

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, July 9, 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, July 9, 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 Pauline Brooks McGuiness representing the Bahai Faith**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. 4th of July Presentation
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
 - 7.a. PBFR June 2024 Public Safety Report
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager 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. Beach Safety Survey Results
 - 13.b. FPL Easement Request- 231 and 241 Shore Court
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
18. **RESOLUTIONS – PUBLIC COMMENTS**
19. **QUASI JUDICIAL PUBLIC HEARINGS**
20. **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: July 9, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: 4th of July Presentation

Explanation: 4th of July recap presentation given by Katie Anderson.

Recommendation: N/A

Exhibits: None



Agenda Item No: 7.a.

Town Commission Agenda Item Report

Meeting Date: July 9, 2024

Submitted By: Ashley Zalewski, Fire Inspector Ashley Zalewski

Submitting Department: Administration

Item Type: Public Safety Discussion

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: PBFR June 2024 Public Safety Report

Explanation: PBFR June 2024 report prepared by Fire Inspector Ashley Zalewski.

Recommendation: Accept/Approve

Exhibits:

1. PBFR June 2024 Report



POMPANO BEACH
FIRE RESCUE
Bureau of Fire Prevention

100 West Atlantic
Boulevard Room 220
Pompano Beach, FL
33060 Office
954•786•4695
Fax 954•786•4328

TO: LINDA CONNORS, TOWN MANAGER

FROM: ASHLEY ZALEWSKI

SUBJECT: PBFR PUBLIC SAFETY REPORT –JUNE 2024

CC: PETE MCGINNIS

Below are the resident complaints for the month of June: 0

Below are the public education events that were held during the month of June:

- Community Event- 0

Plan Reviews and Fees:

Plans Examiner Zalewski reports the below statistical data for the month of June:

Type	Amount/Number
Plans Reviewed	8
Square Footage	211,500
Plan Review Revision Fee	\$75.00
Fire/Rescue Fee	\$0.00
Total Project Cost	\$1,168,808.00
PBFR Plan Review Fee	\$5,844.04
PBFR Tech Fee	\$116.88
New Constructions	7
Annual Inspections	10
Meetings	8

Plan Type	Plans Reviewed
30- Apartments	6
38- Business	1
90- Site Plan	1
Grand Total	8

Complaints & Notice of Violation:

Plans Examiner Zalewski reports that Complaints for the month of June:

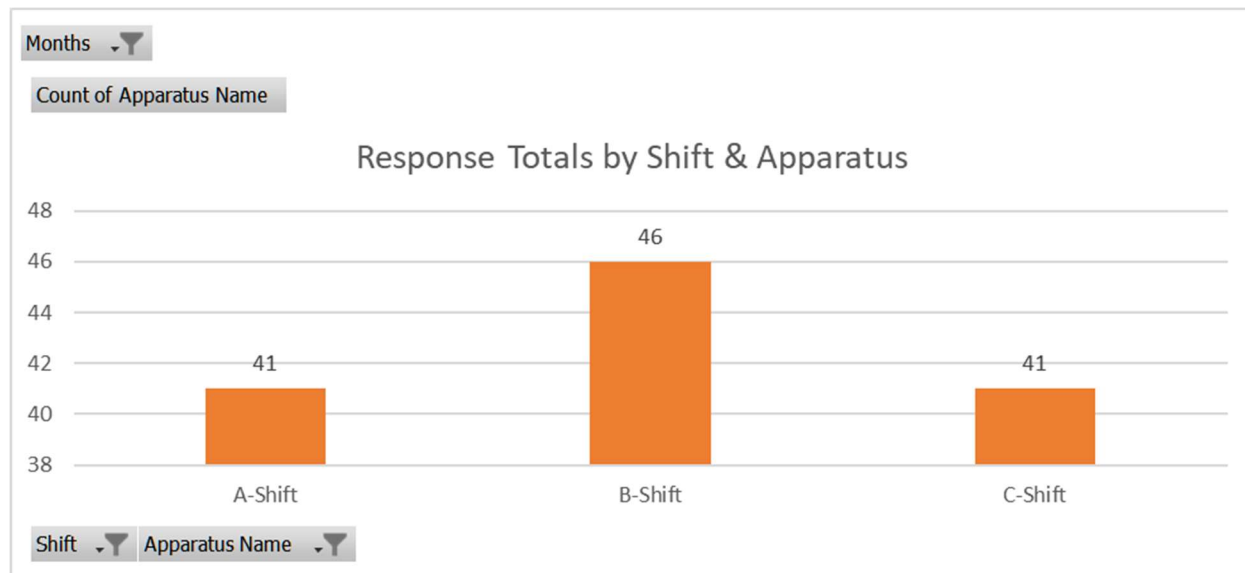
	Assigned	On Going	Completed
6/01/2024 through 6/30/24	0	0	0

Below are the Fire Incidents for the Month of June 2024.

Part III- Breakdown of Fires (Incident Type 110-129)

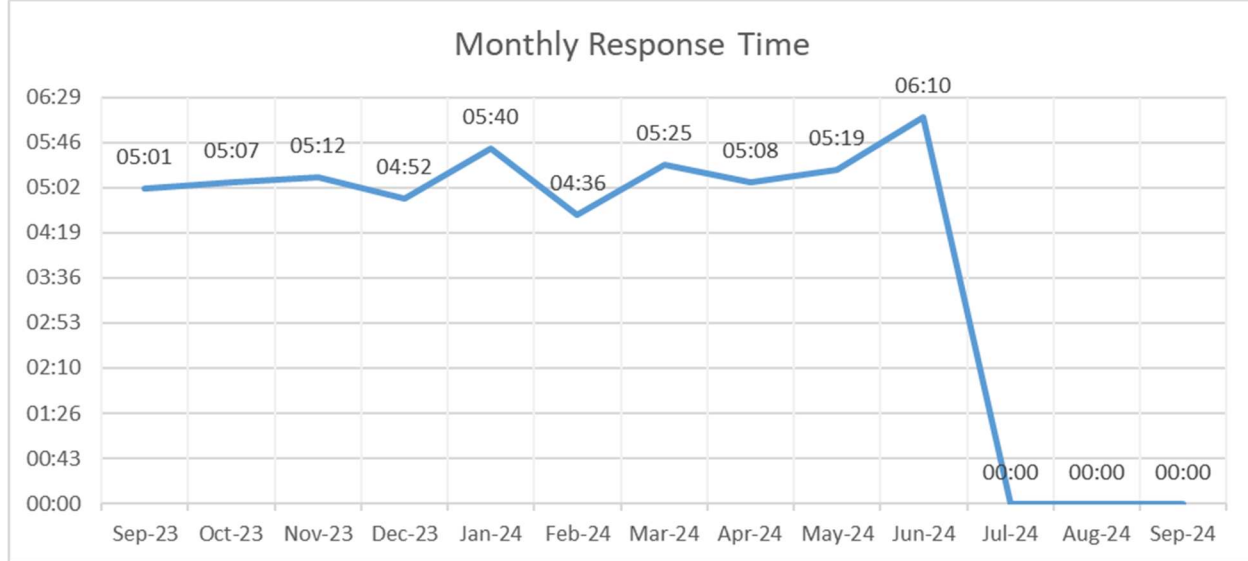
Structure Fires	Estimated Property Loss	Civilian Casualty	Civilian Deaths	Total
Structure Fires	Estimated Property Loss	Civilian Casualty	Civilian Deaths	Total
02 - Residential - Apartments	\$0.00	0	0	0
04 - Other Residential	\$0.00	0	0	0
06 - Public Assembly	\$0.00	0	0	0
09 - Stores and Offices	\$0.00	0	0	0
	Total Loss \$0.00			0

PBFR Operational Statistics:



Total call for month: 128

There are 3 shifts that work from 7:30a-7:30a. We have a 24 hr shift schedule.



****There was 11 closest unit response calls, once they were removed from the call average Station 12 has a 5 min response time for the town.****

Monthly Response Time Chart is an average of response times from time of dispatch to arrival on scene.

Station 12	A-Shift	Q12	6/1/24 10:52 AM	6/1/24 11:00 AM	Smoke detector activation, no fire - unintentional	0:08:16
Station 12	A-Shift	R12	6/1/24 11:33 AM	6/1/24 11:38 AM	EMS call, excluding vehicle accident with injury	0:05:07
Station 12	A-Shift	R12	6/1/24 5:38 PM	6/1/24 5:43 PM	EMS call, excluding vehicle accident with injury	0:04:44
Station 12	A-Shift	R12	6/1/24 7:29 PM	6/1/24 7:34 PM	EMS call, excluding vehicle accident with injury	0:05:04
Station 12	A-Shift	R12	6/2/24 5:43 AM	6/2/24 5:49 AM	No incident found on arrival at dispatch address	0:05:14
Station 12	B-Shift	Q12	6/2/24 11:53 AM	6/2/24 11:57 AM	Service Call, other	0:03:25
Station 12	B-Shift	R12	6/2/24 7:59 PM	6/2/24 8:05 PM	EMS call, excluding vehicle accident with injury	0:05:21
Station 12	C-Shift	R12	6/3/24 12:03 PM	6/3/24 12:11 PM	EMS call, excluding vehicle accident with injury	0:08:08
*Station 63	A-Shift	R12	6/4/24 3:14 PM	6/4/24 3:29 PM	EMS call, excluding vehicle accident with injury	0:14:38
Station 12	A-Shift	R12	6/4/24 3:50 PM	6/4/24 3:59 PM	EMS call, excluding vehicle accident with injury	0:08:31
Station 12	A-Shift	R12	6/4/24 7:41 PM	6/4/24 7:46 PM	Assist invalid	0:04:48
Station 12	B-Shift	Q12	6/5/24 9:05 AM	6/5/24 9:11 AM	EMS call, excluding vehicle accident with injury	0:05:48
Station 12	B-Shift	R12	6/5/24 12:50 PM	6/5/24 12:58 PM	EMS call, excluding vehicle accident with injury	0:07:17

Station 12	C-Shift	Q12	6/6/24 8:46 AM	6/6/24 8:49 AM	Assist invalid	0:02:43
Station 12	C-Shift	R12	6/6/24 8:38 PM	6/6/24 8:43 PM	Motor vehicle accident with injuries	0:05:04
Station 12	C-Shift	Q12	6/6/24 8:38 PM	6/6/24 8:43 PM	Motor vehicle accident with injuries	0:05:04
Station 12	C-Shift	Q12	6/6/24 9:09 PM	6/6/24 9:10 PM	Motor vehicle accident with injuries	0:00:58
*Station 114	A-Shift	R12	6/7/24 11:18 AM	6/7/24 11:36 AM	EMS call, excluding vehicle accident with injury	0:17:54
Station 12	A-Shift	Q12	6/7/24 12:48 PM	6/7/24 12:54 PM	Person in distress, other	0:05:10
Station 12	A-Shift	R12	6/7/24 12:48 PM	6/7/24 12:51 PM	Person in distress, other	0:03:04
Station 12	A-Shift	R12	6/8/24 2:44 AM	6/8/24 2:50 AM	EMS call, excluding vehicle accident with injury	0:05:42
Station 12	B-Shift	Q12	6/8/24 9:33 AM	6/8/24 9:39 AM	Smoke detector activation, no fire - unintentional	0:06:28
Station 12	B-Shift	R12	6/8/24 1:40 PM	6/8/24 1:45 PM	EMS call, excluding vehicle accident with injury	0:04:37
Station 12	B-Shift	R12	6/8/24 9:36 PM	6/8/24 9:38 PM	EMS call, excluding vehicle accident with injury	0:02:25
Station 12	B-Shift	R12	6/9/24 12:20 AM	6/9/24 12:26 AM	EMS call, excluding vehicle accident with injury	0:06:09
Station 12	B-Shift	R12	6/9/24 4:58 AM	6/9/24 5:09 AM	Outside equipment fire	0:11:04
Station 12	B-Shift	Q12	6/9/24 4:58 AM	6/9/24 5:04 AM	Outside equipment fire	0:06:11
Station 12	C-Shift	Q12	6/9/24 7:38 AM	6/9/24 7:43 AM	EMS call, excluding vehicle accident with injury	0:04:54
Station 12	C-Shift	R12	6/9/24 7:37 AM	6/9/24 7:49 AM	EMS call, excluding vehicle accident with injury	0:11:51
Station 12	C-Shift	R12	6/9/24 1:18 PM	6/9/24 1:23 PM	EMS call, excluding vehicle accident with injury	0:05:43
Station 12	C-Shift	Q12	6/9/24 2:31 PM	6/9/24 2:40 PM	Water or steam leak	0:09:19
Station 12	C-Shift	R12	6/9/24 2:49 PM	6/9/24 2:52 PM	EMS call, excluding vehicle accident with injury	0:03:47
Station 12	C-Shift	R12	6/9/24 5:12 PM	6/9/24 5:15 PM	EMS call, excluding vehicle accident with injury	0:03:13
Station 12	C-Shift	Q12	6/9/24 11:57 PM	6/10/24 12:06 AM	Public service	0:08:38
*Station 61	A-Shift	R12	6/10/24 9:18 AM	6/10/24 9:32 AM	EMS call, excluding vehicle accident with injury	0:13:44
*Station 11	A-Shift	Q12	6/10/24 9:20 AM	6/10/24 9:31 AM	EMS call, excluding vehicle accident with injury	0:11:04
*Station 11	A-Shift	Q12	6/10/24 9:20 AM	6/10/24 9:31 AM	EMS call, excluding vehicle accident with injury	0:11:04
Station 12	A-Shift	Q12	6/10/24 10:20 AM	6/10/24 10:25 AM	EMS call, excluding vehicle accident with injury	0:04:32
Station 12	A-Shift	R12	6/10/24 6:26 PM	6/10/24 6:31 PM	No incident found on arrival at dispatch address	0:04:28
Station 12	A-Shift	R12	6/10/24 10:10 PM	6/10/24 10:15 PM	EMS call, excluding vehicle accident with injury	0:04:45

Station 12	B-Shift	R12	6/11/24 10:33 AM	6/11/24 10:34 AM	EMS call, excluding vehicle accident with injury	0:00:33
Station 12	C-Shift	Q12	6/11/24 10:50 AM	6/11/24 10:55 AM	EMS call, excluding vehicle accident with injury	0:04:32
Station 12	B-Shift	R12	6/11/24 6:59 PM	6/11/24 7:08 PM	EMS call, excluding vehicle accident with injury	0:08:25
Station 12	B-Shift	Q12	6/11/24 6:59 PM	6/11/24 7:04 PM	EMS call, excluding vehicle accident with injury	0:05:07
Station 12	B-Shift	Q12	6/11/24 7:30 PM	6/11/24 7:45 PM	EMS call, excluding vehicle accident with injury	0:14:58
Station 12	B-Shift	R12	6/11/24 8:00 PM	6/11/24 8:06 PM	EMS call, excluding vehicle accident with injury	0:06:06
Station 12	B-Shift	R12	6/11/24 11:50 PM	6/11/24 11:56 PM	EMS call, excluding vehicle accident with injury	0:05:39
Station 12	B-Shift	R12	6/12/24 4:16 AM	6/12/24 4:23 AM	EMS call, excluding vehicle accident with injury	0:07:12
Station 12	C-Shift	R12	6/12/24 8:10 AM	6/12/24 8:13 AM	EMS call, excluding vehicle accident with injury	0:03:34
Station 12	C-Shift	Q12	6/12/24 4:45 PM	6/12/24 4:50 PM	Person in distress, other	0:04:45
Station 12	C-Shift	Q12	6/12/24 5:20 PM	6/12/24 5:27 PM	Public service	0:06:45
Station 12	C-Shift	Q12	6/12/24 5:31 PM	6/12/24 5:37 PM	Flood assessment	0:05:58
Station 12	A-Shift	Q12	6/13/24 8:09 AM	6/13/24 8:15 AM	EMS call, excluding vehicle accident with injury	0:05:58
*Station 11	A-Shift	R12	6/13/24 11:38 AM	6/13/24 11:46 AM	EMS call, excluding vehicle accident with injury	0:08:07
Station 12	A-Shift	R12	6/14/24 6:32 AM	6/14/24 6:37 AM	EMS call, excluding vehicle accident with injury	0:05:22
Station 12	B-Shift	Q12	6/14/24 7:23 AM	6/14/24 7:30 AM	Service Call, other	0:06:52
Station 12	B-Shift	R12	6/14/24 9:39 AM	6/14/24 9:44 AM	EMS call, excluding vehicle accident with injury	0:04:39
Station 12	B-Shift	R12	6/14/24 11:45 AM	6/14/24 11:46 AM	Swimming/recreational water areas rescue	0:00:14
Station 12	B-Shift	Q12	6/14/24 11:43 AM	6/14/24 11:48 AM	Swimming/recreational water areas rescue	0:05:10
*Station 11	B-Shift	Q12	6/14/24 1:24 PM	6/14/24 1:30 PM	Smoke detector activation, no fire - unintentional	0:05:41
Station 12	B-Shift	Q12	6/14/24 4:35 PM	6/14/24 4:42 PM	EMS call, excluding vehicle accident with injury	0:06:46
Station 12	B-Shift	R12	6/14/24 6:56 PM	6/14/24 7:00 PM	EMS call, excluding vehicle accident with injury	0:04:13
Station 12	B-Shift	R12	6/14/24 10:28 PM	6/14/24 10:34 PM	EMS call, excluding vehicle accident with injury	0:05:23
Station 12	B-Shift	R12	6/14/24 11:16 PM	6/14/24 11:18 PM	EMS call, excluding vehicle accident with injury	0:01:21
Station 12	B-Shift	R12	6/15/24 1:15 AM	6/15/24 1:21 AM	EMS call, excluding vehicle accident with injury	0:06:03
Station 12	C-Shift	Q12	6/15/24 9:29 AM	6/15/24 9:34 AM	Detector activation, no fire - unintentional	0:05:10
Station 12	C-Shift	R12	6/15/24 12:29 PM	6/15/24 12:33 PM	EMS call, excluding vehicle accident with injury	0:04:02

Station 12	C-Shift	Q12	6/15/24 1:40 PM	6/15/24 1:44 PM	Alarm system sounded due to malfunction	0:04:15
Station 12	C-Shift	R12	6/15/24 8:09 PM	6/15/24 8:13 PM	EMS call, excluding vehicle accident with injury	0:04:01
Station 12	C-Shift	R12	6/16/24 5:19 AM	6/16/24 5:25 AM	EMS call, excluding vehicle accident with injury	0:06:31
Station 12	A-Shift	R12	6/16/24 10:25 AM	6/16/24 10:30 AM	EMS call, excluding vehicle accident with injury	0:04:18
Station 12	A-Shift	R12	6/16/24 11:03 AM	6/16/24 11:08 AM	No incident found on arrival at dispatch address	0:05:51
Station 12	A-Shift	R12	6/16/24 12:50 PM	6/16/24 12:54 PM	EMS call, excluding vehicle accident with injury	0:03:54
Station 12	A-Shift	R12	6/16/24 6:35 PM	6/16/24 6:39 PM	Person in distress, other	0:03:45
Station 12	A-Shift	Q12	6/16/24 6:35 PM	6/16/24 6:40 PM	Person in distress, other	0:04:45
Station 12	A-Shift	R12	6/17/24 3:29 AM	6/17/24 3:35 AM	EMS call, excluding vehicle accident with injury	0:06:37
Station 12	B-Shift	Q12	6/17/24 11:45 AM	6/17/24 11:51 AM	Smoke detector activation, no fire - unintentional	0:05:52
Station 12	B-Shift	Q12	6/17/24 1:31 PM	6/17/24 1:41 PM	Smoke detector activation, no fire - unintentional	0:10:36
Station 12	B-Shift	R12	6/18/24 3:29 AM	6/18/24 3:36 AM	EMS call, excluding vehicle accident with injury	0:06:37
Station 12	C-Shift	Q12	6/19/24 3:05 AM	6/19/24 3:15 AM	Assist invalid	0:09:49
Station 12	A-Shift	R12	6/19/24 7:30 AM	6/19/24 7:34 AM	EMS call, excluding vehicle accident with injury	0:04:02
Station 12	A-Shift	R12	6/19/24 4:06 PM	6/19/24 4:09 PM	EMS call, excluding vehicle accident with injury	0:03:29
Station 12	A-Shift	Q12	6/19/24 4:06 PM	6/19/24 4:16 PM	EMS call, excluding vehicle accident with injury	0:10:01
Station 12	A-Shift	Q12	6/19/24 8:22 PM	6/19/24 8:28 PM	No incident found on arrival at dispatch address	0:05:54
Station 12	B-Shift	R12	6/20/24 8:03 AM	6/20/24 8:08 AM	EMS call, excluding vehicle accident with injury	0:05:16
*Station 11	B-Shift	R12	6/20/24 11:02 AM	6/20/24 11:08 AM	EMS call, excluding vehicle accident with injury	0:05:39
*Station 11	B-Shift	R12	6/20/24 4:54 PM	6/20/24 5:06 PM	EMS call, excluding vehicle accident with injury	0:11:36
Station 12	B-Shift	R12	6/20/24 7:47 PM	6/20/24 7:52 PM	EMS call, excluding vehicle accident with injury	0:05:03
Station 12	B-Shift	Q12	6/21/24 3:14 AM	6/21/24 3:26 AM	Alarm system activation, no fire - unintentional	0:11:24
Station 12	C-Shift	Q12	6/21/24 9:56 AM	6/21/24 10:01 AM	Smoke detector activation, no fire - unintentional	0:04:28
Station 12	C-Shift	Q12	6/21/24 10:25 AM	6/21/24 10:30 AM	Public service assistance, other	0:04:52
Station 12	C-Shift	R12	6/21/24 6:43 PM	6/21/24 6:47 PM	EMS call, excluding vehicle accident with injury	0:04:18
Station 12	C-Shift	R12	6/22/24 3:18 AM	6/22/24 3:30 AM	EMS call, excluding vehicle accident with injury	0:12:04
Station 12	A-Shift	R12	6/22/24 5:00 PM	6/22/24 5:04 PM	EMS call, excluding vehicle accident with injury	0:04:10

Station 12	A-Shift	R12	6/22/24 5:31 PM	6/22/24 5:35 PM	EMS call, excluding vehicle accident with injury	0:03:56
Station 12	A-Shift	R12	6/22/24 9:35 PM	6/22/24 9:36 PM	EMS call, party transported by non-fire agency	0:00:37
*Station 63	B-Shift	R12	6/23/24 12:09 PM	6/23/24 12:18 PM	EMS call, excluding vehicle accident with injury	0:09:30
Station 12	B-Shift	R12	6/23/24 6:49 PM	6/23/24 6:52 PM	EMS call, excluding vehicle accident with injury	0:02:30
Station 12	B-Shift	R12	6/23/24 11:00 PM	6/23/24 11:04 PM	No incident found on arrival at dispatch address	0:03:54
Station 12	B-Shift	R12	6/23/24 11:00 PM	6/23/24 11:04 PM	No incident found on arrival at dispatch address	0:03:54
Station 12	C-Shift	R12	6/24/24 9:39 AM	6/24/24 9:44 AM	EMS call, excluding vehicle accident with injury	0:05:46
Station 12	C-Shift	R12	6/24/24 10:23 AM	6/24/24 10:29 AM	EMS call, excluding vehicle accident with injury	0:05:54
Station 12	C-Shift	R12	6/24/24 1:34 PM	6/24/24 1:49 PM	EMS call, excluding vehicle accident with injury	0:15:18
Station 12	C-Shift	R12	6/24/24 8:18 PM	6/24/24 8:22 PM	EMS call, excluding vehicle accident with injury	0:03:49
Station 12	C-Shift	Q12	6/24/24 8:43 PM	6/24/24 8:51 PM	Smoke scare, odor of smoke	0:07:16
Station 12	C-Shift	R12	6/25/24 2:35 AM	6/25/24 2:44 AM	EMS call, excluding vehicle accident with injury	0:08:56
*Station 11	A-Shift	Q12	6/25/24 10:23 AM	6/25/24 10:33 AM	No incident found on arrival at dispatch address	0:10:17
Station 12	A-Shift	R12	6/25/24 10:48 AM	6/25/24 10:53 AM	EMS call, excluding vehicle accident with injury	0:04:10
Station 12	A-Shift	Q12	6/25/24 11:48 AM	6/25/24 11:52 AM	Heat detector activation due to malfunction	0:04:48
Station 12	A-Shift	R12	6/25/24 11:56 AM	6/25/24 11:58 AM	EMS call, excluding vehicle accident with injury	0:02:19
Station 12	A-Shift	R12	6/26/24 1:12 AM	6/26/24 1:21 AM	EMS call, excluding vehicle accident with injury	0:08:59
Station 12	B-Shift	Q12	6/26/24 11:51 AM	6/26/24 11:56 AM	EMS call, excluding vehicle accident with injury	0:04:59
Station 12	B-Shift	Q12	6/26/24 1:31 PM	6/26/24 1:36 PM	EMS call, excluding vehicle accident with injury	0:04:51
Station 12	B-Shift	Q12	6/26/24 1:31 PM	6/26/24 1:36 PM	EMS call, excluding vehicle accident with injury	0:04:51
Station 12	B-Shift	R12	6/26/24 11:11 PM	6/26/24 11:16 PM	EMS call, excluding vehicle accident with injury	0:05:41
Station 12	C-Shift	Q12	6/27/24 10:59 AM	6/27/24 11:05 AM	EMS call, excluding vehicle accident with injury	0:06:27
Station 12	C-Shift	R12	6/27/24 12:07 PM	6/27/24 12:13 PM	EMS call, excluding vehicle accident with injury	0:05:50
Station 12	C-Shift	R12	6/27/24 12:35 PM	6/27/24 12:41 PM	Assist invalid	0:05:21
Station 12	C-Shift	Q12	6/27/24 3:24 PM	6/27/24 3:29 PM	No incident found on arrival at dispatch address	0:04:55
Station 12	C-Shift	R12	6/27/24 4:09 PM	6/27/24 4:16 PM	EMS call, excluding vehicle accident with injury	0:06:56
Station 12	C-Shift	R12	6/27/24 7:32 PM	6/27/24 7:39 PM	EMS call, excluding vehicle accident with injury	0:06:52

Station 12	C-Shift	R12	6/27/24 8:58 PM	6/27/24 9:05 PM	EMS call, excluding vehicle accident with injury	0:06:57
Station 12	A-Shift	Q12	6/28/24 10:42 AM	6/28/24 10:51 AM	Animal rescue	0:08:52
Station 12	A-Shift	R12	6/28/24 11:46 PM	6/28/24 11:53 PM	EMS call, excluding vehicle accident with injury	0:06:34
Station 12	B-Shift	R12	6/29/24 1:57 PM	6/29/24 2:02 PM	EMS call, excluding vehicle accident with injury	0:05:08
Station 12	B-Shift	R12	6/29/24 3:25 PM	6/29/24 3:27 PM	EMS call, excluding vehicle accident with injury	0:02:02
Station 12	B-Shift	R12	6/29/24 4:51 PM	6/29/24 5:03 PM	EMS call, excluding vehicle accident with injury	0:11:52

***Closest unit response- R12 was called for a rescue call outside of Lauderdale by the Sea.**

All reports in the future will include all contractual information that is required.





Town Commission Agenda Item Report

Meeting Date: July 9, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation: Following is the Town Manager's Report for July 9, 2024.

1. Vacation Rental SB280

On June 27th, the governor vetoed SB280 regarding vacation rentals. The vetoed bill limited the local municipality from passing any new local measure that would apply to vacation rentals and treated the vacation rental issue as a one-size-fits-all issue across the state. The Governor recognized the limitations of SB280 and vetoed the bill. The staff would like to thank Senator Pizzo and Representative LaMarca for their support of our stance. Our lobbyists also worked diligently on this matter.

2. Yoga By The Sea

The 2024 Yoga By The Sea program ran from January through April of this year. The event, held on Tuesday and Thursday mornings in El Prado Park, received numerous compliments and delivered positive commentary throughout the season. We are thrilled that this programming, complimentary to attendees, is so well received by the community. The class averages approximately 13 attendees per class. We are looking forward to starting back up again in the new year. The cost to the Town for this program is \$2,000.

3. Mobi Mat

We have ordered a mobi-mat for Christelle. It is back-ordered and have been told to expect the mat no earlier than the end of July before it arrives and is installed. While we wait, we are evaluating other beach portal locations and will have prices for the Commission shortly.

4. El Prado Crosswalks

Town staff has evaluated the cross walks at El Prado after receiving several requests for speed humps in this location to slow traffic. Unfortunately, speed humps are not a viable option in this location due to the multiple ingress and egress points. However, we have found an option to provide lighted warning signs the same as what we have for the other lighted cross walks in town. We are looking at costs and will bring the final request to the Commission for their consideration.



5. Pine Avenue Landscaping

The Village of Sea Ranch Lakes has offered to plant Spanish Bayonet plants along the wall separating Sea Ranch Lakes from Lauderdale-By-The-Sea on Pine Avenue. If the Commission is interested, staff suggests surveying the Pine Avenue residents for their input before responding to the Town. If we decide to move forward, an interlocal agreement would need to be developed giving the Village the ability to plant within our right-of-way and establishing a maintenance requirement.

Commission Action Requested: Provide staff direction.

6. Ocean Plaza

Last week, we upgraded the lighting and hardscape in Ocean Plaza. The lighting was upgraded to be flush with the base and Adapave, the material that we utilized in the palm trees surrounds at our other downtown locations. We would have liked to remove the aboveground electrical outlets, but the design did not fit within the existing footprint of the tree bases.

7. Upcoming Meetings

Date	Meeting	Time
July 23	Special Commission Meeting - Tentative Millage Rate	5:30 PM
July 23	Regular Commission Meeting	6:30 PM
July 25	Code Compliance Hearing	5:00 PM

August 7	Planning and Zoning Board	6:00 PM
August 13	Regular Commission Meeting	CANCELED

Recommendation:

Exhibits: None



Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: July 9, 2024

Submitted By:

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:

- June 11, 2024 2nd Budget Hearing
- June 11, 2024 Regular Commission Meeting

Recommendation: Accept/Approve

Exhibits:

1. 6-11-24 2nd Budget Workshop Draft Minutes
2. 6-11-24 Regular Commission Draft Minutes



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
2ND BUDGET WORKSHOP
Jarvis Hall
4505 Ocean Drive
Tuesday, June 11, 2024
5:00 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the workshop to order at 5:00 p.m. Also present were Vice Mayor Randy Strauss, 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. DISCUSSION ITEM

a. FY2024-2025 Budget Presentation

Director of Budget and Finance Lucila Lang explained that the purpose of tonight's workshop is to review the budget enhancements discussed at the first workshop meeting, which was held on May 14, 2024. The enhancements have been categorized by Department and include associated costs and the respective funds each enhancement would impact. Following an overview of the proposed enhancements for each Department, the Commissioners may ask questions directly of the Department leaders.

Once all proposed enhancements have been discussed, Staff will prioritize the enhancements the Commission wishes to pursue and identify the enhancements to be deleted. Prioritization will be followed by the introduction of the proposed budget and tentative millage rate, which will be established at the Commission's second meeting of July 2024. Staff will prepare the budget beginning with the highest-prioritized items. The proposed millage rate will ultimately determine the number of enhancements that can be included for fiscal year (FY) 2024-2025.

The first proposed enhancement under Administration is office furniture. The furniture currently in use at Town Hall is approximately 15 years old and some pieces are in disrepair. The cost of replacing this furniture is approximately \$25,000.

Another Administrative item is the Town's digital budget workbook. The program would place the budget in a digital book format which is user-friendly for anyone who may wish to view it on the website. The cost of this program is \$25,850, with an actual annual cost of \$20,000 and an additional \$5,800 for initial setup. The cost would increase by 3% annually afterward.

The majority of the Town's computers were purchased in 2019 and are now five years old. To ensure that these computers are running properly and support necessary technical advancements, they should be replaced every three to five years. There are roughly 20 computers which should be upgraded.

Director of Budget and Finance Lang recalled that there have been previous discussions addressing the lease of computers rather than their purchase. Lease payments would be spread over a 36-month period. In the case of purchase, the payment would be made up front.

Mayor Malkoon requested clarification of the cost of leasing computers. Director of Budget and Finance Lang replied that the costs of leasing or purchasing would be the same; however, in the case of a lease, the payments could be spread out over 36 months. The cost of technical support would be included in the contract.

Mayor Malkoon asked what might happen if leased computers are damaged. Director of Budget and Finance Lang stated that she would need to look into this further.

The next items include lighting of the theater in Jarvis Hall, which is estimated at \$1,000. This item can be added to the FY 2023-2024 budget if it is the Commission's desire. The two Mobi-Mats proposed for the beach can also be added to this year's budget at a cost of roughly \$25,000, which meant they would not have to be funded in FY 2024-2025. This would make beach access compliant with the requirements of the Americans with Disabilities Act (ADA).

Town Manager Linda Connors recalled that Commissioner Graziano had proposed additional funding to enhance the Town's lobbying efforts. Commissioner Graziano explained that his conversations with the Town's current lobbyist have not been productive, and he recommended \$20,000 to either "piggyback" on another contract for

additional service or hire a different lobbying firm to pursue the Town's interests in Tallahassee.

Mayor Malkoon commented that he was in favor of the purchase of new office furniture, although he felt it could be delayed if the budget has to be tightened. He was not in favor of the digital budget book, and was only in favor of leasing computer hardware if there was an extra benefit and the computers were replaceable.

Mayor Malkoon requested more information on the Jarvis Hall lighting. Town Manager Connors replied that she has asked for an estimate on this item.

Mayor Malkoon continued that he was in favor of the two Mobi-Mats. He did not believe an additional lobbying firm was necessary, as the current provider is already based in Tallahassee.

Vice Mayor Strauss stated he was in favor of purchasing new office furniture, if necessary, but asked what would be done with the existing furniture. Town Attorney Susan Trevarthen clarified that the Town would follow its surplus property policy.

Vice Mayor Strauss agreed with Mayor Malkoon regarding the digital budget book. He was in favor of computer hardware replacement as well as the theater lighting in Jarvis Hall and the Mobi-Mats for the beach. He agreed with Mayor Malkoon that there was no need for an additional \$20,000 toward lobbying services, and was in favor of retaining the current lobbyist, as their current contract was recently negotiated.

Commissioner Graziano stated he was in favor of new office furniture as long as the Town follows its surplus property policy. He was also in favor of the digital budget workbook and new computer hardware, and was supportive of replacing the two theater lights. He was also in favor of providing the Mobi-Mats.

With regard to the Town's lobbying firm, Commissioner Graziano asserted that they did not do a good job, but acknowledged that the other Commissioners may have differing opinions on this issue. He withdrew his request for \$20,000 toward additional services.

Commissioner Richard DeNapoli arrived at 5:13 p.m.

Commissioner Pouloupoulos explained that he was not in favor of raising taxes in FY 2024-2025 and wished to remain fiscally responsible while providing safety services for the Town. He was not in favor of new office furniture, the digital budget workbook, or

computer hardware replacement, although he recommended surge protection to prevent damage. He was, however, in favor of the Mobi-Mats as a safety enhancement, as well as the lighting in Jarvis Hall, which would be a nominal expense. He felt the savings from some of these items could be used toward providing lifeguards on the Town's beaches.

Commissioner DeNapoli stated that he was not in favor of new office furniture, the digital budget workbook, or new computer hardware. He was in favor of purchasing the Mobi-Mats and replacing the lights in Jarvis Hall.

Director of Budget and Finance Lang next addressed Police Department expenses, noting that enhanced patrol services have been provided since 2019. The Town has signed a memorandum of understanding (MOU) with the Broward Sheriff's Office (BSO) for \$80,000, which covers enhanced Police services from November through Memorial Day Weekend. In FY 2023-2024, however, \$80,000 was not sufficient to cover these costs through Memorial Day Weekend, and fewer services were provided during some weeks leading up to that holiday. Staff proposes increasing the \$80,000 to \$100,000, which would have a budget impact of \$20,000 on the General Fund.

Mayor Malkoon requested input from the Town Manager on the enhanced Police services. Town Manager Connors replied that the enhanced patrols seem to be well-received during spring break, and acknowledged that these costs have increased over the last five years, which would necessitate the proposed additional \$20,000. The Town may also choose to cut back on these enhanced services. Mayor Malkoon indicated he was in favor of the enhancements.

Vice Mayor Strauss recalled that in the past, he had been in favor of adding enhanced patrols during spring break and other peak times. This is still an issue when there is no Police presence in the area. He felt the enhancements made a noticeable difference.

Commissioner Poulopoulos stated that he was supportive of the Vice Mayor's comments on enhanced Police services, particularly during the tourist season. Commissioners Graziano and DeNapoli were also in favor of the expense toward enhanced services.

Director of Budget and Finance Lang next addressed Fire services, recalling that the Commission had previously spoken in favor of continued savings toward the expense of a new public safety building. For the past two years, the Town has included \$300,000 in

the budget toward this expense. This would be continued in FY 2024-2025, which means there would be no additional impacts to the budget.

Vice Mayor Strauss pointed out that these funds are also earning interest for the Town. Town Manager Connors added that Staff will bring forward additional information on how these savings could be increased.

Commissioner Pouloupoulos reiterated that his goal was to avoid raising taxes to fund projects such as the new building, as well as to avoid issuing a bond or another type of debt. He was in favor of setting aside these funds each year, and recommended discussion in the near term of what this project might look like. There was unanimous Commission support for the continued savings.

Director of Budget and Finance Lang recalled that at the first budget workshop, a stand-alone application had been presented for a My Civic Engagement module, which is currently underway. It will be rolled out later in the current year and is part of a contract, which means it will have no financial impact.

Another item raised at the previous budget workshop was lifeguards and beach patrols, which is also on the Agenda of tonight's Regular Town Commission meeting. There had also been discussion of information technology (IT) infrastructure upgrades. The Town's servers are being monitored and no issues have been detected thus far, which means there is no reason to replace them at this time.

Commission ethics training will continue to be provided by the Town Attorney and her Staff. Sewer rates will be reviewed at the end of the year when Pompano Beach has sent the Town its rate increases or decreases, which are typically provided at the end of December.

There was also discussion of traffic calming measures and storm drainage at the previous budget workshop. These are both expected to be part of the Capital Improvement Program (CIP) discussion, which will be brought before the Commission at the June 25, 2024 meeting.

Development Services Director Jhanelle Campbell stated that one proposal for this Department is the addition of paid interns, the cost of which would be spread across both Development Services and the Building Fund. The interns would be able to provide significant assistance at a lower cost by taking on rudimentary administrative tasks.

Another proposal is vacation rental monitoring software. Development Services Director Campbell advised that she has met with various providers of this software and the average cost is \$30,000/year. This software would “scrub” vacation rental websites on the internet on an automatic basis, which helps Staff prepare evidence sheets for Code Compliance cases. One form of software includes a hotline option through which residents could call in issues. The software would also generate automatic letters to residents when new properties come online. She concluded that the software adds an extra layer of monitoring vacation and short-term rentals.

Commissioner Pouloupoulos asked if the software program would require a one-time or annual cost of \$30,000. Development Services Director Campbell confirmed that this would be an annual cost. There may also be an escalator included in a finalized contract with the selected provider.

Development Services Director Campbell continued that the Building Department requests an additional Code Compliance Officer who would be paid for through the Building Fund. This Officer could focus on cases such as work without permits and similar building issues, which would free up the Town’s other Code Compliance Officers to handle other Code priorities.

Another request was a scanning initiative, as the Town has a great many historical documents that are regularly used. This effort would digitize as many of those documents as quickly as possible and would allow residents to gain access to their own documents more easily. This would be a multi-year process, with an initial \$150,000 expense followed by annual costs to be determined as the process moves forward. This initiative would require a request for proposal (RFP).

Development Services Director Campbell further clarified that when information is scanned, the correct metadata must be attached to the documentation to ensure it is searchable and useful. There is an additional cost associated with this attachment. Some documents may need to be scanned in color as well as in black and white. She concluded that this would be a comprehensive multi-year process.

Town Manager Connors advised that the proposed new Code Compliance Officer, the scanning initiative, and a portion of the paid intern costs would be funded out of the Building Fund. She emphasized that the Building Fund receives its monies through building permits. These requested items would not affect the Town’s millage rate.

Commissioner Pouloupoulos asked roughly how much money was earned from building permit revenue in the previous year. Development Services Director Campbell advised that this income would more than cover the proposed costs, as there are limits on how Building Fund dollars can be spent. These funds can only be spent on building-related activities, as well as expenses such as rent, utilities, staffing, or renovations within the Building Department.

Commissioner Pouloupoulos asked if any of the expenses otherwise covered by the Building Fund revenues are also subsidized by the General Fund. Town Manager Connors replied that the General Fund does not subsidize the Building Fund at all.

Town Attorney Trevarthen added that the Town is not permitted to stockpile funds indefinitely in the Building Fund, as any expense of these dollars must, by law, be related to the cost of providing services.

Director of Budget and Finance Lang also noted that the Building Fund covers the salaries and expenses associated with employees of the Building Department, including retirement and group insurance. It covers professional and contractual services as well as permitting costs. There is also a small amount of funds used toward maintenance contracts and some operating expenses.

Commissioner Graziano commented that while Building Fund income has covered that Department's expenses in the past, the proposed additions to the budget would cost approximately another \$250,000. Development Services Director Campbell confirmed that the Building Fund would be sufficient to cover 100% of those expenses.

Town Manager Connors emphasized the importance of expenses such as the scanning initiative, as it is important for anyone with a building permit to be able to access that permit. These projects can be funded not only this year but continued over the next few years using Building Fund revenue.

Commissioner Pouloupoulos asserted that he fully supported the scanning initiative, as well as the other proposed expenses as long as they could be covered.

Mayor Malkoon requested additional information regarding paid interns. Development Services Director Campbell explained that these costs would be spread across both the Building Fund and the Development Services account, the latter of which comes from the General Fund. The allocation would be \$10,000 from the Building Fund and \$7,000 from Development Services.

Commissioner Pouloupoulos also addressed vacation rental monitoring software, asking if any Building Fund dollars could be allocated to that expense. It was clarified that this could not be done, and the money would need to come from the General Fund.

Vice Mayor Strauss pointed out that a permitting fee is charged to vacation rentals, which is restricted to “a reasonable amount.” He suggested that this fee could be raised slightly to include the cost of the \$30,000 software. Town Manager Connors replied that Staff is looking at all of the Town’s application fees and will bring back comparative information later in the year about what the Town and other municipalities charge, as well as the costs associated with applications and the last time these fees were increased.

Mayor Malkoon stated that he was in favor of all the expenses proposed from the Building Fund. With regard to the vacation rental monitoring software, he added that residents have indicated they would like a better response regarding these properties, whether it comes from more aggressive Code Compliance or monitoring of these sites. He was in favor of the additional options for this software, including letter generation.

Commissioner Graziano commented that he was also in favor of the vacation rental monitoring software, which would relieve Staff so they can fulfill other responsibilities. Commissioner DeNapoli also agreed to all the Building Fund requests as well as the monitoring software. He added that he would like to see an RFP for this software in order to determine if there are other options.

Commissioner Pouloupoulos requested more information on what the current Code Compliance Officer would be doing if an additional Officer was funded through the Building Department to focus on building issues. Development Services Director Campbell explained that there are issues including noise in the Downtown area, compliance with seasonal sea turtle restrictions, business tax receipt (BTR) inspections, daily patrols, and other responsibilities associated with Town Code.

Commissioner Pouloupoulos advised that if an additional Code Compliance Officer is added, he was not in favor of also purchasing vacation rental monitoring software. He felt the additional Officer could focus at least half their time on vacation and short-term rentals.

Town Manager Connors explained that because vacation rentals are advertised on a wide variety of platforms, it is not feasible for a person to effectively monitor those

platforms. Development Services Director Campbell added that there are at least 70 different websites on which the properties are advertised, and the properties do not consistently appear on those sites every day.

Commissioner Pouloupoulos reiterated that he was not supportive of the vacation rental monitoring software if an additional Code Compliance Officer is brought on board. He felt the issues related to vacation rentals were not sufficient to the expense of an annual investment in software.

Vice Mayor Strauss commented that it may be possible to fund the proposed software contract through permitting once the Town has looked more closely at potential changes to fees. He felt the cost was legitimate and reasonable and would be paid for by the service it provides. Commissioner Pouloupoulos noted that he would like to see additional information on what would be provided by this software.

Commissioner Graziano stated that he supported Vice Mayor Strauss's comments, adding that the software may eventually be seen as an income-neutral expense. He remained in favor of the software.

Director of Budget and Finance Lang next addressed tourism and community outreach, referring to a list of current FY 2023-2024 events. Friday Night Music, for example, was budgeted at \$45,000 in the current fiscal year and would increase by \$10,000 if approved for FY 2024-2025.

Events and Marketing Manager Katie Anderson explained that some of the proposed events are staples in the Town's annual programming, such as the 4th of July celebration. Others are events that residents have enjoyed but may not perceive as essential.

Existing events include:

- Friday Night Music, with an additional \$10,000 budgeted to extend this event through June
- Farmers Market
- Dancing-By-The-Sea
- Yoga-By-The-Sea
- Movies at the Park

Events proposed for budgeting in FY 2024-2025 include:

- Easter Egg Hunt (previously hosted by the Volunteer Fire Department and picked up in FY 2023-2024 by the Town)
- Taste of the Beach
- Indoor Market at Jarvis Hall
- Town website improvements
- Chatbot for website
- 75th Anniversary
- Founders Day
- More family-friendly events

Events and Marketing Manager Anderson recalled that the Commissioners had expressed interest in continuing some of these events, such as Taste of the Beach and the Indoor Market, at the previous budget workshop. She also noted that website improvements would have no financial impact, as they are included in a current contract.

For additional family-friendly events, Events and Marketing Manager Anderson advised that Staff could request an estimate from the Commission regarding how much to allocate to a given event. They could then develop more details about specific events.

It was also noted that costs associated with the Town's 75th Anniversary celebration are one-time costs. Staff requested \$15,000 to cover the costs of the Founders Day event planned for October 5, 2024. The intent has been to further enhance the Town's five existing celebrations by incorporating a specialty component related to the anniversary. The 75th anniversary celebration will end with a drone show as part of Christmas-By-The-Sea.

There was Commission consensus against proceeding with a chatbot.

Commissioner Pouloupoulos advised that he supported the proposed events, suggesting that the proposed drone show in particular could bring more revenue into the Town. He pointed out that this has been a success in other municipalities, but recommended further discussion of this option, as it may contribute to greater traffic and parking needs.

Commissioner Pouloupoulos also requested clarification of the additional family-friendly activities, noting that there are already several family-centered programs in the Town. He was in favor of continuing the Easter Egg Hunt.

Vice Mayor Strauss also addressed the proposed drone show, expressing concern for the traffic it may generate. He emphasized the need for BSO input and preparation for this event, suggesting outreach to Pompano Beach, which has had a drone show for the past two years.

Vice Mayor Strauss continued that Taste of the Beach was a very successful event and spoke in favor of other Town-enhancing events such as Yoga-By-The-Sea and Dancing-By-The-Sea. He was also in favor of continuing the Easter Egg Hunt, and recommended providing some funds for the Town's Chanukah celebration held Downtown each year.

Commissioner DeNapoli was also generally supportive of the proposed initiatives, requesting clarification of next year's Friday Night Music budget. Events and Marketing Manager Anderson explained that the budget for FY 2024-2025 will include an additional \$10,000 over the baseline \$45,000 to continue this event through June.

Commissioner DeNapoli requested additional information on other family-friendly events, and agreed with Vice Mayor Strauss's proposal to provide funds for the Chanukah event. He concluded by suggesting if the cost of attendance at Taste of the Beach could be analyzed with the intent of making that event more revenue-neutral.

Town Manager Connors explained that the costs associated with Taste of the Beach must be included in the budget, while projected revenue from ticket sales cannot be budgeted.

Events and Marketing Manager Anderson also confirmed that the Downtown businesses have contributed to the Friday Night Music event in the current fiscal year. Similarly to the Taste of the Beach event, the Town would need to allocate funds to cover those expenses within the budget.

Commissioner DeNapoli also stated that he was not in favor of the chatbot, but suggested that the Town may wish to develop a mobile app. Town Manager Connors confirmed that this is already in process.

Commissioner Graziano stated that he was in favor of all family-friendly events and suggested that a number of family-friendly items could be packaged together, such as movies specifically for children. He requested more information on how much the Downtown restaurants contributed toward Friday Night Music, pointing out that the National Restaurant Association has indicated that restaurants have now exceeded pre-

COVID-19 numbers nationally. He recalled that these businesses once funded the entire Downtown music series and recommended that this be considered.

Mayor Malkoon was also in favor of Friday Night Music as long as businesses continue to contribute to this event. He noted that weather may be a consideration for the proposed drone show, and spoke highly of Staff's plans for the Founders Day picnic. He hoped to continue Movies in the Park and Taste of the Beach.

Regarding additional family-friendly activities, Mayor Malkoon advised that he did not want to budget a large amount, such as the proposed \$45,000, toward more events without knowing what they will be. Vice Mayor Strauss agreed that there should be more discussion of what the proposed events may include.

Commissioner DeNapoli asked how many family-friendly activities were estimated with an overall budget of \$45,000. Town Manager Connors advised that Staff is working to determine how much is available to spend for these events and will then bring back proposed events within that budget. She suggested that the budget could be reduced from \$45,000 to a lesser amount if that was the Commission's wish.

It was noted that Boo!-By-The-Sea was not listed among these events. Events and Marketing Manager Anderson clarified that this annual event has a \$7000 budget and is among the standard budget items rather than the optional ones.

The Commissioners discussed the proposed allocation for \$45,000, determining by consensus to reduce this amount to a placeholder amount of \$30,000, which will be used to create the FY 2024-2025 budget book. Once the millage rate is determined, Staff will be able to lower this proposed amount further in order to keep the millage rate reasonable.

Commissioner Graziano asked if the Commission can agree to add some of the family-friendly events the Town already holds into the proposed budget. Town Manager Connors confirmed that these are already included in the budget and can be marketed among the family-friendly events.

Director of Budget and Finance Lang concluded that Staff will include the following in the budget:

- Any items "in the building"
- \$300,000 for Fire services
- Theater lighting and Mobi-Mat, which total approximately \$26,000

She requested additional input from the Commission on how to prioritize other items within the General Fund. The Commission will establish the Town's tentative millage rate in July and will be presented with both regular and prioritized budget items.

Town Manager Connors reviewed the following priorities from least to greatest:

- Office furniture
- Paid interns
- Computer hardware
- Town events
- Vacation rental monitoring software

Both the digital workbook and the additional lobbying costs would be deleted. The Commissioners agreed by consensus to this prioritization.

Director of Budget and Finance Lang advised that at the next Commission meeting on June 25, 2024, Staff will bring forward nonprofit funding requests at a 5:00 p.m. special meeting. Representatives of all entities that have requested donations will be invited to attend that meeting and provide brief presentations on their requests. Staff will also give a presentation on the FY 2024-2025 proposed CIP. During the regular Commission meeting on that date, Staff will also review the Town's BSO budget.

At the July 9, 2024 meeting, the Commission will be asked to adopt the proposed Fire Assessment rates for FY 2024-2025, followed by a review of the five-year CIP. At the July 23, 2024 meeting, the Commission will adopt a proposed millage rate. Two additional budget meetings are tentatively scheduled for September 12 and 17, 2024.

The Commissioners discussed this proposed schedule, determining that the June 25, 2024 special meeting will begin at 5:30 rather than 5:00 p.m. and the nonprofit organizations' presentations will be limited to two minutes each rather than five. Town Manager Connors added that a list of the presenting agencies will be sent to the Commissioners in advance of the meeting.

Town Manager Connors also noted that nonprofit donation requests have increased significantly over the years and encouraged the Commissioners to look closely at these requests. She anticipated 14 agencies will request donations.

Commissioner Graziano asked how nonprofit donations are determined, stating that he was in favor of these donations being based on the agencies' services to the Town.

Mayor Malkoon replied that many of these entities provide services to residents and can provide an estimated number of residents served. Town Manager Connors added that the funding amounts determined by the Commission may change once the tentative millage rate has been established.

4. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 6:23 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 11, 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.

5. PRESENTATIONS

a. Farmers Market FY 2023-2024 Season Recap

Events and Marketing Manager Katie Anderson reported that the fiscal year (FY) 2023-2024 Farmers Market season, operated by Community Markets of South Florida, ran from Sunday, December 3, 2023 through Sunday, May 5, 2024.

At the Commission meeting of July 11, 2023, the Commission provided direction on improvements in a number of areas which would be implemented in the upcoming market season. On October 23, 2023, Town Staff met with representatives of Community Markets of South Florida to discuss expectations for the upcoming season, which included:

- Enhanced marketing efforts
- Participating vendors to promote the market through their personal business social media outlets
- A market tracker to be completed no later than noon on the Wednesday preceding the market date, and to be sent to Staff with a list of participating vendors and their social media handles
- A market tracker to be sent following the market to confirm which vendors did or did not attend that week's market
- A minimum of four specialty market days, which were defined as days with some type of addition to the regular market structure, such as live music, photo opportunities, or an interactive component
- A market manager present to oversee operations and attend to visitor comments
- A 50/50 split of food to artisan vendors for at least 15 out of the 23 market dates during the season
- Enhanced variety among the artisan vendors throughout the market dates
- In the event of inclement weather, markets with fewer than 14 vendors would be cancelled

Town Staff was pleased with the recent market season and saw significant year-over-year enhancements. There was much more social media marketing by both community market outlets and on the Town's "Lauderdale-By-The-Sea Happenings" Facebook page. The market tracker was consistently sent on time both pre- and post-market. More than four specialty market days were held throughout the season and received positive feedback from attendees.

There was also a significant increase in participating vendors. With the newly implemented layout, the market had as many as 45 vendors, which was a significant increase from the average of 23 vendors during present the previous season. This increase provided great variety but may be the limit for the Town's park space.

Two areas in which Staff would like to see further improvements in the future were:

- The market manager was not always accessible or attending to the issues at hand; this individual should be present at load-in and load-out times to manage traffic flow, alleviate buildup or encroachment into neighboring properties, and generally be vigilant to attend to any feedback
- There were several markets that experienced significant "vendor drop" based on weather; when there is a substantial chance of inclement weather, or when Broward County issues a severe weather warning on market dates, the Town will call vendors on those days and plan for the next weekend

Staff met with a representative of Community Markets of South Florida on May 13, 2024 to recap the season. Community Markets expressed satisfaction with the season and indicated that they looked forward to the beginning of the next season at the end of calendar year 2024. Staff will meet with Community Markets representatives once again in the fall to reiterate expectations and discuss objectives for the FY 2024-2025 season.

Commissioner Graziano advised that he frequents the Farmers Market and found it to be consistently well-attended. He suggested that the market manager make himself more recognizable to attendees. Events and Marketing Manager Anderson agreed, recalling that this was one item addressed in Staff's meeting with Community Markets to provide a stronger manager presence during the next season.

Mayor Malkoon also agreed that the FY 2023-2024 season was a success.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Spiro Marchelos, resident, stated that the Anglin's Pier sign has not yet been replaced on Commercial Boulevard and A1A. He expressed concern that this sign has not yet been restored.

Mr. Marchelos also addressed lifeguards on the Town's beaches, pointing out that most tourists come to the Commercial Boulevard/Downtown area. He advocated for the addition of lifeguards within a limited portion of the beach near Commercial Boulevard and concluded that the "No Digging" sign is not sufficiently visible to beachgoers.

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

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

13. NEW BUSINESS

- a. Resolution 2024-21: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH DSS MANAGEMENT OF FLORIDA, LLC DBA EVOLVETEC FOR CAMERA SYSTEM**

UPGRADES; FINDING THAT THE AGREEMENT IS IN THE BEST INTERESTS OF THE TOWN AND EXEMPT FROM COMPETITIVE SOLICITATION PURSUANT TO SECTION IV.D OF THE TOWN PURCHASING MANUAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

Deputy Town Manager/Public Works Director Ken Rubach stated that the Town's existing 14-camera system was approved in February 2018 and completed in July 2018. Staff was pleased with the cameras' initial performance, which led to the installation of additional cameras in other locations, including Downtown.

As the system was installed throughout a wider area, equipment issues arose, including the failure of both antennae and cameras. The original vendor who had installed these phases was unable to fully restore the system, and representatives of the Broward Sheriff's Office (BSO) indicated that the Town would look elsewhere for a new system.

Following outreach to surrounding municipalities, Evolvtec was recommended to the Town. Representatives of Evolvtec reviewed both hardware and software to determine the cause of the ongoing issues and performed a number of updates and upgrades. Staff has found that the working portion of the system is stable and constitutes an improvement over the previous system.

Staff requests that the Town's purchasing policy be waived, as Evolvtec has allowed the Town to rent the working unit after its initial tests were applied. If the Town had to prepare a new request for proposal (RFP), this process could take several months before a new antenna could be installed, which would affect the integrity of the overall network.

In FY 2024-2025, Staff recommends a proactive maintenance program which will allow them to continue monitoring cameras on a minute-by-minute basis. Evolvtec's response time has been very efficient. Phase 3 of the new installation will include replacement of faulty equipment.

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

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

7. PUBLIC SAFETY DISCUSSION

a. PBFR May 2024 Public Safety Report

Pompano Beach Fire Inspector Ashley Zalewski reported that Pompano Beach Fire Rescue (PBFR) have responded to 94 calls with an average call time of five minutes nineteen seconds. With the removal of closest-unit responses from this calculation, the response time decreased to approximately four minutes thirty seconds.

8. TOWN MANAGER REPORT

a. Town Manager Report for June 11, 2024

Town Manager Linda Connors advised that Staff is considering a number of strategic planning firms and will vet these firms and bring them before the Commission for consideration. They plan to move forward with strategic planning in fall 2024.

Tyler Technologies is working to create a mobile app for the Town. This would allow residents to stay connected, see Town news, and report any issues as necessary.

The Anglin's Pier sign cannot be re-installed without a permit and engineering consultation. Deputy Town Manager/Public Works Director Rubach is seeking quotes from engineering firms and will inform the Commission of the costs associated with this re-installation.

The Town has received information that taxes have been paid on the property at 4326 Ocean Drive, which means it is no longer available for purchase through a tax sale. The Town still has a lien of approximately \$1 million on that property, and with the Commission's permission, they may consider moving forward with foreclosure.

Deputy Town Manager/Public Works Director Rubach addressed beach signage, stating that the current signs were erected as tests. Larger signs with more accurate language will be installed as soon as weather permits.

Commissioner DeNapoli addressed the property at 4326 Ocean Drive, acknowledging the time and effort expended by Staff in discussing the tax sale of that property. Town Attorney Susan Trevarthen advised that it could be helpful to understand the Commission's wishes for this property and bring back an item for approval if necessary.

Commissioner DeNapoli suggested that the Commission may wish to take a holistic view of this and other properties on which liens have been placed. He continued that he was in favor of further consideration of the subject site to determine the Town's options, as it has been part of a long-standing negative situation. Town Attorney Trevarthen confirmed that the property is currently in compliance.

Commissioner Graziano asked if the property owner, who has not been consistently responsive in the past, might be expected to respond if the Town continues to pursue its lien. Town Attorney Trevarthen replied that she did not know. She added that if the Commission does not oppose further pursuit of the lien, Staff would try to work with the owner. If that is not possible, Staff would then come back to the Commission to request authorization of more formal proceedings.

Commissioner Graziano asserted that he wished to ensure the Town would not be "soft on mitigation," which should be communicated to the owner. Town Attorney Trevarthen noted that while previous Commissions may have considered a number of lien mitigation applications, the current Commission is not obligated to take this same approach.

Commissioner DeNapoli asked how long the property took to accrue \$1 million in liens. Development Services Director Jhanelle Campbell estimated that the first lien was recorded in 2016 or 2017, although violations existed prior to that date. He was also in favor of taking action regarding this property.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that an injunction was entered regarding the Commissioners' financial reporting obligations under state law. The Town is still awaiting more information through the Florida Commission on Ethics regarding guidance and implementation. Form 1 is due on July 1, 2024.

10. APPROVAL OF MINUTES

a. Approval of Minutes for May 14 and May 21, 2024

Commissioner Graziano requested that a specific question be reflected in the May 14, 2024 minutes: during the discussion of lobbying services, he had asked if Lauderdale-

By-The-Sea is treated the same as larger clients who may pay more for the firm's services.

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve the minutes as amended. Motion carried 5-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Beach Safety Report Follow Up

Mayor Malkoon advised that the Commissioners and Town Staff have received and reviewed several comments on beach safety, addressing flags and signage on the beach, among other issues. Staff is also evaluating potential funding structures with assistance from the Town Attorney's Office. The Mayor also posted an editorial in the *Pelican* which proposed a survey, and Conceptual Communications plans to include this survey in the upcoming issue of *Town Topics*.

Mayor Malkoon requested input from the Commissioners on this proposal, suggesting that discussion and possible action could be delayed until the next meeting so survey feedback could be presented at that time.

Commissioner Pouloupoulos asserted that he opposed a survey. In addition, he declared that while his focus is on both safety and saving tax dollars, the issue of beach safety extends beyond Town residents. He pointed out that visitors to the Town would not have a voice in the survey.

Commissioner Pouloupoulos continued that the Commission is intended to act as the voice of not only the Town's taxpayers, but of visitors to the community who expect a safe environment. For this reason, he felt the Commission should make decisions on beach safety without input from a survey.

Mayor Malkoon noted that tonight's meeting provides an opportunity for the full Commission to have input on a survey, and added that a number of residents have indicated they would appreciate the opportunity to participate in a survey if the Commission elects to proceed with that option.

Deputy Town Manager/Public Works Director Rubach recalled that at the Commission's April 30, 2024 meeting, Staff made a presentation regarding potential monitoring options for the Town's beaches and ocean. That presentation included a survey of various beachfront communities within the Tri-County area to gauge the levels of service provided in similarly situated communities.

At the April 30 meeting, the Commission directed Staff to provide the following:

- Information regarding the number of incidents on other local beaches
- An estimate of the costs and feasibility associated with having BSO perform full-time beach patrols
- More detailed estimates regarding the costs and feasibility of lifeguard and ocean rescue services

Deputy Town Manager/Public Works Director Rubach advised that he has spoken with all Broward County communities regarding incidents on their beaches. He cautioned that there is a wide variety of different categories and quantifications of these incidents depending upon what is documented by each community. Staff found it difficult to compile and present this information in a comparative manner.

Regarding options for BSO, the yearly estimated cost of full-time beach patrols would be \$765,920 annually. Including the first-year costs of equipment would raise this to \$865,920.

Deputy Town Manager/Public Works Director Rubach continued that Exhibit 3 in the Commissioners' backup materials is a memorandum from BSO Captain Bill Wesolowski listing what would be necessary to implement additional beach patrols. He noted in particular that the memorandum indicated the Town was asking BSO's law enforcement wing to create new positions within that organization.

Costs associated with beach patrols vary significantly, ranging from the current cost of overtime services in an expanded patrol to full-time positions which would require creation of zones and provision of equipment. One option was the designation of four full-time Deputies who would be dedicated to the Town in addition to the existing Deputies.

Beach patrol service is not currently contemplated within the Town's contract with BSO. This means the contract would potentially have to be reopened, which would open all of

its sections to renegotiation. This could result in discussions of cost increases, benefits, and raises.

Deputy Town Manager/Public Works Director Rubach also pointed out that most BSO Deputies do not receive specialized water rescue training. The personal flotation devices they are issued have a maximum length of 100 yards. Deputies assigned to beach patrols would have to receive advanced water training, followed by continued refresher training and conditioning.

Deputy Town Manager/Public Works Director continued that when he discussed these issues with Captain Wesolowski, it was noted that BSO would not be able to continue using all-terrain vehicles (ATVs) for beach patrols due to the amount of equipment they would be required to carry. Upgraded patrols would require full-size vehicles on the beach, which would mean the dedicated fire lane on the beach must be expanded to accommodate larger vehicles. There would also need to be a turnaround area for these vehicles which is cordoned off from beachgoers.

Another issue was turtle nesting season, which lasts throughout six months of the year. If a turtle nest is located within the fire lane, there would need to be plans to adjust that lane. The fire lane would also limit the Town's ability to clean the beach.

It was also suggested that while Deputies patrol the Town's beaches, they should be able to enforce municipal Ordinance violations if observed. While BSO Deputies may enforce these Ordinances, they are more typically addressed by Code Compliance. In addition, should the Deputies patrolling the beach receive emergency calls, they would need to prioritize those emergencies over beach patrols.

Based on this information, Staff emphasized the number of challenges that would accompany this option, including staffing, training requirements, and early renegotiation of BSO's contract. Staff does not recommend the BSO beach patrol option.

Commissioner Poulopoulos recalled that during the budget workshop which immediately preceded tonight's regular Town Commission meeting, there had been discussion of the possibility of hiring an additional Code Compliance Officer who would, among other responsibilities, be able to enforce more Code violations. He observed that this may include enforcement of Code violations on the beach. He agreed with Staff that it made the most sense for the Town to address Ordinance violations internally. He also agreed that BSO beach patrols are not a good option for the Town.

Deputy Town Manager/Public Works Director Rubach continued that the next option would be for lifeguard/ocean rescue services. He emphasized that the costs provided in this presentation are based on estimates from Pompano Beach's budget. Because the Town does not have a formal idea of what they would like to see in these services, they requested estimates for lifeguards occupying three towers. Pompano Beach declined to provide a quote without a clearer understanding of the footprint Lauderdale-By-The-Sea might wish to determine for these services. The yearly estimate, which would include a staff of approximately seven plus equipment, is \$1,054,650.

Because the Town does not have an exact estimate of the number of staff needed or the location of lifeguard towers, the Commission would need to determine how much of the beach would be targeted, which will play a significant role in determining where and how many lifeguard stations would be required. There are 11 public access points to the beach, and adding lifeguard services for the entire beach within this area would nearly double the size of Pompano Beach Fire Rescue's (PBFR's) service area. For reference purposes, Staff focused on the area from the north side of the Pier to El Prado Park, which is the most heavily populated area of the beach.

The costs of three lifeguard towers ranged from between \$50,000 and \$70,000 on the low end to more aesthetically pleasing towers within the range of \$130,000. Based on Staff's previous experience and knowledge of the community, the \$130,000 option was used in calculations.

Commissioner Pouloupoulos requested clarification of the source of the \$130,000 figure for lifeguard towers. Deputy Town Manager/Public Works Director Rubach explained that this was the cost of the towers used in Pompano Beach and Miami Beach.

Commissioner Pouloupoulos continued that he was not certain the Town would need three lifeguards and/or towers, estimating that two may be sufficient for the most heavily populated areas on the beach. He suggested that these areas include the section north of the Pier and outside El Prado Park, where most visitors and residents tend to congregate. He was not in favor of posting lifeguards up and down the entire beach.

Commissioner Pouloupoulos stated that he had received several emails from both residents and visitors expressing opinions from both sides of this issue. He also addressed concerns for liability, which could include both affirmative steps taken by a lifeguard as well as negligent acts, both of which could result in harm to a victim. He pointed out that the Town has sovereign immunity as well as insurance which could cover these types of incidents.

Town Attorney Trevarthen advised that a section addressing liability was added to Staff's memorandum. She agreed with Commissioner Pouloupoulos's comments on this topic.

Commissioner Pouloupoulos continued that he did not believe it would be necessary to raise taxes to provide lifeguard service, pointing out that the Town earns money through parking, and that the Town's budget has approximately \$200,000 in budgeted items which he felt were less important than providing lifeguards. He concluded that Lauderdale-By-The-Sea is the only beachside community in Broward County which does not post lifeguards.

Commissioner Pouloupoulos recalled that one reason he had been in favor of the Town's contract with PBFR was because he had believed the Town would bring on lifeguards. He concluded that he still found this to be a viable option from PBFR, and that it would not require a tax increase.

Deputy Town Manager/Public Works Director Rubach stated that when he and Town Manager Connors negotiated for Fire/Rescue services by PBFR, no proposal or binding agreement was submitted by that entity with an exact figure for lifeguard services. He added that neighboring communities to the north and south maintain and control all right-of-way on their public beaches, which means they have great discretion regarding the placement of lifeguard towers. The Town's beaches, by contrast, include a significant amount of private property, and agreements would need to be reached with those properties before the locations of lifeguard towers could be determined.

Commissioner Graziano stated that the Commission places safety first and is working to determine how they might manage the option of lifeguards within reasonable costs and methods. He also noted the amount of private property on the Town's beaches, pointing out that this would require the posting of signs cautioning swimmers that there would be private and unguarded areas.

Commissioner Graziano continued that the Town should seek a solution that would provide beach safety measures from the Pier to just past El Prado Park, which is not a large area. This could be done with lifeguards or perhaps through a Code Compliance presence on the beach, with costs to be estimated for both options.

Commissioner DeNapoli asked if the private areas of the beach which did not want to post lifeguard stations would seek some type of compensation. Town Attorney

Trevarthen advised against exploring this level of detail at present. She also pointed out that the Town's beaches are regularly renourished using public money and added that if the Town retains lifeguard services from a source such as PBFR, that entity may have opinions on the best placement of towers.

Mayor Malkoon asked if there is a standard distance between lifeguard tower locations. Deputy Town Manager/Public Works Director Rubach recalled that at the April 30, 2024 meeting, Staff had addressed this distance, which varied between agencies but is approximately 100 yards between towers. This is typically left to the discretion of the agency based on safety objectives and staffing criteria.

Mayor Malkoon also noted that lifeguard services would be a recurring charge, and asked if Parking Fund revenue could be used for this purpose. Town Manager Connors replied that while the Parking Fund is a funding source, most recurring costs are not taken from those funds. The Town cannot always accurately estimate how much money will be in the Parking Fund each year, as there is significant variance depending upon the economy, weather, and other factors.

Town Manager Connors continued that the Parking Fund has historically been used to help fund the Town's Capital Improvement Program (CIP) budget. If Parking Fund revenue is used toward lifeguards, this would limit its ability to use those dollars elsewhere.

Commissioner Pouloupoulos stated that the use of Parking Fund revenue should not be seen as providing either capital improvement projects or lifeguards exclusively of one another. He felt it could provide both, depending upon how much the Parking Fund may generate in a given year.

Commissioner Graziano requested clarification of where lifeguards might be posted as well as their prospective cost. Commissioner Pouloupoulos pointed out that Staff's report includes a proposal of three towers from El Prado Park to the pier. He added that it may be necessary to have a professional entity opine further on these options and make the final recommendation for placement.

Deputy Town Manager/Public Works Director Rubach advised that Pompano Beach's lifeguard towers are placed roughly 150 yards apart.

Commissioner Graziano reiterated that three towers seemed excessive, and two towers may be more appropriate for the Town's needs. He added once more that the need for additional safety appears to be greatest from the Pier moving north to El Prado Park.

Deputy Town Manager/Public Works Director Rubach offered a third option, which would be a Code Compliance Officer/beach ambassador program with an annual cost estimated at \$256,036. This would cover the costs of two Officers. If a new Code Compliance Officer is hired within the Building Department, as discussed earlier in tonight's budget workshop, this would free up another Officer to assist on the beach. These hours may be flexible, depending upon the hours they work as well as the phase of the season.

Deputy Town Manager/Public Works Director Rubach added that if the Town provided an additional Code Officer to perform beach patrols, a contracted employee would require additional contracting costs. They would also be asked to undertake additional training so they could deal with a beach environment. Their primary function would be to enforce Code requirements, such as prohibition of dogs on the beach, digging, or smoking. The Town typically hears frequent complaints from residents regarding these violations. The Officer would not serve in a medical or lifesaving capacity.

Deputy Town Manager/Public Works Director Rubach continued that the option of adding another Code Officer to assist in beach patrols could mean that during busy periods, the Town may have two Code Compliance Officers on the beach. They could be concentrated in the beach's most heavily populated areas and would not be asked to attend other responsibilities or emergencies.

The cost for this service would be \$128,018 per Officer, with \$20,000 per ATV, plus maintenance expenses. The Town currently averages four to five years' use of its ATVs, although it was noted that beach conditions can shorten this lifespan.

Vice Mayor Strauss recalled that during the budget workshop, the Commission had discussed the possibility of hiring another Code Compliance Officer who would be paid for out of the Building Fund. He asked if this Officer would be the same type of Officer used as a beach liaison or ambassador. Deputy Town Manager/Public Works Director Rubach replied that an Officer dedicated to beach patrol or liaison services could not be funded out of the Building Fund, as they would not be acting within the narrowly defined capacity for which Building Fund revenue can be used. They would be funded through the General Fund.

Vice Mayor Strauss noted that the beach liaison(s) would not have a stationary presence on the beach, but would be asked to patrol the area, including the Town's beach portals. They would also be provided with radios so they could summon immediate help if rescue is needed. Deputy Town Manager/Public Works Director Rubach advised that these individuals would most likely call 911 in the event of an emergency.

Vice Mayor Strauss commented that he felt the issue of additional safety measures on the Town's beaches would involve necessary input from its residents. He added that visitors come to the Town's beaches with the knowledge that the Town does not have lifeguards, although they have the option of visiting other beachfront communities which do post lifeguards.

Vice Mayor Strauss continued that the issue of emergency services on the Town's beaches became more prominent following the tragedy which occurred in February 2024. He noted that this tragedy had not occurred in the water. He asserted that he would not be comfortable asking Town residents to take on additional costs on a year-to-year basis without the opportunity to provide input, either through a survey or a referendum.

Vice Mayor Strauss concluded that he felt the Code Officer option was a viable one, as it would provide a beach patrol which could cover the whole beach and its portals on a roving basis. He also felt the costs associated with this option would not be unreasonable, and that this type of patrol would both provide necessary beach safety and enforce the Town's Ordinances which apply to its beaches.

Commissioner DeNapoli asked if the Police investigation into the death of Sloan Mattingly has been provided to the Town. Captain Bill Wesolowski of BSO stated that the final report was completed by BSO's Homicide Unit. The cause of death was determined to be asphyxia and the manner of death was ruled an accident.

Commissioner DeNapoli also asked if information is available on the investigations into recent deaths which occurred in/near the water. Captain Wesolowski replied that these three death investigations are still active. The first death investigation occurred on May 3, 2024 at 1:23 p.m. at 4344 El Mar Drive, while the second occurred on May 22, 2024 at 1:19 p.m. at 4500 El Mar Drive and the third occurred on May 25, 2024 at 2:55 p.m. at 1600 S. Ocean Boulevard.

Commissioner DeNapoli commented that the BSO beach patrol option seemed an unlikely solution, although this may remain a good temporary option during spring break. It was confirmed that the Town currently has two Code Compliance Officers and has discussed the addition of one more Officer during the previous budget workshop as well as up to two more during the discussion of beach safety options. This would raise the number of Town Code Compliance Officers to five.

Commissioner DeNapoli observed that the Code ambassador solution seemed the least likely to involve a tax increase. He asked if BSO's beach patrols would still be increased during spring break if the Town chose to proceed with beach ambassadors. Deputy Town Manager/Public Works Director Rubach advised that he would recommend this continue.

Commissioner DeNapoli asked if beach ambassadors could receive training in CPR or other lifesaving techniques. Town Manager Connors recommended that all Town Staff receive this training, as well as training on how to use the Town's automated external defibrillators (AEDs). She emphasized, however, that these Officers would not be emergency medical professionals.

Commissioner DeNapoli also noted that the costs of the Town's ATVs are approximately \$20,000 each, and the beach ambassador program would require two of them. He concluded that it was his intent to provide the best public safety possible without raising taxes on residents. He also wished to see a survey of what residents think.

Commissioner Pouloupoulos reiterated that he opposed a survey of residents, as he felt the Commission should look more closely at the actual costs associated with lifeguards and how to fund them without raising taxes. He continued that assigning a Code Compliance Officer to the beach would not be a helpful solution, as these individuals would not be trained in lifesaving measures but would most likely call 911.

Commissioner Graziano felt a survey could be helpful, and suggested there may be different options not explored, such as a single lifeguard or beach ambassador.

Mayor Malkoon advised that Conceptual Communications had proposed the idea of a survey, which he had brought to the Commission meeting to determine if there is interest in it. He emphasized the importance of providing residents with a voice in this process, as this decision would ultimately affect the budget.

Mayor Malkoon agreed with points raised by the Vice Mayor, including the choice of individuals who come to the Town's beaches rather than beaches in other municipalities where lifeguards are posted. He reiterated that he would like to hear more resident input before directing Staff to take action. It was noted that undertaking a study through PBFR would cost approximately \$50,000.

Deputy Town Manager/Public Works Director Rubach advised that Staff has received feedback and ideas from residents, including posting warning boards on the beach and in the Town when the National Weather Service issues beach hazard forecasts. He is awaiting more information on the prospective costs of this proposal.

Commissioner Pouloupoulos observed that another potential option could be constant beach patrols from PBFR in a similar fashion to the patrols once provided by the Town's Volunteer Fire Department (VFD). Fire Inspector Zalewski explained that PBFR's priority is handling emergency medical service and fire calls, which would mean the only option to provide more beach patrols would be adding them to the Town's contract.

Deputy Town Manager/Public Works Director Rubach concluded that the Town Attorney's Office had assisted in the report by reviewing and dispelling concerns regarding liability issues associated with lifeguards. He confirmed that the Commission's current direction indicates they would like to move forward with a survey.

Deputy Town Manager/Public Works Director Rubach continued that the Commission also indicated that they do not wish to proceed with the BSO beach patrol option. If they wish to advance the lifeguard/ocean rescue option, they should first determine the area in which the Town would seek coverage and authorize Staff to negotiate with PBFR or prepare an RFP for a similar option.

If the Commission elects to proceed with the Code Compliance Officer/beach ambassador option, they would need to authorize Staff to discuss this with the Town's Code Compliance vendor for the addition of a new Officer, or if different coverage is authorized, to add the appropriate number of new personnel to the contract to meet these needs. The Commission would also have the option of determining any additional possibilities at their discretion.

Vice Mayor Strauss asked why Staff had only looked at posting lifeguards north of the Pier under that option. Deputy Town Manager/Public Works Director Rubach replied that this was only intended to serve as an example of the beach's busiest area. He

added that if the Commission wished a study to examine the entire beach or only part of it, they would need to provide additional direction so the proper analysis can be done.

Commissioner Pouloupoulos asked if there is another entity that could perform a study in addition to the entity with a cost of roughly \$50,000. Deputy Town Manager/Public Works Director stated that an RFP could be issued for a firm to undertake the study. Narrowing the scope of a study could also affect its price.

Mayor Malkoon requested additional information on the scope of the prospective study. Town Manager Connors advised that Staff had only proposed a study that would generally look into the costs of providing lifeguards with no further specifics. She added that the vendor with whom Staff had spoken was performing a study for Pompano Beach, and Staff had asked if they could do similar work for the Town.

Commissioner Graziano stated that he was also open to looking at the costs of additional protection south of the Pier to El Prado Park. He proposed conducting the survey of residents as well as commissioning a study of this limited area before making a final decision.

Town Manager Connors confirmed that Staff would reach out again to PBFR to determine the contractor for their study and then contact the contractor for a quote. Town Attorney Trevarthen suggested that Staff could indicate that the study would include the area from El Prado Park to the Pier.

Commissioner Pouloupoulos proposed that the study be conducted and its results provided to the public before issuing a survey to residents. He also requested more information about what the survey would propose, as well as whether its options would include estimated costs.

Town Manager Connors pointed out that if a survey is done, there must be time to compile its data before it is brought before the Commission. She suggested that if the survey is done immediately, this information could be provided at the July 9, 2024 Commission meeting. This would also provide the Commission with time to consider the issue before establishing the tentative millage rate at their second meeting in July.

Town Manager Connors continued that if the Commission waits for a study to be completed, it would be unlikely that its information would be available before the millage rate must be set. She noted that the Commission has the option of setting a high millage rate in July and reducing it later.

Commissioner DeNapoli asked what a study would determine. Deputy Town Manager/Public Works Director Rubach explained that it would determine how many lifeguard towers were recommended. Staff would then need to reach out to PBFR with the study's recommendations and negotiate based on those recommendations. Staff would not be able to provide the Commission with a solid figure until negotiations with PBFR were complete.

Commissioner DeNapoli reviewed some of the costs described for each of the options, advising that there may be no need to invest in a study when these estimates were available and could be provided in the proposed survey.

Commissioner Graziano commented that the proposed study was likely to make a determination based on the parameters provided to the consultant by the Town, which he felt could be accomplished at a much lower rate than the estimated \$50,000.

Commissioner DeNapoli was also in favor of providing the information already gathered by Staff in a survey. Mayor Malkoon added that Conceptual Communications had indicated they could provide the Commission with the survey format before it is finalized.

Commissioner DeNapoli made a motion, seconded by Vice Mayor Strauss, to go forward with the survey with the information that Staff provided. Motion carried 4-1 (Commissioner Pouloupoulos dissenting).

Town Manager Connors reiterated that the survey results would be brought before the Commission at their July 9, 2024 regular meeting. The survey would include the PBFR patrol and beach ambassador/Code Officer options with the general costs associated with those options. She concluded that she would meet with each Commissioner individually to discuss the draft survey.

Commissioner DeNapoli requested clarification of the reasoning behind the survey schedule. Town Manager Connors explained that there would need to be time to post the survey, for residents to respond, and to compile the response data for presentation to the Commission.

Vice Mayor Strauss pointed out that in addition to the options to be included in the survey, the Town also has the option of taking no action. He recommended that this be one of the choices included in the survey.

Commissioner Graziano stated again that a study should be done before the survey is issued, as to do otherwise would not provide residents with full information on the options. He reiterated that the study would only need to be very basic.

Deputy Town Manager/Public Works Director Rubach explained that once a study is completed, it will make a recommendation based on the area suggested by the Commission. After this recommendation is received, the Town would then need to approach PBFR to discuss the study as well as potential additions to the Town's contract, which would take significant time. He recalled that the original contract had taken some time to negotiate as well.

Town Manager Connors also pointed out that the firm selected for the study would not be able to provide results in a matter of days. The study would need to take details such as information about the Town, its number of beachgoers, the area for which lifeguards are proposed, and other specifics into account when preparing the study.

Town Manager Connors continued that the study would be intended to make a recommendation on how many lifeguards the Town should have. The Town would then need to reach out to the provider to determine the costs associated with that recommendation. The provider could be either PBFR or another vendor.

Commissioner DeNapoli asked how the survey would be presented to residents. Town Manager Connors replied that she would reach out to Conceptual Communications for further information on this. Commissioner DeNapoli again recommended that the survey be sent out following the June 25 Commission meeting so the Commissioners may review it before it is issued.

Commissioner Graziano reiterated that the Town should reconsider undertaking a study before issuing the survey in order to provide residents with all the data they need. Mayor Malkoon noted that this would most likely mean the discussion would not be complete in time for the Town to draft and approve a budget. Commissioner Graziano stated that he was not certain the budget timeline should dictate the Commission's decision on this issue.

Commissioner Pouloupoulos suggested that the Commission consider the beach ambassador/Code Officer option in the interim, but take more time to conduct both a study and a survey and consider all its options over the next few months.

Commissioner Pouloupoulos also noted that a survey taken during the summer months would not reach the Town's full population. He concluded that the beach ambassador option could be implemented now while the study is done, and then use the data from the completed study to determine if a different option would be more suitable.

Commissioner Graziano made a motion to reconsider the previous vote to proceed with the survey.

Vice Mayor Strauss expressed concern that reconsidering the previous vote could result in choosing an option without also considering the option of taking no action. He was not in favor of reconsideration.

Commissioner Pouloupoulos stated that the Commission regularly makes major decisions for the Town without input from surveys, citing the Downtown renovation as one example. He felt the Commissioners' roles as representatives of the community include making decisions on behalf of their constituents. He reiterated that even if the Commission votes to implement a short-term option, the option of lifeguards should also remain on the table.

The motion died for lack of second.

Town Attorney Trevarthen clarified that with the death of the proposed motion, any member of the Commission may make another motion if they wish.

Commissioner Pouloupoulos made a motion to approve option three, contingent upon the Commission coming back with a study on option two and determining whether or not option two is a viable consideration for the Town.

Town Manager Connors requested clarification of whether the **motion** referred to option three with one Code Officer at roughly \$150,000 or two Code Officers at \$300,000. Commissioner Pouloupoulos clarified that his **motion** was intended to implement one CPR-trained Code Officer with an ATV, contingent upon a study being done on option two, which would provide lifeguards.

Deputy Town Manager/Public Works Director Rubach asked if the **motion** was also intended to authorize a study if it falls within the Town Manager's purchasing limit of \$30,000.

Commissioner Pouloupoulos **amended** his **motion** to include the following: **if the study is within the discretion of the Town Manager as prescribed by the Town's Purchasing Manual, and if the cost is above this limit, to come back to the Commission.**

Vice Mayor Strauss suggested that he would prefer two motions instead of one, with one motion stating that a study could be authorized by the Town Manager if it is within her purchasing authority, and the other to implement option three with one Code Officer who has received CPR training and would use an ATV.

Deputy Town Manager/Public Works Director Rubach asked if the proposal to proceed with option three would take effect immediately or would not take effect until FY 2024-2025. Commissioner Pouloupoulos stated that his intent was for the proposal to begin with the new budget year in October 2024.

Commissioner DeNapoli asked why, if the proposal would not take effect until FY 2024-2025, it was being considered now rather than part of the ongoing budget discussions. Commissioner Pouloupoulos replied that this was because the new Officer would not need to be considered within the current budget, but factored into the next budget. He also clarified that this Code Officer position would be a separate consideration from the budget discussions of a new Code Officer who would be funded in part by the Building Department.

Town Attorney Trevarthen reviewed the **amended motion** for clarity, explaining that it would implement option three with one Code Officer, supplied with an ATV and trained in CPR, beginning in the FY 2024-2025 budget year, which begins on October 1, 2024. The **motion** also called for a study to consider lifeguard costs. In addition, Vice Mayor Strauss had indicated that he would like to see a study done regardless of price.

Commissioner Pouloupoulos agreed with the amendment proposed by the Vice Mayor, conditioned upon the Commission's continued consideration of option two with a study, which would be either approved by the Town Manager if it is within her purchasing limit or brought back to the Commission if it exceeds that limit.

Vice Mayor Strauss asked when the Commission could expect to see the results of a survey. Town Manager Connors reiterated that if a survey is put forth immediately, its results could be available by the July 9, 2024 Commission meeting. Vice Mayor Strauss stated that if they are available at that time, the Commission could then make a decision

on whether to move forward with option three. Town Manager Connors confirmed that this would meet the needs of the budget process.

Commissioner DeNapoli expressed concern that voting on the proposed **motion** at this time would incorporate option three into the budget without taking that proposal through the full budget process.

Town Attorney Trevarthen explained that all budget decisions are preliminary in nature, as the Commission will vote on the actual budget in September. They retain full discretion to vote differently up until the final votes on the millage rate and the budget.

Town Attorney Trevarthen further clarified that the survey was not part of Commissioner Pouloupoulos's **motion**.

Commissioner Graziano seconded the motion.

Vice Mayor Strauss cautioned that the survey results may show that respondents are not interested in taking any action. If this were the case, he pointed out that there may be no reason to study any of the proposed options.

Deputy Town Manager/Public Works Director Rubach advised that the survey would be in effect at the same time Staff is securing prices for the proposed study. It is possible that the survey could be complete before the prices are confirmed, and the Commission may then decide whether or not they wish to move forward with the study.

It was further clarified that the current **motion** would direct Staff to include a Code Officer and option three in the Town's budget wish list.

Town Manager Connors proposed that this discussion be revisited at the July 9 meeting along with the survey results. The Commission would have the option to bring back the **motion** and vote on it with the information provided by the survey. It is also possible that the cost of a study would be available by that meeting.

Commissioner Pouloupoulos **restated** his **motion** as follows: **motion to budget a Code Enforcement Officer to patrol the beaches, beginning with the 2025 budget in October, with an ATV at a cost that was projected at \$150,000, and that my acceptance of option three was conditioned upon the Commission still looking into option two, with the cost of the study being determined by Staff and to have the costs of the study, once obtained, to be brought to the Commission for**

approval even if it is within the discretion of the Town Manager to engage in the study.

Commissioner DeNapoli reiterated his question of why the Commission was voting on this Item at present rather than including it on the budget wish list. He felt the **motion** presented the proposal as a budget wish list item. Town Manager Connors recalled that at the budget workshop, Staff had indicated that they were bringing this issue before the Commission because it represented a larger discussion which needed to be made separately from the workshop.

Commissioner Graziano seconded the restated motion. Motion carried 4-1 (Vice Mayor Strauss dissenting).

13. NEW BUSINESS

b. Resolution 2024-22: A RESOLUTION OF THE TOWN COMMISSION OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE AMENDED SCHEDULE OF PARKING FEES AND METER RATES; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

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

Deputy Town Manager/Public Works Director Rubach recalled that Staff had received a request from a resident of the Bougainvilla Drive area with respect to overnight parking. At present, parking on that roadway is only allowed until 8 a.m. The Resolution would permit overnight parking for individuals who work in the service industry and must be in the area overnight, as well as other residents and/or guests in that area.

Staff determined that parking is available at the Visitor Center at night after it has closed, as well as in the morning until 9 a.m. They consulted with the parking team and determined that it was a viable option. There are only eight spaces available at that location. Staff recommends that the cost of the proposed parking permit be \$112.35/month, which is the same as the cost of using the A1A parking lot.

Parking hours under the proposed permit would be Monday through Friday from 5 p.m. until 9 a.m., Saturday after 1 p.m., and all day Sunday.

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

14. COMMISSIONER COMMENTS

Vice Mayor Strauss reminded all present that when the Commission voted to invest in its Downtown renovation, they had held several community involvement meetings to hear input from the public.

Commissioner Pouloupoulos announced that former Mayor Chris Vincent will serve as Grand Marshal for this year's 4th of July Parade. He also noted that while some decisions require public input, the Town has also made multi-million dollar decisions without offering surveys, as residents have entrusted them to make decisions that will better the Town.

Commissioner Pouloupoulos concluded that his opinions regarding lifeguards are solely related to a desire for better safety on the Town's beaches, which he felt was the right decision for everyone.

Commissioner DeNapoli advised that he felt it is important to hear input from the Town's residents on the issues the Commission discussed at tonight's meeting. He looked forward to receiving this input.

Commissioner Graziano felt the proposed survey is a good idea, and stated that he wished to make decisions based on full information. He was in favor of a study as well as a survey, which together would provide residents with the most information possible. He encouraged continued resident input.

Mayor Malkoon thanked the Commissioners for their thoughtful discussion during tonight's meeting. He added that the Town's Garden Club has presented a proposed redesign of the garden in front of the Town Hall entrance, which will be undertaken in September or October.

Mayor Malkoon also noted that the current budget includes \$125,000 intended for a permanent monument or reminder of the Town's 75th anniversary. He suggested that one option could be an "eco-park" on the front lawn of Town Hall with a focus on conservation, native landscaping, and a butterfly garden component.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:32 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



Agenda Item No: 13.a.

Town Commission Agenda Item Report

Meeting Date: July 9, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Beach Safety Survey Results

Explanation: At the June 11, 2024 meeting, the Town Commission asked staff to survey residents to get their feedback on beach safety options for the Town's beaches. A survey was drafted and reviewed by the Commission. On June 24, 2024 and June 27, 2024, the survey was sent to the community through the email list that we utilize to send our email updates. We also advertised the survey through our social media pages. Overall, we estimate that 5,100 persons were reached to take the survey. A total of 531 people tried to respond to the resident survey. However, there were only 373 responses who confirmed residency and therefore these were the surveys that were counted. A similar survey was sent to our business and hotel community and their responses are also listed below. We estimate that 299 business owners were reached and there were a total of 13 business owners who responded. The resident response was sufficient to meet statistical standards so that we have a 95% confidence level that the survey results are reflective of the Town's resident population. The low response from the business community did not reach statistical standards, but the results are included for your information.

Question	Resident Percentage (373)	Business Responses (13)
Are the Town's Beaches Safe	58% YES 42% NO	27% YES 73% NO
Do you want lifeguards	23% YES 75% NO	50% YES 50% NO
Do you want beach code ambassador	24% YES 76% NO	25% YES 75% NO
Are you willing to use tax dollars to pay for aforementioned	30% YES 70% NO	58% YES 42% NO

Recommendation: Discuss results and provide staff direction.

Exhibits: None



Agenda Item No: 13.b.

Town Commission Agenda Item Report

Meeting Date: July 9, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: FPL Easement Request- 231 and 241 Shore Court

Explanation: Town Code Section 20-92 requires any non-residential or residential development application or any other development application to install utilities underground at the developer's and/or owner's cost. In addition, existing service lines serving the development shall, at the time of development or reconstruction, be converted to underground facilities at the developer's and/or owner's cost. Kai Stadler is the developer of record for two duplexes under construction at 231 Shore Court and 241 Shore Court. Mr. Stadler submitted plans to Florida Power and Light ("FPL") to bury the power lines between the two duplexes in accordance with the Town Code. However, his proposal to bury the power lines between the two duplexes was denied by FPL (**Image 1 and Exhibit 1**).



1- Developer's Proposed Power Line Location

Instead of agreeing to his request (as depicted in the photograph above), FPL is requiring that the power lines either be installed within the Town's right of way along Seagrape Drive or within an easement on property not owned by Mr. Stadler. Mr. Stadler requested an easement from the other private property owner, where FPL specified, but his request was denied. As a

result, FPL has stated that installation of the power lines along Seagrape Drive is the only remaining appropriate pathway in accordance with FPL practices. Mr. Stadler, along with Town staff, made several attempts over the last few months to find alternatives that meet FPL's requirements and do not require directional boring and installation of the power lines for this development within the public right-of-way, but they have had no success.

Therefore, the attached agreement has been provided to the Town for execution (**Exhibit 2**). It is important to note that this agreement would hold the Town financially responsible for certain costs, including the relocation costs of the lines once buried. To address this, Town staff will prepare a separate agreement with Mr. Stadler, stipulating that he will reimburse the Town for all costs associated with the installation of the power lines. This agreement between the Town and Mr. Stadler will be presented to the Town Commission at a later date.

Recommendation: Staff is seeking direction from the Town Commission on whether to proceed with the execution of the proposed agreement.

Exhibits:

1. FPL DENIAL
2. ROW Agmt- Shore Court

Jhanelle Campbell

From: Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>
Sent: Wednesday, June 26, 2024 5:03 PM
To: Jhanelle Campbell
Cc: Town Manager
Subject: RE: 231 & 241 Shore Court FPL Project

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Afternoon Jhanelle,

I reviewed the below with Roy and he advised the options remains the same . The directional bore can be done on the sidewalk with your permission .

Kind Regards,

Shashayne Maxwell

Customer Advisor I – Governmental Accounts Broward

Office: 954-327-3194

Cell: 954 232 6257

Email: Shashayne.Maxwell@fpl.com



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Manage your construction or new projects on the [FPL Project Portal](#)

Line clearing program and tree maintenance [Vegetation Request](#)

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Thursday, May 30, 2024 3:06 PM
To: Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>
Subject: RE: 231 & 241 Shore Court FPL Project

Hi Shashayne,

I hope this email finds you well. Please advise if you have had a chance to review this issue with Roy.

Thank you,

Jhanelle Campbell
Development Services Director



Town Hall: (954) 640-4200
Office: (954) 640-4219
Cell: (954) 488-0419
JhanelleC@lbts-fl.gov

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From: Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>
Sent: Monday, May 20, 2024 3:39 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: RE: 231 & 241 Shore Court FPL Project
Importance: High

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks Jhanelle, I will speak to Roy on this and advise , Thank you for your patience on this.

Kind Regards,

Shashayne Maxwell

Customer Advisor I – Governmental Accounts Broward

Office: 954-327-3194

Cell: 954 232 6257

Email: Shashayne.Maxwell@fpl.com



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Learn more about how you can manage your [Multiple Accounts](#)

Manage your construction or new projects on the [FPL Project Portal](#)

Line clearing program and tree maintenance [Vegetation Request](#)

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Monday, May 20, 2024 2:42 PM
To: Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: FW: 231 & 241 Shore Court FPL Project

Good afternoon Shahayne,

It was a pleasure meeting you this morning. We appreciate you coming out to meet up and the offer to assist where needed. Please see attached agreement that was sent to us by FPL as promised.

Thank

Jhanelle Campbell
Development Services Director



Town Hall: (954) 640-4200
Office: (954) 640-4219
Cell: (954) 488-0419
JhanelleC@lbts-fl.gov

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you,

From: Rivera, Geordy <Geordy.Rivera@fpl.com>
Sent: Wednesday, May 1, 2024 11:02 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Torres, Roy <Roy.Torres@fpl.com>; Kai <kaistadler@gmail.com>
Cc: Shaw, Christine <Christine.Shaw@fpl.com>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>; Muriel Ramirez <MurielR@lbts-fl.gov>
Subject: RE: 231 & 241 Shore Court FPL Project

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Good morning Jhanelle,

Roy and I got on a call this morning with someone from another group who deals with similar types of conversions. He provided us a copy (see attached) of the agreement used for conversions on city right-of-way. I want to highlight that this agreement is for when the municipality requests a conversion and the municipality is paying. Please review the document and provide us with some feedback.

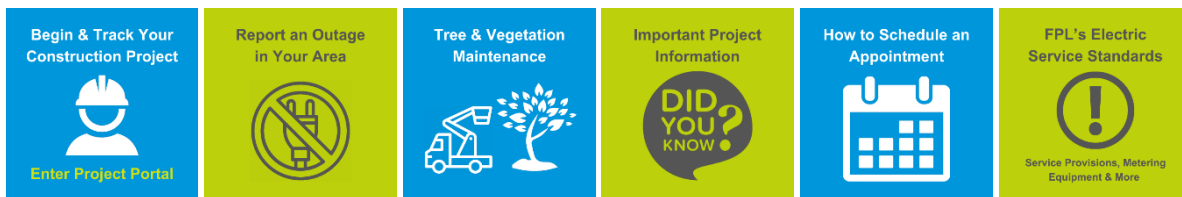
Geordy Rivera
Associate Engineer

Wingate Service Center – FPL
3020 NW 19th ST
Fort Lauderdale, FL 33311
Office: (954) 717-1434
Email: Geordy.Rivera@fpl.com


FPL Please contact me with any questions or concerns. If you cannot reach me, feel free to contact my Engineering Leader : Roy Torres at 954-717-2082 or roy.torres@fpl.com

Visit the new FPL Project Portal at FPL.com/construction to manage your FPL residential and commercial construction projects including milestones.

Please Note: *****ALL APPOINTMENTS ARE SUBJECT TO CHANGE DUE TO WEATHER*****



From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Tuesday, April 30, 2024 5:44 PM
To: Torres, Roy <Roy.Torres@fpl.com>; Kai <kaistadler@gmail.com>
Cc: Shaw, Christine <Christine.Shaw@fpl.com>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>; Muriel Ramirez <MurielR@lbts-fl.gov>
Subject: RE: 231 & 241 Shore Court FPL Project

Good afternoon,

I still await the agreement. Please advise when the Town will receive it for review. As discussed in the field, the Town would like to see this project completed and a resolution to the power supply issue is necessary for this project's completion in a timely manner .

Thank you,

Jhanelle Campbell
Development Services Director



Town Hall: (954) 640-4200
Office: (954) 640-4219
Cell: (954) 488-0419
JhanelleC@lbts-fl.gov

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From: Torres, Roy <Roy.Torres@fpl.com>
Sent: Monday, April 22, 2024 3:20 PM
To: Kai <kaistadler@gmail.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Shaw, Christine <Christine.Shaw@fpl.com>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>
Subject: RE: 231 & 241 Shore Court FPL Project

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My sincere apologies. I realized, my invite never got sent.

Can we reschedule to 3:30 PM ?

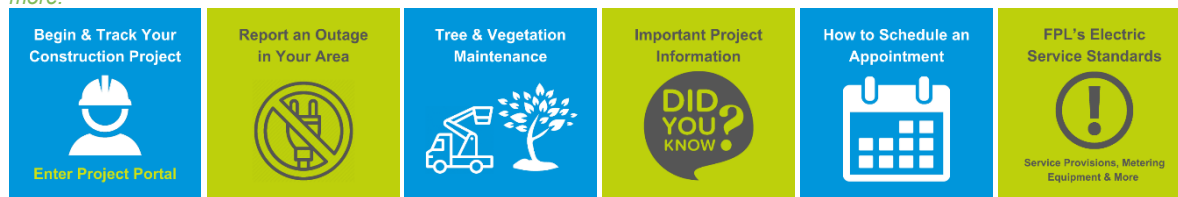
Thanks,

Roy Torres

Engineering Lead
Wingate Service Center – FPL
3020 NW 19th Street
Fort Lauderdale, FL 33311
Office: 954-717-2082
Email: roy.torres@fpl.com



Visit the [FPL Project Portal](#) by visiting the link below to manage your FPL Residential and Commercial construction projects. Get information on construction services and project types, apply for your construction project, track project milestones, manage your project team and more.



From: Kai <kaistadler@gmail.com>
Sent: Monday, April 22, 2024 3:03 PM
To: Torres, Roy <Roy.Torres@fpl.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Shaw, Christine <Christine.Shaw@fpl.com>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>
Subject: Re: 231 & 241 Shore Court FPL Project

Gentlemen,

We are awaiting the link for the conference call. Everyone is on standby. PLs advise

K

On Wed, Apr 17, 2024 at 2:00 PM Torres, Roy <Roy.Torres@fpl.com> wrote:

Perfect !

Let's do Monday 04/22 @ 3PM. I'll send out an invite.

Thanks,

Roy Torres

Engineering Lead

Wingate Service Center – FPL

3020 NW 19th Street

Fort Lauderdale, FL 33311

Office: 954-717-2082

Email: roy.torres@fpl.com



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Get information on construction services and project types, apply for your construction project, track project milestones, manage your project team and more.



From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>

Sent: Wednesday, April 17, 2024 1:59 PM

To: Torres, Roy <Roy.Torres@fpl.com>; Shaw, Christine <Christine.Shaw@fpl.com>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>

Cc: Kai <kaistadler@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne

<Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>

Subject: RE: 231 & 241 Shore Court FPL Project

I am available after 11:00 am on Monday.

Jhanelle Campbell
Development Services Director



Town Hall: (954) 640-4200
Office: (954) 640-4219
Cell: (954) 488-0419
JhanelleC@lbts-fl.gov

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From: Torres, Roy <Roy.Torres@fpl.com>

Sent: Wednesday, April 17, 2024 1:57 PM

To: Shaw, Christine <Christine.Shaw@fpl.com>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>

Cc: Kai <kaistadler@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>

Subject: RE: 231 & 241 Shore Court FPL Project

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Good Afternoon

We can do an online meeting this upcoming Monday 04/22 in the afternoon. Please advise

Thanks,

Roy Torres

Engineering Lead

Wingate Service Center – FPL

3020 NW 19th Street

Fort Lauderdale, FL 33311

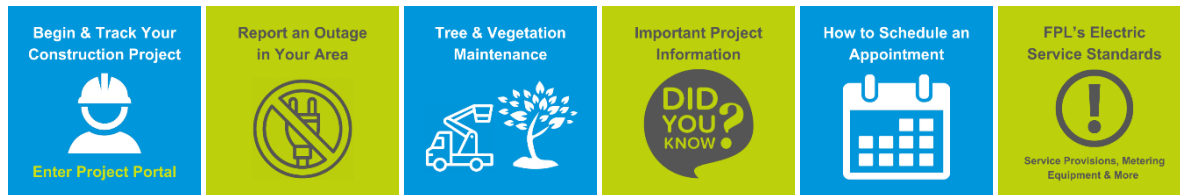
Office: 954-717-2082

Email: roy.torres@fpl.com



Visit the **FPL Project Portal** by visiting the link below to manage your FPL Residential and Commercial construction projects.

Get information on construction services and project types, apply for your construction project, track project milestones, manage your project team and more.



From: Shaw, Christine <Christine.Shaw@fpl.com>

Sent: Wednesday, April 17, 2024 12:01 PM

To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Nico <nicksky360@gmail.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>

Cc: Kai <kaistadler@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>; Torres, Roy <Roy.Torres@fpl.com>

Subject: RE: 231 & 241 Shore Court FPL Project

I have added our engineering lead to assist with providing an update on the below item.

Best,

Christine

Christine Shaw

External Affairs Manager | North Broward

Florida Power & Light Company

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Wednesday, April 17, 2024 11:12 AM
To: Nico <nicksky360@gmail.com>; Shaw, Christine <Christine.Shaw@fpl.com>; Town Manager <townmanager@lauderdalebythesea-fl.gov>
Cc: Kai <kaistadler@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>
Subject: RE: 231 & 241 Shore Court FPL Project

Good morning,

I hope this email finds you well. Please advise of a time **this week** that FPL is available to discuss this issue with the Town staff including the Town Manager. This project is being delayed due to the inability to find a resolution to this issue. The Town's code requires all new projects to bury their power lines. The applicant is attempting to comply with the terms that were approved. We need to set up a meeting to resolve this issue asap.

Thank you,

Jhanelle Campbell
Development Services Director



Town Hall: (954) 640-4200
Office: (954) 640-4219
Cell: (954) 488-0419
JhanelleC@lbts-fl.gov

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Please note: Florida has a very broad public records law. Written communications to the Town, including emails, are Public Record available to the public upon request. Your email communication is therefore subject to public disclosure.

From: Nico <nicksky360@gmail.com>

Sent: Tuesday, April 16, 2024 5:26 PM

To: Shaw, Christine <christine.shaw@fpl.com>

Cc: Kai <kaistadler@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>

Subject: Re: 231 & 241 Shore Court FPL Project

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi Christine,

Do you have an update on this?

Kind regards,

Nico

On Apr 11, 2024, at 7:06 PM, Shaw, Christine <christine.shaw@fpl.com> wrote:

I have been working internally to get an update. Sorry for the delay but I hope to have an update for you soon on next steps and/or if we will proceed with a meeting.

Best,

Christine

Christine Shaw

FPL

External Affairs Manager | North Broward

Christine.Shaw@fpl.com

Sent from my iPhone

From: Kai <kaistadler@gmail.com>
Sent: Thursday, April 11, 2024 3:07:45 PM
To: Nico <nicksky360@gmail.com>
Cc: Shaw, Christine <Christine.Shaw@fpl.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>
Subject: Re: 231 & 241 Shore Court FPL Project

Dear Christine

I've just returned from my overseas trip, and I'm learning that, despite numerous attempts to contact everyone on FPL's side, both via telephone and email, we are no further than we were before I left.

It was my understanding that we agreed to set up a meeting between Geordy and ourselves (and possibly a representative from the town of LBTS, and yourself), to agree on a final plan of action. I cannot stress the urgency enough, and, quite frankly, don't understand why a project that was initiated in 2021 to this day has not been able to come to a conclusion? We have documented our attempts of communication, and the ledger is substantial, so it's not for lack of trying.

Please, help us to get this done asap so we can avoid delays and other consequences that delaying this any further may cause.

Kind Regards,

Kai

On Thu, Apr 4, 2024 at 2:41 PM Nico <nicksky360@gmail.com> wrote:

Hi Christine, Geordy,

I was not able to reach you on the phone just now, can you please let us know what date and time works best for you so we can arrange for everyone to meet on site.

@Georgy what is the update of your conversation with your leadership team?

Would you mind copying them on this email chain as well. Thank you.

Kind regards,

Nico

On Mar 28, 2024, at 12:20 PM, Kai <kaistadler@gmail.com> wrote:

Geordy

thank you for the response. When our group purchased the Sky development project in May 2013, the route to bury FPL lines was following the existing overhead lines on our siteplan. Given that I personally took over this project only in 2020 I am hard-pressed to provide documentation or emails, but the fact that that is where the FPL lines are running today should be evidence enough that this was a planned effort; they have been buried all the way from Hibiscus passing underground Garden Court to Shore Court.

We started the application with FPL to bury these lines under ground October 2021. The problem with following your new route now is threefold:

For one, we don't have time to obtain easements involving the land owners and their attorneys since that is a lengthy legal process requiring consent from various people.

Number two, when we developed SKY230 we ran the TECO gas line alongside Seagrape Drive from commercial Boulevard south, and then turned westbound on Shore Ct. and again northbound in the driveway of Sky230 to provide gas to those five units. Both TECO gas lines follow a parallel path to both, east and west, alternative routes.

And third, both alternative routes require opening existing streets and paved driveways, not only at a considerable expense, but more so at a considerable inconvenience to the public. The straight route runs through our construction site where the ground is already exposed, and in between existing houses were only grass needs replacement while nobody is being inconvenienced in the interim.

Because of the Teco gas lines in the ground and the time constraints created by so much time having passed, we don't see an alternatives but using the existing easements following the original path of our site plan to bring this project to a timely completion.

What makes this even more urgent is that Lauderdale by the sea has adapted a new code requiring new construction to bury power lines underground, so any further delay will stand in the way of completion and obtaining a CO for the affected properties.

I very much hope that you will find a way to accommodate this project by continuing with direct Northern Route using existing easements, as this is the fastest and least complicated way to bring this undertaking to conclusion. Christine suggested a meeting, and I am happy to accommodate at your earliest convenience as this has become extremely time sensitive.

Respectfully,

Kai Stadler

President

SkY360 Development



Cell: (954) 696-3304

Email: kaistadler@gmail.com

Website: sky360.us

Address: 218 Commercial Boulevard, Suite 106, Lauderdale by the Sea, FL, 33308

On Thu, Mar 28, 2024 at 9:53 AM Rivera, Geordy <Geordy.Rivera@fpl.com> wrote:

Good morning,

There was never an agreed upon plan to use the existing easement. If there are any previous email where this was agreed upon by FPL, I would like you share that since my emails do not go that far back due to the company's email retention policy. I have older redlines and they show the underground going west (see attached). In both instances, your team was in agreeance to the route. I will need to discuss with my leadership undergrounding the primary lines in the existing easement in the rear of the properties, as I did in the past and I was advised not to do so.

Kind regards,

Geordy Rivera

Associate Engineer

Wingate Service Center – FPL

[3020 NW 19th ST](#)

Fort Lauderdale, FL 33311

Office: (954) 717-1434

Email: Geordy.Rivera@fpl.com

<image001.jpg>

Please contact me with any questions or concerns. If you cannot reach me, feel free to contact my Engineering Leader : Roy Torres at 954-717-2082 or roy.torres@fpl.com

Visit the new FPL Project Portal at FPL.com/construction to manage your FPL residential and commercial construction projects including milestones.

Please Note: *ALL APPOINTMENTS ARE SUBJECT TO CHANGE DUE TO WEATHER*****

[<image002.png>](#)

<image003.png>

<image004.png>

<image005.png>

<image006.png>

<image007.png>

From: Kai <kaistadler@gmail.com>
Sent: Tuesday, March 26, 2024 1:02 PM
To: Shaw, Christine <Christine.Shaw@fpl.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Nico <nicksky360@gmail.com>; Rivera, Geordy <Geordy.Rivera@fpl.com>; Smh Construction <stephan@smhconstructionllc.com>
Subject: Re: 231 & 241 Shore Court FPL Project

Thank you for your quick response, Christine.

I would very much embrace a meeting at the shortest possible notice were Geordy can entertain the possibility reverting back to originally planned route on the SKY project siteplan with existing easements, at which point Jhanelle would be the right person to expedite using the alternative route on the east side along Seagrape Drive.

Again, Geordy's redlined route requires three parties granting easements, which likely will involve attorneys and causing time delays we don't have, and it overlaps with the buried TECO gas line on the sky230 property.

Again, thank you for your quick response and corporation.

Best, Kai

Kai Stadler

President

SkY360 Development

<~WRD0957.jpg>

Cell: (954) 696-3304

Email: kaistadler@gmail.com

Website: sky360.us

Address: [218 Commercial Boulevard, Suite 106, Lauderdale by the Sea, FL, 33308](#)

On Tue, Mar 26, 2024 at 12:47 PM Shaw, Christine
<Christine.Shaw@fpl.com> wrote:

Kai,

I do not have the authority to make that decision. I am not an engineer, nor am I involved in the decisions the service center makes regarding our infrastructure/safety considerations for undergrounding. I know your team has been communicating with Geordy on this project. @Rivera, Geordy are there any other alternatives available for this request that maybe have not yet been considered?

I would suggest all parties schedule a meeting to discuss this so that everyone can be on the same page as to what can and cannot be done.

Best,

Christine

Christine Shaw

External Affairs Manager | North Broward

Florida Power & Light Company

From: Kai <kaistadler@gmail.com>
Sent: Tuesday, March 26, 2024 11:00 AM
To: Shaw, Christine <Christine.Shaw@fpl.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>;
Maxwell, Shashayne <Shashayne.Maxwell@fpl.com>; Nico
<nicksky360@gmail.com>; Smh Construction
<stephan@smhconstructionllc.com>
Subject: Re: 231 & 241 Shore Court FPL Project

Hi Christine,

please see attached in Blue where the existing easements have been used to bury the power lines from shore court south to hibiscus ave on our previous SKY projects. It would make the most sense to continue with the path of the easements going north towards lake court marked in red, even though, according to Geordy, FPL “doesn’t do it like that” anymore. But we have run out of time, so please help make an executive decision or a tell us that FPL will not run the lines following the existing path of easements , in which case I will pledge my case with the town to go through city property. But the decision must be made now.

Thank you, Kai.

On Thu, Mar 21, 2024 at 4:31 PM Kai <kaistadler@gmail.com> wrote:

Dear Christine

We find ourselves in a difficult situation and urgently ask you for help:

When our SKY230 project commenced, the proposed and then realized FPL underground lines followed the existing lines using existing easements. Our site plan was created and approved by the town accordingly, and FPL did bury the power lines between 2016 and 2018 following that path south of the existing pole on Shore Court, between the newly erected SKY buildings all the way across the next two blocks (Garden Court) until the next street (Hibiscus Avenue).

That site plan did foresee that the power line going north would follow the same path.

Therefore, our project put the TECO gas lines on the west side of the subject property (241 Shore Ct) under the newly paved driveway of SKY230 back in 2016.

When we filed our application on the FPL project website in October 2021 we requested that the same path was followed going north. As time passed without feedback from FPL we have since built the approved structures and are at the point where the power lines are in the way of progress, and erecting scaffolds alongside the buildings to apply stucco and paint could put workers in harm's way.

Now that we finally have a proposed "redline" path from FPL (almost 2 1/2 years after our application) we realize that not only does it conflict with the mentioned TECO gas lines, but it also requires new easements that would be difficult to get

Given that the under ground lines are inside a secured tube and would be burying on the exact same way the southern lines are buried, I ask politely that FPL would consider staying with the original proposed path eliminating all challenges and allowing us to engage the FPL utility contractor immediately, which allows us to continue the completion of this project without interruption. Following the original site-plan would be the logical continuance of the southbound path that has already successfully been implemented and solve all problems.

Sincerely,

--

Kai Stadler

President

SkY360 Development

<~WRD0957.jpg>

Cell: (954) 696-3304

Email: kaistadler@gmail.com

Website: sky360.us

Address: [218 Commercial Boulevard, Suite 106, Lauderdale by the Sea, FL, 33308](#)

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Kai Stadler

President

SkY360 Development

<~WRD0957.jpg>

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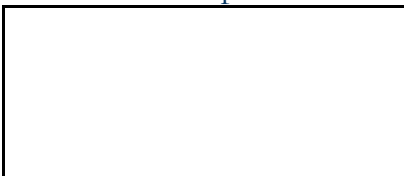
Address: 218 Commercial Boulevard, Suite 106, Lauderdale by the Sea, FL, 33308

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Email: kaistadler@gmail.com

Website: sky360.us

Address: 218 Commercial Boulevard, Suite 106, Lauderdale by the Sea, FL, 33308

**CITY/COUNTY RIGHT-OF-WAY
AGREEMENT FOR UNDERGROUND CONVERSIONS**

THIS AGREEMENT (the “**Agreement**”) is made and entered into this _____ day of _____, 20____ by and between _____ (“**Local Government**”), a Florida municipal corporation or county with an address of _____ and Florida Power & Light Company (“**FPL**”), a Florida corporation with an address of P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408-0429.

WHEREAS, Local Government has requested that FPL convert certain overhead electric distribution facilities located within the following boundaries (the “**Conversion**”):

_____ (collectively, the “**Existing Overhead Facilities**”) to underground facilities, including transformers, switch cabinets and other appurtenant facilities some of which may be installed above ground (collectively, the “**Underground Facilities**”) and has further requested that certain of the Underground Facilities be placed in certain of its road rights-of-way (“**Local Government ROW**”) and/or certain road rights-of-way owned by or under the jurisdiction of other agencies (“**Other ROW**”). Local Government ROW and Other ROW may be referred to collectively as “**ROW**”; and

WHEREAS, the Local Government has agreed to pay FPL the cost of such Conversion as required by FPL’s electric tariff and Section 25-6.115 of the Florida Administrative Code and has or will enter into a separate Underground Facilities Conversion Agreement with FPL; and

WHEREAS, FPL is willing, subject to the terms and conditions set forth in this Agreement, FPL’s electric tariff and Section 25-6.115 of the Florida Administrative Code, to place certain of the Underground Facilities in the ROW.

NOW THEREFORE, in recognition of the foregoing premises and the covenants and agreements set forth herein, and other consideration the sufficiency of which is hereby acknowledged, intending to be legally bound hereby, the parties covenant and agree as follows:

1. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Agreement.

2. Conditions Precedent to Placement of Underground Facilities in ROW

- (a) Local Government covenants, represents and warrants that:
 - (i) Local Government has full legal right and authority to enter into this Agreement;
 - (ii) Local Government has full legal right and authority to take all actions and measures necessary to fulfill Local Government's obligations under this Agreement;
 - (iii) Local Government hereby authorizes the use of the ROW by FPL for the purposes stated herein.
- (b) All applicable permits for FPL to install, construct, or maintain Underground Facilities in ROW must be issued on a timely basis by the appropriate agency, subject to the timely filing for permits by FPL.
- (c) Local Government agrees to provide, at its expense, a legal description that is acceptable to FPL of the ROW to be occupied by the Underground Facilities at a time before FPL initiates the design of the Underground Facilities. Said legal description shall be made part of this Agreement and attached as Exhibit "A".
- (d) FPL agrees to identify and document all existing FPL underground facilities within the ROW that will not be included under this Agreement. Local Government shall reimburse FPL's reasonable costs and expenses to deliver said documentation. Said documentation shall be made part of this Agreement and attached as Exhibit "B".
- (e) FPL warrants that the design of the Underground Facilities to which Local Government has agreed are in compliance with all operational and safety guidelines, codes and standards. FPL and Local Government have mutually agreed upon the location of the facilities within the ROW as per the construction drawings. Said construction drawings shall be attached as Exhibit "C" to this agreement, are part of this agreement, and may be amended to reflect changes to location of facilities as required.

3. Relocation and Rearrangement of FPL Facilities. If the Local Government or other agency with control over the Local Government ROW or Other ROW, for any reason whatsoever, requires that FPL relocate or rearrange, in whole or in part, any Underground Facilities (as they are to exist as a result of this Conversion, or as they may later be modified, upgraded, or otherwise altered) from or within the Local Government ROW or Other ROW, the Local Government, notwithstanding any language to the contrary in any applicable permit or franchise agreement, and prior to any such relocation by FPL, shall provide FPL with a substitute location, satisfactory to FPL, obtain any easements that may be necessary, and shall pay FPL for the costs of any such relocation, adjustment or rearrangement, now or in the future. Local Government shall reimburse FPL for all costs to locate, expose, protect or support the Underground Facilities, whether underground or above ground, in the event of future construction or excavation in close proximity to the Underground Facilities, when such services are required by Local Government or other agency with control over the Local Government

ROW or Other ROW Local Government shall use its best efforts in any design and construction of its future road improvement projects to avoid or mitigate the necessity of relocating or adjusting the Underground Facilities in Local Government ROW and, to the extent reasonably practicable, in Other ROW.

Local Government shall only be responsible for relocation costs associated with replacement facilities conforming to FPL standards in effect at the time of relocation. Any costs associated with the replacement facilities to provide increased capacity, improved reliability, future use facilities, or other such enhancements over and above the FPL standards in effect at the time of the relocation shall not be the responsibility of Local Government.

Nothing herein shall preclude Local Government from obtaining reimbursement for any and all costs requiring FPL to relocate or rearrange any of its Underground Facilities from that entity which initiated the requirement for the relocation or rearrangement of the facilities, excluding only other agencies which own or have jurisdiction over the ROW.

FPL shall be responsible for any and all costs of removal or relocation when such removal or relocation is initiated by FPL. Additionally, FPL agrees that when any portion of a street is excavated by FPL in the location, relocation or repair of any of its facilities when said location, relocation or repair is initiated by FPL, the portion of the street so excavated shall, within a reasonable time and as early as practical after such excavation, be replaced by FPL at its expense in a condition as good as it was at the time of such excavation.

4. **Abandonment or Sale of Local Government ROW.** If the Local Government desires to subsequently abandon or discontinue use of the Local Government ROW, and ownership of the land is transferred to a private party, the Local Government, as a condition of and prior to any such sale, abandonment, or vacation, shall grant FPL an easement satisfactory to FPL for the Underground Facilities then existing within the ROW or require the transferee to so grant FPL an easement satisfactory to FPL at the time of transfer. If ownership of the Local Government ROW is transferred to another public entity, that public entity shall take the ROW subject to the terms and conditions of this Agreement.

5. **Term.** This Agreement shall remain in effect for as long as FPL or any successor or assign owns or operates the Underground Facilities placed in the ROW.

6. **Title and Ownership of Underground Facilities.** Title and ownership of Underground Facilities installed by FPL as a result of this Agreement shall, at all times, remain the property of FPL.

7. **Conversion Outside ROW.** In the event that the FPL Underground Facilities are not, for any reason other than the sole error of FPL or its contractors,

constructed within the ROW, Local Government shall grant or secure, at Local Government's sole cost and expense, new easements or ROW grants for the benefit of FPL for the placement of the Underground Facilities in these areas, and shall secure subordinations of any mortgages affecting these tracts to the interest of FPL. In the alternative, at the discretion of Local Government, Local Government shall reimburse FPL for all costs incurred to remove said facilities which were constructed outside the ROW and for reinstallation within the ROW. FPL shall be responsible at completion of construction for notifying Local Government in writing of FPL's approval and acceptance of the conversion as being constructed within the ROW. Upon acceptance there shall be no further responsibility on the Local Government for relocations referenced in this paragraph.

8. **Agreement Subject to FPL's Electric Tariff.** This Agreement is subject to FPL's electric tariff, including but not limited to the general rules and regulations for electric service and the rules of the Florida Public Service Commission.

9. **Venue; Waiver of Jury Trial.** This Agreement shall be enforceable in _____ County, Florida, and if legal action is necessary by either party with respect to the enforcement of any or all of the terms or conditions herein, exclusive venue for the enforcement of same shall lie in _____ County, Florida. By entering into this Agreement, FPL and the Local Government expressly waive any rights either party may have to a trial by jury of any civil litigation related to or arising out of this Agreement. This Agreement shall be construed in accordance with the laws of the State of Florida.

10. **Attorney Fees.** In the event it becomes necessary for either party to institute or defend legal proceedings as a result of the failure of the other party to comply with the terms, covenants, or provisions of this Agreement, each party in such litigation shall bear its own cost and expenses incurred and extended in connection therewith, including, but not limited to attorneys' fees and court costs through all trial and appellate levels.

11. **Assignment.** The Local Government shall not assign this Agreement without the written consent of FPL.

12. **Recording.** This Agreement shall be adopted by the Local Government and maintained in the official records of Local Government for the duration of the term of this Agreement. This Agreement also shall be recorded in the Official Records of the County in which the Underground Facilities are located, in the place and in the manner in which deeds are typically recorded.

13. **Conflict between Terms of Permit or Franchise Agreement.** In the event of a conflict between the terms of this Agreement and any permit or franchise agreement entered into by Local Government and FPL, the terms of this Agreement shall control.

14. **Notice.** Any notice, instruction or other communication to be given to either party hereunder shall be in writing and shall be hand delivered, telecopied, sent by Federal Express or a comparable overnight service or by U. S. registered or certified mail, with return receipt requested and postage prepaid to each party at their respective addresses set forth below:

As to Local Government:

With copies to:

As to FPL:

IN WITNESS WHEREOF, Florida Power & Light Company and Local Government have executed this Agreement on the date first set forth above.

For **LOCAL GOVERNMENT:**

By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)

By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)

Approved as to Terms and Conditions: _____
(signature/title)

Approved as to Form and Legal Sufficiency: _____
(signature/title)

For **FLORIDA POWER & LIGHT COMPANY**

By: _____
(signature)

Name: _____
(print or type)

Title: _____
(print or type)