



**Town Commission
Jarvis Hall 4505 N. Ocean Drive**

Regular Town Commission

Regular Town Commission

Tuesday, October 12, 2021, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor Fred Powell-Haig

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

5. PRESENTATIONS

- 5.a. Three Year Strategic Marketing Plan
[CoverPage.pdf](#)

6. PUBLIC COMMENTS

7. PUBLIC SAFETY DISCUSSION

- 7.a. BSO Public Safety Report - September 2021
[CoverPage.pdf](#)
[Ex.1 - TM Report-September 2021.pdf](#)
- 7.b. VFD Public Safety Report - September 2021
[CoverPage.pdf](#)
[Ex1 - VFD Activity Report - Sept. 2021.pdf](#)

8. TOWN MANAGER REPORT

- 8.a. Town Manager Report
[10-12-21 AM Town Manager Report.pdf](#)

9. TOWN ATTORNEY REPORT

10. APPROVAL OF MINUTES

- 10.a. Approval of the following minutes: September 13, 2021 1st Public Budget Hearing
September 13, 2021 Town Commission Meeting
[9-13-21 1st Public Budget Hearing Minutes.pdf](#)
[9-13-21 Commission Meeting.pdf](#)

11. CONSENT AGENDA

- 11.a. Special Event Application for St. Patrick's Day Celebration March 17, 2022
[CoverPage.pdf](#)
[Ex 1 St Pats - Outdoor Seating.pdf](#)

12. OLD BUSINESS

- 12.a. Town Manager Position
[CoverPage.pdf](#)
[Ex.1 - Minutes 2021-01-08 - Special.pdf](#)
[Ex.2 - Minutes 2021-03-23 - Regular.pdf](#)
- 12.b. Parking Study
[CoverPage.pdf](#)

13. NEW BUSINESS

- 13.a. Shop Small on Saturday, November 28, 2021
[Coverpage.pdf](#)
[Ex 1 Shop Small Special Event Application.pdf](#)
[Ex 2 Shop Small 2021 Overview and Fundin Request.pdf](#)
[Ex 3 Shop Small 2021 Proposed Budget.pdf](#)

14. COMMISSIONER COMMENTS

15. ORDINANCES 1st Reading

16. ORDINANCES 2nd Reading

- 16.a. Ordinance 2021-09 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I, " IN GENERAL," SECTION 30-11 "DEFINITIONS;" AMENDING ARTICLE V "ZONING," SECTION 30-241, "RM-25 DISTRICT - APARTMENTS AND LODGING, "TO MODIFY CONDITIONAL USE REGULATIONS SOUTH OF PINE AVENUE AND CREATE PROHIBITED USE REGULATIONS ON EL MAR DRIVE; AMENDING SECTION 30-242, "RM-25 DISTRICT - REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS SOUTH OF PINE AVENUE" TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.
[CoverPage.pdf](#)
[Ex.1 Ordinance 2021-09 Amending RM-25 .pdf](#)
[Ex. 2 P&Z Board Staff Report.pdf](#)
[Ex. 3 Sept 1 - P&Z Board Meeting Minutes.pdf](#)
- 16.b. ORDINANCE 2021-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," TO CREATE SECTION 30-114, "CITIZEN PARTICIPATION REQUIRED"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE
[CoverPage.pdf](#)
[EX 1- Ord 2021-11 Citizen Participation.pdf](#)
[Ex. 2 Sept 1 P&Z Minutes.pdf](#)

17. RESOLUTIONS & PUBLIC COMMENTS

18. QUASI JUDICIAL PUBLIC HEARINGS

19. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE 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.



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Debbie Hime, Special Event and Marketing Manager

Submitting Department: Administration

Item Type: Presentations

Agenda Section: PRESENTATIONS

Subject Title: Three Year Strategic Marketing Plan

Explanation: Laurie Menekou of Conceptual Communications will give a brief overview of the initiatives and results from their efforts implementing the Town's Three-Year Strategic Marketing Plan.



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Captain Thomas Palmer, BSO

Submitting Department: Public Safety

Item Type: Report

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO Public Safety Report - September 2021 Report

Recommendation: Approve/Accept

Attachments: Ex.1 – BSO September Report



Date: October 1, 2021

To: Linda Connors
Interim Town Manager

From: Captain Thomas Palmer *TPM*
Commander, Lauderdale by the Sea District

Subject: BSO Public Safety Report- September 2021

PERSONNEL CHANGES:

None.

EMPLOYEES OF THE MONTH: Deputy Alin Pitulan, Deputy Rene Suarez, Detective Danny Mursell

On 09/27/2021, BSO Lauderdale by the Sea District Deputies responded to 4400 Bougainville Drive, in reference to a report of a burglary to a business. This burglary occurred sometime during the night and it was learned that the suspect responsible for this burglary had stolen Florida Lottery Scratch-Off game tickets from this business. Detective Mursell was informed of this incident and without hesitation, he immediately took action and began to investigate. Within a few hours of investigating this incident, Detective Mursell was able to communicate with Florida Lottery Special Agents and discovered that the suspect of the burglary cashed several of the stolen lottery tickets at different locations within LBTS. Detective Mursell located CCTV video of a suspect of interest and provided this same information to LBTS deputies prior to the end of his shift.

Deputy Pitulan and Deputy Suarez learned about Detective Mursell's investigation and immediately took an interest in proactively looking for the suspect during their shift. Their efforts paid off, at approximately 2243 HRS this same date. Deputy Pitulan and Deputy Suarez arrived at 4109 N Ocean Blvd, in reference to a female who wanted Deputies to perform a welfare check on her boyfriend. Deputy Pitulan and Deputy Suarez were directed by the female caller to a second-floor apartment where they made contact with a person identified as David Gardner. Deputy Pitulan and Deputy Suarez both immediately recognized Gardner, who also had the same distinct footwear, as the same person who was captured on the provided CCTV video recording.

Deputy Pitulan and Deputy Suarez, who are both veterans and seasoned Deputy Sheriff's, utilized their training and experience to investigate further. They were able to obtain both verbal and written consent to search Gardner's efficiency type apartment. Soon after the suspect

consented to the search, the stolen lottery tickets, along with other evidence, such as the suspect's clothing used to commit the crime, were all located and seized. Det. Mursell, who is also a seasoned veteran detective immediately responded to the scene to establish a rapport with the suspect Gardner.

The stolen items were recovered and Gardner was transported to the District office for an interview. Detective Mursell utilized his investigative interview techniques to maintain his rapport with the suspect and was easily able to obtain a full, post-Miranda confession from the suspect Gardner. Gardner was criminally charged with the burglary and transported to the BSO jail.

Due to the team effort between Deputy Alin Pitulan, Deputy Rene Suarez, and Detective Danny Mursell, the suspect responsible for this burglary was positively identified within the same day as the crime being reported, stolen property was recovered and full confession was obtained. For their, tenacity, teamwork, and attention to detail, I have awarded Deputies Alin Pitulan, Rene Suarez, and Detective Danny Mursell for LBTS Deputies of the Month for September 2021.

BSO LIFESAVING AWARD NOMINATION

Deputy Pedro Almodovar is not only a Deputy Sheriff assigned to the Lauderdale by the Sea District, he is also a resident. While off-duty and at his home, Deputy Almodóvar heard one of his neighbors (95 yo woman) calling out for help. Deputy Almodóvar immediately proceeded to open his neighbor's unlocked front door and located her on the floor in a pool of blood. The victim resides alone and told Deputy Almodóvar she had fallen and injured herself. Deputy Almodóvar immediately requested AMR via his police radio. Prior to EMS or law enforcement arrival, Deputy Almodóvar and his girlfriend (paramedic) provided lifesaving first-aid to the victim by applying his BSO issued tourniquet to stop the heavy bleeding. The victim had a severe laceration to her right leg that was causing substantial blood loss. According to EMS personnel on scene if not for the quick actions of Deputy Almodóvar and his girlfriend, the victim could have bled out inside her apartment. She was subsequently transported to North Broward Hospital for further treatment. Deputy Almodovar was nominated for the BSO lifesaving award.

At the time of this writing the victim is alive and doing well. Deputy Almodovar has been nominated for the BSO Life Saving Award.

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

- **Elder Links:** This program offers referral services to elderly residents and other senior citizens in need of medical and mental health care, meal delivery or other social services.
- **Business and Residential Security Surveys:** The Business and Residential Security Survey program teaches participants to secure their business, home or condominium to reduce the likelihood of burglary and theft. Security surveys, conducted by a certified law enforcement security specialist, are provided upon request, at no charge to the business owner or resident.
- **Vacation House Watch Program:** Residents who are traveling out-of-town may register for this program. Deputies will conduct periodic checks of their residence until their return.

- **Neighborhood Crime Prevention Program:** The Neighborhood Crime Prevention program liaison organizes and conducts crime prevention and security seminars at the request of neighborhood civic and condominium associations. We will also help facilitate any Neighborhood Crime Watch programs in which the residents wish to participate.
- **Identity Theft and Scam Prevention Program:** The Identity Theft and Scam Prevention program is designed to inform residents about identity theft and how to lessen their chances of becoming a victim of a scam. Residents are informed on the importance of shredding documents, awareness of suspicious individuals, protection of passwords and use of caution in revealing information. Our Shred-A-Thon to reduce identity theft event is incorporated into this program.
- **Enhanced Marine Law Enforcement Patrol Program:** The BSO Marine Patrol Unit participates in the Enhanced Marine Law Enforcement Grant on behalf of Lauderdale-by-the-Sea. This grant allows for additional maritime patrols throughout the Town's waterways and adjacent ocean area.
- **Citizen Observer Patrol (COP) Program:** COP volunteers are local residents who receive public safety training. They are a tremendous asset to the Town of Lauderdale-by-the-Sea. COP members alternate assisting in administrative duties or patrolling local neighborhoods as an extra pair of eyes and ears to supplement deputy sheriff patrols. COP members also attend monthly patrol information and criminal intelligence briefings. A summary of COP statistical activity is included at the end of this report.
- **Sexual Offender Tracking Program:** There are **no** individuals legally classified as a sexual offender residing within Town limits. The sex offender database is routinely checked by BSO to ensure compliance with State of Florida legal mandates. Existing municipal ordinances prohibit persons classified as sexual offenders or sexual predators from residing within Town limits.
- **Bicycle Patrol:** Deputies utilize specialized patrol bicycles to enhance public safety and community outreach. This mode of patrol allows the deputies to interact one-on-one with our residents and visitors. The patrol bicycles were utilized for a total of 14.5 hours this month.
- **All-Terrain Vehicle Patrol:** The ATV / Polaris are primarily utilized on the beach areas in order to conduct patrols to deter criminal activity and maintain the security of the beach-area properties. The ATV patrol is instrumental in marine fisheries regulation enforcement and protection. Deputies used the ATV / Polaris for 246.5 miles and 29.75 hours this month.
- **Crisis Intervention Team / Homeless Outreach Team Programs:** The C.I.T. / H.O.T. program is comprised of specially trained patrol deputies and supervisors who are able to intervene in situations involving persons with mental illness or are otherwise experiencing mental health crises or are homeless and in need of services. Five (5) individuals required mental health assistance and were Baker Acted. Ten (10) individuals experiencing homelessness were contacted during the month. Six (6) of the individuals refused free services offered by law enforcement, four (4) received services.

- **Automated License Plate Reader Camera System:** The ALPR system installation was completed in October 2014. The system is proving to be an effective tool to Public Safety. **See Notable Incidents/Arrests below.**
- **e – Alerts:** This information initiative allows Town residents to stay informed, via email or text messages, of important topics such as criminal activity, traffic information, upcoming events, security issues and other important public safety information throughout Broward County and Lauderdale-by-the-Sea. Residents can register for this program through either the Lauderdale-by-the-Sea or the Broward Sheriff's Office internet website.
****PLEASE NOTE:** The e-Alert system is being phased out and will be replaced with the Sheriff's new BSO ALERTS. Users must register for the new ALERT system to receive notifications. Citizens can sign up by visiting the Sheriff's website www.sheriff.org and click on BSO ALERTS or I have provided a hyperlink below:
<https://member.everbridge.net/index/892807736729054#/login> **
- **Electronic Message Board:** The BSO Lauderdale-by-the-Sea district continues to utilize the electronic traffic safety message board at various locations within the Town. This allows the district to alert residents about any traffic problems and other important public safety issues impacting them.
- **SaferWatch:** SaferWatch is an application (app) that gives citizens the power to record or report non-emergency incidents as they happen. It provides another option to the "If you see something, say something" message and allows individuals that "If you see something, SEND something" via a mobile application (app) from your smartphone.
- **TWITTER:** The Broward Sheriff's Office has provided an official Twitter account to Captain Palmer and Lieutenant Wesolowski to provide information to the public via social media. Follow us **@BSOLBTS**.

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

N/A

NOTABLE INCIDENTS / ARRESTS:

CASE: 13-2108-000691

DATE/TIME: 8/26/2021 @ 1820 hrs

LOCATION: 232 Commercial Blvd (Ace Hardware)

SUSPECT: John Sciarrillo W/M 5/21/61

INCIDENT: Theft/Retail

SUMMARY: On 8/27/21, the Ace Hardware Store Manager called to report a theft of product that occurred yesterday involving an employee. He said that the suspect stole a knife and pen, valued at \$34.98 which was captured on video. He wished to prosecute and signed an affidavit. The employee had come to work today but left when the manager called the police. Detectives have filed the case with the courts and are awaiting the issuance of a capias for arrest.

CASE: 13-2109-000369
DATE/TIME: 09/12/2021 at 0157 hours.
LOCATION: 2 Commercial Blvd, LBTS
SUSPECT(S): Unknown
INCIDENT: Grand Theft
SUMMARY: Victim advised she returned home from the pier this morning at approx. 0200 hrs., when she discovered she had left her phone near the pier. The victim explained she called her cellphone and a male voice answered and said "this ain't your phone anymore!" then hung up. Investigation is ongoing.

CASE: 13-2109-000397
DATE/TIME: 09/13/2021 @ 1200 hours
LOCATION: 276 Commercial Blvd
INCIDENT: Petit Theft
SUMMARY: Victim advised yesterday morning she discovered her parking placard missing from her vehicle's glove compartment. Placard last seen on Saturday before her vehicle was parked by a valet attendant at Benihana in LBS. Placard entered as stolen.

CASE: 13-2109-000825
DATE/TIME: 09/27/2021 @ 0800 hrs
LOCATION: 4400 Bougainvillea Dr.
SUSPECT: David Jason Gardner O/M, 05/31/1994
INCIDENT: Burglary Business
SUMMARY: BSO Lauderdale by the Sea District Deputies responded to 4400 Bougainvillea Drive, in reference to a report of a burglary to a business. This burglary occurred sometime during the night and it was learned that the suspect responsible for this burglary had stolen Florida Lottery Scratch-Off game tickets from this business. Detective Mursell was informed of this incident and without hesitation, he immediately took action and began to investigate. Within a few hours of investigating this incident, Detective Mursell was able to communicate with Florida Lottery Special Agents and discovered that the suspect of the burglary cashed several of the stolen lottery tickets at different locations within LBTS. Detective Mursell located CCTV video of a suspect of interest and provided this same information to LBTS deputies prior to the end of his shift.

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suspect's clothing used to commit the crime, were all located and seized. Det. Mursell, who is also a seasoned veteran detective immediately responded to the scene to establish a rapport with the suspect Gardner.

The stolen items were recovered and Gardner was transported to the District office for an interview. Detective Mursell utilized his investigative interview techniques to maintain his rapport with the suspect and was easily able to obtain a full, post-Miranda confession from the suspect Gardner. Gardner was criminally charged with the burglary and transported to the BSO jail.

CASE: 13-2109-000915
DATE/TIME: 09/29/21 @ 2248 hrs
LOCATION: 4600 Block N Ocean Drive
ARRESTEE: Gregory St Fleur, BM DOB: 01/11/1991
INCIDENT: Warrant Arrest –Felony Criminal Mischief
SUMMARY: Sea Ranch Lakes PD was flagged down reference a crash investigation and notified LBTS. Deputy Almodovar responded to investigate and learned that the reportee had a felony warrant. Subject was placed under arrested and TOT main jail.

CASE: 13-2109-000933
DATE/TIME: 09/30/21 @ 1912 Hours
LOCATION: 1400 block S Ocean Blvd
VICTIM: 95yo
INCIDENT: Medical call
SUMMARY: While off-duty and is his home, Deputy Almodóvar heard one of his neighbors (95 yoa) calling out for help. Deputy Almodóvar immediately proceeded to open his neighbor's front door and located her on the floor in a pool of blood. The victim resides alone and told Deputy Almodóvar she had fallen and injured herself. Deputy Almodóvar immediately requested AMR via his police radio. Prior to EMS or Police arrival, Deputy Almodóvar and his girlfriend (paramedic) provided lifesaving first Aid to the victim by applying his BSO issued tourniquet to stop the heavy bleeding. The victim had a severe laceration to her right leg that was causing substantial blood loss. According to EMS personnel on scene if not for the quick actions of Deputy Almodóvar and his girlfriend, the victim could have bled out inside her apartment. She was subsequently transported to North Broward Hospital for further treatment. Deputy Almodovar was nominated for the BSO lifesaving award.

MONTHLY ARREST LOGS:

M	Burglary Structure-Unoccupied	4400	Bougainvilla Dr
F	DUI-Alcohol or Drugs-1st Offense	1	Commercial Blvd
M	Petit Theft-2nd Degree-1st Offense	4321	N Ocean Dr
M	Warrant Arrest-Criminal Mischief	4653	N Ocean Dr
M	Possession of Cannabis>20 grams	299	Commercial Blvd

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2020 YTD	2021 YTD
AUTO THEFT	0	1	7	8
BURGLARY-BUSINESS	1	0	0	4
BURGLARY-CONVEYANCE	0	0	7	14
BURGLARY-RESIDENCE	0	2	8	6
BURGLARY-STRUCTURE	0	0	1	0
FORCIBLE SEX	0	0	1	0
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	0	2	2
HOMICIDE	0	0	0	0
ROBBERY	0	0	1	2
THEFT-GRAND	1	0	11	4
THEFT-PETIT	1	7	34	30
TOTALS	3	10	72	69

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	34
COP Hours Worked - Month	51
COP Patrol Miles - Month	96
COP Hours Worked - YTD	498
COP Patrol Miles - YTD	799

COP Bike Patrol Hours - Month	0
COP Bike Patrol Hours - YTD	9

COP Beach Patrol Hours – Month	18.5
COP Beach Patrol Hours - YTD	162

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

	Month	2021 YTD
Reserve Deputy - Days Worked	12	53
Reserve Deputy - Hours Worked	89	432

MONTHLY STAFFING AND STATISTICAL REPORT:

The September 2021 Monthly Staffing and Statistical Report is attached.



Lauderdale by the Sea

Monthly Activity

September 2021

Reports/Calls	
Miscellaneous Service	
Event Reports	33
Accidents	9
Calls for Service	937

Traffic	
Types of Citation	
Non-Moving / Moving Citation	117
Parking	0
Warnings	182
Total Citations	299

Arrests	
Type of Arrest	
Felony	3
Misdemeanor	2
NTA	0
Warrant	0
DUI	0
NIC (Felony)	0
NIC (Misdemeanor)	0
DV (Felony)	0
DV (Misd.)	0
Total Arrests	5

Time Worked	
Hours Worked	
Bike Patrol	14.5
Court Overtime	24
Training	40
Detached	38
Other Overtime	47
Days Worked	30

General	
FI	22
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative	
ATV/UTV: 246.5 Miles / 29.75 Hours Reserve Deputies worked 12 shifts (89 hrs)	

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

September 30, 2021

CURRENT STAFFING ALLOCATIONS

Position	Budgeted Positions	Actual Positions	Vacant Positions
District Chief	1	1	
Executive Lieutenant	1	1	
Sergeant	3	3	
Deputy Sheriff	19	19	
Community Service Aide	1	1	
Administrative Specialist	1	1	
Clerical Specialist (P/T)	2	1	1
TOTAL	28	27	1

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.

Name	CCN	Status	Circumstances
Deputy Brann Redl	10365	FMLA	Medical

DETACHED PERSONNEL / LOCATION

DETACHED PERSONNEL LOCATION				
Name	CCN	Detached to	Reason	Hours
Detective Glen Genovese	13738	QRF	Adjunct Training	30
Sergeant Peter LaGana	9411	HR	Oral Board Interview	8
			TOTAL	38



LAUDERDALE BY THE SEA DISTRICT
NEARBY SEX OFFENDERS (2 Mile Radius) – SEPTEMBER, 2021



ANTHONY MANGANARO JR.

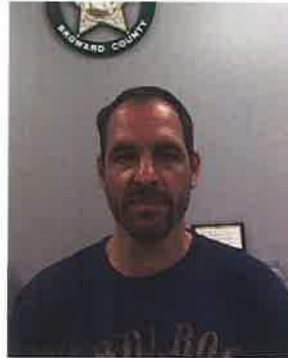
11/08/1965

2751 NE 58th St
Fort Lauderdale, FL 33308

SEX OFFENSE, OTHER
STATE (ATTEMPTED
DISSEMINATE INDECENT
MATERIAL TO MINORS
1ST DEGREE)

(GUILTY/CONVICTED –
11/20/2003)

New York, NY



MICHAEL DAVID SCHMEHL

05/26/1974

4141 Bayview Dr.
Ft. Lauderdale, FL 33308

SEX OFFENSE, OTHER
STATE (SEXUAL
ASSAULT)

(GUILTY/CONVICTED
– 08/26/1998)

Bucks, PA



ANGEL MAURY

01/22/1966

4011 N Ocean Blvd. #214
Fort Lauderdale, FL 33308

SEX BAT/COERCES BY THREAT;
F.S. 794.011(4)(b)

SEX BAT BY ADULT/VCTM
UNDER 12; F.S. 794.011(2) **TIMES 2**

Lewd or lascivious molestation
victim under 12 years offender 18
or older; F.S. 800.04(5)(b) ((2
COUNTS)) **TIMES 2**

Lewd, Lascivious batt sex
w/victim 12-15 years old; F.S.
800.04(4)(a) **TIMES 2**

Unlawful Sexual Activity with
Certain Minors 16/17 yr old; F.S.
794.05(1)

(GUILTY/CONVICTED –
10/28/2013)

Broward, FL



LAUDERDALE BY THE SEA DISTRICT
NEARBY SEX OFFENDERS (2 Mile Radius) – SEPTEMBER, 2021



**DAVID RAPHAEL
ROSENRAUCH**

07/26/1971

3100 NE 46th ST.
Fort Lauderdale, FL 33308

PROV.OBSCENE
MAT.MINOR; F.S. 847.0133
(PRINCIPAL)

SEXUAL PERFORMANCE BY
A CHILD(POSSESS PHOTO OR
PICTURE); F.S. 827.071(4)
(PRINCIPAL)

PRODUCE, DIRECT,
PROMOTE SEXUAL
PERFORM. BY CHILD; F.S.
827.071(3) (PRINCIPAL IN
ATTEMPT)

ADJUDICATION WITHHELD
11/12/1996
Lake, FL

**NO
IMAGE**

MURPHY HANDY

11/04/1956

1500 S Ocean Blvd.
Apt: 1105 Pompano
Beach, FL 33062

ABSCONDED FROM
PROBATION

LEWD,LASCIVIOUS
CHILD U/16; F.S. 800.04
(PRINCIPAL)

(GUILTY/CONVICTED
– 09/21/1995)

Broward, FL



JAMES ORLIN CLARKE

05/14/1980

4011 N Ocean Blvd. #105
Fort Lauderdale, FL 33308

Ocean Reef Hotel

SEX OFFENSE, OTHER
STATE (3RD DEGREE
CRIMINAL SEXUAL
CONDUCT-PERSON 13 TO
15)

(GUILTY/CONVICTED –
11/09/1999)

Macomb, MI



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Chief Judson Hopping, VFD

Submitting Department: Public Safety

Item Type: Report

Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: VFD Public Safety Report - September 2021

Recommendation: Approve/Accept

Attachments: Ex.1 – VFD September Activity Report



Lauderdale-By-The-Sea Volunteer Fire Department

Overview

During the month of September 2021, the Volunteer Fire Department continued its focus on fire prevention for high-rise buildings and commercial properties. All commercial buildings have been inspected; there were 9 re-inspections and 1 complaint that was corrected.

Responses:

The Volunteer Fire Department responded to 40 fire rescue calls within the limits of our contract.

- Of the 40 emergency fire calls dispatched, there were 11 fire alarms, 4 structure fires, 5 accidents w/injuries, 5 elevator rescues, 3 open water drownings, 1 gas leak, 1 electrical utility fire, and 10 "other" fires.
- There were 91 emergency medical 911 calls for September 2021. The department was dispatched to 8 of those calls, of which, 1 was cleared by the Chief on Duty or Med12. The department provided first responder care on 4 of the medical calls until M12/212 arrival and assisted M12/212 on 3 of the medical calls.

Training:

The Volunteer Fire Department had 10 Regular in-town, and 23 Associate out-of-town members for a total of 33 active members.

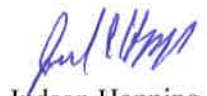
For the month of September, there were 7 fire, 1 ocean rescue, and 1 special training drill.

- 186 Hrs - Fire Fighter skills, & ocean rescue drill
- 152 Hrs - Target Solutions on-line monthly assignments
- 52 Hrs - American Red Cross CPR recertification

A total of 2,488.5+ hours were spent in the month of September on training.

In closing, the Volunteer Fire Department will continue to improve and increase its members training, as required by ISO and established state training curriculums. We continue to recruit new members through the fire academies, our website, and local town events.

Respectfully,


Judson Hopping,
Fire Chief



Town of Lauderdale-By-The-Sea Fire Department Monthly Report September 2021

	Regular In - Town	Associate Out of Town
Active Member	10	23
Fire 1 non-certified	1	2
Fire 1 Certified	1	1
Fire II Certified	8	20
CPR/1 st Responder	6	9
EMT-B (FL)	2	8
Paramedic (FL)	2	6

Emergency 911 Calls

Fire/Rescue	40
Total Medical 911 calls	91
Medical calls V.F.D. Not Dispatched	83
Medical calls V.F.D. Dispatched	8
Medical calls Canceled by COD/M12	1
Medical calls V.F.D. provided care/assisted	7

Training

390+ Total Hrs.

Firefighter & Ocean rescue training/drills	186 Hrs
Target Solutions on-line monthly assignments	152 Hrs
American Red Cross CPR recertification	52 Hrs

Station Hours

2,488.5+ Total Hrs.

Firefighter Station Watch	1,622+ Hrs
Ocean Rescue patrol	146.5+ Hrs
Chief on Duty/Command	720 Hrs

LBTS Volunteer Fire Department - September 2021, Active Roster

Last Name	First Name	LBTS FF No.	Membership	Town Resident	Rank	Fire Cert	EMS Certification	MTD Calls	YTD Calls
Acevedo	Manuel	189639	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	4	49
Aubrey	Keith	163	Regular Member		Firefighter	Firefighter II	Paramedic (FL)	13	43
Benrubi	Aaron	173349	Associate Member		Driver Engineer	Firefighter II	Paramedic (FL)	6	90
Bias	Jonathan	81298	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	5	73
Bosco	Michael	171605	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	5	18
Cabrera	Ricardo	177336	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	8	37
Carlton	Ryan	186384	Associate Member		Lieutenant	Firefighter II	EMT-B (FL)	1	203
Cosenza	Vincent	169533	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	6	63
Cowles	James	186248	Regular Member	*	Firefighter	Firefighter I	CPR for healthcare provider	25	268
DeZayas	Mauricio	186553	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	2	72
Edouard	Myriam	708	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	7	51
Frew	Maria	174735	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	18
Garcia	Ali	166036	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	9	89
Hernandez	Rosa	190618	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	5	9
Hopping	Judson	054	Regular Member		Fire Chief	Firefighter II - D/E - Officer I	EMT-B (FL)	14	133
Horan	Sean	177190	Regular Member		Trainee	Trainee	CPR for healthcare provider	5	10
Kane	Mark	155	Associate Member		Captain	Firefighter II-D/E - Officer I	EMT-B (FL)	13	232
Karley	Robert	101	Regular Member	*	Driver Engineer	Firefighter II - D/E	CPR for healthcare provider	18	274
Ledezma, Jr.	Fabian	179295	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	5	18
Louvaris	John	078	Regular Member		Deputy Chief	Firefighter II-D/E - Officer II	CPR for healthcare provider	35	499
Maggard	Dylan	165765	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	10	27
Mangin	Andrew	735	Associate Member		Firefighter	Firefighter II - D/E	Paramedic (FL)	9	84
Nemia	John	190426	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	8	28
Obregon	Chelsea	192558	Associate Member		Trainee	Trainee	CPR for healthcare provider	0	3
Paine	Kyle	173	Regular Member		Firefighter	Firefighter II	EMT-B (FL)	4	46
Paine	Riley	704	Regular Member		Battalion Chief	Firefighter II-D/E - Officer II	Paramedic (FL)	28	356
Paine	Stephen	140	Regular Member		Fire Marshal	Firefighter II	CPR for healthcare provider	18	200
Piper	Kyle	184815	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	6	59
Ruiz	Rodrigo	174946	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	5	14
Samler, Jr.	Thomas	187730	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	7	29
Silverstone	James	025	Regular Member	*	Driver Engineer	Firefighter II	CPR for healthcare provider	5	109
Stewart	Theodore	190140	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	2	42
Warden	Stephanie		Associate Member		Trainee	Trainee	CPR for healthcare provider	0	7

Monthly Activity Report - September 2021

Date	Fire/Rescue Calls	Event Description	Start Time	End Time	No. of FF
01-Sep-21	4318 El Mar Drive	Fire alarm	3:14:00 PM	3:41:00 PM	5
01-Sep-21	4318 El Mar Drive	Fire alarm; commercial structure - alarm in trouble	8:09:00 PM	8:23:00 PM	7
01-Sep-21	1431 South Ocean Blvd.	Other fire - service call	8:55:00 PM	9:14:00 PM	6
02-Sep-21	4318 El Mar Drive	Fire alarm	5:45:00 AM	5:58:00 AM	7
02-Sep-21	4000 N. Ocean Drive	Accident w/injuries	11:11:00 AM	12:11:00 PM	8
02-Sep-21	4653 North Ocean Drive	Fire alarm	4:39:00 PM	4:53:00 PM	8
02-Sep-21	Commercial & Seagrape	Accident	7:39:00 PM	7:44:00 PM	7
03-Sep-21	4318 El Mar Drive	Fire alarm	6:07:00 AM	6:23:00 AM	4
03-Sep-21	3900 North Ocean Drive	Fire alarm	9:52:00 AM	10:06:00 AM	7
03-Sep-21	5200 North Ocean Blvd.	Elevator rescue	5:32:00 PM	5:48:00 PM	6
04-Sep-21	1620 South Ocean Blvd.	Other fire - service call	6:11:00 AM	6:28:00 AM	5
04-Sep-21	224 Hibiscus	multi-family structure fire - burnt smell elevator belt	4:01:00 PM	4:22:00 PM	6
05-Sep-21	4318 El Mar Drive	Fire alarm	4:39:00 AM	4:55:00 AM	6
05-Sep-21	4528 Poinciana Street	Vehicle Accident	7:22:00 PM	7:25:00 AM	5
07-Sep-21	4456 El Mar Drive	Elevator rescue	7:10:00 AM	7:24:00 AM	6
07-Sep-21	218 E. Commercial Blvd.,	Gas leak	10:16:00 AM	10:35:00 AM	4
08-Sep-21	2 Commercial Blvd.	Drowning - diver left partner 200 yds low air	12:20:00 PM	12:50:00 PM	6
09-Sep-21	3900 North Ocean Drive	Elevator rescue	7:23:00 AM	7:46:00 AM	9
10-Sep-21	1 Commercial Blvd.	Other fire - tangled seagull hanging from pier	10:25:00 AM	10:48:00 AM	6
11-Sep-21	4900 N. Ocean Blvd.	Fire alarm	7:11:00 AM	8:02:00 AM	10
11-Sep-21	4050 North Ocean Drive	Elevator rescue	1:17:00 PM	1:30:00 PM	8
11-Sep-21	1850 South Ocean Blvd.,	Other fire - cargo truck lift gate disabled	11:41:00 PM	12:09:00 AM	6
12-Sep-21	1500 South Ocean Blvd.	Open water drowning - Jet ski disabled no hazard	10:13:00 AM	10:31:00 AM	5
12-Sep-21	2049 Ocean Mist Drive	Residential fire	4:56:00 PM	5:58:00 PM	5
13-Sep-21	5100 North Ocean Blvd.	Fire alarm	8:12:00 AM	8:29:00 AM	3
13-Sep-21	5100 North Ocean Blvd.	Fire alarm	8:30:00 AM	8:36:00 AM	3
13-Sep-21	1430 South Ocean Blvd.	Fire alarm	11:54:00 AM	12:10:00 PM	6
13-Sep-21	4644 Poinciana Street	Other fire - lockout of apartment	3:25:00 PM	4:00:00 PM	6
18-Sep-21	4565 North Ocean Drive	Vehicle vs bike	8:18:00 AM	8:37:00 AM	7
20-Sep-21	1600 South Ocean Blvd.	Fire alarm	8:55:00 AM	9:15:00 AM	7
20-Sep-21	4228 El Mar Drive	Open water drowning - swimmer out of water - no medical	11:06:00 AM	11:15:00 AM	6
22-Sep-21	1440 South Ocean Blvd.,	Other fire - service call	8:48:00 AM	9:03:00 AM	4
23-Sep-21	232 Avalon Avenue	Electrical utility fire	10:03:00 AM	10:48:00 AM	8
23-Sep-21	4326 Bougainvillea Drive	Elevator rescue	2:04:00 PM	2:22:00 PM	4
25-Sep-21	4319 North Ocean Drive	Structure fire - smell smoke	8:52:00 AM	9:40:00 AM	14
26-Sep-21	4500 El Mar Drive	Other fire - suspicious incident - unfounded	2:10:00 PM	2:21:00 PM	5
29-Sep-21	1770 S. Ocean Blvd.	Other fire - Knox box access	2:47:00 AM	3:23:00 AM	4
29-Sep-21	1620 South Ocean Blvd.	Other fire - forced entry	3:48:00 AM	4:23:00 AM	4
29-Sep-21	2001 South Ocean Blvd.,	Vehicle accident	5:18:00 PM	5:22:00 PM	6
30-Sep-21	1770 S. Ocean Blvd.,	Other fire - service call	5:37:00 PM	6:36:00 PM	12
Total Calls				40	

Date	First Responder	Event Description	Start Time	End Time	No. of FF
05-Sep-21	El Mar Drive - Pole 11	medical, OR212 assisted M12, no medical needed	11:26:00 AM	11:55:00 AM	3
09-Sep-21	Poinciana Street	medical, provided pt care until M12 arrival	3:58:00 PM	4:46:00 PM	6
14-Sep-21	West Tradewinds	medical, E12 canceled by M12	3:54:00 PM	4:02:00 PM	7
17-Sep-21	Commercial Blvd.	medical, E12 provided BLS until M12 arrival	8:26:00 PM	8:39:00 PM	3
24-Sep-21	Commercial Blvd.	medical, OR212 assisted M12 pt off beach	1:47:00 PM	2:04:00 PM	5
29-Sep-21	Bougainvillea Dr.	medical, pt contact at station until M12 arrival	2:35:00 PM	3:19:00 PM	4
30-Sep-21	South Ocean Blvd.,	medical, E12 assisted M312	7:49:00 PM	9:18:00 PM	8
30-Sep-21	North Ocean Drive	Medical, E12 pt contact until R11 arrival	8:12:00 PM	8:42:00 PM	8
Total Calls				8	

Date	Public Service	Event Description	Start Time	End Time	No. of FF
29-Sep-21	2001 South Ocean Blvd.	Blue Mass @Assumption Catholic Church; flag raised, blessing of trucks & mass	3:30:00 PM	7:00:00 PM	6

Date	Drill/Training	Event Description	Start Time	End Time	No. of FF
08-Sep-21	Station 12	Driver P.O.'s	6:00:00 PM	10:00:00 PM	5
11-Sep-21	Beach	Ocean rescue drill, pole familiarization	9:00:00 AM	11:00:00 AM	5
14-Sep-21	Station 12	D/E driving hours; truck & zone familiarization	6:00:00 PM	10:00:00 PM	5
16-Sep-21	Station 12	Engine company ops	6:00:00 PM	10:00:00 PM	7
20-Sep-21	Station 12	Engine company ops, 5" layouts, cross lays & Blitz fire	6:00:00 PM	10:00:00 PM	7
22-Sep-21	Station 12	Drivers annual proficiency test w/Chief Caldero	6:00:00 PM	10:00:00 PM	9
25-Sep-21	Station 12	CPR refresher class	9:30:00 AM	1:00:00 PM	14
27-Sep-21	Station 12	Drivers annual proficiency test w/Chief Caldero	6:00:00 PM	10:00:00 PM	7
30-Sep-21	Station 12	Drivers annual proficiency test w/Chief Caldero	6:00:00 PM	10:00:00 PM	9

Date	Ocean Rescue	Event Description	Start Time	End Time	No. of FF
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Unit Response Time 3- Month Average

Sep-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	34	43	3	6
Response Time	0:04:55	0:05:56	0:00:00	0:00:00

Total Average Response Time :

4:21

Aug-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	53	53	7	9
Response Time	0:05:05	0:05:38	0:00:00	0:00:00

Total Average Response Time :

5:03

Jul-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	44	48	3	6
Response Time	0:04:56	0:05:31	0:00:00	0:00:00

Total Average Response Time :

4:39



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Linda Connors, Interim Town Manager

Submitting Department: Administration

Item Type: Reports

Agenda Section: Town Manager Report

Subject Title: Town Manager Report for October 12, 2021

Explanation: Following is the Interim Town Manager's report for October 12, 2021.

1. Yoga on the Beach

Yoga at El Prado Park is back. Classes are \$10 per person and begin each Monday night at 7:00 p.m.

2. Solar Stops and Crosswalks



We recently installed solar lights that collect energy during the day and then light at night to provide additional warning for stop signs. We are testing this new feature out and, if meets our expectations, we will add to enhance stop signs or crosswalks where additional attention is warranted.

3. New Pelican Hopper Driver

We were receiving some complaints with our Pelican Hopper driver and so we are excited to announce that Mr. Noy is our new Pelican Hopper driver. Please give him a few weeks to get acclimated and comfortable on our route.

4. Public Works in Action



Last week, our Public Works staff worked to address a sink hole problem in the Silver Shores neighborhood. They found that the stormwater pipe had shifted at the joint causing a small amount of stormwater to leak causing a large problem. We are currently receiving quotes to line this pipe instead of having to replace it. Work will be completed once staff has received quotes and we can select the most cost-efficient repair.

5. Boo! By The Sea

Our old-fashioned Halloween stroll hosted by the businesses in the West Business District (closest to the bridge) is Saturday, October 30th from 2 p.m. to 5p.m. It will include games, street performers, and of course treats! This event is designed for kids 3- 11 and all children must be accompanied by an adult to participate. Please bring gently read books to be distributed. We will have drop boxes in each of the West Plazas, and the SuperReader Truck will also be on hand, along with BSO vehicles, fire trucks and other cool rides.

6. Downtown Special Meeting #2

On October 27th at 6:00 p.m., the Town Commission will hold a Roundtable Meeting in Jarvis Hall to discuss the possible expansion of outdoor dining areas east of A1A. This is the second meeting on this topic. The first meeting was held on October 4th and can be viewed at https://lbts.granicus.com/MediaPlayer.php?view_id=4&clip_id=1299. Steven Fett, the architect that designed the prior downtown redevelopment will lead the meeting.

7. Volunteer Fire Department Operational Audit

Robert Finn, from Matrix Consulting Group, has submitted a draft report of the audit and the Town is seeking public input on this document.

Members of the public may email their comments to Neysa Herrera at neysah@lbts-fl.gov until Friday, Oct. 22. The report is available for review on the Town website at:

https://www.lauderdalebythesea-fl.gov/DocumentCenter/View/1848/LBTS_Final_Draft_Report_9-20-21

8. Pretty in Pink



October is Breast Cancer Awareness Month and Town staff will be wearing pink every Friday in October to support the cause.

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
1ST PUBLIC BUDGET HEARING MINUTES
MONDAY, SEPTEMBER 13, 2021
6:00 P.M.

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:00 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Acting Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE

3. PRESENTATION

a. Florida Fish and Wildlife and Force Blue Marine Monitoring Event

This Item was rescheduled for the regular Commission meeting.

4. PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

Bill Ciani, resident, expressed concern with the loss of Downtown parking spaces in order to provide more outdoor seating for restaurants. He pointed out that his tenants in the Downtown area depend upon these parking spaces for their businesses. He requested an independent study by a consultant before making any of the proposed changes for Downtown.

Barbara Cole, resident, requested clarification of the changes in the revised budget. She asked that the search for a permanent Town Manager be reflected in the budget, and that the Commission discuss what will be eliminated under the rolled back millage rate. She also questioned the use of taxpayer money for charitable donations, increases for the Visitor Center, and proposed salary increases for the Commission.

Candice Ericks, representing advocacy team Ericks Consulting, noted that the Town's legislative efforts are not reflected in the proposed budget for fiscal year (FY) 2021-2022. She emphasized that the coming fiscal year is an election year, in which more funds are typically allocated for municipal projects and grant programs.

Lauren Jackson, also representing Ericks Consulting, advised that the financial outlook and political climate are both positive for the pursuit of grant projects in FY 2021-2022.

Ken Brenner, resident, stated that residences make up 97.9% of all taxable parcels in Lauderdale-By-The-Sea and pay approximately 82.87% of the annual budget. He recommended that a fire study be done to implement a more equitable method. He urged the Commission to distribute COVID-19 relief funds to those who need them most.

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

5. RESOLUTIONS

- a. **Resolution 2021-47 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING THE FINAL FIRE ASSESSMENT RATE ON PROPERTY THAT IS SPECIALLY BENEFITED BY FIRE PROTECTION SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; CONFIRMING THE FINAL ASSESSMENT ROLLS AND LEVYING SUCH SPECIAL ASSESSMENTS.**

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

Commissioner Malkoon made a motion, seconded by Commissioner Sokolow, to adopt Resolution 2021-47. Motion carried 5-0.

- b. **Resolution 2021-48 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING THE PROPOSED TOWN AD VALOREM TAX MILLAGE RATE AT 3.3923 MILLS PER THOUSAND DOLLARS OF TAXABLE ASSESSED VALUE, WHICH IS 0% ABOVE THE BACK MILLAGE RATE OF 3.3923 MILLS COMPUTED PURSUANT TO STATE LAW, FOR THE 2021 TAX YEAR; ANNOUNCING THE**

SECOND AND FINAL PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE; PROVIDING FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Ron Piersante, resident, recalled that Staff was directed to prepare a revised budget that would reduce Town expenses by approximately \$285,000. He noted that these funds could have been used toward public needs, and added that the Town already has one of the lowest millage rates in Broward County. He concluded that residents will save approximately \$30 due to this reduction.

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

Commissioner Sokolow requested a recap of the \$285,000 taken from the budget. Interim Town Manager Linda Connors noted that p.19 of the Commissioners' backup materials lists some of these eliminated items, which include:

- Some training in all Departments
- Phase 2 of the Comprehensive Plan is postponed until FY 2022-2023
- New ATV to replace an existing vehicle
- Funds for two new Town events as well as assistance to the Farmers' Market
- New Year's Eve celebration funds to assist businesses with additional security
- Postponement of some capital improvements until a later date
- Improvements/repairs to beach portals
- Drainage repairs on Bougainvillea Drive
- Canal dredging extended from two years to three years
- Reduced Palm Club septic to sewer funds
- Reduced funds for Codrington Drive improvements
- Postpone the replacement of floors in Town Hall

Commissioner Strauss noted that these items can be brought back upon request, and monies to pay for them obtained through other means over the next year. He pointed out that reserve funds are available if needed. He concluded that he was comfortable standing by the proposed rolled back millage rate, and that the funds saved for households served as an important gesture to residents.

Mayor Vincent requested additional information on the Town's contractual obligation to Ericks Consulting. Interim Town Manager Connors replied that the Town did not budget funds under either the original proposed millage rate or the current rolled back rate for

ongoing advocacy services. Ericks Consulting was originally hired to address needs for the Palm Club project at a cost of \$30,000.

Mayor Vincent felt it was extremely important to retain a political consultant, as otherwise they would have no representation in Tallahassee when needed. He recommended that this contract be continued past its current expiration date.

Vice Mayor Oldaker agreed with the Mayor's concerns regarding political representation, and pointed out that this illustrated one of his concerns with adopting the rolled back millage rate: if the contract is added back into the budget, other cuts will need to be made.

Commissioner Malkoon requested clarification of the scope of Ericks Consulting's work. Interim Town Manager Connors replied that the original contract, which has been in effect for the past three years, covered appropriations. The consultant has expanded these services to include updates on activity during Florida legislative sessions. The budget prepared for the previously proposed millage rate included \$30,000 for a grant writer as well as for a lobbyist, which provided some flexibility through which the Town could apply for grant funding.

Interim Town Manager Connors advised that the Town may wish to negotiate a lesser contract with Ericks Consulting, as they are not asking for appropriations linked to a specific project at this time. Commissioner Malkoon confirmed that he would be in favor of using a portion of the funds allocated to grant writing.

Mayor Vincent commented that the Town currently has a strategic plan budget of approximately \$35,000, which he did not feel was necessary, as the Town updates its Action Plan annually. He felt these funds could be used toward maintaining a consultant.

Mayor Vincent continued that the budget reflects a \$10,000 contract for administrative services for the Development Services Department, and requested clarification of this line item. Interim Town Manager Connors replied that while no new contractors were added to the FY 2021-2022 budget, the \$10,000 would go toward the administration of business tax receipts (BTRs), which are overseen by Development Services. As no new employee was retained to help with the processing of BTRs, funds were set aside to hire contractual employees who can assist Staff at a reasonable rate with no benefits. This expense has been reduced from its original \$30,000 in order to identify savings to accommodate the rolled back rate.

Commissioner Strauss asked if the Town has received a net benefit from the retention of Ericks Consulting that could quantify the firm's costs. Interim Town Manager Connors advised that the Town has spent \$30,000 each year over three years. The intent upon their retention was to receive state funds to allocate to the Palm Club project. While this effort was not 100% successful, the Town expects to receive roughly \$100,000 from the County as well as from Pompano Beach but this has not yet been finalized.

Commissioner Strauss concluded that he also felt it was important to retain representation in Tallahassee, although he would like to see quantification of the Town's benefits from this advocacy. Interim Town Manager Connors further clarified that with the state and County receiving relief funds, it may be more likely for the Town to receive both state and County funds.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to adopt Resolution 2021-048, setting the millage rate at 3.3923 for the fiscal year 2021-2022 and establishing the second public hearing to consider adoption of the final millage rate and budget. Motion carried 4-1 (Vice Mayor Oldaker dissenting).

- c. Resolution 2021-49 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE TOWN BUDGET FOR THE 2021/2022 FISCAL YEAR; ANNOUNCING THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE FINAL TOWN BUDGET FOR THE 2021/2022 FISCAL YEAR; PROVIDING FOR AN EFFECTIVE DATE.**

Interim Town Manager Connors explained that Staff has prepared an overview of the budget process for the general public. She described the process as ongoing collaboration throughout the year by all Departments. This year's budget includes summary worksheets for the Commissioners, as well as "bottom line" numbers for each line item.

Director of Finance and Budget Lucila Lang noted that the Town's budget is comprised of several different funds, including Building, Sewer, Fire, Parking, General, and Capital Projects. Some of these are discretionary, while others, such as the Building, Sewer, and Fire Funds, are paid for entirely through their assessments. Most of the money received for the Town's budget is in the General Fund. The budget also includes donations, which increased significantly this year.

Vice Mayor Oldaker addressed donations, suggesting that in the future the Commission review its procedure for placing charitable or nonprofit organizations on the list. He recommended a more structured approach to donations in subsequent years, as well as placing a possible cap on the amount the Town can give. Another option is giving the Town Manager discretion regarding some of these funds in the future.

Commissioner Sokolow noted that the Commission has made it clear that they would like to retain Ericks Consulting for another year, and the budget is sufficiently flexible that funds can be identified for this purpose without great difficulty. Regarding donations, he pointed out that a number of organizations have made presentations to the Commission to show the services they provide to Town residents. He did not, however, feel donations should be significantly changed at this point. He proposed approving the budget in total, with a request that before the second public hearing Staff reallocate funds to reflect this evening's discussion.

Mayor Vincent advised that the Town's budget is prepared to reflect 95% collection of ad valorem taxes; when additional funds are collected each year, this provides an amount that is roughly equal to the amount trimmed from the budget under the rolled back rate. He acknowledged that some of the COVID-19 funds the Town expects to receive will be regulated so they cannot be used for all purposes.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to adopt Resolution 2021-49 approving the tentative budget (including funds to be allocated to Ericks Consulting). Motion carried 5-0.

It was noted that the next public budget and millage rate hearing is scheduled for September 28, 2021 at 6 p.m.

6. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 6:53 p.m.

Mayor Chris Vincent

Lauderdale-By-The-Sea
First Public Budget Hearing
September 13, 2021

ATTEST:

Town Clerk Tedra Allen

Date

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, September 13, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 7:15 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Acting Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Florida Fish and Wildlife and Force Blue Marine Monitoring Event

Special Events and Marketing Manager Debbie Hime explained that Force Blue, a 501(C)3 consisting of former military Special Operations divers, has partnered with the Florida Fish and Wildlife Department to monitor coral reefs and hold different types of events throughout Florida. Their mission in Lauderdale-By-The-Sea was to monitor the health of the Town’s coral reefs and gather information to share with the Fish and Wildlife Department.

b. Suicide Prevention Month Proclamation

Mayor Vincent read a Proclamation designating September 2021 as Suicide Prevention Month.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, provided the Commissioners with copies of their 2021 Action Plan, pointing out that this document includes a number of policies meant to guide the Commission in making decisions.

Candice Ericks, representing Ericks Consulting, advised that she was present to provide information as needed about Item 14.a/Ordinance 2021-08.

Ken Brenner, resident, requested that discussion of Item 16.a/Resolution 2021-50 be delayed. He pointed out that the Resolution would limit access to vehicular traffic entering the site and place a burden on the subject property and nearby properties. He recommended looking into the history of the site.

Dave Staudacher advised that he has a pending application for the construction of a single-family home on El Mar Drive. The application was submitted in March 2021 and recommended for approval by the Planning and Zoning Board. A proposed prohibition on new single-family homes, as well as new definitions, would make it impossible to build on his property. He requested that his application be grandfathered.

Stuart Dodd, resident, noted that Lauderdale-By-The-Sea was not among several Florida municipalities that objected to Florida House Bill (HB) 403. He cautioned that this may result in significant expense of time and money to modify Town Ordinances to comply with this legislation unless it is overturned.

Mr. Dodd also addressed Ordinance 2021-09, which would block the construction of single-family homes on El Mar Drive in the future. He advised against removal of clauses from a previous Ordinance from 2012, which allows the Commission to specify the height and footprint of a building. He concluded by recommending against the retention of consultants to draw up further plans for El Mar Drive.

Greg Lees, resident, requested the Commission's support in modifying an existing Ordinance that limits residents' ability to rent homes that are less than 60 ft. in width.

John Graziano, resident, addressed two provisions recently adopted by the Florida Legislature which affect the R-1 residential zoning category. He expressed concern with the inability of neighbors to remain anonymous when reporting Code violations, as well as with the Legislature's decision to allow a number of commercial activities in the R-1 zoning district.

Town Clerk Tedra Allen also read the following written public comments:

Scot Sasser, resident, thanked the Commission and Staff for bringing forward Ordinances 2021-09 and 2021-11, which he felt would help protect the Town's unique identity. He requested that these Ordinances be passed with proper public participation.

Wayne Dillistin, resident, addressed Ordinance 2021-08, acknowledging that this action is dictated by the State of Florida. He requested that the Commission request a review of existing Code and Ordinances to ensure that the most restrictive language possible is in place for residential signage. He also addressed Ordinance 2021-09, stating his support for all aspects of this Ordinance except the proposed grandfathering, and Resolution 2021-51, requesting that language referring to "other items mutually agreed upon by the Town and the licensee" be removed in order to limit items being sold at the Farmers' Market to avoid conflict with Town businesses.

Jose Gonzalez, resident, requested that the Commission vote against approval of Ordinance 2021-08, stating that Town residents were not aware that this item was addressed by the State Legislature. He asked that the Commission approve Ordinance 2021-09 and Ordinance 2021-11.

Mark and Cristie Furth, residents, requested that the Commission approve Ordinance 2021-09 to prevent construction of "overbuilt" structures on El Mar Drive and Ordinance 2021-11 to ensure community outreach before major development projects may begin. They were not in favor of approval of Ordinance 2021-08 and felt this issue should have been brought before Town residents at an earlier date.

Kelly Byron, resident, requested approval of Ordinance 2021-09 and Ordinance 2021-11 to prevent the construction of single-family homes on El Mar Drive and to allow citizens to actively participate in major Town projects.

Diana Kugler, resident, requested that the Commission vote against permitting the construction of single-family homes on El Mar Drive.

Christina Buerosse, resident, characterized state legislation addressing short-term rentals and home-based businesses as government overreach that could harm residential neighborhoods. She was in favor of retaining a lobbyist for the Town in 2022 in order to preserve home rule.

Rosanne Minnet, resident, cautioned that allowing a “mega-project” in Lauderdale-By-The-Sea without proper vetting could set a dangerous precedent, and that any single-family homes on El Mar Drive should be compatible with adjacent land uses.

Betty Bauman, rental property owner, requested that the Commission revisit restrictions on the short-term rental of lots less than 60 ft. in width west of Bougainvillea Drive. She pointed out that there are no clear explanations for these limitations and places an unfair burden on excluded properties.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO August 2021 Report

Captain Tom Palmer of the Broward Sheriff’s Office (BSO) noted that in August 2021, two Deputies helped to save the life of an individual through CPR. They have been nominated for BSO’s Lifesaving Award.

Vice Mayor Oldaker noted that there has been a decrease in citations over the previous month. Captain Palmer advised that five Deputies were absent for medical reasons in August, and severe weather also had an effect on the number of citations.

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

b. AMR August 2021 Report

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

c. VFD August 2021 Report

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

8. TOWN MANAGER REPORT

a. July Finance Report

Director of Finance and Budget Lucila Lang clarified that while the Capital Project Fund lists El Mar Drive as “81% complete,” this refers only to design. When the budget was modified for fiscal year (FY) 2021-2022, \$75,000 was included for this design.

The Commissioners accepted the report without discussion.

b. Town Manager Report

Interim Town Manager Linda Connors reported that Public Information Officer/IT Administrator Steve d'Oliveira and Town Clerk Tedra Allen are working on an updated parliamentarian system, which will be loaded onto the Commissioners' laptops at the end of September 2021 for testing.

Interim Town Manager Connors also noted that the Town has hired consultant Steven Fett to help design options in the event the Commission wishes to move forward with a Downtown update that removes parking from Commercial Boulevard. She recommended a workshop be scheduled to discuss options. This Commission workshop was scheduled for October 4, 2021 at 6:30 p.m.

Commissioner Strauss requested an update on the Bel Air seawall. Interim Town Manager Connors advised that it was determined that the Town does not own the entire structure: it is owned by the Town, the Palm Club, and the Leisure Gardens Trust, which may or may not be active at present. The Town is considering options on how to move forward with replacement of the entire seawall. Staff is communicating with the other two entities and will bring an update back to the Commission.

Commissioner Strauss also asked for an update on the temporary speed hump proposed for Spanish River Drive. Interim Town Manager Connors recalled that this was installed approximately two weeks ago and the Town has received no complaints. Staff is considering the use of this type of temporary structure in other neighborhoods as well.

Commissioner Strauss requested information on Anglin's Pier, including a timeline for improvements. Interim Town Manager Connors noted that Staff has reached out to its owner, who has stated that repairs will begin in November. If this is not done, the Town will proceed with Code Enforcement measures.

Commissioner Strauss asked if there is the possibility of a timeline for the proposed repairs. Interim Town Manager Connors advised that this was done with the Special Magistrate during the Code Enforcement process. The existing Code violations will be revisited at a subsequent Special Magistrate hearing and fines will be reactivated if no progress is made.

Mayor Vincent commented that he would like the owner and builder to be alerted that the Town is aware of current supply chain issues, and they should proceed with securing materials now rather than after mobilization begins in order to prevent further delays.

Commissioner Malkoon noted that the Town has saved \$375,000 with the ongoing lateral lining project.

9. TOWN ATTORNEY REPORT

Mayor Vincent requested that Town Attorney Susan Trevarthen work with the Ericks Consulting team in the future to keep the Commission and other Town advisory bodies apprised of pending legislation at the state level.

10. APPROVAL OF MINUTES

- a. July 27, 2021 Special Commission Meeting Minutes**
- b. July 27, 2021 Town Commission Meeting Minutes**
- c. August 10, 2021 Town Commission Meeting Minutes**

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

11. OLD BUSINESS

None.

12. NEW BUSINESS

a. Special Event Application for ESA South Florida Surf Contest

Special Events and Marketing Manager Hime explained that this Application was submitted by the Eastern Surfing Association for a surf contest to be held Saturday, October 9, 2021. The Application was submitted 37 days before the proposed event. ESA is a volunteer organization and has asked if they may pay the \$100 nonprofit application fee instead of the \$250 fee

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve the Special Event Application for ESA South Florida Surf Contest, waiving the full application fee. Motion carried 5-0.

13. COMMISSIONER COMMENTS

Vice Mayor Oldaker reminded all present that the hurricane season is ongoing, and recommended that residents keep emergency supplies ready. He added that it is also king tide season, and there may be water in the streets due to unusually high tides.

14. ORDINANCES 1ST READING

- a. Ordinance 2021-08 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 12 “LICENSES,” ARTICLE I “BUSINESS TAXES,” SECTION 12-24, “HOME OCCUPATIONS,” TO MODIFY REGULATIONS TO CONFORM, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she was disappointed that the Town did not join several other Florida municipalities in opposing this legislation. She felt the Town should have kept its residents apprised of pending legislation.

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

Acting Development Services Director Jhanelle Campbell explained that in July 2021, the Florida Legislature partially preempted the Town's ability to regulate home-based businesses through House Bill (HB) 403. This Statute allows only specific aesthetic regulations, such as signage, parking, storage, and noise, to be enforced. It does not affect vacation or short-term rental regulation.

Employees of home-based businesses are allowed to live on-premises, and two additional employees who reside elsewhere may also work at the home. The business can have an unlimited number of remote employees. The original regulations that are in Town Code for home-based businesses were approved by referendum on 2006. The Ordinance before the Commission tonight is amended only to the extent necessary to comply with Florida Statutes. Staff recommends approval of the Ordinance as presented.

Candice Ericks and Lauren Jackson of Ericks Consulting advised that they had opposed this state legislation on the Town's behalf. It was one of several major preemption bills introduced throughout the legislative session, and was made a priority by the Speaker of the House.

Ms. Ericks noted that when a bill is prioritized by the Speaker of the House, it is very difficult to change its substance. She concluded that the advocacy team did everything it could to oppose this legislation and will continue to work toward overturning it over the next six months, although it can be difficult to repeal a bill during the same legislative session when the same leadership is in place.

Commissioner Malkoon asked if there are any deadlines by which the Town must update its local Code to meet this state requirement. Town Attorney Susan Trevarthen explained that this bill does not specifically require municipalities to change their Codes to comply: even if the Town did not make this change, the state law has already taken effect.

Commissioner Malkoon proposed that the Ordinance be tabled and revisited in January of the next year rather than enacting it now. He also recommended a more proactive approach by the Town, such as outreach to state representatives, and encouraged residents to take these steps as well.

Mayor Vincent also felt it may be best not to advance the proposed Ordinance in the hopes that Florida municipalities will continue to protest the Statute. He asked if it is

possible to determine how many other municipalities have not codified the new law. Ms. Ericks suggested that the League of Cities may have this information.

Commissioner Strauss expressed concern that the Town might have missed an opportunity to participate in the discussion of HB 403 in a way that could have made a difference. He was also in favor of a “protest vote” by refusing to modify Town Code.

Vice Mayor Oldaker requested clarification of the local State delegates who voted in favor of HB 403. It was clarified that State Representative Chip LaMarca had voted for the bill, while State Senator Gary Farmer had opposed it. Vice Mayor Oldaker suggested that Congressman LaMarca be invited to address the Town on this issue. Interim Town Manager Connors stated that Staff will reach out to the State Representative with an invitation if that is the Commission’s desire.

Town Attorney Trevarthen advised that as Town Staff issues business tax receipts (BTRs) for home-based businesses under HB 403, they will need to follow Ordinance 2021-08 whether or not it is enacted. While the Town is allowed to charge for BTRs, they are heavily preempted against raising this fee under most circumstances. There appears to be no part of Ordinance 2021-08 that could harm the Town if it is not enacted: neighbor disputes and lack of clarity are the most likely results of not enacting the Ordinance.

Vice Mayor Oldaker asked if residents using their houses as home-based businesses could jeopardize their homestead exemptions. Town Attorney Trevarthen replied that the Statute states the primary use of the home must still be residential. Interim Town Manager Connors noted that the Property Appraiser takes the square footage of business use into consideration and may make adjustments accordingly.

Ordinance 2021-08 died for lack of motion.

- b. Ordinance 2021-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11 “DEFINITIONS,” AMENDING ARTICLE V “ZONING,” SECTION 30-241 “RM-25 DISTRICT – APARTMENTS AND LODGING,” TO MODIFY CONDITIONAL USE REGULATIONS SOUTH OF PINE AVENUE AND CREATE PROHIBITED USE REGULATIONS ON EL MAR DRIVE; AMENDING SECTION 30-242, “RM-25 DISTRICT – REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF**

60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS SOUTH OF PINE AVENUE” TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Jim Sellitti, owner of the Seaward Specialty Resort, stated that he was in favor of the prohibition of single-family homes on El Mar Drive. He asked that Ordinance 2021-09 be enacted without grandfathering the current application for a single-family home, and requested that he be kept apprised of any additional schedule changes that would affect the quasi-judicial hearing on the application. He provided copies of his full statement for the record.

Tony Sellitti, also representing the Seaward Specialty Resort, advised that this resort has been a historic fixture in the Town for several years and has accommodated thousands of tourists during its existence. He asserted that the property will be negatively affected by shading if the proposed single-family structure is built within a tourist district.

Jeri Staudacher stated that her family hopes to build a single-family home on El Mar Drive and felt they have been mischaracterized in public opinion. They have met with nearby residents to discuss changes to their design and hope to be a part of the Town.

Barbara Cole, resident, commented that the Town Attorney had originally proposed bringing a zoning in progress back to the Commission to prevent construction of single-family homes on El Mar Drive, rather than making this a part of Ordinance 2021-09. She concluded that the proposed project would not be a neighborly addition to the Town and would negatively affect its surroundings, including existing businesses.

Courtney Crush, attorney representing Dave and Jeri Staudacher, stated that her clients object to removing conditional use from the RM-25 zoning district. They are also concerned with changing a definition from “apartment house” to “apartment building.” Her clients’ pending application has been amended in response to community and Staff feedback. She felt the application meets Code criteria for and the applicants have been responsive to resident feedback.

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

Acting Development Services Director Campbell gave a brief presentation on Ordinance 2021-09, which was created as a result of multiple Commission directives and public comments in recent months. The Ordinance addresses a number of issues, including:

- Clarification of the definition of “apartment house”
- Establishes prohibited uses adjacent to El Mar Drive and the RM-25 zoning district, including single-family residences, duplexes, and churches on El Mar Drive
- Limits conditional uses allowed south of Pine Avenue
- Removes references to a section of Code that is proposed for deletion
- Deletes professional home occupation regulations covered in Section 12 of a previously discussed Ordinance
- Modifies regulations for lots 60 ft. or less in width in the RM-25 zoning district south of Pine Avenue and west of or fronting onto Bougainvillea Drive
- Removes the short-term rental prohibition for lots of the previously mentioned size
- Addresses whether or not the Ordinance will apply to any applications submitted to the Town prior to April 1, 2021

These issues were presented to the Planning and Zoning Board on September 1, 2021. The Board voted 5-0 to approve all issues with the exception of grandfathering the Ordinance, in which the vote was 3-2 against grandfathering any applications.

Commissioner Sokolow commented that the only aspect of the Ordinance with which he had an issue was not grandfathering the existing application, as this was a personal property issue and the applicant expected to be able to comply with conditional use. He was in favor of the current Commission adopting a stance against single-family homes on El Mar Drive, but not in response to plans for a single property that has been empty for several years.

Commissioner Sokolow continued that while he was in favor of including a grandfathering provision in the proposed Ordinance, this did not mean the property owners are not required to meet architectural and conditional use requirements. He concluded that the property should be grandfathered into the Ordinance, subject to owner compliance with architectural review and other requirements.

Commissioner Malkoon observed that while he was in favor of Ordinance 2021-09, he agreed with Commissioner Sokolow that the issue in question is one of property rights. The owners of the subject property are aware that they must meet conditional use

standards and have worked with Staff and neighboring properties to resolve differences. He was also in favor of the Ordinance, but not in a retroactive manner.

Mayor Vincent stated that an Ordinance was enacted in 2012 with a conditional use provision for single-family homes on El Mar Drive, with the expectation that any such plans must meet specific conditional use criteria including:

- Land use compatibility
- Compatibility of scale, intensity, traffic generation, and off-site impacts
- Harmony with adjacent land uses
- No adverse impacts on land use or activities in the immediate vicinity

Mayor Vincent continued that the proposed Ordinance went before the Planning and Zoning Board, who passed the issue on to the Commission for a decision. The Planning and Zoning Board then more recently denied the grandfathering of the proposed conditional use, which was not consistent with their earlier decision to have the Commission make a decision. He was in favor of grandfathering the application, which must still go through the quasi-judicial hearing process and meet criteria for conditional use in order to be approved.

Commissioner Sokolow made a motion to approve Ordinance 2021-09 on first reading, with the addition of the paragraph that covers the grandfathering of the conditional use application submitted prior to April 1, 2021, subject to compliance with conditional use criteria in Section 30-120.

Town Attorney Trevarthen suggested that the following be added to the effective date clause of Ordinance 2021-09: "This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021, which shall continue to be governed by the conditional use process and all other requirements of the Code prior to enactment of this Ordinance." The Commissioners agreed by consensus to add this language.

Commissioner Malkoon seconded the motion. Motion carried 5-0.

- c. Ordinance 2021-11 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," TO CREATE SECTION 30-114, "CITIZEN PARTICIPATION PLANS REQUIRED;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that many residents have asked for a plan of this nature.

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

Commissioner Strauss described the proposed process as a win/win for the Commission, Staff, and the public, as it provides an additional layer of review. Vice Mayor Oldaker agreed, but requested clarification of whether or not meetings must be held in Town Hall. Acting Development Services Director Campbell replied that the Town Manager may make this determination.

Town Attorney Trevarthen further clarified that the Ordinance provides for a plan, with Staff to determine whether or not the plan is sufficient. Details are not dictated within the Ordinance as written, although they could be added for second reading if that is the Commission's desire.

Interim Town Manager Connors added that the plan requires a minimum of one meeting. Depending upon the level, size, or prospective impact of the project, Staff may recommend additional meetings.

Commissioner Sokolow expressed concern that the Ordinance may be more far-reaching than the Commission had anticipated. Acting Development Services Director Campbell explained that the participation plan requirement would apply only to major Site Plans or Site Plan Level II modification, which have criteria addressing density, intensity, parking, and other considerations. Commissioner Sokolow also noted that the proposed group may wish to meet outside of Jarvis Hall to review a property.

Mayor Vincent felt the Town needs to determine which projects require community outreach. Acting Development Services Director Campbell reiterated that these would include major modifications or Site Plans.

Mayor Vincent asked if the reporting back to Staff should be done by a private citizens' group, and which Staff member determines if this group has done its job. He also expressed concern for who would determine whether or not this group conducted sufficient outreach or participation.

Interim Town Manager Connors explained that when an applicant brings forth a Site Plan or a modification to intensity, land use amendment, rezoning, or conditional use, the property owner is provided with notice of a meeting, including its date, location, and agenda. This information would be included in a plan that is given to the Development Services Director, Town Manager, or other Staff designee. Staff also ensures that the meeting is not scheduled for a holiday or otherwise within an unreasonable time frame. The applicant then makes a presentation, listens to input from the public, and is asked to summarize the meeting and any changes that resulted from it. The Planning and Zoning Board, as well as the Commission, will be able to understand what happened from the meeting as well as any changes made or not made.

Mayor Vincent cautioned against too much Staff or Commission involvement in making decisions about what should be included in citizen participation meetings, noting that additional opportunities for participation are already part of the Planning and Zoning and Commission processes.

Interim Town Manager Connors explained that the intent of the Ordinance is to have public participation already on record before an application goes to the Planning and Zoning Board or the Commission. A report would be compiled for attachment to the Planning and Zoning Board application. The intent of the Ordinance is not to be onerous to an applicant through unnecessary requirements, but to provide a summary so the Planning and Zoning Board and/or Commission understand what happened at the meeting as well as any changes to the application.

Vice Mayor Oldaker characterized the proposed Ordinance as a different process from speaking at a Planning and Zoning Board or Commission meeting, both of which are more formal settings. He recommended, however, that Jarvis Hall be used as the setting for these meetings, and that the meetings be videotaped so the public can see them if they wish, rather than requiring an applicant to provide a written report. Mayor Vincent reiterated that he felt the requirements should be simpler.

Commissioner Strauss pointed out that the developer is required to hold the meeting and provide an explanation of the application, and that the only report necessary should be that the meeting was advertised and held. He did not feel the meeting must be held in Jarvis Hall or recorded, and suggested that locations be determined in consultation with the Town Manager.

Commissioner Malkoon noted that the intent of Ordinance 2021-11 is to ensure that developers work with residents and hear any concerns before a project reaches an advanced stage.

Commissioner Malkoon made a motion, seconded by Vice Mayor Oldaker, to approve Ordinance 2021-11, amending Chapter 30 of ULDR Article V, Zoning, to create Section 30-114, Citizen Participation Plans, with direction to determine if there are ways to simplify the Ordinance. Motion carried 5-0.

15. ORDINANCES 2ND READING

- a. Ordinance 2021-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES AT CHAPTER 3, “ALCOHOLIC BEVERAGES,” SECTION 3-4 “LIMITATIONS AS TO HOURS OF SALE” TO AMEND THE HOURS OF SALE FOR OFF THE PREMISE CONSUMPTION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Commissioner Sokolow cautioned that Section 3-4 could be construed to mean product could not be consumed in an individual’s own home. Town Attorney Trevarthen noted that this sentence has been part of Code for many years and tracks the language used in State Statutes. The Town may add a sentence clarifying that this would not apply to alcohol purchased at retail. Commissioner Sokolow directed Staff to add this sentence.

Approval of Ordinance 2021-06 was deferred until later in the meeting in order to provide time to craft appropriate language.

- b. Ordinance 2021-07 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE VI, “SIDEWALK CAFÉS” TO MODIFY REGULATIONS RELATED TO MAINTENANCE OF RIGHT OF WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Malkoon made a motion, seconded by Vice Mayor Oldaker, to approve Ordinance 2021-07, amending Chapter 17, “Streets, Sidewalks and Other Public Places,” to modify regulations related to maintenance of right-of-way. Motion carried 5-0.

16. RESOLUTION – PUBLIC COMMENT

- a. Resolution 2021-50 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING LICENSE AGREEMENT WITH BENIHANA INC. FOR USE OF THE RIGHT-OF-WAY ALONG WEST TRADEWINDS AVENUE AS A TRANSFER LOCATION FOR VALET PARKING; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that the subject area around Benihana has a number of issues, and she felt allowing these to continue would negatively affect other businesses in the Plaza. She recommended tabling the Item.

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

Public Works Director Ken Rubach explained that the right-of-way area was approved by the Commission in 2006 as part of the Site Plan. Benihana had entered into an agreement with the Town for the right-of-way to access private property. The Town would now be able to access a parking area it does not own.

The most recent agreement was executed in 2016, when Staff reviewed the agreement prior to its expiration, and noted that there are parking areas nearby that have a higher rate than the Plazas. In working with Benihana, the Town agreed to provide a blended rate that increases to 94 cents per spot in the first year and \$1.12 per spot in years two through five of the agreement.

Commissioner Strauss expressed concern with traffic affected by the location of valet parking and parking in general for Benihana. Traffic coming eastbound from the bridge into the Town may not be able to make a right turn onto Tradewinds Avenue due to backed-up traffic that is awaiting valet parking or drop-off. This could pose a danger to drivers turning onto Tradewinds Avenue.

Commissioner Strauss recalled that earlier in his tenure on the Commission, he had requested a study of this area to determine its safety. A consultant prepared a report that identified three areas of concern; however, none of these addressed the issue that concerned him. He emphasized the need for a study on the specific issue of eastbound traffic from the bridge being blocked by traffic turning onto West Tradewinds Avenue.

The 2006 agreement with Benihana addresses this issue in paragraph 7.5: "Licensee agrees to control, at all times, the stacking of vehicles on West Tradewinds Avenue and on the premises, so that the traffic lanes on Commercial Boulevard are never blocked or impeded." Failure to control this stacking may result in the Town moving valet parking intake to the south side of the driveway and the exit to the north driveway of the west parcel.

Commissioner Strauss advised that if he had been aware of this clause, he would have asked why it has not been enforced, as stacking remains a danger in the subject area. He recommended arranging another location for Benihana's valet parking to avoid this issue as part of a renegotiated agreement. The agreement could be postponed until the best solution is determined. Another possibility is reaching out to the consultant that performed the study and asking them to look into the eastbound traffic issue. He recommended postponing the agreement at least until the end of September so the consultant would have time to address his concern.

Public Works Director Rubach stated that he has already reached out to the consultant, which is looking into this issue. He has also shared the Town's concerns with the Florida Department of Transportation (FDOT), and they are considering the option of posting additional signage. It is hoped that the consultant will respond with results within the next month.

Commissioner Strauss asked if there would be any problems associated with extending the Town's agreement with Benihana for another month. Public Works Director Rubach advised that he would reach out to Benihana the next day to determine this. Town Attorney Trevarthen recommended that the Town ask to continue Resolution 2021-50 until the next meeting.

Mayor Vincent asked if the Town has ever considered the stacking of vehicles entering from the south and exiting from the north. Public Works Director Rubach suggested that Staff could monitor the valet lot during its busiest times on the weekends to determine how they currently deal with stacking.

Interim Town Manager Connors recommended tabling the Item until the October 12, 2021 meeting so Staff has time to collect information. Staff would reach out to Benihana to confirm their agreement with this time frame.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to table Resolution 2021-50 until the first meeting in October (tentatively set for October 12) so Staff can collect additional information. Motion carried 5-0.

Town Attorney Trevarthen addressed Item 15.a, proposing the following language in Section 3-4, line 46 of the Ordinance: "This Section shall not be interpreted to limit the hours during which persons who purchase such substances for their own consumption may consume them on their own property."

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-06 with the additional language stated above by the Town Attorney. Motion carried 5-0.

- b. Resolution 2021-51 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SECOND AMENDMENT TO THE FARMERS' MARKET LICENSE AGREEMENT WITH PLANTATION FARMERS MARKET CO-OP LLC DBA COMMUNITY FARMERS MARKET SOUTH OF FLORIDA; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, agreed with a public comment made earlier in the meeting regarding the Farmers' Market, which recommended limiting the items that can be sold there.

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

Vice Mayor Oldaker observed that the Farmers' Market is typically open from 10 a.m. to 2 p.m. on Sundays during two months of the year. He did not feel this constituted a significant threat to other Town businesses and was not in favor of limiting what can be sold there.

Mayor Vincent noted that Staff is working on a potential agreement with the Farmers' Market that would address certain conditions and operations. Interim Town Manager Connors confirmed that she and Special Events and Marketing Manager Hime have researched farmers' markets in other nearby communities, which have significant differences from the Farmers' Market in Lauderdale-By-The-Sea. They are requesting a one-year extension in order to continue this research and determine how the Town can improve its Farmers' Market.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-51, amending the existing agreement to provide for an additional year extension for the FY 2021 season, based on the same terms and conditions, and to authorize the Interim Town Manager to execute the amendment. Motion carried 5-0.

- c. Resolution 2021-52 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING THE DEVELOPMENT REVIEW FEE SCHEDULE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

Commissioner Strauss made a motion, seconded by Commissioner Sokolow, to approve Resolution 2021-52, incorporating the sidewalk café cleaning charge. Motion carried 5-0.

- d. Resolution 2021-53 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ACCEPTING THE ALLOCATION OF \$3,337,689 IN CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FROM THE U.S. DEPARTMENT OF TREASURY UNDER THE AMERICAN RESCUE PLAN ACT; APPROVING THE AMERICAN RESCUE PLAN ACT CORONAVIRUS**

**LOCAL FISCAL RECOVERY FUND AGREEMENT WITH THE STATE
OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT;
AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE
AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

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

Commissioner Malkoon advised that a report is due for submission at the end of October with respect to these funds.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to approve Resolution 2021-53 accepting American Rescue Plan Act funds and approving and authorizing the Interim Town Manager to execute the American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund agreement. Motion carried 5-0.

17. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 10:25 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

Date

Town Commission Meeting
Public Comments

1. Scot Sasser, resident

I would like to thank each of you, staff, and the members of the P&Z board for listening, presenting, and supporting Ordinances 2021-09 and 2021-11. I previously came before and you and reiterated all the hard work of previous Commissions to protect and preserve our special sense of place in LBTS, especially downtown and El Mar Drive. These Ordinances tonight go a long way in protecting the unique identity and balance LBTS has that makes us special. I trust you will make the proper decisions and do what is right and fair for the applicant currently in process. In the meantime, please pass Ordinance 2021-09 and 2021-11 to ensure proper public participation and to protect El Mar Drive. Thank you again for listening to the concerns and acting swiftly with these Ordinances.

2. Wayne Dillistin, resident

Ordinance 2021-08 – I understand the state is dictating this amendment however along with its passing by the Commission I would appreciate the Commission to please inquire and request a review of our existing codes and ordinances making sure that the most restrictive language possible is in place. One example being our signage ordinances for residential signage, if none exist could you please direct staff to create an update, so we have at least something on the books.

Ordinance 2021-09 – I would like to voice my support for all parts of this ordinance EXCEPT for the GRANDFATHERING portion. In my personal opinion this applicant has gone from being Neighborly and showing good faith to VICTIM with threats of lawsuits upon the Town. When this happens no further negotiating, grandfathering or acceptations should be made with these applicants. Our government doesn't negotiate with threats against our country, and we shouldn't negotiate with threats against our Town as they are not acting in good faith. That's not how this Town or its people operate and would hope the Commission would stand with the WILL OF THE PEOPLE no matter what the outcome is.

Resolution 2021-51 – In regard to the farmers market regarding Exhibit B part II. Permitted Products. I would like to ask to the Commission to remove the language from the paragraph stating, "OTHER ITEMS WHICH MUTUALLY AGREED UPON by the TOWN and LICENSEE which may be offered for sale such as "ORIGINAL ART" Reason being a Farmer's Market should be just that and not competing with its local businesses. It should NOT be selling art, jewelry, sunglasses, craft items and the like... IT ALSO SHOULD NOT SERVING FOODS and DRINKS as in selling plated means, sandwiches and wraps IN DIRECT CONFLICT OR OUR LOCAL RESTAURANTS, IT SHOULD ONLY BE SELLING FARMED ITEMS such as stated in the agreement. Vegetables, fruits, flowers, juices, plants, sauces, dips,

seasonings, and the like. The Towns agreement SHOULD take priority in RESPECTING its local restaurants and retailers. If the Farmers Market is not able to be sustainable doing such then so be it. I respectfully ask all parties from staff to the Commission to keep the Town's businesses its priority and not leave this statement so vague and specifically list the items that are mutually agreed upon, so they are clearly stated and transparent.

3. Jose Gonzalez, resident

Please vote no on Ordinance 2021-08 as Lauderdale by the Sea residents had no knowledge of what was going on at the state legislature and therefore, we could not present our points of view. On Ordinance 2021-09, we completely agree and therefore a "yes" will be appropriate. On Ordinance 2021-11 we also agree and a yes also is appropriate.

4. Marc & Cristie Furth, resident

Please vote yes on Ordinance 2021-09 to prevent over-built, McMansions that overpower their neighbors and block our most prized El Mar Drive Ocean views. The current McMansion applicant should either be denied or undergo strict conditional use and architectural review criteria to lessen the impact.

A big yes on Ordinance 2021-11 that requires community outreach before starting major development projects. A lot of expense in time, money and good will could have been saved if this process has been followed with the El Mar Project.

Lastly, adverse issues such as Ordinance have 2021-08, that change allowable Home Businesses should have been brought to the attention of Town residents early in order for us to have a voice in the outcome las did many other Florida communities. Shame on those on our Town Staff for dropping the ball on an issue as important as this that could severely impact the quality of life in our residential neighborhoods forever.

5. Kelly Byron, resident

As a long-time resident of Lauderdale by the Sea, I am asking that you vote in favor of both Ordinance 2021-09 and 2021-11 to preserve the hotels on El Mar Drive and stop single family McMansions, and to include the home up for discussion this evening under said ordinance as well, to allow citizens the ability to actively participate in the Town's major developments long before they reach Planning & Zoning. The suggestion of including this important information within the Town's Code Red System for "hot topics" issues would be a great resource to inform residents and businesses.

6. Diana Kugler

I am asking that you vote no to allowing single family homes on El Mar Drive. I am speaking specifically about the proposed over 8,000 sq. ft. 4 story mansion to be built on 4112 El Mar Drive. This is a small 50 ft lot which has been used for public and beach access for over 40 years. If this is approved, this will open the doors to future developers and will drastically change the landscaper of the "quaint seaside Town".

7. Christina Buerosse, resident

I believe as a resident it's our right to elect persons whom reside in our community to create ordinances and to have the power to implement and mandate them. The States overreach with Short Term Rentals and now Home-Based Businesses could have devastating long-term impacts on our residential neighborhoods.

At a previous P&Z meeting we spoke of HOAs, CO-OPS and Condo Associations possible having the ability to work around these State laws. It pains me to think that measures such as these be the only option we have to regulate common sense ordinances such as the types of businesses that can operate in our residential communities.

As I review the budget that is before you this evening, I do not see a line item for a lobbyist. If monies have not yet been allocated, I respectfully ask the Commission to consider putting funds aside to hire a lobbyist in 2022 to have our voices heard in Tallahassee and see the Home Rule Powers to be restored to our Town, with emphasis on our residential districts.

No two communities in Florida are the same. Lot sizes and proximity to neighbors vary largely. I for one do not want a 24-hour Pawn Shop or Juvenile Delinquent Facility opening just feet away from my residence, nor do I want their customers walking up and down my street at all hours of the night. Yes, this may be a stretch but at this point our Town has no ability to stop it.

We've selected you, Commissioner Strauss, Commissioner Sokolow, Commissioner Malkoon, Vice Mayor Oldaker, and Mayor Vincent to create and enforce reasonable zoning regulations that are compatible for our unique Town, please do not stand silently by as the State continues to strip Home Rule Powers from you and our community.

8. Roseann Minnet, resident

You have the future of the "Town's Character" in your decision. Please ask yourself: Are you listening to the residents who care and love this Town, or are you listening to the people who say what is the difference, change is inevitable. Of course, "change is inevitable", we change every day. It is in your decision can affect a multitude of issues. Do not let your decisions be swayed by "interpretations" of Town Staff or the Town Attorney. Ultimately YOU are the casting votes. They are advisors, you are elected by the people to represent the people. Either reject or accept the undesirable "mega-projects" in our beloved Town. There are Rules of Urban Design, and this community has fought long and hard to maintain them. Allowing the "mega-project" without proper vetting is a dangerous slippery slope.

9. Betty Bauman, resident

I am a rental property owner for more than 20 years on the west side of Bougainville Drive and respectfully ask to revisit the short-term rental restrictions for lots under 60 feet and west of Bougainville Drive.

I have not seen any sensible scientific explanation for the limitations on lot size nor location. The buildings on the east and west side of Bougainville Drive are similar. Some were built as motels as was mine. Behind my property on Poinciana are other multi-family rental properties.

This is a conflict with RM-25 Zoning as well as the hotel license which allows for short term rentals and is discriminatory, allowing most to do short term rentals but some not, while we all pay similar property tax and insurance.

This is placing an unfair burden on those who are excluded. To help property owners have adequate funds to keep their properties nice or update it's time to revisit this antiquated and unjust rule. Please at least consider the west side of Bougainville Drive.

Those opposed to this short-term rental ruling should understand that even a couple of short-term rental unit in the mix would help to pay expenses with no negative impact on neighbors. Please consider the silent majority versus the vocal minority. I thank you for your evaluation of this matter appreciate your efforts.



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Debbie Hime

Submitting Department: Administration

Item Type: Consent

1. **Agenda Section:** CONSENT AGENDA

Subject Title: Special Event Application for St. Patrick's Day Celebration March 17, 2022

Explanation: Steve Deleon, the owner of The Village Grille and Anthony D'Elia, General Manager of 101 Ocean (collectively, "Applicants") have submitted a Special Event Application (**Exhibit 1**) requesting Commission consideration for The Village Grille and 101 Ocean to hold their annual St. Patrick's Day Celebration on Thursday, March 17, 2022 (the "Event").

The Event anticipates approximately 200 spectators to attend, with recorded music and food service starting at 6:00 p.m., and a live band from 6:30 p.m. to 10:30 p.m.

Thursday, March 17, 2022

Set Up	3:00 p.m.
Food Service Starts	5:00 p.m.
Music Starts	6:30 p.m.
Music/Food Service Ends	10:30 p.m.
Event Site Cleaned By	Midnight

The Event site plan is the same site plan as previous Friday Night Music events, including a 16' x 25' stage with canopy, up to six (6) 10' x 10' canopies with bar set ups, and approximately 18 tables with chairs on either side of the street.

Recommendation: Staff recommends approval of the Event with the following conditions:

1. The Police Chief will:
 - a. Specify the number of BSO detail officers needed for traffic and crowd control and arrange for the number of detail BSO deputies required to work on public property for crowd and traffic control. The Applicants will reimburse the Town for this expense.
 - b. If the Applicants want BSO detail officers to work on private property during the event, Applicants shall make those arrange directly with the BSO Detail Office for the number of BSO deputies working.
 - c. The Police Chief shall review the Applicants' Maintenance of Traffic Plan (MOT) if requested.

2. On the north and south ends of the Event site, barricades and fencing shall be placed to protect the public from on-coming traffic and provide safe passage along the sidewalk. The Applicants shall keep the sidewalks next to the Event site and within the Event site open and clear for pedestrian traffic.
3. Parking/Road Closures: Applicants may block off parking spaces and shall pay for all parking spaces closed as a result of the Event.
 - a. Two parking spaces for turn-around, 130 & 131 from 8:00 am. to 8:00 p.m. (2 spots x 12 hours x 3.00 = \$72. 00)
 - b. Applicants may block off parking spaces 121 through 132 (12 spaces) beginning at 2:00 pm (132 is handicap and thus no charge)
 - c. The Applicant shall pay for all parking spaces closed as a result of the Event at the then current meter rate. 2:00-11:45 pm = 9.75 hours x 12 spaces x \$3.00 = \$351 prior to the event
 - d. The El Mar Parking Lot shall remain open to the public.
 - e. There shall be no public parking on the median lanes of El Mar Drive.
 - f. The Applicants may use the southbound median lane across from the El Mar Parking Lot for staging show vehicles
4. The Applicants shall provide access to the bathroom facilities in their business for attendees of the Event.
5. The Applicants shall arrange for an inspection of the Event site from Town staff to ensure that it is organized in a safe manner to protect attendees and that all electrical cords and similar materials are covered to avoid a trip hazard.
6. The Applicants shall maintain at least two (2) exits from the Event area.
7. Set up of the Event will start at 3:00 p.m. and tear down will be completed by midnight.
8. Power supply needed shall not exceed Town's power supply of 20 amps.
9. As needed during the Event and at the end of the Event, the Applicants shall empty all waste receptacles and recycling bins, including Town bins, within the Event area and within 100 feet of the Event area.
10. A Clean-up Deposit may be required if the Town is required to clean the site. The deposit shall be paid within two weeks of invoice. Clean up fee starting at \$150 will be charged if area is not cleaned to Town standards.
11. Tents, canopies, stage, tables, chairs, etc., shall not interfere with pedestrian walkways, ingress or egress.
12. Stage is required to have two sets of steps for egress.
13. The Applicants shall have one (1) fire extinguisher (5 lb. or 2A 10 or 40BC) at each canopy and the stage during the event.

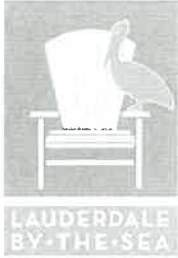
14. No open flame devices are allowed.
15. All related Fire Marshall and Building Official's related requirements shall be followed and adhered to as directed.
16. The Fire Marshal shall inspect and approve the Event layout prior to opening.
17. The cost of any inspections or work required by Town Staff after normal working hours will be billed to the Applicants and must be paid within two weeks of invoice date.
18. No alcohol is permitted outside of the designated Event area.
19. The Applicants shall provide written notice to all properties (El Mar, A1A, Commercial) affected by this Event by February 17, 2022, after the Town's approval of the notice and area of distribution.
20. All signage will be approved and permitted by Development Services at least 30 days prior to the Event.
21. All sound systems must be operated so as not to exceed 95 dBA or 95 dBC between the hours of 5:30 PM and 8:30 PM, which is the noise level established for this Event.
22. Insurance:
 - a. At least thirty (30) days prior to the event, the Applicants shall provide a Certificate of Liability written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1, 000,000 per occurrence and \$2,000,000 general aggregate for property damage with thirty (30) days written notice required for cancellation.
 - b. The Applicants shall provide Certificate of Liquor Liability Insurance written in comprehensive form at least thirty (30) days prior to the event naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage which provides coverage for each event authorized by this permit. The Certificate shall specify that the Town will be given at least thirty (30) days written notice of any cancellation.
 - c. No required policy shall have a deductible or self-insurance retention greater than \$15,000.
 - d. All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance will provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any event, the Applicant will be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement will be issued as part of any required

policies. Failure to comply with these requirements will justify a denial, suspension or revocation of the requested approval by the Interim Town Manager or designee.

23. In the event that control of any applicable event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Applicants (the "Subcontractor"), the Subcontractor shall be required to meet the insurance and indemnification requirements of set forth in the Permit and this Approval, under which the Applicant is applying, as if they were the Applicants and will be held responsible for compliance with the Town Code as if the Subcontractor were the Applicants.
24. In the event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this Event shall expire unless the Interim Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.
25. The Applicants shall owe no monies to the Town at the time of the Event or have any code citations or violations. There shall be no code violations or monies due such as fines, fees, taxes or other charges, permits or licenses outstanding or owed to the Town by the current or past property owners or operators of the Applicants. An Applicant may not participate in the Event unless all monies due are paid, permits/paperwork received, and code issues resolved 14 days prior to the Event.
26. The Interim Town Manager may suspend permission for this Event or required changes in the site plan due to conflicting activities, failure of the Applicants to comply with the terms and conditions of the Town's event permit, for health or safety issues, or for the best interests of the Town.
27. Upon showing by the Applicants of a valid reason, or if required by the Town, the Interim Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special events.
28. Permission for this Event may be suspended or modified by the Commission, Interim Town Manager, or designated Staff.
29. The Interim Town Manager or onsite Town representative may terminate the Event or Applicants' participation due to Applicants not complying with the terms and conditions of the Town's event permit, for health or other safety reasons.

Attachments: Ex.1 - Special Event Application for St. Patrick's Day Celebration

Updated 10-6-21



SPECIAL EVENT APPLICATION

Submit this completed application at least 60 days prior to the proposed date of your event.

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

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

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

Name of Event: ST. Patrick Day
Same footprint as Friday Night Music Revised

Event Purpose, Description and Activities: Music, Food Celebration

New Event ☐ or Returning Event ☒ Previous Attendance ☐

Day(s) and Date(s) of Event: Thursday March 17th 2022

Proposed location of the Event (location, streets, landmarks): Village Pump + 101 oceans

4400-4406 North & South Bound lanes Elmer Dr.

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

Participants: 200 #Spectators #Adult volunteers: 10

Please complete the following table:

Activity	Day	Time
Start of set-up:	<u>Thursday</u> <u>March 17 2022</u>	<u>3pm</u>
Start time of the Event:	<u> </u>	<u>5pm</u>
EVENT		
End time of the Event:	<u>Sunday 3/17/22</u>	<u>10:30 PM</u>
Start of Clean up:	<u> </u>	<u>10:30pm</u>
Clean-up completed by: (Site restored to original condition)	<u> </u>	<u>Midnight</u>

Name and address of host or sponsoring organization:

Is applicant a Non-Profit Organization?

YES ☐ NO ☒

Please attach Organization's proof of 501c3 IRS exemption, background, history, accomplishments, and other events:

Person submitting Application ("Responsible Party"):

Name: Steven Deleon
Mailing address: Village Centre

Anthony D'Elia 101 oceans
619-665-8776

Phone: 954-776-5840

Mobile phone:

Email: Steve-deleon@hotmail.com

Fax:

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

Name(s): Steve Deleon

Mailing address:

Phone: 305-773-5519

Mobile phone:

Evening phone:

Fax:

Email:

Add information as necessary:

Will you have an event contractor or planner?

YES ☐ NO ☒

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

Name:

Company Name:

Business Address:

Company Email:

Phone Office:

Phone Mobile:

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

Request for Town Involvement:

Are you requesting the Town be involved with this event in any way? YES ☐ NO ☒

If yes, describe services requested, if any:

STATEMENT OF BENEFIT

If the applicant is seeking sponsorship/co-sponsorship from the Town of Lauderdale-By-The-Sea, a Statement of Benefit is required by Town Code and shall be included here or attached to this application.

If the Town is a sponsor or co-sponsor of the event, the Applicant shall keep financial records of the event sufficient to document all revenues and expenditures. These records shall be available at reasonable time within Broward County for inspection by the Town.

(Insert here or denote if attached)

FEES

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

YES

NO

If yes, provide details:

SOUND SYSTEMS

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

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

Yes Proposed amplified sound/speaker system:

Yes Proposed live music: List genre, type, ambiance:

Yes Planned recorded music

NO Do you require electrical connections for any of the above? Please give details:

CLEAN EVENT STANDARDS

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

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

Name the contractor or organization (including contact information) who is responsible for your Event's recycling:

Name:

Email:

Address:

Daytime phone:

Mobile phone:

TENTS, CANOPIES, STAGES, BLEACHERS

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

A canopy is a tent without sides.

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

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

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

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

Tents: NO
Canopies: 7 10x10
Stages: 1 16'x25'
Bleachers: 0 list size and max load:

UTILITIES

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

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

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

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

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

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

NO Electrical power:
NO Water:
NO Gas, propane, BBQ grills, generators:
NO Fuel Storage:

SIGNAGE

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

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

Are you requesting permission to erect signage for this Event?

YES NO

For each sign please provide:

Description, number of signs, proposed dates, location, size of signs in square feet and letter size:

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

RESTROOMS (show on Site Plan)

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

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

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

Number of restroom facilities required by Town: TBD

Number of additional restroom facilities, and type, that will be on event site: N/A
(Show on Site Plan)

STREET CLOSURES

Street closures may be required at the Event's expense

Are you requesting that any public streets be closed for the Event? YES NO
I don't know, please advise _____

North & South Bound lanes 4400-4406 E 1st Mar Dr.
If yes, indicate the streets and blocks and times the closure is requested:

TRAFFIC CONTROL/BARRICADES

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

Please list your traffic control contractor, if applicable:

VEHICLES

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

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

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

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

TRAFFIC CONTROL PLAN

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

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

Are you requesting the reservation of any Town parking meter spaces for the Event? YES NO

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

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

OFF DUTY POLICE/CODE COMPLIANCE OFFICERS

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

Do you anticipate needing off duty police officers for your Event?
Do you anticipate needing code compliance officers for your Event?

YES YES NO NO

CONCESSIONS:

A no-compete clause pertaining to local restaurants will be required where applicable.

Are you planning to have any type of concessions?

YES NO

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

YES NO

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

Is the food free of charge _____ or for sale _____

Do all food vendors have a temporary food service permit?

YES NO

Please list the types of food that will be served:

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

Charcoal Grills	<u>HA</u>	Sterno	_____	Fryers	_____	Open fires	_____
Propane Grills	<u>HA</u>	Refrigerators	_____	Smokers	_____	Hoods	_____
Concession trailers	_____	Warmers	_____	LP Tanks	_____	Other	_____

Provide details of dispensing locations here and on Site Plan

ALCOHOL

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

Are you planning on selling alcoholic beverages at the event?

YES YES NO NO

If YES, has a liquor permit been obtained from the State of Florida?

Provide details of dispensing locations here and on Site Plan

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

VENDORS

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

Name	<u>HA</u>	Company	_____	Vendor Type	_____
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ANIMALS

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

Are animals included in your event?

YES ☒ NO

If yes, please give details:

FIREWORKS

(Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event?

YES ☒ NO

SALE OF MERCHANDISE

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

☒ YES NO

List items for sale: T-Shirts

RIDES

Rides or other amusement may require a State of Florida inspection

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

Are rides to be included in the Event?

YES ☒ NO

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

Mechanical/Electrical:

Inflatable (bounce house etc.):

Manual (slides, trampolines):

Other:

NO BALLOONS RELEASED

When balloons are released over the ocean, they become a major source of pollution and significantly increase the mortality rate among sea turtles, birds and other marine life. Sea turtles and fish often mistake the balloons for jellyfish, eat them and die when their stomachs become blocked. Birds can become entangled in the balloon strings and drown. To help reduce the threats caused by balloons, I agree that there will be no release of balloons at this event and I have been informed that the release of balloons is illegal under Florida Statute 379.233. Balloons may be used for decorations at an event but they must either be deflated or taken home at the end of the event, NEVER released into the air. Failure to abide by this requirement will result in the cancellation of the current Event and denial of future special event permits.

I agree no balloons will be released



FIRE WATCH or EMS ONSITE

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

First Aid facilities may be required by Town at Event's expense. Initial gb

INSURANCE

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

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

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

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

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

Do you and all parties involved have the required insurance coverage needed for this Event?
YES NO

EVENT CONDITIONS

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

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

If the Event is approved by the Commission, they will establish the Event conditions that the application shall abide by during the Event. Standard Conditions shall include, but are not limited to the following:

1. Permission for this Event may be suspended or modified by the Commission, Town Manager or his designated Staff.
2. Turtle Clause: If any of the set-up will take place on the beach sand please avoid any marked sea turtle nests with a minimum buffer of 30 feet.
3. Setup of the Event will start at about 3pm and the area will be cleaned and open by Midnight
4. The Police Chief shall specify the number of BSO detail officers needed for traffic and crowd control. The Applicants shall contract with BSO Detail Office for the detail BSO deputies within ten (10) days of receiving Event approval.

5. The Police Chief shall approve the Applicant's Maintenance of Traffic Plan (MOT), if one is required.
6. The Applicants shall submit a solid waste and recycling plan for approval at least 30 days prior to the Event to the Municipal Services Director. The Applicant shall provide additional waste receptacles and recycling bins. During the event as needed and at the end of the event, the Applicant shall empty all of the waste receptacles and recycling bins and pick up litter within the event site and 100 feet of the site.
7. All signage will be approved and permitted with Development Services at least 30 days prior to the event
8. All related Fire Marshall and Building Official's related requirements have been approved
9. Provide proof of additional restroom facilities ordered at least 30 days prior to event
10. The event and its approved sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. All music shall end promptly at 10:30pm.
11. The event site shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered so as to not pose a hazard to the public or event staff, or will be battery operated.
12. Parking Requirements have been identified, fees paid and listed on site plan
13. The Applicant shall provide a written notice to all properties affected by this event by (date), (30 days in advance) for approval prior to distribution; and confirm in writing which properties have been notified.
14. Clean up Deposit may be imposed, based on the final Site Plan, and due two weeks prior to the event.
15. Clean up fee starting at \$150 will be charged if area is not cleaned to Town standards.
16. Final Site Plan must be presented for approval at least 48 hours in advance of the event.
17. Streets and sidewalks will be free of any debris and cleaned at the end of tear down.
18. A Damage Deposit may be imposed, based on size of event and location.
19. There will be no release of balloons at this Event.
20. Any inspections or work required by Town Staff after normal working hours will incur additional costs set forth by the respective department.
21. Upon showing by the Applicant of a valid reason, or if required by the Town, the Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special Events.
22. The Applicant shall meet the following minimum insurance requirements per Ordinance 2015-06, which may be modified by action of the Town Commission for a specific Event:
 - a) Prior to issuance of the requested permit, proof of commercial general liability insurance, whether through a single policy, or a combination of policies, in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury and property damage.
 - b) No required policy shall have a deductible or self-insurance retention greater than \$15,000.
 - c) All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance shall provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any Event, the Applicants shall be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement shall be issued as part of any required policies. The Applicants shall provide an original certificate of insurance as evidence of continued coverage prior to any annual renewal of the permit. Failure

to comply with these requirements shall justify a denial, suspension or revocation of the requested approval by the Town Manager or designee.

- d) In the Event that control of any applicable Event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Applicant (the "sub-applicant"), the sub-applicant shall provide insurance and indemnification meeting the requirements of this Section under which the Applicant is applying, as if they were the Applicant and shall be held responsible for compliance with the Town Code as if the sub-applicant were the Applicant.
 - e) If applicable, at least thirty (30) days prior to the first Event, the Applicants shall provide a Certificate of Liquor Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage, which provides coverage for each Event authorized by this permit. The Certificate shall specify that the Town will be given at least thirty (30) days written notice of any cancellation.
23. In the Event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this Event shall expire unless the Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.
24. Applicant shall owe no monies to the Town at the time of the Event. There shall be no past due fines, moneys, fees, taxes or other charges owed to the Town by the current or past property owners or operators requesting the special Event permit. A special Event permit will not be issued until all past due debts to the Town are paid in full.
25. The Town Manager may suspend permission for this Event due to failure of the Applicants to comply with the terms and conditions of the Town's permit, due to conflicting activities, for health or safety issues, or for the best interests of the Town.
26. The onsite Town representative may terminate an Event due to the Applicant not complying with the terms and conditions of the Town's Event permit, for health or safety issues, and for such as but not limited to, crowds that exceed the capacity of the Event site.

INDEMNIFICATION

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

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

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

PERMISSION OF THE PROPERTY OWNER

Applicant's and Property Owner's Certification

An event held on property that is not owned by the applicant requires the permission of the property owner, which is granted by having the property owner sign this special event application.

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

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

<i>Applicant</i>	<i>Property Owner</i>
<i>I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.</i>	<i>I give the applicant permission to use my/our property for the proposed special event and I understand the Town's requirements to hold a special event and the information given by the applicant is complete to the best of my knowledge.</i>
Applicant's Signature (required): _____ Date _____	Property owner's Signature (required): _____ Date: _____
Applicant's (Print information below) Name: Title: Organization: Telephone: Mobile: Email:	Property Owner's (Print information below) Name: Title: Organization: Telephone: Mobile: Email:
STATE OF FLORIDA: COUNTY OF BROWARD:	STATE OF FLORIDA: COUNTY OF BROWARD:
SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by _____ who is personally known to me/provided _____ as identification and who did/did not take an oath.	SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by _____ who is personally known to me/provided _____ as identification and who did/did not take an oath.
My Commission Expires: _____ _____ Notary Public, State of Florida	My Commission Expires: _____ _____ Notary Public, State of Florida

SITE PLAN DETAILS

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

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

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

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

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

Location:

- The site of the event, with streets, parks and other landmarks identified
- Routes for races, parades, etc.
- Traffic routing and road closures
- Ticket Kiosks
- Access control points
- Signage (*shall be approved by Development Services prior to Application submission to Town Commission*)
- Signs (location, size, color and wording)*

Public Services:

- Fire lanes (emergency access for fire equipment and EMS)
- Restroom facilities (incl. Portable & Private)
- Locate electrical equipment, permanent and temporary (temporary electrical installation (must be to code and approved by Town)
- Trash and Recycling receptacle locations
- Smoking and No Smoking areas
- Pedestrian walkways
- Garbage Cans
- Recycling Bins

Hazard/ Precautions:

- Hazards at the site (ditches, construction areas, obstructions to pedestrian traffic, bodies of water)
- Fencing, barriers, barricades, walls, gates, etc.
- Gasoline, propane, grills, fire, charcoal, generators, any other flammable fuel
- Fuel Storage and dispensing areas
- Fire Extinguishers Minimum size 4A/10BC one every 75 ft. of travel. If cooking, Class K or 1 40BC rated Fire Extinguisher for every cooking station or canopy (at discretion of Fire Marshall)
- Generators (shall be approved by Fire Marshall in advance)

Event:

- Canopies, tents, stages (types shall be specified) locations for sales, food service, etc. *Large tents will require Fire Marshall approval of illuminated exit signs and fire extinguishers*
- Vendor locations (booths or tables and approximate size, (Vendor's company names phone numbers and email addresses required on separate page at least 48 hours in advance of the Event)
- Restrooms – Portable and Private
- First Aid facilities
- Trailers, storage, sleeping facilities, service boxes, displays, etc.
- Alcohol serving/consuming areas
- Rides and Amusements, Rides, demonstrations, performance areas and stages including Musicians and Artists

Parking:

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

Code or Security Enforcement (paid by Event)

- EMS stand-by or Fire watch areas (include first aid stations)
- Police: Off duty police officers (if known)

Street
Sidewalk

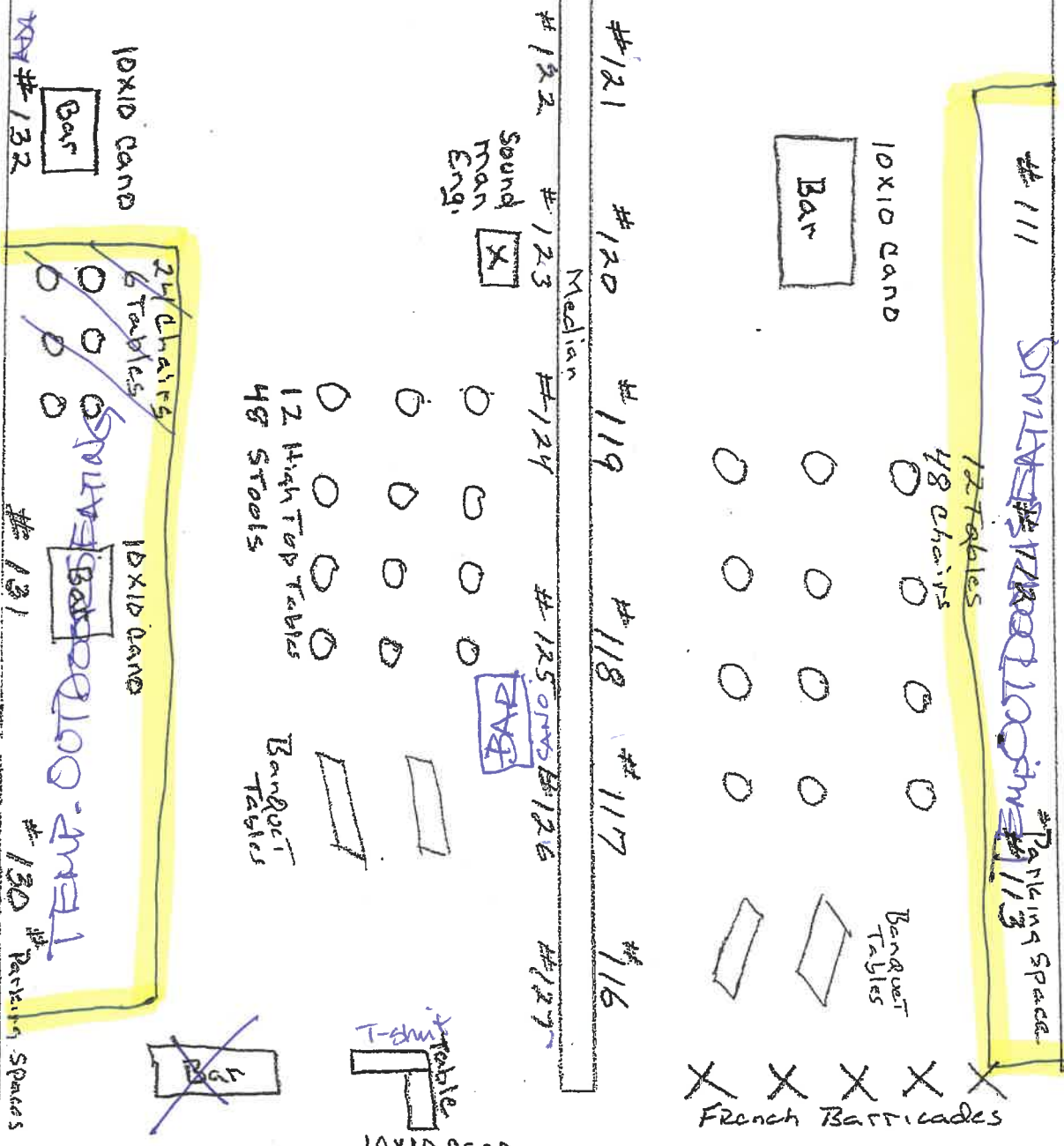
French Barricades

2x10x10 cano Stage 12'x25'

Sidewalk

Village
Gaile
Village
Pum
Village Gaile
Sushi

101 Ocean



Sto De Len 10/6/21

U TURN

Matthews

Applicant's Certification

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

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

I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.

[Signature]

Applicant's Signature (required)

7/22/21

Date

Steven DeLeon Village Brille

Applicant's Printed Name and Title/Organization

305.773.5519

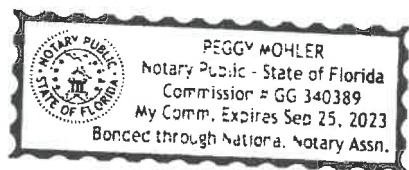
Telephone Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

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

Peggy Mohler

Notary Public, State of Florida
My Commission Expires:

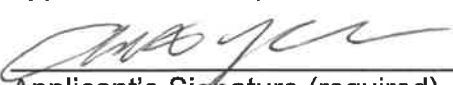


Applicant's Certification

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

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

I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.


Applicant's Signature (required)

10/5/21
Date

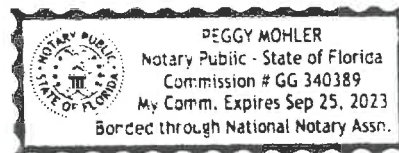
Anthony DeLa G.M. 101 Ocean
Applicant's Printed Name and Title/Organization

954-776-8101
Telephone Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

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


Notary Public, State of Florida
My Commission Expires:





Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Lisa Slagle, Human Resource Manager

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: OLD BUSINESS

Subject Title: Town Manager Position

Explanation: On January 8, 2021, the Commission appointed Linda Connors as the Interim Town Manager until such time that the Commission hires a Town Manager (**Exhibit 1 – January 8 meeting minutes**).

On March 23, 2021, Ken Parker representing Florida City/County Managers' Association ("FCCMA") provided a presentation regarding the use of FCCMA Senior Advisors during this transition period and the availability for their assistance during the Town Manager search (**Exhibit 2 – March 23rd meeting minutes**). At that meeting, the Commission voted to extend the term of the Interim Town Manager to the first meeting in October at which time the Town Manager position would be revisited.

The Town Commission has the following options to consider regarding the Town Manager position:

1. Negotiate a contract with Linda Connors to fill the Town Manager position.
2. Extend the Interim term for Linda Connors.
3. Direct Staff to Hire FCCMA or a consultant to conduct a search and assist as necessary in the Town Manager recruitment.

Attachments: Ex.1 - January 8th Commission meeting minutes
Ex 2 - March 23rd Commission meeting minutes

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Friday, January 8, 2021
4:00 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 4:02 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Finance Director Lucila Lang, Public Works Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. DISCUSSION ITEM

2.a Discussion of the Town Manager and Acting Town Manager Resolution 2021-01 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING AN ACTING TOWN MANAGER TO SERVE IN THE EVENT THE TOWN MANAGER IS ABSENT OR DISABLED; APPOINTING ALTERNATES TO SERVE AS ACTING TOWN MANAGER TO SERVE IN THE EVENT THE ACTING TOWN MANAGER IS ABSENT OR DISABLED; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Mayor Vincent explained that the special meeting was called to ensure that an Acting Town Manager is appointed before the following week, as both Town Manager Bill Vance and Acting Town Manager/Public Works Director Ken Rubach will be unavailable at that time. The Town will also need to establish a succession plan to clarify the individual(s) who may act as Town Manager.

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, recalled that it was suggested some time ago that an Assistant Town Manager be appointed, and recommended that this issue be placed on a Town Commission Agenda as soon as possible

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Town Attorney Susan Trevarthen advised that the Commission will not vote at tonight's meeting to change the Town's organizational chart by permanently creating an Assistant Town Manager position. The Resolution before the Commission tonight reaches back to the pre-2019 format in which multiple alternates are proposed, beginning with the Public Works Director and followed by the Development Services Director and Finance Director. If Resolution 2021-01 is approved, this structure would remain in place indefinitely until it is revisited.

Town Attorney Trevarthen continued that Resolution 2021-01 was prepared with this line of succession in mind, based upon the recommendation from current Acting Town Manager Ken Rubach.

Town Attorney Trevarthen read from Provision 5.6 of the Town Manager's contract, which refers to "a temporary absence from the Town which does not invoke 5.4 of the Town Charter." It also states that the Town Manager shall provide prior notice if s/he anticipates being away for more than two consecutive business days. The contract specifically refers to a period that does not invoke the Charter provision requiring the Acting Town Manager to serve in the absence of the Town Manager.

The Commission agreed by consensus to proceed with Resolution 2021-01, with Commissioner Sokolow stating that the Commission should discuss the line of succession in greater detail at a future meeting. Town Attorney Trevarthen advised that the proposed resolution establishes the three members of the line of succession for the Town Manager and will not change again unless the resolution is revisited.

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

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the following line of succession for the Acting Town Manager: Ken Rubach, Linda Connors, and Lucila Lang. Motion carried 5-0.

Mayor Vincent continued that he would also like to discuss the status of the Town Manager's contract. Town Attorney Trevarthen explained that the Town Manager's contract establishes a deadline by which the Commission must decide whether or not to extend it into the future.

The current contract was approved in early 2019 for a three-year term, with March 1 established as the anniversary date. At the end of year two, March 1, 2021, there is a

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January 8, 2021

deadline by which the Commission must decide whether or not to extend the contract. The following options are available:

- Vote to extend the contract by adding years or amending the terms of the agreement
- Vote not to extend the contract, which would then end on March 1, 2022 with no severance or additional decisions to make
- Make no decision, which would occur if the Commission does not take action before March 1, and allow the contract to end on March 1, 2022

Other relevant provisions of the contract include:

- Termination with cause, which is referred to in the agreement as “termination with misconduct;” the Commission may also terminate without cause, which would result in severance payment
- Voluntary resignation by the Town Manager with written notice, which would forfeit any claim to severance pay
- Performance review, which was most recently conducted in February 2020 and has not yet been scheduled for 2021; in this case, the Town Manager and Commission work together to establish and prioritize goals

Town Attorney Trevarthen further clarified that “misconduct” in this case refers to statutory principles and provisions. This would not stem from a minor disagreement, but would require a breach of contract or willful failure to conform to or violate a statutory code of ethics. Failure to meet performance objectives would not be classified as misconduct.

Mayor Vincent recalled a conversation with Town Manager Vance in late 2020 in which the Town Manager wished to place early extension of his contract on an upcoming Commission Agenda. The Town Manager also indicated that he was making similar proposals to other members of the Commission. He later asked the Town Attorney to communicate to the Mayor a number of changes to his contract, including raises and extensions. Mayor Vincent had expressed concern with both the proposed changes to the contract as well as the possibility of making a decision on extension prior to the Town Manager’s performance review.

Mayor Vincent continued that he has had other concerns with the Town Manager’s performance, some of which are reflected in the written performance review of February 2020. These included the following concerns:

- Deficiencies in communication with the Commission
- Failure to provide information or viable alternatives to recommendations

Lauderdale-By-The-Sea
Virtual Special Town Commission Meeting
January 8, 2021

- Inadequate budget preparation and loss control
- Tendency to respond too quickly to sensitive issues without a full understanding of them
- Erratic management that has interfered with Staff's ability to perform their duties

Mayor Vincent stated that since February 2020, he has continued to have challenges in working with the Town Manager, including the exercise and implementation of the Mayor's emergency powers during the COVID-19 pandemic. He also felt the Town Manager has been insubordinate on a number of issues, some of which affected the Mayor's relationships with Town Staff, the community, and other organizations.

In light of these issues, Mayor Vincent felt the Town should discontinue the employee/employer relationship with the Town Manager. The Town Attorney has reviewed and summarized the available options for accomplishing that outcome.

Mayor Vincent concluded that he has considered the financial component of termination without cause, which would allow the two parties to part ways. Based on these considerations, he recommended that the Town terminate the Town Manager without cause, make the required severance payment, and move forward with the process of recruiting a new Town Manager.

The Commission discussed the Mayor's recommendation, with Commissioner Malkoon noting that Town Staff has done a creditable job of carrying out their responsibilities without significant leadership from the Town Manager. He agreed with Mayor Vincent that termination without cause was the best recourse.

Vice Mayor Oldaker stated that he was supportive of the Mayor's recommendation as well, recalling that he had disagreed with the Town Manager regarding the presentation of economic issues and policies to the Commission. He noted that there were a number of incidents which had caused him concern during the Town Manager's tenure.

Commissioner Strauss commented that he would appreciate additional time for greater reflection on and consideration of this issue, and requested that any vote be postponed until the next Commission meeting on Tuesday, January 12, 2021, if possible.

Commissioner Sokolow stated that while he has been disappointed by the Town Manager at times, he was not certain that termination without cause was the best possible action. He also requested additional time to reflect on this issue.

Lauderdale-By-The-Sea
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January 8, 2021

Town Attorney Trevarthen advised that the Town Manager's contract specifies what happens if a motion to terminate without cause is made and approved. This includes a clause stating that any payout based upon the Town Manager's separation will be calculated by the Finance Director and presented to the Mayor and Commission for review and a vote at a subsequent meeting. It would then be paid to the Town Manager within 30 days of his separation.

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to terminate [the Town Manager] without cause, with severance to be calculated according to procedure, effective immediately. Motion carried 4-1 (Commissioner Sokolow dissenting).

Mayor Vincent noted that the position of Interim Town Manager may require changes to the order of succession previously voted upon at tonight's meeting. He observed that Development Services Director Linda Connors would be well-positioned to assume the role of Interim Town Manager due to the longevity of her service to the Town. He recommended that succession for this position be followed by Ken Rubach and Lucila Lang respectively.

Town Attorney Trevarthen explained that the Commission would need to reconsider their adoption of Resolution 2021-01 in order to invoke a different order of succession. She noted that while the Charter specifically refers to an Acting Town Manager, this position is more limited and temporary than the position of Interim Town Manager.

Development Services Director Linda Connors confirmed that she would be willing to assist the Town in the capacity of Interim Town Manager.

Town Attorney Trevarthen clarified that the Commission may move to reconsider their previous decision on Resolution 2021-01, or Staff may bring forward a different Resolution in the future if that is the Commission's preference.

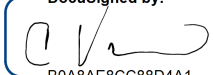
Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to reconsider Resolution 2021-01. Motion carried 5-0.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to change the Resolution [2021-01] to name Linda Connors as Interim Town Manager, with Ken Rubach and Lucila Lang in succession as Acting Town Manager until a new permanent Town Manager is hired. Motion carried 5-0.

Lauderdale-By-The-Sea
Virtual Special Town Commission Meeting
January 8, 2021

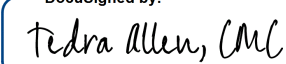
3. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 5:15 p.m.

DocuSigned by:

B0A8AE8CC88D4A1

Mayor Chris Vincent

ATTEST:

DocuSigned by:

F79938A3F45D42F

Town Clerk Tedra Allen

1/27/2021

Date

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 23, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Finance and Budget Lucila Lang, Director of Public Works Ken Rubach, Acting Development Services Director Jhanelle Campbell, Special Projects Coordinator Debbie Hime, Human Resources Manager Lisa Slagle, and Public Information Officer/IT Administrator Steve d’Oliveira, Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Malkoon requested that reconsideration of the El Mar Drive project in October 2021 be added under Old Business.

5. PRESENTATIONS

a. Florida Child Abuse Prevention Month

Mayor Vincent read a Proclamation declaring April 2021 as Florida Child Abuse Prevention Month.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comments:

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- Barbara Cole, resident, addressed Ordinance 2021-01, and recommended that future Ordinances consider the possibility of title changes for Departments and Staff
- Michael and Paula Morelli, residents, spoke in favor of Florida House Bill 239, which permits municipalities to regulate smoking on the beach, and asked the Commission to pass a Resolution of support for this measure

7. PUBLIC SAFETY DISCUSSION

a. AMR February 2021 Report (Chief Brooke Liddle, AMR)

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors reported that Staff training is ongoing, including Executive Team training as well as training specific to Staff positions. Performance evaluations and their requirements are outlined in the Town's personnel manual. Any future raises will be based upon these evaluations.

Interim Town Manager Connors also asked if there is Commission consensus to move forward with issuing a request for proposal (RFP) for a lobbyist. The Town currently has a lobbyist who has assisted them with issues related to the Palm Club. Their final renewal was issued in 2020 and their contract ends in October 2021.

The Commission briefly discussed this issue and agreed to determine whether or not they may retain the consulting firm without issuing an RFP. Town Attorney Susan Trevarthen pointed out that the Commission has the ability to waive this RFP by Resolution. Staff will bring this Item back to a subsequent meeting.

Interim Town Manager Connors continued that she has provided the Commission with information on scheduled vehicle leases, which was requested at the February 23, 2021 meeting. The recent COVID-19 relief bill includes \$2.8 million for the Town, which will be administered through the state. Funding will be provided in two allocations, the first of which is anticipated within 90 days. The Town has until December 2024 to spend this funding. The money may be used to respond to COVID-19 and deal with the pandemic's

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negative economic impacts, including revenue loss and necessary infrastructure investments. Additional information will be provided to the Commissioners as it becomes available.

Interim Town Manager Connors addressed the reopening of Town Hall, advising that she has asked Public Works Director Ken Rubach and Staff to set up Jarvis Hall in a way that can safely accommodate the Commission, Staff, and the public. She will meet with each Commissioner individually to determine their comfort level with public safety measures at upcoming meetings.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen addressed the issue of regulating smoking on the beach, as raised under Public Comment. This bill is moving forward in the Florida Legislature with the support of the Florida League of Cities as well as the Association of Counties.

Vice Mayor Oldaker requested an update on a state bill addressing the regulation of home-based businesses. Town Attorney Trevarthen noted that some of the most troubling preemptions proposed by this bill have been removed. An earlier version of this bill would have preempted the Town's ability to protect its neighborhoods from noise and other significant impacts associated with home-based businesses.

10. APPROVAL OF MINUTES

- a. February 23, 2021 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

- a. Special Event Application for Community Church Ocean Baptism on May 1, 2021 (Manager of Special Events, Branding, & Marketing)**

Special Events, Branding, and Marketing Manager Debbie Hime advised that this request was made by a church from the city of Tamarac, which has performed ocean baptisms in the Town for the past few years. The event anticipates roughly 90 individuals on the

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beach. The church has submitted a list of event guidelines to be followed in recognition of the ongoing pandemic. Staff recommends approval of the event.

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

12. OLD BUSINESS

a. Town Manager Search – FCCMA Option – Ken Parker (Susan Trevarthen, Town Attorney)

Ken Parker, representing the Florida City/County Managers' Association (FCCMA), provided a brief presentation on the assistance that can be provided by senior advisers. These advisers are retired city and county managers who are not compensated for their services. A city can request the involvement of senior advisers in their Town Manager search process.

Mr. Parker recommended that the Commission review a number of policy questions and issues provided by FCCMA senior advisers. He also noted the options available to the Commission, which include:

- Employ a recruitment firm that can match the Town with candidates who meet their qualifications, using the Town's Charter and Ordinances
- Recruitment of candidates by the Town itself, including placement of ads and solicitation of applications
- Select an internal candidate rather than going through the selection process
- Work with senior advisers who will act as colleagues to the Commission and Staff in undertaking a search; Town Staff would receive all applications and provide the advisers with copies

Mr. Parker noted that senior advisers do not perform any background investigation work, nor do they check the information submitted on resumes for accuracy. These responsibilities would fall to the Town. The advisers' work is based solely on the written information provided in resumes. They do not make individual recommendations on any specific candidate(s). A team of advisers reviews the submitted resumes. This team meets either in person or via conference call to provide this review.

At this time Mayor Vincent opened public comment.

Town Clerk Allen read the following public comment:

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- Barbara Cole, resident, recommended that the Commission select a Town Manager who will act as a steward for the Town and listen to residents' wants and needs

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

Town Attorney Trevarthen advised that the Commission may continue to consider its options regarding a potential Town Manager search, or they may wish to provide direction to Staff. She requested that Mr. Parker provide an opinion on the consideration of internal candidates.

Mr. Parker stated that outside candidates typically become more reluctant to apply for the position if there is a highly qualified internal candidate. Mayor Vincent commented that the documentation prepared by Mr. Parker notes that the ideal candidate is an individual with initiative and drive to serve as a strong advocate for the Town, bring forward innovative ideas and opinions to address community issues, and understand and commit to preserving the uniqueness of a small beach town.

Mr. Parker advised that the Commission should resolve the local/internal issue first before considering a larger search. This means interviewing those candidates first. Mayor Vincent noted that at present the Town can consider the Interim Town Manager, a former Mayor, and other local individuals who have expressed interest in the position. He asked the Commission for their input on potential internal and local candidates.

Vice Mayor Oldaker noted that the Town is moving in the right direction under the Interim Town Manager's guidance. He concluded that he would like more time to consider the Interim Town Manager's performance. Commissioner Sokolow suggested letting the budget process be completed under the Interim Town Manager and revisiting the issue once that process has concluded.

Commissioner Strauss asked if an outside firm or advisers might be brought in to vet or process the Town's internal candidates, or if the Commission will undertake this work itself. Commissioner Sokolow recommended that the Commission do this work internally. Town Attorney Trevarthen pointed out that both internal/local candidates have been known to the Town for several years; however, it is possible to bring in a service that could conduct a full background check if that is the Commission's desire, as this may be beyond Staff's purview.

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Town Attorney Trevarthen recommended that the Commission provide some direction on this issue, so that Staff, as well as the community, will have a clear understanding of what comes next. Options may include revisiting the issue in October 2021, at which time the Commission makes a decision on whether to make the Interim Town Manager the Town Manager or to proceed with another path.

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to have Interim Town Manager Connors remain as Interim Manager, to be revisited in three months to review progress.

Commissioner Sokolow suggested that the time frame for this consideration be extended through the end of the budget process, which would mean through the end of September 2021.

Vice Mayor Oldaker and Commissioner Malkoon accepted this amendment to their motion and second.

Town Attorney Trevarthen clarified that this Item would be revisited at the first Commission meeting in October 2021.

Motion carried 5-0.

b. El Mar Discussion (Commissioner Malkoon)

Commissioner Malkoon explained that he felt the Commission should reconsider their previous vote to revisit the El Mar Drive project in October 2021.

Commissioner Malkoon made a motion to cancel further consideration of the El Mar Drive project.

Commissioner Sokolow stated that he felt the motion is premature, recalling that one key reason for deferral of this issue until October was that the public had expressed a desire for Jarvis Hall to be reopened so they could provide public comment. He noted that it is likely Jarvis Hall will be open in May.

At this time Mayor Vincent ceded the gavel to Vice Mayor Oldaker.

Mayor Vincent seconded the motion. Motion carried 3-2 (Vice Mayor Oldaker and Commissioner Sokolow dissenting).

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Vice Mayor Oldaker returned the gavel to Mayor Vincent.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Sokolow stated that he was disappointed with the vote against further consideration of the El Mar Drive project, as he felt this cancelled the opportunity for more residents to state their opinions in public. He concluded that he would request placement of this issue on a future Agenda for further discussion.

Commissioner Malkoon noted that improvements are planned for El Mar Drive.

Commissioner Strauss felt the roundtable process used to discuss the Town's budget at a workshop meeting was very useful, and that these types of discussions should be more frequent.

Vice Mayor Oldaker thanked Interim Town Manager Connors, Public Works Director Rubach, and Finance Director Lucila Lang for providing the Commission with information on potential future projects for the Town.

Mayor Vincent wished all present a happy Easter.

15. ORDINANCES 1ST READING

- a. Ordinance 2021-02 -- AN ORDINANCE OF THE TOWN OF LAUDERDALE-OF-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT SECTION 6-4 "STREET CLOSURE," SECTION 14.5-68 "EXCLUSION OF PUBLIC AREAS," SECTION 20-23 "DEFINITIONS" TO CHANGE REFERENCES OF THE "MUNICIPAL SERVICES DEPARTMENT" TO "PUBLIC WORKE DEPARTMENT"; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (Neysa Herrera, Assistant to the Town Manager)**

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

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Town Attorney Trevarthen advised that the Town has previously considered having the codifier of this Ordinance make the necessary language changes; however, there is a charge for this amendment. The Ordinance is driven by the reclassification of jobs, which was approved by the Commission in 2020.

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

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2021-17 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND INCORPORATING CHANGES TO THE TOWN'S PERSONNEL POLICIES MANUAL; PROVIDING FOR IMPLEMENTATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (Lisa Slagle, Human Resource Manager)

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

Interim Town Manager Connors advised that while the Commission's Agenda Memo on this Resolution estimate an impact of \$9400 by this change; however, the memo did not include the required retirement plan funding information, which will change from roughly \$2000 to \$11,000.

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

- b. Resolution 2021-18 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIAL TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2020/2021;

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**PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION;
PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN
EFFECTIVE DATE. (Lucila Lang, Director of Finance and Budget)**

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

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

- c. Resolution 2021-19 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A” AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2020/2021 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE. (Lucila Lang, Director of Finance and Budget)**

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

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

- d. Resolution 2021-20 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING THE AGREEMENT WITH MATRIX CONSULTING GROUP, LTD. FOR CONSULTING SERVICES TO CONDUCT A COMPREHENSIVE EVALUATION AND OPERATIONS AUDIT OF THE LBTS VOLUNTEER FIRE DEPARTMENT IN AMOUNT NOT TO EXCEED \$46,000; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Neysa Herrera, Assistant to the Town Manager)**

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

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

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

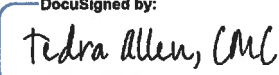
With no other business to come before the Commission at this time, the meeting was adjourned at 8:00 p.m.

DocuSigned by:

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Mayor Chris Vincent

ATTEST:

DocuSigned by:

F79938A3E45D42F

Town Clerk Tedra Allen

4/15/2021

Date



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Buz Oldaker

Submitting Department: Commission

Item Type: Discussion Item

Agenda Section: OLD BUSINESS

Subject Title: Parking Study

Explanation: During their October 4th Special Meeting, the Commission discussed the 2014 parking study and whether an update to the study would be beneficial in helping the Commission in their decision-making process regarding potential changes to the downtown.

Vice-Mayor Oldaker would like to have a vote to authorize an update to this study (**Exhibit A**).

Recommendation: Consider an update to the 2014 Parking Study

Attachments: Ex.A – 2014 Parking Study

REPORT

Lauderdale-By-The-Sea Parking Strategic Plan

February 2015

Prepared for:
Lauderdale-By-The-Sea



Submitted by:

DESMAN
ASSOCIATES

2881 East Oakland Park Boulevard
Suite 209
Fort Lauderdale, FL 33306
p: 954.315.1797
www.desman.com

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1. EXECUTIVE SUMMARY

Over the last six months or so, DESMAN developed a Parking Strategic Plan (PSP) to address how the Town of Lauderdale-By-The-Sea (the Town) could best meet the public parking demand over the next five and ten year periods. The recommendations of this PSP were developed to support and reflect the Town's commitment to maintain and enhance its existing character, to resolve undersupply in parking in a financially feasible manner, and support the Town Commission's view of the role of public parking in promoting business development.

This report is the compilation of a series of technical memoranda (listed in the Table of Contents) that address the work scope tasks prepared by the Town and included in the agreement between the Town and DESMAN. The recommendations included in this document were presented at a Town Commission Special Meeting and Public Meeting held on December 9, 2014. The Town Commission endorsed nearly all recommendations in the study as summarized below and cross referenced to the Chapter in this document where additional information is presented.

Summary of Findings and Recommendations supported by Town Commission

- | | |
|---|---------------------|
| 1. The Parking Fund is currently well-financed and self-supporting. The parking system is well-managed and the Town continually reviews its policies, goals and operations to provide the most efficient and effective parking supply. | Chapters 6, 7 and 8 |
| 2. The current parking supply is sufficient to meet the parking demand during the majority of the time. However, during tourist season the parking system nears capacity on Friday and Saturday evenings, especially in the beach and entertainment areas. | Chapter 1 |
| 3. Construction of a parking garage is not justified based on current demand. However, the Parking System can financially support the construction of a garage if rates and this matter should be revisited every two to three years to determine if parking demand has increased to the point that a garage is warranted at some time in the future. | Chapter 1 |
| 4. Should the Town continue to approve additional restaurant or entertainment uses in the beach area, additional parking will be required to meet the estimated increases in parking demand. | Chapters 3, 4 and 6 |
| 5. The Town should continue to explore additional opportunities to acquire/lease property to develop surface parking lots and/or add spaces. Adding 100 new spaces over the next two to three years would provide enough parking to accommodate the majority of the peak parking conditions. | Chapter 6 |
| 6. Parking rates should be increased to better manage parking demand, increase efficiency and help finance needed parking system needs and/or support public improvements. | Chapter 3 |

2. EXISTING CONDITIONS- PARKING SUPPLY AND DEMAND ANALYSIS

Summary and Recommendations

A parking lot or parking along a block face is considered fully occupied once it reaches about 85 percent occupancy. Therefore, occupancy of 85 percent will serve as the reference criteria for purposes of evaluating the parking demand in this study. Based on the peak occupancy counts and evaluation of the pay station and pay-by-phone data, the following conclusions can be reached:

- There is available parking capacity system-wide during all times of the year including during peak season. The data collected during peak season for the parking system did not indicate the system was at the 85 percent “full” level.
- However, the Beach Area parking lots and on-street spaces are at or nearing capacity during peak season on Friday, Saturday and Sunday ; and
- ; and
- Generally, there is available capacity overall between the Beach Area and the West Commercial Area during the entire year.

No-Build Scenario

Based on a strictly technical analysis, the parking demand can likely be managed through introduction of higher rates to change parking behavior, the potential introduction of a trolley route to reduce parking demand or serve more remote parking, or other measures such as implementation of space counting systems or a sophisticated way-finding system.

Build a Parking Garage

The Town has been very successful at creating a unique and desirable brand by providing dining and entertainment venues at the beach. Since there has been significant investment by the Town and the private sector, we believe that the Town should protect that investment and ensure control over their own destiny by preserving the option to build a parking garage on the A1A Lot in the future. The preliminary financial analysis presented in Memo 7 - Proforma Alternatives and Rate Study indicates a garage on the A1A Lot is financially feasible *if* supported by revenue generated by the entire Parking Fund. The garage, however, would come at a very high cost per net space gained and is unlikely to be underutilized most of the year.

Ultimately, the decision to build or not to build a garage is a policy decision.. When we presented our findings to the Town Commission in December, they determined they did not want to proceed with construction of a garage and would prefer to acquire an additional surface lot to meet high season demand.

More Detailed Examination of Parking Demand

This report provides a summary of parking data collection and analysis performed for the Town of Lauderdale-By-The-Sea (LBTS), Florida. This includes an analysis of the existing on-street and off-street parking inventory, occupancy, and turnover of public parking spaces between El Mar Drive and the Intracoastal Waterway (east to west) and the Village of Sea Ranch Lakes and the City of Fort Lauderdale (north to south) shown in Figure 1.

The parking data collection was evaluated for two geographic areas; 1) the Beach Parking Area, from Bougainville Drive to El Mar Drive as shown in Figure 2; and 2) the Commercial Boulevard District, west of Bougainville Drive as shown in Figure 3.

A parking lot or parking along a block face is considered fully occupied once it reaches about 85 percent occupancy. Therefore, occupancy of 85 percent will serve as the reference criteria for purposes of

evaluating the parking demand in this study (typically occurring in peak season). Evaluation and analysis of parking use data was required to determine the effectiveness and efficiency of the system. One goal was to determine not only when the system was full, but also when and how often the system was underutilized during the year. Consequently, two analysis periods and two methods were developed to collect and analyze parking data:

1. Estimate peak occupancy (use) during peak season. To accomplish this, field studies were conducted to collect peak parking occupancy during several weekdays and weekends in March and April, 2014; and
2. Estimate peak parking occupancy during the entire year. This was done by identifying how often the Town's largest parking lots, the El Mar, El Prado, Minto and A1A Lots, were 85 percent or more occupied for at least three hours of a day.
3. Using pay station and pay-by-phone data to identify the use by day of week and time of day for the four largest parking lots, the A1A lot, the El Prado Lot, the El Mar Lot and the Minto Lot.

That information is summarized below.

Peak Parking Occupancy during Peak Season

The peak season parking data was collected and is summarized in the following table and bullets listed below:

- On Saturday, the peak hour was 1 PM at 81 percent occupancy;
- On Sunday, the peak hour was 2 PM at 84 percent occupancy;
- Both the field and the pay station data match expectations and observations, showing that the parking occupancy tends to be higher during the weekend compared to weekdays;
- Most of the Beach Parking Lots were at capacity for long periods of time during the weekends, with parkers waiting for parking spaces to become available; and
- Parking outside the Beach District has significant capacity available relative to demand.

Parking Area	No. of Spaces	At 1 PM								At 2 PM	
		Wednesday 4/2		Thursday 4/3		Friday 3/23		Saturday 4/5		Sunday 3/25	
		Occupancy	%	Occupancy	%	Occupancy	%	Occupancy	%	Occupancy	%
Beach Parking Lot Peak	312	232	74%	231	74%	281	90%	312	100%	312	100%
Beach On-Street Parking	135	100	74%	110	81%	104	77%	117	87%	112	83%
Other On-street Meters	107	42	39%	47	44%	60	56%	69	64%	71	66%
CBD Parking	209	117	56%	112	54%	147	70%	119	57%	149	71%
Totals	763	491	64%	500	66%	592	78%	617	81%	644	84%

Parking Occupancy Year-Round

Data was collected from pay stations and pay-by-phone records for four of the Town's largest parking lots to determine how many days of the year were the lots at or above 85 percent occupancy for three or more hours during the day. Although this information does not include every parker in the system, it includes the majority of the parking system (almost 300 of 500 spaces located in the Beach Parking Area) and is where the vast majority of parking transactions occur, so is considered representative of the entire system.

The next two tables show the number of days each lot was full at least three hours during the 24-hour day. The first table lists the number of days the lot was 85 percent or more full between 9 AM and 5

PM, while the second table lists the number of days the lot was 85 percent or more full between 6 PM and 11 PM.

Parking Use from 9 AM to 5 PM

Lot	Days of the Week							Total
	M	T	W	Th	Fr	Sat	Sun	
El Mar	41	37	39	41	41	42	41	282
El Prado	20	9	7	13	22	37	42	150
A1A	4	1	0	0	1	23	33	62
Minto	3	1	1	1	2	22	28	58

Parking Use from 6 PM to 11 PM

Lot	Days of the Week							Total
	M	T	W	Th	Fr	Sat	Sun	
El Mar	39	37	39	40	26	42	41	264
El Prado	8	3	4	9	34	35	39	132
A1A	3	0	0	0	15	26	25	69
Minto	2	0	0	0	4	9	17	32

For ease of calculation and for comparison purposes, it is assumed that the peak season is approximately three months or twelve weeks in duration and there are three peak days/evenings during the peak season, including Friday, Saturday and Sunday. The result is a total of 36 Fridays, Saturdays and Sundays in a peak season and about 48 weekdays comprised of Monday, Tuesday, Wednesday and Thursday. The following is an evaluation of the data available for each of the four lots.

El Mar Lot

The El Mar Lot has 25 spaces. It has very high utilization year round with 282 days at capacity (77 percent of the year) and 264 evenings at capacity (72 percent of the year). Because of the proximal location of the parking to businesses, restaurants and the beach, utilization is evenly distributed throughout the week both during the day and in the evening, year-round.

El Prado Lot

The El Prado Lot has 90 spaces and has the second highest usage, with 150 days at capacity and 132 evenings at capacity. Over 100 of the capacity days occur on Friday, Saturday and Sunday during both days and evenings. While this lot is typically thought of as providing beach parking, the data indicates it is very active during the evenings as well, likely related to entertainment and/or dining use. 100 capacity days is equivalent to about 2/3's of the weekends throughout the year (52 weeks x 3 weekend days/evenings per week = 156 weekend days/evenings).

During the weekdays, the El Prado Lot reaches capacity during the majority of the peak season but has capacity available during the other nine months of the year.

A1A Lot

The A1A Lot has 95 spaces and has the third highest usage with 62 days at capacity and 69 evenings at capacity. Between 57 and 66 of the capacity days and evenings occur on Fridays, Saturdays and Sundays (92 and 96 percent on Saturday and Sunday, respectively). The A1A Lot has available capacity most weekdays throughout the year including peak season.

Minto Lot

The Minto Lot (now closed) had 78 spaces and had the lowest usage of the four lots with 58 days at capacity and 32 evenings at capacity. Almost all of the capacity days and evenings occur on Fridays, Saturdays and Sundays (90 and 94 percent on Saturday and Sunday, respectively). The MintoLot was used primarily as an overflow lot when the Beach Area Parking system was at high use during the peak season. Loss of the 78 spaces in the Minto Lot will likely increase use and occupancy of the A1A Lot, as well as create demand for the new 4312 Ocean Lot.

Like the A1A Lot, the Minto Lot had available capacity during most weekdays throughout the year.

2014 Parking Lot Revenue Generation

The following table list the revenue generation for each of the lots and it aligns with the use data. The highest per space revenue generation was in the El Mar Lot, the second, the El Prado Lot and so forth.

Lot	No. of Spaces	2014 Revenue		
		Annual	Per Space	Per Month
El Mar	25	\$185,679	\$7,427	\$619
El Prado	90	\$311,510	\$3,461	\$288
A1A	95	\$210,792	\$2,219	\$185
Minto	78	\$124,780	\$1,600	\$133
Total	288	\$832,761	\$2,892	\$241

The table also makes it apparent that the El Mar Lot has the highest intensity use, generating about \$618/space per month (average).

Study Area

This report provides a summary of parking surveys performed for the Town of Lauderdale-By-The-Sea (LBTS), Florida. This includes an analysis of the existing on-street and off-street parking inventory, occupancy, and turnover of spaces between El Mar Drive and the Intracoastal Waterway (east to west) and the Village of Sea Ranch Lakes and the City of Fort Lauderdale (north to south). The study area is defined by two specific areas:

1. The Beach Parking Area; and
2. The Commercial District CBD.

Figure 1 illustrates the 22 block study area where the parking surveys were conducted. The block numbers referenced in **Figure 1** correlate with parking occupancy tables provided later in the report.

Figure 2 displays the Beach Parking Area, which is defined by Washingtonia Avenue to the north, Bougainvillea Drive/Poinciana Street to the west, Hibiscus Avenue to the south, and the beach to the east. This portion of the study area includes the primary area where people visiting the beach and the entertainment areas are parking.

Figure 3 displays the Commercial District CBD, which is defined by West Tradewinds Avenue to the west, Harbor Drive to the north, the Intracoastal Canal (IC) to the east, and Basin Drive to the south. This portion of the study area includes parking areas for employees of both the beach and commercial areas and primarily visitors/shoppers to the CBD area.

Figure 4 shows the locations of the six surface parking lots that were surveyed in the study area. Except for the Sea Grape Lot (which is located in the West Commercial area), each of the surface lots are located in the Beach Parking Area.

Parking Inventory

Parking inventory counts in the study area were validated against Town’s inventory for both the on-street areas and surface lots. The type of spaces was also validated and included: pay parking (Pay), handicap parking (HC), employee parking (Empl), Freidt Park parking (Open), restricted parking (Res.), and electric vehicle parking (mini spaces).

Table 1 provides a summary of the on-street and off-street parking supply in the study area. A detailed parking inventory by street and off-street facility is provided in the Appendix. As shown in Table 1 there are a total of 763 spaces in the study area, with 554 in the Beach Parking Area and 209 in the CBD. The “Other On-Street Meters” designation includes the meters along Bougainvilla Drive and Poinciana Drive. These streets are located on the edge of the Beach Parking Area.

The majority of the spaces (658 spaces) are pay public parking. In the Beach Parking Area there no employee parking spaces. A substantial amount (40 spaces) of the parking in the CBD is reserved for employee only parking, including 18 spaces in the Seagrape Lot, 15 on Harbor Drive and 7 on East Tradewinds Drive (north of Commercial, west side). There are an additional 63 dual use on- street spaces that can be used by either the public (pay) or by employee permit including 25 along Commercial Boulevard, 24 on Bougainvilla Drive and 14 on East Tradewinds Drive (north of Commercial, east side).

Figure 1- Study Area

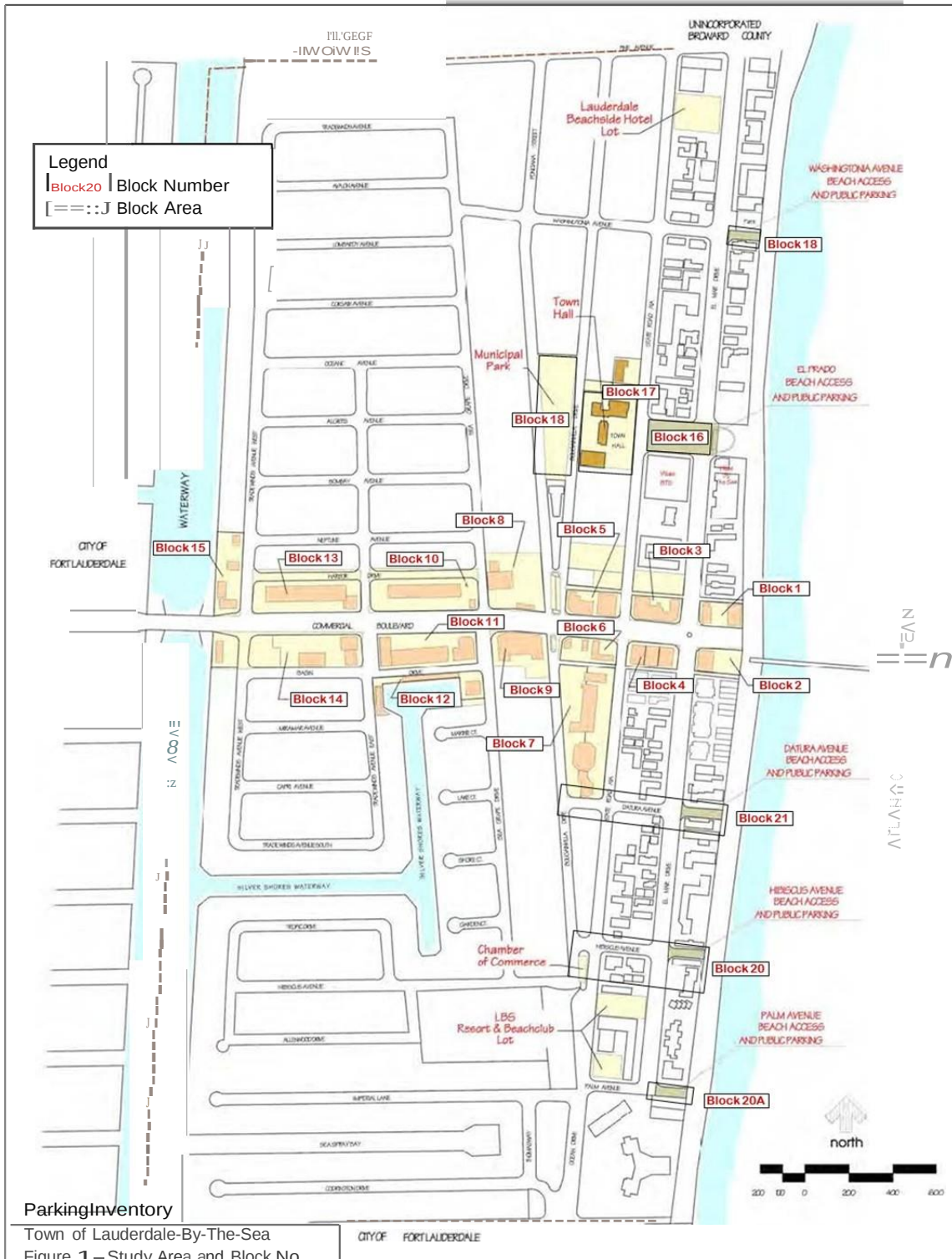


Figure 2 -Beach Parking Areas

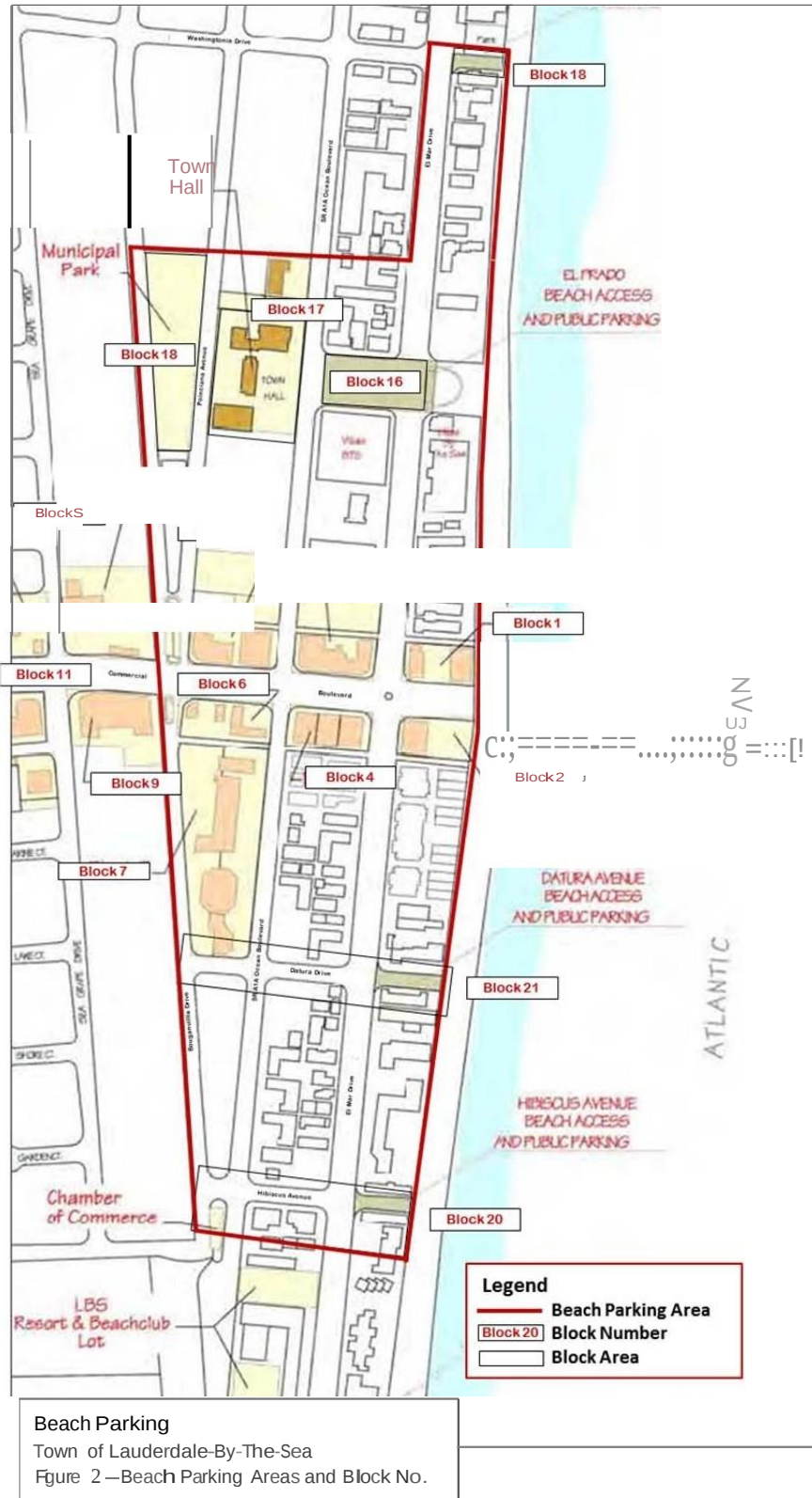


Figure 3 - Commercial District / CBD

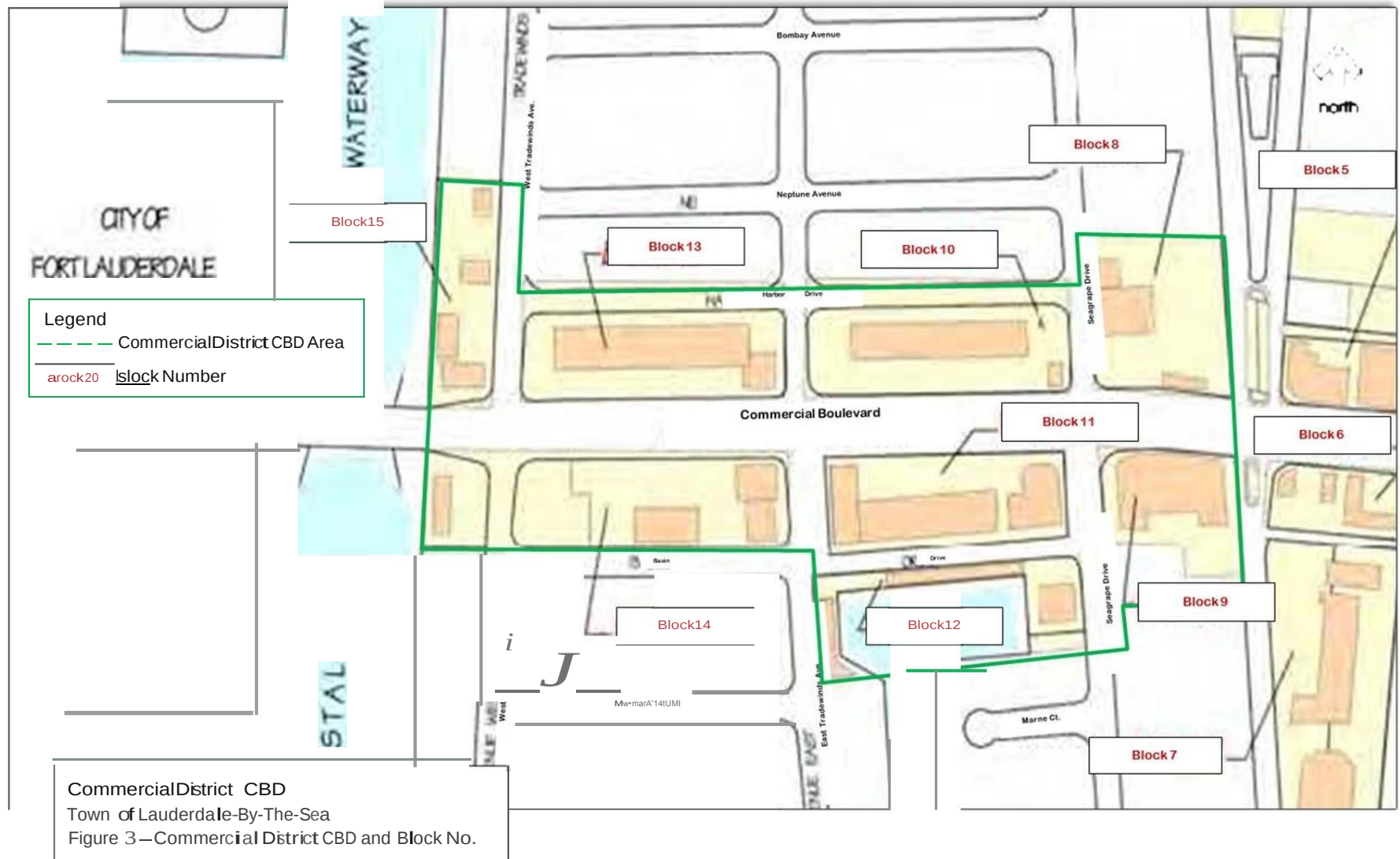


Figure 4 - Surface Parking Lots

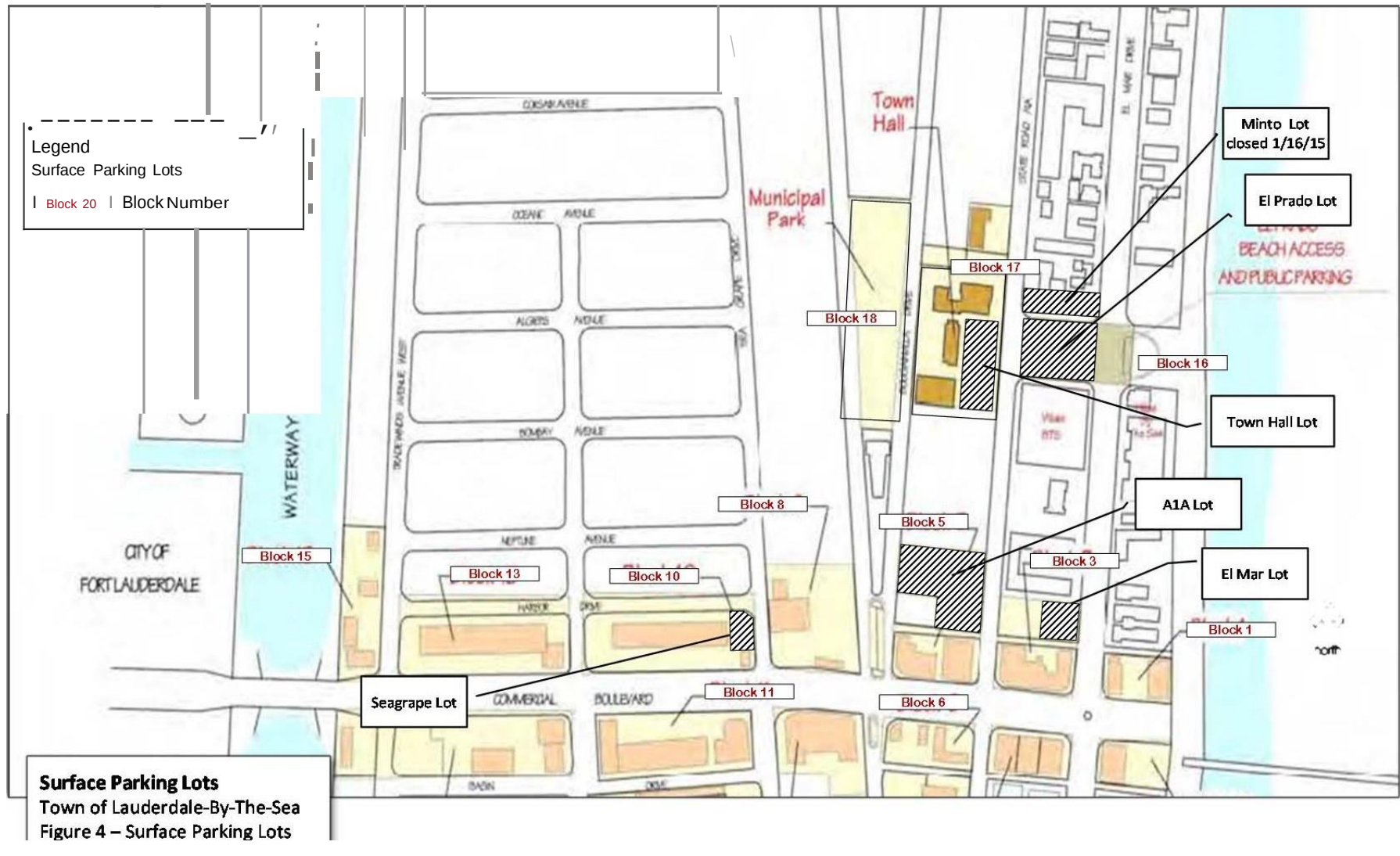


Table 1 - Summary of Parking Inventory

Parking Facility	Pay	HC	Empl	Unmetered	Res. Permit	Mini
Beach Parking Area						
Minto Lot	78	0	0	0	0	0
AIA Lot	91	4	0	0	0	0
El Mar Lot	24	1	0	0	0	0
El Prado Lot	86	4	0	0	0	0
Town Hall Lot	22	2	0	0	0	0
Public Safety Lot	0	0	0	0	0	0
Total Off-Street Lots	301	11	0	0	0	0
Beach On-Street Parking	112	8	0	0	7	8
Other On-Street Meters	80	3	0	8	16	0
Total On-Street Parking	192	11	0	8	23	8
Total Beach Parking Area	493	22	0	8	23	8
Central Business District						
Sea Grape Lot Plaza	0	0	18	0	0	0
Parking Commercial	62	4	0	0	0	0
Boulevard Other On-	32	0	0	0	0	0
Street Parking	71	0	22	0	0	0
Total CBD Parking Area	165	4	40	0	0	0
Total Parking in Study Area	658	26	40	8	23	8

Figure 5 shows the type and number of on-street spaces provided in the Beach Parking Area for each street surveyed. Most of the parking that was surveyed was pay public parking (192 spaces). There are a few groupings of residential parking areas (16 spaces in total) on El Mar Drive, Bougainvillea Drive and Poinciana Drive that are permit parking. In addition, there are eight (8) unmetered spaces along the Municipal Park along Bougainvillea Drive and 11 handicap parking spaces distributed throughout the area.

Figure 6 shows the type of parking and number of spaces for on-street parking as well as the Sea Grape Lot in the CBD parking area.

Figure 5 - Beach and Other On-Street Parking Area (242 spaces)

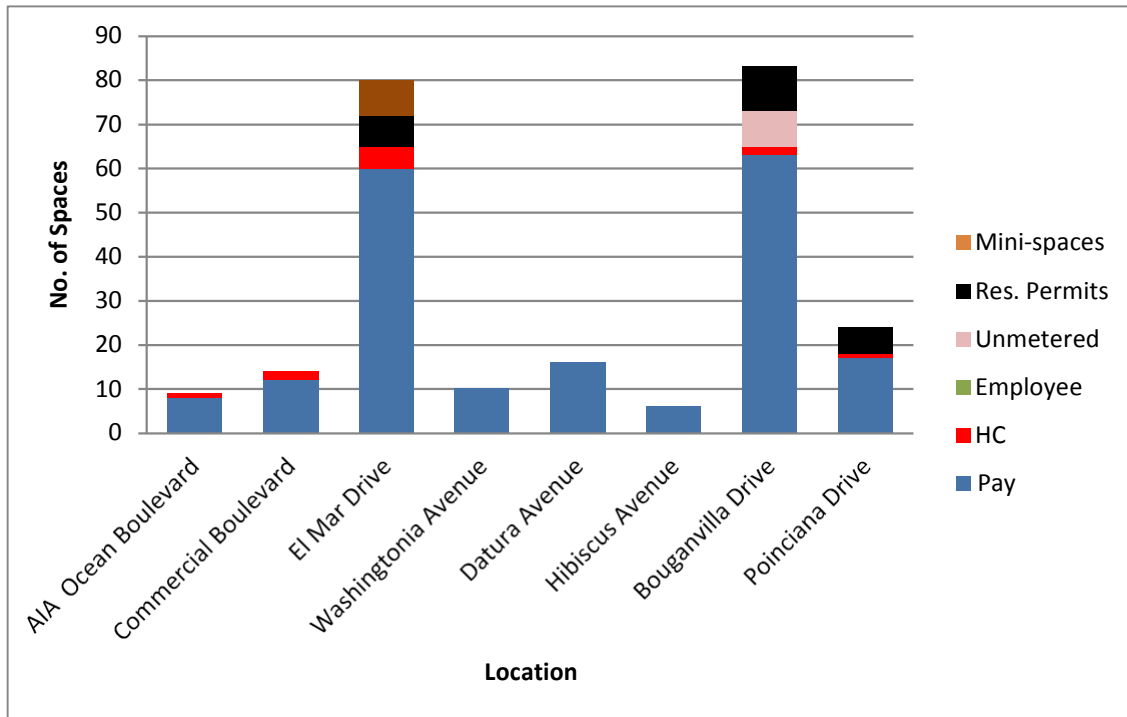
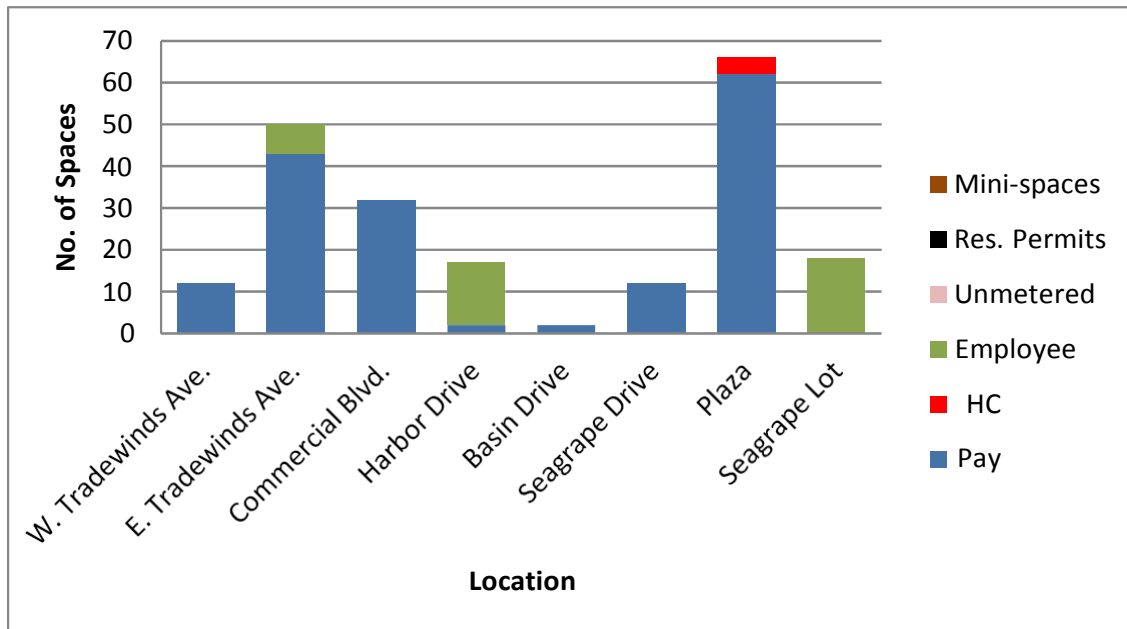


Figure 6 - CBD Parking Area (209 spaces)



Parking Occupancy

Hourly parking occupancy counts were performed during the following time periods:

- Friday, March 21, 2014 between 12 PM and 12 AM;
- Sunday, March 23, 2014 between 9 AM and 6 PM;
- Wednesday, April 2, 2014 between 9 AM and 7 PM;
- Thursday, April 3, 2014 between 9 AM and 8 PM; and
- Saturday, April 5, 2014 between 9 AM and 9 PM.

Table 2 provides a summary of the peak parking occupancy, by hour, for each of the daily counts that were collected. The complete set of parking occupancy counts is included in the **Appendix**. For every survey day, except Sunday, the peak hour was at 1 PM. On Sunday the peak hour was at 2 PM. Some of the weekdays had more than one peak hour. This shows that the peak parking occupancy in the study area is generally during the early afternoon period.

On Sunday at 2 PM, 84 percent of the parking in the study area was occupied. The data follows trends that match expectations and observations, showing that the parking occupancy tends to be higher during the weekend compared to weekdays. Most of the parking lots in the Beach Parking Area were parked beyond capacity during the weekends, with parkers waiting for parking spaces to become available. Overall, it appears the CBD area has adequate parking, but the Beach Parking Area is operating close to capacity for long periods of time during peak days.

Figures 7, 8, and 9 illustrate the variations in hourly occupancy for the Beach On-Street Parking, Beach Area Parking Lots, Other On-Street Meters in Beach Parking Area and CBD Parking Area Parking areas, respectively. It is quite apparent in the charts that the Beach Parking Lot areas remain at 100 percent occupancy for much of the day.

Table 2 - Summary of Peak Parking Occupancy for Each Survey Day

Parking Area	No. of Spaces	At 1 PM								At 2 PM	
		Wednesday 4/2		Thursday 4/3		Friday 3/23		Saturday 4/5		Sunday 3/25	
		Occupancy	%	Occupancy	%	Occupancy	%	Occupancy	%	Occupancy	%
Beach Parking Lot Peak	312	232	74%	231	74%	281	90%	312	100%	312	100%
Beach On-Street Parking	135	100	74%	110	81%	104	77%	117	87%	112	83%
Other On-street Meters	107	42	39%	47	44%	60	56%	69	64%	71	66%
CBD Parking	209	117	56%	112	54%	147	70%	119	57%	149	71%
Totals	763	491	64%	500	66%	592	78%	617	81%	644	84%

Figure 7 - Occupancy for Beach Area On-Street Parking

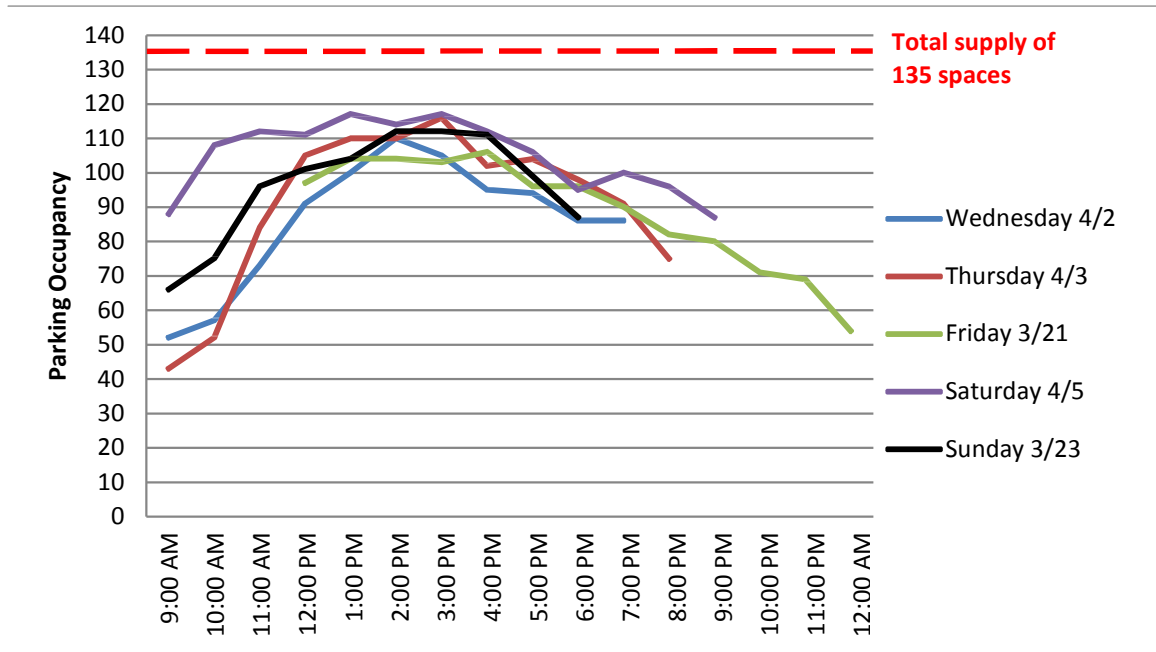


Figure 8 - Occupancy for Beach Area Parking Lots

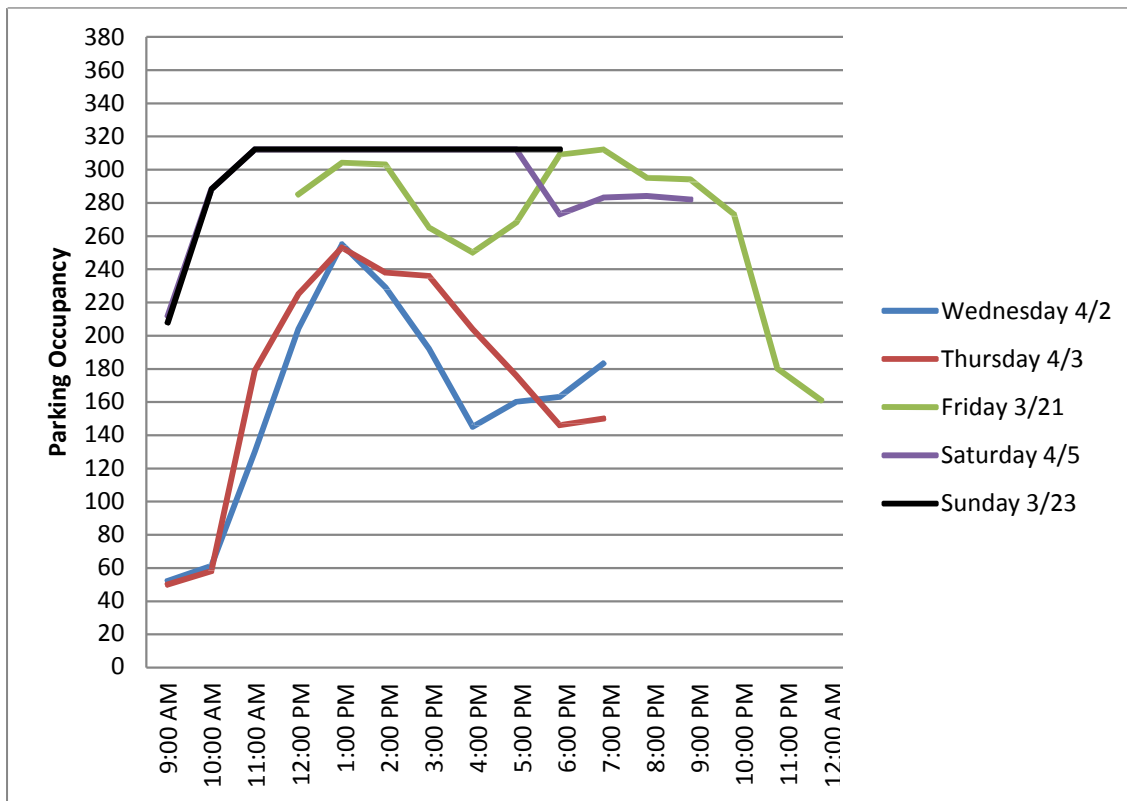


Figure 9 - Occupancy for Other On-Street Meters

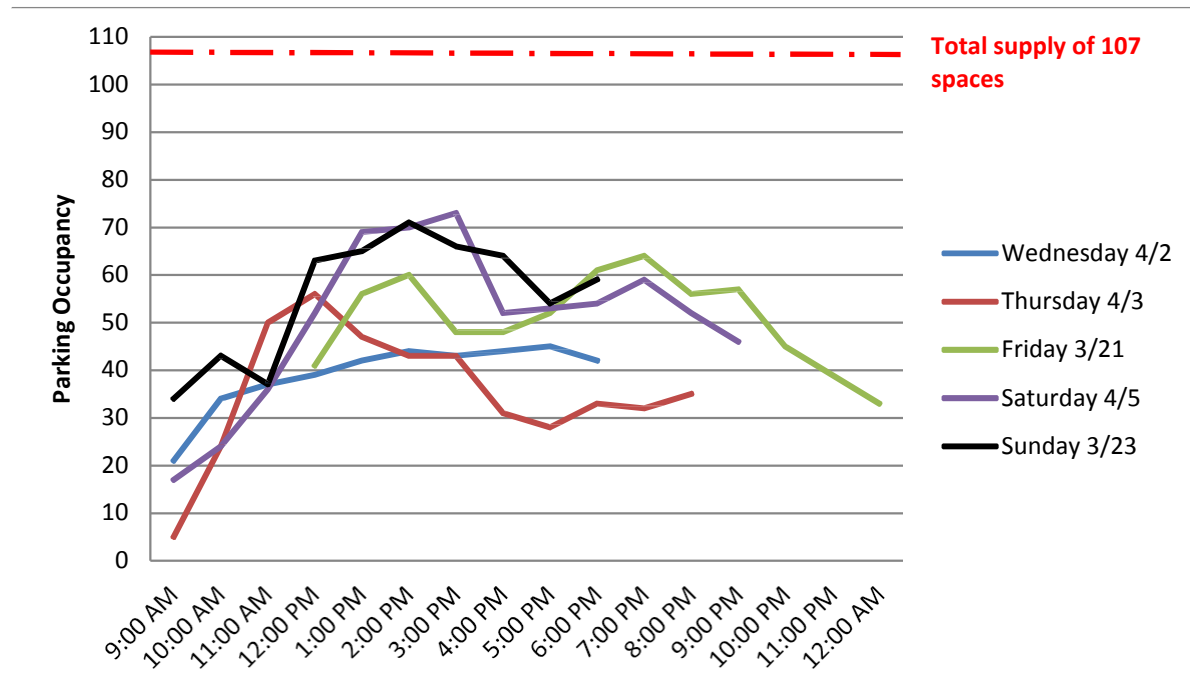
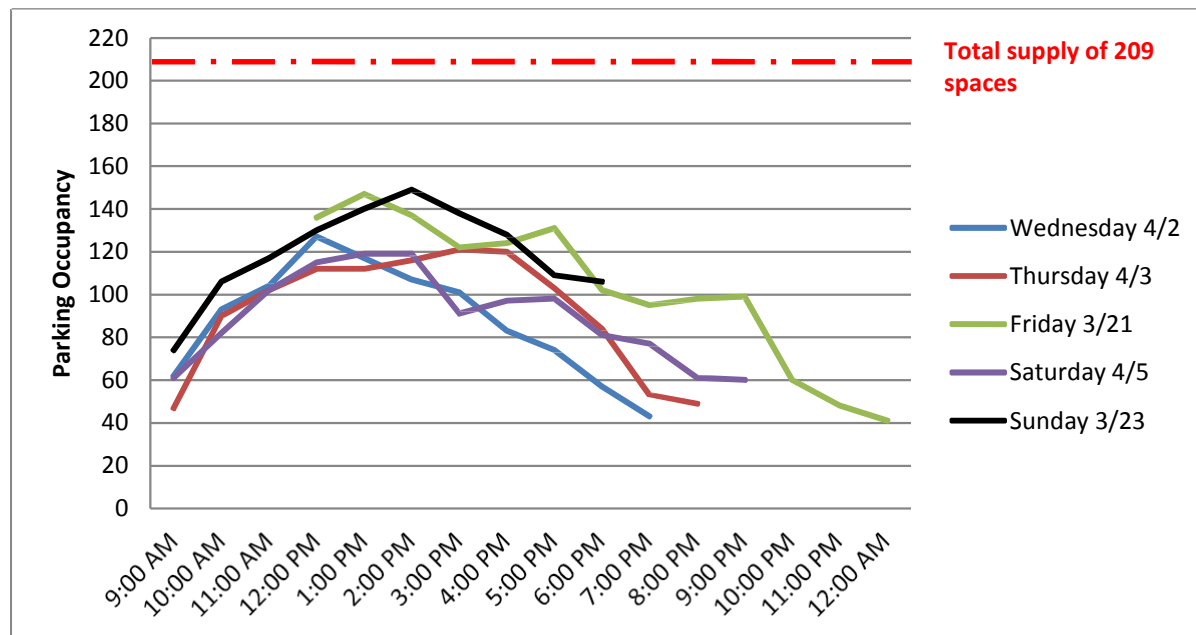


Figure 10 - CBD Parking Area Parking Occupancy



Parking Turnover

Parking turnover counts were performed in the study area to understand the frequency of use (turnover) of parking spaces and the average parking duration of visitors to the area. The turnover counts were performed at the following locations during the listed time periods:

- Thursday, April 3, 2014, between 9 AM and 7 PM
 - El Mar Drive (3 spaces)
 - Datura Beach Portal (3 spaces)
 - Commercial Boulevard, west of El Mar Drive (3 spaces)
- Friday, April 4, 2014, between 12 PM and 8 PM
 - El Mar Drive (3 spaces)
 - Bougainvillea, south of Commercial Boulevard
 - Commercial Boulevard, west of El Mar Drive
- Sunday, March 23, 2014, between 11 AM and 6 PM
 - AIA Lot
 - El Prado Lot
 - Commercial Boulevard, North of AIA – Eastbound and Westbound

Table 3 shows a summary of the parking turnover counts for each location. Shown in Table 3 are the number of vehicles surveyed, total vehicle hours surveyed, average turnover per space, and the average parking duration. The complete set of parking turnover data is provided in the Appendix.

Table 3 - Summary of Parking Turnover Survey

Date and Location	Vehicles Surveyed	Vehicle Hours	Avg Turnover per Space	Average Duration (hrs)
Thursday, April 3, 2014				
El Mar Drive	16	32	5.33	2.0
Datura Beach Portal	13	30	4.33	2.3
Commercial Boulevard	14	34	4.67	2.4
Friday, April 4, 2014				
El Mar Drive	15	27	5.00	1.8
Bougainvillea Drive	13	26	3.25	2.0
Commercial Boulevard	10	18	3.33	1.8
Sunday, March 23, 2014				
AIA Lot	36	79	3.60	2.2
El Prado Lot	37	106	3.08	2.9
Commercial Blvd - westbound	35	94	2.33	2.7
Commercial Blvd - eastbound	42	97	2.47	2.3

Based on the turnover survey data, the average parking duration in the study area ranges between 1.8 hours and 2.9 hours. Parkers tended to stay a little longer in the surface lots compared to parking on-street. The on-street spaces also have a higher turnover compared to the surface lots. Turnover was simply the number of unique vehicles that parked in a space (or group of spaces) during the survey period. Neither the AIA Lot nor the El Prado Lot have employee parking, which would have potentially skewed the results by including longer durations. It is unlikely there were many employees parking on-street as the turnover rate is higher and duration lower (relative to employee parking).

3. RESTAURANT PARKING EXEMPTION PROGRAM

Based on the analyses conducted in Chapter 1 as well as several other chapters in this report, DESMAN has prepared the following recommendations regarding the Restaurant Exemption Program.

Recommendations

Although the sunset date of the program is March 15, 2015, we recommend the Town suspend the program now and allow the Program to expire March based on the following:

1. Ocean District - Town staff reports that 113 of the 120 available parking exemptions for the Ocean District have been allocated, and the 7 remaining space exemptions are expected to be used by a new restaurant under design. Consequently, beyond allocation of those seven spaces, there is no continued need for the program to remain in-place. The program has achieved the goal the Town established and there is little capacity in the existing parking system at peak restaurant demand times (weekends) during high season to accommodate additional exemptions, particularly since restaurants place a heavy demand on parking and more of a demand than the Town code requires them to provide. To grant additional exemptions only places more pressure on the Town to acquire additional parking spaces, a costly proposition.
2. Commercial District - Though Town staff indicates that only three of the 105 available exemptions in this district have been allocated, we believe the Program should be terminated in this District as well considering:
 - A number of the 105 parking spaces that originally comprised the available public parking exemption spaces were removed as part of the Town's streetscape project.
 - The parking exemption program in the Ocean District has increased the demand for employee parking permits, which is placing greater pressure on parking in this district.
 - Granting an exemption in this District to an eligible applicant for as many as 50 spaces could have a significant and inequitable impact on existing businesses by usurping the remaining limited parking supply.
 - There are no pending applications for exemptions, so suspending the program in Commercial Districts should not have a negative effect on any pending real estate transaction.

Background and Analysis

DESMAN has reviewed the Town's Parking Exemption Program (Program), discussed the Program with Town staff and has developed several recommendations for the Town to consider prior to terminus of the Program on March 7, 2015.

The recent Program Bi-annual Report prepared by the Town was reviewed (see Appendix 1, dated 7-18-14) along with the parking supply and demand analysis prepared by DESMAN (*Memo 1 - Parking Demand and Supply Analysis*), and the Town's land use regulations (Appendix 2) were used as a basis for the analysis and recommendations provided herein.

In addition, the Town's most recent Bi-annual Report on the Program included the following list of benefits and impacts of the Program to the Town.

Benefits and Impacts¹

Since its inception, the Parking Exemption Program has provided the following benefits:

- Allowed eight existing restaurants to expand or relocate;
- Allowed seven new restaurants to locate into the Town;
- Created jobs for the additional restaurant employees and for the construction required for the build-out of the space; and
- Added new users for the Town's parking spaces creating additional revenue

Since its inception, the Parking Exemption Program has provided the following impacts:

- Increased demand for limited parking spaces;
- Existing businesses are impacted as new restaurants utilize parking in front of commercial storefronts; and
- Added additional employee parking permits for new restaurants.

The Cost of the Program

The value to the property owners who got the 116 spaces exempted in the Program so far is about \$4 million. (That represents the cost of providing that number of spaces in a surface parking lot, including land acquisition.)

Furthermore, if the Town was to extend the Program, the cost to provide additional parking during peak season would be in the range of \$34,000 to \$43,800 per space exempted and that is a high cost to serve a limited group of property and restaurant owners.

¹ Modified slightly by DESMAN

4. PARKING MARKET RATES AND PARKING MANAGEMENT THROUGH PRICING

The following presents a summary of parking rates and data collected from peer markets in South Florida and then presents a discussion of how parking behavior can be modified through pricing (setting of a rate schedule). Also, additional information and recommendations regarding rates are also presented in other sections of this report.

Parking Market Rates

For purposes of understanding market position, the cities of Boca Raton, Delray Beach, Pompano Beach, Lauderdale-By-The-Sea (LBTS), Fort Lauderdale and Hollywood were surveyed and asked a series of questions regarding their respective parking systems. With the exception of the City of Fort Lauderdale, most of these cities generate the majority of their revenue from beach parking. Also, because the City of Fort Lauderdale parking system is much larger than any of the others, the data is illustrated in the summary charts with and without Fort Lauderdale data to offer more clarity and comparative graphic analysis. With regard to the items surveyed, the Town of Lauderdale-By-The-Sea has the:

- Lowest population
- Second lowest number of metered spaces
- Second lowest (least expensive) rate per hour
- Lowest in citation revenue
- Lowest in projected citation revenue
- Second lowest in amount of citation fee
- On par with Pompano Beach in total revenue
- In the mid-range for citations per space per year
- Lowest citation revenue as a percent (%) of total parking revenue

A summary of the survey data that was collected follows in both tables and charts in this section.

Parking Management through Pricing

Parking pricing can be used to effectively manage parking behavior (management) almost anywhere parking is congested. Experts recommend setting prices to maintain 85-90 percent occupancy of spaces or a “district” during peak periods of use. This is referred to as performance-based or responsive pricing². Parking pricing may also result in longer-term benefits such as decreased vehicle ownership, increased use of alternative modes of transportation such as walking, biking, and transit and reallocation in the way parking is used. That is, short-term, high turn-over parking in the most convenient, proximal and highest priced parking spaces and long-term parking in off-street, less convenient, lower priced parking locations.

² Donald Shoup, The High Cost of Free Parking, 2005

Table 4 - Parking Rate Survey

Metric	City of Boca Raton	City of Delray Beach	City of Fort Lauderdale	City of Hollywood ¹	Town of Lauderdale-By-The-Sea	City of Pompano Beach ²
Population	85,329	60,552	165,521	140,768	6,056	99,845
Metered Parking Spaces	369	646	10,396	4,164	540	1,105
Parking Rate	\$1.00 to \$2.00/hr	\$1.50/hour	\$1.75/hour	\$2.00/hour	\$1.25 - \$1.50/hour	\$1.25/hour
Standard hourly rates	City & Mizner lots \$1.00 (7am-4:59pm), \$2.00 (5pm-Midnight), east of A1A is \$2.00	\$1.50	On-street downtown (\$1.25-\$1.50), Beach \$1.75	On-street free downtown (3hr limit 8am-8pm), Downtown garage (\$1/hr \$15max), Beachside \$2.00	West Commercial \$0.50, A1A \$1.25, Beachside \$1.50	\$1.25 all meters on- and off-street. To be increased within 6 months
Beach Rates (per hour)	\$2.00	\$1.50	\$1.75	\$2.00	\$1.50	1.25 ¹
Parking citation fee	\$35.00	\$35.00	\$32.00	\$20.00	\$25.00	\$35.00
Parking citations projected in FY 2014	18,617	11,705	114,000	27,936	4,751	5,454
Parking citations revenue projected FY 2014	\$651,602	\$313,776	\$2,850,000	\$571,580	\$123,400	\$202,789
Total parking revenues projected FY 2014	\$1,200,000	\$1,242,361	\$14,500,000	\$6,551,550	\$1,553,982	\$1,684,274
Citations per space/year	50.45	18.12	10.97	6.71	8.80	4.94
Citation revenue as percent (%) of parking revenue	54%	25%	20%	9%	8%	12%
Parking citation written by	City Staff	Delray Police Dept and Police Volunteers	City Staff Only	Parking Staff and Police Staff	Third party - Standard Parking Inc.	BSO
Contact information	Chairman, Parking Administration	Clayton Gilbert, Scott Aronson (561) 243-7196	Brian McKelligett, Parking Services Mgr (954) 828-3792	Rosanne Regan Financial Analyst (954) 921-3566	Town Hall	Linda Dye, Revenue Collection Mgr

¹Hollywood shows weekend rate, weekday is \$1.50/hour Marina rate is \$1/hour

²City of Pompano Beach will be increasing rates to \$1.75 to \$2.00 per hour in 2015.

Management of parking spaces through parking pricing is highly recommended in LBTS to encourage a greater shift of long-term parkers (primarily beachgoers) from short-term parking areas (such as on-street spaces on El Mar Drive), to off-street parking lots (such as the El Prado Lot). The overall approach to doing this is to create enough differential in the rate structure to incentivize long-term parkers to park in parking facilities with lower rates. One of the primary goals of doing this is to make the on-street spaces more available to customers and shoppers in the downtown.

The way to create a differential in pricing is to set a rate structure that increases the rate for the most convenient short-term parking spaces relative to the rates for less convenient, off-street, long-term parking spaces. A result of increasing rates is a projected increase in parking revenue. The increase in parking revenue can be redeployed back into the parking system as well as for various other public improvements that benefit the residents and business community of LBTS.

Market Rates

A review of peer beachfront communities was conducted to determine how the Town of Lauderdale-By-The-Sea's (LBTS) parking rates compare to neighboring communities and help determine if market conditions would support an increase in rates. The term "market rate" reflects a rate charged for parking that is consistent with and acceptable to the users. Market rates are set by supply/demand, the higher the demand for visitors to an area (dependent on parking) relative to the parking supply (in most

cases fixed), the greater the opportunity to increase rates. It is important to note that there are several critical reasons for evaluating the need to increase rates:

1. An increase in parking rates can increase parking system revenue and consequently, increase the annual bottom line or net operating income, and ultimately parking system reserves.
2. Increases in fund reserves can be redeployed into maintaining, upgrading, improving the parking system lots and facilities.
3. Many parking systems fund capital and operating improvements related to transportation and parking with reserves or annual revenues including:
 - Support of alternative modes of transportation such as expansion of transit or trolley access including the SunTrolley or Pelican Hopper;
 - Safer bike paths/routes and potential bike racks/storage facilities;
 - Improvement of pedestrian routes, including lighting or other options so that walking to less convenient parking or transit/taxi stops is feasible;
 - Improved public amenities, signage and way-finding to reduce traffic congestion, and upgrades in technology.
4. Parking rates can be used to limit parking demand. In other words, the rates can be adjusted to a level that reduces parking demand. Parking elasticity models generally specify that a 10 percent increase in cost (rates and/or fuel or other auto related costs), would decrease demand by two percent. This means if the cost to park increased, then the parker may find a less costly alternative. That model does not fit areas like LBTS and neighboring communities in Broward and Miami Dade County where the demand is quite inelastic. If you want to be near the beach and the entertainment and dining venues offered, the competition is limited and therefore alternatives limited and consequently the demand is inelastic. This is of note in that the rates charged for premium parking need to be substantially higher than less convenient parking to change parking behavior, that is, move long-term parkers from premium short-term parking spaces to off-street facilities.
5. The ability to create differential rates in the parking schedule of rates can help incentivize long-term parkers (e.g. beachgoers) move to off-street facilities (cheaper long-term), thereby creating opportunities to create accessible, convenient, high turn-over, on-street short term parking (for business and store customers and patrons). This allows the Town to direct beachgoers (through pricing) to slightly less convenient parking so that highly desirable on-street parking along Commercial Boulevard (beachside), A1A and El Mar Drive, as well as off-street parking in the El Mar Lot are available for short-term business patrons
6. Parking rates are being increased throughout South Florida. The increases reflect both an opportunity by owners to recover some or all of the high cost of providing parking from the users of the parking system. This approach is reliant on the condition that there has to be an attraction or destination that the user is willing to visit regardless of the cost of parking (assuming the price of parking is about market rate). The attraction in peer communities, as in LBTS, is the ocean. In the specific case of LBTS, the entertainment and tourist area that comprises the downtown has been very successful because of its uniqueness and brand.

Tables 4 and 5 provide a summary of specific rate information provided by neighboring beachfront communities. The full table with additional information is provided in the appendix of this report along with charts comparing the peer city data graphically.

Table 5 - Summary of Peer City Beachside Parking Rates

Metric	City of Boca Raton	City of Delray Beach	City of Fort Lauderdale	City of Hollywood	Town of Lauderdale-By-The-Sea	City of Pompano Beach
Population	85,329	60,552	165,521	140,768	6,056	99,845
Metered Parking Spaces	369	646	10,396	4,164	540	1,105
Beach Rates (per hour)	\$2.00	\$1.50	\$1.75	\$2.00	\$1.50	1.25 ¹

¹ City of Pompano Beach will be increasing rates to \$1.75 to \$2.00 per hour in 2015.

It is somewhat difficult to compare metrics city to city because there are many variables that are quite different. The size of the parking supply relative to demand varies, ownership of the parking facilities is both public and private in some cities, the type and density of development varies, the market targeted by the various beachside communities also varies. However, the one constant is the attraction of beachside entertainment, dining and the ocean itself creates a demand that seems somewhat resilient to parking pricing. Population and density is increasing, and in several of the cities, the availability of parking is actually decreasing.

As a result, beachside parking rates range from a low of \$1.25 per hour in Pompano Beach to \$2.00 per hour in Boca Raton and Hollywood. There are also private operators and small lot owners in Hollywood, Fort Lauderdale to name two cities, who are selling parking in peak season for between \$10 and \$20 for a space, regardless of duration. Furthermore, the City of Pompano Beach will be increasing their rates to \$1.75 to \$2.00 per hour.

Current LBTS Parking Rates

Table 6 lists the current parking rates for metered parking in LBTS which range from a low of \$0.50 per hour in the Commercial District to \$1.00 per hour for the Tradewinds and Municipal Park parking, \$1.25 per hour in the A1A Lot and the highest rate of \$1.50 per hour for Beach District on-street parking, and the El Mar, Town Hall and El Prado Lots. Relative to the rates shown for peer communities in Table 4, \$1.75 to \$2.00 per hour would put LBTS on a competitive level with other communities.

Table 6 - Current Parking Rate Schedule

Meter Rates	Current Rates	
	Hourly	Daily
Beach District	\$1.50	
Bougainvillea Drive	\$1.50	
Commercial District	\$0.50	
West Tradewinds	\$1.00	
Municipal Park	\$1.00	
A1A Lot (Garage)	\$1.25	\$10.00
4312 Ocean Lot	n/a	n/a
El Mar Lot	\$1.50	
El Prado Lot	\$1.50	\$10.00
Town Hall Lot	\$1.50	\$10.00

Recommended Minimum Parking Rates

Shown below in Table 7 are recommended minimum parking rates for the LBTS parking system. For purposes of this analysis, it was assumed that two sets of parking increases would be implemented, the first on March 1, 2015 and the second October 1, 2018. Proposing rate adjustments beyond 2020 are dependent on many variables and are not considered meaningful relative to implementing changes in 2015.

March 1, 2015 Rate Increase

For the assumed first rate increase in March, 2015, the following adjustments are recommended:

1. The lowest rate is for parking in the Commercial District which was left at \$0.50 per hour (west of Bougainville Drive) to encourage higher use of the plaza and on-street spaces and continued economic investment in the west Commercial District.
2. On-street parking for Tradewinds parking was maintained at \$1.00 per hour to encourage higher use.
3. The Municipal Park on-street rates were increased slightly from \$1.00 to \$1.20 per hour, once again to encourage higher use of those spaces.
4. On-street parking along Bougainville Drive was increased from \$1.50 to \$1.75 per hour, representing about a 17 percent increase in price.
5. Parking rates in the A1A Lot were increased from \$1.25 to \$1.50 per hour (a 20 percent increase) while the rates for off-street parking beachside, the El Mar Lot, the El Prado Lot and the Town Hall Lot were increased from \$1.50 to \$1.75 per hour.
6. Beach District on-street parking rates on Commercial Boulevard (east of A1A), A1A and El Mar Drive were increased from \$1.75 to \$2.00 per hour (about a 14 percent increase).
7. Finally, per agreement between the Town and the property owner, rates for the newly introduced 4312 Ocean Lot were set at a minimum of \$2.00 per hour. There appears to be little resistance to that higher rate.

As shown, the highest proposed hourly rates are in the Beach District for both on-street and off-street parking. The on-street meters have the highest rates at \$2.00 per hour relative to the off-street rates at \$1.75 per hour to try and move longer term parkers (beachgoers) from the streets to the surface lots. Generally, the more desirable and convenient parking is, the higher the hourly rate should be.

Table 7 - Current vs Proposed Market Rate Parking Rate Schedule

nt Rates Meter Rates	Curre Hourly Daily Beach District		Market Rates				
			3/1/2015 Hourly Daily	10/1/2018 Hourly Daily	Avg Increase/year		
Bougainville Drive	\$1.50		\$2.00	\$2.25	14.5%		
Commercial District	\$0.50		\$1.75	\$2.00	10.0%		
West Tradewinds	\$1.00		\$0.50	\$0.75	14.5%		
Municipal Park	\$1.00		\$1.00	\$1.25	7.8%		
A1A Lot (Garage)	\$1.25	\$10.00	\$1.20	\$1.50	14.5%		
4312 Ocean Lot	n/a	n/a	\$1.50	\$11.00	11.8%	9.2%	
El Mar Lot	\$1.50		\$2.00	\$11.00	6.7%	5.7%	
El Prado Lot	\$1.50	\$10.00	\$1.75	\$2.00	10.0%		
Town Hall Lot	\$1.50	\$10.00	\$1.75	\$11.00	10.0%	9.2%	
			\$1.75	\$10.00	\$2.00	\$11.00	10.0% 9.2%

Daily rates are also shown in Table 7. Typically, daily rates should be set at the equivalent of five to six hours of parking at off-street hourly rates. Consequently, the daily rate was maintained at \$10.00.

October 1, 2018 Rate Increase

Also shown above in Table 7, are the recommended rates that would be implemented in October, 2018 as described below:

1. The lowest rate is for parking is maintained in the Commercial District which was increased to \$0.75 to continue to encourage higher use of the plaza and on-street spaces and continued economic investment in the west Commercial District.
2. On-street parking for Tradewinds parking was increased to \$1.25 per hour to encourage higher use.
3. The Municipal Park on-street rates were once again increased slightly from \$1.20 to \$1.50 per hour, once again to encourage higher use of those spaces.
4. On-street parking along Bougainville Drive was increased from \$1.75 to \$2.00 per hour, representing a 20 percent increase in price.
5. Parking rates in the A1A Lot were increased from \$1.50 to \$1.75 per hour (about a 17 percent increase) while the rates for off-street parking beachside, the El Mar Lot, the El Prado Lot and the Town Hall Lot were increased from \$1.75 to \$2.00 per hour.
6. Beach District on-street parking rates on Commercial Boulevard (east of A1A), A1A and El Mar Drive were increased from \$2.00 to \$2.25 per hour (about a 12½ percent increase).
7. Finally, to maintain the relative proportion between rates between the 4312 Ocean Lot and the Beach District surface lots, the 4312 Ocean Lot rate was increased from \$2.00 to \$2.25 per hour.

As shown, the highest hourly rates would be in the Beach District for both on-street and off-street parking. The on-street meters have the highest rates at \$2.25 per hour relative to the off-street rates at \$2.00 per hour to try and move longer term parkers (beachgoers) from the streets to the surface lots. The daily rates were increased slightly from \$10 to \$11 to

encourage long-term parking in the surface lots.

Summary on Parking Rates

Between 2014 and 2018, a period of three years, eight of the ten parking rates listed in Table 3 have annual increases of between 10 and 14.5 percent. This is a fairly rapid increase in rates although it actually reflects an adjustment to bring current parking rates to a level compatible to peer communities and with the South Florida market in general. Market rates will provide an opportunity to:

1. Maintain relatively low rates in the Commercial District to attract users;
2. Maintain rates lower than in prime parking spaces and lots to push beachgoers to surface lots such as 4312 Ocean Lot and the A1A Lot;
3. Increase the cost of the most proximal business and beach parking locations to reduce duration, increase turnover, and increase revenue to business owners;
4. More importantly, a rate increase will provide additional revenue available for redeployment into the parking system (or elsewhere) to fund improvements necessary to help LBTS maintain a viable downtown destination in the marketplace.

5. IMPACTS FROM CONVERSION IN LAND USE FROM RETAIL TO RESTAURANT

Introduction

The following section discusses the theoretical differences between restaurant use and retail use for a hypothetical 5,000 square foot building. This analysis is particularly relevant for Lauderdale-By-The-Sea (LBTS), given the trend to convert retail space to food service establishments over the years. As with all real estate development trends, the market forces that cause the trend tend to accelerate with success and momentum in LBTS has intensified in recent years. The parking exemption program in past years has likely accelerated the trend, resulting in a critical mass of restaurants and entertainment that has established a clear brand for LBTS as a dining destination.

The Scenario

For purposes of discussion, this evaluation scenario is based on a 5,000 square foot storefront with little to no on-site parking. Although larger than most available space, this example is used to illustrate the impact of conversion rather than the feasibility. As a retail use, this space would very likely be primarily devoted to customer display area, with little storage and perhaps a single employee bathroom. If converted to a restaurant, this space would be reconfigured as 2,000 square feet for kitchens, bar, restrooms and other non-customer spaces, leaving 3,000 square feet for tables and seating. In both cases, we assume that the building virtually fills its land parcel, leaving little or no room for parking areas or valet operations.

Parking Requirements – Code

The intent of this analysis is to examine actual impacts of the change, so we begin with code considerations and will comment on demand expected in the field. The existing code of ordinances requires parking for these uses as follows:

Sec 30-318.q

Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public: One parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas, and other areas not directly utilized by the public in patronizing such establishments,

Sec 30-318.r

Retail stores: One parking space for each 225 square feet of floor area.

Note we have excluded language on the parking exemption which expires in March of 2015 since it is moot when comparing one use to another for actual impact.

The resulting change in parking required under the code is therefore as illustrated below:

<u>Land Use</u>	<u>Gross Area</u>	<u>Customer Area</u>	<u>Code</u>	<u>Required</u>
Retail	5,000 sf	5,000 sf	1 per 225 sf	23 spaces
Restaurant	5,000 sf	3,000 sf	1 per 50 sf	60 spaces

Under the code, the restaurant parking requirements are nearly triple the retail parking requirements. Assuming that little to no on-site parking exists and peak season demands, LBTS would need to provide

the parking infrastructure in one of two options; 1) a surface parking lot in land that would have to be acquired and improved by the Town; or 2) a parking garage constructed on the A1A Lot.

For purposes of this analysis, the cost for new parking spaces will be based on the estimates presented in other sections of this report. Based on typical land cost in the downtown, an improved site would cost about \$33,300 per space for a 50 to 75 space surface parking lot and spaces in a garage on the A1A Lot would cost about \$44,000 per net new space. The difference in parking need between the retail and restaurant uses (about 37 spaces) would translate to between \$1.2 MM and \$1.6 MM in additional parking infrastructure costs. To bring the incremental cost into perspective, using typical financing costs for public debt at four percent interest over a 15 year term, a construction cost of \$1.2 MM would result in a debt service payment of about \$110,800 per year or about \$3,000 per space. This is about twice the revenue generation per space of the highest revenue generating parking in the Town.

Parking Requirements – True Demand

Based on our experience in other communities in Broward County along with guidelines published by the Urban Land Institute, we believe that the retail parking requirements in the code are reasonable and reflect the likely demand experienced by a successful retailer and the employees associated with a store.

Restaurant parking demand is likely higher than the code requirements. Recent demand studies in Fort Lauderdale are resulting in restaurant parking demand calculated at approximately 15 parkers per thousand square feet of gross leasable area (GLA). In the above example and using the same cost model, this would result in a parking demand for 75 spaces, rather than 60 spaces increasing infrastructure construction costs from \$1.7 MM to \$2.3 MM or about \$150,000 to \$200,000 in debt service per year over a 15 year term (\$2.3 to \$3.0 MM)

Fiscal Impact to LBTS

An analysis of relative real estate values for retail and restaurant operations in LBTS was conducted through the Broward County Property Appraiser records. The analysis focused on Commercial Boulevard, primarily within two blocks of A1A and isolated buildings that could be determined as predominantly restaurant or predominantly retail. A sampling of these buildings indicates that the value assigned to this real estate by the property appraiser is as follows:

Land Use Type	Surveyed Value	Surveyed Size	Average Value	Average Size
Restaurant	\$4,261,410	21,022	\$202/sf	7,007 sf
Retail	\$2,024,420	13,249	\$152/sf	4,416 sf

As a note, the Property Appraiser values the restaurant buildings approximately 33 percent higher per square foot than retail buildings. At an average millage of 3.8, LBTS would collect an increase in annual property tax revenue of \$0.19 per square foot if a property converted from retail to restaurant use. If this were applied to our 5,000 square foot example described above, the increase in annual tax revenue would be less than \$1,000.

The financial impact to LBTS to consider subsidizing the conversion of retail space to restaurant space would place a heavy burden on the parking system with little increase in property taxes or parking revenue to offset the enormous cost of structured parking.

In addition, LBTS would be required to build the garage in advance of conversions so that the parking infrastructure would be in-place so rather than the impact of an additional 37 spaces in the example, LBTS would be paying the cost of a much larger facility, closer to 325 spaces and a cost exceeding \$10,000,000. Furthermore, the construction cost is just one aspect of the impact, there is also on-going maintenance, repair, security and lighting costs to consider.

There are alternatives to having the Town subsidize the cost of parking that provides a specific benefit to a land owner or business. These options are discussed in other sections of this report.

6. PRIVATE DEVELOPMENT OF PUBLIC PARKING

Introduction

Both DESMAN and Lansing Melbourne Group (LMG) have had substantial experience in the involvement of private interests in public parking facilities. In order to familiarize the reader with the economics of parking facility development, the following section will describe some universal concepts regarding such project development and apply local knowledge regarding cost and revenue models.

Capital Costs

The development of a real estate project, regardless of use, is generally divided into two categories: soft costs and hard costs. Soft costs are those incurred for activities that do not directly translate into the hard asset or real estate itself, such as architectural and engineering fees, feasibility studies, financing costs, taxes, and other similar items. Hard costs generally are made up of the construction of the building itself, site preparation, the land, and any offsite improvements necessary to accommodate the project (like turn lanes for access, sewer extensions, etc.).

Most cities develop parking garages on land they already own, whether on what is now a surface parking lot or through redevelopment of another parcel. When land costs have to be added to a parking project, financial feasibility can be very quickly eroded. Construction costs in today's market are ranging between \$55 and \$60 per square foot for a very basic garage, with \$80 not unusual. At 350 to 400 square feet per parking space (gross area), pricing in the mid to upper \$20,000 per space is to be expected. As an example, Pompano Beach is currently negotiating a contract to construct a parking garage at their pier at a cost of over \$30,000 per space (does not reflect net cost per new space which would be a higher cost).

For purposes of this exercise, we have constructed a model for capital costs of a 300 space garage as follows in Table 1.

Financing Costs

Commercial real estate projects are typically financed through a combination of debt and equity, together known as the "capital stack". The debt is secured through a mortgage instrument and holds the first right to any income from the property, and has rights to wipe out any equity in the case of default. Therefore it is often referred to as "first position". Because of its first position, it earns the lowest level of interest payment. In a project such as this, one could reasonably expect that if there were no guarantees from public agencies for parking revenue or debt service that the first mortgage rates would be in the range of 5.0% (assuming a project in 2015). This is a slight premium to rates experienced by public sector borrowers. This debt could comprise as much as 65% of the cost of the project.

Table 8 - Hard and Soft Costs for 300 space Garage

Hard Costs		
Construction	300 spaces at \$29,000/space	\$8,700,000
Off Site Items	lump sum	\$870,000
Site Work	lump sum (includes any demo)	\$250,000
	Subtotal	\$10,750,000
Soft Costs		
Design	10% of Base Construction	\$870,000
Testing and Admin	4% of Base Construction	\$348,000
Financing	3% of Base Construction	\$261,000
Permits/Inspections	5% of Base Construction	\$435,000
Entitlements	2% of Base Construction	\$174,000
		\$2,088,000
Contingency	10% of Base Construction	\$870,000
Total without Land		\$13,708,000

The balance of the project would be funded by “equity”. This portion of the capital stack is “at risk”, and is typically the first in line to be wiped out in case of a default, and is also generally responsible for any operating shortfalls or cost overruns. Therefore, this portion of the project funding is generally expensive, earning a preferred return and often an ongoing share of the cash flow. In today’s market this funding earns approximately 12 percent annually.

Given these components, the debt service costs of this example facility would be as illustrated below:

Source	Split	Total Cost	Cost Split	Debt Service	Equity Repayment	Interest/Term
Debt	65%	\$13,708,000	\$8,910,200	\$632,201		i=5%, t=25 years
Equity	35%	\$13,708,000	\$4,797,800		\$611,719	i=12%, t= 25 years
Total Debt				\$632,201 +	\$611,719	= \$1,243,920

This translates to a debt service cost of \$346 per space per month (\$1,243,920 divided by 300 divided by 12).

Operating Costs

Based on similar facilities in the market, we would anticipate an operating cost in the range of \$12,000 per year (\$40 per month per space) and a repair reserve of approximately \$36,000 per year (\$10 per month per space). This includes a small reserve which would be adequate for a new facility.

Total Costs and Feasibility

The estimates above suggest that the total cost to open a new facility without land would be in the range of about \$400 per month per space at breakeven. If land were to be obtained at approximately 10 percent of the project cost, that would add another \$40, or \$440 per month per space at breakeven. This is far above the revenue generation rates of existing off street parking in LBTS with the average revenue per month for the five beach lots (El Mar, El Prado, Town Hall, Minto, A1A) at about \$220 per space per month. This is also consistent with our experience that in anything but the most dense or captive markets, parking garages do not pay for themselves, but must be part of a system that includes on street meter revenue to be financially feasible or offer ancillary vertical development opportunities to generate air rights income.

7. OPTIONS FOR EXPANDING THE PARKING SYSTEM

Introduction

As the Town of Lauderdale-By-The-Sea (LBTS) optimizes the operation of the parking system, there were several potential sites that were considered including, but not limited, to the:

- El Prado Lot;
- Benihana parking lot;
- Town Hall site;
- 4312 Ocean Drive site;
- A1A Lot; and
- Other Surface Lot Options.

Each of the options listed above are discussed below:

El Prado Lot

The 86 space El Prado Lot was briefly considered as an expansion site for three primary reasons:

1. The Town already owns the site;
2. The site is large enough to potentially accommodate a parking garage; and
3. The site is located in close proximity to beach access and would provide convenient and expanded capacity for beachgoers.

Conversely, there are numerous reasons the site was removed as a viable option for consideration including:

1. Use data evaluated from the Minto Lot and the El Prado Lot suggests that this lot would be used by both beachgoers during the daytime and in the evening by visitors and patrons to the downtown; and
2. One of the Town's most valued view corridors from Town Hall to the Ocean would be lost with new construction. Furthermore the site would be bordered by condominium projects which would visually "wall-off" the ocean from Ocean Drive for several blocks.

The Benihana Parking Lot Site

There is a fairly large parcel of land used located immediately east of the Benihana's Restaurant that provides over 50 spaces in a surface parking lot. This site was considered as a possible site for a public/private joint venture garage where Benihana's would replace or expand their parking needs and lease any remaining parking to the Town to support development of the West Commercial District. No conversations have been initiated with Benihana's to gauge their level of interest, if any. There are a couple of reasons why this option was considered:

1. Development of the surface lot into a parking garage would provide a mechanism for Benihana's to potentially increase their parking supply in a new garage; and
2. The site could provide additional parking capacity to provide support for redevelopment of the West Commercial District.

There were also at least two reasons this option was removed from further consideration:

1. The cost to build a parking garage on this site would be very high, because like the A1A Lot, the existing surface parking spaces would need to be reconstructed within the garage at a high cost before any new parking was added. Although a small garage may fit on this site, it would likely be less efficient than desired and due to the Town's height limitations, the number of floors and ultimately the number of spaces would be restricted to 150 spaces or less without a larger footprint. The entire cost of the garage would likely be passed on to the Town since it seems unlikely that Benihana's would pay to replace surface parking as structured parking unless there was an economic incentive for doing so. Furthermore, Benihana's would lose all of the parking during construction which is likely not feasible. If this was a reasonable development opportunity, the private sector would likely have proposed a solution. In this case, assume the cost per space of \$31,000 is similar to the A1A Garage example (see the A1A Garage option later in this memo). At 150 spaces, the garage cost would be about \$4.65 MM and the Town, at best would have use of about 90 spaces. This would put the cost per space for the Town at about \$52,000. There are likely better solutions to spending \$52,000 per space or \$4.56 MM.
2. The site seems to be in a convenient location to serve the West Commercial District. However, since it is located very close to the Intracoastal Bridge, there may be challenges in directing parkers to the garage. However, this could likely be overcome for the most part through design and wayfinding.

Town Hall Site

Town Hall sits on one of the most desirable sites in the downtown area. It's a relatively large parcel under the Town's ownership and has unobstructed views of the Ocean through the El Prado Avenue corridor. The site is only one of a few parcels under control of the Town that could accommodate a garage. If at such time it made economic sense for the Town to replace their current building facilities elsewhere, this site could serve as a valuable development site including the potential to add new general public parking spaces. The location of this site would do more to serve beachgoers than the downtown business community. Consequently, this site is not under consideration.

4312 Ocean Drive

The Town has recently entered into an agreement with the owners of a parcel at 4312 Ocean Drive for the construction of a temporary surface parking lot, referred to herein, as the 4312 Ocean Lot. The site is currently a vacant parcel located in the northeast quadrant of 4312 Ocean Drive (State Route A1A) and Datura Avenue (see Figure 11).

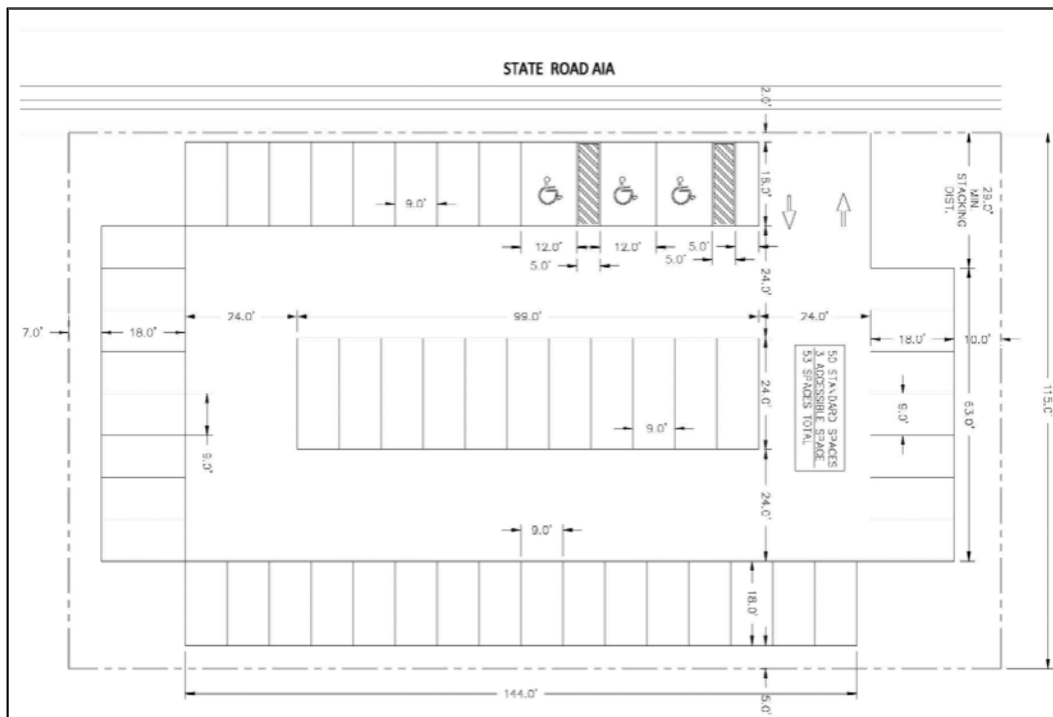
The Town will improve the site and add approximately 55 grassed surface parking spaces and will be used for a temporary parking lot until such time the owner of the parcel decides to sell or develop the site. The cost to provide the grassed surface lot is estimated at about \$25,000.

Figure 12 shows one possible parking layout and that the site is well situated because drivers from the south can be captured before they arrive at the congested intersection at Commercial Boulevard. Also, this lot is very close to direct beach access provided at the Datura Avenue portal as well as access to the center of the downtown via a convenient walk along El Mar Drive. This lot will likely serve a higher demand related to beachgoers than shoppers or restaurant patrons.

Figure 11 - 4312 Ocean Lot Site



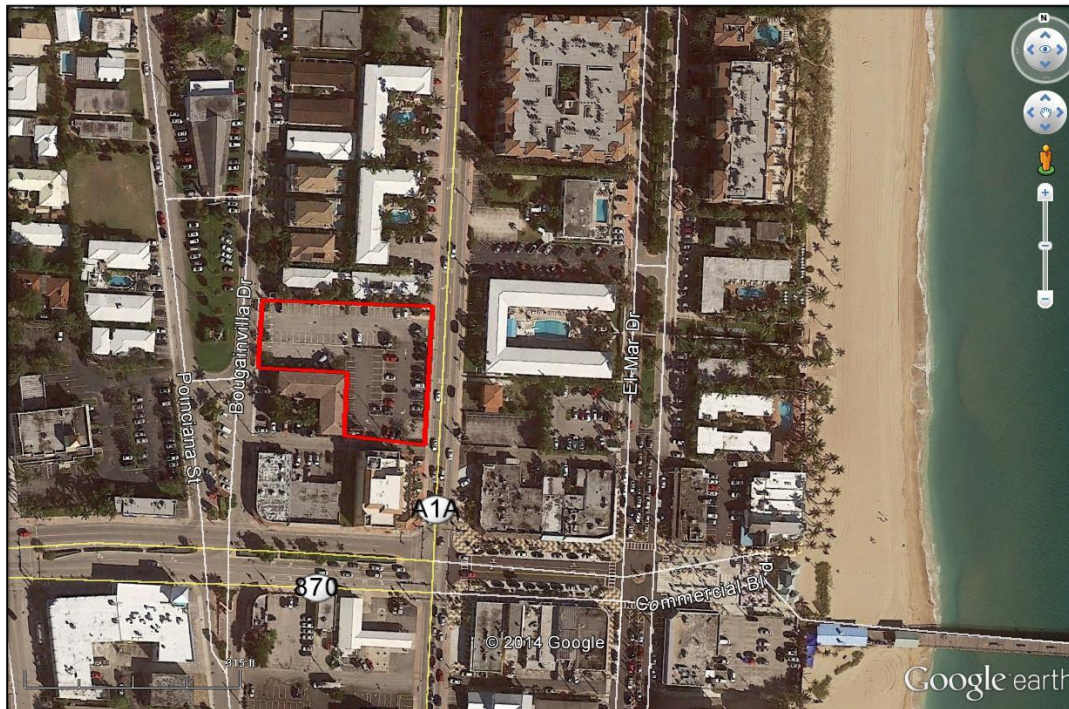
Figure 12 - 4312 Ocean Lot Parking Layout Option



A1A Garage

As shown in Figure 13, the current A1A surface parking lot is located between A1A and Bougainvillea Drive, north of Commercial Boulevard. There are currently approximately 95 parking spaces in this lot. In FY2014, the estimated revenue generation was about \$210,000 or about \$2,210 per space per year. This is one of only a few potential sites that could serve as a site for a new parking garage.

Figure 13 - A1A Surface Parking Lot Site Map



Site Plan

Figure 14 depicts the overall site plan for the A1A Garage while Figures 15, 16 and 17 illustrate the circulation and parking space layout for various levels of the garage. The entire garage provides about 325 spaces in three elevated levels and an elevation of 41.5' at the Forth Level (Roof) slab.

First Level Layout

Figure 15 – the Level one (grade) plan shows access to both Commercial Boulevard and Bougainvillea Drive. The grade level elevation at Commercial Boulevard is approximately 10' with the site sloping east to west and the west elevation towards Bougainvillea Drive elevation at approximately 8.5'. There is a double-loaded westbound one-way angled parking aisle on the north side of the lot with an exit to Bougainvillea Drive. There is a separate entrance from Bougainvillea Drive as a single-loaded eastbound one-way angled parking aisle on the south portion of the site.

Traffic enters the structured portion of the garage at elevation 10' through a two-way, double-loaded sloped floor running north to south with 90 degree parking to an elevation of 15.25' at the south edge of the site and then turns north and begins to travel up the easternmost sloped bay. The First floor (grade level) provides about 80 spaces.

Figure 14 – A1A Garage Site Plan

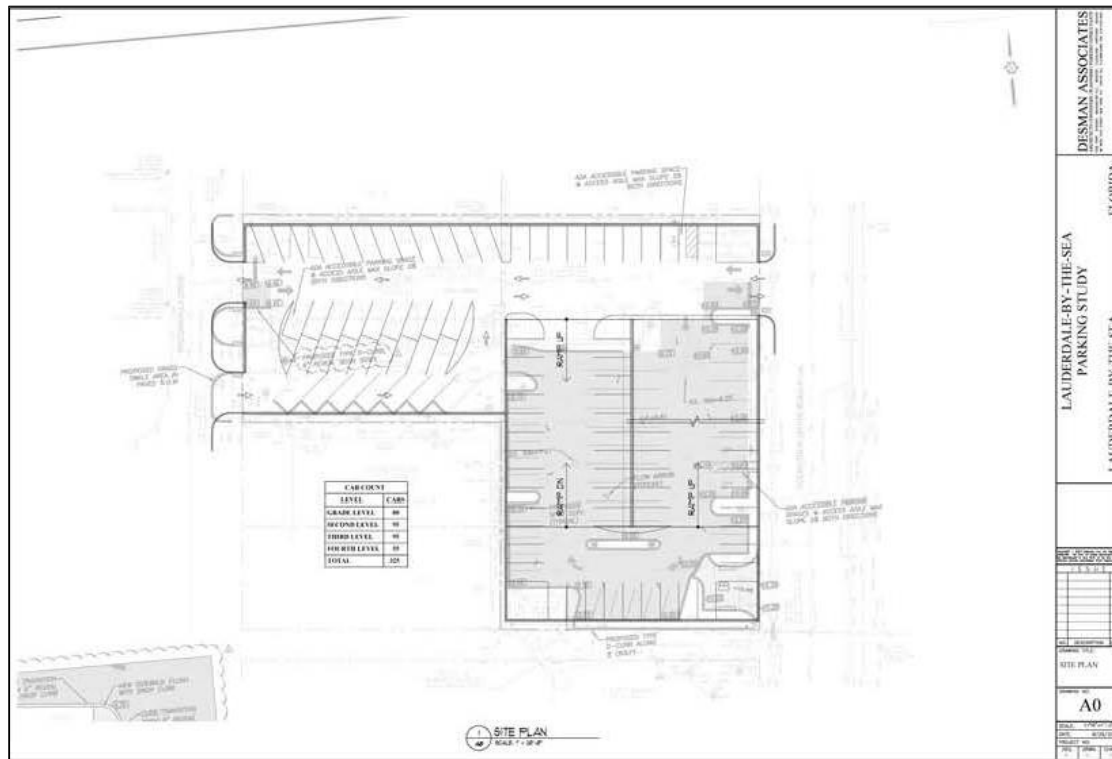
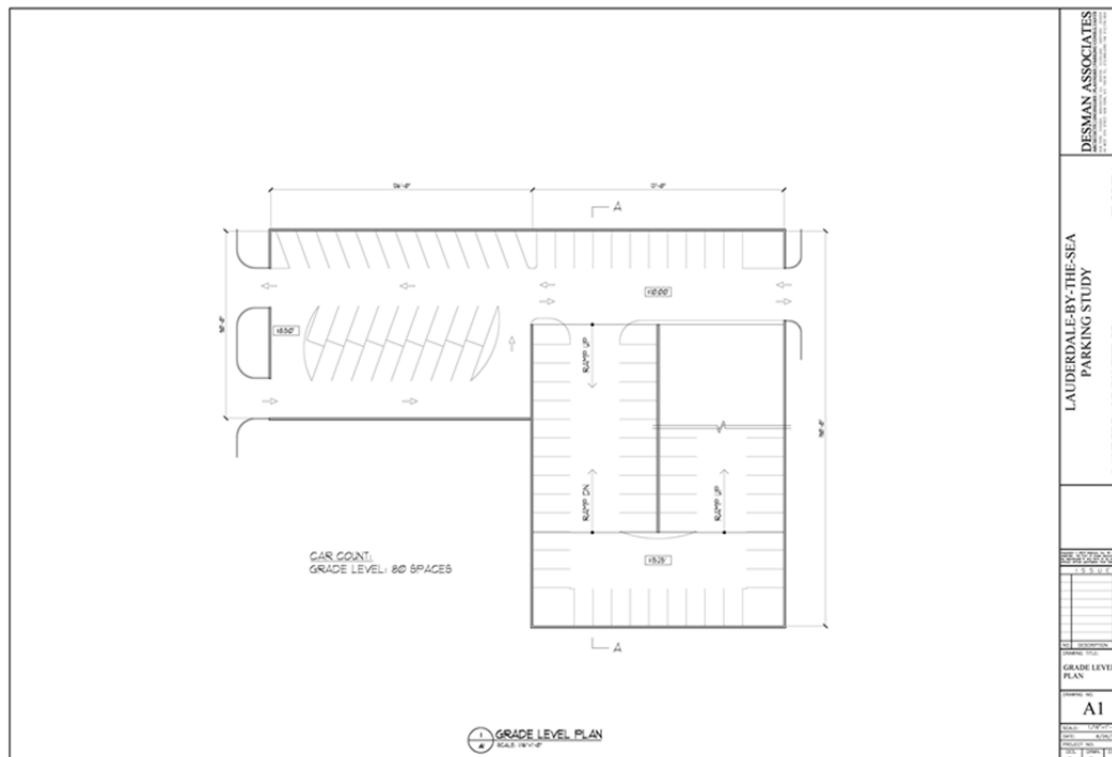


Figure 15 - A1A Garage Grade Level Layout



Second and Third Floor Layouts

Figure 16 shows the typical floor layouts for Levels Two and Three. Traffic enters Level Two from the westernmost sloped parking bay coming up from grade to an elevation of 20.5', enough clearance for vehicle circulation at the First Level. At elevation 20.5', the structure parking is extended over the angled portion of the site to the west (elevation 19.0'). The set of sloped floors on the southwest quadrant of the site continue up, each climbing about 5' for a total of about 10' floor-to-floor (north to south, then south to north) to Level Three. Level Three runs from an elevation of 31' at the Commercial Boulevard to about 29.5' at the Bougainvillea Drive end of the garage. The Second and Third Level each provide about 95 spaces for a total of 190 spaces.

Fourth (Roof) Level

Figure 17 shows the Roof Level and Return Circulation. In order to stay below the maximum height limits specified in the LBTS code, the Roof Level of the garage is comprised only of the balance of the sloped floor from the Third Level, at elevation 41.5', running to the rectangular section towards Bougainville Drive, elevation of 40'.

There is also a section (Building section A-A) shown at the top of Figure 17 depicting the anticipated elevations from the First Level at 10' to the Roof Level at 41.5'. The ramps from the third level provide access but also terminate at the Roof Level, which provides about 55 spaces.

Parking Spaces and Costs

While the A1A Garage could provide 325 spaces, there are already 95 spaces in the A1A surface parking lot, so the net number of new spaces is 230 as shown below:

A1A Garage	325 spaces
<u>A1A Surface Lot</u>	<u>95 spaces</u>
Net New	230 spaces

Table 9 provides an opinion of probable costs for the A1A Garage design and construction.

Table 9 - Opinion of Probable Costs (2014)

Construction cost	\$8,700,250
Design fees (@10%)	<u>\$870,025</u>
Construction cost	\$9,570,275
Misc. site contingencies	<u>\$500,000</u>
Total project cost	\$10,070,275
Cost per space (325 spaces)	\$30,985
Net cost per new space (230 spaces)	\$43,784

As shown in Table 9, the total construction cost for the garage is estimated at \$10,070,275 for 325 parking spaces. That translates to a cost per space, for 325 spaces, of about \$31,000 including design and miscellaneous site contingencies. However, when the cost per space is calculated to represent the cost for the number of *net new spaces* added to the site, the cost is about \$43,800 per space. This is because the 95 existing spaces are eliminated as surface parking and constructed again as part of the garage.

Figure 16 - A1A Garage Second and Third Floors

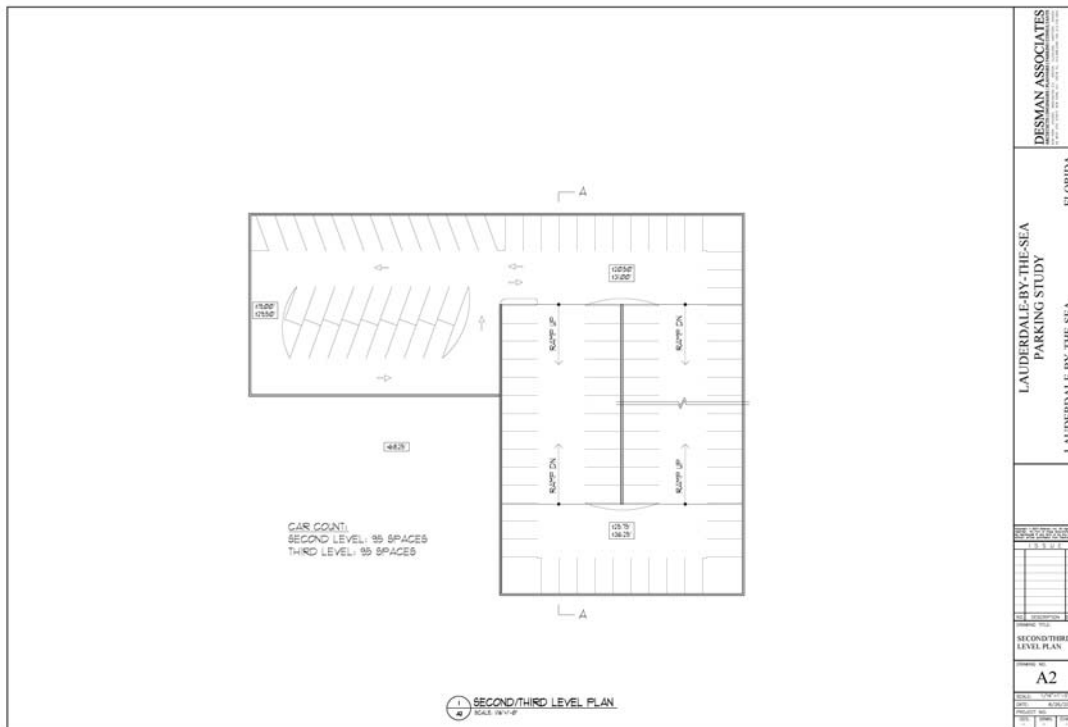
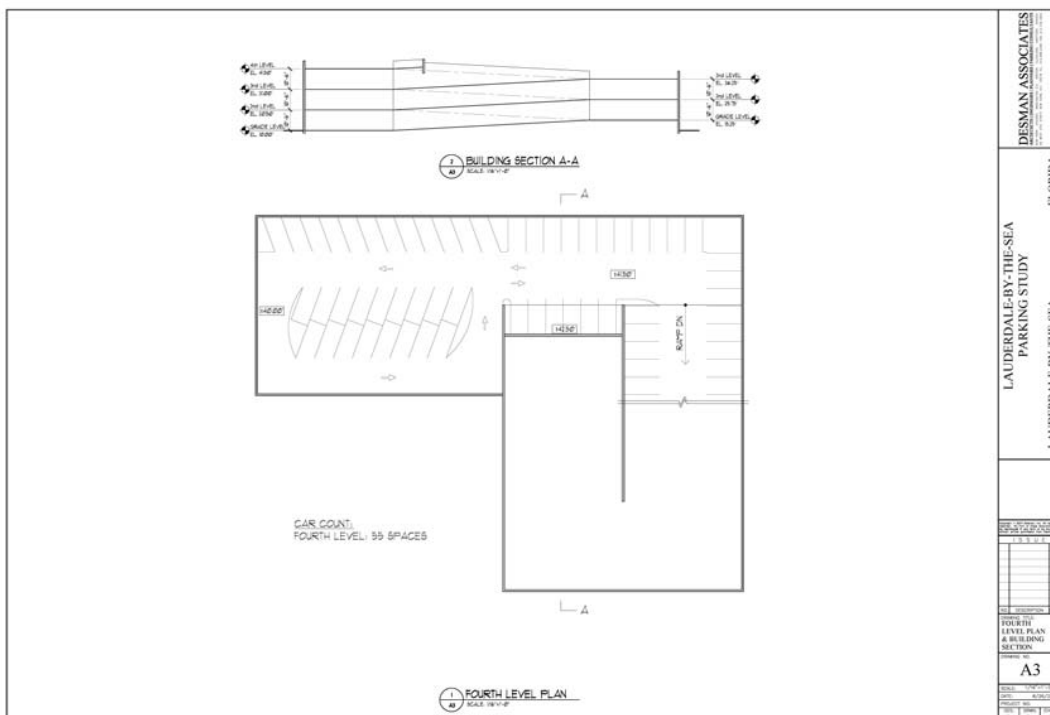


Figure 17 - A1A Garage Roof Level and Section



Additional Financial Impacts

In addition to construction costs are costs associated with financing as well as new annual expenses (such as operating, utility, repair and reserve for structural parking, maintenance and cleaning) associated with both a new surface lot (4312 Ocean Lot) and structured parking (A1A Garage). There is also new revenue generated by these facilities as well as a loss of revenue related to the Minto Lot (January 16, 2015). In addition, there would be a loss of parking revenue as a result of taking the A1A Lot out of service for 1 ½ years for construction of the garage, or about \$315,000. Estimates for both additional expenses and revenue are detailed in other sections of this report.

Other Surface Lot Options

As discussed in a previous section of this report, the development of a real estate project, regardless of use and ownership (public or private), is generally divided into two categories: soft costs and hard costs. Soft costs are those incurred for activities that do not directly translate into the hard asset or real estate itself, such as architectural and engineering fees, feasibility studies, financing costs, taxes, and other similar items. Hard costs generally are made up of the construction of the building itself, site preparation, the land, and any offsite improvements necessary to accommodate the project (like turn lanes for access, sewer extensions, etc.).

Most cities develop parking garages on land they already own, whether on what is now a surface parking lot or through redevelopment of another parcel. When land costs have to be added to a parking project, financial feasibility can be very quickly eroded. In the example of development of a surface parking lot (rather than a garage), the land costs are the dominant cost item and all other costs are a fraction of the land costs. Construction costs vary depending on the level of site amenities and soil conditions, but typically range between \$1800 and \$2500 per space for permanent surface (versus a temporary parking lot such as the 4312 Ocean Lot). Acquisition and use of a typical land parcel in LBTS would likely include an existing business use and require demolition and site preparation to provide about 55 to 65 parking spaces. Based on other land use parcels that have sold are are for sale in LBTS, an example of typical site development costs has been prepared. Table 10 provides a brief summary of anticipated hard and soft costs for acquisition and development of a surface parking lot in LBTS.

Table 10 - Example of Land Acquisition and Development of Surface Parking Lot

Hard and Soft Costs			
Land Acquisition	Typical Downtown Parcel	\$	1,800,000
Construction	60 spaces at \$2,500/space	\$	162,500
Site Work	Site demo and prep	\$	130,000
Design and Permits	Design and permits	\$	50,000
	Total	\$	2,142,500
	Cost per Space	\$	33,000

As shown in the example illustrated in Table 10, an estimate of the typical cost for acquisition of land and development of a surface parking lot is about \$33,000 per space, dependent to a large extent on the cost of the land. In this example, a 20 percent increase in *just* the land cost shown in Table 10 would increase the cost per space to \$38,500 (about 17 percent).

8. OPTIONS FOR FINANCING PARKING IMPROVEMENTS

Recommendations

The cost to operate and maintain the Town's parking system should be supported by revenues generated by users of the system. The Town has done well in this regard and the parking system is self-supporting and financially strong. However, unanticipated development growth may require the Town to expand the parking system by acquiring land and building surface parking lots or by constructing a new parking garage which would put a high level of stress on parking system finances.

An example of this would be if a parking reduction is requested by a developer but the development parking demand cannot be accommodated by the existing parking system, than a PILOP may be warranted. If a PILOP were to be used to support new development growth in LBTS, the recommended approach would be to use the Parking Strategic Plan (PSP) as a guiding tool that:

- Sets a five to 10 year development and parking needs plan;
- Estimates the cost to develop the parking infrastructure in the plan, including land costs and lost opportunities, to support the development growth;
- Estimates a timeframe or other trigger when parking infrastructure would be required;
- Recommends a PILOP fee that correlates development parking demand and the cost of expanding the parking system on a per space basis;
- Commits the Town to making the improvements so that they are in-place regardless of whether or not there are adequate PILOP funds to cover the cost; and
- Continue to assess the PILOP and use funds to offset any shortfall in parking infrastructure costs.

Based on the current PSP, the cost to construct new parking facilities ranges between \$33,500 (surface parking lot) and \$44,000 per space (A1A Garage) depending on whether the facility is a garage or a surface lot. All or a subsidized portion of this cost can be used as a PILOP for new development. A subsidy can usually be justified since use of the subject parking spaces is shared by other parkers visiting the downtown and beach.

Introduction

The cost of parking has increased dramatically over the past decade and this increase has had an enormous impact on development projects. The information provided in this memo provides a brief discussion of typical financing alternatives of which, perhaps only a couple are applicable in LBTS. Many of the financing options have been eliminated because of the low density and restricted development opportunities in LBTS.

General Obligation (GO) Bonds

GO bonds are the most likely approach that should be considered by LBTS. GO bonds can be issued by a municipality for parking improvements and repaid with revenue generated by the parking system. This form of financing typically has the lowest interest rate since they are backed by the full faith and credit of the public entity. This approach can be used by the LBTS with repayment from negotiated payments, leases, tax increment finance revenue, and/or special or parking district assessment fees assessed on the private sector by the Town and pledged towards bond debt. More on these revenue streams in the following sections.

Payment in Lieu of Parking (PILOP)

A payment in lieu of providing parking is allowed and used cities throughout Florida. The PILOP financing approach was initially created as an incentive to support (re)development for several reasons:

- by relieving the private sector from the burden of financing parking;
- to create or maintain enough of a development site to accommodate higher density development; or
- As a mechanism to construct a central parking facility that can serve development within its service area.

The concept was, in theory, to collect enough funds from (re)development for a municipality to finance the cost of constructing a parking lot or garage that would then serve the development that had paid into the program.

Usually, PILOP programs have a pre-set payment amount that serves to incentivize development. The PILOP typically has no true relationship to the actual cost to develop parking facilities. Historically, this was especially true when a municipality had an excess of parking and low utilization. Over time as a downtown develops the utilization of the parking system increases and at some point may need to be expanded to accommodate new growth. If the PILOP has been set at an artificially low value and cannot be used to fund the necessary parking improvements in full, then the municipality has the obligation to fund any shortfall.

The payment is usually determined in two ways: 1) a fixed amount that incentivizes development but by reducing the full cost of parking improvements (with a subsidy); or 2) the actual cost of providing a new parking facility, which is usually a higher amount. Typically, developers will choose a fixed amount because they usually require certainty in assembling their financing or determining feasibility of a proposed development or redevelopment. This approach can be problematic unless the municipality has already provided the “subject spaces” in a parking facility or has the ability to construct coincident with the development proposal that justifies the municipality’s investment.

If a PILOP were to be used to support new development growth in LBTS, the recommended approach would be to use the Parking Strategic Plan (PSP) as a guiding tool that:

- Sets a five to 10 year development and parking needs plan;
- Estimates the cost to develop the parking infrastructure in the plan, including land costs and lost opportunities, to support the development growth;
- Estimates a timeframe or other trigger when parking infrastructure would be required;
- Recommends a PILOP fee that correlates development parking demand and the cost of expanding the parking system on a per space basis;
- Commits the Town to making the improvements so that they are in-place regardless of whether or not there are adequate PILOP funds to cover the cost; and
- Continue to assess the PILOP and use funds to offset any shortfall in parking infrastructure costs.

Based on the current PSP, the cost to construct new parking facilities ranges between \$33,500 (surface parking lot) and \$44,000 per space (A1A Garage) depending on whether the facility is a garage or a surface lot. All or a subsidized portion of this cost can be used as a PILOP for new development. A

subsidy can usually be justified since use of the subject parking spaces is shared by other parkers visiting the downtown and beach.

Utility Assessment District (Parking Assessment District)

The creation of a parking assessment district may be possible in LBTS. One or more Parking Assessment Districts could be created (West Commercial District and Beach District) where a tax is levied on taxpayers within that district (typically non-residential uses) and reinvested into the parking system for improvements that benefit businesses in that specific district. This can be one of several combined sources of revenue used by the Town and is subject to existing State of Florida enabling legislation. There may be a similar mechanism in-place in Florida that was initially created to finance more typical utility improvements for Counties. The assessment could be implemented in several ways depending on state statute, but there would likely include a credit in some form for those businesses that have provided their own parking in one way or another.

Tax Increment Finance Bonds

Although a common funding approach, the implementation of a TIF is likely not a likely financing tool for LBTS, primarily because the Town is not necessarily interested in this approach to redevelopment. The construction of parking structures is usually an authorized use for tax increment financing (TIF) since the improvement is generally viewed as an economic development generator that is used to support commercial redevelopment. A geographic area is identified, typically meeting specific criteria for redevelopment and a baseline is set for the property values at that time. Bonds are issued and the funds used to provide infrastructure that enables redevelopment, ultimately increasing property values. The net increment of increased value is captured by the TIF and is used to pay the bond debt.

Revenue Bonds

Revenue bonds are taxable or tax-exempt bonds that rely upon parking revenues or other parking related fees and/or commitments to repay the bonds. In principle, revenue bonds would rely on parking system revenues and would not require the full faith and credit of the Town. However, the Town's Parking Fund does not have the historical track record that would be required by rating agencies to issue revenue bonds. Typically, revenue bonds have higher risk associated with them than General Obligation (GO) bonds which is generally reflected in higher interest rates.

Information that may be useful in the future if the Town did consider revenue bonds is that the revenue sources used to pay the debt for revenue bonds can be pledged from different income streams such as:

- Parking fees and fines;
- Leases and/or Negotiated Payments; and
- Parking Taxes.

Although parking fines revenue cannot be used to calculate the debt service coverage, they can be used to offset costs. Otherwise, all parking meter revenue and permit fees can be used to service the debt. Like the private sector, revenue generated from leased commercial space, lease of parking spaces, payments in lieu, or air rights can be used to service the debt.

Public Private Partnerships

Because development opportunities in the downtown are limited, this approach is likely not a suitable mechanism for LBTS. Previous sections provide an analysis of why this would be challenging in LBTS. However, in more urban developing environments there are greater opportunities for developers to

integrate garage spaces, or commercial uses into the garage, commonly referred to as mixed-use development, to offset the costs of constructing and operating the parking component. In addition, developers can sell development rights, lease or sell parking spaces, as well as lease “garage” space built out as tenant space, and lease air-rights.

Development Partners

Quite often a legal relationship is created between the local public entity and a private developer to advance a project that neither may be able to accomplish independently. In the cities of Arlington Heights, Illinois, Miami Beach, Florida, Lansing, Michigan, a request for qualifications (RFQs) was issued by the city requesting land owners and developers to design a public/private partnership that involved a parking component that benefited more than just the “project”. Once teams are deemed “qualified” than the city entered into negotiations with each of the development teams to identify the commitment of the developer, the level of support and participation needed from the city as well as the benefit returned to the city. In some instances, the city was able to expedite the development process, in others the city contributed land and still others, the city participated by providing a new revenue source or density bonuses or commitments to lease space. This approach has been used quite successfully. One major benefit is that the development community typically understands what to bring to the market better than the public sector, which is one of the reasons for success in this approach.

Sale-Leaseback Financing

In this approach, an investment group provides capital in the form of a sale-leaseback agreement to an entity. The amount of capital available is based on the ability of the parking system to service the repayment. The investment group typically uses the entity’s parking assets as collateral and requires the full faith and credit of the entity to guarantee the repayment. As an example, a net revenue stream of \$2,000,000 per year will generate \$30,000,000 or more in capital to the entity for improvement projects. In reality, the entity sells a 20-50 year revenue stream to an investment group at a discount rate and uses the funds typically for parking improvements. The parking system then repays the capital through lease payments over time. The advantage of this approach is that it can be executed far faster than revenue bonds, the proceeds have no restrictions like bond caveats, the net cost of money is very close to the cost of money in tax exempt financing. Washington, DC is one of many public entities negotiating a similar arrangement with private investment groups. Since LBTS has limited existing revenue, this is not a viable option.

Density Bonuses

Because this approach is not aligned with the goals of LBTS, it is not a likely approach. It works by the local jurisdiction granting a density bonus in the way of increased floor area ratios (FAR) to offset the cost of structured parking by increasing the development profitability³. As an example, the cities of Suffolk, Virginia, San Antonio, Texas and Charlotte, NC offer a density bonus as an incentive for converting surface parking to structured parking. As an example, for each 100 spaces converted from surface to structured parking on an area not exceeding 20 percent of the site area, an additional 20,000 square feet (SF) of new building area may be constructed.

³ A density bonus also creates additional parking demand.

9. FINANCIAL PROFORMA ALTERNATIVES ANALYSIS

This memorandum provides a summary of the anticipated financial performance of the Town's parking system under several evaluation scenarios. The goals of the proforma analysis are listed below.

1. If the Town had a desire to expand the parking system, could the expansion be funded by the parking system under the current rate schedule; and
2. What is the opportunity to increase parking rates based on what the market will bear as well as using rates as a means to more effectively manage parking demand through pricing.

The make-up of the various proforma analyses are summarized in the following sections. Each of the alternatives is discussed and the detailed proforma for each alternative is referenced in the appendix. Unless otherwise stated, the reference to years is assumed as the Town's fiscal year. The following scenarios are summarized below and explained in greater detail in the following section:

1. Adjusted Existing Conditions Proforma – based on historical performance of the Parking Fund and projecting FY2015 forward with adjustments incorporated. This scenario assumes no increase in the current rates.
2. Adjusted Existing Conditions Proforma with Market Rate Increases – this analysis is based on Scenario 1 but adjusted to model the anticipated financial outcome if parking rates were increased to reflect market conditions as well as more effectively manage parking behavior through pricing.
3. A1A Garage Proforma with No Increase in Rates – this scenario is based on the Scenario 1. plus incorporation of the expenses (e.g. construction costs, operating expenses) and revenue anticipated with the construction of a 325 space parking garage located on the A1A Lot.
4. A1A Garage Proforma with Market Rate Increases - this analysis is based on Scenario 3, but adjusted to model the anticipated financial outcome if the parking rates were increased to reflect market conditions as well as more effectively manage parking behavior through pricing.

Adjusted Existing Conditions Proforma

The Town provided actual figures for the past four years of financial performance for the Parking Fund through FY2014 (shown in Appendix Table 6). The Adjusted Existing Conditions Proforma (shown in Appendix Table 7) was developed to assess the financial performance of the Parking Fund through 2035 given anticipated program and budget changes that affect both revenue and expenses. The proforma assumptions, program and budget changes that were incorporated into this proforma model are discussed below:

1. Parking demand stays relatively constant and parking rates are not increased. No changes in the current parking rate structure are included nor changes in system revenue with the exception of elimination of the Minto Lot and addition of the 4312 Ocean Lot in 2015 and 2016. Starting in 2016, the total Parking Fund revenue is assumed to be flat;
 - The Minto Lot (78 spaces) is assumed to be taken out of service April 1, 2015, decreasing Parking Fund revenue by a total of \$124,780 a year, starting in the last six months of 2015 (\$62,390);
 - The 4312 Ocean Lot (55 spaces) is placed in-service on January 1, 2015 and the proforma reflects an increase in annual revenue of \$117,314 beginning in 2016 with a partial year

increase of \$58,657 from January through the balance of 2015. The Minto Lot is located on private property and treated as a grassed temporary lot that will remain in-service as long as the contract with the property owner is maintained;

- There is a \$25,000 capital outlay expense shown in the Parking Fund for construction of the temporary grassed lot at 4312 Ocean Boulevard for the 55 spaces;
 - Revenue for the 4312 Ocean Lot was estimated at the same annual revenue per space generated at the Minto Lot but adjusted to reflect the difference in parking rates from the current rate of \$1.50 per hour at the Minto Lot to \$2.00 per hour at the 4312 Ocean Lot;
 - A pay out of 50 percent of the revenue generated by the 4312 Ocean Lot to the property owner is shown as an expense to the Parking Fund (shown in line Dept. 306 - Miscellaneous Revenues);
2. Common to each scenario is the assumption that expenses increase at three percent per year through the financial horizon period (2035).
 3. General overall annual Parking Fund expenses were adjusted to reflect both anticipated and potential expenses related to parking operations, including (these items also shown in yellow highlighter in Appendix Table 6):
 - \$50,000 was added to expenses in 2015 for parking lot maintenance for all parking system lots;
 - Expenses for professional services were increased to \$50,000;
 - A \$50,000 line item for contingencies is included;
 - \$500 in fuel costs plus \$500 in auto, property and liability insurance related to parking operations were added; and
 - As mentioned above, a capital outlay of \$25,000 was allocated for construction of the temporary 4312 Ocean Lot improvement.

Appendix Table 7 - Existing Conditions Adjusted Proforma illustrates the resulting financial performance of the Parking Fund through 2035 based on the above listed assumptions, line items, adjustments and actions. Table 11 below shows a summary of the annual expenses, revenue, system surplus or shortages and estimated accumulated revenue.

Table 11 - Adjusted Existing Conditions Proforma

Scenarios	2014	2015	2016	2017	2018	2020	2025	2030	2035
Adjusted Existing Conditions - No Rate Increase									
Revenues	\$1,613,247	\$1,579,205	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144
Expenses	\$1,538,233	\$535,549	\$551,615	\$568,164	\$585,209	\$620,848	\$719,733	\$834,368	\$967,261
Net Operating Income	\$75,014	\$1,043,657	\$994,529	\$977,980	\$960,935	\$925,296	\$826,411	\$711,776	\$578,883
Accumulated Reserves	\$1,384,862	\$2,428,518	\$3,423,047	\$4,401,027	\$5,361,963	\$7,230,638	\$11,566,308	\$15,361,234	\$18,529,291

The figures shown for 2014 are actual and the revenue is assumed to remain constant with the exception of adjustments made to remove the Minto Lot and add the 4312 Ocean Lot. There is a significant decrease in expenses between 2014 and 2015 because the 2014 figures included cost for acquisition of land and debt service costs. Over time the net operating income decreases as expenses continue to escalate at three percent per year while revenues remain constant (no rate increases). However, the accumulated reserves grow throughout the horizon period to over \$18.5 MM in 2035.

As listed above, three additional proformas were developed modelling the Parking Fund under different operating assumptions including evaluating the impact of increasing parking rates on the financial performance of the system. However, prior to presenting additional scenarios, a discussion of parking rates and what is referred to herein as, market rates, is presented so there is an understanding of the parking rates assumed for each proforma.

Parking Rates

A review of peer beachfront communities was conducted to determine how LBTS's parking rates compare to neighboring communities and help determine if market conditions would support an increase in rates. The term "market rate" reflects a rate charged for parking that is consistent with and acceptable to the users. Market rates are set by supply/demand, the higher the demand for visitors to an area (dependent on parking) relative to the parking supply (in most cases fixed), the greater the opportunity to increase rates. It is important to note that there are several critical reasons for evaluating the need to increase rates:

1. An increase in parking rates can increase parking system revenue and consequently, increase the annual bottom line or net operating income, and ultimately parking system reserves.
2. Increases in fund reserves can be redeployed into maintaining, upgrading, improving the parking system lots and facilities.
3. Many parking systems fund capital and operating improvements related to transportation and parking with reserves or annual revenues including:
 - a. Support of alternative modes of transportation such as expansion of transit or trolley access including the SunTrolley or Pelican Hopper;
 - b. Safer bike paths/routes and potential bike racks/storage facilities;
 - c. Improvement of pedestrian routes, including lighting or other options so that walking to less convenient parking or transit/taxi stops is feasible;
 - d. Improved public amenities, signage and wayfinding to reduce traffic congestion, and upgrades in technology.
4. Parking rates can be used to limit parking demand. In other words, the rates can be adjusted to a level that reduces parking demand. Parking elasticity models generally specify that a 10 percent increase in cost (rates and/or fuel or other auto related costs), would decrease demand by two percent. This means if the cost to park increased, then the parker may find a less costly alternative. That model does not fit areas like LBTS and neighboring communities in Broward and Miami Dade County where the demand is quite inelastic. If you want to be near the beach and the entertainment and dining venues offered, the competition is limited and therefore alternatives limited and consequently the demand is inelastic. This is of note in that the rates charged for premium parking need to be substantially higher than less convenient parking to change parking behavior, that is, move long-term parkers from premium short-term parking spaces to off-street facilities.
5. The ability to create differential rates in the parking schedule of rates can help incentivize long-term parkers (e.g. beachgoers) move to off-street facilities (cheaper long-term), thereby creating opportunities to create accessible, convenient, high turn-over, on-street short term parking (for business and store customers and patrons). This allows the Town to direct beachgoers (through pricing) to slightly less convenient parking so that highly desirable on-

street parking along Commercial Boulevard (beachside), A1A and El Mar Drive, as well as off-street parking in the El Mar Lot are available for short-term business patrons

6. Parking rates are being increased throughout South Florida. The increases reflect both an opportunity by owners to recover some or all of the high cost of providing parking from the users of the parking system. This approach is reliant on the condition that there has to be an attraction or destination that the user is willing to visit regardless of the cost of parking (assuming the price of parking is about market rate). The attraction in peer communities, as in LBTS, is the ocean. In the specific case of LBTS, the entertainment and tourist area that comprises the downtown has been very successful because of its uniqueness and brand.

Table 12 provides a summary of specific rate information provided by neighboring beachfront communities. The full table with additional information is provided in a previous section of this report (Table 4 - Parking Rate Survey).

Table 12 - Summary of Peer City Beachside Parking Rates

Metric	City of Boca Raton	City of Delray Beach	City of Fort Lauderdale	City of Hollywood	Town of Lauderdale-By-The-Sea	City of Pompano Beach
Population	85,329	60,552	165,521	140,768	6,056	99,845
Metered Parking Spaces	369	646	10,396	4,164	540	1,105
Beach Rates (per hour)	\$2.00	\$1.50	\$1.75	\$2.00	\$1.50	1.25 ¹

¹ City of Pompano Beach will be increasing rates to \$1.75 to \$2.00 per hour in 2015.

It is somewhat difficult to compare metrics city to city because there are many variables that are quite different. The size of the parking supply relative to demand varies, ownership of the parking facilities is both public and private in some cities, the type and density of development varies, the market targeted by the various beachside communities also varies. However, the one constant is the attraction of beachside entertainment, dining and the ocean itself creates a demand that seems somewhat resilient to parking pricing. Population and density is increasing, and in several of the cities, the availability of parking is actually decreasing.

As a result, beachside parking rates range from a low of \$1.25 per hour in Pompano Beach to \$2.00 per hour in Boca Raton and Hollywood. There are also private operators and small lot owners in Hollywood, Fort Lauderdale to name two cities, who are selling parking in peak season for between \$10 and \$20 for a space, regardless of duration. Furthermore, the City of Pompano Beach will be increasing their rates to \$1.75 to \$2.00 per hour.

Current Parking Rates

Table 13 lists the current parking rates for metered parking in LBTS which range from a low of \$0.50 per hour in the Commercial District to \$1.00 per hour for the Tradewinds and Municipal Park parking, \$1.25 per hour in the A1A Lot and the highest rate of \$1.50 per hour for Beach District on-street parking, and the El Mar, Town Hall and El Prado Lots. Relative to the rates shown for peer communities in Table 12, \$1.75 to \$2.00 per hour would put LBTS on a competitive level with other communities.

Table 13 - Current Rate Structure

Meter Rates	Current Rates	
	Hourly	Daily
Beach District	\$1.50	
Bouganvilla Drive	\$1.50	
Commercial District	\$0.50	
West Tradewinds	\$1.00	
Municipal Park	\$1.00	
A1A Lot (Garage)	\$1.25	\$10.00
4312 Ocean Lot	n/a	n/a
El Mar Lot	\$1.50	
El Prado Lot	\$1.50	\$10.00
Town Hall Lot	\$1.50	\$10.00

Market Parking Rates

Shown below in Table 14 are the new recommended minimum parking rates for the LBTS parking system. For purposes of this analysis, it was assumed that two sets of parking increases would be implemented, the first on March 1, 2015 and the second October 1, 2018. Proposing rate adjustments beyond 2020 are dependent on many variables and are not considered meaningful relative to implementing changes in 2015.

March 1, 2015 Rate Increase

For the assumed first rate increase in March, 2015, the following adjustments are recommended:

1. The lowest rate is for parking in the Commercial District which was left at \$0.50 per hour (west of Bouganvilla Drive) to encourage higher use of the plaza and on-street spaces and continued economic investment in the west Commercial District.
2. On-street parking for Tradewinds parking was maintained at \$1.00 per hour to encourage higher use.
3. The Municipal Park on-street rates were increased slightly from \$1.00 to \$1.20 per hour, once again to encourage higher use of those spaces.
4. On-street parking along Bouganvilla Drive was increased from \$1.50 to \$1.75 per hour, representing about a 17 percent increase in price.
5. Parking rates in the A1A Lot were increased from \$1.25 to \$1.50 per hour (a 20 percent increase) while the rates for off-street parking beachside, the El Mar Lot, the El Prado Lot and the Town Hall Lot were increased from \$1.50 to \$1.75 per hour.
6. Beach District on-street parking rates on Commercial Boulevard (east of A1A), A1A and El Mar Drive were increased from \$1.75 to \$2.00 per hour (about a 14 percent increase).
7. Finally, per agreement between the Town and the property owner, rates for the newly introduced 4312 Ocean Lot were set at a minimum of \$2.00 per hour.

As shown, the highest hourly rates are in the Beach District for both on-street and off-street parking. The on-street meters have the highest rates at \$2.00 per hour relative to the off-street rates at \$1.75

per hour to try and move longer term parkers (beachgoers) from the streets to the surface lots. Generally, the more desirable and convenient parking is, the higher the hourly rate.

Table 14 - Market Rate Parking Rate Schedule

Meter Rates	Current Rates		Market Rates					
			3/1/2015		10/1/2018		Avg Increase/year	
	Hourly	Daily	Hourly	Daily	Hourly	Daily	Hourly	Daily
Beach District	\$1.50		\$2.00		\$2.25		14.5%	
Bougainville Drive	\$1.50		\$1.75		\$2.00		10.0%	
Commercial District	\$0.50		\$0.50		\$0.75		14.5%	
West Tradewinds	\$1.00		\$1.00		\$1.25		7.8%	
Municipal Park	\$1.00		\$1.20		\$1.50		14.5%	
A1A Lot (Garage)	\$1.25	\$10.00	\$1.50	\$10.00	\$1.75	\$11.00	11.8%	9.2%
4312 Ocean Lot	n/a	n/a	\$2.00	\$10.00	\$2.25	\$11.00	6.7%	5.7%
El Mar Lot	\$1.50		\$1.75		\$2.00		10.0%	
El Prado Lot	\$1.50	\$10.00	\$1.75	\$10.00	\$2.00	\$11.00	10.0%	9.2%
Town Hall Lot	\$1.50	\$10.00	\$1.75	\$10.00	\$2.00	\$11.00	10.0%	9.2%

Daily rates are also shown in Table 14. Typically, daily rates should be set at the equivalent of five to six hours of parking at off-street hourly rates. Consequently, the daily rate was maintained at \$10.00.

October 1, 2018 Rate Increase

Also shown above in Table 13, are the recommended rates that would be implemented in October, 2018 as described below:

1. The lowest rate is for parking is maintained in the Commercial District which was increased to \$0.75 to continue to encourage higher use of the plaza and on-street spaces and continued economic investment in the west Commercial District.
2. On-street parking for Tradewinds parking was increased to \$1.25 per hour to encourage higher use.
3. The Municipal Park on-street rates were once again increased slightly from \$1.20 to \$1.50 per hour, once again to encourage higher use of those spaces.
4. On-street parking along Bougainville Drive was increased from \$1.75 to \$2.00 per hour, representing a 20 percent increase in price.
5. Parking rates in the A1A Lot were increased from \$1.50 to \$1.75 per hour (about a 17 percent increase) while the rates for off-street parking beachside, the El Mar Lot, the El Prado Lot and the Town Hall Lot were increased from \$1.75 to \$2.00 per hour.
6. Beach District on-street parking rates on Commercial Boulevard (east of A1A), A1A and El Mar Drives were increased from \$2.00 to \$2.25 per hour (about a 12½ percent increase).
7. Finally, to maintain the relative proportion between rates between the 4312 Ocean Lot and the Beach District surface lots, the 4312 Ocean Lot rate was increased from \$2.00 to \$2.25 per hour.

As shown, the highest hourly rates are in the Beach District for both on-street and off-street parking. The on-street meters have the highest rates at \$2.25 per hour relative to the off-street rates at \$2.00 per hour to try and move longer term parkers (beachgoers) from the streets to the surface lots. The daily rates were increased slightly from \$10 to \$11 to encourage long-term parking in the surface lots.

Summary on Parking Rates

Between 2014 and 2018, a period of three years, eight of the ten parking rates listed in Table 13 have annual increases of between 10 and 14.5 percent. This is a fairly rapid increase in rates although it actually reflects an adjustment to bring current parking rates to a level compatible to peer communities and with the South Florida market in general. Market rates will provide an opportunity to:

1. Maintain relatively low rates in the Commercial District to attract users;
2. Maintain relatively low rates for beachgoers in surface lots such as 4312 Ocean Lot and in the A1A Lot/Garage compared to parking areas where the rates were increased significantly;
3. Increase the cost of the most proximal business and beach parking locations to reduce duration, increase turnover and increase revenue to business owners;
4. More importantly, a rate increase will provide additional revenue available for redeployment into the parking system (or elsewhere) to fund improvements necessary to help LBTS maintain a viable downtown destination in the marketplace.

Adjusted Existing Conditions Proforma with Market Rate Increases

A detailed financial proforma was developed to illustrate the financial impact of implementing the rate schedule shown in Table 14 to the Existing Conditions Proforma presented earlier to obtain Appendix Table 8 – Existing Conditions Adjusted Proforma with Market Rates.

Table 15 below, provides a summary of the Existing Conditions Proformas with and without market rate increases. The revenue, expenses, net operating revenue and accumulated reserves are shown for each scenario, as is the net differential between the two financial evaluations.

As shown the annual expenses are identical and increase at three percent per year. The revenues show a slight increase in 2015 of \$164,633 when the first rate increase is implemented and the Minto Lot is removed and 4312 Ocean Lot placed in-service. The full year's impact of the rate increase is shown as a net positive increase of \$282,228 in 2016 and again, in 2017. The impact of the second rate increase is shown as \$522,639 in 2018 and remains constant through 2035.

Table 15 - Comparison of Existing Conditions Proforma Metrics with and without Market Rates

Scenarios	2014	2015	2016	2017	2018	2020	2025	2030	2035
Adjusted Existing Conditions - No Rate Increase									
Revenues	\$1,613,247	\$1,579,205	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144
Expenses	\$1,538,233	\$535,549	\$551,615	\$568,164	\$585,209	\$620,848	\$719,733	\$834,368	\$967,261
Net Operating Income	\$75,014	\$1,043,657	\$994,529	\$977,980	\$960,935	\$925,296	\$826,411	\$711,776	\$578,883
Accumulated Reserves	\$1,384,862	\$2,428,518	\$3,423,047	\$4,401,027	\$5,361,963	\$7,230,638	\$11,566,308	\$15,361,234	\$18,529,291
Adjusted Existing Conditions - Market Rates									
Revenues	\$1,613,247	\$1,743,838	\$1,828,372	\$1,828,372	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783
Expenses	\$1,538,233	\$535,549	\$551,615	\$568,164	\$585,209	\$620,848	\$719,733	\$834,368	\$967,261
Net Operating Income	\$75,014	\$1,208,290	\$1,276,757	\$1,260,208	\$1,483,575	\$1,447,935	\$1,349,050	\$1,234,416	\$1,101,523
Accumulated Reserves	\$1,384,862	\$2,593,151	\$3,869,908	\$5,130,116	\$6,613,691	\$9,527,644	\$16,476,510	\$22,884,632	\$28,665,885
Net Differences									
Revenues	\$0	\$164,633	\$282,228	\$282,228	\$522,639	\$522,639	\$522,639	\$522,639	\$522,639
Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Operating Income	\$0	\$164,633	\$282,228	\$282,228	\$522,639	\$522,639	\$522,639	\$522,639	\$522,639
Accumulated Reserves	\$0	\$164,633	\$446,861	\$729,089	\$1,251,728	\$2,297,006	\$4,910,202	\$7,523,398	\$10,136,594

As shown, the resultant 2020 accumulated revenue with current rates is projected at about \$7.2 MM compared to \$9.5 MM with market rates increasing to \$18.5 with current rates compared to \$28.7 MM with market rates, a difference of over \$10.1 MM.

A1A Garage Proforma with No Increase in Rates

Appendix Table 9 – A1A Garage Proforma with No Rate Increases – provides the results of a detailed evaluation of the financial performance of the parking system if the A1A Garage was constructed on the A1A Surface Lot. To estimate the financial performance of the system assuming a parking garage is constructed, the following additions and assumptions were made to the Existing Conditions Adjusted Proforma with No Rate Increases:

1. The A1A Surface Lot would be taken out of service for site preparation and construction six months into FY 2016;
2. Although the garage would be paid for through a combination of cash and debt, the Parking Fund was assumed to bear the entire cost of the garage through revenues collected in the entire system. While, it is premature to identify a financing mechanism at this point in time, for purposes of this analysis, a traditional tax-exempt bond financing approach was used to evaluate the financial feasibility of a proposed garage;
3. It is assumed that the total project cost is \$10,120,275 (Table 16) and the garage will be open by the beginning of 2018 (a construction period of 18 months);
 - The Town will provide \$3,000,000 from Parking Funds cash reserves, while maintaining at least \$500,000 of reserves;
 - Design fees of \$920,025 will be paid from Parking Fund cash over two years (2/3's in 2016 and 1/3 in 2017);
 - A \$65,000 structural repair and reserve sinking fund expense starts in FY 2018 and like all expenses increases annually by three percent;
 - Operating costs were increased by \$5,500 per year above the 2017 costs;
 - The remaining cost of \$6,200,250 is modeled at an interest rate of 4 percent over 10 and 15 year terms. The details of the financing are shown in Table 6 including a calculation of the level debt service payment of \$764,435 for a 10 year financing term and a level debt service payment of \$577,657 for a 15 year term.
4. The expense for lighting was increased from \$2,194 in 2017 to \$10,970 in 2018 due to the A1A Garage.
5. The A1A Garage is anticipated to generate the equivalent of the \$211,000 generated by the A1A Surface Lot in FY 2014 plus an additional 50 percent comprised, in part, from parkers lost when Minto Lot was removed plus additional demand generated by providing additional parking capacity in a highly desirable location of the downtown; and

As shown in Appendix Table 9 (and later in this section), assuming a continuation of current demand and trends, the costs associated with the A1A Garage can be supported financially by the parking system with no increases in the current rate schedule.

Table 16 - A1A Garage Project Financing

Total project cost	\$10,120,275
Paid out of reserves	(\$3,000,000)
Design fees paid out of reserves	(\$920,025)
Amount financed	\$6,200,250
interest rate	4.0%
10 YR level debt service	\$764,435
15 YR level debt service	\$557,657

Please see previous sections of this report for a more detailed analysis of construction and financing costs for the A1A garage. This scenario is discussed in more detail and in comparison to the other alternatives in the next few sections of this document.

A1A Garage Proforma with Market Rates

Appendix Table 10 – A1A Garage Proforma with Market Rates provides a detailed illustration of the financial performance of the parking system if the A1A Garage was constructed on the A1A Surface Lot. The results are summarized in Table 17 below and discussed following the table.

Table 17 - Adjusted Existing Conditions Comparison with A1A Garage with Market Rates

Scenarios	2014	2015	2016	2017	2018	2020	2025	2030	2035
Adjusted Existing Conditions - Market Rates									
Revenues	\$1,613,247	\$1,743,838	\$1,828,372	\$1,828,372	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783
Expenses	\$1,538,233	\$535,549	\$551,615	\$568,164	\$585,209	\$620,848	\$719,733	\$834,368	\$967,261
Net Operating Income	\$75,014	\$1,208,290	\$1,276,757	\$1,260,208	\$1,483,575	\$1,447,935	\$1,349,050	\$1,234,416	\$1,101,523
Accumulated Reserves	\$1,384,862	\$2,593,151	\$3,869,908	\$5,130,116	\$6,613,691	\$9,527,644	\$16,476,510	\$22,884,632	\$28,665,885
A1A Garage Proforma with Market Rates									
Revenues	\$1,613,247	\$1,579,205	\$1,440,748	\$1,335,352	\$1,651,540	\$1,651,540	\$1,651,540	\$1,651,540	\$1,651,540
Expenses	\$1,538,233	\$535,549	\$1,169,600	\$879,613	\$3,669,501	\$708,586	\$756,206	\$941,889	\$1,016,278
Net Operating Income	\$75,014	\$1,043,657	\$271,148	\$455,739	(\$2,017,961)	\$942,954	\$895,334	\$709,651	\$635,262
10 Year Debt Service	n/a	n/a	n/a	n/a	(\$764,435)	(\$764,435)	(\$764,435)	n/a	n/a
Accumulated Reserves	\$1,384,862	\$2,428,518	\$2,699,666	\$3,155,406	\$373,010	\$805,324	\$1,556,085	\$3,959,600	\$7,287,009
15 Year Debt Service	n/a	n/a	n/a	n/a	(\$557,657)	(\$557,657)	(\$557,657)	(\$557,657)	n/a
Accumulated Reserves	\$1,384,862	\$2,428,518	\$2,699,666	\$3,155,406	\$579,787	\$1,425,656	\$3,210,304	\$4,354,402	\$6,566,497

As discussed previously, the Adjusted Existing Conditions Proforma with Market Rates is estimated to generate approximately \$28.6 MM in accumulated reserves. The following discusses the A1A Garage Proforma with Market Rates evaluated over a 10 and a 15 year financing term.

A1A Garage Alternative – 10 Year Debt

As shown, the 10 year debt scenario depicts an accumulated reserve that grows slower than the 15 year term because the annual debt service payment is higher (\$764,435 versus \$557,657). However, the last payment of the 10 year term is made in 2027 and the reserve grows substantially through 2035 horizon to about \$7.2 MM.

A1A Garage Alternative – 15 Year Debt

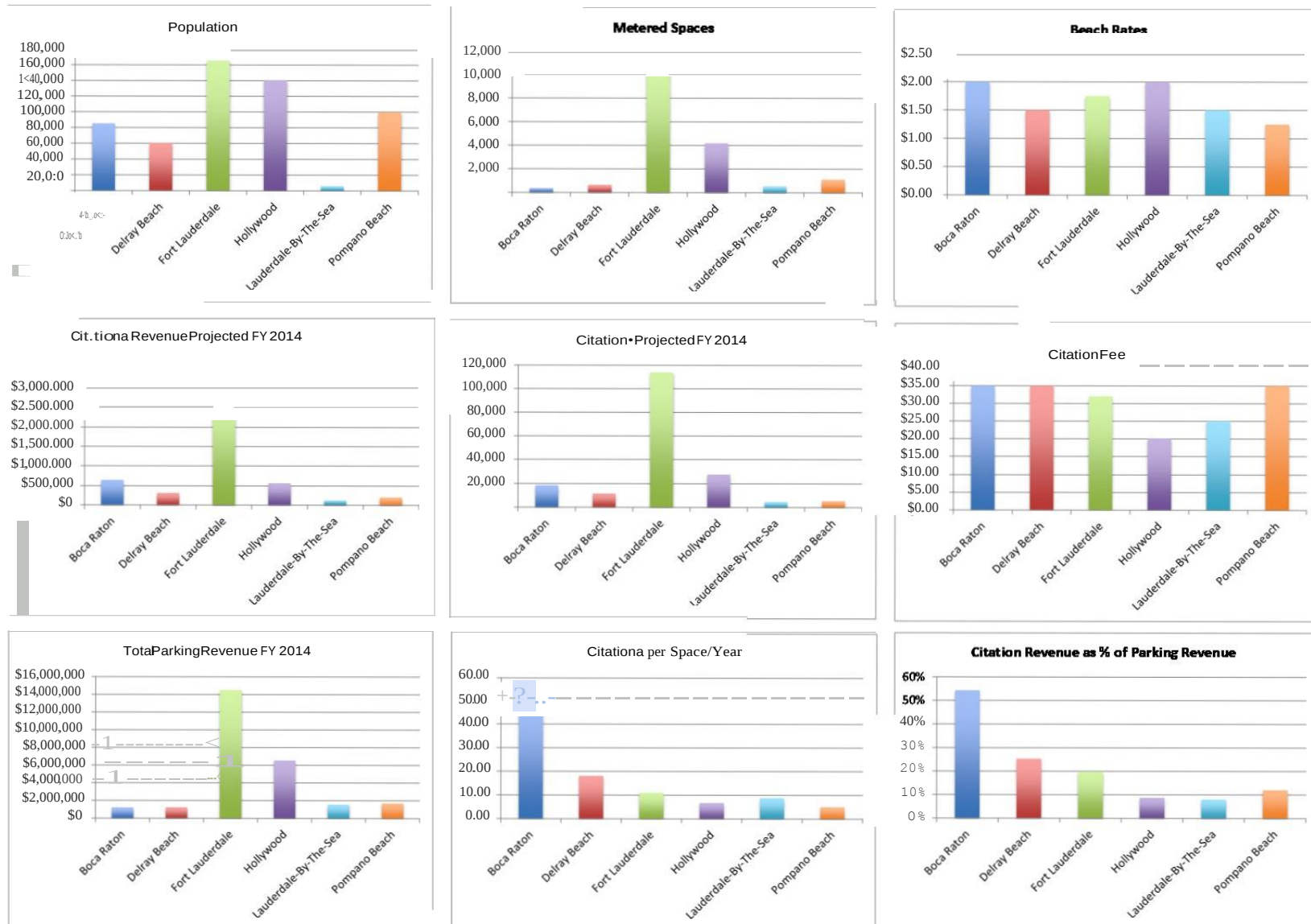
As stated above, the 15 year debt scenario depicts an accumulated reserve that grows at a higher rate than the 10 year term. However, the last payment of the 15 year term is made in 2032 and the reserve grows substantially through 2035 horizon to within 11 percent of the 10 year debt term, \$6.6 MM to \$7.2 MM.

Summary

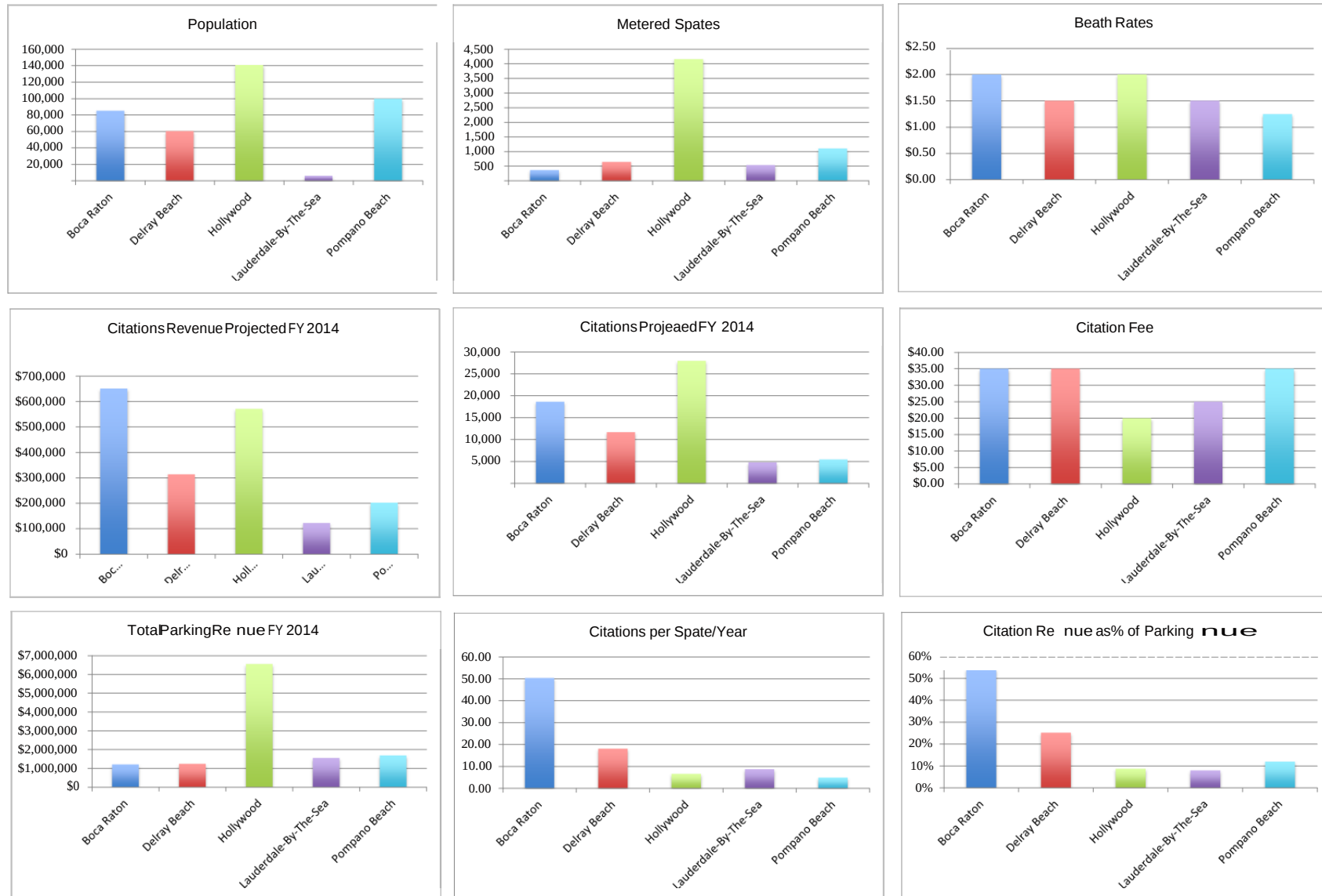
Based on the analysis and evaluation presented herein, the following conclusions and recommendations are provided for consideration:

1. Increase rates to market rate conditions. In fact, there may be an opportunity to increase the most convenient on-street parking in the Beach District to higher rates, from \$2.25 to \$2.50. This decision should be considered over time as the peer communities begin to increase their rates over the next few years.
2. The Town should be able to support the development and operating costs associated with a new garage on the A1A Lot. The decision to build a garage should be based on both technical and financial merits as well as policy decisions regarding the provision of excess capacity in the short-term, support of redevelopment, and/or encouragement of more daytime parkers.
3. Development of a garage may help the Town maintain their position in the marketplace by guaranteeing they will always have sufficient parking in the Beach District. It may be impossible to add parking in five, 10 or 15 years, either because of cost or lack of feasible sites.
4. Parking demand can be managed through technology. If the Town has a desire to reduce or maintain current levels of long-term daytime peak season parking, it is possible to do so by increasing the differential price of parking to the user. The differential in rates may need to be adjusted over time depending on how parking behavior reacts to the rate changes. At the same time, taxpayers, business owners, patrons to the businesses and residents can be offered a reduced parking rate through a combination of permit, validation and discount programs.

Appendix Chart 1- Peer City Parking Data



Appendix Chart 2 – Peer City Parking Data without Fort Lauderdale





Lauderdale-By-The-Sea

Appendix Table 2 - Turnover/Data for El Mar Dr, Datura Beach Portal & Commercial Blvd - 4/3/14
El Mar Drive

spaces	Pking Space No.	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		468	468	468	BTX	BTX	BTX	D19	D19	D19	D19	D19	EKR	4.0	
2		-	-	P47	KIL	530	530	AQG	VHL	BAF	BAF	BAF	154	7.0	
3		-	-	AKJ	911	911	DN6	DN6	I34	I34	I34	AWZ	AWZ	5.0	
														5.33	average veh turnover / space during the time period studied

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	10	11	12	Total Vehicles	Veh hours	Avg Duration for space (hrs)
1		1		2		1								4	12	3.0
2			1	1										7	10	1.4
3		1	3	1										5	10	2.0
														totals	16	32
																2.0
														average duration / vehicle for the spaces counted during the time period		

Datura Beach Portal

spaces	Pking Space No.	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		-	V29	V29	V29	V29	BKS	BKS	BKS	X17	355	T38	GHH	6.0	
2		-	-	-	971	971	971	971	971	-	SP6	S87	S87	3.0	
3		-	JF1	JF1	CND	JF1	JF1	JF1	JF1	JF1	417	417	471	4.0	
														4.33	average veh turnover / space during the time period studied

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	10	11	12	Total Vehicles	Veh hours	Avg Duration for space (hrs)
1		4		1	1									6	11	1.8
2		1	1			1								3	8	2.7
3		1	1	1		1								4	11	2.8
														totals	13	30
																2.3
														average duration / vehicle for the spaces counted during the time period		

Commerical Boulevard, west of El Mar Drive

spaces	Pking Space No.	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		M13	M13	PIQ	PIQ	PIQ	PIQ	PIQ	PIQ	PIQ	MYJ	MYJ	MYJ	3.0	
2		311	311	311	L26	L26	424	424	424	424	RWP	G55	G55	5.0	
3		-	-	EVM	678	AFI	824	824	824	824	824	G88	371	6.0	
														4.67	average veh turnover / space during the time period studied

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	10	11	12	Total Vehicles	Veh hours	Avg Duration for space (hrs)
1			1	1				1						3	12	4.0
2		1	2	1	1									5	12	2.4
3		5				1								6	10	1.7
														totals	14	34
																2.4
														average duration / vehicle for the spaces counted during the time period		

Appendix Table 3 - Turnover/Duration for El Mar Dr, Bougainvillea and Commercial Blvd, 4/4/14
El Mar Drive

spaces	Pking Space No.	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		306	V83	V83	V83	V83	CEL	CEL	827	827	4.0	
2		BPL	B56	B56	CLP	BYC	HU6	HU6	AIQ	AIQ	6.0	
3		AMO	CQR	CQR	489	489	V39	V39	V64	V64	5.0	
											5.0	average duration / vehicle for the spaces counted during the time period

El Mar Drive

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)	average duration / vehicle for the spaces counted during the time period
1		1	2		1						4	9	2.3	
2		3	3								6	9	1.5	
3		1	4								5	9	1.8	
totals											15	27	1.8	

Bougainvillea, south of Commerical

spaces	Pking Space No.	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		-	-	069	069	-	306	306	CFY	CFY	3.0	
2		-	-	PA7	PA7	PA7	PA7	PA7	PA7	PA7	1.0	
3		-	-	TWW	BDS	BDS	BVV	BVV	LAS	334	5.0	
4		-	-	ASA	ASA	ASA	89	-	48	ANH	4.0	
											3.25	average duration / vehicle for the spaces counted during the time period

Bougainvillea, south of Commerical

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)	average duration / vehicle for the spaces counted during the time period
1			3								3	6	2.0	
2								1			1	7	7.0	
3		3	2								5	7	1.4	
4		3		1							4	6	1.5	
totals											13	26	2.0	

Commercial Boulevard, west of El Mar Drive

spaces	Pking Space No.	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		-	-	-	X90	X90	178	178	BWJ	BWJ	3.0	
2		-	-	-	AFK	936	437	437	BQD	BQD	4.0	
3		-	-	-	CX5	P78	BNZ	BNZ	BNZ	BNZ	3.0	
											3.33	average veh turnover / space during the time period studied

Commercial Boulevard, west of El Mar Drive

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)	average duration / vehicle for the spaces counted during the time period
1			3								3	6	2.0	
2		2	2								4	6	1.5	
3		2			1						3	6	2.0	
totals											10	18	1.8	

Appendix Table 4 - Turnover/Duration for A1A and El Prado Parking Lots
A1A Lot

spaces	Pking Space No.	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	Turnover
1	374	S63	S63	792	792	792	T16	V97	238	5.0
2	375	744	744	744	744	P04	P04	P04	P04	2.0
3	376	AVX	ARZ	768	BDA	BDA	BDA	BDA	007	4.0
4	377	JHP	JHP	JHP	JHP	JHP	143	H13	H13	3.0
5	378	K38	K38	254	254	254	254	254	T73	3.0
6	379	AQD	J64	J64	J64	564	J70	J70	J70	4.0
7	380	425	425	425	Q27	Q27	Q27	V29	V29	3.0
8	381	616	G89	G89	G89	G89	M93	M93	116	4.0
9	382	Q44	N91	N91	N91	-	E09	130	130	4.0
10	383	408	BB7	BB7	BB7	BB7	504	273	273	4.0

3.60 average veh turnover / space during the time period studied

A1A Lot

spaces	Pking Space No.	1	2	3	4	5	6	7	8	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)
1	374	3	1	1						5	8	1.6
2	375				2					2	8	4.0
3	376	2	1		1					4	8	2.0
4	377	1	1			1				3	8	2.7
5	378	1	1			1				3	8	2.7
6	379	2		2						4	8	2.0
7	380		1	2						3	8	2.7
8	381	2	1		1					4	8	2.0
9	382	2	1	1						4	7	1.8
10	383	2	1		1					4	8	2.0

Letters in table are the first 3 letters of parked vehicle license plate

2.2 average duration / vehicle for the spaces counted during the time period

El Prado Lot

spaces	Pking Space No.	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	Turnover
1	421	CFY	CFY	CFY	121	121	121	BCR	BCR	BCR	3.0
2	422	W81	W81	W81	W81	314	314	BKX	BKX	BKX	3.0
3	423	289	289	289	289	289	B82	B82	-	BAI	3.0
4	424	L91	322	322	322	W93	W93	169	169	169	4.0
5	425	E29	E29	570	570	570	F22	-	778		4.0
6	426	F22	F22	F22	F22	F22	F22	F22	F22	AUK	2.0
7	427	W71	W71	W71	W71	W71	AR2	AR2	BKT	BKT	3.0
8	428	AVE	AVE	AVE	AVE	AVE	AVE	629	629	322	3.0
9	429	Y33	Y33	Y33	Q40	Q40	Q40	Q40	127		4.0
10	430	FDM	411	411	411	059	059	059	059		3.0
11	431	V28	V28	V28	V28	327	327	327	327	327	2.0
12	432	AGI	AGI	F66	F66	F66	O69	O69	O69	O69	3.0

Letters in table are the first 3 letters of parked vehicle license plate

3.08 average veh turnover / space during the time period studied

El Prado Lot

spaces	Pking Space No.	1	2	3	4	5	6	7	8	9	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)
1	421			3							3	9	3.0
2	422		1	1	1						3	9	3.0
3	423	1	1			1					3	8	2.7
4	424	1	1	2							4	9	2.3
5	425	2	1		1						4	8	2.0
6	426	1							1		2	9	4.5
7	427		2			1					3	9	3.0
8	428	1	1				1				3	9	3.0
9	429	2		1	1						4	9	2.3
10	430	1			2						3	9	3.0
11	431				1	1					2	9	4.5
12	432		1	1	1						3	9	3.0

2.9 average duration / vehicle for the spaces counted during the time period

Appendix Table 5 - Turnover/Duration for Commercial Blvd, north of El Mar Dr

spaces	Pking Space No.	Noon	1pm	2pm	3pm	4pm	5pm	6pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		U23	U23	U23	U23	U23	U23	R32	2.0	
2		BAI	BAI	BAI	BAI	BAI	F23	F23	2.0	
3		307	307	307	307	C82	C82	AFA	3.0	
4		559	-	ZDR	BDW	BDW	BDW	BDW	3.0	
5		BQP	BUB	BUB	BUB	BUB	BUB	BUB	2.0	
6		BKB	BKB	BKB	BKB	BKB	-	-	1.0	
7		855	855	BVJ	BBB	534	534	-	4.0	
8		J21	J21	WWJ	WWJ	-	-	-	2.0	
9		J50	124	124	124	124	124	-	2.0	
10		W34	L92	L92	313	313	-	-	3.0	
11		238	238	238	238	W16	W16	W16	2.0	
12		BLR	BLR	E31	E31	BP5	BP5	-	3.0	
13		D58	D58	D58	D58	D58	V11	V11	2.0	
14		V11	V11	V11	V11	V11	896	896	2.0	
15		896	896	896	896	896	D58	D58	2.0	
										2.33 average veh turnover / space during the time period studied

spaces	Pking Space No.	1	2	3	4	5	6	7	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)
1		1					1		2	7	3.5
2			1			1			2	7	3.5
3		1	1		1				3	7	2.3
4		2			1				3	6	2.0
5		1					1		2	7	3.5
6						1			1	5	5.0
7		2	2						4	6	1.5
8			2						2	4	2.0
9		1				1			2	6	3.0
10		1	2						3	5	1.7
11				1	1				2	7	3.5
12			3						3	6	2.0
13			1			1			2	7	3.5
14			1			1			2	7	3.5
15			1			1			2	7	3.5
										94	2.7 average duration / vehicle for the spaces counted during the time period

spaces	Pking Space No.	Noon	1pm	2pm	3pm	4pm	5pm	6pm	Turnover	Letters in table are the first 3 letters of parked vehicle license plate
1		ABV	ABV	-	AFI	AFI	KDL	KDL	3.0	
2		768	768	-	X30	X30	P78	L61	4.0	
3		C61	-	434	434	966	966	966	3.0	
4		CLZ	CLZ	275	275	-	BXF	BXF	3.0	
5		165	165	496	496	876	876	-	3.0	
6		-	-	G79	G79	-	-	140	2.0	
7		AVC	IAY	IAY	BQA	-	-	-	3.0	
8		C46	Y30	Y30	Y30	-	J72	-	3.0	
9		BXV	390	390	390	-	-	-	2.0	
10		CQW	CQW	CQW	CQW	CQW	CQW	CQW	1.0	
11		G17	398	398	398	398	398	-	2.0	
12		F24	F24	F24	F24	F24	525	525	2.0	
13		H39	H39	PC3	PC3	623	623	623	3.0	
14		I76	I76	I76	I76	N84	N84	N84	2.0	
15		W65	F53	F53	F53	F53	-	CGH	3.0	
16		CHJ	CHJ	CHJ	CHJ	CHJ	K99	K99	2.0	
17		-	139	139	139	139	-	-	1.0	
										2.47 average veh turnover / space during the time period studied

spaces	Pking Space No.	1	2	3	4	5	6	7	Total Vehicles	Veh hours parked	Avg Duration for space (hrs)
1			3						3	6	2.0
2		2	2						4	6	1.5
3		1	1	1					3	6	2.0
4			3						3	6	2.0
5			3						3	6	2.0
6		1	1						2	3	1.5
7		2	1						3	4	1.3
8		2		1					3	5	1.7
9		1		1					2	4	2.0
10								1	1	7	7.0
11		1				1			2	6	3.0
12			1			1			2	7	3.5
13			2	1					3	7	2.3
14			1			1			2	7	3.5
15		2			1				3	6	2.0
16			1			1			2	7	3.5
17					1				1	4	4.0
										97	2.3 average duration / vehicle for the spaces counted during the time period

Appendix Table 6 - LBTS Financial Actuals

Fiscal Year	Actual FY				
	2010	2011	2012	2013	2014
Revenues (Dept: 304.00 Charges for Services)					
Parking Permits	\$33,033	\$47,609	\$62,560	\$82,610	\$58,431
Parking Agreements	\$0	\$20,988	\$41,975	\$59,977	\$45,950
Ocean Front Meters	\$202,338	\$335,097	\$608,326	\$418,037	\$294,387
Commercial Blvd. Meters	\$17,092	\$15,361	\$66,921	\$56,359	\$45,030
Parking Meters - Beach	\$0	\$32,980	\$116,498	\$120,625	\$120,686
El Prado Parking Lot	\$0	\$187,656	\$274,920	\$323,913	\$311,510
Town Hall Parking Lot	\$0	\$3,511	\$12,801	\$14,834	\$8,731
El Mar Parking Lot	\$56,322	\$90,769	\$159,892	\$164,091	\$185,679
A1A Parking Lot	\$22,362	\$25,802	\$137,768	\$153,574	\$210,792
FDOT Right of Way	\$0	\$0	\$0	\$5,609	\$4,588
Minto Parking Lot	\$0	\$0	\$0	\$7,000	\$124,780
Bougainvillea/Poinciana	\$0	\$0	\$0	\$22,872	\$114,454
Total Charges for Services	\$331,146	\$759,772	\$1,481,659	\$1,429,502	\$1,525,017
Dept: 305.00 Fines & Forfeitures	\$58,353	\$188,127	\$138,055	\$123,400	\$87,250
Dept: 306.00 Misc. Revenues					
Interest Earnings	\$382	\$406	\$615	\$1,080	\$980
Miscellaneous Revenues	\$23,679	\$11,206	\$25	\$0	\$0
Total Miscellaneous Revenues	\$24,061	\$11,611	\$640	\$1,080	\$980
Total Revenues	\$413,560	\$959,511	\$1,620,354	\$1,553,982	\$1,613,247
Expenses (Dept: 545.000 Parking Operations)					
Regular Salaries	\$76,098	\$165,441	\$134,836	\$16,389	\$29,229
Overtime Salaries	\$0	\$414	\$0	\$0	\$0
Employer FICA Taxes	\$5,576	\$11,847	\$9,018	\$822	\$2,509
Retirement	\$8,680	\$15,252	\$9,964	\$1,751	\$4,814
Group Insurance	\$16,268	\$31,114	\$30,007	\$4,542	\$4,429
Professional Services	\$10,973	\$20,675	\$1,160	\$0	\$14,800
Contractual Services	\$4,617	\$64,892	\$160,594	\$279,525	\$251,203
Parking Alternatives	\$0	\$0	\$0	\$48,254	\$62,900
Communications	\$281	\$3,613	\$5,536	\$5,728	\$7,352
Electric Service	\$2,573	\$2,123	\$2,162	\$1,925	\$2,008
Water Service	\$2,664	\$5,102	\$5,427	\$3,298	\$485
Equipment Rental/Lease	\$1,265	\$320	\$320	\$0	\$0
Parking Meter Maintenance	\$0	\$12	\$204	\$0	\$0
Parking Lot Maintenance	\$0	\$0	\$131	\$0	\$0
Auto, Property & Liability Ins.	\$241	\$0	\$0	\$0	\$0
Worker's Compensation Ins.	\$3,941	\$1,825	\$0	\$0	\$0
Equipment Maintenance	\$0	\$149	\$0	\$0	\$0
Vehicle Maintenance	\$173	\$1,965	\$208	\$0	\$4,442
Fuel	\$3,033	\$5,503	\$3,727	\$0	\$0
Service Maintenance Contracts	\$0	\$11,024	\$0	\$0	\$0
Printing & Binding	\$0	\$0	\$477	\$724	\$205
Postage	\$0	\$0	\$0	\$150	\$1,293
Office Supplies	\$0	\$65	\$206	\$0	\$196
Uniform Expense	\$580	\$728	\$559	-\$90	\$1,297
Parking Meter Parts/Supplies	\$9,429	\$7,753	\$12,556	\$5,974	\$26,365
Training	\$0	\$0	\$0	\$4,296	\$0
Operating Expenses	\$1,887	\$13,893	\$13,670	\$4,691	\$19,755
Capital Outlay - Design/Permit	\$0	\$0	\$5,697	\$48,049	\$0
Capital Outlay - Non-Bldg. Imp.	\$0	\$0	\$0	\$332,532	\$51,391
Capital Outlay - Equip. & Mach.	\$0	\$34,450	\$37,051		\$89,388
Debt Service - Principal	\$116,671	\$326,320	\$291,125	\$252,357	\$587,208
Debt Service - Interest	\$60,454	\$55,282	\$38,129	\$27,893	\$31,116
Depreciation	\$22,336	\$15,084	\$16,233	\$16,233	\$0
Total Parking Operations	\$347,741	\$794,846	\$778,996	\$1,055,041	\$1,192,382
Dept: 545.152 Land Acquisition	\$0	\$0	\$0	\$0	\$345,851
Dept: 581.100 Interfund Transfers	\$165,645	\$167,000	\$167,000	\$0	\$0
Total Expenses	\$513,386	\$961,846	\$945,996	\$1,055,041	\$1,538,233
Surplus/(Shortfall)	(\$99,826)	(\$2,335)	\$674,358	\$498,941	\$75,014
Accumulated Surplus/(shortfall)	\$138,884	\$136,550	\$810,907	\$1,309,848	\$1,384,862

Appendix Table 7 - Existing Conditions Proforma

Fiscal Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Revenues (Dept: 304.000 Charges for Services)																						
Parking Permits	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431
Parking Avenues	\$45,910	\$45,910	\$45,950	\$45,950	\$45,910	\$45,950	\$45,950	\$45,910	\$45,950	\$45,910	\$45,910	\$45,950	\$45,910	\$45,950	\$45,910	\$45,910	\$45,950	\$45,910	\$45,950	\$45,910	\$45,910	\$45,950
Ocean Front Meters	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387	\$294,387
Commercial Blvd Meters	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030	\$4,030
Parking Meters, Beach	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686	\$120,686
El Prado Park; Lot	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110	\$111,110
Town Hall Parking Lot	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731	\$8,731
El Mar Park; Lot	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679	\$185,679
ALA Parking Lot	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792	\$210,792
4312 Ocean Lot	n/a	\$58,657	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314	\$117,314
FOOT R L of Way	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588	\$4,188	\$4,588
Monto Park; Lot	\$124,780	\$62.3	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Bolcainville/Poinc	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454	\$114,454
Total Charges for Services	\$1,613,247	\$1,579,205	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144	\$1,546,144
Expenses (Dept: 545.000 Parkiric Operations)																						
Reg. Lhr Salaries	\$29,229	\$30,106	\$31,010	\$31,940	\$32,898	\$33,881	\$34,902	\$35,949	\$37,027	\$38,138	\$39,282	\$40,460	\$41,674	\$42,924	\$44,212	\$45,539	\$46,905	\$48,312	\$49,761	\$51,254	\$52,792	\$54,371
Employer FICA Taxes	\$2,109	\$2,184	\$2,262	\$2,342	\$2,424	\$2,509	\$2,596	\$2,686	\$2,778	\$2,872	\$2,968	\$3,066	\$3,166	\$3,268	\$3,372	\$3,477	\$3,583	\$3,691	\$3,800	\$3,911	\$4,023	\$4,136
Retirement	\$4,814	\$4,958	\$5,107	\$5,260	\$5,418	\$5,580	\$5,748	\$5,920	\$6,098	\$6,281	\$6,469	\$6,663	\$6,863	\$7,069	\$7,281	\$7,499	\$7,724	\$7,956	\$8,191	\$8,440	\$8,694	\$8,955
Group Insurance	\$4,429	\$5,077	\$1,229	\$1,386	\$1,548	\$1,714	\$1,886	\$2,062	\$2,242	\$2,431	\$2,629	\$2,837	\$3,054	\$3,281	\$3,518	\$3,765	\$4,022	\$4,289	\$4,566	\$4,853	\$5,151	\$5,460
Professional Services	\$14,801	\$50,000	\$51,500	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,139	\$66,986	\$68,885	\$70,836	\$72,838	\$74,891	\$76,995	\$79,150	\$81,365	\$83,631	\$85,948	\$88,316
Contractual Services	\$251,203	\$258,739	\$266,501	\$274,496	\$282,731	\$291,213	\$299,949	\$308,948	\$318,216	\$327,763	\$337,196	\$347,721	\$358,111	\$368,900	\$379,967	\$391,366	\$403,107	\$415,200	\$427,656	\$440,486	\$453,700	\$467,111
Printing Alternatives	\$62,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Comm. neal O's	\$7,352	\$7,572	\$7,799	\$8,033	\$8,274	\$8,521	\$8,772	\$9,028	\$9,289	\$9,555	\$9,826	\$10,102	\$10,383	\$10,669	\$10,959	\$11,254	\$11,554	\$11,854	\$12,159	\$12,469	\$12,784	\$13,104
Electric Ser ce	\$2,008	\$0	\$2,130	\$2,260	\$2,398	\$2,544	\$2,698	\$2,859	\$3,027	\$3,199	\$3,376	\$3,558	\$3,745	\$3,937	\$4,134	\$4,336	\$4,543	\$4,755	\$4,972	\$5,194	\$5,421	\$5,653
Water service	\$485	\$500	\$515	\$530	\$546	\$562	\$579	\$597	\$614	\$633	\$652	\$671	\$692	\$713	\$734	\$756	\$778	\$802	\$826	\$851	\$877	\$903
Parking Lot Maint nce	\$0	\$50,000	\$51,100	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,239	\$67,196	\$69,212	\$71,288	\$73,427	\$75,629	\$77,898	\$80,235	\$82,642	\$85,122	\$87,675	\$90,306
Auto, Property & Liability Ins.	\$0	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Vehicle Maintenance	\$4,442	\$4,576	\$4,713	\$4,854	\$5,000	\$5,150	\$5,304	\$5,464	\$5,627	\$5,796	\$5,970	\$6,149	\$6,334	\$6,524	\$6,719	\$6,921	\$7,129	\$7,343	\$7,563	\$7,790	\$8,023	\$8,264
Fuel	\$0	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Vehicle Maintenance Contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contingency	\$0	\$50,000	\$51,100	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,239	\$67,196	\$69,212	\$71,288	\$73,427	\$75,629	\$77,898	\$80,235	\$82,642	\$85,122	\$87,675	\$90,306
Printing & Binding	\$205	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Postage	\$1,293	\$1,311	\$1,371	\$1,412	\$1,415	\$1,498	\$1,543	\$1,590	\$1,637	\$1,687	\$1,737	\$1,789	\$1,843	\$1,898	\$1,911	\$2,014	\$2,074	\$2,136	\$2,201	\$2,267	\$2,331	\$2,405
Office Supplies	\$196	\$202	\$208	\$214	\$220	\$227	\$234	\$241	\$248	\$251	\$263	\$279	\$296	\$307	\$329	\$345	\$364	\$384	\$405	\$427	\$450	\$474
Uniform Expense	\$1,297	\$1,336	\$1,376	\$1,417	\$1,460	\$1,504	\$1,549	\$1,595	\$1,643	\$1,692	\$1,743	\$1,791	\$1,849	\$1,901	\$1,962	\$2,021	\$2,081	\$2,144	\$2,208	\$2,274	\$2,342	\$2,413
Parking Meter Parts/Supplies	\$26,365	\$11,000	\$11,410	\$15,914	\$16,391	\$16,883	\$17,389	\$17,911	\$18,448	\$19,002	\$19,172	\$20,159	\$20,764	\$21,386	\$22,028	\$22,689	\$23,370	\$24,071	\$24,793	\$25,536	\$26,303	\$27,092
Operating Expenses	\$19,755	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,811	\$30,747	\$31,669	\$32,619	\$33,598	\$34,606	\$35,644	\$36,713	\$37,815	\$38,949	\$40,118	\$41,321	\$42,561	\$43,838	\$45,153
Capital Outlay - Design/Permit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay - Non-Design/Permit	\$1,191	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,851	\$30,747	\$31,669	\$32,619	\$33,598	\$34,606	\$35,644	\$36,713	\$37,815	\$38,949	\$40,118	\$41,321	\$42,561	\$43,838	\$45,153
Capital Outlay - Equip. & Mach.	\$89,388	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service - Principal	\$587,208	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service - Interest	\$31,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TO (Parking Operations)	\$1,192,382	\$535,549	\$551,615	\$568,164	\$585,209	\$602,765	\$620,848	\$639,473	\$658,657	\$678,417	\$698,770	\$719,733	\$741,325	\$763,565	\$786,471	\$810,066	\$834,368	\$859,399	\$885,181	\$911,736	\$939,088	\$967,261
Totland Acquisition	\$345,851	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$1,138,233	\$535,549	\$551,615	\$568,164	\$585,209	\$602,765	\$620,848	\$639,473	\$658,657	\$678,417	\$698,770	\$719,733	\$741,325	\$763,565	\$786,471	\$810,066	\$834,368	\$859,399	\$885,181	\$911,736	\$939,088	\$967,261
Surplus (Shortfall)	\$75,114	\$1,434,657	\$994,129	\$977,980	\$960,935	\$943,379	\$925,296	\$906,671	\$887,487	\$867,727	\$847,374	\$826,411	\$804,819	\$782,180	\$759,673	\$736,078	\$711,776	\$686,745	\$660,963	\$634,408	\$607,056	\$578,883
Accumulated Surplus (Shortfall)	\$1,384,862	\$2,428,518	\$3,421,147	\$4,401,127	\$5,361,963	\$6,308,342	\$7,230,638	\$8,137,309	\$9,024,796	\$9,899,522	\$10,739,897	\$11,566,308	\$12,371,127	\$13,153,707	\$13,913,379	\$14,649,458	\$15,361,234	\$16,047,980	\$16,708,943	\$17,343,351	\$17,950,407	\$18,529,921

Appendix Table 8 - Existing Conditions with Market Rate Increases

---- Actual ----																						
Fiscal Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Revenues (Dept: 304.00 Charges for Services)																						
Parking Permits	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431	\$58,431
Parking Agreements	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950	\$45,950
Ocean Front Meters	\$294,387	\$351,515	\$392,321	\$392,321	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361	\$441,361
Commercial Blvd. Meters	\$45,030	\$45,030	\$45,030	\$45,030	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544	\$67,544
Parking Meters - Beach	\$120,686	\$144,106	\$160,834	\$160,834	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938	\$180,938
El Prado Parking Lot	\$311,510	\$341,425	\$362,793	\$362,793	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398	\$415,398
Town Hall Parking Lot	\$8,731	\$9,569	\$10,168	\$10,168	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642	\$11,642
El Mar Parking Lot	\$185,679	\$203,510	\$216,246	\$216,246	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602	\$247,602
A1A Parking Lot	\$210,792	\$235,301	\$252,808	\$252,808	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465	\$289,465
4312 Ocean Lot	n/a	\$58,657	\$117,314	\$117,314	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979	\$131,979
FDOT Right of Way	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588	\$4,588
Minto Parking Lot	\$124,780	\$62,390	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Bougainvillea/Poinciana	\$114,454	\$125,445	\$133,296	\$133,296	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624	\$152,624
Total Charges for Services	\$1,525,017	\$1,685,917	\$1,799,779	\$1,799,779	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523	\$2,047,523
Dept: 305.00 Fines & Forfeitures	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250	\$87,250
Dept: 306.00 Earnings on interest	\$980	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dept: 306.00 Misc. Revenues	\$0	(\$29,329)	(\$58,657)	(\$58,657)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)	(\$65,989)
Total Revenues	\$1,613,247	\$1,743,838	\$1,828,372	\$1,828,372	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783	\$2,068,783
Expenses (Dept: 345.000 Parking Operations)																						
Regular Salaries	\$29,229	\$30,106	\$31,010	\$31,940	\$32,898	\$33,885	\$34,902	\$35,949	\$37,027	\$38,138	\$39,282	\$40,460	\$41,674	\$42,924	\$44,212	\$45,539	\$46,905	\$48,312	\$49,761	\$51,254	\$52,792	\$54,375
Employer FICA Taxes	\$2,509	\$2,584	\$2,662	\$2,742	\$2,824	\$2,909	\$2,996	\$3,086	\$3,178	\$3,274	\$3,372	\$3,473	\$3,577	\$3,685	\$3,795	\$3,909	\$4,026	\$4,147	\$4,272	\$4,400	\$4,532	\$4,668
Retirement	\$4,814	\$4,958	\$5,107	\$5,260	\$5,418	\$5,580	\$5,748	\$5,920	\$6,098	\$6,281	\$6,469	\$6,663	\$6,863	\$7,069	\$7,281	\$7,499	\$7,724	\$7,956	\$8,195	\$8,441	\$8,694	\$8,955
Group Insurance	\$4,429	\$5,077	\$5,229	\$5,386	\$5,548	\$5,714	\$5,886	\$6,062	\$6,244	\$6,431	\$6,624	\$6,823	\$7,028	\$7,238	\$7,456	\$7,679	\$7,910	\$8,147	\$8,391	\$8,643	\$8,902	\$9,169
Professional Services	\$14,800	\$50,000	\$51,500	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,239	\$67,196	\$69,212	\$71,288	\$73,427	\$75,629	\$77,898	\$80,235	\$82,642	\$85,122	\$87,675	\$90,306
Contractual Services	\$251,203	\$258,739	\$266,501	\$274,496	\$282,731	\$291,213	\$299,949	\$308,948	\$318,216	\$327,763	\$337,596	\$347,723	\$358,155	\$368,900	\$379,967	\$391,366	\$403,107	\$415,200	\$427,656	\$440,486	\$453,700	\$467,311
Parking Alternatives	\$62,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Communications	\$7,352	\$7,572	\$7,799	\$8,033	\$8,274	\$8,522	\$8,778	\$9,042	\$9,313	\$9,592	\$9,880	\$10,176	\$10,482	\$10,796	\$11,120	\$11,454	\$11,797	\$12,151	\$12,516	\$12,891	\$13,278	\$13,676
Electric Service	\$2,008	\$2,068	\$2,130	\$2,194	\$2,260	\$2,328	\$2,397	\$2,469	\$2,543	\$2,620	\$2,698	\$2,779	\$2,863	\$2,949	\$3,037	\$3,128	\$3,222	\$3,319	\$3,418	\$3,521	\$3,626	\$3,735
Water Service	\$485	\$500	\$515	\$530	\$546	\$562	\$579	\$597	\$614	\$633	\$652	\$671	\$692	\$712	\$734	\$756	\$778	\$802	\$826	\$850	\$876	\$902
Parking Lot Maintenance	\$0	\$50,000	\$51,500	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,239	\$67,196	\$69,212	\$71,288	\$73,427	\$75,629	\$77,898	\$80,235	\$82,642	\$85,122	\$87,675	\$90,306
Auto, Property & Liability Ins.	\$0	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Vehicle Maintenance	\$4,442	\$4,576	\$4,713	\$4,854	\$5,000	\$5,150	\$5,304	\$5,464	\$5,627	\$5,796	\$5,970	\$6,149	\$6,334	\$6,524	\$6,719	\$6,921	\$7,129	\$7,343	\$7,563	\$7,790	\$8,023	\$8,264
Fuel	\$0	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Contingency	\$0	\$50,000	\$51,500	\$53,045	\$54,636	\$56,275	\$57,964	\$59,703	\$61,494	\$63,339	\$65,239	\$67,196	\$69,212	\$71,288	\$73,427	\$75,629	\$77,898	\$80,235	\$82,642	\$85,122	\$87,675	\$90,306
Printing & Binding	\$205	\$500	\$515	\$530	\$546	\$563	\$580	\$597	\$615	\$633	\$652	\$672	\$692	\$713	\$734	\$756	\$779	\$802	\$826	\$851	\$877	\$903
Postage	\$1,293	\$1,331	\$1,371	\$1,412	\$1,455	\$1,498	\$1,543	\$1,590	\$1,637	\$1,687	\$1,737	\$1,789	\$1,843	\$1,898	\$1,955	\$2,014	\$2,074	\$2,136	\$2,201	\$2,267	\$2,335	\$2,405
Office Supplies	\$196	\$202	\$208	\$214	\$220	\$227	\$234	\$241	\$248	\$255	\$263	\$271	\$279	\$287	\$296	\$305	\$314	\$324	\$333	\$343	\$353	\$364
Uniform Expense	\$1,297	\$1,336	\$1,376	\$1,417	\$1,460	\$1,504	\$1,549	\$1,595	\$1,643	\$1,692	\$1,743	\$1,795	\$1,849	\$1,905	\$1,962	\$2,021	\$2,081	\$2,144	\$2,208	\$2,274	\$2,342	\$2,413
Parking Meter Parts/Supplies	\$26,365	\$15,000	\$15,450	\$15,914	\$16,391	\$16,883	\$17,389	\$17,911	\$18,448	\$19,002	\$19,572	\$20,159	\$20,764	\$21,386	\$22,028	\$22,689	\$23,370	\$24,071	\$24,793	\$25,536	\$26,303	\$27,092
Operating Expenses	\$19,755	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,851	\$30,747	\$31,669	\$32,619	\$33,598	\$34,606	\$35,644	\$36,713	\$37,815	\$38,949	\$40,118	\$41,321	\$42,561	\$43,838	\$45,153
Capital Outlay - Non-Bldg. Imp.	\$51,391	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,851	\$30,747	\$31,669	\$32,619	\$33,598	\$34,606	\$35,644	\$36,713	\$37,815	\$38,949	\$40,118	\$41,321	\$42,561	\$43,838	\$45,153
Capital Outlay - Equip. & Mach.	\$89,388	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service - Principal	\$587,208	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service - Interest	\$31,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Parking Operations	\$1,192,382	\$535,549	\$551,615	\$568,164	\$585,209	\$602,765	\$620,848	\$639,473	\$658,657	\$678,417	\$698,770	\$719,733	\$741,325	\$763,565	\$786,471	\$810,066	\$834,368	\$859,399	\$885,181	\$911,736	\$939,088	\$967,261
Total Land Acquisition	\$345,853	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$1,538,231	\$535,549	\$551,615	\$568,164	\$585,209	\$602,765	\$620,848	\$639,473	\$658,657	\$678,417	\$698,770	\$719,733	\$741,325	\$763,565	\$786,471	\$810,066	\$834,368	\$859,399	\$885,181	\$911,736	\$939,088	\$967,261
Surplus/(Shortfall)	\$75,014	\$1,208,290	\$1,2																			

[illegible]

Appendix Table 10 - A1A Garage with Market Rate Increases

[illegible]

10. APPENDIX 1 - PARKING EXEMPTION PROGRAM BI-ANNUAL REPORT⁴

The following includes the majority of the most recent bi-annual report for the Parking Exemption Program. Notes and slight modifications of the report have been made to improve the readability relative to ***Memo 2 – Restaurant Parking Exemption Recommendations***.

Background

In 2011 the Commission approved a code amendment to provide more flexibility and options for new and expanding restaurants to meet their required parking requirements.

The amendment included:

1. The restaurant parking exemption program (Section 30-318); and,
2. A modification to the Town's parking reduction procedure (Section 30-321), which applies to all businesses.

The exemption program requires reports to the Town Commission when spaces are allocated and also a bi-annual report that describes the utilization, effectiveness and impacts of the exemption program.

Utilization of the Parking Exemption Program – Section 30-318

The Parking Exemption Program is scheduled to end March 7, 2015. Under it, restaurant owners may apply for an exemption to the parking requirements, subject to some limitation, for both new and expanding restaurants. For the purposes of this program, the Town is divided into two districts - Oceanfront Center and Commercial Business District. Information on each district is listed below.

District 1 – Oceanfront Center

The "Oceanfront Center" district includes all B-1 and B-1A zoned land adjacent to North Ocean Drive and Commercial Boulevard, east of Seagrape Drive and, for the purposes of determining underutilized spaces, includes the El Prado and A1A parking lots. The Commission set 120 as the maximum number of exempted spaces available in this district and set the maximum allocation available per restaurant at thirty (30).

All but seven of the spaces in this district have been allocated. Gilligan's received seven (7) spaces in October 2102 and was replaced by Tutto Bene which closed this July. The detail for the Parking Exemption Program since its inception is shown in Table 1.

⁴ January – June 2014 Parking Exemption Bi-Annual Report, Linda Connors, July 18, 2014.

Appendix Table 11 - Oceanfront Center District*

Business	Address	Request		Date of Application	Approval	
		Use	Spaces		Date	Spaces
Anglin Beach Café*	2 Commercial Blvd	Expansion	12	6-28-11	3-17-14	13
Delacaseas	4404 Bougainvilla Dr.	Expansion	10	8-11-11	2-15-12	10
Pa De Gannaros	4326 Bougainvilla Dr.	Expansion	17	10-12-11	2-15-12	17
The Daisy (Rhino)	107A Commercial Blvd.	New	8	10-26-11	2-15-12	8
Athena's	4400 Ocean Drive	Expansion	10	4-26-12	5-3-12	10
CocoYogurt	107 Commercial	Expansion	09	5-15-12	6-13-12	4
Gilligan's (Vacant)	112 A Commercial Blvd.	New	07	10-24-12	10-31-12	7
Azteca	112 Commercial Blvd.	New	8	10-24-12	10-31-12	8
Mulligan's	14 Commercial Blvd.	New	24	9-30-13	11-20-13	24
Gran Forno Pronto	222 Commercial Blvd.	New	8		3-14-14	6
Pump Sushi	222 Commercial Blvd	New	2		4-18-14	1
Basilic	218 Commercial Blvd	Expansion	3	3-14-14	5-14-14	3
Keese's	4350 N. Ocean Drive	Expansion	3	4-25-14	5-29-14	2
Total			121	Allocated		113
*Highlighted properties issued exemptions during the most recent bi-annual reporting period				Remaining Balance		7

District 2 – Commercial Business District

The “Commercial Business District” district includes all B-1 zoned land adjacent to Commercial Boulevard and west of Seagrape Drive. One hundred-five (105) parking spaces are available in this district, with 50 spaces the maximum allocation of spaces per eligible restaurant. The Town did not process applications for exemptions during this reporting period although there were several inquiries into establishing restaurants in the vacant commercial space in this district.

The detail for the Parking Exemption Program since its inception is shown in Appendix Table 7.

Appendix Table 12 - Commercial Business District

Business	Address	Request		Date of Application	Approval	
		use	Spaces		Date	Spaces
Genco	257B Commercial	New	1	5-14-12	5-22-12	1
LaSpada's	233 Commercial	Expansion/Relocation	1	11-21-13	11-22-13	2
Total			1	Allocated		3
				Remaining Balance		102

Effectiveness and Impacts

Since its inception, the Parking Exemption Program has provided the following benefits:

- Allowed eight existing restaurants to expand or relocate
- Allowed seven new restaurants to locate into the Town
- Created jobs for the additional restaurant employees and for the construction required for the build-out of the space.
- Added new users for the Town's parking spaces creating additional revenue

Since its inception, the Parking Exemption Program has provided the following impacts:

- Increased demand for limited parking spaces;
- Existing businesses are impacted as new restaurants utilize parking in front of commercial storefronts.
- Added additional employee parking permits for new restaurants.
- The avoided cost for the property owners who got the 116 spaces exempted in the Program so far is about \$4 million. (That represents the cost of providing that number of spaces in a surface parking lot, including land acquisition.)

Policy discussions and recommendations regarding land use development and parking management is provided in other sections of this report.

11. APPENDIX 2 – CITY CODE REGARDING RESTAURANT PARKING REQUIREMENTS

Section 30-318, Minimum Parking requirements, (q) Restaurants

- (q) *Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public:* One parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas, and other areas not directly utilized by the public in patronizing such establishments, except that from March 8, 2011, until March 7, 2015, and as further limited below, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."
- (1) *Application required.* To qualify for the Parking Exemption Program, a Parking Exemption Application must be submitted, in a form to be approved by the Town, with all supporting documentation. The parking spaces shall be allocated on a first come, first serve basis, as measured by the Town's receipt of a complete application package.
 - (2) *Eligibility for program.* The application, and all supporting documents, including any applicable building permit or development approval applications, for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to the program deadlines, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.
 - (3) *Program guidelines.*
 - a. *Districts.* There are hereby created two separate and distinct Parking Exemption Districts as follows:
 1. *Oceanfront Center.* The Oceanfront Center shall include all B-1 and B-1-A zoned land adjacent to State Road A1A or Commercial Boulevard, east of Seagrape and, for the purposes of determining underutilized spaces, shall include the El Prado and A1A parking lots.
 2. *Commercial Business District.* The Commercial Business District shall include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard, west of Seagrape.
 - b. *Exemption maximum.*
 1. *District maximums.* The maximum number of spaces available for exemption in each parking district shall be established by resolution of the Town Commission.
 2. *Oceanfront Center.* There shall be a maximum exemption of 30 parking spaces per eligible restaurant.
 3. *Commercial Business District.* There shall be a maximum exemption of 50 parking spaces per eligible restaurant.
 - c. *Eligible restaurant.* An eligible restaurant shall be a commercial establishment, whether standing alone or accessory to another use, where food and beverages are ordered from individual menus, served at tables, and consumed on premises and serviced by its own kitchen. No restaurant kitchen may provide eligibility for parking exemption for more than one restaurant.

- d. *Program duration.* The Parking Exemption Program shall last in each district for a period of four years, from March 8, 2011, to March 7, 2015, or until the maximum number of parking exemptions is allocated, whichever is earlier. However, during the four-year period, but after the initial allocation of the maximum number of parking exemptions in a district, the Parking Exemption Program may be reactivated in that district if additional parking spaces are added to the total number of spaces available within the district, either by action of the Town Commission or expiration or loss of parking exemptions. Notwithstanding the foregoing, the Town Commission, may, for any reason and in its sole discretion, discontinue this Parking Exemption Program at any point during the four years.
 - e. *Effect on 1995 exemption of pre-existing buildings, structures and uses from the parking requirement.* The Parking Exemption Program provided herein is supplemental to, and in no way changes the parking exemption established in 1995 in section 30-314(b). Any parking space exemptions provided under the Parking Exemption Program are in addition to any parking credits that may exist under the 1995 program.
- (4) *Status following end of program.*
- a. *Nonconforming.* At the end of the Parking Exemption Program, all restaurants built under the Parking Exemption Program will become nonconforming uses, and shall be subject to the requirements of the nonconforming use provisions of the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the Parking Exemption Program may be completely remodeled or rebuilt without providing additional parking, as originally permitted through the Parking Exemption Program, as long as the square footage of customer service area is not increased.
 - b. *Availability of exemptions to successor restaurants.* If an eligible restaurant has opened and is operating with any exemptions obtained pursuant to the Parking Exemption Program but is later shut down, the exemptions shall remain available for the location of that restaurant for a two-year period after the restaurant closes, for the benefit of a new eligible restaurant.
 - c. *Increases in square footage.* Any increase in square footage of an eligible restaurant after the program has ended must comply with the parking requirements in effect at the time of construction of increased square footage.
- (5) *Reports.*
- a. *Notice prior to maximum utilization by district.* The Town Manager shall advise the Town Commission when spaces are allocated under this program, indicating the number of spaces allocated and the number of spaces available in each district.
 - b. *Bi-annual report.* The Town Manager shall provide a bi-annual report to the Commission that describes the utilization, effectiveness and impacts of the Parking Exemption Program.
- (6) *Notice and hearing prior to expiration of program.* Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on March 7, 2015.



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Debbie Hime, Special Event and Marketing Manager

Submitting Department: Administration

Item Type: Discussion Item

Agenda Section: NEW BUSINESS

Subject Title: Shop Small on Saturday, November 28, 2021

Explanation: Ina Marjakangas, President of the LBTS Merchants Association (“Association”) has submitted a Special Event Application (**Exhibit 1**) for Shop Small on Saturday, November 28, 2021 (“Event”) with promotion starting in October.

This year, the Association is planning to expand the promotion from last year’s event to include all LBTS businesses with under 10 employees (**Exhibit 2**). This year’s proposal does not extend through December as it did in 2020. In addition, the Association is not requesting to have merchandise or tables outside of their businesses as they did last year.

Request	Amount	Staff Support	Discussion
Print Collateral	\$915	Yes	
Media Campaign	\$2000	Yes	
Promotional Giveaways	\$800	Yes	
Press Release Deployed to larger market	\$550	Yes	
Street Banners	\$400	No	Staff recommendation: Hurricane season ends in November and then the town installs holiday banners – there is not sufficient time for banners.

The Commission approved \$5,000 to fund this event in the FY22 Budget in Business Development and Marketing (519-100). If the allocation is approved, receipts associated with the event will be reviewed and reimbursed by the Town to the LBTS Merchant’s Association and any request directed to the Town’s consultants such as the Town’s artist or marketing firm will be charged as part of the total award.

Recommendation: Staff recommends that the Commission approve the LBTS Merchant’s Association’s request for Shop Small Expenses as outlined in Table 1 above.

Attachments: Exhibit 1: Special Event Application for Shop Small Saturday 2021 Promotion
Exhibit 2: Merchants Association’s Overview and Funding Request
Exhibit 3: Merchants Association’s Proposed Budget for 2021 Shop Small

SPECIAL EVENT APPLICATION INFORMATION

For your event to be considered by the Town Commission, a fully completed application must be submitted at least 60 days prior to the date of the event.

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

An application is not considered complete unless it includes:

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

A meeting with Special Events Permitting is required before submitting a Special Event Application. Questions? Call our Special Projects Coordinator at 954-640-4200 or email debbieh@lbts-fl.gov.

Payment of Special Event Permit fee is required at the time of Application submission via hand delivery or by mail to:

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

A Special Event shall be approved by the Town Commission before an event is advertised to the public. A special event is defined as a concert, festival, race, walk, carnival, show, exhibition, parade, or any other similar outdoor event whether operated totally outdoors, on stage, under tents, or with the use of any temporary building or structure, ***to which members of the public are invited as participants or spectators.***

Please review the Town's special event requirements by clicking on: <https://www.Special-Event-Requirements>
Or download a copy of the Special Event Requirements from our website and review them before submitting your application.

Important to remember:

1. Your event is approved by the Town Commission with "Conditions" that must be met or your event is cancelled. READ and understand the Conditions. *Talk with us if you have questions.*
2. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction, providing the Town evidence of all required insurances, and providing evidence of organization and/or charity.
3. You have to file all of the required documents shall be provided not later than 30 days prior to the event date or the event authorization terminates (unless prior arrangements have been approved by Town).

- a. Insurance
- b. Vendor lists and licenses
- c. File site plan



4. Parking is limited in Lauderdale-By-The-Sea, and will be a consideration when approving your event.
5. You may have to obtain permits from the Building & Fire Departments to meet Florida Building Code and Fire Code standards.
6. You are responsible for securing and paying for all fees, licenses, and permits required by any governmental agency having jurisdiction.

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



Signature of Applicant

Print Name: Tina Margal Kangas

Event Name: Shops Small Saturday

SPECIAL EVENT APPLICATION

Submit this completed application at least 60 days prior to the proposed date of your event.



LAUDERDALE
BY-THE-SEA

DETAILED SITE PLAN REQUIRED (see details at end of application)
Site Plans often do not include details that are necessary to approve an application or to issue a permit and delays are caused by rejections of initial applications.

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

Name of Event: Shop small Saturday

Event Purpose, Description and Activities: Support local small business

New Event ☐ or Returning Event ☒ Previous Attendance

Day(s) and Date(s) of Event: Promote October 15, 21 to November 27, 21
Proposed location of the Event (location, streets, landmarks): Date of Event Nov. 27, 2021
Commercial Blvd.

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

Participants: 25 # Spectators: NA # Adult volunteers: 0

Please complete the following table:

Activity	Day	Time
Start of set-up:	October 15	11:00am
Start time of the Event:		
EVENT	Nov 27, 21	8:00 am
End time of the Event:	Nov 27, 21	10:00 pm
Start of Clean up:	Nov 28, 21	10:00 am
Clean-up completed by:	Nov 28, 21	10:00 pm
(Site restored to original condition)		

Name and address of host or sponsoring organization:

Is applicant a Non-Profit Organization?

YES ☒ NO ☐

Please attach Organization's proof of 501c3 IRS exemption, background, history, accomplishments, and other events:

Person submitting Application ("Responsible Party"):

Name: *Ina Maryakangas*
Mailing address: *4424 N. Ocean drive, LBTS FL 33308*
Phone: *954 253 9506*
Mobile phone: *—*
Fax: *—*
Email: *info@shopcoast.net*

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

Name(s): *Ina Maryakangas*
Mailing address: *4424 N. Ocean drive, LBTS, FL 33308*
Phone: *954 253 9506*
Evening phone: *same*
Fax: *—*
Email: *info@shopcoast.net*
Add information as necessary:

Will you have an event contractor or planner?

YES ☒ NO ☐
If yes, please provide the contact information of your event contractor (event planner)

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

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

Request for Town Involvement:

Are you requesting the Town be involved with this event in any way? YES ☒ NO ☐
If yes, describe services requested, if any:

*Place poster in 80 days.
Erect Banners on street lined banner holders*

STATEMENT OF BENEFIT

If the applicant is seeking sponsorship/co-sponsorship from the Town of Lauderdale-By-The-Sea, a Statement of Benefit is required by Town Code and shall be included here or attached to this application.
If the Town is a sponsor or co-sponsor of the event, the Applicant shall keep financial records of the event sufficient to document all revenues and expenditures. These records shall be available at reasonable time within Broward County for inspection by the Town.
(Insert here or denote if attached) *Attached*

FEES

Are there fees or donations collected on site from the participants or spectators?
 YES
 NO

If yes, provide details:

SOUND SYSTEMS

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

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

Proposed amplified sound/speaker system:

Proposed live music: List genre, type, ambiance:

Planned recorded music

Do you require electrical connections for any of the above? Please give details:

CLEAN EVENT STANDARDS

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

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

Name the contractor or organization (including contact information) who is responsible for your Event's recycling: N/A

Name:

Address:

Daytime phone:

Mobile phone:

TENTS, CANOPIES, STAGES, BLEACHERS

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

A canopy is a tent without sides.

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

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

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

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

Tents: 0
Canopies: 0
Stages: 0
Bleachers: 0 list size and max load:

UTILITIES

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

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

Electrical Requirements:

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

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

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

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

Electrical power: _____

Water: _____

Gas, propane, BBQ grills, generators: _____

Fuel Storage: _____

SIGNAGE

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

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

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

For each sign please provide:

Description, number of signs, proposed dates, location, size of signs in square feet and letter size:

SEE ATTACHMENT: "EXAMPLE of Signage"

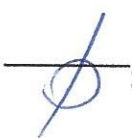
Include sign locations on detailed Site Plan or attach a separate sheet.

RESTROOMS (show on Site Plan)

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

Local businesses that have more than the required number of restroom facilities that allow their facilities to be used may count towards the extra restroom facilities required. If Event is downtown, permit holder is required to obtain written approval from restaurants to allow participants to use their restroom facilities.

Number of restroom facilities required by Town: TBD

Number of additional restroom facilities, and type, that will be on event site: 

(Show on Site Plan)

STREET CLOSURES

Street closures may be required at the Event's expense

Are you requesting that any public streets be closed for the Event? YES ☐ NO ☒

I don't know, please advise _____

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

TRAFFIC CONTROL/BARRICADES

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

Please list your traffic control contractor, if applicable: NA

VEHICLES

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

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

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

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

TRAFFIC CONTROL PLAN

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

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

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

If yes, provide the meter numbers on the Site Plan and purpose for which they will be used.
All parking meter fees are paid 30 days prior to the event.

OFF DUTY POLICE/CODE COMPLIANCE OFFICERS

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

Do you anticipate needing off duty police officers for your Event?
Do you anticipate needing code compliance officers for your Event?

YES NO
YES NO

CONCESSIONS:

A no-compete clause pertaining to local restaurants will be required where applicable.

Are you planning to have any type of concessions?
If YES, has the Florida Health Department approved the food vending Site Plans?

YES NO
YES NO

If yes, is the food provided by a Non-Profit _____ or For Profit _____ organization?
Is the food free of charge _____ or for sale _____

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

Please list the types of food that will be served:

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

Charcoal Grills _____
Propane Grills _____
Concession trailers _____
Sternos _____
Refrigerators _____
Warmers _____
Fryers _____
Smokers _____
LP Tanks _____
Open fires _____
Hoods _____
Other _____

Provide details of dispensing locations here and on Site Plan

ALCOHOL

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

Are you planning on selling alcoholic beverages at the event?

YES NO
YES NO

If YES, has a liquor permit been obtained from the State of Florida?

Provide details of dispensing locations here and on Site Plan

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

VENDORS

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

Name

Company

Vendor Type

ANIMALS

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

Are animals included in your event?

YES ☐ NO ☒

If yes, please give details:

FIREWORKS

(Fireworks require a separate permit approval process and application)

Are you requesting approval to discharge fireworks at the event?

YES ☐ NO ☒

SALE OF MERCHANDISE

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

YES ☐ NO ☒

List items for sale:

RIDES

Rides or other amusement may require a State of Florida inspection

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

Are rides to be included in the Event?

YES ☐ NO ☒

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

Mechanical/Electrical:

Inflatable (bounce house etc.):

Manual (slides, trampolines):

Other:

NO BALLOONS RELEASED

When balloons are released over the ocean, they become a major source of pollution and significantly increase the mortality rate among sea turtles, birds and other marine life. Sea turtles and fish often mistake the balloons for jellyfish, eat them and die when their stomachs become blocked. Birds can become entangled in the balloon strings and drown. To help reduce the threats caused by balloons, I agree that there will be no release of balloons at this event and I have been informed that the release of balloons is illegal under Florida Statute 379.233. Balloons may be used for decorations at an event but they must either be deflated or taken home at the end of the event, NEVER released into the air. Failure to abide by this requirement will result in the cancellation of the current Event and denial of future special event permits.

I agree no balloons will be released



FIRE WATCH or EMS ONSITE

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

First Aid facilities may be required by Town at Event's expense. Initial 

INSURANCE

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

Certificate of Liability Insurance naming the Town as additional insured is required from all Event businesses, promoters, and other related event planners. An approved form of a Certificate of Liability Insurance may be required with your Application for approval by the Town Commission and/or shall be provided the Town at least 30 days prior to the Event date.

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

Do you and all parties involved have the required insurance coverage needed for this Event?

YES ☒ NO ☐

EVENT CONDITIONS

Approval for this Event shall expire without future action of the Town if all documents such as but not limited to insurance certificates, health and liquor licenses, BSO police detail contract(s), Fire Marshall or Development Services approvals, MOT Plan, Solid Waste Plan, final Site Plan, any monies due to Town, and other material requirements are not submitted at least 30 days prior to the Event. Copies of State and County licenses for all vendors and contractors shall be filed with the Town 30 days in advance of the Event. (Final list of vendors and their locations shall be submitted to the Town no later than two weeks prior to the event unless otherwise approved in advance by Town)

If the Event is approved by the Commission, they will establish the Event conditions that the application shall abide by during the Event. Standard Conditions shall include, but are not limited to the following:

1. Permission for this Event may be suspended or modified by the Commission, Town Manager or his designated Staff.
2. Turtle Clause: If any of the set-up will take place on the beach sand please avoid any marked sea turtle nests with a minimum buffer of 30 feet.
3. Setup of the Event will start at about 9am and the area will be cleaned and open by 10pm
4. The Police Chief shall specify the number of BSO detail officers needed for traffic and crowd control. The Applicants shall contract with BSO Detail Office for the detail BSO deputies within ten (10) days of receiving Event approval.

5. The Police Chief shall approve the Applicant's Maintenance of Traffic Plan (MOT), if one is required.
6. The Applicants shall submit a solid waste and recycling plan for approval at least 30 days prior to the Event to the Municipal Services Director. The Applicant shall provide additional waste receptacles and recycling bins. During the event as needed and at the end of the event, the Applicant shall empty all of the waste receptacles and recycling bins and pick up litter within the event site and 100 feet of the site.
7. All signage will be approved and permitted with Development Services at least 30 days prior to the event
8. All related Fire Marshal and Building Official's related requirements have been approved
9. Provide proof of additional restroom facilities ordered at least 30 days prior to event
10. The event and its approved sound systems shall be operated so as not to violate the Town's Code, including and especially Section 13-6, Noise Limitation. All music shall end promptly at ____ pm.
11. The event site shall be organized in a safe manner to protect attendees. All electric cords and similar material shall be covered so as to not pose a hazard to the public or event staff, or will be battery operated.
12. Parking Requirements have been identified, fees paid and listed on site plan
13. The Applicant shall provide a written notice to all properties affected by this event by (date), (30 days in advance) for approval prior to distribution; and confirm in writing which properties have been notified.
14. Clean up Deposit may be imposed, based on the final Site Plan, and due two weeks prior to the event.
15. Clean up fee starting at \$150 will be charged if area is not cleaned to Town standards.
16. Final Site Plan must be presented for approval at least 48 hours in advance of the event.
17. Streets and sidewalks will be free of any debris and cleaned at the end of tear down.
18. A Damage Deposit may be imposed, based on size of event and location.
19. There will be no release of balloons at this Event.
20. Any inspections or work required by Town Staff after normal working hours will incur additional costs set forth by the respective department.
21. Upon showing by the Applicant of a valid reason, or if required by the Town, the Town Manager may approve minor logistical changes that are consistent with the Commission's policy direction on special Events.
22. The Applicant shall meet the following minimum insurance requirements per Ordinance 2015-06, which may be modified by action of the Town Commission for a specific Event:
 - a) Prior to issuance of the requested permit, proof of commercial general liability insurance, whether through a single policy, or a combination of policies, in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury and property damage.
 - b) No required policy shall have a deductible or self-insurance retention greater than \$15,000.
 - c) All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The certification of insurance shall provide for the Town to receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided, unless the insurance company refuses to provide such notice, as evidenced by affidavit of the policy holder or written documentation from the insurance company. In any Event, the Applicants shall be held responsible for providing the Town notice of any change in insurance coverage. The Town shall be named as an additional insured on all required insurance policies, and an endorsement reflecting this requirement shall be issued as part of any required policies. The Applicants shall provide an original certificate of insurance as evidence of continued coverage prior to any annual renewal of the permit. Failure

to comply with these requirements shall justify a denial, suspension or revocation of the requested approval by the Town Manager or designee.

- (d) In the Event that control of any applicable Event or activity, by contract or other arrangement, becomes the responsibility of a party other than the Applicant (the "sub-applicant"), the sub-applicant shall provide insurance and indemnification meeting the requirements of this Section under which the Applicant is applying, as if they were the Applicant and shall be held responsible for compliance with the Town Code as if the sub-applicant were the Applicant.
- (e) If applicable, at least thirty (30) days prior to the first Event, the Applicants shall provide a Certificate of Liquor Liability Insurance written in comprehensive form naming the Town as additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate for bodily injury and \$1,000,000 per occurrence and \$2,000,000 general aggregate for property damage, which provides coverage for each Event authorized by this permit. The Certificate shall specify that the Town will be given at least thirty (30) days written notice of any cancellation.

23. In the Event that insurance certificates, licenses and other material requirements are not provided by the required dates, the approval for this Event shall expire unless the Town Manager finds there are extenuating circumstances that the Event sponsors have cured or can immediately cure without compromising the health, welfare and safety of the citizens of the Town of Lauderdale-By-The-Sea and those attending the Event, without increasing the administration costs of the Town.

24. Applicant shall owe no monies to the Town at the time of the Event. There shall be no past due fines, moneys, fees, taxes or other charges owed to the Town by the current or past property owners or operators requesting the special Event permit. A special Event permit will not be issued until all past due debts to the Town are paid in full.

25. The Town Manager may suspend permission for this Event due to failure of the Applicants to comply with the terms and conditions of the Town's permit, due to conflicting activities, for health or safety issues, or for the best interests of the Town.

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

INDEMNIFICATION

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

Applicant shall defend, at its sole cost and expense, any legal action, claim or cause of action accruing or in any way arising out of this Special Event Application for injuries to body, life, limb or property as set forth above.

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

PERMISSION OF THE PROPERTY OWNER

Applicant's and Property Owner's Certification

An event held on property that is not owned by the applicant requires the permission of the property owner, which is granted by having the property owner sign this special event application.

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

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

Applicant	Property Owner
I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.	I give the applicant permission to use my/our property for the proposed special event and I understand the Town's requirements to hold a special event and the information given by the applicant is complete to the best of my knowledge.
Applicant's Signature (required): _____ Date: _____	Property owner's Signature (required): _____ Date: _____
Name: _____ Title: _____ Organization: _____ Telephone: _____ Mobile: _____ Email: _____	Name: _____ Title: _____ Organization: _____ Telephone: _____ Mobile: _____ Email: _____
STATE OF FLORIDA: COUNTY OF BROWARD:	STATE OF FLORIDA: COUNTY OF BROWARD:
SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by _____ personally known to me/provided as identification and who did/did not take an oath.	SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public of the State of Florida, by _____ personally known to me/provided as identification and who did/did not take an oath.
My Commission Expires: _____ Notary Public, State of Florida	My Commission Expires: _____ Notary Public, State of Florida

SITE PLAN DETAILS

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

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

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

Cooking Areas need to be separated from public areas with fences or barricades
Canopy, tents or other covers: locations should include the size, type, & (shelter, vending, food, EMS)

Location:

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

Routes for races, parades, etc.

Traffic routing and road closures

Ticket Kiosks

Access control points

Signage (shall be approved by Development Services prior to Application submission to Town Commission)
Signs (location, size, color and wording)*

Public Services:

Fire lanes (emergency access for fire equipment and EMS)

Restroom facilities (incl. Portable & Private)

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

Trash and Recycling receptacle locations

Smoking and No Smoking areas

Pedestrian walkways

Garbage Cans

Recycling Bins

Hazard/Precautions:

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

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

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

Fuel Storage and dispensing areas

Fire Extinguishers Minimum size 4A/10BC one every 75 ft. of travel. If cooking, Class K or 1 40BC rated Fire Extinguisher for every cooking station or canopy (at discretion of Fire Marshall)

Generators (shall be approved by Fire Marshall in advance)

Event:

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

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

Restrooms – Portable and Private

First Aid facilities

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

Alcohol serving/consuming areas

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

Parking:

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

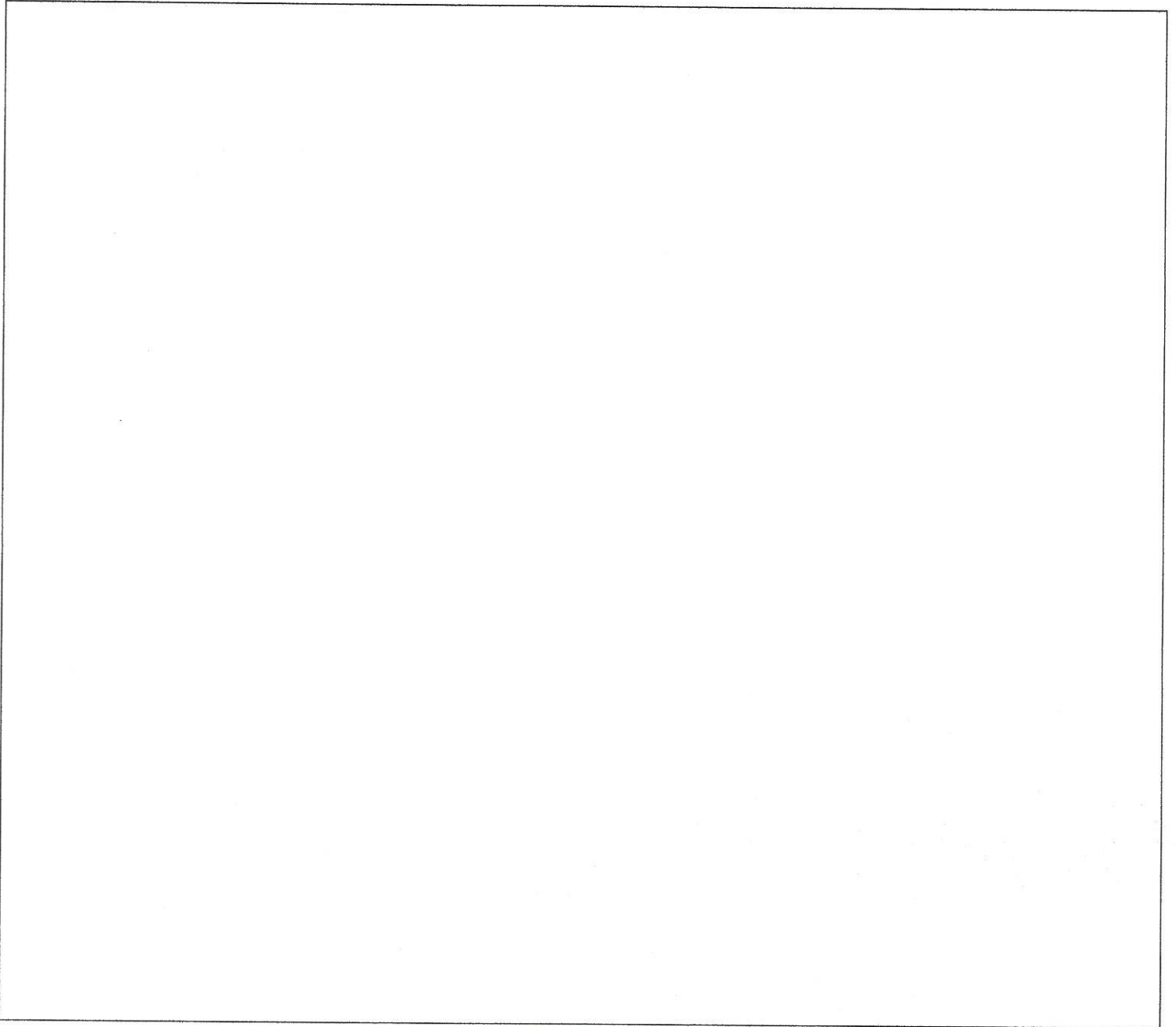
Code or Security Enforcement (paid by Event)

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

Police: Off duty police officers (if known)

DETAILED SITE PLAN

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



Applicant's Certification

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

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

I understand the Town's requirements to hold a special event and the information provided in this application is complete to the best of my knowledge.

Applicant's Signature (required)

Applicant's Printed Name and Title/Organization

Date

Telephone Number

STATE OF FLORIDA:

COUNTY OF BROWARD:

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

Notary Public, State of Florida

My Commission Expires:

LAUDERDALE BY THE SEA
MERCHANTS ASSOCIATION

September 9, 2021

Greetings,

On behalf of the Lauderdale By The Sea's Merchants Association, I am reaching out regarding Small Business Saturday November 27th, 2021. Small Business Saturday was created by American Express in 2010 and has garnered recognition from The Federal Government. Last year the Lauderdale By The Seas' Merchants Association was formed to gain support from the town for this event. It was a success for the small group of its members.

As a formal non-profit organization, the Merchants Association was able to list Lauderdale By The Sea as a "Neighborhood Champion" with "Shop Small". This brings national recognition for Lauderdale By The Sea as a town committed to supporting small business.

Moving forward, it is our goal to include all small businesses. Therefore The Lauderdale By The Seas' Merchants Association has amended our membership requirements to include all small businesses which are owner/operated, under 10 employees.

Why? – It has become evident that all owner/operators share similar goals and challenges regardless of industry. The main challenge being lack of time: Most owner/operators physically work in their place of business, leaving them with little time for: Town Hall meetings, networking events, workshops, planning and organizing with other small business owners.

This year "The Merchants Association" would like to request that the town allocate a minimum of \$5,000.00 to support Small Business Saturday. We would like to create a more "blanket approach" to promoting Small Business Saturday. Rather than target specific merchants, we would like to create a general campaign of support.

Allocation of Funds: Full details attached in budget

- Banners – Decals – Pamphlets – Flag – Posters – Social Media - Gift with Purchase

Participating merchants will be encouraged to create their own "in-shop" incentives and market the event to their clients.

Example from neighboring community:



Thank you for your time and attention,

Ina Marjakangas,

President, Lauderdale By The Sea Merchants Association.

Lauderdale By The Sea Merchants Association

Project: Shop Small Saturday

Budget

ITEM	SIZE	QTY	PRINTER	DESCRIPTION	PURPOSE	COST	ART WORK
Banners	2 x 5	20	FL Printer	Banners	Affixed in front of participation small business	\$340.00	
Buck Slips	3.5 x 8.5	2500	FL Printer	Art work for "buck slip" pamphlets	Distribute throughout town through business and hotels	\$115.00	
Flag	19 x 36	15	FL Printer	Street Lined Flag Poles	Alternate holiday banners with Small Business Saturday banners on town flag poles that line Commercial Blvd.	\$400.00	
Decal	12" Round	20	FL Printer	Round window decal	Place at entrance of participating small businesses	\$160.00	
Social Media		1		Ad for social media Facebook, instagram		\$2,000.00	
Poster		5	FL Printer	Poster to be placed in Info "Bouys" throughout town	Encourage people to support small business	\$300.00	
GWP		1	TBD	Charms	Gift with purchase	\$800.00	
Press Release						\$550.00	

\$4,665.00

NOTE:

Modifications to artwork to reflect all participating types of business: Small Business Saturday



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Jhanelle Campbell, Acting Development Services Director

Submitting Department: Development Services

Item Type: Ordinances 2nd Reading

Agenda Section: ORDINANCES 2nd Reading

Subject Title: Ordinance 2021-09 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I, "IN GENERAL," SECTION 30-11 "DEFINITIONS;" AMENDING ARTICLE V "ZONING," SECTION 30-241, "RM-25 DISTRICT-APARTMENTS AND LODGING," TO MODIFY CONDITIONAL USE REGULATIONS SOUTH OF PINE AVENUE AND CREATE PROHIBITED USE REGULATIONS ON EL MAR DRIVE; AMENDING SECTION 30-242, "RM-25 DISTRICT-REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS SOUTH OF PINE AVENUE" TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE. **(Exhibit 1)**

Explanation: Staff has received several Commission directives and public comments which spurred a review of the RM-25 zoning regulations in Chapter 30 of the Town's Code. The proposed changes which are included in Table 1 below, update definitions and modify the regulations and requirements.

Table 1

	Issue	<u>Ordinance Requirement</u>	<u>Ordinance Line Number</u>
1.	Clarify definition of apartment house.	Note that the Code uses apartment house and apartment building interchangeably.	59
2.	Establish prohibited uses adjacent to El Mar in the RM-25 zoning district.	Prohibit single family residences, duplexes and churches on El Mar drive.	80-83
3.	Limit conditional uses allowed south of Pine Avenue.	Remove references to a section of code that is being proposed for deletion.	86-87
4.		Delete professional home office regulations, which will be covered by Section 12-24, being separately updated to conform to state preemption.	93-97

	Issue	<u>Ordinance Requirement</u>	<u>Ordinance Line Number</u>
5.	Modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue.	Update intent language. Remove density requirements (limits on the number of units and lot sizes based on the depth of lots). Remove short-term rental prohibition for lots 60 ft or less in width that are located west of fronting on Bougainvillea Drive. Remove landscape strip requirements	139-164
6.	Discussion regarding grandfathering the ordinance for pending applications	To grandfather, we would add the following language: “This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021.”	Planning and Zoning Board recommended against grandfathering.

This item was presented to the Planning and Zoning Board at their September 1st meeting and further detail regarding these issues and the Planning and Zoning Board’s comments are available in the Planning and Zoning Board’s staff report **(Exhibit 2)** and meeting minutes **(Exhibit 3)**. The Planning and Zoning Board recommended approval of the ordinance by a vote of 5-0 with the recommendation to not include grandfathering of current applications with a vote of 3-2. It should be noted that an application for a single-family residence on El Mar is currently pending and was initially submitted to the Town prior to April 1, 2021.

At its September 13, 2021 meeting, the Town Commission reviewed the proposed changes along with the Planning and Zoning Board recommendations and voted to approve Ordinance 2021-09 on first reading 5-0. The approval at first reading included a vote to grandfather pending applications for conditional uses that will be prohibited by the Ordinance.

Based on discussions at the meeting, staff has amended Apartment Building definition to eliminate the word “rental” to better reflect the existing built environment. In addition, we removed the proposed definition of apartment house for further review. These changes are reflected on lines 58 and 59 of the proposed ordinance.

Recommendation: Staff recommends approval of Ordinance 2021-09 including the grandfathering of the proposed ordinance on second reading.

Attachments:

- Ex.1 – Ordinance 2021-09
- Ex.2 – Planning and Zoning Board Staff Report
- Ex.3 – September 1 Planning and Zoning Board Meeting Minutes

Ordinance 2021-09

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED**
3 **LAND DEVELOPMENT REGULATIONS,” ARTICLE I, “IN**
4 **GENERAL,” SECTION 30-11 “DEFINITIONS;” AMENDING**
5 **ARTICLE V “ZONING,” SECTION 30-241, “RM-25**
6 **DISTRICT—APARTMENTS AND LODGING,” TO MODIFY**
7 **CONDITIONAL USE REGULATIONS SOUTH OF PINE**
8 **AVENUE AND CREATE PROHIBITED USE**
9 **REGULATIONS ON EL MAR DRIVE; AMENDING**
10 **SECTION 30-242, “RM-25 DISTRICT—REGULATIONS**
11 **FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60**
12 **FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS**
13 **SOUTH OF PINE AVENUE” TO MODIFY**
14 **REQUIREMENTS; PROVIDING FOR CODIFICATION,**
15 **SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE**
16 **DATE**

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

21 **WHEREAS**, the Town Commission desires to amend Section 30-11 “Definitions” to add
22 a definition; and

23 **WHEREAS**, the Town Commission desires to amend Section 30-241, “RM-25 District—
24 Apartments and Lodging” to modify conditional use regulations south of Pine Avenue and create
25 prohibited use regulations for properties on El Mar Drive; and

26 **WHEREAS**, the Town Commission desires to amend Section 30-242, “RM-25 District—
27 Regulations for the Redevelopment of Existing Lots of 60 Feet In Width or Less In the RM-25
28 Districts South of Pine Avenue” to modify the use and landscape strip regulations; and

29 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
30 reviewed the contents of this Ordinance at a duly noticed public hearing on August 20, 2021, and
31 recommended the amendments be approved; and

Ordinance 2021-09

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

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

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

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article I, “In General,” “Definitions,” Article V “Zoning,” Division 2, “Districts,” Subdivision I, “RM-25 District Regulations,” Sections 30-241, “RM-25 District—Apartments and Lodging” and 30-242, “RM-25 district—Regulations for the Redevelopment of Existing Lots of 60 Feet In Width or Less In the RM-25 Districts South of Pine Avenue” of the Town Code of Ordinances, are hereby amended as follows¹:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE I. IN GENERAL

* * *

Sec. 30-11. - Definitions.

(a) *Purpose.* The purpose of this subsection is to provide rules of interpretation of words and phrases, and to define words, phrases and abbreviations contained within this chapter.

* * *

(2) *Terms defined.*

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

Ordinance 2021-09

57 * * *

58 *Apartment building.* A residential ~~rental~~ property with four or more dwelling units.

59 ~~*Apartment house.* See apartment building.~~

60 *Awning.* Any movable or non-movable roof-like structure that is cantilevered from or otherwise
61 entirely supported by a building.

62 * * *

63 **ARTICLE V. – ZONING**

64 * * *

65 **DIVISION 2. – DISTRICTS**

66 * * *

67 **Subdivision I. – RM-25 District Regulations**

68 * * *

69 **Sec. 30-241. - RM-25 district—Apartments and lodging.**

70 (a) *Use.* No building or premises shall be used and no building with the usual accessories shall be
71 erected or altered other than a building or premises arranged, intended or designed for any one or
72 more of the following uses:

73 (1) *Permitted uses south of Pine Avenue.*

74 a. Apartment house; and

75 b. Hotel.

76 (2) *Permitted uses north of Pine Avenue.*

77 a. Multiple-family dwelling.

78 b. Hotel, motel or timeshare apartment.

79 c. Townhouse.

80 (3) *Prohibited uses for properties adjacent to El Mar Drive.*

81 a. Single-family residence.

82 b. Duplex.

Ordinance 2021-09

c. Church or parish building.

~~(4)(3)~~ *Conditional uses south of Pine Avenue.* The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Single-family residence ~~unless exempted by section 30-242(a)(4);~~

b. Duplex, ~~unless exempted by section 30-242(a)(4); duplex development is subject to the notice requirement of section 30-221(f) (the reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses);~~

c. Group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);

d. Church or parish building;

~~e. Office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one third of the area of such residential building.~~

~~(5)(4)~~ *Conditional uses north of Pine Avenue.* The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Adult day care.

b. Nursing home.

~~(6)(5)~~ *Temporary uses.* A temporary real estate sales office may be permitted on a site under the following conditions:

a. The parcel has an active Town Commission approved site plan or building permit;

b. There are adequate parking spaces for the sales use based upon the office parking requirements established in section 30-318 of the Town Code;

c. The office does not exceed 1,000 square feet;

d. The office is approved by the Town Commission in conjunction with the Commission's approval of the site plan, or by other separate consideration;

e. The office shall not be allowed to remain in use for more than six months from the effective date of the temporary office approval or, if applicable, the related temporary office building permit, whichever is later, unless time extensions are granted by the Town Commission.

Ordinance 2021-09

~~(7)(6)~~ *Special accessory uses.*

a. Hotels, motels and apartment hotels located south of Pine Avenue, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following:

1. The maximum size of floor area of said uses, either individually or in total, shall not exceed 4,000 square feet or five percent of the total building floor area.

b. Hotels and motels located north of Pine Avenue may have the following accessory uses:

1. Hotels and motels having 50 or more units may have restaurants and gift shops. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant.

2. Hotels, motels and community residential facilities having 100 or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.

3. The aggregate gross floor area of all permitted accessory uses shall not exceed 30 percent of the gross floor area of the principal building(s) on the lot.

c. Parking shall be permitted as an accessory use.

d. Bicycle parking when accessory to a hotel or apartment hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318, minimum parking requirements, ~~(i)(e) hotels, and motels, and apartment hotels.~~²

e. Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.

* * *

Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in width or less in the RM-25 districts south of Pine Avenue.

~~These provisions are intended to encourage the redevelopment of property within the Town. These provisions shall apply only to existing lots or plots of 60 feet or less in width west of or fronting on Bougainvillea Drive that existed as of September 13, 2000. These provisions shall not be applicable to lots or plots that are created by the subdivision of wider lots or plots after September 13, 2000. The All other provisions of the Town's Land Development Code shall continue to apply, especially those pertaining to the development within an RM-25 district, except that the provisions~~

² Corrects a typographical error in the current Code.

Ordinance 2021-09

herein set forth shall apply to ~~the redevelopment of~~ lots or plots 60 feet in width or less in the RM-25 district to the extent of a conflict.

(a) ~~Density.~~ Use.

~~(1) Lots or plots with less than or equal to 140 feet in depth shall be limited to two dwelling units per lot or plot with a minimum of 1,800 square feet of living area in each dwelling unit.~~

~~(2) Lots or plots greater than 140 feet in depth shall be limited to three dwelling units per lot or plot with a minimum of 2,000 square feet of living area in each dwelling unit.~~

~~(3) Hotel, motel or short term tenancy units are a prohibited use for such lots or plots west of Bougainville Drive.~~

~~(4)(1) Single family and duplex dwellings are permitted, exempt from the conditional use approval requirements established in section 30-241(a)(2), but are subject to the notice requirement of section 30-221(f).~~

~~(5)(2) The reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses and structures.~~

* * *

~~(e) Landscape strip. There shall be a landscape strip abutting all pavement adjacent to the property line measuring a minimum of two and one half feet in width, except for permitted driveway connections to the street.~~

* * *

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

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

Ordinance 2021-09

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

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading. This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021, which shall continue to be governed by the conditional use process and all other requirements of the Code prior to enactment of this Ordinance.

Passed on the first reading, this ____ day of _____, 2021.

Passed and adopted on the second reading, this ____ day of _____, 2021.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Oldaker	_____	_____
Commissioner Sokolow	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Town of Lauderdale-by-the-Sea
Development Services Department

To: Planning and Zoning Board
From: Jhanelle Campbell, Acting Development Services Director
Date: August 23, 2021
Meeting Date: September 1, 2021

Project: Ordinance 2021-09 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I, "IN GENERAL," SECTION 30-11 "DEFINITIONS;" AMENDING ARTICLE V "ZONING," SECTION 30-241, "RM-25 DISTRICT—APARTMENTS AND LODGING," TO MODIFY CONDITIONAL USE REGULATIONS SOUTH OF PINE AVENUE AND CREATE PROHIBITED USE REGULATIONS ON EL MAR DRIVE; AMENDING SECTION 30-242, "RM-25 DISTRICT—REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS SOUTH OF PINE AVENUE" TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

Background

Over the last several months, Staff has received several Commission directives and public comments which spurred a review of Chapter 30 of the Town's Code. The proposed changes update definitions, modify regulations and requirements as outlined in Chapter 30 of the Town's Code. They are being proposed to clarify the relationship between the Town's code and planning directives. The proposed changes are included in **Table 1** below.

Review

Staff has prepared Ordinance 2021-09 (**Exhibit 1**) to incorporate the recommended changes. The proposed changes were also reviewed with the Town Attorney and Town Manager where applicable.

Table 1- Proposed changes to Chapter 30

	Issue	Ordinance Requirement	Ordinance Line Number
1.	Clarify definition of apartment house.	Note that the Code uses apartment house and apartment building interchangeably.	59
2.	Establish prohibited uses adjacent to El Mar in the RM-25 zoning district.	Prohibit single family residences, duplexes and churches on El Mar drive.	80-83
3.	Limit conditional uses allowed south of Pine Avenue.	Remove single family residences, duplexes, and home offices as conditional uses. Home office regulations will be covered by Section 12-24, being separately updated	86-97

	Issue	Ordinance Requirement	Ordinance Line Number
		to conform to state preemption.	
4.	Modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue.	Update intent language and remove density requirements and short-term rental prohibition for lots 60 ft or less in width that are located west of fronting on Bougainvillea Drive.	139-162
5.	Remove landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue.	Update language to remove landscape strip requirements.	148,153 and 162-164

1. Clarify Definition of Apartment House

The Town's Code references "apartment house" and "apartment building". Since the phrases are used interchangeably, a definition for "apartment house" is being proposed to provide clarification and clear definitions.

2. Establish Prohibited Uses Adjacent to El Mar Drive in the RM-25 Zoning District

In 2012, the community was concerned over the loss of hotel rooms due to the prior development approvals of Oriana and Villas By the Sea. Town Commission workshops were held and, after discussion of how important the hotels were to the viability of the commercial uses downtown, the Town Commission established a priority to protect hotel uses in the Town. Several options were considered to implement this priority. We amended parking requirements for hotels, established an inspection program, we funded a façade improvement program, and we considered changes to the Code. There was a related concern that a proliferation of single family and duplex uses would inhibit the hospitality uses in RM-25, which is described in the Code as a zoning district for "apartments and lodging," because single family and duplex residents usually expect a more quiet and tranquil environment.

Also to advance this priority, the Town Commission discussed revisions to Chapter 30. As part of the review undertaken at that time, the Town Commission revised the Code of Ordinances so that single family residences and duplexes were no longer permitted uses in the RM-25 zone and would require conditional use approval. The intent of this change was to further implement the purpose of the RM-25 zone. The requirement to seek conditional use approval would make clear to applicants that the single family and duplex use was not the focus of this area of the Town. While the Town Administration considered prohibiting these uses at the time, the Administration ultimately recommended proceeding with the conditional use approach to avoid any potential complications or delays in enactment.

Over the last several months, the Town Commission has renewed its discussion regarding single-family uses in the RM-25 zoning district and requested that Staff bring forward an ordinance for consideration which eliminates single-family residences as a conditional use adjacent to El Mar Drive in the RM-25 Zoning district.

Based on the Commission's directive, Staff reviewed the Code along with the Town Attorney and is proposing the attached ordinance for the Board's review and consideration.

The draft Ordinance prohibits single family residences and duplexes adjacent to El Mar Drive. The result of this change is that single family residences and duplexes will not be allowed at all adjacent to El Mar Drive but will continue to be permitted as a conditional use for the rest of the RM-25 zoning district. Staff is also recommending that churches and places of worship be prohibited adjacent to El Mar Drive.

In addition, this Ordinance removes the conditional use for limited home office use from the RM-25 zoning district. The recent passing of HB 403 created a state preemption which required the removal of this language from the Town's Code. All other preemptions created as a result of the passage of HB 403 have been addressed under a separate ordinance modifying the Town's regulations of home occupations in Section 12-24 of the Town Code of Ordinances (Ordinance 2021-08).

3. Modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue.

At the April 13th Town Commission meeting (**Exhibit 2**), two individuals spoke during public comment asking for the Commission to consider changing the Town's regulations which prohibit short term tenancy in the RM-25 zoning district on lots less than 60 foot in width and west of or fronting on Bougainvillea Drive. Town staff researched this provision previously and provided detailed analyses of its impact on the community to the Town Commission. There have been numerous public inquiries and discussions at Town Commission meetings of the issues raised by this prohibition over many years, without direction to proceed on revisions to the Code.

Staff could not determine the original intent of the legislation and, with the state preemptions resulting in the permission of vacation rental and short-term tenancies even in single family districts, the prohibition has led to different Code regulations for properties depending on the width of the lot, the date the lot may have been subdivided and the side of the street the property in question is located. Staff has found that the Code language is confusing for the general public to interpret, and it does not encourage redevelopment of these older multi-family properties which was the stated intent of the original ordinance. Furthermore, because it discourages rental properties in the "Apartment and Lodging" zoning district (RM-25), it encourages those persons seeking to establish rentals to purchase in our single-family residential areas.

The Interim Town Manager requested Commission direction at the April 27th (**Exhibit 3**) Town Commission meeting as to whether to move forward with an ordinance to amend the code to remove the aforementioned provisions. The Commission requested that staff draft an ordinance.

In addition to eliminating the limitation on short term rentals and hotels, the proposed ordinance also removes the requirements limiting the number of units and the minimum lot size requirements, based on the depth of the property. Instead, these characteristics will be subject to the density requirements (25 units an acre) of the existing Code and the minimum square footage limitations of Section XX. The elimination of these provisions will ensure that the properties are treated consistently with similar properties in the RM-25 zoning district.

Finally, landscape strip requirements for these narrow lots were also removed because of the difficulty applicants face in meeting parking requirements on smaller lots.

Applicability to Pending Applications

The draft Ordinance is silent on whether it applies to pending applications for conditional uses that will be prohibited by the Ordinance. An application for a single-family residence on El Mar is currently pending, and

was initially submitted to the Town prior to April 1, 2021. Staff requests that the Planning and Zoning Board recommend whether the Ordinance should not apply to this application. If so, language will need to be added to the Ordinance such as the following:

“This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021.”

Recommendation: Staff recommends approval of Ordinance 2021-04.

Attachments:

Ex.1 – Ordinance 2021-09

Ex.2 – April 13th Town Commission Meeting Minutes

Ex.3- April 27th Town Commission Meeting Minutes

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, September 1, 2021**

1. CALL TO ORDER

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

ROLL CALL

Members present were Ron Piersante, Vice Chair Christina Buerosse, Charles Wayne Dillistin, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee members were Chair David Chanon and Alan Bluestein. Also present were Town Attorney James White, Town Clerk Tedra Allen, Acting Development Services Director Jhanelle Campbell, and Planner Susan Levin. Other staff members present were Interim Town Manager Linda Connors and City Attorney Susan Trevarthen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – July 7, 2021

Board Member Omana made a motion to approve the minutes of the P&Z regular meeting of July 7, 2021 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

4. PUBLIC COMMENTS

Barbara Cole addressed the board and her comments included but were not limited to:

"The July 7, 2021 P&Z Meeting was very disconcerting to watch. She felt that the board was not really cognizant or educated as to what their role was. She told them that they were able to do much more, in her opinion, than they were led to believe that night. She was briefly on a Planning and Zoning Board and she watched many of them. As an advisory board, you get to do so much. You get to bring before the Commission so much information because usually you were supplied and given much information. You were given backup and historical information going back as far as you can go that had to do with the subject at hand. You were put at a disadvantage because you were not given that information that night, in her opinion. She explained that the conditional use was brought forward after they got rid of overlay districts and looked for ways to keep El Mar Drive and our tourism from turning into condominiums and single-family homes. The Commission had a ton of meetings between 2011 and 2012 because they knew there had to be big changes. Their second priority was the conditional use and in it, if you go back to the March 21, 2012 P&Z Meeting, with the then Town Planner Linda Connors talking about the conditional use, you would see the conditional use had so many thresholds to jump through in order for a single-family home to be considered. Fast forwarding to after your last P&Z Meeting, you had two former mayors and a vice mayor who felt the need to come join the July 27, 2021 Commission Meeting and speak up about that conditional use. Her hope going forward was that the P&Z Board gets all the backup and historical information on any topic they have so you could advise. The board was not to go by staff recommendations or what the commission wants. If that were the case, they would

not need you at all. Tonight, there were ordinances that were very important (Ordinance 2021-09 [no more single-family/duplex homes so we could maintain our hotel, historical district and keep our downtown and restaurants instead of a single-family bedroom community] and Ordinance 2021-11 [community outreach]). The community outreach would help the citizens that want to be involved to be able to get involved. ”

City Clerk Tedra Allen read into the record the written comments from **Dave and Sherri Staudacher**:

“As you know, we have a pending application to develop a single-family home on my property. My wife and I purchased the property after searching for 7 years and were delighted to find something on the beach in Lauderdale-By-The-Sea. We have spent considerable time and resources on due diligence and designing our home to meet the Town’s requirements.

This board reviewed our application in July and recommended approval 4-1 because the application complied with the Town’s code. One of the discussion items on today’s staff report is whether to apply this new ordinance prohibiting a single-family resident to my property. We respectfully ask that you recommend NOT applying the code revisions to our property. Please allow the application to proceed under the current code so we can realize our dream of building a home in Lauderdale-By-The-Sea.”

Betty Bauman was present and requested to speak and her comments included but were not limited to:

“She was a property owner for more than twenty years and explained where in L-B-T-S. She asked to revisit the short-term rental restrictions for lots under sixty feet and west of Bougainvillea Drive. She has not seen any sensible scientific explanation for restrictions on lot size and location. She felt that this was a bit discriminatory. They all paid similar property taxes and insurance. The rental environment has changed since this ruling in 2019 and explained about the long-term rental landlords who suffer from income loss from tenants taking advantage of the moratorium with little or no possibility to collect past due funds. Short term rentals have other alternatives. Please revisit this antiquated and unjust rule especially for those on the west side of Bougainvillea Drive.”

City Clerk Tedra Allen read into the record the written comments from **Sally Musser**:

“I urge the Commission to NOT allow single family/duplex residences on El Mar Drive and to add the requirement for public participation meetings on certain types of development before going to P&Z and ultimately the Commission. The present and future impact on retaining our Town is at stake and this requires this Commission and future Commissions to be fully informed by their advisory board, residents, and businesses in order to succeed!

Newcomers in Town bought here for the Town we are, and old timers stay because we still know our voices will be heard to keep us a Town like no other!”

City Clerk Tedra Allen read into the record the written comments from **Ian DeMello**:

“We represent David and Sherri Staudacher, the owners of 4112 El Mar Drive (“Client”). As you know, and as set forth in the Town Staff Report to the Planning and Zoning Board dated August 23, 2021 and published online over the weekend, Item 5.b of the September 1, 2021 Planning & Zoning Board Agenda (a proposed ordinance prohibiting single-family residence south of Pine Avenue), includes a discussion item related to the application of the proposed ordinance to our Client’s pending Conditional Use Application for a single-family residence (Application 2021-CU-01, initially submitted March 3, 2021). Our client is currently travelling and unable to return to exercise their right to be heard on this matter before the Board. As a result of this and specific

reference to our Client's Application, **we respectfully request that you defer Item 5.b. to the next regularly scheduled Planning & Zoning Board meeting.**

We respectfully request that this correspondence be distributed to the P&Z Board Members and included as part of the record for Item 5.b. and, should the Board decide to hear this item on September 1st without our Client present, ask that the Board include in the draft Ordinance Town Staff's recommended language that **"This ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2012."** Through this correspondence we also reserve all legal rights to challenge any application of the proposed ordinance to our Client's Property, including but not limited to a statutory claim for compensation under the Bert Harris Act."

City Clerk Tedra Allen read into the record the written comments from **Stuart Dodd:**

"I was led to believe the 2012 Conditional Use Ordinance drawn up by Linda Connors, Connie Hoffmann, Susan Trevarthen and Cecelia Ward was sufficient to prevent any more single family homes on El Mar Drive. I was proved wrong. Almost 10 years later you are faced with revising the ordinance to permanently block single family homes. The Town Attorney included in the prologue for the ordinance as to whether you can propose to include or exclude the current application submitted in April for 4112 El Mar.

If this is not affirmed by a majority, and the commission sends this back to your board I firmly believe that you have the power to recommend to the commission "same height and same footprint" as the property next door under the current conditional use clause of the existing code. This would force the proposed development to be the same size as the neighbor instead of an eyesore dwarfing them and it will make the development in keeping (proportionally) with adjacent property while knowing no other single family/duplex properties will be allowed with enacting Ordinance 2021-09.

I along with former Mayors Sasser and Minnet agree El mar Drive must be saved from changing it to rows of single-family mansions as we all publicly commented on July to the Commission after this board had their Conditional Use Quasi-Judicial meeting. Good luck on your deliberations."

City Clerk Tedra Allen read into the record the written comments from **Holly Schaefer:**

"I am in agreement with my neighbor. I have lived here for 19 years and enjoy the small town residence feeling here. Why are you always so eager to change our quaint little Town? It always seems like there's something else popping up when you least expect it and the residence not being notified appropriately. Please do not let this pass!!"

City Clerk Tedra Allen read into the record the written comments from **Denise Lambert:**

"Good evening, In reviewing the New Business Agenda for tomorrow's Planning & Zoning meeting a 6:00pm, I am disheartened at the position this Town has taken with respect to government overreach and this new ordinance allowing businesses to be operated from residential homes. While I do not take issue with someone working from their home office, there is in fact a big difference when the home is now considered the place of business and has the ability to operate as a business in a residential zone.

I am aware that the State passed a bill in July, 2021 and I am aware that per that bill, the Town cannot restrict a business from operating from a residential home. However, there is no law stating we must modify our regulations immediately without input from the Town residents.

For the record, I would like to address the following concerns:

1. The Florida League of Cities notified the Town of this issue back in January, 2021 and again in May, 2021. BEFORE the bill was passed. Numerous Towns, including Parkland, Pompano Beach, Coconut Creek, Tamarac, Davie, Plantation, Fort Lauderdale, North Lauderdale and Wilton Manors, as well as the Florida League of Cities all sent letters to the State requesting the bill be vetoed. Lauderdale-By-The-Sea did nothing. Why?

2. Our Town has the Code Red System set up for phone calls, emails, and text alerts. Why can't the town alert its residents of "hot topic" issues like those that continue to take away our property rights such as this issue. Not every resident is computer literate and able to research this information on a regular basis.

3. By permitting the State to continuously overreach, we have already lost some of our Town ordinances against short term rentals and more recently, homes being designated as "rehab" or "wellness" centers. When will we stop and actually fight to keep our neighborhoods actual residential neighborhoods and not commercial districts? Quite simply, a business belongs in a business district, not a residential zone.

4. If these homes are given a home business license, how will they be regulated when it comes to ADA requirements. Will home driveways start having to install handicap parking signs? Will they need to be handicap accessible? Will these homes end up having business signage in front or on their house? (See line 122 of proposed ordinance)

5. I understand that the State says that the Town cannot restrict the type of business as long as it does not create noise, smell, cannot be seen from the street, etc. So my question becomes, if I obtain a license to sell marijuana, am I able to do that from home as long as I meet the other requirements? What about if I install a stripper pole or a gynecological chair in my living room? How about a mortician embalming dead bodies in his spare bedroom? Is this what we want next to us? According to the Town proposed ordinance, the only thing not permitted is a B&B, Hostel, or boarding room. (All of which is already covered in other property rights previously forfeited).

Doesn't the Town find that this is in fact a huge issue that should have been brought up and discussed previously at length or perhaps fought at the State level? Has the Town looked into whether or not other jurisdictions are fighting this bill?

If I am reading this ordinance wrong, my apologies and please enlighten me. I mean no disrespect. It is just frustrating to find out that our Town did not take a written opinion on this bill BEFORE it was signed. In the meantime, I respectfully request that the Town hold off on accepting this ordinance as written."

City Clerk Tedra Allen read into the record the written comments from **Marc & Cristie Furth**:
"Good evening Commissioners, Tonight, before you are two ordinances before you that will guarantee that El Mar Drive is protected as Lauderdale-By-The-Sea's premier hospitality district and that our citizens are afforded the public outreach they deserve before major community re-development projects are given a green light.

Vote yes on Ordinance 2021-09 to stop single family/duplex homes on El Mar Drive
Vote yes on Ordinance 2021-11 for the Citizen Participation Requirement **before** a project goes to P&Z and the Commission

Also, please consider including the current El Mar applicant for a single-family McMansion in Ordinance 2021-09. As longtime El Mar Hotel owners and residents we will appreciate the support of this board."

City Clerk Tedra Allen read into the record the written comments from **Scot Sasser**:

"Dear Honorable Member of the P&Z Board, First let me thank you for your service to Lauderdale-By-The-Sea and stress the importance of this advisory board. The advisements and recommendations of the P&Z Board have always held a great deal of weight to the Commission as you are in important voice of the residents of Lauderdale-By-The-Sea. With this in mind, I wanted to write to you, for your consideration, a request to approve and advise the Commission of your support on Ordinances 2021-09 and 2021-11. While I sat on the Commission as a Commissioner, Vice Mayor and Mayor from 2010-2018 there was great emphasis on keeping the look and feel of El Mar Drive a top priority. Our goal was to preserve the hotels on El Mar that we felt were at risk. Ordinance 2021-09 before you tonight is a great step in helping preserve El Mar Drive for our future. Ordinance 2021-11 incorporates and solidifies public participation within the building and development process which is key to helping our Town differentiated from those around us. As you know Lauderdale-By-The-Sea has been very protective in the past and for good reason! Over development that changes the very fabric of what we hold dear are always threats creeping in from all around us. This is all the more reason to protect and preserve our town. Ordinances 2021-09 and 2021-11 will help preserve part of what makes El Mar Drive special and will ensure public participation which has been paramount over the years to our success.

Thank you again and please know that your recommendation means a great deal to those sitting on the dais. The P&Z Board is front and center in the decisions that shape as well as protect our town. I also thank you in advance for your support of these two ordinances."

The City Clerk stated that there were no other public comments at this time.

5. NEW BUSINESS

a. Ordinance 2021-08

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 12 "Licenses", Article I "Business Taxes", Section 12-24 "Home Occupations", to modify regulations to conform to State Law, providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that this ordinance would revise the regulations of home occupations/home-based businesses in the Town to conform to a new state statute that partially preempts local regulation in residential properties effective July 1, 2021. Ordinance 2021-08 revises Section 12-24 only to the extent necessary to comply with the state's statute. Aesthetics, signs, parking, storage, noise, and other impacts would be regulated in a manner similar to how other residences without homebased businesses were regulated. The ordinance allowed for the collection of business tax receipts from home-based businesses. Home-based businesses must be secondary to the primary residential use of the property. The statute did not affect local vacation rental and short-term rental regulation. Employees of the home-based business live on premises and up to two employees may work there and not live there. The business can have an unlimited number of remote employees. Board Member Sylvester asked about the language that now permitted signage. Acting Development Services Director Campbell answered that the signage must conform to the signage permitted in the residential district which was more restrictive than the regulations in the commercial district. Board Member Dillistin wanted to know if a sign was now permitted in front of a home-based

business and Ms. Campbell answered the sign would have to conform to signage in a residential district. She further answered Board Member Dillistin that a sign was allowed due to state statute but the local government regulated how the sign looks.

Vice Chair Christina Buerosse noted what was allowed now as uses for home occupations. She read all those uses now allowed in the ordinance into the record starting with automobile and boat repairs. She spoke about home rule and that the state was removing the local government's home rule ability. Board Member Sylvester asked what would happen if we did not go along with this and the Vice Chair spoke about repercussions. The Vice Chair suggested pleading with the Commissioners to get lobbyists for this in 2022. Board Member Sylvester said that it looked like we still have the right to say how the sign looked. Town Attorney James White explained how the law was written. It gave the local government the ability to regulate the negative secondary affects that could be caused by a home business. A home with a home business must be compatible and look like every other house in the neighborhood. This ordinance now made the rules clear to both residents and staff. Our regulations would be consistent with state law and the changes made were the minimum we could do in order to be consistent with state law. The Town Attorney answered the Vice Chair that there was a provision in the legislation that stipulated for both current and future condo, cooperative or HOA docs, that these regulations would not supersede them. He further answered about ADA compliance and explained by using the example of a home office business with no one coming in or out of the home. Acting Development Services Director Campbell answered that there were currently 48 home office businesses in L-B-T-S and said a map could be set up depicting where they were, as long as it was okay to do so.

Board Member Piersante wanted to know if the Town would be monitoring these businesses for compliance on a regular basis and Mr. Dillistin inquired as well. Ms. Campbell explained that when someone submitted a Business Tax Receipt (BTR) application, L-B-T-S required all applicable licenses to be part of the application and there would be a renewal process every year. Vice Chair Christina Buerosse asked if it mattered how many people were in the house each day as for example with a licensed juvenile delinquent facility. The Town Attorney explained about the maximum occupancy standard allowed at a single-family home that was still applicable to these businesses. Board Member Sylvester said that massages could be given in a house's spare room both day and night, and the Town Attorney explained how that could potentially happen. Discussion ensued that employees of the home-based business live on premises and up to two employees may work there and not live there but the business can have an unlimited number of remote employees. Board Member Sylvester said that everyone was in agreement that they were not happy with this but were glad about what they could control like signage. Vice Chair Christina Buerosse asked about ADA compliance and businesses to which the Town Attorney answered that it was more a Florida Building Code issue and it would depend on what the home occupation was. The best advice would be just not to violate the state law and just follow it. This ordinance was an effort to streamline by having clear code language with our existing code matching state law.

Board Member Dillistin wanted to know if our Legal Department could protect the residents as much as they could and limit such businesses like a massage parlor. Vice Chair Christina Buerosse said that we need to go to our Commissioners regarding lobbying for home rule next year. Acting Development Services Director Campbell answered Mr. Dillistin that when BTR applications come in, she would now have clear guidelines. As there were no further board questions, the Vice Chair called for public comments.

Barbara Cole asked about condos and HOAs wanting to know if they could go through every area of Town asking if they wanted to start up an HOA. Would that protect each neighborhood if

they each became an HOA? The Town Attorney could not give advice but shared from the State Statute that this resolution did not supersede current or future condo, cooperative or HOA docs.

Mayor **Chris Vincent** spoke as a Town resident stating he too had a home business. He talked about items brought up earlier in the meeting and informed that ADA was federally regulated and not state regulated in respect to licensing and what we needed to do. For purposes of simplicity, he would like to see staff present to the board members and to members of the public at the P&Z Board Meeting some exhibits, examples, and explanations of what the Town could do and what the Town could not do regarding this new law. No guessing and just knowing exactly what we could and could not do and what we could control regarding this new ordinance. The board and residents need examples of what was allowed and what was not allowed. When he was asked by Vice Chair Christina Buerosse if the board should postpone this agenda item, he answered that he could not opine on that as it was a board decision. Board Member Dillistin discussed what we could recommend. Acting Development Services Director Campbell explained that what was before the board tonight was to bring the Town's existing regulations into compliance with state law. She read into the record what the state statute allowed the Town to regulate like aesthetics, signs, parking, storage, noise and other impacts to the surrounding residential neighborhood.

Board Member Sylvester wanted to address signage and Acting Development Services Director Campbell explained that they could control residential signage. Board Member Dillistin questioned Town Attorney Susan Trevarthen who explained that there was a major effort across the country to fight this bill and get the governor to veto it. That did not happen and it was here now. It did remove our power but not all of it. Every local government in the State of Florida was upset about this. What this ordinance did was to preserve the power we did have. Some of that power might not be easy to enforce. She believed that we should move forward with this ordinance because now our code would not be inconsistent with state law and residents would now know how they could use their property. The Town could apply performance standards to try to have all uses allowed in home businesses conduct themselves appropriately and look more like a residential home in a residential neighborhood. She answered Board Member Dillistin that the Town already had signage code for our residential signage districts that was restrictive. The allowable business uses would have to abide by this residential signage code. Town Attorney James White piggybacked on what Town Attorney Susan Trevarthen said and he read the corresponding statutory language into the record. Board Member Dillistin wanted to know the timeframe and was reminded that this State Statute was already law July 1, 2021. As there were no other questions/comments, the hearing closed.

Board Member Sylvester made a motion to recommend approval to the Town Commission of Ordinance 2021-08. The motion was seconded by Board Member Dillistin. The motion carried 4-1 on roll call vote. (Christina Buerosse opposed).

b. Ordinance 2021-09

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations", Article I "In General", Section 30-11 "Definitions," Amending Article V "Zoning," Section 30-241, "RM-25 District – Apartments and Lodging," to Modify Conditional Use Regulations South of Pine Avenue and Create Prohibited Use Regulations on El Mar Drive; Amending Section 30-242, "RM-25 District – Regulations For The Redevelopment of Existing Lots of 60 Feet in Width or Less in the RM-25 Districts South of Pine Avenue" to Modify Requirements; providing for Codification, Severability, Conflicts, and for an Effective Date.

Acting Development Services Director Campbell said that over the last several months, Staff has received several Commission directives and public comments which encouraged a review of Chapter 30 of the Town's Code. The proposed changes updated definitions, and modified regulations and requirements as outlined in Chapter 30. They were being proposed to clarify the relationship between the Town's Code and planning directives. She went over and explained each of the five proposed changes to Chapter 30 starting with (1) clarify definition of apartment house, (2) establish prohibited uses adjacent to El Mar in the RM-25 zoning district, (3) limit conditional uses allowed south of Pine Avenue, (4) modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue and (5) remove landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue. The Town would also be looking to the board for their recommendation if this should also be considered for applications initially submitted to the Town prior to April 1, 2021. There were no board questions/comments. Public comments were opened up.

Barbara Cole spoke about separating this out from the current applicant. You now have the ability to protect and preserve El Mar Drive. She hoped that tonight would be a unanimous vote.

Attorney Courtney Crush reminded that she represented Sherri and Dave Staudacher who have the pending conditional use application which was also referenced in the Staff Memo. As you heard in her co-counsel's (Ian DeMello) communication and also from the Staudacher's letter which stated that they would have liked to be here tonight but could not alter their plans. The Staudacher's have a pending application for approval of a conditional use for a single-family residence on a property that was currently permitted in the Town's Code allowing conditional use. Applying the proposed ordinance to their client's property would adversely affect them entitling them for relief under the Bert Harris Act. Their clients' preference was to build their single-family home on the beach and not to have to pursue litigation. They were asking this board to recommend staff's language to the proposed ordinance, "This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021." They reserve all legal rights to challenge the application of the proposed ordinance to their clients' property. She noted that by also prohibiting single-family use she explained what else was removed by the proposed ordinance.

Betty Bauman reiterated that she had a multi-family on Bougainvillea Drive on the west side. She was not able to do short-term rentals. On the other side of the street, they could do short-term rentals. These were all the same buildings built as motels in the 1960s. She was just asking for fairness.

Board Member Karen Sylvester had no issues but Board Member Wayne Dillistin wanted to know why this was all lumped together. Acting Development Services Director Campbell explained that when they look at a section of the code, they look at the entire chapter and make modifications as deemed necessary. He wanted to know if they could vote separately or would they have to vote on the whole thing. Acting Development Services Director Campbell explained that they could make recommendations as they see fit. Discussion ensued regarding if the properties were all motels in the 1960s and the map showed the green dots representing properties that could have short-term rental and the red dots could not because of the size of their lots. The green squares represented properties larger than sixty feet in width could rent short-term and their next door neighbors could not because of the size of the lot. Acting Development Services Director Campbell answered that if there was a change, then all of the properties could rent short-term. Betty Bauman showed Board Member Dillistin where her property was on the map. Board Member Ron Piersante was answered that all the red dots were possibilities. He felt that there

were an awful lot of short-term rental possibilities. Acting Development Services Director Campbell answered Board Member Dillistin that she had not heard comments from any hotel. Board Member Piersante felt that short-term rentals would help the Town by bringing in more people but hurt the hotels. Board Member Dillistin was not for adding more short-term rentals but it might help to improve the area which he was recently told was blighted. Board Member Sylvester felt that they should consider it, as short-term rentals were more and more suitable for vacationers. Board Member Piersante talked about problems with short-term rentals and wanted to know how blighted this area was that we were thinking about short-term rentals.

As there were no further questions/comments, the Vice Chair went over the five proposed changes to Chapter 30 in the Town Code and Acting Development Services Director Campbell answered Board Member Sylvester about landscape strips. Ms. Campbell also explained that accepting number 4 incentivizes this area being used as a short-term rental area versus your single-family districts like RS-4 and RS-5. Board Member Dillistin wanted to know if they could do a conditional approval meaning if it did not work out, they could change it back. From an implementation and practicality standpoint, Town Attorney White felt that people would be relying on a certain set of regulations that conditionally could be changed. He explained different ways that this could be voted but Interim Town Attorney Linda Connors explained that in the past with ordinances with significant amount of issues, was to vote one-by-one and read each one into the record before vote. Board Member Sylvester reminded that besides the five potential changes in the ordinance, there was also the recommendation regarding the pending current application to build on the beach written in the Staff Report. She felt they should be grandfathered in and allowed to build. Town Attorney James White said that could be voted on as number six. Board Member Piersante wanted to know the ramifications if we did not approve grandfathering in the pending application. Town Attorney James White said that Attorney Crush and her co-counsel were reserving their rights to assert a claim in a litigation form. He did not know if they would be successful or not but it could subject the Town to litigation. This would just be the board's recommendation to the Town Commission who would ultimately decide to grandfather in or not. Board Member Sylvester felt that it would be unreasonable and unfair not to grandfather it in. Vice Chair Buerosse felt that the pending application was what opened the flood gates because residents really did not want a single-family home on El Mar Drive. Board Member Piersante said it was ultimately up to the Town Commission. As there was one request for a public comment, Vice Chair Buerosse opened it up again and granted public comment.

Barbara Cole told the board that they have the ability as advisors to put forward any action they want. You could take out the pending part and say what your recommendation was. It could be to ask the Town Commission to bring this back to the Planning and Zoning Board for discussion on conditional use. You did not have to accept or deny at all and just state you were at a standstill because felt you did not have all the information needed at the beginning. You always had the ability to think outside of the box. There was no other request for public comment. Interim Town Manager Linda Connors explained how this would be voted on individually and then voted as a whole as done in the past and Vice Chair Buerosse started going through the individual items now containing six items.

#1 - Vice Chair Buerosse called for a vote on definition of apartment house and the Board recommended approval 5-0 by raised hands.

#2 - Vice Chair Buerosse called for a vote on establish prohibited uses adjacent to El Mar in the RM-25 zoning district and the Board recommended approval 5-0 by raised hands.

#3 - Vice Chair Buerosse called for a vote on limit conditional uses allowed south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#4 - Vice Chair Buerosse called for a vote on modify regulations for existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and discussion pursued. Board Member Dillistin wanted to hear from the hotels and Interim Town Manager Connors asked the board members if they felt that staff should contact the hotels. After more discussion, it was recognized that Vrbos were becoming more popular. Interim Town Manager Connors said it was up to the board to wait on this until information was gotten from the hotel district and then vote on this at the next meeting which would be before the Town Commission's second reading. Linda Bauman was granted public comment time and she wanted to know what hotels have to do with this decision. Board Member Dillistin explained that the board did not know what the hotels thought about this. Ms. Bauman did not want to be a Vrbo but would rather be able to do one or three month leases. Chris Vincent, resident, spoke about the history on this restriction and that they could not find any backup for its purpose. Every single family home in L-B-T-S can opt in for Vrbo except for these people or in areas where HOAs did not allow Vrbo. It was a property rights issue. It was not that the Town was adding in more Vrbos, it was to remove the inordinate burden they had to live with in the past 27 years. Most of the homes that could not do Vrbo were not being kept up or improved creating blight. This situation had to be fixed and the Board recommended approval 5-0 by raised hands.

#5 - Vice Chair Buerosse called for a vote on removing landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#6 - Vice Chair Buerosse called for a vote on applicability to pending application to not grandfather (to apply proposed ordinance to pending applications for conditional uses that would be prohibited by the proposed ordinance) and the Board recommended approval to not grandfather the pending application 3-2 by raised hands (Karen Sylvester and Patricia Omana opposed).

Board Member Omana made a motion to recommend approval to the Town Commission of Ordinance 2021-09 and to not grandfather pending conditional use applications. The motion was seconded by Board Member Piersante. The motion carried 5-0 by voice vote.

c. Ordinance 2021-11

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning", To Create Section 30-114, "Citizen Participation Plans Required", Providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that the purpose of this ordinance was to create regulations for the requirement of a Citizen Participation plan for site plan, level 2 site plan modifications, rezoning and land use amendment applications. Ordinance 2021-11 created Section 30-114 formalizing the Town's encouragement for additional public participation opportunities. The proposed ordinance required a citizen participation process as part of the development review process for site plans, level 2 site plan modification, rezoning and land use amendment applications. It would require applicants for a site plan, level 2 site plan modifications, rezoning and land use amendment applications have at least one public participation meeting and submit a report to the Town at least 21 days before the Planning and

Zoning Meeting. This would be included in the board's packet. She spoke about such things like notice and Town Manager approval of the plan prior to implementation. There were no board questions and public comment was opened.

Barbara Cole said this was a win-win. It would stop any last minute uproars. She spoke about having the whole Town at a public meeting as they just had for the Marina project. Former Vice Mayor Stu Dodd asked her to add that he thought maybe this could extend out into projects that were big neighborhood projects in the future. As there was no other public comments, and no more board discussion, this item was closed.

Board Member Dillistin made a motion to recommend approval to the Town Commission of Ordinance 2021-11 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

6. OLD BUSINESS N/A

7. UPDATES/BOARD MEMBER COMMENT N/A

8. ADJOURNMENT

Board Member Sylvester made a motion to adjourn at approximately 8:10PM. The motion was seconded by Board Member Dillistin. The motion carried 5-0.

Vice Chair Christina Buerosse

ATTEST:

Date Accepted: _____

Acting Development Services Director Jhanelle Campbell



Town Commission Agenda Item Report

Meeting Date: October 12, 2021

Submitted By: Jhanelle Campbell, Acting Director of Development Services

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: Ordinances – 2nd Reading

Subject Title: ORDINANCE 2021-11: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” TO CREATE SECTION 30-114, “CITIZEN PARTICIPATION REQUIRED”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

Explanation: Ordinance 2021-11 (**Exhibit 1**) creates Section 30-114 formalizing the Town’s encouragement for additional public participation opportunities. The proposed ordinance requires a citizen participation process as part of the development review process for site plan, level 2 site plan modification, rezoning and land use amendment applications.

The Planning and Zoning Board reviewed the proposed changes at its September 1, 2021 meeting and recommended approval unanimously (**Exhibit 2**).

The proposed ordinance was reviewed by the Commission on first reading at their September 13, 2021 meeting. The Commission approved (5-0) with the request that Staff bring forward a simplified process on second reading. The proposed changes to the ordinance to simplify the process are outlined in Table 1 below.

Table 1

	<u>Ordinance Section</u>	<u>Ordinance Changes Made</u>	<u>Ordinance Line Number</u>
1.	Applicability	Remove requirement for a citizen participation plan and require the applicant solicit citizen participation	40
2.	Citizen Participation Meeting	Remove requirement for citizen participation plans to be approved by the Town Manager and establish requirements for a Citizen Participation Meeting	41-42

	<u>Ordinance Section</u>	<u>Ordinance Changes Made</u>	<u>Ordinance Line Number</u>
3.	Meeting	Establish requirement for the filing of a complete application before a citizen participation meeting can be conducted. The initial review of the application must also be completed before a citizen participation meeting can be held.	44-49
4.	Meeting	Notice must be mailed in accordance with Town Code. However, a copy of the proposed notice and summary of the application must be reviewed and approved by the Development Services Director before it can be mailed to the affected parties.	50-55
5.	Meeting	A summary of the proposed application must be included in the mailed notice to the affected parties.	56-57
6.	Meeting	Requirement for a written citizen participation report removed. A summary outlining the details and results of the citizen participation meeting must be submitted at least 21 days prior to the Planning and Zoning Board meeting.	67-72
7.	Citizen Participation Meeting Summary	Section renamed from “Citizen Participation Plan” and report to “Citizen Participation Meeting Summary”. Citizen participation report requirement removed and requirements for a citizen participation summary established.	73-106
8.	Consideration by the Planning and Zoning Board and the Town Commission	Removes reference to “report” and replaces with “summary”.	116

Recommendation: Staff recommends approval of Ordinance 2021-11.

Attachments: Exhibit 1 – Ordinance 2021-11
Exhibit 2- September 1 P&Z Board Meeting Minutes

ORDINANCE 2021-11

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” TO CREATION SECTION 30-114, “CITIZEN PARTICIPATION REQUIRED”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

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

WHEREAS, the Town Commission desires to create Section 30-114, “Citizen participation required” to assure that the citizens of the Town have ample notice and input into development proposals and that applicants have the opportunity to respond to that input prior to bringing any site plan, conditional use, rezoning, or land use plan amendment application to a hearing by the Planning and Zoning Board or the Town Commission; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on September 1, 2021, and recommended the amendments be approved; and

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

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

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

SECTION 2. Amendment. Chapter 30, “Unified Land Development Regulations,” Article IV. “Development Permits - Applications, Requirements And Review Procedures,” Division 1 “Generally” of the Town Code of Ordinances is hereby amended to create Section 30-114, “Citizen participation ~~plans~~ required” as follows:¹

Sec. 30-114. Citizen participation ~~plans~~ required.

(a) Purpose and intent. The public participation process provides for the ability of citizens of the Town to actively participate in the Town's development procedures and allows the Town's citizens to play an essential role in shaping the direction of the Town's development, thereby enhancing the welfare of the community.

(b) Applicability. All applicants submitting applications to the Town for approval of a site plan, site plan level 2 modification, grant of a conditional use, rezoning, or land use plan amendment shall ~~solicit prepare and execute a plan for~~ citizen participation in accordance with this section.

(c) Citizen Participation Meeting ~~Citizen participation plans must be approved by the Town Manager or designee prior to execution by the applicant.~~

(1) Meeting.

a. Subsequent to filing a complete application with the Town, as set forth in Sec 30-114 (b) of the Town's Code of Ordinances, applicants shall be required to conduct a minimum of one (1) public meeting with residents, property owners and interested parties that may be affected by the proposed application (the affected parties), or additional number of meetings as may be directed by the Development Services Director (DSD) or designee. The meeting shall not be scheduled or conducted before the initial review of the application has been completed by the DSD or designee.

b. Applicants shall provide affected parties with mailed notice applicable to the proposed application as set forth in Section 30-139 of the Town's Code of Ordinances. Prior to sending mailed notices of the proposed application to affected parties, the applicant shall be required to submit a copy of the proposed notice and application summary to the DSD or designee for review and approval. Additionally, applicants shall also be required to provide the DSD or designee with a copy of the mailed notice.

c. A summary of the proposed application shall be included within the mailed notice provided to affected parties and made available for review by the public at the meeting.

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Changes between first and second reading are shown in double underline and ~~double striketrough~~.

d. The purpose of the citizen participation meeting is to discuss the proposed application, provide Town citizens with the ability to actively participate in the Town's development procedures and solicit public comment from affected parties and the community. Citizen participation meetings may be held at Jarvis Hall, subject to scheduling and availability, or at a similarly convenient location within the Town, provided such location is accessible and open to the public.

e. Affected parties include residents and property owners that are located within a 300 foot radius of the subject property associated with the proposed application, and any other interested parties who have submitted a written request to the DSD or designee with a stated interest in the proposed application to be included in the notice. ¶

~~f. hereafter implement the citizen participation plan and submit to the Town~~ A written citizen participation report summary setting forth the details and results of the citizen participation meeting engagement efforts plan procedures shall be submitted to the DSD or designee for approval by the Town Manager or designee at least twenty-one (21) days prior to the Planning and Zoning Board's review of the proposed application, in accordance with the requirements of this section.

~~(d) Citizen participation meeting summary plan and report.~~

~~(1) Citizen participation meeting summary plan.~~ All citizen participation meeting summaries ~~plans~~ shall include:

~~a. The applicant shall submit a summary which includes A A list of residents, property owners, interested parties, and public agencies that may be affected by the application (the affected parties), and tThe names and addresses of residents and property owners within the mailed notice area applicable to the requested approval, as set forth in Section 30-139 of the Code of Ordinances, shall be provided to applicant by to the DSD or designee. The DSD or designee shall also provide the applicant with add to the list of affected parties all names of any other interested parties or public agencies who have contacted the Town Clerk or DSD with a stated interest in the application, who will be added to the list of affected parties.~~

~~b. A summary of how the applicant proposes that it will notify all affected parties of the application.~~

~~c. A summary of the proposed application.~~

~~d. A description of the manner in which the applicant proposes that it will disseminate information to affected parties.~~

~~e. A schedule of events planned by the applicant to complete the citizen participation procedure.~~

~~f. A description of how the applicant will disseminate the schedule of events, and how the applicant will keep the DSD or designee informed of the status of its citizen participation efforts.~~

~~(2) Citizen participation summaries report. All citizen participation summaries reports shall include:~~

~~a. A written summary of the results of the citizen participation effort prior to the Planning and Zoning Board's review of the application. A brief written summary of the proposed application and development project.~~

~~b. Dates and locations of all meetings where affected parties were invited to discuss the applicant's proposal.~~

~~c. The names, dates, and number of attendees ~~people that participated in the process.~~ The applicant shall request that attendees provide their contact information, including name, address and email, and report that information, if available.~~

~~d. A written summary of the issues and concerns raised during the ~~engagement process~~ meeting ~~in the process~~ and how the applicant proposes to resolve these issues and concerns. If the applicant is unable or unwilling to resolve the issues and concerns raised during the meeting, the summary should state the reason why these issues and concerns cannot be resolved.~~

~~e. The written summary shall be submitted and reviewed by the DSD or designee to determine whether the applicant has completed the citizen participation requirements and procedures set forth in this section to determine whether the applicant has completed the citizen participation process prior to its transmittal by staff to the Planning and Zoning Board for review and consideration.~~

~~(e) Consideration by the Planning and Zoning Board and the Town Commission. The applicant's citizen participation meeting summary shall be included as an exhibit to the staff report. Any issues identified in the meeting summary that are pertinent to any provision of the Town Code of Ordinances, which may affect the Planning and Zoning Board's recommendation or the Town Commission's determination of the application may be taken into consideration by the Planning and Zoning Board and the Town Commission as part of their deliberations.~~

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be

changed to “section,” “article” or such other appropriate word or phrase in order to accomplish such intentions.

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

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

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

Passed on the first reading, this ____ day of _____, 2021.

Passed and adopted on the second reading, this ____ day of _____, 2021.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Oldaker	_____	_____
Commissioner Sokolow	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, September 1, 2021**

1. CALL TO ORDER

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

ROLL CALL

Members present were Ron Piersante, Vice Chair Christina Buerosse, Charles Wayne Dillistin, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee members were Chair David Chanon and Alan Bluestein. Also present were Town Attorney James White, Town Clerk Tedra Allen, Acting Development Services Director Jhanelle Campbell, and Planner Susan Levin. Other staff members present were Interim Town Manager Linda Connors and City Attorney Susan Trevarthen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – July 7, 2021

Board Member Omana made a motion to approve the minutes of the P&Z regular meeting of July 7, 2021 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

4. PUBLIC COMMENTS

Barbara Cole addressed the board and her comments included but were not limited to:

"The July 7, 2021 P&Z Meeting was very disconcerting to watch. She felt that the board was not really cognizant or educated as to what their role was. She told them that they were able to do much more, in her opinion, than they were led to believe that night. She was briefly on a Planning and Zoning Board and she watched many of them. As an advisory board, you get to do so much. You get to bring before the Commission so much information because usually you were supplied and given much information. You were given backup and historical information going back as far as you can go that had to do with the subject at hand. You were put at a disadvantage because you were not given that information that night, in her opinion. She explained that the conditional use was brought forward after they got rid of overlay districts and looked for ways to keep El Mar Drive and our tourism from turning into condominiums and single-family homes. The Commission had a ton of meetings between 2011 and 2012 because they knew there had to be big changes. Their second priority was the conditional use and in it, if you go back to the March 21, 2012 P&Z Meeting, with the then Town Planner Linda Connors talking about the conditional use, you would see the conditional use had so many thresholds to jump through in order for a single-family home to be considered. Fast forwarding to after your last P&Z Meeting, you had two former mayors and a vice mayor who felt the need to come join the July 27, 2021 Commission Meeting and speak up about that conditional use. Her hope going forward was that the P&Z Board gets all the backup and historical information on any topic they have so you could advise. The board was not to go by staff recommendations or what the commission wants. If that were the case, they would

not need you at all. Tonight, there were ordinances that were very important (Ordinance 2021-09 [no more single-family/duplex homes so we could maintain our hotel, historical district and keep our downtown and restaurants instead of a single-family bedroom community] and Ordinance 2021-11 [community outreach]). The community outreach would help the citizens that want to be involved to be able to get involved. ”

City Clerk Tedra Allen read into the record the written comments from **Dave and Sherri Staudacher**:

“As you know, we have a pending application to develop a single-family home on my property. My wife and I purchased the property after searching for 7 years and were delighted to find something on the beach in Lauderdale-By-The-Sea. We have spent considerable time and resources on due diligence and designing our home to meet the Town’s requirements.

This board reviewed our application in July and recommended approval 4-1 because the application complied with the Town’s code. One of the discussion items on today’s staff report is whether to apply this new ordinance prohibiting a single-family resident to my property. We respectfully ask that you recommend NOT applying the code revisions to our property. Please allow the application to proceed under the current code so we can realize our dream of building a home in Lauderdale-By-The-Sea.”

Betty Bauman was present and requested to speak and her comments included but were not limited to:

“She was a property owner for more than twenty years and explained where in L-B-T-S. She asked to revisit the short-term rental restrictions for lots under sixty feet and west of Bougainvillea Drive. She has not seen any sensible scientific explanation for restrictions on lot size and location. She felt that this was a bit discriminatory. They all paid similar property taxes and insurance. The rental environment has changed since this ruling in 2019 and explained about the long-term rental landlords who suffer from income loss from tenants taking advantage of the moratorium with little or no possibility to collect past due funds. Short term rentals have other alternatives. Please revisit this antiquated and unjust rule especially for those on the west side of Bougainvillea Drive.”

City Clerk Tedra Allen read into the record the written comments from **Sally Musser**:

“I urge the Commission to NOT allow single family/duplex residences on El Mar Drive and to add the requirement for public participation meetings on certain types of development before going to P&Z and ultimately the Commission. The present and future impact on retaining our Town is at stake and this requires this Commission and future Commissions to be fully informed by their advisory board, residents, and businesses in order to succeed!

Newcomers in Town bought here for the Town we are, and old timers stay because we still know our voices will be heard to keep us a Town like no other!”

City Clerk Tedra Allen read into the record the written comments from **Ian DeMello**:

“We represent David and Sherri Staudacher, the owners of 4112 El Mar Drive (“Client”). As you know, and as set forth in the Town Staff Report to the Planning and Zoning Board dated August 23, 2021 and published online over the weekend, Item 5.b of the September 1, 2021 Planning & Zoning Board Agenda (a proposed ordinance prohibiting single-family residence south of Pine Avenue), includes a discussion item related to the application of the proposed ordinance to our Client’s pending Conditional Use Application for a single-family residence (Application 2021-CU-01, initially submitted March 3, 2021). Our client is currently travelling and unable to return to exercise their right to be heard on this matter before the Board. As a result of this and specific

reference to our Client's Application, **we respectfully request that you defer Item 5.b. to the next regularly scheduled Planning & Zoning Board meeting.**

We respectfully request that this correspondence be distributed to the P&Z Board Members and included as part of the record for Item 5.b. and, should the Board decide to hear this item on September 1st without our Client present, ask that the Board include in the draft Ordinance Town Staff's recommended language that **"This ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2012."** Through this correspondence we also reserve all legal rights to challenge any application of the proposed ordinance to our Client's Property, including but not limited to a statutory claim for compensation under the Bert Harris Act."

City Clerk Tedra Allen read into the record the written comments from **Stuart Dodd:**

"I was led to believe the 2012 Conditional Use Ordinance drawn up by Linda Connors, Connie Hoffmann, Susan Trevarthen and Cecelia Ward was sufficient to prevent any more single family homes on El Mar Drive. I was proved wrong. Almost 10 years later you are faced with revising the ordinance to permanently block single family homes. The Town Attorney included in the prologue for the ordinance as to whether you can propose to include or exclude the current application submitted in April for 4112 El Mar.

If this is not affirmed by a majority, and the commission sends this back to your board I firmly believe that you have the power to recommend to the commission "same height and same footprint" as the property next door under the current conditional use clause of the existing code. This would force the proposed development to be the same size as the neighbor instead of an eyesore dwarfing them and it will make the development in keeping (proportionally) with adjacent property while knowing no other single family/duplex properties will be allowed with enacting Ordinance 2021-09.

I along with former Mayors Sasser and Minnet agree El mar Drive must be saved from changing it to rows of single-family mansions as we all publicly commented on July to the Commission after this board had their Conditional Use Quasi-Judicial meeting. Good luck on your deliberations."

City Clerk Tedra Allen read into the record the written comments from **Holly Schaefer:**

"I am in agreement with my neighbor. I have lived here for 19 years and enjoy the small town residence feeling here. Why are you always so eager to change our quaint little Town? It always seems like there's something else popping up when you least expect it and the residence not being notified appropriately. Please do not let this pass!!"

City Clerk Tedra Allen read into the record the written comments from **Denise Lambert:**

"Good evening, In reviewing the New Business Agenda for tomorrow's Planning & Zoning meeting a 6:00pm, I am disheartened at the position this Town has taken with respect to government overreach and this new ordinance allowing businesses to be operated from residential homes. While I do not take issue with someone working from their home office, there is in fact a big difference when the home is now considered the place of business and has the ability to operate as a business in a residential zone.

I am aware that the State passed a bill in July, 2021 and I am aware that per that bill, the Town cannot restrict a business from operating from a residential home. However, there is no law stating we must modify our regulations immediately without input from the Town residents.

For the record, I would like to address the following concerns:

1. The Florida League of Cities notified the Town of this issue back in January, 2021 and again in May, 2021. BEFORE the bill was passed. Numerous Towns, including Parkland, Pompano Beach, Coconut Creek, Tamarac, Davie, Plantation, Fort Lauderdale, North Lauderdale and Wilton Manors, as well as the Florida League of Cities all sent letters to the State requesting the bill be vetoed. Lauderdale-By-The-Sea did nothing. Why?

2. Our Town has the Code Red System set up for phone calls, emails, and text alerts. Why can't the town alert its residents of "hot topic" issues like those that continue to take away our property rights such as this issue. Not every resident is computer literate and able to research this information on a regular basis.

3. By permitting the State to continuously overreach, we have already lost some of our Town ordinances against short term rentals and more recently, homes being designated as "rehab" or "wellness" centers. When will we stop and actually fight to keep our neighborhoods actual residential neighborhoods and not commercial districts? Quite simply, a business belongs in a business district, not a residential zone.

4. If these homes are given a home business license, how will they be regulated when it comes to ADA requirements. Will home driveways start having to install handicap parking signs? Will they need to be handicap accessible? Will these homes end up having business signage in front or on their house? (See line 122 of proposed ordinance)

5. I understand that the State says that the Town cannot restrict the type of business as long as it does not create noise, smell, cannot be seen from the street, etc. So my question becomes, if I obtain a license to sell marijuana, am I able to do that from home as long as I meet the other requirements? What about if I install a stripper pole or a gynecological chair in my living room? How about a mortician embalming dead bodies in his spare bedroom? Is this what we want next to us? According to the Town proposed ordinance, the only thing not permitted is a B&B, Hostel, or boarding room. (All of which is already covered in other property rights previously forfeited).

Doesn't the Town find that this is in fact a huge issue that should have been brought up and discussed previously at length or perhaps fought at the State level? Has the Town looked into whether or not other jurisdictions are fighting this bill?

If I am reading this ordinance wrong, my apologies and please enlighten me. I mean no disrespect. It is just frustrating to find out that our Town did not take a written opinion on this bill BEFORE it was signed. In the meantime, I respectfully request that the Town hold off on accepting this ordinance as written."

City Clerk Tedra Allen read into the record the written comments from **Marc & Cristie Furth**:
"Good evening Commissioners, Tonight, before you are two ordinances before you that will guarantee that El Mar Drive is protected as Lauderdale-By-The-Sea's premier hospitality district and that our citizens are afforded the public outreach they deserve before major community re-development projects are given a green light.

Vote yes on Ordinance 2021-09 to stop single family/duplex homes on El Mar Drive
Vote yes on Ordinance 2021-11 for the Citizen Participation Requirement **before** a project goes to P&Z and the Commission

Also, please consider including the current El Mar applicant for a single-family McMansion in Ordinance 2021-09. As longtime El Mar Hotel owners and residents we will appreciate the support of this board."

City Clerk Tedra Allen read into the record the written comments from **Scot Sasser**:

"Dear Honorable Member of the P&Z Board, First let me thank you for your service to Lauderdale-By-The-Sea and stress the importance of this advisory board. The advisements and recommendations of the P&Z Board have always held a great deal of weight to the Commission as you are in important voice of the residents of Lauderdale-By-The-Sea. With this in mind, I wanted to write to you, for your consideration, a request to approve and advise the Commission of your support on Ordinances 2021-09 and 2021-11. While I sat on the Commission as a Commissioner, Vice Mayor and Mayor from 2010-2018 there was great emphasis on keeping the look and feel of El Mar Drive a top priority. Our goal was to preserve the hotels on El Mar that we felt were at risk. Ordinance 2021-09 before you tonight is a great step in helping preserve El Mar Drive for our future. Ordinance 2021-11 incorporates and solidifies public participation within the building and development process which is key to helping our Town differentiated from those around us. As you know Lauderdale-By-The-Sea has been very protective in the past and for good reason! Over development that changes the very fabric of what we hold dear are always threats creeping in from all around us. This is all the more reason to protect and preserve our town. Ordinances 2021-09 and 2021-11 will help preserve part of what makes El Mar Drive special and will ensure public participation which has been paramount over the years to our success.

Thank you again and please know that your recommendation means a great deal to those sitting on the dais. The P&Z Board is front and center in the decisions that shape as well as protect our town. I also thank you in advance for your support of these two ordinances."

The City Clerk stated that there were no other public comments at this time.

5. NEW BUSINESS

a. Ordinance 2021-08

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 12 "Licenses", Article I "Business Taxes", Section 12-24 "Home Occupations", to modify regulations to conform to State Law, providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that this ordinance would revise the regulations of home occupations/home-based businesses in the Town to conform to a new state statute that partially preempts local regulation in residential properties effective July 1, 2021. Ordinance 2021-08 revises Section 12-24 only to the extent necessary to comply with the state's statute. Aesthetics, signs, parking, storage, noise, and other impacts would be regulated in a manner similar to how other residences without homebased businesses were regulated. The ordinance allowed for the collection of business tax receipts from home-based businesses. Home-based businesses must be secondary to the primary residential use of the property. The statute did not affect local vacation rental and short-term rental regulation. Employees of the home-based business live on premises and up to two employees may work there and not live there. The business can have an unlimited number of remote employees. Board Member Sylvester asked about the language that now permitted signage. Acting Development Services Director Campbell answered that the signage must conform to the signage permitted in the residential district which was more restrictive than the regulations in the commercial district. Board Member Dillistin wanted to know if a sign was now permitted in front of a home-based

business and Ms. Campbell answered the sign would have to conform to signage in a residential district. She further answered Board Member Dillistin that a sign was allowed due to state statute but the local government regulated how the sign looks.

Vice Chair Christina Buerosse noted what was allowed now as uses for home occupations. She read all those uses now allowed in the ordinance into the record starting with automobile and boat repairs. She spoke about home rule and that the state was removing the local government's home rule ability. Board Member Sylvester asked what would happen if we did not go along with this and the Vice Chair spoke about repercussions. The Vice Chair suggested pleading with the Commissioners to get lobbyists for this in 2022. Board Member Sylvester said that it looked like we still have the right to say how the sign looked. Town Attorney James White explained how the law was written. It gave the local government the ability to regulate the negative secondary affects that could be caused by a home business. A home with a home business must be compatible and look like every other house in the neighborhood. This ordinance now made the rules clear to both residents and staff. Our regulations would be consistent with state law and the changes made were the minimum we could do in order to be consistent with state law. The Town Attorney answered the Vice Chair that there was a provision in the legislation that stipulated for both current and future condo, cooperative or HOA docs, that these regulations would not supersede them. He further answered about ADA compliance and explained by using the example of a home office business with no one coming in or out of the home. Acting Development Services Director Campbell answered that there were currently 48 home office businesses in L-B-T-S and said a map could be set up depicting where they were, as long as it was okay to do so.

Board Member Piersante wanted to know if the Town would be monitoring these businesses for compliance on a regular basis and Mr. Dillistin inquired as well. Ms. Campbell explained that when someone submitted a Business Tax Receipt (BTR) application, L-B-T-S required all applicable licenses to be part of the application and there would be a renewal process every year. Vice Chair Christina Buerosse asked if it mattered how many people were in the house each day as for example with a licensed juvenile delinquent facility. The Town Attorney explained about the maximum occupancy standard allowed at a single-family home that was still applicable to these businesses. Board Member Sylvester said that massages could be given in a house's spare room both day and night, and the Town Attorney explained how that could potentially happen. Discussion ensued that employees of the home-based business live on premises and up to two employees may work there and not live there but the business can have an unlimited number of remote employees. Board Member Sylvester said that everyone was in agreement that they were not happy with this but were glad about what they could control like signage. Vice Chair Christina Buerosse asked about ADA compliance and businesses to which the Town Attorney answered that it was more a Florida Building Code issue and it would depend on what the home occupation was. The best advice would be just not to violate the state law and just follow it. This ordinance was an effort to streamline by having clear code language with our existing code matching state law.

Board Member Dillistin wanted to know if our Legal Department could protect the residents as much as they could and limit such businesses like a massage parlor. Vice Chair Christina Buerosse said that we need to go to our Commissioners regarding lobbying for home rule next year. Acting Development Services Director Campbell answered Mr. Dillistin that when BTR applications come in, she would now have clear guidelines. As there were no further board questions, the Vice Chair called for public comments.

Barbara Cole asked about condos and HOAs wanting to know if they could go through every area of Town asking if they wanted to start up an HOA. Would that protect each neighborhood if

they each became an HOA? The Town Attorney could not give advice but shared from the State Statute that this resolution did not supersede current or future condo, cooperative or HOA docs.

Mayor **Chris Vincent** spoke as a Town resident stating he too had a home business. He talked about items brought up earlier in the meeting and informed that ADA was federally regulated and not state regulated in respect to licensing and what we needed to do. For purposes of simplicity, he would like to see staff present to the board members and to members of the public at the P&Z Board Meeting some exhibits, examples, and explanations of what the Town could do and what the Town could not do regarding this new law. No guessing and just knowing exactly what we could and could not do and what we could control regarding this new ordinance. The board and residents need examples of what was allowed and what was not allowed. When he was asked by Vice Chair Christina Buerosse if the board should postpone this agenda item, he answered that he could not opine on that as it was a board decision. Board Member Dillistin discussed what we could recommend. Acting Development Services Director Campbell explained that what was before the board tonight was to bring the Town's existing regulations into compliance with state law. She read into the record what the state statute allowed the Town to regulate like aesthetics, signs, parking, storage, noise and other impacts to the surrounding residential neighborhood.

Board Member Sylvester wanted to address signage and Acting Development Services Director Campbell explained that they could control residential signage. Board Member Dillistin questioned Town Attorney Susan Trevarthen who explained that there was a major effort across the country to fight this bill and get the governor to veto it. That did not happen and it was here now. It did remove our power but not all of it. Every local government in the State of Florida was upset about this. What this ordinance did was to preserve the power we did have. Some of that power might not be easy to enforce. She believed that we should move forward with this ordinance because now our code would not be inconsistent with state law and residents would now know how they could use their property. The Town could apply performance standards to try to have all uses allowed in home businesses conduct themselves appropriately and look more like a residential home in a residential neighborhood. She answered Board Member Dillistin that the Town already had signage code for our residential signage districts that was restrictive. The allowable business uses would have to abide by this residential signage code. Town Attorney James White piggybacked on what Town Attorney Susan Trevarthen said and he read the corresponding statutory language into the record. Board Member Dillistin wanted to know the timeframe and was reminded that this State Statute was already law July 1, 2021. As there were no other questions/comments, the hearing closed.

Board Member Sylvester made a motion to recommend approval to the Town Commission of Ordinance 2021-08. The motion was seconded by Board Member Dillistin. The motion carried 4-1 on roll call vote. (Christina Buerosse opposed).

b. Ordinance 2021-09

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations", Article I "In General", Section 30-11 "Definitions," Amending Article V "Zoning," Section 30-241, "RM-25 District – Apartments and Lodging," to Modify Conditional Use Regulations South of Pine Avenue and Create Prohibited Use Regulations on El Mar Drive; Amending Section 30-242, "RM-25 District – Regulations For The Redevelopment of Existing Lots of 60 Feet in Width or Less in the RM-25 Districts South of Pine Avenue" to Modify Requirements; providing for Codification, Severability, Conflicts, and for an Effective Date.

Acting Development Services Director Campbell said that over the last several months, Staff has received several Commission directives and public comments which encouraged a review of Chapter 30 of the Town's Code. The proposed changes updated definitions, and modified regulations and requirements as outlined in Chapter 30. They were being proposed to clarify the relationship between the Town's Code and planning directives. She went over and explained each of the five proposed changes to Chapter 30 starting with (1) clarify definition of apartment house, (2) establish prohibited uses adjacent to El Mar in the RM-25 zoning district, (3) limit conditional uses allowed south of Pine Avenue, (4) modify regulations for existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue and (5) remove landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of 60 ft in width or less in the RM-25 zoning district south of Pine Avenue. The Town would also be looking to the board for their recommendation if this should also be considered for applications initially submitted to the Town prior to April 1, 2021. There were no board questions/comments. Public comments were opened up.

Barbara Cole spoke about separating this out from the current applicant. You now have the ability to protect and preserve El Mar Drive. She hoped that tonight would be a unanimous vote.

Attorney Courtney Crush reminded that she represented Sherri and Dave Staudacher who have the pending conditional use application which was also referenced in the Staff Memo. As you heard in her co-counsel's (Ian DeMello) communication and also from the Staudacher's letter which stated that they would have liked to be here tonight but could not alter their plans. The Staudacher's have a pending application for approval of a conditional use for a single-family residence on a property that was currently permitted in the Town's Code allowing conditional use. Applying the proposed ordinance to their client's property would adversely affect them entitling them for relief under the Bert Harris Act. Their clients' preference was to build their single-family home on the beach and not to have to pursue litigation. They were asking this board to recommend staff's language to the proposed ordinance, "This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021." They reserve all legal rights to challenge the application of the proposed ordinance to their clients' property. She noted that by also prohibiting single-family use she explained what else was removed by the proposed ordinance.

Betty Bauman reiterated that she had a multi-family on Bougainvillea Drive on the west side. She was not able to do short-term rentals. On the other side of the street, they could do short-term rentals. These were all the same buildings built as motels in the 1960s. She was just asking for fairness.

Board Member Karen Sylvester had no issues but Board Member Wayne Dillistin wanted to know why this was all lumped together. Acting Development Services Director Campbell explained that when they look at a section of the code, they look at the entire chapter and make modifications as deemed necessary. He wanted to know if they could vote separately or would they have to vote on the whole thing. Acting Development Services Director Campbell explained that they could make recommendations as they see fit. Discussion ensued regarding if the properties were all motels in the 1960s and the map showed the green dots representing properties that could have short-term rental and the red dots could not because of the size of their lots. The green squares represented properties larger than sixty feet in width could rent short-term and their next door neighbors could not because of the size of the lot. Acting Development Services Director Campbell answered that if there was a change, then all of the properties could rent short-term. Betty Bauman showed Board Member Dillistin where her property was on the map. Board Member Ron Piersante was answered that all the red dots were possibilities. He felt that there

were an awful lot of short-term rental possibilities. Acting Development Services Director Campbell answered Board Member Dillistin that she had not heard comments from any hotel. Board Member Piersante felt that short-term rentals would help the Town by bringing in more people but hurt the hotels. Board Member Dillistin was not for adding more short-term rentals but it might help to improve the area which he was recently told was blighted. Board Member Sylvester felt that they should consider it, as short-term rentals were more and more suitable for vacationers. Board Member Piersante talked about problems with short-term rentals and wanted to know how blighted this area was that we were thinking about short-term rentals.

As there were no further questions/comments, the Vice Chair went over the five proposed changes to Chapter 30 in the Town Code and Acting Development Services Director Campbell answered Board Member Sylvester about landscape strips. Ms. Campbell also explained that accepting number 4 incentivizes this area being used as a short-term rental area versus your single-family districts like RS-4 and RS-5. Board Member Dillistin wanted to know if they could do a conditional approval meaning if it did not work out, they could change it back. From an implementation and practicality standpoint, Town Attorney White felt that people would be relying on a certain set of regulations that conditionally could be changed. He explained different ways that this could be voted but Interim Town Attorney Linda Connors explained that in the past with ordinances with significant amount of issues, was to vote one-by-one and read each one into the record before vote. Board Member Sylvester reminded that besides the five potential changes in the ordinance, there was also the recommendation regarding the pending current application to build on the beach written in the Staff Report. She felt they should be grandfathered in and allowed to build. Town Attorney James White said that could be voted on as number six. Board Member Piersante wanted to know the ramifications if we did not approve grandfathering in the pending application. Town Attorney James White said that Attorney Crush and her co-counsel were reserving their rights to assert a claim in a litigation form. He did not know if they would be successful or not but it could subject the Town to litigation. This would just be the board's recommendation to the Town Commission who would ultimately decide to grandfather in or not. Board Member Sylvester felt that it would be unreasonable and unfair not to grandfather it in. Vice Chair Buerosse felt that the pending application was what opened the flood gates because residents really did not want a single-family home on El Mar Drive. Board Member Piersante said it was ultimately up to the Town Commission. As there was one request for a public comment, Vice Chair Buerosse opened it up again and granted public comment.

Barbara Cole told the board that they have the ability as advisors to put forward any action they want. You could take out the pending part and say what your recommendation was. It could be to ask the Town Commission to bring this back to the Planning and Zoning Board for discussion on conditional use. You did not have to accept or deny at all and just state you were at a standstill because felt you did not have all the information needed at the beginning. You always had the ability to think outside of the box. There was no other request for public comment. Interim Town Manager Linda Connors explained how this would be voted on individually and then voted as a whole as done in the past and Vice Chair Buerosse started going through the individual items now containing six items.

#1 - Vice Chair Buerosse called for a vote on definition of apartment house and the Board recommended approval 5-0 by raised hands.

#2 - Vice Chair Buerosse called for a vote on establish prohibited uses adjacent to El Mar in the RM-25 zoning district and the Board recommended approval 5-0 by raised hands.

#3 - Vice Chair Buerosse called for a vote on limit conditional uses allowed south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#4 - Vice Chair Buerosse called for a vote on modify regulations for existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and discussion pursued. Board Member Dillistin wanted to hear from the hotels and Interim Town Manager Connors asked the board members if they felt that staff should contact the hotels. After more discussion, it was recognized that Vrbos were becoming more popular. Interim Town Manager Connors said it was up to the board to wait on this until information was gotten from the hotel district and then vote on this at the next meeting which would be before the Town Commission's second reading. Linda Bauman was granted public comment time and she wanted to know what hotels have to do with this decision. Board Member Dillistin explained that the board did not know what the hotels thought about this. Ms. Bauman did not want to be a Vrbo but would rather be able to do one or three month leases. Chris Vincent, resident, spoke about the history on this restriction and that they could not find any backup for its purpose. Every single family home in L-B-T-S can opt in for Vrbo except for these people or in areas where HOAs did not allow Vrbo. It was a property rights issue. It was not that the Town was adding in more Vrbos, it was to remove the inordinate burden they had to live with in the past 27 years. Most of the homes that could not do Vrbo were not being kept up or improved creating blight. This situation had to be fixed and the Board recommended approval 5-0 by raised hands.

#5 - Vice Chair Buerosse called for a vote on removing landscape strip requirements and limits on the number of units and lot sizes based on the depth of lots for the redevelopment of existing lots of sixty feet in width or less in the RM-25 zoning district south of Pine Avenue and the Board recommended approval 5-0 by raised hands.

#6 - Vice Chair Buerosse called for a vote on applicability to pending application to not grandfather (to apply proposed ordinance to pending applications for conditional uses that would be prohibited by the proposed ordinance) and the Board recommended approval to not grandfather the pending application 3-2 by raised hands (Karen Sylvester and Patricia Omana opposed).

Board Member Omana made a motion to recommend approval to the Town Commission of Ordinance 2021-09 and to not grandfather pending conditional use applications. The motion was seconded by Board Member Piersante. The motion carried 5-0 by voice vote.

c. Ordinance 2021-11

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning", To Create Section 30-114, "Citizen Participation Plans Required", Providing for codification, severability, Conflicts, and for an effect date.

Acting Development Services Director Jhanelle Campbell explained that the purpose of this ordinance was to create regulations for the requirement of a Citizen Participation plan for site plan, level 2 site plan modifications, rezoning and land use amendment applications. Ordinance 2021-11 created Section 30-114 formalizing the Town's encouragement for additional public participation opportunities. The proposed ordinance required a citizen participation process as part of the development review process for site plans, level 2 site plan modification, rezoning and land use amendment applications. It would require applicants for a site plan, level 2 site plan modifications, rezoning and land use amendment applications have at least one public participation meeting and submit a report to the Town at least 21 days before the Planning and

Zoning Meeting. This would be included in the board's packet. She spoke about such things like notice and Town Manager approval of the plan prior to implementation. There were no board questions and public comment was opened.

Barbara Cole said this was a win-win. It would stop any last minute uproars. She spoke about having the whole Town at a public meeting as they just had for the Marina project. Former Vice Mayor Stu Dodd asked her to add that he thought maybe this could extend out into projects that were big neighborhood projects in the future. As there was no other public comments, and no more board discussion, this item was closed.

Board Member Dillistin made a motion to recommend approval to the Town Commission of Ordinance 2021-11 as presented. The motion was seconded by Board Member Piersante. The motion carried 5-0.

6. OLD BUSINESS N/A

7. UPDATES/BOARD MEMBER COMMENT N/A

8. ADJOURNMENT

Board Member Sylvester made a motion to adjourn at approximately 8:10PM. The motion was seconded by Board Member Dillistin. The motion carried 5-0.

Vice Chair Christina Buerosse

ATTEST:

Date Accepted: _____

Acting Development Services Director Jhanelle Campbell
