

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, July 23, 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 23, 2024, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION by Rabbi Bentzion Singer**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Presentation of Bioswales
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
 - 7.a. BSO June 2024 Public Safety Report
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
 - 8.b. Development Services Quarterly 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. RESOLUTION 2024-27- A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE AMENDED SCHEDULE OF PARKING FEES AND METER RATES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
 - 17.a. ORDINANCE 2024-06-AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-

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

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

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 23, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Presentation of Bioswales

Explanation: Alison Zack will give a brief presentation on the benefit of bioswales.

Recommendation:

Exhibits: None



Agenda Item No: 7.a.

Town Commission Agenda Item Report

Meeting Date: July 23, 2024

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

Submitting Department: Administration

Item Type: Public Safety Discussion

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO June 2024 Public Safety Report

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

Recommendation: Accept/Approve

Exhibits:

1. BSO Report June 2024



Date: July 3, 2024

To: Linda Connors
Town Manager

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

Subject: BSO Public Safety Report- June 2024

PERSONNEL CHANGES:

Sergeant Keith Gittens was detached to the Lauderdale by the Sea District effective June 29, 2024.

EMPLOYEE OF THE MONTH: Deputy Brann Redl

On Sunday, June 9, 2024, at around 4:58 AM, an employee from the Blue Moon Fish Co. restaurant, located at 4405 W. Tradewinds Avenue, called 911 to report a fire.

Upon arrival, Deputy Redl noticed heavy smoke coming from the back of the restaurant. Deputy Redl quickly found the source of the fire which was a storage room adjacent to the main building. Deputy Redl utilized a garden hose supplied by the employee and began his efforts to extinguish the fire. Deputies Douglas Roach and Jorge Figueroa also arrived on scene and assisted in attempting to extinguish the fire by utilizing their agency-issued fire extinguishers.

Approx. four minutes after Deputies had arrived on scene, crews from the Pompano Beach Fire Department arrived and took over efforts to extinguish the fire. Pompano Beach Fire Battalion Chief McLellan arrived on the scene and after assessing the fire, mentioned that if it weren't for the quick actions of the responding deputies, the fire would have likely destroyed most of the building. After reviewing Deputy Redl's BWC footage, it was clearly observed that the flames were rapidly spreading in the storage compartment that was connected to the kitchen and dining area and the actions of all three deputies, kept the fire from expanding.

In addition to the above incident, Deputy Redl is also being recognized for assisting the Oakland Park District with the apprehension of a subject who had cashed multiple stolen checks at a local business.

On June 15, 2024, Deputy Redl received a call from an employee of the Kwik Stop, located in Oakland Park, indicating a subject had just attempted to cash a stolen check and would be returning to the store shortly. This same subject had been to the store the previous three days straight cashing identical stolen checks totaling \$3,440.00. Deputy Redl immediately notified

Sergeant Eric Blevins of the Oakland Park District that the subject, Michelle Chase, would be returning to the store to receive cash from her earlier transaction. Sergeant Blevins was able to direct detectives in unmarked vehicles to surveil the store until the arrival of the subject. Shortly afterwards, Michelle Chase was apprehended and ultimately charged with cashing multiple stolen checks over a period of three days.

Sergeant Blevins commended Deputy Redl's actions in reference to this case. Deputy Redl has a long-standing excellent working relationship with the owners of the Kwik Stop. This relationship enabled Deputy Redl to receive the information regarding the subject's prior fraudulent transactions and her intention to return to the store. Deputy Redl then immediately informed Sergeant Blevins of the situation with enough time to put a plan into effect to apprehend the subject.

For the above-mentioned actions, Deputy Brann Redl is awarded the Lauderdale by the Sea District Employee of the Month for June 2024.

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

- **Elder Links:** This program offers referral services to elderly residents and other senior citizens in need of medical and mental health care, meal delivery or other social services.
- **Business and Residential Security Surveys:** The Business and Residential Security Survey program teaches participants to secure their business, home, or condominium to reduce the likelihood of burglary and theft. Security surveys, conducted by a certified law enforcement security specialist, are provided upon request, at no charge to the business owner or resident.
- **Vacation House Watch Program:** Residents who are traveling out-of-town may register for this program. Deputies will conduct periodic checks of their residence until their return.
- **Neighborhood Crime Prevention Program:** The Neighborhood Crime Prevention program liaison organizes and conducts crime prevention and security seminars at the request of neighborhood civic and condominium associations. We will also help facilitate any Neighborhood Crime Watch programs in which the residents wish to participate.
- **Identity Theft and Scam Prevention Program:** The Identity Theft and Scam Prevention program is designed to inform residents about identity theft and how to lessen their chances of becoming a victim of a scam. Residents are informed on the importance of shredding documents, awareness of suspicious individuals, protection of passwords and use of caution in revealing information. Our Shred-A-Thon to reduce identity theft event is incorporated into this program.
- **Enhanced Marine Law Enforcement Patrol Program:** The BSO Marine Patrol Unit participates in the Enhanced Marine Law Enforcement Grant on behalf of Lauderdale-by-the-Sea. This grant allows for additional maritime patrols throughout the Town's waterways and adjacent ocean area.

- **Citizen Observer Patrol (COP) Program:** COP volunteers are local residents who receive public safety training. They are a tremendous asset to the Town of Lauderdale-by-the-Sea. COP members alternate assisting in administrative duties or patrolling local neighborhoods as an extra pair of eyes and ears to supplement deputy sheriff patrols. COP members also attend monthly patrol information and criminal intelligence briefings. A summary of COP statistical activity is included at the end of this report.
- **Sexual Offender Tracking Program:** There are **no** individuals legally classified as a sexual offender residing within Town limits. The sex offender database is routinely checked by BSO to ensure compliance with State of Florida legal mandates. Existing municipal ordinances prohibit persons classified as sexual offenders or sexual predators from residing within Town limits.
- **Bicycle Patrol:** Deputies utilize specialized patrol bicycles to enhance public safety and community outreach. This mode of patrol allows the deputies to interact one-on-one with our residents and visitors. Deputies conducted 3.5 hrs. of bike patrol.
- **All-Terrain Vehicle Patrol:** The ATV / Polaris are primarily utilized on the beach areas in order to conduct patrols to deter criminal activity and maintain the security of the beach-area properties. The ATV patrol is instrumental in marine fisheries regulation enforcement and protection. Deputies used the ATV / Polaris for 196 miles and 32.5 hours this month.
- **Crisis Intervention Team / Homeless Outreach Team Programs:** The C.I.T. / H.O.T. program is comprised of specially trained patrol deputies and supervisors who are able to intervene in situations involving persons with mental illness or are otherwise experiencing mental health crises or are homeless and in need of services. Four (4) individuals were experiencing a mental health crises and were Baker Acted. Three (3) individuals experiencing homelessness were contacted during this period. One individual was issued a Trespass Warning, one individual refused services and one individual was transported to Henderson Behavioral Health for services.
- **Automated License Plate Reader Camera System:** The ALPR system installation was completed in October 2014. The system is proving to be an effective tool to Public Safety. ***See Notable Incidents/Arrests below.***
- **e – Alerts:** This information initiative allows Town residents to stay informed, via email or text messages, of important topics such as criminal activity, traffic information, upcoming events, security issues and other important public safety information throughout Broward County and Lauderdale-by-the-Sea. Residents can register for this program through either the Lauderdale-by-the-Sea or the Broward Sheriff's Office internet website @ www.sheriff.org.
- **Electronic Message Board:** The BSO Lauderdale-by-the-Sea district continues to utilize the electronic traffic safety message board at various locations within the Town. This allows the district to alert residents about any traffic problems and other important public safety issues impacting them.
- **SaferWatch:** SaferWatch is an application (app) that gives citizens the power to record or report non-emergency incidents as they happen. It provides another option to the "If

you see something, say something” message and allows individuals that “If you see something, SEND something” via a mobile application (app) from your smartphone.

- **TWITTER:** The Broward Sheriff's Office has provided an official Twitter account to Captain Wesolowski and Lieutenant Sutter to provide information to the public via social media. Follow us **@BSOLBTS**.

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

On Saturday, June 1, 2024, the second annual Dive into Summer event took place in El Prado Park. The Lauderdale by the Sea District set up their district tent inside the event location along with static displays consisting of a district ATV and district UTV. District command staff accompanied by the Broward Sheriff's Office Neighborhood Support Team distributed giveaways. The Broward Sheriff's Office Dive Team set up a static display of their equipment and answered questions from attendees. Detail deputies and District COPs provided security and assisted with pedestrian traffic. Approximately 2,000+ attended the event.

NOTABLE INCIDENTS / ARRESTS:

CASE: 13-2406-000028 (Deputy Yates)
DATE/TIME: 06/02/24 1220
LOCATION: 2 Commercial Blvd (Anglin Beach Cafe)
VICTIM: Luke Gay WM 063088
VICTIM: Anglin Beach Cafe
SUSPECT: WM, 40's, dark hair, 6', heavy build, wearing all black
INCIDENT: Aggravated Battery/Theft (Defrauding an Innkeeper)
SUMMARY: Anglin Café Manager Hernandez Leyva advised listed subject ordered and ate \$55.50 worth of drinks and food and left the restaurant without paying. Hernandez and waiter Gay tried to confront the subject as he left in a blue Kia. Hernandez observed the subject hit/brushed Gay with his car as he was leaving, but Gay claimed he was hit by the front of vehicle, went up on hood and rolled off as the subject fled. Gay had no signs of injury. No video of the incident. Tag given for vehicle (FL RETT13) comes back to a black Kia. It is unknown if tag was on the registered vehicle. The subject had fled the area north on N Ocean Dr prior to 911 being called.

CASE: 13-2406-000059 (Deputy Cathcart)
DATE/TIME: 5/31/24 @ 1800 hrs., through 6/1/24 @ 0800 hrs.
LOCATION: 4533 N Ocean Dr.
VICTIM: Stephen Fisher Moch, W/M, 4/15/51
SUSPECT: Wesley, B/M
INCIDENT: Petit Theft
SUMMARY: Victim stated that between the above listed dates/times, a known subject named Wesley, unlawfully removed his Swiss Army backpack containing his US passport, birth certificate, and vaccination cards. The backpack was equipped with a locator, showing the items at 1700 NW 1st Way, Pompano Beach. PB deputies met with victim on 6/1/24 in Pompano Beach but were unable to locate Wesley or the stolen items. BWC.

CASE: 13-2406-000066 (Deputy Boyian)
DATE/TIME: 06/03/2024 @ 1900 hrs.
LOCATION: 110 Commercial Blvd – Sunglass City
SUBJECT: Unknown group of people
VICTIM: Sunglass City
INCIDENT: Retail/Grand Theft – (Delay/05/20/2024)
SUMMARY: DLE was called to the above location regarding a delayed theft of sunglasses that occurred on Monday, 05/20/2024. The victim reported that after an inventory of merchandise was completed, they discovered 15k worth of merchandise missing. A review of CCTV internal security video was completed, and the victim discovered that the merchandise (Several High-end glass frames) was taken by a group of people who performed a distraction type theft on 05/20/2024. The owner did not know how to operate his CCTV, so BWC was obtained of the incident and evidence.com link sent for a later download.

CASE: 13-2406-000118 (Deputy Suarez)
DATE/TIME: 06/05/2024 @ 1917 hrs.
LOCATION: 4500 El Mar Drive
ARRESTEE: Grayson Charles Giddy, WM DOB: 08/18/1980
INCIDENT: Warrant Arrest (Writ)

SUMMARY: Dep Suarez stopped the Subject regarding bicycle safety. A records check revealed the Subject had an outstanding writ/warrant for failure to pay child support, \$841 Bond. TOT Main Jail.

CASE: 13-2406-000143 (Dep. Swadkins)
DATE/TIME: 5-1-24 @ hrs.
LOCATION: 4050 N. Ocean Dr. Parking Lot
SUSPECT: B/M
VICTIM: David Harris W/M 12-9-59
INCIDENT: Theft-Bicycle
SUMMARY: David left his ladies mountain bike locked up outside and discovered it missing today around 1030 hours. Video shows an unknown B/M walk up to the bike, cut the lock, and flee into Fort Lauderdale. Video uploaded into evidence and affidavit signed. No serial number provided.

CASE: 13-2406-000154 (Dep. Figueroa)
DATE/TIME: 06/07/24 @ 0505 Hrs.
LOCATION: 4532 Bougainvillia Dr
ARRESTEE: W/F Andrea Williams 03/21/90
INCIDENT: Trespass (Arrest)
SUMMARY: The Subject, who was intoxicated walked into her neighbor's residence early in the morning and went to sleep inside his residence. The victim showed up and advised he had left his residence unlocked and noticed his neighbor walked into the wrong residence and went to sleep. Deputies made several attempts to remove the Subject who woke up and became verbally confrontational. The Subject was given several warnings to vacate the property but refused. She was arrested for trespassing after refusing to cooperate with Deputies.

CASE: 13-2406-000298 (Dep Klier)
DATE/TIME: 6/14/24 @ 1143 Hours
LOCATION: 2 Commercial (Just south of pier)
VICTIM: Trent Clayton W/M 11/15/72
INCIDENT: Death Investigation
SUMMARY: Victim was snorkeling with his family approximately 150 feet offshore. On the swim back into shore he became non-responsive, face down with mask on, and blue/purple in color. Good Samaritans helped bring him onto shore and began CPR. Deputies responded and continued CPR. Pompano Beach Fire rescue transported him to Holy Cross; however, he was pronounced deceased at 1224 hours. Homicide and Crime Scene responded. LT Sutter on scene.

CASE: 13-2406-000324 (Dep. Ramcharan)
DATE/TIME: 06/15/24 @ 1638Hrs
LOCATION: 4620 N Ocean Dr
ARRESTEE: Carmen Rondon-Turcios WF 04/23/94
INCIDENT: Warrant (Arrest)
SUMMARY: While on scene investigating a disturbance, Deputies contacted Carmen Jorleny Rondon-Turcios where it was discovered she had an active warrant out of Pinellas County Sheriff's Office for Possession of Methamphetamine, case # 21-12278CF. Bond of \$30,013. She was transported to the BSO Main Jail.

CASE: 13-2406-000338 (Dep. Cathcart)
DATE/TIME: 06/16/24 / 1330 Hrs.
LOCATION: Aruba's 2 Commercial Blvd
ARRESTEE: Lynina Michele Rosario, W/F, 6/2/94 (Homeless)
ARRESTEE: James King, W/M, 12/25/77
VICTIM: Restaurant
INCIDENT: Defraud Inn Keeper/Restaurant, Felony Warrant (Arrest)
SUMMARY: Dep. Cathcart was flagged down by an employee of a local restaurant, who advised that a female subject (Rosario) walked out without paying her bill. The employee also advised that a male subject was in the restaurant and was also involved. Cathcart located Rosario walking west on Commercial and detained her. Deputy Redl responded to the restaurant and located the male subject (King) as he was about to leave. Both subjects consumed approximately \$60 worth of food and drink and did not attempt to pay the bill. While placing subject King in the back of Redl's unit, he became combative and kicked Redl in the leg. Subject Rosario has an extensive criminal history and had an active VOP felony warrant. Both TOT Main Jail.

CASE: 13-2406-000360 (Deputy Redl)
DATE/TIME: 06-17-24 / 0630 HRS
LOCATION: 107 Commercial Blvd
VICTIM: Brian McGuire (Pizza by the Sea)
SUSPECT: Michael A. Jordan, W/M, 9-12-84
INCIDENT: Petit Theft
SUMMARY: The owner of the business reported the listed suspect employee went into the business using a key and removed \$300 from the cash register. The crime was captured on security cameras and uploaded on to evidence.com. Mr. McGuire signed an affidavit and expressed his desire to have the Jordan prosecuted.

CASE: 13-2406-000409 (Dep. Cathcart)
DATE/TIME: 06/19/24 @ 11:35 Hrs.
LOCATION: 4605 N. Ocean Dr, # 212
VICTIM: Lorenzo Borgez, B/M, 10/19/88
ARRESTEE: Anthony Mitchell, B/M, 2/11/88
INCIDENT: Battery (Dating Violence) Arrest
SUMMARY: Deputies responded to the listed location in reference to a call of a fight in progress. The investigation revealed both parties were in a heated argument. According to the victim, when he tried to leave the apartment, the suspect struck him in the face with a portable speaker, causing a minor laceration to his lip. Both the victim and the subject were residing together and in an intimate relationship. The suspect was charged accordingly and TOT Main Jail.

CASE: 13-2406-000456 (Dep Ramcharan)
DATE/TIME: 06/21/24 @ 0800 hrs.
LOCATION: 4533 N Ocean Dr, Unit 2
VICTIM: Dante Mangham 01-06-88
SUSPECT: Yolvin Toledo-Dates 07-20-1997
INCIDENT: Theft
SUMMARY: Dante reported Yolvin stole two of his credit cards, a TCL tablet, and Black Electric Scooter from the above listed address while visiting. Yolvin was at the apartment to visit Stephen Moch. Dante left Yolvin inside the apartment with Stephen. When Dante returned, he noticed Yolvin was gone, and the items were missing. Stephen never gave Yolvin permission to take the electric scooter, credit cards, or the tablet.

CASE: 13-2406-000555 (Deputy Ogando)
DATE/TIME: 06/25/2024 @ 1700 - 1954 hrs.
LOCATION: 4455 EL Mar Drive
VICTIM: Mauricio G Venegas WM, DOB: 10-07-1978
VEHICLE: 2000 Blue GMC Savanna, FL Tag HLVE59
INCIDENT: Auto Theft
SUMMARY: Mr. Venegas left his work van legally parked at above location with the doors unlocked and keys in the center console. An unknown person entered the vehicle and stole the vehicle. The vehicle was captured on the Town's LPR system exiting the town westbound over the bridge on Commercial Blvd at 1954 hrs. On 6/26/24, Det. Koos checked several county LPR systems and found that the vehicle was at 500 NW 27th Ave in District 5 at 6:41am. Later the same morning, he found the vehicle parked at 2732 NW 7th Ct. Dep. Ramcharan also responded to the location of the theft and recovered a bicycle left at the scene by the suspect. The bicycle was held for processing. (90-2406-008772).

CASE: 13-2406-000614 (Roach)
DATE/TIME: 06/29/2024 @ 00:30 hrs.
LOCATION: 4300 block N Ocean Dr
SUSPECT: Unknown W/M (Possible Juvenile)
VICTIM: Nieto Thiago W/M (10-19-2005)
VEHICLE: 2021 black BMW FL Tag 95DZPT
INCIDENT: Throwing a Deadly Missile
SUMMARY: Deputies responded to an incident at BurgerFi where juveniles were throwing rocks at vehicles driving along Ocean Dr. It is unknown if the victim was singled out or if it was a random incident, but the victim's windshield was struck by a rock shattering the window. The suspect was

captured on cell phone video which revealed a young W/M suspect possibly a juvenile. Attempts to locate the suspect revealed negative results.

CASE: 13-2406-000628 (Dep. Swadkins)

DATE/TIME: 6-29-24 @ 14:46 hrs.

LOCATION: 4319 N Ocean Dr. (Walgreens)

ARRESTEE: Tony Ristick W/M 7-2-71 At Large

VICTIM: Walgreens

INCIDENT: Retail Theft (Petit Theft)

SUMMARY: Ristick entered the Walgreens and concealed 2 Omron Pain Therapy Devices underneath his arms. He then placed a soda bottle in his pocket before walking outside the business without paying. This was witnessed by the Pharmacy technician. Ristick was then located and detained. Post Miranda, Ristick admitted to stealing the items. He was transported to the Main Jail. The items were returned to Walgreens and an affidavit was signed. Total value of the items was \$150.00.

MONTHLY ARREST LOGS:

Misd/Fel	Charge	Street
Fel	Burglary Conveyance - Unarmed	1931 Coral Reef Dr
Fel	Burglary Conveyance - Unarmed	1931 Coral Reef Dr
Fel	Burglary Conveyance - Unarmed	6002 N Ocean Blvd
Misd	Warrant - Writ	4500 El Mar Dr
Misd	Disorderly Intox/Trespassing	4532 Bougainvilla Dr
Fel	Warrant - Possession Methamphetamine	4620 N Ocean Dr
Fel	Battery on LEO/Defraud Innkeeper	1 Commercial Blvd
Misd	Defraud Innkeeper	1 Commercial Blvd
Misd	Touch/Strike Battery DV	4605 N Ocean Dr
Misd	Retail Theft	4319 N Ocean Dr

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2023 YTD	2024 YTD
AUTO THEFT	1	0	10	6
BURGLARY-BUSINESS	1	0	1	1
BURGLARY-CONVEYANCE	0	1	10	12
BURGLARY-RESIDENCE	0	0	1	1
BURGLARY-STRUCTURE	0	0	1	0
FORCIBLE SEX	0	0	0	1
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	1	4	3
HOMICIDE	0	0	0	0
ROBBERY	0	0	0	1
THEFT-GRAND	1	0	17	13
THEFT-PETIT	6	3	23	28
TOTALS	9	5	67	66

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	28
COP Hours Worked - Month	11
COP Patrol Miles - Month	0
COP Hours Worked - YTD	527
COP Patrol Miles - YTD	1,162

COP Bike Patrol Hours - Month	7
COP Bike Patrol Hours - YTD	7

COP Beach Patrol Hours – Month	6
COP Beach Patrol Hours - YTD	105.5

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

	Month	2024 YTD
Reserve Deputy - Days Worked	4	26
Reserve Deputy - Hours Worked	31	242

MONTHLY STAFFING AND STATISTICAL REPORT:

The June 2024 Monthly Staffing and Statistical Report is attached.



**MONTHLY STAFFING AND STATISTICAL REPORT
LAUDERDALE-BY-THE-SEA DISTRICT**

June 30, 2024

CURRENT STAFFING ALLOCATIONS

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

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.

Name	CCN	Status	Circumstances

DETACHED PERSONNEL / LOCATION

Name	CCN	Detached to	Reason	Hours
Deputy Manuel Alvarez	14964	QRF	Adjunct Training	9
			TOTAL	9



Lauderdale by the Sea Monthly Activity JUNE 2024

Reports/Calls		Traffic	
Miscellaneous Service		Types of Citation	
Event Reports	32	Non-Moving / Moving Citation	129
Accidents	6	Parking	0
Calls for Service	651	Warnings	112
		Total Citations	241
Arrests		Time Worked	
Type of Arrest		Hours Worked	
Felony	4	Bike Patrol	3.50
Misdemeanor	4	Court Overtime	3
Warrant (Felony)	1	Training Hours	12
Warrant (Misd.)	1	Detached	9
DUI (Felony)	0	Other Overtime	41.5
DUI (Misdemeanor)	0	Days Worked	30
NIC (Felony)	0		
NIC (Misdemeanor)	0		
DV (Felony)	0		
DV (Misd.)	0		
Total Arrests	10		
General		Narrative	
FI	13	ATV/UTV: 196 Miles / 32.5 Hours Reserve Deputies worked 4 shifts (31 hrs)	
Truant	0		
Truant Debriefed	0		
Elder Link	0		



Agenda Item No: 8.a.

Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:



1. Beach Wheelchair

Did you know that we have not one but two wheelchairs for accessibility on the beach? If you are staying in Town and interested in reserving the chair for up to three consecutive days, we will deliver it to your location. They are available on a first come, first served basis. If interested, please contact the Town Hall front desk at 954-640-4200.



2. Beach Warning Signs

At a previous meeting, staff had brought forward the idea of digital warning signs that display ocean conditions via a link with the National Weather Service. The cost for these signs is approximately \$26,000 per sign. The key variable in the price is the location cost regarding this. In addition, there are annual costs associated with the signs, which include an organizational account which is \$850/year and each subsequent device is \$360/year. Staff is seeking consensus on whether to further explore this option to bring back some firm numbers. Funding for installation is currently available in our contingency account.

Commission Action Requested: Consensus on moving forward with an agenda item for this new beach signage option.



3. New Beach Signs

Our new accessibility mat should be installed by the end of the month, and we have designed new signage to mark those entrances that are accessible. To date, accessible entrances that include the mobi-mat will include our portals at El Prado park and Cristelle.

4. Public Information Quarter 3 Report

We have received the Quarter 3 report for Conceptual Communications highlighting the work that was completed in this department last quarter. Of note, we had over 100,000 web and social media users on our 75th anniversary page and subpages this year and added 189 new email sign-ups and 233 new social media followers.

5. Commission Meeting Date - Change

The Commission rescheduled a meeting in September to accommodate me so that I could attend and speak at the International City Manager's Association conference. Unfortunately, the date we selected, September 17th, conflicts with the Broward County Commission's 2nd public hearing on their budget. Florida Statute 200.065 does not allow this conflict, and therefore, we must select a different day for our final hearing on the budget.

Commission Action Requested: Select a new meeting date for the second and final budget public hearing and Commission meeting.

Recommendation:

Exhibits: None



Agenda Item No: 8.b.

Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: TOWN MANAGER REPORT

Subject Title: Development Services Quarterly Report

Explanation: DSD Quarterly Report

Recommendation: Please see attached Development Services Quarterly report.

Exhibits:

1. DSD QUARTERLY REPORT 2- FY 24 FINAL



DEVELOPMENT SERVICES QUARTERLY REPORT APRIL - JUNE 2024



Business Tax Receipt Activities

- 21 New businesses opened; 24 applications were received.

New Businesses Opened

BTR License Number	Type of Business	Date Opened	Business Name	Street Number	Street Name	Suite
2847	Rental	4/2/2024	Manuela Notarandrea	1500	S. Ocean Blvd	1408
2846	Rental	4/8/2024	Harry Joseph	1500	S. Ocean Blvd	706
2842	Rental	4/8/2024	Fleur Warther	1500	S. Ocean Blvd	603
2841	Vacation Rental	4/12/2024	John O'Grady	272	Imperial Lane	
2854	Rental	4/29/2024	Buckeye2 Properties LLC	4520	El Mar Dr	
2849	Vacation Rental	4/29/2024	Bina Slutskaya	241	Oceanic Ave	
2850	Rental	4/30/2024	Catherine Baudry	1500	S. Ocean Blvd	504
2844	Restaurant	4/30/2024	Pier 14 Tapas and Cocktails	14	Commercial Blvd	C
2845	Rental	5/8/2024	Cristina Fernandez	1500	S. Ocean Blvd	701
2793	Short Term Rental	5/8/2024	Reece at Lauderdale LP	4441	Poinciana St	1-4
2794	Vacation Rental	5/8/2024	Reece at Lauderdale LP	4449	Poinciana St	
2795	Short Term Rental	5/8/2024	Reece at Lauderdale LP	4445	Poinciana St	1-2
2852	Commercial Business	5/24/2024	Blue diamond Dry Cleaning	259	Commercial Blvd	A
2848	Rental	5/24/2024	Harold Prytz	1500	S. Ocean Blvd	303
2791	Vacation Rental	6/13/2024	Richard and Lindsey Camerota	264	Algiers Ave	
2858	Commercial Business	6/14/2024	Be YogaFit Studio	4342	Seagrape Dr	
2669	Commercial Business	6/14/2024	Arthur Murray Dance Center	222	Commercial Blvd	201
2856	Commercial Business	6/19/2024	Sunshine E-Ride LLC	239	Commercial Blvd	102
2853	Commercial Business	6/19/2024	Prestige Properties South FL	275	Commercial Blvd	
2863	Rental	6/19/2024	Hanif Merali	1500	S. Ocean Blvd	506

2859	Commercial Business	6/24/2024	Beach Spa LBTS, Inc	242	Commercial Blvd	B
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Development Services – The following Development Services Division items were addressed during the reporting period.

Development Services Applications

Type	Number
ROW Permit	2
Lien Search Requests	89
Landscape Permit	1
Sign Permit	9
Conditional Use	1
Administrative Adjustment	0
Architectural Review	2

CODE COMPLIANCE ACTIVITIES

Code Compliance hearings are held on the 4th Thursday of every month.

Code Activity Summary	
Case Inspections	
New Incidents Investigated	219
Total Inspections Completed	293
Cases with Active Violations	
Under Magistrate Jurisdiction	52
Under Code Office Jurisdiction	113
Liens with Active Violations	14
Total Cases with Active Violations	212
Vacation and Short-Term Rentals	
Registered Units	149

BUILDING DEPARTMENT AND ZONING ACTIVITIES

A list of the Building Department permits activity and fees collected during the reporting is noted below. The total amount of funds collected was \$670,957.85.

	April 2024 -June 2024
Permit Applications	369
Permits Issued	303
Permits over \$100,000	17
Inspections Completed	1209
Funds Collected	\$442,362.04

PERMITS WITH JOB COST OVER \$100,000				
Address	Work Description	Owner	Valuation	Fees Collected
1620 South Ocean Boulevard	Concrete Restoration And Painting Project.	Ocean Colony Condo Association	\$2,410,064.25	\$50,846.46
280 Imperial Lane	New Single-Family Residence At 280 Imperial Lane	Egz Fam Tr Paulaitis, Gediminas Trstee	\$1,355,338.00	\$29,378.49
6000 North Ocean Boulevard	Delaminated/Cracked Stucco Repair, Waterproofing And Pairing. Project Number: 1304686 Recorded Noc Required	Starlight Towers Condo Association	\$663,900.00	\$20,890.04
1967 South Ocean Boulevard	Flat Roof Replacement	The Village By The Sea Condo Apts	\$343,910.00	\$5,566.83
3900 North Ocean Drive	Stairwell Pressurization	Fountainhead Condo Hoa	\$297,422.00	\$6,538.88
1620 South Ocean Boulevard	Create New Soffit And Ceiling Covering New Elss Installation	Ocean Colony Condo Association	\$285,000.00	\$9,019.05
112-112a E Commercial Boulevard	Complete Interior Remodel Of Restaurant. New Electrical, Plumbing And Mechanical. Install New Kitchen Hood. Existing Grease Trap To Remain.	Ciani,Elayna & Ciani,William	\$260,000.00	\$8,605.52
293 Tropic Drive	Installation Of New Seawall Project Number: 1204454 *Noc Received*	Davis, James Earley Davis, Kathi Lee	\$239,218.60	\$7,677.57
5100 North Ocean Boulevard Bldg A	Remove Existing Windows And Doors And Replace With Impact	Sea Ranch Club A Condo	\$229,832.00	\$4,930.36
1800 South Ocean Boulevard 1411	Interior Renovation, Cabinets, Paint, Flooring, Lights, Doors, Bathrooms. Project Number: 1271833	Promuto, Shana	\$226,061.50	\$7,357.87
1750 S Ocean Blvd	Installation Of New Picket Railings.	Jade Condo Assoc.	\$224,036.00	\$4,901.14
1620 South Ocean Boulevard 14-E	Interior Remodeling - Kitchen & Baths & Electrical As Plan - **Noc In File**	Winter, Ann M Winter, Brian J	\$192,900.00	\$6,318.47

PERMITS WITH JOB COST OVER \$100,000				
Address	Work Description	Owner	Valuation	Fees Collected
1480 South Ocean Boulevard	Reroof Flat Over Concrete Deck	International Studio Condo	\$139,203.25	\$2,307.26
1398 S Ocean Blvd	Install Pavers - Driveway + Parking Area	El Mar Assoc	\$130,620.00	\$3,138.49
4301 El Mar Drive	Installation Of New Swimming Pool	Sea Spray Inn Florida Lp	\$125,000.00	\$2,632.92
226 Pine Ave	New Swiming Pool Installation	Cooper, Asia J Sr Cooper, Laura	\$102,540.00	\$2,275.50
3900 North Ocean Drive 1e	Interior Remodel, New Flooring, Renovate Kitchen And Baths	Lillian K Verna Rev Tr	\$100,000.00	\$3,500.29

Jhanelle M. Campbell

Jhanelle Campbell, Development Services Director





Agenda Item No: 10.a.

Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By:

Submitting Department: Administration

Item Type: Approval of Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title: Approval of Minutes

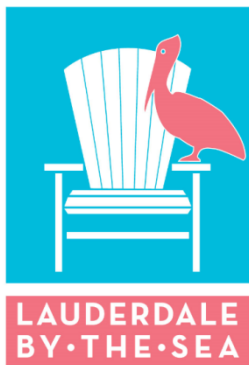
Explanation: Draft minutes for approval for the following meetings:

- June 25, 2024 Special Commission Meeting
- June 25, 2024 Regular Commission Meeting

Recommendation: Accept/Approve

Exhibits:

1. 6-25-24 Special Commission Meeting
2. 6-25-24 Regular Commission Meeting



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 25, 2024
5:30 PM

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 5:30 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, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. PRESENTATIONS

a. FY25 Non-Profit Donation Requests

At this time the Town Commission heard brief presentations from representatives of non-profit agencies requesting funds in fiscal year (FY) 2025.

Charlotte Mather-Taylor, representing the Areawide Council On Aging Of Broward County, explained that the Agency plans, coordinates, funds, and advocates for needed services for Broward residents 60 years of age or older and adults aged 18 or older who are diagnosed with Alzheimer's Disease or a related dementia and their caregivers. Information and referral services are available to all callers who reach out for assistance in caring for themselves or on behalf of elders. Callers are provided with resources and are screened for funded services.

The Agency offers programs that help with food assistance, home assistance, medical counseling through the SHINE program and transportation services. The senior centers

and day care centers provide services such as recreation, meals, classes and other activities. There are also health and wellness classes. The Agency plans to serve at least 13,325 senior residents in Broward County and at least 10 residents of Lauderdale-By-The-Sea.

Marjorie Evans, representing Broward Children's Center, stated that this organization has historically served two to three children from Lauderdale-By-The-Sea per year; however, no children from the Town have been served during the current year. Broward Children's Center serves children with multiple handicaps and/or developmental delays. Children assisted by the program may include victims of trauma, accidents, and sports-related accidents.

A representative of the Center for Hearing and Communication stated that this organization has served Broward County for over 40 years, providing comprehensive services to empower individuals affected by hearing loss, deafness, or listening challenges. Their umbrella of services includes after-school and summer programming for students, senior programs, mental health counseling, a full-time audiologist, and amplified telephones.

In Lauderdale-By-The-Sea, the organization's focus is on senior citizens. During the past year, the Center attended a "Boomers and Seniors" Expo at Assumption Church, where they provided 12 hearing screenings and eight individuals received free amplified telephones. The Center seeks to educate members of the community at all ages. All staff members are skilled in American Sign Language (ASL).

Nadine Neree, representing Goodman Jewish Family Services of Broward County, explained that she is the program director for the organization's financial assistance program. This agency has been in existence since 1960 and has added several programs over the years based on demand from the community. They served two Lauderdale-By-The-Sea clients in FY 2024.

Ms. Neree stated that the greatest need in the community at present is related to increasing rent. Many seniors cannot afford these higher rents. The organization also offers wraparound services, including food provision and mental health services.

Renee Jaffe, representing Early Learning Coalition of Broward County, advised that this organization is the local administrator of both state and federal funds for any early learning-related programs. Their programs include school readiness for vulnerable and economically challenged families. Over 20,000 children per year are served by this

program. They also offer a voluntary pre-kindergarten program which serves 14,000 children and provide support and resources to over 750 child-care programs throughout Broward County.

The Early Learning Coalition offers a one-for-one matching program. While the agency does not serve a large number of children from Lauderdale-By-The-Sea, they appreciate any support that can help them to serve children and families.

Marie Hayes, representing 2-1-1 Broward, advised that this organization provided 395 referrals to Lauderdale-By-The-Sea residents in FY 2024. Residents may be calling with a wide range of needs, including food, child care, and mental health services.

2-1-1 Broward provides 24-hour and seven-day phone services. They also serve as the 9-8-8 line for Broward County, which is a suicide hotline. They are continually looking for services that can support the community.

Brian Ginch, representing the Hillsboro Lighthouse Point Preservation Society, stated that this all-volunteer organization works with the U.S. Coast Guard to ensure that the lighthouse in the Hillsboro Inlet area is updated, maintained, and preserved. This historic landmark has existed for 117 years.

The Society offers a monthly tour of the lighthouse once per year. This year's tour is scheduled for November 2024 and is open to any Lauderdale-By-The-Sea resident at no cost. They are asking for slightly more funds in FY 2025 due to required refurbishment of the lighthouse, including replacement of struts and turn buckles as well as exterior painting.

Alessandra Medri, representing South Florida Wildlife Center, explained that this is the largest wildlife center in the state. They serve approximately 200 residents of Lauderdale-By-The-Sea who bring injured wildlife to the Center. There is no charge to the public for the organization's services. In addition to helping injured wildlife, the Center gives presentations at Broward County schools to teach children about safety and conservation.

A representative of Women in Distress of Broward County stated that this organization will celebrate its 50th anniversary in July. She strongly emphasized the need for domestic violence-related services. The organization served two Lauderdale-By-The-Sea residents in FY 2024. Women in Distress provides emergency shelter, crisis

intervention services, advocacy, and lethality assessments. They rely on their public partners for support.

A representative of the Woman's Club of Lauderdale-By-The-Sea advised that this organization has been part of the community for 68 years. Their building is in need of hurricane impact-resistant windows as well as foundation work. The Woman's Club donates to local charities and is also a social organization. They participate in multiple Town events, including the Fourth of July parade and Christmas-By-The-Sea.

Marilyn Carr, representing the Garden Club of Lauderdale-By-The-Sea, stated that this organization is celebrating its 70th year. Their mission is to educate and beautify. In 2024, the Garden Club donated five trees for Arbor Day. They would like to purchase bronze plaques to identify these trees.

The Garden Club is also working to renew the Memorial Garden in front of Town Hall and would like markers to identify the plants in this garden. They also work with numerous projects, including the Orchid Walk, sand dune replenishment, bio-swales, native plantings, a tree walk, and plaques.

Ina Marjakangas, representing the Lauderdale-By-The-Sea Merchants' Association, requested support for the merchants' Shop Small/Support Local platform. The Association was created in 2020 as a result of the COVID-19 pandemic. Their goal is to bring recognition to the industry as well as to foster communications and support for the Town's merchants.

There are currently 12 members of the Association, most of which are located in the Town's western corridor. Funds provided by the Town are used toward events that benefit both tourists and residents. The Association pays for advertising and have created a shopping map which is available at all Town hotels and the Visitors Center. This year's request includes funds for an eco-friendly gift bag which would be available for purchase from all participating merchants.

Director of Budget and Finance Lucila Lang requested that the Commission review the applications the Town has received and recommend funding amounts to Staff. Mayor Malkoon added that one option is to provide funds on a reimbursement basis rather than through an allocation, but noted that this would not be possible with all applicants.

Commissioner Graziano proposed that the Town provide allocations of similar amounts to all the organizations. He suggested that \$2500 per applicant would be reasonable,

pointing out that the Town has many financial obligations it must meet. He added that organizations who do not currently charge dues to their members consider doing so in the future.

Vice Mayor Strauss observed that not all organizations have equal needs, and not all may be able to secure grants from the state or federal government. For this reason, he did not agree with providing \$2,500 across the board. He suggested that the Town also consider contributions in kind, which was done in 2024. The exception would be the Special Olympics, which is a new applicant. Vice Mayor Strauss recommended that this organization be funded at its full requested amount.

Mayor Malkoon asked if the Vice Mayor recommended providing funds on a reimbursement basis or as a straightforward donation. Vice Mayor Strauss repeated that he would like to do what the Town did last year.

Commissioner Pouloupoulos noted that one organization, the Council on Aging, had lowered their request by \$3,000 from the previous year. This would offset much of the \$5,000 increase requested by the Special Olympics. While he acknowledged the good done by the applicant organizations, he felt the total requested increase from \$66,000 in 2024 to \$91,000 in 2025 could become a problem in the future, as requests would most likely increase again the next year.

Commissioner Pouloupoulos also emphasized the Commission's role as stewards of the Town's taxpayer money. For this reason, he asserted that these dollars should go to organizations that help the Town. He also recommended providing the same amounts as in 2024 with the two changes.

It was noted that another applicant that had received \$3,000 the previous year was currently requesting \$15,000 for FY 2025. If 2024 contribution figures were used, this would reduce the total amount by \$12,000.

Commissioner Graziano stated that the Town is not currently in a position to provide the total donation request of \$66,500. While he acknowledged the work done by the applicant organizations, he also pointed out that the money to be donated would be taxpayer money. He reiterated his recommendation to provide \$2,500 to each organization that made a presentation at tonight's meeting.

Commissioner DeNapoli asked if the decision on donations must be made today or should be postponed until further budget discussions are complete. Mayor Malkoon

explained that the amount recommended by the Commission would be included in the budget, but can be changed later by the Commission if they wish. Director of Budget and Finance Lang confirmed that any amounts recommended at tonight's meeting are intended to be budget recommendations. These amounts will not be approved until the second budget hearing in September.

Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to support the Vice Mayor's request, adding \$5,000 for the new applicant Special Olympics and decreasing the area-wide Council on Aging of Broward County to their requested amount from this year, which is a \$7,000 decrease from last year. Motion carried 4-1 (Commissioner Graziano dissenting).

5. PUBLIC COMMENTS

None.

6. PUBLIC SAFETY DISCUSSION

None.

7. TOWN MANAGER REPORT

None.

8. TOWN ATTORNEY REPORT

None.

9. APPROVAL OF MINUTES

None.

10. CONSENT AGENDA

None.

11. OLD BUSINESS

None.

12. NEW BUSINESS

None.

13. COMMISSIONER COMMENTS

None.

14. ORDINANCES 1ST READING

None.

15. ORDINANCES 2ND READING

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

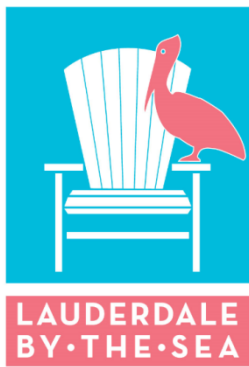
18. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 6:10 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 25, 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, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, and Events and Marketing Manager Katie Anderson.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Malkoon requested that Item 13.a, consideration of hiring a Beach Ambassador in fiscal year (FY) 2024, be postponed until at least the next meeting, pending more information.

5. PRESENTATIONS

a. Dive Into Summer 2024 Recap

Events and Marketing Manager Katie Anderson provided an overview of the Dive Into Summer 2024 event, which was held on Saturday, June 1, 2024. The Town partnered with nonprofit organization SCUBA for Good, which raises funding to help divers receive their certification using adaptive equipment.

The event was held in El Prado Park and its parking lot and included several musical performances, food vendors, and a vendor village comprised of over 25 local coastal

artisan vendors. Broward Sheriff's Office (BSO) personnel estimated that approximately 2,500 individuals attended throughout the day. Events and Marketing Manager Anderson recognized Public Works Staff, Pompano Beach Fire/Rescue, and BSO for their efforts in making the event a success.

Town Manager Linda Connors recommended that the Town adopt the first week of June each year as the standard date for this recurring event so partners as well as other organizations will be aware of when Dive Into Summer is scheduled. The total cost of the event was roughly \$25,000 and is included in the budget. The Commissioners agreed by consensus to this proposal.

At this time Mayor Malkoon opened public comment on this Item.

Joe Brody, founder of SCUBA for Good, thanked the Town for its work on this event, which raised \$85,000 for the organization this year. 100% of these funds are used to assist individuals with disabilities in discovering and becoming certified in SCUBA. He thanked Town Staff, businesses, and residents for making the event a success.

b. Investment Opportunities

Director of Budget and Finance Lucila Lang recalled that several months ago, the Commission asked Staff to look into investment opportunities that would increase the Town's interest income. Lauderdale-By-The-Sea has approximately \$2.5 million which could be invested. She has met with Truist Bank, which offered the option of investing in Treasury notes. This would provide a safe investment opportunity at a low risk and higher rates than the Town currently receives.

Truist suggested one of the following two options:

- Investing the \$2.5 million over a two-year period and leaving the funds locked for that time frame
- Investing in increments of 625 Treasury notes using a ladder approach, with the first set coming due in six months, the second in 12 months, and so on

Additional information is provided in the attachments accompanying the Agenda memo for this Item. Director of Budget and Finance Lang noted that Commissioner DeNapoli had attended the meeting with Truist and Town Staff.

Commissioner DeNapoli explained that Treasury notes have a short duration and can be sold if necessary, with very little risk or loss of principal. Interest rates are expected

to decrease in the near future, which means the value of Treasury notes purchased today would increase. The Town's Emergency Fund and checking account are currently paying 3.92% in interest.

Commissioner DeNapoli requested input regarding the amount of the Emergency Fund to be invested in Treasury notes, as well as how much cash to keep in that fund. Director of Budget and Finance Lang advised that it is recommended to retain roughly \$500,000 in that Fund and invest the remaining \$2 million.

Commissioner DeNapoli added that when each block matures, those funds can either be moved to cash or reinvested in another Treasury note. The yield to maturity is approximately 5%, which would bring in an additional \$20,000 in revenue for the Town. If there is a cash need, the investments in each block will continue to mature every six months.

Commissioner DeNapoli concluded that the downside to this investment is limited, as rates are expected to decrease in the future. He emphasized the safety of the laddered option.

Vice Mayor Strauss asked if Staff has looked outside Truist for other options that may have higher yields using the same laddered approach. He suggested that other banks may be able to offer high-yield savings or money market accounts. Director of Budget and Finance Lang replied that she also reached out to Bank of America, which offered a similar scenario. The only difference between the two offers was that Bank of America would charge a 1% fee. Vice Mayor Strauss concluded that in that case he would agree with Commissioner DeNapoli's recommendation.

Commissioner Pouloupoulos agreed that Treasury notes were a good choice from a conservative investment standpoint. He asked if the Town has ever needed to use its Emergency Fund before now. Town Manager Connors replied that it has not during her tenure with the Town. Commissioner Pouloupoulos emphasized the importance of staying sufficiently liquid to be able to use these funds in the event of a crisis, as it could be difficult to liquidate the Treasury notes if necessary.

Commissioner DeNapoli explained that Treasury notes will be similarly priced across most institutions, as they are instruments of the United States government. A provider may either charge a fee or take some of the interest income from the investment. He added that these notes are probably the most liquid option available, second to keeping

cash in the bank, as there is a strong liquid market for Treasury notes that have a short duration.

Commissioner DeNapoli continued that the \$2.5 million in the Emergency Fund is currently earning 3.92%. The proposed plan would set a portion of this Fund aside and earn 5% interest on that portion. If it becomes necessary to sell a block of the Treasury notes, the Town would sell the shorter-term blocks, as the notes increase in value as they approach maturity. This would mean approximately \$1 million from the Fund would be available at extremely low risk.

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

Commissioner Pouloupoulos commented that there are also other products which yield 4.5% interest in a savings account.

There was Commission consensus to move forward with investing \$2 million in the tiered/laddered approach. The remaining \$500,000 would be kept in the Emergency Fund.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Spiro Marchelos, resident, stated that the Town should have lifeguards on its beaches. He recalled that another incident recently occurred south of the Pier, and concluded that the Town should be able to identify the funds needed to save lives in the future. He also asked how residents who do not have email addresses could participate in the survey, and requested a status update on the Pier sign on A1A/Commercial Boulevard.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO May 2024 Public Safety Report

BSO Captain Bill Wesolowski recognized Administrative Specialist Bernadette Cadette as May 2024 Employee of the Month. He continued that Operation Summer Splash will

begin in July 2024. This operation involves the regional traffic unit and all other motor units in the agency, which travel the various districts and enforce traffic laws.

The annual Shred-A-Thon will be held on Saturday, December 7, 2024 at Assumption Church. Fliers will be posted throughout the Town with notice of this event.

Captain Wesolowski stated that July 5, 2024 will be the last day of work for Sergeant Craig Bachan, who is retiring after 29 years of service with BSO.

Captain Wesolowski recalled that three vehicles were recently broken into at Sea Watch, and reported that an arrest has been made in this case. Two other vehicles were stolen and broken into in the Bel Air community, and an arrest has also been made following investigation of those crimes.

Commissioner Pouloupoulos requested more information on the suspect arrested in connection with the Sea Watch break-ins. Captain Wesolowski advised that the suspect is a resident of Lauderhill and has committed similar crimes in multiple municipalities.

Commissioner DeNapoli asked for more information on a death which occurred on May 3, 2024. Captain Wesolowski reported that there was an immediate response to this incident from first responders, including BSO Deputies as well as Pompano Beach Fire/Rescue. The victim was participating in supervised snorkeling. BSO is familiar with this operation, and the vendor was one of the first to render emergency aid.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Connors advised that a temporary street closure has been implemented as requested by South Silver Shores residents. It will remain in place for approximately 60 days, after which time Town Staff will survey the neighborhood and provide the Commission with neighborhood feedback before determining whether a more permanent structure is desired.

The Town budgeted for paving on A1A as part of its Downtown enhancement project; however, the Florida Department of Transportation (FDOT) plans to pave A1A in 2025. Deputy Town Manager/Public Works Director Ken Rubach has negotiated with FDOT so they will undertake this paving, which will provide a savings of \$42,000 to the Town.

The Governor has vetoed a \$1 million request for design of the Town's public safety building, as well as requested allocations of \$200,000 for Jarvis Hall kitchen renovations, \$135,000 for tidal valves to address flooding, and \$45,000 for the Friday Night Music series. The Town did receive \$200,000 to assist with the Friedt Park program, \$200,000 for a vulnerability assessment, and \$50,000 for design of the beach portals. The Town is awaiting word on its resiliency grant of \$67,000 for garage door replacement.

At a previous meeting, the Commission directed Staff to work with Commissioner Pouloupoulos to negotiate an agreement for Hamilton Valet to use the South Ocean Parking Lot. After extensive discussion, it has become apparent that the Town and this vendor cannot reach an agreement for this use. Staff will draft a letter denying this request unless directed to do otherwise.

A survey was released on Monday, June 24, 2024 requesting resident input on beach safety. As of 4:30 p.m. on June 25, there have been over 370 responses. The survey will remain open until June 30, after which Staff will bring back information to the next scheduled Commission meeting. Town Manager Connors noted that hoteliers and businesses in the Town have indicated they would like to participate as well, and asked if the Commission would like the survey to be slightly modified to include their input. There was Commission consensus to provide a separate survey for these participants.

Town Manager Connors concluded by welcoming Alex Battle, who recently joined the Development Services Department.

Mayor Malkoon asked if the Town still plans to pave and install bollards on a portion of Commercial Boulevard even though FDOT will now pave the Downtown segment of A1A. Town Manager Connors confirmed this, adding that bollards will be installed at the end of July 2024.

b. April 2024 Finance Report

Director of Budget and Finance Lang reported that the Town recently transitioned from one parking vendor to another. That vendor is now working with a collection agency. There are no existing budget issues at present. Taxable values on Town properties are expected the first week in July.

Commissioner Poulopoulos observed that year-over-year, parking revenue increased by 30% from April 2023 to April 2024. He emphasized the importance of the Parking Fund in funding various services for Town residents.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen noted that a bill addressing vacation rentals was sent to the Governor's Office the previous week. When a bill is sent from the State Legislature to the Governor, he has three options: he may sign it into law, let it become law by taking no action, or veto it. The Governor has taken no action on the bill thus far.

10. APPROVAL OF MINUTES

a. Approval of Minutes

Mayor Malkoon noted that minutes from the May 28, 2024 regular meeting and June 5, 2024 special meeting were presented for approval.

Commissioner DeNapoli noted a correction to p.23 of the May 28, 2024 minutes: he has been a longtime advocate of stepping up the Town's beach patrols, and has asked for the cost of this increase over the full season, not only during spring break.

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Mayor Malkoon – Consider Hiring Beach Ambassador in FY24

This Item was deferred to the next meeting.

b. Mayor Malkoon – Consider Reviewing the Town’s Landscape Code and Updating It to Include Florida Friendly Standards

Mayor Malkoon explained that there are new practices and Florida-friendly standards which he felt the Town should consider incorporating into its landscape Code. There was Commission consensus for Town Staff to look into revising and updating landscape Code to reflect these standards.

c. FY25 BSO Proposed Budget

Director of Budget and Finance Lang stated that BSO’s proposed budget for FY 2025 reflects an increase of roughly \$322,000. This is a 5.38% increase over the current budget. The Agenda memo includes a table with a summary of these proposed budget changes, including both dollars and percentages.

Director of Budget and Finance Lang advised that the Town would like to increase its \$80,000 allocation for enhanced patrols by \$20,000, bringing the total for enhanced patrols to \$100,000. This is a separate line item in the BSO budget.

Commissioner DeNapoli asked if the 4% pay increase reflected in the memo was consistent with inflation and expectations. Captain Wesolowski confirmed this. He further clarified that the overtime increase to 61% accounts for proposed overtime that is scheduled based on court and vacancies.

Town Manager Connors advised that if there is a vacancy at BSO, the Town is reimbursed for these costs.

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

d. FY25 CIP

Deputy Town Manager/Public Works Director Ken Rubach advised that the FY 2025 Capital Improvement Plan (CIP) is comprised of higher-profile items which typically have greater costs. It is funded with money from the General Fund and Parking Fund. The budget process will include a five-year plan for the allocation of these funds, which may be re-prioritized from year to year depending upon available funding. Staff plans to apply for grant funding for many of these items.

\$50,000 has been budgeted as a placeholder for grant funds for beach portal design, as the beach portals are beginning to show their age. Beach renourishment is included in next year's budget for the second of three payments, with the final payment to be budgeted in FY 2026. The CIP also includes phase two of camera upgrades, which will bring the Town's camera system to 100% functionality.

A Complete Streets design project, including portions of Bougainvillea Drive and Poinciana Drive, will implement stormwater improvements, hardscaping, and landscaping. Poinciana Drive's French drains are not currently connected, which limits the roadway's capacity to drain water when the ground is saturated.

El Prado Park refurbishment, including landscaping in its center, is also part of the CIP. This includes maintenance of the gazebos as well as other opportunities to enhance the park and implement more usable space.

FDOT will undertake resurfacing on a portion of A1A, although some expenses in that area, such as decorative street lighting, patterned pavement, and a crosswalk, will cost extra money. Staff has also looked into the cost of repainting the mast arms for traffic signals; however, that expense was removed, as it would have doubled the cost of the project.

Friedt Park playground improvements will be funded through a grant ~~for of~~ \$200,000. Some of these funds have been moved to FY 2025, as the lead time for playground equipment is approximately 20 weeks. This is anticipated to come before the Commission for approval in July or September.

While the requested \$1 million in grant funds for design of a new public safety building was vetoed at the state level, the Town has budgeted \$500,000 for this purpose, with other monies available within the Fire Fund. Later in the year, a request for proposal (RFP) will be issued for this design, which includes significant engineering work.

Roadway paving and refurbishment in FY 2025 would include Ocean Mist Drive, Sailfish Place, and West Terra Mar Drive. While the Stormwater Master Plan was created in FY 2020, rates have increased significantly since that time, and the anticipated costs of these improvements have increased from \$20 million by 20% to 30%. As these projects extend into the future, they will include more expensive improvements, such as pump stations, as water levels continue to rise.

The Town's tennis court lighting uses an older sodium bulb system, which has a tendency to fail as it ages and requires ongoing maintenance. This may shut down use of the courts for a few days. A new LED system would require less maintenance.

Over recent years, many residents have approached the Town regarding traffic issues throughout the community. Staff has included the option of using neighborhood improvement grants, which have been popular in the past. Beautification can also be used as a traffic calming method, which allows for greater flexibility of funds.

A line item was also included for lifeguard towers if the Commission chooses to proceed with that option.

Commissioner DeNapoli requested clarification of the CIP items affected by the Governor's vetoes. Deputy Town Manager/Public Works Director Rubach noted that this was the request for \$1 million for the public safety building. The Town will reapply for funds in the future for cameras, El Prado Park improvements, FDOT, and the public safety building design. Some funding was secured for crosswalks and traffic calming/beautification. The latter is a project in the South Basin/Bel Air neighborhood that will be funded by the Broward Metropolitan Planning Organization (MPO).

Commissioner DeNapoli asked if the Town will pay the \$500,000 allocated to the public safety building design. Deputy Town Manager/Public Works Director Rubach confirmed this.

Commissioner Graziano asked if \$300,000 had been set aside for construction of the public safety building. Deputy Town Manager/Public Works Director Rubach replied that funding is represented across two different sources. CIP money would address one portion of the cost, with Fire Assessment funds to supplement these.

Deputy Town Manager/Public Works Director Rubach further clarified that design costs typically comprise 10% to 12% of construction costs. Overtime has increased to similar percentages as well. These estimates are based on the projected cost of the building.

Mayor Malkoon commented that the previous Commission had discussed plans that could be done in combination, such as paving and undertaking a drainage project on the same roadway. Deputy Town Manager/Public Works Director Rubach noted that this becomes a matter of cost. While most roadways will likely need stormwater improvements in the future, there would be a significant cost difference if these are

added to Complete Streets projects. Staff will try to make minor stormwater improvements on these streets if possible.

Town Manager Connors stated that if there are no proposed changes, this CIP will be incorporated into the budget for presentation.

e. Resolution 2024-24 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN’S PERSONNEL POLICIES MANUAL BY RECOGNIZING JUNETEENTH NATIONAL INDEPENDENCE DAY AND COLUMBUS DAY / INDIGENOUS PEOPLES DAY AS TOWN HOLIDAYS; PROVIDING FOR IMPLEMENTATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

Commissioner Graziano recalled that he had proposed this Resolution in order to recognize federal holidays which are observed at the County level. He did not believe a small Town should select which federal holidays it should observe. He added that the budget implications of adding these holidays would cost less than \$1,000 per day.

Commissioner Graziano continued that while he had originally seen this proposal as budget-neutral, it would only cost up to \$2,000 in the next year’s budget. He encouraged the other Commissioners to support the Resolution.

Commissioner DeNapoli asked if granting Juneteenth as a full holiday would result in the deletion of the second floating holiday. Mayor Malkoon confirmed that this was an option. Town Manager Connors advised that if the Town took back the second floating holiday, this would begin in FY 2025, as some employees have already used their floating holiday in 2024.

Commissioner Graziano made a motion to recognize Columbus Day / Indigenous Peoples Day and June 19 as federal holidays observed by the Town of Lauderdale-By-The-Sea.

It was clarified that the motion would reduce the number of floating holidays by one in FY 2025.

Vice Mayor Strauss seconded the motion. Motion carried 5-0.

Town Attorney Trevarthen advised that the Resolution would be revised to clarify the adjustment of floating holidays.

14. COMMISSIONER COMMENTS

Commissioner Pouloupoulos noted that the Town has had several discussions regarding lifeguards since February 2024, and a number of fatalities on the Town's beaches are still under investigation by BSO. He felt the locations of these fatalities lend themselves to the idea of a lifeguard force concentrated on the Town's beaches in its commercial district.

Commissioner Pouloupoulos continued that while the Commissioners are stewards of taxpayer dollars, they are also tasked with ensuring the Town's safety for residents and visitors, which he felt should require a comprehensive safety plan. He did not feel having a Code Compliance Officer patrol the beaches would be a sufficient answer, although he could consider supporting this plan in the interim. He felt the solution would be having lifeguards on the beach.

Commissioner Pouloupoulos concluded that he and the Mayor received an email from Teresa Mattingly, mother of Sloan Mattingly, thanking the Town for its Sandcastles for Sloan campaign and advising them of a fundraising event in Fort Wayne, Indiana. She had offered to donate the proceeds of this campaign to either Sandcastles for Sloan or other beach safety efforts.

Commissioner Graziano requested further explanation of the \$200,000 figure that was mentioned in discussions with Pompano Beach Fire/Rescue (PBFR), including whether or not this may be an accurate number associated with the cost of lifeguards. Deputy Town Manager/Public Works Director Rubach clarified that this figure was part of a very high-level discussion and was never included in a proposal by PBFR to the Town. The language in the agreement between PBFR and the Town includes a re-opener to discuss having lifeguards, but there is no figure attached to this language.

Commissioner Graziano explained that some residents have emailed him suggesting that lifeguards could have been added to the contract for \$200,000, and he wished to clarify this. He also thanked the nonprofit representatives who came before the Commission at the special meeting immediately preceding tonight's regular meeting,

concluding that while he was in favor of keeping these entities as part of the community, he felt they should be “on a shorter leash” financially.

Commissioner DeNapoli commented that he was happy to see the proposed ways to increase interest earned by the Town’s money. He also addressed lifeguards, noting that other communities provide lifeguards on contiguous portions of their public beaches, not including condominium beaches. He emphasized that the Commission is considering multiple options.

Vice Mayor Strauss wished all present a happy 4th of July, and encouraged residents to watch local fireworks displays rather than using fireworks themselves.

Mayor Malkoon advised that Lauderdale-By-The-Sea was selected as one of six municipalities featured on WLRN’s “Our Cities” series. Filming may begin as early as next week.

15. ORDINANCES 1ST READING

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

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

Development Services Director Jhanelle Campbell noted that following recent changes at the state level regarding medical and recreational use, marijuana has become more prevalent. The Florida Supreme Court recently approved the inclusion of a question on the November 2024 ballot, Florida Amendment 3, which is a marijuana legalization initiative. A “yes” vote would support the legalization of marijuana for adults who are 21 or older and would allow them to possess up to three ounces of marijuana. A “no” vote would oppose the legalization of marijuana for adult use.

Should the ballot question be approved by the voters, it would take effect six months after the election. This would mean the Town would need to update its regulations to reflect potentially forthcoming changes. Development Services Director Campbell advised that Exhibit 3 in the Commissioners' backup materials reflects the changes that would be necessary. This Ordinance would also update definitions and other pertinent sections of Code. Current Code prohibits marijuana centers.

Commissioner DeNapoli characterized the Ordinance as similar to implementing vacation rental laws in order to avoid preemption. Development Services Director Campbell confirmed this.

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

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

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

Development Services Director Campbell recalled that over the last few years, several projects within the Town have required unity of title in order to allow development to proceed. Unity of title allows for adherence to approved Site Plans and increased flexibility in support of development.

An alternative instrument is a covenant in lieu of unity of title, which occurs when there are multiple owners across different parcels. The need for this Ordinance was generated from a request by a hotel which needed to unify with another property for density purposes; however, two different entities owned the two parcels. The covenant in lieu of unity of title was determined to allow for this request.

To protect the zoning integrity of Site Plans but allow for development, covenant in lieu of unity of title requires that the property be developed in accordance with the approved

Site Plan. The subject property may also be allowed to develop in phases. The covenant in lieu of unity of title must be recorded and must ensure that the parameters of parcels are followed.

Ordinance 2024-07 establishes parameters for the use of unity of title and covenant in lieu of unity of title. Development Services Director Campbell emphasized that the Ordinance would have no impact on height limits.

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

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

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

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

Town Manager Connors explained that this Resolution implements the decisions made by the Commission at their previous regular meeting, which would amend meeting procedures. The change would add a Commission presentation item, correct scriveners' errors, and add the ability to change the sequence of items.

Commissioner DeNapoli requested clarification of a change to the Action Agenda Item. Town Manager Connors replied that this was deleted because it is done by Conceptual Communications in their regular emails on Wednesdays following Town Commission meetings.

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

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:04 p.m.

Mayor Edmund Malkoon

ATTEST:

Katrina Adler, Town Clerk

Date



Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By: Courtney Easley, Assistant to Town Manager, Leroy Chasmer, Public Works Supervisor, Ken Rubach, Deputy Town Manager/Public Works Director

Submitting Department: Administration

Item Type: Resolution

Agenda Section: NEW BUSINESS

Subject Title: RESOLUTION 2024-27- A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE AMENDED SCHEDULE OF PARKING FEES AND METER RATES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

Explanation: Parking fees were established in 2015 based on the recommendations of Desman & Associates. Since that time, the Town has periodically increased these fees to keep consistent with our neighboring communities. The last time we reviewed our overall parking fee structure was January 2023. At that time, the Commission approved a \$5.00 increase in our daily parking lot rates, a \$0.50 increase in our general hourly rates and the establishment of a \$21 flat fee for special events.

Staff conducted a survey of surrounding municipalities to gauge the current parking fees and meter rates in those municipalities and how the Town's rates compare. The result of the survey is included in Table One below.

Table One - Parking Rates

Municipality	General Parking Hourly		Employee Rate - Monthly	Residential Rate - Annual	
Lauderdale-By-The-Sea	\$1.25 west of Seagrape Dr.	\$3.50 east of Seagrape Dr.	\$27	\$50 senior	\$60 regular
Fort Lauderdale	\$4.00 Beach areas		\$45	\$75	
Pompano Beach	\$1.80-\$4.00 Beach areas time dependent		N/A	\$135	
Deerfield Beach	\$3.00-\$4.00 Beach areas time dependent		N/A	\$75	

Hollywood	\$3.00-\$4.00 Beach areas time dependent		\$35	\$175
Boca Raton Beach Parking Lots	\$35 weekday	\$50 holiday/weekend day	N/A	\$85

Based on the above survey, and as depicted in Table 2 below, staff is recommending a \$5 increase to both the residential and employee permits for a new rate of \$32 monthly plus tax and an annual rate of \$55 for the senior permit and \$65 for all other residents. We also recommend a \$0.50 increase in general parking rates to a total of \$1.75 west of Seagrape Drive and \$4.00 East of Seagrape Drive. Given the increase in the hourly rate, we recommend removing the daily rate for our A1A and South Ocean lots. This change will have the rates conform with the other town-owned lots and will not impact the length of time you will be allowed to park.

Table 2 - Recommended Parking Changes

Type of Parking	Current		Proposed		Date Last Changed
Employee Parking - monthly	\$27.00		\$32.00		2016
Senior Residential Parking - annual	\$50.00		\$55.00		2016
Other Residential Parking - annual	\$60.00		\$65.00		2016
General Parking - hourly	\$1.25 W of Seagrape Dr	\$3.50 E of Seagrape Dr	\$1.75 W of Seagrape Dr	\$4.00 E of Seagrape Dr	2023
Daily Parking Rates	\$21		Refer to hourly rate		

With these increases, the Town can expect to collect approximately \$430,000 in our parking fund or 14% more revenue based on current FY 25 projections.

Recommendation: Approve Resolution 2024-27 adopting the amended parking fees and meter rates.

Exhibits:

1. Resolution 2024-27 Adopting Amended Schedule of Parking Fees and Meter Rates

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

WHEREAS, Sections 19-26 and 19-28 of the Town Code provide that the parking fees and meter rates in the Town will be set by resolution of the Town Commission; and

WHEREAS, Section 19-26(e) of the Town Code provides that the Town Commission may, by resolution, establish additional parking permit programs as necessary to address the parking needs of the Town; and

WHEREAS, on August 11, 2015, the Town Commission adopted Resolution No. 2015-30, approving a schedule of parking fees and meter rates, based on the recommendations of Desman & Associates, as provided in their parking study final report; and

WHEREAS, on December 15, 2019, the Town Commission adopted Resolution No. 2019-43, adopting an amended schedule of parking fees and meter rates; and

WHEREAS, on September 28, 2021, the Town Commission adopted Resolution No. 2021-56, approving an amended schedule of parking fees and meter rates effective January 1, 2022; and

WHEREAS, on January 24, 2023, the Town Commission adopted Resolution No. 2023-04, approving an amended schedule of parking fees and meter rates effective March 1, 2023; and

WHEREAS, on June 11, 2024, the Town Commission adopted Resolution No. 2024-22, approving an amended schedule of parking fees and meter rates effective June 17, 2024; and

WHEREAS, based on the survey results of surrounding municipalities and their current parking rates, staff recommends an increase in the parking fees and meter rates, as set forth in the amended schedule of parking fees and meter rates, attached as Exhibit “A” (the “Amended Fee Schedule”); and

WHEREAS, the Town Commission finds the adoption of the Amended Fee Schedule is in the best interest of the Town.

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

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

SECTION 2. Fees. The Amended Fee Schedule, attached as Exhibit “A,” is hereby approved. The Amended Fee Schedule shall become effective August 15, 2024.

SECTION 3. Conflict. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

SECTION 4. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED this 23rd day of July 2024.

Mayor Edmund Malkoon

Attest:

Katrina Adler, Town Clerk
(CORPORATE SEAL)

APPROVED AS TO FORM:

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Susan L. Trevarthen, Town Attorney

Town of Lauderdale-By-The-Sea
Parking Rates Effective August 5, 2024

Line No.	Permit ⁽¹⁾	August 5, 2024	
		Annual	Monthly
1	A1A Parking Lot Government Permit ⁽²⁾		\$105
2	A1A Parking Lot Permit		
3	Bougainvilla (south) Overnight Parking Permit ⁽³⁾		\$85
4	Employee Permit		\$25 <u>\$32</u>
5	Event Pre-Paid Permit ⁽⁴⁾		
6	Hardship Permit	\$324	
7	Hardship Visitor Permit (24 hours)	\$38.00 per permit	
8	Reserved Parking Space Permit ⁽⁵⁾		
9	Resident Permit ⁽⁶⁾ (CORRECTED)	\$60 <u>\$65</u>	
10	Residential Permit - senior ⁽⁶⁾	\$50 <u>\$55</u>	
11	Government Official Permit ⁽²⁾	\$0.00	
12	Valet Parking Permit ⁽⁸⁾		
	Application Fee	\$100	
	Permit Renewal	\$100	
	Permit Revision	\$50	
13	Visitor Center Overnight Parking Permit ⁽¹⁰⁾		\$105
	Meter Rates ⁽¹⁾	August 5, 2024	
		Hourly	Daily
10	Beach District	\$3.25 <u>\$4.00</u>	
11	Bougainvilla Drive	\$3.25 <u>\$4.00</u>	
12	Poinciana Blvd.	\$3.25 <u>\$4.00</u>	
13	Commercial Blvd Business District	\$1.25 <u>\$1.75</u>	
14	West Tradewinds Ave.	\$1.25 <u>\$1.75</u>	
15	Friedt Park	\$3.25 <u>\$4.00</u>	
16	A1A Lot	\$3.25 <u>\$4.00</u>	\$21.00
17	South Ocean (4312) Lot	\$3.25 <u>\$4.00</u>	\$21.00
18	El Mar Lot	\$3.25 <u>\$4.00</u>	
19	El Prado Lot	\$3.25 <u>\$4.00</u>	
20	Town Hall Lot (weekend and event parking)(7)	\$3.25 <u>\$4.00</u>	
21	Special Events		\$21.00
Policy & Procedures			
(1) <u>Sales Tax</u> : Sales Tax on permits shall be in addition to the permit fee. In off-street parking areas that use Pay Stations, the sales tax shall be in addition to the hourly meter rate. For single space meters, the sales tax shall be included in the hourly fee charged.			
(2) <u>Government Permits</u> : Town Manager is authorized to provide parking permits to governmental agencies without charge for the use of the A1A Parking Lot for periods not to exceed 24 hours and annual permits for the district County Commissioner, and Federal and State Representatives, and Senators.			
(3) <u>Bougainvilla Permit</u> : This permit is available to those residing in Town and allows overnight parking in the 22 parking spaces on South Bougainvilla with locations, days, and hours to be determined by the Town Manager based on availability, location and lot usage.			
(4) <u>Pre-Paid Permit</u> : This permit may be approved by the Town Manager for activities such as special events, private events and similar activities. If approved, a pre-paid parking permit shall be specific to the location, time and date. The applicant shall pay the meter rate for the hours the meter is reserved when the meter would otherwise be used by the public.			
(5) <u>Temporary Business Permit</u> : This permit may be approved by the Town Manager upon a showing that the reservation of a specific parking space(s) for a short period of time would reduce the inconvenience to the public and decrease the time necessary for a business to conduct a business activity. The applicant shall pay the meter rate for the hours the meter is reserved when the meter would otherwise be used by the public.			
(6) <u>Resident and Senior Permit Discounts</u> : Effective July 1st of each year, Resident Permits and Senior Resident Permits shall be discounted 40%.			
(7) <u>Waiver of Parking Requirements</u> : Town Manager is authorized to waive parking requirements for Town events or civic organizations meeting at Town Hall or Jarvis Hall or to waive parking requirements or authorize parking on El Mar for people attending Town sponsored events.			
(8) <u>Valet Parking Operations</u> : Valet parking operations may be approved through the special event application process and no Valet Parking Permit Application is required.			
(9) <u>Special Events</u> : A flat rate may be instituted for special events with approval of the Town Manager for specific lots, meters, or other designated parking areas as deemed necessary for the event.			
10 <u>Visitor Center Permit</u> : This permit is available to those residing in Town and allows overnight parking in the 8 parking spaces within the Visitor Center Lot with locations, days, and hours to be determined by the Town Manager based on availability, location and lot usage.			



Agenda Item No: 17.a.

Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: ORDINANCES 2nd Reading

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

Explanation: Recently, the Florida Supreme Court approved the inclusion of a question regarding the legalization of adult personal use of marijuana on the ballot for the upcoming election in November, which provides:

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

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

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

Should the question be approved by the voters, the effective date of the legalization of adult personal use of marijuana will be six months after voter approval, allowing sufficient time for the necessary regulatory frameworks to be established.

It should be noted that the Town currently prohibits medical marijuana retail centers pursuant to Section 30-154 (a) of the Town Code of Ordinances ("Town Code"). As such, the Town has no clear regulations concerning adult personal use of marijuana and should the measure in November pass, we recognize the need to have established provisions to prevent inconsistency in interpretation and enforcement. It is important to amend the Town Code to remove ambiguity and include necessary detail into the Town's marijuana regulations. Ordinance 2024-06 (**Exhibit 1**) achieves these goals.

The proposed Ordinance was presented to the Planning and Zoning Board at its June 5 meeting. The Planning and Zoning Board recommended approval of the Ordinance with a 4-0

vote. There were no amendments proposed by the Planning and Zoning Board. In addition, the proposed Ordinance was presented at the Town Commission at its June 29 meeting. The Town Commission recommended approval of the Ordinance with a 5-0 vote with no amendments proposed .

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

Exhibits:

1. Ordinance 2024-06 Personal Use Marijuana

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 **ARTICLE I. IN GENERAL**

47 * * *

48 **Sec. 30-11. – Definitions.**

49 * * *

50 *(c) Abbreviations and definitions.*

51 * * *

52 *(2) Terms defined.*

53 * * *

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

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

* * *

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

* * *

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

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE V. ZONING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 30-154. – Prohibited uses.

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

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

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

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

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

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

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

101 Passed on the first reading, this 25th day of June, 2024.

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

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110 Mayor Malkoon

111 Vice-Mayor Strauss

112 Commissioner Pouloupoulos

113 Commissioner DeNapoli

114 Commissioner Graziano

115

MAYOR EDMUND MALKOON

First Reading

Second Reading

YEA

YEA

YEA

YEA

YEA

116 ATTEST:

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120 _____
Town Clerk Katrina Adler

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122 APPROVED AS TO FORM:

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126 _____
Susan L. Trevarthen, Town Attorney



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title:

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

3. Estimate of direct compliance costs that businesses may reasonably incur:

4. Any new charge or fee imposed by the proposed ordinance:

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

7. Additional information (if any):



Town Commission Agenda Item Report

Meeting Date: July 23, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: ORDINANCES 2nd Reading

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

Explanation: Currently, the Town requires developers to secure a Unity of Title before the redevelopment of a multi-parcel project. This tool is used to ensure adherence to an approved site plan and guarantees that the Town can utilize other methods to regulate and control multi-phased and/or mixed-use developments. This regulatory tool is limited as it does not contemplate multiple ownership properties. Staff is suggesting that the Town consider adding a Covenant In Lieu of Unity of Title option to our Code, which may also be used to achieve the same results when multiple owners exist over more than one parcel. Unity of Title and Covenant in Lieu of Unity of Title (CIL) agreements serve as mechanisms for promoting flexibility in property development while safeguarding the broader interests of the community. Adopting additional means for redevelopment allows staff the ability to provide opportunities to preserve the existing character of our community.

Ordinance 2024-07 (**Exhibit 1**) establishes parameters for the use of Unity of Titles and Covenants in Lieu of Unity of Title and requires that:

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

It should also be noted that, as written, an Easement and Operating Agreement must be recorded which maintains the integrity of the approved site plan prior to any sale of a portion of the tract subject to the CIL. The CIL has been utilized for many years and has achieved its intended goal of fully recognizing the zoning site plan of a parcel of land.

A recent request from a hotel owner to utilize a CIL highlighted the need for established regulations to be added to the Town Code.

The proposed Ordinance was presented to the Planning and Zoning Board at its June 5 meeting. The Planning and Zoning Board recommended approval of the Ordinance with a 4-0 vote. There were no amendments proposed by the Planning and Zoning Board. In addition, the proposed Ordinance was presented to the Town Commission at its June 29 meeting on first reading and was approved with a 5-0 vote. There were no amendments proposed by the Town Commission.

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

Exhibits:

1. Ordinance 2024-07 Covenant In Lieu of unity of Title Ordinance

ORDINANCE 2024-07

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

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

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

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

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

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

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

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

Chapter 30 – UNIFIED LAND DEVELOPMENT REGULATIONS

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105 * * *

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

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

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

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

119 Passed on the first reading, this 25th day of June, 2024.

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

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123 **MAYOR EDMUND MALKOON**
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Mayor Malkoon
Vice-Mayor Strauss
Commissioner Pouloupoulos
Commissioner DeNapoli
Commissioner Graziano

First Reading

Second Reading

YEAYEAYEA

YEA

YEA

ATTEST:

Katrina Adler, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title:

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

3. Estimate of direct compliance costs that businesses may reasonably incur:

4. Any new charge or fee imposed by the proposed ordinance:

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

7. Additional information (if any):