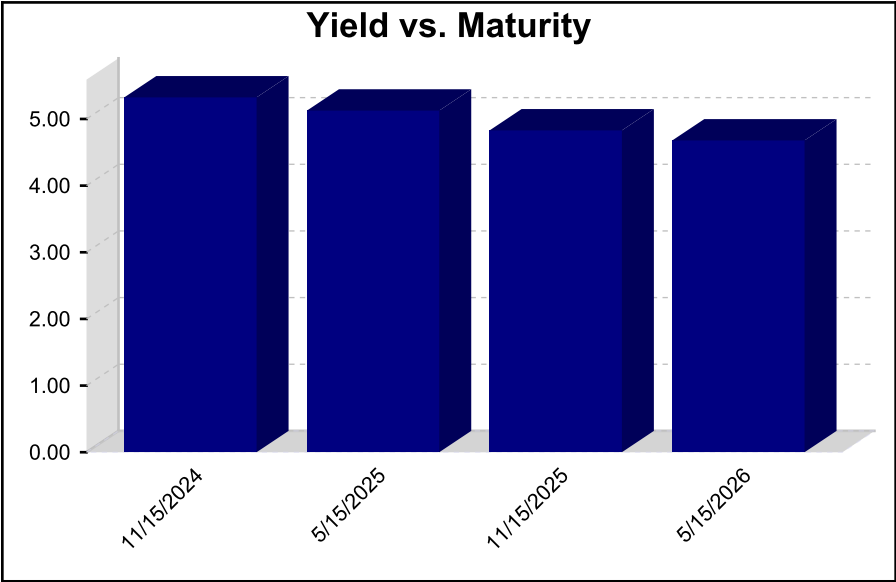
Ladder Summary

Total Principal	\$2,460,877.93
Total Accrued Interest	\$6,712.81
Total Investment	\$2,467,590.73
Next 12mo Cpn Cash Flow	\$70,312.51
Maturity Value	\$2,500,000.00

Average Coupon	2.906%
Average Maturity	1.16yr(s)
Average Price	\$98.435
Annualized Current Yield	2.947%
Average Yield to Maturity	4.989%
Average Yield to Worst	4.989%
Average Duration	1.11

Tax Equivalent Yield	4.989%
Federal Tax Rate	0.000%

Tax Equivalent Yield calculation based on Municipal bonds only.



A mark-up may be included in the purchase of these securities. New issue bonds must be accompanied or preceded by prospectus or offering circular. A prospectus or offering circular contains important information including data related to the issuer's finances, risk factors, usage of the proceeds from the issue, and other pertinent information. Investments in bonds may not be suitable for all investors.

Investing in the bond market is subject to certain risks, including market, interest rate, call risk, issuer and inflation risk; investments may be worth more or less than the original cost when redeemed. The value of most bond strategies and fixed income securities are impacted by changes in interest rates. Bonds and bond strategies with longer durations tend to be more sensitive and more volatile than securities with shorter durations; bond prices generally fall as interest rates rise, and values rise when interest rates decline.

A bond ladder, depending on the types and amount of securities within the ladder, may not ensure adequate diversification of your investment portfolio. This potential lack of diversification may result in heightened volatility of the value of your portfolio. You must perform your own evaluation of whether a bond ladder and the securities held within it are consistent with your investment objective, risk tolerance and financial circumstances. To learn more about diversification and its effects on your portfolio, contact your financial representative.

A portion of municipal bond income may be subject to state taxes and federal alternative minimum tax (AMT) for individuals and corporations. Capital gains earned on tax exempt investments are taxable. The municipal market can be adversely affected by tax, legislative, or political changes, and by the financial condition of the issuers of municipal securities. Tax laws are subject to change, and the preferential tax treatment of municipal bond interest income may be revoked or phased out for investors at certain income levels. Truist Investment Services, Inc. and its representatives do not provide tax or legal advice. Please consult a tax or legal professional regarding tax or legal implications and questions prior to purchase.

In the U.S., major ratings agencies include Moody's and Standard & Poor's Corporation. Each of the agencies assigns its ratings based on in-depth analysis of the issuer's financial condition and management, economic and debt characteristics, and the specific revenue sources securing the bond.

Investment grade bonds are rated between "AAA" and "BBB":

	<u>Moody's</u>	<u>Standard & Poor's</u>
Highest Quality	Aaa	AAA
High Quality (very strong)	Aa	AA
Upper medium grade (strong)	A	A
Medium grade	Baa	BBB

Not Investment Grade

Somewhat Speculative	Ba	BB
Speculative	B	B
Highly Speculative	Caa	CCC
Most Speculative	Ca	CC
Imminent default	C	C
Default	C	D

Securities and Insurance Products and Services:

- **Are not FDIC or any other Government Agency Insured**
- **Are not Bank Guaranteed**
- **May Lose Value**

Services provided by the following affiliates of Truist Financial Corporation: Securities, brokerage accounts and insurance (including annuities) are offered by Truist Investment Services, Inc., a SEC registered broker-dealer, member FINRA, SIPC, and a licensed insurance agency. Investment advisory services are offered by Truist Advisory Services, Inc., a SEC registered investment adviser.



Laddered Portfolio

June 17, 2024

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Laddered Portfolio
June 17, 2024

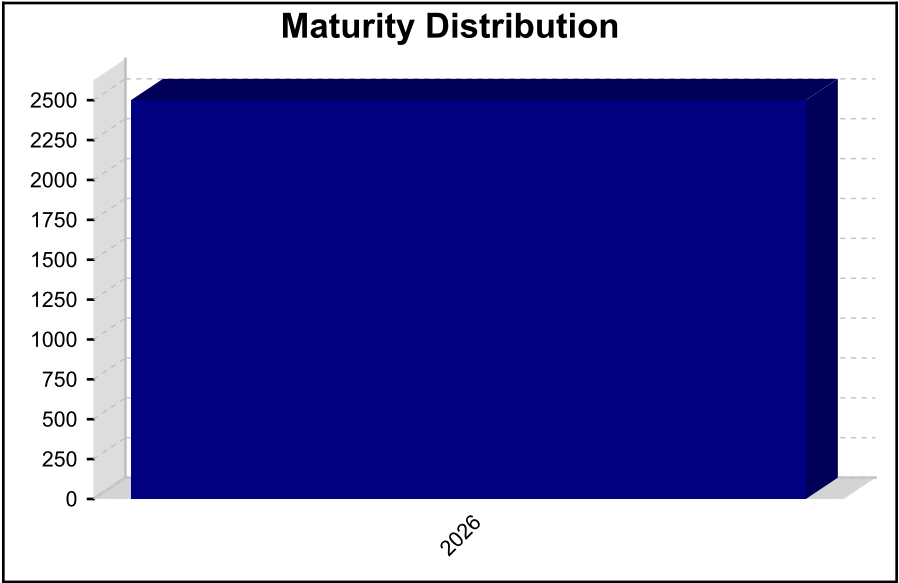
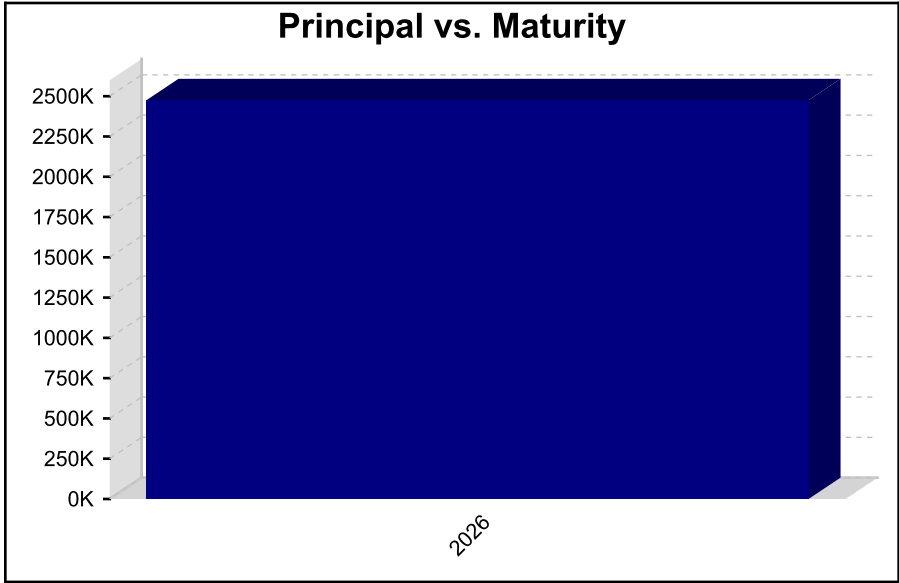
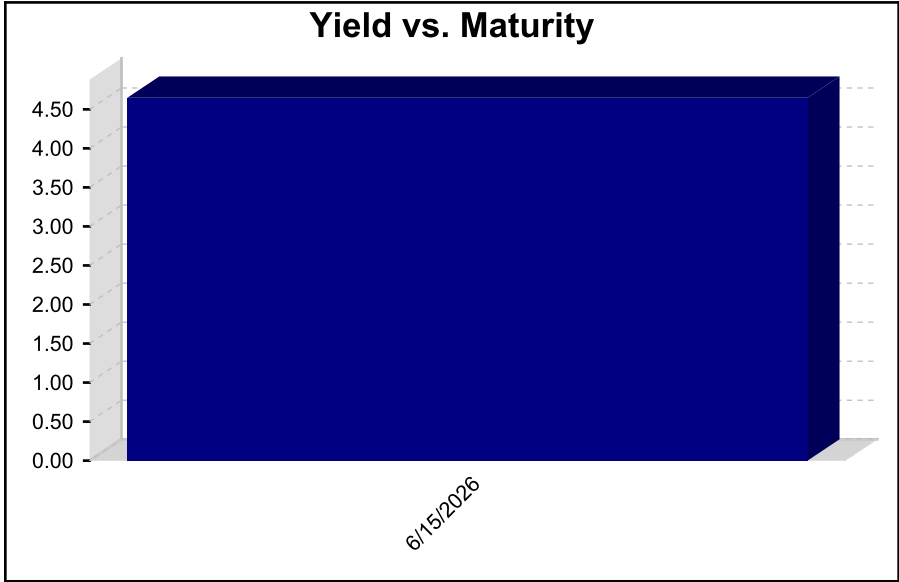
Qty (000)	Cusip	Moody/S&P FDIC #	Issue	Coupon	Maturity	Modified Duration	YTW	YTM	Price	YTC	TEY	Accrued Interest	Principal	Net Amount
2,500	91282CHH7	Aaa/-	United States Treas Notes	4.125%	06/15/2026	1.888	4.648%	4.648%	\$99.015	N/A	-	\$845.29	\$2,475,367.97	\$2,476,213.26
-/-														

Weighted Averages and Totals					4.125%	1.99	4.648%	4.648%	\$99.015	0.000%	\$845.29	\$2,475,367.97	\$2,476,213.26
					Average Coupon	Average Years to Maturity	Average YTW	Average YTM	Average Price	Average YTC	Total Accrued Interest	Total Principal	Total Investment

(n) Floating/Variable rate - (c) Yield to Call - (p) Yield to Par Call - (w) Yield to Middle Call - (u) Yield to Put - (dis) Discount Yield - (r) Pre-Refund - (t) Mandatory Put - (f) Called in Full

Monthly Coupon Payments	Jul/24	Aug/24	Sep/24	Oct/24	Nov/24	Dec/24	Jan/25	Feb/25	Mar/25	Apr/25	May/25	Jun/25	Total
United States Treas Notes						\$51,562						\$51,562	\$103,125
Total	\$0	\$0	\$0	\$0	\$0	\$51,562	\$0	\$0	\$0	\$0	\$0	\$51,562	\$103,125

Ladder Summary				Average Coupon	4.125%	
Total Principal	\$2,475,367.97	Average Maturity	1.99yr(s)	Tax Equivalent Yield	4.648%	
Total Accrued Interest	\$845.29	Average Price	\$99.015	Federal Tax Rate	0.000%	
Total Investment	\$2,476,213.26	Annualized Current Yield	4.166%			
Next 12mo Cpn Cash Flow	\$103,125.00	Average Yield to Maturity	4.648%			
Maturity Value	\$2,500,000.00	Average Yield to Worst	4.648%			
		Average Duration	1.89			
Tax Equivalent Yield calculation based on Municipal bonds only.						



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	<u>Moody's</u>	<u>Standard & Poor's</u>
Highest Quality	Aaa	AAA
High Quality (very strong)	Aa	AA
Upper medium grade (strong)	A	A
Medium grade	Baa	BBB

Not Investment Grade

Somewhat Speculative	Ba	BB
Speculative	B	B
Highly Speculative	Caa	CCC
Most Speculative	Ca	CC
Imminent default	C	C
Default	C	D

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Laddered Portfolio

June 17, 2024

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Agenda Item No: 7.a.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: William Wesolowski, Captain, Broward County Sheriff's Office

Submitting Department: Administration

Item Type: Public Safety Discussion

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO May 2024 Public Safety Report

Explanation: BSO May 2024 report prepared by Captain William Wesolowski.

Recommendation: Accept/Approve

Exhibits:

1. BSO May 2024 Report



Date: June 3, 2024

To: Linda Connors
Town Manager

From: Captain William Wesolowski
Commander, Lauderdale by the Sea District

Subject: BSO Public Safety Report- May 2024

PERSONNEL CHANGES:

None

EMPLOYEE OF THE MONTH: Administrative Specialist Bernadette Cadette

Administrative Specialist Bernadette Cadette maintains the operational supplies for the Lauderdale by the Sea District and monitors the monthly spending for each of the budgetary accounts. During the month of May, Ms. Cadette was notified by BSO's Office of Management and Budgeting that the funds pertaining to the printer services for the district was underfunded and money needed to be transferred to cover the costs for the remainder of the fiscal year.

Administrative Specialist Cadette knew this was inaccurate as she participated in the budgeting process, and she is very familiar with the monthly operating costs within the district. As the billing for this service is handled by BSO's budgeting department, Ms. Cadette requested the invoices from the company providing printing services to the district. After a careful review of the invoices, Ms. Cadette located a clerical error in the billing, which led to the agency being over charged due to a misplaced decimal point for each page printed by the district. The company was made aware of the error, and they are currently working with BSO to correct the issue, which may have affected other jurisdictions as well.

Due to Administrative Specialist Bernadette Cadette's tenacity and attention to detail, she was able to identify a clerical error which would have cost BSO and the Town of Lauderdale by the Sea excess funds. In recognition of her outstanding efforts, Administrative Specialist Bernadette Cadette was awarded the Lauderdale by the Sea Employee of the Month for May 2024.

COMMUNITY PROGRAMS AND SERVICES: These ancillary programs and services are available to residents on an ongoing basis.

- **Elder Links:** This program offers referral services to elderly residents and other senior citizens in need of medical and mental health care, meal delivery or other social services.
- **Business and Residential Security Surveys:** The Business and Residential Security Survey program teaches participants to secure their business, home or condominium to reduce the likelihood of burglary and theft. Security surveys, conducted by a certified law enforcement security specialist, are provided upon request, at no charge to the business owner or resident.
- **Vacation House Watch Program:** Residents who are traveling out-of-town may register for this program. Deputies will conduct periodic checks of their residence until their return.
- **Neighborhood Crime Prevention Program:** The Neighborhood Crime Prevention program liaison organizes and conducts crime prevention and security seminars at the request of neighborhood civic and condominium associations. We will also help facilitate any Neighborhood Crime Watch programs in which the residents wish to participate.
- **Identity Theft and Scam Prevention Program:** The Identity Theft and Scam Prevention program is designed to inform residents about identity theft and how to lessen their chances of becoming a victim of a scam. Residents are informed on the importance of shredding documents, awareness of suspicious individuals, protection of passwords and use of caution in revealing information. Our Shred-A-Thon to reduce identity theft event is incorporated into this program.
- **Enhanced Marine Law Enforcement Patrol Program:** The BSO Marine Patrol Unit participates in the Enhanced Marine Law Enforcement Grant on behalf of Lauderdale-by-the-Sea. This grant allows for additional maritime patrols throughout the Town's waterways and adjacent ocean area.
- **Citizen Observer Patrol (COP) Program:** COP volunteers are local residents who receive public safety training. They are a tremendous asset to the Town of Lauderdale-by-the-Sea. COP members alternate assisting in administrative duties or patrolling local neighborhoods as an extra pair of eyes and ears to supplement deputy sheriff patrols. COP members also attend monthly patrol information and criminal intelligence briefings. A summary of COP statistical activity is included at the end of this report.
- **Sexual Offender Tracking Program:** There are **no** individuals legally classified as a sexual offender residing within Town limits. The sex offender database is routinely checked by BSO to ensure compliance with State of Florida legal mandates. Existing municipal ordinances prohibit persons classified as sexual offenders or sexual predators from residing within Town limits.
- **Bicycle Patrol:** Deputies utilize specialized patrol bicycles to enhance public safety and community outreach. This mode of patrol allows the deputies to interact one-on-one with our residents and visitors. Deputies conducted 2.5 hrs. of bike patrol.

- **All-Terrain Vehicle Patrol:** The ATV / Polaris are primarily utilized on the beach areas in order to conduct patrols to deter criminal activity and maintain the security of the beach-area properties. The ATV patrol is instrumental in marine fisheries regulation enforcement and protection. Deputies used the ATV / Polaris for 232 miles and 34.25 hours this month.
- **Crisis Intervention Team / Homeless Outreach Team Programs:** The C.I.T. / H.O.T. program is comprised of specially trained patrol deputies and supervisors who are able to intervene in situations involving persons with mental illness or are otherwise experiencing mental health crises or are homeless and in need of services. Three (3) individual was experiencing a mental health crises and was Baker Acted. Two (2) individuals experiencing homelessness were contacted during this period. Both individuals were transported to the Pompano Beach shelter for services.
- **Automated License Plate Reader Camera System:** The ALPR system installation was completed in October 2014. The system is proving to be an effective tool to Public Safety. **See *Notable Incidents/Arrests below.***
- **e – Alerts:** This information initiative allows Town residents to stay informed, via email or text messages, of important topics such as criminal activity, traffic information, upcoming events, security issues and other important public safety information throughout Broward County and Lauderdale-by-the-Sea. Residents can register for this program through either the Lauderdale-by-the-Sea or the Broward Sheriff's Office internet website @ www.sheriff.org.
- **Electronic Message Board:** The BSO Lauderdale-by-the-Sea district continues to utilize the electronic traffic safety message board at various locations within the Town. This allows the district to alert residents about any traffic problems and other important public safety issues impacting them.
- **SaferWatch:** SaferWatch is an application (app) that gives citizens the power to record or report non-emergency incidents as they happen. It provides another option to the "If you see something, say something" message and allows individuals that "If you see something, SEND something" via a mobile application (app) from your smartphone.
- **TWITTER:** The Broward Sheriff's Office has provided an official Twitter account to Captain Wesolowski and Lieutenant Sutter to provide information to the public via social media. Follow us **@BSOLBTS**.

SPECIAL EVENTS: These events required the participation of the BSO LBTS district.

On Saturday, May 18, 2024, the Community Christian Church Beach Baptism was held on the beach in front of El Prado Park. Directed Patrol DP24-05-01 was conducted to ensure the event was held without incident.

NOTABLE INCIDENTS / ARRESTS:

CASE: 13-2405-000071/72 (Dep Klier)
DATE/TIME: 05/03/24 @ 1326 hrs.
LOCATION: 4344 El Mar Dr
VICTIM: Nicholas Capizola W/M 07/25/1968
INCIDENT: Death Investigation
SUMMARY: Deputies responded to a dispatched report of a male victim, who had just collapsed at the waterline and CPR was already in-progress. LBTS deputies were conducting UTV beach patrol nearby and immediately responded to take over CPR. PB Fire Rescue arrived and continued CPR and additional lifesaving efforts, eventually transporting the victim to Holy Cross Hospital, where he later expired. Initial investigation determined the victim, and his family were visiting from New York and were participating in a supervised snorkeling excursion from the Datura Av Portal. BSO Homicide, Crime Scene, and the M.E. Office investigator responded.

CASE: 13-2405-000128 (Deputy Boyian)
DATE/TIME: 05/05/2024 @ 2149 hrs.
LOCATION: 4400 N Ocean Drive
ARRESTEE: Amilear Ramirez- Ventura, WM DOB: 09/18/1997
INCIDENT: Warrant Arrest
SUMMARY: Dep Boyian was conducting traffic enforcement and stopped the defendant. Records check revealed traffic related arrest warrant for operating vehicle w/o DL \$500.00 bond. Subject was TOT'ed to Main Jail.

CASE: 13-2405-000136 (Deputy Hopkins)
DATE/TIME: 5/6/24 – 0430 HRS
LOCATION: 1431 S Ocean Dr
VICTIM: Richard Frankel, 1431 S. Ocean Dr, Apt 40
SUSPECT: Two unknown subjects, wearing hooded sweatshirts
VEHICLE: 2021 Gray Audi, Q8
INCIDENT: Burglary Conveyance
SUMMARY: On 5-6-24 Victim Richard Frankel reported that on 5-5-24 at 0430 hrs., his wife was out walking their dog and noticed the interior light of their vehicle on. At approx. 0700 hrs., Frankel walked to his vehicle and discovered the door was unlocked. Frankel found some of his belongings removed from the center console and glove compartment and scattered onto the front seat. Nothing was taken. A neighbor, James Coates heard what occurred and checked his home surveillance camera. At 0430 HRS, two subjects wearing hoodies were seen running onto his dock and walking to the rear of his vessel. It is unknown if the suspects entered the vessel due to foliage blocking the view. The video was uploaded to Axon. CSA Anderson responded and processed the vehicle.

CASE: 13-2405-000146 (Deputy Pitulan)
DATE/TIME: 05/06/2024 @ 2130 hrs.
LOCATION: 1600 S Ocean Drive – median in front of Aquazul
ARRESTEE: Marko Marcetic WM DOB: 04/17/1981
VICTIM: Johnathan Betancur WM DOB: 02/10/1988
INCIDENT: Hit and Run/DUI w/injury (Arrest)
SUMMARY: The victim was driving his Mazda southbound on South Ocean Drive, slowed, and was hit in the rear by the subject's Ford Escape. This caused the victim's vehicle to veer off the road and hit a bus stop sign on the east side of the median. The subject caused severe damage to the victim's vehicle and the subject fled the scene southbound to his residential location of 5450

N Ocean Drive. A witness called in the subject's location. He was located by deputies with his vehicle and was arrested. Dep Guzman (BSO DUI Unit) responded and validated the subject as DUI. Victim TOT'ed to the hospital by PBFR for his neck/back injuries that were not life threatening. Subject charged with felony Hit and Run/DUI second offense and TOT Main Jail.

CASE: 13-2405-000243 (Deputy Alvarez-Jacinto)
DATE/TIME: 05/10/24 @ 1950 hrs.
LOCATION: 4333 El Mar Dr
SUSPECT: Unknown
VICTIM: W/M George Tittermary 11/10/62
INCIDENT: Theft (Petty)

SUMMARY: The victim was staying at the Seaside Villas Resort where he left \$141 in currency inside his room which he had secured before he left. He later returned and discovered his cash was missing from his room. It was determined that the cleaning crew had entered his room and possibly removed the cash. A blue latex cleaning glove was left behind. Due to after hours, Deputies were not able to make contact with anyone with the cleaning crew. Affidavit was obtained.

CASE: 13-2405-000273 (Deputy Figueroa)
DATE/TIME: 05/11/24 @ 2025 hrs.
LOCATION: 200 Commercial Blvd
ARRESTEE: B/M Chauncey Fleming 03/17/81
INCIDENT: Warrant Arrest

SUMMARY: A traffic stop was conducted on a vehicle driving with their high beams on. A records check on the driver revealed three active warrants for the suspect (two for Failing to Pay Child Support and one for DWLS). The suspect was taken into custody and charged accordingly.

CASE: 13-2405-000395 (Dep Klier)
DATE/TIME: 05/16/24 @ 1155 hrs.
LOCATION: 1501 S Ocean Blvd #119
ARRESTEE: Vanessa Hall, B/F 1/26/88
VICTIM: Janet Pelasara W/F 10/07/60
INCIDENT: Fraud/Theft (Arrest)

SUMMARY: The victim has a caretaker from Care.com due to suffering a stroke which resulted in some memory loss/mobility issues. Victim had a new caretaker on 5/15/24 and is unable to locate her Bank of America debit card at this time. She noticed 3 charges to her checking account made on 5/16/24 that she did not make totaling \$713.27. On 5/30/24, Detective Koos arrested Vanessa Hall, B/F 1-26-88 and charged her with Elderly Exploitation and Credit Card Fraud.

CASE: 13-2405-000430 (Alvarez-Jacinto)
DATE/TIME: 05/17/24 @ 2245 Hrs.
LOCATION: 275 Commercial Blvd
ARRESTEE: W/M Matthew Cronin 04/18/92
INCIDENT: Traffic Arrest/DWLS (Arrest)

SUMMARY: A traffic stop was conducted on a vehicle with an expired tag over two years. Contact was made with the driver who had a suspended DL (13X) and was recently issued criminal citations for the same thing a week prior. The driver was placed into custody and charged with DWLS and Expired Tag (over 4months). The suspect was transported to the Main Jail and his vehicle was towed.

CASE: 13-2413-000046 (Dep. Cathcart)
DATE/TIME: 5/19/24
LOCATION: 4100 N. Ocean Dr.
ARRESTEE: April Thomas W/F 3-1-73
INCIDENT: Narcotics Arrest-Possession of Cocaine / Warrant (Arrest)
SUMMARY: Dep. Cathcart conducted a traffic stop in reference to an expired tag. A check on OSSI revealed the driver, April F. Thomas, W/F, 3/1/73 had an active capias for Criminal Mischief and Fail to Appear out of Polk County. During a search incident to arrest of Thomas' handbag from within the vehicle, Deputy Brann Redl located a small clear cylinder containing a clear plastic bag with a white powdery substance inside, with two additional small clear plastic bags containing a white powdery substance inside the handbag. The substance field tested positive for cocaine. Thomas was TOT Main Jail.

CASE: 13-2405-000523 (Deputy Ogando)
DATE/TIME: 05/21/2024 @ 1927 hrs.
LOCATION: 4300 Block El Mar Drive
ARRESTEE: Martin D Oria, WM DOB: 06/01/1982
INCIDENT: DUI (Arrest)
SUMMARY: DLE was called to the above location ref an intoxicated person attempting to drive. Deputies responded and found the listed subject intoxicated, but not behind the wheel. A neighbor of the defendant advised he would give the subject a ride home. The subject was told not to attempt to pick up his vehicle until he sobers up or to have a non-intoxicated friend pick it up. After being driven home, the subject returned moments later and entered his vehicle. As he started the engine, Dep Ogando observed the subject's actions and arrested the subject. BSO DUI Deputy Guzman responded and confirmed subject's DUI status. Defendant TOT BSO Jail.

CASE: 13-2405-000535
DATE/TIME: 05/21/24 @ 1320 hrs.
LOCATION: 4500 El Mar Dr (Beach Side)
VICTIM: WM 03/29/72
INCIDENT: Death Investigation
SUMMARY: Victim was in the water with a boogie board and witnesses said he looked to be having trouble with the board before being observed floating face down. He was pulled front the water by bystanders who started CPR. Det Koos and Genevese responded and took over CPR until PBFR responded. Victim was transported to Holy Cross where he was pronounced. BSO Homicide and Crime Scene responded and took over scene. Wife was notified as she was on scene. LT Sutter on scene.

CASE: 13-2405-000606 (Dep Bickel)
DATE/TIME: 5/25/24 @ 1456 hrs.
LOCATION: 1600 S Ocean Blvd (Aqua Azul)
VICTIM: W/F 4/12/51
INCIDENT: Death Investigation
SUMMARY: 73 YOA Aqua Azul resident lounged on the beach under an umbrella for several hours. At approx. 1450 hrs., she walked to the ocean carrying her mask/snorkel and briefly began to enter the water. Before becoming submerged, Saar suffered an unknown medical event and attempted to return to shore. She was assisted by another bather, and then collapsed on the sand at the water's edge, immediately becoming unresponsive. CPR was begun immediately, and an AED employed by condo staff. Both were ineffective. Deputies responded and continued CPR until the arrival of PBFR 12, who assessed victim via EKG and pronounced her deceased at 1507 hrs. BSO Homicide, Crime Scene, and the ME Office investigators all responded.

CASE: 13-2405-000608 (Dep. Figueroa)
DATE/TIME: 05/25/24 @ 1845 hrs.
LOCATION: 4660 El Mar Dr.
VICTIM: James Stephen Jablonsky W/M 4/23/1962
INCIDENT: Bicycle Theft

SUMMARY: On 5/25/2024 at approximately 1845 hours, an unknown white male took an unsecured maroon Fuji 21-speed bicycle with the logo "Absolute 1.3" valued at \$700.00 from the Plunge Hotel bicycle rack area. The suspect fled westbound on Pine Ave. There is no suspect information currently. Mr. Jablonsky can't provide the bicycle serial number at this time. An area canvass was conducted, but no new information was developed.

CASE: 13-2405-000681 (Deputy Ogando)
DATE/TIME: 05/27/2024 @ 2240 hrs.
LOCATION: 4412 E Trade Winds Ave
VICTIM: Diana H Benitez WF DOB: 08-01-1951
SUBJECT: Dominic John Colucci WM, DOB: 03/29/1989
INCIDENT: Battery/Over 65 – Not in Custody PC

SUMMARY: DLE was called to the above location ref a domestic dispute between a boyfriend and girlfriend. Investigation revealed while the Defendant (Colucci) was having a verbal argument with his girlfriend, he intentionally grabbed and pushed the elderly victim who had recent knee surgery. The victim was not injured; however, she wished the press criminal charges. DLE attempted to contact the defendant who is transient, however he refused to answer any phone calls and did not return to the incident location. Sworn statements obtained. A Not in Custody PC was completed and will be forwarded to ASA for felony case review.

CASE: 13-2405-000743 (Dep. Swadkins)
DATE/TIME: 5-30-24 1147@ hrs.
LOCATION: 1439 S Ocean Blvd. (Parking lot)
VICTIM: Michael White W/M 3-12-62
VEHICLE: 2016 Blue Piaggio GTS 300 Scooter
INCIDENT: Auto Theft-Attempt

SUMMARY: Victim last drove his scooter on May 24th before he left for vacation. He noticed on the 30th when he returned that the ignition area was damaged. There is no video in the area. No further damage was done. Victim does not wish to prosecute.

MONTHLY ARREST LOGS:

Misd/Fel	Charge	Streetnbr	Street
Misd	Warrant-DWLS	4400	N Ocean Blvd
Fel	DUI / With Injury	545	N Ocean Blvd
Fel	Warrant-DWLS	256	Commercial Blvd
Fel	DWLS	275	Commercial Blvd
Fel	Possession of Cocaine	4100	N Ocean Dr
Misd	DUI	4300	El Mar Dr
Fel	Exploitation of the Elderly / Credit Card Fraud	1501	S Ocean Blvd
Fel	Practicing Law W/O License	221	Commercial Blvd
Fel	Battery Person 65 yoa or Older	4412	E Tradewinds Ave

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2023 YTD	2024 YTD
AUTO THEFT	0	2	8	5
BURGLARY-BUSINESS	0	0	1	0
BURGLARY-CONVEYANCE	1	4	10	12
BURGLARY-RESIDENCE	0	1	0	1
BURGLARY-STRUCTURE	0	0	1	0
FORCIBLE SEX	0	1	0	1
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	1	0	4	3
HOMICIDE	0	0	0	0
ROBBERY	0	0	0	1
THEFT-GRAND	0	3	17	12
THEFT-PETIT	3	6	18	22
TOTALS	5	17	59	57

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	28
COP Hours Worked - Month	77
COP Patrol Miles - Month	128
COP Hours Worked - YTD	489
COP Patrol Miles - YTD	1,162

COP Bike Patrol Hours - Month	0
COP Bike Patrol Hours - YTD	0

COP Beach Patrol Hours – Month	27
COP Beach Patrol Hours - YTD	99.5

RESERVE DEPUTY ASSISTANCE: Reserve Deputies are part-time, fully sworn deputies who provide supplemental staffing to LBTS, when available, at NO cost to the Town.

	Month	2024 YTD
Reserve Deputy - Days Worked	7	22
Reserve Deputy - Hours Worked	59	211

MONTHLY STAFFING AND STATISTICAL REPORT:

The May 2024 Monthly Staffing and Statistical Report is attached.



Lauderdale by the Sea Monthly Activity MAY 2024

Reports/Calls	
Miscellaneous Service	
Event Reports	45
Accidents	7
Calls for Service	778

Traffic	
Types of Citation	
Non-Moving / Moving Citation	156
Parking	0
Warnings	143
Total Citations	299

Arrests	
Type of Arrest	
Felony	4
Misdemeanor	1
Warrant (Felony)	1
Warrant (Misd.)	0
DUI (Felony)	1
DUI (Misdemeanor)	1
NIC (Felony)	1
NIC (Misdemeanor)	0
DV (Felony)	0
DV (Misd.)	0
Total Arrests	9

Time Worked	
Hours Worked	
Bike Patrol	2.50
Court Overtime	9
Training Hours	72
Detached	18
Other Overtime	134
Days Worked	31

General	
FI	5
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative
ATV/UTV: 232 Miles / 34.25 Hours Reserve Deputies worked 7 shifts (59 hrs)



**MONTHLY STAFFING AND STATISTICAL REPORT
LAUDERDALE-BY-THE-SEA DISTRICT
May 31, 2024**

CURRENT STAFFING ALLOCATIONS

Position	Budgeted Positions	Actual Positions	Vacant Positions
District Chief	1	1	
Executive Lieutenant	1	1	
Sergeant	4	4	
Deputy Sheriff	19	18	1
Community Service Aide	1	1	
Administrative Specialist	1	1	
Clerical Specialist (P/T)	1	1	
TOTAL	28	27	

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.

Name	CCN	Status	Circumstances

DETACHED PERSONNEL / LOCATION

Name	CCN	Detached to	Reason	Hours
Deputy Manuel Alvarez	14964	QRF	Adjunct Training	18
			TOTAL	18



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:



1. South Silver Shores Traffic Calming Update

As you know, the Commission approved temporary street closure for West Tradewinds at Basin Drive. The staff noticed the entire neighborhood to inform them of the closure and it was installed last Tuesday. The plan is to keep the closure for sixty days and then resurvey the neighborhood to gather feedback. We will bring back the results of the effort to the Commission in September.

2. A1A Paving

Staff included paving on A1A as part of the Downtown Enhancement project because the area was disturbed when we replaced sidewalk. FDOT will be repaving the area in 2025 and Ken was able to negotiate to delay the repaving until the overall FDOT project. In transferring the pavement to FDOT, the Town was able to save approximately \$42,000. Special thanks and appreciation to Ken Rubach for coordinating this request.

3. Grants

LBTS GRANT OPPORTUNITIES						
Project	Grant Source	Amount	Date Applied	Date Response	Status	FY
Vulnerability Assessment	Resilient Florida	\$200,000	9/1/2023	Awarded January 2024	Awarded- Staff reviewed Grant Work Plan and returned notes to State on June 5.	2023-2026
Tidal Flood Protection – Check Valves & Outfalls	Resilient Florida	\$135,000	9/1/2023	July 1, 2024	Not Awarded	2023-2024
Beach Portal - Design	FRDAP	\$50,000	8/31/2023	July 1, 2024	Awarded – Awaiting initial contract documents from State	2024-2025
Friedt Park	FRDAP	\$200,000	8/31/2023	July 1, 2024	Awarded – Awaiting initial contract documents from State	2024-2025
Town Hall Complex Harding: Generator & Garage Doors	FDEM/HMGP	\$67,000	8/29/2023	July 1, 2024	Under Review - Application under review by State Mitigation team – 6/17	2024
Community Center Renovation – Kitchen	FL Div Cultural Affairs/ Cultural Facility Grant Program	\$100,000	6/21/2023	July 1, 2024	Not awarded – Governor veto	2024-2025
Friday Night Music	General Program Support Grant	\$25,000	6/21/2023	July 1, 2024	Not awarded – Governor veto	2024-2025
Public Safety Building - Design	FL State Appropriations	\$1,000,000	Nov 2023	July 1, 2024	Not awarded - Governor veto	2024-2025
Mobi-Mat – Cristelle Beach Public Portal	AARP – Community Challenge Flagship Grant	\$10,000	6/5/2024	Mid-May 2024	Not awarded	2024-2025

As you know, the Governor vetoed a number of funding requests and appropriations which included the Town's request for \$1million for our public safety building design. The veto also included the Town's request for \$200,000 for Jarvis Hall kitchen renovation, tidal valves at \$135,000, and \$45,000 for our downtown music series. We did receive approval for a \$200,000 Friedt park grant, \$200,000 vulnerability assessment survey and \$50,000 for beach portal design. We remain waiting to hear about our request for resiliency grants for garage door replacement (\$67,000).

4. Hamilton Valet Parking

At the last Commission meeting, the Commission authorized Town staff to work with Hamilton Valet to negotiate their use of a portion of the South A1A parking lot for valet parking Monday - Thursday. Commissioner Pouloupoulos was assigned as the Commission liaison. After several discussions, Mr. Hamilton requested the use of the El Mar Drive median initially Friday-Sunday instead of the South Ocean (Walgreens) parking lot as he stated the South Ocean would only work if we allowed 7 days a week all year long. Staff conferred with Commissioner Pouloupoulos and we both concur that this request is outside the scope of the Commission's direction. Unless there is an amended directive, we will draft a letter to Mr. Hamilton denying his request.

Commission Action Requested: Provide Direction to Staff



5. Alex Battle

Please welcome our newest Development Service Department employee, Alex Battle. Alex is a recent FAU graduate, receiving his bachelor's degree in Urban Planning. He will be filling the Planner vacancy left by Sue Leven upon her retirement.

6. Upcoming Meetings

Date	Meeting	Time
June 27, 2024	Code Compliance Meeting	6:00 PM
July 9, 2024	Special Town Commission - Fire Assessment/CIP	5:30 PM
July 9, 2024	Regular Commission Meeting	6:30 PM

Recommendation:

Exhibits: None



Agenda Item No: 8.b.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: April 2024 Finance Report

Explanation: Presented is the April 2024 financial report which consists of the attached Revenue/Expenditure Report (Exhibit 2) and the Cash & Investment Report (Exhibit 3). At the end of April, the Town was 58.33% through the fiscal year.

Recommendation: N/A

Exhibits:

1. April 2024 Finance Report
2. Revenue Expenditure Report April 2024
3. Cash Investment Report April 2024

The following is a summary of the operating results through 4/30/24; keep in mind that the percentages stated below exclude appropriations:

Fund	Annual Budget	Budgeted Appropriations	Budgeted Revenues	YTD Revenues		YTD Expenditures		Net Amount
			Excluding Appropriations	Amount	% of Budget	Amount	% of Budget	
General Fund	\$ 16,922,144.00	\$ 509,526.00	\$ 16,412,618.00	\$ 14,620,151.81	89.08%	\$ 8,753,874.79	53.34%	\$ 5,866,277.02
Building Fund	\$ 1,253,593.00	\$ 115,000.00	\$ 1,138,593.00	\$ 942,543.65	82.78%	\$ 599,141.58	52.62%	\$ 343,402.07
Sewer Fund	\$ 1,707,217.00	\$ 100,000.00	\$ 1,607,217.00	\$ 620,614.79	38.61%	\$ 721,041.12	44.86%	\$ (100,426.33)
Fire Fund	\$ 1,372,000.00	\$ 198,985.00	\$ 1,173,015.00	\$ 1,196,632.14	102.01%	\$ 595,580.95	50.77%	\$ 601,051.19
Capital Fund	\$ 4,176,905.00	\$ 2,171,905.00	\$ 2,005,000.00	\$ 1,258,104.13	62.75%	\$ 2,405,282.58	57.59%	\$ (1,147,178.45)
Parking Fund	\$ 3,961,895.00	\$ 800,000.00	\$ 3,161,895.00	\$ 2,474,019.59	78.24%	\$ 2,640,863.89	66.66%	\$ (166,844.30)
Grand Total	\$ 29,393,754.00	\$ 3,895,416.00	\$ 25,498,338.00	\$ 21,112,066.11		\$ 15,715,784.91		\$ 5,396,281.20

Notable items this month are as follows:

General Fund:

- Through the month of April, the Town has received a total of \$12,162,977.10 or 96.91% of Ad Valorem Property Taxes of budgeted amount. (See table below).
- Overall General Fund revenues and expenditures are within budget.

Collection Rates	2020	2021	2022	2023	2024
November	16.31%	24.52%	22.87%	22.43%	23.56%
December	83.28%	83.41%	85.70%	84.17%	83.76%
January	86.44%	87.04%	89.34%	87.32%	86.22%
February	90.52%	90.85%	92.91%	91.31%	90.48%
March	92.65%	92.83%	94.68%	93.10%	92.82%
April	95.88%	97.64%	98.37%	96.88%	96.91%
May	97.64%	98.85%	99.10%	97.86%	
June	98.75%	100.17%	99.54%	98.89%	
July	101.03%	101.51%	101.25%	101.23%	

Building Fund:

- Building Permit Fees are at 85.11% of budgeted amount.
- Fund expenditures correlate with the revenues and through this period CAP has billed the Town only for four months of their services bringing Building Permit Services to 51.40%.

Sewer Fund:

- Sewer Fund revenues are a bit below expectations as payment for the month of April has not been received. Expenses are within budget.

Fire Fund:

- Through the month of April, the Town has received a total of \$1,104,218.82 or 97.29% of Property Tax-Fire Assessment of budgeted amount.

Capital Project Fund:

- Activity for the month of April for capital projects is displayed in the chart below:

<u>CIP Projects</u>	<u>Budget</u>	<u>YTD</u> <u>Expenditures</u>	<u>April</u> <u>Expenditures</u>	<u>% Completion</u>	<u>Comments</u>
75th Anniversary Art Installation	\$ 125,000.00	\$ -	\$ -	0.00%	No activity for the month of April.
Downtown Enhancement	\$ 2,000,000.00	\$ 1,809,169.76	\$ 94.50	90.46%	Payment made to: Flynn Engineering Services P.A.
Opticome Emergency Vehicle System	\$ 75,000.00	\$ -	\$ -	0.00%	No activity for the month of April.
Bel-Air-Seawall Repair	\$ 366,678.00	\$ 342,310.30	\$ 315,985.62	93.35%	Payments made to: Ray Qualmann Marine Construction, Inc.
Canal Dredging	\$ 75,000.00	\$ 1,400.00	\$ -	1.87%	No activity for the month of April.
Storm Water Rate Study	\$ 65,000.00	\$ -	\$ -	0.00%	No activity for the month of April.
Beach Renourishment	\$ 116,667.00	\$ 300.95	\$ -	0.26%	No activity for the month of April.
Pedestrian Amenities	\$ 75,000.00	\$ 71,285.92	\$ 18,005.76	95.05%	Payment made to: The Paving Lady, Inc.
Friedt Park	\$ 700,000.00	\$ -	\$ -	0.00%	No activity for the month of April.
El Mar Drive	\$ 300,000.00	\$ 98,215.30	\$ 240.00	32.74%	Payment made to: Nuturf of Pompano Beach, Inc.
Entry Feature & Traffic Calm	\$ 150,000.00	\$ 17,280.42	\$ 1,703.14	11.52%	Payments made to: Baxter & Woodman, Inc.
Totals:	\$ 4,048,345.00	\$ 2,339,962.65	\$ 336,029.02		

Parking Fund:

- Parking revenues are at 71.52% of budgeted amount. As show in the chart below, revenues for the month of April were up 29.56% when compared to April, 2023.
- Expenditures are within expectations.

The chart below shows a breakdown of revenue by lots:

	<u>December, 2023</u>		<u>January, 2024</u>		<u>February, 2024</u>		<u>March, 2024</u>		<u>April, 2024</u>	
South Ocean	\$ 16,765.10	\$ (196.91)	\$ 24,638.98	\$ (3,898.94)	\$ 29,515.92	\$ (1,168.02)	\$ 36,244.63	\$ (5,723.54)	\$ 35,874.55	\$ 6,214.35
Ocean Front Meters	\$ 30,234.36	\$ 556.21	\$ 43,374.13	\$ 2,591.46	\$ 36,221.89	\$ (261.75)	\$ 39,911.88	\$ (9,820.01)	\$ 52,676.26	\$ 13,758.06
Commercial Blvd. Meters	\$ 8,409.38	\$ 1,610.13	\$ 11,761.27	\$ 3,072.72	\$ 11,750.60	\$ 3,651.07	\$ 11,422.52	\$ (3,541.43)	\$ 13,467.58	\$ 4,118.75
Parking Meters-Beach	\$ 10,889.32	\$ (1,013.26)	\$ 15,969.98	\$ (4,521.63)	\$ 17,274.52	\$ (1,972.21)	\$ 21,526.11	\$ (5,205.72)	\$ 26,081.83	\$ 5,909.32
Palm Portal-FDG	\$ 5,618.08	\$ (1,444.54)	\$ 9,021.60	\$ (1,715.29)	\$ 11,810.90	\$ (354.17)	\$ 16,196.61	\$ (1,932.85)	\$ 11,934.43	\$ (586.12)
El Prado Parking Lot	\$ 30,362.03	\$ (5,741.27)	\$ 47,121.21	\$ (14,268.24)	\$ 56,937.37	\$ (7,174.40)	\$ 67,568.22	\$ (18,077.53)	\$ 84,689.20	\$ 24,148.09
Town Hall Parking Lot	\$ 861.05	\$ (131.27)	\$ 2,303.65	\$ 200.44	\$ 2,371.15	\$ (1,408.18)	\$ 4,075.22	\$ (1,579.21)	\$ 5,762.54	\$ 2,204.98
El Mar Parking Lot	\$ 18,270.04	\$ (1,066.76)	\$ 27,017.34	\$ 1,570.43	\$ 22,859.96	\$ 645.75	\$ 25,583.45	\$ (4,453.89)	\$ 30,464.69	\$ 7,474.11
A1A Parking Lot	\$ 40,919.00	\$ 177.42	\$ 59,586.81	\$ (6,288.24)	\$ 70,092.25	\$ 4,359.51	\$ 75,402.15	\$ (16,153.90)	\$ 81,744.73	\$ 13,334.02
Bougainvilla/PoINCIANA	\$ 15,247.34	\$ 2,278.24	\$ 25,106.36	\$ 4,513.96	\$ 26,600.83	\$ 1,527.40	\$ 31,272.30	\$ (3,446.39)	\$ 36,781.20	\$ 9,996.02
Monthly Total:	\$ 177,575.70		\$ 265,901.33		\$ 285,435.39		\$ 329,203.09		\$ 379,477.01	
Difference from last year \$:	\$ (4,972.01)		\$ (18,743.33)		\$ (2,155.00)		\$ (69,934.47)		\$ 86,571.58	
Difference from last year %:	-2.72%		-6.58%		-0.75%		-17.52%		29.56%	

The top producing lots for the month of April were:

1. El Prado Parking Lot
2. A1A Parking Lot
3. Ocean Front Meters
4. Bougainvilla/Poinciana

In addition to detailed information from parking revenues, the following chart shows the collection of parking fines that are collected at Town Hall, Municipal Citations and RTR Financial Services, Inc. RTR is a collection agency assisting with the past due uncollected parking fines.

Parking Fines	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024
	\$ 1,655.00	\$ 27,710.00	\$ 13,613.53	\$ 38,895.00	\$ 21,610.69	\$ 33,075.04

Note that no monies were received from RTR Financial Services, Inc. as the transition from Republic Parking System, Inc. to One Parking LLC has delayed the collection fines and we should see an increase in the coming months.



Lauderdale-By-The-Sea, FL

Budget Report Account Summary

For Fiscal: 2023-2024 Period Ending: 04/30/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
Department: 000000 - NonDesignated						
<u>001-000000-380200</u> Appropriated Fund Balance	509,526.00	509,526.00	0.00	0.00	-509,526.00	0.00 %
Department: 000000 - NonDesignated Total:	509,526.00	509,526.00	0.00	0.00	-509,526.00	0.00%
Department: 301000 - Ad Valorem Property Taxes						
<u>001-301000-311100</u> Ad Valorem Property Taxes	12,550,550.00	12,550,550.00	513,118.13	12,162,977.10	-387,572.90	96.91 %
Department: 301000 - Ad Valorem Property Taxes Total:	12,550,550.00	12,550,550.00	513,118.13	12,162,977.10	-387,572.90	96.91%
Department: 301100 - Utility Taxes						
<u>001-301100-311101</u> Fpl Utility Tax	966,700.00	966,700.00	74,096.03	535,496.69	-431,203.31	55.39 %
<u>001-301100-311440</u> Gas Utility Tax	22,000.00	22,000.00	2,801.97	12,060.09	-9,939.91	54.82 %
<u>001-301100-314300</u> Water Utility Tax	182,000.00	182,000.00	16,297.12	98,262.23	-83,737.77	53.99 %
Department: 301100 - Utility Taxes Total:	1,170,700.00	1,170,700.00	93,195.12	645,819.01	-524,880.99	55.17%
Department: 301600 - Franchise Taxes						
<u>001-301600-313100</u> Fl Power & Light Franchise	663,000.00	663,000.00	55,751.54	393,069.60	-269,930.40	59.29 %
<u>001-301600-313300</u> Waste Franchise Collection	156,999.00	156,999.00	10,630.28	71,947.88	-85,051.12	45.83 %
<u>001-301600-313301</u> Waste Franchise Adm-fee	9,000.00	9,000.00	0.00	0.00	-9,000.00	0.00 %
<u>001-301600-313400</u> Gas Franchise	22,000.00	22,000.00	2,795.83	11,944.90	-10,055.10	54.30 %
<u>001-301600-313600</u> Towing Franchise Fees	800.00	800.00	0.00	0.00	-800.00	0.00 %
Department: 301600 - Franchise Taxes Total:	851,799.00	851,799.00	69,177.65	476,962.38	-374,836.62	55.99%
Department: 302000 - Licenses & Permits						
<u>001-302000-321100</u> Business License Taxes	100,000.00	100,000.00	8,191.48	80,409.99	-19,590.01	80.41 %
<u>001-302000-321110</u> Sidewalk Cafe Row	40,000.00	40,000.00	8,280.00	19,112.00	-20,888.00	47.78 %
<u>001-302000-322150</u> Miscellaneous Permits	500.00	500.00	50.00	773.16	273.16	154.63 %
<u>001-302000-322250</u> Zoning Permit & Fees	2,500.00	2,500.00	80.00	170.00	-2,330.00	6.80 %
<u>001-302000-322400</u> Sign Permits	2,000.00	2,000.00	30.00	280.00	-1,720.00	14.00 %
Department: 302000 - Licenses & Permits Total:	145,000.00	145,000.00	16,631.48	100,745.15	-44,254.85	69.48%
Department: 303000 - Intergovernmental Revenues						
<u>001-303000-311120</u> Municipal Revenue Sharing	180,000.00	180,000.00	17,703.58	123,925.09	-56,074.91	68.85 %
<u>001-303000-311150</u> Alcoholic Beverage License	16,700.00	16,700.00	8,692.80	8,867.60	-7,832.40	53.10 %
<u>001-303000-311180</u> Sales Tax	500,000.00	500,000.00	41,970.56	252,409.70	-247,590.30	50.48 %
<u>001-303000-312410</u> Local Op Gas Tax 1 - 6 Cent	67,500.00	67,500.00	4,914.93	34,881.77	-32,618.23	51.68 %
<u>001-303000-312420</u> Local Op Gas Tax 2 - 5 Cent	48,000.00	48,000.00	3,379.52	24,483.84	-23,516.16	51.01 %
<u>001-303000-315100</u> Communication Service Tax	325,000.00	325,000.00	25,016.34	151,464.18	-173,535.82	46.60 %
<u>001-303000-334915</u> Fdot-reimbursable Grant	34,384.00	34,384.00	0.00	0.00	-34,384.00	0.00 %
Department: 303000 - Intergovernmental Revenues Total:	1,171,584.00	1,171,584.00	101,677.73	596,032.18	-575,551.82	50.87%
Department: 304000 - Charges for Services						
<u>001-304000-343902</u> Site Plan Application Fees	2,000.00	2,000.00	0.00	0.00	-2,000.00	0.00 %
<u>001-304000-347500</u> Tennis - Shuffle Key	12,850.00	12,850.00	720.00	11,190.00	-1,660.00	87.08 %
Department: 304000 - Charges for Services Total:	14,850.00	14,850.00	720.00	11,190.00	-3,660.00	75.35%
Department: 305000 - Fines & Forfeitures						
<u>001-305000-354150</u> Fines,trafficviolation,citatio	32,000.00	32,000.00	3,350.09	22,809.16	-9,190.84	71.28 %
<u>001-305000-354160</u> Code Enforcement Fines	25,000.00	25,000.00	7,480.00	72,080.00	47,080.00	288.32 %
<u>001-305000-359100</u> Other Fines & Alarms	3,000.00	3,000.00	0.00	0.00	-3,000.00	0.00 %
Department: 305000 - Fines & Forfeitures Total:	60,000.00	60,000.00	10,830.09	94,889.16	34,889.16	158.15%
Department: 306000 - Miscellaneous Revenues						
<u>001-306000-361100</u> Interest Earnings	25,000.00	25,000.00	95,011.87	299,372.67	274,372.67	1,197.49 %
<u>001-306000-362000</u> Rent/lease Royalties	120,000.00	120,000.00	10,000.00	73,400.00	-46,600.00	61.17 %
<u>001-306000-365400</u> Recycling Revenue	5,000.00	5,000.00	0.00	0.00	-5,000.00	0.00 %
<u>001-306000-366100</u> Donations	10,000.00	10,000.00	0.00	13,850.00	3,850.00	138.50 %
<u>001-306000-369100</u> Miscellaneous Revenues	101,135.00	101,135.00	4,241.19	42,557.79	-58,577.21	42.08 %

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
<u>001-306000-369200</u>	Miscellaneous Applications	15,000.00	15,000.00	200.00	3,735.00	-11,265.00	24.90 %
<u>001-306000-369201</u>	Miscellaneous Merchandisesales	5,000.00	5,000.00	1,513.00	5,073.77	73.77	101.48 %
<u>001-306000-369250</u>	Recreational Activities Fee	1,500.00	1,500.00	785.00	18,347.60	16,847.60	1,223.17 %
<u>001-306000-369500</u>	miscellaneous Lobbyist	500.00	500.00	0.00	200.00	-300.00	40.00 %
<u>001-306000-369901</u>	Insurance Reimbursement	15,000.00	15,000.00	0.00	0.00	-15,000.00	0.00 %
Department: 306000 - Miscellaneous Revenues Total:		298,135.00	298,135.00	111,751.06	456,536.83	158,401.83	153.13%
Department: 511000 - Commission							
<u>001-511000-500110</u>	Commission Salaries	122,556.00	122,556.00	6,669.07	45,844.51	76,711.49	37.41 %
<u>001-511000-500210</u>	Employer Fica Taxes	9,491.00	9,491.00	475.08	3,161.12	6,329.88	33.31 %
<u>001-511000-500220</u>	Retirement	55,124.00	55,124.00	7,744.78	30,550.48	24,573.52	55.42 %
<u>001-511000-500230</u>	Group Insurance	80,000.00	80,000.00	4,624.49	41,376.49	38,623.51	51.72 %
<u>001-511000-500345</u>	Contractual Services	7,300.00	7,300.00	281.25	2,715.00	4,585.00	37.19 %
<u>001-511000-500510</u>	Office Supplies	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
<u>001-511000-500512</u>	Elections	20,000.00	20,000.00	201.63	1,394.46	18,605.54	6.97 %
<u>001-511000-500540</u>	Dues & Subscriptions	3,000.00	3,000.00	0.00	858.00	2,142.00	28.60 %
<u>001-511000-500545</u>	Training	6,000.00	6,000.00	2,115.60	6,166.20	-166.20	102.77 %
<u>001-511000-500550</u>	Operating Expenses	15,200.00	15,200.00	10,164.66	14,927.14	272.86	98.20 %
Department: 511000 - Commission Total:		320,171.00	320,171.00	32,276.56	146,993.40	173,177.60	45.91%
Department: 511100 - Donation-Non Profits							
<u>001-511100-500820</u>	Donations-aids To Private Org	66,500.00	66,500.00	3,000.00	59,000.00	7,500.00	88.72 %
Department: 511100 - Donation-Non Profits Total:		66,500.00	66,500.00	3,000.00	59,000.00	7,500.00	88.72%
Department: 511200 - Visitor Center							
<u>001-511200-500120</u>	Regular Salaries	76,967.00	76,967.00	3,327.36	20,423.73	56,543.27	26.54 %
<u>001-511200-500210</u>	Employer Fica Taxes	5,966.00	5,966.00	254.54	1,562.41	4,403.59	26.19 %
<u>001-511200-500220</u>	Retirement	13,130.00	13,130.00	900.01	3,098.72	10,031.28	23.60 %
<u>001-511200-500230</u>	Group Insurance	3,000.00	3,000.00	0.00	4,078.94	-1,078.94	135.96 %
<u>001-511200-500340</u>	Sewer/wastewater	4,200.00	4,200.00	205.37	1,668.79	2,531.21	39.73 %
<u>001-511200-500345</u>	Contractual Services	10,000.00	10,000.00	0.00	148.75	9,851.25	1.49 %
<u>001-511200-500430</u>	Electric Service	2,000.00	2,000.00	105.97	749.12	1,250.88	37.46 %
<u>001-511200-500431</u>	Water Service	5,050.00	5,050.00	285.94	2,340.47	2,709.53	46.35 %
<u>001-511200-500463</u>	Service Maintenance Contracts	3,000.00	3,000.00	122.96	901.20	2,098.80	30.04 %
<u>001-511200-500495</u>	Special Events	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
<u>001-511200-500506</u>	Printing & Binding	5,775.00	5,775.00	0.00	146.28	5,628.72	2.53 %
<u>001-511200-500520</u>	Bldg. Maintenance	10,000.00	10,000.00	394.00	821.16	9,178.84	8.21 %
<u>001-511200-500550</u>	Operating Expenses	8,050.00	8,050.00	55.94	1,551.09	6,498.91	19.27 %
Department: 511200 - Visitor Center Total:		148,638.00	148,638.00	5,652.09	37,490.66	111,147.34	25.22%
Department: 513000 - Administration							
<u>001-513000-500120</u>	Regular Salaries	633,527.00	633,527.00	51,858.44	354,186.90	279,340.10	55.91 %
<u>001-513000-500140</u>	Overtime Salaries	4,000.00	4,000.00	472.93	2,599.85	1,400.15	65.00 %
<u>001-513000-500210</u>	Employer Fica Taxes	48,962.00	48,962.00	3,865.53	23,576.57	25,385.43	48.15 %
<u>001-513000-500220</u>	Retirement	147,570.00	147,570.00	27,812.63	105,962.25	41,607.75	71.80 %
<u>001-513000-500230</u>	Group Insurance	135,000.00	135,000.00	8,447.93	73,936.85	61,063.15	54.77 %
<u>001-513000-500315</u>	Professional Services	34,500.00	34,500.00	0.00	1,700.00	32,800.00	4.93 %
<u>001-513000-500320</u>	Audit Expense	47,000.00	47,000.00	0.00	36,500.00	10,500.00	77.66 %
<u>001-513000-500344</u>	Hr Expenses	5,000.00	5,000.00	0.00	580.40	4,419.60	11.61 %
<u>001-513000-500345</u>	Contractual Services	52,900.00	52,900.00	4,510.68	40,184.25	12,715.75	75.96 %
<u>001-513000-500463</u>	Service Maintenance Contracts	53,973.00	53,973.00	789.67	37,877.35	16,095.65	70.18 %
<u>001-513000-500506</u>	Printing & Binding	4,200.00	4,200.00	497.24	997.24	3,202.76	23.74 %
<u>001-513000-500508</u>	Postage	6,500.00	6,500.00	482.97	2,971.63	3,528.37	45.72 %
<u>001-513000-500510</u>	Office Supplies	8,000.00	8,000.00	512.11	7,021.21	978.79	87.77 %
<u>001-513000-500525</u>	Uniform Expense	500.00	500.00	0.00	0.00	500.00	0.00 %
<u>001-513000-500540</u>	Dues & Subscriptions	9,675.00	9,675.00	1,200.00	4,818.46	4,856.54	49.80 %
<u>001-513000-500545</u>	Training	22,000.00	22,000.00	3,666.37	7,974.04	14,025.96	36.25 %
<u>001-513000-500550</u>	Operating Expenses	23,750.00	23,750.00	4,927.33	14,371.01	9,378.99	60.51 %
Department: 513000 - Administration Total:		1,237,057.00	1,237,057.00	109,043.83	715,258.01	521,798.99	57.82%
Department: 514000 - Town Attorney							
<u>001-514000-500310</u>	Legal Expense	360,000.00	360,000.00	15,428.40	113,401.25	246,598.75	31.50 %

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
<u>001-514000-500314</u>	Litigation	98,000.00	98,000.00	0.00	625.00	97,375.00	0.64 %
Department: 514000 - Town Attorney Total:		458,000.00	458,000.00	15,428.40	114,026.25	343,973.75	24.90%
Department: 519000 - General							
<u>001-519000-500220</u>	Retirement	0.00	0.00	720.56	720.56	-720.56	0.00 %
<u>001-519000-500311</u>	Advertisements	7,500.00	7,500.00	0.00	1,712.69	5,787.31	22.84 %
<u>001-519000-500315</u>	Professional Services	260,500.00	260,500.00	2,474.91	106,034.29	154,465.71	40.70 %
<u>001-519000-500345</u>	Contractual Services	100,700.00	100,700.00	15,395.78	45,612.04	55,087.96	45.29 %
<u>001-519000-500349</u>	Community Mobility Services	250,000.00	250,000.00	19,734.24	138,139.68	111,860.32	55.26 %
<u>001-519000-500451</u>	Auto, Property & Liability Ins	279,500.00	279,500.00	0.00	248,189.66	31,310.34	88.80 %
<u>001-519000-500452</u>	Workers Compensation Insur	82,000.00	82,000.00	12,045.75	38,021.25	43,978.75	46.37 %
<u>001-519000-500463</u>	Service Maintenance Contracts	22,000.00	22,000.00	5,287.01	11,287.01	10,712.99	51.30 %
<u>001-519000-500497</u>	Contingency	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00 %
<u>001-519000-500525</u>	Uniform Expense	225.00	225.00	0.00	0.00	225.00	0.00 %
<u>001-519000-500550</u>	Operating Expenses	92,000.00	92,000.00	71.00	49,342.46	42,657.54	53.63 %
<u>001-519000-500552</u>	Recycling And Solid Waste Exp	60,000.00	60,000.00	5,553.18	32,913.27	27,086.73	54.86 %
Department: 519000 - General Total:		1,254,425.00	1,254,425.00	61,282.43	671,972.91	582,452.09	53.57%
Department: 519100 - Tourism and Community Outreach							
<u>001-519100-500120</u>	Regular Salaries	139,769.00	139,769.00	5,436.54	36,428.03	103,340.97	26.06 %
<u>001-519100-500140</u>	Overtime Salaries	5,000.00	5,000.00	0.00	715.65	4,284.35	14.31 %
<u>001-519100-500210</u>	Employer Fica Taxes	11,113.00	11,113.00	416.18	2,843.46	8,269.54	25.59 %
<u>001-519100-500220</u>	Retirement	19,713.00	19,713.00	737.74	4,992.12	14,720.88	25.32 %
<u>001-519100-500230</u>	Group Insurance	30,000.00	30,000.00	1,024.72	9,526.94	20,473.06	31.76 %
<u>001-519100-500311</u>	Advertisements	23,000.00	23,000.00	0.00	7,670.00	15,330.00	33.35 %
<u>001-519100-500315</u>	Professional Services	60,000.00	60,000.00	134.58	274.83	59,725.17	0.46 %
<u>001-519100-500345</u>	Contractual Services	6,524.00	6,524.00	-607.57	-607.57	7,131.57	-9.31 %
<u>001-519100-500347</u>	Programs	10,300.00	10,300.00	2,000.00	5,251.57	5,048.43	50.99 %
<u>001-519100-500495</u>	Special Events	240,800.00	240,800.00	12,592.30	88,979.22	151,820.78	36.95 %
<u>001-519100-500506</u>	Printing & Binding	12,000.00	12,000.00	172.04	4,551.74	7,448.26	37.93 %
<u>001-519100-500540</u>	Dues & Subscriptions	2,800.00	2,800.00	0.00	1,942.75	857.25	69.38 %
<u>001-519100-500550</u>	Operating Expenses	1,250.00	1,250.00	0.00	52.38	1,197.62	4.19 %
Department: 519100 - Tourism and Community Outreach Total:		562,269.00	562,269.00	21,906.53	162,621.12	399,647.88	28.92%
Department: 521000 - Police Department							
<u>001-521000-500141</u>	Bso Overtime	80,000.00	80,000.00	0.00	50,451.87	29,548.13	63.06 %
<u>001-521000-500345</u>	Contractual Services	5,998,142.00	5,998,142.00	458,603.05	3,421,364.83	2,576,777.17	57.04 %
<u>001-521000-500352</u>	Contract Services	7,000.00	7,000.00	0.00	4,996.19	2,003.81	71.37 %
<u>001-521000-500520</u>	Bldg. Maintenance	2,000.00	2,000.00	101.38	607.34	1,392.66	30.37 %
<u>001-521000-500550</u>	Operating Expenses	7,000.00	7,000.00	0.00	0.00	7,000.00	0.00 %
<u>001-521000-500640</u>	Capital Outlay - Equipt & Mach	12,000.00	12,000.00	0.00	0.00	12,000.00	0.00 %
Department: 521000 - Police Department Total:		6,106,142.00	6,106,142.00	458,704.43	3,477,420.23	2,628,721.77	56.95%
Department: 523000 - Emergency Medical Services							
<u>001-523000-500345</u>	Contractual Services	460,000.00	460,000.00	40,250.00	270,249.98	189,750.02	58.75 %
Department: 523000 - Emergency Medical Services Total:		460,000.00	460,000.00	40,250.00	270,249.98	189,750.02	58.75%
Department: 524000 - Development Services							
<u>001-524000-500120</u>	Regular Salaries	281,794.00	281,794.00	21,253.40	148,733.84	133,060.16	52.78 %
<u>001-524000-500140</u>	Overtime Salaries	7,000.00	7,000.00	0.00	76.52	6,923.48	1.09 %
<u>001-524000-500210</u>	Employer Fica Taxes	21,825.00	21,825.00	1,681.84	11,770.93	10,054.07	53.93 %
<u>001-524000-500220</u>	Retirement	56,454.00	56,454.00	10,365.63	39,346.41	17,107.59	69.70 %
<u>001-524000-500230</u>	Group Insurance	71,000.00	71,000.00	4,086.51	36,486.24	34,513.76	51.39 %
<u>001-524000-500315</u>	Professional Services	55,000.00	55,000.00	0.00	3,326.76	51,673.24	6.05 %
<u>001-524000-500345</u>	Contractual Services	321,325.00	321,325.00	20,129.99	148,627.97	172,697.03	46.25 %
<u>001-524000-500462</u>	Fuel	0.00	0.00	213.39	213.39	-213.39	0.00 %
<u>001-524000-500463</u>	Service Maintenance Contracts	9,500.00	9,500.00	310.21	1,662.85	7,837.15	17.50 %
<u>001-524000-500506</u>	Printing & Binding	4,000.00	4,000.00	142.47	539.84	3,460.16	13.50 %
<u>001-524000-500508</u>	Postage	4,200.00	4,200.00	201.98	1,429.67	2,770.33	34.04 %
<u>001-524000-500510</u>	Office Supplies	3,200.00	3,200.00	0.00	734.82	2,465.18	22.96 %
<u>001-524000-500525</u>	Uniform Expense	600.00	600.00	0.00	0.00	600.00	0.00 %
<u>001-524000-500540</u>	Dues & Subscriptions	6,000.00	6,000.00	0.00	975.00	5,025.00	16.25 %

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
<u>001-524000-500545</u>	Training	7,500.00	7,500.00	0.00	1,785.26	5,714.74	23.80 %
<u>001-524000-500550</u>	Operating Expenses	12,000.00	12,000.00	206.16	1,509.75	10,490.25	12.58 %
Department: 524000 - Development Services Total:		861,398.00	861,398.00	58,591.58	397,219.25	464,178.75	46.11%
Department: 541100 - Mun Svsc - Public Works Div							
<u>001-541100-500120</u>	Regular Salaries	1,071,315.00	1,071,315.00	73,401.47	501,107.86	570,207.14	46.78 %
<u>001-541100-500140</u>	Overtime Salaries	65,000.00	65,000.00	344.83	25,470.60	39,529.40	39.19 %
<u>001-541100-500210</u>	Employer Fica Taxes	83,103.00	83,103.00	5,792.13	41,314.37	41,788.63	49.71 %
<u>001-541100-500220</u>	Retirement	163,094.00	163,094.00	26,240.48	100,425.02	62,668.98	61.57 %
<u>001-541100-500230</u>	Group Insurance	285,000.00	285,000.00	17,920.38	159,223.07	125,776.93	55.87 %
<u>001-541100-500315</u>	Professional Services	50,000.00	50,000.00	4,100.00	21,637.36	28,362.64	43.27 %
<u>001-541100-500340</u>	Sewer/wastewater	18,000.00	18,000.00	1,435.08	8,430.58	9,569.42	46.84 %
<u>001-541100-500345</u>	Contractual Services	744,800.00	744,800.00	46,616.09	316,320.61	428,479.39	42.47 %
<u>001-541100-500410</u>	Communications	60,000.00	60,000.00	9,958.13	47,304.20	12,695.80	78.84 %
<u>001-541100-500430</u>	Electric Service	58,000.00	58,000.00	4,319.25	30,064.76	27,935.24	51.84 %
<u>001-541100-500431</u>	Water Service	180,000.00	180,000.00	20,321.06	124,152.33	55,847.67	68.97 %
<u>001-541100-500433</u>	Electric Service-streets	70,000.00	70,000.00	5,191.82	37,425.88	32,574.12	53.47 %
<u>001-541100-500445</u>	Equip Rent/lease	20,000.00	20,000.00	377.95	18,544.52	1,455.48	92.72 %
<u>001-541100-500460</u>	Equipment Maintenance	40,000.00	40,000.00	8,790.55	40,478.60	-478.60	101.20 %
<u>001-541100-500461</u>	Vehicle Maintenance	20,000.00	20,000.00	2,132.13	31,614.79	-11,614.79	158.07 %
<u>001-541100-500462</u>	Fuel	60,000.00	60,000.00	6,888.55	17,736.07	42,263.93	29.56 %
<u>001-541100-500463</u>	Service Maintenance Contracts	21,000.00	21,000.00	9,043.34	21,919.03	-919.03	104.38 %
<u>001-541100-500469</u>	Buoy Maintenance	17,000.00	17,000.00	0.00	0.00	17,000.00	0.00 %
<u>001-541100-500470</u>	Radio Maintenance	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00 %
<u>001-541100-500498</u>	Storm Drain Rehab/maint	107,500.00	107,500.00	22,840.40	25,718.16	81,781.84	23.92 %
<u>001-541100-500508</u>	Postage	600.00	600.00	0.00	0.00	600.00	0.00 %
<u>001-541100-500510</u>	Office Supplies	1,500.00	1,500.00	0.00	17.50	1,482.50	1.17 %
<u>001-541100-500520</u>	Bldg. Maintenance	125,500.00	125,500.00	6,498.97	59,530.60	65,969.40	47.43 %
<u>001-541100-500525</u>	Uniform Expense	20,000.00	20,000.00	2,886.46	21,736.12	-1,736.12	108.68 %
<u>001-541100-500529</u>	Street Light Maintenance	55,000.00	55,000.00	2,092.18	18,645.63	36,354.37	33.90 %
<u>001-541100-500530</u>	Street Maint Repair Supply	100,000.00	100,000.00	7.99	19,654.06	80,345.94	19.65 %
<u>001-541100-500531</u>	Grounds Maint/landscaping	50,000.00	50,000.00	-697.65	33,861.64	16,138.36	67.72 %
<u>001-541100-500532</u>	Signs	12,500.00	12,500.00	536.66	3,383.34	9,116.66	27.07 %
<u>001-541100-500534</u>	Sidewalk Maint Repair	12,500.00	12,500.00	0.00	264.00	12,236.00	2.11 %
<u>001-541100-500535</u>	Flags	3,000.00	3,000.00	0.00	85.58	2,914.42	2.85 %
<u>001-541100-500536</u>	Sea Oats	10,000.00	10,000.00	0.00	4,815.00	5,185.00	48.15 %
<u>001-541100-500540</u>	Dues & Subscriptions	2,285.00	2,285.00	0.00	1,880.00	405.00	82.28 %
<u>001-541100-500545</u>	Training	8,000.00	8,000.00	0.00	600.00	7,400.00	7.50 %
<u>001-541100-500547</u>	Hurricane Expenditure	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
<u>001-541100-500550</u>	Operating Expenses	145,000.00	145,000.00	7,472.05	98,426.29	46,573.71	67.88 %
<u>001-541100-500624</u>	Capital Outlay-bldg. Improvem	68,000.00	68,000.00	0.00	0.00	68,000.00	0.00 %
<u>001-541100-500640</u>	Capital Outlay - Equipt & Mach	20,000.00	20,000.00	5,875.65	16,400.12	3,599.88	82.00 %
<u>001-541100-500644</u>	Capital Outlay-vehicles	53,447.00	53,447.00	4,832.56	35,821.90	17,625.10	67.02 %
Department: 541100 - Mun Svsc - Public Works Div Total:		3,834,144.00	3,834,144.00	295,218.51	1,884,009.59	1,950,134.41	49.14%
Department: 572000 - Recreation							
<u>001-572000-500342</u>	Senior Rec. Ctr. Contract	110,000.00	110,000.00	11,025.75	65,302.23	44,697.77	59.37 %
<u>001-572000-500463</u>	Service Maintenance Contracts	2,400.00	2,400.00	140.21	1,396.56	1,003.44	58.19 %
<u>001-572000-500510</u>	Office Supplies	1,000.00	1,000.00	246.72	914.60	85.40	91.46 %
Department: 572000 - Recreation Total:		113,400.00	113,400.00	11,412.68	67,613.39	45,786.61	59.62%
Department: 581100 - Interfund Transfers							
<u>001-581100-380102</u>	Transfer From Bldg-oh Costs	100,000.00	100,000.00	0.00	50,000.00	-50,000.00	50.00 %
<u>001-581100-380115</u>	Transfer From Fire - Oh Costs	50,000.00	50,000.00	0.00	25,000.00	-25,000.00	50.00 %
<u>001-581100-500910</u>	Transfer To Cip Fund	1,500,000.00	1,500,000.00	0.00	750,000.00	750,000.00	50.00 %
Department: 581100 - Interfund Transfers Surplus (Deficit):		-1,350,000.00	-1,350,000.00	0.00	-675,000.00	675,000.00	50.00%
Fund: 001 - General Fund Surplus (Deficit):		0.00	0.00	-195,665.78	5,866,277.02	5,866,277.02	0.00%

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 101 - Special Revenue-Police Conf						
Department: 521100 - Police Dept. Confiscated						
<u>101-521100-500550</u> Operating Expenses	0.00	0.00	0.00	15,461.12	-15,461.12	0.00 %
Department: 521100 - Police Dept. Confiscated Total:	0.00	0.00	0.00	15,461.12	-15,461.12	0.00%
Fund: 101 - Special Revenue-Police Conf Total:	0.00	0.00	0.00	15,461.12	-15,461.12	0.00%
Fund: 102 - Building Fund						
Department: 000000 - NonDesignated						
<u>102-000000-380200</u> Appropriated Fund Balance	115,000.00	115,000.00	0.00	0.00	-115,000.00	0.00 %
Department: 000000 - NonDesignated Total:	115,000.00	115,000.00	0.00	0.00	-115,000.00	0.00%
Department: 302100 - Building Permit and Inpection						
<u>102-302100-322100</u> Building Permits	1,088,593.00	1,088,593.00	142,826.49	926,526.01	-162,066.99	85.11 %
<u>102-302100-322105</u> Fire Plan Review Fees	50,000.00	50,000.00	4,178.61	16,017.64	-33,982.36	32.04 %
Department: 302100 - Building Permit and Inpection Total:	1,138,593.00	1,138,593.00	147,005.10	942,543.65	-196,049.35	82.78%
Department: 524100 - Building						
<u>102-524100-500120</u> Regular Salaries	113,896.00	113,896.00	8,359.72	55,249.69	58,646.31	48.51 %
<u>102-524100-500210</u> Employer Fica Taxes	8,713.00	8,713.00	640.67	4,204.83	4,508.17	48.26 %
<u>102-524100-500220</u> Retirement	26,984.00	26,984.00	1,989.55	12,078.60	14,905.40	44.76 %
<u>102-524100-500230</u> Group Insurance	30,000.00	30,000.00	3,186.36	16,162.36	13,837.64	53.87 %
<u>102-524100-500315</u> Professional Services	100,000.00	100,000.00	3,898.14	27,451.98	72,548.02	27.45 %
<u>102-524100-500345</u> Contractual Services	70,000.00	70,000.00	1,670.00	19,924.70	50,075.30	28.46 %
<u>102-524100-500402</u> Building Permit Services	800,000.00	800,000.00	0.00	411,209.61	388,790.39	51.40 %
<u>102-524100-500463</u> Service Maintenance Contracts	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
<u>102-524100-500550</u> Operating Expenses	1,500.00	1,500.00	647.79	1,407.81	92.19	93.85 %
<u>102-524100-500640</u> Capital Outlay - Equip & Mach	0.00	0.00	0.00	1,452.00	-1,452.00	0.00 %
<u>102-524100-581001</u> Transfer To GF-OH Costs	100,000.00	100,000.00	0.00	50,000.00	50,000.00	50.00 %
Department: 524100 - Building Total:	1,253,593.00	1,253,593.00	20,392.23	599,141.58	654,451.42	47.79%
Fund: 102 - Building Fund Surplus (Deficit):	0.00	0.00	126,612.87	343,402.07	343,402.07	0.00%
Fund: 103 - Sewer Fund						
Department: 000000 - NonDesignated						
<u>103-000000-380200</u> Appropriated Fund Balance	100,000.00	100,000.00	0.00	0.00	-100,000.00	0.00 %
Department: 000000 - NonDesignated Total:	100,000.00	100,000.00	0.00	0.00	-100,000.00	0.00%
Department: 304000 - Charges for Services						
<u>103-304000-343500</u> Sewer Fees	1,605,217.00	1,605,217.00	115,765.09	610,587.14	-994,629.86	38.04 %
Department: 304000 - Charges for Services Total:	1,605,217.00	1,605,217.00	115,765.09	610,587.14	-994,629.86	38.04%
Department: 306000 - Miscellaneous Revenues						
<u>103-306000-361100</u> Interest Earnings	2,000.00	2,000.00	0.00	10,027.65	8,027.65	501.38 %
Department: 306000 - Miscellaneous Revenues Total:	2,000.00	2,000.00	0.00	10,027.65	8,027.65	501.38%
Department: 535000 - Sanitary Sewers						
<u>103-535000-500120</u> Regular Salaries	107,528.00	107,528.00	7,596.00	54,761.87	52,766.13	50.93 %
<u>103-535000-500140</u> Overtime Salaries	6,000.00	6,000.00	355.63	4,675.75	1,324.25	77.93 %
<u>103-535000-500210</u> Employer Fica Taxes	8,226.00	8,226.00	608.49	4,548.49	3,677.51	55.29 %
<u>103-535000-500220</u> Retirement	22,213.00	22,213.00	2,191.60	12,073.56	10,139.44	54.35 %
<u>103-535000-500230</u> Group Insurance	17,500.00	17,500.00	1,510.92	10,090.47	7,409.53	57.66 %
<u>103-535000-500340</u> Sewer/wastewater	975,000.00	975,000.00	72,598.98	543,523.65	431,476.35	55.75 %
<u>103-535000-500345</u> Contractual Services	60,000.00	60,000.00	1,021.77	5,354.94	54,645.06	8.92 %
<u>103-535000-500430</u> Electric Service	28,000.00	28,000.00	1,743.73	13,983.78	14,016.22	49.94 %
<u>103-535000-500431</u> Water Service	500.00	500.00	24.02	199.09	300.91	39.82 %
<u>103-535000-500459</u> Sewer Line Maintenance	300,000.00	300,000.00	5,777.10	10,229.52	289,770.48	3.41 %
<u>103-535000-500465</u> Pump Station Maintenance	3,000.00	3,000.00	0.00	3,600.00	-600.00	120.00 %
<u>103-535000-500497</u> Contingency	100,000.00	100,000.00	0.00	0.00	100,000.00	0.00 %
<u>103-535000-500506</u> Printing & Binding	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
<u>103-535000-500550</u> Operating Expenses	2,250.00	2,250.00	0.00	0.00	2,250.00	0.00 %
<u>103-535000-500630</u> Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	58,000.00	58,000.00	17,000.00	77.33 %
Department: 535000 - Sanitary Sewers Total:	1,707,217.00	1,707,217.00	151,428.24	721,041.12	986,175.88	42.23%
Fund: 103 - Sewer Fund Surplus (Deficit):	0.00	0.00	-35,663.15	-100,426.33	-100,426.33	0.00%

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 115 - Fire Fund						
Department: 000000 - NonDesignated						
<u>115-000000-380203</u> Appropriation From Fire Fund	198,985.00	198,985.00	0.00	0.00	-198,985.00	0.00 %
Department: 000000 - NonDesignated Total:	198,985.00	198,985.00	0.00	0.00	-198,985.00	0.00%
Department: 301050 - Fire Assessment						
<u>115-301050-311200</u> Property Tax-fire Assessment	1,135,015.00	1,135,015.00	62,414.26	1,104,218.82	-30,796.18	97.29 %
Department: 301050 - Fire Assessment Total:	1,135,015.00	1,135,015.00	62,414.26	1,104,218.82	-30,796.18	97.29%
Department: 304000 - Charges for Services						
<u>115-304000-342210</u> Fire Inspection Fees	37,000.00	37,000.00	6,070.00	84,525.73	47,525.73	228.45 %
Department: 304000 - Charges for Services Total:	37,000.00	37,000.00	6,070.00	84,525.73	47,525.73	228.45%
Department: 306000 - Miscellaneous Revenues						
<u>115-306000-361100</u> Interest Earnings	1,000.00	1,000.00	2,094.24	7,837.59	6,837.59	783.76 %
<u>115-306000-369100</u> Miscellaneous Revenues	0.00	0.00	0.00	50.00	50.00	0.00 %
Department: 306000 - Miscellaneous Revenues Total:	1,000.00	1,000.00	2,094.24	7,887.59	6,887.59	788.76%
Department: 522000 - Fire Department						
<u>115-522000-500315</u> Professional Services	74,000.00	74,000.00	4,988.40	16,438.31	57,561.69	22.21 %
<u>115-522000-500345</u> Contractual Services	940,000.00	940,000.00	82,250.00	552,250.04	387,749.96	58.75 %
<u>115-522000-500520</u> Bldg. Maintenance	2,000.00	2,000.00	1,892.60	1,892.60	107.40	94.63 %
<u>115-522000-500624</u> Capital Outlay-bldg. Improvemnt	306,000.00	306,000.00	0.00	0.00	306,000.00	0.00 %
<u>115-522000-500912</u> Transfer To General Fund	50,000.00	50,000.00	0.00	25,000.00	25,000.00	50.00 %
Department: 522000 - Fire Department Total:	1,372,000.00	1,372,000.00	89,131.00	595,580.95	776,419.05	43.41%
Fund: 115 - Fire Fund Surplus (Deficit):	0.00	0.00	-18,552.50	601,051.19	601,051.19	0.00%
Fund: 300 - Capital Project Fund						
Department: 000000 - NonDesignated						
<u>300-000000-380200</u> Appropriated Fund Balance	1,371,905.00	1,371,905.00	0.00	0.00	-1,371,905.00	0.00 %
<u>300-000000-380204</u> Appropriated From El Mar Reser	300,000.00	300,000.00	0.00	0.00	-300,000.00	0.00 %
<u>300-000000-380207</u> Appropriated From General Fund	500,000.00	500,000.00	0.00	0.00	-500,000.00	0.00 %
Department: 000000 - NonDesignated Total:	2,171,905.00	2,171,905.00	0.00	0.00	-2,171,905.00	0.00%
Department: 306000 - Miscellaneous Revenues						
<u>300-306000-361100</u> Interest Earnings	5,000.00	5,000.00	0.00	8,104.13	3,104.13	162.08 %
Department: 306000 - Miscellaneous Revenues Total:	5,000.00	5,000.00	0.00	8,104.13	3,104.13	162.08%
Department: 519000 - General						
<u>300-519000-500120</u> Regular Salaries	82,530.00	82,530.00	5,908.62	40,934.48	41,595.52	49.60 %
<u>300-519000-500210</u> Employer Fica Taxes	6,314.00	6,314.00	452.00	3,131.47	3,182.53	49.60 %
<u>300-519000-500220</u> Retirement	23,216.00	23,216.00	1,666.14	11,423.98	11,792.02	49.21 %
<u>300-519000-500230</u> Group Insurance	16,500.00	16,500.00	1,912.09	9,491.00	7,009.00	57.52 %
<u>300-519000-500640</u> Capital Outlay - Equipt & Mach	0.00	0.00	339.00	339.00	-339.00	0.00 %
Department: 519000 - General Total:	128,560.00	128,560.00	10,277.85	65,319.93	63,240.07	50.81%
Department: 539100 - 75th Anniversary Art Installation						
<u>300-539100-500630</u> Cap Outlay Imp other than bldg	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00 %
Department: 539100 - 75th Anniversary Art Installation Total:	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
Department: 541102 - Downtown Enhancement						
<u>300-541102-500630</u> Cap Outlay Imp other than bldg	2,000,000.00	2,000,000.00	94.50	1,809,169.76	190,830.24	90.46 %
Department: 541102 - Downtown Enhancement Total:	2,000,000.00	2,000,000.00	94.50	1,809,169.76	190,830.24	90.46%
Department: 541103 - Opticome Emergency Vehicle System						
<u>300-541103-500630</u> Cap Outlay Imp other than bldg	75,000.00	75,000.00	0.00	0.00	75,000.00	0.00 %
Department: 541103 - Opticome Emergency Vehicle System Total:	75,000.00	75,000.00	0.00	0.00	75,000.00	0.00%
Department: 559025 - Bel Air - Sewall Repair - East						
<u>300-559025-500630</u> Cap Outlay Imp Other Than Bldg	366,678.00	366,678.00	315,985.62	342,310.30	24,367.70	93.35 %
Department: 559025 - Bel Air - Sewall Repair - East Total:	366,678.00	366,678.00	315,985.62	342,310.30	24,367.70	93.35%
Department: 559026 - Canal Dredging						
<u>300-559026-500630</u> Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	0.00	1,400.00	73,600.00	1.87 %
Department: 559026 - Canal Dredging Total:	75,000.00	75,000.00	0.00	1,400.00	73,600.00	1.87%

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 559027 - Storm Water Rate Study						
<u>300-559027-500630</u> Cap Outlay Imp Other Than Bldg	65,000.00	65,000.00	0.00	0.00	65,000.00	0.00 %
Department: 559027 - Storm Water Rate Study Total:	65,000.00	65,000.00	0.00	0.00	65,000.00	0.00%
Department: 572200 - Beach Renourishment						
<u>300-572200-500630</u> Cap Outlay Imp Other Than Bldg	116,667.00	116,667.00	0.00	300.95	116,366.05	0.26 %
Department: 572200 - Beach Renourishment Total:	116,667.00	116,667.00	0.00	300.95	116,366.05	0.26%
Department: 575201 - Pedestrian Amenities						
<u>300-575201-500630</u> Cap Outlay Imp Other Than Bldg	75,000.00	75,000.00	18,005.76	71,285.92	3,714.08	95.05 %
Department: 575201 - Pedestrian Amenities Total:	75,000.00	75,000.00	18,005.76	71,285.92	3,714.08	95.05%
Department: 577100 - Friedt Park						
<u>300-577100-500630</u> Cap Outlay Imp Other Than Bldg	700,000.00	700,000.00	0.00	0.00	700,000.00	0.00 %
Department: 577100 - Friedt Park Total:	700,000.00	700,000.00	0.00	0.00	700,000.00	0.00%
Department: 579162 - El Mar Drive						
<u>300-579162-500630</u> Cap Outlay Imp Other Than Bldg	300,000.00	300,000.00	240.00	98,215.30	201,784.70	32.74 %
Department: 579162 - El Mar Drive Total:	300,000.00	300,000.00	240.00	98,215.30	201,784.70	32.74%
Department: 580300 - Entry Feature&Traffic Calm						
<u>300-580300-500630</u> Cap Outlay Imp Other Than Bldg	150,000.00	150,000.00	1,703.14	17,280.42	132,719.58	11.52 %
Department: 580300 - Entry Feature&Traffic Calm Total:	150,000.00	150,000.00	1,703.14	17,280.42	132,719.58	11.52%
Department: 581100 - Interfund Transfers						
<u>300-581100-381105</u> Transfer From General Fund	1,000,000.00	1,000,000.00	0.00	750,000.00	-250,000.00	75.00 %
<u>300-581100-381106</u> Transfer From Parking Fund	1,000,000.00	1,000,000.00	0.00	500,000.00	-500,000.00	50.00 %
Department: 581100 - Interfund Transfers Total:	2,000,000.00	2,000,000.00	0.00	1,250,000.00	-750,000.00	62.50%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-346,306.87	-1,147,178.45	-1,147,178.45	0.00%
Fund: 310 - Parking Fund						
Department: 000000 - NonDesignated						
<u>310-000000-380200</u> Appropriated Fund Balance	0.00	800,000.00	0.00	0.00	-800,000.00	0.00 %
Department: 000000 - NonDesignated Total:	0.00	800,000.00	0.00	0.00	-800,000.00	0.00%
Department: 302000 - Licenses & Permits						
<u>310-302000-313101</u> Pilop Fee	20,796.00	20,796.00	0.00	160,000.00	139,204.00	769.38 %
Department: 302000 - Licenses & Permits Total:	20,796.00	20,796.00	0.00	160,000.00	139,204.00	769.38%
Department: 304000 - Charges for Services						
<u>310-304000-344500</u> Parking Permits	145,000.00	145,000.00	10,471.27	108,496.99	-36,503.01	74.83 %
<u>310-304000-344520</u> Parking Agreements	94,024.00	94,024.00	0.00	94,024.00	0.00	100.00 %
<u>310-304000-344551</u> South Ocean	194,000.00	194,000.00	35,874.55	182,082.87	-11,917.13	93.86 %
<u>310-304000-344552</u> Ocean Front Meters	320,000.00	320,000.00	52,676.26	266,349.17	-53,650.83	83.23 %
<u>310-304000-344553</u> Commercial Blvd. Meters	80,000.00	80,000.00	13,467.58	73,460.37	-6,539.63	91.83 %
<u>310-304000-344554</u> Parking Meters - Beach	219,000.00	219,000.00	26,081.83	120,718.21	-98,281.79	55.12 %
<u>310-304000-344555</u> Palm Portal- Fdg	95,000.00	95,000.00	11,934.43	72,966.98	-22,033.02	76.81 %
<u>310-304000-344556</u> El Prado Parking Lot	600,000.00	600,000.00	84,689.20	370,852.85	-229,147.15	61.81 %
<u>310-304000-344558</u> Town Hall Parking Lot	33,000.00	33,000.00	5,762.54	17,247.27	-15,752.73	52.26 %
<u>310-304000-344559</u> El Mar Parking Lot	285,000.00	285,000.00	30,464.69	165,333.21	-119,666.79	58.01 %
<u>310-304000-344560</u> A1A Parking Lot	621,475.00	621,475.00	81,744.73	420,541.10	-200,933.90	67.67 %
<u>310-304000-344563</u> Bougainvilla/ Poinciana	195,000.00	195,000.00	36,781.20	168,699.02	-26,300.98	86.51 %
Department: 304000 - Charges for Services Total:	2,881,499.00	2,881,499.00	389,948.28	2,060,772.04	-820,726.96	71.52%
Department: 305000 - Fines & Forfeitures						
<u>310-305000-354100</u> Parking Fines	110,000.00	110,000.00	33,075.04	138,266.26	28,266.26	125.70 %
Department: 305000 - Fines & Forfeitures Total:	110,000.00	110,000.00	33,075.04	138,266.26	28,266.26	125.70%
Department: 306000 - Miscellaneous Revenues						
<u>310-306000-361100</u> Interest Earnings	2,000.00	2,000.00	0.00	30,392.22	28,392.22	1,519.61 %
<u>310-306000-362001</u> Bougainvilla Rent	147,600.00	147,600.00	12,718.51	84,589.07	-63,010.93	57.31 %
Department: 306000 - Miscellaneous Revenues Total:	149,600.00	149,600.00	12,718.51	114,981.29	-34,618.71	76.86%
Department: 545000 - Parking Operations						
<u>310-545000-500120</u> Regular Salaries	218,573.00	218,573.00	16,781.47	129,018.30	89,554.70	59.03 %
<u>310-545000-500140</u> Overtime Salaries	4,000.00	4,000.00	0.00	2,705.22	1,294.78	67.63 %

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
<u>310-545000-500210</u>	Employer Fica Taxes	16,721.00	16,721.00	976.48	7,954.45	8,766.55	47.57 %
<u>310-545000-500220</u>	Retirement	41,677.00	41,677.00	4,762.24	24,107.22	17,569.78	57.84 %
<u>310-545000-500230</u>	Group Insurance	62,000.00	62,000.00	6,518.46	33,240.71	28,759.29	53.61 %
<u>310-545000-500345</u>	Contractual Services	510,000.00	510,000.00	41,132.13	216,610.62	293,389.38	42.47 %
<u>310-545000-500353</u>	Parking Alternatives	175,000.00	175,000.00	7,217.60	62,230.15	112,769.85	35.56 %
<u>310-545000-500410</u>	Communications	3,500.00	3,500.00	171.96	1,125.27	2,374.73	32.15 %
<u>310-545000-500430</u>	Electric Service	9,600.00	9,600.00	739.23	5,148.02	4,451.98	53.63 %
<u>310-545000-500431</u>	Water Service	27,500.00	27,500.00	1,426.49	8,157.99	19,342.01	29.67 %
<u>310-545000-500445</u>	Equip Rent/lease	5,500.00	5,500.00	0.00	0.00	5,500.00	0.00 %
<u>310-545000-500461</u>	Vehicle Maintenance	11,000.00	11,000.00	725.00	920.60	10,079.40	8.37 %
<u>310-545000-500462</u>	Fuel	25,000.00	25,000.00	0.00	2,799.02	22,200.98	11.20 %
<u>310-545000-500463</u>	Service Maintenance Contracts	45,000.00	45,000.00	0.00	26,220.00	18,780.00	58.27 %
<u>310-545000-500497</u>	Contingency	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
<u>310-545000-500506</u>	Printing & Binding	13,000.00	13,000.00	0.00	243.00	12,757.00	1.87 %
<u>310-545000-500508</u>	Postage	3,000.00	3,000.00	36.10	179.37	2,820.63	5.98 %
<u>310-545000-500510</u>	Office Supplies	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
<u>310-545000-500525</u>	Uniform Expense	5,000.00	5,000.00	0.00	1,992.89	3,007.11	39.86 %
<u>310-545000-500532</u>	Signs	13,000.00	13,000.00	452.75	7,183.59	5,816.41	55.26 %
<u>310-545000-500533</u>	Parking Meter Parts-supplies	38,000.00	38,000.00	0.00	0.00	38,000.00	0.00 %
<u>310-545000-500545</u>	Training	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
<u>310-545000-500550</u>	Operating Expenses	35,000.00	35,000.00	1,291.75	5,394.50	29,605.50	15.41 %
<u>310-545000-500630</u>	Cap Outlay Imp Other Than Bldg	14,000.00	14,000.00	0.00	0.00	14,000.00	0.00 %
<u>310-545000-500640</u>	Capital Outlay - Equipt & Mach	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00 %
<u>310-545000-500644</u>	Capital Outlay-vehicles	22,824.00	22,824.00	804.71	5,632.97	17,191.03	24.68 %
Department: 545000 - Parking Operations Total:		1,361,895.00	1,361,895.00	83,036.37	540,863.89	821,031.11	39.71%
Department: 545152 - Land Acquisitions							
<u>310-545152-500611</u>	Land Acquisition	800,000.00	1,600,000.00	0.00	1,600,000.00	0.00	100.00 %
Department: 545152 - Land Acquisitions Total:		800,000.00	1,600,000.00	0.00	1,600,000.00	0.00	100.00%
Department: 581100 - Interfund Transfers							
<u>310-581100-500910</u>	Transfer To CIP Fund	1,000,000.00	1,000,000.00	0.00	500,000.00	500,000.00	50.00 %
Department: 581100 - Interfund Transfers Total:		1,000,000.00	1,000,000.00	0.00	500,000.00	500,000.00	50.00%
Fund: 310 - Parking Fund Surplus (Deficit):		0.00	0.00	352,705.46	-166,844.30	-166,844.30	0.00%
Report Surplus (Deficit):		0.00	0.00	-116,869.97	5,380,820.08	5,380,820.08	0.00%

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 001 - General Fund						
000000 - NonDesignated	509,526.00	509,526.00	0.00	0.00	-509,526.00	0.00%
301000 - Ad Valorem Property Taxes	12,550,550.00	12,550,550.00	513,118.13	12,162,977.10	-387,572.90	96.91%
301100 - Utility Taxes	1,170,700.00	1,170,700.00	93,195.12	645,819.01	-524,880.99	55.17%
301600 - Franchise Taxes	851,799.00	851,799.00	69,177.65	476,962.38	-374,836.62	55.99%
302000 - Licenses & Permits	145,000.00	145,000.00	16,631.48	100,745.15	-44,254.85	69.48%
303000 - Intergovernmental Revenues	1,171,584.00	1,171,584.00	101,677.73	596,032.18	-575,551.82	50.87%
304000 - Charges for Services	14,850.00	14,850.00	720.00	11,190.00	-3,660.00	75.35%
305000 - Fines & Forfeitures	60,000.00	60,000.00	10,830.09	94,889.16	34,889.16	158.15%
306000 - Miscellaneous Revenues	298,135.00	298,135.00	111,751.06	456,536.83	158,401.83	153.13%
511000 - Commission	320,171.00	320,171.00	32,276.56	146,993.40	173,177.60	45.91%
511100 - Donation-Non Profits	66,500.00	66,500.00	3,000.00	59,000.00	7,500.00	88.72%
511200 - Visitor Center	148,638.00	148,638.00	5,652.09	37,490.66	111,147.34	25.22%
513000 - Administration	1,237,057.00	1,237,057.00	109,043.83	715,258.01	521,798.99	57.82%
514000 - Town Attorney	458,000.00	458,000.00	15,428.40	114,026.25	343,973.75	24.90%
519000 - General	1,254,425.00	1,254,425.00	61,282.43	671,972.91	582,452.09	53.57%
519100 - Tourism and Community Outreach	562,269.00	562,269.00	21,906.53	162,621.12	399,647.88	28.92%
521000 - Police Department	6,106,142.00	6,106,142.00	458,704.43	3,477,420.23	2,628,721.77	56.95%
523000 - Emergency Medical Services	460,000.00	460,000.00	40,250.00	270,249.98	189,750.02	58.75%
524000 - Development Services	861,398.00	861,398.00	58,591.58	397,219.25	464,178.75	46.11%
541100 - Mun Srvsc - Public Works Div	3,834,144.00	3,834,144.00	295,218.51	1,884,009.59	1,950,134.41	49.14%
572000 - Recreation	113,400.00	113,400.00	11,412.68	67,613.39	45,786.61	59.62%
581100 - Interfund Transfers	-1,350,000.00	-1,350,000.00	0.00	-675,000.00	675,000.00	50.00%
Fund: 001 - General Fund Surplus (Deficit):	0.00	0.00	-195,665.78	5,866,277.02	5,866,277.02	0.00%
Fund: 101 - Special Revenue-Police Conf						
521100 - Police Dept. Confiscated	0.00	0.00	0.00	15,461.12	-15,461.12	0.00%
Fund: 101 - Special Revenue-Police Conf Total:	0.00	0.00	0.00	15,461.12	-15,461.12	0.00%
Fund: 102 - Building Fund						
000000 - NonDesignated	115,000.00	115,000.00	0.00	0.00	-115,000.00	0.00%
302100 - Building Permit and Inpection	1,138,593.00	1,138,593.00	147,005.10	942,543.65	-196,049.35	82.78%
524100 - Building	1,253,593.00	1,253,593.00	20,392.23	599,141.58	654,451.42	47.79%
Fund: 102 - Building Fund Surplus (Deficit):	0.00	0.00	126,612.87	343,402.07	343,402.07	0.00%
Fund: 103 - Sewer Fund						
000000 - NonDesignated	100,000.00	100,000.00	0.00	0.00	-100,000.00	0.00%
304000 - Charges for Services	1,605,217.00	1,605,217.00	115,765.09	610,587.14	-994,629.86	38.04%
306000 - Miscellaneous Revenues	2,000.00	2,000.00	0.00	10,027.65	8,027.65	501.38%
535000 - Sanitary Sewers	1,707,217.00	1,707,217.00	151,428.24	721,041.12	986,175.88	42.23%
Fund: 103 - Sewer Fund Surplus (Deficit):	0.00	0.00	-35,663.15	-100,426.33	-100,426.33	0.00%
Fund: 115 - Fire Fund						
000000 - NonDesignated	198,985.00	198,985.00	0.00	0.00	-198,985.00	0.00%
301050 - Fire Assessment	1,135,015.00	1,135,015.00	62,414.26	1,104,218.82	-30,796.18	97.29%
304000 - Charges for Services	37,000.00	37,000.00	6,070.00	84,525.73	47,525.73	228.45%
306000 - Miscellaneous Revenues	1,000.00	1,000.00	2,094.24	7,887.59	6,887.59	788.76%
522000 - Fire Department	1,372,000.00	1,372,000.00	89,131.00	595,580.95	776,419.05	43.41%
Fund: 115 - Fire Fund Surplus (Deficit):	0.00	0.00	-18,552.50	601,051.19	601,051.19	0.00%
Fund: 300 - Capital Project Fund						
000000 - NonDesignated	2,171,905.00	2,171,905.00	0.00	0.00	-2,171,905.00	0.00%
306000 - Miscellaneous Revenues	5,000.00	5,000.00	0.00	8,104.13	3,104.13	162.08%
519000 - General	128,560.00	128,560.00	10,277.85	65,319.93	63,240.07	50.81%
539100 - 75th Anniversary Art Installation	125,000.00	125,000.00	0.00	0.00	125,000.00	0.00%
541102 - Downtown Enhancement	2,000,000.00	2,000,000.00	94.50	1,809,169.76	190,830.24	90.46%
541103 - Opticome Emergency Vehicle System	75,000.00	75,000.00	0.00	0.00	75,000.00	0.00%
559025 - Bel Air - Sewall Repair - East	366,678.00	366,678.00	315,985.62	342,310.30	24,367.70	93.35%
559026 - Canal Dredging	75,000.00	75,000.00	0.00	1,400.00	73,600.00	1.87%
559027 - Storm Water Rate Study	65,000.00	65,000.00	0.00	0.00	65,000.00	0.00%

Budget Report

For Fiscal: 2023-2024 Period Ending: 04/30/2024

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
572200 - Beach Renourishment	116,667.00	116,667.00	0.00	300.95	116,366.05	0.26%
575201 - Pedestrian Amenities	75,000.00	75,000.00	18,005.76	71,285.92	3,714.08	95.05%
577100 - Friedt Park	700,000.00	700,000.00	0.00	0.00	700,000.00	0.00%
579162 - El Mar Drive	300,000.00	300,000.00	240.00	98,215.30	201,784.70	32.74%
580300 - Entry Feature&Traffic Calm	150,000.00	150,000.00	1,703.14	17,280.42	132,719.58	11.52%
581100 - Interfund Transfers	2,000,000.00	2,000,000.00	0.00	1,250,000.00	-750,000.00	62.50%
Fund: 300 - Capital Project Fund Surplus (Deficit):	0.00	0.00	-346,306.87	-1,147,178.45	-1,147,178.45	0.00%
Fund: 310 - Parking Fund						
000000 - NonDesignated	0.00	800,000.00	0.00	0.00	-800,000.00	0.00%
302000 - Licenses & Permits	20,796.00	20,796.00	0.00	160,000.00	139,204.00	769.38%
304000 - Charges for Services	2,881,499.00	2,881,499.00	389,948.28	2,060,772.04	-820,726.96	71.52%
305000 - Fines & Forfeitures	110,000.00	110,000.00	33,075.04	138,266.26	28,266.26	125.70%
306000 - Miscellaneous Revenues	149,600.00	149,600.00	12,718.51	114,981.29	-34,618.71	76.86%
545000 - Parking Operations	1,361,895.00	1,361,895.00	83,036.37	540,863.89	821,031.11	39.71%
545152 - Land Acquisitions	800,000.00	1,600,000.00	0.00	1,600,000.00	0.00	100.00%
581100 - Interfund Transfers	1,000,000.00	1,000,000.00	0.00	500,000.00	500,000.00	50.00%
Fund: 310 - Parking Fund Surplus (Deficit):	0.00	0.00	352,705.46	-166,844.30	-166,844.30	0.00%
Report Surplus (Deficit):	0.00	0.00	-116,869.97	5,380,820.08	5,380,820.08	0.00%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
001 - General Fund	0.00	0.00	-195,665.78	5,866,277.02	5,866,277.02
101 - Special Revenue-Police Conf	0.00	0.00	0.00	-15,461.12	-15,461.12
102 - Building Fund	0.00	0.00	126,612.87	343,402.07	343,402.07
103 - Sewer Fund	0.00	0.00	-35,663.15	-100,426.33	-100,426.33
115 - Fire Fund	0.00	0.00	-18,552.50	601,051.19	601,051.19
300 - Capital Project Fund	0.00	0.00	-346,306.87	-1,147,178.45	-1,147,178.45
310 - Parking Fund	0.00	0.00	352,705.46	-166,844.30	-166,844.30
Report Surplus (Deficit):	0.00	0.00	-116,869.97	5,380,820.08	5,380,820.08

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of April 30,2024

Bank / Other	GL No.	Bank No.	Account Name	Account Type	Bank/ Pool	Balance 4/30/2024	Interest/ Avg % Yield	Interest/Chg Mkt Value	Interest/ Year to Date
001 General Fund:									
Truist	101.000	8015	Master Account	Analyzed Interest Checking	Truist	11,833,777.31	3.50%	32,339.19	210,212.38
Truist	101.009	6876	Emergency Reserve	Public Special Money Rate Checking	Truist	2,511,764.55	3.92%	8,593.54	11,808.55
GENERAL FUND				BANK SUBTOTAL		14,345,541.86		40,932.73	222,020.93
SBA	101.300	1471-A	General Fund Invest Acct A	SBA Invest Pool	SBA	190,193.54	5.52%	859.21	6,071.02
SBA	101.400	1472-A	Emergency Reserves Acct A	SBA Invest Pool	SBA	92,274.86	5.52%	416.87	2,945.51
GENERAL FUND				SBA SUBTOTAL		282,468.40		1,276.08	9,016.53
GENERAL FUND				GRAND TOTAL		14,628,010.26		42,208.81	231,037.46
101 Police Forfeiture & Training									
Truist	101.100	9613	Police Forfeiture Fund	Analyzed Interest Checking	Truist	198.48	3.50%	Included Above	Included Above
POLICE FUND				TOTAL		198.48		0.00	0.00
103 Sewer Enterprise Fund									
Truist	101.105	9999	Sewer Enterprise Fund	Analyzed Interest Checking	Truist	1,508,728.61	3.50%	4,508.95	24,623.60
SEWER FUND				TOTAL		1,508,728.61		4,508.95	24,623.60
115 Fire Fund:									
Truist	101.109	5379	Fire Fund Account	Analyzed Interest Checking	Truist	1,435,935.94	3.50%	3,969.66	14,942.97
FIRE FUND				GRAND TOTAL		1,435,935.94		3,969.66	14,942.97
300 Capital Improvement Fund:									
Truist	101.115	0010	Capital Improvement Fund	Analyzed Interest Checking	Truist	589,809.17	3.50%	2,412.64	17,897.32
CAPITAL IMPROVEMENT FUND				TOTAL		589,809.17		2,412.64	17,897.32
310 Parking Improvement Fund									
Truist	101.125	0120	Parking Improvement Account	Analyzed Interest Checking	Truist	5,009,425.89	3.50%	13,541.81	89,837.30
Truist	101.128	8554	PILOP Account	Analyzed Interest Checking	Truist	200.00	3.50%	Included Above	Included Above
PARKING FUND				TOTAL		5,009,625.89		13,541.81	89,837.30
102 Building Fund									
Truist	101.104	8686	Building Account	Analyzed Interest Checking	Truist	1,206,156.24	3.50%	3,591.43	20,622.97
BUILDING FUND				TOTAL		1,206,156.24		3,591.43	20,622.97
ALL FUNDS				GRAND TOTAL		24,378,464.59		70,233.30	398,961.62

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of April 30, 2024

Summary by Investment Type		Amount	Percent
Interest Bearing Checking		24,095,996.19	99%
Non-interest Bearing Checking		0.00	0%
SBA Trust Fund/Pools		282,468.40	1%
Repurchase Agreements		0.00	0%
Money Market Funds		0.00	0%
U.S. Securities/Treasuries		0.00	0%
U.S. Federal Agencies		0.00	0%
Federal Instrumentalities		0.00	0%
GRAND TOTAL		24,378,464.59	100%

Summary by Fund		Amount	Percent
101.000/101-400	General Fund	14,628,010.26	60%
	Police Fund	198.48	0%
	Sewer Fund	1,508,728.61	6%
	Fire Fund	1,435,935.94	6%
	Building Fund	1,206,156.24	5%
	Capital Improvement Fund	589,809.17	2%
	Parking Fund	5,009,625.89	21%
GRAND TOTAL		24,378,464.59	100%

Summary by Bank/Pool		Amount	Percent
Truist		24,095,996.19	99%
Florida Prime/State Board of Admin.		282,468.40	1%
GRAND TOTAL		24,378,464.59	100%



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: June 25, 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

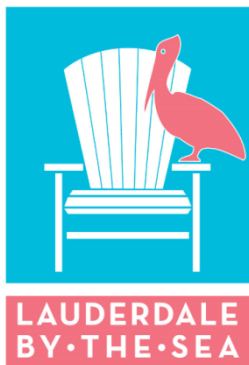
Explanation: Draft minutes for approval for the following meetings:

- May 28, 2024 Regular Commission Meeting
- June 6, 2024 Special Commission Meeting

Recommendation: Accept/Approve

Exhibits:

1. 5-28-24 Regular Meeting Draft Minutes
2. 6-6-24 Special Meeting Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 28, 2024
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

The following Items were taken out of order on the Agenda.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Spiro Marchelos, resident, requested an update on when the Anglin's Pier sign will be replaced. He also stated that there have been drownings in the Town over the last three months, and strongly recommended that lifeguards be posted on the beach to protect the public.

Stuart Dodd, resident, cautioned against any attempt to modify the Town's height limits as currently stated in the Charter. He also recalled that a 2012 request by a hotel to

change its height limits by adding rooftop amenities was denied, and warned that approving a similar request by another property at this time could set an unwanted precedent if approved.

Father Peter Zougros, representing St. Demetrius Greek Orthodox Church in Fort Lauderdale, emphasized the need for lifeguards on the Town's beach, pointing out that most other coastal communities have them. He felt that deaths on the Town's beach over the past few months may have been prevented if lifeguards had been present.

Howard Goldberg, resident, advised that Pompano Beach Patrol consists of 17 full-time and 25 part-time employees, including lifeguards, although their beach is smaller than Lauderdale-By-The-Sea's beach. He recommended that the Commissioners have an open dialogue with residents about these concerns.

Brian Paperny, resident, stated that it has been 90 days since the death of Sloan Mattingly on a Town's beach and no action has been taken to further address beach safety. He felt the Town should act now and determine how they will implement changes. Mr. Paperny also stated he was not in favor of increasing the Town's height limitations.

Barbara Simonian, resident, stated that she was fully supportive of some type of lifeguard system on the Town's beach, as she has witnessed incidents in which lives were at risk in the water. She asserted that the Town must make a plan for greater safety and should be proactive instead of reactive.

Ms. Simonian also addressed the crosswalk at the Plunge Hotel, noting that a post at that intersection partially blocks the view of pedestrians preparing to cross that street. She concluded that there are beachgoers who bring dogs on the beach and do not clean up after them properly.

Ann Marchetti, resident, suggested that the Town conduct a survey of its residents so they may weigh in on the issue of beach safety and lifeguards. She recommended listening to residents, and pointed out that there are funds available to provide lifeguards if that is the residents' consensus.

Ms. Marchetti also proposed that the Town Commission hold a workshop at which residents and the Commission may engage in dialogue. She concluded that signage should be posted on the beach immediately to caution residents against digging, and was in favor of increasing beach patrols.

Jackie Bonanni Rubino, resident, requested additional information about the most recent death that occurred on the beach.

Manuel Fagundes, resident, recalled that when the Town was considering extending a contract to Pompano Beach Fire Rescue, a representative of that organization had suggested that they could provide the Town with lifeguards for an additional \$200,000. He suggested that this amount could have saved lives lost on the beach.

Terry Lee, resident, expressed concern with where lifeguards or beach patrols might be posted, pointing out that the Town has several portals leading to the beach. He felt a beach patrol would have a more flexible presence than a lifeguard.

Robert Karley, resident, stated that he was a former member of the Town's Volunteer Fire Department (VFD) and had participated in beach patrols which addressed safety issues such as digging holes on the beach. He felt the Town should do something more than it is doing at present and arrive at a solution.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO April 2024 Public Safety Report

Broward Sheriff's Office (BSO) Captain Bill Wesolowski reviewed the April 2024 Public Safety Report, noting that Detective Benya Koos was the Deputy of the Month in April. He also thanked visitors and residents of the Town for their support of the Law Enforcement Torch Run, which benefited the Special Olympics.

Mayor Malkoon requested updates on public safety cases involving the Town's beaches. Captain Wesolowski confirmed that there are three current death investigations being conducted by BSO's Homicide Unit. Because these are active cases, he could only provide limited information on them.

Captain Wesolowski recalled that the first incident occurred on May 3, 2024, when an individual collapsed on shore after participating in a beach dive. Lifesaving measures were attempted by trained bystanders, BSO Deputies on beach patrol, and Pompano

Beach Fire Rescue personnel. The individual was pronounced deceased after being transported to Holy Cross Hospital.

The second incident occurred on May 22, 2024 and involved a 52-year-old male who was brought to shore by concerned citizens who were in the water. Lifesaving efforts were made by bystanders, BSO Deputies, and Pompano Beach Fire Rescue. The most recent incident occurred over the past weekend when a 73-year-old resident collapsed on the beach.

Captain Wesolowski emphasized that he would not speculate further on any of these incidents, as they remain current investigations. It can take up to three months for the Coroner's Office to issue autopsy results.

Mayor Malkoon requested additional information on BSO's all-terrain vehicle (ATV) beach patrols, asking if these occur on a regular schedule. Captain Wesolowski replied that Deputies working in the Town have time in which they can patrol the beach, although they may be called away if a priority issue occurs.

Commissioner DeNapoli asked if there is any expectation of when information on any of the three deaths may become available. Captain Wesolowski replied that he did not have a time frame in mind, although he noted that the report on Sloan Mattingly's death is expected within the short term.

Commissioner DeNapoli also requested feedback on a slight increase in crime over the previous year. Captain Wesolowski explained that because every case of auto burglary is a separate incident, burglaries of multiple vehicles in the same parking lot can result in this increase. There have been 11 such burglaries this year, which resulted in an increase in Part 1 crimes for the current year. BSO continues to work to keep these numbers in check.

Commissioner Pouloupoulos addressed the death that occurred on May 22, requesting additional information on the lifesaving measures provided to that individual. Captain Wesolowski replied that another person in the water had helped bring that individual to shore and was performing CPR when BSO arrived. The BSO Detectives responded directly from their District Office across the street. Pompano Beach Fire Rescue also responded and attempted to administer lifesaving measures.

Vice Mayor Strauss asked if BSO's beach patrols are coordinated in conjunction with Pompano Beach Fire Rescue, as that entity also performs beach patrols. Captain

Wesolowski replied that this is not currently done, although he felt it was a good suggestion.

Commissioner Pouloupoulos requested additional information on whether or not Pompano Beach Fire Rescue has a set schedule for its beach patrols. Pompano Beach Fire Inspector Ashley Zalewski replied that there are attempts to provide consistent patrols among the three shifts, usually once in the morning and once in the afternoon. These patrols include border-to-border travel on ATVs on the beach.

5. PRESENTATIONS

a. Legislative Update from Senator Pizzo

Florida State Senator Jason Pizzo reported that the Town had requested \$1 million for a new public safety facility design, which has been fully funded and is expected to be signed by the Governor as part of his budget. He also addressed short-term rentals, stating that Senate Bill (SB) 280, which would further limit home rule, is expected to be vetoed by the Governor.

There are now a number of recurring and expanded sales tax holidays, including one scheduled from June 1 through June 14, 2024 and another from August 24 through September 2024, which address disaster preparedness supplies. A sales tax holiday for recreational items will begin on July 1, 2024. There will also be a skilled worker sales tax holiday as well as an additional \$450 million allotted for toll relief.

The My Safe Florida Home Program has been expanded from single-family detached homes to include a pilot program for condominiums. Senator Pizzo encouraged residents to visit [MSFLH.com/condos](https://msflh.com/condos) for additional information. This program will award up to \$175,000 to each participating condominium association for the purposes of mitigation, which should also reduce their insurance costs.

Senator Pizzo continued that a condominium bill he had filed five years ago passed in the recent legislative session. He noted that condominium association fees were artificially suppressed for several years at the expense of deferred maintenance on a number of buildings. The Florida Legislature is working with banking partners to allow residents to tap into equity in order to meet these assessment costs by pledging the income from the building rather than requiring income qualification.

Senator Pizzo emphasized his commitment to opposing bills that restrict home rule, and pointed out that a key nonpartisan issue on the 2024 ballot will be residents' ability to vote on whether or not to increase their homestead exemptions by another \$25,000.

Mayor Malkoon stated that one concern for Town residents has been the state preemption of anonymous Code complaints, and asked if there is any consideration of removing this preemption. Senator Pizzo replied that he expected this preemption to be repealed.

Senator Pizzo also noted that he had introduced a bill during the recent session which addressed street racing or street "takeovers" which prevent first responders from accessing intersections. The bill has been signed into law by the Governor and now allows Officers to seize vehicles taking part in these incidents.

Commissioner Graziano expressed concern with the state of home rule, and thanked Senator Pizzo for his office's responsiveness.

Mayor Malkoon requested an update on upcoming legislation related to insurance. Senator Pizzo stated that while he did not believe government should dictate the market, he expected to see future pressure related to the stress tests available to insurance companies. Some tightening on Citizens Insurance is also expected, as the rapidity of this company's growth is unsustainable, and they are carrying a number of unsound policies.

Senator Pizzo continued that Florida Statute 718 requires condominium associations to have their buildings regularly appraised. He also addressed bundling of home and other insurance policies, an increase in the deductible that a commercial building can carry for Fannie Mae/Freddie Mac approval, the possibility of allowing return on investment in savings, and the lack of a state "bailout" for condominiums experiencing significant increases in their assessments.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors stated that on May 22, 2024, 122 individuals participated in a celebration of Bollywood at the Community Center. She encouraged all residents to attend these types of community events.

A proposed Commission schedule including regular meetings and planned workshops is included in the Commissioners' backup materials. Additional meetings can be scheduled if necessary. The final ethics training session is tentatively scheduled for October 8, 2024.

At the previous Commission meeting, a Town resident had requested that overnight parking be available closer to their residence. Staff recommends that the parking lot at the Visitors Center, which includes nine spaces, be made available for overnight parking at a rate of \$112.35 per month. This is the same rate as the A1A parking lot. If the Commission concurs on this proposed solution, a formal Agenda Item will be brought back to them. There was Commission consensus to proceed with this proposal.

A cookout was held the previous week to celebrate Public Works Staff. Three public works employees were recognized for their longevity of service: Gordon Chase and Will Gordon have been with the Town for 20 years, and Mike Walker has been with the Town for 30 years.

Ordinances 2024-04 and 2024-05, which address Charter amendments and digging on the beach, have been moved to the Thursday, June 6, 2024 meeting. This meeting will also include a discussion of Commission procedures. The Town's Planning and Zoning Board will meet on June 5 and the Commission will hold a budget workshop immediately before the Commission meeting scheduled for June 11, 2024.

Mayor Malkoon addressed digging on the beach, advising that the Town must hold two readings of proposed Ordinances before they become law. No signage can be posted on the beach until this Ordinance is passed upon second reading.

Commissioner DeNapoli asked if any decisions have been made with regard to maximizing the Town's interest on income. Town Manager Connors replied that Staff is working on this issue and will bring it back to the Commission at the June 11 meeting.

b. March 2024 Finance Report

Director of Budget and Finance Lucila Lang stated that the Town has collected an average of \$64,000 in interest income since December 2023. In March, the Town collected \$66,482.88 in this income.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for April 30, 2024

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried by 5-0 roll call vote.

11. CONSENT AGENDA

a. Renewal of Town Contracts

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried by 5-0 roll call vote.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Commissioner Graziano – Consider recognizing all federal holidays

Commissioner Graziano stated that he felt the Town should recognize all federal holidays, including Columbus Day/Indigenous Peoples Day as well as Juneteenth. These holidays would be budget-neutral, as they do not cost the Town any money and residents do not expect Town offices to be open on those days. He emphasized that this would be a positive step for both residents and Town Staff. The addition of these federal holidays would not affect the current floating holidays available to Staff.

Commissioner Pouloupoulos asked how these holidays are currently addressed by the Town. Town Manager Connors clarified that if the two additional holidays are recognized, some Public Works Staff would remain to ensure any emergencies could be addressed. These Staff members would receive overtime pay.

Vice Mayor Strauss requested confirmation that the two floating holidays would not be taken away from employees. Town Manager Connors recommended that these holidays remain, as Staff often use them for religious holidays not formally recognized

by the Town. The two additional holidays would fall on the specific dates on which the federal government recognizes them.

Vice Mayor Strauss also asked for clarification that the addition of these two holidays would be budget-neutral, as well as an explanation of what this term meant. Town Manager Connors replied that the cost to the Town would be insignificant, as only a few Staff members would work on those days at overtime rates. Non-essential Staff, including Development Services and the main Town offices, would not work.

Vice Mayor Strauss asked why these two holidays were not historically observed. Town Manager Connors explained that Juneteenth is a relatively new federal holiday, but did not have specific information on Columbus Day/Indigenous Peoples Day.

Vice Mayor Strauss also requested clarification of whether or not there is regular garbage pickup on federal holidays. Town Manager Connors advised that only Christmas Day is exempt from garbage pickup.

Town Manager Connors requested consensus from the Commission so Staff can bring back a Resolution to amend the personnel manual, with appropriate backup. There was consensus from the Commission to bring this item back.

b. Special Event Application: COQUI Surf Camp 2024

Events and Marketing Manager Katie Anderson stated that the COQUI Surf Foundation is a nonprofit organization which has submitted a special event application to host their surf camp in the Town over the summer. The event has been hosted in Lauderdale-By-The-Sea for the past two years with no reported incidents.

The event would begin on Monday, June 17 and will run through Friday, August 9, 2024 on a Monday-through-Friday basis, with the exception of Thursday, July 4. Setup would begin at 8 a.m. with parent drop-off at 8:30, and camp would run from 9 a.m. to 2 p.m., with pickup from 2 to 2:30 p.m. Cleanup will be concluded by 3 p.m.

The camp will include activities such as surf instruction, paddleboarding, arts and crafts, yoga, music introduction, and more. The Applicant anticipates approximately 20 campers per day, with five spectators and six camp volunteers. A battery-operated amplified system may be used at times to give instruction.

The Applicant proposes to use four branded canopies during event hours, two of which will be located on the beach and two within El Prado Park as a designated check-in space. The Applicant also requests permission to include two yard signs in El Prado Park during camp hours, which would direct participants and parents to the check-in location.

The Applicant requests use of a resident parking space at El Prado Park for unloading from 8 to 8:30 a.m. and loading from 2:30 to 3 p.m. Staff recommends allowing up to two cars to park along the outside northbound lane of El Mar Drive to load and unload. This is the same manner in which loading and unloading is done for the Farmers Market.

The Applicant also requests permission for parents to pull up along the outside northbound lane of El Mar Drive for pickup and drop-off. Staff finds no issue with that request.

The Applicant requests that information on the Surf Camp be posted on the DiscoverLBTS web page, as well as posting of fliers Downtown. In the past, the Town has not permitted use of its web page for any events other than those directly overseen by the Town. Staff recommends inclusion in the weekly *Town Topics* email in lieu of this request, as well as posting on social media outlets.

The completed Application was received on May 9, 2024, which is 39 days prior to the event. The special event application process requests that applications be submitted 60 days prior to the event date. If they are not received within this time, a late fee is added to the \$100 application fee, bringing the total fee to \$250. As a nonprofit organization providing a benefit to the community, the Applicant requests that this fee be waived.

Staff recommends approval of the special event application for COQUI Surf Camp, with the provisions outlined in the event permit. Staff also requests Commission direction on the approval of the use of El Mar Drive for loading/unloading and drop-off/pickup, with either the requested use of the DiscoverLBTS site or the Staff suggestion to include the information elsewhere as well as the waiver of the \$250 application fee.

Vice Mayor Strauss commented that COQUI Surf Camp has been very popular for the last few years, and he was in favor of approving the Application and waiving the fee. He further clarified that he was in favor of Staff's recommendations regarding the marketing outlets and the use of El Mar Drive.

Commissioner Pouloupoulos asked why private events are not included on the DiscoverLBTS site. Town Manager Connors explained that this site has traditionally been retained as the Town's official website and other parties have not been encouraged to use it. The *Town Topics* email blasts often discuss events within the Town which are not Town-sponsored.

Commissioner Pouloupoulos stated that he did not object to listing the event on the Town's website as well as including it in email blasts.

Commissioner Graziano asked if the upcoming Dive Into Summer event is posted on the Town's website. Town Manager Connors explained that this is a Town event which supports and incorporates SCUBA For Good and is listed on the Town's website. Commissioner Graziano suggested that this distinction be discussed further at a later time. Town Manager Connors agreed, adding that Conceptual Communications could also be present for that discussion.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve with the \$250 waiver, use of El Mar Drive, and Staff's recommendation regarding non-placement of promotion on the DiscoverLBTS page. Motion carried 5-0.

c. Resolution 2024-20: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH CROWDER GULF JOINT VENTURE, INC. FOR DISASTER DEBRIS RECOVERY SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Deputy Town Manager/Public Works Director Ken Rubach explained that Crowder Gulf Joint Venture, Inc. has traditionally provided disaster debris services for the Town. Using Pompano Beach's contract with this provider would allow the Town to take advantage of economies of scale. The Town would also use the same debris management site as Pompano Beach, which is significantly closer than other such sites, which are located in West Broward. There is no cost to the contract unless the Town uses this service.

Commissioner DeNapolì made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.

d. 4326 North Ocean Drive – Tax Sale

At this time Mayor Malkoon opened public comment.

Howard Goldberg, resident, commended the Town Manager for taking proactive steps to address the subject property, which he described as a blight on the community.

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

Town Manager Connors stated that 4326 N. Ocean Drive is located two properties north of the South A1A parking lot. Over \$1 million in municipal Code fines have accrued on the property, although there are currently no active Code violations.

The Town received a notice of tax sale on the property, which gives them an opportunity to acquire it at less than market value. It is a four-unit multi-family purchased by 4326 Ocean Drive, LLC in 2003 and is not homesteaded. It has been vacant since 2016, and no active business tax receipt (BTR) license has been issued on the property since 2004. The property manager for the owner lives overseas and the property has been neglected for a significant length of time.

On May 10, 2024, the Town received notice that the property was scheduled for a public deed auction due to unpaid taxes in the amount of \$48,721.79 if paid by June 11, 2024. This amount will be the minimum bid at auction if the taxes are not paid in advance.

The Town has two options: they may take no action, and under Florida Statutes Section 197.582, the Town's liens will survive the issuance of a tax deed if they are not fully satisfied from the proceeds of the auction. If there is a surplus following the payment of taxes owed, the Town will receive notice and may make a claim for that surplus. The Town's claim would be evaluated based on established lien priority. There are multiple liens on the property, and the Town would not know how much they could collect or whether or not their liens would be satisfied by the auction. It is unlikely all liens would be fully satisfied.

The Town's other option is to participate in the tax sale. The tax liens will survive the deed at auction and must be addressed by the purchaser, which might make the

property less likely to be purchased by an outside party. If the Town's liens are not mitigated, their amount could strip any equity from the property following the issuance of the tax deed.

While a complete appraisal of the property has not been made, the Broward County Property Appraiser lists its value at just over \$1 million. The Town may bid on the property, although they cannot be credited for the liens and would have to spend money to purchase it. If the Town acquires the property, they would then have options on what can be done. The property could be sold to a reasonable owner, its redevelopment could be restricted, and the property can reenter the Town's tax rolls.

If the Town wishes to participate in the auction, they are required to place a 5% deposit on their total anticipated bid with the County by June 6, 2024. This amount would represent the high end of what the Town could bid.

Town Attorney Susan Trevarthen advised that upon investigating the status of the subject property in greater detail, it seems possible that the Town may take first priority for the liens. In addition, some of the Town's liens are repair liens, which means the Town actually took action on the property when the owner did not respond in a timely manner. These liens have higher priority than Code liens.

Town Attorney Trevarthen further clarified that the taxes in this case are County taxes. She concluded that if the Commission wishes the Town to take action, they will need to authorize Staff to proceed with the 5% deposit at tonight's meeting, as the deposit must be submitted before close of business on June 6, 2024.

Commissioner DeNapoli requested clarification of the property's worth in its current state. Town Manager Connors reiterated the property's assessed value according to the Property Appraiser's website, adding that its market value listed by the Property Appraiser's Office is \$1.015 million, while its assessed Save Our Homes value is \$753,000.

Commissioner DeNapoli also asked for more information regarding other liens on the property. Town Attorney Trevarthen explained that based on previous extensive litigation associated with the subject property, some of the other liens have been nullified.

Town Attorney Trevarthen continued that if the Town allows the sale to unfold without taking action, there will be uncertainty for the parties bidding on the property, which may

depress its price and affect which parties are interested in bidding on it. The value of the Town's participation in the auction is that if the Town becomes the owner, they may decide what to do with the liens and would have some control over the party to whom the property would later be sold.

Commissioner DeNapoli commented that if the Town held the liens on the property, they would lose the \$48,721.79 in County taxes but could waive the liens from the Town itself. The risk would be that there may be another bidder who might bid to raise the price. He concluded that the Town would need to give authorization of a maximum bid.

Town Attorney Trevarthen advised that the Town may be the only bidder at the auction, or there may be other bidders present who drive up the price for a variety of reasons. She cautioned that while the scenario described by Commissioner DeNapoli may be the best possibility, it may not be the most likely one. The Town may lose more than the \$48,721.79 to the County, depending upon the other liens and the Town's position to accept them.

Commissioner DeNapoli requested clarification of what the Town's maximum bid might be. Town Manager Connors replied that discussing the maximum bid during a public hearing could place the Town in a poor position, and reiterated that if the Commission has interest in participating in the auction, they would need to deposit 5% of their maximum bid, which is fully refundable. She suggested that the Commission assign a liaison to this matter.

Vice Mayor Strauss observed that while the Town would lose the amount required to pay back County taxes, purchasing the property would put them in the best position regarding the receipt of liens. He asked for additional information on the closure of any other liens as well as clarification of any other issues related to the property. He pointed out that there may be existing civil litigation associated with the property, including any criminal litigation, which could come into play if fraudulent issues exist on the property.

Town Attorney Trevarthen explained that there has been a final agreed judgment in the past which is not subject to appeal, and the mortgage on the property is no longer an issue. There may be other issues; however, given the amount of the Town's lien, there may be no funds left over for other entities with liens.

Commissioner Pouloupoulos asked for clarification of the Commission's intent if the Town should purchase the property at the tax deed sale, as well as the current condition of the property and whether or not it is marketable. He recalled that there was a major

bee infestation of the property, which has been uninhabited since 2016, and there may be other issues as well. This could make it more difficult for the Town to “flip” the property. It is also not possible to perform due diligence prior to a tax deed sale. He concluded that he was not in favor of participating in the auction.

Commissioner DeNapoli stated that he shared Commissioner Pouloupoulos’s concerns regarding the Town’s goal; however, if the Town does nothing, and another party purchases the property, the Town could end up in the same position as at present.

Commissioner Pouloupoulos noted that purchasing the property and selling it for a profit would enable the Town to fund some needed programs; however, he reiterated his concern that there may be major repairs to make.

Vice Mayor Strauss advised that if the Town purchased the property at auction, they would be able to control what happens to it, and the structure could be demolished and the land sold as an empty lot. While he was not in favor of the Town flipping the property, the opportunity remains to seize a property at potentially low risk. He also pointed out that the Town may not win at auction. He concluded that there was not a great risk in participating in the auction and possibly purchasing the property for the right price.

Commissioner DeNapoli observed that the greatest risk he saw, beyond the \$48,721.79 investment, was the possibility of dealing with other liens through litigation, quiet title, or other actions of that nature, which could come with minor litigation costs.

Town Manager Connors requested that the Commission first determine whether or not they want the Town to participate in the tax deed sale. If so, the next steps would be to agree on a maximum bid in order to provide a deposit, and to determine whether or not to assign a Commission liaison.

Commissioner Pouloupoulos asked if a title search has been completed for the property. Town Attorney Trevarthen confirmed this, adding that while there is no formal opinion of title, the Town is working to evaluate raw information. She also recommended that if the Town chooses to participate in the auction, they refine their approach to the bidding prior to June 6, 2024. She agreed that a public debate regarding a proposed bid would not be in the Town’s best interests.

Commissioner DeNapoli asked if the title search is available to the Commissioners. Town Attorney Trevarthen replied that this could be provided for review.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, to move forward with participation in the sale. Motion carried 4-1.

Commissioner DeNapoli indicated that he would be willing to act as Commission liaison for the purposes of the sale. The Commissioners agreed by consensus to appoint Commissioner DeNapoli to this role.

Town Manager Connors advised that the Town must still establish a maximum bid in terms of the deposit. It was noted that while this would show how much the Town is willing to spend, Staff cannot proceed without Commission authorization of the maximum, as that amount would exceed the Town Manager's spending authority.

Commissioner Graziano asked if the Town could appoint two Commissioners with experience in these issues to represent the Town's interests. Town Attorney Trevarthen explained that this would not be permissible under Florida's Sunshine Law. While the full Commission can be briefed and updated on this matter as it moves forward, only one Commission liaison can be assigned.

It was noted that Commissioner DeNapoli may have a scheduling conflict for the day of the auction. Vice Mayor Strauss offered to serve as a backup in the event Commissioner DeNapoli is unavailable to provide guidance on that day. The Commission agreed by consensus to appoint Vice Mayor Strauss as alternate liaison.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, to approve 5% of one million as the maximum amount the Town can authorize. Motion carried 4-1.

e. South Silver Shores Traffic Study

Deputy Town Manager/Public Works Director Rubach recalled that on June 30, 2023, Staff met with concerned residents of the South Silver Shores neighborhood to discuss traffic-related issues, including cut-through traffic, excessive speeds, and cars lingering in the area. Following that meeting, Staff evaluated parking spaces on Basin Drive and determined that these would be removed and replaced by a No Parking zone.

On September 27, 2023, a second meeting with residents was held after engineering firm Baxter and Woodman was hired by the Commission to perform a study of neighborhood traffic, including counts, speeding, and other data related to the residents'

concerns. During that meeting, there was discussion of the traffic counters' locations, resulting in the addition of a counter to Basin Drive at residents' request. They also requested that the study be done during the tourist season. The study began in January 2024.

A final meeting with South Silver Shores residents was held on May 15, 2024 to discuss the results of the study. Data showed that Basin Drive had the highest traffic counts, with an average of 556 vehicles per day entering or leaving the neighborhood. There were 688 anticipated trips for that area, which means the actual traffic count was lower than expected.

With regard to speeding, 93% of traffic travelled at or below the posted speed limit of 25 miles per hour (MPH), with 6% travelling between 25 and 30 MPH. This came to 99% of traffic travelling below 30 MPH, which is the speed above which tickets would typically be issued.

Based on this data, Baxter and Woodman made the following recommendations:

- Additional speed limit signs should be added in the area to increase driver awareness
- Southbound West Tradewinds Avenue should be temporarily closed south of Basin Drive to prevent unwanted traffic from potentially entering the neighborhood

When this was discussed with neighborhood residents, they were intrigued by the option of the temporary closure. Staff clarified that water barricades would be used to prevent southbound traffic south of Basin Drive from entering the neighborhood. A full-time closure would cost approximately \$15,000, with additional costs associated with any further upgrades such as landscaping or beautification. These changes would be addressed through the Town's Capital Improvement Program (CIP) as traffic calming and beautification line items.

Residents also proposed considering the possible closure of West Tradewinds Avenue north of Basin Drive. Staff and the engineering firm initially determined that, due to the location of nearby business, this would essentially result in a dead end and would require a cul-de-sac in order to prevent drivers from cutting through a private parking lot. A cul-de-sac would impinge upon properties on both sides of the street and was determined not to be a viable option.

Residents also suggested that the Town vacate a portion of the subject roadway and sell it to Benihana restaurant. Deputy Town Manager/Public Works Director Rubach explained that if the Town chose to proceed with this option, they would need to reach out to the Florida Department of Transportation (FDOT) to find out if this is acceptable. The Town would need to retain its utility easements.

Residents also discussed general beautification of the subject area, noting that the Town has worked with other neighborhoods to install landscaping that would be maintained by the neighborhoods themselves.

Deputy Town Manager/Public Works Director Rubach concluded that Staff is seeking direction on the following items:

- Whether or not to proceed with a temporary road closure
- The Commissioners' thoughts on general beautification of the area
- Whether or not to approach FDOT with the option of a road closure, and if so, whether or not to also approach Benihana

Commissioner DeNapoli stated that he was in favor of the proposed temporary road closure so the Town can see how this would affect the neighborhood. Deputy Town Manager/Public Works Director Rubach added that this step would allow the Town to take more traffic counts to determine whether or not the closure would have any impact.

Vice Mayor Strauss asked if there has been any feedback from the owners of the properties immediately south and east of Benihana on the proposed temporary closure as well as other potential steps. Deputy Town Manager/Public Works Director Rubach replied that these residents have not attended the neighborhood meetings and advised that Staff can reach out to them prior to the proposed temporary closure. Notice would also be provided to the entire neighborhood.

Vice Mayor Strauss concluded that he was also in favor of the temporary closure, as this would provide some idea of the effectiveness of the change.

Deputy Town Manager/Public Works Director Rubach advised that the owner of Benihana has not provided any input on the proposed temporary closure, as that business's traffic would not be affected by the closure. He characterized the business's reactions to previous changes as very responsive.

Mayor Malkoon also felt a temporary closure was sensible and suggested that Staff may want to look into covers for the barricades. Deputy Town Manager/Public Works Director Rubach confirmed that Staff would look into this further.

There was Commission consensus to proceed with the temporary closure, with appropriate notification.

Regarding the approach of FDOT for a potential road closure, Commissioner DeNapoli recommended first determining the effectiveness of the temporary closure. There was consensus on this issue as well.

Mayor Malkoon requested additional information on the proposed beautification measures in the neighborhood. Deputy Town Manager/Public Works Director Rubach replied that this has not yet been determined. There is no irrigation available in the subject area, although a zeroscape may be appropriate with the installation of minimal irrigation. Staff would reach out to the residents of any affected properties to hear their input.

Vice Mayor Strauss asked if the proposed beautification would be only on the south side of the temporary barriers in order to ensure the barriers are visible to drivers. Deputy Town Manager/Public Works Director Rubach replied that signage to indicate that the roadway is inaccessible would accompany any beautification efforts. There are also other opportunities for beautification aside from a permanent island, such as plantings in the right-of-way.

There was Commission consensus to proceed with the proposed beautification efforts.

f. Hamilton's Valet Parking Request

Deputy Town Manager/Public Works Director Rubach stated that Hamilton's Valet has requested permission to use the Town's parking lot located near Commercial Boulevard and Seagrape Drive for its valet services due to the impending loss of approximately 20 spaces in their existing rented lot. While this request is not feasible due to the Town's parking regulations, the Town may be able to accommodate the request on weekdays in the South Ocean parking lot at Datura Avenue and A1A between Monday and Thursday. This is the only time at which Staff believes the lot would have sufficient capacity, as it is often 90% full Friday through Sunday.

Staff is seeking Commission direction on whether or not to explore the possibility of leasing spaces to Hamilton's Valet for days and times as specified by the Town.

Commissioner DeNapoli advised that he was in favor of the proposal.

Vice Mayor Strauss recommended that if the Town moves forward with this change, Staff should reach out to other nearby valet services and establishments. Deputy Town Manager/Public Works Director Rubach replied that the capacity within the proposed lot is very limited. He asked if the Commission wished for Staff to research this further before making a decision at tonight's meeting, pointing out that if the requested spaces were made available to Hamilton's Valet, there would be no other spaces within that lot for other valet services.

Mayor Malkoon asked if Staff planned to bring back an agreement on the proposed arrangement for the Commission to vote upon. Town Manager Connors confirmed that this would be done. She further clarified that there would be a fee charged to Hamilton's Valet for use of the parking spaces.

Commissioner DeNapoli agreed with Vice Mayor Strauss's recommendation to look into the impact of the proposed agreement with other valet services, but reiterated his desire to move forward on examining the proposal.

Mayor Malkoon commented that while he was in favor of the Town earning revenue on the empty spaces during weekdays, he was concerned that the roadway is limited to one lane during rush hour and is subject to traffic backup. Deputy Town Manager/Public Works Director Rubach replied that he was not certain the Town would be able to specify the route used by the valet service. Town Attorney Trevarthen pointed out that the route would be open to negotiation, as the valet service would benefit from the proposed agreement.

Commissioner Pouloupoulos agreed with the Vice Mayor's and Commissioner DeNapoli's concerns, adding that if the Town entered into an agreement of this nature with Hamilton's Valet, it could constitute a slippery slope, as there are multiple parking companies operating in the Town who may immediately request more parking spaces. He emphasized the value of the spaces to a valet company, and requested clarification of which business is serviced by Hamilton's Valet. It was clarified that the service is used by Aruba Beach Café.

Hamilton Souza, owner of Hamilton's Valet, stated that his drivers would use El Mar Drive and A1A to reach the lot and would use Commercial Boulevard and A1A to return to the restaurant. In addition to Aruba, the service also works for the Plunge Hotel and Blue Moon Fish Company; however, the requested parking spaces would be specific to Aruba.

Commissioner Pouloupoulos asked if Hamilton's Valet typically fills the 20 requested spaces seven days per week. Mr. Souza replied that he did not believe the spaces would be used Monday through Thursday during the day, but would like for them to be available, as the service has lost 20 parking spaces. If they cannot be replaced, it would place significant pressure on the valet service.

Commissioner Pouloupoulos asked how much Hamilton's Valet would charge per hour for the spaces. Mr. Souza replied that there are no hourly rates, noting that a guest at Aruba's would pay \$10 at dinner or lunch. Beach parking at another lot is \$25 for the entire day.

Commissioner Pouloupoulos asked if any other private business has ever approached the Town to lease spots in a parking lot, or if Staff was aware of similar requests in other municipalities. Deputy Town Manager/Public Services Director Rubach replied that he has not previously been approached for this purpose and was not aware of similar agreements in any of the other communities for which he has worked, although he was aware of such arrangements in other municipalities.

Town Manager Connors recalled that the Town previously had an agreement with Hamilton's Valet to provide service using the vacant Holiday Inn site; however, this was a significantly long time ago and had not been successful. She compared that arrangement to the Town's current agreement with Florida Development Group (FDG) for use of their lot.

Commissioner Pouloupoulos concluded that he supported the proposal, but expressed concern that the parking lot was purchased to generate revenue for the Town which could fund capital improvement projects and other needs without taking on debt or bonds. He did not want beachgoers to complain that there was no parking available to them because spaces in a public lot were leased to a private entity.

Commissioner Graziano asked if all 20 spaces would be paid for from Monday through Thursday. Deputy Town Manager/Public Services Director Rubach replied that this would be part of the contract negotiations. Commissioner Graziano encouraged this

requirement. Town Attorney Trevarthen added that the Commissioners would ultimately be asked to approve or deny the contract.

Commissioner Pouloupoulos offered to serve as Commission liaison to review the contract and participate in negotiations.

Vice Mayor Strauss reiterated his concern with consulting other valet companies and nearby businesses. He was in favor of the agreement if no conflicts with these parties are identified. Commissioners DeNapoli and Pouloupoulos indicated that they shared this concern as well.

There was Commission consensus to bring this issue back, and for Commissioner Pouloupoulos to serve as Commission liaison. Deputy Town Manager/Public Works Director Rubach confirmed that he would look into whether other companies may have similar requests, and would bring back the results of this outreach for further Commission discussion.

14. COMMISSIONER COMMENTS

Commissioner DeNapoli advised that he is the Town's representative on the Broward Metropolitan Planning Organization's (MPO's) Board of Directors. The MPO serves as a planning arm for FDOT, as well as for use of Broward County's penny sales tax. Its Board consists of elected officials from throughout the County who were appointed by their governing bodies.

Commissioner DeNapoli reported that the MPO's Transportation Improvement Program (TIP) is a five-year programming report which they can prepare for every municipality. The report for Lauderdale-By-The-Sea shows the following ongoing projects:

- Commercial Boulevard resurfacing
- Rehabilitation of electrical, mechanical, and structural components of the Commercial Boulevard Bridge
- Traffic signal upgrades along A1A
- Resurfacing of A1A along a stretch south of Pine Avenue to Flamingo Avenue

The TIP also includes a feasibility study for bicycle and pedestrian features on the Commercial Boulevard Bridge.

These projects receive funding from roughly seven to 10 different sources, including state, federal, and Florida's Turnpike Enterprise dollars. Commissioner DeNapoli will

also advocate for other improvements within the Town as a member of the MPO Board, and will forward any MPO correspondence to Town personnel in order to ensure all application deadlines are met.

Commissioner DeNapoli also reported that newly released figures from the Broward County Property Appraiser's Office indicate that, based on sales from January 1 through December 31, 2023, Lauderdale-By-The-Sea's taxable value has increased by 8.06% from the previous year. The Town's median home sale price is \$1,369,700.

Commissioner DeNapoli also thanked all who attended last week's vacation rental workshop, and was confident the Town can develop solutions to remain on the right track. He added that he is a longtime advocate of increasing beach patrols throughout the full season, and information on this service will be forthcoming at a subsequent meeting. He has also recommended approval upon first reading of a sand hole Ordinance, with language modifications.

Commissioner DeNapoli also addressed public comments regarding the Town's height restrictions, asserting that he had heard no discussion of this and has no intention of recommending that they be changed. He encouraged all present to remain apprised of the facts when discussing potential "hot-button" issues such as this one.

Commissioner Pouloupoulos recalled that he had received several emails in recent weeks following deaths on the Town's beaches. While these incidents remain under investigation, he continued to express concern that the Town is the only Broward municipality with a commercial Downtown area which does not provide lifeguards on its beaches. While all tragedies may not be preventable, he did not see liability or cost as potential concerns, nor was he proposing a tax increase to fund lifeguards. He recommended that the Town look into what the costs would be to fund appropriate measures to prioritize safety for residents and visitors.

Commissioner Pouloupoulos continued that he planned to reach out to Staff and Pompano Beach Fire Rescue on this issue, as he did not feel the Town can rely upon current beach patrol service by either Pompano Beach or BSO. He emphasized that this service is not part of those organizations' jobs, and the Town should investigate the costs of regular beach patrols as well as lifeguards in the Downtown area. He concluded that this would remain a priority for him.

Commissioner Graziano stated that he has not heard any discussion of changing the Town's height restrictions. He also encouraged the other Commissioners to consider

the potential benefits of providing an additional three-day weekend in October if the two remaining federal holidays are observed, as this could benefit the Town's businesses.

With respect to lifeguards, Commissioner Graziano noted that he has received several emails on this issue, many of which indicate that tourists seem more vulnerable than residents on the Town's beaches. He suggested this may be a reason not all residents are in favor of adding lifeguards, although most seem in favor of additional beach patrols. He did not know what this might entail until the Commission has seen a comprehensive report.

Mayor Malkoon reiterated that no changes are planned for the Town's height restrictions. He recalled that since the new Commission was seated, they have prioritized beach safety and have asked Staff to bring back information on that topic. He also noted that there are posts on the beach which provide life preservers.

Mayor Malkoon continued that one concern is the Town's millage rate and ensuring that funding sources are in place if the Town chooses to move forward with a greater safety presence on the beach. He has asked Staff to look into how this service could be provided through fees rather than funding through taxpayers. This may be useful for other public safety measures as well.

Mayor Malkoon advised that he and the Town Manager have attended meetings of the Galt Mile Association, which is comprised of four condominium buildings located in Lauderdale-By-The-Sea. They have also attended the Mayors' district meeting with Broward County Commissioner Lamar Fisher, at which they advocated for use of the County's penny surtax to fund Circuit service in the Town.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item.

a. Conditional Use (2024-CUS-01) request to install a sign with a maximum letter height of 18 inches where 12 inches is permitted per Town Code Section 30-510 at 4200 El Mar Drive.

Town Manager Connors recalled that in 2011, the Town Commission established Mid-century Modern as the Town's preferred architectural style. This style is primarily represented along El Mar Drive through many older buildings and signage.

The Town has found that in encouraging Mid-century Modern as an architectural style, signage in that style does not always meet the Town's Sign Code. In recognition of this discrepancy, the Commission developed a process by which they can approve a sign that is Mid-century Modern in nature but does not necessarily meet Sign Code requirements.

Ocean Time LLC, which is located at 4200 El Mar Drive, is an example of this: the property has been renovated and now proposes a sign which exceeds the Town's maximum letter height for the RM-25 zoning district. The sign itself, however, does not exceed the size limitations of Code. The sign's design will retain the same historic letter size and style, although its border and architectural detail will not be included.

Town Manager Connors continued that the letter size for the proposed sign is 18 in. rather than the 12 in. allowed by Code. Notice was sent to all property owners near the subject site according to Code requirements. The Town has not received any correspondence on this issue. A public participation meeting was held on April 10, 2024, and a summary of this meeting is included in the Commission's backup materials.

Staff has reviewed the Application and recommends approval with nine conditions.

The Applicant indicated that he was available to respond to any questions.

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

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve per Staff recommendation. Motion carried 5-0.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:30 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Thursday, June 6, 2024
6:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager 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

None.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Jackie Bonanni Rubino, resident, addressed the Charter amendment proposed under Item 16.b, stating that she was in favor of moving the Town's municipal elections to November, as this change was likely to increase voter turnout and would save the Town money.

Lori Lenoble, resident, agreed with Ms. Rubino's comments regarding moving Town elections to November, including increased voter turnout and savings to the Town. She was in favor of letting the voters make this decision.

Brian Kuszmar, resident, advised that the only downside to changing the Town's election cycle was that it would result in a one-time increase in the Commission's terms by a few months, while the upside was greater participation in the democratic process. He was in favor of this change.

Bob Fleishman, resident, stated that he and most Terra Mar residents are in favor of changing the Town's elections from March to November, as this would result in cost savings for the Town and increase voter turnout. He was also in favor of this change.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

None.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Mayor Malkoon – Commission Meeting Policies

Mayor Malkoon explained that he had added this Item so the new Commissioners could review meeting procedures, including how to add Items to the Agenda.

Commissioner DeNapoli suggested that Commissioners be allowed to add stand-alone presentations or reports rather than including them under Commissioner Comments or Presentations. He added that these items would include topics that would not require a vote.

There was consensus by the Commissioners to look into this option. Town Manager Connors stated that she would work with the Town Attorney to draft a Resolution addressing this change and bring it to the Commission for a vote.

Commissioner DeNapoli also noted a section of meeting procedures addressing motions to reconsider items that were previously brought before the Commission, particularly the requirement that a motion to reconsider can only be made by a Commissioner who voted on the prevailing side of the original motion. He requested additional explanation of this requirement. Town Attorney Susan Trevarthen advised that this is consistent with *Robert's Rules of Order* as well as with many other communities. It can be changed if that is the will of the Commission.

Town Attorney Trevarthen also pointed out that reconsideration must be brought forward by the next regular or special Commission meeting following the meeting at which the original motion is made. If there is a determination to reconsider the issue, the actual decision on reconsideration would happen at a future meeting. This is so the public is aware that what they may have perceived as settled business would be back on the Agenda.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Pouloupoulos cheered on the Florida Panthers in the Stanley Cup playoffs.

Commissioner Graziano noted that the Town recently celebrated Memorial Day as a federal holiday and emphasized that more federal holidays are coming up.

Vice Mayor Strauss praised the Dive Into Summer event, which benefits the nonprofit SCUBA For Good.

Mayor Malkoon also thanked Town Staff for their work on the Dive Into Summer event.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- a. Ordinance 2024-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 “BEACHES AND WATERWAYS,” ARTICLE II “BEACH REGULATIONS” OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 5-38 “RECREATIONAL EXCAVATION OF SAND FROM THE DUNE OR BEACH;” PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

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

Town Manager Connors recalled that at the April 30, 2024 Commission meeting, the Commissioners had voted unanimously in favor of Ordinance 2024-04, which would prohibit digging on or removal of sand from the beach. After that meeting, a number of minor revisions were made to the Ordinance’s language in order to provide additional clarity. These changes include:

- Removal of language addressing recreational excavation of sand
- Removal of the words “other excavation in” from Section 5.38.2
- Removal of the phrase “it shall be unlawful”
- Removal of the definitions for “hole,” “trench,” “depression,” and “excavation”

Code creates three separate violations:

- Section 3: creates a violation for leaving an unsafe hole behind
- Section 2: prohibits digging a hole deeper than 18 in.
- Section 1: prohibits removal of sand

If sand is removed, but the remaining sand is rearranged so there is no longer an unsafe hole, the individual would violate only Section 1; however, if they removed sand and left the hole, the violation would fall under both Sections 1 and 3.

Commissioner DeNapoli asked why the removal of sand would constitute a violation in itself, and requested clarification if the building of a sandcastle would violate the Ordinance. Town Attorney Trevarthen replied that it would not, as the sand would remain on the beach. She added that many cities with similar Ordinances are concerned with protecting their natural resources, including sand.

Mayor Malkoon recalled a recent incident on the Town's beach involving adults who were digging trenches on the beach. The Police had no jurisdiction to advise them against digging, as the Ordinance was not yet in place.

At this time Mayor Malkoon reopened public comment.

Lori Lenoble, resident, requested clarification of the prohibition against removing sand from the beach, pointing out that the Town does not provide sandbags during hurricanes and the public cannot procure them in other municipalities. She asked if filling sandbags from the beach would be permitted, and if not, recommended that the Town provide these bags.

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

Town Attorney Trevarthen confirmed that prohibiting sand removal was the point of the Ordinance, as it would be harmful to the beach's ecosystem to remove sand. She acknowledged that this is a policy choice by the Town.

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

- b. Ordinance 2024-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, TO CHANGE THE TOWN'S GENERAL ELECTION FROM MARCH TO NOVEMBER; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER**

AMENDMENTS TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER 2024, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER, SEVERABILITY AND FOR AN EFFECTIVE DATE

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

Town Manager Connors recalled that at a previous Commission meeting, the Town Attorney was asked to address timelines applicable to the Town's Charter review process, including an explanation of when Charter amendments that may emerge from that process could be placed on the ballot.

The deadline for submission of ballot questions to the Broward County Supervisor of Elections is June 10, 2024, which meant if the Commission wished to make any changes for the current election cycle, the Town would need to hold the first and second readings of the proposed Ordinance before that date. The Commission provided consensus for Staff to proceed with the preparation of an Ordinance for first reading which would preserve the possibility of placing a question on the November 5, 2024 ballot.

The Ordinance was considered on May 14, 2024, at which time the Commission discussed the Item and approved modifications to the Charter amendment in the form of a ballot summary. The revised language included the following:

- Moving the election dates to the November general election date rather than the second Tuesday in March
- Provided summary information on what would happen with respect to existing terms of office for the Mayor and Commissioners

Information was also provided regarding election turnout in both March and November, as well as costs. Turnout is substantially higher in November than in March, and costs are substantially lower.

Vice Mayor Strauss advised that while a savings of roughly \$20,000 had been mentioned during Public Comment, the most money spent on March elections was in March 2022, which cost \$15,700. Town Manager Connors reviewed costs from previous

March and November elections, adding that the Supervisor of Elections has recently placed more of these actual costs on the municipalities. This was why the cost of the March 2022 election was significantly higher than other March elections in recent memory. The Supervisor's estimated cost for the Town's November 2024 election is \$3880.

Vice Mayor Strauss requested clarification of how much the Town would actually save by moving its elections to November. Town Manager Connors estimated that this may be close to \$10,000. It was noted that the Supervisor of Elections has not yet billed the Town for its March 2024 election, but has provided an estimate of \$3880.

Commissioner DeNapoli emphasized that holding Town elections on the same date as a presidential preference primary, as in March 2024, results in lower costs; for the March 2022 stand-alone election, however, the cost was \$15,700, which could be subject to further increases. Expected November election costs will always be lower, as there will always be a larger-scale election at that time.

Commissioner Pouloupoulos noted that while cost savings were important, he was in favor of this change in order to encourage greater voter participation. He noted that in previous elections, the difference in turnout between March and November participation ranged from 29% to 47%. He felt this was sufficient reason to make the proposed change regardless of costs.

Commissioner DeNapoli asked if the ballot form is appropriate with no further changes. Town Attorney Trevarthen confirmed this, stating that she did not recommend additional changes to the Ordinance's language at this time.

Commissioner DeNapoli also asked if the Broward County Supervisor of Elections has any impact on the Town's proposal. Town Attorney Trevarthen replied that the Town has double-checked this with the Supervisor's office, who is not performing an independent review of the language either proposed for the Charter or included in the ballot question.

Commissioner Graziano made a motion, seconded by Commissioner DeNapoli, to approve. Motion carried 5-0.

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 7:09 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Mayor Malkoon - Consider Hiring Beach Ambassador in FY24

Explanation: At the last Commission meeting, the Commission considered several options for beach patrol. After significant discussion, the consensus was to include in the 2025 budget funding to hire one beach ambassador for FY25 while we moved forward with a study regarding beach lifeguard options. The budget will be finalized in September.

The Mayor has asked for Commission consensus to hire a Beach Ambassador immediately instead of waiting for FY25. Town staff met with the current Code Compliance provider who said that not only would they be able to provide this service immediately, but they also have experience in providing beach ambassadors in other Florida communities. Staff has asked for the cost to provide this service for the remainder of the year. If the Commission is interested in beginning the service this year, staff would bring back an agenda item with the costs and funding details once this information was finalized.

Staff is currently preparing an RFP for Code Compliance Services and future beach ambassador services, if approved, would be included in this contract.

Recommendation: Requesting direction regarding hiring a Beach Ambassador for the remainder of FY24.

Exhibits: None



Agenda Item No: 13.b.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Mayor Malkoon - Consider Reviewing the Town's Landscape Code and Updating It to Include Florida Friendly Standards

Explanation: The Mayor would like to initiate a review of the Town's landscape code (Exhibit 1). The last time the Town amended the Code was in 2007 and there have been several best practice standards that have been put into place since then that have not been contemplated by the Town.

If a majority of the Commission wishes to review the Town's landscape code, staff will draft an agenda memorandum and ordinance for the Commission's consideration. As a reminder, because the landscape regulations are within the Town's Land Development Code, these proposed amendments would first be presented to the Planning and Zoning Board for their review and consideration. Their comments would then be included in the staff report that is ultimately presented to the Commission for their consideration.

Recommendation: Provide staff direction.

Exhibits:

1. ARTICLE VII. LANDSCAPE CODE

ARTICLE VII. LANDSCAPE CODE

Sec. 30-471. Intent.

- (a) The intent of these regulations is to protect, preserve and enhance the natural environment and beauty of the Town; to promote cleaner air quality and energy conservation by providing for landscaped areas containing trees and other plants and arranging them in a pleasing manner in relation to non-pervious areas and structures; and to encourage use of Xeriscaping, Right Tree Right Place (RTRP) and Crime Prevention Through Environmental Design (CPTED) principles.
- (b) The provisions of this article shall be a minimum standard for landscaping new development or for redevelopment.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-472. Definitions.

Access way: A vehicular roadway intersecting a public right-of-way.

Berm: A mound of earth configured in a manner that supports landscaping.

Buffer: An area of land along or within a plot in which landscaping is used to provide a separation.

CPTED: Acronym for Crime Prevention Through Environmental Design; a design approach to reduce crime and fear of crime by creating a safe climate within a building environment.

Canopy: The upper portion of a tree consisting of limbs, branches, leaves and fronds.

Clear trunk: The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

Clear wood (graywood): The portion of the palm tree that is mature hardwood measured from the top of the root ball to the base of green terminal growth of fronds.

Diameter (caliper): The diameter of a dicot or conifer tree trunk as measured six inches above grade, if no more than three inches in diameter; or at least 12 inches above grade, if no more than five inches in diameter, and for anything greater than five inches in diameter measured 4½ feet above grade. The diameter of a monocot is the diameter of the tree trunk measured one foot above the ground.

Dripline: The natural outside end of the branches of a tree or shrub projected vertically to the ground.

Excavation: To make a hole by, unearthing, scraping or digging out.

Ground cover: A low growing plant that by the nature of its growth characteristics, completely cover the ground and does not usually exceed two feet in height.

Hedge: A close planting of shrubs that forms a compact, dense, visually opaque living barrier when mature.

Impervious area: The area of a plot covered by buildings or other structures including, but not limited to, swimming pools, patios, sidewalks, driveways, etc.

Interior parking: Parking spaces not contiguous to, nor directly abutting a perimeter.

Irrigation: A permanent, artificial watering system designed to transport and distribute water to plant material.

Landscape/landscaping: When used as a noun, term means living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures. When used as a verb, term means the process of installing or planting materials commonly used in landscaping or environmental design.

Lawn/turf/sod: Upper layer of soil bound by grassy plant roots and covered by viable grass blades.

Mulch: An organic material such as compost, wood chips, wood shavings, bark, or pine straw used to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil temperature.

Owner/builder: Owner of the subject property to whom a building permit has been issued.

Peninsular or island landscape area: A pervious area set aside for landscaping, located at the end of a parking row where it abuts an aisle or driveway and, also, intermittently located within the parking rows.

Perimeter: The boundary line separating one parcel of land from another or a parcel of land from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.

Pervious area: The area of a plot remaining after the impervious areas are subtracted.

Redevelopment: Any increase in building height, floor area or number of units, when reconstruction or remodeling exceeds 25 percent of the assessed valuation of a building.

Right tree right place (RTRP): The process of selecting the right tree to be placed within the area of electric utilities whether overhead or underground, using the local electric utility RTRP guidelines on file in the Town.

Root ball: The earthen ball encompassing the root system.

Runoff: Water that is not absorbed by the soil or landscape to which it is applied and flows from the area.

Shade tree: A single trunk dicot or conifer tree which by virtue of its natural shape provides at maturity a minimum shade canopy 30 feet in diameter.

Shrub: A woody plant with multiple stems produced from the base.

Street tree: A tree which is located within 12 feet of the edge of pavement or curb of a street or such other distances determined by the Town.

Tree: A woody perennial plant, possible shrubby when young, with one main stem or trunk that naturally develops diameter and height characteristics of a particular species.

Understory: Plant material developed as an undergrowth associated in the habitat with trees.

Vehicular encroachment: Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

Vehicular use area: Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

Vine: A plant whose natural growth characteristics produces climbing stems.

Xeriscape: A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-473. Landscaping required.

- (a) No person shall carry out any development, redevelopment (see definition in this section), or use of any parcel of land for any purpose, nor shall any permit for building or paving be issued unless landscaping is installed in accordance with the requirements of this section.
- (b) A landscaping permit shall be required for the installation, removal, or replacement of any required landscaping in accordance with the provisions of this section.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-474. Landscape plan required.

Prior to the issuance of a landscape permit, a landscape plan shall be submitted to the Town. The landscape plan shall include, but not be limited to, the following:

- (1) Name, address and telephone number of the person who has prepared the landscape plan. Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to F.S. ch. 481, pt. II, as amended. Landscape plans for single-family and duplex dwellings may be prepared by the owner of the property.
- (2) A landscape plan drawn at a scale no less than one inch equal to ten feet showing all permanent structures/buildings, plus the location, size, description and specifications of materials, grade of plantings, mulch specifications, protective structures such as curbs, the number of interior parking spaces and the square foot area of the vehicular use area, and perimeter and interior landscape area. New trees shown shall be spaced so as not to conflict with normal canopy development. An existing desirable tree proposed to be retained on site shall be left with root pervious area surrounding it sufficient to support the species and canopy.
- (3) The landscape plan shall be designed so that landscaping shall not be adversely affected by factors such as salt exposure, prevailing winds, overhead obstructions, utility services, deep shadows, unusual soil conditions and shall identify and show location of existing trees on the site and the perimeter adjacent to development site.
- (4) An irrigation plan shall be drawn at a scale no less than one inch equal to ten feet showing the location of existing trees, vegetation and ecological communities to remain; location of existing buildings, paving and site improvements to remain; location of proposed buildings, paving, site improvements and water bodies; main location, size and specifications; valve location, size and specifications; pump location, size and specifications; backflow prevention device type; controller locations; zone layout plan.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-475. Installation.

- (a) All landscaping and irrigation of landscaping shall be installed according to accepted planting procedures prior to the issuance of a certificate of occupancy or final use approval with the Town reserving the right to inspect all landscaping.
- (b) All landscape material shall be installed in accordance with sound landscaping practices and Xeriscaping shall be encouraged. All landscape materials shall be graded at least Florida number 1 or better according to the Florida Department of Agriculture and Consumer Services Division of the Plant Industry Grades and Standards for Nursery Plants. Xeriscaping may include the use of soil amendments to increase the water

holding capacity of sandy soil or improve the drainage of heavy soils or other applicable principles or techniques. Alternatives to the use of turf, such as drought resistant shrubs and ground cover, are also encouraged. Condominant (V-crotched) trees are not acceptable.

- (c) New trees required to be installed shall be planted so normal growth and aesthetic appearance will not be impaired. Potentially large trees shall be planted following Right Tree Right Place principles regarding utility lines or lighting and shall not be planted too close to structures or in an area where they will obstruct emergency vehicle access.
- (d) Trees shall be installed as follows:
 - (1) Shade trees shall be located a minimum of 15 feet away from structures and 30 feet away from other shade trees.
 - (2) Non-shade trees shall be located a minimum of five feet away from structures, 15 feet from other non-shade trees, 22½ feet from shade trees. Palms may be planted closer to each other to form multiples or clusters.
 - (3) Trees shall be planted no closer to an impervious area than half of the minimum size of the required planting area for the particular tree species.
 - (4) Trees which are in excess of the minimum number required by this section may be spaced closer to each other with the species and distance determined by the Town.
 - (5) Where a conflict in spacing or canopy spread occurs between required trees and existing off-site and on-site trees, the requirements of this section may be modified as determined by the Town.
 - (6) When braced, trees shall be braced so as not to girdle, scar, perforate or otherwise inflict damage to the tree.
 - (7) For all properties requiring the installation of 20 or more trees, a minimum of 20 of the required trees shall be native species, and not more than 25 percent of the required trees may be palm trees.
 - (8) Palm trees shall have a minimum clear trunk measurement of four feet. Palms having an average mature spread of crown less than 12 feet may be substituted by grouping three or more palms so as to create the equivalent crown spread.
 - (9) Shade and street trees shall have a minimum trunk caliper of two inches, and a minimum height of ten feet; and a minimum crown spread of six feet.
 - (10) Any property owner may apply for a permit to plant a tree(s) in the swale area of a street abutting the property owned by the applicant provided that the mature height and spread of the tree shall not interfere with any public utility service. The location and species of the tree(s) shall conform to Right Tree Right Place guidelines and shall be approved by the Town.
 - (11) Shrubbery, when installed to screen a vehicular use area, shall be a minimum of 24 inches high, be full to base, be spaced a maximum of 30 inches on center. Shrubbery, when installed to screen a vehicular use area, shall be permitted to grow and shall be maintained at a maximum height of 48 inches. All other shrubbery shall be permitted to grow to a maximum of 72 inches high.
 - (12) All plant beds shall be excavated to a minimum depth of 24 inches and back filled with a suitable soil consisting of 50 percent composted organic matter, well-mixed with native soil. Backfill material shall be free from rock, construction debris, or other extraneous material. Planting beds shall be free from construction debris and planted with ground cover or lawn or when not otherwise provided in these regulations, mulched with an appropriated organic material to a depth of two inches.
 - (13) Finished grade of landscaped areas shall be at or below the grade of adjacent vehicular use areas or public sidewalks, except for mounding or other surface aesthetics. Grade shall be designed to receive

roof and surface runoff and to assist Xeriscape plantings. Any overflow shall be routed underground as necessary.

- (14) All undeveloped or cleared portions of a parcel of land shall be planted with ground cover or lawn so as to leave no exposed soil in order to prevent dust or soil erosion.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-476. Irrigation.

- (a) Sufficient irrigation, as determined by the Town in accordance with the design of the landscaped area and the requirements of the plant material to be used, shall be supplied to all landscaped area. When required, irrigation systems shall be installed to provide coverage to target area, minimizing spray upon public sidewalks, streets or adjacent properties. Irrigation systems compatible with Xeriscaping principles shall be encouraged. This may include the use of low volume, low pressure, subsurface irrigations systems, and other such methods that encourage water conservation. All automatic lawn or landscape irrigation systems shall be equipped with and operate a moisture sensor or approved automatic switch that overrides the irrigation cycle when adequate rainfall has occurred.
- (b) On lots under 5,000 square feet in size requiring landscape upgrades, irrigation may be accomplished by the installation and use of hose bibs.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-477. Maintenance of landscaped areas.

- (a) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for the proper maintenance and protection of landscaping and irrigation systems existing or hereafter installed. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, trimming, removal or replacement of dead or diseased plants and removal of refuse and debris on a regular basis so as to continue a healthy growing condition and present a neat and well-kept appearance at all times. If landscaping is found to be in a state of decline, dead or missing, it shall be replaced with equivalent landscape material.
- (b) A landscape sight triangle shall be provided and visibility maintained between 2½ feet to eight feet of elevation with a minimum of:
- (1) a. Ten feet from the intersection point of the edge of a driveway and alley or street.
- b. Fifteen feet from the intersection point of the extended property lines at an alley and a street.
- c. Twenty-five feet from the intersection point of the extended property lines at a street and a street.
- (2) Plant materials that block visibility shall be removed by the property owner or maintained so as to allow clear visibility of oncoming traffic.
- (c) Landscaping shall be inspected periodically by the Town to insure proper maintenance.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-478. Landscape requirements for vehicular use areas.

- (a) In order to improve the appearance of vehicular use areas and to protect and preserve the appearance, character and value of the surrounding neighborhoods, promote better air quality and thereby promote the

general welfare by providing for installation and maintenance of landscaping, screening and aesthetic qualities, the following minimum vehicular use area landscape requirements are established. The section is not applicable to areas used for parking or other vehicular uses under or within buildings and parking areas serving single or two-family dwellings.

- (b) On the site of a building or structure or on an open lot providing a vehicular use area, landscaping shall be provided in a square footage equal to a minimum of 20 percent of the gross vehicular use area. This square footage shall abut and extend no further than ten feet away from a vehicular use area. The landscape area required from a vehicular use area shall consist of perimeter, peninsular, and interior landscape areas as follows:
- (1) Perimeter landscape area. Along the perimeter of a parcel of land that abuts a street, exclusive of vehicular access points, a perimeter landscape area shall be provided. The depth of the perimeter landscape area shall be a minimum of five feet and an average of ten feet. The ten feet of perimeter landscape area closest to the vehicular use area may be counted as part of the 20 percent minimum vehicular use area landscape requirement.
 - (2) Along the perimeter of a parcel of land that does not abut a street, the minimum depth of the landscape area shall be 2½ feet.
 - (3) Peninsular and island landscape areas. All parking areas shall be so arranged that if there are ten or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five feet in width. Other suitable solutions or innovative designs may be submitted when approved by the DRC and appropriate board and commission. In addition, there shall be a minimum of one tree and three shrubs for every 200 square feet of required landscaped area.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-479. Tree protection.

- (a) All trees retained on a site shall be protectively barricaded before and during construction activities. Underground utility lines shall be routed around existing trees to the outside of the dripline where possible. If this is not possible, a tunnel made by a power-driven soil auger may be used under the tree. Installation of fences and walls shall take into consideration the root systems of any existing trees. Post holes and trenches close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall be ended at the point where major roots are encountered and these roots bridged.
- (b) No excavation or other subsurface disturbance may be undertaken, excluding the maintenance of an existing utility's facility, within the dripline of any tree with a caliper of 18 inches or more in diameter. However, cases where the applicant can show extreme hardship, the Town may approve a method of excavation that would minimize the impact on the tree. The installation of any impervious surface in the proximity to any tree 18 inches in diameter or more shall only be performed pursuant to approval of a licensed landscape architect.
- (c) All newly planted trees shall be properly guyed and staked at the time of planting to insure establishment and erect growth. Trees shall be re-staked in the event of blow-over or other failure of the staking and guying.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-480. Tree removal and replacement.

- (a) It shall be unlawful to: Cut down, destroy, remove, relocate or effectively destroy through damaging any tree within the Town which has a caliper of four inches or larger without first obtaining approval by the Town and a permit from Broward County; or allow any dead tree that has a caliper of four inches or larger to remain on any property.
- (b) If removal or replacement of a tree or trees occurs in conjunction with a development permit, the applications shall be considered part of the development site plan and no development permit shall be issued without an approved tree removal permit. Removal, replacement, relocation or contribution to a landscape fund shall take place before a certificate of occupancy is granted.
- (c) No permit shall be required for the removal of trees which cause immediate jeopardy to life, limb or property caused by an event of a storm, accident or other act of God of an emergency nature to be determined by the Town.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-481. Landscape requirements by zoning districts.

(a) *Single-family and two-family residential districts:*

- (1) A minimum of 25 percent of the total gross area of a plot shall be devoted to landscaped pervious area. Pervious brick material may not be counted towards the required landscaped pervious area. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
- (2) All plots of 7,000 square feet or less shall contain a minimum of three trees and 20 shrubs, except all corner plots shall contain five trees and 20 shrubs.
- (3) All plots over 7,000 square feet shall contain a minimum of four trees and 30 shrubs, except corner plots shall contain six trees and 30 shrubs.
- (4) On a corner lot no fences, walls or hedges shall be erected or maintained at a street-bordering corner to a height exceeding 30 inches above the crown of the most adjacent roadway in the area forming an imaginary triangle bounded on two sides by the two lot lines intersecting to form such corner, with the third side of such triangle being formed by the imaginary line between the imaginary points located along each of such intersecting lot lines a distance of 25 feet from the point of intersection. If a parcel has a circular shape at the corner where two paved thoroughfares intersect, then the two lot lines of the sides of the property which border the bordering streets shall be imaginarily extended to form the point of intersection of said two lot lines for the purposes of measurement.

(b) *Multi-family districts:*

- (1) Landscaped pervious area.
 - a. A minimum of 25 percent of the total gross area of a plot shall be devoted to landscaped pervious area.
 - b. Pervious brick material may not be counted towards the required landscaped pervious area.
 - c. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
- (2) A minimum of 25 percent of the setback area shall be landscaped and not covered by roofed area.

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(Supp. No. 45)

(3) There shall be a minimum of one tree per 1,000 square feet of total plot area.

(c) *All other districts:* The pervious area shall contain a minimum of two trees and five shrubs for every 2,000 square feet.

(Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2015-13, § 3, 10-13-2015)

Secs. 30-482—30-499. Reserved.



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Lucila Lang, Finance Director

Submitting Department: Finance

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: FY25 BSO Proposed Budget

Explanation: BSO has proposed a FY25 budget of \$6.3 million. This represents an increase of \$322,993 (or 5.38%) over the current budget. Table 1 below provides a high level summary of the changes to the current budget.

TABLE 1-Summary of Budget Changes

	Adopted	Proposed	Difference	Difference
	2023-2024	2024-2025	(\$)	(%)
Personnel Services	\$ 5,227,439	\$ 5,520,967	\$ 293,528	5.62%
Operating Expenditures	\$ 361,077	\$ 364,781	\$ 3,704	1.03%
Capital Outlay	\$ 203,484	\$ 216,318	\$ 12,834	6.31%
Transfers/Reserves	\$ 206,142	\$ 219,069	\$ 12,927	6.27%
	\$ 5,998,142	\$ 6,321,135	\$ 322,993	5.38%

This increase is consistent with the increases we have seen in the past years. Please note that the proposed budget does not include enhanced security detail for our downtown and beaches. This provision was negotiated separately from our BSO contract and we are recommending an increase from \$80,000 to \$100,000 to provide consistent service through the season.

Recommendation: Commission approval of the preliminary BSO FY25 budget including enhance service in the amount of \$6,421,135.

Exhibits:

1. BSO Letter and Proposed Budget
2. Line Item Comparison FY24 and Proposed FY25 Budget

Broward Sheriff's Office
2601 West Broward Boulevard
Fort Lauderdale, FL 33312
954-831-8900
www.sheriff.org



May 1, 2024

Ms. Linda Connors, Town Manager
Town of Lauderdale By-The-Sea
4501 Ocean Drive
Lauderdale-By-The Sea, Florida 33308

Dear Ms. Connors:

Please be advised the preliminary consideration for Fiscal Year 2025 is as follows:

Police Services

Total Personnel Expense	5,520,967	
Operating Expenditures	364,781	
Capital Outlay	216,318	
Transfers and Reserves	219,069	
Total Expenditure	6,321,135	(526,761.25 Monthly)

Please note, this budget includes funding for a radio replacement plan.

This amount is subject to the final Adopted Budget as approved by the Broward County Board of County Commissioners, and to any additional contract amendments or negotiations that take place after this date.

Please contact me at (954) 831-8939 with any questions regarding this matter.

Sincerely,

Dafne E. Perez, Director
Office of Management and Budget

DEP:da

cc: Colonel David Holmes, Department of Law Enforcement
Colonel Oscar Llerena, Executive Director, Department of Administration
Lucila Lang, Finance Director, Town of Lauderdale-By-The-Sea

BROWARD SHERIFF'S OFFICE
1-Year Appropriation Detail for DLE Contract Cities
General Fund 001 Budget
Proposed Budget
23475 - Lauderdale-By-The-Sea

ACCOUNTS	2024/2025 Budget
512401 - Regular Salary	3,153,525
512407 - Cell Phone Supplement	600
514401 - Overtime	192,648
515401 - Special Pay	13,560
Personal Services	3,360,333
521401 - FICA Taxes	251,950
522401 - Retire/Regular	23,790
522402 - Retire/Special Risk	870,614
522405 - Retire/Drop Special Risk	96,043
523401 - Life/Health Insurance	684,331
523403 - OPEB	75,662
523406 - RHSP	25,626
524401 - Worker's Comp	132,618
Fringe Benefits	2,160,634
Total Personnel Expense	5,520,967
534401 - Contract Services/General	8,721
540402 - Travel-In/Out State	510
541403 - Communication Svc/Aircards	13,844
544401 - R/L Office Machines	2,797
544402 - R/L Vehicle	0
545402 - Ins/Admin-Bond/Ins	41,477
546401 - R/M Equipment	2,209
546402 - R/M Vehicles	94,356
547401 - Contract Print & Binding	200
549404 - Data Processing	3,069
551401 - Office Supply-Misc	2,712
551402 - Office Supply-Office	2,924
551404 - Off Supp/Cln/Janit	1,500
552401 - Oper Supply-Gas/Oil/Lub	114,439
552402 - Oper Supply-Tools	700
552406 - Oper Supply-Instit	5,967
552409 - Oper Supply/Misc	26,860
552410 - Oper Supply-Uniforms	13,798
552412 - Computers less than \$5,000.	27,473
554401 - Books/Pub/Sub	100
554402 - Dues/Membership	725
554404 - Training/Misc	400
Operating Expenditures	364,781
564401 - Mach-Equip/Vehicle	177,143
564404 - Communications	39,175
Capital Outlay	216,318
591001 - Transfer To General Fund	219,069
Transfers and Reserves	219,069
Total Expenditure	6,321,135

<u><i>Broward Sheriff's Office</i></u> <u><i>Office of Management and Budget</i></u>	Adopted	Proposed	Difference (\$)	Difference (%)
	2023-2024	2024-2025		
Regular Salary	3,032,343	3,153,525	121,182	4.00%
Cell Phone Supplement	1,200	600	(600)	-50.00%
Overtime	119,000	192,648	73,648	61.89%
Special Pay	16,319	13,560	(2,759)	-16.91%
PERSONNEL SERVICES	3,168,862	3,360,333	191,471	6.04%
FICA Taxes	237,855	251,950	14,095	5.93%
Retire/Regular	21,922	23,790	1,868	8.52%
Retire/Special Risk	963,365	870,614	(92,751)	-9.63%
Retire/Drop Special Risk		96,043	96,043	
Life/Health Insurance	621,685	684,331	62,646	10.08%
OPEB	69,113	75,662	6,549	9.48%
RHSP (Retirement Health Savings Plan)	19,102	25,626	6,524	34.15%
Worker's Comp.	125,535	132,618	7,083	5.64%
FRINGE BENEFITS	2,058,577	2,160,634	102,057	4.96%
TOTAL PERSONNEL EXPENSES	5,227,439	5,520,967	293,528	5.62%
Contract Services/General	6,360	8,721	2,361	37.12%
Travel-in/Out State		510	510	
Communication Svc/Aircards	13,844	13,844	-	0.00%
R/L Office Machines	2,796	2,797	1	0.04%
R/L Vehicle	5,130	-	(5,130)	-100.00%
Ins/Admin-Bond/Ins	41,265	41,477	212	0.51%
R/M Equipment	2,072	2,209	137	6.61%
R/M Vehicles	86,525	94,356	7,831	9.05%
Contract Print & Binding	200	200	-	0.00%
Data Processing	3,069	3,069	-	0.00%
Office Supply-Misc	2,724	2,712	(12)	-0.44%
Office Supply-Office	2,924	2,924	-	0.00%
Office Supply/Cleaning/Janitorial	1,500	1,500	-	0.00%
Oper Supply-Gas/Oil/Lub	114,436	114,439	3	0.00%
Oper Supply-Tools	700	700	-	0.00%
Oper Supply-Instit	5,616	5,967	351	6.25%
Oper Supply/Misc	26,650	26,860	210	0.79%
Oper Supply-Uniforms	15,102	13,798	(1,304)	-8.63%
Computers Less Than \$5,000	28,789	27,473	(1,316)	-4.57%
Books/Pub/Sub	100	100	-	0.00%
Dues/Membership	875	725	(150)	-17.14%
Training/Misc	400	400	-	0.00%
OPERATING EXPENDITURES	361,077	364,781	3,704	1.03%
Mach-Equip/Vehicle	167,543	177,143	9,600	5.73%
Communications	35,941	39,175	3,234	9.00%
CAPITAL OUTLAY	203,484	216,318	12,834	6.31%
Transfer To General Fund	206,142	219,069	12,927	6.27%
TRANSFERS AND RESERVES	206,142	219,069	12,927	6.27%
TOTAL EXPEDITURES	5,998,142	6,321,135	322,993	5.38%



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Ken Rubach, Deputy Town Manager/Public Works Director

Submitting Department: Administration

Item Type: Presentations

Agenda Section: NEW BUSINESS

Subject Title: FY25 CIP

Explanation: Every year, Town Administration prepares an annual budget for consideration by the Town Commission. In addition to the General Fund, the budget includes a proposed financial plan for the Town's Sewer, Parking, Building and Capital Improvement funds.

The Fiscal Year 2025 Capital Improvement Plan identifies large-scale projects that are scheduled to be completed over the next fiscal year. By highlighting upcoming major expenses, the FY25 CIP supports the Commission in effective budgeting. Staff has utilized Commission directives, current CIP projects, past experience and history with the Town to assess and outline the Town's needs.

Below is an explanation of the proposed FY25 CIP. This list details each project, along with the estimated costs assigned to that project. Staff requests that the Commission review the preliminary FY25 CIP, determine if there are items that should be added or removed, and provide valuable input and direction for staff. Once reviewed, the FY25 CIP will be included in the overall budget for the Commission's review and consideration in September.

FY25 CAPITAL IMPROVEMENT PLAN

PROJECT NAME	BUDGET
Beach Portal Design**	\$50,000
Beach Renourishment Segment II Payment 2 of 3	\$116,667
Camera Upgrades Phase II*	\$90,000
Complete Street Project Design (Bougainvilla/Poinciana)*	\$225,000
El Prado Park Refurbishment*	\$775,000
FDOT A1A- Improvement associated with paving from	\$465,000

Pine Ave to Palm Ave*	
Friedt Park Playground Improvements (Carry over from FY 24)**	\$200,000
Pedestrian/ADA Improvements (Crosswalks)**	\$75,000
Public Safety Building Design*	\$500,000
Roadway Paving and Refurbishment	\$300,000
Stormwater Rate Study and Stormwater Master Plan Update	\$125,000
Tennis Court Lighting	\$45,000
Traffic Calming Projects and Neighborhood Beautification**	\$150,000
Lifeguard Towers***	TBD
TOTAL:	\$3,116,667
*Seeking Grant Funding **Awarded Grant Funding ***If Lifeguards are approved by the Commission	

1. Beach Portal Design \$50,000**

The existing beach portal structures are nearing the end of their projected lifespan with one portal having to be demolished because it was in deteriorating condition. This funding, which we have received a grant, will allow for the design of new portals.

2. Beach Renourishment Segment II \$116,667

This is the second payment of three due to the County for beach renourishment.

3.Camera Upgrades Phase II* \$90,000

The second phase will restore reliability and functionality to the remaining portions of the system.

4.Complete Street Project Design (Bougainvilla/Poinciana)* \$225,000

Design of Bougainvilla/Poinciana includes stormwater, landscape, and hardscape improvements.

5.El Prado Park Refurbishment* \$775,000

El Prado Park's grassy area is heavily utilized and is deteriorating from the many events that are held on the lawn. Lawn replacement is necessary, as is the replacement of the existing gazebos and the lighted bollards due to continued ongoing issues with corrosion. During the

6.FDOT A1A- Pine Ave to Palm Ave \$465,000

Paving Upgrades*

This will fund the aesthetic and safety upgrades as part of the resurfacing of A1A from Pine to Palm. These upgrades include patterned crosswalks, decorative streetlights, and replacement of the in-pavement warning lighting located at Hibiscus and A1A.

7. Friedt Park Playground Improvement* \$200,000

Due to the length of time for production of new equipment, installation of the new playground will take place in FY25. The included amount will cover the installation portion of the playground.

8. Pedestrian/ADA Improvements (Crosswalks)* \$75,000

The Town completed a Pedestrian Study in 2020 that highlighted areas in which the pedestrian infrastructure could be improved to enhance the pedestrian experience. During FY25 we will continue to focus on improving crosswalks, including working with FDOT on potential additional crosswalks on A1A.

9. Public Safety Building Design* \$500,000

Initial design for a new public safety facility to house PBFR/BSO. Currently, the facilities are over 50+ years old and do not meet the needs or requirements of modern-day delivery of these services. This cost would include hiring a firm to draft an RFP and design a proposed public safety building. Funds for this project is included in both the CIP (20% and Fire Fund 80%)

10. Roadway Paving and Refurbishment* \$300,000

This is the first phase of a multi-phased project to resurface and refurbish the Town's streets. Priority will be established through the Roadway Study completed in FY21 and staff inspections.

11. Stormwater Rate Study and Stormwater Master Plan Update \$125,000

The Storm Water Master Plan laid out approximately \$20,000,000 in storm water improvements over the next 20 years, this study was done approximately 5 years. Due to construction costs increasing after COVID and the age of the Master Plan staff recommends updating this plan then utilizing it to complete a rate study to determine whether a storm water fee should be used to help offset these costs.

12. Tennis Court Lighting* \$45,000

This will replace the legacy lighting system that often fails, which has required increased maintenance from our electrical contractor with a more energy efficient and less maintenance-intensive LED lighting system. This project was requested last year and postponed.

13. Traffic Calming Projects and Neighborhood Beautification \$150,000**

The Town has received requests to review additional traffic-calming measures throughout the community. This funding will be utilized for studies related to traffic-calming and traffic-calming improvements. In addition, funding will be available for neighborhood beautification enhancements associated with these projects.

14.Lifeguard Towers

TBD

Should the Commission choose to move forward with lifeguards funding will need to be set aside for Towers on the beach.

Recommendation: Discuss the preliminary FY25 CIP budget and direct staff with any additions or deletions to the proposed plan. Staff will present the final CIP, including the project 5 year plan at future budget adoption meetings.

Exhibits: None



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Courtney Easley, Assistant to Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: NEW BUSINESS

Subject Title: RESOLUTION 2024-24 A RESOLUTION OF THE TOWN OF LAUDERDALE BY THE SEA FLORIDA, DESIGNATING JUNETEENTH AND COLUMBUS DAY/INDIGENOUS PEOPLES' DAY AS OFFICIAL TOWN HOLIDAYS; PROVIDING FOR AN EFFECTIVE DATE

Explanation: On May 14, 2024, the Town Commission approved Resolution 2024-16 amending the Town's Personnel Manual by adding a second floating holiday for the observance of Juneteenth National Independence Day. This second personnel day can be taken for any day the employee chooses. At the meeting, Commissioner Graziano expressed interest and raised a discussion about designating Juneteenth and Columbus Day/Indigenous Peoples Day as official Town holidays. At the May 28, 2024, Town Commission meeting, the Commission gave consensus to direct staff to bring back an agenda item for Commission consideration. Staff surveyed twenty-two (22) Broward municipalities and found that 17 were closed for the Juneteenth holiday and 2 were closed for Columbus/Indigenous People's Day.

If approved, this resolution would designate Juneteenth and Columbus Day/Indigenous Peoples' Day as official Town holidays.

As an official Town holiday, Town administrative offices will be closed. Public Works will have limited staff to complete town-wide janitorial duties at public facilities. Regularly scheduled garbage pick-up will continue as normal.

Currently, the Town observes the following holidays:

1. New Year's Day,
2. Martin Luther King Jr. Day,
3. Presidents' Day,
4. Memorial Day,
5. Independence Day,
6. Labor Day,
7. Veterans' Day,
8. Thanksgiving Day,

9. Day after Thanksgiving,
10. Christmas Day

Financial Impact

The Town has 33 full-time employees, 2 part-time employees and one contract employee (Town Manager). The estimated cost for overtime pay for Public Works staff is \$1,000 per holiday, which would be additional to what the Town currently budgets for overtime.

Recommendation: For consideration

Exhibits:

1. Resolution 2024-24
2. Exhibit A - Juneteenth and Columbus Day
3. Exhibit B - Municipal Survey - May 2024
4. Federal Holiday General Information

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A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN'S PERSONNEL POLICIES MANUAL BY RECOGNIZING JUNETEENTH NATIONAL INDEPENDENCE DAY AND COLUMBUS DAY/INDIGENOUS PEOPLES' DAY AS TOWN HOLIDAYS; PROVIDING FOR IMPLEMENTATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (“Town”) has adopted a manual of personnel rules and regulations, which is referred to as the Personnel Policies Manual, in order to ensure that employees and prospective employees are treated in a manner consistent with applicable employment laws and regulations; and

WHEREAS, the Personnel Policies Manual addresses employee benefits, including the provision of holiday leave; and

WHEREAS, the Town recognizes twelve (12) official holidays for employees, inclusive of two floating holidays each fiscal year, that must be used by the end of each fiscal year or are forfeited; and

WHEREAS, the Town desires to recognize Juneteenth National Independence Day (“Juneteenth”) as a Town holiday to be observed every June 19, which is a federal holiday; and

WHEREAS, the Town desires to also recognize Columbus Day/Indigenous Peoples’ Day (“Columbus Day”) as a Town holiday to be observed every second Monday in October, which is also a federal holiday; and

WHEREAS, because any changes to the Personnel Policies Manual that relate to benefits must be approved by resolution of the Town Commission, the Town wishes to adopt this

Resolution to modify holiday leave by adding two (2) holidays for the observance of Juneteenth and Columbus Day.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:

SECTION 1. Recitals. Each “WHEREAS” clause set forth is true and correct, and herein incorporated by this reference.

SECTION 2. Amendment to Personnel Policies Manual. The Town hereby adopts the modification of the holiday leave benefit as revised and set forth in the Personnel Policies Manual attached hereto as Exhibit “A,” which adds Juneteenth and Columbus Day/Indigenous Peoples’ Day as Town observed holidays.

SECTION 3. Implementation. The Town Manager or her designee and the Town Attorney are authorized to take all actions necessary to implement the amended provision of the Personnel Policies Manual.

SECTION 4. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2024.

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Mayor Edmund Malkoon

Attest:

Katrina Adler, Town Clerk
(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

F. HOLIDAYS

1. OFFICIAL HOLIDAYS

The following shall be observed as official holidays for employees of the Town of Lauderdale-By The-Sea:

1. New Year's Day,
2. Martin Luther King Jr. Day,
3. Presidents' Day,
4. Memorial Day,
5. Juneteenth Independence Day
5. 6. Independence Day,
6. 7. Labor Day,
8. Columbus Day/Indigenous Peoples' Day
7. 9. Veterans' Day,
8. 10. Thanksgiving Day,
9. 11. Day after Thanksgiving,
10. 12. Christmas Day, and
11. 13. Floating Holiday (2) (day of employee choice).

Municipality	Personal Hours	Juneteenth Open or Closed	Columbus /Indigenous People Day Open or Closed
Coconut Creek	16	Closed	Open
Copper City	16	Open	Closed
Davie	16	Closed	Open
Deerfield Beach	8	Closed	Open
Coral Springs	40	Closed	Open
Fort Lauderdale	0	Open	Open
Lauderdale Lakes	24	Closed	Open
Hillsboro Beach	0	Open	Open
Lauderdale-By-The-Sea	16	Open	Open
Lauderhill	8	Closed	Open
Lighthouse Point	8	Closed*	Open
Oakland Park	8	Closed	Open
Margate	8	Open	Open
Parkland	16	Closed	Open
Southwest Ranches	20	Closed	Open
West Park	21	Closed	Open
Wilton Manors	16	Closed	Closed
North Lauderdale	0	Closed	Open
Pembroke Pines	0	Closed	Open
Plantation	8	Closed	Open
Pompano Beach	16	Closed	Open
Sunrise	40*	Open	Open
Weston	0	Closed	Open

*Enacted since last municipal survey on May 6, 2024.
Updated: June 17, 2024

Juneteenth

Juneteenth is an official State and Federal holiday. Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States. June 19, 1865, was the day that General Gordon Granger announced in Galveston, Texas that the Civil War had ended, and slaves were free by order of President Abraham Lincoln. Juneteenth takes place every June 19 and is known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day to recognize the freedom for those who were enslaved. Juneteenth became a federal holiday in 2021.

Columbus Day

Columbus Day is a national holiday in many countries of the Americas and elsewhere, and a federal holiday in the United States, which officially celebrates the anniversary of Christopher Columbus's arrival in the Americas. Since 1971, when Columbus Day became an officially recognized Federal holiday in the United States, it has been observed on the second Monday in October, as commemorated by annual Presidential proclamation noting Columbus' achievements. Some Italian Americans observe Columbus Day as a celebration of their heritage and not of Columbus himself.

Indigenous People's Day

Indigenous Peoples' Day is a holiday in the United States that celebrates and honors indigenous American peoples and commemorates their histories and cultures. It is celebrated across the United States on the second Monday in October and is an official city and state holiday in various localities. It began as a counter-celebration held on the same day as the U.S. federal holiday of Columbus Day, which honors Italian explorer Christopher Columbus.



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: ORDINANCES 1st Reading

Subject Title: ORDINANCE 2024-06-AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11, "DEFINITIONS" AND SECTION 30-154 "PROHIBITED USES" TO MODIFY, CLARIFY AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

Explanation: The use of marijuana has become increasingly prevalent following changes in state laws regarding its medical and recreational use. Recently, the Florida Supreme Court approved the inclusion of a question regarding the legalization of adult personal use of marijuana on the ballot for the upcoming election in November (**Exhibit 1**), which provides:

Florida Amendment 3, the **Marijuana Legalization Initiative**, is on the ballot in Florida as an initiated constitutional amendment on November 5, 2024.

A "yes" vote supports legalizing marijuana for adults 21 years old and older and allowing individuals to possess up to three ounces of marijuana.

A "no" vote opposes legalizing marijuana for adult use in Florida.

Should the question be approved by the voters, the effective date of the legalization of adult personal use of marijuana will be six months after voter approval, allowing sufficient time for the necessary regulatory frameworks to be established. Nonetheless, it is important to note that, as was the case with medical marijuana, the legalization of adult personal use of marijuana would apply only to Florida law and does not change, or immunize violations of federal law.

The Town currently prohibits medical marijuana retail centers pursuant to Section 30-154 (a) (**Exhibit 2**) of the Town Code of Ordinances ("Town Code"). As such, the Town has no clear regulations concerning adult personal use of marijuana and should the measure in November pass, we recognize the need to have established provisions to prevent inconsistency in interpretation and enforcement. It is important to amend the Town Code to remove ambiguity and include necessary detail into the Town's marijuana regulations. Ordinance 2024-

06 (**Exhibit 3**) achieves these goals.

The proposed Ordinance was presented to the Planning and Zoning Board at its June 5 meeting. The Planning and Zoning Board recommended approval of the Ordinance with a 4-0 vote (**Exhibit 4**). There were no amendments proposed by the Planning and Zoning Board.

Recommendation: Staff recommends approval of Ordinance 2024-06 on first reading.

Exhibits:

1. Constitutional Amendment Personal Use Marijuana
2. Sec. 30_154.____Prohibited_uses. (1)
3. Ordinance 2024-06 Personal Use Marijuana Ordinance
4. Planning and Zoning Board Meeting Unapproved Minutes - 6.5.2024

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: Adult Personal Use of Marijuana

Ballot Summary: Allows adults 21 years or older to possess, purchase, or use marijuana products and marijuana accessories for non-medical personal consumption by smoking, ingestion, or otherwise; allows Medical Marijuana Treatment Centers, and other state licensed entities, to acquire, cultivate, process, manufacture, sell, and distribute such products and accessories. Applies to Florida law; does not change, or immunize violations of, federal law. Establishes possession limits for personal use. Allows consistent legislation. Defines terms. Provides effective date.

Article and Section Being Created or Amended: Article X, Section 29

Full Text of the Proposed Amendment: SECTION 29. ~~Medical m~~Marijuana production, possession and use.—

(a) PUBLIC POLICY.

(1) The medical use of marijuana by a qualifying patient or caregiver in compliance with this section is not subject to criminal or civil liability or sanctions under Florida law.

(2) A physician shall not be subject to criminal or civil liability or sanctions under Florida law solely for issuing a physician certification with reasonable care to a person diagnosed with a debilitating medical condition in compliance with this section.

(3) Actions and conduct by a Medical Marijuana Treatment Center registered with the Department, or its agents or employees, and in compliance with this section and Department regulations, shall not be subject to criminal or civil liability or sanctions under Florida law.

(4) The non-medical personal use of marijuana products and marijuana accessories by an adult, as defined below, in compliance with this section is not subject to any criminal or civil liability or sanctions under Florida Law.

(5) Medical Marijuana Treatment Centers, and other entities licensed as provided below, are allowed to acquire, cultivate, process, manufacture, sell, and distribute marijuana products and marijuana accessories to adults for personal use upon the Effective Date provided below. A Medical Marijuana Treatment Center, or other state licensed entity, including its agents and employees, acting in accordance with this section as it relates to acquiring, cultivating, processing, manufacturing, selling, and distributing marijuana products and marijuana accessories to adults for personal use shall not be subject to criminal or civil liability or sanctions under Florida law.

(b) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) “Debilitating Medical Condition” means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder

Initiative Information

Date Approved 8/23/2022

Serial Number 22-05

Sponsor Name: Smart & Safe Florida

Sponsor Address: 1400 Village Square Boulevard, Suite 3-321, Tallahassee, FL 32312

CONSTITUTIONAL AMENDMENT FULL TEXT

(PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

(2) "Department" means the Department of Health or its successor agency.

(3) "Identification card" means a document issued by the Department that identifies a qualifying patient or a caregiver.

(4) "Marijuana" has the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, "Low-THC cannabis" as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term "marijuana."

(5) "Medical Marijuana Treatment Center" (MMTC) means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department.

(6) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

(7) "Caregiver" means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

(8) "Physician" means a person who is licensed to practice medicine in Florida.

(9) "Physician certification" means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

(10) "Qualifying patient" means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

Initiative Information

Date Approved 8/23/2022

Serial Number 22-05

Sponsor Name: Smart & Safe Florida

Sponsor Address: 1400 Village Square Boulevard, Suite 3-321, Tallahassee, FL 32312

CONSTITUTIONAL AMENDMENT FULL TEXT

(11) "Marijuana accessories" means any equipment, product, or material of any kind that are used for inhaling, ingesting, topically applying, or otherwise introducing marijuana products into the human body for personal use.

(12) "Marijuana products" means marijuana or goods containing marijuana.

(13) "Personal use" means the possession, purchase, or use of marijuana products or marijuana accessories by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise. An adult need not be a qualifying patient in order to purchase marijuana products or marijuana accessories for personal use from a Medical Marijuana Treatment Center. An individual's possession of marijuana for personal use shall not exceed 3.0 ounces of marijuana except that not more than five grams of marijuana may be in the form of concentrate.

(c) LIMITATIONS.

(1) Nothing in this section allows for a violation of any law other than for conduct in compliance with the provisions of this section.

~~(2) Nothing in this section shall affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana.~~

(2) Nothing in this amendment prohibits the Legislature from enacting laws that are consistent with this amendment.

(3) Nothing in this section authorizes the use of medical marijuana by anyone other than a qualifying patient.

(4) Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana.

(5) Nothing in this section changes federal law or requires the violation of federal law or purports to give immunity under federal law.

(6) Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

(7) Nothing in this section shall require any health insurance provider or any government agency or authority to reimburse any person for expenses related to the medical use of marijuana.

(8) Nothing in this section shall affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, MMTC, or its agents or employees.

(d) DUTIES OF THE DEPARTMENT. The Department shall issue reasonable regulations necessary for the implementation and enforcement of this section. The purpose of the regulations is to ensure the availability and safe use of medical marijuana by qualifying patients. It is the duty of the Department to promulgate regulations in a timely fashion.

Initiative Information

Date Approved 8/23/2022

Serial Number 22-05

Sponsor Name: Smart & Safe Florida

Sponsor Address: 1400 Village Square Boulevard, Suite 3-321, Tallahassee, FL 32312

CONSTITUTIONAL AMENDMENT FULL TEXT

(1) Implementing Regulations. In order to allow the Department sufficient time after passage of this section, the following regulations shall be promulgated no later than six (6) months after the effective date of this section:

a. Procedures for the issuance and annual renewal of qualifying patient identification cards to people with physician certifications and standards for renewal of such identification cards. Before issuing an identification card to a minor, the Department must receive written consent from the minor's parent or legal guardian, in addition to the physician certification.

b. Procedures establishing qualifications and standards for caregivers, including conducting appropriate background checks, and procedures for the issuance and annual renewal of caregiver identification cards.

c. Procedures for the registration of MMTCs that include procedures for the issuance, renewal, suspension and revocation of registration, and standards to ensure proper security, record keeping, testing, labeling, inspection, and safety.

d. A regulation that defines the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence. This presumption as to quantity may be overcome with evidence of a particular qualifying patient's appropriate medical use.

(2) Identification cards and registrations. The Department shall begin issuing qualifying patient and caregiver identification cards, and registering MMTCs no later than nine (9) months after the effective date of this section.

(3) If the Department does not issue regulations, or if the Department does not begin issuing identification cards and registering MMTCs within the time limits set in this section, any Florida citizen shall have standing to seek judicial relief to compel compliance with the Department's constitutional duties.

(4) The Department shall protect the confidentiality of all qualifying patients. All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.

(e) LEGISLATION. Nothing in this section shall limit the legislature from enacting laws consistent with this section. The legislature may provide for the licensure of entities that are not Medical Marijuana Treatment Centers to acquire, cultivate, possess, process, transfer, transport, sell, and distribute marijuana products and marijuana accessories for personal use by adults.

(f) SEVERABILITY. The provisions of this section are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by a court of competent jurisdiction other provisions shall continue to be in effect to the fullest extent possible.

(g) EFFECTIVE DATE. This amendment shall become effective six (6) months after approval by the voters.

Initiative Information

Date Approved 8/23/2022

Serial Number 22-05

Sponsor Name: Smart & Safe Florida

Sponsor Address: 1400 Village Square Boulevard, Suite 3-321, Tallahassee, FL 32312

EXHIBIT 2

Sec. 30-154. Prohibited uses.

- (a) *Medical marijuana retail center.* In accordance with F.S. § 381.986 (2017) it is hereby expressly provided that medical marijuana retail centers are prohibited within the Town in each and every zoning district.
- (b) *Other prohibited uses.* Except as provided in any applicable zoning district regulations, any use not specifically identified as a permitted, conditional, accessory, or temporary use within a zoning district is prohibited in that zoning district.

(Ord. No. 2017-09, § 2, 9-13-2017)

EXHIBIT 3

ORDINANCE 2024-06

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND SECTION 30-154 “PROHIBITED USES” TO MODIFY, CLARIFY AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s regulatory needs; and

WHEREAS, the use of marijuana has become increasingly prevalent following changes in state laws regarding its medical and recreational use; and

WHEREAS, the Florida Supreme Court has approved the inclusion of a question regarding the legalization of adult personal use of marijuana on the ballot for the upcoming election in November; and

WHEREAS, should the legislation be approved by voters, the effective date of the legalization of adult personal use of marijuana will be six months after voter approval, allowing sufficient time for the necessary regulatory frameworks to be established; and

WHEREAS, current Town regulations concerning marijuana are deemed ambiguous and insufficiently detailed, leading to inconsistencies in interpretation and enforcement; and

WHEREAS, clear and detailed regulations will promote compliance, enhance public safety, and support the responsible use of marijuana; and

WHEREAS, accordingly the Town Commission desires to amend the Town Code to clarify requirements related to marijuana within the Town; and

EXHIBIT 3

30 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
31 reviewed the contents of this Ordinance at a duly noticed public hearing on June 05, 2024; and

32 **WHEREAS**, the Town Commission conducted first and second reading of this Ordinance at
33 duly noticed public hearings, as required by law, and after having received input from and
34 participation by interested members of the public and staff, the Town Commission has determined
35 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
36 Town, its residents, and its visitors.

37 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN**
38 **OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

39 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as
40
41 the legislative intent of this Ordinance.

42 **SECTION 2. Amendment.** Chapter 30, “Unified Land Development Regulations,” Article
43 I, “In General,” Section 30-11, “Definitions” of the Town Code of Ordinances, is hereby amended as
44 follows¹:

45 **Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS**

46 **ARTICLE I. IN GENERAL**

47 * * *

48 **Sec. 30-11. – Definitions.**

49 * * *

50 *(c) Abbreviations and definitions.*

51 * * *

52 *(2) Terms defined.*

53 * * *

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double striketrough~~.

EXHIBIT 3

Marijuana. Any strain of cannabis or marijuana, in any form, that is authorized by State law to be dispensed or sold in the State of Florida. Also referred to as “Medical Marijuana.” Includes marijuana for adult personal use and any other marijuana that may be authorized by State law.

* * *

Medical marijuana retail center. A retail establishment, licensed by the Florida Department of Health or other agency of the State of Florida as a “medical marijuana treatment facility,” “medical marijuana treatment center,” “dispensing organization,” “dispensing organization facility” or similar use, that sells and dispenses medical marijuana, marijuana for adult personal use, or marijuana of any kind.

* * *

SECTION 3. Amendment. Chapter 30, “Unified Land Development Regulations,” Article V, “Zoning,” Section 30-154, “Prohibited Uses” of the Town Code of Ordinances, is hereby amended as follows²:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 30-154. – Prohibited uses.

(a) *Medical marijuana retail center.* In accordance with F.S. § 381.986 (2017), as it may be amended, it is hereby expressly provided that medical marijuana retail centers are prohibited within the Town in each and every zoning district.

(b) *Other prohibited uses.* Except as provided in any applicable zoning district regulations, any use not specifically identified as a permitted, conditional, accessory, or temporary use within a zoning district is prohibited in that zoning district.

² Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double striketrough~~.

EXHIBIT 3

* * *

SECTION 4. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of June, 2024.
Passed and adopted on the second reading, this ____ day of June, 2024.

MAYOR EDMUND MALKOON

	First Reading	Second Reading
Mayor Malkoon		
Vice-Mayor Strauss		
Commissioner Pouloupoulos		
Commissioner DeNapoli		
Commissioner Graziano		

EXHIBIT 3

116 ATTEST:
117
118
119 _____
120 Town Clerk Katrina Adler
121
122 APPROVED AS TO FORM:
123
124
125 _____
126 Susan L. Trevarthen, Town Attorney

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, June 5, 2024**

1. CALL TO ORDER

Vice Chair Blake called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:00PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Vice Chair Karen Blake, Board Members Ron Piersante, Jeff Goldman, and William (Bill) Ferrante. The absent were Chair Sylvester, Board Members Leslie Richardson, and Patrick Ucci. Present in person were Town Attorney Narinah Jean-Batiste, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Bryan Ramiriz and Board Clerk Megan Small.

3. APPROVAL OF MINUTES**a. Planning & Zoning (P&Z) Meeting Minutes – May 1, 2024**

Board Member Ferrante made a motion to approve the minutes of the P&Z Meeting of May 1, 2024 as written. The motion was seconded by Board Member Piersante. The motion to approve the May 1, 2024 minutes as written carried 4-0.

4. PUBLIC COMMENTS

Vice Chair Blake opened the meeting to the public for any comments but if a member of the public wished to speak on a specific agenda item, that person could choose to wait until public comment opened on that item. As no one wished to speak now and the Vice Chair closed this portion of Public Comments.

5. NEW BUSINESS**5.a.**

ORDINANCE 2024-06 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11, "DEFINITIONS" AND SECTION 30-154 "PROHIBITED USES" TO MODIFY, CLARIFY AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

The Vice Chair requested Staff to present the item and Development Services Director (DSD) Jhanelle Campbell gave a brief history and stated that on the November ballot, there was a question which was Florida Amendment 3, Marijuana Legalization Initiative (2024). A "yes" vote supported legalizing marijuana for adults 21 years and older and individuals could possess up to 3 ounces of marijuana. A "no" vote opposed legalizing marijuana for adult use. If this

was approved, the effective date would be six months after voter approval. If it was approved, it would only apply to Florida law and did not change or immunize violations of Federal law. Town Code currently prohibited medical marijuana retail centers pursuant to Section 30-154(a) and needed to establish clear regulations for adult personal use of marijuana. This would prevent inconsistencies in interpretation and would allow for enforcement. It was important that any ambiguity be removed from the Code and to include necessary details in the Town's marijuana regulations. She explained that the ordinance before the Board did all this and Staff was recommending approval of Ordinance 2024-06 by the Planning and Zoning Board. There were no Board Questions and no Public Comments.

The Vice Chair called for Board Comments. Board Member Piersante asked how this would affect the smoke shops in Town. DSD Campbell answered that there should be no effect on smoke shops which were regulated under tobacco paraphernalia, a separate set of regulations. Board Member Ferrante inquired about in the future if the Town did not want to have marijuana shops, they would have to pass a new ordinance and with the new State law going into effect, would the Town be able to do that. The DSD answered that currently, the Town prohibited medical marijuana centers. If the law passed, it meant that a person would be able to carry and utilize for personal use up to three ounces without medical clearance. Vice Chair Blake wanted to know if in the definition and in the amendment, was hemp and things that were cannabis included. DSD Campbell said that this amendment did not include hemp which was handled under separate State parameters. The Vice Chair asked if the Town wanted to discourage this, we would have to have a separate ordinance if permitted by State law and not preempted for which DSD Campbell answered that she was correct. Town Attorney Narinah Jean-Batiste further explained what department dictated the sale of hemp, hemp extract, and what that meant and what one could do. The Town would not be able to just prohibit it as the State had a regulatory framework for that. Vice Chair Blake wanted to know if the Town's zoning could prohibit the sale of it and it was decided that additional research would be required to answer that question. The Vice Chair just wanted to ensure if the Board passed this tonight, hemp was not included and it was not. The Town Attorney would definitely take a look at zoning but per Florida Statutes, hemp was not a part of the definition of marijuana. Board Member Goldman asked about line 24 in the ordinance which talked about ambiguous and DSD Campbell said that the Code was a living document and over time, sometimes the language needed to be changed. The Motion to approve Ordinance 2024-06 was unanimously passed (4-0).

5.b.

ORDINANCE 2024-07 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, CREATING CHAPTER 30 "UNIFIED LAND DEVELOPMENT
REGULATIONS," ARTICLE IV "DEVELOPMENT PERMITS – APPLICATIONS,
REQUIREMENTS AND REVIEW PROCEDURES," SECTION 30-125 "UNITY OF
TITLE OR COVENANT IN LIEU OF UNITY OF TITLE" AND PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

The Vice Chair requested Staff to present the item and also called for Public Comment but as there wasn't any, Public Comment was closed. Development Services Director Campbell explained that municipalities were able to use various methods to control mixed-use development which could result in multiple ownerships. They typically use the Unity of Title as the document to accommodate these situations. However, there were instances when there were multiple parcels with multiple owners and Unity of Title did not work. Covenant in Lieu might then be used. The Town has used Unity of Title in the past but regulations never had

been formerly established in the Code. The Town thought it was important to establish these regulations and that would be the ordinance before the Board. Recently, a hotel owner requested using Covenant in Lieu instead of Unity of Title and that was the basis for establishing these regulations. Board Member Piersante wanted to know what would happen if there were five or six owners in a parcel, would they all be responsible. DSD Campbell explained that the Covenant in Lieu stayed with the property because Covenants stayed with the property and not with the owner(s). As there were no other Board Questions or anyone requesting to speak, the Vice Chair called for a motion.

Board Member Goldman made a motion to approve Ordinance 2024-07. The motion was seconded by Board Member Piersante. The motion to approve Ordinance 2024-07 as written carried 4-0.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Board Member Ferrante made a motion to adjourn at approximately 6:16PM. The motion was seconded by Board Member Goldman. The motion to adjourn carried 4-0.

ATTEST:

Vice Chair Karen Blake

Date Accepted: _____



Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: ORDINANCES 1st Reading

Subject Title: ORDINANCE 2024-07- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “DEVELOPMENT PERMITS – APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” SECTION 30-125 “UNITY OF TITLE OR COVENANT IN LIEU OF UNITY OF TITLE” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation: There are several projects in Lauderdale-By-The-Sea which required a unity of title to effectuate the redevelopment of the property. An example is Sea Side Villas resort where a unity of title was the tool that we used to support its redevelopment (parking, density, pervious/impervious areas, etc). Municipalities can utilize other methods to regulate and control multi-phased and/or mixed-use developments, which may result in multiple ownerships. Typically, a Unity of Title is used to insure adherence to an approved site plan. However, a Covenant In Lieu of Unity of Title may also be used to achieve the same results when multiple owners exist over more than one parcel. Unity of Title and Covenant in Lieu of Unity of Title agreements serve as mechanisms for promoting flexibility in property development while safeguarding the broader interests of the community. Adopting additional means for redevelopment allows staff the ability to provide opportunities to preserve the existing character of our community.

In order to protect the zoning integrity of the overall site plan, but allow for the development of complex projects, a Covenant in Lieu of Unity of Title (“CIL”) is required.

A CIL requires that:

1. A property will be developed in accordance with an approved site plan.
2. The subject property may be allowed to developed in phases which must be consistent with the overall site plan.
3. The CIL must be recorded in the public records and run with the land and shall be binding on all successors and assigns.

It should also be noted that an Easement and Operating Agreement must be recorded which

maintains the integrity of the approved site plan prior to any sale of a portion of the tract subject to the CIL. The CIL has been utilized for many years and has achieved its intended goal of fully recognizing the zoning site plan of a parcel of land.

Ordinance 2024-07 (**Exhibit 1**) establishes parameters for the use of unity of titles and covenant in lieu of unity of title. A recent request from a hotel owner to utilize a CIL highlighted the need for established regulations to be added to the Town Code.

The proposed Ordinance was presented to the Planning and Zoning Board at its June 5 meeting. The Planning and Zoning Board recommended approval of the Ordinance with a 4-0 vote (**Exhibit 2**). There were no amendments proposed by the Planning and Zoning Board.

Recommendation: Staff recommends approval of Ordinance 2024-07 on first reading.

Exhibits:

1. Ordinance 2024-07 -Covenant In Lieu of Unity of Title Ordinance
2. Planning and Zoning Board Meeting Unapproved Minutes - 6.5.2024

ORDINANCE 2024-07

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, CREATING CHAPTER 30 “UNIFIED
LAND DEVELOPMENT REGULATIONS,” ARTICLE IV
“DEVELOPMENT PERMITS – APPLICATIONS,
REQUIRMENTS AND REVIEW PROCEDURES,” SECTION
30-125 “UNITY OF TITLE OR COVENANT IN LIEU OF
UNITY OF TITLE” AND PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR
AN EFFECTIVE DATE.**

WHEREAS, the Town of Lauderdale-By-The-Sea, Florida (the “Town”) Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s regulations are current and consistent with the Town’s planning and regulatory needs; and

WHEREAS, Unity of Title and Covenant in Lieu of Unity of Title agreements serve as mechanisms for promoting flexibility in property development while safeguarding the broader interests of the community; and

WHEREAS, the Town Commission desires to establish clear and consistent guidelines for Unity of Title or Covenant in Lieu of Unity of Title agreements to facilitate transparency, predictability, and compliance; and

WHEREAS, the Town Commission conducted first reading of this Ordinance at duly noticed public hearings, as required by law, and after gathering input from interested members of the public and staff, the Town Commission determined that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN
OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

SECTION 1. Recitals. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Section 30-125 “Unity of Title or Covenant in Lieu of Unity of Title” of the Town Code of Ordinances, is hereby created as follows¹:

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – DEVELOPMENT PERMITS – APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES

* * *

Sec. 30-125. - Unity of title or covenant in lieu of unity of title.

An applicant that proposes a site plan that includes multiple buildings on a single property shall submit one of the following documents:

(a) *Unity of Title.* A unity of title, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees or lessees and others presently or in the future having any interest in the property; or

(b) *Covenant in Lieu of Unity of Title.* A declaration of restrictive covenants, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. To the extent applicable, the declaration shall contain the following necessary elements:

(1) The subject site will be developed in accordance with the approved site plan. No modification shall be submitted to the Town for approval without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought.

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions to existing text since 1st reading are shown in double underline. Deletions since 1st reading are shown in ~~double-strikethrough~~.

EXHIBIT 1

(2) If the subject property will be developed in phases, that each phase will be developed in accordance with the approved site plan.

(3) In the event of multiple ownerships subsequent to site plan approval, that each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants. The owner shall further agree that he or she will not convey portions of the subject property to such other parties unless and until the owner and such other party (parties) shall have executed and mutually delivered, in recordable form, an instrument to be known as an "easement and operating agreement" which shall contain, among other things:

(a) Easements in the common area of each parcel of land for ingress to and egress from the other parcels of land;

(b) Easements in the common area of each parcel of land for the passage and parking of motor vehicles;

(c) Easements in the common area of each parcel of land for the passage and accommodation of pedestrians;

(d) Easements for access roads across the common area of each parcel of land to public and private roadways;

(e) Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel of land;

(f) Easements on each such parcel of land for construction of buildings and improvements in favor of each such other parcel of land;

(g) Easements upon each such parcel of land in favor of each adjoining parcel of land for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;

(h) Easements on each parcel of land for attachment of buildings;

(i) Easements on each parcel of land for building overhangs and other overhangs and projections encroaching upon such parcel of land from adjoining parcel of land for marquees, canopies, lights, lighting devices, awnings, wing walls and the like;

(j) Appropriate reservation of rights to grant utility easements;

(k) Appropriate reservation of rights to road rights-of-ways and curb cuts;

(l) Easements in favor of each such parcel of land for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and

(m) Appropriate agreements between the owners of the several parcels of land as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

In addition, such easement and operating agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as agreed to by the parties, to insure that even although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan. Non-use variances created solely by separate ownerships, pursuant to this section, shall be waived.

EXHIBIT 1

(4) Duration and Release. The declaration of restrictive covenants shall be in effect for a period of 30 years from the date the documents are recorded in the public records of Broward County, Florida, after which time they shall be extended automatically for successive periods of ten years unless released in writing by the owners and the Town Manager, acting for and on behalf of the Town, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.

(5) Enforcement. Enforcement of the declaration of restrictive covenants shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

* * *

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of June, 2024.

Passed and adopted on the second reading, this ____ day of June, 2024.

MAYOR EDMUND MALKOON

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	First Reading	Second Reading
Mayor Malkoon		
Vice-Mayor Strauss		
Commissioner Pouloupoulos		
Commissioner DeNapoli		
Commissioner Graziano		

ATTEST:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, June 5, 2024**

1. CALL TO ORDER

Vice Chair Blake called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:00PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Vice Chair Karen Blake, Board Members Ron Piersante, Jeff Goldman, and William (Bill) Ferrante. The absent were Chair Sylvester, Board Members Leslie Richardson, and Patrick Ucci. Present in person were Town Attorney Narinah Jean-Batiste, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Bryan Ramiriz and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – May 1, 2024

Board Member Ferrante made a motion to approve the minutes of the P&Z Meeting of May 1, 2024 as written. The motion was seconded by Board Member Piersante. The motion to approve the May 1, 2024 minutes as written carried 4-0.

4. PUBLIC COMMENTS

Vice Chair Blake opened the meeting to the public for any comments but if a member of the public wished to speak on a specific agenda item, that person could choose to wait until public comment opened on that item. As no one wished to speak now and the Vice Chair closed this portion of Public Comments.

5. NEW BUSINESS

5.a.

ORDINANCE 2024-06 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11, "DEFINITIONS" AND SECTION 30-154 "PROHIBITED USES" TO MODIFY, CLARIFY AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

The Vice Chair requested Staff to present the item and Development Services Director (DSD) Jhanelle Campbell gave a brief history and stated that on the November ballot, there was a question which was Florida Amendment 3, Marijuana Legalization Initiative (2024). A "yes" vote supported legalizing marijuana for adults 21 years and older and individuals could possess up to 3 ounces of marijuana. A "no" vote opposed legalizing marijuana for adult use. If this

was approved, the effective date would be six months after voter approval. If it was approved, it would only apply to Florida law and did not change or immunize violations of Federal law. Town Code currently prohibited medical marijuana retail centers pursuant to Section 30-154(a) and needed to establish clear regulations for adult personal use of marijuana. This would prevent inconsistencies in interpretation and would allow for enforcement. It was important that any ambiguity be removed from the Code and to include necessary details in the Town's marijuana regulations. She explained that the ordinance before the Board did all this and Staff was recommending approval of Ordinance 2024-06 by the Planning and Zoning Board. There were no Board Questions and no Public Comments.

The Vice Chair called for Board Comments. Board Member Piersante asked how this would affect the smoke shops in Town. DSD Campbell answered that there should be no effect on smoke shops which were regulated under tobacco paraphernalia, a separate set of regulations. Board Member Ferrante inquired about in the future if the Town did not want to have marijuana shops, they would have to pass a new ordinance and with the new State law going into effect, would the Town be able to do that. The DSD answered that currently, the Town prohibited medical marijuana centers. If the law passed, it meant that a person would be able to carry and utilize for personal use up to three ounces without medical clearance. Vice Chair Blake wanted to know if in the definition and in the amendment, was hemp and things that were cannabis included. DSD Campbell said that this amendment did not include hemp which was handled under separate State parameters. The Vice Chair asked if the Town wanted to discourage this, we would have to have a separate ordinance if permitted by State law and not preempted for which DSD Campbell answered that she was correct. Town Attorney Narinah Jean-Batiste further explained what department dictated the sale of hemp, hemp extract, and what that meant and what one could do. The Town would not be able to just prohibit it as the State had a regulatory framework for that. Vice Chair Blake wanted to know if the Town's zoning could prohibit the sale of it and it was decided that additional research would be required to answer that question. The Vice Chair just wanted to ensure if the Board passed this tonight, hemp was not included and it was not. The Town Attorney would definitely take a look at zoning but per Florida Statutes, hemp was not a part of the definition of marijuana. Board Member Goldman asked about line 24 in the ordinance which talked about ambiguous and DSD Campbell said that the Code was a living document and over time, sometimes the language needed to be changed. The Motion to approve Ordinance 2024-06 was unanimously passed (4-0).

5.b.

ORDINANCE 2024-07 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, CREATING CHAPTER 30 "UNIFIED LAND DEVELOPMENT
REGULATIONS," ARTICLE IV "DEVELOPMENT PERMITS – APPLICATIONS,
REQUIREMENTS AND REVIEW PROCEDURES," SECTION 30-125 "UNITY OF
TITLE OR COVENANT IN LIEU OF UNITY OF TITLE" AND PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

The Vice Chair requested Staff to present the item and also called for Public Comment but as there wasn't any, Public Comment was closed. Development Services Director Campbell explained that municipalities were able to use various methods to control mixed-use development which could result in multiple ownerships. They typically use the Unity of Title as the document to accommodate these situations. However, there were instances when there were multiple parcels with multiple owners and Unity of Title did not work. Covenant in Lieu might then be used. The Town has used Unity of Title in the past but regulations never had

been formerly established in the Code. The Town thought it was important to establish these regulations and that would be the ordinance before the Board. Recently, a hotel owner requested using Covenant in Lieu instead of Unity of Title and that was the basis for establishing these regulations. Board Member Piersante wanted to know what would happen if there were five or six owners in a parcel, would they all be responsible. DSD Campbell explained that the Covenant in Lieu stayed with the property because Covenants stayed with the property and not with the owner(s). As there were no other Board Questions or anyone requesting to speak, the Vice Chair called for a motion.

Board Member Goldman made a motion to approve Ordinance 2024-07. The motion was seconded by Board Member Piersante. The motion to approve Ordinance 2024-07 as written carried 4-0.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Board Member Ferrante made a motion to adjourn at approximately 6:16PM. The motion was seconded by Board Member Goldman. The motion to adjourn carried 4-0.

ATTEST:

Vice Chair Karen Blake

Date Accepted: _____



Agenda Item No: 17.a.

Town Commission Agenda Item Report

Meeting Date: June 25, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2024-25: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: At the May 25, 2024 meeting, the Commission reconsidered their meeting procedures and requested the addition of a Commission Presentations category to the order of business for regular Town Commission meetings, in Section C. of the procedures. This Resolution accomplishes the Commission's request. In addition, the attached Resolution updates language to reflect the current Town organization and corrects grammatical and scrivener's errors. Finally, language was added to reflect current practice for Resolutions, Adjournment and Sequence of Agenda Items. All changes are underlined and highlighted in yellow for ease of reference.

Recommendation: Approve Resolution 2024-25.

Exhibits:

1. Resolution 2024-25 Commission Procedures 6.20.24

RESOLUTION 2024-25

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-19 “Minutes and Procedures of Meetings,” of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town Commission shall establish procedures relative to Town Commission meetings and agendas; and

WHEREAS, the Town Commission adopted Resolution 2011-05 on March 22, 2011, amending and replacing Resolution 2010-21 which set forth such procedures, and adopted Resolution 2011-17 on June 28, 2011 further updating the procedures; and

WHEREAS, on April 8, 2014, the Town Commission adopted Resolution 2014-15, on October 28, 2014 the Town Commission adopted Resolution 2014-42, on May 12, 2015 the Town Commission adopted Resolution 2015-17, on April 12, 2016 the Town Commission adopted Resolution 2016-13, on November 15, 2016, the Town Commission adopted Resolution 2016-42, and on May 10, 2022, the Town Commission adopted Resolution 2022-17, all repealing all prior resolutions and adopting new Commission Meeting and Agenda Procedures; and

WHEREAS, the Town Commission seeks to further revise the Commission Meeting and Agenda Procedures as set forth herein; and

WHEREAS, these Town Commission Meeting and Agenda Procedures shall be administered and implemented with flexibility, to assure that the will of the majority is accomplished while the rights of the minority are protected, to the end of accomplishing Town business in an efficient, effective and respectful manner; and

WHEREAS, the adoption of these procedures is in the best interest of the Town of Lauderdale-By-The-Sea.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:

SECTION 1. Recitals. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Procedures Adopted. The Town Commission Meeting and Agenda Procedures set forth in Resolution 2022-17 are hereby amended in part to read as follows:¹

A. TOWN COMMISSION MEETINGS

- i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission shall hold regular meetings each month at Jarvis Hall, and may decide not to have a regular meeting in a given month. Regular Commission meetings are held at 6:30 p.m. The Commission may cancel or reschedule regular Commission meetings as it determines to be necessary. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law, and shall include a section devoted to public comment prior to taking any official action pursuant to Section 286.0114, Florida Statutes. The Town Manager or his or her designee (hereinafter referred to as “the Town Manager”) shall attend regular meetings, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney or his or her designee (hereinafter referred to as “the Town Attorney”) shall attend regular meetings. The purpose of such meetings is to conduct the business of the Town. If an item results (or may result) in extensive discussion at a regular meeting, any Commissioner² may move that the item be continued to a roundtable for discussion or to a special meeting if action is contemplated.
- ii. **Roundtable Workshop Meetings.** The Town Commission shall meet as needed in a roundtable to be conducted as a public meeting and provide for a public comment period as described below in Sub-section F.ii. The Commission may schedule, cancel or reschedule roundtable meetings of the Commission as it determines to be necessary. A roundtable may be recessed to a later date certain which is announced at the roundtable. The Town Commission may discuss each

¹ Changes from Resolution 2022-17 are shown in ~~strikethrough~~ and underline font, to indicate deletions and additions respectively. Changes made at second reading are shown in ~~double-strikethrough~~ and double underline font.

² All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

item, defer the item to a later roundtable, or indicate that the item is ready to be placed on the agenda of a regular or special commission meeting for action. The Town Commission shall discuss the agenda items and provide feedback, but shall not take action at roundtables. The Town Manager shall attend the roundtable, prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend roundtables.

iii. **Special Meetings.**

- (a) Special meetings shall be handled as provided in Town Code Section 2-18.
- (b) With the written notice and following the procedures required in Section 2-18, the Commission may hold special meetings at any time on the call of the Mayor, the Manager, or any Commissioner, upon no less than 48 hours' notice to each Commissioner and the public. Alternatively, special meetings may be called on such shorter notice as any two (2) Commissioners shall deem necessary in case of an emergency affecting life, health, property or the public peace. Immediately upon convening such special meeting, the Town Commission shall consider any such determination of emergency, and may continue the meeting if an emergency is found to exist by at least three (3) Commissioners. Emergency special meetings shall always be scheduled with as much notice as is possible under the circumstances.
- (c) A majority of the Commissioners (three (3)) shall constitute a quorum to transact business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent Commissioners. Special Commission meetings are generally held at 6:30 p.m., but shall be scheduled to accommodate the schedule of all Town Commissioners as much as is feasible. The Town Manager shall attend the special meeting, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend special meetings. Only those matters listed on the agenda of the special meeting shall be discussed, and no additional items may be added at the special meeting.
- (d) Notice to the public shall be accomplished by posting at the Town Hall. Notices shall state the place, date and hour of the special meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting, except as stated in the notice. Discussions at a special meeting shall be limited to the items listed on the agenda for such meetings. All special meetings shall be open to the public, except as may be expressly exempted by state law.

- (e) A special meeting may be recessed to a later date certain which is announced at the special meeting.
- iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution, in accordance with Town Charter Section 6.2.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last in any roll call vote, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the

proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

The order of business of the Town Commission at the regular Commission meetings shall be as follows:

- (1) Call to Order/Invocation (See Resolution No. 2016-04)/Pledge of Allegiance
- (2) Additions, Deletions, Deferrals of Agenda Items
- (3) Special Presentations
- (4) Public Comments
- (5) Public Safety Discussion
- (6) Town Manager Report
- (7) Town Attorney Report
- (8) Approval of Minutes
- (9) Consent Agenda
- (10) Old Business
- (11) New Business
- (12) Commissioner ~~Comments~~ Presentations
- (13) ~~Ordinances~~ Commissioner Comments
- (14) ~~Resolutions~~ Ordinances
- (15) ~~Quasi-Judicial Public Hearings~~ Resolutions
- (16) ~~Adjournment~~ Quasi-Judicial Public Hearings
- (17) Adjournment

Where any applicable law may require a different order or procedure for the Commission meeting, such as for meetings involving the budget, those laws shall be followed and the meeting procedures altered as may be appropriate.

Upon request by the Mayor or a Commissioner or the Town Manager, items on the agenda may be moved out of sequence to expedite the matters before the Town Commission, or ensure that items that related to each other are considered in context or for such other reasons as may be deemed appropriate by the Town Commission.

D. COMMISSION DISCUSSION

- i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to three minutes except as may otherwise be determined by a majority of the Town Commission. Each Commissioner shall be afforded the opportunity to offer rebuttal on each item discussed, which shall also be limited to three minutes. These time limits will not be strictly enforced unless the Town Commission votes to do so. A Commissioner, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other Commissioners or the public, and shall not engage in personal attacks. Commissioners shall not interrupt another Commissioner who has the floor, and shall be polite and respectful. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23. The Town Manager may play a role in keeping the Town Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak. The Mayor shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak.
- ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a Commissioner wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the Commissioner. All questions of Town staff shall be made through the Town Manager.

E. PUBLIC PARTICIPATION AND DISCUSSION

- i. **Public Hearings.** Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing, for a maximum of three minutes each. After the Public Hearing is closed by the Mayor, only Commissioners or Town administration shall discuss the item.
- ii. **Addressing Commission: Manner and Time.** Public discussion at public hearings or at items which are opened to public discussion (other ~~then~~ than the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. A person’s allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. However, a group of people may ask the Mayor to allow them to combine and donate their time to a single speaker, who shall not speak for longer than the donated time, up to ten (10) minutes total or such other maximum time that the Mayor may establish. However, the Mayor may authorize the extension of this

time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall approach the speaker's podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition. No vote or official action may be taken on a presentation unless an opportunity for public comment is first provided, in accordance with Section 286.0114 Florida Statutes.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. A statement shall be included in the agenda of each Commission meeting at which public comment is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. A person's allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time, or they may address the agenda item during public comment, but no person shall have the opportunity to comment on an item both at public comment and at the time of the agenda item. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.
- iii. **Public Safety Discussion.** The chiefs of the Town's ~~police, and fire-rescue and emergency medical~~ service providers or their designees will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda. The chiefs will personally

attend a regular Commission meeting and be available to answer questions at least quarterly.

- iv. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager may produce a written progress report for all major pending events in the Town, and an updated version may be provided as backup for the Town Manager Report at the second regular Commission meeting of each month. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.
- v. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.
- vi. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions, resolutions, and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.
- vii. **Old and New Business**
 - (a) **Administration Items.** The Town Manager will place items under these sections when Commission discussion and direction is sought. The item will be placed under New Business when the item has not been discussed previously, and under Old Business if it was previously discussed.
 - (b) **Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under New Business (or Old Business if it has been previously discussed). Except for informational reports, a signed written memorandum or form provided for such purposes should state the purpose of the item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall

not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

- viii. **Commissioner Comments Presentations.** This section of the agenda may shall be utilized by the Mayor and Commissioners to provide informational reports. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports. The Mayor may allow additional time for any Commissioner **Presentations Comments**. A Commissioner is entitled to additional time, as necessary to report on specific Commissioner assignments, Town liaison activities or responsibilities (such as reporting on the activities of a County committee on which a Commissioner sits as a Town representative). The order of speaking shall be determined at random.
- ix. **Commissioner Comments.** This section of the agenda shall be utilized by the Mayor and Commissioner to provide general information or guidance. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports. The order of speaking shall be determined at random.
- ix. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
- xi. **Resolutions.** Resolutions not included on the consent agenda may be placed under New or Old Business or on this portion of the agenda. The Mayor may allow public comments on Resolutions.
- xi. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, or roundtable workshops, shall be adjourned at no later than 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting. Such time frame may be further extended by another affirmative vote of hour (4) Commissioners present at the meeting.

G. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The Town Manager will endeavor to close the agenda for any regular, special or workshop meetings of the Town Commission no later than one week prior to the date of the meeting. No additional items shall be added to the agenda of the regular, special or workshop meeting after the agenda closing date unless it is necessary for a compelling reason. An additional item requiring Commission action may only be added to the agenda by majority vote of the Town Commission at a regular meeting. Alternatively, the item may be deferred to a date certain.

- ii. **Placement of Commissioner Items on Agenda.** All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the Friday prior to the meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Thursday prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible. If not feasible, the item will be continued to the next Town Commission meeting.
- iii. **Preparation of Ordinances and Resolutions.** All Ordinances shall show the name of each Commissioner and whether such Commissioner voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor and attested by the Town Clerk. The Town Attorney shall review and sign off as to the form of each ordinance and resolution.
- iv. **Sequence of Agenda Items.** Upon request by the Mayor or a Commissioner, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission, or assure that items that are related to each other are considered in context, or for such other reasons as may be deemed appropriate by the Town Commission.
- v. **Backup for Agenda Items.** The Town Manager shall provide suitable relevant backup and information on all items, including any information on past experience with bidders or responders on a purchasing item.
- vi. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

H. OTHER PROCEDURES

- i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the Town Charter or Town Code.

- ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular or special meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda.
- iii. **Roll Call Vote.** If the Town's automatic voting system is not working, any Commissioner may demand the yeas and nays on any question submitted, or to be submitted, to voice vote and, when so demanded, the Town Clerk shall call the roll of Commissioners present and record the vote of each Commissioner, and the Mayor shall vote last.
- iv. **Tie Vote.** Tie votes automatically fail.
- v. ~~**Action Agenda.** An action agenda shall be circulated by the Town Clerk within forty-eight hours of each Commission meeting if feasible, containing a brief description of action taken or discussion among the Commission on each agenda item.~~
- vi. **Order of Seating.** On the Commission dais (facing the audience), the Town Clerk shall be seated at the left end and the Town Manager shall be seated at the right end. The Mayor shall be seated in the center of the dais, with the Town Attorney seated to his or her left side.
- vii. **Waiver of the Procedures.** The intent of these procedures is to assure the smooth and efficient functioning of the Commission meeting, and to prioritize the completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

I. QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.

SECTION 3. Conflicts. All resolutions or parts of resolutions in conflict herewith, including Resolution 2010-21, Resolution 2011-05, Resolution 2011-17, Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, Resolution 2016-42, and Resolution 2022-17 are hereby repealed to the extent of such conflict.

SECTION 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be

invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 5. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 25 day of June, 2024.

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

APPROVED AS TO FORM

Susan L. Trevarthen, Town Attorney