Town Commission

Jarvis Hall 4505 N. Ocean Drive

Regular Town Commission

REGULAR TOWN COMMISSION

Being held at Tuesday, July 09, 2019
Jarvis Hall 4505 N. Ocean Drive

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1. **CALL TO ORDER, MAYOR CHRIS VINCENT**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION – Pastor Fred Powell**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
   - **5.a** 25 Years of Service Proclamation
     Proclamation Coverpage.pdf
     Mike Walker 25 years.docx
   - **5.b** 4th of July Recap
     4th Cover Page.pdf
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
   - **7.a** BSO June 2019 Report
     CoverPage.pdf
     TM Report-June 2019.pdf
   - **7.b** VFD June Report
     CoverPage.pdf
     Town's Monthly Activity Report - June 2019.pdf
8. **TOWN MANAGER REPORT**
   - **8.a** Town Manager Report
     Town Manager Report.pdf
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
    - **10.a** June 11, 2019 Town Commission Meeting Minutes
      CoverPage - Minutes.pdf
      06-11-19 LBTS Commission
11. **CONSENT AGENDA**

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11.a Budget Transfer - IT Infrastructure

CoverPage - IT Budget Transfer.pdf

12. OLD BUSINESS

12.a Friedt Park Courtyard

CoverPage.pdf

EX 1 Modified Design.pdf

EX 2 Modified Design Estimate.pdf

EX 3 2017 Design.JPG

13. NEW BUSINESS

13.a August Meeting Schedule

Cover Page - August Schedule.pdf

13.b Town Commission Ranking of the Respondents to the Town Engineer Request for Qualifications (RFQ)

Ex 1 Scope of Work.pdf

CoverPage.pdf

Ex 2 Flynn Engineering Proposal.pdf

14. FY20 BUDGET

14.a 2019 Gross Taxable Value

CoverPage Ad Valorem.pdf

15. COMMISSIONER COMMENTS

16. ORDINANCES 1st Reading

16.a Ordinance 2019-05:AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS;" ARTICLE V "ZONING;" SECTION 30-313 "GENERAL PROVISIONS" TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETE ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM RESIDENTIAL PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

CoverPage.pdf

Exhibit 1-Sec._30_313.___General_provisions. (5).pdf

Exhibit 2- Ordinance 2019-05 Chain Link Ordinance-3FI7155.pdf

Exhibit 3 PZ 2019 06.05 (JUNE).pdf

16.b Ordinance 2019-07 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" ARTICLE V "ZONING," DIVISION 2 "DISTRICTS,"

SUBDIVISION M "B-1 DISTRICT REGULATIONS," SECTION 30-271 "B-1 DISTRICT-BUSINESS" OF THE CODE OF ORDINANCES TO PERMIT WATERFRONT HOTELS AS A CONDITIONAL USE, MODIFYING DISTRICT REGULATIONS AND ESTABLISHING SPECIFIC CONDITIONAL USE REQUIREMENTS FOR WATERFRONT HOTEL USES AND FURTHER AMENDING SUBDIVISION Q "SUPPLEMENTAL REGULATIONS;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

CoverPage.pdf
Ex1-Revised Redline Staff Report (Waterfront Hotel B1 Zoning)- APPROVED.pdf
EX2 PZ Board June 5 2019 Minutes.pdf
Ex3 Ordinance 2019-07 B1 Hotel 3FI7280.pdf

16.c Ordinance 2019-08 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6.5 "CODE ENFORCEMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 6.5-14, "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

CoverPage ord 2019-08.pdf
Schedule of civil penalties ordinance.pdf

17. ORDINANCES 2nd Reading

18. RESOLUTIONS – PUBLIC COMMENTS

18.a Resolution 2019-17 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, BROWARD COUNTY, AND PARTICIPATING MUNICIPALITIES, FORMALIZING THE SHARED DESIRE TO ESTABLISH AND IMPLEMENT A REGIONAL SOLID WASTE AND RECYCLABLES SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE MOU; PROVIDING FOR CONFLICTS, AND FOR AN EFFECTIVE DATE.

CoverPage.pdf
2019-05-24 Solid Waste MOU_FINAL.pdf
Reso 2019-17.pdf

19. QUASI JUDICIAL PUBLIC HEARINGS

20. ADJOURNMENT

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

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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.

Agenda Item No: 5.a

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Ken Rubach
Submitting Department: Municipal Services
Item Type: Presentations
Agenda Section: PRESENTATIONS

Subject Title:
Michael D. Walker 25 Years of Service Proclamation

Explanation:
Proclamation honoring Michael D. Walker for 25 Years of Service with the Municipal Services Department

Recommendation:

Attachments:
Mike Walker 25 years.docx

PROCLAMATION

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

Honoring Michael D. Walker for 25 Years of Service

WHEREAS, Michael D. Walker first began his employment with the Town of Lauderdale-By-The-Sea Municipal Services Department on June 20, 1994, and

WHEREAS, Michael D. Walker is a dedicated public employee who has faithfully and diligently served all visitors and citizens of Lauderdale-By-The-Sea since the beginning of his employment, and

WHEREAS, during the tenure of his employment he has served in ever increasing roles of responsibility and has become an important part of the Municipal Services management team, and

WHEREAS, Michael D. Walker has continually endeavored to improve his own abilities and through these actions serves as an example o to the staff members in the Lauderdale-By-The Sea Municipal Services Department, and

WHEREAS, as a result of this initiative and dedication he has had a substantial impact as Community Standards Supervisor by maintaining our pristine landscaping and beautiful beach portals and

WHEREAS, Mayor Vincent and the Town Commission recognizes Twenty-Five years of employment as an outstanding contribution by Michael D. Walker and further consider Michael D. Walker as a very valuable asset to the Town of Lauderdale-By-The-Sea and its citizens.

NOW, THEREFORE, I, Chris Vincent, Mayor, and the Town Commission honor;

Michael D. Walker, and recognize and commend Mike for his 25 Years of dedicated service to the Town of Lauderdale-By-Sea and wish him continuing success in serving the community.

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

Attest: _____
Tedra Allen, CMC
Town Clerk

_____
Chris Vincent, Mayor
July 9, 2019

Agenda Item No: 5.b

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Debbie Hime
Submitting Department: Administration
Item Type: Presentations
Agenda Section: PRESENTATIONS

Subject Title:
4th of July Recap

Explanation:
Debbie Hime will give a brief recap of the LBTS July 4th Celebration.

Recommendation:

Agenda Item No: 7.a

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Thomas Palmer
Submitting Department: Public Safety
Item Type: Report
Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title:
BSO June 2019 Report

Explanation:
June 2019 BSO Report

Recommendation:
Approve / Accept

Attachments:
TM Report-June 2019.pdf

Date: July 2, 2019

To: William Vance
Town Manager
Lauderdale-By-The-Sea

From: Captain Thomas Palmer
Lauderdale-By-The-Sea District

Subject: **Monthly Report to Commission – June 2019**

PERSONNEL CHANGES: N/A

EMPLOYEE OF THE MONTH: Detective Eric Blevins

On June 5, 2019, a victim left his bicycle unattended on the sidewalk adjacent to 101 Ocean while he patronized the establishment. When the victim went to leave the restaurant, he noticed that his bicycle had been stolen and contacted BSO. Detective Blevins arrived on scene and reviewed the business' surveillance footage which captured an unknown male steal the bicycle. Blevins then immediately noticed that it appeared that the suspect had a court ordered GPS ankle monitor. The detective then conducted a search of the Court Electronic Monitoring database and was able to determine that prior arrestee, Barry Felder, was in the exact area of the crime at the time it occurred. A check of law enforcement databases determined Felder to be a match for the surveillance images of the suspect. Detectives Blevins and Genovese then followed Felder's historical GPS track "breadcrumbs" to a residence in the City of Fort Lauderdale, where they arrested Felder, who confessed to the crime.

Detective Blevins displayed excellent investigative skills and his proficiency of law enforcement databases to affect the arrest of a felon. Due to his hard work, tenacity and dedication to keeping the residents, and visitors safe in the Town of the Lauderdale by the Sea and beyond, Detective Eric Blevins was awarded Deputy of the Month for June 2019.

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 16 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 48 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. Seven (7) individuals experiencing homelessness were contacted during the month. None of the individuals accepted services offered by deputies.

- **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: 13-1906-000059
DATE/TIME: 06/03/19 @ 0104 hrs
LOCATION: 255 Shore Ct
INCIDENT: Auto Theft (motorcycle)
SUMMARY: Victim had rented a 2015 Slingshot Red Motorcycle from Miami and noticed the 2015 Slingshot Motorcycle was missing from the visitor's parking spot. The vehicle was recovered in good condition in Homestead, FL. Investigation ongoing.

CASE: 13-1905-000122
DATE/ TIME: 06/05/19 @ 1312 hrs
LOCATION: 101 Commercial Blvd
ARRESTEE: Barry Felder (B/M 9/25/61)
INCIDENT: Felony Petit Theft (2 or more prior convictions)
SUMMARY: The victim parked his bike unlocked on the sidewalk on the eastside of 101 Ocean Restaurant at about 1300 hrs, while he sat at the bar. He turned around at about 1320 hrs. and noticed his bike missing. Video surveillance showed an unknown male take the bike at about 1311 hrs., and head north then west through the alley. Crime Suppression Team Detective Eric Blevins observed from the security video that the suspect was wearing a court ordered GPS ankle monitor. He then conducted a search of the Court Electronic Monitoring application and was able to determine that prior arrestee Barry Felder was in the exact area of the crime at the time it occurred. A check of law enforcement databases determined Felder to be a match for the surveillance images of the suspect. Detectives Blevins and Genovese then followed Felder's historical GPS track to a residence in Ft. Lauderdale, where they arrested Felder, who confessed to the crime but had already sold the bike on the street for $50.

CASE: 13-1906-000142
DATE/TIME: 06/06/19 @ 1630 hrs
LOCATION: El Mar Dr/Commercial Blvd.
ARRESTEE: W/M Jonathan E. Viera –Ernesto 9/23/96
INCIDENT: Traffic Arrest
SUMMARY: Dep. Kratz was parked in the center median facing south on El Mar Dr. & Commercial Blvd. observing the 4-way stop intersection. A pedestrian was crossing the street from East to West as the suspect vehicle failed to yield the right of way, causing the pedestrian to alter their path to prevent being struck. A traffic stop was conducted and Dep Kratz observed (2) traffic citations in plain view atop the center console. The citations were issued at 8:24am this morning, by the Fort Lauderdale Police Department for Unlawful Speed and No Valid License. The suspect was arrested and transported to the BSO jail.

CASE: 13-1905-000400
DATE/TIME: 06/18/19 @ 1250 hrs
LOCATION: 4244 El Mar Dr (Windjammer Hotel)
SUSPECT: Unidentified B/M approx. 5'11", 180lbs, 60's YOA
VEHICLE: 2019 Toyota Tacoma P/U
INCIDENT: Burglary Conveyance
SUMMARY: The victim parked her vehicle in front of the Windjammer hotel and left the windows down while she went to walk her dogs nearby. The victim then observed the unidentified suspect reach into the open window and retrieve a bottle of Gatorade from the center console. The suspect quickly drank the entire contents of the bottle, before throwing it back into the vehicle. The Victim confronted the suspect, who fled southward on foot via the

beach. The victim then conferred with the hotel manager and her husband, via telephone, prior to contacting Sgt. Bachan, effectively delaying the report by approx. 20 minutes. A search of the area failed to locate the suspect. The bottle was recovered and processed for evidence and a prosecution affidavit was signed by the victim.

CASE: 13-1905-000403
DATE /TIME: 6/19/19 @ 1716 hrs
LOCATION: 4532 Bougainvilla Dr
VICTIM: Sixth car rental and State of Florida
ARRESTEE: Sonny John W/M 9/15/91
VEHICLE: 2019 Toyota 4 door
INCIDENT: Stolen Vehicle Recovery
SUMMARY: Deputies were monitoring the town's LPR system when deputies received an alert of a stolen vehicle traveling southbound from Terra Mar Dr. Sea Ranch Lakes Office Koch spotted the vehicle southbound on Bougainvilla Dr. Upon seeing Officer Koch behind him, driver Sonny John quickly pulled into a parking space at the apartments located at 4532 Bougainvilla Dr, where he and his girlfriend passenger were detained. Both John and his girlfriend are admitted gypsies, who provided false information. The driver was arrested and transported to the BSO jail.

CASE: 13-1906-000418
DATE /TIME: 06/20/19 @ 1604 hrs
LOCATION: N Ocean Dr & Commercial Blvd.
ARRESTEE: Carolyn Murphy W/F 8/1/67
INCIDENT: DUI
SUMMARY: The suspect was driving northbound on N Ocean Dr and rear-ended a vehicle in the left turn lane at Commercial Blvd. Murphy then attempted to flee the scene, but struck an additional vehicle. Dep. Koos responded and determined Murphy was likely intoxicated. The BSO DUI Task Force was contacted and responded to conduct an investigation, which determined Murphy was in unlawfully driving while intoxicated. Murphy refused a breath test and was subsequently transported to the BSO Main Jail.

CASE: 13-1906-000495
DATE /TIME: 06/21/19 @ 1300 hrs
LOCATION: 1 Commercial Blvd
ARRESTEE: Craig McCallum W/M 3/31/82
INCIDENT: Warrant Arrest
SUMMARY: LBTS CI/CST received a tip from a confidential informant that a wanted suspect (McCallum) would be visiting Aruba's Café around lunch time to meet with his ex-girlfriend. Detective Blevins served in an undercover capacity, while assisting in a ruse to lure McCallum to said location. McCallum arrived and was detained. BSO Warrants Division confirmed an active warrant for McCallum for Operating a Motor Vehicle without a License (Bond $500); he was transported to the BSO Main Jail.

CASE: 13-1906-000467
DATE /TIME: 06/22/19 @ 1021 hrs
LOCATION: 4324 El Mar Dr (Beach side/shoreline)
VICTIM: Unidentified W/M 40-55 YOA
INCIDENT: Death Investigation
SUMMARY: Deputies responded to the beach to the rear of the Oriana apartments (4324 El Mar Dr) in reference to a deceased male lying in the sand south of the pier at the high tide line. BSO Homicide and Crime Scene detectives responded as well. No ID found on the deceased, At this time, the cause of death is unknown; however, there is no evidence of foul play. Investigation is ongoing to attempt to identify the male.

MONTHLY ARREST LOG:

Warrant - Trespassing	218	Commercial Blvd
Driving While License Suspended -1st Offense	4532	Bougainvilla Dr
Driving While License Suspended w/ K nowledge-1st Offense	4399	El Mar Dr/Commercial Blvd
2nd Degree Petit Theft -3rd or Subsequent Offense	101	Commercial Blvd
Sleeping on the Beach 9p-6a / Municipal Ordinance	2	Commercial Blvd
Battery -Domestic Violence	2041	Coral Reef Dr
Warrant -Operating Without a Valid License	1	Commercial Blvd
Warrant -Sleeping on a Municipal Beach $500 Bond	2	Commercial Blvd

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2018 YTD	2019 YTD
AUTO THEFT	1	0	4	3
BURGLARY-BUSINESS	0	0	1	0
BURGLARY-CONVEYANCE	1	2	10	7
BURGLARY-RESIDENCE	0	0	11	2
BURGLARY-STRUCTURE	0	0	0	0
FORCIBLE SEX	0	0	0	0
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	1	0	1
HOMICIDE	0	0	0	0
ROBBERY	0	1	6	1
THEFT-GRAND	1	1	12	11
THEFT-PETIT	4	7	18	29
TOTALS	**7**	**12**	**62**	**55**

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	34
COP Hours Worked - Month	128
COP Patrol Miles - Month	202
COP Hours Worked - YTD	1246
COP Patrol Miles - YTD	2226

COP Bike Patrol Hours - Month	0
COP Bike Patrol Hours - YTD	18

COP Beach Patrol Hours – Month	14
COP Beach Patrol Hours - YTD	190.5

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

	Month	2019 YTD
Reserve Deputy - Days Worked	0	9
Reserve Deputy - Hours Worked	0	81

MONTHLY STAFFING AND STATISTICAL REPORT:
The June 2019 Monthly Staffing and Statistical Report is attached.

Lauderdale by the Sea
Monthly Activity
June 2019

Reports/Calls	
Miscellaneous Service	
Event Reports	36
Accidents	9
Calls for Service	659

Traffic	
Types of Citation	
Non-Moving / Moving Citation	70
Parking	0
Warnings	108
Total Citations	**178**

Arrests	
Type of Arrest	
Felony	1
Misdemeanor	0
NTA	0
Capias/Warrant	3
Traffic	2
NIC (felony)	1
DV Misdemeanor	1
DV Felony	0
Municiple Ordinance	1
Total Arrests	**9**

Time Worked	
Hours Worked	
Bike Patrol	16
Court Overtime	27
Training	174
Detached	26
Other Overtime	84.5
Days Worked	30

General	
FI	30
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative
ATV: 156 Miles / 48 Hours

MONTHLY STAFFING AND STATISTICAL REPORT
LAUDERDALE-BY-THE-SEA DISTRICT
June 30, 2019

CURRENT STAFFING ALLOCATIONS

Position	Budgeted Positions	Actual Positions	Vacant Positions
District Chief	1	1	
Executive Lieutenant	1	1	
Sergeant	3	3	
Deputy Sheriff	19	18	1
Community Service Aide	1	0	1
Administrative Specialist	1	1	
Clerical Specialist (P/T)	2	1	1
TOTAL	**28**	**25**	**3**

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.

Name	CCN	Status	Circumstances
n/a			

DETACHED PERSONNEL / LOCATION

Name	CCN	Detached To	Reason	Hours
Lieutenant Wm Wesolowski	9392	H.R.	Oral Interview Bd	8
Sergeant Peter LaGana	9411	H.R.	Oral Interview Bd	8
Detective Glen Genovese	13738	QRF	Adjunct trainer	10
			TOTAL	**26**

Agenda Item No: 7.b

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Judson Hopping
Submitting Department: Public Safety
Item Type: Report
Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title:
VFD June Report

Explanation:
June 2019 VFD Report

Recommendation:
Approve / Accept

Attachments:
Town's Monthly Activity Report - June 2019.pdf

Overview

During the month of June 2019, the Volunteer Fire Department attended the Broward County Fire Chief's association monthly meeting. The fire department also continued its focus on fire prevention for high-rise buildings and commercial properties. There were one hundred thirty-five fire inspections, four re-inspections, and no complaints for the month of June.

Responses:

The Volunteer Fire Department responded to 33 fire rescue calls within the limits of our contract.

- Of the 33 fire rescue calls received, there were 17 fire alarms; 1 commercial structure fire, 1 open water drowning, 3 elevator rescues, 4 electrical/utility fires, a water main break, and 6 classified as "other" fire.

- There were 69 emergency medical 911 calls for June 2019. The department was dispatched to 12 of those calls, of which 4 were cancelled by the Chief on Duty or Med12. The department assisted Med12/212 on 8 of the medical calls.

Training:

The Volunteer Fire Department had 14 regular in-town members, and 41 associate out of town members for a total of 55 active members.

The fire department held 9 fire drills, 5 ocean rescue drills, 1 outside training drill, and 4 car seat instructional installations consisting of the following:

- 453 Hrs - Fire Fighter & New class Performance Objectives
- 156.5 Hrs - Ocean Rescue training
- 35 Hrs - Live Fire burn at Coral Springs Fire Academy
- 4 Hrs - Kid Safe "Child Passenger Safety" for the public

A total of 648.5+ hours were spent in the month of June on training.

In closing, the Volunteer Fire Department will continue to improve and increase its members training, as required by ISO and newly established state training curriculums.

Respectfully,

Judson Hopping,
Fire Chief

Town of Lauderdale-By-The-Sea
Fire Department Monthly Report
June 2019

	Regular In-town	Associate Out of Town
Active Member	14	41
Fire 1 non-certified	2	0
Fire 1 Certified	1	0
Fire II Certified	11	41
CPR/1st Responder	6	1
EMT-B (FL)	2	23
Paramedic (FL)	4	17

Emergency Calls

Fire/Rescue	33
Total Medical 911 calls	69
Medical calls V.F.D. Not Dispatched	57
Medical calls V.F.D. Dispatched	12
Medical calls Canceled by COD/M12	4
Medical calls V.F.D. Assisted	8

Training — **648.5+ Total Hrs.**

Firefighter skills & new class	453 Hrs
Ocean rescue training	156.5 Hrs
Live Fire burn	35 Hrs
Public Service: Car Seats	4 Hrs

Station Watch/Community Service — **2,690+ Total Hrs.**

Firefighter logged Station Watch hours	1,925.5+ Hrs
Ocean Rescue patrol	44.5 Hrs
Chief on Duty/Command	720 Hrs

LBTS Volunteer Fire Department - June 2019, Active Roster

Last Name	First Name	LBTS FF No.	Membership	Town Resident	Rank	Fire Cert	EMS Certification	MTD Calls	YTD Calls
Alarcon	Stacey	6043	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	30
Alvarez-Orozco	Elizabeth	6026	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	24
Atkinson	Kevin	175765	Associate Member		Firefigher	Firefighter II	EMT-B (FL)	0	0
Aubrey	Keith	163	Regular Member		Firefighter	Firefighter II	Paramedic (FL)	3	82
Baker	Rebecca	7017	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	7	17
Bosanac	Derek	7019	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	5	18
Chavez	Alexander	153544	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Chenique	Jordan	7008	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	8	39
Collazo	Jackeline	180637	Associate Member		Firefigher II	Firefighter II	Paramedic (FL)	0	0
Cowles	James	186248	Regular Member	*	Trainee	Trainee		0	0
Edouard	Myriam	708	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	3	30
Fajkis	Ireneusz	7022	Associate Member		Firefighter	Firefighter II - D/E	Paramedic (FL)	4	11
Fann	Kevin	174	Regular Member	*	Firefighter	Firefighter II	EMT-B (FL)	18	32
Franceschini	Rafael	166674	Associate Member		Firefigher	Firefighter II	EMT-B (FL)	0	0
Freybe	Hileia	7016	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	2	24
Garcia	Ali	166036	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	0	0
Garcia	Natasha	178781	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	1	1
Garcia	Raymond	7010	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	3	39
Gonzalez	Rosemary	7005	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	1	29
Gray	Dontae	172460	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Grunow	Samuel	186257	Regular Member	*	Trainee	Trainee		0	0
Hernandez	Sasha	6013	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	26
Hoelderlin	Logan	174642	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Hopping	Judson	054	Regular Member		Fire Chief	Firefighter II - D/E	EMT-B (FL)	8	82
Johnson	Kenneth	123	Regular Member	*	Firefighter	Firefighter I	CPR for healthcare provider	29	267
Johnson	Scott	33742	Regular Member	*	Firefighter	Firefighter II - D/E	Paramedic (FL)	0	0
Justice	Jennifer	171	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	2	21
Kane	Mark	155	Associate Member		Firefighter	Firefighter II-D/E - Officer I	EMT-B (FL)	17	97
Karley	Robert	101	Regular Member	*	Firefighter	Firefighter II - D/E	CPR for healthcare provider	28	228
King	Noah	174484	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Leiva	Gabriel	6046	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	18
Levine	Eric	7012	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	26
Levy	Steven	163949	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Lopez	Vincent	176949	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Louvaris	John	078	Regular Member		Deputy Chief	Firefighter II-D/E - Officer I	CPR for healthcare provider	28	238

Last Name	First Name	LBTS FF No.	Membership	Town Resident	Rank	Fire Cert	EMS Certification	MTD Calls	YTD Calls
Mangin	Andrew	735	Associate Member		Firefighter	Firefighter II - D/E	Paramedic (FL)	6	37
Martindale	Daniel	7009	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	6	28
McCormick	William	7006	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	2	23
McKenzie	Jacquevias	7015	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	4	21
Miklosh	Joseph	7013	Associate Member		Firefighter	Firefighter Ii	Paramedic (FL)	4	19
Moraga	Marcos	6059	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	0	28
Obsalnt	Antoinette	165334	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	1	1
Paine	Kyle	173	Regular Member		Firefighter	Firefighter II	CPR for healthcare provider	6	32
Paine	Riley	704	Regular Member		Battalion Chief	Firefighter II-D/E - Officer I	Paramedic (FL)	19	134
Paine	Stephen	140	Regular Member		Fire Marshal	Firefighter II	CPR for healthcare provider	15	154
Rozalez	Dezi	7004	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	7	36
Scott, III	Kenneth	7011	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	1	14
Scriver	Ian	170350	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	0
Shaw	Kyle	7014	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	5	17
Silverstone	James	25	Regular Member	*	Firefighter	Firefighter II	CPR for healthcare provider	19	129
St.Thomas	Jeffrey	176	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	5	18
Vogel	Richard	130	Regular Member		Firefighter	Firefighter II	Paramedic (FL)	3	33
Weisberg	Lee	6034	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	4	33
Woods	Devon	7018	Associate Member		Firefighger	Firefighter II	EMT-B (FL)	6	14
Young	Alexa	6031	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	3	24

Monthly Activity Report - June 2019

Date	Fire/Rescue Calls	Event Description	Start Time	End Time	No. of FF
02-Jun-19	4900 North Ocean Blvd.	Other fire - forcible entry	7:42:00 AM	8:49:00 AM	6
02-Jun-19	4320 El Mar Drive	Other fire - keys in drain	8:07:00 PM	8:30:00 PM	4
03-Jun-19	5000 North Ocean Blvd.	Water main break	4:11:00 PM	5:40:00 PM	5
04-Jun-19	4636 El Mar Drive	Commercial structure fire	6:49:00 PM	8:07:00 PM	11
04-Jun-19	246 Lombardy Avenue	Utility/electrical fire	10:53:00 PM	12:16:00 AM	7
05-Jun-19	1800 South Ocean Blvd.	Fire alarm	11:22:00 AM	11:41:00 AM	7
05-Jun-19	1900 South Ocean Blvd.	Fire alarm	3:42:00 PM	3:48:00 PM	9
05-Jun-19	254 Avalon Avenue	Fire alarm	7:16:00 PM	7:27:00 PM	8
06-Jun-19	4241 W. Tradewinds Ave	Fire alarm	11:14:00 AM	11:32:00 AM	7
09-Jun-19	5100 North Ocean Drive	Fire alarm	7:45:00 PM	8:02:00 PM	7
10-Jun-19	4318 El Mar Drive	Fire alarm	1:53:00 PM	3:12:00 PM	10
11-Jun-19	289 Tropic Drive	Fire alarm	12:44:00 PM	12:56:00 PM	5
12-Jun-19	1850 South Ocean Blvd.	Other fire - forcible entry	11:15:00 PM	11:36:00 PM	3
13-Jun-19	1501 South Ocean Blvd.	Other fire - forcible entry	11:13:00 AM	11:17:00 AM	7
13-Jun-19	4900 North Ocean Drive	Fire alarm	11:38:00 AM	12:24:00 PM	6
14-Jun-19	297 Tropic Drive	Electrical utility fire	7:57:00 PM	8:35:00 PM	7
14-Jun-19	4533 North Ocean Drive	Other fire - service call	10:46:00 PM	10:54:00 PM	6
18-Jun-19	1800 South Ocean Blvd.	Fire alarm	10:24:00 PM	10:40:00 PM	6
19-Jun-19	1620 South Ocean Blvd.	Fire alarm	2:19:00 PM	2:30:00 PM	9
19-Jun-19	1620 South Ocean Blvd.	Fire alarm	2:27:00 PM	2:40:00 PM	9
19-Jun-19	1480 South Ocean Blvd.	Fire alarm	2:43:00 PM	2:58:00 PM	9
21-Jun-19	4513 North Ocean Drive	Electrical fire	10:24:00 AM	10:41:00 AM	7
23-Jun-19	259 Commercial Blvd.	Other fire - water leak	2:33:00 PM	3:40:00 PM	7
23-Jun-19	1900 South Ocean Blvd.	Fire alarm	6:28:00 PM	6:40:00 PM	8
24-Jun-19	3900 North Ocean Drive	Elevator rescue	9:34:00 AM	9:47:00 AM	9
24-Jun-19	3900 North Ocean Drive	Elevator rescue	2:32:00 PM	2:45:00 PM	8
25-Jun-19	1461 South Ocean Blvd.	Fire alarm	7:44:00 AM	7:53:00 AM	9
25-Jun-19	Pines Ave/Poinciana	Electrical hazard	8:12:00 AM	8:22:00 AM	8
25-Jun-19	6000 North Ocean Drive	Elevator rescue	8:02:00 PM	8:26:00 PM	8
25-Jun-19	1460 South Ocean Blvd.	Fire alarm	11:43:00 PM	12:05:00 AM	7
26-Jun-19	4220 El Mar Drive	Openwater drowning	3:05:00 PM	3:11:00 PM	8
30-Jun-19	1460 South Ocean Blvd.	Fire alarm	3:24:00 AM		10
30-Jun-19	245 Allenwood Drive	Fire alarm	4:48:00 PM	4:55:00 PM	8
			Total Calls	**33**	

Date	1st Responder Calls	Event Description	Start Time	End Time	No. of FF
01-Jun-19	South Ocean Blvd.	medical, E12 assisted M212	6:57:00 PM	7:15:00 PM	2
03-Jun-19	North Ocean Blvd.	medical, E12 assisted M12	12:57:00 PM	1:47:00 PM	4
03-Jun-19	West Tradewinds Ave	medical, E12 cleared by M12	4:39:00 PM	4:56:00 PM	5
04-Jun-19	Commercial Blvd.	medical, E12 canceled by B12	8:35:00 AM	8:46:00 AM	5
08-Jun-19	Commercial & Ocean	medical, E12 canceled by M12	10:41:00 PM	10:50:00 PM	3
09-Jun-19	East Tradewinds Ave	medical, E12 assisted M12	2:09:00 AM	2:56:00 AM	3
14-Jun-19	North Ocean Blvd.	medical, E12 assisted M12	12:21:00 AM	12:34:00 AM	4
15-Jun-19	North Ocean Drive	medical, E12 assisted M12	11:21:00 PM	12:14:00 AM	4
21-Jun-19	South Ocean Blvd.	medical, E12 assisted M12	8:57:00 PM	10:08:00 PM	6
22-Jun-19	El Mar Drive	medical, BP12 assisted M12	12:46:00 PM	1:49:00 PM	4
24-Jun-19	North Ocean Drive	medical, BP12 assisted M12	10:42:00 AM	11:36:00 AM	7
26-Jun-19	Bougainvilla Drive	medical, E12 canceled by M12	8:27:00 PM	8:41:00 PM	7
			Total Calls	**12**	

Date	Public Service	Event Description	Start Time	End Time	No. of FF
07-Jun-19	Station 12	Installed (2) rearfacing car seats	3:00:00 PM	4:00:00 PM	1
13-Jun-19	Station 12	Removed a forward facing car seat	3:00:00 PM	4:00:00 PM	1
16-Jun-19	Mia-Dade	Speaker @ Dade Juvenile Justice Center	8:00:00 AM	12:00:00 PM	1
17-Jun-19	Station 12	Installed a forward facing car seat	4:00:00 PM	5:00:00 PM	1
23-Jun-19	Station 12	Installed a rearfacing car seat	11:00:00 AM	12:00:00 PM	1

Date	Drill/Training	Event Description	Start Time	End Time	No. of FF
01-Jun-19	Coral Springs Fire Academy	Live burn	8:00:00 AM	1:00:00 PM	7
03-Jun-19	Station 12	New hire - P.O.'s	5:00:00 PM	10:00:00 PM	13
05-Jun-19	Station 12	New hire P.O.'s	5:00:00 PM	9:30:00 PM	9
06-Jun-19	Station 12	make up P.O.'s - 1 member	1:30:00 PM	4:00:00 PM	5
06-Jun-19	Beach @Washingtonian	Safey & Ocean rescue	6:00:00 PM	8:30:00 PM	5
08-Jun-19	Station 12	New hire - P.O.'s	8:00:00 AM	12:30:00 PM	22
12-Jun-19	Station 12	make up P.O.'s - 3 members	4:00:00 PM	8:00:00 PM	18
13-Jun-19	Station 12	New class P.O.'s	1:15:00 PM	5:15:00 PM	6
13-Jun-19	Station 12	Hazmat - Structure fire video's/scenario	6:00:00 PM	9:00:00 PM	5
15-Jun-19	Station/Beach	Ocean rescue jet ski dployment & spotter knowledge	8:00:00 AM	10:00:00 AM	19
17-Jun-19	Station 12	Single Family home structure fire scenario	6:00:00 PM	10:00:00 PM	7
20-Jun-19	Station 12	High rise, hose deployment & tools	6:00:00 PM	10:00:00 PM	7
24-Jun-19	Beach	Ocean rescue marine unit deployment; rescuer/spotter ops review	6:00:00 PM	10:00:00 PM	6
27-Jun-19	Beach/ocean	Lunching marine unit & throw bags	6:00:00 PM	10:00:00 PM	13
29-Jun-19	Station/Beach	Spotter course; beach patrol & ocean rescue	9:00:00 AM	12:00:00 PM	10

Date	Ocean Rescue Patrol	Event Description	Start Time	End Time	No. of FF
15-Jun-19	Beach	Ocean rescue patrol	1:00:00 PM	5:00:00 PM	2
19-Jun-19	Beach	Ocean rescue patrol	10:00:00 AM	12:30:00 PM	2
22-Jun-19	Beach	Ocean rescue patrol	10:15:00 AM	5:00:00 PM	2
26-Jun-19	Beach	Ocean rescue patrol	10:00:00 AM	4:00:00 PM	2
30-Jun-19	Beach	Ocean rescue patrol & trng	10:00:00 AM	11:00:00 AM	2

*Ocean Rescue patrol consist of checking poles/life rings, educating public on flags, rips currents & any fire related issued near or on the beach.

Unit Response Time 3- Month Average

Jun-19

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	29	43	8	1
Response Time	0:04:57	0:06:18	0:00:00	0:00:00

Total Average Response Time : 4:39

May-19

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	25	39	4	5
Response Time	0:05:15	0:06:16	0:00:00	0:00:00

Total Average Response Time : 4:45

Apr-19

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	26	27	3	3
Response Time	0:05:29	0:06:57	0:00:00	0:00:00

Total Average Response Time : 4:33

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Bill Vance
Submitting Department: Administration
Item Type: Report
Agenda Section: TOWN MANAGER REPORT

Subject Title:
Town Manager Report

Explanation:

- Bougainvilla Drive Parking and Transportation Improvements continue and we have a Special Meeting scheduled for July 11, 2019 (7pm) to acquire Church property.

- Coordination of Palm Club Sewer Improvements has been initiated. Approximately $400K Septic Tanks to sewer services design proposals coming to the Town Commission July 23rd for formal consideration. *LBTS Mayor Vincent/Town Commission pro-actively obtained funding support of $300K from Pompano Beach ($150K) and Broward County ($150K).

- Ft. Lauderdale/LBTS Debris Staging Area Inter-local agreement will be considered for adoption by the City of Ft. Lauderdale City Council (this evening) Tuesday July 9, 2019.

- Proposed $300K in supplemental El Mar Transportation Improvement Project design accommodations for planned LBTS trail appurtenances (benches, landscaping, trash cans etc.) in addition to lighting and stormwater improvements coming to Commission July 23.

- Town Manager provided his 2019/2020 balanced General Fund budget proposal to Mayor Vincent and Town Commissioners on July 5. No property tax increases within this document as TRIM property tax rate is being proposed. Lauderdale-by-the-Sea property valuations reportedly increased by 4% (per County Property Appraiser).

- Datura portal set for demolition/removal July 15 prior to Bugfest at end of month.

- Town Manager sponsored Development Team meetings will be offered every Thursday afternoon from 1-5pm starting in August. These meetings will involve the Town Manager and any Town Department Head that could assist any Town property or business owner to obtain building and/or zoning permit(s) in a timely manner. To schedule a Development Team Meeting current and/or future LBTS residents/businesses should contact LBTS Town Manager Bill Vance via 954-640-4204 or BILLV@LBTS-FL.GOV.

- The Town's Employee Safety Committee will begin meeting in August 2019 and will continue to do so on a monthly basis. The emphasis of these meetings will be to seek ways to improve employee safety practices and devices associated with every Town operation while incorporating monthly employee safety trainings.

Recommendation:
N/A

Agenda Item No: 10.a

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Tedra Allen
Submitting Department: Administration
Item Type: Minutes
Agenda Section: APPROVAL OF MINUTES

Subject Title:
June 11, 2019 Town Commission Meeting Minutes

Explanation:
June 11, 2019 Town Commission Meeting Minutes

Recommendation:
Approve / Accept

Attachments:

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 11, 2019
6:30 PM

1) CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:33 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2) PLEDGE OF ALLEGIANCE TO THE FLAG

3) INVOCATION

Rabbi Benzion Singer gave the Invocation.

4) ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5) PRESENTATIONS

5.a Presentation of the Comprehensive Annual Financial Report (CAFR)

Mayor Vincent noted that the Town's annual external audit of financial records for the fiscal year (FY) ending September 30, 2018 has been completed. Staff and the external auditors have prepared the attached Comprehensive Annual Financial Report (CAFR) for that fiscal year.

Finance Director Lucila Lang introduced David Caplivski, Audit Manager for Grau and Associates. Mr. Caplivski reported that the CAFR received an unmodified or "clean" opinion on its financial statements for FY18. The Town's total ending net position was approximately $51 million, which is comprised of $33 million from governmental activities and $18 million from business activities. This represents an increase of $2 million from

the previous fiscal year. The General Fund balance at year's end was $7.2 million, which represents an increase of $1.2 million from FY17.

There were no significant changes to the disclosure format of the CAFR except for those required by the new accounting standard. The Town complied with all Florida Investment Statutes. No material weaknesses, significant deficiencies, or other findings related to internal control were noted.

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

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

6) PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

Mary Crawford, resident, expressed concern with speeding traffic on Algiers Avenue. She suggested that a four-way Stop sign be placed at the intersection of Algiers Avenue and Tradewinds Avenue to address this safety issue. Ms. Crawford added that there are also issues with dog owners who do not clean up after their pets and soliciting on private property.

Lynnette Sonntay, resident, also stated her concern with speeding on Algiers Avenue, which has resulted in accidents and near misses. She also advocated for a Stop sign in the neighborhood, as well as an increased Police presence.

The Kramer family, residents, thanked the Commission for their passage of a Resolution banning the use of plastic straws in the Town.

Patty Riley, resident, advised that speeding traffic on Algiers Avenue is dangerous to children, pedestrians, and pets. She suggested speed humps or other traffic calming devices, as signage does not control the problem.

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

Town Manager Bill Vance stated that he and Broward Sheriff's Office (BSO) Captain Tom Palmer would work together to address the situation on and near Algiers Avenue.

7) PUBLIC SAFETY DISCUSSION

7.a VFD May Report

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

7.b BSO May Report

BSO Captain Palmer addressed speeding on Algiers Avenue and East Tradewinds Avenue, stating that he would ensure a Police presence in the area. He added that traffic calming devices such as speed humps would be investigated as a possible solution, although the Town's speed hump policy would need to be observed before any installation could begin.

Development Services Director Linda Connors advised that Staff recently put out a request for proposal (RFP) for a pedestrian study, which will include looking into areas where "cut-through" traffic is common to determine how the Town can address safety concerns.

Mayor Vincent pointed out that many Stop signs in the subject area are set back significantly from the street, while landscaping is placed forward in a way that may obstruct vision. Development Services Director Connors replied that Code Compliance Officers can investigate these concerns. Captain Palmer noted, however, that State Statutes regulate the placement and height requirements of traffic signs, and not all traffic studies result in signage or other devices. He encouraged residents to email him regarding traffic concerns.

Commissioner Oldaker requested additional information on the increased number of citations in the BSO May Report. Captain Palmer replied that there have been concerns regarding common locations in Town, which has led to increased traffic enforcement on westbound Commercial Boulevard and other areas. He continued that in his next report, he can add a section showing "hot spots" for traffic citations and/or crashes, some of which may be affected by temporary construction.

Captain Palmer continued that there are three traffic zones within Lauderdale-By-The-Sea:

- Zone One: from the Town's southern border to southern Commercial Boulevard
- Zone Two: from the beach to the Intracoastal Waterway
- Zone Three: from the north side of Commercial Boulevard to the Sea Ranch condominiums, excluding Sea Ranch Lakes

Reports identify the number and types of citations and warnings issued in each zone. Most of the Town's traffic infractions occur in Zone Two. Captain Palmer added that many of the individuals recently issued citations are Town residents.

Captain Palmer concluded that a recent case involving the Town's camera surveillance system led to an arrest, which would likely have gone unsolved without this technology. Town Manager Vance noted that the Town's Municipal Services Department has been involved with improvements to this camera system.

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

8) **TOWN MANAGER REPORT – The Town Manager to answer any questions the Commission may have.**

Commissioner Malkoon noted that the Town's Comprehensive Emergency Management Plan (CEMP) must be reviewed and re-adopted by the Commission every five years, and is due for an update in June 2019. This includes clarification of the Town's line of succession, which is an Agenda Item later in the meeting. Town Manager Vance replied that he will meet with the Development Services Department to discuss this update in greater detail.

Commissioner Oldaker requested an update on the deployment of portable speed limit signs, suggesting that it may be wise to purchase additional mobile signs in the next budget to address residents' safety concerns. Municipal Services Director Ken Rubach advised that this Department is awaiting approval from the Florida Department of Transportation (FDOT) for solar-powered, semi-permanent signs, which will be deployed once Staff has been trained on their use.

9) **TOWN ATTORNEY REPORT**

Town Attorney Susan Trevarthen reported that she has received inquiries regarding the use of e-scooters in the Town. The Commission adopted a Resolution in January 2019 recognizing that these devices were not legal on Town streets. As the Town has not provided for their use on sidewalks, this meant they may not be legally used here. She explained that the Florida Legislature has recently passed a bill to regulate these scooters under the category of "micro mobility devices." The bill has not yet been sent to the Governor for further action.

Town Attorney Trevarthen continued that Fort Lauderdale has recently decided these devices may not be used on its barrier island through mid-August, which will likely affect the number of devices brought into Lauderdale-By-The-Sea. Fort Lauderdale has a series of Ordinances and approvals related to their individual arrangements with micro mobility platforms; they have passed an Ordinance that further regulates the devices' use during spring break, the 4th of July, and other peak events.

Commissioner Strauss asked what residents can do if they see e-scooters used within the Town. Town Attorney Trevarthen replied that there is a procedure in place to collect these scooters and notify their platform. Town Manager Vance encouraged residents to contact his office if they wish to report use of the scooters.

10) APPROVAL OF MINUTES

10.a May 16, 2019 Town Commission Workshop

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

11) CONSENT AGENDA

11.a Special Event Application for 34th Annual International Coastal Cleanup, Saturday, September 21, 2019

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

12) OLD BUSINESS

12.a Taco Craft's Request to Extend Special Event Permit for Three Months

Special Projects Coordinator Debbie Hime explained that Taco Craft submitted a Special Event Application in February 2019, which was approved for three months, with the ability to extend the permit for the remaining nine months with the Town Manager's approval. They are requesting three months' extension, with a reduction in the proposed entertainment hours from 12 p.m. to 9 p.m. No additional spectators are expected for this entertainment, and the stage will have a new location.

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

12.b East Terra Mar Drainage Design

Municipal Services Director Rubach and Jeff Hiscock of Mathews Consulting reviewed the proposed drainage design for East Terra Mar Island, which is partially located in the city of Pompano Beach. Because the island is subject to frequent street flooding, residents have raised concerns regarding sea level rise and king tides. The existing system was modified in 2005 to include exfiltration trenches and a raised inlet; however, these do not connect to any outfall pipes.

The Town's recent study considered connecting multiple exfiltration pipes to a permitted 24 in. outfall pipe, which would prevent water from overflowing into the streets. These improvements would significantly reduce both flood stages and duration of flooding.

Staff has met with Broward County to determine whether or not the proposed system is acceptable, and the County agreed to the idea of interconnected pipes. It was determined that because the exfiltration trenches had originally been intended to address ponding, there would be no need to compensate for the potential loss in water quality.

The design contract for the drainage project will include:

- Surveys and technical work
- Production of construction drawings
- Assistance with bidding
- Construction management services

Costs associated with inspection of the system are included in the proposal for design services from Mathews Consulting. Inspection is required every five years to ensure that all facilities are as permitted. Mathews will confer with the County when their application is submitted, as their services include redesign of the system.

While swales are not required as part of the project, they are recommended for any homeowners who may wish to install them. Any ponding in front of these homes would occur within the swales. Commissioner Oldaker noted that neighborhood programs are available to help interested residents cover the costs of swale installation.

Commissioner Strauss asked if connecting the exfiltration system to the 24 in. outflow pipes would result in backflow of salt water onto the property. It was clarified that in-line check valves would prevent backflow. The Town will also coordinate installation with Pompano Beach to prevent backflow. One long-term recommendation proposes that the overall system be tied together with an underground pump station in the right-of-way within approximately 15 to 20 years. A pump would remove water forced into the system by intruding tides.

Town Manager Vance advised that while this was projected to be an $800,000 project, the Town successfully negotiated a more targeted plan with the County to deal directly with areas that experience significant ponding. They feel this maximizes the Town's investment to address the most egregious situations with a minimum of inconvenience to the community. Costs are projected in the range of $500,000.

Commissioner Malkoon commented that he had hoped to see a plan that would be effective over the long term for this low-lying area of the Town. It was clarified that in addition to the pump station recommended for the future, a second pump station is recommended in coordination with Pompano Beach to serve the 18 in. pipe on the north end of the island. Water storage beneath the roadway is not proposed for Terra Mar due to its high water table.

Vice Mayor Sokolow asked how often 3- to 6 in. flooding can be expected to occur in a year within normal weather patterns. It was clarified that the 3 in. flood typically occurs once every one to two years, with the 6 in. flood once every five years. This is why installation of the pump station is not recommended immediately. The station's cost is estimated at $800,000.

Commissioner Oldaker cautioned that this system is not expected to address extraordinary circumstances. Mr. Hiscock explained that the system will prevent water backflow during king tides, when there is no rainfall; however, events such as storm surges, in which there is significant rainfall during raised tides, a gravity-based drainage system will not be able to alleviate all water intrusion.

At this time Mayor Vincent opened public comment.

Ray Renuart, resident, requested clarification of the expected time frame for completion of the project. Municipal Services Director Rubach estimated that after the bid process, which is estimated at two months, design will take approximately eight months, followed by 10 months for construction.

Kay Hall, resident, asked for more information on the project's construction phase and what this will mean for Terra Mar residents. It was clarified that construction will be limited to East Terra Mar Drive, which will be at least partially closed and reopened in phases. The contractor will need to determine where utilities are located, which may affect the placement of pipes beneath the roadway. Municipal Services Director Rubach assured homeowners that access to their driveways will be maintained.

Mary Ellen Himes-Renuart, resident, advised that although the number of times the island is expected to experience 3 to 6 in. flooding is limited, it is not uncommon for flooding in the roadways to occur much more often.

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve work authorization for Mathews Consulting, not to exceed $97,985.00. Motion carried 5-0.

13) NEW BUSINESS

13.a Datura Portal Structural Damage Report

Mr. Hiscock of Mathews Consulting showed photographs of damage to this structure following the 2018 hurricane season, including cracks in the concrete substructure. A structural engineer is reviewing the damage and is expected to make a determination later this week. Mathews is requesting $20,000 up front in order to expedite repairs. Inspections of the Washingtonia Avenue and Palm Avenue portals showed small cracks in the Palm structure but no present damage to Washingtonia. The same issue is not expected to recur in these portals.

Mayor Vincent expressed concern with the level of deterioration in only a 12-year period. Mr. Hiscock advised that it was likely water had entered the structure from its top, resulting in cracks.

Commissioner Strauss asked if it is possible to make any aesthetic improvements to the structure while repairs are underway. Mr. Hiscock replied that this would most likely result in another project.

Vice Mayor Sokolow commented that rusting of the portal's rebar can be expected every seven to 10 years due to its proximity to the ocean. He emphasized the importance of proper waterproofing when repairs are made, which may require the removal of coral and beginning the project from scratch. Mr. Hiscock added that epoxy will be applied to the rebar.

Commissioner Malkoon made a motion, seconded by Commissioner Oldaker, to approve up to $20,000 from account 001-541-000-500-520 to expedite repairs following a report from the structural engineer. Motion carried 5-0.

14) COMMISSIONER COMMENTS

Commissioner Oldaker thanked local press for running an article on the South Florida Wildlife Center's recent presentation to the Commission. He continued that the signs related to e-scooters present an eyesore in some locations, and suggested that the Town address this concern. Municipal Services Director Rubach replied that there are plans to replace these with less flexible signage.

Commissioner Oldaker also requested confirmation that multiple sources will be used to provide residents with information on approaching storms during the 2019 hurricane season. Municipal Services Director Rubach stated that he monitors multiple forecasting services websites, including the National Hurricane Center, for the best information available.

Commissioner Oldaker concluded that preparations for the Town's 4th of July event are drawing to a close, and this is expected to be a very successful event.

Commissioner Strauss advised that several residents have asked why the Town has no dog park or designated dog-friendly portion of its beach. He will request that this be discussed further as an Agenda Item in the future.

Mayor Vincent advised that although jackets are required, ties will not be necessary at the dais through approximately Labor Day (September 2, 2019).

15) ORDINANCES 1ST READING

None.

16) ORDINANCES 2ND READING

None.

17) RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2019-15 – 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; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

Mayor Vincent advised that he is fully supportive of this change, which was discussed with Town Manager Vance. He also thanked Municipal Services Director Rubach for assuming the responsibilities of Town Manager, should an event occur that necessitated this plan.

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

17.b Resolution 2019-16 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH JAMES OBER; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE

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

Mayor Vincent recognized Town Attorney Trevarthen and Town Staff for their work related to this case, as well as Commissioner Strauss for his insight. He characterized this case as indicative of the Town's respect for its communities and residents.

Vice Mayor Sokolow stated that he did not consider this case to establish a precedent that was likely to be repeated.

Commissioner Malkoon recalled that residents of the Terra Mar neighborhood had reached out to him regarding the subject property's status as an eyesore. He agreed that this mediation effort may save the Town from future issues in the future. He did not characterize the case as a defeat.

Commissioner Strauss noted that it was not common for a small town to enter into a lengthy process such as this case; however, properties such as this are considered blights on their surrounding communities. The Town had sought to address the case at multiple levels over a long period of time.

Town Attorney Trevarthen also thanked Commissioner Strauss for his input on the mediation, as well as former Town Manager Bud Bentley, who had participated in the process post-retirement. She agreed with Vice Mayor Sokolow that this type of case is unlikely to recur.

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

Commissioner Oldaker requested that a Memorandum of Understanding (MOU) from the Broward League of Cities be presented as a future Agenda Item. The MOU presents a unified approach to solid waste issues between Broward County and its municipalities.

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 8:10 p.m.

_____

Mayor Chris Vincent

ATTEST:

_____ _____

Town Clerk Tedra Allen Date

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Lucila Lang / Steve D'Olivera
Submitting Department: Administration
Item Type: Consent
Agenda Section: CONSENT AGENDA

Subject Title:
Budget Transfer - IT Infrastructure

Explanation:
After Town Manager Bill Vance directed staff to look at upgrading the Town's IT needs, meetings were held with representatives from three Town vendors: Comcast (Internet), Professionally Installed Electronics (Jarvis Hall Audio/Visual) and Giaspace, our Managed (IT) Service Provider. The Town is proposing to upgrade to fiber-optic in next year's budget, an option that was being explored before our former IT administrator left. Before that can be done, Giaspace strongly recommends a Data Cabling Clean-Up overhaul for all of our low-voltage cables in Town Hall, Development Services, Municipal Services and Jarvis Hall. This would involve identifying and re-labeling all cables and installing proper new wall mount racks for easier access.

Recommendation:
Staff recommends approval of the following transfer:

Account	Account Title	From:	To:
001.519.000.500.497	Contingency	$11,000	
001.519.000.500.511	Computer Expense		$11,000
	Total	$11,000	$11,000

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Ken Rubach
Submitting Department: Municipal Services
Item Type: Discussion Item
Agenda Section: OLD BUSINESS

Subject Title:
Friedt Park Courtyard

Explanation:
In July 2018 staff presented options for the renovations of the Friedt Park Courtyard ranging from $168,835 (without parking) to $337,234 (which included parking modifications & required drainage improvements). This was significantly more than what had been budgeted for the project and was deferred until FY 19 where additional funding ($200,000) would be provided. Staff took a step back from the plans that were presented and looked at the issues that needed to be resolved as well as spoke with members of the Community Church on the type of concept they would like see.

Staff identified the following items that needed to be addressed:

1) Pavers are missing or are uneven across the courtyard.
2) Landscaping needs a significant refresh/upgrade.
3) Large unkept area in the former fountain location.
4) Light poles are inoperable/missing fixtures.
5) No furniture/defined space from the playground area.

After examining these deficiencies staff developed a more cost-effective proposal to address these items and once again make the courtyard an inviting space.

The proposal is as follows:

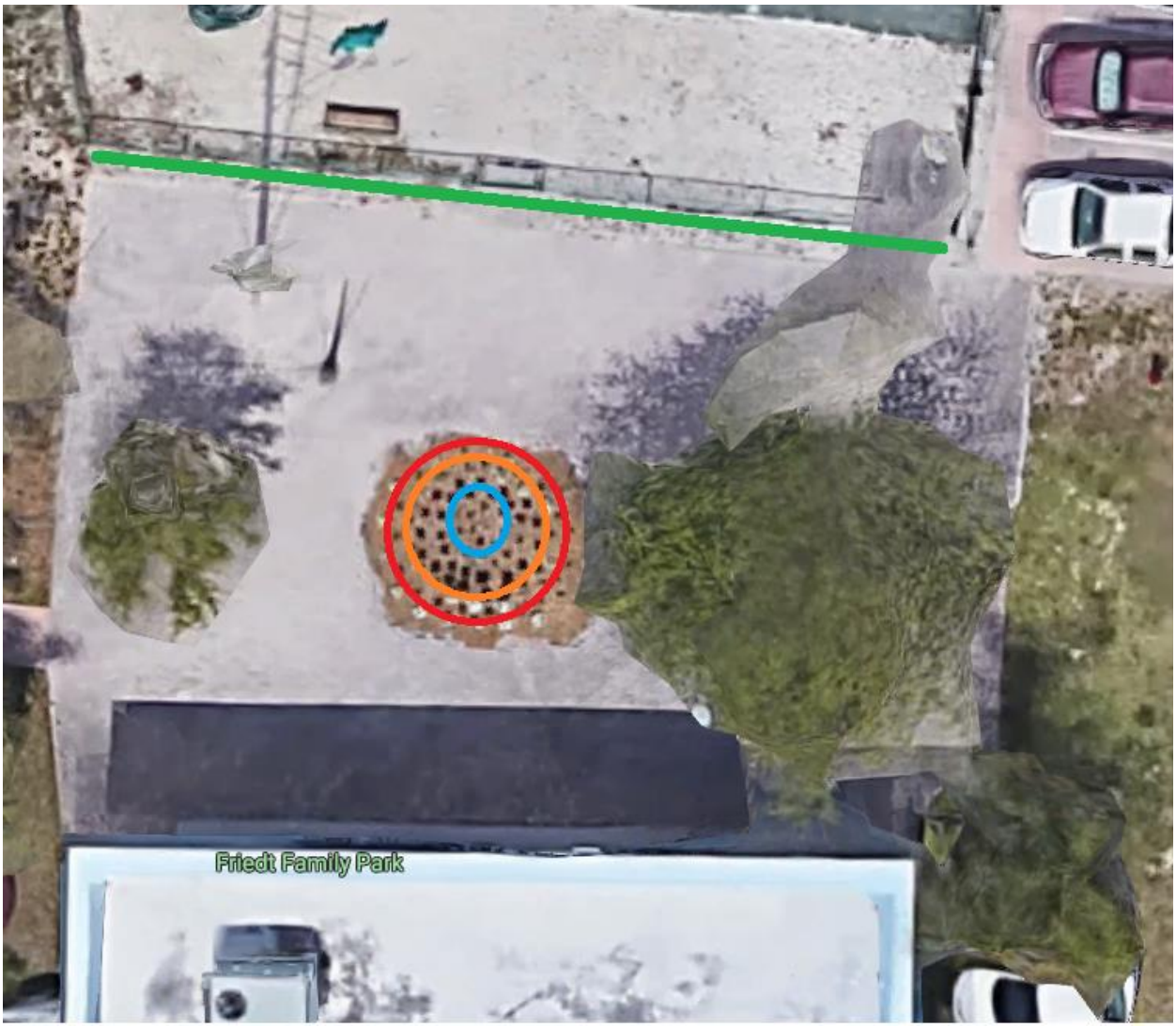
1) Remove, clean, and reinstall the existing pavers creating a level surface and a defined planting area in the former fountain location. If the Commission wishes new pavers can be installed for an additional $11,000.00
2) Install plantings along the fence line south of the playground and in the newly created planting area. (Exhibit 1)
3) Installation of new LED decorative light fixtures on the existing poles. (Exhibit 1)
4) Purchase benches/chairs/picnic table to match our existing theme throughout Town.

The cost for this project excluding furniture is $ 60,114.00 (Exhibit 2).

Recommendation:
Staff is requesting direction if they should proceed with the modified proposal or request an updated cost proposal for the initial design presented in 2017 without parking which was originally quoted at $168,835 (Exhibit 3)

Attachments: Exhibit 1: Modified Design
Exhibit 2: Modified Design Estimate
Exhibit 3: 2017 Design

FRIEDT PARK COURTYARD PROPOSED UPDATES



Green = Small Leaf Clusia

Red = Cocoplums

Orange = Green Island Ficus

Blue = Bulnesia Tree 12’

PLANT TYPES

SMALL LEAF CLUSIA

COCOPLUMS

GREEN ISLAND FICUS

BULNESIA

DECORATIVE FIXTURES

A2 Double 180

SCEC
State Contracting & Engineering Corporation

ESTIMATE SUMMARY

GMP

LBTS Friedt Park Renovation

ESTIMATE NO./REF. Estimate 5.17.19
TIME TO COMPLETE (days): 90
PROJECT NUMBER: TBD
LOCATION/OWNER: Town of Lauderdale by Sea
BID DATE: 6.14.19

Estimate

1	2	3		4	5	6	7	8	60.62	10
Div. No.	CSI Cost Code	Bid Package		Description of Work	Plaza & Landscape Bid Amount	Name of Bidder	Number Bids	% Low	Bid Package	MWBE
Division 01 - General Requirements										
01	01 00 00	01100	√	General Conditions	5,780	SCEC	1	-	-	-
01	-	01450	√	Testing Services	1	None	1	-	-	-
01	-	00360	√	Permits	1	By LBTS	1	-	-	-
Division 02 - Existing Conditions										
02	02 40 00	02220	√	Site Demolition	1	w/Paving	1	-	0.00	-
Division 12 - Furnishings										
12	-	-	√	Install Site Furniture	1	by LBTS	1	-	0.00	-
Division 26 - Electrical										
26	26 00 00	16050	√	Electrical	12,516	C&F	1	-	1.25	-
Division 31 - Earthwork										
31	31 00 00	02300	√	Earthwork	1	w/ Pavers	1	-	-	-
31	31 10 00	02370	√	Erosion & Sedimentation Controls	1	None	1	-	-	-
31	31 00 00	02360	√	Termite Control - Soil Treatment	1	None	1	-	-	-
Division 32 - Exterior Improvements										
32	32 00 00	02780	√	Brick Unit Pavers	21,050	Crossroads	1	-	2.11	-
32	32 00 00	02820	√	Chain Link Fencing	1	None	1	-	0.00	-
32	32 80 00	02810	√	Irrigation	1	None	1	-	-	-
32	32 90 00	02945	√	Landscape Plants	10,350	Tindall	1	-	-	-
32	32 00 00	02920	√	Misc Patching and Site Restoration	1	None	1	-	-	
				Estimate Sub Total Direct Cost =	**49,698**					
				OCP INSURANCE	-					
				GENERAL LIABILITY INSURANCE	1.200%	**596**				
				BUILDERS RISK INSURANCE	-		Not Required			
				SUB TOTAL WITH INSURANCE		**50,294**				
				BOND	1.477%	**743**				
				SUB TOTAL WITH BOND		**51,037**				
				CM FEE		**6,212**				
				SUB TOTAL WITH FEE		**57,250**				
				OWNERS CONTINGENCY		**2,862**				
				Estimate Grand Total =		**60,114**				

* This proposal assumes project occurs during Phase 2 Roadway Renovations Bougainvilla & Poincianca

Eileen See

From: Kevin C. Flanagan <kc@cfelectric.com>
Sent: Friday, June 14, 2019 3:10 PM
To: Eileen See
Subject: RE: Quote - Freidt Park
Attachments: BPL-1-Ken-Rubach.pdf

Eileen,

Freidt Park lighting retrofit

Base off of the new (Revised) NLS Lighting / JAN Lighting cost proposal dated 06/03/19 attached – please review the following:

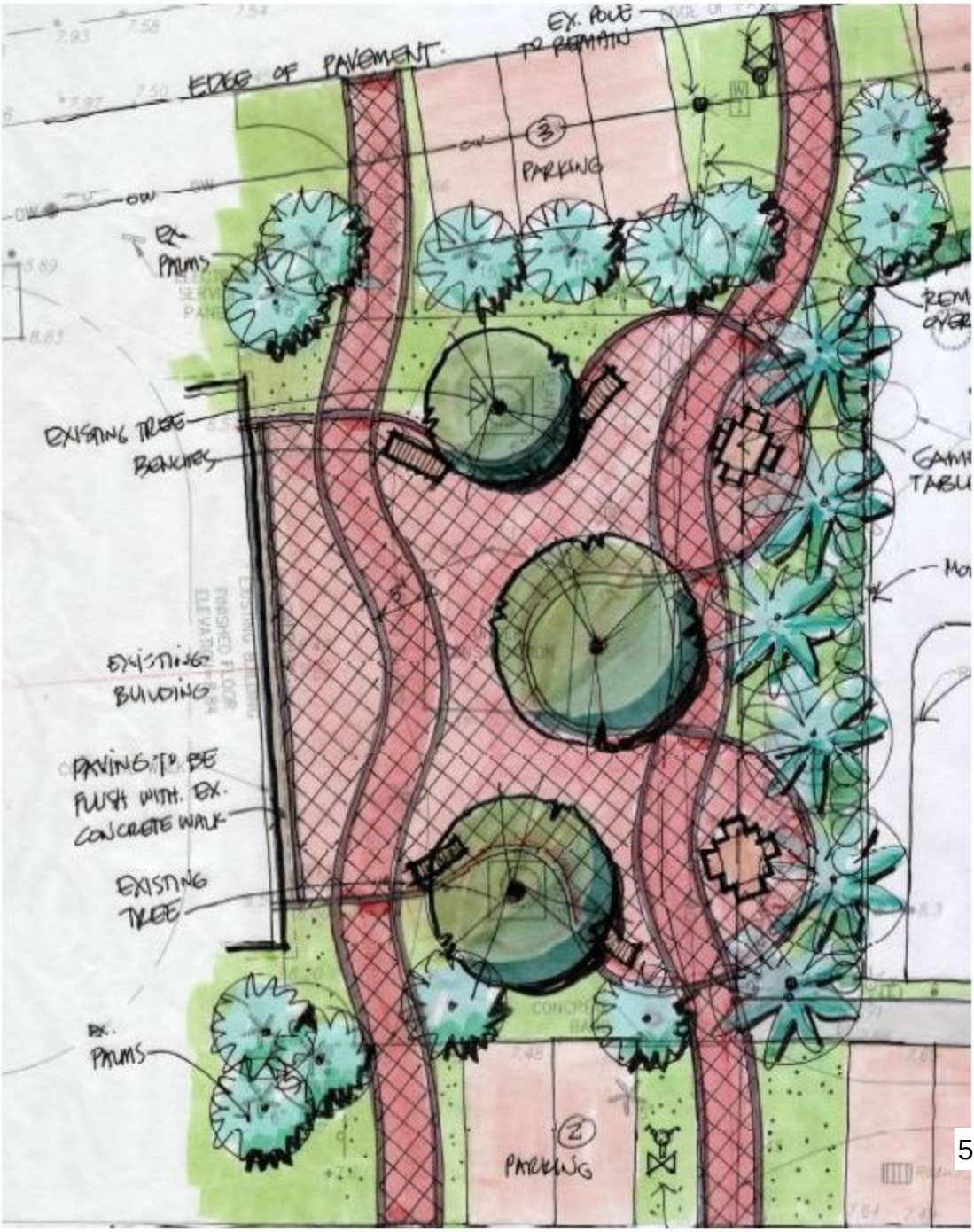
Fixtures	4 (2 each pole) per JAN Lighting (plus frt.)	$7580.00
Arms / Tenon Adpt	2 (1 each pole)	$750.00
Installation	Lot C&F	$1900.00
Mats Misc	Lot C&F	$200.00
OH&P		$2086.00
Total		$12,516.00

Thanks. Sorry for the delay.

Kevin C. Flanagan

kc@cfelectric.com

C&F ELECTRIC, INC.
Office 954-791-1114
Cell 954-275-6325


EDGE OF PAVEMENT
EX. POLE TO REMAIN
PARKING
EX. PRUNS
EXISTING TREE BENCHES
EXISTING BUILDING
PAVING TO BE FLUSH WITH EX. CONCRETE WALK
EXISTING TREE
EX. PRUNS
PARKING

Agenda Item No: 13.a

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Tedra Allen
Submitting Department: Administration
Item Type: Discussion Item
Agenda Section: NEW BUSINESS

Subject Title:
August Meeting Schedule

Explanation:
Usually the Commission meets once in August. Last year the Commission agreed by Consensus that there would be no meetings in August unless there is a specific need.

Recommendation:
Staff suggest the Commission decide if they would like to have an August meeting and if so, select a date for that meeting.

PART I - STATEMENT OF WORK

A. OBJECTIVE

The Town of Lauderdale-By-The-Sea is a coastal community of 6,135 year round residents, and a winter seasonal population of twice that amount. The Town's economy is based on tourism and its seaside location.

The Town seeks a qualified engineering firm licensed in the State of Florida to act as the Town Engineer, which includes oversight and administration of engineering related activities and to provide engineering services to the Town. The Town Engineer provides coordination and technical support as required with Town Commission, Town Manager other Town departments, public agencies, consulting engineers and citizens.

B. SCOPE OF WORK

The following tasks are among those which will be performed by the Town Engineer:

1. Provide professional engineering services normally performed by a Town Engineer.
2. Act as the Town's certified Floodplain Manager to review all substantial improvement permits for compliance with all applicable codes.
3. Attend Town Commission meetings when requested.
4. Attend meetings with and on behalf of the Town to respond to engineering-related projects and issues.
5. Attend project review meetings with Town staff.
6. Assist in the preparation of the Capital Improvement Budget by providing cost estimates for a variety of capital projects.
7. Respond to queries from residents pertaining to Town engineering matters when requested by Town.
8. Review and approve plats, plat exemptions and plat waivers in the capacity of Town Engineer.
9. Sign and seal applicable documents with regard to engineering sufficiency as needed by the Town including, but not limited to, engineering design drawings, plats, and permit applications.
10. Review and approve permits for work in the public rights-of way and inspect the completed work.
11. Review and approve building permit submittals for engineering related activities and inspect the completed work.
12. Prepare agenda and other reports as required.
13. Review and approve water, sewer, paving, and drainage plans for compliance with Town Engineering Standards and other related applicable standards.

14. Provide value engineering reviews and constructability analyses of designs prepared for Town projects;

15. Direct, review, and approve in-house construction projects, including final design plans; provide technical administration as required.

16. Review, certify and approve payments to contractors;

17. Consult with Town on construction projects; and,

18. Meet with officials from Federal, State and County Agencies and other cities on behalf of the Town.

19. Prepare and submit permit applications, meet with permitting agencies as necessary to acquire permits, and submit final permit reports.

20. Manage the Town's GIS database on the Town Engineer's computer system. The current data includes Broward County Property Appraiser Parcels and Tax Roll for properties within the Town, land use, zoning, flood zone, Watermain, sewer, and stormwater information. Prepare maps and other GIS data on request. (The Town currently does not have access to this data from Town offices.)

21. Review Land Development Code requirements.

Special Projects: In addition to the tasks outlined, from time to time the Town may designate special projects to be completed by the Town Engineer, such as, but not limited to, the following projects:

22. Provide Civil Engineering Design for miscellaneous Town projects.

23. Provide project management or oversight on various construction projects. and

24. Assist in the preparation of applications and supporting documents for government grants or loans.

Please note that the Town ***does not*** provide designated office space or administrative support for the Town Engineer.

C. TECHNICAL REQUIREMENTS

In order to be deemed responsive and considered for contract award, each Proposer shall satisfy the following mandatory minimum requirements:

1. Have at least five years' experience in designing and overseeing the construction of municipal civil engineering projects. (In the event the firm has not existed for five years, but at least one principal and the individual who will be assigned as Town Engineer have the required five years' experience, that firm shall be considered to have met this requirement.)
2. Maintain an office in Broward County, which is the home office for the designated Town Engineer and most of his/her support team.
3. Have all necessary and appropriate Florida licenses for the services requested in this RFQ.

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Jhanelle Campbell
Submitting Department: Development Services
Item Type: Discussion Item
Agenda Section: NEW BUSINESS

Subject Title:
Town Commission Ranking of the Respondents to the Town Engineer Request for Qualifications (RFQ)

Explanation: In 2014, the Commission selected Flynn Engineering to be the Town Engineer. The Town's contract provided for a three (3) year term with two renewal periods of one (1) year each. The Commission exercised the renewal option, which extended the Flynn Engineering contract to May 31, 2019. The purchasing manual allows, at the discretion of the Town Manager, an extension of up to 90 days pending renegotiation or award of a new bid if such extension is deemed to be in the best interest of the Town. Mr. Vance extended the current contract to August 30, 2019 or until a new contract is signed, whichever is sooner.

We released a Request for Qualifications ("RFQ") on April 24, 2019 and received four responses on the deadline of May 31, 2019. A copy of the RFQ is on file in the Town Clerk's Office and the scope of service and technical requirements are attached (**Exhibit 1**). Copies of all four responses are on file in the Clerk's Office.

The process to select a consultant to provide engineering services is set forth in Section 287.055 of the Florida Statutes, which is known as the Competitive Consultant's Negotiation Act ("CCNA"). The difference between a CCNA process and the Town's normal RFP process is that a CCNA solicitation is a two-part process. First, the Town first selects and ranks the most qualified firms. In the second phase, the Town negotiates compensation and a contract with the first the most qualified firm at a compensation that the Town determines is fair, competitive, and reasonable. Should the Town be unable to negotiate a satisfactory contract with the first ranked firm, negotiations with that firm must be formally terminated and the Town may then begin negotiations with the second most qualified firm. If the Town fail to reach an agreement with the second most qualified firm, the Town must terminate negotiations and then may commence negotiations with the third most qualified firm. State law prohibits compensation from being a factor in ranking engineering firms.

RFQ Evaluation Committee Recommendations

The evaluation committee for the RFQ was composed of Development Services Director Linda Connors, Municipal Services Director Ken Rubach, and Jhanelle Campbell, Planner. The committee's meetings were posted and open to the public and the minutes of those meetings are on file in the Town Clerk's Office.

After review of the RFQ responses, the committee ranked the firms in the following order of preference:

Respondents	Proposed Town Engineer

1.	Flynn Engineering Services, PA	Jay Flynn
2.	Baxter and Woodman	Rebecca Travis
3.	KCI Technologies	Robert Zuccaro
4.	Miller Legg	Peter Pellerito

While all respondents met the basic qualifications to be selected, the Committee members overwhelmingly selected Flynn Engineering as the top choice. They noted the relationship with the Firm, their location within the Town, and the excellent customer service they have provided for the past five years as the reason for this recommendation.

The second choice was Baxter and Woodman (formerly Matthews). While they provided excellent engineering services to the Town, we are happy with our relationship with them as a contract engineer for projects such as Palm Club, Terra Mar, and the ongoing management of the Town's stormwater issues. If selected as Town Engineer, we would lose this important relationship.

Recommendation:
Staff recommends approval of the rankings and authorization for Staff to negotiate a contract with the Commission's number one-ranked firm, Flynn Engineering. If Staff is unable to reach a satisfactory agreement with the first ranked firm, Staff recommends authorization to enter into negotiations with the next ranked firm. The successfully negotiated contract will be presented for Commission approval as soon as practical.

Attachments:
Ex 1 Scope of Work

Ex 2 Flynn Engineering Proposal

EXHIBIT 2

TOWN OF LAUDERDALE-BY-THE-SEA

REQUEST FOR QUALIFICATIONS
No. #19-05-01

For Town Engineer Services

May 31st, 2019

Submitted by:
Flynn Engineering, P.A.
Contact: Jay Flynn, P.E., CFM, President
241 Commercial Boulevard
Lauderdale-By-The-Sea, FL 33308
T: 954.522.1004 - E: jflynn@flynnengineering.com W: flynnengineering.com

Tab 1:
Letter of Transmittal

TAB 1 - LETTER OF TRANSMITTAL

Jay Flynn, P.E., CFM – Primary Point of Contact
Flynn Engineering Services
241 Commercial Boulevard
Lauderdale-By-The-Sea, FL 33308
T: 954.522.1004
E: jflynn@flynnengineering.com

May 31, 2019

Ms. Tedra Allen, Town Clerk
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

RE: Request for Qualifications No. #19-05-01 for Town Engineer Services

Dear Ms. Allen,

Thank you for the opportunity to express our interest and share our relevant experience associated with the Town of Lauderdale-By-The Sea's Engineer Services Contract. Flynn Engineering (FE) has enjoyed serving the Town's needs since 2011.

Established in 1993, we are recognized as one of South Florida's most knowledgeable, reputable and client service oriented civil engineering firms. From our offices in Lauderdale-By-The-Sea, my team serves the site engineering and land development needs of clients across all market sectors from municipal and educational campuses to complex resort, multi-family and commercial projects. In review of our experience, please consider a little about how we work and our commitment to our clients:

TAB 1 - LETTER OF TRANSMITTAL

As the Town of Lauderdale-By-The-Sea is aware, we are proficient in all areas of site engineering and design including land development, civil site and drainage systems, streetscape improvements, waste water and lift stations. Over the years we have held similar continuing contracts with the City of Oakland Park, the City of Lauderhill, the City of Boca Raton and the School Board of Broward County, with whom we have completed 350 projects. Our project portfolio places high emphasis on the environment, parks, educational and municipal projects of all size and scope.

FE is committed to make every community a better place, and that commitment begins in our own home town of Lauderdale-By-The-Sea, by protecting its environment while effectively using its resources. Our services and projects enhance economic development opportunities, improve the quality of life enjoyed by the community and ensure that regulatory mandates are developed with budget conscious, innovative and functional design solutions.

We appreciate your consideration and look forward to continuing to work with and build upon our success by serving another term as the Town of Lauderdale-By-The-Sea's engineering partner. Please feel free to call me should you have any questions or require clarification of any of the information contained within this qualifications package.

Sincerely yours,
Flynn Engineering Services

Jay M Flynn

Jay Flynn, P.E., CFM
Principal Engineer

Tab 2:
Title Page

TOWN OF LAUDERDALE-BY-THE-SEA

REQUEST FOR QUALIFICATIONS
No. #19-05-01

For Town Engineer Services

May 31st 2019

Submitted by:
Flynn Engineering, P.A.
Contact: Jay Flynn, P.E., CFM, President
241 Commercial Boulevard
Lauderdale-By-The-Sea, FL 33308
T: 954.522.1004 - E: jflynn@flynnengineering.com W: flynnengineering.com

Tab 3:
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TAB 6	Approach to Providing Services	pg. 34
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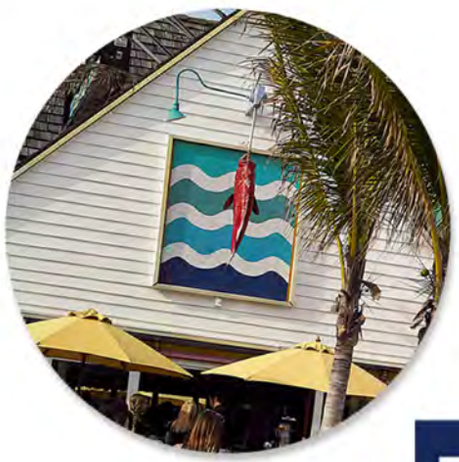

Tab 4:
Organization Profile & Qualifications

BUSINESS STRUCTURE:
Florida Corporation – 1993

Established in 1993, Flynn Engineering (FE) is recognized as one of South Florida's most knowledgeable, reputable and client service oriented civil engineering firms. From their offices in Lauderdale-by-the-Sea, founding partner, Jay Flynn and his team serve the site engineering and land development needs of clients across all market sectors from municipal and educational campuses to complex resort, multi-family and commercial projects.

Credited with developments throughout the Southeast and Caribbean regions, FE has left its mark on the landscape and built environment based on a pragmatic and deliberate approach to design. Typically working within the framework of an interdisciplinary project team, FE offers creative design solutions to resolve the challenges of civil engineering. In addition to engineering services, the FE practice has an impressive portfolio of site plan entitlement successes in the South Florida region.

Through a combination of hands-on experience, regional development knowledge and 35 years of engineering practice, FE provides timely, cost effective solutions to sensitive, complex, and unusual projects without sacrificing the client's development goals.

Jay M. Flynn, P.E., CFM
President/Principal Engineer

Education
Bachelor of Science
North Carolina State University
1982

Professional Registration
Florida Registered Professional Engineer, No. 38629

North Carolina Registered Professional Engineer, No. 14610

Tennessee Registered Professional Engineer, No. 20632

Professional Affiliation
American Society of Civil Engineers
Florida Engineering Society

Engineers Week Chairman, 1991

School Board of Broward County, Partner in Excellence Volunteer, Oakland Park Elementary School, 1992, 1993

National Society of Professional Engineers

Years of Experience
37 years

Experience

As the founding principal of Flynn Engineering, Jay's experience includes varied sites, terrains, and regulatory processes throughout the Southeast and Caribbean regions. Specializing in the engineering, governmental, and practical problems of civil engineering, Jay was the design engineer responsible for the civil site design, permitting, building permit review and construction administration of the following projects and continuing contract assignments:

Town of Lauderdale By The Sea
Selected to serve as the Town Engineer for a five year term beginning in 2014.

Town of Lauderdale By The Sea
West Commercial Blvd. Streetscape and Drainage - Civil design, permitting, and construction observation for streetscape and drainage improvements to four blocks of West Commercial Blvd. Project included grant funding from FDOT for Commercial Blvd. drainage improvements. Project was completed in 2013.

Town of Lauderdale By The Sea
Selected for the Town's civil engineering continuing services contract for a five year term beginning in 2011 and reselected for additional terms in 2014 and 2017.

Town of Lauderdale By The Sea
North Bougainvilla Streetscape and Drainage - Civil design, permitting, and construction observation for drainage and streetscape improvements. FE also served as the Town's project manager for the project during the final months of construction.

Town of Lauderdale By The Sea
East Commercial Blvd. Streetscape and Drainage - Performed construction phase services for the Town on a streetscape project designed by others. FE services included a review of the existing plans and a redesign of the drainage system resulting in considerable savings to the Town. Project was completed in 2014.

Town of Lauderdale By The Sea
South Bougainvilla Parking and Streetscape Improvements - Civil design, permitting, and construction observation for additional parking in the median of South Bougainvilla coordinated with landscape improvements for the street. Our office also served as the Town's project manager for the project during construction.

City of Lauderhill
Selected for the City's civil engineering continuing services contract for 2 consecutive two year terms. Most recent selection was 2013.

City of Boca Raton
Selected for the City's civil engineering continuing services contract for a five year term and renewed for additional five years.

City of Oakland Park
Building permit reviews of engineering related projects providing input and comments in the City permit system on a weekly basis. The firm also performs DRC reviews for engineering related items on an as needed basis, typically turning reviews around in 24 hours or less. 2017 to Present

School Board of Broward County
Civil engineering for over 350 new schools and renovation projects working as a sub-consultant to various architects. Flynn Engineering also maintained a civil engineering continuing services contract with the School Board of Broward County for three separate three year terms.

Dennis R. Shultz, P.E., CFM

Senior Project Engineer

Education
Bachelor of Science
Clemson University
1995

Professional Registration
Florida Registered Professional Engineer, No. 56159

Georgia Registered Professional Engineer, No. 33444

Professional Affiliation
American Society of Civil Engineers

Professional Experience
Flynn Engineering Services, P.A.,
Lauderdale-By-The-Sea, FL
Senior Project Engineer
1999-Present

Years of Experience
26 years

Experience

Experience includes varied sites and regulatory processes throughout the South Florida region. Specializing in the engineering, governmental, and practical problems of civil engineering. Dennis Shultz is a design engineer involved in the civil site design, permitting, and construction administration of the following typical projects:

Town of Lauderdale-By-The-Sea
West Commercial Blvd. Streetscape and Drainage - Civil design, permitting, and construction observation for streetscape and drainage improvements to four blocks of West Commercial Blvd. Project included grant funding from FDOT for Commercial Blvd. drainage improvements. Project was completed in 2013.

Town of Lauderdale-By-The-Sea
North Bougainvilla Streetscape and Drainage - Civil design, permitting, and construction observation for drainage and streetscape improvements. Our office also served as the Town's project manager for the project during the final months of construction.

Town of Lauderdale-By-The-Sea
East Commercial Blvd. Streetscape and Drainage - Performed construction phase services for the Town on a streetscape project designed by others. Our services included a review of the existing plans and a redesign of the drainage system resulting in considerable savings to the Town. Project was completed in 2014.

School Board of Broward County
Civil engineering design, permitting, and construction observation for 29 elementary schools, 5 middle schools, and 10 high schools.

Hollywood Library
Civil Engineering design, permitting, and construction for new library at the City Hall Site

Lauderhill Municipal Complex
New City Hall Site, Civil engineering for site development.

Shane Grabski, P.E.

Project Engineer

Education
Attended
University of Florida
Civil Engineering
2002-2007

Florida Atlantic University
BSCE, 2012

Professional Registration
State of Florida EI

Professional Affiliation
American Society of Civil Engineers

Professional Experience
Flynn Engineering Services, P.A.,
Lauderdale-By-The-Sea, FL
Project Engineer
2002-Present

Years of Experience
18 years

Experience

Shane is a key member of the Flynn Engineering team and brings a diverse set of skills to every project. His knowledge and experience on projects throughout the South Florida region makes him invaluable to the firm's practice Shane Grabski is a Project Coordinator involved in the civil site design, permitting, and construction administration of the following typical projects:

Lauderhill Municipal Complex
New City Hall Site, Assisted the project engineer for the civil permitting, and construction administration for site development.
Owner – City of Lauderhill

City of Lauderhill Wastewater System Conveyance Report - Central and Southeast Areas
Assisted Dennis Shultz, PE, project engineer, for the civil engineering study of the existing baseline performance of the City's sanitary sewer systems.

Lauderhill Sanitary Sewer Pump Station #58
Replacement of the existing pump station at the Municipal Complex, Assisted the project engineer for the civil permitting, preparation of bid documents, and construction administration services.

Lauderhill Sanitary Sewer Pump Stations #31 and #16
Replacement of these 2 existing pump stations in the City of Lauderhill. Assisted the project engineer for the civil permitting, preparation of bid documents, and construction administration services.

Lauderhill Sanitary Sewer Pump Stations #37 and #6
Assisted the project engineer for the civil permitting and preparation of bid documents for the replacement of these 2 existing pump stations in the City of Lauderhill. These 2 stations are pending final bidding and construction.

School Board of Broward County
Civil engineering design, permitting, and construction observation for multiple SBBC renovation projects throughout Broward County.

STAFF BREAKDOWN:

Licensed Engineers: 3
Graduate Engineers: 4
Planners: 2
Administration: 3

PROOF OF LICENSURE:

See Attached Documents

RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL ENGINEERS

THE ENGINEERING BUSINESS HEREIN IS AUTHORIZED UNDER THE PROVISIONS OF CHAPTER 471, FLORIDA STATUTES

FLYNN ENGINEERING SERVICES, P.A.
241 COMMERCIAL BLVD.
LAUDERDALE BY THESEA FL 33308

LICENSE NUMBER: CA6578
EXPIRATION DATE: FEBRUARY 28, 2021
Always verify licenses online at MyFloridaLicense.com

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RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL ENGINEERS

THE PROFESSIONAL ENGINEER HEREIN IS LICENSED UNDER THE PROVISIONS OF CHAPTER 471, FLORIDA STATUTES

FLYNN, JAY MARK
241 COMMERCIAL BLVD
LAUDERDALE BYTHE SEA FL 33308

LICENSE NUMBER: PE38629
EXPIRATION DATE: FEBRUARY 28, 2021
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ASSOCIATION OF STATE
FLOODPLAIN MANAGERS, INC.
CERTIFICATION BOARD OF REGENTS

HEREBY CERTIFIES THAT PURSUANT TO THE PROVISIONS OF THE CHARTER FOR THE CERTIFIED FLOODPLAIN MANAGER PROGRAM

Jay M. Flynn, CFM

IS DULY REGISTERED AS AN

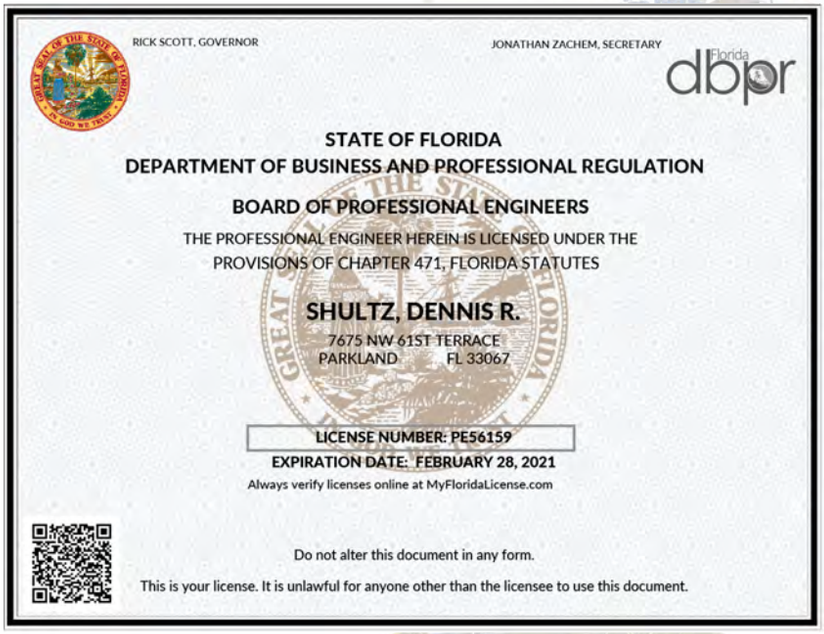
ASFPM CERTIFIED FLOODPLAIN MANAGER

IN TESTIMONY WHEREOF THIS CERTIFICATE HAS BEEN ISSUED BY THE AUTHORITY OF THE CERTIFICATION BOARD OF REGENTS, CERTIFICATE NO. US-15-08888, ISSUED 5/18/2015. THIS CERTIFICATE SHALL EXPIRE 7/31/2019, UNLESS RENEWED ACCORDING TO THE RULES OF THIS BOARD.

CERTIFICATION BOARD OF REGENTS
PRESIDENT, MARK RIEBAU, CFM

ASSOCIATION OF STATE FLOODPLAIN MANAGERS
EXECUTIVE DIRECTOR, CHAD M. BERGINNIS, CFM

ASFPM CFM® CERTIFIED



RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL ENGINEERS

THE PROFESSIONAL ENGINEER HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 471, FLORIDA STATUTES

SHULTZ, DENNIS R.

7675 NW 61ST TERRACE
PARKLAND FL 33067

LICENSE NUMBER: PE56159
EXPIRATION DATE: FEBRUARY 28, 2021

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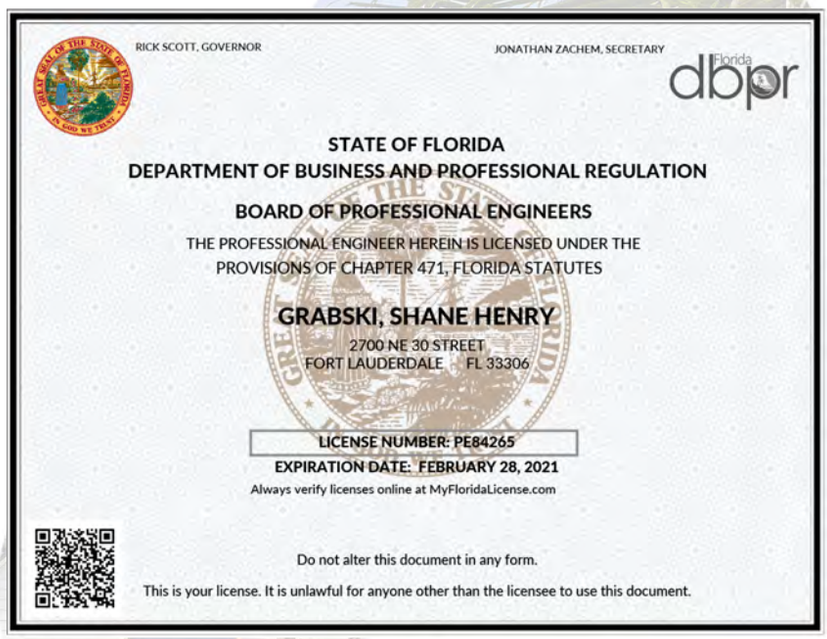

RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY

Florida dbpr

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD OF PROFESSIONAL ENGINEERS

THE PROFESSIONAL ENGINEER HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 471, FLORIDA STATUTES

GRABSKI, SHANE HENRY

2700 NE 30 STREET
FORT LAUDERDALE FL 33306

LICENSE NUMBER: PE84265
EXPIRATION DATE: FEBRUARY 28, 2021

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State of Florida
Department of State

I certify from the records of this office that FLYNN ENGINEERING SERVICES, P.A. is a corporation organized under the laws of the State of Florida, filed on March 9, 1993.

The document number of this corporation is P93000019267.

I further certify that said corporation has paid all fees due this office through December 31, 2019, that its most recent annual report/uniform business report was filed on February 27, 2019, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Twenty-seventh day of February, 2019

Secretary of State

Tracking Number: 0453162133CC

To authenticate this certificate,visit the following site,enter this number, and then follow the instructions displayed.

https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication

FORMS

Lauderdale-By-The-Sea RFQ No. 19-05-01

RFQ FORM A

Proposer: **Flynn Engineering Services, PA**

QUALIFICATIONS STATEMENT

Note: Forms A, B & C are available in WORD format upon request.

THIS FORM MUST BE SUBMITTED WITH RESPONSE TO BE DEEMED RESPONSIVE.

1. State the full and correct name of the partnership, corporation or trade name under which you do business and the address of the place of business. (If a corporation, state the name of the president and secretary. If a partnership, state the names of all partners. If a trade name, state the names of the individuals who do business under the trade name.)
   - 1.1. The correct and full legal name of the Proposer is:
     Flynn Engineering Services, PA
   - 1.2. The business is a Corporation.
   - 1.3. The names of the corporate officers, or partners, or individuals doing business under a trade name, are as follows: Jay Flynn, PE, CFM - President

2. Please describe your company in detail.

   Flynn Engineering Services, P.A. (FE) offers a full range of Civil Engineering services for all types of development projects in the public and private sectors of South Florida. FE provides services totaling approximately $50 million of civil construction annually. The firm has been in business since 1993 and currently has 12 employees, including seven engineers, two engineering/planning technicians and three clerical. FE maintains a constant workload due to the capabilities and reputation of the firm. Within the framework of the client's interdisciplinary project team, FE specializes in the engineering, governmental, and practical problems of civil engineering.

3. The address of the principal place of business is:

   241 Commercial Boulevard
   Lauderdale-By-The-Sea, FL 33308

4. Company telephone number, fax number and e-mail addresses:

   Office Phone: 954-522-1004, Fax: 954-522-7630
   email: jflynn@flynnengineering.com
   Jay Flynn Cell Phone: 954-258-5386

5. Number of employees: 12

FORMS

Lauderdale-By-The-Sea RFQ No. 19-05-01

1. Name of employees to be assigned to this Project:

Jay M. Flynn, PE, CFM	Town Engineer
Dennis Shultz, PE	Project Engineer
Shane Grabski, PE	Project Engineer

2. Company identification numbers for the Internal Revenue Service: 65-0391226

3. Provide Broward County occupational license number, if applicable, and expiration date: #315-654, Engineer, expires 9/30/19

4. How many years has your organization been in business? 26 Does your organization have a specialty?

   Civil Engineering services for all types of development projects in the public and private sectors of South Florida

5. List the last three project of this nature that the firm has completed? Please provide project description, reference and cost of work completed.

   Flynn Engineering has held Continuing Services Contracts with local municipalities both in the past and currently including serving as the Town of Lauderdale-By-The-Sea's Town Engineer since 2014. Listed below are 3 such continuing services contracts held by Flynn Engineering.

   A. City of Lauderhill
      Continuing Services contract for civil engineering, 2 consecutive 2 year terms
      Total fees received to date: $232,000.
      Estimated Dollar volume of civil construction: $2,000,000.
      Reference: Martin Cala, PE, Phone: 954-730-2960

   B. Town of Lauderdale by the Sea
      Continuing Services contract for civil engineering
      Total fees received to date: $208,000.
      Estimated Dollar volume of civil construction (designed by Flynn): $1,250,000.
      Reference: Hugh Johnson, Phone: 954-764-8858

   C. City of Oakland Park
      Continuing Services contract for civil engineering
      Total fees received to date: $85,000
      Estimated Dollar volume of civil construction: zero…plan review only
      Reference: Albert Carbon, PE, Phone: 954-630-4458

6. Have you ever failed to complete any work awarded to you? No If so, where and why?

FORMS

Lauderdale-By-The-Sea RFQ No. 19-05-01

7. Provide the following information concerning all contracts that are similar in nature or use the same project team proposed for this project that are **in progress** as of the date of submission of this Response for your company, division or unit as appropriate.

Name of Project	Contract with:	Contract Amount	Estimated Completion Date	% of Completion to Date
Continuing Services contract 2 year Term with one year Renewal	City of Lauderhill	Per project	2020	70%
Continuing Services contract 5 year Term	Town of Lauderdale-By-The-Sea	Per project	March 2022	60%
Continuing Services contract Since 2017	City of Oakland Park	Per Project	May 2019	95%

(Continue list as necessary)

FORMS

Lauderdale-By-The-Sea RFQ No. 19-05-01

RFQ Form B

Proposer: **Flynn Engineering Services, PA**

REFERENCE FORM

THIS FORM MUST BE SUBMITTED WITH RESPONSE TO BE DEEMED RESPONSIVE.

Give contact information for four individuals, corporations, agencies, or institutions for which you have performed work similar to what is proposed in this RFQ:

1. Name of Contact: Martin Cala, PE
   Title of Contact: City Engineer Email: jmcala@lauderhill-fl.gov
   Telephone Number: 954-730-2960 Fax Number: 954-730-4241
   Project: City of Lauderhill Continuing Services Contract

2. Name of Contact: Set Aidie, PE School Board of Broward County Civil Engineer
   Title of Contact: Senior Engineer Email: set.aidie@browardschools.com
   Telephone Number: 754-321-4808 Fax Number: 754-321-1687
   Project: School Board of Broward County Continuing Services Contract

3. Name of Contact: Albert Carbon, PE
   Title of Contact: Public Works Director, City of Oakland Park
   Email: albertc@oaklandparkfl.gov
   Telephone Number: 954-630-4458 Fax Number: NA
   Project: Albert hired us to perform Engineering Building permit review and DRC Engineering review for the City thru our continuing services contract. We also worked with Albert when he was assisting the Town of Lauderdale by the Sea with the Commercial Blvd projects.

4. Name of Contact: Hugh Johnson
   Title of Contact: President, Architectural Alliance, Landscape
   Email: hjohnson@archall.net
   Telephone Number: 954-764-8858 Fax Number: 954-764-0731
   Project: Lauderdale by the Sea: Commercial Blvd Streetscape (East and West), Public Safety Parking, North and South Bougainvilla Streetscape and Parking

FORMS

Lauderdale-By-The-Sea RFQ No. 19-05-01

RFQ FORM C

Proposer: **Flynn Engineering Services, PA**

Forms A, B & C are available in WORD format upon request.

THIS FORM MUST BE SIGNED AND SUBMITTED WITH RESPONSE TO BE DEEMED RESPONSIVE.

The undersigned guarantees the truth and accuracy of all statements and the answers contained herein.

PROPOSER'S CERTIFICATION

I have carefully examined the Request for Qualifications referenced above ("RFQ") and any other documents accompanying or made a part of this RFQ.

I hereby propose to furnish the goods or services specified in the RFQ. I agree that my response will remain firm for a period of 120 days in order to allow the Town adequate time to evaluate the responses.

I certify that all information contained in this response, which includes the Town required RFQ forms A, B, and C, is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this response on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

The Proposer hereby authorizes the Town of Lauderdale-by-the-Sea, its staff or consultants, to contact any of the references provided in the response and specifically authorizes such references to release, either orally or in writing, any appropriate data with respect to the firm offering this response.

I further certify, under oath, that this response is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a response for the same product or service; no officer, employee or agent of the Town or any other proposer has a financial interest in said response; and that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters herein contained and was duly authorized to do so.

If this response is selected, I understand that I will be expected to execute the Town's standard Continuing Services contract, in the form approved by the Town Attorney.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public

entity in excess of the threshold amount provided in Sec. 287.017 Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. I further certify, under oath, that neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholder, employees, members or agents active in the management of the entity has been convicted of a public entity crime subsequent to July 1, 1989.

Flynn Engineering Services, PA
Name of Business

By: Jay M Flynn
Signature

Jay M. Flynn, PE, President
Print Name and Title

241 Commercial Boulevard
Lauderdale-By-The-Sea, FL 33308
Mailing Address

Tab 5:
Experience

Experience

We pride ourselves in serving as an extension of our client's internal team to provide a seamless delivery approach to our project commissions.

We have enjoyed the opportunity to serve as the Town of Lauderdale-By-The-Sea's Town Engineer and look forward to continuing to work closely with the Town's staff to collaborate on the next phase of its evolution as an emerging South Florida community.

Having served as the Town of Lauderdale-By-The-Sea's Town Engineer since 2014, Flynn Engineering has developed a thorough understanding of the goals, objectives and deliverables and have proven our commitment and the skills associated with this contract including but not limited to:

1. Providing professional engineering services normally performed by a Town Engineer.

2. Serving as the Town's certified Floodplain Manager to review all substantial improvement permits for compliance with all applicable codes.

3. Attendance at Town Commission meetings when requested.

4. Attendance at meetings with and on behalf of the Town to respond to engineering-related projects and issues.

5. Attendance at project review meetings with Town staff.

6. Assistance in the preparation of the Capital Improvement Budget by providing cost estimates for a variety of capital projects.

7. Responding to queries from residents pertaining to Town engineering matters when requested by Town.

8. Review and approval of plats, plat exemptions and plat waivers in the capacity of Town Engineer.

9. Signing and sealing applicable documents with regard to engineering sufficiency as needed by the Town including, but not limited to, engineering design drawings, plats, and permit applications.

10. Review and approval of permits for work in the public rights-of way and inspect the completed work.

11. Review and approval of building permit submittals for engineering related activities and inspect the completed work.

12. Preparation of agenda sand other reports as required.

13. Review and approval of water, sewer, paving, and drainage plans for compliance with Town Engineering Standards and other related applicable standards.

14. Providing value engineering reviews and constructability analyses of designs prepared for Town projects.

15. Directing, reviewing and approval of in-house construction projects, including final design plans; provide technical administration as required.

16. Review, certification and approval of payments to contractors.

17. Consultation with Town on construction projects.

18. Meetings with officials from Federal, State and County Agencies and other cities on behalf of the Town.

19. Preparation and submission of permit applications, meetings with permitting agencies as necessary to acquire permits, and submission of final permit reports.

20. Management of the Town's GIS database on the Town Engineer's computer system. The current data includes Broward County Property Appraiser Parcels and Tax Roll for properties within the Town, land use, zoning, flood zone, watermain, sewer, and stormwater information. Prepare maps and other GIS data on request.

21. Review of Land Development Code requirements.

22. Providing Civil Engineering Design for miscellaneous Town projects.

23. Providing project management or oversight on various construction projects.

24. Assistance in the preparation of applications and supporting documents for government grants or loans.

In addition to our experience with the Town of Lauderdale-By-The-Sea, we have worked with and delivered projects through continuing contract and project specific assignments for the following municipalities:

- *City of Oakland Park Continuing Contract
- *City of Lauderhill Continuing Contract
- *School Board of Broward County Continuing Contract
- *City of Boca Raton Continuing Contract
- City of Lauderhill Lift Station Upgrades
- City of Lauderhill Waste Water Conveyance Report
- City of Lauderhill Fire Station #30
- City of Lauderhill Municipal Complex
- City of Boca Raton Main Library
- City of Dania Beach Library
- City of North Lauderdale Library
- City of Delray Beach Master Plan
- City of Hollywood Fire Rescue Station #45
- City of Hollywood Fire Rescue Station #74
- City of Hollywood Library
- City of Pompano Beach Library and Cultural Arts Center
- Coral Springs Sportsplex
- Holiday Park
- Bayview Park

Flynn Engineering offers its clients the highest level of services for all types of civil engineering projects from the public and private sectors including:

Land Use:
- Site Plan Approval Processing Land Development
- Engineering
- Preliminary Site Evaluations & Feasibility Analysis
- Master Plan Engineering
- Roadway & Parking
- Facilities Design & Consulting

Water Management:
- Water Distribution & Sanitary Sewer Design
- Drainage & Surface Water Management Design
- Pump Station Design
- Water & Sewer System Analysis

Environmental Issues:
- Environmental Protection
- Project Design
- Permitting Through: Local Municipalities, County Agencies, South Florida Water Management District, Army Corp of Engineers & Florida Department of Environmental Protection

Project Management:
Construction Observation & Contract Administration
Sub-consultant Coordination &Project Management

Expert Witness Testimony

"It has been my privilege to work and call South Florida my home for nearly four decades. I love the region and feel so fortunate to contribute to its continued growth and quality development on projects of all size and scope. I value working with municipal and private clients who share my commitment to the built evolution of our community."

Jay Flynn, P.E.
President
Flynn Engineering

SERVICES OFFERED:

CIVIL ENGINEERING

First and foremost, we are a team of professional civil engineers. Flynn Engineering is recognized throughout South Florida for its creative and proactive design solutions. The firm has a long history of successfully teaming with local and municipal clients to help assess their site engineering needs, develop goals, and implement programs to achieve those goals. Since 1993, the firm has provided civil engineering services to cities, counties, school districts and local government clients throughout South Florida—including serving as the Town Engineer for the Town of Lauderdale-By-The-Sea and their on-call/continuing contract consultant as well as on-call/continuing contract consultant for the City of Lauderhill and the City of Oakland Park. Additionally, the firm is commissioned by private clients to engineer some of the region's most complex projects. With 550 projects designed in the City of Fort Lauderdale, Flynn Engineering is known as the "go to" civil team to ensure an expedited and successful residential or commercial development.

SITE PLAN ENTITLEMENT

Moving projects through the entitlement phase is one of the most challenging components of any development, which makes it critical to have the right consultant on board to facilitate the exercise. With 175 Site Plan Land Entitlements processed and thousands of public meetings attended on our clients' behalf, Flynn Engineering has proven its capabilities in working through the process. We offer our clients the knowledge and experience to successfully work through the maze of environmental permits, site plan approvals, land rezoning, right-of-way vacation applications, conditional use approvals and variances and development agreements. We take a proactive approach to control the entitlement process and maximize our clients' future rights and flexibility and reduce the approval and litigation risk while minimizing development constraints.

We have enjoyed decades of connections with local municipalities and decision-makers, building relationships to benefit our clients and their projects.

CONSTRUCTION OBSERVATION

As part of its project scope, Flynn Engineering routinely provides construction observation services with regular visits, review of the development's construction progress and preparation of reports through the construction phase. This is necessary to ensure that the project is being built according to plans and specifications. In addition to observation of their own projects, FE is frequently commissioned as part of its municipal continuing contract services to review and oversee construction of projects designed by other engineering consultants.

One highly relevant project was the firm's commission by the Town of Lauderdale-By-The-Sea to assist with the construction phase services for a streetscape and drainage improvement project that was designed by another engineering team and located on East Commercial Boulevard between A1A and the ocean. Upon review of the drainage plans with the project's construction manager, the FE team redesigned the drainage system to reduce the utility conflicts, lessen the disruption in the heart of the downtown area, minimize the construction time and save the Town approximately $50,000 from the original construction budget.

Flynn Engineering Services, P.A. – Similar Featured Projects

Category – Land Development, Civil Site and Drainage Systems

HOLIDAY PARK – PHASE RENOVATION
Client : City of Fort Lauderdale
Contact : Vince Gizzi (now is Director of Parks and Recreation, Dunedin, FL)
Phone: 727-812-4531
Email: vgizzi@dunedinfl.net
Design Fee:
Phase One : $198,000*
Phases Two & Three : $950,000*
*Contract amounts include all subconsultant fees as well.
Key Personnel: Jay M. Flynn, P.E., CFM
Multi-phase renovation of 100 acre Sports Park completed in 2000. Total construction cost of approximately $9 million with less than 1% change orders. Flynn Engineering was the prime consultant for the City of Fort Lauderdale and was awarded all three phases of the renovations during three different selection processes. The project components included 5 football fields, 5 baseball fields, 2 roller hockey courts, exercise trails, sports lighting, road closures, parking lots, and playgrounds and related
infrastructure. Our services included design, permitting, and construction phase assistance and we managed all sub-consultants. This multi-phase project spanned six years.

WEST COMMERCIAL BOULEVARD STREETSCAPE AND DRAINAGE
Client: Architectural Alliance/Town of Lauderdale-By-The-Sea
Contact: Hugh Johnson
Email: hjohnson@archall.net
Phone: 954-764-8858
Civil Design Fee : $75,000
Key Personnel : Jay M. Flynn, P.E., CFM and Dennis Shultz, P.E.
This project included a $2.1 million in streetscape and drainage improvements on Commercial Boulevard between the Intracoastal Waterway and Seagrape Boulevard. There were only deduct change orders resulting from the Town's direct purchase of certain materials. The project included reconfigured parking lots in four Town owned parcels adjacent to Commercial Boulevard that serve the adjacent retail stores.
Drainage was added to the parking lots and Commercial Boulevard to alleviate
previous flooding problems in the area. The design was completed in six months with a six month construction schedule.

SOUTH BOUGAINVILLA DRIVE STREETSCAPE AND PARKING
Client: Town of Lauderdale-By-The-Sea
Contact: Hugh Johnson
Email: hjohnson@archall.net
Phone: 954-764-8858
Civil Design Fee: $18,000
Key Personnel: Jay M. Flynn, P.E., CFM
This $100,000 streetscape and parking improvement project on Bougainvilla Drive, south of Commercial Boulevard was completed without a change order. Flynn Engineering was the prime consultant with the Town and coordinated the landscape architectural services with our sub-consultant. Our office designed and permitted this additional parking and landscape within an existing center turn lane. Design was completed in two months with a two month construction schedule. The landscape that was inserted in the median to supplement the parking adds to the aesthetics for this ROW that was previously a sea of asphalt and the added parking is increased
revenue for the Town.

Flynn Engineering Services, P.A. – Similar Projects

Category – Wastewater and Lift Stations

City of Lauderhill Continuing Services Contract for Engineering
(Primary Consultant)
Client: City of Lauderhill
Contact: J. Martin Cala, PE
Phone: 954-730-2960

Flynn Engineering was chosen to serve a Continuing Services Contract for Engineering in 2011 and 2013. Each contract was for a 2 year term. Prior to our selection for the Continuing Services Contracts, Flynn Engineering served as the civil engineering sub-consultant to the architect for the Lauderhill City Hall shown below.

Flynn Engineering designed and permitted several projects under these continuing services contracts including the replacements for Lift Stations #2, #6, #16, #31, and #37. Flynn Engineering also completed the Sanitary Sewer Comprehensive Plan in 2012 for the City of Lauderhill. Highlighted on the next two pages are the City of Lauderhill Sanitary Sewer Pump Station
#58 replacement project and the City of Lauderhill Wastewater System Conveyance Report – Central and Southeast Areas that were both performed by Flynn Engineering under our Continuing Services contract for the City of Lauderhill.

Flynn Engineering Services, P.A. – Similar Projects

Category – Wastewater and Lift Stations

City of Lauderhill Sanitary Sewer Pump Station #58
Service Category (Wastewater and Lift Stations)
Client: City of Lauderhill
Contact: J. Martin Cala, PE
Phone: 954-730-2960
Design Fee: $15,500
Cost of Civil Construction: $212,000
Change Orders: Unknown – Pay Requests were handled directly by City

Flynn Engineering provided engineering services for the design, permitting, bidding, and construction administration of the existing sanitary sewer pump station at the City Hall site in the City of Lauderhill.

This project involved designing a new sanitary sewer pump station to replace the old lift station while still maintaining service to the existing retail building east of City Hall. The pump station was designed according to the latest City standards including being connected to the new Municipal Complex generator and having the latest SCADA systems. The pump station was also designed to be able to handle increased flows should the vacant golf course to the north be developed.

Flynn Engineering has also completed the design for Stations #2, #6, #16, #31 and #37.

Flynn Engineering Project Team: Dennis Shultz, P.E. and Shane Grabski, P.E.

Flynn Engineering Services, P.A. – Similar Projects
Category – Wastewater and Lift Stations

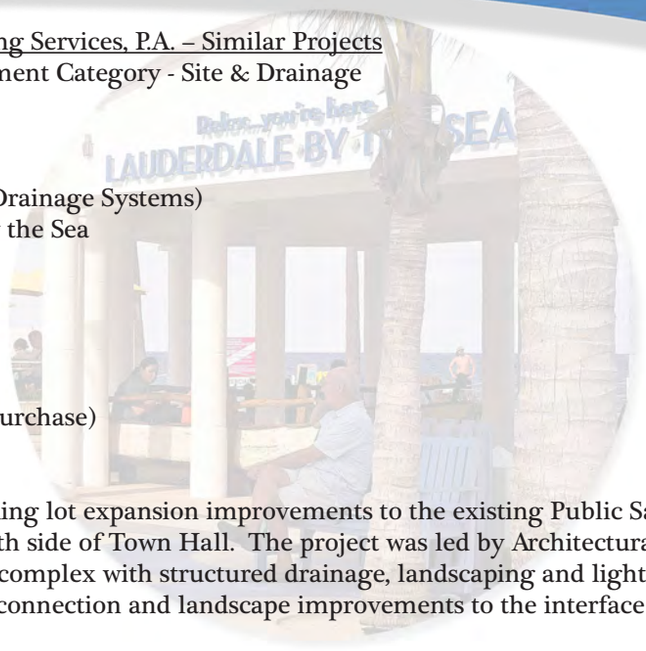
City of Lauderhill Wastewater System Conveyance Report
Central and Southeast Areas
Service Category (Wastewater and Lift Stations)
Client: City of Lauderhill
Contact: J. Martin Cala, PE
Phone: 954-730-2960
Design Fee: $28,500
Cost of Civil Construction: N/A

Flynn Engineering provided engineering services for a report on the baseline conditions of the existing sanitary sewer systems in the City of Lauderhill. This report required both independent research of existing City records as well as close coordination with DEES staff.

The scope of the report was to research and prepare a baseline report of the existing sanitary sewer network in the central and south sections of the City of Lauderhill sanitary sewer service districts. There are a total of 15 lift stations that serve the Central and Southeast areas of the City. The baseline report included a lift station inventory, description of lift stations, pressure curve for existing force mains, sanitary process flow diagram, sanitary collection TAZ exhibit, sanitary collection area maps, and flow estimates based on TAZ populations and SCADA data.

Flynn Engineering Project Team: Dennis Shultz, P.E., Shane Grabski, P.E. and Jay Flynn, P.E., CFM

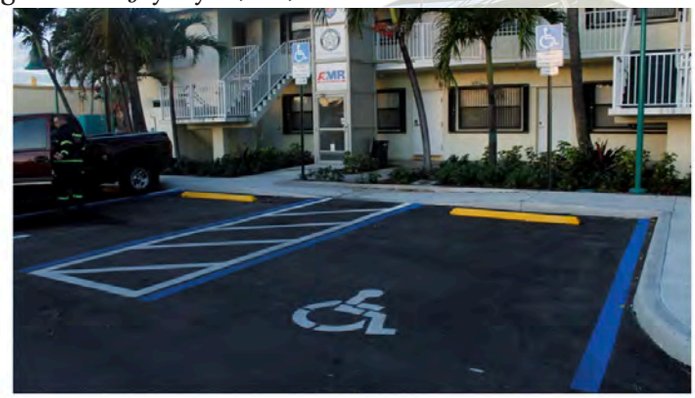
Flynn Engineering Services, P.A. – Similar Projects
Land Development Category - Site & Drainage



Lauderdale-By-The-Sea, Public Safety Parking Lot
Service Category (Land Development, Civil-Site and Drainage Systems)
Client: Architectural Alliance/Town of Lauderdale by the Sea
Contact: Hugh Johnson
Email: hjohnson@archall.net
Phone: 954-764-8858
Civil Fee: $32,000
Cost of Construction: $300,000
Change Orders: (deduct $15,000 due to owner direct purchase)

Flynn Engineering was the civil engineer for the parking lot expansion improvements to the existing Public Safety complex in Lauderdale by the Sea, located on the north side of Town Hall. The project was led by Architectural Alliance and included expanded parking for the Public Safety complex with structured drainage, landscaping and lighting improvements. The project also included pedestrian connection and landscape improvements to the interface between Town Hall and the Public Safety site.

Flynn Engineering Project Engineer: Jay Flynn, P.E., CFM



Tab 6:
Approach to Providing Services

Approach to Handling Potential Projects

We understand that this contract is to serve the Town of Lauderdale By The Sea through a continuing contract and will cover a wide scope of possible services including but not limited to professional engineering design on miscellaneous projects, attending Commission Meetings, reviewing projects submitted by other engineers for development projects in the Town, reviewing plats, assisting with special projects such as grant applications and review of the Land Development Code, as well as other tasks to be determined on an as needed basis.

Flynn Engineering (FE) will begin work on each assignment within 24 hours of an "Authorization to Proceed". In "emergency" situations on previous continuing services contracts for both municipalities and the School Board, we have initiated work ahead of the Client's authorization to proceed, knowing the situation did not allow the time to wait for the paperwork/authorization. The FE design team is staffed sufficiently to start work immediately on each assignment we receive in this important contract. We are a nimble and efficient design team who has worked together for decades. We are available and capable of responding to the Town's needs on a prompt schedule. This is evidenced by our completion of over 94 individual School Board of Broward County PEER reviews in a one year period. All of our staff is located in Lauderdale by the Sea, literally just around the corner from the City of Oakland Park. Our workload is steady with a high volume of repeat clients. We are confident that we can meet your needs. We are diligent about meeting our clients' deadlines and are committed to the delivery of prompt and efficient service for this contract. Please refer to the references listed in this proposal for confirmation of our commitment to our clients' schedules and budgets on previous projects.

QA/QC and project management policies

FE's project management procedure mandates that each project is managed by a licensed engineer. This engineer is responsible to interface with the Town of Lauderdale By The Sea as well as the project design, permitting and construction observation. The project engineer is responsible for the project from start to finish. This builds in an added layer of quality control in that the project is not handed off from person to person as it moves through the various phases from design, permitting, bidding and construction. When offices employ a separate Construction Inspection Staff, these employees may not understand what went into the design or the permit requirements. Our project management setup of keeping the same engineer on the job from start to finish minimizes questions during construction ensuring that construction issues in the field are solved in an expedited manner.

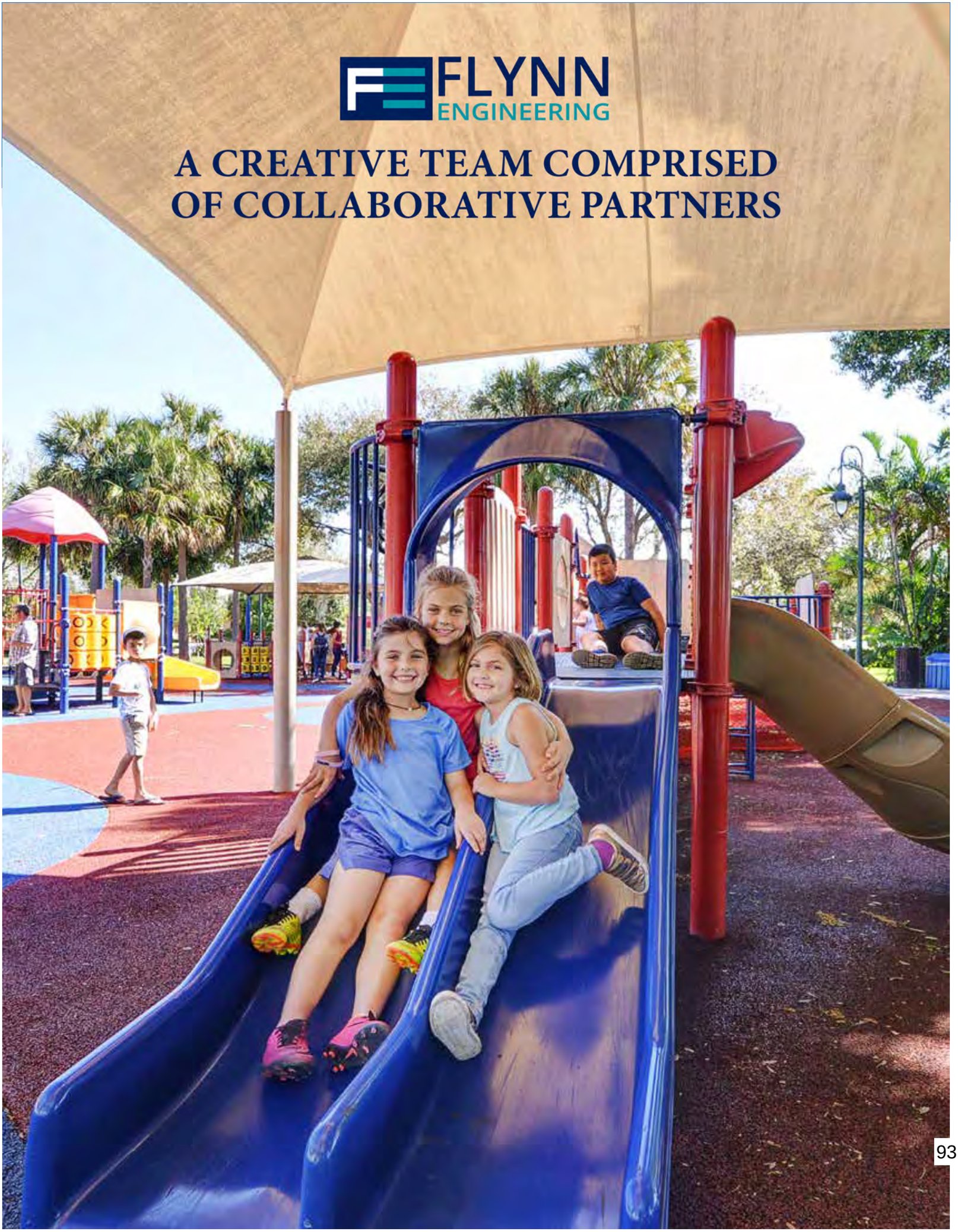
Our office has an internal QA/QC review process where each project is individually reviewed by another licensed engineer in the office before the project is sent for final bid and permit. We have built our reputation with public sector work where the low bid is the primary method of construction delivery. Through 26 years of preparing plans for municipal agencies, we have learned to include the details that are often overlooked by others not accustomed to low bid contracts. This attention to detail results in a lower percentage of change orders in the finished project.

We pride ourselves in serving as an extension of our client's internal team to provide a seamless delivery approach to our project commissions. We have enjoyed the opportunity to work with the Town of Lauderdale By The Sea and look forward to continuing to work closely with the City's staff to collaborate on the next phase of its evolution as an emerging South Florida community.

Tab 7:
Additional Information

FLYNN ENGINEERING

A CREATIVE TEAM COMPRISED OF COLLABORATIVE PARTNERS



THE FLYNN ENGINEERING STORY

Established in 1993, Flynn Engineering (FE) is recognized as one of South Florida's most knowledgeable, reputable and client service oriented civil engineering firms. From their offices in Lauderdale-by-the-Sea, founding partner, Jay Flynn and his team serve the site engineering and land development needs of clients across all market sectors from municipal and educational campuses to complex resort, multi-family and commercial projects.

Credited with developments throughout the Southeast and Caribbean regions, FE has left its mark on the landscape and built environment based on a pragmatic and deliberate approach to design. Typically working within the framework of an interdisciplinary project team, FE offers creative design solutions to resolve the challenges of civil engineering.

In addition to engineering services, the FE practice has an impressive portfolio of site plan entitlement successes in the South Florida region.

"It has been my privilege to work and call South Florida my home for nearly four decades. I love the region and feel so fortunate to contribute to its continued growth and quality development on projects of all size and scope. I value working with municipal and private clients who share my commitment to the built evolution of our community."

-Jay Flynn, P.E.
President
Flynn Engineering

HOW WE WORK

Through a combination of hands-on experience, regional development knowledge and 35 years of engineering practice, FE provides timely, cost effective solutions to sensitive, complex, and unusual projects without sacrificing the client's development goals.

In partnership with its clients, who are made up of South Florida's most talented and accomplished Developers, Architects, Landscape Architects/ Planners, Land-use Attorneys and Municipal Agencies, FE is dedicated to the success of its clients and their projects. We believe that this success is achieved through solving the problems and meeting the project objectives within our client's program, time and budgetary goals.

WHAT WE DO

Flynn Engineering offers its clients the highest level of services for all types of civil engineering projects from the public and private sectors including:

- Municipal
- Educational
- Commercial
- Residential
- Hospitality

LAND USE:
Site Plan Approval Processing | Land Development Engineering | Preliminary Site Evaluations & Feasibility Analysis | Master Plan Engineering | Roadway & Parking Facilities Design & Consulting

WATER MANAGEMENT:
Water Distribution & Sanitary Sewer Design | Drainage and Surface Water Management Design | Pump Station Design | Water and Sewer System Analysis

ENVIRONMENTAL ISSUES:
Environmental Protection Project Design | Permitting Through: - Local Municipalities - County Agencies - South Florida

WATER MANAGEMENT DISTRICT:
- Army Corp of Engineers -
- Florida Department of Environmental Protection

PROJECT MANAGEMENT:
Construction Observation & Contract Administration | Sub-consultant Coordination and Project Management

PLACES TO LIVE AND CHILL -

Providing a Solid Foundation in Residential and Resort Development

Good planning lays a solid foundation for all that follows in residential or resort land development and redevelopment. Our vision of a specific site and how it can be shaped to best serve the modern trends in social architectural and civil engineering design is best served by our practical understanding of local conditions and land development regulations. Whether it is for a small residential community, a five star resort complex or a multi-family condominium association project, our focus is on elevating the standard of living and adding to the comforts of life in every project we plan.

Whether it's new construction or renovation of an existing structure, FE understands schedules must be met and retail stores must open on time.

FE has developed an excellent working relationship with local building departments and works closely with developers and design teams to ensure that permits are obtained expeditiously.

A growing number of retail clients have come to rely on FE because they know we have the experience to coordinate the unique details inherent in retail construction.

Partnering with our clients to protect the environment we value, FE is a proven leader in Urban Environmental Design.

For more than a decade FE has provided progressive environmental engineering solutions and master plans that reflect current trends in the Urban Park and Recreation and Youth Development field.

Teaming with public and private agencies FE has enhanced the social and economic vitality of public recreational space with improvements and new-site management that truly meet people's needs.

PROJECTS TO ENHANCE COMMUNITIES -

Addressing the Complex Infrastructure and Land Use Issues Facing Municipal Governments

FE is committed to making every community a better place by protecting its environment while effectively using its resources.

Projects that enhance economic development opportunities, improve the quality of life enjoyed by the community, or address regulatory mandates are developed with budget conscious, innovative and functional design solutions.

"We have worked with Flynn Engineering since 1993 and on our first project with Broward County Schools. To date we have completed more than 50 projects with Jay and his firm and find them to be responsive, highly competent, thorough and willing to go the extra mile to satisfy our clients."

-José Murguido, AIA
Partner
Zyscovich, Inc.

FLYNN ENGINEERING

241 Commercial Boulevard
Lauderdale-By-The-Sea, Florida 33308
www.FlynnEngineering.com

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Lucila Lang
Submitting Department: Administration
Item Type: Discussion Item
Agenda Section: FY20 BUDGET

Subject Title:
2019 Gross Taxable Value

Explanation: On June 27, 2019 the Broward County Property Appraiser certified the 2019 Tax Roll. The value of existing Lauderdale-By-The-Sea property increased by 4.49% over last year's values bringing the gross taxable value of property in Lauderdale-By-The-Sea to $2,619,629,606.

FY 2018	FINAL gross taxable value:	$ 2,500,803,075.00
FY 2019	Taxable value of real property:	$ 2,599,721,540.00
	Taxable valued of personal property:	19,908,066.00
	Gross taxable value:	$ 2,619,629,606.00
	Year net new taxable value:	6,471,190.00
	Adjusted taxable value:	$ 2,613,158,416.00
FY 2018	Operating millage levy:	3.5989
	Ad Valorem proceeds:	9,000,140.19
FY 2019	Rolled-back rate:	3.4442
	Proposed operating millage rate:	3.4467
	Net taxes to be collected:	8,577,623.49

If the Commission would like to maintain ad valorem revenues at the same amount, it is recommended that a rate of 3.4467 be adopted.

Recommendation:
No Action Necessary. If the Commission would like to maintain ad valorem revenues at the same amount, it is recommended that a rate of 3.4467 be adopted. The tentative millage rate will be adopted at the meeting on July 23, 2019

Attachments: None

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Jhanelle Campbell
Submitting Department: Development Services
Item Type: Ordinances 1st Reading
Agenda Section: ORDINANCES 1st Reading

Subject Title:
Ordinance 2019-05: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS;" ARTICLE V "ZONING;" SECTION 30-313 "GENERAL PROVISIONS" TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETE ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM RESIDENTIAL PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation:
The Town of Lauderdale-by-the-Sea's (the "Town") existing fence and wall regulations, included in Town Code Section 30-313 (d)(1)(i) (Exhibit 1), were adopted prior to the annexation of properties north of Pine Avenue and addressed only those properties located south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5 and RS-4).

Currently the Town Code regulates chain link fences on properties located south of Pine Avenue in the RS-5, RD-10 and RM-25 residential zoning districts. When the annexed area zoning regulations were incorporated into the Town Code, the land development regulations concerning chain link fences were not expanded to include the additional residential zoning districts that were added from the annexed areas.

Staff is proposing to amend the chain link fence regulations to include all residential zoning districts. If the commission agrees, then the change will create legal nonconforming chain link fences on 31 residential properties located north of Pine Avenue. As part of its recommendation, the Planning and Zoning Board suggested that the non-conforming properties be given two (2) years to come into compliance, by landscaping the fence to hide the chain link material from the right-of-way. Should the Town Commission wish to "grandfather" existing chain link fences and not require landscaping, the proposed Ordinance would require modification to the proposed language to reflect the non-conforming "grandfathered" status of chain link fences. As such, Staff is proposing the following amendment at lines 62-69 of the attached Ordinance No. 2019-05 **(Exhibit 2)**:

(d) Fences, walls and hedges.
(1) Height, design, and location of fences, walls, hedges.

*****

i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in ~~RS-5, RD-10 and RM-25 residentially~~ zoned property. Chain link fences are prohibited in any business zoning district. Notwithstanding the non-conforming use and structure regulations set forth in section 30-137 of the Town Code, non-conforming chain link fences shall be required to comply with the above regulations within a two (2) year time period commencing on July 23, 2019.

The proposed Ordinance also includes the removal of regulations concerning maximum privacy fence and wall height requirements for zero (0)-lot line residential properties. As such, Staff is proposing the following amendment at lines 71-74 of the attached Ordinance 2019-05 **(Exhibit 2**):

(d) Fences, walls and hedges.
(1) Height, design, and location of fences, walls, hedges.

*****

~~l. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.~~

BOARD RECOMMENDATION: At the June 5, 2019 meeting, the Planning and Zoning Board reviewed and considered the proposed Ordinance **(Exhibit 3)**. The Board recommended approval of the Ordinance as proposed by Staff with the following condition:

1. Residents shall be allotted a time period of two (2) years to bring non-conforming chain link fences into compliance with the revised regulations as approved by the Town Commission. The two (2) year time frame for compliance shall commence on July 23, 2019, which would be the effective date of the proposed Ordinance after second reading and adoption by the Town Commission.

Recommendation:
Staff recommends approval of Ordinance 2019-05 as proposed by the Planning and Zoning Board at its June 5, 2019 meeting.

Attachments:

Exhibit 1 Town Code Section 30-313 (d)(1)(i)

Exhibit 2 Ordinance 2019-05 Ordinance

Exhibit 3 June 5, 2019 P&Z Minutes

EXHIBIT 1

Sec. 30-313. - General provisions.

***

(d) *Fences, walls and hedges.*

(1) Height, design, and location of fences, walls, hedges.

***

i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in RS-5, RD-10 and RM-25 zoned property. Chain link fences are prohibited in any business zoning district.

j. Placement of finished side. Except when a new wall or fence directly abuts an existing wall or fence preventing compliance with this requirement, fences and walls finished on only one side shall be placed to have the finished side facing out. If a fence or wall is erected and any portion is placed with an unfinished side facing out due to an abutting obstacle, then that portion shall be finished within 180 days of the obstacle being removed.

k. Prohibited fence types. Barbed wire, electrified or razor wire fences, and fences or walls topped with barbed, electric or razor wire are prohibited, and shall not be erected or maintained on any property.

l. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.

***

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS;" ARTICLE V "ZONING;" SECTION 30-313 "GENERAL PROVISIONS" TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETE ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM RESIDENTIAL PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Lauderdale-by-the-Sea (the "Town") Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission desires to update the Land Development Code to modify regulations concerning chain link fences and delete zero (0)-lot line regulations concerning maximum residential privacy fence and wall height requirements; 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 June 5**,** 2019, and recommended the amendments be approved; and

WHEREAS, the Town Commission conducted a 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 V "Zoning;" Section 30-313 "General provisions" of the Town Code of Ordinances, is hereby amended as follows[1]:

*****

Sec. 30-313. - General provisions.

(a) Drainage facilities.

(b) Use of buildings.

(c) Moving of buildings.

(d) Fences, walls and hedges.

*****

These general provisions shall govern development within the corporate limits of the Town, as follows:

(a) *Drainage facilities.* All improved property, whether new construction or renovation or repair of present property, must provide adequate drainage facilities and drainage fields and all well and drainage locations must be shown on a site plan in accordance with all applicable regulations.

(b) *Use of buildings.* No building or structure shall be erected on any lot for any purpose or use other than as applicable in said district. Non-use variances may be granted pursuant to section 30-127, Variance Procedures and Requirements of the Town Code.

(c) *Moving of buildings.* A conditional use permit is required for structures being moved into the corporate limits of the Town or for structures being relocated from one location within the Town to another location within the Town.

(d) *Fences, walls and hedges.*

(1) Height, design, and location of fences, walls, hedges.

*****

i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in ~~RS-5, RD-10 and RM-25~~ residentially zoned property. Chain link fences are prohibited in any business zoning district. Notwithstanding the non-conforming use and structure

[1] Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

regulations set forth in section 30-137 of the Town Code, non-conforming chain link fences shall be required to comply with the above regulations within a two (2) year time period commencing on July 23, 2019.

*****

~~l. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.~~

*****

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 _____, 2019.

Passed and adopted on the second reading, this ___ day of _____, 2019.

_____

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Sokolow	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

_____
Tedra Smith, Town Clerk

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney

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NON APPROVED

TOWN OF LAUDERDALE-BY-THE SEA

PLANNING AND ZONING BOARD

MEETING MINUTES

Jarvis Hall - 4505 Ocean Drive

Wednesday, June 5, 2019

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, 1st Alternate Howard Goldberg and Alan Bluestein. Second Alternate Emeline Savidge was the only absent member. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Jhanelle Campbell, and Clerk Kaliah Lewis.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – April 18, 2019

Mr. Petreccia made a motion to approve the minutes of April 18, 2019 as presented. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

4. PUBLIC COMMENTS

Chair Lanata called for general public comments now which are not specific to the items on the agenda but no one wished to speak. The Chair closed public comments at this time.

5. NEW BUSINESS

a. Ordinance 2019-05: Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning;" Section 30-313 "General Provisions" to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Planner Jhanelle Campbell stated that Section 30-313 (d)(1)(i) of the Town Code regulates walls and fences within the Town. It was adopted prior to annexation of the properties north of Pine Avenue addressing only the properties south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5, and RS-4). She explained where this ordinance would take out zoning districts (RS-5, RD-10, and RM-25) and would replace it with the word "residentially" zoned property. This way, the Town could cover all the residential zoning districts within the Town and all the areas in the northern section would be covered. However, the chain link fences in the northern section of Town would become legal, non-conforming. The Board's decision this evening is to determine if they should be legal, non-conforming and when replacement is necessary, if they would have to come up to current Code Standards or the Town could give them a specific time period to come

into the current Code Standards which does not permit chain link fences. The Town was recommending two years as a time period.

The other change the Town would like to make with this ordinance is to eliminate the language for zero lot line lots. Ms. Campbell explained that this language was brought over from County Regulations when the annexed code was brought over into the Town Code. This language does not apply to any lots within our Town and that is the reason for the deletion.

Development Services Director Linda Connors asked the Board for questions and Chair Lanata wanted to know how many fences were involved. Ms. Connors answered about two dozen. She explained how using the wording "residentially zoned districts" would eliminate any confusion. She clarified the timeframe factor regarding chain link fences and that the request is not to get rid of chain link fences but rather for them not to be visible. They could either landscape in front of the chain link fence or replace chain link with a solid fence. Mr. Ferrante wanted to know about the timeframe and Ms. Connors said that it was up to the Board but Staff's recommendation was two years to landscape in front of an existing chain link fence. Mr. Ferrante inquired about legalities and Town Attorney James White said that he would be reluctant to suggest anything quicker than two years which should be legally sufficient to stand up to a challenge. Chair Lanata expressed concern about two years because Florida does have hurricanes that could knock down fences. Ms. Connors said that the Town was not requiring that the fence is replaced, only to landscape in front of it so it is not visible from the Town's right-of-way. The Town was not expecting a very tall hedge to be planted but was just ensuring the intent to landscape was there and would give the property owner time for the hedge to grow. Mr. Ferrante agrees with the Town's recommendations that two years would be a sufficient amount of time to get rid of the chain link fences or landscape in front of them. The Chair called for public comments but there were none and the public hearing was closed.

> Mr. Ferrante made a motion to recommend approval to the Town Commission of Ordinance 2019-05 with Staff's recommendations. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

Ms. Connors explained that this would go to the Town Commission on June 25, 2019. The Town would contact the neighborhood associations up there so that they are aware that this ordinance was moving forward.

6. OLD BUSINESS

Review of Town's Land Development Code Regulations Regarding Hotel Uses

Clerk Kaliah Lewis reminded that since Chair Lanata has recused himself for this agenda item, that 1st Alternate Howard Goldberg would be voting on this item. Development Services Director Linda Connors said that at the February 26, 2019 Meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's Business Zoning Regulations and determine whether or not a hotel use would be something that the Town should consider adding to their list of permitted uses in the Town's business zoning districts (B-1 and B1-A). Currently hotels/motels are allowed only in the RM-25 zoning district.

To make this a little easier to understand, she gave a brief history starting in 2011 when the Town Commission set a number of Planning Priorities. One priority was to strengthen the hotel district which was important because the community was recognizing the relationship between a healthy tourist economy and the economic success of the business community. She explained about the losses of hotel rooms for the construction of the Oriana Condominium and Villas By

The Sea. During this time period, the Town Commission invested $7.5 million in the Commercial Boulevard Streetscape program and worked towards making this Town a destination by improving the commercial corridor. It proved successful but unfortunately, the western commercial districts are not enjoying similar success. This year, the Town's marketing department would be developing a program so that the west business district would be recognized as its own destination.

Ms. Connors said that the new owner of the marina approached Town Staff and the Town Commission with the idea of developing a small hotel on the marina site. The B-1 zoning district does not allow for hotels and this is why we are here tonight. The Town Commission asked Staff in February to bring a proposal to the Planning and Zoning Board to see if the Board would recommend adding hotels to the B-1 use. She explained to the Board what Staff discussed and their analysis of such subjects as, but not limited to, is the change consistent with the Comprehensive Plan, should hotels be a permitted use or a conditional use, how to preserve commercial uses in the district, parking requirements, rooftop uses, etc. She went over Staff's analysis which is documented in Staff's Report dated May 29, 2019. Staff believes that if a hotel would be allowed in a commercial district, it should be limited as it is easy to add a use but difficult to take it away once it was added. Thought was given to being conservative and allowing the use only for waterfront properties. From the map that was passed out, it was shown that waterfront properties were fairly limited and Ms. Connors reminded the Board that hotels were allowed in the RM-25 zoning district.

Ms. Connors explained that if a hotel/motel was to be considered in the B-1 zoning district, it would be a good idea to try it out in the waterfront area. Later on, adjustments could be made to the Town Code for non-waterfront areas. Thoughts were given to allow 30% of the total building's square footage to continue to be commercial use on the ground floor of the hotel. This would support walkability and interaction between the public and the hotel. She spoke about hotel parking and that 60% of the hotel parking would be provided onsite with the Town controlling where any overflow parking is going. She spoke about a swimming pool as an expanded rooftop use for hotel use. Ms. Connors asked the Board for their questions.

Mr. Petreccia asked about parking requirements and usage. He wondered how many people are coming into Town without a car and using taxis, etc. He wanted to know this relationship to the parking requirement. Discussion ensued and Ms. Connors explained changing the Town Code to include some flexibility allowing hotels to provide bicycle parking, etc. Staff will look further into this as well as surrounding area's parking requirements. Mr. Goldberg spoke about being consistent with the Town's Plan. He felt that we need hotel rooms and the basin is a strategic location. Chair Lanata expressed parking concerns and asked if there is an accommodation for commercial parking. Ms. Connors explained that tonight is for the Board to think about if they want a hotel on that site and if so, then a plan would be submitted by the developer.

Ms. Connors answered Mr. Goldberg that Staff believes the plan to add a hotel in the B-1 zoning district is consistent with the Town's Comprehensive Plan. Chair Lanata felt that the Town has to come up with the right criteria and would like to know if the building on Seagrape and Basin has to be included in this. Ms. Connors answered that it is on the water and would be hard to carve that property out. Mr. Goldberg said that there is another building on the opposite side of the basin purchased by a different owner. Town Attorney James White said that it would have to be looked into and explained what could be done. Mr. Petreccia questioned hotel employee parking and that one-hundred twenty square feet units are small.

He felt the developer or the property owner should be responsible for hotel employee parking. Mr. Whyte inquired about who owns Benihana's parking lot.

Ms. Connors suggested breaking down today's discussion into pieces. (1) should a hotel be allowed in the B-1 zoning district and the consensus vote showed agreement so (2) should the hotel be a conditional use and the consensus vote was in favor of conditional use. Chair Lanata said in his opinion, they need to be given the right to build a hotel in the B-1 zoning district without conditional use. Ms. Connors explained how conditional use would work in this situation (e.g., turning loud music off at a certain time, etc.). Mr. Goldberg felt that they should make a motion now to move ahead with a hotel in B-1 and do the further steps individually. After discussion, the consensus was for hotel in B-1 as a conditional use. Ms. Connors then said (3) to limit the commercial use or require a percentage of commercial use on the ground floor to have interaction with the public in place. Mr. Goldberg felt that the developer should use the space to make the hotel better. Mr. Ferrante felt that if he was the developer, he would be happy to meet the requirements of the Town and the ground floor should have additional uses. Mr. Goldberg said that the western plazas are suffering and he would hope the hotel would draw people to the plazas. Mr. Bluestein wanted to know how large the hotel would be and Ms. Connors explained.

Ms. Connors summarized that the recommendation would be for a hotel in the B-1 zoning district as a conditional use. Now should a hotel be for waterfront property or in the whole B-1 area. The consensus vote was for waterfront property. The next recommendation would be for carving out the two properties on either side of the basin and not including them even though they are waterfront properties. Ms. Connors said to look at Exhibit 2, line 107 (Ordinance 2019-07), allowing for relief via side and rear setbacks if a hotel is beside a residential property. The consensus vote for carving out the two properties on water needed a roll call. Chair Lanata explained why he suggested carving out the two properties. The consensus was not to carve them out with 4 in favor and Mr. Bluestein's abstaining. Discussion ensued about room size not being any smaller than one-hundred twenty-feet. Both Mr. Ferrante and Mr. Petreccia wanted to know the average size hotel room built today and discussion ensued. The consensus was for a minimum of 120 square foot unit. The final issue to consider is a swimming pool as an allowed use for a hotel on the roof. Town Attorney White explained passive recreational rooftop uses would not be allowed in the B-1 district. However, in B-1 as a conditional use, rooftop uses would allow for a pool. Attorney White explained the distinction between the two ordinances in the packet. Mr. Goldberg was answered that the existing height regulation is thirty-three feet and the pool has to be on the same level. Ms. Connors said the height is protected in the Charter. Discussion ensued about hours of use and Ms. Connors directed the Board's attention to that part of the ordinance for rooftop activity area and suggested adding language reflective of a conditional use. A roll call for the consensus vote for allowing a rooftop pool as part of a hotel showed everyone was in favor. A consensus roll call vote for a 30% commercial use should be required for the ground level showed everyone in favor.

Ms. Connors asked if there was any public comment. Ross Tannenbaum, one of the new owners of the marina property being discussed this evening, said he appreciates the support given and would come back with a plan. He spoke about parking and having 60% of the hotel parking in the design laid out now. As no one else wished to speak, the Chair closed the public hearing.

<u>Ms. Connors summarized the Board's unanimous consensus voting and recommendations:</u>
Allow hotel with conditional use in the B-1 zoning district for waterfront properties
Require 30% commercial use on the ground floor

Allow rooftop pools with conditions
Add language to the hours of operation that state “or as regulated as a conditional use”
Allow a minimum of 120 square feet for a hotel unit
Allow setbacks consistent with the adjacent zoning district
Do not allow carving out of the two waterfront properties on either side of the basin spoken about in the meeting (this wasn’t a unanimous decision because Mr. Bluestein abstained)

Mr. Ferrante made a motion to recommend allowing a hotel as a conditional use in the B-1 zoning district for waterfront properties to the Town Commission plus other amendments listed above for Ordinance 2019-07. The motion was seconded by Mr. Bluestein. The motion carried 5-0.

Ms. Connors said that this would be brought to the Town Commission on June 11, 2019.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said the next Planning and Zoning Meeting would be July 10, 2019.

8. ADJOURNMENT

Mr. Petreccia made a motion to adjourn at 7:10PM. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

_____
Chair John Lanata

ATTEST: Date Accepted: _____

Development Services Director Linda Connors

_____

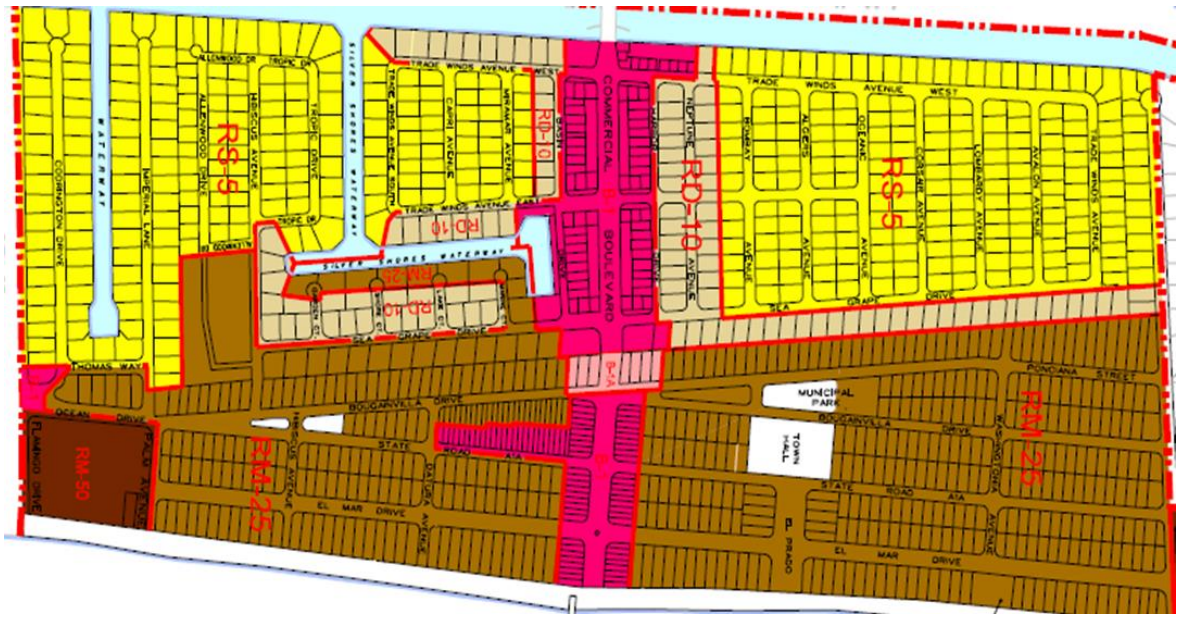
Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Jhanelle Campbell
Submitting Department: Development Services
Item Type: Ordinances 1st Reading
Agenda Section: ORDINANCES 1st Reading

Subject Title:
Ordinance 2019-07 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION M "B-1 DISTRICT REGULATIONS," SECTION 30-271 "B-1 DISTRICT-BUSINESS" OF THE CODE OF ORDINANCES TO PERMIT WATERFRONT HOTELS AS A CONDITIONAL USE, MODIFYING DISTRICT REGULATIONS AND ESTABLISHING SPECIFIC CONDITIONAL USE REQUIREMENTS FOR WATERFRONT HOTEL USES AND FURTHER AMENDING SUBDIVISION Q "SUPPLEMENTAL REGULATIONS;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Explanation: At their February 26, 2019 meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's business zoning districts [red (B-1) area and pink (B1-A) area] to consider adding hotels as a permitted use in these areas. Currently, hotels and motels are allowed only in the RM25 zoning district (brown area).

Figure 1 – Zoning Map



The Planning and Zoning Board staff report **(Exhibit 1)** discussed the redevelopment efforts of the town over the past eight years and the importance prior commissions have placed on facilitating the development of new hotels. It also addressed the Town's efforts to encourage new projects and events in our western plazas in the hopes of strengthening the economic outlook for the areas west of Ocean Drive (Further detail is available in **Exhibit 1).** Minutes from the meeting are attached as **Exhibit 2**.

After a careful analysis, the Planning and Zoning Board recommended approval of Ordinance 2019-07 **(Exhibit 3)** to allow waterfront hotels as a conditional use in the B1 zoning district. To maintain the balance of commercial businesses and hotels, the proposed Ordinance permits hotels as a conditional use within the B-1 zoning district only on properties containing frontage located on or adjacent to intra-coastal, canal or ocean water bodies. This will allow the future conversion of a small limited number of properties and will help to ensure the balance of commercial and hotel uses within the Town. If a non-waterfront property approached the Town for a hotel use in the future, we could re-evaluate the request at that time. We would also be able to analyze and evaluate if there were any additional issues that would need to be addressed after the proposed waterfront hotel change was made. Other provisions included in the proposed Ordinance are outlined in Table 1 below:

Table One – Hotel Use in B1

Issue	Ordinance Requirement	Ordinance Line Number
Hotel Use	Waterfront property; conditional use	69
Retail Use	Minimum of 30% ground floor square footage	85
Parking	60% of the parking for the hotel should be onsite; valet parking requires license agreement approved by the Town	96
Minimum Size	120 square feet in gross floor area, excluding restrooms	101
Setback Requirements	Side and rear setback requirements shall be the same as neighboring properties	106
Swimming Pools	Allowed on the rooftop as part of conditional use for waterfront hotels in the B-1 zoning district	151

The Board discussed the Town's current hotel parking regulations and they suggested that staff review the current requirements. Staff is in process of researching the current parking ratio for hotels in the Town and other communities' hotel parking requirements and will make a recommendation as to whether or not a change to the Town's parking standard or the requirement of the 60% parking on site is warranted. If so, this will be included in a separate ordinance for the Town Commission's consideration.

BOARD RECOMMENDATION: At the June 5th, 2019 meeting, the Planning and Zoning Board reviewed the proposed Ordinance and recommended approval.

Recommendation:
Staff recommends approval of Ordinance 2019-07 as proposed by the Planning and Zoning Board at its June 5th, 2019 meeting.

Attachments:

Exhibit 1

Town of Lauderdale-By-The-Sea
Development Services Department

To: Planning and Zoning Board ("PZB")

From: Linda Connors, Development Services Director

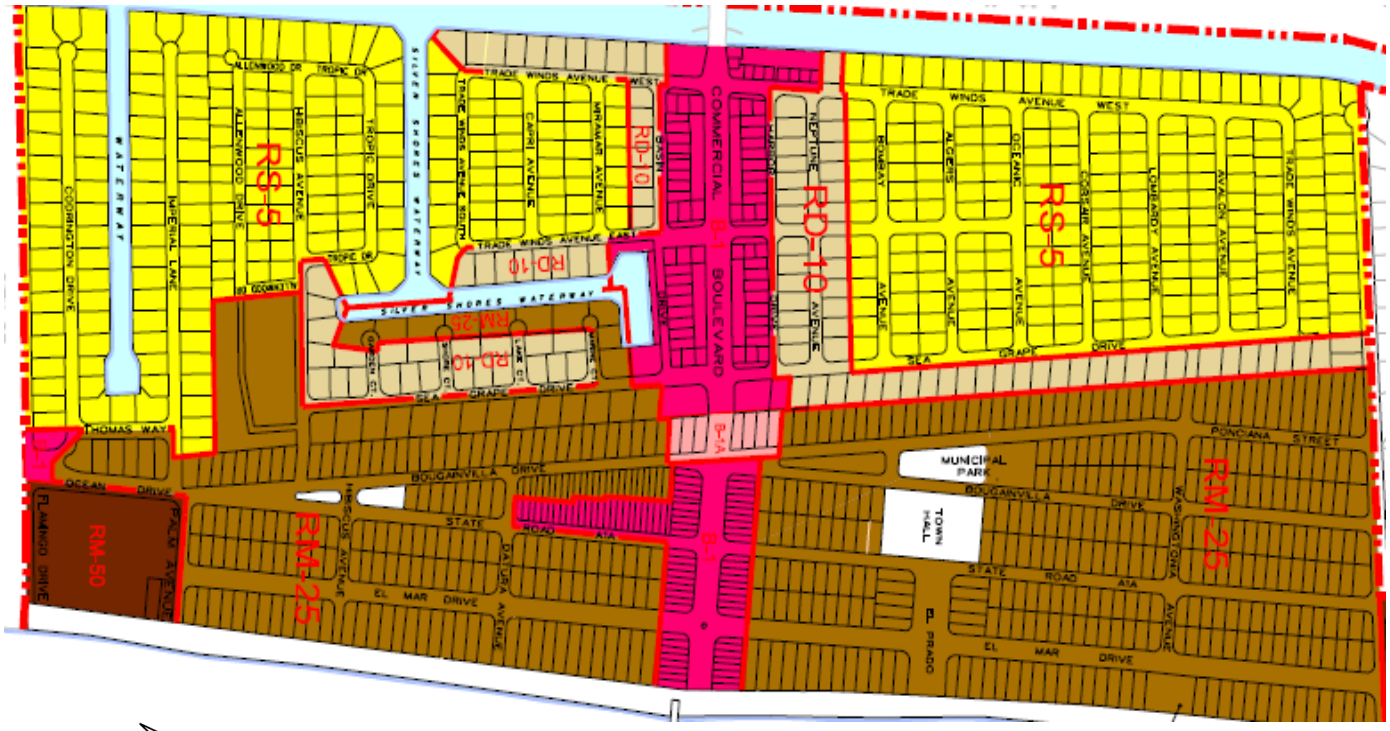
Date: May 29, 2019

Meeting Date: June 5, 2019

Old Business: Review of Town's Land Development Code Regulations Regarding Hotel Uses.

Background

At their February 26, 2019 meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's business zoning districts [red (B-1) area and pink (B1-A) area] to consider adding hotels as a permitted use in these areas **(Exhibit 1)**. Currently, hotels and motels are allowed only in the RM25 zoning district (brown area).



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Background

In 2011, the Town Commission set a number of Planning priorities, one of which was to:

> *"Modify the code to encourage investment in and redevelopment of existing hotels, to discourage the conversion of tourist units to residential use, and to facilitate the development of new hotels."*

This was particularly important, because the community recognized the relationship between a healthy tourist economy and the economic success of our business community. The Town had recently lost several hotels rooms due to the construction of the Oriana Condominium development (4334 El Mar Drive) and many additional hotel units were demolished after the "Villas by the Sea" site plan (4444, 4445, 4510 and 4511 El Mar Drive) was approved. Businesses were suffering as a result of the reduced tourist economy.

As a result of this Planning priority, the Town Commission approved several changes to the RM25 zoning district (which is where hotels are currently allowed) in order to provide various incentives necessary to help spur economic redevelopment of these businesses. These changes included eliminating established advertising restrictions, provided various parking incentives, as well as improving definitions found in the Town code.

During this time period, the Town Commission also approved the Commercial Boulevard Streetscape program at a cost of $7.5 million. This project reconstructed the oceanfront downtown area by creating plazas to encourage public gathering and adding landscaping and brick paver promenades, custom art pieces and new drainage systems. To support the commercial areas, the Commission also approved a parking exemption program to encourage new business development, added wayfinding signs and created a marketing strategy for the Town and increased our public parking inventory.

All of these changes have made a huge positive impact to the community east of Ocean Drive. Where we previously had vacant storefronts, we now have new restaurants. Empty sidewalks have been transformed with sidewalk cafés and people bustling on the street or just relaxing in the Adirondack chairs in one of our plazas. And our restaurants are enjoying increases in their business year after year. Hoteliers are investing in their properties and we have enjoyed increased occupancies.

Unfortunately, the western plazas are not enjoying similar success. Businesses continue to struggle and there are several long term vacancies in the plazas. This year, the Town's marketing department will be proactive in developing a program so that the west business district is recognized as its own destination and we will be encouraging new projects and events that will help foster and encourage people to explore this area.

Recently, the new owner of the Marina (262 Basin Drive) approached Town staff and the Town Commission with the idea of developing a small, intimate hotel on the marina site. Since hotels are not currently permitted in the Town's commercial zoning district, the Town Commission requested that Development Services Department staff analyze and evaluate various options, along with any necessary amendments to the Town Code for implementation, and to bring those items forward to the Planning and Zoning Board for review and consideration.

Staff considered the following questions to reach our recommendation:

1. Is this change consistent with the Town's comprehensive plan?
2. Should the Town allow hotel uses in the Town's commercial business zoning districts? Would this change be consistent with the Town's past and current initiatives?

3. If allowed in the commercial business zoning districts, should they be allowed in all areas, or should they be limited? Also, should they be permitted by right or be considered as a conditional use?
4. How do we preserve the commercial uses in the district and still allow hotels?
5. Parking requirements – should they be different since the location is within the commercial business zoning district?
6. Should rooftop uses be expanded to allow for hotel use and to allow swimming pools?

The following contains an analysis of the above referenced questions.

1. Is this change consistent with the Town's comprehensive plan?

The request is consistent with the Comprehensive plan. The Town's Comprehensive Plan includes the following Goals, Objectives and Policies that support an amendment to add hotels to the business zoning district:

Goal I.0: To maintain a coastal, resort oriented residential community characterized by a land use mix which reflects a balancing of year-round, seasonal and tourist population needs with minimal disruption to natural systems that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Objective 1.6: To improve the overall physical appearance of the Town's business and seasonal residential areas.
Objective 2.3: Provide for redevelopment of selected multi-family and tourist residential areas in a manner sensitive to existing residents and the Town's historical resources.

Policy 2.3.1.: Support redevelopment proposals, which maintain the overall scale of the Town through proper height and bulk designs.

Goal 10.0: To promote the continued economic vitality of the Town's seasonal residential and business areas in a manner sensitive to the overall best interests of existing Town residents.

Objective 10.1: To maintain local hotel and motel occupancy rates higher than those of Broward County as a whole.

Objective 10.2: Cultivate an overall local resort image by undertaking/promoting related public and private property improvements.

Objective 10.3.: To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.

2. Should the Town allow hotel uses in the Town's business zoning districts? Would this change be consistent with the Town's past and current initiatives?

3. If allowed in the commercial zoning districts, should they be allowed in all areas, or should they be limited? Also, should they be permitted by right or be considered as a conditional use?

The Town Commission has an established goal of supporting hotels and the tourist economy within the Town. This established goal and our current initiatives to encourage redevelopment of the west Commercial areas supports the addition of hotel use in the B-1 zoning district.

However, we know that there is a balance that needs to be maintained of commercial businesses that support the Town and our visitors. For this reason, staff is recommending to initially permit hotels on waterfront properties located within the B-1 zoning district. kin

Staff acknowledges that a waterfront hotel use may require additional restrictions so that the use is compatible with the neighborhood. For this reason, we are suggesting that the waterfront hotel use be included in the Town Code as a permitted "conditional use" only within the B-1 zoning district. This will allow the Town Commission to add appropriate restrictions and conditions in relation to the neighborhood or impacted vicinity and to ensure that the "conditional" use would promote the public health, safety, and welfare of the neighborhood and surrounding area.

4. How do we preserve the commercial uses in the district and still allow hotels?

Under the proposed specific conditional use requirements, a waterfront hotel may provide the following permitted accessory uses for guests and residents: restaurants, gift shops, retail stores, personal service shops, parking and convention facilities. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, as specified in section 30-271(h). A minimum of 30% of the total building square footage shall be dedicated to permitted accessory retail commercial uses located on the ground floor within the principal building(s) and shall contain ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.

This requirement will ensure retail commercial uses are available for guest and residents and will facilitate streetscape enhancements and pedestrian flow and connectivity in order to create a walkable and safe environment necessary to help foster long term sustainable investment and redevelopment within the Town's commercial zoning districts.

5. Parking requirements – should they be different since the location is business district?

Staff is suggesting that the current standard of one parking space per rentable unit be maintained. We believe that a minimum of 60% of the parking for the hotel should be provided on the site. Additionally, if overflow valet parking is provided, then a license agreement approved by the Town will be required if Town parking spaces are to be utilized. This will ensure that the hotel guests will not be utilizing spaces that are meant for people shopping in the plazas, where parking is limited. It may also be worth considering allowing a hotel that has dedicated docking space for boats to count those dock spaces towards the parking space requirement.

6. Should rooftop uses be expanded to allow for hotel use and to allow swimming pools?

The marina's proposal is for their hotel to have a pool accessible by the rooftop. Many hoteliers inquiring about developing in Lauderdale-By-The-Sea have also inquired about rooftop pools. Since the properties are so small their request is logical. In the case of waterfront properties within the B-1 district, the need to accommodate parking would likely make sitting a pool on the ground floor very difficult. However, we also understand that the Commission has recently explored expanding rooftop uses and they were reluctant to expand rooftop uses to include pools within the Town. Therefore we have drafted two ordinances. One ordinance allows an option for a rooftop pool and one does not **(Exhibits 2 and 3)**. The Board can therefore consider both options and make a determination to which version that they would like to recommend to the Commission.

Procedure

Staff will review the discussion from tonight's meeting and will, if warranted, schedule the proposed ordinance at the Commission's next available meeting.

Exhibits: 1. February 26, 2019 Town Commission Meeting minutes
2. Ordinance 2019-07- B-1 Hotel Version 1
3. Ordinance 2019-07 B-1 Hotel Version 2

u:\- planning & zoning board\2019 cases\b1 zoning district regulations\final-revised redline staff report (waterfront hotel b1 zoning)- approved.docx

NON APPROVED

TOWN OF LAUDERDALE-BY-THE SEA

PLANNING AND ZONING BOARD

MEETING MINUTES

Jarvis Hall - 4505 Ocean Drive

Wednesday, June 5, 2019

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, 1st Alternate Howard Goldberg and Alan Bluestein. Second Alternate Emeline Savidge was the only absent member. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Jhanelle Campbell, and Clerk Kaliah Lewis.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – April 18, 2019

Mr. Petreccia made a motion to approve the minutes of April 18, 2019 as presented. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

4. PUBLIC COMMENTS

Chair Lanata called for general public comments now which are not specific to the items on the agenda but no one wished to speak. The Chair closed public comments at this time.

5. NEW BUSINESS

a. Ordinance 2019-05: Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning;" Section 30-313 "General Provisions" to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Planner Jhanelle Campbell stated that Section 30-313 (d)(1)(i) of the Town Code regulates walls and fences within the Town. It was adopted prior to annexation of the properties north of Pine Avenue addressing only the properties south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5, and RS-4). She explained where this ordinance would take out zoning districts (RS-5, RD-10, and RM-25) and would replace it with the word "residentially" zoned property. This way, the Town could cover all the residential zoning districts within the Town and all the areas in the northern section would be covered. However, the chain link fences in the northern section of Town would become legal, non-conforming. The Board's decision this evening is to determine if they should be legal, non-conforming and when replacement is necessary, if they would have to come up to current Code Standards or the Town could give them a specific time period to come into the

current Code Standards which does not permit chain link fences. The Town was recommending two years as a time period.

The other change the Town would like to make with this ordinance is to eliminate the language for zero lot line lots. Ms. Campbell explained that this language was brought over from County Regulations when the annexed code was brought over into the Town Code. This language does not apply to any lots within our Town and that is the reason for the deletion.

Development Services Director Linda Connors asked the Board for questions and Chair Lanata wanted to know how many fences were involved. Ms. Connors answered about two dozen. She explained how using the wording "residentially zoned districts" would eliminate any confusion. She clarified the timeframe factor regarding chain link fences and that the request is not to get rid of chain link fences but rather for them not to be visible. They could either landscape in front of the chain link fence or replace chain link with a solid fence. Mr. Ferrante wanted to know about the timeframe and Ms. Connors said that it was up to the Board but Staff's recommendation was two years to landscape in front of an existing chain link fence. Mr. Ferrante inquired about legalities and Town Attorney James White said that he would be reluctant to suggest anything quicker than two years which should be legally sufficient to stand up to a challenge. Chair Lanata expressed concern about two years because Florida does have hurricanes that could knock down fences. Ms. Connors said that the Town was not requiring that the fence is replaced, only to landscape in front of it so it is not visible from the Town's right-of-way. The Town was not expecting a very tall hedge to be planted but was just ensuring the intent to landscape was there and would give the property owner time for the hedge to grow. Mr. Ferrante agrees with the Town's recommendations that two years would be a sufficient amount of time to get rid of the chain link fences or landscape in front of them. The Chair called for public comments but there were none and the public hearing was closed.

> Mr. Ferrante made a motion to recommend approval to the Town Commission of Ordinance 2019-05 with Staff's recommendations. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

Ms. Connors explained that this would go to the Town Commission on June 25, 2019. The Town would contact the neighborhood associations up there so that they are aware that this ordinance was moving forward.

6. OLD BUSINESS

Review of Town's Land Development Code Regulations Regarding Hotel Uses

Clerk Kaliah Lewis reminded that since Chair Lanata has recused himself for this agenda item, that 1st Alternate Howard Goldberg would be voting on this item. Development Services Director Linda Connors said that at the February 26, 2019 Meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's Business Zoning Regulations and determine whether or not a hotel use would be something that the Town should consider adding to their list of permitted uses in the Town's business zoning districts (B-1 and B1-A). Currently hotels/motels are allowed only in the RM-25 zoning district.

To make this a little easier to understand, she gave a brief history starting in 2011 when the Town Commission set a number of Planning Priorities. One priority was to strengthen the hotel district which was important because the community was recognizing the relationship between a healthy tourist economy and the economic success of the business community. She explained about the losses of hotel rooms for the construction of the Oriana Condominium and Villas By The Sea.

During this time period, the Town Commission invested $7.5 million in the Commercial Boulevard Streetscape program and worked towards making this Town a destination by improving the commercial corridor. It proved successful but unfortunately, the western commercial districts are not enjoying similar success. This year, the Town's marketing department would be developing a program so that the west business district would be recognized as its own destination.

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Ms. Connors explained that if a hotel/motel was to be considered in the B-1 zoning district, it would be a good idea to try it out in the waterfront area. Later on, adjustments could be made to the Town Code for non-waterfront areas. Thoughts were given to allow 30% of the total building's square footage to continue to be commercial use on the ground floor of the hotel. This would support walkability and interaction between the public and the hotel. She spoke about hotel parking and that 60% of the hotel parking would be provided onsite with the Town controlling where any overflow parking is going. She spoke about a swimming pool as an expanded rooftop use for hotel use. Ms. Connors asked the Board for their questions.

Mr. Petreccia asked about parking requirements and usage. He wondered how many people are coming into Town without a car and using taxis, etc. He wanted to know this relationship to the parking requirement. Discussion ensued and Ms. Connors explained changing the Town Code to include some flexibility allowing hotels to provide bicycle parking, etc. Staff will look further into this as well as surrounding area's parking requirements. Mr. Goldberg spoke about being consistent with the Town's Plan. He felt that we need hotel rooms and the basin is a strategic location. Chair Lanata expressed parking concerns and asked if there is an accommodation for commercial parking. Ms. Connors explained that tonight is for the Board to think about if they want a hotel on that site and if so, then a plan would be submitted by the developer.

Ms. Connors answered Mr. Goldberg that Staff believes the plan to add a hotel in the B-1 zoning district is consistent with the Town's Comprehensive Plan. Chair Lanata felt that the Town has to come up with the right criteria and would like to know if the building on Seagrape and Basin has to be included in this. Ms. Connors answered that it is on the water and would be hard to carve that property out. Mr. Goldberg said that there is another building on the opposite side of the basin purchased by a different owner. Town Attorney James White said that it would have to be looked into and explained what could be done. Mr. Petreccia questioned hotel employee parking and that one-hundred twenty square feet units are small. He felt the developer or the property owner should be responsible for hotel employee parking. Mr. Whyte inquired about who owns Benihana's parking lot.

Ms. Connors suggested breaking down today's discussion into pieces. (1) should a hotel be allowed in the B-1 zoning district and the consensus vote showed agreement so (2) should the hotel be a conditional use and the consensus vote was in favor of conditional use. Chair Lanata said in his opinion, they need to be given the right to build a hotel in the B-1 zoning district without conditional use. Ms. Connors explained how conditional use would work in this situation (e.g., turning loud music off at a certain time, etc.). Mr. Goldberg felt that they should make a motion now to move ahead with a hotel in B-1 and do the further steps individually. After discussion, the consensus was for hotel in B-1 as a conditional use. Ms. Connors then said (3) to limit the commercial use or require a percentage of commercial use on the ground floor to have interaction with the public in place. Mr. Goldberg felt that the developer should use the space to make the hotel better. Mr. Ferrante felt that if he was the developer, he would be happy to meet the requirements of the Town and the ground floor should have additional uses. Mr. Goldberg said that the western plazas are suffering and he would hope the hotel would draw people to the plazas. Mr. Bluestein wanted to know how large the hotel would be and Ms. Connors explained.

Ms. Connors summarized that the recommendation would be for a hotel in the B-1 zoning district as a conditional use. Now should a hotel be for waterfront property or in the whole B-1 area. The consensus vote was for waterfront property. The next recommendation would be for carving out the two properties on either side of the basin and not including them even though they are waterfront properties. Ms. Connors said to look at Exhibit 2, line 107 (Ordinance 2019-07), allowing for relief via side and rear setbacks if a hotel is beside a residential property. The consensus vote for carving out the two properties on water needed a roll call. Chair Lanata explained why he suggested carving out the two properties. The consensus was not to carve them out with 4 in favor and Mr. Bluestein's abstaining. Discussion ensued about room size not being any smaller than one-hundred twenty-feet. Both Mr. Ferrante and Mr. Petreccia wanted to know the average size hotel room built today and discussion ensued. The consensus was for a minimum of 120 square foot unit. The final issue to consider is a swimming pool as an allowed use for a hotel on the roof. Town Attorney White explained passive recreational rooftop uses would not be allowed in the B-1 district. However, in B-1 as a conditional use, rooftop uses would allow for a pool. Attorney White explained the distinction between the two ordinances in the packet. Mr. Goldberg was answered that the existing height regulation is thirty-three feet and the pool has to be on the same level. Ms. Connors said the height is protected in the Charter. Discussion ensued about hours of use and Ms. Connors directed the Board's attention to that part of the ordinance for rooftop activity area and suggested adding language reflective of a conditional use. A roll call for the consensus vote for allowing a rooftop pool as part of a hotel showed everyone was in favor. A consensus roll call vote for a 30% commercial use should be required for the ground level showed everyone in favor.

Ms. Connors asked if there was any public comment. Ross Tannenbaum, one of the new owners of the marina property being discussed this evening, said he appreciates the support given and would come back with a plan. He spoke about parking and having 60% of the hotel parking in the design laid out now. As no one else wished to speak, the Chair closed the public hearing.

<u>Ms. Connors summarized the Board's unanimous consensus voting and recommendations:</u>
Allow hotel with conditional use in the B-1 zoning district for waterfront properties
Require 30% commercial use on the ground floor
Allow rooftop pools with conditions
Add language to the hours of operation that state "or as regulated as a conditional use"
Allow a minimum of 120 square feet for a hotel unit
Allow setbacks consistent with the adjacent zoning district

Do not allow carving out of the two waterfront properties on either side of the basin spoken about in the meeting (this wasn't a unanimous decision because Mr. Bluestein abstained)

Mr. Ferrante made a motion to recommend allowing a hotel as a conditional use in the B-1 zoning district for waterfront properties to the Town Commission plus other amendments listed above for Ordinance 2019-07. The motion was seconded by Mr. Bluestein. The motion carried 5-0.

Ms. Connors said that this would be brought to the Town Commission on June 11, 2019.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said the next Planning and Zoning Meeting would be July 10, 2019.

8. ADJOURNMENT

Mr. Petreccia made a motion to adjourn at 7:10PM. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

_____
Chair John Lanata

ATTEST: Date Accepted: _____

Development Services Director Linda Connors

_____

EXHIBIT 3

Ordinance 2019-07

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION M "B-1 DISTRICT REGULATIONS," SECTION 30-271 "B-1 DISTRICT-BUSINESS" OF THE CODE OF ORDINANCES TO PERMIT WATERFRONT HOTELS AS A CONDITIONAL USE, MODIFYING DISTRICT REGULATIONS AND ESTABLISHING SPECIFIC CONDITIONAL USE REQUIREMENTS FOR WATERFRONT HOTEL USES AND FURTHER AMENDING SUBDIVISION Q "SUPPLEMENTAL REGULATIONS;" PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, 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 amend the Land Development Code to permit waterfront hotels as a conditional use in the B-1 Zoning District, modify district regulations and establish specific conditional use requirements for waterfront hotel uses; 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 June 5, 2019, and recommended the amendments be approved; and

WHEREAS, the Town Commission conducted a 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:

EXHIBIT 3

Ordinance 2019-07

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

SECTION 2. Amendment. Division 2 "Districts," Subdivision M "B-1 District Regulations," of Chapter 30 "Unified Land Development Regulations" of the Code of Ordinances, is hereby amended as follows[1]:

ARTICLE V. – ZONING

Division 2.- Districts

Subdivision M. - B-1 District Regulations

Sec. 30-271. - B-1 district—Business.

(a) *B-1 uses permitted.*

(1) *Permitted uses.* No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended, or designed for any of the following uses, not to exceed 10,000 square feet in gross floor area, except for waterfront hotel uses:

******

(2) *Conditional uses.* The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code:

a. Bicycle taxi (no outside storage or display).

b. Call center, subject to the requirements as set forth in subsection (i), below.

c. Car wash/outdoor hand wash.

d. Charter and sightseeing boat.

e. Child and adult day-care centers.

f. Convenience store, subject to the requirements as set forth in subsection (i), below.

g. Drive-through services that are accessory to a primary use, provided that any approval of the drive-through use by the Town Commission shall specifically establish the location and traffic flow pattern of the drive-through.

h. Dry cleaner.

i. Marina, subject to the requirements as set forth in subsection (i) below.

j. Mixed use, subject to the requirements as set forth in subsection (i) below.

[1] Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

k. "Paid private parking" on parcels with a primary use, excluding standalone parking lots subject to the requirements as set forth in subsection (i) below.

l. Parking garage.

m. Permitted use exceeding 10,000 square feet in gross floor area.

n. Pet store.

o. Pool supply store.

p. Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks.

q. Water craft sales and rental (new or used).

r. Waterfront Hotel.

~~r~~s. Conditional uses not listed. Permission to apply for conditional uses not covered by the above list in the B-1 district may be granted by the Town Manager or designee only if the proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult with the Town Commission on any proposal to determine that a conditional use is similar to those listed, prior to authorizing the filing of an application to seek approval of that conditional use in the B-1 district. Approval of a conditional use shall also be subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code.

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(i) *Specific conditional use requirements.*

******

(6) *Waterfront Hotel criteria.* A waterfront hotel may be permitted within the B-1 zoning district only on properties containing frontage located on or adjacent to intra-coastal, canal or ocean water bodies and subject to the following regulations:

a. A waterfront hotel may provide the following permitted accessory uses for guests and residents: restaurants, gift shops, retail stores, personal service shops, parking and convention facilities. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, as specified in section 30-271(h). A minimum of 30% of the total building square footage shall be dedicated to permitted accessory retail commercial uses located on the ground floor within the principal building(s) and shall contain ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.

b. Bicycle parking when accessory to a hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318.

c. A waterfront hotel, including all permitted accessory uses, shall provide a minimum 60% of the required parking to be located on-site. The remainder of required on-site

parking may be satisfied by utilizing the Town PILOP program, as specified in section 30-321. The use of Town property for overflow valet parking may only be permitted pursuant to a License Agreement approved by the Town.

d. Waterfront hotel sleeping rooms shall be a minimum of one hundred twenty (120) square feet in gross floor area exclusive of bathrooms, toilets, closets or similar appurtenances.

e. A waterfront hotel rooftop may only be used for passive recreation as specified in section 30-313(y).

f. Notwithstanding the minimum side and rear setback requirements established pursuant to section 30-271(f) for properties within the B-1 zoning district, the minimum side and rear setback requirements for properties developed with waterfront hotel uses shall be the same as those zoning district setback requirements established for neighboring properties which share a common lot line with another lot or parcel of land.

******

SECTION 3. Amendment. Division 2 "Districts," Subdivision Q "Supplemental Regulations," of Chapter 30 "Unified Land Development Regulations" of the Code of Ordinances, is hereby amended as follows[2]:

DIVISION 2. - DISTRICTS
Subdivision Q. - Supplemental Regulations

******

Sec. 30-313. - General provisions.

******

(y) *Rooftop passive recreation.* The rooftop of a building located in the RM-25 district, or in the B-1 or B-1A district, may be used for passive recreation subject to the following.

(1) *Definitions.* For purposes of this section, the following definitions will apply:

a. "Balcony" shall mean an unenclosed area that may or may not be covered in whole or in part by a roof, and that is directly accessible from, and an extension

[2] Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

of the habitable space that is at least 100 square feet in floor area on the same floor level and is for the private use of that living area.

b. "Passive recreation" shall mean activities such as walking, sitting, swimming, eating and scenic observation that can be carried out with no disruption to the atmosphere or ambiance in the area or impact on adjacent properties. Restaurant seating is not considered passive and is not permitted.

c. "Rooftop" shall mean the exterior surface on the top of a building. "Rooftop" does not include:

1. A balcony; or

2. An enclosed space, as defined by the Florida Building Code, on the top floor of a building.

d. "Rooftop activity area" shall mean an area of a rooftop that does not exceed 75 percent of the total square footage of the floor area below the rooftop, including balconies which may be used for passive recreation.

(2) *Setbacks.* Rooftop activity areas must be setback a minimum of five feet from the front building façade and five feet from any contiguous private property under separate ownership and shall be demarcated by physical barriers to restrict access to non-designated areas.

(3) *Structures permitted in the rooftop activity area.*

a. Permanent awnings and canopies.

b. Outdoor kitchens no larger than 30 square feet.

c. Hot tubs.

d. Swimming pools and pool decks-limited only to waterfront hotel uses permitted as a conditional use in the B-1 zoning district.

(4) *Temporary objects and furniture.*

a. All parapets, railings and code-required safeguards shall remain free from towels or other temporary objects at all times.

b. All temporary objects or furniture are the responsibility of the property owner and shall be secured or removed from the rooftop when not in use so as to prevent them from being blown from the roof. Temporary objects and furniture shall be removed from the roof any time the building will be unoccupied, whether temporarily or permanently, for more than 14 days.

c. Upon the issuance of a "Hurricane Warning or "Hurricane Watch" by the Broward County Office of Emergency Management, the permittee shall forthwith remove and place indoors all tables, chairs, planters, umbrellas and other temporary objects or furniture located on the rooftop.

(5) *Hours of use.* The use of rooftop activity areas shall be limited to 7:00 a.m. to 10:00 p.m. except for emergency access or repairs or as otherwise regulated pursuant to a conditional use approval for a waterfront hotel use.

(6) *Zoning district limitations.* In addition to the requirements above, rooftop activities are only permitted in the following districts, subject to the specific requirements below:

a. RM-25 zoning district.

1. Commercial rooftop activities. The use of rooftops for restaurants and hotel bars are prohibited.

b. B-1 and B-1A zoning districts.

1. Commercial rooftop activities. The use of rooftops by commercial or business uses is prohibited, except for waterfront hotel uses permitted as a conditional use in the B-1 zoning district.

2. Mixed use rooftop activities. Rooftop activities in mixed use properties are permitted solely by the residential occupants for passive recreation.

c. All other zoning districts. Rooftop activity areas and the passive or active recreational use of a rooftop or the roof of a structure is prohibited.

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

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

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

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

EXHIBIT 3

Ordinance 2019-07

Passed on the first reading, this ___ day of _____, 2019.

Passed and adopted on the second reading, this ___ day of _____, 2019.

_____

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Sokolow	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

_____

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

_____

Susan L. Trevarthen, Town Attorney

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Bill Vance
Submitting Department: Administration
Item Type: Ordinances 1st Reading
Agenda Section: ORDINANCES 1st Reading

Subject Title:
Ordinance 2019-08 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6.5 "CODE ENFORCEMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 6.5-14, "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

Explanation:
The Town desires to establish a uniform schedule of civil penalties for code violations, so all the penalties can be found in one place. On June 11, 2019, the Town Commission reached consensus to establish a schedule of civil penalties. The proposed schedule of civil penalties includes the penalties recently approved by the Commission for violation of Code Section 5-8, prohibiting the distribution or sale of plastic straws. The Commission reached consensus on delaying enforcement of the plastic straw ban until May 1, 2020. The Town Manager has the authority to do so without further action of the Commission. The proposed schedule is copied below:

	Code Section	Description of Violation	Civil Penalty
1	2-25	Campaign finance restrictions	Section 1-12*
2	4-7	Feeding pigeons and sea gulls	$50 each violation
3	5-8	Plastic straws	$100 – First offense $250 – Second offense within 30 days $500 – Third or subsequent offense within a 12 month period
4	5-34	Beach maintenance	$100 – First offense $250 – Second offense within 30 days $500 – Third or subsequent offense within 30 days
5	6-11	Building regulations	$100 – First violation $150 – Second violation within 12 months of adjudication of first violation $250 – Third violation within 18 months of adjudication of first offense
6	6-12	Time limits for completing construction and repair	$50 each day of violation, day 1 through 30 $75 each day of violation, day 31 through 60 $100 each day of violation, day 61 or greater
7	10-33	Garbage containers and receptacles	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation

			$500 – Third violation within 18 months of adjudication of first offense
8	11-25	Abandoned real property; obstructing law enforcement officer	$250 – First violation $500 – Second violation within 12 months of adjudication of first violation
9	12-4	Business tax receipts – not renewed	10% for month of October, and 5% each month thereafter
10	12-4	Engaging or managing business, occupation, or profession without business tax receipt	25% of tax due
11	12-7	Business tax receipt	Section 1-12*
12	12-24	Home occupations	$100 – First violation $150 – Second violation within 12 months of adjudication of first violation $250 – Third violation within 18 months of adjudication of first offense
13	12-55	Custom made wearing apparel	As provided in Section 1-12*, Chapter 6.5, F.S. ch. 162, pt. II, or as otherwise provided by law.
14	13-8	Noise violations	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation $500 – Third violation within 18 months of adjudication of first offense
15	14-2	Consumption or possession of open containers in certain areas	Section 1-12*
16	14-33	Sale of nicotine vaporizers or liquid nicotine	As provided in sections 6.5-1 through 6.5-13**, and as otherwise provided by law.
17	14-84	Residency requirements for sexual predators	$500 fine or imprisonment not exceeding 60 days, or both Second or subsequent conviction - $1000 fine or imprisonment in county jail not more than 12 months, or both.
18	14-90	Public Nuisance	$250- First offense $500 – Second offense Up to $5,000 – violation irreparable in nature
19	14.3-8	Parks and Recreational Facilities	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation $500 – Third violation within 18 months of adjudication of first offense
20	17-10	Operation of vehicles; damaging the streets	Section 1-12*
21	17-48	Property identification signs	$25 – First and all subsequent violations
22	17-93	Sidewalk cafes	As provided in Chapter 162, Florida Statutes.***
23	17-119	Special Events	$500
24	19-22	Parking restrictions – obstructing sidewalk	$25 each occurrence

25	19-24	Parking and storage on unpaved surfaces	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation $500 – Third violation within 18 months of adjudication of first offense
26	19-30	Unlawfully parking in handicapped parking	$250
27	20-16	Connection to sanitary sewer system	$50 each day of violation, day 1 through 30 $100 each day of violation, day 31 through 60 $500 each day of violation, day 61 or greater
28	20-127	Water conservation regulations	$50 – First violation $250 – Second and subsequent violation and/or imprisonment in County jail not to exceed 60 days
29	25-46	Communications rights of ways	$100 per day that violation continues
30	30-9	Unified land development regulations	$250 per day $500 per day for repeat violations

* Section 1-12 contains the general penalty provision for the entire Code of Ordinances. It provides:
Sec. 1-12. - General penalty; continuing violations; adjudging fines and imprisonments.
(a) Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be punishable by ***a fine not exceeding $500.00*** *or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment.*
(b) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the Town, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
(Code 1962, § 1-8)
** This citation is to the Code's code enforcement chapter, which sets out the process for bringing violations to the special master.
*** Chapter 162 is the code enforcement chapter of the Florida Statutes.

Recommendation:
Approval of Ordinance

Attachments: Ordinance 2019-08

ORDINANCE 2019-08

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6.5 "CODE ENFORCEMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 6.5-14, "SCHEDULE OF CIVIL PENALTIES"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lauderdale-By-The-Sea ("Town") desires to establish a uniform schedule of civil penalties for code violations in the Town; and

WHEREAS, the Town Commission deems it to be in the best interest of the citizens and residents of the Town to amend the Town Code to establish a schedule of civil penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT[1]:

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

SECTION 2. Amendment. Chapter 6.5, "Code Enforcement," of the Code of Ordinances, is hereby amended as follows:

Chapter 6.5 – Code Enforcement

***

Sec. 6.5-14. Schedule of civil penalties.

(a) The following table shows the sections of this Code, as they may be amended from time to time, and the dollar amount of civil penalty for the violation of these sections. Each "Description of Violations" below is for informational purposes only and is not meant to limit or define the nature of the violations or the subject matter of the listed Code sections. To determine the exact nature of the activity proscribed or required by this Code the relevant Code section must be examined.

(b) The following is the schedule of civil penalties:

[1] Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Changes to the text from first to second reading are shown in double underline or ~~double strikethrough~~.

	Code Section	**Description of Violation**	**Civil Penalty**
1	2-25	Campaign finance restrictions	Section 1-12
2	4-7	Feeding pigeons and sea gulls	$50 each violation
3	5-34	Beach maintenance	$100 – First offense $250 – Second offense within 30 days $500 – Third or subsequent offense within 30 days
4	6-11	Building regulations	$100 – First violation $150 – Second violation within 12 months of adjudication of first violation $250 – Third violation within 18 months of adjudication of first offense
5	6-12	Time limits for completing construction and repair	$50 each day of violation, day 1 through 30 $75 each day of violation, day 31 through 60 $100 each day of violation, day 61 or greater
6	10-33	Garbage containers and receptacles	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation $500 – Third violation within 18 months of adjudication of first offense
7	11-25	Abandoned real property; obstructing law enforcement officer	$250 – First violation $500 – Second violation within 12 months of adjudication of first violation
8	12-4	Business tax receipts – not renewed	10% for month of October, and 5% each month thereafter
9	12-4	Engaging or managing business, occupation, or profession without business tax receipt	25% of tax due
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12	12-55	Custom made wearing apparel	As provided in Section 1-12, Chapter 6.5, F.S. ch. 162, pt. II, or as otherwise provided by law.

13	13-8	Noise violations	$50 – First violation $100 – Second violation within 12 months of adjudication of first violation $500 – Third violation within 18 months of adjudication of first offense
14	14-2	Consumption or possession of open containers in certain areas	Section 1-12
15	14-33	Sale of nicotine vaporizers or liquid nicotine	As provided in sections 6.5-1 through 6.5-13, and as otherwise provided by law.
16	14-84	Residency requirements for sexual predators	$500 fine or imprisonment not exceeding 60 days, or both Second or subsequent conviction - $1000 fine or imprisonment in county jail not more than 12 months, or both.
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21	17-93	Sidewalk cafes	As provided in Chapter 162, Florida Statutes.
22	17-119	Special Events	$500
23	19-22	Parking restrictions – obstructing sidewalk	$25 each occurrence
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27	20-127	Water conservation regulations	$50 – First violation $250 – Second and subsequent violation and/or imprisonment in County jail not to exceed 60 days
28	25-46	Communications rights of ways	$100 per day that violation continues
29	30-9	Unified land development regulations	$250 per day $500 per day for repeat violations

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

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

Passed on the first reading, this ___ day of July, 2019.

Passed and adopted on the second reading, this ___ day of _____, 2019.

_____

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Sokolow	_____	_____
Commissioner Malkoon	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Strauss	_____	_____

ATTEST:

_____
Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney

Town Commission Agenda Item Report

Meeting Date: July 9, 2019
Submitted by: Buz Oldaker
Submitting Department: Commission
Item Type: Resolutions
Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title:
Resolution 2019-17 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, BROWARD COUNTY, AND PARTICIPATING MUNICIPALITIES, FORMALIZING THE SHARED DESIRE TO ESTABLISH AND IMPLEMENT A REGIONAL SOLID WASTE AND RECYCLABLES SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE MOU; PROVIDING FOR CONFLICTS, AND FOR AN EFFECTIVE DATE.

Explanation:
There is an urgent need for regional management of solid waste disposal and recyclables processing. Through the MOU, the County seeks to partner with the County municipalities that are willing to agree to work together toward establishing an integrated and comprehensive regional solid waste and recyclables management system. The MOU further reflects an agreement among the County and those municipalities that, in order to be both effective and enduring, such system must be a collaborative venture based on certain principles and commitments, including the following: mutual pledges of solid waste flow for an extended period of time; consideration of all possible governance structures, with a preference for one that maintains local control and flexibility; common control and/or responsibility of acquired and constructed public assets and liabilities and the setting of tipping and other fees; and a recognition that robust recycling programs are necessary even if the then-current condition of the recycling market imposes additional short-term costs. The MOU also sets forth a schedule that includes specific milestones for the County and the Participating Municipalities to achieve as they work towards establishing a regional solid waste and recyclables management system.

Additionally, as part of the MOU, the County and the Participating Municipalities would build off of a recent study ("Study") conducted by Arcadis, U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C., and GMAC Consulting, L.L.C. (collectively, the "Arcadis Team"), which evaluated and made recommendations regarding: (i) how to reach a 75% countywide recycling goal; (ii) the impact continued public ownership of Alpha 250 (a vacant parcel of land not currently being used for any solid waste disposal purposes) would have on said recycling goal and countywide solid waste disposal; and (iii) other general solid waste issues that were identified through the Study. Recognizing the benefit of the Study conducted by the Arcadis Team and the need for continued study and analysis, the County and the Participating Municipalities would agree under the MOU to jointly undertake the study and analysis of additional critical solid waste and recycling issues identified by mutual agreement, such as issues related to flow control options and recycling programs. The scope of the additional study and analysis would be developed by a working group that would consider the findings and recommendations of a larger technical group, both of which would be established pursuant to the MOU and would have County and municipal representation. For administrative convenience, the County will consider approval of the MOU prior to consideration by the municipalities. The effectiveness of the MOU, however, is contingent upon approval thereof by municipalities collectively representing no less than 50% of the County's total population by October 1, 2019. If the MOU is made effective within this timeframe, any municipality that does not timely approve and execute

the MOU may nevertheless join as a Participating Municipality under the MOU by approving and executing it thereafter, provided a majority of Participating Municipalities approve the addition of the municipality.

The MOU has been approved as to form by the Office of the County Attorney.

Recommendation:
Approve Resolution 2019-17 Memorandum of Understanding (MOU) between Broward County (the "County") and the municipalities within the County that approve and execute the MOU (the "Participating Municipalities"), formalizing the County's and the Participating Municipalities' shared desire to establish and implement a regional solid waste and recyclables management system; authorizing the County's Mayor or Vice-Mayor to execute the MOU; and authorizing the County Administrator to take all necessary administrative actions for implementation of the MOU which facilitates the County and the Participating Municipalities working together establishing a regional solid waste and recyclables management system.

MEMORANDUM OF UNDERSTANDING
REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF
AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM

This Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System ("MOU"), by and among Broward County, Florida (the "County"), a political subdivision of the State of Florida, and those municipalities located within the County that approve and execute this MOU (individually, each is a "Participating Municipality"; collectively, the "Participating Municipalities"), is made and entered into as of the Effective Date (as defined below).

Recitals

A. The County and the Participating Municipalities recognize that there are significant short- and long-term benefits of regional management of solid waste disposal and recyclables processing, and are therefore committed to working toward establishing an integrated and comprehensive regional solid waste management system.

B. The County, working with numerous County municipalities, previously procured a study ("Study") for an evaluation and recommendations regarding (i) how to reach a seventy-five percent (75%) countywide recycling goal, (ii) the impact continued public ownership of a parcel of land known as Alpha 250 would have on said recycling goal and countywide solid waste disposal, and (iii) other general solid waste issues identified through the Study.

C. In June 2017, the County, in collaboration with numerous County municipalities, retained Arcadis, U.S., Inc., Kessler Consulting, Inc., Total Municipal Solutions, L.L.C., and GMAC Consulting, L.L.C. (collectively, the "Arcadis Team") to conduct the Study, which the Arcadis Team commenced in October 2017.

D. In December 2018, the Arcadis Team concluded the Study and issued its Solid Waste and Recycling Issues Study Final Report (the "Final Report"). The Final Report summarizes the Arcadis Team's findings and recommendations, which include the following: (i) an evaluation of three different scenarios through which the seventy-five percent (75%) countywide recycling goal could be achieved or approached by 2025; (ii) a recommendation that Alpha 250 remain publicly owned given its viability as a location for the development of certain solid waste processing facilities described in the Final Report; (iii) a recommendation that an independent special district be created as the governance structure for any established regional solid waste management system; and (iv) a recommendation that the solid waste processing facilities developed as part of the regional solid waste management system be based on a public/private partnership ownership option (collectively, the "Arcadis Recommendations").

E. With the benefit of the Arcadis Team's Final Report and the Arcadis Recommendations, the County and the Participating Municipalities now desire to formalize

their shared and ongoing commitment to work cooperatively in establishing and implementing a regional solid waste management system that addresses the short- and long-term opportunities and challenges associated with providing solid waste disposal and recyclables processing services to their respective constituents.

F. Accordingly, the County and the Participating Municipalities desire to enter into this MOU under the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are incorporated herein by reference.

2. **Intent**. This MOU is intended to: (a) identify the local governments that wish to participate in the establishment and implementation of a regional solid waste management system that is based upon a long-term, comprehensive plan to provide for efficient, effective, and environmentally sensitive means by which to dispose of solid waste, yard waste, bulk waste, construction and demolition debris, household hazardous waste, and recyclable materials; (b) establish a mechanism and process to analyze and evaluate the Arcadis Recommendations; and (c) provide a schedule, as defined below, that these local governments agree to follow in order to initiate the establishment of a regional solid waste management system.

3. **Representation**. The County and the Participating Municipalities each agree that the County and each Participating Municipality shall have representation under this MOU and under any governing body established to govern any integrated solid waste and recycling system resulting from this MOU. The County and the Participating Municipalities shall establish rules governing their activities related to any governing body established hereunder.

4. **Agreement to Collaborate and Work Together**. The County and the Participating Municipalities each agree to work cooperatively, diligently, and in good faith with one another to develop countywide strategies and solutions to address short- and long-term opportunities and challenges associated with providing cost-effective solid waste and recyclables processing and disposal services to their respective constituents.

5. **Schedule**. The County and the Participating Municipalities shall use all diligent efforts to jointly achieve the milestones listed in Exhibit A (Milestone Schedule), attached hereto and incorporated herein, within the time periods specified.

6. **Working Group**. The County and the Participating Municipalities shall designate a working group ("Working Group"). The purpose of the Working Group is to establish policy and provide direction to the Technical Group and any consultants retained by Working Group. The Working Group shall consist of no fewer than five members and no more than nine

members. One member shall be a member of the Board of County Commissioners, and the remaining members shall each be a member of the governing body of a Participating Municipality. The Participating Municipalities will determine the number of, and the process for, selection of the municipal representatives on the Working Group. The County or any Participating Municipality shall be represented by no more than one member of their respective body. All Working Group meetings shall be open to all Participating Municipalities not represented in the Working Group. The Working Group will be staffed jointly by the Broward League of Cities and the County.

7. **Technical Group**. The County and the Participating Municipalities shall establish a technical group ("Technical Group"). The purpose of the Technical Group is to address the operational aspect of integrated solid waste and recycling systems, recommend to the Working Group the retention of any needed consultants, and report findings and recommendations to the Working Group. Any Participating Municipality may, at its discretion, have one representative serve as a member of the Technical Group. The County may have two representatives serve as members of the Technical Group.

8. **Continued Study**. Recognizing the benefit of the Study conducted by the Arcadis Team and the need for continued study and independent analysis, the County and the Participating Municipalities agree to jointly undertake the continued study and analysis of additional critical solid waste issues identified by mutual agreement, which may relate to recycling programs, identification and location of necessary assets, and options for flow control. A detailed and comprehensive scope of such continued study and analysis will be developed by the Working Group, and the Working Group shall retain and interact with any appropriate consultant and/or attorneys during the course of the continued study to ensure that balance and independence are maintained throughout. The County and the Participating Municipalities further agree that the respective financial contributions necessary for the continued study and analysis described herein will be mutually agreed upon.

9. **Solid Waste Pledge**. Provided acceptable terms can be developed and lawfully implemented, the County and the Participating Municipalities are prepared, subject to future approval of binding agreements or enactment of law, to pledge their solid waste flow for as many years as necessary (perhaps as many as thirty (30) years) in order to finance the property and construction that will be needed to create and develop the regional solid waste management system that the County and the Participating Municipalities seek to establish pursuant to this MOU. Nothing in this MOU commits any party to supporting any potential legislation, including legislation that would establish a special district.

10. **Shared Principles and Commitments**. The County and the Participating Municipalities agree that the effectiveness and longevity of a regional solid waste management system depend on certain principles and commitments, including but not limited to the following:

i. County-wide solid waste disposal and recycling efforts are best accomplished as collaborative ventures among the County and the Participating Municipalities, as

collaboration would enable the development of a regional solid waste management system that would serve the needs of all residents for many decades and that is capable of taking advantage of purchasing economies and other economies of scale.

ii. In developing a regional solid waste management system, the County and the Participating Municipalities are committed to considering all of the Arcadis Recommendations as well as the preferences of the County and the Participating Municipalities and the results of the continued study and analysis described in Section 8 above.

iii. The County and the Participating Municipalities are committed to exploring all possible governance structures for a regional solid waste management system. In addition to the independent special district recommended by the Arcadis Team in its Arcadis Recommendations, the County and the Participating Municipalities may also consider other possible governance structures for a regional solid waste management system that may be proposed by the County or any Participating Municipality, including one to which the parties could agree pursuant to an interlocal agreement. That said, the County and the Participating Municipalities prefer a governance structure that, if possible, maintains local control and flexibility while still affording the opportunity to effectively establish assessments or other mechanisms to, if desired, permit economic flow control.

iv. The County and the Participating Municipalities are committed to discussing organizational structures for a regional solid waste management system that may consist of common ownership and/or common control of the system's acquired and constructed public assets, as well as common responsibility for the system's liabilities, such as landfill closure and long-term maintenance costs. The County and the Participating Municipalities are also committed to developing a mutually agreed-upon arrangement regarding control over the operations of the system.

v. The County and the Participating Municipalities are committed to exercising common control over the setting of tipping and other fees, with such fees being set in an amount that is adequate to recover all costs, including reasonable personnel costs. While full cost recovery is required, the County and the Participating Municipalities agree that continuous effort should be expended to ensure that fees are kept at the lowest practicable level while still providing a comprehensive range of solid waste disposal and recyclables processing offerings.

vi. There is a critical need to develop robust recycling programs even when the status of the recycling market imposes additional short-term costs, and the full value of such programs involves far more than a comparison of the cost thereof to the cost of common disposal of recyclables. Instead, all externalities must be considered in determining whether a given recycling program is feasible, including careful

consideration of the long-term impacts that a failure to adequately recycle will cause.

vii. All available options regarding programs and required assets should be identified and analyzed, including potentially contracting with private entities under terms that would protect the long-term interests of the County and the Participating Municipalities. Alpha 250 and the Broward County Landfill should be analyzed to determine what role these properties will play in the regional solid waste management system, with due consideration paid to the County's statutory obligations that would continue beyond any expiration of the collaborative arrangement established by the parties. Further, the County's and the Participating Municipalities' respective interests in various public assets that may become part of the regional solid waste management system shall be taken into account in determining the County's and each of the Participating Municipalities' respective financial contributions for establishing and supporting the operations of the regional solid waste management system. Nothing in this MOU, however, obligates or commits the County or the Participating Municipalities with respect to Alpha 250, the Broward County Landfill, or any other public asset that may become part of the regional solid waste management system; any such obligation or commitment may only be effectuated pursuant to a subsequent written agreement.

11. **Approval Process**. Once approved by the County Commission, this MOU is to be presented for approval at public Commission/Council meetings at each of the municipalities located within the County. Each such municipality will then have until September 30, 2019 to approve and execute this MOU and thereby join as a Participating Municipality hereunder.

12. **Effective Date**. The "Effective Date" of this MOU shall be October 1, 2019; provided, however, to become effective, municipalities collectively representing no less than fifty percent (50%) of the County's total population must timely approve and execute this MOU by such date. Provided this MOU becomes effective consistent with the preceding sentence, any municipality not timely approving and executing this MOU may become a Participating Municipality by thereafter approving and executing this MOU, provided a majority of Participating Municipalities approve the addition of the municipality. A Participating Municipality or the County may withdraw from this MOU at any time by serving writing notice upon the other parties. Upon withdrawal, the municipality or the County shall have no further obligations, financial or otherwise, but shall not be entitled to the refund of any contributions previously made and will no longer be entitled to participate or have any voting rights previously established.

13. **Entire Agreement**. This MOU constitutes the entire agreement between the County and the Participating Municipalities relating to the transactions contemplated herein and supersedes and cancels any other agreement, representation, or communication, whether oral or written, between the County and the Participating Municipalities relating to the specific

subject matter addressed in the MOU.

14. **Headings**. The section and subsection headings in this MOU are inserted for convenience only and shall not affect in any way the meaning or interpretations of this MOU.

15. **Counterparts and Multiple Originals**. This MOU may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same instrument.

16. **Joint Preparation**. The preparation of this MOU has been a joint effort of the parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against any party hereto.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the parties hereto have made and executed this Memorandum of Understanding Regarding Collaborative Study and Subsequent Development of an Integrated Solid Waste and Recycling System on the respective dates under each signature: Broward County, signing by and through its Mayor or Vice-Mayor, duly authorized to execute same by Board action on the 11th day of June, 2019, and the Participating Municipalities, signing by and through their respective Mayors or other representatives duly authorized to execute same.

BROWARD COUNTY

ATTEST:

_____
Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

By _____
Mayor

____ day of _____, 2019

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Keoki M. Baron (Date)
Assistant County Attorney

MEMORANDUM OF UNDERSTANDING
REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF
AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM

[NAME OF PARTICIPATING MUNICIPALITY]

ATTEST:

_____

_____

_____, City Clerk

_____ OF _____

BY: _____
Mayor

____ day of _____, 2019

Approved as to form and legality:

By: _____
City Attorney

____ day of _____, 2019

By: _____
City Manager

____ day of _____, 2019

Exhibit A
Milestone Schedule

Milestone Description	**Milestone Dates**
County Approval of the MOU	June 11, 2019
Participating Municipality Approval of the MOU	September 30, 2019
Designation of Working Group	November 15, 2019
Designation of Technical Group	December 15, 2019
Retention of consultants and/or any required legal counsel	December 15, 2019
Determination as to form of governance for the regional solid waste management system (e.g., interlocal agreement, special district*)	April 20, 2020
*Finalization of the necessary creation documents (which would permit timely submission to the Florida Legislature if an independent special district is to be pursued)	September 30, 2020

RESOLUTION NO. 2019-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, BROWARD COUNTY, AND PARTICIPATING MUNICIPALITIES, FORMALIZING THE SHARED DESIRE TO ESTABLISH AND IMPLEMENT A REGIONAL SOLID WASTE AND RECYCLABLES SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE MOU; PROVIDING FOR CONFLICTS, AND FOR AN EFFECTIVE DATE.

WHEREAS, on June 11, 2014, the Town entered into a five-year Agreement with Sun-Bergeron for solid waste disposal and recycling processing services for the Town ("Agreement"); and

WHEREAS, the initial term of the Agreement was set to expire on July 2, 2018; and

WHEREAS, on April 25, 2017, the Town received a letter from Sun Bergeron & Environmental Recycling indicating that under the terms of the waste disposal services subcontract between Sun Recycling and Waste Management, Inc. of Florida ("Waste Management"), Waste Management is not required to honor the terms and conditions of the agreements executed by Sun Recycling and several customers; and

WHEREAS, the Town searched for alternative solutions for its solid waste disposal and recycling processing services; and

WHEREAS, on or about June 26, 2018, the Town Commission approved a 90-day Memorandum of Understanding with its current provider of solid waste collection services, Waste Pro USA, Inc., for municipal solid waste disposal services and recyclables; and

WHEREAS, on September 12, 2018, the Town approved an additional 90-day extension of the MOU until December 31, 2018; and

WHEREAS, on December 11, 2018, the Town approved an agreement with Waste Management Inc. of Florida for single stream recycling services via piggyback of Invitation to Bid Invitation to Bid #2017/18-13 issued by the City of Deerfield Beach ("ITB"); and

WHEREAS, on November 13, 2018, the Town approved execution of an agreement with Waste Connections via the ITB for solid waste disposal services for municipal solid waste, bulk/commingled waste, and, if it becomes applicable, chemical and demolition debris; and

WHEREAS, an urgent need exists for regional management of solid waste disposal and recyclables processing; and

WHEREAS, through the MOU, the Town seeks to partner with the County and other County municipalities who are willing to work together toward establishing an integrated and comprehensive regional solid waste and recyclables management system; and

WHEREAS, the MOU reflects an agreement among the County and Participating Municipalities that, in order to be both effective and enduring, such system must be a collaborative venture based on certain principles and commitments, including the following: mutual pledges of solid waste flow for an extended period of time; consideration of all possible governance structures, with a preference for one that maintains local control and flexibility; common control and/or responsibility of acquired and constructed public assets and liabilities and the setting of tipping and other fees; and a recognition that robust recycling programs are necessary even if the then-current condition of the recycling market imposes additional short-term costs; and

WHEREAS, the MOU also sets forth a schedule that includes specific milestones for the County and the Participating Municipalities to achieve as they work towards establishing a regional solid waste and recyclables management system; and

WHEREAS, additionally, as part of the MOU, the Participating Municipalities and County would build off of a recent study ("Study") which evaluated and made recommendations regarding: (i) how to reach a 75% countywide recycling goal; (ii) the impact continued public ownership of Alpha 250 (a vacant parcel of land not currently being used for any solid waste disposal purposes) would have on said recycling goal and countywide solid waste disposal; and (iii) other general solid waste issues that were identified through the Study; and

WHEREAS, the Town Manager recommends approving the MOU with Broward County formalizing the shared desire to establish and implement a regional solid waste and recyclables system; and

WHEREAS, the Town Commission deems it to be in the best interest of the Town and its residents to approve the MOU with Broward County formalizing the shared desire to establish and implement a regional solid waste and recyclables system and authorize the Town Manager .

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

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

SECTION 2. MOU Approved. The MOU with Broward County formalizing the shared desire to establish and implement a regional solid waste and recyclables system, is hereby approved.

SECTION 3. Authorization to Execute the Agreement. The Town authorizes the Town Manager or his designee to execute the MOU, in substantially the same form as attached Exhibit "A," together with such non-substantial changes as are deemed necessary by the Town Manager and approved as to form and legal sufficiency by the Town Attorney.

SECTION 4. Conflicts. All prior resolutions or parts thereof in conflict herewith are repealed to the extent of such conflict.

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

PASSED AND ADOPTED on this ___ day of July, 2019.

_____
MAYOR CHRIS VINCENT

Attest:

_____
Tedra Allen, Town Clerk

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney