

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, March 11, 2025

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, March 11, 2025, 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 Benzion Singer**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Sanitary Sewer Fund Presentation
 - 5.b. Colorectal Cancer Awareness Month Proclamation
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
 - 13.a. Application for Relief of Code Compliance Lien at 4601 El Mar Drive
 - 13.b. Application for Relief of Code Compliance Lien at 4600-4608 N Ocean Drive f/k/a 4601 N Ocean Drive and 4608 N Ocean Drive Lauderdale- By-The-Sea, FL, 33062
 - 13.c. Commissioner Graziano Request to Discuss Commission Salary
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
18. **RESOLUTIONS – PUBLIC COMMENTS**
 - 18.a. RESOLUTION 2025-19: 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.

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: March 11, 2025

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

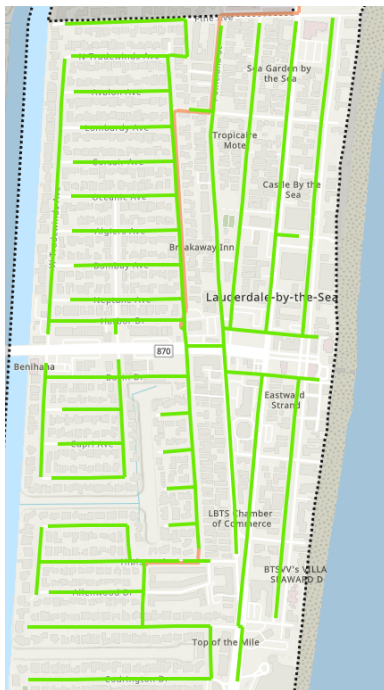
Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Sanitary Sewer Fund Presentation

Explanation:



The Town provides sanitary sewer services to residents and businesses. The maintenance and operation of the Town's sewer system is funded through the Sanitary Sewer Fund, which is an Enterprise Fund, meaning that the fund is meant to be self-sustaining by using the fees collected to operate the system, which collects sanitary sewer waste, then transports it to Broward County via the City of Pompano Beach forcemain for treatment. There are two different systems within the Town. The southern, town-owned portion of the sanitary sewer system runs from Pine Ave to the North, El Mar Drive to East, W. Tradewinds Ave to the West, and Codrington Drive to the South. The northern portion (north of Pine Ave) is owned and operated by the City of Pompano Beach, which sets its rates for those areas and adds a 25%

surcharge.

The Town proposes an annual budget which includes administrative and operational maintenance costs, reserve funds for capital expenditures and emergencies and costs for the operations to process (set by others). For the Town-owned system, the Town receives a yearly operation cost estimate from the City of Pompano Beach on what it costs to maintain our two lift stations (Seagrape and Hibiscus), transport the waste via their forcemain, treat the waste (set by Broward County), and bill and collect payments (a Fort Lauderdale charge). The costs set by outside government agencies make up 62.85% of the budget. We are responsible for the maintenance of this system and therefore it is necessary not only to include operational costs, but to maintain a healthy reserve to account for future capital expenses and unanticipated emergency repairs. In the past, we established the Sewer fund reserve at 100% of the sewer budget.

The rates are based on a fixed monthly user fee, a volumetric charge and an administrative charge. The volumetric rate is charged based on each 1,000 gallons of use, so it varies from property to property. There is a cap of 10,000 gallons for single-family properties and there is no cap for commercial properties.

As discussed above, outside governmental agencies control a large part of the expenditures within the sewer fund, which includes both fixed and volumetric rates. The fixed rate cost has increased by 90.01% since FY18 or \$238,428 per year. The volumetric rate cost has increased by 45.55% since FY18. This equates to an increase of \$.95 per 1,000 gallons.

The Town last raised rates in FY20 to accommodate the rising pass-through costs. The Town remains fiscally conservative when budgeting so that we do not overcharge our customers but maintain a healthy reserve to prepare for emergencies. Last year, the Town utilized reserves to supplement the regular operation of the system. With 33% of the FY25 completed, we are currently experiencing a deficit of approximately \$26,000 thus far for the year. The use of the reserve account for general operations is not sustainable and leaves the system unprepared if an emergency repair is necessary, as well as any large future capital expenses. The Sanitary Sewer Fund has maintained substantial reserves over the past few years. However, projections indicate that without a commensurate increase in rates, these reserves could be depleted within the next 5–7 years given the continued rate increases on behalf of outside government agencies. This necessitates proactive measures to ensure the long-term financial health and sustainability of the Sewer fund. Failing to address this issue could jeopardize essential services and infrastructure improvements.

Proposed Rates:

To ensure the funds collected are sufficient for the operating budget without tapping the reserve account, staff recommends an increase to the sewer rates. The proposed rate is the minimum necessary to ensure we are covering the operational expenses for the fiscal year while maintaining necessary reserves. As an example, if the proposed rate increases were enacted, a single-family home utilizing the maximum billable gallons (10,000) could anticipate a monthly increase of \$23.78 in their sewer bill with the total monthly single-family sewer bill in this scenario being \$105.32.

<u>Service Type</u>	<u>Base Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>		<u>Consumption Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>
Single-Family	\$11.81	\$2.95/25%	\$14.76		\$6.80	\$2.04/30%	\$8.84
Multi-Family	\$4.86	\$3.65/75%	\$8.51	x #units	\$6.80	\$2.04/30%	\$8.84
Commercial	\$11.81	\$2.95/25%	\$14.76	x #units	\$6.80	\$2.04/30%	\$8.84
Customer Service/Admin Charge	\$1.73	\$.43/25%	\$2.16				

For comparison purposes, below is the chart of rates for LBTS residents serviced by the City of Pompano Beach, including the 25% surcharge.

<u>Service Type</u>	<u>Base Rate as of 10-1-24</u>		<u>Consumption Rate as of 10-1-24</u>	<u>Base Rate as of 10-1-25</u>
Single-Family	\$21.86		\$5.10	\$22.74
Multi-Family	\$20.13	x #units	\$5.10	\$20.13
Commercial	\$23.96	x #units	\$5.10	\$24.93

The process to increase the sewer rates is outlined in Section 180.136, Florida Statutes, and is as follows:

1. Notify customers of the proposed increase through their current bill. The notice must state the date, time, and place of the Town Commission meeting at which such increase will be considered. Provide a business impact statement.
2. Place an Ordinance on the Commission's agenda for consideration, and
3. Work with the City of Fort Lauderdale to implement the new rate on customers' water bills.

The process as outlined would take approximately 3–4 months. If the new rates are approved, increased sewer rates would be implemented this summer.

Recommendation: N/A

Exhibits:

1. Sanitary Sewer 3-5-25



Sanitary Sewer Fund

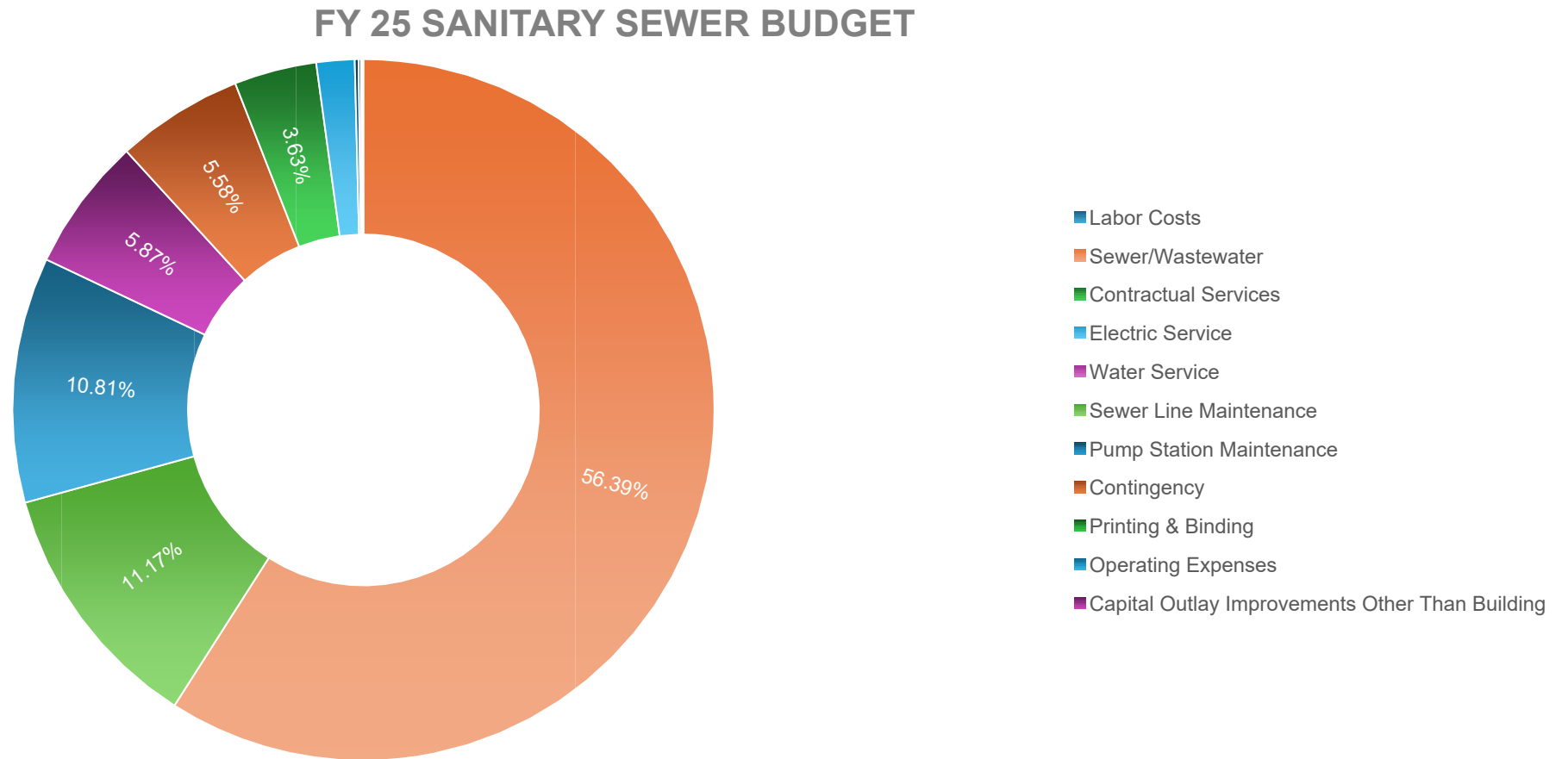


DATA, TRENDS, AND FINANCIAL
STATUS

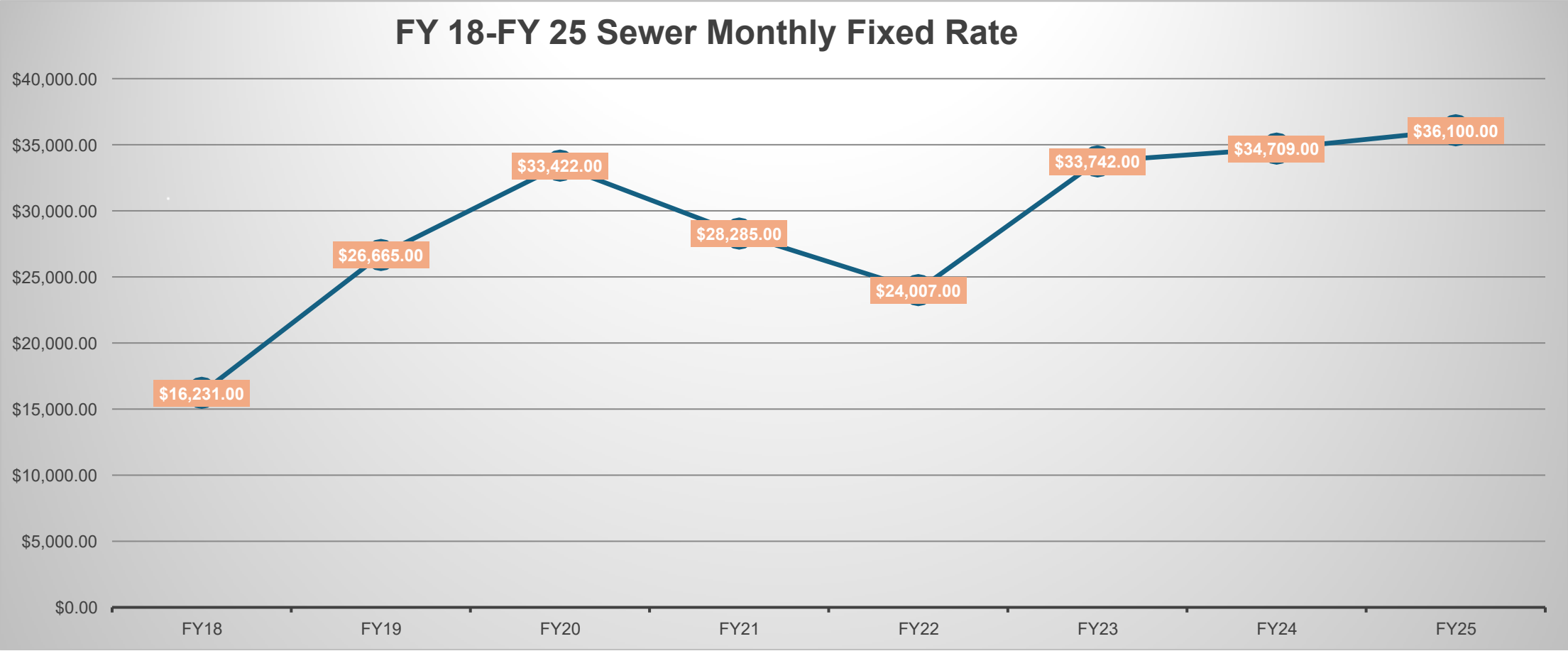
SANITARY SEWER FUND OVERVIEW

- What is the Sanitary Sewer Fund?
- What does the Sanitary Sewer Fund pay for?
- How do we collect fees for the Sanitary Sewer Fund?
- What is the difference between Fixed and Volumetric Charges?
- Why do we have a Sanitary Sewer Reserve and what is this used for?

CURRENT FISCAL YEAR BUDGET

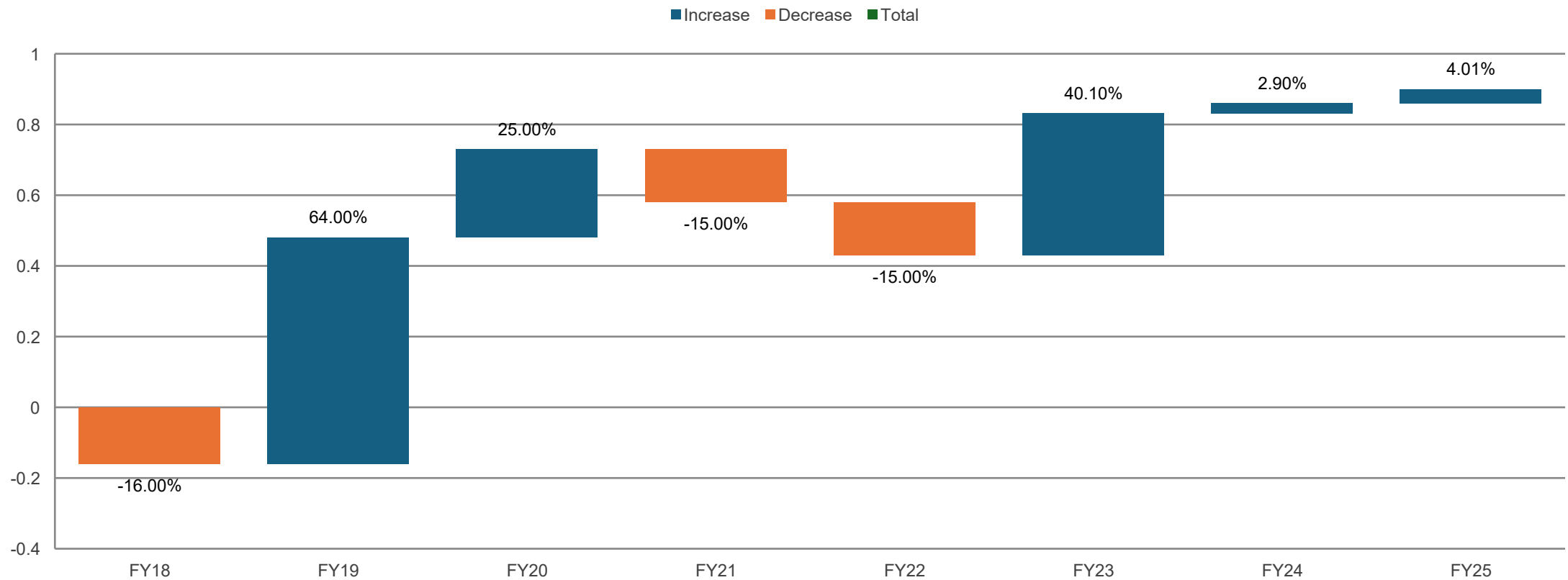


FIXED RATE TRENDS BY MONTHLY COST

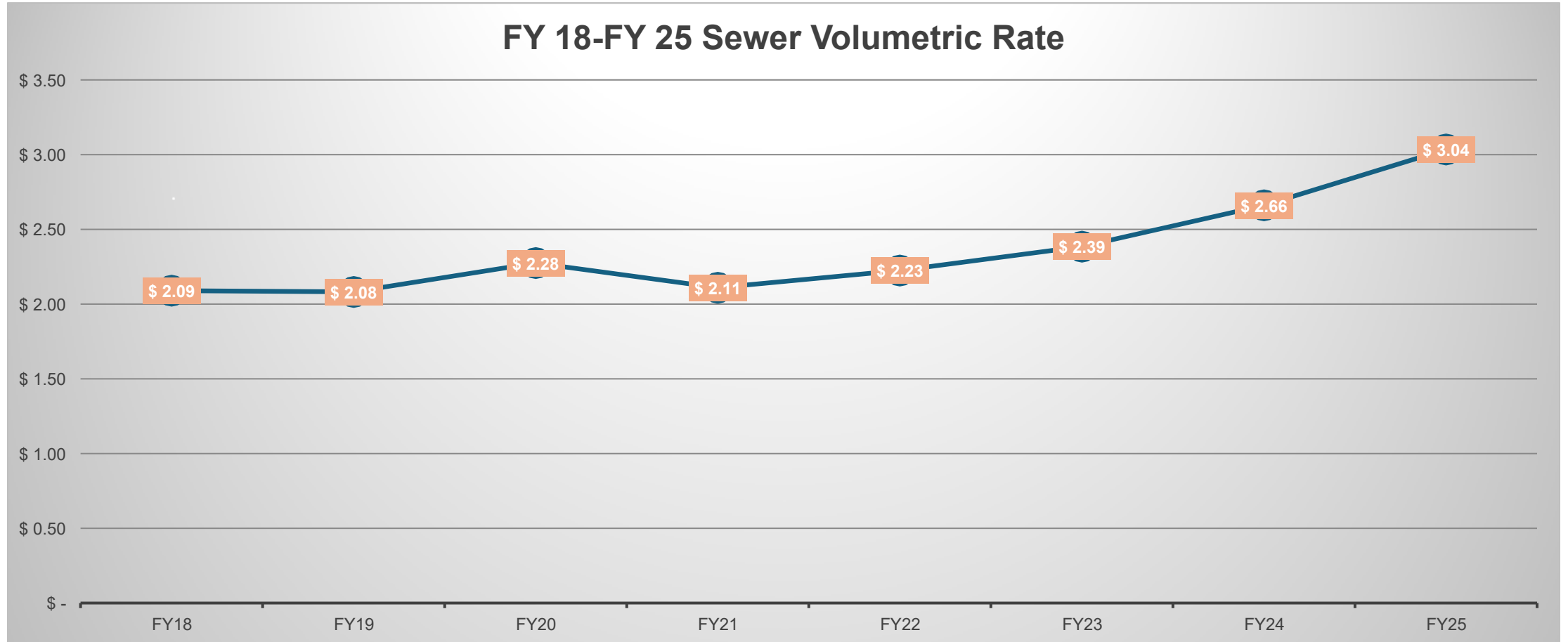


FIXED RATE TRENDS BY PERCENTAGE

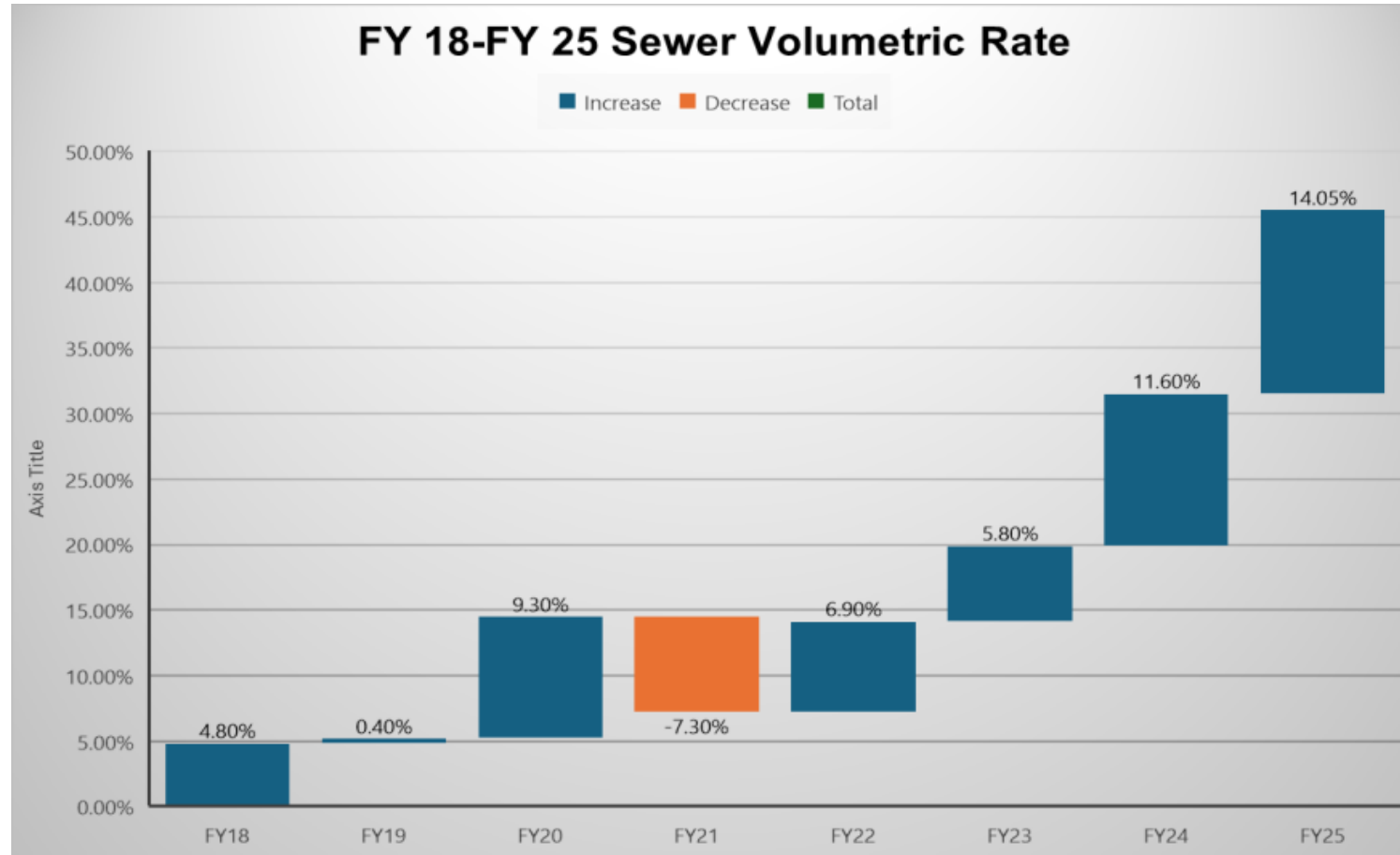
FY 18-FY 25 Sewer Monthly Fixed Rate



VOLUMETRIC RATE TRENDS BY COST

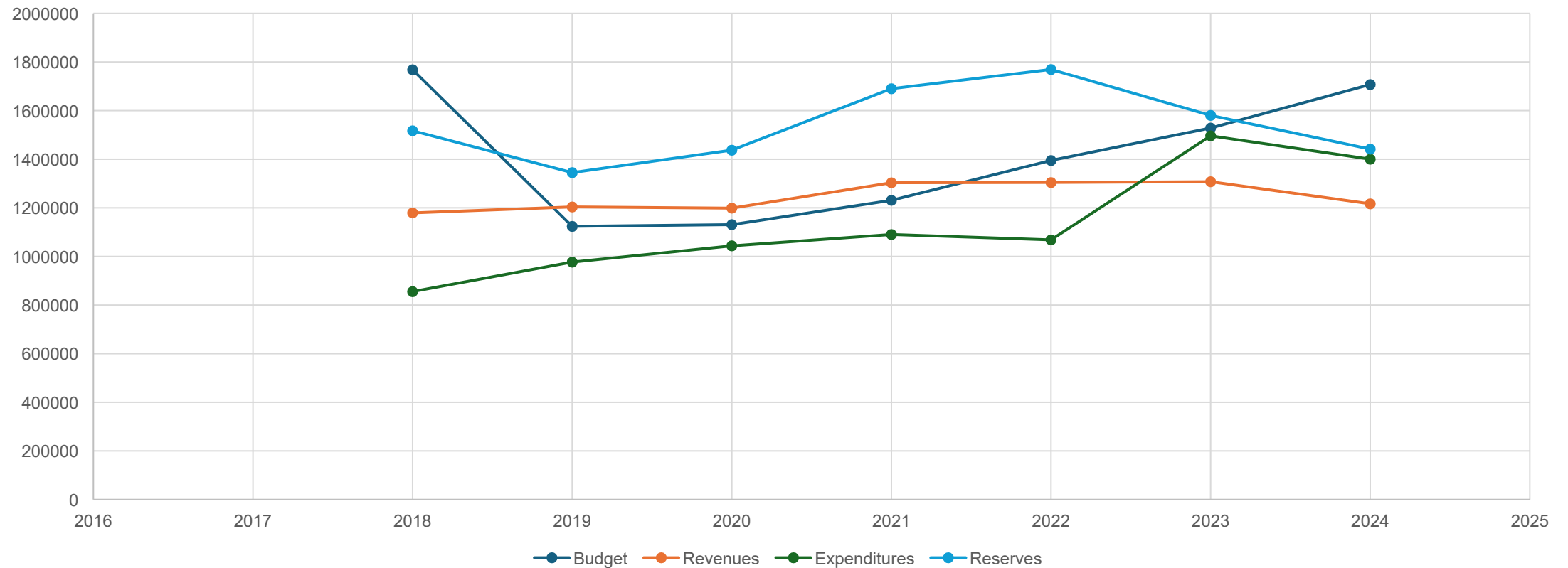


VOLUMETRIC RATE TRENDS BY PERCENTAGE



SANITARY SEWER FUND FINANCIAL DATA

SANITARY SEWER FUND HISTORICAL FINANCIAL DATA



SUMMARY OF RATE COST INCREASES

90.01%

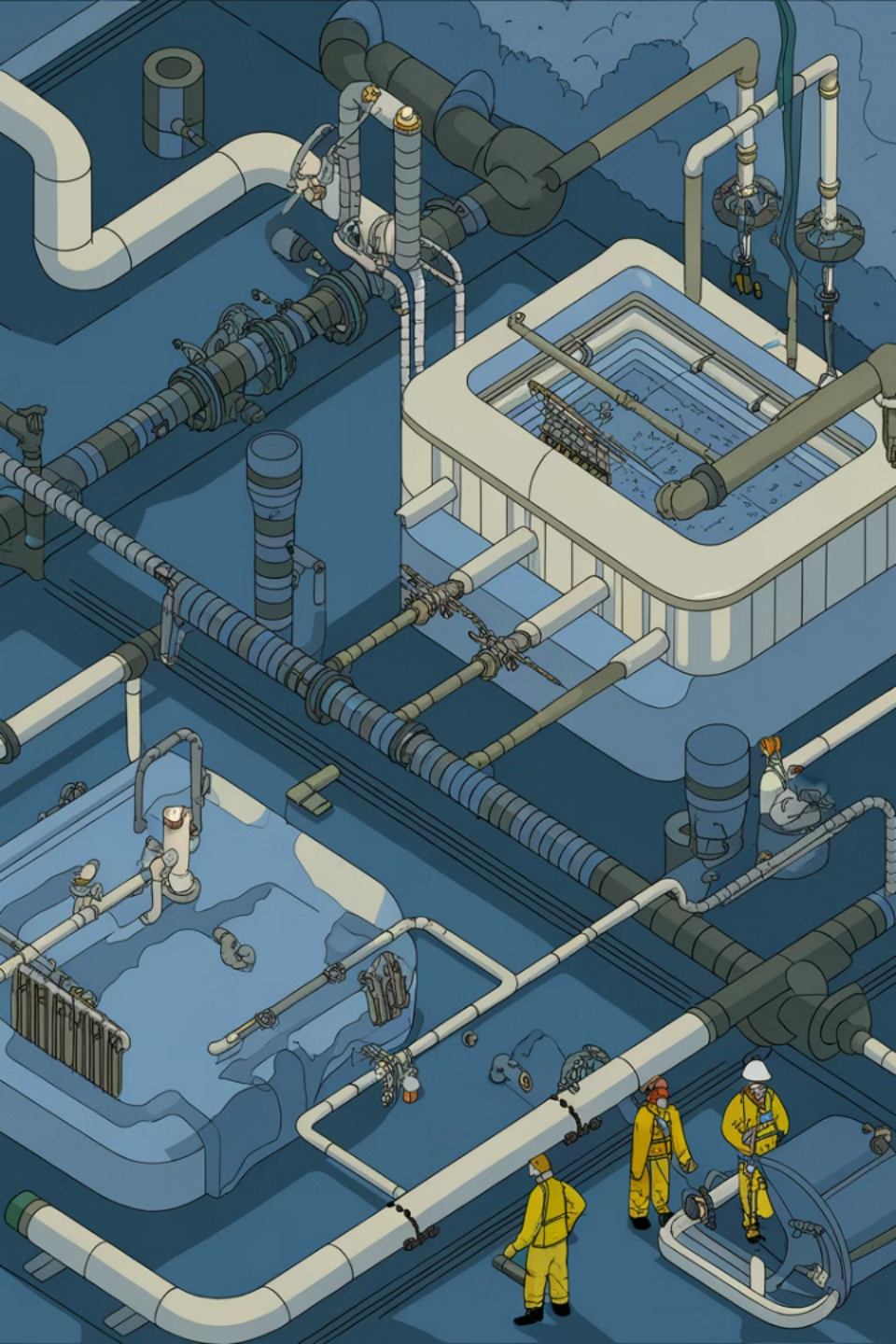
Fixed Rate

The fixed rate cost has increased by 90.01% since FY 18. This equates to an increase of \$19,869.00 per month or \$238,428.00 per year.

45.55%

Volumetric Rate

The volumetric rate cost has increased by 45.55% since FY 18. This equates to an increase of \$.95 per 1,000 gallons.



KEY POINTS TO CONSIDER

Passthrough Charges

Approximately 62.85% of the Sewer Fund Budget is comprised of passthrough charges from Fort Lauderdale (Wastewater Billing), Pompano Beach (Wastewater Conveyance and Lift Station Maintenance), and Broward County (Wastewater Treatment).

Future Projection

Staff currently projects the costs to transport and treat wastewater will continue to increase into the foreseeable future. Continual examination of the rates will be necessary to maintain the financial health of the Sanitary Sewer Fund and ensure sustainable sewer service for the community.

Reserve Balance

The Sanitary Sewer Fund reserves are at their lowest level since FY 20. The Town has carefully managed these reserves to minimize rate increases. However, if an increase is not approved it will result in depletion of the reserves within the next 5-7 years.

PROPOSED RATES

<u>Service Type</u>	<u>Base Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>		<u>Consumption Rate</u>	<u>Increase</u>	<u>Proposed Amount</u>
Single-Family	\$11.81	\$2.95/25%	\$14.76		\$6.80	\$2.04/30%	\$8.84
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NEXT STEPS

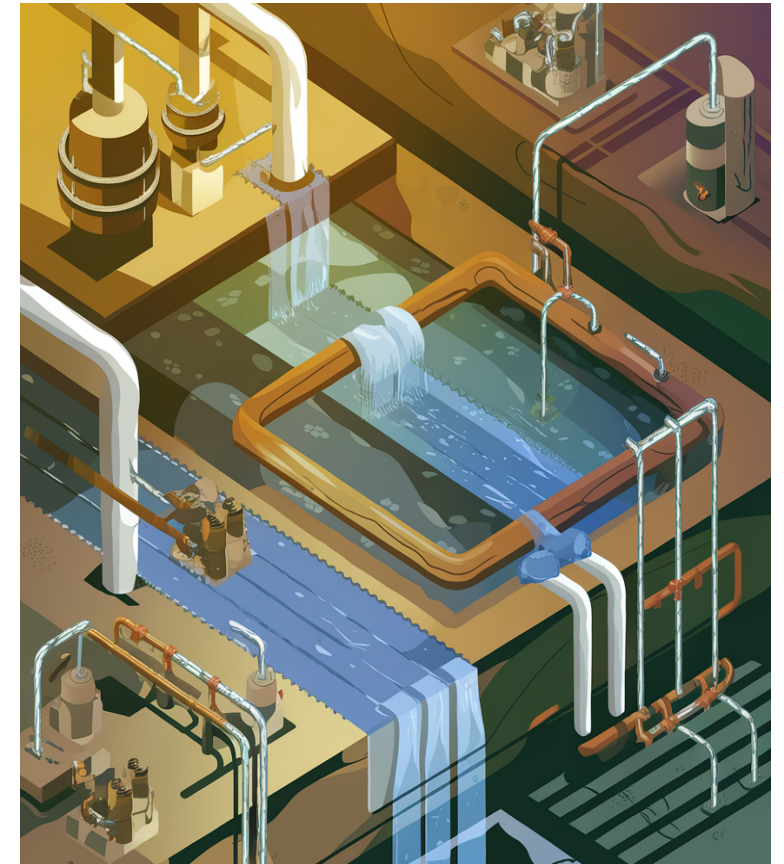
The initial process moving forward would include:

- Notify customers of the proposed increase through their current bill. The notice must state the date, time, and place of the Town Commission meeting at which such increase will be considered.
- Place an Ordinance on the Commission's agenda for consideration

If approved By the Commission the next step would be:

- Work with the City of Fort Lauderdale to implement the new rate on customers water bills.

The process is approximately 3-4 months until implementation of the new rates. Rates would go into effect this summer.





Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: March 11, 2025

Submitted By: Katrina Adler, Town Clerk

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Colorectal Cancer Awareness Month Proclamation

Explanation: A proclamation be read by Mayor Malkoon designating March as Colorectal Cancer Awareness Month.

Recommendation: N/A

Exhibits:

1. Colorectal Cancer Awareness Month

Proclamation

*Issued by the Governing Body of the Town of
Lauderdale-By-The-Sea, Florida*

WHEREAS, colorectal cancer is the second-leading cause of cancer deaths in the United States among men and women combined; and

WHEREAS, colorectal cancer is one of the few cancers that can be prevented with timely screening, but 1 in 3 eligible Americans are not up to date on screening; and

WHEREAS, colorectal cancer is the leading cause of cancer death for men, and second leading cause of cancer death for women under the age of 50; and

WHEREAS, American Indian, Alaska Natives and Black Americans are more likely to be diagnosed with colorectal cancer and more likely to die from the disease than other groups; and

WHEREAS, colorectal cancer is expected to account for 12% of cancer deaths among Hispanic men and 9% of cancer deaths for Hispanic women; and

WHEREAS, Americans in rural areas are more likely to be diagnosed with and die from colorectal cancer than Americans in urban areas; and

WHEREAS, in 2024 there were approximately 152,810 new cases and 53,010 deaths from colorectal cancer; and

WHEREAS, the national goal established by the National Colorectal Cancer Roundtable is to strive to increase timely colorectal cancer screening rates to 80 percent in every community for all Americans eligible for screening; and

WHEREAS, observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to increase awareness and offer education on the importance of early detection and screening of colorectal cancer.

NOW, THEREFORE, I, Edmund Malkoon, Mayor, on behalf of the Town Commission and residents of Lauderdale-By-The-Sea, hereby designate **March 2025** as

"Colorectal Cancer Awareness Month"

*In witness wherof we have hereunto set our
hands and caused this seal to be affixed*

Edmund Malkoon, Mayor

Katrina Adler, Town Clerk





Town Commission Agenda Item Report

Meeting Date: March 11, 2025

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. Spring Break

Spring break season has arrived, and the town is ready and prepared to welcome our sun-seeking visitors. Last week, the beach "emergency lane" was established to ensure a clear passage on the beach is available for emergency vehicles and ATV's. Beginning on March 8th and continuing throughout the month, BSO will have dedicated beach patrols from 11 am to 5 pm on weekends. Additionally, we will have a second deputy, funded through the Town's high visibility fund, added to the downtown from 6 pm through midnight on Fridays and Saturdays. BSO's regional unit is also following its Spring Break traffic enforcement plan and will be in LBTS sporadically throughout the season.

2. Pier Update

The Pier representatives provided an update to the Special Magistrate. Staff was concerned about the safety at the pier and the special magistrate granted the following:

1. Immediate appointment of personnel at the Pier to monitor patrons potentially swimming out to climb the Pier until a permanent barrier is placed on or around the Pier to stop people from climbing the remaining structure. The personnel must be present from sunrise to sunset and the Pier representatives are required to send the information and schedule of the personnel monitoring the Pier.
2. A meeting must be held within 1 week to discuss the permanent solution being proposed to ensure safety and security; and
3. Additional "no trespassing" signs are to be installed on the Pier.

Staff will continue to monitor the progress and keep the Commission informed.

3. Lauderdale-By-The-Sea's Vision

Do you want to be involved in identifying the Town's vision and help develop a plan on how to get there? The Town is undergoing a Visioning process and we need your input! Please

attend the public meeting on Saturday, March 29th, to have your ideas heard and be a part of the process. The meeting will begin at 9 am and continue through the afternoon. Please come and be a part of this important process!

4. Social Media and Public Safety

This is a friendly reminder that the Town has many ways to interact with the public so that we can resolve safety issues. The first and most immediately responsive is to call 911 - please use this only for life-threatening issues. For non-life-threatening issues, please call BSO's non-emergency number (954-764-4357). Finally, if there is an issue that needs attention and you would like to send a photograph, please use the Town's app - My Civic Services. This app allows you to log in, report an issue and receive feedback when the issue is resolved. Another app-based alternative is to download Saferwatch, which is administered through BSO.

The absolute worst way to report an issue is through social media. Social media accounts are not monitored by staff or emergency personnel. The public often comments, providing answers to the questions posted. However, there is no guarantee that the information being distributed is correct or being responded to in real time. Town staff is always available - please contact us if there is a question or issue you would like to have answered or see resolved.

5. Taste of the Beach - March 12

Taste of the Beach is March 12th, from 5:00 p.m. - 8:00 p.m. in El Prado Park. As of Thursday, March 6th, we are almost sold out, so hurry online if you haven't purchased your tickets yet! Tickets can be found on our website - discoverlbts.com/events - for \$35. The \$35 grants you access to the event site and the samples from over 20 of our local and neighboring food and beverage establishments. We'll also have live music by the fabulous Ginetta's Vendetta, a jazz-style quartet. We want to extend a big thank you to Peggy, with Aruba Beach Cafe, for the time and effort she has put in personally to help make this event such a big success. We are looking forward to spending a fabulous evening with our friends and neighbors.

6. Movies

We are very excited to introduce new family-friendly event programming this Spring. Our Movies in the Park series will run April through June.

Each event will feature a movie and fun activities that align with the movie's theme. Movies are on the second Friday of the month in El Prado Park and will start at 6:00 pm.

Date	Movie	Time
April 11	Trolls Band Together	6:00 PM
May 9	Lilo and Stitch	6:00 PM
June 13	Pirates of the Caribbean	6:00 PM

7. Upcoming Meetings

Meeting Date	Meeting	Time
March 25	Commission Meeting	6:30 PM

March 26	Commission Workshop - Public Safety Building	6:00 PM
March 27	Special Magistrate	5:00 PM
March 29	Visioning and Strategic Planning Meeting	9 AM - 1 PM

Recommendation:

Exhibits: None



Town Commission Agenda Item Report

Meeting Date: March 11, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Action Item

Agenda Section: NEW BUSINESS

Subject Title: Application for Relief of Code Compliance Lien at 4601 El Mar Drive

Explanation: The Town Commission approved Resolution 2010-13 which established a lien mitigation policy to encourage the renovation and rehabilitation of properties that had already complied with their code violations. The existing policy allows the Town Manager to review and approve requests to reduce the lien by less than 50% and requires the Town Commission's approval for requests for greater relief. In 2013, and again in 2014, the Town Commission amended the policy to allow a purchaser of a property with existing code violations to apply for lien settlement if certain conditions were met.

Essentially, the decision to approve a lien mitigation is a decision to settle the Town's claim rather than pursue the legal steps needed to attempt to obtain full payment of the lien. The mitigation policy requires the Town Commission to consider all relevant factors to determine what relief, if any, is appropriate, including but not limited to the following factors:

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

Per the policy, the Town Commission is required to enter an Order denying or granting the requested relief or such relief as the Town Commission deems appropriate. They may also direct such action as may be appropriate to effectuate the ordered relief. Finally, the Town Commission may also decide to deny the application with or without prejudice, depending on the circumstances of the case. It should also be noted that relief granted under the lien mitigation resolution is strictly discretionary by the Town.

Town staff received an application for relief of a code compliance lien at 4601 El Mar Drive on January 25, 2025. The complete application was received on February 25, 2025. The staff analysis and supporting documentation is attached.

Recommendation: Staff recommends the Commission hear from the applicant's representative, determine the appropriate mitigation amount for the lien, and require full payment of that mitigated amount by April 11, 2025.

Exhibits:

1. Mitigation Report - 4601 N OCEAN DR FINAL
2. Resolution 2014-22 Amendment to Code Enforcement Fines or Liens
3. 4601 N Ocean Dr Mitigation Application
4. Minutes Excerpt 4-25-16
5. Minutes Excerpt 6-23-16
6. Minutes Excerpt 7-28-16
7. Minutes Excerpt 3-22-2018

Exhibit 1: 4601 El Mar Drive



Figure 1- Subject Property

The Town received a complete mitigation application (**Exhibit 2**) from Karakaya Inc. for the property located at 4601 El Mar Drive. (the Property) on January 22, 2025. A summary of the violation is provided below in **Table 1**.

Table 1: Violations and Permit History

CASE# 16030013 – Building Permit # LBS14-003056 – 2nd Expiration

DATE	NARRATIVE
3/15/2016	A Notice of Violation was issued on March 15, 2016. Proof of service was obtained via posting at the property. The respondent was given until May 5, 2016 to comply the violation by renewing the expired permit and completing final inspection.
4/15/2016	A signed green card was not received. Property was posted and affidavit of service completed.
4/25/2016	Code Compliance Hearing: At the hearing the Special Magistrate issued a Final Order requiring compliance by May 5, 2016, or a fine of \$100.00 per day would begin to accrue. No one was present on behalf of the property owner at the hearing. (Exhibit 3- Minutes Excerpt 4-25-16 Code Hearing)
6/23/2016	Code Compliance Hearing: At the hearing compliance was still not achieved. The property representative, Vedat, was in attendance and an email was presented to the Special Magistrate which advised the Town Engineer - Jay Flynn, retracted the requirement to add drainage for the site. Based on this information, The Special Magistrate continued the certification of lien the July 28 th hearing. The fines would continue to run until the case is complied. (Exhibit 4- Minutes Excerpt 6-23-16 Code Hearing)
7/28/2016	Code Compliance Hearing: No one was present. The permit was renewed on 7-July 12, 2016, but no inspections were scheduled. The Magistrate proceeded with the certification of fines for \$8, 650.00 because the violation was not complied. (Exhibit 5- Minutes Excerpt 7-28-16 Code Hearing)
12/15/2016	Lien was recorded. Instrument # 114100969
6/15/2017	Case was closed on June 15, 2017, when permit was renewed and closed.

CASE# 17100013 – 40 Year – Building Safety Inspection Outstanding

DATE	NARRATIVE
10/31/2017	A notice of violation was issued on October 31, 2017. Proof of service was obtained via signed returned green card. The respondent was given until March 21, 2018, to comply with the violation by submitting the building safety inspection report.
2/22/2018	Code Compliance Hearing: At the Code Compliance Hearing, no one was present to represent the respondent, and the Special Magistrate issued a Final Order requiring compliance by March 21, 2018, or a fine of \$100 per day would accrue. No representative was present for the property.
3/22/2018	Code Compliance Hearing: At the Code Compliance Hearing on March 22, 2018, no one was present for the respondent and the violation was not corrected. The Special Magistrate ordered fines accrued at the time of \$900.00 to be certified. (Exhibit 6 – Minutes Excerpt 3-22-2018 Code Hearing)
6/12/2018	Lien was recorded. Instrument # 115135244
11/26/2019	Violation was corrected. Building Safety inspection completed, and case was closed on November 26, 2019.

Florida Statute 162.12 outlines the process municipalities must follow to achieve proper notice. This statute requires the Town to notice violations at the mailing address listed with the Broward County Property Appraiser's Office. The current address listed with the property appraiser both today and at the time of the issuance was 230 NE 24 Ave Suite 104, Wilton Manors, FL 33305. The property manager Bibiana Zuleta did advise she did personally receive the notices and requested notices also be sent to the property address. Code Compliance sent the Notice of Violation and the Order of Imposition of Fines to the property address and the address listed on the property appraiser's website by Certified Mail, and both green cards were signed and returned to the Town which fulfilled State law requirements for service of notice for Case # 17100013 (Building Safety Inspection violation). A signed and dated Certified Mail receipt ('Green Card') was not returned to the Town for Case #16030013 (Expired permit violation); however, the property was posted with copies of the original Notice of Violation and Notice of Hearing at least 10 days prior to the meeting date, which fulfilled State law requirements for service of notice.

A summary of the case and the settlement offered is shown in **Table 2**. The applicant is requesting a 90% reduction in fines totaling \$68,800.00 for a total offered settlement of \$6,880.00.

Table 2: Code Fines Summary

Case	Violation	Days In Violation	Daily Fine	Total Due	Offered Settlement	Reduction Requested
16030013	Expired Permit	68	\$100.00	7,050.00	\$705.00	\$6,345.00
17100013	Building Safety Inspection	605	\$100.00	\$61,750.00	\$6,175.00	\$55,575.00

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

A. The nature and gravity of the violation.

The property was cited under the Florida Building Code Section 105.1 for expired permits and for failure to complete the Building Safety Inspection and submit the required report to the Town.

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

Expired permit LBS14-003056 was renewed and closed. The building safety inspection was completed, and the report was submitted.

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

1. Code case #16030013 was brought into compliance 68 days after the deadline listed in the Final Order.
2. Code case #17100013 was brought into compliance 605 days after the deadline listed in the Final Order.

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

1. The cost to obtain permits to cure the violation for the expired permit, case 16030013 was \$1,749.18
2. The fees obtain permits to cure the violation for Building Safety Inspection, case 17100013 was \$300.00.

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

CASE #	VIOLATION	FINES PAID
15070020	Expired permits and parking lot being used without a final inspection.	Complied after the final order was issued.
26708	Sign Violation	Courtesy Notice. Complied before hearing
28720	Sea Turtle Lighting violation	Courtesy Notice. Complied before hearing
39380	Sign Violation	Courtesy Notice. Complied before hearing
42749	Bulk Trash	Courtesy Notice. Complied before hearing
2030005	Work without permit – Shed constructed	Complied after the final order was issued.
43661	Sign Violation	Courtesy Notice. Complied before hearing
12100007	Unit reported as having mold	Complied before hearing.
13010001	Nuisance - Garbage Cans left in view	Complied before hearing
13070037	Property abandoned and not secure	Complied before hearing

Exhibit 1: 4601 El Mar Drive

CASE #	VIOLATION	FINES PAID
14010005	Work conducted without required permits	Complied after final order. No fines
15030011 and 15040002	Timeline for construction completion not met	Complied after extensions provided by Town Commission.
15030011 and 15040002	Timeline for construction completion not met	Complied after extensions provided by Town Commission.
16030004	Expired Permits	Complied before hearing
21110015	Building Safety Inspection	Complied before hearing

Exhibits:

- 1- Resolution 2014-22
- 2- Mitigation application
- 3- Minutes Excerpt 4-25-16 Code Hearing
- 4- Minutes Excerpt 6-23-16 Code Hearing
- 5- Minutes Excerpt 7-28-16 Code Hearing
- 6- Minutes Excerpt 3-22-18 Code Hearing

RESOLUTION 2014-22

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE PRIOR TOWN CODE POLICY FOR THE REDUCTION OF CODE ENFORCEMENT FINES OR LIENS; ESTABLISHING A NEW PROCEDURE FOR REQUESTING REDUCTION OF TOWN CODE ENFORCEMENT FINES OR LIENS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Town Charter Section 5.5(9), the Town Commission may by motion, direction, ordinance or resolution assign additional duties to the Town Manager; and

WHEREAS, Section 162.09(3), Florida Statutes, provides that "[a] lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section;" and

WHEREAS, the Town Commission adopted Resolution 2013-05 on February 26, 2013, executed on March 1, 2013, re-establishing and amending a Town policy and procedure established in 2010 by Resolution 2010-13, by which persons may request that the Town reduce code enforcement fines or liens against their properties (the "Town Code Settlement Policy"); and

WHEREAS, the Town Commission desires to further amend the Town Code Settlement Policy.

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

Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and herein incorporated by this reference.

Section 2. Policy Amended. The Town Commission hereby adopts Exhibit "A", attached hereto, as the revised Town Code Settlement Policy.

Section 3. Authorization of Town Manager. Consistent with the revised Policy,

RESOLUTION 2014-22

the Town Commission continues to delegate to the Town Manager the authority to negotiate and settle code liens or fines as provided therein, and continues to authorize the Town Manager to develop any procedures or forms deemed necessary to implement the Town Code Settlement Policy.

Section 4. Conflicts. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

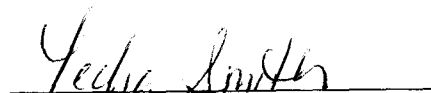
Section 5. Severability. If any section, sentence, clause or phrase of this Resolution or Exhibit is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

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

PASSED AND ADOPTED this 10th day of June, 2014.


Mayor Scot Sasser

Attest:


Town Clerk

APPROVED AS TO FORM:


Susan L. Trevarthen, Town Attorney

(CORPORATE SEAL)

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

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1. **Application.** – A completed and executed Town Application for Relief shall be filed with the Town Manager or designee. In order for the Town to process an Application for relief, all of the violations on the property must be in compliance except as noted in Section 2 below, and the Application shall include all of the following, plus any additional information required by the Town Manager:
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- A. The name and contact information of the property owner. If represented by an attorney or representative, the contact information of that person; and the attorney or representative shall either file a Notice of Appearance, or must sign the application.
- B. Address or brief legal description, or both, of the property on which the violation(s) occurred.
- C. Sufficient information (including the nature of violation(s), the date or approximate date on which violation(s) occurred, date or approximate date on which finding of violation(s) was made or on which penalty was imposed, and citation or case number.) A copy of the order shall be attached.
- D. An explanation of the relief sought, along with any supporting documentation and evidence.
- E. The non-refundable application fee.
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2. **Code Compliance.** - It is the policy of the Town Commission that prior to accepting an Application for Relief, all of the violations on the subject property shall be in compliance; however, when the sale or transfer of a ~~single family residence~~ property¹ to a new owner is hindered because it has a continuing code violation(s), the Town will accept an Application for Relief from the prospective buyer subject to the following:
- ~~Applicable Only to Single Family Residences with Code Violations.~~
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- A. The purchase is an arm's length transaction between unrelated parties. Documentation shall be provided of all persons and entities that have an interest in the property (buyers and sellers).
- B. The buyer has a valid executed sales contract with limited exceptions or contingencies, which are acceptable to the Town.
- C. The buyer proposes a specific date by which the code violation(s) will be corrected and the reduced fine amount will be paid to the Town.
- D. The buyer acknowledges the terms and conditions of a Town Order Reducing Code Enforcement Liens or Fines, which will substantially provide:

¹ Additions are shown in underline font; deletions are shown in ~~strikethrough~~ font.

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

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- i. The buyer takes the property subject to the accruing code liens and fines and agrees to perform as provided in the relief order approved by the Town.
- ii. If the code violations are not corrected within the specified time period and the reduced fine amount is not paid, the relief agreed to by the Town shall terminate without any future action of the Town.
- iii. A waiver of any right to challenge the Town’s entitlement to the initial code fines or liens, any remaining outstanding fines or liens, or the Town’s handling of the application for relief.
3. **Town Foreclosure Proceedings.** - The Town will not grant relief to any Applicant whose property is subject of any pending foreclosure proceedings filed by the Town Attorney’s Office without the express written approval of the Town Attorney’s Office.
4. **Hearing Authority.** – A properly submitted Application for Relief will be considered by the Town Manager or the Town Commission as follows:
- A. The Town Manager is authorized to negotiate and settle Code liens or fines when the negotiated reduced fine is within the Town Manager’s Purchasing Authority and the reduction in fines is less than 50% of the amount owed.
- B. If the Application requires Town Commission approval, it will be set for the next available regular Town Commission meeting date after all requirements have been met and after the Application is approved by the Town Manager. The Town Manager or designee shall notify the Applicant of the scheduled hearing. The property owner or violator requesting the reduction of fine must appear at the hearing for the reduction of fine unless they designated an agent, in which case the designated agent shall appear at the hearing. No such hearing shall proceed if the Applicant or representative is not present at the hearing.
5. **Determination.** – The Hearing Authority shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to the following factors:
- A. The nature and gravity of the violation(s);
- B. Any actions taken by the applicant to correct the violation(s);
- C. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- D. Any actual costs expended by the applicant to cure the violation(s), if supported by documentation;
- E. Any other prior violations committed by the applicant on the subject property or upon any other property owned by the applicant within the Town; and
- F. Equitable considerations.

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

- i. Whether there was any extraordinary hardship which existed or currently exists;
- ii. Whether the Applicant was the property owner when the fine or lien was imposed;
- iii. Whether the property is homestead or non-homestead property;
- iv. Whether the Town lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

The Hearing Authority shall enter an Order, in a form approved by the Town Attorney, denying or granting the requested relief, or such relief as the Hearing Authority deem proper, and may direct such action as may be appropriate to effectuate the ordered relief.

A copy of the Order approving or denying the Application shall be furnished to the Applicant, and may be served by U.S. First Class Mail.

Applicants who accept the offered relief under this procedure shall sign a waiver prepared by the Town Attorney of any right to challenge the Town’s entitlement to the remaining outstanding fines or liens, or the Town’s handling of the Application for relief and if applicable Town Order Reducing Code Enforcement Liens.

6. **Payment and Performance.** – Any relief granted shall be contingent upon payment of any outstanding amounts within the specified time period and completion of any required performance to effectuate code compliance. Failure to provide valid payment to the Town or to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

7. **Denial with Prejudice.** – The Hearing Authority may deny the application with or without prejudice depending on the circumstances of each case.

Appeal. – Relief under this policy is strictly discretionary by the Town, and the Town’s disposition of an Application shall not be subject to appeal.

EXHIBIT 1

JAN 15 '25 12:57 PM
APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 1

TOWN OF LAUDERDALE-BY-THE-SEA

4501 Ocean Drive

Lauderdale-By-The-Sea, FL 33308

Tel: (954) 640-4210 Fax: (954) 634-4654

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

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

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

CASE # 15070023, 15070024, 17100013, 16030013

TOWN OF LAUDERDALE-BY-THE-SEA vs.

(Name of Respondent(s) as listed)

Property owner: Karakaya INC

Address: 230 NE 24 Ave #104 Wilton Manors, FL 33305

Phone numbers:

Email Address:

ADDRESS OF PROPERTY:

(Where violation(s) existed) 4600 N Ocean Dr, Lauderdale By the Sea / **4608 N. OCEAN DR.**
4601 EL MAR DRIVE L.B.T.S

NATURE OF VIOLATION:

Name of applicant (if not owner): Vedat Cokgoren

Contact information: 561-352-4242

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

All Applications SHALL submit a copy of the following documentation (when applicable):

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

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

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 3

Name of Property Owner or Representative: **VEDAT COKGOREN**

Address: **7067 ALISO AVE. W.P.B, FL, 33413**

Business Phone Number:

Cell Phone Number: **561 352 4242**

Email Address: **vcokgoren@hotmail.com**

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

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

AND DOCUMENTATION OF THIS IS ATTACHED.



Signature of Applicant

JANUARY 15/2025

Date

RESOLUTION 2014-22

1 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
2 THE-SEA, FLORIDA, AMENDING THE PRIOR TOWN
3 CODE POLICY FOR THE REDUCTION OF CODE
4 ENFORCEMENT FINES OR LIENS; ESTABLISHING A
5 NEW PROCEDURE FOR REQUESTING REDUCTION OF
6 TOWN CODE ENFORCEMENT FINES OR LIENS;
7 PROVIDING AUTHORIZATION TO THE TOWN
8 MANAGER; PROVIDING FOR CONFLICT,
9 SEVERABILITY, AND AN EFFECTIVE DATE.

10
11 WHEREAS, pursuant to Town Charter Section 5.5(9), the Town Commission may
12 by motion, direction, ordinance or resolution assign additional duties to the Town Manager;
13 and

14 WHEREAS, Section 162.09(3), Florida Statutes, provides that "[a] lien arising from
15 a fine imposed pursuant to this section runs in favor of the local governing body, and the
16 local governing body may execute a satisfaction or release of lien entered pursuant to this
17 section;" and

18 WHEREAS, the Town Commission adopted Resolution 2013-05 on February 26,
19 2013, executed on March 1, 2013, re-establishing and amending a Town policy and procedure
20 established in 2010 by Resolution 2010-13, by which persons may request that the Town
21 reduce code enforcement fines or liens against their properties (the "Town Code Settlement
22 Policy"); and

23 WHEREAS, the Town Commission desires to further amend the Town Code Settlement
24 Policy.

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

27 Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and
28 herein incorporated by this reference.

29 Section 2. Policy Amended. The Town Commission hereby adopts Exhibit "A",
30 attached hereto, as the revised Town Code Settlement Policy.

31 Section 3. Authorization of Town Manager. Consistent with the revised Policy,

Exhibit "A" to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

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1. Application. – A completed and executed Town Application for Relief shall be filed with the Town Manager or designee. In order for the Town to process an Application for relief, all of the violations on the property must be in compliance except as noted in Section 2 below, and the Application shall include all of the following, plus any additional information required by the Town Manager:
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- A. The name and contact information of the property owner. If represented by an attorney or representative, the contact information of that person; and the attorney or representative shall either file a Notice of Appearance, or must sign the application.
- B. Address or brief legal description, or both, of the property on which the violation(s) occurred.
- C. Sufficient information (including the nature of violation(s), the date or approximate date on which violation(s) occurred, date or approximate date on which finding of violation(s) was made or on which penalty was imposed, and citation or case number.) A copy of the order shall be attached.
- D. An explanation of the relief sought, along with any supporting documentation and evidence.
- E. The non-refundable application fee.
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2. Code Compliance. – It is the policy of the Town Commission that prior to accepting an Application for Relief, all of the violations on the subject property shall be in compliance; however, when the sale or transfer of a ~~single-family-residence property~~¹ to a new owner is hindered because it has a continuing code violation(s), the Town will accept an Application for Relief from the prospective buyer subject to the following:
- Applicable Only to Single Family Residences with Code Violations.
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- A. The purchase is an arm's length transaction between unrelated parties. Documentation shall be provided of all persons and entities that have an interest in the property (buyers and sellers).
- B. The buyer has a valid executed sales contract with limited exceptions or contingencies, which are acceptable to the Town.
- C. The buyer proposes a specific date by which the code violation(s) will be corrected and the reduced fine amount will be paid to the Town.
- D. The buyer acknowledges the terms and conditions of a Town Order Reducing Code Enforcement Liens or Fines, which will substantially provide:

¹ Additions are shown in underline font; deletions are shown in ~~strikethrough~~ font.

Exhibit "A" to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

- i. Whether there was any extraordinary hardship which existed or currently exists;
- ii. Whether the Applicant was the property owner when the fine or lien was imposed;
- iii. Whether the property is homestead or non-homestead property;
- iv. Whether the Town lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

The Hearing Authority shall enter an Order, in a form approved by the Town Attorney, denying or granting the requested relief, or such relief as the Hearing Authority deem proper, and may direct such action as may be appropriate to effectuate the ordered relief.

A copy of the Order approving or denying the Application shall be furnished to the Applicant, and may be served by U.S. First Class Mail.

Applicants who accept the offered relief under this procedure shall sign a waiver prepared by the Town Attorney of any right to challenge the Town's entitlement to the remaining outstanding fines or liens, or the Town's handling of the Application for relief and if applicable Town Order Reducing Code Enforcement Liens.

6. Payment and Performance. -- Any relief granted shall be contingent upon payment of any outstanding amounts within the specified time period and completion of any required performance to effectuate code compliance. Failure to provide valid payment to the Town or to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

7. Denial with Prejudice. -- The Hearing Authority may deny the application with or without prejudice depending on the circumstances of each case.

Appeal. -- Relief under this policy is strictly discretionary by the Town, and the Town's disposition of an Application shall not be subject to appeal.

ITEM #V.26

Case #: 16030008 – Building Code Violations
Property Owner: Molano, Mario & Marcia
Address/Folio: 1800 S Ocean Blvd, #1405
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Officer Sharon Foster said that notice was sent via certified mail. Service was not obtained. The property was posted and the Affidavit of Posting is in the file. On March 2, 2016, Ms. Foster received an e-mail from the Building Department stating there was an expired permit #14-277 which expired for an air conditioning change out. She said that the Permit Department sent out letters on January 25, 2015. As of April 22, 2016, the permit is still expired. She is requesting \$150 Administrative Costs. To date, there has been no communication with the property owner. Mr. Morrell said this has been ongoing for quite some time. He suggested the fine start immediately at \$100/day. All that has to be done is to have the contractor renew the permit and get the inspections done. The Special Magistrate ordered ten days to comply, May 5, 2016, or a fine of \$100/day. He ordered \$150 Administrative Costs to be paid within thirty days, May 25, 2016.

ITEM #V.29

Case #: 16030013 – Building Code Violations
Property Owner: Karakaya Inc.
Address/Folio: 4601 El Mar Dr
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Officer Sharon Foster said that the property was posted and the Affidavit of Posting is in the file. The property is in violation of an expired permit. On March 3, 2016, Ms. Foster received an e-mail from the Building Department stating there was an expired permit #14-3056 for replacing existing asphalt with concrete. She said that the Permit Department sent out letters to the property owner on December 1, 2015. As of April 22, 2016, the permit is still expired. She is requesting \$150 Administrative Costs. Mr. Morrell said that the Building Department is requesting a fine of \$100/day starting in ten days. The Special Magistrate ordered ten days to comply, May 5, 2016, or a fine of \$100/day. He ordered \$150 Administrative Costs to be paid within thirty days, May 25, 2016.

ITEM #V.32***TAKEN OUT OF SEQUENCE**

Case #: 16030018 – Nuisance
Property Owner: Danielle Johnson
Address/Folio: 1724 Bel Air Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1)
Chapter 20 – Utilities Section 20-16(a)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)
Florida Building Code Section 105 Section 105.1 Required

Code Compliance Officer Sharon Foster said that notice was sent via certified mail and service was obtained. The property is in violation of no garbage service, no connection to the sanitary sewer system, the garage door is in disrepair, grass and weeds are overgrown and a new water heater was installed without a permit. She explained that this was the property owned by Danielle Johnson that the bank took over. Then the bank vacated their order. This property was talked about earlier in the hearing. She said that the garage door and overgrown weeds and grass are new violations on this property. On March 22, 2016, a Notice of Unsafe Structure

July 23, 2016. He further ordered \$50 Administrative Fee for today's hearing plus \$150 Administrative Fee, if the \$150 has not paid for prior hearing, due by July 23, 2016.

Ms. Banyas inquired before she left the meeting if case #16040002 was called as complied and Ms. Campbell answered affirmatively. Ms. Campbell then called the cases from the Meeting Sign-In Sheet. Case #16010008 was then called but she informed that it was continued until July 28, 2016. Case #16010011 was then called but she again informed that it was continued until September 22, 2016.

ITEM #V.45

***TAKEN OUT OF SEQUENCE**

Case #: 16030001 – Building Code Violations
Property Owner: FPA Holdings Inc.
Address/Folio: 262 E Commercial Blvd Unit #C
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this agenda item is here tonight for certification of lien. She said that this property is in compliance. They were out of compliance for thirteen days. The fine is \$975.00 plus the previous \$150.00 Administrative Fee and \$100.00 Administrative Fee for today's hearing. The total to certify is \$1,225.00.

Sean Hummel, Esq., said he is here on behalf of FPA Holdings. He was asking for the fine including Administrative Fees to be entirely waived due to the effort the company has put in complying with the code. He said he was here on April 21st to address this. The violation was not intentional and he gave the history behind it. Ms. Foster answered the Special Magistrate that she had no objection to the fine being waived but requested the Administrative Fees. She further answered that the property owner tried to stay on top of this situation. The Special Magistrate mitigated the fine by ordering that only the \$250 Administrative Fee has to be paid within thirty days, by July 23, 2016.

ITEM #V.41

***TAKEN OUT OF SEQUENCE**

Case #: 16030013 – Building Code Violations
Property Owner: Karakaya Inc.
Address/Folio: 4601 El Mar Dr
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that fines started running on the property on May 6, 2016 at \$100/day for one violation. As of today, the property is not in compliance. They have been out of compliance for 49 days for a total of \$4,900.00 plus \$150.00 Administrative Fee for a previous hearing and \$100.00 Administrative Fee for today's hearing. The total amount to certify is \$5,150.00. Vedat Cokgoren, the owner representative, testified that he had a meeting with Civil Engineer Jay Flynn to show him the outstanding comments. Mr. Flynn told Vedat that drainage was not needed on the job site. He said just the slopes and handicap parking had to be addressed. Vedat explained what transpired and asked for more time to do the slopes and handicap parking.

Ms. Foster said he was cited for expired permits for replacing existing asphalt with concrete. Ms. Foster explained about an e-mail from Jay Flynn, Civil Engineer, sent to Building Official Jack Morrell dated June 21, 2016. The Special Magistrate said he has a copy of that e-mail. The Special Magistrate would like to have everything clear before he makes a ruling. He said the fine would continue to run but gives them thirty days to work this out. He will defer a ruling until the July hearing. The Special Magistrate ordered continuation of certification of lien for

thirty days, July 23, 2016, to resolve all issues. This agenda item will be on the July 28th hearing agenda.

ITEM #V.43

***TAKEN OUT OF SEQUENCE**

Case #: 16030005 – Building Code Violations
Property Owner: Motto, Raymond A & Barbara J
Address/Folio: 4900 N Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this is a certification of lien for unit 1201. Fines started running May 26, 2016 at \$100/day for one violation. As of today, the property is still not in compliance. They have been out of compliance for 29 days for a total of \$2,900 plus \$150 Administrative Fee for a previous hearing and \$100 Administrative Fee for today's hearing. The total amount to certify is \$3,150.00.

Daniel Munna, Munna Contracting, and Raymond Motto, owner of the property, were in attendance to testify. Mr. Motto said that when he received the first letter, he worked with both Ms. Foster and Mr. Morrell. Mr. Motto believes that Mr. Morrell has everything he needs for this item's compliance. On May 5, 2016, Mr. Motto said that the permit was renewed. Ms. Foster verified this information but thinks Mr. Morrell still wanted to meet with them. The Special Magistrate would like to have everything set before he makes a ruling. He said the fine will continue to run but gives them thirty days to work this out. He will defer a ruling until the July hearing. The Special Magistrate ordered continuation of certification of lien for thirty days, July 23, 2016, to resolve all issues. This agenda item will be on the July 28th hearing agenda.

Ms. Campbell announced that Ms. Foster's New Business agenda item #27, case #16050006, 4217 El Mar Drive, on page 49 was in compliance.

NEW BUSINESS

ITEM #V.30

Case #: 16060002 – Vacation Rental
Property Owner: Howard, Benjamin R
Address/Folio: 218 Pine Avenue
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(c)

Code Compliance Inspector Sharon Foster testified that this property is a single-family home. Notice was sent via certified mail and service was not obtained. The property was posted and the Affidavit of Posting is in the file. The property was being advertised for vacation rental for a duration of less than seven consecutive days. It is a registered vacation rental property. On June 2, 2016, the property was seen on VRBO website and Home Away From Home website for rental of less than seven consecutive days. As of June 22, 2016, the advertisements on both sites have been corrected. The property is now in compliance. This property was cited for the same violation under case #16040041 but came into compliance before the hearing. Today Ms. Foster was asking for a finding of fact that if the violation occurs again, we can cite the property as a repeat violation. She was not asking for an Administrative Fee for today. The Special Magistrate ordered a finding of fact that should this violation reoccur, it would be a repeat violation.

ITEM #V.32

Case #: 16060012 – Landscape Violations
Property Owner: Leal, Alvaro

CERTIFICATION OF LIEN

ITEM #V.44

Case #: 16040003 – Sign Violations
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Special Magistrate Clerk Jhanelle Campbell said that she was told before the hearing that fees were paid. This item will be skipped.

ITEM #V.45

Case #: 16030013 – Building Code Violations
Property Owner: Karakaya Inc.
Address/Folio: 4601 El Mar Dr
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Sharon Foster testified that fines started running on the property on May 6, 2016 at \$100/day for one violation. The property is not in compliance. The property is out of compliance for 84 days. There is a \$250 Administrative Fee due from both the April hearing (\$150) and the July hearing (\$100) plus \$8,400 fine totaling \$8,650 to be certified. Ms. Foster was not requesting Administrative Fee for today's hearing. For the record, the permit in question for replacing existing asphalt with concrete was renewed on July 12, 2016 but there have not been any inspections scheduled to date. The Special Magistrate ordered certification of lien in the amount of \$8,650.

ITEM #V.47

Case #: 16030005 – Building Code Violations
Property Owner: Motto, Raymond A & Barbara J
Address/Folio: 4900 N Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster said she spoke with the general contractor today for Mr. and Mrs. Motto's unit #1210. He said he would try to be here for the hearing but Officer Foster said he is not here now. She said she advised him that the hearing was for certification. Officer Foster said that the permit was renewed but there were additional documents needed to show that everything is being brought up to today's code. The architect sent Officer Foster an e-mail on July 6, 2016 stating that he was going to be on vacation and would not be able to get the documents for a month. She was advised that he is back in town gathering the documents. She was not asking for Administrative Fee for today's hearing. The Special Magistrate ordered this agenda item continued to the August 25, 2016 hearing with the fines still running.

ITEM #V.46

***TAKEN OUT OF SEQUENCE**

Case #: 16040001 – Vacation Rental
Property Owner: Gallucio, Dominic E
Address/Folio: 4545 Bougainvillea Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(c)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Inspector Bethany Banyas testified that this property was intended to be in front of the Special Magistrate for certification of lien but due to enormous efforts of the owner

Exhibit 7

CERTIFICATION OF LIEN

ITEM #V.56

***TAKEN OUT OF SEQUENCE**

Case #: 17100013 – Building Code Violations

Property Owner: Karakaya Inc

Address/Folio: 4601 El Mar Drive

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program 110.15

Inspector Banyas testified that the Special Magistrate found that the lack of compliance for Section 110.15 Building Safety Inspection Program existed on the property at the previous Hearing. They were ordered to comply by March 21, 2018. The Building Official said that they have not complied and a fine began to run today at \$100/day. The \$150 Administrative Fee has not been paid. The Town requested certification of lien to include today's \$100 Administrative Fee for a total certification of \$350. The Special Magistrate ordered \$100 Administrative Fee for today's hearing and to include it in the certification of lien (\$100 Fine plus \$150 Fee) today in the amount of \$350.



Agenda Item No: 13.b.

Town Commission Agenda Item Report

Meeting Date: March 11, 2025

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Application for Relief of Code Compliance Lien at 4600-4608 N Ocean Drive f/k/a 4601 N Ocean Drive and 4608 N Ocean Drive Lauderdale- By-The-Sea, FL, 33062

Explanation: The Town Commission approved Resolution 2010-13 which established a lien mitigation policy to encourage the renovation and rehabilitation of properties that had already complied with their code violations. The existing policy allows the Town Manager to review and approve requests to reduce the lien by less than 50% and requires the Town Commission's approval for requests for greater relief. In 2013, and again in 2014, the Town Commission amended the policy to allow a purchaser of a property with existing code violations to apply for lien settlement if certain conditions were met.

Essentially, the decision to approve a lien mitigation is a decision to settle the Town's claim rather than pursue the legal steps needed to attempt to obtain full payment of the lien. The mitigation policy requires the Town Commission to consider all relevant factors to determine what relief, if any, is appropriate, including but not limited to the following factors:

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

will prevent the property from being conveyed to a new owner.

Per the policy, the Town Commission is required to enter an Order denying or granting the requested relief or such relief as the Town Commission deems appropriate. They may also direct such action as may be appropriate to effectuate the ordered relief. Finally, the Town Commission may also decide to deny the application with or without prejudice, depending on the circumstances of the case. It should also be noted that relief granted under the lien mitigation resolution is strictly discretionary by the Town.

Town staff received an application for relief of a code compliance lien at 4608 North Ocean Drive on January 25, 2025. The complete application was received on February 25, 2025. The staff analysis and supporting documentation is attached.

Recommendation: Staff recommends the Commission hear from the applicant's representative, determine the appropriate mitigation amount for the lien, and require full payment of that mitigated amount by April 11, 2025.

Exhibits:

1. Mitigation Report- 4600-4068 N OCEAN DR FINAL
2. Resolution 2014-22 Amendment to Code Enforcement Fines or Liens
3. 4600-4608 Mitigation Application
4. 8-24-15 Minutes Excerpt
5. Construction Extension
6. 10-26-15 Minutes Excerpt



Figure 1- Subject Property

The Town received a complete mitigation application (**Exhibit 2**) from Karakaya Inc. on February 25, 2025, for the property located at 4600 N Ocean Drive and 4608 N Ocean Drive (the Property). This application addresses separate violations for two separate parcels under a single submission because the property has been unified into one lot with a new address: 4600-4608 N Ocean Drive, Unit 1-8. The Property has also been assigned a new parcel number.

A summary of the violations is provided in Table 1.

Table 1: Violations and Permit History

CASE# 15070023 – Time limits for completing construction and repair (f/k/a 4600 N Ocean Dr)

DATE	NARRATIVE
07/28/2015	A Notice of Violation was issued on July 28, 2015. Proof of service was obtained via signed green card. The respondent was given until July 30, 2015, to comply the violation by completing all exterior renovations for the property.
08/24/2015	Code Compliance Hearing: At the hearing, the Special Magistrate found the violation still existed as construction or repair was not complete. The Special Magistrate issued an order to impose fines in the amount of \$1,250.00 and fines were to keep running unless an extension was approved by the Town Commission. (Exhibit 3-Minutes Excerpt 8-24-2015 Code Hearing)
09/08/2015	The Town Commission approved an extension to September 9 th , 2015.
09/10/2015	Extension expired and the daily fine of \$50.00 resumed. (Exhibit 4-Exterior Construction Time Extension Approval)
10/26/2015	Code Compliance Hearing: Property was still not in compliance. Renovations and parking area work was not completed and at the Special Magistrate hearing on October 26, 2015, the fines were certified. (Exhibit 5-Minutes Excerpt 10-26-2015 Code Hearing)

DATE	NARRATIVE
1/7/2016	Lien was recorded with the County for \$25,900.00 – Instrument # 113444554
2/7/2017	All permits for this project are closed and construction is complete.

CASE# 15070024 – Time limits for completing construction and repair (f/k/a 4608 N Ocean Dr)

DATE	NARRATIVE
07/28/2015	A Notice of Violation was issued on July 28, 2015. Proof of service was obtained via signed green card. The respondent was given until July 30, 2015, to comply the violation by completing all exterior renovations for the property.
08/24/2015	Code Compliance Hearing: At the hearing, the Special Magistrate found the violation still existed as construction or repair was not complete. The Special Magistrate issued an order to impose fines in the amount of \$1, 250.00 and fines were to keep running unless an extension was approved by the Town Commission. (Exhibit 3– Minutes Excerpt 8-24-2015 Code Hearing)
09/08/2015	The Town Commission approved an extension to September 9 th , 2015. (Exhibit 4– Exterior Construction Time Extension Approval)
09/10/2015	Extension expired and the daily fine of \$50.00 resumed.
10/26/2015	Code Compliance Hearing: Property was still not in compliance. Renovations and parking area work was not completed and at the Special Magistrate hearing on October 26, 2015, the fines were certified. (Exhibit 5– Minutes Excerpt 10-26-2015 Code Hearing)
1/7/2016	Lien was recorded with the County for \$26, 350.00 – Instrument # 113444554
2/7/2017	All permits for this project are closed and construction is complete.

The Town is required by law to send code compliance notices to the mailing address that is listed with the Broward County Property Appraiser's Office at the time of the issuance, which was 230 NE 24 Ave #104, Wilton Manors FL 33305. Code Compliance sent the Notice of Violation and the Order of Imposition of Fines to this address by Certified Mail. A signed and dated Certified Mail receipt (Green Card') from the original Notice of Violation and Notice of Hearing was returned to the Town at least 10 days prior to the meeting date, which fulfilled State law requirements for service of notice for cases 15070023 and 15070024.

A summary of the case and the offered settlement amount is shown in **Table 2**. The applicant is requesting a 90% reduction of fines totaling \$52, 250.00 for a total offered settlement amount of \$5, 225.00.

Table 2: Code Fines Summary

Case	Violation	Days In Violation	Daily Fine	Total Due	Offered Settlement	Reduction Requested
f/k/a 4600 N Ocean Drive						
15070023	Section 6-12 (d) (1-3) Timeline for completion of Construction and Repair not met.	518	\$50.00	\$25,900.00	\$2,590.00	\$23,310.00
f/k/a 4608 N Ocean Drive						
15070024	Section 6-12 (d) (1-3) Timeline for completion of Construction and Repair not met.	518	\$50.00	\$26,350.00	\$2,635.00	\$23,715.00

- Although the table above shows days in violation for both cases as 518, the total due for each case varies because payments were made towards case 15070023 in the amount of \$450.00 which allots for the difference in the balance.

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

A. The nature and gravity of the violation.

The property was cited under the Building and Building Code Section 6-21 (d) (1-3) for not completing construction or renovation within the required timeline.

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

Permits were submitted to correct the violation and extension requests were submitted to seek additional time for work to be completed. (see below)

05/22/14 - Permit Issued (LBS14-002111) for interior renovations on 4600.

11/17/14 - Permit Issued (LBS14-003054) for new paver installation in parking area lot on 4600.

11/17/14 - Permit Issued (LBS14-003055) for new paver installation in parking area on lot 4608.

06/30/15 – First Time Limit Extension expired 6/30/2015. Extension time was not met.

09/09/15 - Second Time Limit Extension expired 9/09/2015. Extension time was not met.

04/19/16 - Permit 14-003054 voided and all work transferred to Permit LBS14-003055.

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

1. Code case #15070023 was brought into compliance 518 days after the deadline listed in the Final Order.
2. Code case #15070024 was brought into compliance 518 days after the deadline listed in the Final Order.

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

The fees to obtain the permit(s) necessary to cure the violation total \$2,837.46

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

CASE #	VIOLATION	FINES PAID
12100007	Unit reported as having mold	Complied before hearing.
13010001	Nuisance - Garbage Cans left in view	Complied before hearing
13070037	Property abandoned and not secure	Complied before hearing
14010005	Work conducted without required permits	Complied after final order. No fines
15030011 and 15040002	Timeline for construction completion not met	Complied after extensions provided by Town Commission.
15030011 and 15040002	Timeline for construction completion not met	Complied after extensions provided by Town Commission.
16030004	Expired Permits	Complied before hearing
21110015	Building Safety Inspection	Complied before hearing
15070020	Expired permits and parking lot being used without a final inspection.	Complied after the final order was issued.
26708	Sign Violation	Courtesy Notice. Complied before hearing
28720	Sea Turtle Lighting violation	Courtesy Notice. Complied before hearing
39380	Sign Violation	Courtesy Notice. Complied before hearing
42749	Bulk Trash	Courtesy Notice. Complied before hearing
2030005	Work without permit – Shed constructed	Complied after the final order was issued.
43661	Sign Violation	Courtesy Notice. Complied before hearing

RESOLUTION 2014-22

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE PRIOR TOWN CODE POLICY FOR THE REDUCTION OF CODE ENFORCEMENT FINES OR LIENS; ESTABLISHING A NEW PROCEDURE FOR REQUESTING REDUCTION OF TOWN CODE ENFORCEMENT FINES OR LIENS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Town Charter Section 5.5(9), the Town Commission may by motion, direction, ordinance or resolution assign additional duties to the Town Manager; and

WHEREAS, Section 162.09(3), Florida Statutes, provides that "[a] lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section;" and

WHEREAS, the Town Commission adopted Resolution 2013-05 on February 26, 2013, executed on March 1, 2013, re-establishing and amending a Town policy and procedure established in 2010 by Resolution 2010-13, by which persons may request that the Town reduce code enforcement fines or liens against their properties (the "Town Code Settlement Policy"); and

WHEREAS, the Town Commission desires to further amend the Town Code Settlement Policy.

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

Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and herein incorporated by this reference.

Section 2. Policy Amended. The Town Commission hereby adopts Exhibit "A", attached hereto, as the revised Town Code Settlement Policy.

Section 3. Authorization of Town Manager. Consistent with the revised Policy,

RESOLUTION 2014-22

the Town Commission continues to delegate to the Town Manager the authority to negotiate and settle code liens or fines as provided therein, and continues to authorize the Town Manager to develop any procedures or forms deemed necessary to implement the Town Code Settlement Policy.

Section 4. Conflicts. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

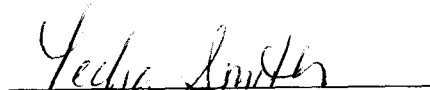
Section 5. Severability. If any section, sentence, clause or phrase of this Resolution or Exhibit is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

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

PASSED AND ADOPTED this 10th day of June, 2014.


Mayor Scot Sasser

Attest:


Town Clerk

APPROVED AS TO FORM:


Susan L. Trevarthen, Town Attorney

(CORPORATE SEAL)

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

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1. **Application.** – A completed and executed Town Application for Relief shall be filed with the Town Manager or designee. In order for the Town to process an Application for relief, all of the violations on the property must be in compliance except as noted in Section 2 below, and the Application shall include all of the following, plus any additional information required by the Town Manager:
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- A. The name and contact information of the property owner. If represented by an attorney or representative, the contact information of that person; and the attorney or representative shall either file a Notice of Appearance, or must sign the application.
- B. Address or brief legal description, or both, of the property on which the violation(s) occurred.
- C. Sufficient information (including the nature of violation(s), the date or approximate date on which violation(s) occurred, date or approximate date on which finding of violation(s) was made or on which penalty was imposed, and citation or case number.) A copy of the order shall be attached.
- D. An explanation of the relief sought, along with any supporting documentation and evidence.
- E. The non-refundable application fee.
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2. **Code Compliance.** - It is the policy of the Town Commission that prior to accepting an Application for Relief, all of the violations on the subject property shall be in compliance; however, when the sale or transfer of a ~~single family residence~~ property¹ to a new owner is hindered because it has a continuing code violation(s), the Town will accept an Application for Relief from the prospective buyer subject to the following:
- ~~Applicable Only to Single Family Residences with Code Violations.~~
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- A. The purchase is an arm’s length transaction between unrelated parties. Documentation shall be provided of all persons and entities that have an interest in the property (buyers and sellers).
- B. The buyer has a valid executed sales contract with limited exceptions or contingencies, which are acceptable to the Town.
- C. The buyer proposes a specific date by which the code violation(s) will be corrected and the reduced fine amount will be paid to the Town.
- D. The buyer acknowledges the terms and conditions of a Town Order Reducing Code Enforcement Liens or Fines, which will substantially provide:

¹ Additions are shown in underline font; deletions are shown in ~~strikethrough~~ font.

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

-
- i. The buyer takes the property subject to the accruing code liens and fines and agrees to perform as provided in the relief order approved by the Town.
- ii. If the code violations are not corrected within the specified time period and the reduced fine amount is not paid, the relief agreed to by the Town shall terminate without any future action of the Town.
- iii. A waiver of any right to challenge the Town’s entitlement to the initial code fines or liens, any remaining outstanding fines or liens, or the Town’s handling of the application for relief.
3. **Town Foreclosure Proceedings.** - The Town will not grant relief to any Applicant whose property is subject of any pending foreclosure proceedings filed by the Town Attorney’s Office without the express written approval of the Town Attorney’s Office.
4. **Hearing Authority.** – A properly submitted Application for Relief will be considered by the Town Manager or the Town Commission as follows:
- A. The Town Manager is authorized to negotiate and settle Code liens or fines when the negotiated reduced fine is within the Town Manager’s Purchasing Authority and the reduction in fines is less than 50% of the amount owed.
- B. If the Application requires Town Commission approval, it will be set for the next available regular Town Commission meeting date after all requirements have been met and after the Application is approved by the Town Manager. The Town Manager or designee shall notify the Applicant of the scheduled hearing. The property owner or violator requesting the reduction of fine must appear at the hearing for the reduction of fine unless they designated an agent, in which case the designated agent shall appear at the hearing. No such hearing shall proceed if the Applicant or representative is not present at the hearing.
5. **Determination.** – The Hearing Authority shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to the following factors:
- A. The nature and gravity of the violation(s);
- B. Any actions taken by the applicant to correct the violation(s);
- C. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- D. Any actual costs expended by the applicant to cure the violation(s), if supported by documentation;
- E. Any other prior violations committed by the applicant on the subject property or upon any other property owned by the applicant within the Town; and
- F. Equitable considerations.

Exhibit “A” to Resolution 2014-22

Town of Lauderdale-By-The-Sea

TOWN CODE SETTLEMENT POLICY

PROCEDURES FOR RELIEF FROM CODE FINES OR LIENS

- i. Whether there was any extraordinary hardship which existed or currently exists;
- ii. Whether the Applicant was the property owner when the fine or lien was imposed;
- iii. Whether the property is homestead or non-homestead property;
- iv. Whether the Town lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

The Hearing Authority shall enter an Order, in a form approved by the Town Attorney, denying or granting the requested relief, or such relief as the Hearing Authority deem proper, and may direct such action as may be appropriate to effectuate the ordered relief.

A copy of the Order approving or denying the Application shall be furnished to the Applicant, and may be served by U.S. First Class Mail.

Applicants who accept the offered relief under this procedure shall sign a waiver prepared by the Town Attorney of any right to challenge the Town’s entitlement to the remaining outstanding fines or liens, or the Town’s handling of the Application for relief and if applicable Town Order Reducing Code Enforcement Liens.

6. **Payment and Performance.** – Any relief granted shall be contingent upon payment of any outstanding amounts within the specified time period and completion of any required performance to effectuate code compliance. Failure to provide valid payment to the Town or to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

7. **Denial with Prejudice.** – The Hearing Authority may deny the application with or without prejudice depending on the circumstances of each case.

Appeal. – Relief under this policy is strictly discretionary by the Town, and the Town’s disposition of an Application shall not be subject to appeal.

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 1

TOWN OF LAUDERDALE-BY-THE-SEA

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

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

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

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

CASE # 15070024 / 15070023

TOWN OF LAUDERDALE-BY-THE-SEA vs.

(Name of Respondent(s) as listed)

Property owner: KARAKAYA INC.

Address: 230 NE 24 AVE #104 WILTON MANORS, FL 33305

Phone numbers:

Email Address:

4600

ADDRESS OF PROPERTY: 4608 N OCEAN DR LSTS, FL 33308
(Where violation(s) existed)

NATURE OF VIOLATION:

Name of applicant (if not owner): SEVIM ADINC

Contact information:

561 818 3636 - 561 352 4242

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

All Applications SHALL submit a copy of the following documentation (when applicable):

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

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

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 2

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

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

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

WHY RELIEF SHOULD BE GRANTED:

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

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

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 3

Name of Property Owner or Representative: **SEVIM ALDINE**
Address: **4613 N OCEAN DR. LOTS, FL, 33308**

Business Phone Number:
Cell Phone Number: **561 818 3636 - 561 352 4242**
Email Address: **info@coralkeyinn.com**

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

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

AND DOCUMENTATION OF THIS IS ATTACHED.



Signature of Applicant

Date

APPLICATION FOR RELIEF FROM CODE FINES OR LIENS

Page | 4

PROCEDURES FOR RELIEF FROM CODE LIENS OR FINES

Application:

A non-refundable application fee is required to be submitted with your completed application.

A completed Application for Relief will be considered by the Town Manager or the Town Commission as follows:

- A. The Town Manager is authorized to negotiate and settle Code liens or fines when the negotiated reduced fine is within the Town Manager's Purchasing Authority (\$15,000) and the reduction in fines is less than 50% of the amount owed.
- B. If the Application requires Town Commission approval, it will be set for the next available regular Town Commission meeting date after all requirements have been met and after the Application is approved by the Town Manager.

The Town Manager or designee shall notify the Applicant of the scheduled hearing. The property owner or violator requesting the reduction of fine must appear at the hearing for the reduction of fine unless they designated an agent, in which case the designated agent shall appear at the hearing. No such hearing shall proceed if the Applicant or representative is not present at the hearing.

PAYMENT AND PERFORMANCE

Any relief granted shall be contingent upon payment of any outstanding amounts within the specified time period and completion of any required performance to effectuate code compliance. Failure to provide valid payment to the Town or to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

RESOLUTION 2014-22

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING THE PRIOR TOWN
CODE POLICY FOR THE REDUCTION OF CODE
ENFORCEMENT FINES OR LIENS; ESTABLISHING A
NEW PROCEDURE FOR REQUESTING REDUCTION OF
TOWN CODE ENFORCEMENT FINES OR LIENS;
PROVIDING AUTHORIZATION TO THE TOWN
MANAGER; PROVIDING FOR CONFLICT,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, pursuant to Town Charter Section 5.5(9), the Town Commission may
by motion, direction, ordinance or resolution assign additional duties to the Town Manager;
and

WHEREAS, Section 162.09(3), Florida Statutes, provides that "[a] lien arising from
a fine imposed pursuant to this section runs in favor of the local governing body, and the
local governing body may execute a satisfaction or release of lien entered pursuant to this
section;" and

WHEREAS, the Town Commission adopted Resolution 2013-05 on February 26,
2013, executed on March 1, 2013, re-establishing and amending a Town policy and procedure
established in 2010 by Resolution 2010-13, by which persons may request that the Town
reduce code enforcement fines or liens against their properties (the "Town Code Settlement
Policy"); and

WHEREAS, the Town Commission desires to further amend the Town Code Settlement
Policy.

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

Section 1. Recitals. Each "WHEREAS" clause set forth is true and correct and
herein incorporated by this reference.

Section 2. Policy Amended. The Town Commission hereby adopts Exhibit "A",
attached hereto, as the revised Town Code Settlement Policy.

Section 3. Authorization of Town Manager. Consistent with the revised Policy,

EXHIBIT 3

Ms. Sanchez said for the other two cases, #15070024 – 4608 N Ocean Drive, and #15070023 – 4600 N Ocean Drive, deal with extension of time limit for the same property owner, Karakaya Inc. These two properties are apartment buildings. They have been cited before for the same violation and have applied for extra time with the Town Commission. The extra time was granted for the parking and the swimming pool to be finished by July 30, 2015. Ms. Sanchez said that the Town Code already sets the fine per day. These two properties have been out of compliance for 25 days totaling \$1,250 each. For the record, Ms. Sanchez said that Mr. Vedat has applied for a second extension through the Town Commission. Ms. Sanchez requested the fines to be certified unless he gets a second extension through the Town Commission. She was requesting \$75 Administrative Fee for each of the two cases for a total of \$150 Administrative Fee.

The Special Magistrate ordered the certification of fines totaling \$1,250 for each property, for a total of \$2,500, unless the owner representative gets a second extension through the Town Commission. An Administrative Fee in the amount of \$75 Administrative Fee is imposed for each property, for a total of \$150, to be paid by August 31, 2015.

EXHIBIT 4



Exterior Construction Time Extension **APPROVAL**

Applicant Name: **Karakaya, Inc.**

Project: **Coral Key Inn**

Approval Date: **September 8, 2015**

Expiration Date: **September 8, 2015**

Address: **4600 & 4608 N. Ocean Drive**

CONDITIONS OF APPROVAL:

1. The first extension request expired July 30, 2015. This 2nd approval extends the construction completion requirement to September 8, 2015. Fines will begin to accrue on September 9, 2015 and continue to run until the construction has been completed.
2. This approval is based upon the request dated/received on July 10, 2015.

APPROVED:

Mayor Scot Sasser

EXHIBIT 5

Code Compliance Inspector Carmen Sanchez testified that these three properties are owned by the same owner. She said that we are here today to certify the fine. These three properties do not have a Business Tax Receipt (BTR). She said that the Special Magistrate gave the owner a modified Final Order to comply by October 25, 2015. As of today, they have been out of compliance one day for each property with \$150 fine, \$150 Administrative Fee from a previous hearing, and \$75 Administrative Fee for today's hearing totaling \$375 for each of the three properties. Ms. Sanchez said that fines continue to run. The owner knows about this.

The Special Magistrate ordered the certification of fines for the three cases/properties, respectively.

ITEM #V.38

Case #: 15070023 – Building Code Violation
Property Owner: Karakaya Inc
Address/Folio: 4600 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

ITEM #V.39

Case #: 15070024 – Building Code Violation
Property Owner: Karakaya Inc
Address/Folio: 4608 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that these two cases are here to certify the fines for the violation of time limits for completing construction and repair. These two properties went before the Town Commission for an extension. The extension was approved until September 9, 2015. This was the second request and second extension. The fines for these two properties started running on September 10, 2015 until today. Both properties have accumulated through today, \$3,200 in fines for each property.

The Special Magistrate ordered the certification of of fines for the two cases/properties, respectively.



Agenda Item No: 13.c.

Town Commission Agenda Item Report

Meeting Date: March 11, 2025

Submitted By: John Graziano, Commissioner

Submitting Department: Town Commission

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Commissioner Graziano Request to Discuss Commission Salary

Explanation: Commissioner Graziano has asked to review Commission salaries in advance of the FY27 budget. Resolution 2022-8.5 is attached for your information which is the current resolution regarding salaries.

Recommendation: Discuss item.

Exhibits:

1. Resolution 2022-08.5 Commissioner Salaries

RESOLUTION NO. 2022 – 08 8.5*

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AUTHORIZING AN INCREASE IN
TOWN COMMISSIONER SALARIES TO ADDRESS
INFLATION SINCE 2016, EFFECTIVE MARCH 28, 2022;
DIRECTING THE APPROPRIATE TOWN OFFICIALS TO
EFFECTUATE THE SALARY INCREASE FOR THE TOWN
COMMISSION; PROVIDING FOR CONFLICT,
SEVERABILITY AND FOR AN EFFECTIVE DATE.**

WHEREAS, the current salary for Town Commissioners was established on October 8, 2016; and

WHEREAS, at the September 28, 2021 Commission Meeting, the Town Commission approved the Town Budget for the Fiscal Year commencing on October 1, 2021, which included the budgeted amount necessary to pay for a 5% increase in Town Commissioner salaries; and

WHEREAS, the cumulative inflation rate since 2016 is 18.2%; and

WHEREAS, Section 2-22 of the Code of Ordinances of the Town of Lauderdale-By-The-Sea provides that the Town Commission shall, by resolution, determine and fix reasonable compensation of the Town Commissioners; and

WHEREAS, the Town Commission finds it to be in the best interest of the Town to authorize an 18.2% increase in Town Commissioner salaries, effective March 28, 2022; and

WHEREAS, the Town Commission further directed the Town Manager to prepare the budget each year with the Commission salaries at the applicable inflation rate each June, not to exceed 5%, unless the budget programs no increase in Town staff compensation.

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

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

*Resolution No. 2022-08, dated March 22, 2022, was revised to Resolution No. 2022-08.5 to correct a scrivener's error in numbering and avoid duplicate resolution numbers.

Section 2. The current salaries provided to Town Commissioners are hereby increased by 18.2%, effective as of March 28, 2022.

Section 3. The Town Commission hereby directs the Town Manager prepare the budget each year with the Commission salaries at the applicable inflation rate each June, not to exceed 5%, unless it is a year in which no staff raises are programmed.

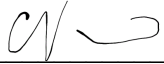
Section 4. The appropriate Town officials are authorized to take all actions necessary to implement the salary increase provided for in this Resolution.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

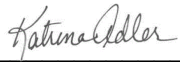
Section 6. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 7. This Resolution shall become effective immediately upon its passage.

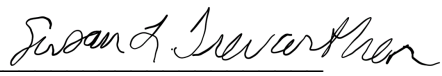
PASSED AND ADOPTED on this 22nd day of March, 2022.**


MAYOR CHRIS VINCENT

Attest:


~~Neyssa Herrera, Acting Town Clerk~~
Katrina Adler, Town Clerk

APPROVED AS TO FORM:


Susan L. Trevarthen, Town Attorney

** Corrected version executed June 2023. Commission approved 18.2% immediately and application of the inflation rate to future budgets, but the Commission capped the inflation factor at 5%. That cap was omitted from the Resolution as originally executed.



Agenda Item No: 18.a.

Town Commission Agenda Item Report

Meeting Date: March 11, 2025

Submitted By: Linda Connors, Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-19: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: At the February 25, 2025 meeting, the Commission discussed a proposed amendment to the Commission's meeting and agenda procedures. The change would require the Town Clerk to present a complete package of all agenda materials on the Thursday prior to the meeting, instead of the current practice of posting the materials on the Friday before the meeting.

Resolution 2025-19 accomplishes this request, and therefore also amends Section G.ii. to advance the requirement to provide voluminous materials one day before publication to the extent feasible to Wednesday, as follows. A new subheading G.iii. was added for clarity:

iii. Agenda Publication. A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the **Friday Thursday** prior to the meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the **Thursday Wednesday** prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.

Recommendation: Approve Resolution 2025-19.

Exhibits:

1. Resolution 2025-19 Commission Procedures 3.5.35

RESOLUTION 2025-19

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

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

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

WHEREAS, the Town Commission further updated and amended the procedures by adopting Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, Resolution 2016-42, Resolution 2022-17, and Resolution 2024-25, all repealing all prior resolutions and adopting new Commission Meeting and Agenda Procedures; and

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

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

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

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

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

SECTION 2. Procedures Adopted. The Town Commission Meeting and Agenda Procedures set forth in Resolution 2024-25 are hereby amended in part to read as follows:¹

A. TOWN COMMISSION MEETINGS

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

¹ Changes from Resolution 2024-25 are shown in ~~strike~~ and underline font, to indicate deletions and additions respectively.

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

prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend roundtables.

iii. **Special Meetings.**

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

iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure

provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution, in accordance with Town Charter Section 6.2.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last in any roll call vote, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The

Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

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

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

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

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

D. COMMISSION DISCUSSION

- i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to three minutes except as may otherwise be determined by a majority of the Town Commission. Each Commissioner shall be afforded the opportunity to offer

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

- ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a Commissioner wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the Commissioner. All questions of Town staff shall be made through the Town Manager.

E. PUBLIC PARTICIPATION AND DISCUSSION

- i. **Public Hearings.** Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing, for a maximum of three minutes each. After the Public Hearing is closed by the Mayor, only Commissioners or Town administration shall discuss the item.
- ii. **Addressing Commission: Manner and Time.** Public discussion at public hearings or at items which are opened to public discussion (other than the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. A person’s allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. However, a group of people may ask the Mayor to allow them to combine and donate their time to a single speaker, who shall not speak for longer than the donated time, up to ten (10) minutes total or such other maximum time that the Mayor may establish. However, the Mayor may authorize the extension of this time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission

of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition. No vote or official action may be taken on a presentation unless an opportunity for public comment is first provided, in accordance with Section 286.0114 Florida Statutes.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. Immediately prior to calling a meeting to order, the Mayor shall make an announcement regarding the signup procedure and provide a "last call" for speaker sign up. A statement shall be included in the agenda of each Commission meeting at which public comment is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. A person's allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time, or they may address the agenda item during public comment, but no person shall have the opportunity to comment on an item both at public comment and at the time of the agenda item. The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.
- iii. **Public Safety Discussion.** The chiefs of the Town's police and fire-rescue service providers or their designees will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.
- iv. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for

adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager may produce a written progress report for all major pending events in the Town, and an updated version may be provided as backup for the Town Manager Report at the second regular Commission meeting of each month. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.

- v. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.
- vi. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions, resolutions, and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.
- vii. **Old and New Business**
 - (a) **Administration Items.** The Town Manager will place items under these sections when Commission discussion and direction is sought. The item will be placed under New Business when the item has not been discussed previously, and under Old Business if it was previously discussed.
 - (b) **Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under New Business (or Old Business if it has been previously discussed). Except for informational reports, a signed written memorandum or form provided for such purposes should state the purpose of the item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

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

G. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The Town Manager will endeavor to close the agenda for any regular, special or workshop meetings of the Town Commission no later than one week prior to the date of the meeting. No additional items shall be added to the agenda of the regular, special or workshop meeting after the agenda closing date unless it is necessary for a compelling reason. An additional item requiring Commission action may only be added to the agenda by majority vote of the Town Commission at a regular meeting. Alternatively, the item may be deferred to a date certain.
- ii. **Placement of Commissioner Items on Agenda.** All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk.

iii. **Agenda Publication.** A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the ~~Friday~~ **Thursday** prior to the meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the ~~Thursday~~ **Wednesday** prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.

iv. **Preparation of Ordinances and Resolutions.** All Ordinances shall show the name of each Commissioner and whether such Commissioner voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor and attested by the Town Clerk. The Town Attorney shall review and sign off as to the form of each ordinance and resolution.

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

vi. **Backup for Agenda Items.** The Town Manager shall provide suitable relevant backup and information on all items, including any information on past experience with bidders or responders on a purchasing item.

vii. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

H. OTHER PROCEDURES

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

ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular or special meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda.

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

I. QUASI-JUDICIAL PROCEEDINGS

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

SECTION 3. Conflicts. All resolutions or parts of resolutions in conflict herewith, including Resolution 2010-21, Resolution 2011-05, Resolution 2011-17, Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, Resolution 2016-42, Resolution 2022-17, and Resolution 2024-25 are hereby repealed to the extent of such conflict.

SECTION 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

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

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 11th day of March, 2025.

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

APPROVED AS TO FORM

Susan L. Trevarthen, Town Attorney