Town Commission
Jarvis Hall 4505 N. Ocean Drive

Regular Town Commission

Regular Town Commission

Tuesday, June 29, 2021, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR CHRIS VINCENT**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION - Pauline Brooks McGuinness (Representng the Baha'i Faith)**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**

5.a. 4th of July Update
CoverPage.pdf
Ex 1 - 2021 4th of July Flyer
Ex 2 Final 2021 MOT 4th of July.pdf

6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**

7.a. VFD May Activity Report
CoverPage.pdf
VFD May Report.pdf

7.b. AMR May 2021 Report
CoverPage.pdf
Ex.1 - AMR May Report.pdf

7.c. BSO May 2021 Report
CoverPage.pdf
Ex.1 - May 2021.pdf

8. **TOWN MANAGER REPORT**

8.a. May Finance Report
CoverPage.pdf
Ex.1 - Rev / Exp Report.pdf
Ex.2 - CASH INVESTMENT REPORT

8.b. Town Manager Report
CoverPage.pdf
Exhibit 1-A - 6 23 Updated LBTS Proposed New Rates Sheet 2021 (003).pdf

9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**

10.a. June 8, 2021 Town Commission Workshop Minutes
CoverPage .pdf
06-08-21 LBTS Downtown Workshop Minutes.pdf

10.b. June 8, 2021 Town Commission Meeting Minutes
CoverPage .pdf
06-08-21 LBTS Commission Minutes.pdf

11. CONSENT AGENDA

11.a. Purchase of VFD Ranger Crew XP 1000 Premium
CoverPage.pdf
Ex.1 - Polaris Quote.pdf
Ex.2 - McKibben Quote.pdf

12. OLD BUSINESS

12.a. Solid Waste, Bulk Waste and Recycling Collection Services Agreement
CoverPage.pdf
Exhibit 1-A - 6 23 Updated LBTS Proposed New Rates Sheet 2021.pdf

13. NEW BUSINESS

13.a. Voting Delegate for the Florida League of Cities (FLC) 95th Annual Conference Voting Delegate
CoverPage.pdf
2021 Voting Delegate Memo.pdf

14. COMMISSIONER COMMENTS

15. ORDINANCES 1st Reading

15.a. Ordinance 2021-04 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE VI "HISTORIC PRESERVATION" TO REPEAL REGULATIONS RELATED TO HISTORIC PRESERVATION, AND SECTION 30-24, "PLANNING AND ZONING BOARD," SECTION 30-51, "ARCHITECTURAL REVIEW STANDARDS," SECTION 30-111, "PURPOSE," AND SECTION 30-113, "DEVELOPMENT APPLCATION REVIEW PROCEDURES" TO REMOVE REFERENCES TO HISTORIC PRESERVATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
CoverPage.pdf
Ex 1- 2021-04 Repeal - HPB Ordinance .pdf
Ex 2-Planning and Zoning Board Staff Report.pdf
Ex 3-PZ 2021 Minutes 06.02.21 (JUNE).pdf

15.b. Ordinance 2021-05 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 4 "ANIMALS," ARTICLE II "DOGS AND CATS" TO UPDATE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.
CoverPage.pdf
Ex 1 March 9, 2021 Meeting Minutes.pdf
Ex 2 Ord 2021-05 Chapter 4 Code amendment - Animals

16. ORDINANCES 2nd Reading

17. RESOLUTIONS - PUBLIC COMMENTS

17.a. Resolution 2021- 36 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES, SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-

89, "SIDEWALK CAFE PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATION THROUGH OCTOBER 15, 2021; PROVIDING FOR REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Coverpage.pdf
Ex. 1 - Sec._2_27.___Waiver_of_Code_requirements.pdf
Ex. 2 - Resolution 2020-39 - LBTS Extraordinary Circumstance Waiver.pdf
Ex. 3 - Resolution 2021-03 - Extending Reso 20-39 for Sidewalk Cafs BTRs.pdf
Ex. 4 - Maintenance Requirements.pdf
Ex. 5 - Insurance Requirements.pdf
Ex.6 - May 12th Commission Workshop Agenda
Ex. 7 - Minutes 2014-05-12 Special Workshop.pdf
Ex. 8 - Resolution 2014-18 Policies for the use of the Ocean & Dune Plazas & Beach Pavilion.pdf
Ex.9 - Resolution 2021-36 Extraordinary Circumstances Extension through October 2021.pdf

18. QUASI JUDICIAL PUBLIC HEARINGS

18.a. 2021-ZR-01/Request for Zoning Relief for 4412/4416 W. Tradewinds Avenue (the "Property")

CoverPage.pdf
Exhibit 1-Application and Request for Additional Information.pdf
Exhibit 2_Sec._30_138.___Zoning_relief_procedures.pdf
Exhibit 3_Sec._30_11.___Definitions.pdf
Exhibit 4_Site Plan and Survey.pdf
Exhibit 5_Licenses-1.pdf
Ex 6- Resolution 2021-37 Approving Zoning Relief Order 2021-ZR-01) for 4412-16 Tradewinds.pdf

19. ADJOURNMENT

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

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:
Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission

and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

Agenda Item No: 5.a

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Debbie Hime, Special Events & Marketing Manager
Submitting Department: Administration
Item Type: Update
Agenda Section: Presentation

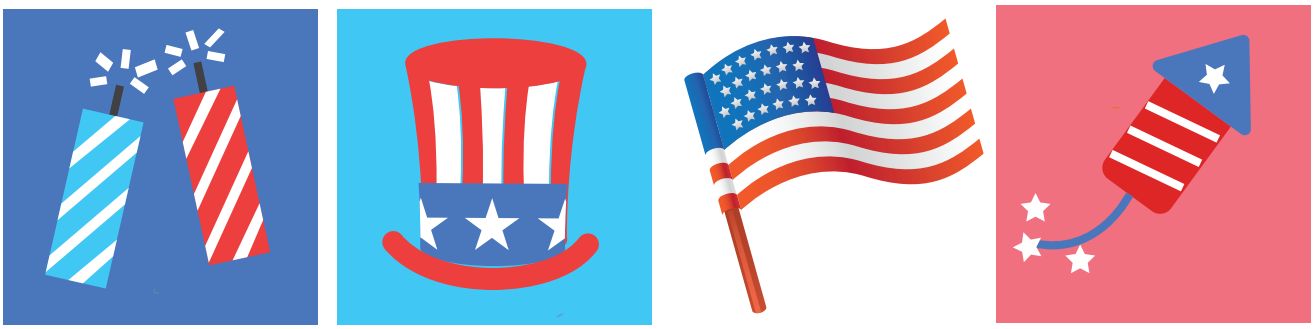
Subject Title: Celebrating the Fourth of July in LBTS

Explanation: Staff will provide a brief overview of the Town's Fourth of July Activities.

Attachments: Exhibit 1 – 2021 Fourth of July Flyer
Exhibit 2 – Final 2021 Fourth of July MOT

PROUDLY PRESENTS

FOURTH•OF•JULY



LAUDERDALE•BY•THE•SEA

PARADE ROUTE

10 AM

Join the fun at our parade along El Mar Drive
Kids bring your treat bags & catch candy!
Fire Trucks ★ BSO Vehicles
Stilt Walkers Lady Liberty & Uncle Sam

FAMILY FUN DAY

11 AM – 3 PM EL PRADO PARK

Giant Water Slide ★ DJ/Music
Clown ★ Face Painting
Hot Dogs

FIREWORKS

9 – 9:20 PM

Launch site north of El Prado Park

To volunteer, participate in the parade or to donate to our 4th festivities call the LBTS Volunteer Fire Department at 954-640-4250

2021 4th of July Deployment Timeline

6/18/2021 BSO, VFSD, Municipal Services, Parking, Valet

Thursday	July 1	AM	MS/VFD	Emergency lane on beach from Palm to Pine secured w/ orange barrels & signage - Thurs 7/1 - down Tues 7/6
		AM	MS	NO Signs at portals and parking lots
		AM	PK	Coordinate parking cones for BSO placement
Friday	July 2nd	2:00 AM	BSO	Block El Mar Bathroom spaces for Portas & dumpster; extra dumpster goes behind BSO
			MS	Portas delivered
		AM	MS	Barricades pre-dropped in parking spaces by Village Grille (not on Anglin monument)
			PK	Chalk spots for guerilla post signs on El Mar
			MS	2nd Dumpster staged behind BSO
		11:00 PM	PK	Block of parking spaces behind Town Hall, along tennis & basketball courts
Sunday	July 4th	4:00 AM	BSO	El Mar SB parking spaces blocked on both sides between the alleyways;
		4:00 AM	PK	El Mar Parking Lot blocked off w/ cones & signs
		4:00 AM	PK/BSO	Gorilla poles in turn around spaces at N & S sides PK provides map to BSO
		4:00 AM	BSO	Block resident spots at El Prado Park
		AM TBD	PK	Remove/re-install guerilla posts for WastePro
		6:30 AM	PK	Signs in both ends of front TH lot for event parking, cones no cut through, etc; block 1st 5 for Comm parking
		8:00 A - 11	Neysa	No Waste Pro Trucks on El Mar or Bougainvilla
		8:00 AM	VFD	Fireworks arrive; VFD blocks NB median lane in front of FDG lot for firewatch - PK add Tow Away signs if requested
		8:30 AM	BSO	Block Bougainvilla access at Big City News
		8:45 AM	MS	Golf Carts in parking spaces by tree
		8:30 AM	PK	Front TH Parking Attendant in place
		9:00 AM	BSO	BSO Detail Briefing in Jarvis Hall re: rolling street closures, event day detail through Fireworks
		9:00 AM	VFD	Southbound traffic closed with barricades at Bougainvilla and Washingtonia
		9:30 AM	BSO	BSO @ El Mar Lot and block NW Alleyway
			VFD	9:58 National Anthem & Pledge of Allegiance
		10:00 AM	All	Parade begins
		11:00 AM	PK	Hamilton sets up valet from center lane to El Prado both median lanes
		11:15 AM	PK	Open NB & SB median lanes cept for valet area open for public parking - Public Parking Signs out
		11:15 AM	PK	Hamilton Event parking signs out, inside El Mar

		11:15 AM	PW	Parade barricades moved to NE median pk spot
		11:30 AM	All	Segway to Family Day @ El Prado Park
		11:30 AM	PK	Gorilla poles out of N turn - leave in southbound spots
		6:00 AM	DH	Church begins parking in ROW
		8:00 PM	BSO	Est shut down/turn around of incoming traffic to Anglin's Square unless need is detemined earlier by BSO: SB by 101, NB by Mulligan's, EB Commercial to El Mar; incoming traffic remains shut down until at least 10PM
		8:00 PM	BSO	Bridge down @ 8PM until 11PM
		9:20 PM	BSO	During and after fireworks, all traffic sent west over bridge (no N/S bound traffic on A1A at Comm)
		9:20 PM	BSO	BSO manually cycling lights to control traffic all the way to Bayview until after fireworks
Monday	July 5		PW	Portas picked up
			VFD	Beach Emergency lane removed
Wednesday	July 7		PW	Barricades picked up

Agenda Item No: 7.a

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Brooke Liddle, AMR Chief
Submitting Department: Public Safety
Item Type: Report
Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: VFD May Activity Report

Recommendation: Accept/Approve

Attachments:
Ex.1 – VFD May 2021 Report

Overview

During the month of May 2021, the Volunteer Fire Department continued its focus on fire prevention for high-rise buildings and commercial properties. There were 69 fire inspections with 1 re-inspection and no violations for the month of May.

Responses:

The Volunteer Fire Department responded to 51 fire rescue calls within the limits of our contract.

- Of the 51 emergency fire calls dispatched, there were 14 fire alarms, 1 structure fire, 1 vehicle fire, 2 outside fires, 7 vehicle accidents w/injuries, 2 marine accidents, 5 drownings, 4 electrical/utility fires, 3 elevator rescues, and 12 "other" fires.

- There were 118 emergency medical 911 calls for May 2021. The department was dispatched to 18 of those calls, of which, 6 were cleared by the Chief on Duty or Med12. The department provided first responder care on 3 of the medical calls until M12/212 arrival and assisted M12/212 on 9 of the medical calls.

Training:

The Volunteer Fire Department had 10 regular in-town members, and 25 associate out of town members for a total of 35 active members.

For the month of May, there were 7 fire drills, 1 beach drill, and 7 car seat installations consisting of the following:

- 228 Hrs - Fire Fighter training drills
- 28 Hrs - Ocean Rescue training
- 7 Hrs - Public Education – Car Seat Installation

A total of 263+ hours were spent in the month of May on training.

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

Respectfully,

Judson Hopping,
Fire Chief

Administration office: 4513 Ocean Boulevard
Fire Station: 4504 Bougainvilla Drive
Lauderdale-By-The-Sea, FL 33308

Tel: (954) 640-4250
Fax: (954) 640-4236
e-mail: contact@lbtsfire.com

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

	Regular In-town	Associate Out of Town
Active Member	10	25

Fire 1 non-certified	0	2
Fire 1 Certified	1	0
Fire II Certified	9	23

CPR/1st Responder	5	7
EMT-B (FL)	2	12
Paramedic (FL)	3	6

Emergency Calls

Fire/Rescue	51
Total Medical 911 calls	118
Medical calls V.F.D. Not Dispatched	100
Medical calls V.F.D. Dispatched	18
Medical calls Canceled by COD/M12	7
Medical calls V.F.D. Assisted	11

Training ***excludes Target Solutions on-line trng.**

256+ Total Hrs.

Firefighter drills	228 Hrs
Ocean Rescue training	28 Hrs
Public Awareness – Car Seat Installation	7 Hrs

Station Watch Hours

2,767.25+ Total Hrs.

Firefighter Station Watch/Ocean patrol	2,023.25+ Hrs
Chief on Duty/Command	744 Hrs

LBTS Volunteer Fire Department - May 2021, Active Roster

Last Name	First Name	LBTS FF No.	Membership	Town Resident	Rank	Fire Cert	EMS Certification	MTD Calls	YTD Calls
Acevedo	Manuel	189639	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	10	39
Arnold	Kenneth	190026	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	6	19
Aubrey	Keith	163	Regular Member		Firefighter	Firefighter II	Paramedic (FL)	2	18
Benrubi	Aaron	173349	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	54
Bias	Jonathan	81298	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	8	51
Cabrera	Ricardo	177336	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	7	20
Carlton	Ryan	186384	Associate Member		Lieutenant	Firefighter II	EMT-B (FL)	16	164
Clinton	Ryan	177389	Associate Member		Lieutenant	Firefighter II	CPR for healthcare provider	8	100
Cosenza	Vincent	169533	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	8	33
Cowles	James	186248	Regular Member	*	Firefighter	Firefighter I	CPR for healthcare provider	31	175
DeZayas	Mauricio	186553	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	6	55
Dupoux	Eric	184333	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	11	43
Edouard	Myriam	708	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	10	35
Garcia	Ali	166036	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	7	65
Gonzalez	Anthony	177356	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	0	20
Hopping	Judson	054	Regular Member		Fire Chief	Firefighter II - D/E	EMT-B (FL)	19	93
Johnson	Scott	33742	Regular Member		Firefighter	Firefighter II-D/E - Officer I	Paramedic (FL)	24	172
Kane	Mark	155	Associate Member		Captain	Firefighter II-D/E - Officer I	EMT-B (FL)	22	176
Karley	Robert	101	Regular Member	*	Firefighter	Firefighter II - D/E	CPR for healthcare provider	29	208
Lane	Taylor	186647	Associate Member		Firefighter	Firefighter II	Paramedic (FL)	4	32
Leon	Matthew	182330	Associate Member		Lieutenant	Firefighter II	EMT-B (FL)	18	215
*Louvaris	John	078	Regular Member		Deputy Chief	Firefighter II-D/E - Officer I	CPR for healthcare provider	50	344
Mangin	Andrew	735	Associate Member		Firefighter	Firefighter II - D/E	Paramedic (FL)	11	60
Martelli	Gabriel	188481	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	14	35
Obregon	Chelsea	192558	Associate Member		Trainee	Trainee	CPR for healthcare provider	0	3
Obsaint	Antoinette	165334	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	13	42
Paine	Kyle	173	Regular Member		Firefighter	Firefighter II	EMT-B (FL)	3	27
Paine	Riley	704	Regular Member		Battalion Chief	Firefighter II-D/E - Officer II	Paramedic (FL)	34	232
Paine	Stephen	140	Regular Member		Fire Marshal	Firefighter II	CPR for healthcare provider	16	133
Piper	Kyle	184815	Associate Member		Firefighter	Firefighter II	CPR for healthcare provider	17	33
Robinson	Ruth	181711	Associate Member		Firefighter	Firefighger II	EMT-B (FL)	0	34
Silverstone	James	025	Regular Member	*	Firefighter II	Firefighter II	CPR for healthcare provider	17	63
Stewart	Theodore	190140	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	7	17
Warden	Stephanie		Associate Member		Trainee	Trainee	CPR for healthcare provider	0	6
Wolf	Ian	182777	Associate Member		Firefighter	Firefighter II	EMT-B (FL)	6	16

*YTD correction

Monthly Activity Report - May 2021

Date	Fire/Rescue Calls	Event Description	Start Time	End Time	No. of FF
01-May-21	251 S. Tradewinds Ave.	Electrical fire	5:52:00 PM	6:43:00 PM	5
03-May-21	4513 North Ocean Drive	Other fire - service call	5:05:00 AM	5:13:00 AM	5
03-May-21	4636 El Mar Drive	Elevator rescue	10:12:00 AM	10:18:00 AM	9
03-May-21	N. Ocean/Datura	Accident w/injuries	3:17:00 PM	4:21:00 PM	9
04-May-21	5200 North Ocean Drive	Fire alarm	6:12:00 AM	6:32:00 AM	7
04-May-21	5200 North Ocean Drive	Accident w/injuries	10:12:00 AM	10:26:00 AM	5
04-May-21	S. Ocean/Ocean Walk	Accident w/injuries	6:31:00 PM	6:40:00 PM	5
04-May-21	Hibiscus Ave/El Mar	Other fire - bird stuck in drain	8:58:00 PM	9:15:00 PM	4
05-May-21	5200 North Ocean Blvd.	Commercial Structure fire	1:10:00 PM	1:39:00 PM	5
06-May-21	5200 North Ocean Drive	Fire alarm	1:39:00 AM	2:06:00 AM	4
06-May-21	4510 EL Mar Drive	Fire alarm	12:50:00 PM	1:18:00 PM	5
06-May-21	4900 North Ocean Drive	Elevator rescue	5:32:00 PM	5:57:00 PM	10
06-May-21	2 Commercial Blvd.	Other fire - possible missing diver - unfounded	7:44:00 PM	8:36:00 PM	9
07-May-21	2 Commercial Blvd.	Other fire - svc call pt missing on beach found	2:12:00 PM	2:40:00 PM	5
07-May-21	3900 Galt Ocean	Accident w/injuries	4:29:00 PM	4:43:00 PM	9
07-May-21	2081 Coral Reef Drive	Electrical/utility fire	9:11:00 PM	9:30:00 PM	9
07-May-21	2081 Coral Reef Drive	Electrical/utility fire	11:33:00 PM	11:44:00 PM	7
08-May-21	4640 El Mar Drive	Drowning - child found in pool - bystanding admin CPR - M12 transported	7:08:00 PM	7:58:00 PM	4
09-May-21	3271 Oleander Way	Other fire - curbside fire	3:50:00 PM	4:41:00 PM	7
10-May-21	5200 North Ocean Drive	Fire alarm	1:56:00 PM	2:11:00 PM	9
11-May-21	5200 North Ocean Blvd.	Fire alarm	11:05:00 AM	11:24:00 AM	6
11-May-21	5200 North Ocean Blvd.	Fire alarm	11:30:00 AM	11:46:00 AM	6
12-May-21	4417 El Mar Drive	Fire investigation - grill flare up	7:42:00 PM	7:48:00 PM	4
14-May-21	1439 South Ocean Blvd.	Fire alarm	10:36:00 AM	10:53:00 AM	5
14-May-21	Imperial & Ocean	Boat/marine accident	11:10:00 AM	11:46:00 AM	8
14-May-21	253 Tropic Drive	Fire alarm - residential	8:26:00 PM	8:35:00 PM	6
15-May-21	4300 Seagrape Drive	Other fire - welfare check	10:20:00 AM	11:24:00 AM	7
15-May-21	4444 EL Mar Drive	Fire alarm	1:39:00 PM	2:04:00 PM	8
15-May-21	6000 North Ocean Drive	Open water drowning - canceled en route	2:49:00 PM	3:00:00 PM	8
17-May-21	218 Commercial Blvd.	Fire alarm	5:29:00 AM	5:41:00 AM	5
17-May-21	4405 North Ocean Drive	Other fire - service call	7:56:00 PM	8:13:00 PM	9
18-May-21	1 Commercial Blvd.	Fire alarm	11:39:00 PM	11:54:00 PM	5
19-May-21	Codrington Dr./Thomas	Outside fire	6:18:00 PM	6:28:00 PM	7
20-May-21	Terra Mar/Ocean	Accident rollover/extrication	1:50:00 AM	2:00:00 AM	3
22-May-21	3900 North Ocean Drive	Other fire service call	3:44:00 AM	5:00:00 AM	4
22-May-21	2 Commercial Blvd	Drowning - 2 pt jumped from pier	1:46:00 PM	2:05:00 PM	7
22-May-21	4573 Bougainvilla Drive	Accident w/injuries	8:57:00 PM	10:32:00 PM	7
23-May-21	1439 South Ocean Blvd.	Electrical fire	12:45:00 AM	2:02:00 AM	6
25-May-21	1431 South Ocean Blvd.	Other fire - svc call	4:32:00 PM	4:53:00 PM	7
26-May-21	4500 Bougainvilla Drive	Vehicle fire	7:25:00 PM	7:27:00 PM	7
27-May-21	1900 North Ocean Blvd.	Fire alarm	10:31:00 PM	10:50:00 PM	6
28-May-21	1460 South Ocean Drive	Fire alarm	2:05:00 PM	2:23:00 PM	7
28-May-21	1500 South Ocean Blvd.	Elevator rescue	4:11:00 PM	4:12:00 PM	9
29-May-21	4448 Bougainville Drive	Other fire - svc call	2:22:00 AM	2:27:00 AM	3
29-May-21	5200 North Ocean Drive	Fire alarm	7:48:00 AM	7:59:00 AM	9
29-May-21	2 Commercial Blvd.	Open water drowning - missing diver out of water upon arrival	10:43:00 AM	10:55:00 AM	7
29-May-21	Pine Ave & N. Ocean	Accident w/injuries	12:09:00 PM	12:49:00 PM	8
30-May-21	Flamingo Ave/N. Ocean	Other fire brush fire	2:56:00 PM	3:07:00 PM	9
30-May-21	4300 El Mar Drive	Open water drowning - missing diver located - no distress	3:05:00 PM	3:44:00 PM	9
31-May-21	1431 South Ocean Blvd.	Other fire - svc call	3:30:00 PM	3:47:00 PM	6
31-May-21	218 Commercial Blvd.	Fire alarm	4:32:00 PM	4:40:00 PM	9
			Total Calls	51	

Date	First Responder	Event Description	Start Time	End Time	No. of FF
01-May-21	El Mar Drive	medical, OR12 assisted M12	9:47:00 AM	10:47:00 AM	8
01-May-21	Seagrape Drive	medical, E12 lift assist M12	1:28:00 PM	1:40:00 PM	9
01-May-21	South Ocean Blvd.	medical, E12 lift assist M12	5:16:00 PM	5:35:00 PM	6
03-May-21	Hibiscus Avenue	medical trama alert; dispatched wrong address	10:29:00 AM	11:21:00 AM	9
03-May-21	North Ocean Drive	medical trama alert; E12 assisted M12 & M212	10:28:00 AM	11:21:00 AM	9
03-May-21	Codrington Drive	medical, E12 cleared by M12	3:00:00 PM	3:54:00 PM	8
04-May-21	South Ocean Blvd	medical, E12 canceled by M12	9:58:00 AM	10:19:00 AM	5
04-May-21	South Ocean Blvd.	medical, E12 assisted M12	1:03:00 PM	2:02:00 PM	5
06-May-21	North Ocean Drive	medical, E12 assisted M212	12:29:00 PM	1:15:00 AM	4
06-May-21	Commercial Blvd	medical, OR212 provided BLS care until M212 arrival	3:38:00 PM	4:30:00 PM	5
07-May-21	Poinciana Street	medical, E12 cleared by M12	11:44:00 PM	11:55:00 PM	7
08-May-21	North Ocean Blvd.	medical, E12 assisted M12	6:21:00 PM	6:32:00 PM	4
08-May-21	West Tradewinds Avenue	medical, E12 dispatched, no M12 in zone	8:16:00 PM	8:22:00 PM	4
09-May-21	Commercial Blvd.	medical, E12 provided 1st aid; dispatched M12	9:50:00 AM	10:38:00 AM	3
09-May-21	Commercial Blvd.	medical, E12 canceled en route	6:50:00 PM	8:41:00 PM	4
14-May-21	Ocean/Commercial	medical, E12 canceled en route	1:46:00 AM	2:31:00 AM	3
25-May-21	EL Mar Drive/Beach	medical, OR12 responded; pt gone on arrival	2:46:00 PM		4
31-May-21	El Mar Drive	medical, OR212 assisted M12 & M212	1:38:00 PM	2:13:00 PM	4
			Total Calls	18	

Date	Public Service	Event Description	Start Time	End Time	No. of FF
10-May-21	Station 12	Installed a forward facing car seat	5:00:00 PM	6:00:00 PM	1
09-May-21	Sea Ranch Plaza	Resident fell off bicycle in parking lot; E12 applied 1st aid	1:00:00 PM	1:20:00 PM	3
15-May-21	Station 12	Station tour; 2 children & 1 adult	9:00:00 AM	9:30:00 AM	4
17-May-21	276 Imperial Lane	Leaking hydrant; reported to Ft. Lauderdale Water Dept.	10:15:00 AM	10:30:00 AM	4
20-May-21	Station 12	Installed a rearfacing car seat	5:00:00 PM	6:00:00 PM	1
21-May-21	Station 12	Installed (2) forward & (1) rear facing car seat	11:30:00 AM	12:30:00 PM	1
21-May-21	Station 12	Installed a forward facing car seat	12:30:00 PM	1:30:00 PM	1
22-May-21	Station 12	Installed a rearfacing car seat	12:00:00 PM	1:00:00 PM	1
25-May-21	Station 12	Installed a forward facing car seat	2:30:00 PM	3:30:00 PM	1
25-May-21	Station 12	Installed (2) forward facing car seats	4:30:00 PM	5:30:00 PM	1

Date	Drill/Training	Event Description	Start Time	End Time	No. of FF
01-May-21	Beach	Ocean rescue/water training	9:00:00 AM	12:00:00 PM	7
07-May-21	Station 53	G557 - Rapid Needs Assessment	8:00:00 AM	5:00:00 PM	1
06-May-21	Station 12	EMS drill; backboard, C-collar & vitals	6:00:00 PM	10:00:00 PM	7
10-May-21	Station 12	Extrication; tools & door removal w/Chief Caldaro	6:00:00 PM	10:00:00 PM	10
15-May-21	Station 12	Hose deployment - nozzle management	10:00:00 AM	1:00:00 PM	4
17-May-21	Station 12	Vehicle extrication w/Chief Caldaro	6:00:00 PM	10:00:00 PM	8
20-May-21	Station 12	Vehicle Extrication	6:00:00 PM	10:00:00 PM	11
24-May-21	Station 12	Vehicle Extracation	6:00:00 PM	10:00:00 PM	8
27-May-21	Station 12	Vehicle Extrication w/Genesis tools - Instructed by Chief Caldaro	6:00:00 PM	10:00:00 PM	9

Date	Ocean Rescue	Event Description	Start Time	End Time	No. of FF
31-May-21	Beach	Ocean rescue patrol & trng	10:00:00 AM	4:00:00 PM	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

May-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	51	63	6	9
Response Time	0:04:51	0:05:35	0:00:00	0:00:00

Total Average Response Time : 4:33

Apr-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	49	56	4	7
Response Time	0:05:00	0:05:01	0:00:00	0:00:00

Total Average Response Time : 4:39

Mar-21

Apparatus	Batt. Chief 12	Engine 12	Engine 212	Squirt 12
Call Count	32	44	1	4
Response Time	0:05:17	0:05:23	0:00:00	0:00:00

Total Average Response Time : 4:51

Agenda Item No: 7.b

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Brooke Liddle, AMR Chief
Submitting Department: Public Safety
Item Type: Report
Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: AMR May Activity Report

Recommendation: Accept/Approve

Attachments:
Ex.1 – AMR May 2021 Report

Response Date	Address	Dispatched	Enroute	On Scene	Response Time
5/9/2021	100 BLK Commercial Blvd	18:37:01	18:37:31	18:37:32	0:00:31
5/5/2021	4400 BLK N Ocean Dr	23:41:09	23:41:09	23:42:02	0:00:53
5/3/2021	200 BLK Codrington Dr	15:53:05	15:53:12	15:54:03	0:00:58
5/14/2021	4400 BLK El Mar Dr	02:03:33	02:03:40	02:04:48	0:01:15
5/27/2021	200 BLK E Commercial Blvd	20:04:18	20:05:03	20:05:35	0:01:17
5/8/2021	100 BLK Commercial Blvd	20:24:39	20:24:46	20:26:04	0:01:25
5/7/2021	2000 BLK Blue Water Ter S	23:35:30	23:35:41	23:37:00	0:01:30
5/23/2021	4200 BLK El Mar Dr	10:46:23	10:46:34	10:48:11	0:01:48
5/9/2021	100 BLK Commercial Blvd	09:50:10	09:52:08	09:52:12	0:02:02
5/24/2021	1500 BLK S Ocean Blvd	14:09:05	14:09:22	14:11:08	0:02:03
5/18/2021	4100 BLK Bougainvilla Dr	10:54:21	10:54:31	10:56:25	0:02:04
5/25/2021	4500 El Mar Dr	14:51:46	14:51:53	14:53:54	0:02:08
5/5/2021	100 BLK Commercial Blvd	23:13:01	23:13:18	23:15:13	0:02:12
5/8/2021	4600 BLK El Mar Dr	19:09:04	19:10:09	19:11:23	0:02:19
5/31/2021	4500 BLK Poinciana St	09:53:09	09:53:21	09:55:30	0:02:21
5/1/2021	4300 BLK El Mar Dr	09:50:20	09:50:36	09:52:41	0:02:21
5/28/2021	4600 BLK N Ocean Dr	10:01:58	10:02:04	10:04:22	0:02:24
5/11/2021	4300 BLK N Ocean Dr	19:18:53	19:19:57	19:21:21	0:02:28
5/1/2021	100 BLK Commercial Blvd	02:23:26	02:24:33	02:25:55	0:02:29
5/4/2021	1800 BLK S Ocean Blvd	09:58:23	09:58:27	10:00:55	0:02:32
5/4/2021	100 BLK Commercial Blvd	18:52:15	18:52:30	18:54:48	0:02:33
5/28/2021	3900 BLK N Ocean Dr	14:51:34	14:51:44	14:54:07	0:02:33
5/4/2021	S Ocean Blvd/Oceanwalk Ter	18:32:55	18:33:01	18:35:32	0:02:37
5/3/2021	4300 BLK N Ocean Dr	19:33:59	19:35:09	19:36:41	0:02:42
5/27/2021	6000 BLK N Ocean Blvd	21:19:50	21:21:11	21:22:33	0:02:43
5/27/2021	4900 BLK N Ocean Blvd	22:09:42	22:10:30	22:12:27	0:02:45
5/30/2021	4600 BLK El Mar Dr	19:18:39	19:20:19	19:21:24	0:02:45
5/17/2021	4400 BLK N Ocean Dr	20:04:34	20:06:05	20:07:22	0:02:48
5/21/2021	Commercial Blvd/Sea Grape Dr	23:41:52	23:41:54	23:44:46	0:02:54
5/18/2021	4600 BLK Bougainvilla Dr	14:50:20	14:52:17	14:53:16	0:02:56
5/2/2021	100 BLK Commercial Blvd	07:48:53	07:51:10	07:51:50	0:02:57
5/4/2021	1900 BLK S Ocean Blvd	13:04:34	13:04:44	13:07:31	0:02:57
5/9/2021	200 BLK Commercial Blvd	19:27:08	19:28:02	19:30:10	0:03:02
5/6/2021	100 BLK W Commercial Blvd	19:34:40	19:35:02	19:37:42	0:03:02
5/18/2021	100 BLK Commercial Blvd	14:41:25	14:43:28	14:44:28	0:03:03
5/28/2021	4400 BLK El Mar Dr	15:13:13	15:13:58	15:16:19	0:03:06
5/7/2021	4600 BLK Poinciana St	23:42:02	23:42:12	23:45:08	0:03:06
5/10/2021	3900 BLK N Ocean Dr	11:54:24	11:54:45	11:57:30	0:03:06
5/29/2021	N Ocean Dr / Pine Ave	12:09:33	12:12:38	12:12:40	0:03:07
5/9/2021	200 BLK Bombay Ave	16:34:10	16:34:27	16:37:18	0:03:08
5/2/2021	1800 BLK S Ocean Blvd	11:30:31	11:32:08	11:33:42	0:03:11
5/8/2021	100 BLK Commercial Blvd	20:47:11	20:48:30	20:50:24	0:03:13
5/2/2021	4400 BLK Seagrape Dr	12:20:04	12:22:28	12:23:19	0:03:15
5/18/2021	4300 BLK El Mar Dr	20:38:46	20:39:03	20:42:01	0:03:15
5/16/2021	4300 BLK El Mar Dr	01:22:00	01:25:12	01:25:15	0:03:15
5/3/2021	N Ocean Dr / Datura Ave	15:16:31	15:18:07	15:19:47	0:03:16
5/25/2021	100 BLK Commercial Blvd	01:41:21	01:42:41	01:44:37	0:03:16
5/15/2021	4300 BLK Seagrape Dr	10:21:59	10:22:26	10:25:17	0:03:18

5/11/2021	100 BLK Commercial Blvd	22:09:13	22:10:09	22:12:33	0:03:20
5/12/2021	4500 BLK W Tradewinds Ave	14:34:56	14:36:22	14:38:18	0:03:22
5/25/2021	4600 BLK Bougainvilla Dr	02:42:12	02:42:27	02:45:37	0:03:25
5/10/2021	4200 BLK Seagrape Dr	20:53:14	20:53:30	20:56:39	0:03:25
5/30/2021	4400 BLK Seagrape Dr	18:19:31	18:19:51	18:22:57	0:03:26
5/2/2021	4300 BLK N Ocean Dr	01:25:59	01:26:22	01:29:27	0:03:28
5/3/2021	100 BLKCommercial Blvd	18:31:46	18:32:06	18:35:16	0:03:30
5/3/2021	160 BLK Hibiscus Ave	10:27:11	10:28:37	10:30:42	0:03:31
5/17/2021	4900 BLK N Ocean Dr	12:04:10	12:06:37	12:07:42	0:03:32
5/14/2021	N Ocean Dr/Commercial Blvd	01:47:46	01:47:55	01:51:18	0:03:32
5/6/2021	1400 BLK S Ocean Blvd	16:28:26	16:30:36	16:32:02	0:03:36
5/9/2021	3700 BLK Oleander Way	15:52:53	15:53:10	15:56:30	0:03:37
5/7/2021	3900 BLK N Ocean Blvd	16:29:33	16:32:52	16:33:12	0:03:39
5/27/2021	4500 BLK N Ocean Dr	20:37:19	20:38:49	20:40:59	0:03:40
5/29/2021	100 BLK Commercial Blvd	17:30:26	17:31:12	17:34:09	0:03:43
5/1/2021	1800 BLK S Ocean Blvd	21:17:00	21:18:12	21:20:45	0:03:45
5/28/2021	1900 BLK S Ocean Blvd	11:54:22	11:55:02	11:58:11	0:03:49
5/10/2021	1800 BLK S Ocean Blvd	17:12:18	17:14:18	17:16:07	0:03:49
5/6/2021	6000 BLK N Ocean Blvd	15:36:35	15:38:33	15:40:26	0:03:51
5/31/2021	100 BLK Commercial Blvd	15:31:20	15:33:30	15:35:17	0:03:57
5/22/2021	100 BLK W Commercial Blvd	13:47:32	13:47:51	13:51:29	0:03:57
5/20/2021	6000 BLK N Ocean Blvd	14:45:57	14:46:44	14:49:56	0:03:59
5/7/2021	4100 BLK Bougainvilla Dr	13:03:16	13:05:35	13:07:16	0:04:00
5/12/2021	4600 BLK El Mar Dr	19:26:09	19:27:17	19:30:11	0:04:02
5/23/2021	4600 BLK N Ocean Dr	01:42:45	01:43:49	01:46:47	0:04:02
5/17/2021	5100 BLK N Ocean Blvd	04:50:48	04:54:48	04:54:51	0:04:03
5/21/2021	100 BLK Commercial Blvd	21:16:50	21:16:53	21:21:01	0:04:11
5/8/2021	4400 BLK W Trade Winds Ave	20:18:01	20:18:16	20:22:17	0:04:16
5/8/2021	200 BLK Marine Ct	22:11:32	22:12:22	22:15:48	0:04:16
5/27/2021	1700 BLK S Ocean Blvd	09:43:42	09:43:48	09:47:59	0:04:17
5/20/2021	100 BLK Commercial Blvd	22:30:38	22:31:38	22:34:57	0:04:19
5/13/2021	4400 BLK W Tradewinds Ave	20:23:47	20:24:25	20:28:10	0:04:23
5/27/2021	1900 BLK Ocean Mist Dr	00:16:22	00:18:10	00:20:45	0:04:23
5/27/2021	4200 BLK N Ocean Dr	23:22:32	23:22:45	23:26:55	0:04:23
5/8/2021	4200 BLK N Ocean Dr	13:56:32	13:57:13	14:00:58	0:04:26
5/13/2021	4000 BLK N Ocean Dr	18:43:20	18:43:36	18:47:46	0:04:26
5/3/2021	1900 S Ocean Blvd	05:55:39	05:57:44	06:00:07	0:04:28
5/31/2021	4400 BLK El Mar Dr	13:38:53	13:39:33	13:43:27	0:04:34
5/19/2021	Codrington Dr/Thomas Way	18:19:44	18:19:56	18:24:26	0:04:42
5/22/2021	3900 BLK N Ocean Dr	03:58:30	03:58:47	04:03:16	0:04:46
5/14/2021	1600 BLK S Ocean Blvd	11:12:01	11:13:45	11:16:48	0:04:47
5/22/2021	4500 BLK Bougainvilla Dr	20:58:01	20:59:10	21:03:02	0:05:01
5/14/2021	1400 BLK S Ocean Blvd	23:18:15	23:20:23	23:23:16	0:05:01
5/21/2021	1800 BLK S Ocean Blvd	23:07:56	23:07:58	23:13:11	0:05:15
5/16/2021	1500 BLK S Ocean Blvd	03:51:00	03:52:50	03:56:20	0:05:20
5/1/2021	200 BLK S Tradewinds Ave	17:53:49	17:53:53	17:59:09	0:05:20
5/15/2021	4600 BLK Poinciana St	15:28:19	15:29:02	15:33:56	0:05:37
5/21/2021	4600 BLK Bougainvilla Dr	04:37:21	04:39:14	04:43:29	0:06:08
5/31/2021	200 BLK Codrington Dr	19:27:14	19:27:14	19:33:51	0:06:37
	6 min or less = 98%			**Average =**	**0:03:23**

Agenda Item No: 7.c

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Thomas Palmer, BSO Captain
Submitting Department: Public Safety
Item Type: Report
Agenda Section: PUBLIC SAFETY DISCUSSION

Subject Title: BSO May Activity Report

Recommendation: Accept/Approve

Attachments: Ex.1 – BSO May 2021 Report

Date: June 10, 2021

To: Linda Connors
Interim Town Manager

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

Subject: BSO Public Safety Report- May 2021

PERSONNEL CHANGES:

Deputy Manuel Alvarez-Jacinto transferred to the Lauderdale by the Sea District from Operations Administration.

Deputy Miguel Mirabal transferred to the Cooper City District from the Lauderdale by the Sea District.

Deputy Alain Dubreuil transferred to the Lauderdale by the Sea District from the Cooper City District.

EMPLOYEE OF THE MONTH:

In May 2021, Deputy Miguel Mirabal was actively patrolling the southern part of the Town of Lauderdale by the Sea when he observed a suspicious male loitering in the darkness near a closed business. As Deputy Mirabal circled around to contact the individual, the suspect disappeared, but was quickly located on A1A. Deputy Mirabal contacted the subject who provided him with false information to conceal his identity. Deputy Mirabal requested resources from the Pompano Beach District and utilized a portable fingerprint reader in an attempt to positively identify the suspicious person. The suspect was positively identified as Keith Duran, who had an active felony warrant for violation of probation with the original offense being felony theft. The subject continuously provided conflicting information as to why he was in the area at 3am and failed to dispel the deputies' fear that he was actively searching the area to commit a crime. Deputy Mirabal and other midnight shift deputies scoured the neighborhood in an attempt to locate signs of criminal activity (e.g. open car doors, broken windows, discarded property, etc..); however, none was located. The suspect was arrested and transported to jail without incident.

Due to Deputy Mirabal's tenacity and attention to detail while on patrol it is no doubt that he prevented a criminal act by a convicted felon that was loitering in the Town of Lauderdale by the Sea. Based on these actions he was awarded the Deputy of the Month honors for May 2021.

COP COMMENDATION:

COP members returned to their volunteer services on May 10, 2021 after a nearly 14-month hiatus due to COVID-19. The COP members are already making an impact in the community. While on beach patrol, COP members Art Jackson and Bill Johansen were flagged down in reference to a missing diver. Utilizing their training, they relayed the information via their assigned radio to BSO Communications to alert public safety personnel. Deputies, VFD, BSO Marine Unit and BSO Aviation unit responded to the scene. BSO Marine Patrol quickly located the diver who had separated from her group and was not in any distress. The diver returned to shore and numerous beachgoers applauded the COP members. I too applaud the Lauderdale by the Sea District COP Unit and we are proud to have them back in service.

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 21 ½ 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 405 miles and 72 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. Two (2) individuals required mental health assistance and were Baker Acted. Seven (7) individuals experiencing homelessness were contacted during the month. Four (4) of the individuals refused free services offered by law enforcement, three (3) other individuals were transported to the hospital for medical attention.

- **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: 13-2105-000057
DATE/TIME: 05/02/21 @ 1800 hrs
LOCATION: 4627 Bougainvilla Drive, LBTS
ARRESTEE: Vladamir Mathieu B/M 05/13/92
INCIDENT: Warrant Arrest
SUMMARY: Deputy Suarez was flagged down in reference to a male loitering at the above residential location. Contact was made and the above subject had a warrant out of Orlando for violation of theft conditions. The suspect was transported to jail without incident.

CASE: 13-2105-000109
DATE/TIME: 05/03/21 @ 2212 hrs
LOCATION: 241 Commercial Blvd
INCIDENT: Baker Act
SUMMARY: Deputy Klier was dispatched to the above location reference a male acting erratically, yelling at himself, and pulling out shrubs. The subject was located near the Blue Moon restaurant, where he continued his erratic behavior. It was determined that the subject was not of sound mind, he was a danger to himself and others and was involuntarily Baker Acted and transported to Imperial Point Hospital.

CASE: 13-2105-0000112
DATE/TIME: 05/04/21 @ 0028 hrs
LOCATION: 4300 El Mar Drive
INCIDENT: Baker Act
SUMMARY: Deputy Pitulan along with district deputies were dispatched to the above location in reference family members calling regarding a female family member acting erratically. Deputy Pitulan determined that woman was not of sound mind, she was a danger to herself and others and was considered a Baker Act. She was transported to Fort Lauderdale Behavior Center.

CASE: 13-2105-000120
DATE/TIME: 05/04/2021 @ 0830 hours
LOCATION: 3900 N Ocean Dr, LBS
INCIDENT: Burglary Conveyance **(UNLOCKED)**
SUMMARY: The victim is the night security guard at 3900 N. Ocean Dr. His vehicle was parked in the west-side parking lot and around 0030 hours, an unknown w/m entered his **unlocked** 2017 Toyota Corolla and removed a dash-cam from the glove box and 2 pieces of "Cintas" work clothes from the backseat. When he left to go home this morning, he noticed the

items missing. He checked the condo surveillance cameras and could observe a w/m at approximately 0030 hours enter his vehicle. Investigation has linked this case and the below burglary residence. Investigation is ongoing with significant investigative leads.

CASE: 13-2105-000129
DATE/TIME: 05/04/2021 @ 1230 hours
LOCATION: 220 Codrington Drive, LBS
INCIDENT: Burglary Residence **(CAPTURED ON TOWN's CAMERA SYSTEM)**
SUMMARY: At approx. 0120 hours this date, an unknown w/m entered a covered yet open carport located at the noted residence. The subject removed several power tools and deep-sea fishing tackle. LBTS video surveillance captured the subject walking east from the residence carrying several fishing rods, a backpack and what appears to be, a rolling travel type suitcase. Investigation has linked this case and the above burglary conveyance. Investigation is ongoing with significant investigative leads.

CASE: 13-2105-000159
DATE/TIME: 05/05/2021 @ 0845hrs
LOCATION: 4050 N Ocean Dr.
INCIDENT: Theft of Bicycle (Petit)- **(3-day time delay in reporting)**
SUMMARY: At approximately 1815hrs on 05/02/2021, (3) unknown W/M's were captured on video surveillance entering the parking lot of the condominium on foot. While on property, one of the subjects cut the lock to the victim's bicycle which was secured to the bicycle rack. Video was obtained that captured the incident. The victim was only able to advise that the bicycle was green. Investigation is ongoing.

CASE: 13-2105-000289
DATE/TIME: 05/08/21 @ 1903 hrs.
LOCATION: 4644 El Mar Drive Lauderdale by the Sea FL. 33308 (Plunge Beach Resort)
VICTIM: (2 years old)
NURSE: Richard Mullings
INCIDENT: Near Drowning
SUMMARY: Deputies were dispatched to the Plunge Beach Resort (4644 El Mar Drive) in reference to an unresponsive 2-year-old female that was just pulled out of the swimming pool by her mother. A Jackson Memorial ICU nurse (Richard Mullings) happened to be at the resort attending a birthday party when he heard the mother screaming and immediately ran to the pool area and began CPR on the child. The unresponsive child's color was described as bluish gray when she was pulled from the water. Within minutes of Mr. Mullings lifesaving intervention, the child regained consciousness and began crying and vomiting. Lauderdale by the Sea AMR Med 12 transported the child to Broward Health Medical Center (BGH) for further care. She was admitted to the hospital overnight for observation and has since been released and has made a full recovery. Per standard protocol, Detectives from the BSO Special Victim's Unit, Crime Scene, and Child Protective Services were notified and responded for follow-up investigation. The ICU Nurse Mullins has been submitted for the BSO Life Saving Award as a result of his heroic actions.

CASE: 13-2105-000300
DATE/TIME: 05/09/21 @ 0300 hrs.
LOCATION: 4100 Block N. Ocean Dr.
ARRESTEE: W/M, Keith Marcel Duran, DOB 08/20/1975, "At Large" 5'8", 150lbs.
INCIDENT: Warrant Arrest (VOP Felony Theft)
SUMMARY: Deputy Mirabal observed a suspicious male walking in the area of Paula's Surf Beauty Salon and Boutique (4137 Bougainvilla Dr.). When he circled back to look for the subject the individual had disappeared out of sight. Deputy Mirabal kept checking and finally located the subject in the 4100 block of N. Ocean Dr. where he was ultimately stopped. The subject gave a fictitious name and none of the other information he provided matched up, as well as, claiming he did not know his social security number. A fingerprint reader was requested from the Pompano Beach District and the subject was quickly identified as Keith Duran. Mr. Duran had an active felony warrant for VOP (original charge theft). He was placed under arrest and transported to the main jail without incident. The residential streets in one zone were checked for any obvious signs of criminal activity (ex. opened car doors), nothing was found.

CASE: 13-2105-000440
DATE/TIME: May 14, 2021 @ 0124 hrs.
LOCATION: Commercial BLVD/ N Ocean Drive
INCIDENT: Traffic Stop/DUI Investigation
SUMMARY: While on patrol, deputies located a motorist at the intersection of Commercial BLVD/ N Ocean Drive that was improperly stopped in the middle of the road and failed to move whenever the light turned green. While in contact with deputies, the arrestee displayed several signs indicating he was possibly under the influence of a controlled substance. The subject's condition deteriorated on scene therefore AMR was contacted, and the subject was transported to the hospital. DUI Task Force Deputy Popick responded to the hospital and conducted a blood draw with the subject's consent. Investigation is pending on the results of the blood draw.

CASE: 13-2105-000683
DATE/TIME: 05/23/2021 @ 0202 hours
LOCATION: 4220 El Mar Drive, LBS (Costa Del Sol)
VEHICLE: 2019 Black Cadillac Escalade, Fla tag LHND68
INCIDENT: Auto Theft
SUMMARY: The victim parked his 2019 black Cadillac Escalade he recently rented from Alamo Rent a Car in the parking lot of Costa Del Sol at 2022 hours and woke up and noticed it missing. The town's LPR system was checked and the vehicle was captured leaving via westbound Commercial Blvd at 0202 hours. The reportee was still in possession of the keys. Video surveillance also captured three males entering the vehicle and driving it away. The BSO Burglary Apprehension Team was notified due to ongoing thefts of high-end vehicles across the tri-county area. As of this date the vehicle has not been recovered. Investigation is ongoing.

CASE: 13-2105-000730/13-2105-000731
DATE/TIME: 05/25/21 @ 0139 hrs
LOCATION: 210 Commercial Blvd (Ocean Mist Pub)
ARRESTEE: Andre Wallace Chirinos B/M DOB: 05/24/1986
INCIDENT: Warrant Arrest
SUMMARY: Deputies were dispatched to the above location regarding a possible fight between several adult males. Deputies arrived on scene, all parties were separated, and no one cooperated regarding the incident. During the investigation, it was discovered that Andre Chrinos had an active warrant from a 2016 Davie PD arrest regarding trespass. Andre advised he had moved to New York and was down for his birthday to celebrate. Andre was arrested and transported to jail.

CASE: 13-2105-000841
DATE/TIME: 5/28/21 @ 0954 hrs
LOCATION: 5100 N Ocean Blvd
SUSPECT(S): Unknown
INCIDENT: Grand Theft **(2 month time delay in reporting)**
SUMMARY: The victim advised, on 03/22/2021, her new Apple IPhone was delivered to her brother`s home, 5100 N Ocean Blvd. When her brother, went downstairs to pick up the package, it was not in the lobby. The victim contacted Apple and FedEx, but neither company could help her without a police report. The delivery information confirms the package was received at 1422hrs on 03/22/2021 The phone is valued at $1,228.36. Surveillance video was not available. Investigation is ongoing with strong investigative leads.

CASE: 13-2105-000875
DATE/TIME: 05/29/21 @ 0015 hrs.
LOCATION: 4245 N. Ocean Dr.
INCIDENT: Auto Theft **(vehicle left unattended and running)**
SUMMARY: Deputy Dubreuil responded to the Dolphin Harbor Inn where he met with the victim who advised that her 2010 Hyundai was just stolen from the west parking lot of the motel, near the pool area. According to the victim, she left her vehicle unattended and running. When she went back outside the car was gone. A review of the LPR system showed the Hyundai westbound in the 200 Block of Commercial Blvd. at 0019 hours (just prior to her calling).

At 0844 hours, Oakland Park deputies responded to a hit and run crash at 2740 NW 21st Avenue involving the above stolen vehicle. The vehicle was occupied by three black male juveniles who admitted their involvement in the theft of the vehicle from Lauderdale by the Sea. The suspects were arrested, and the vehicle was recovered.

CASE: 13-2105-000940
DATE/TIME: 05/29//21 @ 1445 hours
LOCATION: 4444 Bougainvilla Dr.
SUBJECT: B/M Gelege Gedeon, homeless 01-25-66
INCIDENT: Burglary Conveyance
SUMMARY: The victim had just pulled up into her parking lot, left her vehicle door fully ajar, and carried groceries into her home. She came back out to see the subject standing at the open car door reaching in for fruit. When confronted he left the fruit where it was and walked away. Deputy Yates located the subject walking down Bougainvilla and detained him. The victim chose not to prosecute the suspect and signed a waiver of prosecution. The subject was released and transported to west Broward by request.

MONTHLY ARREST LOGS:

M	Battery LEO/Firefighter	4309	El Mar Dr
F	Resist Officer w/o Violence	4309	El Mar Dr
M	Warrant-VOP, Violate conditional release	4627	Bougainvilla Dr
M	Warrant-Felony Pettit Theft	4100	N Ocean Dr
M	Warrant-DWLS	210	Comercial Blvd
F	Warrant-Resist Officer W/ Violence	4601	El Mar Dr

CRIME STATISTICS:

CRIME	CURRENT MONTH	PRIOR MONTH	2020 YTD	2021 YTD
AUTO THEFT	2	1	6	6
BURGLARY-BUSINESS	0	1	0	1
BURGLARY-CONVEYANCE	2	1	5	12
BURGLARY-RESIDENCE	1	1	6	2
BURGLARY-STRUCTURE	0	0	0	0
FORCIBLE SEX	0	0	1	0
ARSON	0	0	0	0
ASSAULT-AGGRAVATED	0	0	2	2
HOMICIDE	0	0	0	0
ROBBERY	0	0	0	1
THEFT-GRAND	1	0	3	3
THEFT-PETIT	3	9	12	17
TOTALS	**9**	**13**	**34**	**44**

CITIZEN OBSERVER PATROL STATISTICAL SUMMARY:

COP Activity	Total
Number of Volunteers	33
COP Hours Worked - Month	200
COP Patrol Miles - Month	236
COP Hours Worked - YTD	200
COP Patrol Miles - YTD	236

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

COP Beach Patrol Hours – Month	42.50
COP Beach Patrol Hours - YTD	42.50

COP Program was re-instated by Captain Palmer on May 10, 2021!

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

	Month	2021 YTD
Reserve Deputy - Days Worked	4	20
Reserve Deputy - Hours Worked	32	171

MONTHLY STAFFING AND STATISTICAL REPORT:
The May 2021 Monthly Staffing and Statistical Report is attached.

Lauderdale by the Sea
Monthly Activity
May 2021

Reports/Calls	
Miscellaneous Service	
Event Reports	41
Accidents	17
Calls for Service	1,014

Traffic	
Types of Citation	
Non-Moving / Moving Citation	158
Parking	0
Warnings	78
Total Citations	**236**

Arrests	
Type of Arrest	
Felony	1
Misdemeanor	2
NTA	0
Capias/Warrant	3
DUI (Misdemeanor)	0
NIC (Felony)	0
NIC (Misdemeanor)	0
DV (Felony)	0
DV (Misd.)	0
Total Arrests	**6**

Time Worked	
Hours Worked	
Bike Patrol	21.5
Court Overtime	6
Training	153
Detached	60
Other Overtime	59
Days Worked	31

General	
FI	19
Truant	0
Truant Debriefed	0
Elder Link	0

Narrative
ATV/UTV: 405 Miles / 72 Hours Reserve Deputies worked 4 shifts (32 hrs)

MONTHLY STAFFING AND STATISTICAL REPORT
LAUDERDALE-BY-THE-SEA DISTRICT
May 31, 2021

CURRENT STAFFING ALLOCATIONS

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

PERSONNEL ON LIGHT DUTY, PROMOTED, TRANSFERRED, ETC.

Name	CCN	Status	Circumstances
Deputy Manuel Alvarez	14964	Assigned	Re-hired
Deputy Alain Dubreuil	15658	Assigned	Transferred from Cooper City
Deputy Miguel Mirabal	19518	Transferred	Transferred to Cooper City

DETACHED PERSONNEL / LOCATION

Name	CCN	Detached to	Reason	Hours
Detective Glen Genovese	13738	QRF	Adjunct Training	50
~~Deputy Javier Barrios~~	~~16797~~	~~Traffic Unit~~	~~Tour de Broward~~	~~10~~
			TOTAL	**60**

LAUDERDALE BY THE SEA DISTRICT

NEARBY SEX OFFENDERS (2 Mile Radius) – MAY, 2021

ANTHONY MANGANARO JR.

11/08/1965

2751 NE 58th St

Fort Lauderdale, FL 33308

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

(GUILTY/CONVICTED – 11/20/2003)

New York, NY

DERWIN JOHN FRAZER

06/26/1957

2901 NE 55th Place

Ft. Lauderdale, FL 33308

SEX OFFENSE, OTHER STATE (Assault/Battery of High and Aggravated nature)

(GUILTY/CONVICT – 11/15/2010)

Richland, SC

MICHAEL DAVID SCHMEHL

05/26/1974

4141 Bayview Dr.

Ft. Lauderdale, FL 33308

SEX OFFENSE, OTHER STATE (SEXUAL ASSAULT)

(GUILTY/CONVICTED – 08/26/1998)

Bucks, PA

May 28, 2021

Prepared by: Giovanna Anderson

LAUDERDALE BY THE SEA DISTRICT

NEARBY SEX OFFENDERS (2 Mile Radius) – MAY, 2021

DOMINICK ANTHONY AMENTO

04/11/1943

3100 Blk Oakland Park Blvd.
Fort Lauderdale, FL 33308
(Transient)

ABUSE OF CHILD,ENG SEX PERFM; F.S.

FALSE IMPRISON ANY OTHER; F.S. 787.02 (PRINCIPAL)

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

(GUILTY/CONVICTED – 09/22/2004

Broward, FL

ANGEL MAURY

01/22/1966
4011 N Ocean Blvd. #214
Fort Lauderdale, FL 33308

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

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

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

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

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

(GUILTY/CONVICTED – 10/28/2013)

Broward, FL

DAVID RAPHAEL ROSENRAUCH

07/26/1971

3100 NE 46th ST.
Fort Lauderdale, FL 33308

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

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

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

ADJUDICATION WITHHELD 11/12/1996

Lake, FL

May 28, 2021

Prepared by: Giovanna Anderson

LAUDERDALE BY THE SEA DISTRICT

NEARBY SEX OFFENDERS (2 Mile Radius) – MAY, 2021

JAWARA S. MURRAY

11/06/1970

2115 N Ocean Blvd Apt. 2

Fort Lauderdale, FL 33305

SEX BATT/COERCE CHILD BY ADULT; F.S. 794.011(2)(b) (PRINCIPAL)

LEWD ASLT/SEX BAT VCTM<16; F.S. 800.04(3) (PRINCIPAL)

(GUILTY/CONVICTED – 06/13/1995)

Broward, FL

DENIS ANTHONY ALVAREZ

10/17/1966

TRANSIENT

Fort Lauderdale, FL 33306

SEX OFFENSE, OTHER STATE (Endangering the welfare of a child)

(GUILTY/CONVICTED – 09/11/1992)

Bergen, NJ

DAVID EGBERT

06/21/1974

4117 N Ocean Blvd. Apt 115

Fort Lauderdale, FL 33308

Lewd, lascivious act by computer transmission, victim under 16, offender 18 or older; F.S. 847.0135(5)(b)

SEND MINOR HARMFUL INFO; F.S. 847.0138(2)

(GUILTY/CONVICTED – 01/29/2016)

Broward, FL

May 28, 2021

Prepared by: Giovanna Anderson

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Lucila Lang, Director of Finance & Budget
Submitting Department: Administration
Item Type: Report
Agenda Section: TOWN MANAGER REPORT

Subject Title: May Finance Report

Explanation: Presented is the May 2021 Financial Report, which consists of the attached Revenue Expenditure Report (**Exhibit 1**) and the Cash & Investment (**Exhibit 2**). This brings the Town to 66.67% of the fiscal year 2020-2021.

The following is a summary of the operating results through: 5/31/2021

Fund	Annual Budget	Budgeted Appropriations	Budgeted Revenues Excluding Appropriations	YTD Revenues		YTD Expenditures		Net Amount
				Amount	% of Budget	Amount	% of Budget	
General Fund	$ 15,675,714.00	$ 2,567,467.00	$ 13,108,247.00	$ 11,571,376.95	**88.28%**	$ 10,720,581.23	**81.79%**	$ 850,795.72
Building Fund	$ 683,834.00	$ -	$ 683,834.00	$ 672,680.32	**98.37%**	$ 452,988.33	**66.24%**	$ 219,691.99
Sewer Fund	$ 1,230,896.00	$ 100,000.00	$ 1,130,896.00	$ 865,887.33	**76.57%**	$ 650,314.92	**57.50%**	$ 215,572.41
Fire Fund	$ 1,066,146.00	$ -	$ 1,066,146.00	$ 1,053,212.41	**98.79%**	$ 623,171.14	**58.45%**	$ 430,041.27
Capital Fund	$ 6,650,957.00	$ 4,700,957.00	$ 1,950,000.00	$ 2,599,835.41	**133.32%**	$ 1,246,986.34	**18.75%**	$ 1,352,849.07
Parking Fund	$ 2,701,525.00	$ 949,490.00	$ 1,752,035.00	$ 2,728,539.64	**155.74%**	$ 1,913,067.21	**70.81%**	$ 815,472.43
Grand Total	$ 28,009,072.00	$ 8,317,914.00	$ 19,691,158.00	$ 19,491,532.06		$ 15,607,109.17		$ 3,884,422.89

Notable items this month are as follows:

<u>General Fund</u>

- During May, the Town collected ad valorem revenues totaling $108,812.19. On a year-to-date basis, ad valorem revenue collections are within expectations:

Collection Rates	2017	2018	2019	2020	2021
March	92.7%	93.6%	92.8%	92.6%	92.8%
April	97.7%	97.5%	97.4%	95.9%	97.6%
May	98.8%	98.8%	99.0%	97.6%	98.8%
June	99.9%	99.7%	99.9%	98.8%	
July	101.8%	101.5%	101.4%	101.0%	

- General Fund Expenditures are within budget.

Building Department

- Revenues for the Building Fund are withing expectations.
- Year-to-date payment to CAP Government for building permit activity reflect invoices through April 2021.

Sewer Fund

- Sewer fund revenues and expenditures are within budgeted expectations.

Fire Fund

- During the month of May, the Town collected Fire Assessment fees totaling $14,257.59. On a year-to-date basis, fire assessment fees are at 98.9% which are in line with the Town's expectations.

Capital Projects Fund

- Expenditures in the capital fund are in line with the updated budget. Year-to-date expenditures for capital projects are shown in the table below:

-

Visitor's Center	$ 89,692.00	Complete
East Terra Mar Drive	$ 1,053,452.23	91.60%
Beach Renourishment	$ 1,115.00	1.50%
Palm Club Sewer	$ 7,948.50	0.03%
El Mar Drive	$ 60,963.00	81.30%

Parking Fund

- During the month of May, the Town collected $217,309.08 in parking charges, which brings the YTD collection above the expected budget for these 8 months of the fiscal year. As a reminder, due to COVID-19, the parking revenues were conservatively budgeted.

- Below is a breakdown of revenue by lots. For the period of October 2019-May 2021, the Town collected a total of $1,629,812.75.

FY2020	PRIOR TO COVID-19		Beginning of Covid-19		
	January, 2020	February, 2020	March, 2020	April, 2020	May, 2020
344.551 South Ocean	$ 19,169.02	$ 18,025.33	$ 14,292.29	$ 57.97	$ 1,487.71
344.552 Ocean Front Meters	$ 21,694.78	$ 18,956.51	$ 30,648.04	$ 1,356.45	$ 4,711.30
344.553 Commercial Blvd. Meters	$ 30,215.94	$ 28,004.43	$ 9,657.09	$ 319.86	$ 1,029.61
344.554 Parking Meters-Beach	$ 23,813.17	$ 22,813.30	$ 18,434.53	$ 432.11	$ 2,011.34
344.556 El Prado Parking Lot	$ 38,894.66	$ 39,270.27	$ 30,869.93	$ 54.03	$ 1,535.49
344.558 Town Hall Parking Lot	$ 1,084.15	$ 518.31	$ 1,186.93	$ 19.95	$ 269.55
344.559 El Mar Parking Lot	$ 21,539.30	$ 21,891.01	$ 14,281.21	$ 152.32	$ 2,259.10
344.560 A1A Parking Lot	$ 41,320.77	$ 41,082.32	$ 32,234.64	$ 628.71	$ 4,733.55
344.563 Bougainvilla/Poinciana	$ 13,703.16	$ 13,102.93	$ 10,709.05	$ 750.07	$ 1,728.95
344.564 Eastward Strand Parking Spaces	$ 5,609.41	$ 5,820.31	$ 4,892.61	$ 21.88	$ 40.22
	$ 217,044.36	**$ 209,484.72**	**$ 167,206.32**	**$ 3,793.35**	**$ 19,806.82**

FY2021	During COVID-19							COVID-19 Recovery
	January, 2021	% (-/+)	February, 2021	% (-/+)	March, 2021	% (-/+)	April, 2021	May, 2021
344.551 South Ocean	$ 11,318.28	-40.96%	$ 15,111.68	-16.16%	$ 29,293.14	104.96%	$ 23,369.38	$ 20,329.82
344.552 Ocean Front Meters	$ 23,983.89	10.55%	$ 24,357.35	28.49%	$ 33,099.27	8.00%	$ 29,497.35	$ 25,391.85
344.553 Commercial Blvd. Meters	$ 8,256.36	-72.68%	$ 10,277.05	-63.30%	$ 13,998.83	44.96%	$ 12,572.08	$ 11,261.39
344.554 Parking Meters-Beach	$ 17,746.62	-25.48%	$ 21,118.24	-7.43%	$ 29,309.53	58.99%	$ 24,497.93	$ 21,694.63
344.556 El Prado Parking Lot	$ 31,157.30	-19.89%	$ 37,708.29	-3.98%	$ 63,046.40	104.23%	$ 51,693.88	$ 44,935.53
344.558 Town Hall Parking Lot	$ 1,386.13	27.85%	$ 2,154.71	315.72%	$ 2,922.13	146.19%	$ 2,929.17	$ 4,486.05
344.559 El Mar Parking Lot	$ 18,740.18	-13.00%	$ 19,036.72	-13.04%	$ 26,031.83	82.28%	$ 21,000.34	$ 19,537.49
344.560 A1A Parking Lot	$ 29,177.95	-29.39%	$ 36,328.20	-11.57%	$ 60,390.88	87.35%	$ 51,808.15	$ 48,140.02
344.563 Bougainvilla/Poinciana	$ 11,439.64	-16.52%	$ 12,761.19	-2.61%	$ 20,419.32	90.67%	$ 18,231.69	$ 17,394.30
344.564 Eastward Strand Parking Spaces	$ 6,499.69	15.87%	$ 3,205.22	-44.93%	$ -	-100.00%	$ -	$ -
	$ 159,706.04		**$ 182,058.65**		**$ 278,511.33**		**$ 235,599.97**	**$ 213,171.08**
Monthly change from same month last fiscal year:	**$ (57,338.32)**		**$ (27,426.07)**		**$ 111,305.01**		**$ 231,806.62**	**$ 193,364.26**

- The top producing lots for the month of May 2021 were:
  - A1A parking lot
  - El Prado parking lot
  - Ocean Front meters

Attachments:

Exhibit 1 – Revenue/Expenditure Report
Exhibit 2 – Cash & Investment Report

Town of Lauderdale by the Sea

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 001 - General Fund							
Revenues							
Dept: 000.000 Appropriated Fund Balance							
380.200 Appropriated Fund Balance	0.00	2,567,467.00	0.00	0.00	0.00	2,567,467.00	0.0
Appropriated Fund Balance	0.00	2,567,467.00	0.00	0.00	0.00	2,567,467.00	0.0
Dept: 301.000 Ad Valorem Property Taxes							
311.100 Ad Valorem Property Taxes	9,009,684.00	9,009,684.00	8,906,068.03	108,812.19	0.00	103,615.97	98.8
Ad Valorem Property Taxes	9,009,684.00	9,009,684.00	8,906,068.03	108,812.19	0.00	103,615.97	98.8
Dept: 301.100 Utility Taxes							
311.101 FPL Utility Tax	830,000.00	830,000.00	489,261.29	68,858.49	0.00	340,738.71	58.9
311.440 Gas Utility Tax	16,500.00	16,500.00	6,555.59	71.73	0.00	9,944.41	39.7
314.300 Water Utility Tax	165,000.00	165,000.00	78,807.41	6,023.27	0.00	86,192.59	47.8
Utility Taxes	1,011,500.00	1,011,500.00	574,624.29	74,953.49	0.00	436,875.71	56.8
Dept: 301.600 Franchise Taxes							
313.100 Fl Power & Light Franchise	600,000.00	600,000.00	332,163.26	44,617.66	0.00	267,836.74	55.4
313.300 Waste Franchise Collection	110,000.00	110,000.00	70,464.39	0.00	0.00	39,535.61	64.1
313.301 Waste Franchise Adm-Fee	9,000.00	9,000.00	0.00	0.00	0.00	9,000.00	0.0
313.400 Gas Franchise	10,000.00	10,000.00	8,880.16	0.00	0.00	1,119.84	88.8
313.600 Towing Franchise Fees	600.00	600.00	230.00	0.00	0.00	370.00	38.3
Franchise Taxes	729,600.00	729,600.00	411,737.81	44,617.66	0.00	317,862.19	56.4
Dept: 302.000 Licenses & Permits							
321.100 Business License Taxes	75,000.00	75,000.00	75,009.94	-439.80	0.00	-9.94	100.0
321.110 Sidewalk Cafe ROW	35,000.00	35,000.00	0.00	0.00	0.00	35,000.00	0.0
322.400 Sign Permits	1,325.00	1,325.00	50.00	0.00	0.00	1,275.00	3.8
Licenses & Permits	111,325.00	111,325.00	75,059.94	-439.80	0.00	36,265.06	67.4
Dept: 303.000 Intergovernmental Revenues							
311.120 Municipal Revenue Sharing	150,000.00	150,000.00	96,294.47	12,036.81	0.00	53,705.53	64.2
311.150 Alcoholic Beverage License	15,000.00	15,000.00	10,699.51	0.00	0.00	4,300.49	71.3
311.180 Sales Tax	390,000.00	390,000.00	246,385.97	41,781.87	0.00	143,614.03	63.2
312.405 Local Op Gas Tax 1 - 6 cent	60,000.00	60,000.00	32,677.04	5,176.71	0.00	27,322.96	54.5
312.410 Local Op Gas Tax 1 - 5 cent	46,630.00	46,630.00	22,888.32	3,603.66	0.00	23,741.68	49.1
315.100 Communication Service Tax	320,000.00	320,000.00	173,986.09	26,380.47	0.00	146,013.91	54.4
334.910 BCC-Senior Center Grant	19,233.00	19,233.00	0.00	0.00	0.00	19,233.00	0.0
334.914 BCC-Transporation Grant	150,000.00	150,000.00	43,548.12	0.00	0.00	106,451.88	29.0
334.915 FDOT-Reimbursable Grant	18,064.00	18,064.00	0.00	0.00	0.00	18,064.00	0.0
334.929 Emergency Supplemental Funding	0.00	0.00	412,464.77	0.00	0.00	-412,464.77	0.0
Intergovernmental Revenues	1,168,927.00	1,168,927.00	1,038,944.29	88,979.52	0.00	129,982.71	88.9
Dept: 304.000 Charges for Services							
343.902 Site Plan Application Fees	1,650.00	1,650.00	0.00	0.00	0.00	1,650.00	0.0
347.500 Tennis - Shuffle Key	9,200.00	9,200.00	8,570.00	300.00	0.00	630.00	93.2
Charges for Services	10,850.00	10,850.00	8,570.00	300.00	0.00	2,280.00	79.0
Dept: 305.000 Fines & Forfeitures							
354.150 Fines,TrafficViolation,Citatio	30,000.00	30,000.00	4,072.85	1,090.31	0.00	25,927.15	13.6
354.160 Code Enforcement Fines	40,000.00	40,000.00	13,232.30	0.00	0.00	26,767.70	33.1
359.100 Other Fines & Alarms	1,500.00	1,500.00	1,700.00	325.00	0.00	-200.00	113.3
Fines & Forfeitures	71,500.00	71,500.00	19,005.15	1,415.31	0.00	52,494.85	26.6
Dept: 306.000 Miscellaneous Revenues							
361.100 Interest Earnings	35,800.00	35,800.00	3,343.61	892.39	0.00	32,456.39	9.3
362.000 Rent/Lease Royalties	69,820.00	69,820.00	50,763.17	6,321.69	0.00	19,056.83	72.7
366.100 Donations	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
369.100 Miscellaneous Revenues	36,308.00	36,308.00	45,200.16	5,924.97	0.00	-8,892.16	124.5
369.200 Miscellaneous Applications	18,975.00	18,975.00	9,588.00	480.00	0.00	9,387.00	50.5
369.201 Miscellaneous MerchandiseSales	300.00	300.00	94.00	0.00	0.00	206.00	31.3
369.250 Recreational Activities Fee	1,250.00	1,250.00	65.00	5.00	0.00	1,185.00	5.2

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 001 - General Fund							
Revenues							
Dept: 306.000 Miscellaneous Revenues							
369.500 Miscellaneous Lobbyist	600.00	600.00	100.00	0.00	0.00	500.00	16.7
369.901 Insurance Reimbursement	3,281.00	3,281.00	16,450.00	1,000.00	0.00	-13,169.00	501.4
Miscellaneous Revenues	171,334.00	171,334.00	125,603.94	14,624.05	0.00	45,730.06	73.3
Dept: 581.100 Interfund Transfers							
380.115 Transfer from Fire - OH Costs	22,000.00	22,000.00	11,000.00	0.00	0.00	11,000.00	50.0
381.106 Transfer from Parking Fund	801,527.00	801,527.00	400,763.50	0.00	0.00	400,763.50	50.0
Interfund Transfers	823,527.00	823,527.00	411,763.50	0.00	0.00	411,763.50	50.0
Revenues	13,108,247.00	15,675,714.00	11,571,376.95	333,262.42	0.00	4,104,337.05	73.8
Expenditures							
Dept: 511.000 Commission							
500.110 Commission Salaries	66,000.00	66,000.00	40,597.69	5,012.06	0.00	25,402.31	61.5
500.210 Employer FICA Taxes	5,000.00	5,000.00	2,614.80	322.68	0.00	2,385.20	52.3
500.220 Retirement	32,500.00	32,500.00	18,486.93	0.00	0.00	14,013.07	56.9
500.230 Group Insurance	64,200.00	64,200.00	46,120.04	4,820.81	0.00	18,079.96	71.8
500.345 Contractual Services	4,500.00	4,500.00	3,084.40	412.50	0.00	1,415.60	68.5
500.510 Office Supplies	175.00	175.00	0.00	0.00	0.00	175.00	0.0
500.540 Dues & Subscriptions	1,725.00	1,725.00	488.10	0.00	0.00	1,236.90	28.3
500.545 Training	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
500.550 Operating Expenses	9,500.00	9,500.00	2,171.30	5.27	0.00	7,328.70	22.9
Commission	185,600.00	185,600.00	113,563.26	10,573.32	0.00	72,036.74	61.2
Dept: 511.100 Donation-Non Profits							
500.820 Donations-Aids to Private Org	53,259.00	53,259.00	53,259.00	10,000.00	0.00	0.00	100.0
Donation-Non Profits	53,259.00	53,259.00	53,259.00	10,000.00	0.00	0.00	100.0
Dept: 511.200 Visitor Center							
500.120 Regular Salaries	12,800.00	12,800.00	9,081.77	1,039.67	0.00	3,718.23	71.0
500.140 Overtime Salaries	1,500.00	1,500.00	152.47	0.00	0.00	1,347.53	10.2
500.210 Employer FICA Taxes	1,000.00	1,000.00	825.23	79.53	0.00	174.77	82.5
500.220 Retirement	1,300.00	1,300.00	908.18	103.97	0.00	391.82	69.9
500.230 Group Insurance	3,900.00	3,900.00	2,298.44	240.43	0.00	1,601.56	58.9
500.340 Sewer/Wastewater	2,700.00	2,700.00	2,017.23	232.57	0.00	682.77	74.7
500.345 Contractual Services	29,900.00	29,900.00	26,900.00	0.00	0.00	3,000.00	90.0
500.430 Electric Service	1,600.00	1,600.00	673.00	97.29	0.00	927.00	42.1
500.431 Water Service	2,800.00	2,800.00	1,981.77	226.77	0.00	818.23	70.8
500.520 Bldg. Maintenance	10,000.00	10,000.00	5,030.30	0.00	0.00	4,969.70	50.3
500.550 Operating Expenses	0.00	30,000.00	3,984.31	0.00	0.00	26,015.69	13.3
500.640 Capital Outlay - Equipt & Mach	6,000.00	6,000.00	0.00	0.00	0.00	6,000.00	0.0
Visitor Center	73,500.00	103,500.00	53,852.70	2,020.23	0.00	49,647.30	52.0
Dept: 513.000 Administration							
500.120 Regular Salaries	663,400.00	669,594.00	479,331.27	48,532.98	0.00	190,262.73	71.6
500.140 Overtime Salaries	2,500.00	2,500.00	471.43	158.82	0.00	2,028.57	18.9
500.210 Employer FICA Taxes	49,300.00	49,774.00	33,691.25	3,644.44	0.00	16,082.75	67.7
500.220 Retirement	99,000.00	100,300.00	52,555.05	-1,946.39	0.00	47,744.95	52.4
500.230 Group Insurance	136,846.00	136,846.00	97,787.35	9,813.74	0.00	39,058.65	71.5
500.315 Professional Services	50,000.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0
500.320 Audit Expense	34,350.00	34,350.00	31,000.00	13,500.00	0.00	3,350.00	90.2
500.344 HR Expenses	9,000.00	9,000.00	2,007.84	0.00	0.00	6,992.16	22.3
500.345 Contractual Services	20,000.00	20,000.00	20,797.30	3,600.04	0.00	-797.30	104.0
500.463 Service Maintenance Contracts	43,900.00	43,900.00	30,502.59	2,599.95	0.00	13,397.41	69.5
500.506 Printing & Binding	3,400.00	3,400.00	630.00	-7,028.00	0.00	2,770.00	18.5
500.508 Postage	4,500.00	4,500.00	3,572.22	490.53	0.00	927.78	79.4
500.510 Office Supplies	7,500.00	7,500.00	2,885.05	1,477.61	0.00	4,614.95	38.5
500.540 Dues & Subscriptions	8,000.00	8,000.00	3,772.45	388.25	0.00	4,227.55	47.2
500.545 Training	10,000.00	10,000.00	2,304.00	760.00	0.00	7,696.00	23.0

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 001 - General Fund							
Expenditures							
Dept: 513.000 Administration							
500.550 Operating Expenses	15,045.00	15,045.00	12,481.16	2,133.07	0.00	2,563.84	83.0
Administration	1,156,741.00	1,164,709.00	773,788.96	78,125.04	0.00	390,920.04	66.4
Dept: 514.000 Town Attorney							
500.310 Legal Expense	300,000.00	300,000.00	182,272.85	28,521.91	0.00	117,727.15	60.8
500.314 Litigation	100,000.00	100,000.00	2,208.25	0.00	0.00	97,791.75	2.2
500.319 Ethics Research, Training & Op	8,000.00	8,000.00	4,183.20	67.80	0.00	3,816.80	52.3
Town Attorney	408,000.00	408,000.00	188,664.30	28,589.71	0.00	219,335.70	46.2
Dept: 519.000 General							
500.120 Regular Salaries	80,000.00	80,000.00	49,846.27	6,153.86	0.00	30,153.73	62.3
500.210 Employer FICA Taxes	6,200.00	6,200.00	3,846.15	475.26	0.00	2,353.85	62.0
500.220 Retirement	8,000.00	8,000.00	4,615.42	0.00	0.00	3,384.58	57.7
500.230 Group Insurance	15,260.00	15,260.00	9,622.41	1,015.30	0.00	5,637.59	63.1
500.311 Advertisements	7,000.00	7,000.00	2,990.55	-2,554.46	0.00	4,009.45	42.7
500.313 Legal Exp- Other Issues	5,000.00	5,000.00	5,130.20	0.00	0.00	-130.20	102.6
500.315 Professional Services	50,000.00	50,000.00	20,000.00	2,500.00	0.00	30,000.00	40.0
500.345 Contractual Services	31,000.00	31,000.00	12,748.28	6,634.36	0.00	18,251.72	41.1
500.349 Community Bus	190,000.00	190,000.00	64,669.90	18,804.70	0.00	125,330.10	34.0
500.451 Auto, Property & Liability Ins	135,000.00	135,000.00	121,266.15	0.00	0.00	13,733.85	89.8
500.452 Workers Compensation Insur	50,000.00	50,000.00	29,224.00	0.00	0.00	20,776.00	58.4
500.497 Contingency	0.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
500.506 Printing & Binding	14,500.00	14,500.00	8,028.00	8,028.00	0.00	6,472.00	55.4
500.508 Postage	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	0.0
500.511 Computer Expense	112,000.00	112,000.00	62,836.09	10,325.25	0.00	49,163.91	56.1
500.525 Uniform Expense	200.00	200.00	40.00	40.00	0.00	160.00	20.0
500.540 Dues & Subscriptions	500.00	500.00	0.00	0.00	0.00	500.00	0.0
500.545 Training	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	0.0
500.550 Operating Expenses	40,000.00	40,000.00	18,462.98	0.00	0.00	21,537.02	46.2
500.552 Recycling and Solid Waste Exp	58,600.00	83,600.00	30,237.09	3,665.40	0.00	53,362.91	36.2
500.640 Capital Outlay - Equipt & Mach	53,700.00	53,700.00	0.00	0.00	0.00	53,700.00	0.0
General	862,960.00	987,960.00	443,563.49	55,087.67	0.00	544,396.51	44.9
Dept: 519.100 Business Dev & Marketing							
500.311 Advertisements	80,000.00	80,000.00	23,633.10	10,543.31	0.00	56,366.90	29.5
500.315 Professional Services	50,000.00	50,000.00	27,137.73	3,448.91	0.00	22,862.27	54.3
500.345 Contractual Services	18,058.00	18,058.00	10,452.94	665.29	0.00	7,605.06	57.9
500.495 Special Events	15,000.00	15,000.00	1,160.82	965.82	0.00	13,839.18	7.7
500.506 Printing & Binding	19,121.00	19,121.00	4,406.00	-1,000.00	0.00	14,715.00	23.0
500.540 Dues & Subscriptions	2,286.00	2,286.00	625.50	0.00	0.00	1,660.50	27.4
500.550 Operating Expenses	1,000.00	1,000.00	81.23	0.00	0.00	918.77	8.1
Business Dev & Marketing	185,465.00	185,465.00	67,497.32	14,623.33	0.00	117,967.68	36.4
Dept: 521.000 Police Department							
500.345 Contractual Services	5,120,721.00	5,120,721.00	3,516,138.73	420,659.34	0.00	1,604,582.27	68.7
500.352 Contract Services	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
500.520 Bldg. Maintenance	1,500.00	1,500.00	1,495.00	0.00	0.00	5.00	99.7
500.550 Operating Expenses	5,000.00	5,000.00	1,994.00	0.00	0.00	3,006.00	39.9
500.640 Capital Outlay - Equipt & Mach	36,676.00	36,676.00	0.00	0.00	0.00	36,676.00	0.0
Police Department	5,168,897.00	5,168,897.00	3,519,627.73	420,659.34	0.00	1,649,269.27	68.1
Dept: 523.000 Emergency Medical Services							
500.345 Contractual Services	848,251.00	848,251.00	565,500.64	70,687.58	0.00	282,750.36	66.7
Emergency Medical Services	848,251.00	848,251.00	565,500.64	70,687.58	0.00	282,750.36	66.7
Dept: 524.000 Development Services							
500.120 Regular Salaries	263,000.00	263,000.00	141,224.93	14,154.02	0.00	121,775.07	53.7
500.121 Temporary Salaries/ Interns	7,500.00	7,500.00	0.00	0.00	0.00	7,500.00	0.0
500.140 Overtime Salaries	5,000.00	5,000.00	168.95	0.00	0.00	4,831.05	3.4

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 001 - General Fund							
Expenditures							
Dept: 524.000 Development Services							
500.210 Employer FICA Taxes	20,200.00	20,200.00	10,477.08	1,007.98	0.00	9,722.92	51.9
500.220 Retirement	56,824.00	56,824.00	31,064.52	780.15	0.00	25,759.48	54.7
500.230 Group Insurance	54,210.00	54,210.00	35,652.69	3,592.02	0.00	18,557.31	65.8
500.315 Professional Services	152,000.00	152,000.00	26,323.97	7,104.33	12,313.50	113,362.53	25.4
500.345 Contractual Services	301,600.00	301,600.00	181,403.80	26,080.20	0.00	120,196.20	60.1
500.461 Vehicle Maintenance	250.00	250.00	0.00	0.00	0.00	250.00	0.0
500.462 Fuel	500.00	500.00	0.00	0.00	0.00	500.00	0.0
500.463 Service Maintenance Contracts	5,200.00	5,200.00	1,206.15	410.20	0.00	3,993.85	23.2
500.506 Printing & Binding	1,300.00	1,300.00	420.32	57.20	0.00	879.68	32.3
500.508 Postage	5,000.00	5,000.00	1,697.59	0.00	0.00	3,302.41	34.0
500.510 Office Supplies	2,500.00	2,500.00	96.48	-13.69	0.00	2,403.52	3.9
500.525 Uniform Expense	600.00	600.00	0.00	0.00	0.00	600.00	0.0
500.540 Dues & Subscriptions	4,000.00	4,000.00	268.31	133.31	0.00	3,731.69	6.7
500.545 Training	7,000.00	7,000.00	419.00	0.00	0.00	6,581.00	6.0
500.550 Operating Expenses	9,000.00	9,000.00	7,975.82	258.98	0.00	1,024.18	88.6
500.630 Cap Outlay Imp other than bldg	0.00	0.00	4,200.00	0.00	0.00	-4,200.00	0.0
Development Services	895,684.00	895,684.00	442,599.61	53,564.70	12,313.50	440,770.89	50.8
Dept: 541.100 Mun Srvcs - Public Works Div							
500.120 Regular Salaries	850,000.00	852,529.00	526,825.33	65,034.58	0.00	325,703.67	61.8
500.140 Overtime Salaries	50,000.00	50,000.00	14,160.12	517.76	0.00	35,839.88	28.3
500.210 Employer FICA Taxes	64,750.00	64,943.00	40,480.10	4,919.15	0.00	24,462.90	62.3
500.220 Retirement	99,900.00	100,210.00	62,896.35	-374.01	0.00	37,313.65	62.8
500.230 Group Insurance	265,162.00	265,162.00	159,080.10	16,932.18	0.00	106,081.90	60.0
500.315 Professional Services	40,000.00	40,000.00	13,714.80	889.75	0.00	26,285.20	34.3
500.340 Sewer/Wastewater	13,600.00	13,600.00	7,218.14	730.72	0.00	6,381.86	53.1
500.345 Contractual Services	226,878.00	226,878.00	126,460.64	41,417.20	0.00	100,417.36	55.7
500.410 Communications	41,000.00	41,000.00	35,858.23	4,229.02	0.00	5,141.77	87.5
500.430 Electric Service	42,000.00	42,000.00	24,378.73	3,536.07	0.00	17,621.27	58.0
500.431 Water Service	120,000.00	120,000.00	108,574.80	16,298.23	0.00	11,425.20	90.5
500.433 Electic Service-Streets	55,000.00	55,000.00	35,700.23	4,537.36	0.00	19,299.77	64.9
500.445 Equip Rent/Lease	15,000.00	15,000.00	15,723.30	1,903.96	0.00	-723.30	104.8
500.460 Equipment Maintenance	20,000.00	20,000.00	18,799.40	5,324.26	0.00	1,200.60	94.0
500.461 Vehicle Maintenance	14,000.00	14,000.00	10,509.23	1,558.59	0.00	3,490.77	75.1
500.462 Fuel	19,000.00	19,000.00	11,344.64	3,296.76	0.00	7,655.36	59.7
500.463 Service Maintenance Contracts	12,800.00	12,800.00	7,774.98	-16,044.92	0.00	5,025.02	60.7
500.470 Radio Maintenance	2,400.00	2,400.00	0.00	0.00	0.00	2,400.00	0.0
500.498 Storm Drain Rehab/Maint	80,000.00	80,000.00	23,725.00	0.00	0.00	56,275.00	29.7
500.508 Postage	400.00	400.00	142.16	21.75	0.00	257.84	35.5
500.510 Office Supplies	2,000.00	2,000.00	590.92	0.00	0.00	1,409.08	29.5
500.520 Bldg. Maintenance	65,000.00	65,000.00	36,959.37	2,164.37	0.00	28,040.63	56.9
500.525 Uniform Expense	8,500.00	8,500.00	9,159.43	1,004.20	0.00	-659.43	107.8
500.529 Street Light Maintenance	18,065.00	18,065.00	15,383.19	320.00	0.00	2,681.81	85.2
500.530 Street Maint Repair Supply	90,000.00	90,000.00	42,836.10	5,196.23	0.00	47,163.90	47.6
500.531 Grounds Maint/Landscaping	40,000.00	40,000.00	24,303.73	-15,590.59	0.00	15,696.27	60.8
500.532 Signs	15,000.00	15,000.00	7,789.80	537.50	0.00	7,210.20	51.9
500.534 Sidewalk Maint Repair	25,000.00	25,000.00	13,369.29	0.00	1,080.00	10,550.71	57.8
500.535 Flags	1,500.00	1,500.00	607.95	0.00	0.00	892.05	40.5
500.540 Dues & Subscriptions	1,500.00	1,500.00	1,090.00	0.00	0.00	410.00	72.7
500.545 Training	6,800.00	6,800.00	415.00	390.00	0.00	6,385.00	6.1
500.547 Hurricane Expenditure	25,000.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
500.550 Operating Expenses	65,000.00	65,000.00	54,858.41	10,417.59	0.00	10,141.59	84.4
500.624 Capital Outlay-Bldg. Improvemt	159,500.00	159,500.00	59,980.50	13,992.20	30,192.70	69,326.80	56.5
500.640 Capital Outlay - Equipt & Mach	20,825.00	20,825.00	0.00	0.00	0.00	20,825.00	0.0
500.644 Capital Outlay-Vehicles	43,710.00	43,710.00	15,830.64	1,966.27	0.00	27,879.36	36.2
Mun Srvcs - Public Works Div	2,619,290.00	2,622,322.00	1,526,540.61	175,126.18	31,272.70	1,064,508.69	59.4
Dept: 572.000 Recreation							
500.311 Advertisements	1,650.00	1,650.00	393.07	19.15	0.00	1,256.93	23.8
500.342 Senior Rec. Ctr. Contract	90,000.00	90,000.00	51,866.64	6,483.33	0.00	38,133.36	57.6

Town of Lauderdale by the Sea

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 001 - General Fund							
Expenditures							
Dept: 572.000 Recreation							
500.343 Beach Maintenance Contract	264,000.00	264,000.00	165,158.50	20,500.00	0.00	98,841.50	62.6
500.345 Contractual Services	26,500.00	26,500.00	26,500.00	0.00	0.00	0.00	100.0
500.347 Programs	8,500.00	8,500.00	1,350.00	1,350.00	0.00	7,150.00	15.9
500.430 Electric Service	800.00	800.00	336.92	43.95	0.00	463.08	42.1
500.460 Equipment Maintenance	8,000.00	8,000.00	11,409.84	300.00	0.00	-3,409.84	142.6
500.469 Buoy Maintenance	9,000.00	9,000.00	0.00	0.00	0.00	9,000.00	0.0
500.495 Special Events	70,000.00	70,000.00	5,145.29	86.42	0.00	64,854.71	7.4
500.510 Office Supplies	650.00	650.00	0.00	0.00	0.00	650.00	0.0
500.520 Bldg. Maintenance	45,000.00	45,000.00	26,628.40	14,610.58	0.00	18,371.60	59.2
500.536 Sea Oats	12,000.00	12,000.00	1,469.20	0.00	0.00	10,530.80	12.2
500.550 Operating Expenses	82,000.00	82,000.00	64,200.75	11,495.02	0.00	17,799.25	78.3
500.640 Capital Outlay - Equipt & Mach	32,500.00	32,500.00	18,175.00	0.00	0.00	14,325.00	55.9
Recreation	650,600.00	650,600.00	372,633.61	54,888.45	0.00	277,966.39	57.3
Dept: 581.100 Interfund Transfers							
500.910 Transfer to CIP Fund	0.00	2,401,467.00	1,650,000.00	0.00	0.00	751,467.00	68.7
500.915 Transfer to Parking Fund	0.00	0.00	949,490.00	0.00	0.00	-949,490.00	0.0
Interfund Transfers	0.00	2,401,467.00	2,599,490.00	0.00	0.00	-198,023.00	108.2
Expenditures	13,108,247.00	15,675,714.00	10,720,581.23	973,945.55	43,586.20	4,911,546.57	68.7

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 101 - Special Revenue-Police Conf							
Revenues							
Dept: 306.000 Miscellaneous Revenues							
369.100 Miscellaneous Revenues	0.00	0.00	626.40	0.00	0.00	-626.40	0.0
Miscellaneous Revenues	0.00	0.00	626.40	0.00	0.00	-626.40	0.0
Revenues	0.00	0.00	626.40	0.00	0.00	-626.40	0.0

Town of Lauderdale by the Sea

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 102 - Building Fund							
Revenues							
Dept: 302.100 Building Permit and Inpection							
322.100 Building Permits	673,834.00	673,834.00	662,927.49	140,130.08	0.00	10,906.51	98.4
322.105 Fire Plan Review Fees	10,000.00	10,000.00	9,752.83	2,689.00	0.00	247.17	97.5
Building Permit and Inpection	683,834.00	683,834.00	672,680.32	142,819.08	0.00	11,153.68	98.4
Revenues	683,834.00	683,834.00	672,680.32	142,819.08	0.00	11,153.68	98.4
Expenditures							
Dept: 524.100 Building							
500.120 Regular Salaries	73,650.00	73,650.00	38,220.03	3,641.89	0.00	35,429.97	51.9
500.210 Employer FICA Taxes	5,700.00	5,700.00	3,070.46	380.55	0.00	2,629.54	53.9
500.220 Retirement	13,000.00	13,000.00	5,495.33	427.09	0.00	7,504.67	42.3
500.230 Group Insurance	17,154.00	17,154.00	9,207.61	1,299.62	0.00	7,946.39	53.7
500.310 Legal Expense	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
500.402 Building Permit Services	569,330.00	569,330.00	396,568.11	87,616.44	0.00	172,761.89	69.7
500.550 Operating Expenses	0.00	0.00	426.79	0.00	0.00	-426.79	0.0
Building	683,834.00	683,834.00	452,988.33	93,365.59	0.00	230,845.67	66.2
Expenditures	683,834.00	683,834.00	452,988.33	93,365.59	0.00	230,845.67	66.2

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 115 - Fire Fund							
Revenues							
Dept: 301.050 Fire Assessment							
311.200 Property Tax-Fire Assessment	1,031,646.00	1,031,646.00	1,020,078.05	14,257.59	0.00	11,567.95	98.9
Fire Assessment	1,031,646.00	1,031,646.00	1,020,078.05	14,257.59	0.00	11,567.95	98.9
Dept: 304.000 Charges for Services							
342.210 Fire Inspection Fees	33,000.00	33,000.00	32,990.74	787.00	0.00	9.26	100.0
Charges for Services	33,000.00	33,000.00	32,990.74	787.00	0.00	9.26	100.0
Dept: 306.000 Miscellaneous Revenues							
361.100 Interest Earnings	1,500.00	1,500.00	143.62	22.46	0.00	1,356.38	9.6
Miscellaneous Revenues	1,500.00	1,500.00	143.62	22.46	0.00	1,356.38	9.6
Revenues	1,066,146.00	1,066,146.00	1,053,212.41	15,067.05	0.00	12,933.59	98.8
Expenditures							
Dept: 522.000 Fire Department							
500.151 Fire Dept Pension	6,000.00	6,000.00	0.00	0.00	0.00	6,000.00	0.0
500.315 Professional Services	69,500.00	69,500.00	7,255.50	0.00	0.00	62,244.50	10.4
500.320 Audit Expense	8,000.00	8,000.00	5,000.00	4,500.00	0.00	3,000.00	62.5
500.345 Contractual Services	888,619.00	888,619.00	592,412.64	74,051.58	0.00	296,206.36	66.7
500.520 Bldg. Maintenance	250.00	250.00	1,828.00	0.00	0.00	-1,578.00	731.2
500.624 Capital Outlay-Bldg. Improvemt	21,777.00	21,777.00	5,675.00	1,700.00	0.00	16,102.00	26.1
500.644 Capital Outlay-Vehicles	50,000.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0
500.912 Transfer to General Fund	22,000.00	22,000.00	11,000.00	0.00	0.00	11,000.00	50.0
Fire Department	1,066,146.00	1,066,146.00	623,171.14	80,251.58	0.00	442,974.86	58.5
Expenditures	1,066,146.00	1,066,146.00	623,171.14	80,251.58	0.00	442,974.86	58.5

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 300 - Capital Project Fund							
Revenues							
Dept: 000.000 Appropriated Fund Balance							
380.200 Appropriated Fund Balance	3,000,000.00	3,000,000.00	0.00	0.00	0.00	3,000,000.00	0.0
380.204 Appropriated from El Mar Reser	672,997.00	0.00	0.00	0.00	0.00	0.00	0.0
380.207 Appropriated from General Fund	0.00	751,467.00	0.00	0.00	0.00	751,467.00	0.0
380.210 Appropriated from Parking Fund	3,697,960.00	949,490.00	949,490.00	0.00	0.00	0.00	100.0
Appropriated Fund Balance	7,370,957.00	4,700,957.00	949,490.00	0.00	0.00	3,751,467.00	20.2
Dept: 303.000 Intergovernmental Revenues							
334.928 Broward County-Palm Club Sewer	150,000.00	150,000.00	0.00	0.00	0.00	150,000.00	0.0
Intergovernmental Revenues	150,000.00	150,000.00	0.00	0.00	0.00	150,000.00	0.0
Dept: 306.000 Miscellaneous Revenues							
361.100 Interest Earnings	0.00	0.00	345.41	55.69	0.00	-345.41	0.0
361.104 Pompano Beach-Palm Club Sewer	150,000.00	150,000.00	0.00	0.00	0.00	150,000.00	0.0
Miscellaneous Revenues	150,000.00	150,000.00	345.41	55.69	0.00	149,654.59	0.2
Dept: 581.100 Interfund Transfers							
381.105 Transfer from General Fund	0.00	1,650,000.00	1,650,000.00	0.00	0.00	0.00	100.0
Interfund Transfers	0.00	1,650,000.00	1,650,000.00	0.00	0.00	0.00	100.0
Revenues	7,670,957.00	6,650,957.00	2,599,835.41	55.69	0.00	4,051,121.59	39.1
Expenditures							
Dept: 519.000 General							
500.120 Regular Salaries	29,720.00	29,720.00	18,841.88	2,106.66	0.00	10,878.12	63.4
500.210 Employer FICA Taxes	2,300.00	2,300.00	1,441.40	161.16	0.00	858.60	62.7
500.220 Retirement	8,200.00	8,200.00	7,788.86	638.11	0.00	411.14	95.0
500.230 Group Insurance	5,737.00	5,737.00	4,241.92	393.16	0.00	1,495.08	73.9
500.999 Contribution to Fund Balance	0.00	1,650,000.00	0.00	0.00	0.00	1,650,000.00	0.0
General	45,957.00	1,695,957.00	32,314.06	3,299.09	0.00	1,663,642.94	1.9
Dept: 519.155 A1A Hibiscus Crosswalk							
500.630 Cap Outlay Imp other than bldg	0.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0
A1A Hibiscus Crosswalk	0.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0
Dept: 519.162 Town Hall Complex							
500.624 Capital Outlay-Bldg. Improvemt	0.00	125,000.00	0.00	0.00	56,815.95	68,184.05	45.5
Town Hall Complex	0.00	125,000.00	0.00	0.00	56,815.95	68,184.05	45.5
Dept: 539.157 CIP-VISITOR'S CENTER							
500.624 Capital Outlay-Bldg. Improvemt	75,000.00	95,000.00	89,692.00	0.00	0.00	5,308.00	94.4
CIP-VISITOR'S CENTER	75,000.00	95,000.00	89,692.00	0.00	0.00	5,308.00	94.4
Dept: 559.023 Dredging Study							
500.630 Cap Outlay Imp other than bldg	0.00	0.00	1,441.25	0.00	0.00	-1,441.25	0.0
Dredging Study	0.00	0.00	1,441.25	0.00	0.00	-1,441.25	0.0
Dept: 559.024 East Terra Mar Drive							
500.630 Cap Outlay Imp other than bldg	1,150,000.00	1,150,000.00	1,053,452.53	1,208.46	0.00	96,547.47	91.6
East Terra Mar Drive	1,150,000.00	1,150,000.00	1,053,452.53	1,208.46	0.00	96,547.47	91.6
Dept: 559.025 Bel Air -Seawall Repair- East							
500.630 Cap Outlay Imp other than bldg	0.00	225,000.00	0.00	0.00	0.00	225,000.00	0.0
Bel Air -Seawall Repair- East	0.00	225,000.00	0.00	0.00	0.00	225,000.00	0.0
Dept: 559.026 Canal Dredging							
500.630 Cap Outlay Imp other than bldg	0.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: GOV Governmental							
Fund: 300 - Capital Project Fund							
Expenditures							
Canal Dredging	0.00	50,000.00	0.00	0.00	0.00	50,000.00	0.0
Dept: 572.107 A1A LFA Pine Ave to Terra Mar							
500.630 Cap Outlay Imp other than bldg	0.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
A1A LFA Pine Ave to Terra Mar	0.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
Dept: 572.200 Beach Renourishment							
500.630 Cap Outlay Imp other than bldg	75,000.00	75,000.00	1,115.00	0.00	0.00	73,885.00	1.5
Beach Renourishment	75,000.00	75,000.00	1,115.00	0.00	0.00	73,885.00	1.5
Dept: 575.201 Pedestrian Amenities							
500.630 Cap Outlay Imp other than bldg	0.00	75,000.00	0.00	0.00	0.00	75,000.00	0.0
Pedestrian Amenities	0.00	75,000.00	0.00	0.00	0.00	75,000.00	0.0
Dept: 576.129 Palm Club Sewer							
500.630 Cap Outlay Imp other than bldg	2,550,000.00	2,550,000.00	7,948.50	1,945.00	0.00	2,542,051.50	0.3
Palm Club Sewer	2,550,000.00	2,550,000.00	7,948.50	1,945.00	0.00	2,542,051.50	0.3
Dept: 576.135 Street Project Design-Codringt							
500.629 Capital Outlay - Design/Permit	0.00	120,000.00	0.00	0.00	0.00	120,000.00	0.0
Street Project Design-Codringt	0.00	120,000.00	0.00	0.00	0.00	120,000.00	0.0
Dept: 576.136 Street Proj.Design-Boug/Poinci							
500.629 Capital Outlay - Design/Permit	0.00	240,000.00	0.00	0.00	0.00	240,000.00	0.0
Street Proj.Design-Boug/Poinci	0.00	240,000.00	0.00	0.00	0.00	240,000.00	0.0
Dept: 576.137 Street Sufficiency Study							
500.630 Cap Outlay Imp other than bldg	0.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
Street Sufficiency Study	0.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
Dept: 577.100 Friedt Park							
500.630 Cap Outlay Imp other than bldg	25,000.00	0.00	60.00	0.00	0.00	-60.00	0.0
Friedt Park	25,000.00	0.00	60.00	0.00	0.00	-60.00	0.0
Dept: 579.169 Greenway- El Mar Drive							
500.630 Cap Outlay Imp other than bldg	3,750,000.00	75,000.00	60,963.00	1,720.00	0.00	14,037.00	81.3
Greenway- El Mar Drive	3,750,000.00	75,000.00	60,963.00	1,720.00	0.00	14,037.00	81.3
Expenditures	7,670,957.00	6,650,957.00	1,246,986.34	8,172.55	56,815.95	5,347,154.71	19.6

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Net Effect for Governmental	0.00	0.00	2,854,004.45	-664,531.03	100,402.15	-2,753,602.30	
Fund Type: PROP PROPRIETARY							
Fund: 103 - Sewer Fund							
Revenues							
Dept: 000.000 Appropriated Fund Balance							
380.200 Appropriated Fund Balance	0.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
Appropriated Fund Balance	0.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
Dept: 304.000 Charges for Services							
343.500 Sewer Fees	1,128,896.00	1,128,896.00	865,757.46	237,208.35	0.00	263,138.54	76.7
Charges for Services	1,128,896.00	1,128,896.00	865,757.46	237,208.35	0.00	263,138.54	76.7
Dept: 306.000 Miscellaneous Revenues							
361.100 Interest Earnings	2,000.00	2,000.00	129.87	16.68	0.00	1,870.13	6.5
Miscellaneous Revenues	2,000.00	2,000.00	129.87	16.68	0.00	1,870.13	6.5
Revenues	1,130,896.00	1,230,896.00	865,887.33	237,225.03	0.00	365,008.67	70.3
Expenditures							
Dept: 535.000 Sanitary Sewers							
500.120 Regular Salaries	78,000.00	78,000.00	49,565.23	5,768.69	0.00	28,434.77	63.5
500.140 Overtime Salaries	5,250.00	5,250.00	3,123.97	201.96	0.00	2,126.03	59.5
500.210 Employer FICA Taxes	6,200.00	6,200.00	4,018.22	455.21	0.00	2,181.78	64.8
500.220 Retirement	15,500.00	15,500.00	8,202.65	931.69	0.00	7,297.35	52.9
500.230 Group Insurance	11,178.00	11,178.00	7,742.99	684.40	0.00	3,435.01	69.3
500.315 Professional Services	12,500.00	12,500.00	0.00	0.00	0.00	12,500.00	0.0
500.340 Sewer/Wastewater	680,340.00	680,340.00	548,024.08	62,004.91	0.00	132,315.92	80.6
500.345 Contractual Services	88,000.00	88,000.00	11,586.40	2,896.60	0.00	76,413.60	13.2
500.430 Electric Service	18,000.00	18,000.00	13,904.37	1,368.90	0.00	4,095.63	77.2
500.431 Water Service	360.00	360.00	165.02	16.63	0.00	194.98	45.8
500.459 Sewer Line Maintenance	17,500.00	117,500.00	1,075.00	0.00	0.00	116,425.00	0.9
500.465 Pump Station Maintenance	3,000.00	3,000.00	376.94	0.00	0.00	2,623.06	12.6
500.497 Contingency	100,000.00	100,000.00	0.00	0.00	0.00	100,000.00	0.0
500.550 Operating Expenses	2,250.00	2,250.00	2,530.05	1,464.64	0.00	-280.05	112.4
500.630 Cap Outlay Imp other than bldg	71,993.00	71,993.00	0.00	0.00	24,792.00	47,201.00	34.4
500.640 Capital Outlay - Equipt & Mach	20,825.00	20,825.00	0.00	0.00	0.00	20,825.00	0.0
Sanitary Sewers	1,130,896.00	1,230,896.00	650,314.92	75,793.63	24,792.00	555,789.08	54.8
Expenditures	1,130,896.00	1,230,896.00	650,314.92	75,793.63	24,792.00	555,789.08	54.8

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Fund Type: PROP PROPRIETARY							
Fund: 310 - Parking Fund							
Revenues							
Dept: 000.000 Appropriated Fund Balance							
380.200 Appropriated Fund Balance	3,697,960.00	949,490.00	0.00	0.00	0.00	949,490.00	0.0
Appropriated Fund Balance	3,697,960.00	949,490.00	0.00	0.00	0.00	949,490.00	0.0
Dept: 302.000 Licenses & Permits							
313.101 PILOP Fee	10,537.00	10,537.00	10,000.00	0.00	0.00	537.00	94.9
Licenses & Permits	10,537.00	10,537.00	10,000.00	0.00	0.00	537.00	94.9
Dept: 304.000 Charges for Services							
344.500 Parking Permits	100,000.00	100,000.00	96,411.97	4,138.00	0.00	3,588.03	96.4
344.520 Parking Agreements	62,998.00	62,998.00	65,330.76	0.00	0.00	-2,332.76	103.7
344.551 South Ocean	108,500.00	108,500.00	122,605.39	20,329.82	0.00	-14,105.39	113.0
344.552 Ocean Front Meters	250,000.00	250,000.00	206,364.84	25,391.85	0.00	43,635.16	82.5
344.553 Commmercial Blvd. Meters	140,000.00	140,000.00	77,465.17	11,261.39	0.00	62,534.83	55.3
344.554 Parking Meters - Beach	213,000.00	213,000.00	162,596.17	21,694.63	0.00	50,403.83	76.3
344.556 El Prado Parking Lot	260,000.00	260,000.00	301,296.35	44,935.53	0.00	-41,296.35	115.9
344.558 Town Hall Parking Lot	10,000.00	10,000.00	16,062.73	4,486.05	0.00	-6,062.73	160.6
344.559 El Mar Parking Lot	175,000.00	175,000.00	153,642.20	19,537.49	0.00	21,357.80	87.8
344.560 A1A Parking Lot	310,000.00	310,000.00	295,773.95	48,140.02	0.00	14,226.05	95.4
344.563 Bougainvilla/ Poinciana	35,000.00	35,000.00	105,248.02	17,394.30	0.00	-70,248.02	300.7
344.564 Eastward Strand Parking Spaces	0.00	0.00	27,015.20	0.00	0.00	-27,015.20	0.0
Charges for Services	1,664,498.00	1,664,498.00	1,629,812.75	217,309.08	0.00	34,685.25	97.9
Dept: 305.000 Fines & Forfeitures							
354.100 Parking Fines	75,000.00	75,000.00	138,767.00	18,680.00	0.00	-63,767.00	185.0
Fines & Forfeitures	75,000.00	75,000.00	138,767.00	18,680.00	0.00	-63,767.00	185.0
Dept: 306.000 Miscellaneous Revenues							
361.100 Interest Earnings	2,000.00	2,000.00	469.89	73.20	0.00	1,530.11	23.5
Miscellaneous Revenues	2,000.00	2,000.00	469.89	73.20	0.00	1,530.11	23.5
Dept: 581.100 Interfund Transfers							
381.105 Transfer from General Fund	0.00	0.00	949,490.00	0.00	0.00	-949,490.00	0.0
Interfund Transfers	0.00	0.00	949,490.00	0.00	0.00	-949,490.00	0.0
Revenues	5,449,995.00	2,701,525.00	2,728,539.64	236,062.28	0.00	-27,014.64	101.0
Expenditures							
Dept: 545.000 Parking Operations							
500.120 Regular Salaries	154,300.00	154,300.00	94,658.39	12,482.44	0.00	59,641.61	61.3
500.140 Overtime Salaries	3,000.00	3,000.00	30.29	30.29	0.00	2,969.71	1.0
500.210 Employer FICA Taxes	12,000.00	12,000.00	7,037.66	931.74	0.00	4,962.34	58.6
500.220 Retirement	22,000.00	22,000.00	12,998.29	966.14	0.00	9,001.71	59.1
500.230 Group Insurance	44,828.00	44,828.00	31,134.86	3,355.04	0.00	13,693.14	69.5
500.345 Contractual Services	311,974.00	311,974.00	189,668.11	16,802.14	0.00	122,305.89	60.8
500.353 Parking Alternatives	174,000.00	174,000.00	149,761.46	-9,882.11	0.00	24,238.54	86.1
500.410 Communications	8,300.00	8,300.00	865.11	94.71	0.00	7,434.89	10.4
500.430 Electric Service	4,800.00	4,800.00	3,055.59	396.08	0.00	1,744.41	63.7
500.431 Water Service	22,000.00	22,000.00	9,820.57	2,375.16	0.00	12,179.43	44.6
500.445 Equip Rent/Lease	13,646.00	13,646.00	6,410.84	798.36	0.00	7,235.16	47.0
500.461 Vehicle Maintenance	5,000.00	5,000.00	1,027.45	0.00	0.00	3,972.55	20.5
500.462 Fuel	6,000.00	6,000.00	821.49	821.49	0.00	5,178.51	13.7
500.463 Service Maintenance Contracts	28,710.00	28,710.00	18,810.00	0.00	0.00	9,900.00	65.5
500.497 Contingency	25,000.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
500.506 Printing & Binding	7,900.00	7,900.00	5,649.58	0.00	0.00	2,250.42	71.5
500.508 Postage	2,000.00	2,000.00	941.16	31.24	0.00	1,058.84	47.1
500.510 Office Supplies	1,000.00	1,000.00	235.86	0.00	0.00	764.14	23.6
500.525 Uniform Expense	3,000.00	3,000.00	1,783.08	692.51	0.00	1,216.92	59.4
500.532 Signs	8,000.00	8,000.00	4,160.20	435.40	0.00	3,839.80	52.0

Town of Lauderdale by the Sea

For the Period: 10/1/2020 to 5/31/2021	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund Type: PROP PROPRIETARY							
Fund: 310 - Parking Fund							
Expenditures							
Dept: 545.000 Parking Operations							
500.533 Parking Meter Parts-Supplies	30,750.00	30,750.00	6,542.32	107.85	0.00	24,207.68	21.3
500.545 Training	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
500.550 Operating Expenses	20,000.00	20,000.00	10,067.26	1,305.81	0.00	9,932.74	50.3
500.630 Cap Outlay Imp other than bldg	12,000.00	12,000.00	-90.00	0.00	0.00	12,090.00	-0.8
500.640 Capital Outlay - Equipt & Mach	28,300.00	28,300.00	7,424.14	0.00	0.00	20,875.86	26.2
Parking Operations	950,508.00	950,508.00	562,813.71	31,744.29	0.00	387,694.29	59.2
Dept: 581.100 Interfund Transfers							
500.910 Transfer to CIP Fund	3,697,960.00	949,490.00	949,490.00	0.00	0.00	0.00	100.0
500.912 Transfer to General Fund	801,527.00	801,527.00	400,763.50	0.00	0.00	400,763.50	50.0
Interfund Transfers	4,499,487.00	1,751,017.00	1,350,253.50	0.00	0.00	400,763.50	77.1
Expenditures	5,449,995.00	2,701,525.00	1,913,067.21	31,744.29	0.00	788,457.79	70.8
Net Effect for PROPRIETARY	0.00	0.00	1,031,044.84	365,749.39	24,792.00	-1,006,252.84	
Grand Total Net Effect:	0.00	0.00	3,885,049.29	-298,781.64	125,194.15	-3,759,855.14	

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of May
2021

Bank / Other	GL No.	Bank No.	Account Name	Account Type	Bank/ Pool	Balance 5/31/2021	Interest/ Avg % Yield	Interest/Chg Mkt Value	Interest/ Year to Date
			001 General Fund:						
SunTrust	101.000	8015	Master Account	Advantage NOW	SunTrust	8,438,193.44	0.02%	126.57	1,199.95
SunTrust	101.009	6876	Emergency Reserve	Advantage NOW	SunTrust	2,500,000.00	0.02%	Included Above	Included Above
			GENERAL FUND	BANK SUBTOTAL		10,938,193.44		126.57	1,199.95
SBA	101.300	1471-A	General Fund Invest Acct A	SBA Invest Pool	SBA	173,942.90	0.11%	16.38	198.26
SBA	101.400	1472-A	Emergency Reserves Acct A	SBA Invest Pool	SBA	84,390.66	0.11%	7.95	96.21
			GENERAL FUND	SBA SUBTOTAL		258,333.56		24.33	294.47
			GENERAL FUND	GRAND TOTAL		11,196,527.00		150.90	1,494.42
			101 Police Forfeiture & Training						
SunTrust	101.100	9613	Police Forfeiture Fund	Advantage NOW	SunTrust	14,369.43	0.02%	Included Above	Included Above
			POLICE FUND	TOTAL		14,369.43		**0.00**	0.00
			103 Sewer Enterprise Fund						
SunTrust	101.105	9999	Cash	Advantage NOW	SunTrust	1,430,046.86	0.02%	16.68	129.87
			SEWER FUND	TOTAL		1,430,046.86		16.68	129.87
			115 Fire Fund:						
SunTrust	101.109	5379	Fire Fund Account	Advantage NOW		1,926,468.10	0.02%	22.46	143.62
			FIRE FUND	GRAND TOTAL		1,926,468.10		22.46	143.62
			300 Capital Improvement Fund:						
SunTrust	101.115	0010	Cash	Advantage NOW	SunTrust	4,897,147.67	0.02%	55.69	345.41
			CAPITAL IMPROVEMENT FUND	TOTAL		4,897,147.67		55.69	345.41
			310 Parking Improvement Fund						
SunTrust	101.125	0120	Parking Improvement Account	Advantage NOW	SunTrust	6,497,889.23	0.02%	73.30	467.76
SunTrust	101.128	8554	PILOP Account	Advantage NOW	SunTrust	42,621.00	0.02%	0.48	3.22
			PARKING FUND	TOTAL		6,540,510.23		73.78	470.98
			102 Building Fund						
SunTrust	101.104	8686	Building Account	Advantage NOW	SunTrust	227,352.45	0.02%	2.38	8.99
			BUILDING FUND	TOTAL		227,352.45		2.38	8.99
			ALL FUNDS	GRAND TOTAL		26,232,421.74		321.89	2,593.29

Town of Lauderdale-by-the-Sea
Cash and Investment Report
as of May
2021

Summary by Investment Type	Amount	Percent
Interest Bearing Checking	25,974,088.18	99%
Non-interest Bearing Checking	0.00	0%
SBA Trust Fund/Pools	258,333.56	1%
Repurchase Agreements	0.00	0%
Money Market Funds	0.00	0%
U.S. Securities/Treasuries	0.00	0%
U.S. Federal Agencies	0.00	0%
Federal Instrumentalities	0.00	0%
GRAND TOTAL	26,232,421.74	100%

Summary by Fund		Amount	Percent
101.000/101-400	General Fund	11,196,527.00	43%
	Police Fund	14,369.43	0%
	Sewer Fund	1,430,046.86	5%
	Fire Fund	1,926,468.10	7%
	Building Fund	227,352.45	1%
	Capital Improvement Fund	4,897,147.67	19%
	Parking Fund	6,540,510.23	25%
	GRAND TOTAL	26,232,421.74	100%

Summary by Bank/Pool	Amount	Percent
SunTrust	25,974,088.18	99%
Florida Prime/State Board of Admin.	258,333.56	1%
GRAND TOTAL	26,232,421.74	100%

Agenda Item No:

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Linda Connors, Interim Town Manager
Submitting Department: Administration
Item Type: Reports
Agenda Section: Town Manager Report

Subject Title: Town Manager Report for June 29, 2021

Explanation: Following is the Interim Town Manager's report for June 29, 2021.

1. Offshore Barge

We have received many inquiries about a barge that is off the coast of Town. The work barge is building an artificial reef that is mitigation for Broward County Segment II beach renourishment project. The County plans to deploy several acres of reef material, which will attract fish and other marine life by creating more underwater habitat.

2. Chain Link Fences

On August 27, 2019, the Commission updated the Town's code to require all residential properties to screen chain link fencing. The Town Commission decided any permitted chain link fences would be required to be hidden from view of nearby streets and extended a grace period of two years (August 27, 2021) for affected residents to come into compliance. As the deadline approaches, Town staff is suggesting that the Commission consider extending the timeframe for compliance since we did not anticipate COVID and the resulting hardships.

Required Action: Provide staff direction on whether the Commission would like staff to prepare an extension to the compliance deadline which would be addressed through the Code Compliance process.

3. Pier Update

I have been communicating with our lobbyists and staff from the Congressman Ted Deutch's Office seeking assistance to expedite the issuance of the Anglin's Pier construction permit. To date, the status of the permit remains the same. Congressman Deutch has requested weekly updates to ensure that they stay on track for issuance of the permit in early July.

4. American Rescue Plan Act Allocation to LBTS

The League of Cities is working closely with the State to establish a process for ARPA implementation. The League has confirmed that they have received all the information provided by Lauderdale-By-The-Sea. During a webinar presented by the Florida League of Cities, State representatives suggested that they were going to request a 30-day extension for disbursing ARPA funds. Before funds becomes available, municipalities will be required to sign a funding agreement with the Division of Emergency Management (DEM).

5. Business Tax Renewal Season

The Lauderdale-By-The-Sea renewal season for the 2021-2022 fiscal year starts on July 1st, 2021. Staff will begin contacting each business via email to provide the total amount due and business tax number throughout July. Payments are due before October 1st, 2021. This year, the Town is offering three different methods for submitting payment - online, through the mail, or by dropping off your payment in our new drop box. The drop box is in the lobby of the building department for your convenience.

6. Sidewalk Replacement on El Mar Drive

Our Public Works staff has started the replacements of broken sidewalks on El Mar Drive. This work is expected to be complete by the end of the week, weather permitting.

7. September Town Commission Meetings

Florida Statute 200.065(2)(e)2 requires “hearing dates scheduled by the County Commission and School Board shall not be utilized by any other Taxing Authority within the County for its public hearings.

On February 23rd, 2021, the Town Commission approved the budget calendar, which schedules the first Public Budget Hearing (to adopt the proposed millage rate and tentative budget, final fire assessment) for 6:00 p.m. on Monday, September 13th; and the second Public Budget Hearing (to adopt the final millage rate and final budget) for 6:00 p.m. on Tuesday, September 28th. These Special Meetings will be held prior to the Regular Town Commission Meetings, scheduled for 6:30pm.

Therefore, staff is requesting the Commission amend the September Commission meeting as shown below:

Meeting	Date	Time
Regular Town Commission Meeting	Monday, September 13th	6:30 PM

Required Action: Approve scheduling the first Town Commission meeting in September for Monday September 13th at 6:30pm.

8. Upcoming Workshops

Date	Time	Topic
June 29	5:00 PM	Visitor Center Funding
July 13	5:00 PM	Marina
July 27	5:00 PM	Landscape/Tentative Millage Rate/Fire Rate
August 10	6:00 PM	Final Millage/Fire Rate

LBTS Solid Waste Collection Rates
Effective October 1, 2022

Residential

2021-2022	2022-2023
$ 19.25	$ 21.50

Valet Servic $15.00

Waste Pro
Multi-Family and Commercial Solid Waste Rates

NEW 2021-2022 **TOTAL RATE**

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		$ 1.00	$ 2.00	$ 3.00	$ 4.00	$ 6.00	$ 8.00
2		$ 214.27	$ 270.64	$ 404.28	$ 529.66	$ 605.35	$ 739.39
3		$ 334.07	$ 404.28	$ 604.86	$ 767.93	$ 868.95	$ 1,032.49
4		$ 444.37	$ 538.01	$ 780.44	$ 972.85	$ 1,107.54	$ 1,275.57
5		$ 554.71	$ 671.73	$ 927.87	$ 1,173.59	$ 1,289.85	$ 1,510.31
6		$ 643.82	$ 780.44	$ 1,075.30	$ 1,307.65	$ 1,434.63	$ 1,811.75
7		$ 725.87	$ 880.81	$ 1,210.22	$ 1,466.70	$ 1,629.46	$ 2,054.83

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups	Carts (96 gall	1	2	3	4	6	8
2	76.39	232.94	281.76	422.07	553.60	577.63	772.54
3	113.99	348.84	422.07	632.52	803.49	908.45	1079.24
4	151.61	464.73	562.38	816.66	1018.28	1158.23	1333.29
5	189.22	580.62	702.68	971.16	1228.67	1348.77	1578.57
6	219.31	674.20	816.66	1125.67	1368.86	1499.81	1894.04
7	246.89	760.35	921.86	1267.01	1535.38	1703.51	2148.09

New extra charges	$ 8.66	$ 17.32	$ 25.98	$ 34.64	$ 51.96	$ 69.28
	$ 12.99	$ 25.98	$ 38.97	$ 51.96	$ 77.94	$ 103.92
	$ 17.32	$ 34.64	$ 51.96	$ 69.28	$ 103.92	$ 138.56
	$ 21.65	$ 43.30	$ 64.95	$ 86.60	$ 129.90	$ 173.20
	$ 25.98	$ 51.96	$ 77.94	$ 103.92	$ 155.88	$ 207.84
	$ 30.31	$ 60.62	$ 90.93	$ 121.24	$ 181.86	$ 242.48

YARDS

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per wee		1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups p	Carts	1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

RATE PER YARD

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		1	2	3	4	6	8
2		$ 24.74	$ 15.63	$ 15.56	$ 15.29	$ 11.65	$ 10.67
3		$ 25.72	$ 15.56	$ 15.52	$ 14.78	$ 11.15	$ 9.94
4		$ 25.66	$ 15.53	$ 15.02	$ 14.04	$ 10.66	$ 9.21
5		$ 25.62	$ 15.51	$ 14.29	$ 13.55	$ 9.93	$ 8.72
6		$ 24.78	$ 15.02	$ 13.80	$ 12.58	$ 9.20	$ 8.72
7		$ 23.95	$ 14.53	$ 13.31	$ 12.10	$ 8.96	$ 8.47

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups p	Carts (96 gallons)	1	2	3	4	6	8
2	97.01	26.90	16.27	16.25	15.98	11.12	11.15
3	144.77	26.85	16.25	16.23	15.46	11.66	10.39
4	192.54	26.83	16.23	15.72	14.70	11.15	9.62
5	240.31	26.82	16.23	14.95	14.19	10.38	9.11
6	278.52	25.95	15.72	14.44	13.17	9.62	9.11
7	313.55	25.09	15.21	13.93	12.66	9.37	8.86

$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00

NEW 2022-2023 **TOTAL RATE**

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		$ 1.00	$ 2.00	$ 3.00	$ 4.00	$ 6.00	$ 8.00
2		$ 225.09	$ 292.29	$ 436.76	$ 572.96	$ 670.30	$ 825.99
3		$ 350.31	$ 436.76	$ 653.57	$ 832.88	$ 966.37	$ 1,162.39
4		$ 466.02	$ 581.31	$ 845.39	$ 1,059.45	$ 1,237.44	$ 1,448.77
5		$ 581.77	$ 725.86	$ 1,009.06	$ 1,281.84	$ 1,452.23	$ 1,726.81
6		$ 676.29	$ 845.39	$ 1,172.72	$ 1,437.55	$ 1,629.48	$ 2,071.55
7		$ 763.76	$ 956.59	$ 1,323.88	$ 1,618.25	$ 1,856.78	$ 2,357.93

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups	Carts (96 gall	1	2	3	4	6	8
2	76.39	241.60	299.08	448.05	588.24	629.59	841.82
3	113.99	361.83	448.05	671.49	855.45	986.39	1183.16
4	151.61	482.05	597.02	868.62	1087.56	1262.15	1471.85
5	189.22	602.27	745.98	1036.11	1315.27	1478.67	1751.77
6	219.31	700.18	868.62	1203.61	1472.78	1655.69	2101.88
7	246.89	790.66	982.48	1357.94	1656.62	1885.37	2390.57

New extra charges	$ 8.66	$ 17.32	$ 25.98	$ 34.64	$ 51.96	$ 69.28
	$ 12.99	$ 25.98	$ 38.97	$ 51.96	$ 77.94	$ 103.92
	$ 17.32	$ 34.64	$ 51.96	$ 69.28	$ 103.92	$ 138.56
	$ 21.65	$ 43.30	$ 64.95	$ 86.60	$ 129.90	$ 173.20
	$ 25.98	$ 51.96	$ 77.94	$ 103.92	$ 155.88	$ 207.84
	$ 30.31	$ 60.62	$ 90.93	$ 121.24	$ 181.86	$ 242.48

YARDS

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per wee		1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups p	Carts	1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

RATE PER YARD

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		1	2	3	4	6	8
2		$ 25.99	$ 16.88	$ 16.81	$ 16.54	$ 12.90	$ 11.92
3		$ 26.97	$ 16.81	$ 16.77	$ 16.03	$ 12.40	$ 11.19
4		$ 26.91	$ 16.78	$ 16.27	$ 15.29	$ 11.91	$ 10.46
5		$ 26.87	$ 16.76	$ 15.54	$ 14.80	$ 11.18	$ 9.97
6		$ 26.03	$ 16.27	$ 15.05	$ 13.83	$ 10.45	$ 9.97
7		$ 25.20	$ 15.78	$ 14.56	$ 13.35	$ 10.21	$ 9.72

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups p	Carts (96 gallons)	1	2	3	4	6	8
2	97.01	27.90	17.27	17.25	16.98	12.12	12.15
3	144.77	27.85	17.25	17.23	16.46	12.66	11.39
4	192.54	27.83	17.23	16.72	15.70	12.15	10.62
5	240.31	27.82	17.23	15.95	15.19	11.38	10.11
6	278.52	26.95	16.72	15.44	14.17	10.62	10.11
7	313.55	26.09	16.21	14.93	13.66	10.37	9.86

Rate Increase	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00

Agenda Item No: 10.a

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Tedra Allen, Town Clerk
Submitting Department: Administration
Item Type: Minutes
Agenda Section: APPROVAL OF MINUTES

Subject Title: June 8, 2021 Town Commission Workshop Minutes

Recommendation: Accept/Approve

Attachments: Ex.1 – June 8, 2021 Town Commission Workshop Minutes

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
WORKSHOP MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 8, 2021
5:00 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 5:00 p.m. Also present were Vice Mayor Alfred "Buz" Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Finance and Budget Lucila Lang, Acting Development Service Director, Jhanelle Campbell, Special Events & Marketing Manager, Debbie Hime, Public Works Director, Ken Rubach, and Public Information Officer/IT Administrator Steve d'Oliveira, Town Clerk, Tedra Allen.

2. PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

State Representative Chip LaMarca stated that he has met with a number of the Town's business owners, and observed that a number of changes that made it easier to operate small businesses during the COVID-19 pandemic have now become Florida law.

Barbara Cole, resident, did not feel there would be a significant change in restaurant customers wishing to sit outside, and spoke in favor of continuing and improving the Downtown outdoor seating and dining areas.

Ron Piersante, resident, was not certain that restaurants which have reopened to full capacity continue to need additional outdoor seating, and recommended that outdoor seating be reconfigured through July 15, 2021. He concluded that he hoped the barriers would be removed and Downtown parking restored on July 16.

Donald Jacobson, resident, stated that guests at the Windjammer Resort have provided very positive feedback on the Town's Downtown area and outdoor dining for restaurants in particular. He pointed out that the outdoor seating areas remain busy, and suggested that these remain in the pavilion and in parking areas.

Jim Rogers, resident, observed that most individuals at tonight's meeting do not yet know what is proposed for the Downtown area.

Town Clerk Tedra Allen read the following written public comment:

- Bill Ciani, resident, did not feel additional outdoor dining space should continue in the beachfront pavilion and parking areas, and recommended returning the Town to its pre-pandemic appearance

3. DISCUSSION ITEM

Mayor Vincent advised that the backup materials for tonight's workshop suggest that the Town retain its Downtown barricades for another 90 days. The workshop is also intended to discuss potential redevelopment and beautification on a larger scale for the Downtown area past that 90-day period.

a. Discussion Regarding East Commercial Downtown Area

Eva Marissa, representing the Chamber of Commerce, explained that during the COVID-19 pandemic, the Chamber felt it was important to act as a voice for all Town businesses, and maintained contact with Town Staff, restaurants, lodging, Merchants' Association, and other interested businesses.

Ann Marchetti, consultant to the Chamber of Commerce, stated that the Chamber is assisting with the Downtown discussion at the request of a number of Town businesses. Prior to COVID-19, the Downtown area underwent a major transformation in 2013, which was a great success, resulting in more space and safety for pedestrians, special events, and resident and visitor engagement. Both traditional indoor dining and limited outdoor options were provided.

During the pandemic, the Lauderdale-By-The-Sea community worked together to support the Town's residents and businesses. Restaurants responded to consumer and public health needs by providing new dining and delivery strategies, including the Downtown outdoor dining options and water barriers. Consumers' expectations have changed, demanding increased outdoor options throughout Florida. The sidewalk cafés provided during the pandemic presented a new Downtown design option that appeals to businesses, residents, and community leaders.

Representative LaMarca briefly addressed some of the changes adopted by other beachside communities along A1A, including:

- A new pier, parking structure, and beachside restaurants with outdoor seating in Pompano Beach
- A new pavilion, beach access, and greenway in Deerfield Beach
- Outdoor dining options added by restaurants and hotels in Fort Lauderdale

Representative LaMarca advised that he has spoken with Mayor Vincent numerous times during the pandemic to discuss ways to deal with Broward County Emergency Orders and how these interacted with the Governor's Emergency Orders as well as local changes. He commended the Town government's willingness to work with local businesses, concluding that if the Town maintains some of its outdoor dining options, there is an opportunity to provide continuity of service, particularly along the Town's commercial corridor and pavilion areas.

Ms. Marchetti noted that the sidewalk cafés and water barriers are proposed to be removed on July 15, 2021. On behalf of Downtown businesses, the Chamber requests a 90-day extension from this date, which will allow time to evolve concepts and finalize a grander plan. All businesses would adhere to existing Code during the extension with regard to noise, right-of-way, tent size, and other requirements. The Town is asked to establish specifications for the size and color of tents and sidewalk umbrellas. Businesses will pay to lease parking spaces and plaza space during the extension, with rates to be established by the Town so there will be no cost to taxpayers.

Ms. Marchetti continued that the Town will receive per capita federal COVID-19 relief dollars in the amount of $1.8 million, which must be spent within three years. The Chamber has no proposal at this time for the use of these dollars.

Phase 2 of the post-COVID-19 plan includes permanent extension of sidewalks to make them safer and more enticing for people who dine, shop, and walk outside. The Chamber also requests that the pavilion be redesigned for multi-purpose use, including expanded Town and business events. This redesign would include removing columns, providing more seating for events, and space for outdoor dining. Options include closing the circle as needed for events and permitting businesses and other parties to lease plaza space.

The Town would maintain control of this space, and the tenants would rent space from the Town, according to a public-private partnership. Businesses would maintain the area and keep it clean.

Downtown businesses have consulted blueprints for the proposed changes and provided input on these plans. Highlights of the Phase 2 plan include:

- Extended sidewalks
- A redesigned pavilion
- Improvement of pullout parking on Commercial Boulevard and A1A
- Placement of pavers the same color as parking
- Replacement of trees that drop berries and leaves with shade palms
- Town-provided umbrella colors and styles for sidewalks from the Plazas to El Mar Drive
- Parking fees replaced by annual tenant café fees
- Town maintenance of all rights-of-way

Ms. Marchetti concluded that the presentation represented a collective perspective from Downtown businesses with the assistance of the Chamber of Commerce. They hope to continue this dialogue with Town government, Staff, and residents.

Marc Falsetto, owner of Taco Craft, thanked the Commission for their support during the pandemic. He pointed out that the pandemic has changed diners' habits, in response to which many restaurants have spent a significant amount of money. He was in favor of the proposed 90-day extension of outdoor dining plans to accommodate large crowds.

Mayor Vincent reiterated that the restrictions presented by state and County Emergency Orders served as a catalyst for new ideas on how to succeed in the pandemic environment, beginning with takeout service and curfews and followed by limiting use of space. Next steps included extending sidewalks and outdoor dining space into parking areas and the Ocean Plaza. The Town is also competing with other beachside communities such as Pompano Beach and Fort Lauderdale, which are similarly updating their environments to reflect changes in public behavior.

Mayor Vincent continued that today's workshop was requested by the Chamber of Commerce and the Town's business community. He thanked the Chamber for proposing a partnership and outlining the responsibilities of the Town and businesses. He also emphasized retaining the Town's small-town charm while continuing to make changes and improvements.

Commissioner Sokolow stated that he was in favor of extending the use of sidewalk cafés and barricades for another 90 to 180 days in order to provide an opportunity for the business community to further prepare their plans. He noted, however, that many

residents have made it clear that they are not interested in changing the Town. Some of the issues to consider as part of the Chamber's proposal include:

- Existing Codes, many of which are based on national Codes
- Changes to restaurants' parking requirements
- Fairness issues related to which businesses would be giving up their parking spaces, which are already limited
- The Payment in Lieu of Parking (PILOP) program
- Fairness related to the use of the pavilion, as only one restaurant currently benefits from the use of this area for additional seating

Commissioner Sokolow noted that in addition to economic and Code impacts, there are restroom facility issues related to providing more seating. He concluded that the Town spent a significant amount of money to redesign and redevelop the Downtown area only a few years ago, and was not certain that the interest in outdoor dining would remain throughout the summer. He was not in favor of paving over existing Downtown parking spaces to provide additional outdoor space.

Commissioner Malkoon noted that the proposed 90-day extension would last until October 2021, which would mean the businesses may wish to ask for an additional extension throughout the remainder of the busy season. He continued that expanding the sidewalks would require planning, budgeting, and construction, which would be likely to last until summer 2022 or later.

Commissioner Malkoon also agreed with Commissioner Sokolow's concerns regarding Code issues, as well as the fact that the Town, and not the businesses, provides parking. He was also not certain that all restaurants had sufficient staff to maintain their outdoor dining areas. He was not in favor of using the pavilion for outdoor dining, but preferred to use blocked areas of the sidewalks and possibly expand them.

Mr. Falsetto commented that diners at his restaurant feel less safe in the parking spaces on A1A and Commercial Boulevard. He characterized the parallel parking spaces on A1A as outdated and dangerous. He also pointed out that these seven spaces are not useful to restaurants that may have a seating capacity of 200, and concluded that attempts to parallel-park in these spaces on a busy night results in significant traffic backup.

Vincent Foti, owner of Vinnie's, agreed with Mr. Falsetto's description of parallel parking on Commercial Boulevard, which results in backed-up traffic. He continued that the habits formed over the past several months in response to the pandemic are unlikely to

stop when the barricades are removed from Downtown, as individuals are often willing to wait for outdoor seating. He added that it is very difficult to provide patio seating without moving chairs into walkways, and felt providing a more comfortable outdoor seating area would benefit both restaurants and customers.

Mr. Jacobson, who had spoken earlier, advised that there are currently two lanes of traffic in front of the Windjammer Resort, and noted that this area is often opened for parking during special events. He suggested that the City consider adding metered parking in this area.

Mayor Vincent emphasized that no action would be taken at tonight's meeting, as it follows a workshop format. He also clarified that when outdoor seating is extended into the right-of-way, the Town's policy is not to require additional parking. The intent of tonight's meeting is to hear information and input, with the discussion to continue at another workshop as well as among the Commission.

Peggy Mohler, resident, addressed the issue of fairness in relation to use of the Plaza for outdoor dining, pointing out that several restaurants pay different amounts for use of outdoor right-of-way space.

Mayor Vincent stated that if the Town proceeds with an extension of the barricades and outdoor seating, he would like it to be the final such extension, as the Town does not wish to continue using its current Downtown configuration indefinitely.

Mr. Rodgers, resident, stated that there are 27 parking spaces currently used for outdoor seating, with the exception of a few spaces that comply with the Americans with Disabilities Act (ADA). These spaces generate approximately $250,000 in parking revenue each year. A three-month extension would mean restaurants would need to cover roughly $60,000 in lost parking revenue.

It was also noted that businesses would need to assist with the cost of any proposed modifications, including protection for sidewalk café customers. There was also a question regarding whether the Town would need to add another Police Officer to the Downtown area in conjunction with the proposed changes.

Dwayne Wiseman, owner of the Aruba Beach Café, stated that this business has used the plaza for less than one year for outdoor dining, which has improved its safety.

Barbara Cole, resident, commented that the Downtown pavilion was not consistent with the original design preferred by the community, and could be improved upon. She hoped that the Commission would react positively to the proposal by the Downtown businesses.

Ms. Marchetti reiterated that the businesses are requesting that the Commission consider at least a 90-day extension, during which time Town Staff and Town businesses would meet to discuss a plan including some of the proposals put forward during the presentation. During the extension, all Downtown businesses would adhere to existing Codes, including uniform tents and umbrellas, which would be paid for by the businesses. The businesses would also pay to lease parking spaces and the plaza during the extension, with rates to be determined by the Town.

Ron Piersante, resident, observed that it could take significantly longer than 90 days to come up with a plan that would satisfy all parties, citing the lengthy discussion of El Mar Drive as an example.

Mayor Vincent pointed out that the pandemic has not yet ended, and people remain uncomfortable with indoor dining. There are still many details that would need to be worked out before a decision could be made, and another workshop meeting is scheduled later in June. He concluded that he was not in favor of rushing to take any action at present.

Bill Ciani, resident, advised that he owns several of the buildings in the subject area, which depend upon the parking spaces under discussion. He was not in favor of removing/blocking these spaces or using the pavilion for restaurant seating. Mayor Vincent emphasized again that no action is planned at this time.

4. ADJOURNMENT

With no other business to come before the Commission at this time, the workshop was adjourned at 6:21 p.m.

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Mayor Chris Vincent

ATTEST:

_____ _____

Town Clerk Tedra Allen Date

Agenda Item No: 10.b

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Tedra Allen, Town Clerk
Submitting Department: Administration
Item Type: Minutes
Agenda Section: APPROVAL OF MINUTES

Subject Title: June 8, 2021 Town Commission Meeting Minutes

Recommendation: Accept/Approve

Attachments: Ex.1 – June 8, 2021 Town Commission Meeting Minutes

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 8, 2021
6:30 PM

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Item 13a be heard out of order on tonight's Agenda.

13. NEW BUSINESS

a. Five-Year Renewal of Broward County Sheriff Office Contract with the Town

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) provided a presentation on the five-year renewal of the Town's contract with BSO. The main difference between this contract and previous contracts is the addition of a fourth Sergeant position, as approved by the Commission, for the upcoming 2021-2022 fiscal year (FY).

Sheriff Gregory Tony thanked the Commission for their continuing support.

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

5. PRESENTATIONS

a. Ericks Consulting Legislative Update

Candice Ericks and Lauren Jackson, representing Ericks Consultants, reviewed the 2021 Florida Legislative Session, which they characterized as difficult. Major legislation passed during this session addressed social media, resiliency investments, and bonuses for first responders. In terms of local government, legislation was passed that limited the duration of local emergency orders and preempted energy infrastructure ordinances. The Town's advocacy team, among other advocates, was successful in preventing the passage of vacation rental preemption, although this issue is expected to return the following year.

Ms. Jackson continued that the legislature passed a landmark sea level rise/resiliency package, which was developed in conjunction with the American Flood Coalition. It includes a grant program that can fund risk assessment and costs for local governments with a 50% match. This program is funded using American Rescue Plan (ARP) dollars as well as documentary stamp tax distribution revenues, and will be funded at a minimum of $117 million each year.

The Town continues to work with the Department of Environmental Protection (DEP) to seek a funding opportunity for its septic-to-sewer project. Ms. Ericks advised that the team met with DEP, as well as with State Representative Chip LaMarca's office, to discuss this project and seek federal funding. She suggested that the Town consider a number of different agencies as well as the DEP when seeking grant funding.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Pamela Fletcher, representing Broward College, thanked the Commission for their FY 2020 donation, which provided classroom equipment and supplies. She requested 2021 funds for equipment and supplies as well.

Charlotte Mather-Taylor, representing the Area Agency on Aging of Broward County, noted that new programs to assist seniors were created during the COVID-19

pandemic, including a telephone reassurance and pen pal program, as well as scheduling of vaccination appointments, among others. These services are open to all senior citizens in the Town, regardless of income. The agency is requesting $8,759 in matching funds for FY 2022.

Barbara Cole, resident, addressed BSO services in the Downtown area, noting that there has been a BSO presence on recent weekends, which had a significant impact. She encouraged residents to come to future business workshops, and concluded that the Town should consider retaining Community Center Director Armilio Bien-Aime as a permanent employee.

Alessandra Medri, representing the South Florida Wildlife Center, requested support for this nonprofit agency from the Town. She provided a brief history of the Center, which is Florida's largest wildlife veterinary hospital, and requested that the Town consider supporting the Center again in FY 2021-2022.

Ken Herman, representing the Hillsboro Lighthouse Preservation Society, thanked the Town for its support in previous years. It is a volunteer organization under contract from the U.S. Coast Guard and operates on donations from municipalities and the public. In November, any Lauderdale-By-The-Sea resident may visit the lighthouse free of charge.

Claudia Welsh Goodman, representing Goodman Jewish Family Services (JFS) of Broward County, advised that JFS offers a range of programs and services, including emergency financial assistance to families, meal services, behavioral health services, and a domestic abuse program and clothing pantry. They also serve the needs of 985 Holocaust survivors in the Broward community. They are requesting $15,000 from the Town for the financial assistance program in FY 2021-2022.

Pastor Patrick C. Jackson, representing Camp Victory Resorts for the Homeless, stated that this organization will serve approximately 350 to 500 homeless individuals at an upcoming anniversary event, with free haircuts, clothing, personal items, and meals. Donations may be made at (786) 702-6525.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Interim Town Manager Linda Connors provided an update on the Town's Human Resources (HR) Department. Over the last two years, the Town has not given performance evaluations as required by its personnel manual. Senior Office Specialist Lisa Slagle is working to ensure that evaluation forms are updated to more accurately reflect each position. Staff will work throughout the summer to ensure that these evaluations occur.

The Town's solid waste contract will expire on November 30, 2021. Staff is working on the final extension of this contract, which will be presented to the Commission on June 29, 2021.

Electrical poles on A1A between Palm Avenue and Flamingo Avenue are damaged, and Staff is working toward their replacement.

At the May 10, 2021 Commission workshop, there was discussion of providing natural gas to the Town. Staff was asked to research whether or not this had been discussed in the past, or whether a survey on this utility was offered to residents. There was no record of any such activity in the past. Staff hopes to move forward during the regular season with a survey to determine residents' interest.

Hurricane season began on June 1, 2021. All residents are urged to be prepared for weather emergencies. Staff has met with contractors to ensure that they are ready to serve the Town if the need arises, and Town Departments have had individual and joint meetings as well.

Interim Town Manager Connors concluded by wishing longtime resident Everett Sorensen a happy 90th birthday on behalf of the Town.

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. May 11, 2021 Town Commission Workshop Minutes

b. May 11, 2021 Town Commission Meeting Minutes

c. May 25, 2021 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Codrington Drive Complete Streets Design

Public Works Director Ken Rubach recalled that at a previous meeting, the Commission had requested that Staff gather more information from the city of Fort Lauderdale in relation to this project. He and Town Engineer Jay Flynn met with Fort Lauderdale staff to examine the right-of-way, which is significantly lower than adjacent properties and permits drainage without runoff through those properties. Fort Lauderdale city staff advised that there are no back yard easements and they are not liable for any of the water that is draining from the backyards. The Town has reached out to Codrington Drive residents for historical information on drainage issues.

Commissioner Strauss requested additional information on the liability or non-liability regarding drainage. Public Works Director Rubach explained that there is no easement on either the Fort Lauderdale side or the Lauderdale-By-The-Sea side: these easements were returned to the residents in the late 1980s and are considered private property. When the properties were platted, significant stormwater regulations were not required. There is no way of controlling excess stormwater from the commercial entity.

In addition to water flowing from these properties, water from the right-of-way causes flooding in front of the homes. Public Works Director Rubach advised that the back yard drainage is a separate issue: however, most of the properties in this area are sloped toward the back, which means it would take significant rain for any water from these

private properties to intrude onto the street. Most residents are concerned with water accumulation in the street in front of their homes.

Commissioner Strauss expressed concern with creating a street drainage plan while water continues to flow from the commercial property. Public Works Director Rubach stated that he would defer to the Town Attorney regarding any authority to compel private entities in another municipality to address water flowing from their properties.

Interim Town Manager Connors noted that Codrington Drive has only two outfall drains on its west end. The proposed project would help ensure that water flowing from the street is addressed through new outfalls and/or drains. Public Works Director Rubach noted that there will also need to be mitigation of stormwater issues on the east end of Codrington Drive, which will be taken into consideration during the design of the project.

Vice Mayor Oldaker requested updates from Staff on continued meetings with Codrington Drive residents. Public Works Director Rubach explained that Staff will meet individually with residents to hear their input and encourage participation, as their information is as valuable as geographic or topographic detail. Staff will advertise the dates on which they will be available for discussion with residents.

Mayor Vincent commented that a new topographical survey will be conducted of Codrington Drive, which should help identify the deficiencies of certain properties. He noted that Staff will have up-to-date information on hand before reaching out to residents. He pointed out that even if properties are identified from which water flows into the right-of-way or elsewhere, the Town cannot force those properties to add or improve their drainage unless they are undergoing redevelopment.

Town Attorney Susan Trevarthen stated that she would work with Staff as more information becomes available on the state of drainage in the subject area. It may be possible that drainage issues are the basis for private cause of action between property owners; however, the Town hopes to accomplish as much as possible through its project to ameliorate these conditions.

Mayor Vincent asked if the Town may provide financial assistance to properties that need to improve their drainage. Town Attorney Trevarthen confirmed that Staff will look at these questions once they have better information and determine how far the Town may go to address the problem, or suggest other resources to the property owners in question.

Commissioner Strauss made a motion, seconded by Commissioner Malkoon, to approve and authorize the Interim Town Manager to execute the Baxter and Woodman work authorization, subject to the terms and conditions of the continuing contract for the Codrington Drive drainage and Complete Streets design. Motion carried 5-0.

13. NEW BUSINESS

b. FY22 Non-profit Funding Request

At this time Mayor Vincent opened public comment.

Will Spencer, representing 2-1-1 Broward, thanked the Commission for previous years of support. He noted that the data provided represents only one quarter of the agency's total COVID-19 impact, including 404 referrals to individuals with simple needs or in crisis. Approximately 800 Town residents are assisted by 2-1-1 Broward services.

Pablo Calvo, representing Early Learning Coalition (ELC) of Broward County, explained that this agency is the local designated administrator of local, state, and federal funds for subsidized child care. More than 96% of ELC's centers have reopened at 80% to 85% capacity. 100% of Town funding serves families that live and work in Lauderdale-By-The-Sea.

Pastor Patrick Jackson, representing Camp Victory Resorts for the Homeless, stated that his organization works to bring homeless individuals in South Florida "from victims to victory."

William McGough and Bethany Burkhardt, representing the Broward Children's Center, thanked the Town for its previous support. Their funding has enabled the Center to help children communicate with their families during continued lockdown of facilities.

Tracy Perez, representing the Center for Hearing and Communication, stated that this organization provides education to the community as well as assistance to those with hearing loss. The Center works with these individuals and provides mental health counseling for all ages, as well as assistive devices, family education, and workforce participation.

Representative from House of Hope, advised that this organization helps individuals overcome substance abuse and/or mental health issues. They also assist with education and job placement.

Michael Barron, representing Women in Distress of Broward County, advised that support from local municipalities is important to agencies seeking federal, state, and County grants. These dollars target Town residents and provide matching dollars for grant funds. He thanked the Town for its years of support to the organization.

Steve d'Oliveira stated that Lionfish Derby targets an invasive species that has no natural predators in South Florida. Removing these fish from the ecosystem benefits the environment. The Town has the opportunity to join McDougal House and Shipwreck Park in Pompano Beach in acting as title co-sponsor for next year's Lionfish Derby event at a cost of $5000.

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

Commissioner Strauss disclosed that he is a member of the Board of Directors for the Broward Children's Center.

Finance Director Lucila Lang explained that the presentation of FY 2021-2022 nonprofit funding requests is part of the Town's annual budget process. Staff has received formal requests from each agency, which are included in the Commission's Agenda packets. This year's requests include new additions from JFS and the Lionfish Derby. If the requests are approved as presented, the result will be a budget increase of $20,000, or 37.55%, over the previous fiscal year.

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve all the recommendations, with a reduction of the request by Goodman JFS of Broward County from $15,000 to $5000. Motion carried 5-0.

c. Continued Use of Andy Royston, of Tropical Sun Design, as Sole Branding Provider

Special Events and Marketing Manager Debbie Hime recalls that the Town's branding was selected in 2012 as part of its redevelopment. The design and fonts continue to reflect the Town's character. Andy Royston of Tropical Sun Design has continued to provide branding and marketing throughout the last five years.

Special Events and Marketing Manager Hime advised that there is a section in the Town's Purchasing Manual which exempts budgeted services that involve special skills, ability, training, or expertise of a unique, original, or creative nature from the competitive solicitation requirement. Staff has determined that Mr. Royston's services fall within this exemption and has decided to proceed without considering alternative providers.

Vice Mayor Oldaker made a motion, seconded by Commissioner Sokolow, to approve the continued use of Andy Royston of Tropical Sun Design as sole branding vendor / artist. Motion carried 5-0.

14. COMMISSIONER COMMENTS

The Mayor and Commissioners wished all present a happy Father's Day.

Mayor Vincent stated that the Town is looking forward to its 2021 Fourth of July celebration. As Chair of this year's event, he invited all residents to join in three events planned for the Fourth: a parade at 10 a.m., a Family Fun Day from 11 a.m. to 3 p.m. in El Prado Park, and a fireworks display from 9:00 p.m. until 9:20 p.m.

Mayor Vincent also congratulated the Novak family and the High Noon Hotel for 60 years in business.

Commissioner Malkoon thanked Staff for their work on several issues, including hurricane preparedness.

Vice Mayor Oldaker also praised Town Staff for its proactive stance on hurricane season.

Commissioner Strauss remembered former Town Manager Bud Bentley, who passed away on this date in 2020. He also urged all residents to prepare for hurricane season.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

a. **Resolution 2021-33 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the amendment to the Town's Comprehensive Emergency Management Plan. Motion carried 5-0.

b. **Resolution 2021-35 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO CHAPTER 30, "UNIFIED LAND DEVELOPMENT REGULATIONS" TO EVALUATE LISTED USES AND REVISE PROCESSES AND DEFINITIONS AS THEY RELATE TO THE TOWN'S BUSINESS ZONING DISTRICTS, INCLUDING THE DETERMINATION OF SIMILAR USES; PROVIDING FOR AUTHORIZATION, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, felt that recent Downtown businesses run counter to everything that the City is trying to do, and hoped this Resolution would stop any further proliferation of these types of establishments.

Town Attorney Trevarthen explained that the impact of Resolution 2021-35 applies to any new business coming into the Town that does not squarely fit within the Town's listed permitted uses in B-1 or B-1-A districts. The effect of the zoning in progress would be to pause this process while the Town finalizes any necessary refinements to regulations. There have been no such applications within the time frame under discussion at this point, and the process currently listed in Code is being followed.

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

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

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:25 p.m.

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Mayor Chris Vincent

ATTEST:

_____ _____

Town Clerk Tedra Allen Date

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Lucila Lang, Director of Finance & Budget
Submitting Department: Administration
Item Type: Consent
Agenda Section: CONSENT AGENDA

Subject Title: Purchase of VFD Ranger Crew XP 1000 Premium

Explanation: In FY21, VFD has budgeted $50,000 in Capital Outlay-Vehicles for the purchase of a new Ranger. The cost of the Ranger and additional features are $18,603.08. The Town's purchasing policy requires Town Commission's approval to procure goods or services over $15,000.

Recommendation: Approve the VFD's purchase of a Ranger Crew XP 1000 Premium from Polaris Sales Inc. at a cost $18,603.08.

Attachments:
Ex.1 – Polaris Quote
Ex.2 – McKibben Powersports of Lake Wales Quote

QUOTE

Polaris Sales Inc
2100 Hwy 55, Medina (Hamel), MN 55340
Phone: 866-468-7783 Fax: 763-847-8288

gov.info@polaris.com
www.polaris.com

Contact Information:
Name: Judson Hopping
Email: jhopping@lbtsfire.com
Phone:
Fax:

Quote Number: QUO-26719-G9W9Y6
Revision #: 0
Date: 5/6/2021 5:07 PM
Quote Expires: 6/5/2021

Bill To:
LAUDERDALE BY THE SEA
4513 OCEAN BLVD

LAUDERDALE BY THE SEA, FL 33308

Ship To:
LAUDERDALE BY THE SEA

4513 OCEAN BLVD

LAUDERDALE BY THE SEA, FL 33308

Contract Name: Polaris Direct
Contract #:
Expiration Date:

Cage: 3FP69
Duns#: 123399383
Tax ID#: 41-1921490
Customer#: 8694200

Freight	Delivery Terms	Payment Terms	Payment Methods
FOB Destination-CONUS US Continental (CONUS) Only	150 Days	Net 30	Visa Mastercard Wire Check

Item #	QTY	Description	MSRP	Discount Price	Extended
R21RSE99AP	1	RANGER CREW XP 1000 Premium - Matte Navy Blue - 49 State	$18,799.00	$16,998.26	$16,998.26
2889223	1	Crew 1000's / Pro XD 4000 Poly Sport Roof	$539.99	$451.58	$451.58
2882711	1	1000's Polaris Dual Speed Pro HD 4500 LB Winch (synthetic rope)?	$849.99	$710.82	$710.82
2882531	1	1000's Upper Front Brushguard	$259.99	$217.42	$217.42

Comments: Based on timing of any award, part numbers and colors are subject to change.

SUBTOTAL	$18,378.08
INSTALL*	$225.00
FREIGHT	$0.00
TAX	$0.00
TOTAL	$18,603.08

*Installation Pricing is Open Market

Acceptance and Payment Information

Polaris Sales Inc
2100 Hwy 55, Medina (Hamel), MN 55340
Phone: 866-468-7783 Fax: 763-847-8288

QUOTE

gov.info@polaris.com
www.polaris.com

Wire Payment:
US Bank
602 2nd Ave South
Minneapolis, MN 55402

Phone: 1-888-799-4737
ABA#: 091 000 022
Acct#: 1 702 2513 9170
Ref: Polaris Direct Polaris Ranger XP1000EPS
PO#:

Ship To Address:	Billing Address:
Name:	Name:
Address:	Address:
Address:	Address:
Address:	Address:
City, State & ZIP:	City, State & ZIP:
Contact Name:	Contact Name:
Phone:	Phone:
Alternate Contact Name:	Alternate Contact Name:
Alternate Phone:	Alternate Phone:
Email:	Email:

Credit Card Holder:
Credit Card Type: VISA / Mastercard
Card Number:

Expiration Date:

To accept this quotation, sign here and return: _____

Printed name: _____

McKibben Powersports of Lake Wales

Call Us first, for all of your Powersports needs.
PHONE (863) 269-7755 www.mckibbenpowersportsoflakewales.com

Corporate Office	20769 US Highway 27 Lake Wales Fl,33853	Mailing Address	20769 Highway 27 LakeWales fl 33853
Direct	863-676-2245		Fax 863-676-4286

PURCHASE QUOTE SHEET

FSA20-EQU18.0 Heavy Equipment

Date June24,2021 PAGE 1 of 1

REQUESTING AGENCY: **Lauderdale-by-the-the Sea Vol. Fire Dept**

CONTACT PERSON: **Judson Hopping**
PHONE NUMBER: **954-868-7776**
FAX NUMBER: jhopping@lbtsfire.com

2021 Polaris Ranger 570
4X4 /Automatic/ Dumpbed

MODEL: R21MAA57B1 **Spec:**

Unit will be in green !

BASE PRICE: $8,948.00

OPTION #	DESCRIPTION	COST
R21RSE99AW	Engine upgrade 999cc automatic Trans,6seater Ranger Crew1000 Premium	$9,351.00
	The Model is Ranger Crew XP 1000 Premium Burgandy Metallic	
2882711	4500lb with synthetic rope	$1,149.00
2884123	Front Upper Brushguard	$459.00
Backwoods	Steel Roof Black for Ranger 1000 Crew	$599.00

TOTAL OF OPTIONS:	$11,558.00
EXTENDED WARRANTY:	
SUB TOTAL	$20,506.00
TAX	Tax Exempt
FLORIDA REGISTRATION	Self Register
QTY 1 =	$20,506.00

I appreciate the opportunity to submit this quotation. Please review it carefully. If there are any errors or changes please feel free to contact me at any time, I will be happy to assist you.

Comments: **Unit will be 2021 Polaris Ranger CREW XP 1000 Premium 6 SEATER in Burgandy Mettalic**
We will deliver this unit to LAUDERDALE-BY-THE-SEA Vol Fire Dept.

VEHICLE QUOTED BY: Dave Farina McKibben Powersports of Lake Wal 863-676-2245
"I Want to be Your Powersports Provider"
dave.farina@mckibbenps.com

Edner Saint-Jean

From: Judson Hopping <jhopping@lbtsfire.com>
Sent: Thursday, June 24, 2021 4:30 PM
To: Edner Saint-Jean
Subject: FW: McKibben Powersports of Lake Wales quote information
Attachments: Lauderdale-by-the SEA Vol. Fire Dept Quote.pdf

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

Ed,
Attached is the second Quote for the ATV. This is based on the Florida Sheriff's Association Contract.

From: Dave Farina <dave.farina@mckibbenps.com>
Sent: Thursday, June 24, 2021 12:39 PM
To: jhopping@lbtsfire.com
Subject: Re: McKibben Powersports of Lake Wales quote information

Hello Judson,
Enclosed is the requested quote.
The price quoted includes delivery.
We appreciate the opportunity to earn your business.
Thank You
Dave Farina
McKibben Powersports of Lake Wales
Dave.farina@mckibbenps.com
office 863-676-2245

On Wed, Jun 23, 2021 at 5:38 PM Dave Farina <dave.farina@mckibbenps.com> wrote:

Hello Judson,
I am working on your quote for the 2021 Polaris Ranger Crew XP 1000 Premium.
We will send you the quote tomorrow.
My name is Dave Farina from McKibben Powersports of Lake Wales.
dave.farina@mckibbenps.com
office # 863-676-2245
We appreciate the opportunity to earn your business.
Thank You
Dave Farina
McKibben Powersports of Lake Wales

Total Control Panel

Login

To: edners@lauderdalebythesea-fl.gov
From: jhopping@lbtsfire.com

Message Score: 15
My Spam Blocking Level: Medium

Block this sender

High (60): Pass
Medium (75): Pass
Low (90): Pass

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Linda Connors, Interim Town Manager
Submitting Department: Administration
Item Type: Discussion Item
Agenda Section: Old Business

Subject Title: Solid Waste, Bulk Waste and Recycling Collection Services Agreement Renewal Option

Explanation: The Town Commission entered into a Solid Waste, Bulk Waste and Recycling Collection agreement with Wase Pro USA, Inc. on July 1, 2009. Since then, the Town has exercised its first and second opportunities to extend the contract. The current contract period ends on November 30, 2021. There is one more opportunity for a renewal term, which is the focus of this agenda item.

Over the past six months, Town staff has been working closely with Waste Pro's administrative team to ensure the problems and complaints that we had been receiving on a regular basis could be resolved. Since the contract was set to expire, staff wanted to make sure that the issues were addressed prior to staff presenting a recommendation to the Commission.

Since January, Waste Pro has made the following improvements to their service:

- Initiated a routine inspection during the service day to ensure hydraulic and other fluids are not leaking and staining our streets;

- Changed the service hours for our commercial businesses to earlier in the mornings to eliminate conflicts and ensure the garbage was removed before the downtown is congested;

- Committed to replacing the commercial district's metal garbage dumpsters with plastic (they are easier for businesses to maneuver and much preferred);

- Added a truck dedicated to the Town (instead of sharing one with Fort Lauderdale) so that we would eliminate many of the problems associated with delayed and/or missed pick ups;

- Established two separate weekly meetings (one with administrative staff to review any individual issues that come up from time to time and the other with Town Manager and Regional Manager to review policies that need to be adjusted to improve overall service);

- Initiated a process to communicate with condominium associations when the truck will be delayed, or collection date is shifted;

- Made administrative and operational changes to improve service and provide direct line of contact with account holders.

These changes have resulted in a vast improvement in overall service resulting in a substantial decrease in the complaints that we receive about their service. When we do receive complaints, they are addressed in a timely manner due to the enhanced communication that we have established with our staff and Waste Pro's management team.

With these corrections to service in place, staff began discussions with Waste Pro regarding the renewal of the contract. Staff has negotiated the following terms for a contract renewal with Waste Pro:

Residential	Rate	Percentage Increase
Current Rate	$16.54	
Year 1	$ 19.25	16.4%
Year 2	$ 21.50	11.7%
Years 3-5	CPI not to exceed 5%	

Commercial accounts (businesses and multi-family accounts) are charged by cubic yard and Waste Pro is proposing a $1 per cubic yard rate increase for year 1 and $1 for year 2 to the businesses and multi-family accounts. Years 3-5 will apply CPI not to exceed 5%. This increase affects all businesses differently due to their varied collection schedules (see Exhibit 1-A). Staff reviewed ten different accounts to see how the increase would affect the cost of garbage collection and the increase resulted in an average percentage increase of 7.85%.

In support of the increased cost of service, Waste Pro has agreed to:

- Replace, where feasible, the multi-family metal dumpsters with plastic (these are preferable because of the ease of maneuverability);

- Maintain a dedicated truck for the town for pick up; and

- Assign a Supervisor dedicated to Lauderdale-By-The-Sea to ensure all routes are completed. The Supervisor will drive through the route and be available to address and correct any issues that may arise.

The current labor shortage has resulted in increased labor costs across all aspects of our economy and the solid waste industry is not excluded. Staff has researched other communities' collection costs and even with the increase, we have some of the most competitive prices in the area. We believe that the requests from Waste Pro are reasonable, and we support the contract extension.

If the Commission agrees to the suggested terms, staff will prepare the contract extension and bring to the Commission for approval.

Recommendation: Authorize Interim Town Manager to move forward with a five-year contract extension for Waste Pro with the above-mentioned terms.

Attachments: Exhibit 1-A

LBTS Solid Waste Collection Rates
Effective October 1, 2022

Residential

2021-2022	2022-2023
$ 19.25	$ 21.50

Valet Servic $15.00

Waste Pro
Multi-Family and Commercial Solid Waste Rates

NEW 2021-2022 **TOTAL RATE**

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		$ 1.00	$ 2.00	$ 3.00	$ 4.00	$ 6.00	$ 8.00
2		$ 214.27	$ 270.64	$ 404.28	$ 529.66	$ 605.35	$ 739.39
3		$ 334.07	$ 404.28	$ 604.86	$ 767.93	$ 868.95	$ 1,032.49
4		$ 444.37	$ 538.01	$ 780.44	$ 972.85	$ 1,107.54	$ 1,275.57
5		$ 554.71	$ 671.73	$ 927.87	$ 1,173.59	$ 1,289.85	$ 1,510.31
6		$ 643.82	$ 780.44	$ 1,075.30	$ 1,307.65	$ 1,434.63	$ 1,811.75
7		$ 725.87	$ 880.81	$ 1,210.22	$ 1,466.70	$ 1,629.46	$ 2,054.83

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups	Carts (96 gall	1	2	3	4	6	8
2	76.39	232.94	281.76	422.07	553.60	577.63	772.54
3	113.99	348.84	422.07	632.52	803.49	908.45	1079.24
4	151.61	464.73	562.38	816.66	1018.28	1158.23	1333.29
5	189.22	580.62	702.68	971.16	1228.67	1348.77	1578.57
6	219.31	674.20	816.66	1125.67	1368.86	1499.81	1894.04
7	246.89	760.35	921.86	1267.01	1535.38	1703.51	2148.09

New extra charges	$ 8.66	$ 17.32	$ 25.98	$ 34.64	$ 51.96	$ 69.28
	$ 12.99	$ 25.98	$ 38.97	$ 51.96	$ 77.94	$ 103.92
	$ 17.32	$ 34.64	$ 51.96	$ 69.28	$ 103.92	$ 138.56
	$ 21.65	$ 43.30	$ 64.95	$ 86.60	$ 129.90	$ 173.20
	$ 25.98	$ 51.96	$ 77.94	$ 103.92	$ 155.88	$ 207.84
	$ 30.31	$ 60.62	$ 90.93	$ 121.24	$ 181.86	$ 242.48

YARDS

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per wee		1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups pe	Carts	1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

RATE PER YARD

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		1	2	3	4	6	8
2		$ 24.74	$ 15.63	$ 15.56	$ 15.29	$ 11.65	$ 10.67
3		$ 25.72	$ 15.56	$ 15.52	$ 14.78	$ 11.15	$ 9.94
4		$ 25.66	$ 15.53	$ 15.02	$ 14.04	$ 10.66	$ 9.21
5		$ 25.62	$ 15.51	$ 14.29	$ 13.55	$ 9.93	$ 8.72
6		$ 24.78	$ 15.02	$ 13.80	$ 12.58	$ 9.20	$ 8.72
7		$ 23.95	$ 14.53	$ 13.31	$ 12.10	$ 8.96	$ 8.47

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups pe	Carts (96 gallons)	1	2	3	4	6	8
2	97.01	26.90	16.27	16.25	15.98	11.12	11.15
3	144.77	26.85	16.25	16.23	15.46	11.66	10.39
4	192.54	26.83	16.23	15.72	14.70	11.15	9.62
5	240.31	26.82	16.23	14.95	14.19	10.38	9.11
6	278.52	25.95	15.72	14.44	13.17	9.62	9.11
7	313.55	25.09	15.21	13.93	12.66	9.37	8.86

$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00

NEW 2022-2023 **TOTAL RATE**

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		$ 1.00	$ 2.00	$ 3.00	$ 4.00	$ 6.00	$ 8.00
2		$ 225.09	$ 292.29	$ 436.76	$ 572.96	$ 670.30	$ 825.99
3		$ 350.31	$ 436.76	$ 653.57	$ 832.88	$ 966.37	$ 1,162.39
4		$ 466.02	$ 581.31	$ 845.39	$ 1,059.45	$ 1,237.44	$ 1,448.77
5		$ 581.77	$ 725.86	$ 1,009.06	$ 1,281.84	$ 1,452.23	$ 1,726.81
6		$ 676.29	$ 845.39	$ 1,172.72	$ 1,437.55	$ 1,629.48	$ 2,071.55
7		$ 763.76	$ 956.59	$ 1,323.88	$ 1,618.25	$ 1,856.78	$ 2,357.93

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups	Carts (96 gall	1	2	3	4	6	8
2	76.39	241.60	299.08	448.05	588.24	629.59	841.82
3	113.99	361.83	448.05	671.49	855.45	986.39	1183.16
4	151.61	482.05	597.02	868.62	1087.56	1262.15	1471.85
5	189.22	602.27	745.98	1036.11	1315.27	1478.67	1751.77
6	219.31	700.18	868.62	1203.61	1472.78	1655.69	2101.88
7	246.89	790.66	982.48	1357.94	1656.62	1885.37	2390.57

New extra charges	$ 8.66	$ 17.32	$ 25.98	$ 34.64	$ 51.96	$ 69.28
	$ 12.99	$ 25.98	$ 38.97	$ 51.96	$ 77.94	$ 103.92
	$ 17.32	$ 34.64	$ 51.96	$ 69.28	$ 103.92	$ 138.56
	$ 21.65	$ 43.30	$ 64.95	$ 86.60	$ 129.90	$ 173.20
	$ 25.98	$ 51.96	$ 77.94	$ 103.92	$ 155.88	$ 207.84
	$ 30.31	$ 60.62	$ 90.93	$ 121.24	$ 181.86	$ 242.48

YARDS

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per wee		1	2	3	4	6	8
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3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups pe	Carts	1	2	3	4	6	8
2		8.66	17.32	25.98	34.64	51.96	69.28
3		12.99	25.98	38.97	51.96	77.94	103.92
4		17.32	34.64	51.96	69.28	103.92	138.56
5		21.65	43.3	64.95	86.6	129.9	173.2
6		25.98	51.96	77.94	103.92	155.88	207.84
7		30.31	60.62	90.93	121.24	181.86	242.48

RATE PER YARD

Multi-Family Dumpters:		Dumpster Size (cubic yards)					
Pick-Ups per week		1	2	3	4	6	8
2		$ 25.99	$ 16.88	$ 16.81	$ 16.54	$ 12.90	$ 11.92
3		$ 26.97	$ 16.81	$ 16.77	$ 16.03	$ 12.40	$ 11.19
4		$ 26.91	$ 16.78	$ 16.27	$ 15.29	$ 11.91	$ 10.46
5		$ 26.87	$ 16.76	$ 15.54	$ 14.80	$ 11.18	$ 9.97
6		$ 26.03	$ 16.27	$ 15.05	$ 13.83	$ 10.45	$ 9.97
7		$ 25.20	$ 15.78	$ 14.56	$ 13.35	$ 10.21	$ 9.72

Commercial Dumpster:		Dumpster Size (cubic yards)					
Pick-Ups pe	Carts (96 gallons)	1	2	3	4	6	8
2	97.01	27.90	17.27	17.25	16.98	12.12	12.15
3	144.77	27.85	17.25	17.23	16.46	12.66	11.39
4	192.54	27.83	17.23	16.72	15.70	12.15	10.62
5	240.31	27.82	17.23	15.95	15.19	11.38	10.11
6	278.52	26.95	16.72	15.44	14.17	10.62	10.11
7	313.55	26.09	16.21	14.93	13.66	10.37	9.86

Rate Increase	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00
	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00	$ 1.00

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Tedra Allen, Town Clerk
Submitting Department: Administration
Item Type: Discussion Item
Agenda Section: NEW BUSINESS

Subject Title: Voting Delegate for the Florida League of Cities (FLC) 95th Annual Conference

Explanation: The Florida League of Cities 95th Annual Conference will be held at the World Center Marriot, in Orlando Florida on August 12-14, 2021. The league is requesting that each municipality designate one Official to be the voting delegate. Election of League Leadership and adoption of resolutions are undertaken during the business meeting. One Official from each municipality will make decisions that determine the direction of the League.

The Commission's budget includes $2,000 for training and $9,500 for operating expenses of which $2,300 have been spent to date. These funds can be utilized to offset costs for the Commission members that wish to attend the meeting.

Recommendation: Town Commission designate one of their Officials to serve as Voting Delegate to the Florida League of Cities Annual Conference

Attachments: Ex.1 – 95th Annual Conference Voting Delegate Information

FLORIDA LEAGUE OF CITIES

To: Key Official

From: Eryn Russell, Florida League of Cities

Date: June 11, 2021

Subject: 95th Annual Conference Voting Delegate Information

The Florida League of Cities' Annual Conference will be held at the World Center Marriot, Orlando, Florida on August 12-14, 2021. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida.

Conference registration materials were sent to each municipality via newsletter and are also available online at *floridaleagueofcities.com/education-and-events/annual-conference*.

If you have any questions on voting delegates, please call (850) 701-3616 or email *erussell@flcities.com*. **Voting delegate forms must be received by the League no later than July 28, 2021.**

Attachments: Form Designating Voting Delegate

301 S. Bronough Street, Suite 300
Tallahassee, Florida 32301

P.O. Box 1757
Tallahassee, Florida 32302-1757

Phone: 850.222.9684
Fax: 850.222.3806

flcities.com

95th Annual Conference
Florida League of Cities, Inc.
August 12-14, 2021
Orlando, Florida

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified. **Voting delegate forms must be received by the League no later than July 28, 2021.**

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Municipality of: _____

AUTHORIZED BY:

_____
Name

_____
Title

Return this form to:

Eryn Russell
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Fax: (850) 222-3806
Email: *erussell@flcities.com*

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Jhanelle Campbell, Acting Development Services Director
Submitting Department: Development Services
Item Type: Discussion Item
Agenda Section: Ordinance – First Reading

Subject Title: **ORDINANCE 2021-04 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE VI "HISTORIC PRESERVATION" TO REPEAL REGULATIONS RELATED TO HISTORIC PRESERVATION, AND SECTION 30-24, "PLANNING AND ZONING BOARD," SECTION 30-51, "ARCHITECTURAL REVIEW STANDARDS," SECTION 30-111, "PURPOSE," AND SECTION 30-113, "DEVELOPMENT APPLICATION REVIEW PROCEDURES" TO REMOVE REFERENCES TO HISTORIC PRESERVATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

Explanation: In 2014, Broward County (the "County") amended its historic preservation ordinance to be effective within all County municipalities that did not have an established historic preservation ordinance. To maintain home rule authority, the Town Commission adopted Ordinance No. 2016-03, which established the Town's historic preservation regulations. To date, no applications have been received for review, pursuant to the Town's Ordinance.

On October 16, 2019, the County amended its historic preservation ordinance, again, to increase the requirements for municipalities, by requiring municipalities to either become Certified Local Governments (CLG) through the Florida Department of State, Division of Historical Resources by November 15, 2021, or be subject to the County's historic preservation ordinance.

The Interim Town Manager requested direction from the Commission regarding CLG status at its April 27, 2021 meeting. The Town Commission declined to pursue CLG status and instructed Staff to draft an ordinance to repeal the Town Ordinance. Ordinance 2021-04 (**Exhibit 1**) accomplishes this request. The Ordinance was presented to the Planning and Zoning Board at its June 2, 2021 **(Exhibit 2)** meeting and was recommended for approval (5-0) **(Exhibit 3)**.

After the Planning and Zoning Board's review, additional applicable Town Code Provisions were also amended to remove references to historic preservation. Staff incorporated these changes, prior to first reading of Ordinance 2021-04.

Recommendation: Staff recommends approval of Ordinance 2021-04

Attachments: Ex.1 – Ordinance 2021-04
Ex.2 – June 2, 2021 -Planning and Zoning Board Staff Report
Ex.3 – June 2, 2021- Planning and Zoning Board Minutes

EXHIBIT 1

ORDINANCE 2021-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," DIVISION I "INTRODUCTION," SECTION 30-11 "DEFINITIONS" TO DELETE THE DEFINITION OF CERTIFICATE OF APPROPRIATENESS AND DIVISION 2 "ADMINISTRATION AND BOARDS," SECTION 30-24 "PLANNING AND ZONING" TO REMOVE POWER AND DUTIES RELATED TO HISTORIC PRESERVATION; ARTICLE II "DEVELOPMENT REVIEW," DIVISION 1 "ARCHITECTURAL REVIEW," SECTION 30-51 "ARCHITECTURAL REVIEW STANDARDS" TO MODIFY PROVISIONS RELATED TO HISTORIC STRUCTURES AND RESOURCES; ARTICLE ~~V~~IV "DEVELOPMENT PERMITS- APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 1 "GENERALLY," SECTION 30-111 "PURPOSE" AND SECTION 30-113 "DEVELOPMENT APPLICATION REVIEW PROCEDURES" TO REMOVE REFERENCES TO HISTORIC PRESERVATION AND CERTIFICATE OF APPROPRIATENESS; AND FURTHER AMENDING ARTICLE VI "HISTORIC PRESERVATION" TO REPEAL REGULATIONS RELATED TO HISTORIC PRESERVATION; 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, Broward County (the "County") has adopted a Historic Preservation Ordinance to protect, enhance and maintain historic resources and archaeological sites within the County; and

WHEREAS, the County amended its historic preservation ordinance to increase the requirements for municipalities, by requiring municipalities to either become Certified Local

Governments (CLG) through the Florida Department of State, Division of Historical Resources by November 15, 2021, or be subject to the County's historic preservation ordinance; and

WHEREAS, the Town Commission at a duly noticed public hearing on April 27, 2021 elected to repeal the Town's historic preservation regulations and declined pursuit of Certified Local Government status; 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 2, 2021, and recommended the amendments be approved; and

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

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

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

SECTION 2. Repealed. That Chapter 30 "Unified Land Development Regulations," Article VI "Historic Preservation," attached as Exhibit "A" is hereby repealed.

SECTION 3. Code Amended. That Chapter 30 "Unified Land Development Regulations," is hereby amended as follows:

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

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

ARTICLE I – IN GENERAL

DIVISION 1. - INTRODUCTION

***

Sec. 30-11. Definitions.

***

~~**Certificate of appropriateness (COA). A written authorization permitting the owner(s) of a designated historic or archaeological property or a contributing property within a designated historic district, to alter, relocate or demolish a historic structure or archeological site.**~~

DIVISION 2. - ADMINISTRATION AND BOARDS

***

Sec. 30-24. Planning and Zoning Board.

(a) *Duties of the Board generally.* The Town Planning and Zoning Board shall have the following powers and duties:

***

~~(8) To act in an advisory capacity to the Town Commission on questions relating to historic and archaeological preservation including but not limited to:~~

~~a. Reviewing and providing a recommendation on all nominations for designation with the National Register of Historic Places,~~

~~b. Reviewing and providing a recommendation on all nominations of individual properties and districts for designation on the Town register of historic and archaeological places,~~

~~c. Reviewing and providing a recommendation on all applications for a certificate of appropriateness (COA); and~~

(~~9~~8) To perform such other duties as may from time to time be assigned to such Board by the Town Commission.

***

ARTICLE II. - DEVELOPMENT REVIEW

***

Sec. 30-51. Architectural review standards.

***

(c) *Applicability.*

(1) The following shall be reviewed for compliance with the architectural standards and architectural review requirements provided by this section and the Town ADS:

***

~~c. An application for a COA for any exterior construction or alteration, relocation or demolition of a designated historic structure or site resource, or a contributing structure in a historic district.~~

***

(d) *Architectural styles.*

(1) *Mid-century Modern.* The preferred architectural style of the Town shall be in accordance with the Mid-century Modern or similar harmonious architecture, except that any buildings ~~the Town Commission~~ Broward County has designated as a "~~historical landmark~~ historic resource," pursuant to Article XVII of the Broward County Code of Ordinances, as may be amended from time to time, shall conform to the architecture of the existing building.

***

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

***

Sec. 30-111. Purpose.

The purpose of this article is to establish requirements and procedures for the review of development applications within the Town, including but not limited to applications for site plan, conditional use, variance, administrative adjustment, rezoning, ~~historic designation, certificate of appropriateness~~, comprehensive plan amendment and plat approval.

***

Sec. 30-113. Development application review procedures.

The Department shall be the central intake point for filing all development approval applications and supporting documents. Except as otherwise provided in this chapter, the following procedures shall govern the review of applications for development subsequent to filing.

***

(c) *Application review - Generally.* The Town Manager shall determine if the application is a Level 1 procedure or amendment or a Level 2 procedure or amendment. In deciding whether an application is a Level 1 or Level 2 procedure or amendment, the Town Manager shall consider the requirements of this chapter as referenced in the Development Review Chart below. Applications shall be processed according to the Development Review Chart and the procedures of this chapter. In the event of conflict, the provisions of the text prevail over the chart.

Development Review Chart							
				Final Decision-Making Authority			
	Code Reference	Staff Review	Planning and Zoning Board	Town Manager	Town Commission One Hearing Required	Town Commission Two Hearings Required	Notice
***			***			***	
~~Historic Designation~~	~~30-442~~	~~X~~	~~X~~			~~X~~	~~Yes~~
~~Certificate of Appropriateness~~	~~30-443~~	~~X~~	~~X~~		~~X~~		~~Yes~~

***

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.

Passed on the first reading, this ___ day of _____, 2021.

Passed and adopted on the second reading, this ___ day of _____, 2021.

_____

MAYOR CHRIS VINCENT

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

ATTEST:

_____

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

_____

Susan L. Trevarthen, Town Attorney

ORDINANCE 2021-04

EXHIBIT "A"

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

***

~~ARTICLE VI. – HISTORIC PRESERVATION~~

~~Sec. 30-441. In general.~~

~~(a) *Purpose and intent.* The purpose and intent of this article is to implement goals, objectives and policies in the Lauderdale-By-The-Sea Comprehensive Plan by identifying, evaluating, preserving and protecting historic resources as defined herein, and to promote the health and cultural, moral, economic, educational, aesthetic and general welfare of the public by:~~

~~(1) Causing the protection, enhancement, and perpetuation of structures, improvements, landscape features, and historic resources that represent distinctive elements of the Town's historical, cultural, archaeological, aesthetic, and architectural heritage;~~

~~(2) Safeguarding the Town's historical, cultural, archaeological, and architectural heritage, while allowing the reasonable and productive use of such resources;~~

~~(3) Promoting the use of historic resources for the education, pleasure, and economic welfare of the citizens of Lauderdale-By-The-Sea;~~

~~(4) Enhancing the Town's attraction to visitors and the ensuing positive impact on the economy as a result of historic and archaeological preservation activities;~~

~~(5) Promoting the sensitive use of historic resources for the education, pleasure and welfare of the people of Lauderdale-By-The-Sea; and~~

~~(6) Protecting designated historic resources by requiring the issuance of a COA before allowing alterations to those resources.~~

~~(b) *Applicability.* The terms and provisions of this article apply to all real property within the Town.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-442. Designation of historic properties, historic districts and archaeological sites.~~

~~(a) *Authorized.* The Town Commission may, upon considering the recommendation of the Planning and Zoning Board, designate a property(ies) by resolution as an:~~

~~(1) Individual historic property,~~

~~(2) Historic district, or~~

~~(3) Archaeological site.~~

~~(b) *Applicant requirement.*~~

~~(1) The consideration of a historic property, archaeological site, or a historic district shall be initiated by the filing of an application for designation by the property owner or the Town Commission.~~

~~(2) The Town shall not accept a private application without written consent of:~~

~~a. All applicable property owners for an individual historic property designation; or~~

~~b. The property owners of a minimum of 51 percent of the properties within the proposed historic district boundaries.~~

~~(c) *Application requirements*. In addition to the application requirements set forth in section 30-112, the application for historic designation shall include:~~

~~(1) *Individual historic property or archaeological designation:*~~

~~a. A written description of the architectural, historical or archeological significance of the proposed historic property, archaeological site or contributing structure in a proposed historic district which specifically addresses and documents the criteria for designation of a property as set forth in subsection (d) below;~~

~~b. Date of construction of the structures on the property and the names of former owners;~~

~~c. Historic information, including but not limited to, the original architect or builder, if available;~~

~~d. Photographic documentation of individual site and structure recommended for designation;~~

~~e. Legal description and map of the property to be designated as a historic property, archaeological site or historic district;~~

~~f. A copy of the property's Florida site file form, if applicable;~~

~~g. A letter of consent from all property owners of any property proposed for individual designation; and~~

~~h. Any additional information requested by the DSD.~~

~~(2) *Historic district designation:*~~

~~a. The requirements of subsection (1)a.—f. above;~~

~~b. A letter of consent from the property owners of a minimum of 51 percent of the properties within the proposed historic district boundaries;~~

~~c. A written description of the boundaries of the district;~~

~~d. A list of the properties that are considered contributing to the historic district (at least 50 percent of the structures shall be at least 50 years old); and~~

~~e. A map highlighting the contributing properties and the boundaries of the proposed district.~~

~~(d) *Criteria for designation*. The evaluation of the designation of property(ies) as an individual historic property, an archaeological site or a historic district shall be based upon a finding that the property(ies) meet one or more of the following criteria:~~

~~Whether the structure, property, site, or district is:~~

~~(1) A significant reminder of the cultural or archeological heritage of the Town, State or nation;~~

~~(2) A site of a significant local, State or national event;~~

~~(3) Identified with a person who significantly contributed to the development of the Town, State or nation;~~

~~(4) Identified as the work of a master builder, designer or architect whose individual work has influenced the development of the Town, State or nation;~~

~~(5) Recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;~~

~~(6) Recognized as having distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;~~

~~(7) A geographically definable area possessing a significant concentration, or continuity of sites, structures, objects or structures united in past events or aesthetically by plan or physical development; or~~

~~(8) An established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016; Ord. No. 2020-08 , § 4, 10-13-2020)~~

~~Sec. 30-443. Certificate of appropriateness (COA).~~

~~(a) *Required*. A certificate of appropriateness (COA) shall be required before the following actions may be undertaken affecting a historic structure, property, archaeological site or any contributing structure or property in a designated historic district, in addition to any other permits and requirements of the Town Code:~~

~~(1) Any activity which requires a building permit from the Town and affects the exterior of the structure involved;~~

~~(2) The construction of any new structure in a historic district;~~

~~(3) The relocation of any historic structure or of any contributing structure located in any historic district;~~

~~(4) The demolition of any historic structure or site or of any contributing structure located in a historic district;~~

~~(5) The removal of any significant historical feature from a historic structure or property or contributing structure or property in a historical district; or~~

~~(6) Any activity which may potentially affect the integrity of a designated historic property or archeological site.~~

~~(b) *Application procedure*.~~

~~(1) The application shall be made on a form provided by the Town.~~

~~(2) In addition to the general application requirements of section 30-112, the application shall be accompanied by such plans, drawings, materials or photographs as deemed necessary to describe the proposed alteration and enable the board to visualize the effect of the proposed alteration on the property, adjacent structures and streetscapes.~~

~~(3) If such application involves a designated archaeological site, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.~~

~~(4) If the request for a COA is based on a claim of economic hardship, the following information shall be provided:~~

~~a. Estimate of the cost of the proposed construction, alteration, demolition, or removal;~~

~~b. A report from a licensed engineer, architect or contractor with experience in rehabilitation as to the soundness of any structures on the property and their suitability for rehabilitation;~~

~~c. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any requirements to obtain a COA; and, in the case of a proposed demolition, after renovation of the existing property for continued use;~~

~~d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;~~

~~e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;~~

~~f. If the property is income-producing, the annual income for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;~~

~~g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;~~

~~h. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;~~

~~i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;~~

~~j. Assessed value of the property according to the two most recent assessments;~~

~~k. Real estate taxes for the previous two years;~~

~~l. Form of ownership or operation of the property whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other; and~~

~~m. Any other information considered necessary by the DSD to make a determination as to whether the property yields or may yield a reasonable return to the owners.~~

~~(c) *Criteria.*~~

~~(1) *Presumption.* There shall be a presumption of reasonable economic benefit or use for all designated properties. The burden of proving the loss of all reasonable beneficial or economic use of a property or economic hardship in an application for a COA rests with the applicant.~~

~~(2) *Construction under subsections (a)(1), (2), or (3) above.* The following criteria shall be considered in reviewing an application for a COA for construction:~~

~~a. The height of any proposed alteration or new construction shall be visually compatible with adjacent properties;~~

~~b. The width and height of windows, doors, and entries shall be visually compatible with the character of the structure's original architectural style and those found in surrounding structures;~~

~~c. The relationship of a structure within a historic district to the open space between the structure and adjoining structures shall be visually compatible with the neighborhood or district;~~

~~d. The shape of the roof shall be compatible with the shape and type of roof of the structure's original architectural style and those found on neighboring structures in a historic district;~~

~~e. The size and mass (or shape) of the structure after alteration or construction shall be compatible with the structure's original architectural style and the character of surrounding structures;~~

~~f. Landscaping shall be compatible with the architectural character and appearance of the structure or historic district;~~

~~g. Architectural details, including color, materials and texture, shall be treated so as to make the structure compatible with its original architectural style and character and, as applicable, to preserve or enhance the architectural style and character of the historic district in which it is located;~~

~~h. The renovation of contributing structures in a historic district or designated sites shall meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;~~

~~i. The proposed project shall conform with the other requirements of this chapter and with the goals, objectives, and policies of all elements of the comprehensive plan; and~~

~~j. The impact upon archaeological sites shall preserve the integrity of the site.~~

~~(3) *Relocation under subsection (a)(3) above.*~~

~~a. Any structure which is allowed to be relocated to a site within a historical district of the Town must conform to the standards, guidelines and associated land development regulations of the historic district.~~

~~b. When reviewing a COA for moving a designated structure, the following criteria shall be considered, in addition to the criteria in (c)(2):~~

~~1. The historic character and aesthetic interest the structure contributes to its present setting;~~

~~2. The reasons for the proposed move;~~

~~3. The proposed new setting and general environment of the proposed new setting;~~

~~4. Whether the structure can be moved without significant damage to its physical integrity;~~

~~5. Whether the proposed relocation site is compatible with the historical and architectural character of the structure; and~~

~~6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.~~

~~(4) *Demolition under subsection (a)(4) above.*~~

~~a. A building permit for the construction of a replacement structure must be submitted prior to consideration of an application for a COA for demolition of a historic structure. The demolition COA cannot be issued until after the building permit for construction of the replacement structure is obtained.~~

~~b. When reviewing a COA for the issuance of a demolition permit, the following criteria shall be considered:~~

~~1. The historic or architectural significance of the structure;~~

~~2. If applicable, the importance of the structure to the ambiance of a historic district;~~

~~3. The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail or unique location;~~

~~4. Whether the structure is one of the last remaining examples of its kind in the neighborhood or in the Town;~~

~~5. The future utilization of the site;~~

~~6. Whether reasonable measures can be taken to save the structure; and~~

~~7. Whether the structure, as it exists, is capable of earning a reasonable economic return on its value, and whether the perpetuation of the structure,~~

~~in light of its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.~~

~~(5) *Other activity under subsections (a)(5) and (a)(6) above*. In approving or denying any application for a COA involving a removal or other activity, the following criteria shall be considered:~~

~~a. Whether the proposed modification or activity has a material effect on the historic resource;~~

~~b. Whether the proposed modification or activity will affect the historic and architectural significance, architectural style, design, arrangements, and material of the historic resource;~~

~~c. Whether the plans can be reasonably carried out by the applicant;~~

~~d. Whether the proposed work or activity will have a negative impact on the historic resource upon which such activity is to be done; and~~

~~e. Whether the proposed work or activity will have a negative impact on other historic resources within a district.~~

~~(d) *Application review*.~~

~~(1) The exterior construction or alteration of a designated historic property or archaeological site shall also be reviewed for compliance with the architectural review requirements of this chapter to assure consistency in form and style with both section 30-51 (including the Town Architectural Design Standards) and the requirements of this section.~~

~~(2) Based on the Town Architect's review, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended from time to time, the designation report, a complete application for COA, additional plans, drawings or photographs that describe the proposed construction or alteration, the applicable criteria above and other information the Town Commission deems relevant, the Commission shall approve, approve with conditions, or deny the application.~~

~~(3) A denial of a COA shall be accompanied by a written statement of the reason(s) for such denial.~~

~~(4) *Specific conditions for demolition*. In granting a COA for a demolition, the Commission may also impose one or more of the following requirements:~~

~~a. That the applicant provide a written and pictorial record of the structure's history and architectural features for archival purposes, approved by the Town. The record should include a narrative accompanied by relevant photographs, drawings, maps and copies of original documents;~~

~~b. That the owner allow salvage activities of the historic structure, provided that the Commission finds that there are salvageable materials within the structure; or~~

~~c. That the owner allow archaeological study of the property before, during, or throughout demolition if the property falls within an area demonstrated to have a medium or high probability to contain archaeological resources.~~

~~(5) A COA issued under subsections (a)(1)—(a)(5) must obtain a building permit within one year from the date of approval by the Commission. A COA issued under subsection (a)(6) shall act upon the COA within one year from the date of approval by the Commission.~~

~~(e) *Conformity of work with the COA.*~~

~~(1) All work performed pursuant to a COA shall conform to all provisions of the COA.~~

~~(2) It shall be the responsibility of the building department and DSD to inspect any work being performed from time to time to assure such compliance.~~

~~(3) In the event work is being performed that is not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.~~

~~(f) *Other approvals still required.* Nothing contained in this section shall be construed as negating the requirement to obtain site plan approval in accordance with the requirements of this chapter, or negating any other requirement of this chapter.~~

~~(g) *Interior improvements.* Nothing contained in this section shall be construed to prevent the ordinary maintenance, repair or interior remodeling of any historic structure that does not involve a significant change in exterior material, design, or appearance, performed in accordance with all ordinances, rules and regulations of the Town.~~

~~(h) *Noncontributing structures.* Nothing contained in this section shall be construed as to prevent the demolition of a noncontributing structure in a historic district.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~**Sec. 30-444. Maintenance and repair of designated properties.**~~

~~(a) *General maintenance.*~~

~~(1) The owner of any historic resource or contributing property in a historic district, whether vacant or inhabited, shall be required to properly maintain and preserve such historic resource in good repair, consistent with the architectural characteristics of the designated property including, but not limited to maintenance and preservation of the following:~~

~~a. All of the exterior portions of such structures; and~~

~~b. All interior portions that, if not so maintained, may cause such structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.~~

~~(2) In addition, where the property is an archeological site, the owner shall be required to maintain the property in such a manner so as not to adversely affect the archeological integrity of the site.~~

~~(b) *Demolition by neglect.*~~

~~(1) *Intent*. It is the intent of this subsection to prevent deliberate or inadvertent neglect of the exterior features of structures designated as contributing or significant, as well as interior portions thereof which, if not so maintained, may cause such structure to deteriorate or to become damaged or otherwise fall into a state of disrepair and to preserve against decay, deterioration and demolition. Such structures shall be maintained free from structural defects through prompt and corrective action to any physical defect which jeopardizes the structure's historic, architectural or structural integrity.~~

~~(2) An owner of a historic resource or contributing property within a designated historic district shall not cause or permit the resource to suffer demolition by neglect, and shall meet the requirements of this subsection.~~

~~(3) *Criteria*. In the absence of an interior inspection or a structural engineer's report as to any structural degradation, the special magistrate may find lack of affirmative maintenance or demolition by neglect based upon one or more of the following criteria:~~

~~a. Deteriorated or inadequate foundations;~~

~~b. Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;~~

~~c. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration;~~

~~d. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;~~

~~e. Members of ceilings, roofs and their support system, or other horizontal members which sag, split or buckle due to defective material, workmanship or deterioration;~~

~~f. Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;~~

~~g. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;~~

~~h. Deterioration or defects in paints, coating systems, flashing, or other ineffective waterproofing of exterior walls, roof and foundations, including windows and doors that may result in destructive moisture penetration or other forms of rot and decay;~~

~~i. Any fault, defect, or condition in the structure which renders the same structurally unsafe or not properly watertight;~~

~~j. Deterioration or crumbling of exterior plasters, mortars, brick, stone or wood siding;~~

~~k. Deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions as determined by the building official;~~

~~l. Deterioration of a historic structure or other historic resource to the extent that it creates or permits the creation of a hazardous or unsafe condition or conditions as determined by the building official;~~

~~m. Deterioration or removal of any unique architectural feature which would detract from the original architectural style; and~~

~~n. Any structure that has become uninhabitable shall be presumed to be suffering from demolition by neglect.~~

~~(c) In any enforcement proceedings, the special magistrate may order remedial action by the Town to prevent demolition by neglect, including but not limited to roof repairs, moisture intrusion remediation or structural shoring. The procedure and cost of said action shall be as proscribed in chapter 6.5 of the Town Code of Ordinances, including lien of the subject property to recover the Town costs to protect the historic resource.~~

~~(d) Violations of this section shall be additional to and not a replacement of the provisions of the building code requiring such structures to be kept in good repair, so that such structure shall be preserved in accordance with the purposes of this chapter.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-445. Definitions.~~

~~The terms and phrases used in this article shall have the following indicated meaning:~~

~~*Archeological site*. An individual historic resource recognized for its prehistoric or historic artifacts.~~

~~*Building permit*. See section 30-11.~~

~~*Contributing property*. A structure or site which contributes to the overall historic significance of a designated historic district, which was present during the period of historic significance, and possesses historic integrity reflecting the character of that time, or is capable of yielding important information about the historically significant period, or independently meets the criteria for designation as a historic resource.~~

~~*Demolition*. Except in the case of a relocation, the complete removal, or portions thereof of a structure from a site.~~

~~*Demolition by neglect*. The abandonment of a structure by the owner(s) resulting in such a state of deterioration that its self-destruction is inevitable or where the Building Official has designated the property as an unsafe structure.~~

~~*Economic hardship*. The loss of all reasonable beneficial or economic use of a property.~~

~~*Exterior*. All outside surfaces of a structure.~~

~~*Florida site file*. A compilation of archaeological and historic resources surveyed in the Town and recorded with the State of Florida, Bureau of Historic Preservation, Division of Historical Resources.~~

~~*Historic district*. A geographically definable area designated pursuant to this article possessing a significant concentration, linkage, or continuity of sites, structures or objects united by past development. A historic district may also be linked by association or history. A historic district may contain both contributing and noncontributing properties.~~

~~*Historic resource*. Any prehistoric or historic district, site, structure, object, or other real or personal property of historical, architectural or archaeological value. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the Town, Broward County, or the State of Florida.~~

~~*Individual historic property*. A historic property, archaeological site or contributing structure in a proposed historic district that has been designated a historic resource by the Town based on its architectural, historical or archeological significance.~~

~~*National Register of Historic Places*. A Federal listing maintained by the U.S. Department of the Interior of sites, structures that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 USC 470, or as may be amended, renumbered or replaced and its implementing regulation, 36 CFR 60, "National Register of Historic Places," or as may be amended, renumbered or replaced.~~

~~*Noncontributing property*. Any structure or site which does not contribute to the overall historic significance of a designated historic district as it was built or due to alterations, disturbances or other changes, and therefore did not or no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period.~~

~~*Ordinary maintenance and repairs*. Work done to prevent the deterioration, decay or damage to a structure or any part thereof by restoring the structure as nearly as practicable to its condition prior to such deterioration, decay or damage.~~

~~*Owner*. An individual, partnership, corporation or public agency holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements less than a fee simple interest, including leaseholds, in real property.~~

~~*Rehabilitation*. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.~~

~~*Relocation*. The moving of a structure from its existing location to a new location.~~

~~*Structure*. See section 30-11.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

Town of Lauderdale-by-the-Sea
Development Services Department

To: Planning and Zoning Board

From: Jhanelle Campbell, Acting Development Services Director

Date: May 28, 2021

Meeting Date: June 2, 2021

Project: Repeal of Town's Historic Preservation Regulations

Explanation: In 2014, Broward County (the "County") amended its historic preservation ordinance to be effective within all County municipalities that did not have an established historic preservation ordinance. Specifically, the County's ordinance did not require property owners' consent prior to historic designation of properties. In response to the County's ordinance and not wanting to relinquish its home rule authority, the Town Commission adopted Ordinance No. 2016-03, further codified as Chapter 30, Article VI "Historic Preservation" in the Town Code (the "Town Ordinance"), which establishes the Town's historic preservation regulations. The Town Ordinance authorizes the Town to designate historic properties (with owner consent) and review alteration and demolition requests for designated properties. However, to date, no applications have been received for review, pursuant to the Town's Ordinance.

On October 16, 2019, the County amended its historic preservation ordinance, again, to increase the requirements for municipalities, by requiring municipalities to either become Certified Local Governments (CLG) through the Florida Department of State, Division of Historical Resources by November 15, 2021, or be subject to the County's historic preservation ordinance.

Becoming a CLG is a large undertaking and requires the following actions (more detailed information is included in **(Exhibit 1)**:

1. The local government shall enforce appropriate state or local legislation for designation and protection of historic properties.
2. The local government shall stablish a historic preservation review commission composed of professional and lay members and meet no fewer than four times a year.
3. The local government shall maintain a system for survey and inventory of historic properties.
4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.
5. Local governments shall satisfactorily perform the responsibilities listed above and also those that are delegated to them by the State Historic Preservation Officer.

Accordingly, becoming a CLG would require the Town to establish a Historic Preservation Board, budget for and allocate a portion of staff's time to staff the Board, and to create and maintain historic files. Currently, the Town's Planning and Zoning Board (PZB) serves in an advisory capacity to the Town Commission on matters relating to historic and archaeological preservation, as set forth in Section 30-24(a)(8) of the Town Code.

The Town Manager requested direction from the Commission regarding CLG status at its April 27, 2021 meeting. The Town Commission declined to pursue CLG status and instructed Staff to draft an ordinance to

repeal the Town Ordinance. Ordinance 2021-04 (**Exhibit 2**) accomplishes this request. To facilitate this change, additional Applicable Town Code Provisions (**Exhibit 3**) will need to be amended as well to remove references to historic preservation. Staff will incorporate these changes, prior to first reading of Ordinance 2021-04.

Recommendation: Staff recommends approval of Ordinance 2021-04

Attachments:
Ex.1 – Certified Local Government Guidelines
Ex.2 – Ordinance 2021-04
Ex.3 – Applicable Code Provisions that require amendment

EXHIBIT 1

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program, the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

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FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

A. Definitions

1. **Appropriate Chief Elected Local Official**: the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission**: a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation**: the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File**: the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund**: the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government**: the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places**: the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer**: the official designated pursuant to s.267.031(7), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments must meet all of the following requirements:

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

1. **Enforce appropriate state or local legislation for designation and protection of historic properties.** In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:

   a) The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
   b) The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties. The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
   c) The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
   d) The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
   e) The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
   f) Specific time frames for reviews and for consideration of alternatives should be identified.
   g) Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.

2. **The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members** in accordance with paragraph B.2.c., below.

   a) Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.
   b) Appointments shall be made by the appropriate local official of the jurisdiction concerned.
   c) To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in

history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.

d) Commission members should be residents of the jurisdiction for which they serve.
e) Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.
f) The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years' duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.
g) Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.
h) Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.
i) Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.
j) The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.
k) The legislation shall contain specific time limits within which the Commission shall act.
l) The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.
m) The Commission shall adopt Rules of Procedure for use in all transactions involving the public.
n) All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.

3. The local government shall maintain a system for survey and inventory of historic properties. The term "historic property" or "historic resource" means any prehistoric or historic district,

site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

a) The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.
b) A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
c) All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.
d) All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).
e) Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.

a) All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
b) Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
c) All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
d) Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
e) Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.

C. Procedures

1. Certification of Local Governments in Florida

a) The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
   1. A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
   2. A copy of the local legislation, per B.1., above.
   3. A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.
   4. A copy of the Commission's Rules of Procedure.
   5. Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.
   6. Resumes for staff members, if there is professional staff.

b) The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national historic preservation program shall be effective the date signed by the National Park Service.

c) The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.

d) Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.
e) The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

a) Once a local government is certified, it remains certified without further action unless officially decertified.
b) The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.
c) The Certified Local Government will supply at least 30 calendar days' advance notice of Commission meetings to the State Historic Preservation, Officer.
d) A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.
e) The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.
f) The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.
g) Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.

h) If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the Interior, citing specific reasons for the recommendation.

i) Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice

j) Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.

k) The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.

3. Transfer of Funds.

a) Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.

   1. At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.
   2. Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds $65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.
   3. There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.

b) Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:

   1. Maintain adequate financial management systems. Local financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be

auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.

2. Adhere to all requirements of the Historic Preservation Fund Grants Manual.
3. Adhere to any requirements mandated by Congress regarding the use of such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.

c) The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.

d) Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.

e) Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:

1. Provide that the amount awarded any applicant must be sufficient to produce a specific impact.
2. Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.
3. Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.
4. Ensure that no Certified Local Government will receive a disproportionate share of the allocation.

f) Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.

g) Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments

must be used for activities which further the goals of identification, evaluation, protection, and preservation of cultural resources.

h) Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

a) The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.

b) The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.

c) The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.

1. Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.
2. Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to

the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

3. State Historic Preservation Officer.

d) Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).

e) If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.

f) Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above

g) Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.

h) Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30 calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of

its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

i) Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]

EXHIBIT 2

ORDINANCE 2021-04

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE VI "HISTORIC PRESERVATION" TO REPEAL REGULATIONS RELATED TO HISTORIC PRESERVATION; 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, Broward County (the "County") has adopted a Historic Preservation Ordinance to protect, enhance and maintain historic resources and archaeological sites within the County; and

WHEREAS, the County amended its historic preservation ordinance to increase the requirements for municipalities, by requiring municipalities to either become Certified Local Governments (CLG) through the Florida Department of State, Division of Historical Resources by November 15, 2021, or be subject to the County's historic preservation ordinance; and

WHEREAS, the Town Commission at a duly noticed public hearing on April 27, 2021 elected to repeal the Town's historic preservation regulations and declined pursuit of Certified Local Government status; 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 2, 2021, and recommended the amendments be approved; and

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

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

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

SECTION 2. Repealed. That Chapter 30 "Unified Land Development Regulations," Article VI "Historic Preservation," attached hereto as Exhibit "A" is hereby repealed:[1]

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.

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

ORDINANCE 2021-04

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

Passed on the first reading, this ___ day of _____, 2021.

Passed and adopted on the second reading, this ___ day of _____, 2021.

_____
MAYOR CHRIS VINCENT

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

ATTEST:

_____
Tedra Allen, Town Clerk

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

***

~~ARTICLE VI. – HISTORIC PRESERVATION~~

~~Sec. 30-441. In general.~~

~~(a) *Purpose and intent.* The purpose and intent of this article is to implement goals, objectives and policies in the Lauderdale-By-The-Sea Comprehensive Plan by identifying, evaluating, preserving and protecting historic resources as defined herein, and to promote the health and cultural, moral, economic, educational, aesthetic and general welfare of the public by:~~

~~(1) Causing the protection, enhancement, and perpetuation of structures, improvements, landscape features, and historic resources that represent distinctive elements of the Town's historical, cultural, archaeological, aesthetic, and architectural heritage;~~

~~(2) Safeguarding the Town's historical, cultural, archaeological, and architectural heritage, while allowing the reasonable and productive use of such resources;~~

~~(3) Promoting the use of historic resources for the education, pleasure, and economic welfare of the citizens of Lauderdale-By-The-Sea;~~

~~(4) Enhancing the Town's attraction to visitors and the ensuing positive impact on the economy as a result of historic and archaeological preservation activities;~~

~~(5) Promoting the sensitive use of historic resources for the education, pleasure and welfare of the people of Lauderdale-By-The-Sea; and~~

~~(6) Protecting designated historic resources by requiring the issuance of a COA before allowing alterations to those resources.~~

~~(b) *Applicability.* The terms and provisions of this article apply to all real property within the Town.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-442. Designation of historic properties, historic districts and archaeological sites.~~

~~(a) *Authorized.* The Town Commission may, upon considering the recommendation of the Planning and Zoning Board, designate a property(ies) by resolution as an:~~

~~(1) Individual historic property,~~

~~(2) Historic district, or~~

~~(3) Archaeological site.~~

~~(b) *Applicant requirement.*~~

~~(1) The consideration of a historic property, archaeological site, or a historic district shall be initiated by the filing of an application for designation by the property owner or the Town Commission.~~

~~(2) The Town shall not accept a private application without written consent of:~~

~~a. All applicable property owners for an individual historic property designation; or~~

~~b. The property owners of a minimum of 51 percent of the properties within the proposed historic district boundaries.~~

~~(c) *Application requirements*. In addition to the application requirements set forth in section 30-112, the application for historic designation shall include:~~

~~(1) *Individual historic property or archaeological designation:*~~

~~a. A written description of the architectural, historical or archeological significance of the proposed historic property, archaeological site or contributing structure in a proposed historic district which specifically addresses and documents the criteria for designation of a property as set forth in subsection (d) below;~~

~~b. Date of construction of the structures on the property and the names of former owners;~~

~~c. Historic information, including but not limited to, the original architect or builder, if available;~~

~~d. Photographic documentation of individual site and structure recommended for designation;~~

~~e. Legal description and map of the property to be designated as a historic property, archaeological site or historic district;~~

~~f. A copy of the property's Florida site file form, if applicable;~~

~~g. A letter of consent from all property owners of any property proposed for individual designation; and~~

~~h. Any additional information requested by the DSD.~~

~~(2) *Historic district designation:*~~

~~a. The requirements of subsection (1)a.—f. above;~~

~~b. A letter of consent from the property owners of a minimum of 51 percent of the properties within the proposed historic district boundaries;~~

~~c. A written description of the boundaries of the district;~~

~~d. A list of the properties that are considered contributing to the historic district (at least 50 percent of the structures shall be at least 50 years old); and~~

~~e. A map highlighting the contributing properties and the boundaries of the proposed district.~~

~~(d) *Criteria for designation*. The evaluation of the designation of property(ies) as an individual historic property, an archaeological site or a historic district shall be based upon a finding that the property(ies) meet one or more of the following criteria:~~

~~Whether the structure, property, site, or district is:~~

~~(1) A significant reminder of the cultural or archeological heritage of the Town, State or nation;~~

~~(2) A site of a significant local, State or national event;~~

~~(3) Identified with a person who significantly contributed to the development of the Town, State or nation;~~

~~(4) Identified as the work of a master builder, designer or architect whose individual work has influenced the development of the Town, State or nation;~~

~~(5) Recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;~~

~~(6) Recognized as having distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;~~

~~(7) A geographically definable area possessing a significant concentration, or continuity of sites, structures, objects or structures united in past events or aesthetically by plan or physical development; or~~

~~(8) An established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016; Ord. No. 2020-08 , § 4, 10-13-2020)~~

~~Sec. 30-443. Certificate of appropriateness (COA).~~

~~(a) *Required.* A certificate of appropriateness (COA) shall be required before the following actions may be undertaken affecting a historic structure, property, archaeological site or any contributing structure or property in a designated historic district, in addition to any other permits and requirements of the Town Code:~~

~~(1) Any activity which requires a building permit from the Town and affects the exterior of the structure involved;~~

~~(2) The construction of any new structure in a historic district;~~

~~(3) The relocation of any historic structure or of any contributing structure located in any historic district;~~

~~(4) The demolition of any historic structure or site or of any contributing structure located in a historic district;~~

~~(5) The removal of any significant historical feature from a historic structure or property or contributing structure or property in a historical district; or~~

~~(6) Any activity which may potentially affect the integrity of a designated historic property or archeological site.~~

~~(b) *Application procedure.*~~

~~(1) The application shall be made on a form provided by the Town.~~

~~(2) In addition to the general application requirements of section 30-112, the application shall be accompanied by such plans, drawings, materials or photographs as deemed necessary to describe the proposed alteration and enable the board to visualize the effect of the proposed alteration on the property, adjacent structures and streetscapes.~~

~~(3) If such application involves a designated archaeological site, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.~~

~~(4) If the request for a COA is based on a claim of economic hardship, the following information shall be provided:~~

~~a. Estimate of the cost of the proposed construction, alteration, demolition, or removal;~~

~~b. A report from a licensed engineer, architect or contractor with experience in rehabilitation as to the soundness of any structures on the property and their suitability for rehabilitation;~~

~~c. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any requirements to obtain a COA; and, in the case of a proposed demolition, after renovation of the existing property for continued use;~~

~~d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;~~

~~e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;~~

~~f. If the property is income-producing, the annual income for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;~~

~~g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;~~

~~h. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;~~

~~i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;~~

~~j. Assessed value of the property according to the two most recent assessments;~~

~~k. Real estate taxes for the previous two years;~~

~~l. Form of ownership or operation of the property whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other; and~~

~~m. Any other information considered necessary by the DSD to make a determination as to whether the property yields or may yield a reasonable return to the owners.~~

~~(c) *Criteria.*~~

~~(1) *Presumption.* There shall be a presumption of reasonable economic benefit or use for all designated properties. The burden of proving the loss of all reasonable beneficial or economic use of a property or economic hardship in an application for a COA rests with the applicant.~~

~~(2) *Construction under subsections (a)(1), (2), or (3) above.* The following criteria shall be considered in reviewing an application for a COA for construction:~~

~~a. The height of any proposed alteration or new construction shall be visually compatible with adjacent properties;~~

~~b. The width and height of windows, doors, and entries shall be visually compatible with the character of the structure's original architectural style and those found in surrounding structures;~~

~~c. The relationship of a structure within a historic district to the open space between the structure and adjoining structures shall be visually compatible with the neighborhood or district;~~

~~d. The shape of the roof shall be compatible with the shape and type of roof of the structure's original architectural style and those found on neighboring structures in a historic district;~~

~~e. The size and mass (or shape) of the structure after alteration or construction shall be compatible with the structure's original architectural style and the character of surrounding structures;~~

~~f. Landscaping shall be compatible with the architectural character and appearance of the structure or historic district;~~

~~g. Architectural details, including color, materials and texture, shall be treated so as to make the structure compatible with its original architectural style and character and, as applicable, to preserve or enhance the architectural style and character of the historic district in which it is located;~~

~~h. The renovation of contributing structures in a historic district or designated sites shall meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;~~

~~i. The proposed project shall conform with the other requirements of this chapter and with the goals, objectives, and policies of all elements of the comprehensive plan; and~~

~~j. The impact upon archaeological sites shall preserve the integrity of the site.~~

~~(3) *Relocation under subsection (a)(3) above.*~~

~~a. Any structure which is allowed to be relocated to a site within a historical district of the Town must conform to the standards, guidelines and associated land development regulations of the historic district.~~

~~b. When reviewing a COA for moving a designated structure, the following criteria shall be considered, in addition to the criteria in (c)(2):~~

~~1. The historic character and aesthetic interest the structure contributes to its present setting;~~

~~2. The reasons for the proposed move;~~

~~3. The proposed new setting and general environment of the proposed new setting;~~

~~4. Whether the structure can be moved without significant damage to its physical integrity;~~

~~5. Whether the proposed relocation site is compatible with the historical and architectural character of the structure; and~~

~~6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.~~

~~(4) *Demolition under subsection (a)(4) above.*~~

~~a. A building permit for the construction of a replacement structure must be submitted prior to consideration of an application for a COA for demolition of a historic structure. The demolition COA cannot be issued until after the building permit for construction of the replacement structure is obtained.~~

~~b. When reviewing a COA for the issuance of a demolition permit, the following criteria shall be considered:~~

~~1. The historic or architectural significance of the structure;~~

~~2. If applicable, the importance of the structure to the ambiance of a historic district;~~

~~3. The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail or unique location;~~

~~4. Whether the structure is one of the last remaining examples of its kind in the neighborhood or in the Town;~~

~~5. The future utilization of the site;~~

~~6. Whether reasonable measures can be taken to save the structure; and~~

~~7. Whether the structure, as it exists, is capable of earning a reasonable economic return on its value, and whether the perpetuation of the structure,~~

~~in light of its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.~~

~~(5) *Other activity under subsections (a)(5) and (a)(6) above*. In approving or denying any application for a COA involving a removal or other activity, the following criteria shall be considered:~~

~~a. Whether the proposed modification or activity has a material effect on the historic resource;~~

~~b. Whether the proposed modification or activity will affect the historic and architectural significance, architectural style, design, arrangements, and material of the historic resource;~~

~~c. Whether the plans can be reasonably carried out by the applicant;~~

~~d. Whether the proposed work or activity will have a negative impact on the historic resource upon which such activity is to be done; and~~

~~e. Whether the proposed work or activity will have a negative impact on other historic resources within a district.~~

~~(d) *Application review*.~~

~~(1) The exterior construction or alteration of a designated historic property or archaeological site shall also be reviewed for compliance with the architectural review requirements of this chapter to assure consistency in form and style with both section 30-51 (including the Town Architectural Design Standards) and the requirements of this section.~~

~~(2) Based on the Town Architect's review, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended from time to time, the designation report, a complete application for COA, additional plans, drawings or photographs that describe the proposed construction or alteration, the applicable criteria above and other information the Town Commission deems relevant, the Commission shall approve, approve with conditions, or deny the application.~~

~~(3) A denial of a COA shall be accompanied by a written statement of the reason(s) for such denial.~~

~~(4) *Specific conditions for demolition*. In granting a COA for a demolition, the Commission may also impose one or more of the following requirements:~~

~~a. That the applicant provide a written and pictorial record of the structure's history and architectural features for archival purposes, approved by the Town. The record should include a narrative accompanied by relevant photographs, drawings, maps and copies of original documents;~~

~~b. That the owner allow salvage activities of the historic structure, provided that the Commission finds that there are salvageable materials within the structure; or~~

~~c. That the owner allow archaeological study of the property before, during, or throughout demolition if the property falls within an area demonstrated to have a medium or high probability to contain archaeological resources.~~

~~(5) A COA issued under subsections (a)(1)—(a)(5) must obtain a building permit within one year from the date of approval by the Commission. A COA issued under subsection (a)(6) shall act upon the COA within one year from the date of approval by the Commission.~~

~~(e) *Conformity of work with the COA.*~~

~~(1) All work performed pursuant to a COA shall conform to all provisions of the COA.~~

~~(2) It shall be the responsibility of the building department and DSD to inspect any work being performed from time to time to assure such compliance.~~

~~(3) In the event work is being performed that is not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.~~

~~(f) *Other approvals still required.* Nothing contained in this section shall be construed as negating the requirement to obtain site plan approval in accordance with the requirements of this chapter, or negating any other requirement of this chapter.~~

~~(g) *Interior improvements.* Nothing contained in this section shall be construed to prevent the ordinary maintenance, repair or interior remodeling of any historic structure that does not involve a significant change in exterior material, design, or appearance, performed in accordance with all ordinances, rules and regulations of the Town.~~

~~(h) *Noncontributing structures.* Nothing contained in this section shall be construed as to prevent the demolition of a noncontributing structure in a historic district.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-444. Maintenance and repair of designated properties.~~

~~(a) *General maintenance.*~~

~~(1) The owner of any historic resource or contributing property in a historic district, whether vacant or inhabited, shall be required to properly maintain and preserve such historic resource in good repair, consistent with the architectural characteristics of the designated property including, but not limited to maintenance and preservation of the following:~~

~~a. All of the exterior portions of such structures; and~~

~~b. All interior portions that, if not so maintained, may cause such structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.~~

~~(2) In addition, where the property is an archeological site, the owner shall be required to maintain the property in such a manner so as not to adversely affect the archeological integrity of the site.~~

~~(b) *Demolition by neglect.*~~

~~(1) *Intent*. It is the intent of this subsection to prevent deliberate or inadvertent neglect of the exterior features of structures designated as contributing or significant, as well as interior portions thereof which, if not so maintained, may cause such structure to deteriorate or to become damaged or otherwise fall into a state of disrepair and to preserve against decay, deterioration and demolition. Such structures shall be maintained free from structural defects through prompt and corrective action to any physical defect which jeopardizes the structure's historic, architectural or structural integrity.~~

~~(2) An owner of a historic resource or contributing property within a designated historic district shall not cause or permit the resource to suffer demolition by neglect, and shall meet the requirements of this subsection.~~

~~(3) *Criteria*. In the absence of an interior inspection or a structural engineer's report as to any structural degradation, the special magistrate may find lack of affirmative maintenance or demolition by neglect based upon one or more of the following criteria:~~

~~a. Deteriorated or inadequate foundations;~~

~~b. Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety;~~

~~c. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration;~~

~~d. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;~~

~~e. Members of ceilings, roofs and their support system, or other horizontal members which sag, split or buckle due to defective material, workmanship or deterioration;~~

~~f. Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;~~

~~g. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;~~

~~h. Deterioration or defects in paints, coating systems, flashing, or other ineffective waterproofing of exterior walls, roof and foundations, including windows and doors that may result in destructive moisture penetration or other forms of rot and decay;~~

~~i. Any fault, defect, or condition in the structure which renders the same structurally unsafe or not properly watertight;~~

~~j. Deterioration or crumbling of exterior plasters, mortars, brick, stone or wood siding;~~

~~k. Deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions as determined by the building official;~~

~~l. Deterioration of a historic structure or other historic resource to the extent that it creates or permits the creation of a hazardous or unsafe condition or conditions as determined by the building official;~~

~~m. Deterioration or removal of any unique architectural feature which would detract from the original architectural style; and~~

~~n. Any structure that has become uninhabitable shall be presumed to be suffering from demolition by neglect.~~

~~(c) In any enforcement proceedings, the special magistrate may order remedial action by the Town to prevent demolition by neglect, including but not limited to roof repairs, moisture intrusion remediation or structural shoring. The procedure and cost of said action shall be as proscribed in chapter 6.5 of the Town Code of Ordinances, including lien of the subject property to recover the Town costs to protect the historic resource.~~

~~(d) Violations of this section shall be additional to and not a replacement of the provisions of the building code requiring such structures to be kept in good repair, so that such structure shall be preserved in accordance with the purposes of this chapter.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

~~Sec. 30-445. Definitions.~~

~~The terms and phrases used in this article shall have the following indicated meaning:~~

~~*Archeological site*. An individual historic resource recognized for its prehistoric or historic artifacts.~~

~~*Building permit*. See section 30-11.~~

~~*Contributing property*. A structure or site which contributes to the overall historic significance of a designated historic district, which was present during the period of historic significance, and possesses historic integrity reflecting the character of that time, or is capable of yielding important information about the historically significant period, or independently meets the criteria for designation as a historic resource.~~

~~*Demolition*. Except in the case of a relocation, the complete removal, or portions thereof of a structure from a site.~~

~~*Demolition by neglect*. The abandonment of a structure by the owner(s) resulting in such a state of deterioration that its self-destruction is inevitable or where the Building Official has designated the property as an unsafe structure.~~

~~*Economic hardship*. The loss of all reasonable beneficial or economic use of a property.~~

~~*Exterior*. All outside surfaces of a structure.~~

~~*Florida site file*. A compilation of archaeological and historic resources surveyed in the Town and recorded with the State of Florida, Bureau of Historic Preservation, Division of Historical Resources.~~

~~*Historic district*. A geographically definable area designated pursuant to this article possessing a significant concentration, linkage, or continuity of sites, structures or objects united by past development. A historic district may also be linked by association or history. A historic district may contain both contributing and noncontributing properties.~~

~~*Historic resource*. Any prehistoric or historic district, site, structure, object, or other real or personal property of historical, architectural or archaeological value. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the Town, Broward County, or the State of Florida.~~

~~*Individual historic property*. A historic property, archaeological site or contributing structure in a proposed historic district that has been designated a historic resource by the Town based on its architectural, historical or archeological significance.~~

~~*National Register of Historic Places*. A Federal listing maintained by the U.S. Department of the Interior of sites, structures that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 USC 470, or as may be amended, renumbered or replaced and its implementing regulation, 36 CFR 60, "National Register of Historic Places," or as may be amended, renumbered or replaced.~~

~~*Noncontributing property*. Any structure or site which does not contribute to the overall historic significance of a designated historic district as it was built or due to alterations, disturbances or other changes, and therefore did not or no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period.~~

~~*Ordinary maintenance and repairs*. Work done to prevent the deterioration, decay or damage to a structure or any part thereof by restoring the structure as nearly as practicable to its condition prior to such deterioration, decay or damage.~~

~~*Owner*. An individual, partnership, corporation or public agency holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements less than a fee simple interest, including leaseholds, in real property.~~

~~*Rehabilitation*. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.~~

~~*Relocation*. The moving of a structure from its existing location to a new location.~~

~~*Structure*. See section 30-11.~~

~~(Ord. No. 2016-03, § 5, 7-26-2016)~~

EXHIBIT 3

Sec. 30-24. Planning and Zoning Board.

(a) *Duties of the Board generally.* The Town Planning and Zoning Board shall have the following powers and duties:

(1) To act in an advisory capacity to the Town Commission on questions relating to zoning and on matters of proposals to change zoning regulations, site plan applications and conditional use applications to report its findings and recommendations on such proposals to the Town Commission;

(2) To study any existing Town plan, with the view to improving same as to provide for the development, general improvement, and probable future growth of the Town, and from time to time, make recommendations to the Town Commission for changes on the existing Town plan so as to incorporate new developments, for the adoption of a new Town plan;

(3) To investigate and approve or disapprove all new plats to be presented to the Town Commission for approval;

(4) To make recommendations on appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Town Manager or DSD in the enforcement of the Town's zoning regulations;

(5) To make recommendations upon application in specific cases where a variance from the terms of the Town's zoning regulations is requested;

(6) To make recommendations upon application for an administrative adjustment to the terms of the Town's zoning regulations;

(7) To serve as the Town's local planning agency, in accordance with F.S. ch. 163, pt. II, Community Planning Act by:

a. Conducting the comprehensive planning program and prepare the Comprehensive Plan or elements or portions thereof, in accordance with the requirements provided by law,

b. Coordinating said Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the State of Florida as may be required by law,

c. Recommending said Comprehensive Plan or elements or portions thereof to the Town Commission of the Town for adoption,

d. Monitoring and overseeing the effectiveness and status of the Comprehensive Plan and recommend to the Town Commission of the Town, such changes in the Comprehensive Plan as may be required from time to time; and

~~(8) To act in an advisory capacity to the Town Commission on questions relating to historic and archaeological preservation including but not limited to:~~

~~a. Reviewing and providing a recommendation on all nominations for designation with the National Register of Historic Places,~~

~~b. Reviewing and providing a recommendation on all nominations of individual properties and districts for designation on the Town register of historic and archaeological places,~~

~~c. Reviewing and providing a recommendation on all applications for a certificate of appropriateness (COA); and~~

(~~9~~8) To perform such other duties as may from time to time be assigned to such Board by the Town Commission.

EXHIBIT 3

Sec. 30-51. Architectural review standards.

(a) *Purpose and intent.* The purpose of this section and the Town's Architectural Design Standards (sometimes referred to as the "Town ADS") is to encourage the local adaptation of the Mid-century Modern architectural style as the preferred architectural style of the Town, in that such architectural style is compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment.

(b) *Incorporation by reference of Town Architectural Design Standards.* The Town Architectural Design Standards manual (also known as the Town ADS manual), as adopted by resolution of the Town Commission and as may be amended from time to time, is hereby incorporated into this article II, division 1. Architectural Review Requirements. All provisions of this section shall be interpreted in conformance with the Town ADS. In the event of conflict between the ADS and the Code, the Code governs.

(c) *Applicability.*

(1) The following shall be reviewed for compliance with the architectural standards and architectural review requirements provided by this section and the Town ADS:

a. All development, including new construction, reconstruction, alterations and additions within the B-1-A, B-1, RM-25, and RM-50 Town zoning districts;

b. The exterior renovation, rebuilding, or restoration of a duplex unit, consistent with the requirements of section 30-137(d) for consistency in form and style with the remaining duplex unit to which the reconstructed duplex unit will be attached;

c. An application for a COA for any exterior construction or alteration, relocation or demolition of a designated historic ~~structure or site~~ resource, or a contributing structure in a historic district.

(2) Alterations and additions to existing buildings with design elements that are associated with the Mid-century Modern style of architecture shall conform to that architectural style.

(3) Alterations and additions to existing buildings with design elements that are not associated with the Mid-century Modern style of architecture shall conform to the architectural style of the existing building.

(4) The Town ADS further defines the requirements of the Mid-century Modern style and alternative architectural styles, and the various elements of design that are encouraged and discouraged in the Town.

(d) *Architectural styles.*

(1) *Mid-century Modern.* The preferred architectural style of the Town shall be in accordance with the Mid-century Modern or similar harmonious architecture, except that any buildings ~~the Town Commission~~ Broward County has designated as a "~~historical landmark~~ historic resource," pursuant to Article XVII of the Broward County Code of Ordinances, as may be amended from time to time, shall conform to the architecture of the existing building.

Sec. 30-111. Purpose.

The purpose of this article is to establish requirements and procedures for the review of development applications within the Town, including but not limited to applications for site plan, conditional use, variance, administrative adjustment, rezoning, ~~historic designation,~~ certificate of appropriateness, comprehensive plan amendment and plat approval.

Sec. 30-113. Development application review procedures.

The Department shall be the central intake point for filing all development approval applications and supporting documents. Except as otherwise provided in this chapter, the following procedures shall govern the review of applications for development subsequent to filing.

(a) *Pre-application meeting required.* A pre-application meeting with the Department staff is required prior to submitting a development application as required by this chapter. At the meeting, the applicant will describe and present their project in the conceptual design stage.

(b) *Completeness of application.*

(1) The Department shall review the application to determine if the information provided is complete. The Department shall either accept the application if it is complete, or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying the data missing from the application received.

(2) If a notice of incompleteness is not sent, the application shall be deemed accepted for purposes of beginning the time limits of this article on the thirtieth day after the filing of the application.

(3) If a notice of incompleteness is sent, the applicant may resubmit the application with the additional information required, in which event the Department shall review the resubmitted application in the manner provided in this subsection for the original application.

(4) If an applicant fails to provide the additional information as requested by the Department within 60 days of the request for additional information, or fails to respond to the Department with a time period, not to exceed 60 days, as to when the additional information will be submitted, the Town may deem the application to be withdrawn by the applicant and the application considered null and void.

(5) The Department may ask for additional information not more than three times.

(6) Prior to a third request for additional information, the Department shall offer the applicant an additional meeting with staff to attempt to resolve outstanding issues.

(7) If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the Department shall, at the applicant's request, process the application which the application shall be deemed complete and evaluated based on the information submitted to that date.

(c) *Application review - Generally.* The Town Manager shall determine if the application is a Level 1 procedure or amendment or a Level 2 procedure or amendment. In deciding whether an application is a Level 1 or Level 2 procedure or amendment, the Town Manager shall consider the requirements of this chapter as referenced in the Development Review Chart below. Applications shall be processed according to the Development Review Chart and the procedures of this chapter. In the event of conflict, the provisions of the text prevail over the chart.

EXHIBIT 3

Development Review Chart							
				Final Decision-Making Authority			
	Code Reference	Staff Review	Planning and Zoning Board	Town Manager	Town Commission One Hearing Required	Town Commission Two Hearings Required	Notice
Appeal of Administrative Decision	30-531	X	X		X		Yes
Site Plan	30-119	X	X		X		Yes
Site Plan Level 1 Modification	30-123	X		X			n/a
Site Plan Level 2 Modification	30-123	X	X		X		Yes
Conditional Use	30-126	X	X		X		Yes
Conditional Use Level 1 Modification	30-126(e)	X		X			n/a
Conditional Use Level 2 Modification	30-126(e)	X	X		X		Yes
Administrative Adjustment Level 1	30-128	X	X	X			Yes
Administrative Adjustment Level 2	30-128	X	X		X		Yes
Variance	30-127	X	X		X		Yes
Preliminary Plat	30-129	X		X			
Final Plat	30-132	X	X		X		Yes
Architectural Review			***				
~~Historic Designation~~	~~30-442~~	~~X~~	~~X~~			~~X~~	~~Yes~~
Certificate of Appropriateness	30-443	X	X		X		Yes
Zoning Relief	30-138	X			X		Yes
Rezoning	30-135	X	X		X	X	Yes
Right-of-Way Vacation	17-13	X	X			X	Yes
Comprehensive Plan Amendment	Florida Statutes	X	X		X	X	Yes

NON APPROVED

TOWN OF LAUDERDALE-BY-THE SEA

PLANNING AND ZONING BOARD MEETING MINUTES

LIVE STREAMED FROM JARVIS HALL

Wednesday, June 2, 2021

1. CALL TO ORDER

Planning Technician Sydney Ramirez called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 5:00PM.

ROLL CALL

Members present were Ron Piersante, Charles Wayne Dillistin, Vice Chair Christina Buerosse, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee members were Chair David Chanon and Alan Bluestein. Also present were Acting Development Services Director Jhanelle Campbell, Planning Technician Sydney Ramirez, and Town Attorney Chanae Wood.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – March 3, 2021

Vice Chair Christina Buerosse called this agenda item and without objection, the Board unanimously approved the minutes of the March 3, 2021 virtual meeting without any changes.

4. PUBLIC COMMENTS

As there were no members of the public who wished to speak or comment on anything not specific to the items on the agenda, the Vice Chair closed this portion of public comments.

5. TOWN PLANNER REPORT

a. Development Services Report

Acting Development Services Director Jhanelle Campbell explained that the report showed what was happening now and what was coming down the pipeline. Wayne Dillistin asked about RM-25 lots and Ms. Campbell explained that they were lots less than 60' in width and west of and fronting Bougainvilla Drive in the RM-25 zoning district. She further clarified that this was residential zoning and these lots could not rent short-term. She answered that there were multi-family properties incorporated in this zone. Mr. Dillistin also wanted to know about Marina/230 Basin Drive and Ms. Campbell explained about a submittal for redevelopment of the site. Part of the request was to vacate a portion of the right-a-way and also a request to allocate flex units. She explained what flex units were and that she would do research regarding if there could be short-term rental for these flex units. She would have this information available when this item would be on a future agenda. Acting Development Services Director Campbell answered Ron Piersante that putting in part of the canal that they owned was not in this application. She answered him that a traffic study would be part of this application as he voiced concern regarding one lane of traffic.

Mr. Dillistin asked about 4412/4416 W Tradewinds (zoning relief). This was a request to run just the residential component of a substance abuse and treatment facility which was operational now.

This property has changed ownership and the zoning relief previously obtained was not transferable. Vice Chair Christina Buerosse asked about license renewal, how many facilities were located in the Town, and what types of services were provided (e.g., special needs, etc.) in L-B-T-S. Ms. Campbell explained and spoke about the L-B-T-S Business Tax Receipt (BTR) process. She answered that part of the requirement for this application was that people within 300 feet of the property must be noticed. Vice Chair Christina Buerosse suggested listing things like this on the Town's website or placing helpful links on the website. They spoke about the items on the report that would go directly to the Town Commission. Discussion ensued about allowing dogs in parks. The Vice Chair opened public comments but no one requested to speak and there were no other board questions and/or comments. She closed this agenda item.

6. NEW BUSINESS

a. Historic Preservation – County Changes to its Ordinance

Acting Development Services Director Jhanelle Campbell explained that in its newest amendment, Broward County required municipalities to become Certified Local Governments (CLG) by November 15, 2021 in order to maintain their own historic preservation ordinance or the municipality would be subject to the county's historic preservation ordinance. Since becoming a CLG would be a big undertaking and required much of staff's time, the Town Commission directed staff to draft an ordinance (Ordinance 2021-04) to repeal the Town's Historic Preservation Ordinance. To facilitate this, applicable Town Code provisions would have to be changed and references to historic preservation would have to be removed. This would all be done prior to the first reading of Ordinance 2021-04 and staff recommended approval of this ordinance. Ms. Campbell answered the Vice Chair that she was unsure why the county required CLG designation, if we maintained our own historic preservation ordinance. She further answered that since we established our own ordinance, there were no applications for historic designation. Ron Piersante named two properties that he thought were historic. The Vice Chair opened public comments but no one requested to speak and there were no other board questions and/or comments. She closed this agenda item.

Ms. Sylvester made a motion to recommend approval of Ordinance 2021-04 to the Town Commission. The motion was seconded by Mr. Dillistin. The motion carried 5-0.

7. OLD BUSINESS

8. UPDATES/BOARD MEMBER COMMENT

Jhanelle Campbell said that the next meeting would be July 7, 2021 and she discussed what would be on the agenda.

9. ADJOURNMENT

Mr. Dillistin made a motion to adjourn at approximately 5:26PM. The motion was seconded by Mr. Piersante. The motion carried 5-0.

_____
Vice Chair Christina Buerosse

ATTEST: Date Accepted: _____
Acting Development Services Director Jhanelle Campbell

_____

Agenda Item No: 15.b

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Jhanelle Campbell, Acting Development Services Director
Submitting Department: Development Services
Item Type: Ordinances 1st Reading
Agenda Section: ORDINANCES 1st Reading

Subject Title: Ordinance 2021-05 - AN ORDINANCE OF THE TOWN OF LAUDERDALE- BY-THE-SEA, FLORIDA, AMENDING CHAPTER 4 "ANIMALS," ARTICLE II "DOGS AND CATS" TO UPDATE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: At its March 9th meeting (**Exhibit 1**), the Town Commission requested that staff amend the Town's Code to remove the prohibition of dogs in the Town's parks. Ordinance 2021-05 accomplishes this request (**Exhibit 2**). The proposed Ordinance amends Chapter4 of the Town's Code to allow dogs in El Prado Park, Laura Ward Park, and the green space north of the tennis courts in Friedt Park. All dogs would be required to be restrained and kept tethered on a leash not more than six feet in length. In addition, the proposed dog area parallels the Town Commission's request to establish a pilot dog park in Friedt Park commensurate with the CIP plan that was accepted by the Town Commission for FY 22.

Ordinance 2021-05 also updates outdated language throughout Chapter 4. All references to "Code Enforcement" were replaced with "Code Compliance" to accurately reference the department. The Ordinance also proposes the removal of language which would require the arrest of the dog owner (**Lines 40-41**) that is found to have their dog running at large. It should be noted that the proposed Ordinance does not remove the prohibition of dogs on the Town's beaches. However, service animals as defined by the American Disabilities Act of 1990 will still be allowed in all beaches and parks within the Town.

Recommendation: Approve Ordinance 2021-05 on first reading

Attachments:
Ex.1 – March 9, 2021 Town Commission meeting minutes
Ex.2 – Ordinance 2021-05

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MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 9, 2021
6:30 PM

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Jack Holland Proclamation (Steve d'Oliveira, Public Information Officer)

Commissioner Strauss advised that Jack Holland has recently retired from the Hillsboro Inlet District Board of Commissioners after 35 years of service, during which he oversaw a number of important projects.

Mayor Vincent read a Proclamation recognizing March 9, 2021 as Jack Holland Day.

6. PUBLIC COMMENTS

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At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, addressed the Town Manager search, requesting that a list of challenges that would face the new Town Manager be removed, with the focus on serving as a steward of the Town
- Debra Hixson, who was newly elected to the Broward County School Board, introduced herself
- Sarah Leonardi, also newly elected to the Broward County School Board, introduced herself

7. PUBLIC SAFETY DISCUSSION

a. BSO February 2021 (Captain Tom Palmer, BSO)

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Detective Glenn Genovese as February 2021's Deputy of the Month. Detective Genovese was instrumental in identifying a vehicle used in a number of shoplifting cases, which led to an arrest.

Capt. Palmer continued that in recent weeks, he has been in contact with several coastal Chiefs of Police as well as Broward County Parks and Recreation with regard to spring break. An emergency lane has been implemented to allow access to emergency vehicles, and the beach is being patrolled more actively. No incidents have been reported thus far.

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

8. TOWN MANAGER REPORT

a. Town Manager's Report March 9, 2021 (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors requested direction from the Commission regarding upcoming special events in summer 2021, including Bugfest-By-The-Sea as well as the Town's Fourth of July celebration. Staff is working to identify ways to adjust these activities in order to meet COVID-19 precautions. The Town's fireworks provider

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has requested that they be informed by March 15, 2021 of whether or not fireworks will be needed for the event.

Mayor Vincent was in favor of entertaining the possibility of special events once more and recommended that Staff reach out to nearby municipalities to determine what they are doing for the holiday. He was also in favor of moving forward with Bugfest. The Commissioners agreed by consensus to proceed with planning for these events.

Commissioner Malkoon asked if the events are included in the current budget and if the Town would use the FDG property. Interim Town Manager Connors replied that plans include use of the FDG property. Plans are in place to identify alternatives if necessary.

Interim Town Manager Connors also requested feedback from the Commission regarding dogs in Town parks. A number of dogs and owners have congregated in the Friedt Park area without following rules that require dogs to be leashed. Town Code also states that dogs are prohibited from the park. Before preparing signage to remind owners of these regulations, Staff requested direction from the Commission on whether or not Code should be changed to permit dogs on beaches and/or in parks.

Commissioner Malkoon recommended no changes to Code. Mayor Vincent also felt more research would be necessary before making any changes to Code, pointing out that El Prado Park and Friedt Park are the Town's only green spaces.

Interim Town Manager Connors advised that any Ordinance prepared by Staff can be specific to the green spaces and may follow any directive the Commission wants, such as limiting dogs to a certain area of a park.

Mayor Vincent was not in favor of permitting dogs at El Prado Park, but recognized there are opportunities at Friedt Park outside its grassy area. He felt there should be more detailed discussion of this issue before a draft Ordinance is prepared. Possible options may include a fenced portion of the FDG property currently used for parking.

Commissioner Sokolow stated that until the Town is willing to enforce its Ordinances with consequences, some dog owners will continue not to comply with the law by allowing their pets on the beach or in Town parks. Interim Town Manager Connors noted that Code Compliance Staff has recently begun patrolling the beach to inform owners that dogs are not allowed there. The month of March 2021 is designated as a time to inform the community that the Ordinance is in place. After one warning has been given, ticketing may begin.

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Interim Town Manager Connors continued that Staff is working closely with WastePro to ensure its service meets the needs of the community. They have identified a number of collection issues occurring in the Downtown area, and suggest that on busier days such as Saturdays, Sundays, and Mondays, the Town permit WastePro to collect trash one hour earlier in order to be outside of the Town before crowds begin. The Commission agreed by consensus to proceed with this change on a trial basis. If there are no unintended consequences, the time change can be an amendment to the next agreement.

Vice Mayor Oldaker expressed concern with stakeholders in the area as well as with nearby residential and hospitality properties that would be affected by the change. Interim Town Manager Connors stated that many of these stakeholders have made complaints about garbage left late in the day to be picked up. The program is on a trial basis until it is determined how all of these parties are affected.

Interim Town Manager Connors addressed the Town's workshop schedule, noting that the workshop to discuss the 2021 Capital Improvement Plan (CIP) was held prior to tonight's Commission meeting. On March 23, 2021, there will be a workshop to discuss the five-year CIP, which will be included in the FY 2022 budget. She recommended that this workshop begin at 5 p.m. On April 6, at 5:30 p.m., a workshop is scheduled to discuss the Broward County transportation surtax program, as well as some of the items recently identified in the pedestrian study. On May 11, at 5 p.m., she also recommended a workshop to discuss the Downtown area, including COVID-19-related restrictions that are set to expire in mid-July.

Commissioner Malkoon suggested that the discussion of the Downtown area be moved up to the April 6 meeting, as there are a number of issues in need of address. It was determined that this change would be made.

b. January 2021 Finance Report (Lucila Lang, Director of Finance & Budget)

Finance Director Lucila Lang presented the January 2021 Finance Report, noting that the Town has collected up to 90% of its ad valorem revenues. Utility and franchise taxes had been at 26% prior to the January payment; as of today, these are at 35.7%. A chart comparing revenues generated by Town parking lots was provided, showing that while there is a decrease in overall revenue, the El Prado lot is the Town's number-one

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revenue producer, providing 18.6% of revenue. The second most productive lot is the A1A lot at 17.74%, and the oceanfront meters produce 16.83%.

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. February 9, 2021 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Town Manager Search Consultant (Susan Trevarthen, Town Attorney)

Town Attorney Susan Trevarthen reported that Staff has prepared a draft request for proposal (RFQ) in case the Town opts to retain a search consultant to assist in identifying new Town Manager candidates. An example of the RFQ used during the previous Town Manager search was also provided. Information regarding the Town and its priorities can be updated by a search consultant working with Staff. She concluded that the Commission itself cannot serve as selection committee for this RFQ. Responses may be sent directly to a Commission meeting, or a member of Staff can be assigned to review the responses.

Town Attorney Trevarthen recalled that at the February 23 Commission meeting, there was discussion of the Florida City/County Managers' Association (FCCMA), which has a Senior Advisor Program that can assist with a Town Manager search. She has not yet received word of whether or not any FCCMA members may be interested in assisting the Town as consultant for the Town Manager search in lieu of bringing in a firm.

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Town Attorney Trevarthen clarified that senior advisors affiliated with FCCMA may be available to provide a variety of consulting services to municipalities to assist with the search for a Town Manager. The Town would have the opportunity to specify the parameters of this search. It was determined that the Town Attorney would wait for a response from FCCMA and report back to the Commission.

13. NEW BUSINESS

a. Special Event, Park and Film Permits Discussion (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime explained that the Town is hearing interest in different types of permitting and would like to hear the Commission's recommendation on how to proceed. One special event requested in May 2021 is a church baptism with approximately 70 people on the beach. The Town would determine whether or not County permission is required before approving this event.

Regarding film permits, the Town has an inter-local agreement (ILA) with Broward County in which the County sends the Town a permit for signature once they have determined that COVID-19 guidelines are met. A small number of film permits have come through from the County thus far.

For weddings, the Town recommends a hybrid between County Emergency Orders and the Town's Resolution 2017-41, which includes special event permitting and fees. Special event applications would be taken on a case-by-case basis, with determination to be made that these fit within County and Town guidelines. Staff would bring these permits forward for Commission approval.

Special Events Coordinator Hime continued that in most cases, the Town asks that a wedding involving more than 40 individuals be arranged through a hotel. All requests would be asked to sign the Town's COVID-19 agreement. It was determined that the Town's pre-COVID-19 standard of no more than 40 individuals would be observed.

b. Speed Hump Request for Spanish River Drive (Neysa Herrera, Assistant to the Town Manager)

Assistant to the Town Manager Neysa Herrera explained that the Town received this request on February 18, 2021, including a petition signed by 12 of the 18 property

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owners on this street. Staff has certified these signatures and confirmed that this accounts for over 51% of these property owners.

The next step, should the Commission decide to move forward, would be to ask Broward County to conduct a speed study and accident data review to indicate whether or not a speed table is warranted at the subject location. This would determine whether or not the County or the Town would assume liability for installation of speed humps. If the Commission directs Staff to move ahead with this step, the results of the study would be brought back to them for a final decision.

Town Engineer Jay Flynn has determined that the installation of speed humps at the subject location would cost the Town approximately $10,000. The Commission would have the final say in award of the contract once all policy steps have been observed.

Mayor Vincent asked if it is required that the Town go through the County for the speed study and accident data, or if they might move forward with a decision prior to the study. Town Attorney Trevarthen replied that the Town may proceed in either case; the lack of a study would only affect which party is responsible for costs and liability. She offered to look further into this issue.

Vice Mayor Oldaker asked where the speed humps would be positioned on the street. Mayor Vincent reiterated that an outside consultant or engineer would determine this placement.

Public Works Director Rubach explained that the County would not prohibit the Town from installing speed humps if the Town assumes liability and the Town Engineer determines the location. In the event that speed humps are found to be unwarranted, but the community still wants them, the Town may look into whether it can hold itself harmless and the neighborhood association assume liability.

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

c. Vacation Leave Accruals for Calendar Year 2020 (Lisa Slagle, Human Resources Manager)

Human Resources Manager Lisa Slagle stated that in 2020, after the COVID-19 pandemic began, the Town Manager at that time had verbally communicated to Town employees that unused vacation time could be rolled over at the end of the year. The

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Town's personnel manual states that an employee may not roll forward more than 120 hours: if they have accrued more vacation at the end of the year without using this time, those hours would be considered forfeit.

This policy was never put forth in written format and brought to the Commission for approval, and Human Resources Manager Slagle advised that she lacks authority to override this regulation. She requested guidance from the Commission, noting that there are multiple options, such as:

- Allowing employees who kept their time, thinking they would be able to use it in 2021, to cash out this time as a one-time payment
- Allowing the forfeit hours to be restored, with the understanding that they must be used by December 31, 2021
- Maintain the forfeiture of vacation hours

Staff recommends allowing employees the option of cashing out their hours or restoring them for this year.

Mayor Vincent advised that a Resolution be drafted to allow this one-time exception to be made, as the personnel manual was adopted by Resolution. Town Attorney Trevarthen advised that she could bring this Resolution back at the next meeting.

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve the plan [to allow employees to choose between the options of cashing out their hours or rolling them into 2021]. Motion carried 5-0.

d. Work Authorization to Strutt Consulting for planning consultant services related to updating the Town's Comprehensive Plan (Jhanelle Campbell, Acting Director of Development Services)

Acting Development Services Director Jhanelle Campbell reported that the FY 2021 budget was approved including $40,000 for Comprehensive Plan updates. The Town plans to conduct the first phase of these updates, of which key tasks are listed under the Agenda Item.

In 2019, the Town issued an RFP selecting several planning firms that could provide planning services as needs arise. Staff recommends use of Strutt Consulting for this task due to the firm's long-standing relationship with the Town. Costs are estimated at $28,000. The remaining $12,000 of the budgeted $40,000 would be used to update

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maps and graphs within the Comprehensive Plan, as these are outside the consultant's scope of work.

Interim Town Manager Connors characterized this Item as a cleanup issue, which would update language and eliminate completed goals, objectives, and policies. No new goals and policies are proposed for inclusion in the Comprehensive Plan at this time.

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

14. COMMISSIONER COMMENTS

Vice Mayor Oldaker addressed the issue of dogs in Town parks and on beaches, requesting that Staff define the difference between the El Mar Drive median and the designation of a park. This would help residents better understand where they may walk their dogs. Interim Town Manager Connors replied that official park spaces are outlined in the Comprehensive Plan. This Plan can be brought back to the next Commission meeting for clarification.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS

a. **Resolution 2021-15 -- A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING FLORIDA SENATE BILL 596 AND HOUSE BILL 6023, WHICH REPEALS THE TREE PRUNING, TRIMMING, AND REMOVAL PREEMPTION; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE. (Jhanelle Campbell, Acting Director of Development Services)**

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

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Acting Development Services Director Campbell advised that at present, Town Code requires a permit from Broward County to remove trees from residential or commercial properties in many instances. Florida Statute 163 preempts the Town's ability to regulate the removal of trees. The Resolution supports repeal of this language.

Commissioner Sokolow made a motion to approve.

Mayor Vincent cautioned that the proposed Resolution does not restore home rule: instead, it allows the County to determine what trees are sufficient for homeowners to keep on their property. Florida Statute 163 allows the Town the opportunity to hire its own arborists rather than remain under the guidance of the County. While he was in favor of municipalities and counties opining on what should be permitted on public property, he opposed allowing them to opine on what belongs on private property.

Commissioner Sokolow withdrew his motion to approve.

Commissioner Sokolow asked for the position taken by the Florida League of Cities on this issue. Town Attorney Trevarthen replied that prior to last year's Statute, counties and cities were able to regulate trees on commercial property. The Statute states that a local government may not require a notice, application of approval, permit, fee, or mitigation for pruning, trimming, or removal of a tree on residential property if that property owner obtains documentation from a certified arborist or a Florida-licensed landscape architect that the tree represents a danger to persons or property.

Commissioner Strauss asked if there are consequences to voting against the proposed Resolution. Town Attorney Trevarthen advised that there are no direct consequences; however, a vote in its favor informs the Florida Legislature that the Town would like to remove the 2019 preemption from state law.

The Resolution died for lack of motion.

b. **Resolution 2021-16 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH BROWARD COUNTY FOR DISBURSEMENT OF FUNDS IN THE AMOUNT OF $4,580.00 FROM THE BROWARD COUNTY TREE PRESERVATION TRUST FUND; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AGREEMENT;**

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PROVIDING FOR AN EFFECTIVE DATE. (Neysa Herrera, Assistant to the Town Manager)

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

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

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:13 p.m.

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Mayor Chris Vincent

ATTEST:

DocuSigned by:
Tedra Allen, CMC
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4/15/2021

Town Clerk Tedra Allen

Date

EXHIBIT 1

ORDINANCE 2021-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 4 "ANIMALS;" ARTICLE II "DOGS AND CATS" TO UPDATE REGULATIONS; 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 (the "Town Code") are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's regulatory needs; and

WHEREAS, the Town Commission desires to amend the Town Code to provide clarification and update regulations; and

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 4 "Animals," Article II "Dogs and Cats," of the Town Code, is hereby amended as follows[1]:

ARTICLE II. DOGS AND CATS

DIVISION 1. GENERALLY

***

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

Sec. 4-27. Dogs running at large prohibited; violation; impoundment.

(a) It shall be unlawful for any person who shall own or be in control of or in charge of any dog to permit such dog to run at large within the Town without being on a leash not more than six (6) feet in length at all times, which is tethered to and under control of the owner or person in charge of the dog.

(b) If any such dog shall run at large without a leash within the corporate limits of the Town, proof of the identity of such dog and the ownership thereof, or the person having charge or control thereof, shall be sufficient to convict the person owning or having charge of or control of such dog of violating the terms and provisions hereof.

(c) The dog ~~shall~~ may be subject to ~~being picked up~~ seizure and impoundment by any ~~Police~~ Law Enforcement Officer ~~of the Town~~, Broward County Animal Control Officer, Broward County Public Health ~~Officer of the County~~, Official , or the Humane Society of ~~the~~ Broward County, ~~or any official dog catcher of the Town~~ and may be placed with either Broward County Animal Care and Adoption Center or the Humane Society of Broward County, and retained by such society for at least five days.

(d) Upon making an appearance and demanding possession of the dog, the owner shall pay to the Humane Society of Broward County or Broward County Animal Care and Adoption Center any and all costs of ~~keeping~~ impoundment and boarding of the dog~~, and it shall be the duty of the Police Officers of the Town to cause the arrest of the owner of the dog~~ for the violation of the terms and provisions hereof.

***

Sec. 4-30. Dangerous dogs.

(a) *Purpose and intent.* The purposes of this section are to promote the public health, safety, and general welfare of the citizens of the Town of Lauderdale-By-The-Sea. It is intended to be applicable to "dangerous dogs," as defined herein by ensuring responsible handling by their owners through registration and confinement.

(b) *Definitions.* When used in this section, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***

~~(4) *Director*. The Director of the Office of Code Enforcement.~~

(~~5~~4) *Impoundment.* The act of taking or picking up and confining an animal pursuant to Broward County's rules, regulations and ordinances.

(~~6~~5) *Muzzle.* A device constructed of strong, soft material or of metal, designated to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(~~7~~6) *Owner.* Any person, partnership, corporation or the legal entity owning, harboring or keeping any animal, or in the case of a person under the age of 18, that person's parent or legal guardian. An animal shall be deemed to be harbored if it is observed on the premises for three or more consecutive days in any 30-day period. This definition shall not apply to any veterinary clinic or boarding kennel.

(~~8~~7) *Sanitary condition.* A condition of good order and cleanliness to minimize the possibility of disease transmission.

(8) *Town Manager.* The Town Manager or the Town Manager's designee.

***

(c) *Procedure for declaring a dog dangerous.* A Law Enforcement Officer, Animal Control Officer, or a Town's Code ~~Enforcement~~ Compliance Officer may declare that a dog be classified as dangerous as defined in subsection (b) above, based upon his or her own personal observation, or based upon a sworn, written complaint on a form approved by the ~~Director of the Office of Code Enforcement~~ Town Manager.

(d) *Notification of dangerous dog declaration.*

(1) A Law Enforcement Officer, Animal Control Officer, or a Town's Code ~~Enforcement~~ Compliance Officer shall, within five business days after declaring a dog dangerous, notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restriction and conditions for keeping the dog, as set forth in subsection (g) below. The Town Manager ~~or his/her designee~~ and the Police Department shall be notified of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specify any particular requirement or conditions placed upon the dog owner.

(2) The notice shall inform the dog owner that he/she may request, in writing, a hearing to contest the Law Enforcement Officer~~'s~~, Animal Control Officer, or a Town's Code Compliance Officer finding and designation within five business days after delivery of the dangerous dog declaration notice.

***

(g) *Keeping of dangerous dogs.* The keeping of a dangerous dog as defined in subsection (b) above shall be subject to the following requirements:

***

(7) *Failure to comply.* It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the ~~Office of~~ Town's Code ~~Enforcement~~ Compliance Division to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment pursuant to the regulations and procedures set forth by Broward County.

(h) *Permit and tag required for a dangerous dog.*

(1) The owner of a dangerous dog shall, within three business days after the classification of the dog as dangerous or upon acquisition of such dog, obtain an annual permit from the ~~Office of~~ Town's Code ~~Enforcement~~ Compliance Division to harbor the dog. The fee for such permit shall be established by resolution of the Town Commission.

***

(3) The permit for maintaining a dangerous dog shall be presented to an Animal Control Officer, Law Enforcement Officer or the ~~Director of Code Enforcement~~ Town Manager, upon demand.

***

(j) *Charge of ownership.*

(1) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten business days after such change of ownership or residence, provide written notification to the ~~Office of~~ Town's Code ~~Enforcement~~ Compliance Division of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the ~~Office of~~ Town's Code ~~Enforcement~~ Compliance Division along with written acknowledgement by the new owner of his receipt of such notification. The ~~Director of Code Enforcement or his/her designee~~ Town Manager shall notify the Police Department of any changes of ownership, custody or residence of the dog within three business days after receiving the required information from the previous dog owner.

(2) *Continuation of dangerous dog declaration.* Any dog that has been declared dangerous by any agency or department of this Town, another municipality, county, or state shall be subject to the provisions of this section for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or state government shall notify the ~~Office of~~ Town's Code ~~Enforcement~~ Compliance Division of the dog's address and conditions of maintenance within ten days of moving the animal into the Town~~ of Lauderdale By The Sea~~. The restrictions and conditions of maintenance of any dog declared dangerous by this Town, another municipality, county, or state shall remain in force while the dog remains in the Town.

***

Sec. 4-32. Animals on beaches and in parks prohibited.

(a) It shall be unlawful for any person to take any animal upon the beaches or in any park in the Town.

(1) Subsection (a) shall not be applicable to service animals as defined by the Americans with Disability Act of 1990 (42 U.S.C. § 12101) (the "ADA").

(2) Notwithstanding the foregoing, dogs shall be permitted in

a. El Prado Park,

b. Laura Ward Park,

c. The area to the north of the tennis courts in Friedt Park, and

d. Any other area designated by the Town Commission.

e. Dogs shall be restrained and kept on a leash not more than six (6) feet in length at all times, unless in an area specifically designated by the Town for dogs to be off-leash.

***

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

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

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

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

Passed on the first reading, this ___ day of _____, 2021.

Passed and adopted on the second reading, this ___ day of _____, 2021.

_____

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____

Vice-Mayor Oldaker	_____	_____
Commissioner Sokolow	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ATTEST:

_____

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

_____

Susan L. Trevarthen, Town Attorney

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Linda Connors, Interim Town Manager
Submitting Department: Development Services
Item Type: Resolutions
Agenda Section: RESOLUTIONS - PUBLIC COMMENTS

Subject Title: Resolution 2021- 36 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES, SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89, "SIDEWALK CAFE PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATION THROUGH OCTOBER 15, 2021; PROVIDING FOR REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Explanation: Further Extension of Code Waiver for Sidewalk Cafes through October 15, 2021. In response to the COVID-19 emergency, the Town Commission adopted a change to the Code of Ordinances allowing it to excuse compliance with specific code provisions by resolution upon finding that an extraordinary circumstance justified a waiver, for a period of up to 6 months, and further authorizing extensions to such waiver if the extraordinary circumstance continued to exist. See Section 2-27 **(Exhibit 1)**.

At the September 21, 2020, meeting, the Town Commission adopted Resolution 2020-39 **(Exhibit 2)**, which authorized the restaurants use of the parking spaces and parallel parking areas east of Ocean Drive to expand sidewalk café areas to January 15, 2021. This resolution also waived the sidewalk café fees for restaurants during this time frame, relaxed the enforcement of the Town's sign code, and extended the enforcement requirements for overdue business tax receipt payments. On January 26, 2021, the Commission found that the extraordinary circumstance continued to exist and therefore extended Resolution 2020-39 to July 15, 2021, by Resolution 2021-03 **(Exhibit 3)**.

The chamber requested a workshop to discuss the future of the downtown areas, and, on June 8th, the Chamber made a presentation to the Commission in which they requested at least a 90-day extension of the original resolution to cover both the use of Ocean Plaza and parking areas for the sidewalk café use. The proposals did not include a request for a relaxation of signage or an extension of the BTR payments, previously waived sections of the Code.

As part of the extension, the businesses agreed to:

- Adhere to the existing Code regarding noise, right of way use, tent size, etc.
- Use of uniform tents, with the Town selecting the specifications and businesses paying and providing for them; and
- Pay to lease the parking spaces and Ocean Plaza during the extension, with the costs determined by the Town.

At the Workshop, the Town Commission requested that this proposal be brought back for consideration and potential action. The first Commission meeting in July is not until July 13th, leaving little time to implement changes prior to July 15th. So, I have placed this issue on tonight's agenda, and asked the Town Attorney to provide a resolution for your consideration. For ease of tracking, the resolution extends the waiver through October 15, 2021, slightly longer than 90 days.

There was also some discussion at the workshop regarding designing and constructing physical modifications to the parking areas downtown. This issue is not addressed in this agenda item or in the proposed resolution. Staff recommends that this issue be discussed at a separate workshop so that appropriate backup information can be provided, and public notice given.

Sidewalk Café Extension

Because the proposal is to follow certain Code provisions that were previously waived, the resolution to extend the waiver is narrower in scope and only waives those sidewalk café requirements requested by the proposal. If the Commission is interested in granting the extension, it must first make finding that an extraordinary circumstance continues to exist justifying waiver of the Code.

The prior justification for this waiver was the COVID-19 pandemic, which is significantly improving locally with the success of vaccination efforts, the lifting of mask mandates and limited restaurant capacity, the reopening of Town Hall, the increase in travel and tourism, and the return to in-person Commission meetings. The State of Florida COVID-19 emergency is due to expire June 26, 2021, and it is not yet known at the time of this writing whether the Governor will continue to extend that emergency. The Town's emergency order is tied to the existence of the state of emergency order unless earlier terminated, so if it expires, the Town order will automatically expire with it. Yet, the pandemic has not ended, and recovery is substantially slower in certain state and countries. This could continue to affect the Town through its significant tourist economy.

If the Commission is interested in approving the extension, the criteria outlined in Code Sec 2-27, Extraordinary Circumstances must be met. For example, Staff suggests that the Town Commission might determine that the need to plan for and implement a transition to the operation of the sidewalk cafés going forward, including any potential changes to Code requirements and plans for modification of the right-of-way, constitutes an extraordinary circumstance continuing to justify waivers of certain sidewalk café provisions through October 15, 2021. This is the justification articulated in the Resolution and, if the Commission agrees with it, the Resolution can be adopted.

In their presentation to the Town Commission, the Chamber stated that in return for the extension, the businesses were willing to ensure their full compliance with Town Code, allow

the Town's selection of tents for a consistent look on the street, and pay for the use of the additional right-of-way area being used for restaurant service. Each of these topics is outlined below.

Code Compliance

Staff agrees with the Chamber's proposal that the businesses would return to full Code compliance, except where specifically waived by the Town. Under the direction of the Town Commission, the Interim Town Manager directed the Town's Code Compliance staff to review the businesses' compliance with the Town's Code requirements, most specifically for sidewalk café configuration and noise. The Town's Senior Code Compliance Inspector and Fire Marshal partnered with the businesses in downtown to restore a clear pedestrian path and mitigate life safety issues that were created as a result of the Code not adequately being enforced. As a result, the noise issues have been mostly resolved, a clear pedestrian path has been restored and the majority of the life safety issues have been mitigated. Staff continues to monitor the downtown for noise violations each weekend and has initiated the Code compliance magistrate process where necessary.

Tents

The businesses suggested that they would defer to the Town regarding the color and size of the tents in the parking areas, should the extension be approved. Staff agrees with this approach and notes that the tent locations should be depicted on the amended site plans. Because the request is only for an additional 90 days, staff suggests that the Town allow the businesses to use the Town's white tents used for our special events. We have several of these tents in our warehouse and they meet the Broward County Amendments to the Florida Fire Prevention Code (FFPC) requirements for canopies. Their constant use will require them to be replaced, and we will charge each restaurant the costs associated with the replacement. The Fire Marshall has stated that the FFPC standards allow the tents for a period not to exceed 180 days without additional permitting. Staff continues to support the prohibition of tents on the sidewalk to reduce congestion on the sidewalks.

Payment

The Town charges $18 a square foot annually for each restaurant's use of the Town's right-of-way for sidewalk cafés. At the June 8th meeting, the Chamber represented the restauranteur's agreement to pay for the additional sidewalk café area gained by using the parking areas. The fee should include the total square footage devoted to the sidewalk cafe in the proposed extension period as depicted on the amended site plans, including any parking areas that are reserved for the restaurant's use.

Many important policies are at issue in this decision and the income generated from the area should not be the sole deciding factor. However, in the interests of transparency, the Commission should be aware that the additional costs for the sidewalk café parking area will not replace the total amount that the Town collects for the parking spaces. Revenue associated with parking and sidewalk cafés are outlined in the table below.

Costs for Right-of-Way Use

	Size	Monthly

		Revenue
Parking Space 20' x 10' metered rates	200 sf	$850
Sidewalk Café @ $18 s.f. fee	200 sf	$300
Monthly Difference to the Town per parking space		($550)

For the Commission's information, staff has surveyed the downtown area to document the number of parking spaces utilized and the increase in seating that the restaurants achieve from the use of these spaces.

Current Allocation of Parking Areas

Restaurant	Parking Spaces Utilized	Approximate Square Footage	Number of Additional Seats
Taco Craft	5	850	40
Kilwin's	0	0	0
Pizza By the Beach	1	216	8
101 Ocean	2	340	15
Even Keel	0	0	0
Sloan's	1	170	13
Vinnie's	3 ½	595	28
Village Grille	2 & 1 handicap	556	12
Mulligan's	2 & 1 handicap	556	34
Gelato Go	0	0	0
El Mar Café	2	340	11

Additional Request

In addition to the conditions outlined above which the restaurants have agreed to meet, staff is recommending the following additional requirements if the Commission authorizes the extension.

Cleaning

Sidewalk café agreements require the restaurants to clean the sidewalk café area as well as the sidewalk if the sidewalk runs through the middle of the café seating (**Exhibit 4** - Maintenance area requirements). The Town pressure cleans the sidewalk two days a week during the season to supplement the requirement, and restaurants are required to maintain their sidewalk café areas for the additional days of the week.

Most of the restaurants are not cleaning to meet the requirements of the maintenance agreement – sidewalk café furniture is staining the pavers, spilled food and beverages are not cleaned sufficiently and grease is tracked from the restaurant's kitchens onto the pavers. Staff requests that we add an additional charge to each of the sidewalk cafes to cover the cost for the Town to pressure clean the sidewalks five days a week. The cost for the Town to clean the sidewalk is $0.03 per square foot. These costs should be added to their sidewalk café fees and reflected in the temporarily amended sidewalk café agreements. Staff would also recommend that this fee is added permanently.

Insurance

Sidewalk Café proprietors are required to carry insurance naming the Town for the use of our right-of-way. To ensure the Town is not liable for any accidents that occur while the right-of-

way is under the control of the restaurants, the Town's insurance requirements for sidewalk cafés should be expanded to cover the temporarily amended site plan area (**Exhibit 5** – Insurance Requirement). These include general liability insurance, proof of liquor liability insurance, and listing the Town as additional insured. This documentation should be required in the amended sidewalk café agreement.

Hurricane Preparation

The tents, tables and chairs located within the sidewalk café and parking areas must be removed within the time required by Section 17-89(j)(11) of the Town Code upon the issuance of a hurricane warning or hurricane watch issued by the Broward County Office of Emergency Management. Staff recommends that a failure to remove the furniture within the time required by Code would result in its permanent removal from the parking areas, and that each restaurant should be required to sign an affidavit acknowledging this requirement.

Connie Hoffmann Ocean Plaza

As explained previously, as part of helping the businesses in the pandemic, the former Town Manager approved Aruba Beach Café's use of half of Ocean Plaza to expand their outdoor restaurant area. He also approved Anglin Beach Café's use of the second half of Ocean Plaza, although they decided not to move forward with the option. This was done in concert with the Town's blocking of the parking spaces for restaurant use, but without the understanding that Ocean Plaza had a separate and distinct policy covering any private use.

The Chamber's request to extend the extraordinary circumstances resolution included a request to allow Aruba Beach Café to continue to utilize Ocean Plaza. However, as the current use was not included in the Commission's original resolution, the first step in allowing the continued use would be to have the Commission formally include the request in the Resolution this evening, and the proposed Resolution does so.

Aruba Beach Café is currently using the sidewalk area adjacent to Ocean Plaza, half of Ocean Plaza, and a portion of the covered Pavilion area to extend their outdoor dining, adding 105 seats to the restaurant. Aruba has stated that moving forward, they intend to use only the half of Ocean Plaza, and the sidewalk and pavilion area will be returned to the public's use.

Current Allocation of Space for Aruba

Total Square Footage Utilized from Ocean Plaza	Number of Additional Seats
1,635	105

As discussed earlier, Ocean Plaza is governed by policies that the Commission adopted by resolution on May 23, 2014 (**Exhibit 6** - May 12 Workshop Agenda, **Exhibit 7** Workshop Minutes and **Exhibit 8** – Resolution 2014-18). These policies were adopted to "limit the commercial use of the plazas" and to ensure the intent (to "…be lively public spaces that are there, first and foremost, for the enjoyment of our residents and visitors") was protected. The Plaza policy specifically limits the number of annual events for a particular business (four rentals per year per business) with a daily cost of $850 for the use of the entire Ocean Plaza. Therefore, the use of ½ the Ocean Plaza would be $425 daily.

Staff asked the Town Attorney to include suggested language in the Resolution should the Commission wish to extend the use of Ocean Plaza for the Aruba Beach Café's private use, as a temporary expansion of Aruba's sidewalk café agreement on the same terms and conditions of the other expanded areas.

In addition to that language, the Commission may wish to consider whether to again offer Anglin Beach Café the opportunity to use the other half of Ocean Plaza, and whether to offer the opportunity to the other restaurants located adjacent to the Plazas such as Mulligan's, Gelato to Go or possibly Ocean 101. Staff suggests an additional workshop could be useful to more fully address the issues associated with the use of the Plazas, including whether the current Commission desires to review the Plaza policies to ensure they reflect its current preferences.

Recommendation: If the Commission determines that an Extraordinary Circumstance exists as discussed herein, it can consider whether to approve the Resolution waiving Code provisions related to the location and operation of sidewalk cafes through October 15 **(Exhibit 9).** As drafted, the Resolution also approves the continuation of the existing use of half of Ocean Plaza for expanded sidewalk café use through October 15, so the Commission should also specify whether the Plaza use should be continued.

If the Commission decides to approve the Resolution, staff recommends that the conditions discussed above should apply: the restaurants will need to return to full Code compliance; submit and obtain administrative approval of temporarily amended site plans for the sidewalk café agreements; pay the required fees; use the Town's tents and pay for their replacement; sign an affidavit regarding timely removal in preparation for hurricanes; and supply all relevant documentation regarding insurance.

Finally, staff recommends that the Commission decide whether to should schedule a workshop or agenda item to discuss whether or not to review the Plaza policies. Also, we recommend that the Commission decide whether to schedule another separate workshop to determine if the Commission would like to consider pursuing the design and construction of a permanent reconfiguration of the parking spaces in the downtown.

Attachments:
Ex.1 – Section 2-27, Town Code
Ex.2 – Resolution 2020-39
Ex.3 – Resolution 2021-03
Ex.4 – Maintenance Area Requirements
Ex.5 – Insurance Requirements
Ex.6 – May 12th Commission Workshop Agenda
Ex.7 – May 12th Commission Workshop Minutes
Ex.8 – Resolution 2014-18
Ex.9 – Resolution 2021-36 Extraordinary Circumstances Extension through October 2021

Sec. 2-27. Waiver of Code requirements.

Under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in this Code by resolution. Waivers granted pursuant to this section are intended to provide temporary relief from the obligations, requirements, or fees provided for in this Code, and shall not be construed to authorize a permanent variance from such obligations, requirements, or fees. In addition, waivers shall not permit the installation or construction of permanent structures or buildings. The waiver shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance. The Town Commission shall be the judge of and shall determine in the resolution:

(1) What constitutes an extraordinary circumstance;

(2) How long the extraordinary circumstances are expected to last, which shall not exceed six months, unless further extended by the Town Commission; and

(3) Which persons, properties, or businesses are similarly situated for purposes of the waiver.

The maximum period of such waiver shall be for the length of the extraordinary circumstances as determined by the Town Commission, unless the Town Commission finds that extraordinary circumstances still exist at the time a waiver or extended waiver expires, and further extends the waiver by resolution.

(Ord. No. 2020-06 , § 2, 7-21-2020)

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RESOLUTION NO. 2020-39

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, FINDING THAT THE COVID-19 PANDEMIC IS AN EXTRAORDINARY CIRCUMSTANCE AND WAIVING CHAPTER 12, "LICENSES," SECTION 12-4(A) "BUSINESS TAX RECEIPTS; DATES DUE AND DELINQUENT; PENALTIES," CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89, "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," SUBSECTIONS 17-87(b)(4)d. AND e., "PAYMENT OF FEES," 17-89(C)(1)(2) AND (4)(a), "LOCATION," 17-89(E), "PHYSICAL BARRIERS," 17-89(J)(2)(B), "SIDEWALK CAFÉ FURNITURE AND FIXTURES," AND PORTIONS OF CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" SECTION 30-504 "TEMPORARY SIGNS" SUBSECTION (B) AND 30-508 "SIGN REGULATIONS BY ZONING DISTRICT," SUBSECTIONS C(7)(A)(1) AND (2) (EXCLUDING THE CLEAR PEDESTRIAN PATH REQUIREMENT) OF THE TOWN CODE OF ORDINANCES FOR COMMERCIALLY ZONED PROPERTIES, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS" FOR A PERIOD OF SIX MONTHS; PROVIDING FOR EXPIRATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Town Code by resolution; and

WHEREAS, pursuant to Town Code Section 2-27, such waivers are intended to provide temporary relief from the obligations, requirements, or fees provided for in the Town Code, and

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shall not be construed to authorize a permanent variance from such obligations, requirements, or fees, and the waiver shall last no longer than six (6) months unless extended by the Town Commission; and

WHEREAS, such waivers shall not permit the installation or construction of permanent structures or buildings; and

WHEREAS, waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, on March 2, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to declare a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to COVID-19, and authorizing local governments to waive the procedures and formalities otherwise required by law related to performance of public work and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 10, 2020, the Broward County Administrator issued a Declaration of Emergency, declaring a Local State of Emergency in Broward County; and

WHEREAS, on March 13, 2020, the Mayor declared a public emergency in the Town for seven (7) days unless earlier terminated, that was later extended until the conclusion of the Governor's state of emergency; and

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WHEREAS, the Town Commission finds that the COVID-19 pandemic is an extraordinary circumstance that requires waiver of certain obligations, requirements, or fees provided for in the Town Code; and

WHEREAS, the effects of the COVID-19 pandemic are expected to remain for at least four (4) months; and

WHEREAS, the Town Commission desires to waive the requirements of Chapter 17, "Streets, Sidewalks, And Other Public Places," Section 17-89, "Sidewalk Café Permit Standards And Requirements," Subsections 17-87(b)(4)d. and e., "Payment of Fees," 17-89(c)(1)(2) and (4)(a), "Location," 17-89(e), "Physical Barriers," 17-89(j)(2)(b), "Sidewalk Café Furniture And Fixtures," and Portions of Chapter 30 "Unified Land Development Regulations," Section 30-504 "Temporary Signs" Subsection (B) "Sign Regulations By Zoning District," and 30-508 "Sign Regulations By Zoning District," subsections c(7)(a)(1) and (2) (excluding the clear pedestrian path requirement) of the Town Code for commercially zoned properties, which are similarly situated for purposes of the waiver ("the Waiver"); and

WHEREAS, the Town Commission finds that the COVID-19 Pandemic has created an extraordinary circumstance, in which it is in the best interests to waive certain Town Code requirements to protect the public safety, health, and welfare of the Town and Town residents.

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

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

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Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic is an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Town Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby waives, for approximately four months from the effective date of this Resolution, the requirements of the following Town Code provisions, as further shown in Exhibit "A," for commercially zoned properties, which are similarly situated for purposes of the waiver:

(1) Chapter 12, "Licenses," Section 12-4(A) "Business Tax Receipts; Dates Due and Delinquent; Penalties;"

(2) (Chapter 17, "Streets, Sidewalks, and Other Public Places," Section 17-87, "Sidewalk café permit application and right-of-way (ROW) license fees.," Subsections:

(a) 17-87(b)(4)d. and e., "Payment of fees,"

(3) Chapter 17, "Streets, Sidewalks, and Other Public Places," Section 17-89, "Sidewalk Café Permit Standards and Requirements," Subsections:

(a) 17-89(c)(1)(2) and (4) a, "Location,"

(b) 17-89(e), "Physical Barriers;"

(c) 17-89(j)(2)(b), "Sidewalk Café Furniture And Fixtures; and"

(4) Portions of Chapter 30 "Unified Land Development Regulations," Sections:

(a) 30-504 "Temporary Signs," subsections (b)(1) and (2); and

(b) 30-508 "Sign Regulations By Zoning District," subsections c(7)(a)(1) and (2), while maintaining the clear pedestrian path requirement.

Section 4. Expiration. This waiver shall expire on January 15, 2021 unless extended by the Town Commission.

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

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

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

PASSED AND ADOPTED this 21ST day of Sepetmeber, 2020.

DocuSigned by:
B0A8AE8CC88D4A1...

Mayor Chris Vincent

Attest:

DocuSigned by:
Tedra Allen, CMC
F79938A3F45D42E...

Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:
Susan L. Trevarthen
7651C1375CC5435...

Susan L. Trevarthen, Town Attorney

File:

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EXHIBIT "A"

The Code sections that are shown in strike through font are the ones being waived.

CHAPTER 12 – LICENSES

ARTICLE I. - BUSINESS TAXES

****

Sec. 12-4. - Business tax receipts; dates due and delinquent; penalties.

****

~~(a) Those business tax receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional penalty of five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax for the delinquent establishment.~~

****

Chapter 17 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

****

Sec. 17-87. - Sidewalk café permit application and right-of-way (ROW) license fees.

****

(b) *Town right-of-way (ROW) license fee.*

(4) Payment of fees.

****

~~d. Payment received more than ten calendar days after the due date shall be charged a late fee of ten percent of the payment amount due. Failure to make a required payment within 30 calendar days of the due date may result in immediate sidewalk café permit and ROW license revocation.~~

~~e.The fees collected pursuant to this section from sidewalk cafés located in the Town of Lauderdale-By-The-Sea shall be placed in the general revenue fund~~

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***

Sec. 17-89. - Sidewalk café permit standards and requirements.

***

(c) *Location.*

~~(1) Sidewalk cafés shall only be located in the following areas:~~

~~a. The sidewalk frontage of the licensed business to which the sidewalk café permit is issued;~~

~~b. The sidewalk frontage of the building where the licensed business is located, if the requirements found in subsection (c)(2) below have been satisfied; or~~

~~c. The sidewalk frontage of an adjacent property, if the requirements found in subsection (c)(2) below have been satisfied.~~

~~(2) Adjacent property or adjacent tenant space. If the proposed sidewalk café area extends in front of adjacent property or adjacent tenant space then the permittee shall obtain written permission from the adjacent property owner, adjacent tenant, or both, if applicable, for use of this area to be included in the sidewalk café area.~~

***

~~(4) Pedestrian safety areas.~~

~~a. Buffer zone.~~

~~1. Adjacent to parking. Where parking exists between the sidewalk area proposed for use and the portion of the ROW used for vehicular travel, a sidewalk café shall be located in such a manner that a minimum five-foot wide buffer zone is maintained adjacent to the parking, at all times.~~

~~2. No parking. Where no parking exists, a minimum one-foot wide buffer zone between the edge of the sidewalk closest to the ROW used for vehicular travel and the sidewalk café area buffer zone shall be maintained at all times. In areas of congestion, the Town Manager or designee may require additional clearance.~~

***

(e) *Physical barriers.*

~~(1) No objects shall be permitted around the perimeter of a sidewalk café area which would have the effect of forming a physical or visual barrier.~~

***

(j) *Sidewalk café furniture and fixtures.*

(2) *Shade structures.*

~~b. Tents, canopies and pergolas or other similar structures are prohibited.~~

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***

CHAPTER 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

***

ARTICLE VIII. - SIGN REGULATIONS

***

Sec. 30-504 Temporary Signs

The following signs may be permitted within the Town as temporary signs, only in conformance with these regulations and ~~after issuance of a temporary sign permit by the Development Services Department.~~

(a) One temporary sign, not exceeding 32 square feet, for a non-residential use, subject to the following:

(1) A permit shall not be issued more than four times per year for the same use; and

(2) Each sign must be removed 21 days after it is posted.

***

Sec. 30-508. - Sign regulations by zoning district.

***

(c) *B-1 and B-1-A districts.* Only the following types of signs are permitted within the B-1 and B-1-A districts, subject to the limitations and requirements contained in the definitions and restrictions and standards by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

***

(7) *Sandwich signs.*

a. *Location requirements.* The location of a sandwich sign shall be permitted consistent with the following:

~~Permitted within the B-1 and B1-A zoning districts if:~~

~~1.~~ Placed ~~adjacent to the structure in which the business is located;~~

~~2. Located in front of and within two feet of the customer service entrance to the business it advertises and~~ in a manner that provides for a minimum five-foot clear pedestrian path;

***

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RESOLUTION NO. 2021-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE THOSE CODE REQUIREMENTS FOR PERMITTED SIDEWALK CAFES AND FOR BUSINESS TAX RECEIPTS THAT WERE PREVIOUSLY WAIVED BY RESOLUTION 2020-39 FROM JANUARY 15 THROUGH JULY 15, 2021 UNLESS FURTHEREXTENDED BY THE TOWN COMMISSION; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances ("Code") provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, attached hereto as Exhibit "A", found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, pursuant to Code Section 2-27, such waivers are intended to provide temporary relief, and shall not be construed to authorize a permanent variance from such fees and requirements; and

WHEREAS, these waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

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WHEREAS, the Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that requires waiver of these Code requirements, and will continue to be so for at least six (6) months; and

WHEREAS, the Town Commission finds that it is in the best interests to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents, through July 15, 2021.

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

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

Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby extends the waiver, for up to July15, 2021, of the Code requirements provided by Resolution 2020-39.

Section 4. Expiration. This extended waiver shall expire on July 15, 2021 unless further extended by the Town Commission.

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

Section 6. **Severability**. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

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invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

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

PASSED AND ADOPTED this 26th day of January, 2021.

DocuSigned by:
B0A8AE8CC88D4A1...
Mayor Chris Vincent

Attest:

DocuSigned by:
Tedra Allen, CMC
F79938A3F45D42E...
Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:
Susan L. Trevarthen
7651C1375CC5435...
Susan L. Trevarthen, Town Attorney

File:

4.3. The Permittee agrees to comply with the following maintenance plan requirements for the Sidewalk Café Maintenance Area:

4.3.1. The Permittee agrees to empty Town trash cans on the sidewalk adjacent to the Sidewalk Café Area**,** as needed during hours of operation to ensure that they do not overflow and are available for the public's use.

4.3.2. The Permittee shall, during the entire period that the Sidewalk Café exists, maintain the premises in a neat, clean, and sanitary appearance and condition.

4.3.3. Furniture and fixtures may be stored on the sidewalk, after closing, in a neat and orderly manner, provided that such furniture is staked no earlier than 10:30 PM and the furniture layout for the Sidewalk Café Area is restored no later than 10:30 AM the following day.

4.3.4. The Permittee shall remove all un-affixed furniture and fixtures from the sidewalk at the close of business the day before the Town's scheduled sidewalk cleaning date. Failure to remove all un-affixed furniture and fixtures from the sidewalk may result in removal by the Town at the Permittee's expense.

4.3.5. The Permittee shall be responsible for removal of stains in the designated Maintenance Area, including but not limited to those caused by dirt, grease and food or beverages.

4.3.6. The Maintenance Area shall be cleared of all debris as may be necessary throughout the course of the day, and then again at the close of each business day.

4.3.7. The Permittee is responsible for maintaining the furniture, fixtures and any other improvements related to the Sidewalk Café Area in the same or comparable condition to that originally approved by the Town.

4.3.8. The Permittee shall take preventive measures such as ensuring the bottom of tables and chairs have protective feet and are appropriately painted to avoid damage to pavers.

4.3.9. Permittee shall be responsible for the Town's cost of materials and labor that may be necessary to replace any and all landscaping, paving, and other public improvements which are damaged and/or stained resulting from the operation of the Sidewalk Café. The cost of labor and materials calculated shall be premised upon the same quality of materials and workmanship previously approved and utilized by the Town for landscaping, paving and other public improvements.

4.3.10. During the period of the Encroachment, the Permittee shall be solely responsible for maintenance and repair of the designated and approved Sidewalk Café Maintenance Area.

5. **Acknowledgement of Encroachment.** The Town does hereby acknowledge the Encroachment as defined herein and shown on Exhibit "A." This Agreement is merely a revocable license to use the Encroachment Area for the purposes set forth herein, and is conditional at all times. The Permittee has no vested right or property interest in the Town's

and ensuring that all structures or improvements constituting the Encroachment remain in good and safe condition.

8.2. In exchange for the right to use the Encroachment Area, the Permittee acknowledges that the Town will perform certain maintenance functions, including pressure cleaning, within the Maintenance Area, and hereby authorizes access to the Maintenance Area as needed to perform such maintenance.

9. **Insurance.** Pursuant to Section 17-9 and Section 17-90 of the Town Code, the Permittee shall secure and maintain at Permittee's own expense and throughout the duration of this Agreement general liability insurance covering the restaurant and the Sidewalk Café activities and Encroachment Area, with combined single limits of no less than $1,000,000.00 per occurrence and $2,000,000 in the aggregate, for bodily injury and property damage coverage, naming the Town as an additional insured, in a form of endorsement acceptable to the Town Manager or designee. The Permittee shall maintain Worker's compensation and employers' liability insurance as required by the State of Florida.

9.1 If alcohol is to be served or sold in the Encroachment Area, the Permittee shall secure a Certificate of Liquor Liability Insurance written in comprehensive form in the amount of $1,000,000 per occurrence and $2,000,000 general aggregate for bodily injury and property damage.

9.2 All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition.

9.3 Simultaneously with the execution of this Agreement, and by May 1st of each year during the Term of this Agreement, the Permittee shall furnish the Town with a policy or certificate of insurance coverage in the minimum amount stated above, together with the endorsement. All policies must be issued by companies authorized to do business in the State of Florida and rated A- or better per Best's Key Rating Guide, latest edition. The Town must receive thirty (30) days' written notice prior to any cancellation, nonrenewal or material change in the coverage provided. The Permittee shall not maintain the Encroachment in the Encroachment Area unless and until after Permittee has obtained all insurance required herein and the certificate(s) of insurance have been received and approved by the Town. Failure to comply with these requirements shall result in suspension or revocation of this Sidewalk Café Permit, Revocable ROW License and Encroachment Agreement by the Town Manager or designee.

10. **Indemnification.** Permittee agrees to indemnify, defend, save and hold harmless the Town, its officials, employees, and agents, from and against any loss, damage or expense (including all costs and reasonable attorneys' fees at both the trial and appellate levels) suffered by the Town, its officials, employees and agents as a result of any claims, suits, actions, damages or causes of action (collectively, the "Claims") arising out of any personal injury, loss of life or property damage occurring on the Encroachment Area, any increase in costs to the Town stemming from the construction and/or repair of utilities located within the Encroachment Area or in connection with, related to the Encroachment, the use and activity thereon, or arising out

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL WORKSHOP AGENDA

Jarvis Hall

4505 Ocean Drive

Monday, May 12, 2014

6:00 PM

1. **CALL TO ORDER MAYOR SCOT SASSER**

2. **PUBLIC COMMENTS**

3. **DISCUSSION ITEM**

   a Prohibition of launching watercraft from the beach or operating watercraft within the watercraft prohibited zone (Connie Hoffmann Town Manager)

   b Policies for the use of the Ocean and Dune Plazas (Connie Hoffmann Town Manager)

   c Special Event Procedures & Fees (Connie Hoffmann Town Manager)

4. **ADJOURNMENT**

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

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH TESPECT 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

LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL WORKSHOP
Jarvis Hall
4505 Ocean Drive
Monday, May 12, 2014
6:00 P.M.

1. CALL TO ORDER—MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, and Deputy Town Clerk Tedra Smith.

2. PUBLIC COMMENTS

Mayor Sasser opened the meeting to public comment.

Arthur Makenian, President of the Hillsboro Lighthouse Preservation Society, explained that this Society is a nonprofit volunteer organization dedicated to the care and maintenance of the Lighthouse. The Society was reaching out to the four surrounding cities and townships, including Lauderdale-By-The-Sea, for financial assistance in the amount of $4,200 each.

John Boutin, owner of the Windjammer Resort, stated that "kite boards" should be included in the definition of watercraft, as they move at a very high speed. He also felt motorized vessels and competition between vendors could affect the relaxed atmosphere of the beach.

Bill Ciani, private citizen, stated that he hoped individuals will be able to launch watercraft within a designated area. He emphasized the importance of diving and water sport activity within the Town.

With no one else wishing to speak, Mayor Sasser closed the public comment portion of the meeting.

3. DISCUSSION ITEM

a. Prohibition of launching watercraft from the beach or operating watercraft from the watercraft prohibited zone (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann recalled that the Commission had previously discussed amending Town Code to allow the launching of kayaks from the beach. At present, Code prohibits launching of any watercraft other than surfboards, skim boards,

or windsurfers, or operating any watercraft within the protected swimming area or within 300 ft. of the pier. This led to a wider discussion of watercraft, including rafts and paddleboards. Included in the Commissioners' backup materials are questions designed to provide direction for the Town Attorney and Town Staff in crafting prospective Code amendments.

Commissioner Brown suggested that the Code be simplified to allow any non-motorized watercraft to be launched from the beach, as he felt it is impossible to designate a specific launching area or control where people enter the beach. Vice Mayor Vincent agreed, stating that users of watercraft often police one another.

Commissioner Sokolow advised that the Town should use care in defining wind-powered watercraft, and asserted that he opposes launching motorized watercraft from the beach. Commissioner Dodd also felt care should be taken in defining powered watercraft, and concluded that corridors separating swimmers from watercraft could be designated so everyone may enjoy the ocean.

The Commissioners discussed the issue further, including whether or not there should be size limitations on watercraft. Mayor Sasser commented that he did not have an issue with watercraft such as kayaks, paddleboards, and wind-powered vessels.

Town Attorney Trevarthen confirmed that boat storage is not currently allowed on the beach, and that another statute prohibits aerial launching or landing of vehicles from the beach.

It was clarified that the Commission was in favor of allowing non-motorized watercraft to be launched from the beach. Town Manager Hoffmann asked if this meant launching would also be allowed near the pier.

The Commission further discussed the designation of launching sites for watercraft, noting that Code currently prohibits boats or other watercraft from being operated within 100 yards (300 ft.) north, south, or east of, or beneath, the pier. It was agreed that this distance would be maintained as a safety consideration. The requirement that watercraft be kept 100 ft. away from bathers would not be necessary, and it will remain unlawful to engage in kite surfing instruction on the beach.

b. Policies for the use of the Ocean and Dune Plazas (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised Staff has drafted proposed policies regarding the use of the new plazas downtown for the Commission's consideration. These policies would limit the number of times a given business could use the plazas within one year, define the types of events for which the plazas could be used, and set rental fees for plazas. Suggested policies and rental fees are included in the Commission's backup materials.

She noted the Commission was also being asked if they would like to require licensing for artistic or entertainment-oriented use of the Plazas. Such uses are currently prohibited as soliciting if the artist or performer is requesting payment for their activities. She noted that a caricature artist periodically shows up on weekends. A magician recently showed up and the people sitting in the plazas appeared to enjoy his show. He had been cautioned that he could perform and accept unsolicited gratuities but, under the code, he could not actively solicit payment. Town Manager Hoffmann explained that if the Town licenses these uses, some quality control could be exercised. If they do not require licensing, code enforcement became an issue. Right now, the Town was only taking action if the activity was causing a problem.

Commissioner Brown clarified that if allowing a business to rent one of the plazas meant that business could fence off or restrict public entry into the space for closed events, he would be opposed to it. He was, however, in favor of Town-sponsored events in the plazas that are open to the public. He suggested that this could begin on a trial basis in June and July, when the weekend musical events are not scheduled. Commissioner Sokolow agreed that the plazas should not be rented to private organizations or individuals, but maintained for the use of residents and visitors, with the possible exception of an event that could benefit the Town.

Mr. Ciani asked if the Town planned to take a position on artists performing or working in front of a local business, whether closed or open. Town Manager Hoffmann thought the artists could be licensed to operate within the two plazas rather than on the sidewalk.

Mayor Sasser observed that there was consensus among the Commissioners with respect to prohibiting private events. He asked to know the will of the Commission regarding moving the weekend musical events to the plazas from their current location. Commissioner Sokolow pointed out that while he did not oppose this, some events might wish to charge an admission fee, which could be difficult. He concluded that at least initially, this should be limited to a very few times per year.

Commissioner Brown did not agree, stating that he did not want to see restaurant and/or bar activity in the plazas. He reiterated that the plazas should remain open to the general public. He also recommended flexibility, as it may be necessary to modify policy over time. Mayor Sasser agreed that commercially-funded activities should be limited to a few times per year at first. Commissioner Dodd agreed that the plazas should be kept open to the general public, but advised he would not be in favor of moving the regular musical events to the plazas, as these spaces did not lend themselves easily to these events.

Town Attorney Trevarthen requested more feedback from the Commission regarding outside sponsorship of events, whether by nonprofits or by businesses. Mayor Sasser observed that in-Town businesses should be considered for sponsorship of plaza events, but did not feel this was appropriate for outside businesses. Commissioner

Sokolow agreed with this. Commissioner Brown felt that if the Town allowed private organizations to sponsor events in the public space, they should not distinguish between local and outside organizations.

Town Attorney Trevarthen recommended that regulations on the use of the plazas be strict in the beginning but become more flexible over time, as needed. She also advised that regulation should be based on clearly enforced rules rather than any arbitrary decisions. Town Manager Hoffmann agreed, noting that allowing businesses from other communities, which may compete with Town businesses, to rent the plazas would not be well-received.

It was noted that the definition of events open to the public may include allowing the public to purchase tickets. Mayor Sasser commented that the potential sale of tickets is a gray area, as this might involve cordoning off a portion of the plaza.

It was decided that at present, sponsored events in the plazas would be limited to in-Town businesses and/or nonprofit organizations, with the applications for use of the plazas to come before the Commission for approval for at least the first year. Outside nonprofit organizations would be allowed one event per year.

Commissioner Brown returned to the issue of regulating individual artists or performers who wish to work in the plazas, asking if these individuals would need to be licensed or even invited by the Town. He felt this would be a more likely use than business-sponsored events, due to the size of the plazas.

Vice Mayor Vincent asked if it would be legally possible to prohibit a performer or artist who is not soliciting money from working in the plazas. Town Attorney Trevarthen replied that no such performers have been prohibited or cited thus far, although it is not uncommon for municipalities to have procedures in place for doing so. She advised that any such procedures must be very objective, and that there are procedural models in other cities that the Town can look to for guidance. Circumstances would include issues such as obstruction, noise, safety, and similar considerations, or in the event of a performer who is actively soliciting money rather than accepting donations.

Commissioner Brown proposed hiring Town-sponsored entertainers and establishing a modest fund for this purpose. This could result in better-quality performances than unsolicited artists, as well as provide control over specific types of entertainment. Town Attorney Trevarthen agreed that this would allow the Commission the maximum amount of control and discretion over performers, although she noted that this could come with greater demandd on Staff.

Commissioner Sokolow recommended charging nominal license fees to performers for a specific time period in order to find out what type of responses it generated; however, he was not in favor of the Town spending significant funds to bring entertainers to the plazas. Vice Mayor Vincent and Commissioner Dodd concurred with this suggestion.

Town Attorney Trevarthen noted that this would mean the Town has less discretionary control over the entertainment in the plazas.

Commissioner Brown expressed concern with controlling non-entertainers who dress in costumes, as this has been problematic in other cities and locations and can lead to "strong-arm" tactics from these individuals for donations. He stated that he was not averse to the Town occasionally soliciting entertainers, particularly when no events are planned elsewhere in the Town. His primary concern was that the Police be allowed to control situations that could get out of hand.

Commissioner Dodd noted that if these individuals are required to apply for licenses, Town Staff could distinguish between entertainers and more opportunistic behaviors. He concluded that if more control is needed, or if the quality of performances is not what the Town wishes to see, licensing could be withdrawn in favor of sponsorship at a later time.

c. Special Event Procedures and Fees (Connie Hoffmann, Town Manager)

Town Manager Hoffmann explained that the Town is receiving more and more applications for special events, which can be time-consuming and often require the input of a member of senior Town Staff. She pointed out that when an approved event is actually staged, we do not have a Special Events Coordinator position and no individual Staff member is tasked with ensuring that events are held properly. She noted that, for larger events, the Assistant Town Manager often comes up to check the set up on weekends. She noted that applications are often submitted late and site plans can lack sufficient information forcing staff to keep asking for more specificity or finally redoing the site plans themselves. With the volume of special events increasing, this is becoming a problem. She requested the Commission's permission to enforce the rules for event procedures and fees more stringently, as the current lack of discipline places a greater burden on Staff.

Town Manager Hoffmann continued that the present event fee is only $100, even for large or ongoing events. While there is a benefit to the Town from some of these events, they often include a money-making aspect for the organizer as well. She noted that the backup materials present suggestions for modifying event fees. Finally, for better control and public safety, Staff recommended having the Town and the Broward Sheriff's Office (BSO) oversee the policing and security activities on public property rather than the event sponsor supervising the off duty police details. The business or sponsor would be asked to reimburse the Town for the cost of the additional police presence.

Mayor Sasser asked if this greater control would mean the Town assumes additional liability for the events. Town Attorney Trevarthen advised that she has not been previously involved in this process, but would explore this question further with the assistance of BSO, which has its own legal counsel.

Commissioner Sokolow stated he was supportive of Staff's proposals regarding event applications and fees, provided that they allow sufficient notice that rules will be enforced and that fees will increase, particularly for applicants who may have become used to less stringency and lower fees.

Mayor Sasser commented that the Town should keep regulations as simple as possible by enforcing the existing rules, and charging a higher fee for late applications. He agreed that fees should be based upon the size of the proposed events as well. Vice Mayor Vincent agreed, stating that following existing rules would be simpler than keeping track of overtime hours. He asserted that he was also in favor of the fee structure proposed in the backup materials.

The Commissioners agreed by consensus to double the fee for late applications in support of Town Staff. Mayor Sasser agreed that applicants should be advised that changes in fees, as well as adherence to the rules, are forthcoming.

Mayor Sasser concluded that from the present through Labor Day, ties would not be required at Town meetings.

4. ADJOURNMENT

With no further business before the Commission, the workshop was adjourned at 8:24 p.m.

Mayor Scot Sasser

ATTEST:

Town Clerk Tedra Smith

Date 6/24/14

RESOLUTION 2014-18

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING POLICIES FOR THE USE OF THE OCEAN AND DUNE PLAZAS AND THE BEACH PAVILION BY ENTITIES OTHER THAN THE TOWN; PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Lauderdale-By-The-Sea ("Town") desires to establish policies governing the use of the newly constructed Ocean and Dune Plazas in the two easternmost blocks of Commercial Boulevard by others, and for those policies to also apply to the Beach Pavilion at the eastern end of Commercial Boulevard; and

WHEREAS, the Town Commission finds that the policies, attached as Exhibit A, are the minimum necessary to assure that the use of these important public spaces is consistent with the purposes for which they were designed and constructed, is compatible with surrounding uses, and is in the best interest of the Town, its residents and visitors, and that the costs associated with such use are borne by the users.

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

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

SECTION 2. Adoption of Policies. The Town Commission hereby adopts the "Policies For Use of the Ocean and Dune Plazas & The Pavilion By Entities Other Than The Town," attached hereto as Exhibit A.

SECTION 3. Conflicts. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. <u>Effective Date.</u> This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 27th day of May, 2014.

MAYOR SCOT SASSER

ATTEST:

Acting Town Clerk Gerald Bryan

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

POLICIES FOR USE OF THE OCEAN AND DUNE PLAZAS & THE PAVILION BY ENTITIES OTHER THAN THE TOWN

General philosophy: The beach pavilion, the Ocean Plaza, and the Dune Plaza are the premier public spaces in Town and were built for the enjoyment of our residents and visitors. They should therefore only be used for events that are open to the general public or are of significant benefit to the Town. The Town should collect fees and costs so that users bear the costs related to their events, rather than covering those costs from the Town's general fund.

The following policies and fees shall govern the use of the plazas and the Pavilion:

1. *Eligible users.* Use of the plaza for events open to the general public, shall be limited to:
   a. Town commercial businesses (limited to 4 rentals per year per business)
   b. Town-based non-profit organizations (limited to 2 rentals per year per organization)
   c. Out of Town 501C Registered Non-Profit Organizations (limited to 1 rental per organization per year).
   d. The plazas and pavilion will not be rented for events that are not open to the general public, although it is understood that there may be uses that require an admission fee or cost to the public.
   e. The Town Commission may authorize the private use of the plazas by any user for an event that is deemed to be of significant benefit to the Town. (Example: a party hosted by the Town and the Convention & Visitors' Bureau whose purpose is to showcase the Town to visiting travel agents or dignitaries).
2. *Fees and costs.*
   a. A rental fee will be charged for all such uses. The rental structure for events that are open to the general public shall be :
      i. Town commercial business use - $850 per day or per night
      ii. Town-based non-profit organization - $215 per day or night
      iii. Out of Town 501C Registered Non-Profit Organization - $425 per day or night
   b. The rental fees above are per plaza. If an organization wants to utilize both plazas for their event, they must pay rent for each plaza.
   c. Use of the plazas as part of a larger special event shall be subject to these rental fees, in addition to the special event permit fee.
   d. The Town Manager shall estimate the cost of Town and BSO staff to service the event, and set an additional deposit that the renter must pay upfront.
   e. If food and beverages are to be served, the deposit shall include a pressure washing fee.
   f. Renters will be required in their rental agreement to clean up the plazas immediately after their use, pay all fees, pay the cost of any damage they do to the Town's property, and pay for all Town & BSO costs directly associated with the event. If such costs exceed the upfront payment for those services, the renter must reimburse the Town for the difference.

3. *Insurance.* Renters must provide liability insurance (and liquor liability insurance if liquor is being served in amounts set by the Town Manager) and execute indemnification agreements with the Town in a form acceptable to the Town Attorney.
4. *Potential use on holidays.*
    a. The Town Commission will decide if they wish to make the plazas available for use of Town commercial businesses or Town-based non-profit organizations on specific holidays. Non-profit organizations that are not based in LBTS may not rent the plazas on holidays.
    b. On those holidays the Commission designates, the Town will accept proposals for use six months in advance of the holiday and determine which proposals best fit the image and goals of the Town. After the Commission ranks the proposals in preferred order, staff will negotiate rental fees with the first ranked proposer and bring them back to the Commission for approval.
    c. The same business or non-profit organization may not rent the same plaza on a specific holiday two years in a row if another business or non-profit wants the opportunity. The Town Manager shall determine whether others are interested in the opportunity, based on whether she or he has received written notice of such interest from an eligible business or organization no later than seven months prior to the holiday.
5. *Use on the same day as a special event.* Rentals will not be considered on days or evenings of Special Events with which they would interfere or conflict.
6. *Sales.* There shall be no sales of manufactured products (excluding food products) in the plazas during these events. Only hand-made artisan products may be sold in connection with such a rental. However, manufactured goods may be auctioned or sold at a charity event in the plaza. This restriction does not apply to the sale of food or food products.
7. *Cancellation for Town-sponsored event.* The Town reserves the right to cancel the rental up to 90 days in advance if the Town Commission decides to hold a Town-sponsored event in the plaza on that same date.

RESOLUTION NO. 2021-

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO THE TOWN CODE OF ORDINANCES, SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE CERTAIN REQUIREMENTS OF CHAPTER 17, "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," SECTION 17-89, "SIDEWALK CAFÉ PERMIT STANDARDS AND REQUIREMENTS," FOR SIDEWALK CAFES TO ALLOW FOR TRANSITION BACK TO NORMAL OPERATION THROUGH OCTOBER 15, 2021; PROVIDING REQUIREMENTS FOR THOSE USING THE WAIVERS; PROVIDING FOR CONTINUED USE OF CONNIE HOFFMANN OCEAN PLAZA; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances ("Code") provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, adopted September 21, 2020 and attached hereto as **Exhibit "A"**, found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Resolution 2021-03, attached hereto as **Exhibit "B"**, found that COVID-19 continued to be an extraordinary circumstance and continued to grant a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until July 15, 2021; and

34 **WHEREAS,** Section 2-27 of the Code allows the Town Commission to extend such
35 waivers upon a finding that the extraordinary circumstance still exist; and
36 **WHEREAS,** such waivers are intended to provide temporary relief from the obligations,
37 requirements, or fees provided for in the Code, and shall not be construed to authorize a permanent
38 variance from such obligations, requirements, or fees, and the waiver shall last no longer than six
39 (6) months unless extended by the Town Commission; and
40 **WHEREAS,** such waivers shall not permit the installation or construction of permanent
41 structures or buildings, and shall be applied uniformly to all similarly situated persons, properties,
42 or businesses affected by the extraordinary circumstance; and
43 **WHEREAS,** in September 2020, the Town also allowed the use of Connie Hoffmann
44 Ocean Plaza ("Ocean Plaza") for expanded sidewalk café operation of Aruba Beach Cafe through
45 January 15, 2021 and then extended the use through July 15, 2021, in tandem with the sidewalk
46 café waivers; and
47 **WHEREAS,** the Town Commission finds that, while the COVID-19 pandemic has
48 improved locally as vaccination rates in Broward County have reached 55%, many states and other
49 countries continue to struggle with the pandemic and the Town historically experiences high levels
50 of tourism from around the country and around the world; and
51 **WHEREAS,** the Town Commission desires to keep in place the waivers enabling the
52 expanded sidewalk cafes through October 15, 2021 as COVID-19 continues to improve, to allow
53 for planning and implementation of the transition of the sidewalk cafes back to full Code
54 compliance, including the opportunity to consider potential revisions to certain Code requirements;
55 and

WHEREAS, the Town Commission desires to continue to waive only the requirements of Chapter 17, "Streets, Sidewalks, And Other Public Places," Section 17-89, "Sidewalk Café Permit Standards And Requirements," of the Code for commercially zoned properties, which are similarly situated for purposes of the waiver ("the Waiver"), and to continue to allow the use of half of the Ocean Plaza for expanded sidewalk café operation of Aruba Beach Café; and

WHEREAS, the Town Commission finds that it is in the best interests of the Town to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents through October 15, 2021.

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

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

Section 2. Adjustment of Sidewalk Cafes from COVID-19 Pandemic Operation. The Town Commission finds that the time needed to plan and implement the transition from COVID-19 pandemic protocols to full Code compliance of sidewalk cafes, and to consider potential changes to those Code requirements, is an extraordinary circumstance that requires continued waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Waiver. Pursuant to Code Section 2-27, the Town Commission hereby extends the Waiver of the requirements of the following Town Code provisions, as further shown in **Exhibit "C,"** for commercially zoned properties, which are similarly situated for purposes of the Waiver, through October 15, 2021:

Chapter 17, "Streets, Sidewalks, and Other Public Places,"
Section 17-89, "Sidewalk Café Permit Standards and Requirements,"
Subsections:
(a) 17-89(c)(1) and (4) a, "Location,"

(b) 17-89(e), "Physical Barriers;"
(c) 17-89(j)(2)(b), "Sidewalk Café Furniture And Fixtures."

Section 4. Requirements. Those sidewalk cafes taking advantage of the Waiver must otherwise remain in full compliance with Town Code and other applicable laws. Temporary amended sidewalk café site plans must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents may only be placed in parking areas, and may not be placed on the sidewalk.

Section 5. Use of Ocean Plaza. Half of Ocean Plaza may continue to be used by Aruba Beach Café for expanded sidewalk café operation if otherwise in full compliance with Town Code and other applicable laws. A temporary amended sidewalk café site plan must be submitted for administrative approval by the Town in accordance with the Code and the accompanying Agenda Memo. The only physical barriers that can be used are those provided by the Town. Tents, tables and chairs may not be placed on the sidewalk between Ocean Plaza and the restaurant.

Section 6. Expiration. This Waiver and provision for use of Ocean Plaza shall expire on October 15, 2021 unless further extended by the Town Commission.

Section 7. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Severability. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 9. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this __ day of June, 2021.

_____
Mayor Chris Vincent

Attest:

_____
Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney

EXHIBIT "A"

The Code sections that are shown in strike through font are the ones being waived.

Chapter 17 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

***

Sec. 17-89. - Sidewalk café permit standards and requirements.

***

(c) *Location.*

~~(1) Sidewalk cafés shall only be located in the following areas:~~

~~a. The sidewalk frontage of the licensed business to which the sidewalk café permit is issued;~~

~~b. The sidewalk frontage of the building where the licensed business is located, if the requirements found in subsection (c)(2) below have been satisfied; or~~

~~c. The sidewalk frontage of an adjacent property, if the requirements found in subsection (c)(2) below have been satisfied.~~

***

~~(4) Pedestrian safety areas.~~

~~a. Buffer zone.~~

~~1. Adjacent to parking. Where parking exists between the sidewalk area proposed for use and the portion of the ROW used for vehicular travel, a sidewalk café shall be located in such a manner that a minimum five-foot wide buffer zone is maintained adjacent to the parking, at all times.~~

~~2. No parking. Where no parking exists, a minimum one-foot wide buffer zone between the edge of the sidewalk closest to the ROW used for vehicular travel and the sidewalk café area buffer zone shall be maintained at all times. In areas of congestion, the Town Manager or designee may require additional clearance.~~

***

(e) *Physical barriers.*

~~(1) No objects shall be permitted around the perimeter of a sidewalk café area which would have the effect of forming a physical or visual barrier.~~

***

(j) *Sidewalk café furniture and fixtures.*

(2) *Shade structures.*

b. ~~Tents,~~ canopies and pergolas or other similar structures are prohibited.

***

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RESOLUTION NO. 2021-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE THOSE CODE REQUIREMENTS FOR PERMITTED SIDEWALK CAFES AND FOR BUSINESS TAX RECEIPTS THAT WERE PREVIOUSLY WAIVED BY RESOLUTION 2020-39 FROM JANUARY 15 THROUGH JULY 15, 2021 UNLESS FURTHEREXTENDED BY THE TOWN COMMISSION; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-27, "Waiver of Code Requirements," of the Town of Lauderdale-By-The-Sea (the "Town") Code of Ordinances ("Code") provides that, under extraordinary circumstances, the Town Commission may waive any obligations, requirements, or fees provided for in the Code by resolution; and

WHEREAS, Resolution 2020-39, attached hereto as Exhibit "A", found that COVID-19 was an extraordinary circumstance and granted a waiver of certain Code requirements and fees for permitted sidewalk cafes and for business tax receipts until January 15, 2021; and

WHEREAS, Section 2-27 of the Code allows the Town Commission to extend such waivers upon a finding that the extraordinary circumstance still exist; and

WHEREAS, pursuant to Code Section 2-27, such waivers are intended to provide temporary relief, and shall not be construed to authorize a permanent variance from such fees and requirements; and

WHEREAS, these waivers shall be applied uniformly to all similarly situated persons, properties, or businesses affected by the extraordinary circumstance; and

WHEREAS, the Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that requires waiver of these Code requirements, and will continue to be so for at least six (6) months; and

WHEREAS, the Town Commission finds that it is in the best interests to continue to waive these Code requirements to protect the public safety, health, and welfare of the Town and Town residents, through July 15, 2021.

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

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

Section 2. COVID-19 Pandemic. The Town Commission finds that the COVID-19 pandemic continues to be an extraordinary circumstance that require waiver of certain obligations, requirements, or fees provided for in the Code.

Section 3. Waiver. Pursuant to Town Code Section 2-27, the Town Commission hereby extends the waiver, for up to July15, 2021, of the Code requirements provided by Resolution 2020-39.

Section 4. Expiration. This extended waiver shall expire on July 15, 2021 unless further extended by the Town Commission.

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

Section 6. Severability. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

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invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

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

PASSED AND ADOPTED this 26th day of January, 2021.

DocuSigned by:

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Mayor Chris Vincent

Attest:

DocuSigned by:

Tedra Allen, CMC

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Tedra Allen, CMC Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

Susan L. Trevarthen

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Susan L. Trevarthen, Town Attorney

File:

Town Commission Agenda Item Report

Meeting Date: June 29, 2021
Submitted By: Jhanelle Campbell, Acting Development Services
Submitting Department: Development Services
Item Type: Discussion Item
Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

Subject Title: 2021-ZR-01/Request for Zoning Relief for 4412/4416 W. Tradewinds Avenue (the "Property")

Explanation: In 2015, Meridian Treatment Solutions, Inc. applied to the Town for zoning relief to the Town's Code of Ordinances to permit the Property to be utilized as the residential component (room and board) of an off-site substance abuse treatment facility. Following the requirements of Section 30-138 of the Town's Code, a public hearing was held, and the Commission approved the request. The business was sold to Addictions Behavioral Health Center of America ("ABHCA"), a state-licensed provider of outpatient counseling for adults seeking recovery from alcohol or other substance abuse addictions. Because the Code does not allow a transfer of the approval, ABHCA, has applied for relief **(Exhibit 1)** similar to the original approval, pursuant to Town Code Section 30-138, "Zoning Relief," **(Exhibit 2)** and from Town Code Section 30-11(c)(2) related to the definitions of "Dwelling, duplex or two-family" and "Family" **(Exhibit 3)** to utilize the Property in the same manner.

Section 30-138, "Zoning Relief
The Town's Zoning Relief procedures permit an applicant to request relief from the requirements of the Code when it believes a Code provision, or the application of a Code provision, is contrary to federal or state law**.** Pursuant to Town Code Section 30-138(f), the Town Commission must review the Code and determine if the request meets the established criteria. As did the original applicant, the current applicant is requesting for relief from the Town's definitions of "Two-Family Dwelling" and "Family".

Relief from Town Code Definitions
The Town's application of the term "Two-Family Dwelling," as provided in Section 30-221(a)(1) of the Code and the term "Family," as defined in Code Section 30-11(c)(2) limits occupancy in two-family dwelling units to three unrelated persons. Therefore, the Applicant requests relief from the following definitions:

> "*Dwelling, duplex or two-family.* A building containing two single-family dwelling units, totally separated from each other by one dividing partition common to each unit and contained entirely under one roof and designed for or occupied by two **single-family** housekeeping units, each unit having direct and individual access to the outside. A two-

family dwelling (duplex) is a building on a single lot unless grandfathered as a duplex unit on a split lot duplex property pursuant to section 30-137(d)"

"*Family.* One person or a group of two or more persons living together and interrelated by bonds of consanguinity, domestic partnership, marriage or legal adoption, or **a group of persons not more than three in number who are not so interrelated**, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state Department of Children and Family services (DCF) or to a child-placing agency licensed by DCF, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family."

LEGAL CONTEXT:

Federal Law

The Town Attorney has advised, based on federal law, that there are certain circumstances under which zoning relief must be granted under the Americans with Disabilities Act of 1990 (ADA) and Federal Housing Administration (FHA). Further, the Town's definition of "Family" may, under these federal laws, be determined to unduly limit the occupancy of a structure utilized as a residence (room and board only) for those receiving treatment at a substance abuse treatment facility. The documentation provided by the Applicant addresses and may support the therapeutic necessity of group living to the rehabilitation and re-integration of patients into society under the ADA and FHA caselaw. The Town Attorney further advises that there is a high probability of litigation if this request is denied. Based on other cities with similarly documented requests, there is a significant chance that such a challenge could be lengthy and difficult and could even be successful.

Many cities have concerns with how these federal laws have been interpreted and have raised the issue with their federal representatives and the relevant federal agencies for several years. The Town Attorney advises that these federal agencies and the U.S. Congress have not yet acted to change the applicable legal framework. At this time, no federal court in the United States has finally ruled that cities can completely refuse to provide this kind of zoning relief from an occupancy limitation when the need for relief is properly documented. No federal court has finally ruled that cities can regulate to completely exclude this kind of residence from their residential zoning districts.

STAFF ANALYSIS:

While the integrity of the Town's residential neighborhoods is vital, our recommendation must be based on the specific details of this request and the legal advice we have received.

Based on the legal analysis of the Town Attorney set forth above and the documentation provided by the Applicant, staff recommends the requested occupancy, not exceed two (2) people per bedroom for a total of 6 people in each unit. A survey and site plan of the property are attached as **Exhibit 4**.

ABHCA ZONING RELIEF REQUESTS AND RECOMMENDATIONS					
REQUEST					RECOMMENDATION
RELIEF FROM OCCUPANCY LIMITS IN CODE DEFINITION OF FAMILY					
Unit	**Area**	**Bedrooms/ Bathrooms**	**Permitted Occupancy**	**Proposed Occupancy**	
4412 W. Tradewinds	2095 sq. ft.	3/3	6	6 unrelated persons	Approve
4416 W. Tradewinds	2095 sq. ft.	3/3	6	6 unrelated persons	Approve

The procedure requires that the Town Commission consider the Application, supplemental information, and testimony presented at the hearing, and decide on the Applicant's request. Should the Town Commission decide to approve the request, or a modified request, staff recommends that the following conditions be incorporated in the approval, based on the Application materials submitted by the Applicant and in the interest of assuring compatibility with the neighborhood. These are consistent with the conditions that were applied to the Property's use under the prior owner.

1. The Property shall provide room and board only, exclusively to those ABHCA clients defined as "disabled" pursuant to the Americans with Disabilities Act (ADA).
2. All therapeutic activities and treatment shall take place exclusively at the Applicant's substance abuse treatment facility(ies).
3. A maximum of six (6) residents may reside in Unit 4412 of the Property and a maximum of six (6) residents may reside in Unit 4416 on the Property.
4. No bedroom shall be occupied by more than two (2) individuals.
5. No staff or employee of ABHCA shall reside at the Property**.**
6. The Applicant shall, at all times ensure that residents are on the Property, maintain a minimum of two (2) Behavioral Health Technicians (BHT) on the combined properties 4412 W. Tradewinds Avenue and 4416 W. Tradewinds Avenue, with no less than one (1) BHT in each dwelling unit (4412/4416) at any given time, 24 hours per day, seven (7) days per week.
7. If transportation is necessary, all ABHCA clients residing at the Property shall be transported by ABHCA to and from ABHCA's substance abuse treatment facility(ies).
8. Any client or resident testing positive for alcohol or illegal drugs shall be discharged from ABHC treatment program and transported to either a detoxification facility or other pre-arranged off-site location consistent with the conditions of this Order.
9. The moving-in or moving-out of residents at the Property shall not occur prior to 8:00 a.m. and not after 7:00 p.m. No client shall be removed or discharged from residency at the Property to the streets, and anyone discharged or removed shall instead be transported to alternative living arrangements.
10. Overnight guests shall not be permitted on the Property.

11. Based on the survey attached **(Exhibit 4)**, no more than four (4) vehicles may be parked at each unit in the duplex (total maximum of eight (8) vehicles), in designated, paved parking areas. Vehicles must be unmarked, non-commercial vehicles. Residents shall not park personal vehicles on the Property, unless approved by ABHCA subject to the restrictions on parking in this Approval. The restrictions of this condition do not apply to delivery companies or licensed contractors or service providers in the normal performance of delivery or on-site building or related services for which property permits have been obtained, as necessary.
12. No parking shall be permitted on the grass of the Property.
13. All garbage and trash shall be placed within Town-issued garbage and recycling bins, placed, and screened so as not to be visible from the street except on designated garbage collection days. A designated collection day begins at 6:00 p.m. on the night before and ends at midnight of the designated collection day.
14. No home occupations or business activities shall be permitted on the Property, except as legally approved pursuant to Town Code or as may, otherwise, be mandated by law.
15. This zoning relief is granted only to and is not transferrable to any person or entity. The zoning relief granted will cease if ABHCA no longer uses the Property to provide housing for persons in recovery for a period of 90 days.
16. ABHCA and the Property must comply with all other Town Codes and ordinances, the Florida Building Code, and all applicable life safety codes. Failure to comply with this Order, Town Code, the Florida Building Code, or any applicable life safety codes may lead to the revocation of the zoning relief.
17. As represented by ABHCA and consistent with the licenses provided **(Exhibit 5)** only residents enrolled in day/night treatment with community housing, intensive outpatient therapy or outpatient therapy, are proposed for and will be housed at the Property.

Recommendation: Staff recommends approval of Resolution 2021-xx (Exhibit 6) to permit the requested occupancy by the applicant, not exceed two (2) people per bedroom for a total of 6 people in each unit.

Attachments:
Ex.1 – Application and Request for additional information
Ex.2 – Town Zoning Code Section 30-138, Zoning Relief Procedures
Ex.3 – Definition of Two-Family Dwelling and Family
Ex.4 – Survey and Sit Plan for 4412 W. Tradewinds Avenue
EX.5 – ABHCA licenses
Ex.6 – Resolution 2021-37 with Development Order attached.

EXHIBIT 1

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

ZONING RELIEF APPLICATION

PROPERTY and APPLICANT INFORMATION

Property Address: 4412/4416 W. Tradewinds Av.

Legal Description: Lot 7 Block 16 Folio:

Subdivision: Silver Shores Sec of Lauderdale by the Sea

Zoning District: RD-10 Unit B 31-3B

Property Owner's Name (print): Angelo Scauzillo

Address: 71 Millrun Cres. Woodbridge Ontario

Phone: 416-354-3636 Fax: Email address: Angelo.S@rogers.com

If Applicant is not Property Owner:

Applicant's Name (print): Addictions Behavioral Health / William Rodman

Address: 1730 E. Commercial Blvd Ste A., Fort Lauderdale Fl. 33334

Phone: 954 2882674 Fax: 888-3431719 Email address: Brodman@thesourcefl.com.

Signature of Applicant:

Signature of Owner:

THE ABOVE PERSON IS KNOWN PERSONALLY TO ME OR PRODUCED AS IDENTIFICATION Driver's License

SWORN TO AND SUBSCRIBED before me

THIS 22 DAY OF March 20 21

NOTARY PUBLIC

LOUIS E. RAFFAGHELLO LL.M

Information Supporting Request for Zoning Relief:

If the applicant is a representative of a qualifying entity under the applicable federal statutes, please describe the nature and operations of the entity:

Property will be used as a room/board only component. Only for Addictions Behavioral clients who are defined as disabled under ADA. Each Unit will house no more than 6 residents and no more than 2 per bedroom.

If applicable, generally describe any qualifying disability or handicap:

SEE ATTACHED

Describe the accommodation and the specific ordinances, rules, policies, and procedures of the Town of Lauderdale-By-The-Sea from which accommodation is sought:

SEE ATTACHED

Describe the reasons the zoning relief or reasonable accommodation may be necessary for the applicant to use and enjoy the subject property:

SEE ATTACHED

Without describing the specific type of disability or impairment that you have, please state how the identified disability or handicap relates to the accommodation or modification that you request:

SEE ATTACHED

Please provide any additional information relevant to a determination on the requested zoning relief or reasonable accommodation:

SEE ATTACHED

Please list any alternative accommodations or modifications (if any) that could suit the applicant's needs, if the Town is unable to grant your requested accommodation/modification.

SEE ATTACHED

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Non-refundable Application Fee: _____

For more information, please contact: **Acting Development Services Director**
Phone: 954-640-4219

u:\applications - forms\zoning\zoning relief (revised 1_26_15).docx

Sec. 30-138. - Zoning relief procedures.

(a) *Purpose and applicability.* The following zoning relief procedures are established in order to address possible alleged violations of federal and state laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) *Notice.* Notice shall be provided in accordance with section 30-139, Notice of Public Hearings.

(d) *Application and hearing.*

(1) The Town Commission shall have the authority to consider and act on requests for zoning relief submitted to the Department.

(2) Within 45 days of receipt by the Town of a complete request for relief, unless the applicant agrees in writing to an extension of the hearing date, a public hearing shall be held by the Town Commission in accordance with the procedures set forth for public hearings in section 30-140 Quasi-judicial proceedings.

(3) A final written determination shall be issued by resolution no later than 30 days after the conclusion of the public hearing.

(4) The final written determination may:

a. Grant the relief requested; or

b. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request; or

c. Deny the request.

(5) Any determination shall be final, in writing, and shall state the reasons for the decision.

(6) The final written determination shall be sent to the requesting party by certified mail, return receipt requested.

(e) *Additional information.* If necessary, prior to the public hearing, the Town may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the Town, the hearing shall be conducted within 30 days after the requesting party's provision of the additional information required. The requesting party shall have 15 days after the date the information is requested to provide the additional information. If the requesting party fails to timely respond with the requested additional information, the Town shall notify the requesting party and proceed with scheduling a public hearing; however, the applicant and the Town may extend the time period for conducting the hearing by mutual agreement. The Town Commission will issue its final written determination regarding the relief requested as required in subsection (d), based on the information in the Town's possession at the time of the public hearing.

(f) *Criteria.* In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

(1) The applicant is a potential claimant under a federal or state law, including applicable legal precedent; and

(2) The applicant believes in good faith that the Town through implementation of its Code has violated federal or state law for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard set forth in the applicable federal or state statute(s), or legal precedent interpreting the applicable statute(s) or Constitution.

(g) *Exhaustion required.* Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the Town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the Town.

(h) *Effect while pending.* While an application for zoning relief or appeal of a determination of same is pending before the Town, the Town will not enforce the Town's Code, rules, policies, and procedures which are the subject of the request against the property owner, except the Town may seek relief through the code enforcement procedures of chapter 6.5 "Code Enforcement" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) *Additional provisions for zoning relief.* The following provisions shall be applicable:

(1) The Town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the Department.

(2) A person or entity may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the requesting party.

(3) The Town shall provide such assistance and accommodation as is required pursuant to federal and state law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(Ord. No. 2014-08, § 3, 7-7-2014)

DIVISION 9. - ZONING RELIEF PROCEDURES

Sec. 30-138. - Zoning relief procedures.

(a) *Purpose and applicability.* The following zoning relief procedures are established in order to address possible alleged violations of Federal and State laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) *Notice.* Notice shall be provided in accordance with section 30-139, notice of public hearings.

(d) *Application and hearing.*

(1) The Town Commission shall have the authority to consider and act on requests for zoning relief submitted to the Department.

(2) Within 45 days of receipt by the Town of a complete request for relief, unless the applicant agrees in writing to an extension of the hearing date, a public hearing shall be held by the Town Commission in accordance with the procedures set forth for public hearings in section 30-140, quasi-judicial proceedings.

(3) A final written determination shall be issued by resolution no later than 30 days after the conclusion of the public hearing.

(4) The final written determination may:

a. Grant the relief requested; or

b. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request; or

c. Deny the request.

(5) Any determination shall be final, in writing, and shall state the reasons for the decision.

(6) The final written determination shall be sent to the requesting party by certified mail, return receipt requested.

(e) *Additional information.* If necessary, prior to the public hearing, the Town may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the Town, the hearing shall be conducted within 30 days after the requesting party's provision of the additional information required. The requesting party shall have 15 days after the date the information is requested to provide the additional information. If the requesting party fails to timely respond with the requested additional information, the Town shall notify the requesting party and proceed with scheduling a public hearing; however, the applicant and the Town may extend the time period for conducting the hearing by mutual agreement. The Town Commission will issue its final written determination regarding the relief requested as required in subsection (d), based on the information in the Town's possession at the time of the public hearing.

(f) *Criteria.* In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

(1) The applicant is a potential claimant under a Federal or State law, including applicable legal precedent; and

(2) The applicant believes in good faith that the Town through implementation of its Code has violated Federal or State law for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard set forth in the applicable Federal or State statute(s), or legal precedent interpreting the applicable statute(s) or Constitution.

(g) *Exhaustion required.* Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the Town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the Town.

(h) *Effect while pending.* While an application for zoning relief or appeal of a determination of same is pending before the Town, the Town will not enforce the Town's Code, rules, policies, and procedures which are the subject of the request against the property owner, except the Town may seek relief through the code enforcement procedures of chapter 6.5 "Code Enforcement" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) *Additional provisions for zoning relief.* The following provisions shall be applicable:

(1) The Town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the Department.

(2) A person or entity may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the requesting party.

(3) The Town shall provide such assistance and accommodation as is required pursuant to Federal and State law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(Ord. No. 2014-08, § 3, 7-7-2014)

Request for Zoning Relief for the town of Lauderdale-By-The-Sea, Florida

Applicant: Addictions Behavioral Health Center of America (ABHCA)

Property Address: 4412/4416 W. Tradewinds Avenue

Legal Description: Lot 7 Block 16, Silver Shores Sec of Lauderdale By The Sea Unit B 31-3 B

Zoning District: RD-10 Zoning District

Addictions Behavioral Health Center of America is applying for Zoning Relief under Section 30-138 of Lauderdale-By-The-Sea Town Code. Specifically, ABHCA is seeking relief from Sections 30-221(a)(1), 30-11(c)(2) and 30-138(c) related to the definitions of Two-Family Dwelling for utilization of the property at 4412/4416 W. Tradewinds Avenue.

The Town's application of the term "Two Family Dwelling" as provided in Section 30-11(a)(1) of the Town Code and the term "Family" as defined in Section 30-11(c)(2) of the Town Code is to allow a maximum of seven residents to reside in 4412 W. Tradewinds and a maximum of six residents to reside in 4416 W. Tradewinds, which the dwelling units will be utilized as the residential component (only room and board) of a substance abuse treatment facility.

- The property shall provide room and board only and exclusively to those clients of Addictions Behavioral Health Center of America defined as "disabled" pursuant to the Americans with Disabilities Act (ADA) as provided in the "Information Supporting Request for Zoning Relief".
- As represented by ABHCA and consistent with the licenses provided, only residents enrolled in day/night treatment with community housing, intensive outpatient therapy or outpatient therapy, as proposed for and will be housed at the Property.
- All therapeutic activities and treatment shall take place exclusively at the Applicants substance abuse treatment facility located at 1730 E. Commercial Blvd STE A, Fort Lauderdale FL, 33334. No therapeutic activities or on-site treatment services shall be provided at the Property. In accordance with federal law, the residents may meet at the Property for daily self-help of 12-step meetings.
- A maximum of 6 residents will reside in Unit 4412 of the Property and a maximum of 6 residents will reside in Unit 4416 of the Property.
- No bedroom shall be occupied with more than two individuals.

- All bedrooms comply with emergency access requirements of Section R310.1 of the Florida Building Code.
- No staff or employees shall reside at the property.
- The Applicant shall, at all times that residents are on the Property, maintain a minimum of two Behavioral Health Technicians (BHT) on the combined properties with no less that 1 on the 4412/4416 Property at any given time, 24 hours per day, seven days per week.
- If vehicular transportation is necessary, all ABHCA clients residing at the Property shall be transported by ABHCA to and from ABHCA's substance abuse facility.
- Any client or resident testing positive for alcohol or illegal drugs shall be discharged from ABHCA's treatment program and transported to either a detoxification facility or other pre-arranged off-site location consistent with the conditions of this request.
- The moving-in or moving-out of residents at the Property shall not occur prior to 8:00 AM and not after 7:00 PM. No client shall be removed or discharged from residency at the Property to the streets, and anyone discharged or removed shall instead be transported to alternate living arrangements.
- Overnight guests are not permitted on the property.
- Based on the design of the property, no more than 4 vehicles may be parked at each unit in the duplex (total maximum of 8 vehicles), in designated, paved parking areas. Vehicles must be unmarked, non-commercial vehicles. Residents shall not park personal vehicles on the Property, unless approved by ABHCA. The property may not be used for parking by clinical staff or the staff of visitors of ABHCA. The restrictions of this condition do not apply to delivery companies or licensed contractors or service providers in the normal performance of delivery or on site building related services for which property permits have been obtained, as necessary.
- No parking shall be permitted on the grass of the Property.
- All garbage and trash shall be places within Town-issued garbage and recycling bins, placed and screened so as not to be visible from the street.
- No home occupations or business activities shall be permitted on the Property except as legally proved pursuant of Town Code.
- This zoning relief request is only to be granted to ABHCA and is not transferrable to any person or entity. The zoning relief would cease in the event that ABHCA sells or leases the Property or no longer uses the Property to provide housing for persons in recovery for a period of 90 days.
- ABHCA and the property must comply with all other Town Codes and ordinances, the Florida Building Code, and all applicable life safety codes.

Jhanelle Campbell

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Monday, May 3, 2021 12:44 PM
To: Jhanelle Campbell
Cc: Town Manager; Sydney Ramirez; Bethany Banyas
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

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

Good afternoon Jhanelle,

Yes confirmed that we are not trying to waive notice to the community. If there is anything else that I can help with let me know. Also please just let me know how many days for the notice TY

THE SOURCE

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com
1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Tuesday, April 27, 2021 8:19 PM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good evening Mr. Rodman,

Kindly advise on the below. We will need this information to complete the review of your application.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Friday, April 23, 2021 1:27 PM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good afternoon Mr. Rodman,

This date has been confirmed. Kindly provide further clarification on the below.

Further clarification as to the request for relief from the public hearing notice requirements under Section 30-138(c) of the Town Code.

Section 30-138(c) stipulates that notice shall be required in accordance with the requirements of Section 30-139. Pursuant to Section 30-139, this type of application requires notice of the public hearing 10 days prior to the Town Commission meeting pursuant to the following: (1) Town Website, (2) Posting of property, and (3) Mailed notice to properties within a 300 foot radius.

Please advise if you are requesting relief from all forms of public hearing notice? The Town Commission denied this portion of the request for zoning relief filed by Meridian back in 2015. In previous email correspondence you indicated that the intent was to utilize the property within the same parameters and under the same conditions of the Zoning Relief previously granted by the Town Commission for this property as provided in Development Order (DEV. 15-04).

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Thursday, April 22, 2021 4:38 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

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

Hello,

June 29th is perfect! Thank you so much. Let me know if you need anything in the interim

Regards

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com
1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Thursday, April 22, 2021 2:38 PM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good afternoon Mr. Rodman,

Would you prefer June 8th or June 29th?

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Wednesday, April 21, 2021 4:24 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

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

Good afternoon Jhanelle,

Please see my responses below for the current application process. Also if there is any way that we could push the hearing date out until June that would be much appreciated. I unfortunately will be out of town mid to late May and would like to be able to prepare for anything that may be needed or required.

Thank you so much for your assistance

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com

1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Wednesday, April 21, 2021 11:13 AM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good morning Mr. Rodman,

Kindly advise on the below points of clarification. It is important that we receive this information to complete the review of your application.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Monday, April 19, 2021 5:10 PM
To: 'Bill Rodman' <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good afternoon Mr. Rodman,

I hope this email finds you well. The BTR approval is contingent on the approval of the Zoning Relief Application you submitted for consideration. Currently, this application is scheduled to be presented to the Town Commission for approval on May 11, 2021. The Town Code requires that applications of this nature be presented to the Town Commission within 45 days of receipt unless you agree to an extension of the hearing date. Please advise if May 11th is a date amenable to you or if you would like to extend to a later Commission meeting? In review of your application, we have determined that additional clarification is needed on the below. Please advise on the following as soon as possible;

1. **Are you requesting relief of Town Code section 30-138 (c) below? This request was included in the previous application. YES**

   Sec. 30-138. Zoning relief procedures.
   (a) Purpose and applicability. The following zoning relief procedures are established in order to address possible alleged violations of Federal and State laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.
   (b) Application. A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.
   (c) Notice. Notice shall be provided in accordance with section 30-139, notice of public hearings.

2. **The previous request for zoning relief included a desire to provide housing for 7 residents at the 4416 dwelling unit. Kindly advise if you are requesting to house 7 people at the 4416 dwelling unit or if you are requesting to house a maximum of 6 people as was approved previously. ONLY 6 RESIDENTS**

(a) 4412 W. Tradewinds Avenue

This dwelling unit is part of a duplex connected with 4416 W. Tradewinds Avenue, and contains three (3) bedrooms. Meridian desires to provide housing to its residents of up to two (2) clients per bedroom, for a total of six (6) residents.

(b) 4416 W. Tradewinds Avenue

Similar to the 4412 property, this dwelling unit also contains three (3) bedrooms. However Meridian desires to provide housing for up to seven (7) of its residents, as one of the bedrooms is exceptionally large and is used to provide sleeping accommodations for no more than three (3) residents.

3. **Confirm that the request to house a maximum of 6 residents at the 4412 dwelling unit is still accurate. YES THIS IS CORRECT**
4. **Confirm that you are requesting the same relief below as was previously outlined in the previous application. YES THIS IS CORRECT**

6. **Specific Regulations and/or Procedure(s) from which the Accommodation is Sought.**

Chapter 30 of the Town's Code of Ordinances comprises its "Unified Land Development Regulations" or "Zoning Code" (hereinafter "ULDR"). See ULDR Section 30-1. Meridian is seeking a reasonable accommodation from two (2) provisions of the Town's ULDR as follows: (i) a reasonable accommodation from the Town's application of the term "Two Family Dwelling" set forth in ULDR Section 30-221(a)(1) and the term "Family" as defined within ULDR Section 30-11(c)(2); and (ii) a reasonable accommodation from the Town's reasonable accommodation public notice and hearing requirements set forth in ULDR Section 30-138(c).

(a) Application from ULDR Section 30-221(a)(1) - "Two Family Dwelling" and ULDR Section 30-11(c)(1) – Definition of "Family".

Meridian is seeking a reasonable accommodation from the Town's application of the term "Two Family Dwelling" as that concept is used in ULDR Section 30.221(a)(1), which code section provides:

> *No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling or two-family dwelling (duplex).*

The term "Two-Family Dwelling (Duplex)" has the same meaning as the term "Dwelling, duplex or two-family" as defined within ULDR Section 30-11(c)(2), which provides:

> *A building containing two single-family dwelling units, totally separated from each other by one dividing partition common to each unit, and contained entirely under one roof and designed for or occupied by two single-family housekeeping units, each unit having direct and individual access to the outside. A two-family dwelling (duplex) is a building on a single lot.*

The term "single-family housekeeping unit" is not a defined term in the ULDR. However, the term "Dwelling, single family" is so defined and means:

> *A building comprised of a completely detached residential dwelling unit, designed for and occupied by one family only.*

5. **Confirm that you are requesting the same relief below as was previously outlined in the previous application. YES THIS IS CORRECT**

6. **Specific Regulations and/or Procedure(s) from which the Accommodation is Sought.**

Chapter 30 of the Town's Code of Ordinances comprises its "Unified Land Development Regulations" or "Zoning Code" (hereinafter "ULDR"). See ULDR Section 30-1. Meridian is seeking a reasonable accommodation from two (2) provisions of the Town's ULDR as follows: (i) a reasonable accommodation from the Town's application of the term "Two Family Dwelling" set forth in ULDR Section 30-221(a)(1) and the term "Family" as defined within ULDR Section 30-11(c)(2); and (ii) a reasonable accommodation from the Town's reasonable accommodation public notice and hearing requirements set forth in ULDR Section 30-138(c).

ULDR Section 30-11(c)(2) then defines "Family" to mean, in relevant part:

> *One person or a group of two or more persons living together and interrelated by bonds of consanguinity, domestic partnership, marriage or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a*

5

> *single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.*

Kindly provide responses at your earliest convenience. Please don't hesitate to contact me if you have any questions. I have attached a copy of the previously approved zoning relief order and application for ease of reference.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Thursday, April 15, 2021 8:16 AM

To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

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

Good morning,

I wanted to follow up on the BTR approval. Also if there was any additional information needed.

Once again thank you again,

THE SOURCE

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com
1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Tuesday, March 2, 2021 10:16 AM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>

Subject: FW: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds
Importance: High

Good morning Mr. Rodman,

I hope this email finds you well. Please advise as to when the Town will receive the previously sent zoning relief application that is attached? This zoning relief issue is still pending as a result your Business Tax Receipt cannot be issued. Kindly contact me as soon as possible to discuss.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Wednesday, January 27, 2021 4:12 PM
To: brodman@thesourcefl.com
Cc: Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Town Manager <townmanager@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good afternoon Mr. Rodman,

I hope this email finds you well and that you are staying safe. After review of the attached Zoning Relief Order, it has been determined that a new zoning relief application will be required. Please see the pertinent code section below and attached code for your perusal. Kindly complete the application and return it to our offices along with the required application fee of $500. Once we receive a complete application, a hearing before the Town Commission will be scheduled pursuant to the Town Code attached. Please return the completed application within 14 days so that we can proceed as soon as possible. We are unable to issue the Business Tax Receipt until the Zoning Relief issue has been resolved.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Wednesday, January 27, 2021 8:12 AM
To: Linda Connors <lindac@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

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

Good Morning Linda,

First off I believe congratulations are in order. I was informed when I called in a week or so ago that you have been promoted to The Town Manager. Congrats! I just wanted to follow up on our conversation about 4412-4416 W Tradewinds Av and see where we are with the next step in the process in order to obtain the BTR.

Please reach out to me at your convenience so that I can provide any documentation that you might need. Best number is my cell

Thank you so much

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com
1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Linda Connors <lindac@lauderdalebythesea-fl.gov>
Sent: Thursday, December 24, 2020 9:19 PM
To: Bill Rodman <brodman@thesourcefl.com>
Subject: Automatic reply: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

I will be out of town and will return to the office on Wednesday, December 30th.

Until my return, please contact the Development Services Department by phone at (954) 640-4210 or by email at zoning@lbts-fl.gov

Thank you.

Linda Connors

Total Control Panel Login

To: lindac@lauderdalebythesea-fl.gov Message Score: 50 High (60): Pass

From: brodman@thesourcefl.com

My Spam Blocking Level: Medium

Block this sender
Block thesourcefl.com

Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: brodman@thesourcefl.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block thesourcefl.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: brodman@thesourcefl.com

Remove this sender from my allow list

You received this message because the sender is on your allow list.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: brodman@thesourcefl.com

Remove this sender from my allow list

You received this message because the sender is on your allow list.

Sec. 30-138. Zoning relief procedures.

(a) *Purpose and applicability.* The following zoning relief procedures are established in order to address possible alleged violations of Federal and State laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) *Notice.* Notice shall be provided in accordance with section 30-139, notice of public hearings.

(d) *Application and hearing.*

(1) The Town Commission shall have the authority to consider and act on requests for zoning relief submitted to the Department.

(2) Within 45 days of receipt by the Town of a complete request for relief, unless the applicant agrees in writing to an extension of the hearing date, a public hearing shall be held by the Town Commission in accordance with the procedures set forth for public hearings in section 30-140, quasi-judicial proceedings.

(3) A final written determination shall be issued by resolution no later than 30 days after the conclusion of the public hearing.

(4) The final written determination may:

a. Grant the relief requested; or

b. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request; or

c. Deny the request.

(5) Any determination shall be final, in writing, and shall state the reasons for the decision.

(6) The final written determination shall be sent to the requesting party by certified mail, return receipt requested.

(e) *Additional information.* If necessary, prior to the public hearing, the Town may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the Town, the hearing shall be conducted within 30 days after the requesting party's provision of the additional information required. The requesting party shall have 15 days after the date the information is requested to provide the additional information. If the requesting party fails to timely respond with the requested additional information, the Town shall notify the requesting party and proceed with scheduling a public hearing; however, the applicant and the Town may extend the time period for conducting the hearing by mutual agreement. The Town Commission will issue its final written determination regarding the relief requested as required in subsection (d), based on the information in the Town's possession at the time of the public hearing.

(f) *Criteria.* In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

(1) The applicant is a potential claimant under a Federal or State law, including applicable legal precedent; and

(2) The applicant believes in good faith that the Town through implementation of its Code has violated Federal or State law for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard set forth in the applicable Federal or State statute(s), or legal precedent interpreting the applicable statute(s) or Constitution.

(g) *Exhaustion required.* Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the Town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the Town.

(h) *Effect while pending.* While an application for zoning relief or appeal of a determination of same is pending before the Town, the Town will not enforce the Town's Code, rules, policies, and procedures which are the subject of the request against the property owner, except the Town may seek relief through the code enforcement procedures of chapter 6.5 "Code Enforcement" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) *Additional provisions for zoning relief.* The following provisions shall be applicable:

(1) The Town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the Department.

(2) A person or entity may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the requesting party.

(3) The Town shall provide such assistance and accommodation as is required pursuant to Federal and State law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(Ord. No. 2014-08, § 3, 7-7-2014)

Sec. 30-11. Definitions.

***

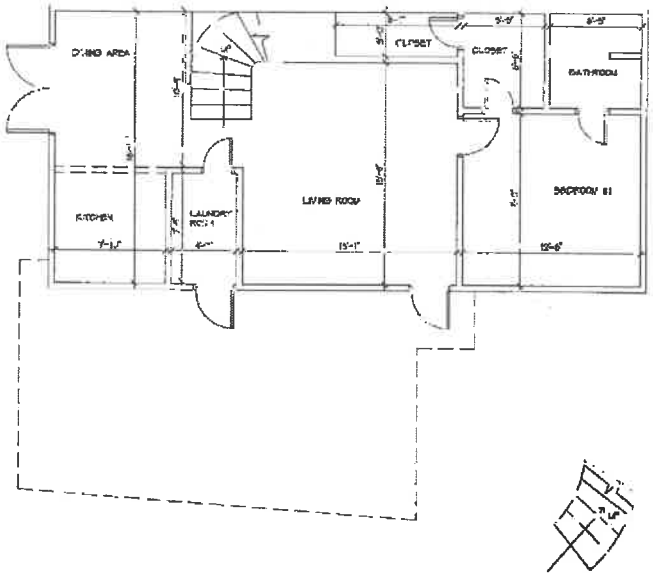
Dwelling, duplex or two-family. A building containing two single-family dwelling units, totally separated from each other by one dividing partition common to each unit, and contained entirely under one roof and designed for or occupied by two single-family housekeeping units, each unit having direct and individual access to the outside. A two-family dwelling (duplex) is a building on a single lot unless grandfathered as a duplex unit on a split lot duplex property pursuant to section 30-137(d).

***

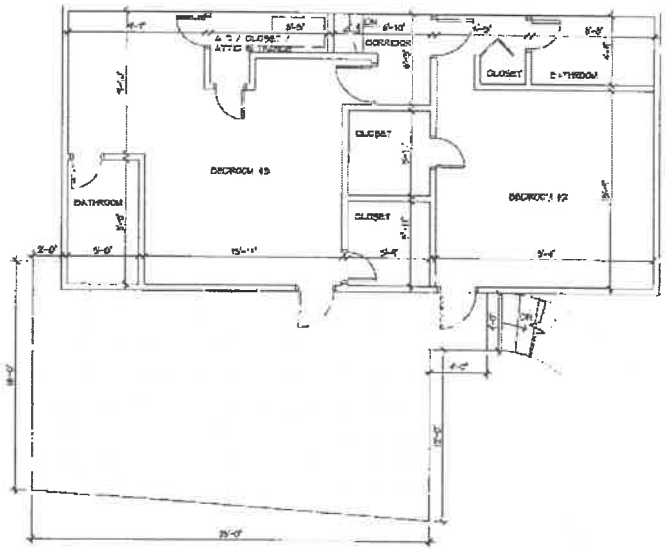
Family. One person or a group of two or more persons living together and interrelated by bonds of consanguinity, domestic partnership, marriage or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Children and Families (DCF) or to a child-placing agency licensed by DCF, or who is otherwise considered to be a foster child under the laws of the State, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

***

(Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-14, § 2, 10-28-2014; Ord. No. 2015-09, § 3, 9-8-2015; Ord. No. 2015-17, § 3, 5-24-2016; Ord. No. 2016-01, § 2, 2-9-2016; Ord. No. 2016-03, § 2, 7-26-2016; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-03, § 2, 3-28-2017; Ord. No. 2017-05, § 2, 4-25-2017; Ord. No. 2017-09, § 2, 9-13-2017; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017; Ord. No. 2020-08 , § 4, 10-13-2020)



1ST FLOOR | 1/4" = 1'-0"



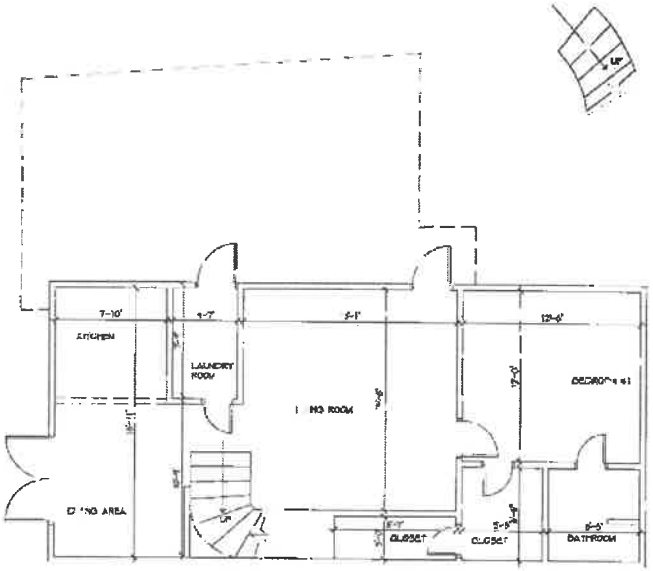
2ND FLOOR | 1/4" = 1'-0"

4412 W TRADEWINDS AVE
LAUDERDALE-BY-THE-SEA, FL 33308

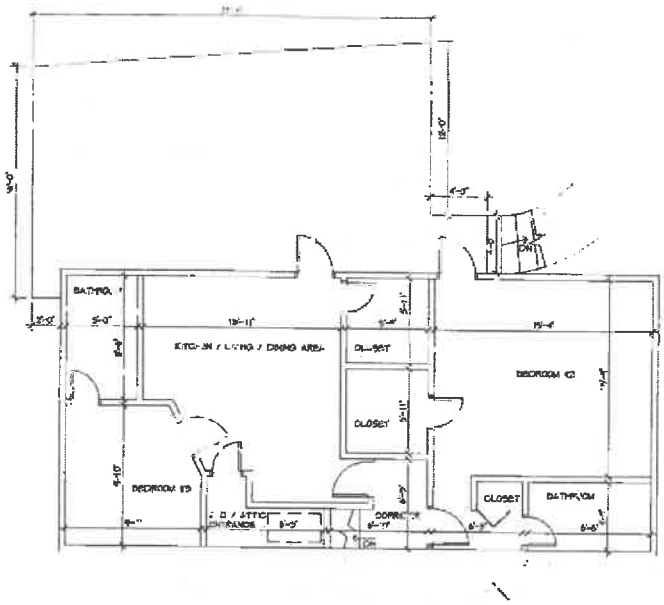
SQUARE FOOTAGE:

1ST FLOOR	827 SQ FT
2ND FLOOR	1,268 SQ FT
TOTAL	2,095 SQ FT

EXHIBIT 4



1ST FLOOR | 1/4" = 1'-0"



2ND FLOOR | 1/4" = 1'-0"

4416 W TRADEWINDS AVE
LAUDERDALE-BY-THE-SEA, FL 33308

SQUARE FOOTAGE:

1ST FLOOR	827 SQ FT
2ND FLOOR	1,268 SQ FT
TOTAL	2,095 SQ FT

Exhibit C2

Exhibit C2

5552 N.W. 7th STREET SUITE 202
MIAMI, FLORIDA 33126
TELEPHONE: (305) 264-2600
FAX: (305) 264-0229

DRAWN BY: AL

Nova Surveyors Inc.

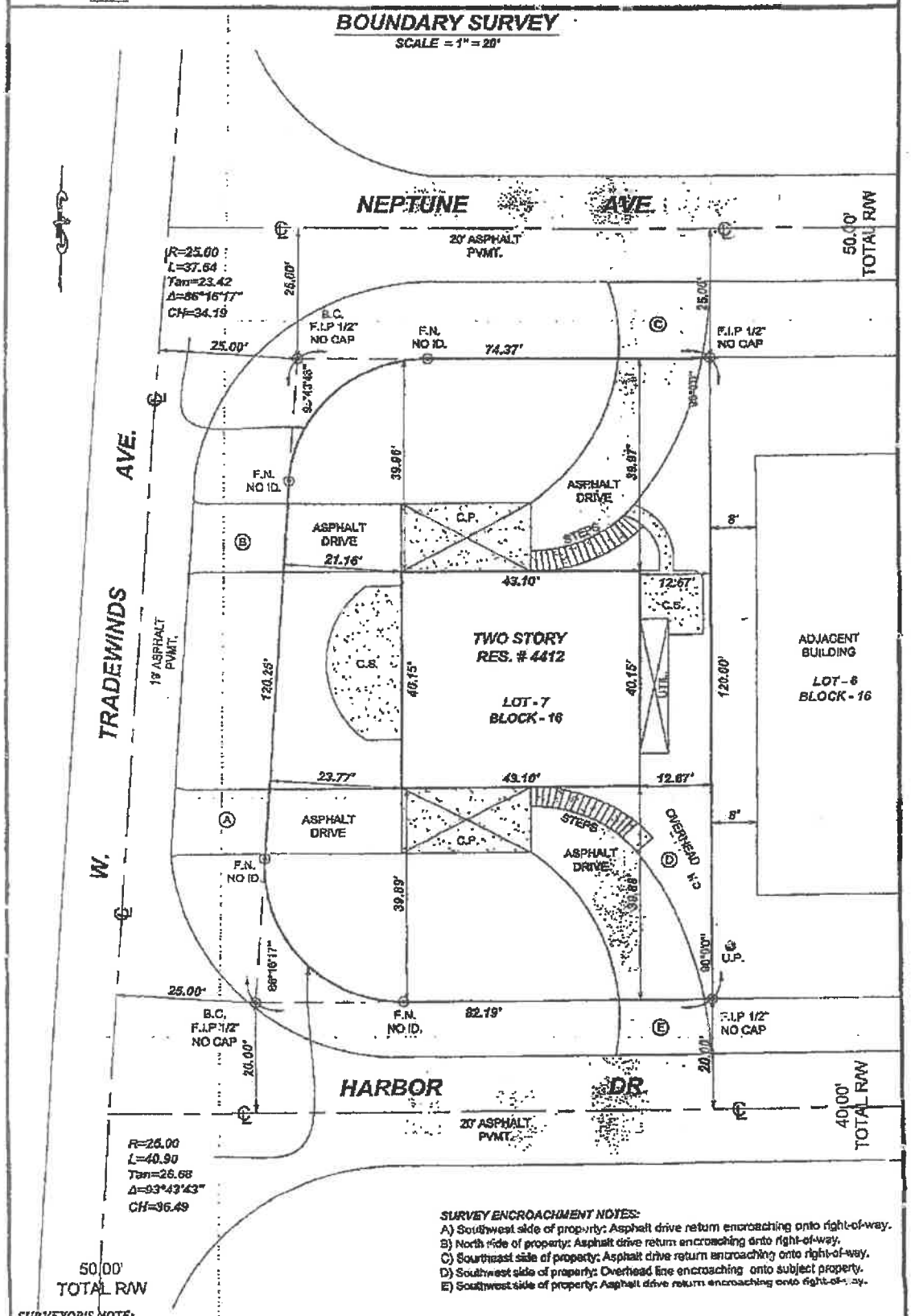
LAND SURVEYORS

SURVEY No. 11-0000349-1

SHEET No. 2 OF 2

BOUNDARY SURVEY

SCALE = 1" = 20'



SURVEY ENCROACHMENT NOTES:

A) Southwest side of property: Asphalt drive return encroaching onto right-of-way.
B) North side of property: Asphalt drive return encroaching onto right-of-way.
C) Southeast side of property: Asphalt drive return encroaching onto right-of-way.
D) Southwest side of property: Overhead line encroaching onto subject property.
E) Southwest side of property: Asphalt drive return encroaching onto right-of-way.

SURVEYOR'S NOTE:

- There may be Easements recorded in the Public Records not shown on this Survey.
- The purpose of this Survey is for use in obtaining Title Insurance and Financing and should not be used for Construction purposes.

EXHIBIT 5

License Number
LIC-1047338

State of Florida

Department of Children and Families

CERTIFIES

Addictions Behavioral Health Center of America, Inc.

is licensed in accordance with Chapter 397, Florida Statutes to provide substance abuse services for

Day or Night Treatment

located at:

Site: Addictions Behavioral Health Center of America

1730 East Commercial Blvd. Ste
Suite A
Fort Lauderdale, FL 33308

Signature Date: 2/11/2020

Effective Date: 11/14/2020

Expiration Date: 11/13/2021

Accredited By: JC

License Type: Regular

Shayla Brown

Accredited By The Joint Commission (TJC)

"This license was issued based, in part, on the survey report of a Department recognized accrediting organization"

License Number
LIC-1046800

State of Florida

Department of Children and Families

CERTIFIES

Addictions Behavioral Health Center of America, Inc.

is licensed in accordance with Chapter 397, Florida Statutes to provide substance abuse services for

Intensive Outpatient Treatment

located at:

Site: Addictions Behavioral Health Center of America

1730 East Commercial Blvd. Ste
Suite A
Fort Lauderdale, FL 33308

Signature Date: 2/11/2020

Effective Date: 11/14/2020

Expiration Date: 11/13/2021

Accredited By: JC

License Type: Regular

Shayla Brown

Accredited By The Joint Commission (TJC)

"This license was issued based, in part, on the survey report of a Department recognized accrediting organization"

License Number
LIC-1047337

State of Florida

Department of Children and Families

CERTIFIES

Addictions Behavioral Health Center of America, Inc.

is licensed in accordance with Chapter 397, Florida Statutes to provide substance abuse services for

Outpatient Treatment

located at:

Site: Addictions Behavioral Health Center of America

1730 East Commercial Blvd. Ste
Suite A
Fort Lauderdale, FL 33308

Signature Date: 2/11/2020

Effective Date: 11/14/2020

Expiration Date: 11/13/2021

Accredited By: JC

License Type: Regular

Shayla Brown

Accredited By The Joint Commission (TJC)

"This license was issued based, in part, on the survey report of a Department recognized accrediting organization"

License Number
LIC-1047674

State of Florida

Department of Children and Families

CERTIFIES

Addictions Behavioral Health Center of America, Inc.

is licensed in accordance with Chapter 397, Florida Statutes to provide substance abuse services for

Day or Night Treatment with Community Housing

located at:

Site: Addictions Behavioral Health Center of America

1730 East Commercial Blvd. Ste
Suite A
Fort Lauderdale, FL 33308

Signature Date: 6/4/2021

Effective Date: 6/4/2021

Expiration Date: 9/2/2021

Accredited By: JC

License Type: Probationary

Shayla Brown

This license was issued based, in part, on the survey report of a Department recognized accrediting organization.

Accredited By The Joint Commission (TJC)

The issuance of a license, certification, or recognition pursuant to Chapter 65D-30, F.A.C., neither guarantees, expresses, nor implies an outcome. A license, certification, or recognition represents attainment of the minimum standards to conduct business as a substance use disorder treatment or prevention provider in the state of Florida.

RESOLUTION NO. 2021-37

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE SEA, FLORIDA, APPROVING ORDER 2021-ZR-01 ON REQUEST FOR ZONING RELIEF FOR PROPERTY LOCATED AT 4412-4416 WEST TRADEWINDS AVENUE; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Addictions Behavioral Health Center of America ("ABHCA") has applied for Zoning Relief under Section 30-138 of the Lauderdale-By-The-Sea Town Code of Ordinances (the "Town Code") requesting relief from Sections 30-221(a)(1) and 30-11(c)(2) of the Town Code related to the definitions of "Dwelling, duplex or two-family" and "Family" for utilization of the property located at 4412/4416 W. Tradewinds Avenue (the "Property") for the residential component (room and board) of the substance abuse treatment facility located at 1730 E. Commercial Blvd., Suite A, Fort Lauderdale, FL, 33334; and

WHEREAS, pursuant to the requirements of Section 30-138 of the Town Code, a public hearing was held on June 29, 2021 and all parties and the public were afforded the opportunity to be heard; and

WHEREAS, the Town Commission, having evaluated the testimony and reviewed the record, has determined that approval of the request, subject to the conditions of the attached Order, is a reasonable request for accommodation under the Federal Fair Housing Act (the "FHA") and the American with Disabilities Act (the "ADA").

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

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

SECTION 2. Approval. Order 2021-ZR-01 On Request for Zoning Relief, attached hereto and incorporated herein as **Exhibit "A"**, is approved.

SECTION 3. Conflicts. All other Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. Effective Date. This Resolution is effective immediately upon passage and adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 29th day of June, 2021.

_____
MAYOR CHRIS VINCENT

ATTEST:

_____
Tedra Smith, Town Clerk, CMC

APPROVED AS TO FORM:

_____
Susan L. Trevarthen, Town Attorney

EXHIBIT A

REQUEST FOR ZONING RELIEF
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
DEVELOPMENT ORDER (2021-ZR-01)

PROJECT NAME: Addictions Behavioral Health Center of America ("ABHCA")

ADDRESS OF PROPERTY: 4412-4416 W Tradewinds Avenue (the "Property")

FOLIO #: 494318070880

PROPERTY OWNER: MICHAEL AND ANGELO SCAUZILLO

APPLICANT: ABH CA

APPLICANT AGENT; William Rodman

APPLICANT ADDRESS: 1730 E. Commercial Blvd, Suite A, Fort Lauderdale FL 33334

ZONING DISTRICT: RD-10 ZONING DISTRICT

REQUEST: The Town previously approved a zoning relief application to permit the Property to be utilized as the residential component (room and board) of an off-site substance abuse treatment facility. Due to a transfer of ownership, the Applicant is requesting a similar relief, pursuant to Town Code Section 30-138, "Zoning Relief," from Town Code Sections 30-11(c)(2) and 30-221(a)(1) related to the definitions of "Dwelling, duplex or two-family" and "Family" to utilize the Property in the same manner.

SECTION 1. FINDINGS. THIS MATTER came before the Town Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida (the "Town Commission"), on June 29, 2021. The Town Commission, finds as follows:

1) On April 1, 2021 Addictions Behavioral Health Center of America ("ABHCA") applied for Zoning Relief under Section 30-138 of the Lauderdale-By-The-Sea Town Code of

Ordinances (the "Town Code"). Specifically, ABHCA sought relief from Sections 30-11(c)(2) and 30-221(a)(1) related to the definitions of "Dwelling, duplex or two-family" and "Family" for utilization of the Property located at 4412-4416 W Tradewinds Avenue for the residential component (room and board) of the substance abuse treatment facility located at 1730 E Commercial Blvd, Fort Lauderdale FL 33334. A copy of the request is attached hereto as **Exhibit A**.

2) On April 19, 2021, in accordance with Section 30-138 of the Town's Code, the Acting Director of Development Services responded to the application with a request for additional information. This request for additional information is attached as **Exhibit B**.
3) On April 21, 2021, in accordance with Section 30-138 of the Town's Code, ABHCA responded with additional information addressing the Town's April 19, 2021 request ("Additional Information"). This Additional information is attached as **Exhibit C**.
4) A public hearing, as required by Section 30-138 was originally scheduled for May 11, 2021, but was deferred until June 29, 2021, pursuant to the Applicant's request.
5) On June 29, 2021, the Town Commission heard ABHCA's request by and through its' authorized agent William Rodman, for zoning relief from:
    a. The Town's application of the term "Two Family Dwelling/Duplex" as provided in Section 30-221 (a)(1) of the Town Code and the term "Family" as defined in 30-11 (c)(2) of the Town Code to allow a maximum of six (6) residents to reside in 4412 W. Tradewinds and a maximum of six (6) residents to reside in 4416 W. Tradewinds, which dwelling units are to be utilized as the residential component (only room and board) of a substance abuse treatment facility located at 1730 E Commercial Blvd, Suite A, Fort Lauderdale FL 33334.
6) At the hearing, ABHCA and its representatives stated their argument why the request should be granted. The Town Commission also heard from Town staff pursuant to established quasi-

judicial procedures, and a public hearing was conducted. The proceedings were recorded by digital video and audio recordings which are in the custody of the Town Clerk and which are available for public inspection during the normal business hours of the Town, and on the Town website.

7) After the conclusion of the hearing and consideration of the evidence and testimony, the Town Commission made a determination to grant the Request.

8) The request for relief from the Town' s application of the term "Two Family Dwelling/Duplex" as provided in Section 30-221 (a)(1) of the Town Code and the term "Family" as defined in Section 30-11 (c)(2) of the Town Code to allow a maximum of six (6) residents to reside in Unit 4412 W Tradewinds and a maximum of six (6) residents to reside at Unit 4416 W. Tradewinds, which dwelling units are to be utilized as the residential component (only room and board) of a substance abuse treatment facility located at 1730 E Commercial Blvd, Suite A, Fort Lauderdale, FL 33334, is **GRANTED** subject to the following conditions and the description in the application, including, without limitation:

    a. The Property shall provide room and board only and exclusively to those clients of ABHCA defined as "disabled" pursuant to the Americans with Disabilities Act (ADA) as provided in the Application.

    b. As represented by ABHCA and consistent with the licenses provided; only residents enrolled in day/night treatment with community housing, intensive outpatient therapy, are proposed for and will be housed at the Property.

    c. All therapeutic activities and treatment shall take place exclusively at the Applicant's substance abuse treatment facility(ies). No therapeutic activities or on-site treatment services shall be provided at the Property. In accordance with federal law, the residents may meet at the Property for daily self-help or 12-step meetings.

d. A maximum of six (6) residents may reside in Unit 4412 W. Tradewinds Avenue and a maximum of six (6) residents may reside in Unit 4416 W. Tradewinds Avenue.

e. No bedroom shall be occupied by more than two (2) individuals.

f. All bedrooms must comply with emergency access requirements of Section R 310.2 of the Florida Building Code.

g. No staff or employee of ABHCA shall reside at the Property.

h. The Applicant shall, at all times that residents are on the Property, maintain a minimum of two (2) Behavioral Technicians (BHT) on the Property with no less than one (1) BHT at any given time, 24 hours per day, seven (7) days per week.

i. If vehicular transportation is necessary, all ABHCA clients residing at the Property shall be transported by ABHCA to and from ABHCA's substance abuse treatment facility(ies).

j. Any client or resident testing positive for alcohol or illegal drugs shall be discharged from ABHCA's treatment program and transported to either a detoxification facility or other pre-arranged off-site location consistent with the conditions of this Order.

k. The moving-in or moving-out of residents at the Property shall not occur prior to 8:00 a.m. and not after 7:00 p.m. No client shall be removed or discharged from residency at the Property to the streets, and anyone discharged or removed shall instead be transported to alternative living arrangements.

l. Overnight guests shall not be permitted at the Property.

m. Based on the surveys provided to the Town, depicting the design of the Property, no more than four (4) vehicles may be parked at each unit in the duplex (Total maximum of eight (8) vehicles, in designated, paved parking areas. Vehicles must be unmarked, non-commercial vehicles. Residents shall not park personal vehicles on the Property, unless approved by ABHCA subject to the restrictions on parking in this Approval.

The Property may not be used for parking by clinical staff or the staff or visitors of the ABHCA facility(ies). (See Section 30-320(a)(2) of the Town Code). The restrictions of this condition do not apply to delivery companies or licensed contractors or service providers in the normal performance of delivery or on-site building or related services for which property permits have been obtained, as necessary.

n. No parking shall be permitted on the grass of the Property.

o. All garbage and trash shall be placed within Town-issued garbage and recycling bins, placed and screened so as not to be visible from the street. except on designated garbage collection days. A designated collection day begins at 6:00 p.m. on the night before and ends at midnight of the designated collection day.

p. No home occupations or business activities shall be permitted on the Property except as legally approved pursuant to Town Code.

q. This zoning relief is granted only to Addictions Behavioral Health Center of America ("ABHCA") and is not transferrable to any person or entity. The zoning relief granted will cease if ABHCA sells or leases the Property or no longer uses the Property to provide housing for persons in recovery for a period of ninety (90) days.

r. ABHCA and the Property must comply with all other Town Codes and Ordinances, the Florida Building Code and all applicable life safety codes. Failure to comply with this Order, Town Code, the Florida Building Code or any applicable life safety codes may lead to the revocation of the zoning relief.

s. The conditions contained herein may only be modified or amended upon compliance with the procedures (including a public hearing) set forth in Section 30-138 of the Town Code.

Therefore, it is ORDERED that the Request for Zoning Relief of Addictions Behavioral Health Center of America ("ABHCA") is hereby GRANTED, as specified above, subject to the above-stated conditions.

Completion of this zoning relief procedure shall constitute exhaustion of all administrative remedies available from the Town.

APPROVED this _____day of _____,2021.

_____
MAYOR CHRIS VINCENT

ATTEST:

_____
TEDRA ALLEN, TOWN CLERK, CMC

Approved as to form:

_____
Susan L. Trevarthen, Town Attorney

EXHIBIT A

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

ZONING RELIEF APPLICATION

PROPERTY and APPLICANT INFORMATION

Property Address: 4412/4416 W. Tradewinds Av.

Legal Description: Lot 7 Block 16 Folio:

Subdivision: Silver Shores Sec of Lauderdale by the Sea

Zoning District: RD-10 Unit B 31-3B

Property Owner's Name (print): Angelo Scauzillo

Address: 71 Millrun Cres. Woodbridge Ontario

Phone: 416-354-3636 Fax: Email address: Angelo.S@rogers.com

If Applicant is not Property Owner:

Applicant's Name (print): Addictions Behavioral Health / William Rodman

Address: 1730 E. Commercial Blvd Ste A., Fort Lauderdale Fl. 33334

Phone: 954 2882674 Fax: 888-3431719 Email address: Brodman@thesourcefl.com.

Signature of Applicant:

Signature of Owner:

THE ABOVE PERSON IS KNOWN PERSONALLY TO ME OR PRODUCED AS IDENTIFICATION DRIVER'S LICENSE

SWORN TO AND SUBSCRIBED before me

THIS 22 DAY OF MARCH 20 21

NOTARY PUBLIC

LOUIS E. RAFFAGHELLO LL.M

Information Supporting Request for Zoning Relief:

If the applicant is a representative of a qualifying entity under the applicable federal statutes, please describe the nature and operations of the entity:

Property will be used as a room/board only component. Only for Addictions Behavioral clients who are defined as disabled under ADA. Each Unit will house no more than 6 residents and no more than 2 per bedroom.

If applicable, generally describe any qualifying disability or handicap:

SEE ATTACHED

Describe the accommodation and the specific ordinances, rules, policies, and procedures of the Town of Lauderdale-By-The-Sea from which accommodation is sought:

SEE ATTACHED

Describe the reasons the zoning relief or reasonable accommodation may be necessary for the applicant to use and enjoy the subject property:

SEE ATTACHED

Without describing the specific type of disability or impairment that you have, please state how the identified disability or handicap relates to the accommodation or modification that you request:

SEE ATTACHED

Please provide any additional information relevant to a determination on the requested zoning relief or reasonable accommodation:

SEE ATTACHED

Please list any alternative accommodations or modifications (if any) that could suit the applicant's needs, if the Town is unable to grant your requested accommodation/modification.

SEE ATTACHED

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Non-refundable Application Fee: _____

For more information, please contact: **Acting Development Services Director**
Phone: 954-640-4219

u:\applications - forms\zoning\zoning relief (revised 1_26_15).docx

Sec. 30-138. - Zoning relief procedures.

(a) *Purpose and applicability.* The following zoning relief procedures are established in order to address possible alleged violations of federal and state laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) *Notice.* Notice shall be provided in accordance with section 30-139, Notice of Public Hearings.

(d) *Application and hearing.*

(1) The Town Commission shall have the authority to consider and act on requests for zoning relief submitted to the Department.

(2) Within 45 days of receipt by the Town of a complete request for relief, unless the applicant agrees in writing to an extension of the hearing date, a public hearing shall be held by the Town Commission in accordance with the procedures set forth for public hearings in section 30-140 Quasi-judicial proceedings.

(3) A final written determination shall be issued by resolution no later than 30 days after the conclusion of the public hearing.

(4) The final written determination may:

a. Grant the relief requested; or

b. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request; or

c. Deny the request.

(5) Any determination shall be final, in writing, and shall state the reasons for the decision.

(6) The final written determination shall be sent to the requesting party by certified mail, return receipt requested.

(e) *Additional information.* If necessary, prior to the public hearing, the Town may request additional information from the requesting party, specifying in sufficient detail what information is required. In the event a request for additional information is made to the requesting party by the Town, the hearing shall be conducted within 30 days after the requesting party's provision of the additional information required. The requesting party shall have 15 days after the date the information is requested to provide the additional information. If the requesting party fails to timely respond with the requested additional information, the Town shall notify the requesting party and proceed with scheduling a public hearing; however, the applicant and the Town may extend the time period for conducting the hearing by mutual agreement. The Town Commission will issue its final written determination regarding the relief requested as required in subsection (d), based on the information in the Town's possession at the time of the public hearing.

(f) *Criteria.* In determining whether the zoning relief request shall be granted or denied, the applicant shall be required to establish:

(1) The applicant is a potential claimant under a federal or state law, including applicable legal precedent; and

(2) The applicant believes in good faith that the Town through implementation of its Code has violated federal or state law for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard set forth in the applicable federal or state statute(s), or legal precedent interpreting the applicable statute(s) or Constitution.

(g) *Exhaustion required.* Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the Town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the Town.

(h) *Effect while pending.* While an application for zoning relief or appeal of a determination of same is pending before the Town, the Town will not enforce the Town's Code, rules, policies, and procedures which are the subject of the request against the property owner, except the Town may seek relief through the code enforcement procedures of chapter 6.5 "Code Enforcement" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

(i) *Additional provisions for zoning relief.* The following provisions shall be applicable:

(1) The Town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the Department.

(2) A person or entity may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the requesting party.

(3) The Town shall provide such assistance and accommodation as is required pursuant to federal and state law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(Ord. No. 2014-08, § 3, 7-7-2014)

DIVISION 9. - ZONING RELIEF PROCEDURES

Sec. 30-138. - Zoning relief procedures.

(a) *Purpose and applicability.* The following zoning relief procedures are established in order to address possible alleged violations of Federal and State laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.

(b) *Application.* A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.

(c) *Notice.* Notice shall be provided in accordance with section 30-139, notice of public hearings.

(d) *Application and hearing.*

(1) The Town Commission shall have the authority to consider and act on requests for zoning relief submitted to the Department.

(2) Within 45 days of receipt by the Town of a complete request for relief, unless the applicant agrees in writing to an extension of the hearing date, a public hearing shall be held by the Town Commission in accordance with the procedures set forth for public hearings in section 30-140, quasi-judicial proceedings.

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a. Grant the relief requested; or

b. Grant a portion of the request and deny a portion of the request, or impose conditions upon the grant of the request; or

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(1) The applicant is a potential claimant under a Federal or State law, including applicable legal precedent; and

(2) The applicant believes in good faith that the Town through implementation of its Code has violated Federal or State law for the reasons stated in the zoning relief request; and

(3) The applicant satisfies the standard set forth in the applicable Federal or State statute(s), or legal precedent interpreting the applicable statute(s) or Constitution.

(g) *Exhaustion required.* Completion of the zoning relief procedures shall be a supplement to and not a substitute for any other pre-litigation dispute resolution processes available by law to the Town or the applicant. Completion of the zoning relief procedures shall constitute the exhaustion of all administrative remedies available from the Town.

(h) *Effect while pending.* While an application for zoning relief or appeal of a determination of same is pending before the Town, the Town will not enforce the Town's Code, rules, policies, and procedures which are the subject of the request against the property owner, except the Town may seek relief through the code enforcement procedures of chapter 6.5 "Code Enforcement" of the Code of Ordinances, or through injunctive relief if an imminent threat to the health, safety and welfare of the public is present.

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(1) The Town shall display a notice in its public notice bulletin board and on its website advising the public of this zoning relief procedure and that applications for zoning relief may be obtained from the Department.

(2) A person or entity may apply for zoning relief on his or her own behalf, or may be represented at all stages by a representative designated by the requesting party.

(3) The Town shall provide such assistance and accommodation as is required pursuant to Federal and State law, in connection with a disabled person's request for zoning relief, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure that the process is accessible.

(Ord. No. 2014-08, § 3, 7-7-2014)

Request for Zoning Relief for the town of Lauderdale-By-The-Sea, Florida

Applicant: Addictions Behavioral Health Center of America (ABHCA)

Property Address: 4412/4416 W. Tradewinds Avenue

Legal Description: Lot 7 Block 16, Silver Shores Sec of Lauderdale By The Sea Unit B 31-3 B

Zoning District: RD-10 Zoning District

Addictions Behavioral Health Center of America is applying for Zoning Relief under Section 30-138 of Lauderdale-By-The-Sea Town Code. Specifically, ABHCA is seeking relief from Sections 30-221(a)(1), 30-11(c)(2) and 30-138(c) related to the definitions of Two-Family Dwelling for utilization of the property at 4412/4416 W. Tradewinds Avenue.

The Town's application of the term "Two Family Dwelling" as provided in Section 30-11(a)(1) of the Town Code and the term "Family" as defined in Section 30-11(c)(2) of the Town Code is to allow a maximum of seven residents to reside in 4412 W. Tradewinds and a maximum of six residents to reside in 4416 W. Tradewinds, which the dwelling units will be utilized as the residential component (only room and board) of a substance abuse treatment facility.

- The property shall provide room and board only and exclusively to those clients of Addictions Behavioral Health Center of America defined as "disabled" pursuant to the Americans with Disabilities Act (ADA) as provided in the "Information Supporting Request for Zoning Relief".
- As represented by ABHCA and consistent with the licenses provided, only residents enrolled in day/night treatment with community housing, intensive outpatient therapy or outpatient therapy, as proposed for and will be housed at the Property.
- All therapeutic activities and treatment shall take place exclusively at the Applicants substance abuse treatment facility located at 1730 E. Commercial Blvd STE A, Fort Lauderdale FL, 33334. No therapeutic activities or on-site treatment services shall be provided at the Property. In accordance with federal law, the residents may meet at the Property for daily self-help of 12-step meetings.
- A maximum of 6 residents will reside in Unit 4412 of the Property and a maximum of 6 residents will reside in Unit 4416 of the Property.
- No bedroom shall be occupied with more than two individuals.

- All bedrooms comply with emergency access requirements of Section R310.1 of the Florida Building Code.
- No staff or employees shall reside at the property.
- The Applicant shall, at all times that residents are on the Property, maintain a minimum of two Behavioral Health Technicians (BHT) on the combined properties with no less that 1 on the 4412/4416 Property at any given time, 24 hours per day, seven days per week.
- If vehicular transportation is necessary, all ABHCA clients residing at the Property shall be transported by ABHCA to and from ABHCA's substance abuse facility.
- Any client or resident testing positive for alcohol or illegal drugs shall be discharged from ABHCA's treatment program and transported to either a detoxification facility or other pre-arranged off-site location consistent with the conditions of this request.
- The moving-in or moving-out of residents at the Property shall not occur prior to 8:00 AM and not after 7:00 PM. No client shall be removed or discharged from residency at the Property to the streets, and anyone discharged or removed shall instead be transported to alternate living arrangements.
- Overnight guests are not permitted on the property.
- Based on the design of the property, no more than 4 vehicles may be parked at each unit in the duplex (total maximum of 8 vehicles), in designated, paved parking areas. Vehicles must be unmarked, non-commercial vehicles. Residents shall not park personal vehicles on the Property, unless approved by ABHCA. The property may not be used for parking by clinical staff or the staff of visitors of ABHCA. The restrictions of this condition do not apply to delivery companies or licensed contractors or service providers in the normal performance of delivery or on site building related services for which property permits have been obtained, as necessary.
- No parking shall be permitted on the grass of the Property.
- All garbage and trash shall be places within Town-issued garbage and recycling bins, placed and screened so as not to be visible from the street.
- No home occupations or business activities shall be permitted on the Property except as legally proved pursuant of Town Code.
- This zoning relief request is only to be granted to ABHCA and is not transferrable to any person or entity. The zoning relief would cease in the event that ABHCA sells or leases the Property or no longer uses the Property to provide housing for persons in recovery for a period of 90 days.
- ABHCA and the property must comply with all other Town Codes and ordinances, the Florida Building Code, and all applicable life safety codes.

EXHIBIT B

Jhanelle Campbell

From: Jhanelle Campbell
Sent: Monday, April 19, 2021 5:10 PM
To: 'Bill Rodman'
Cc: Town Manager; Sydney Ramirez; Bethany Banyas
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds
Attachments: ZoningReliefApplic #2015-ZR-01 4411-4412-4416 W Tradewinds Ave.pdf; ZoningReliefOrder #2015-ZR-01(B) 4412-4416 W Tradewinds.pdf

Good afternoon Mr. Rodman,

I hope this email finds you well. The BTR approval is contingent on the approval of the Zoning Relief Application you submitted for consideration. Currently, this application is scheduled to be presented to the Town Commission for approval on May 11, 2021. The Town Code requires that applications of this nature be presented to the Town Commission within 45 days of receipt unless you agree to an extension of the hearing date. Please advise if May 11th is a date amenable to you or if you would like to extend to a later Commission meeting? In review of your application, we have determined that additional clarification is needed on the below. Please advise on the following as soon as possible;

1. **Are you requesting relief of Town Code section 30-138 (c) below? This request was included in the previous application.**

   Sec. 30-138. Zoning relief procedures.
   (a) Purpose and applicability. The following zoning relief procedures are established in order to address possible alleged violations of Federal and State laws, subsequent to implementation of this Code or its related rules, policies, and procedures in advance of costly litigation, zoning relief may be granted pursuant to this section.
   (b) Application. A person or entity shall request relief under this section prior to filing a lawsuit, by completing and submitting a zoning relief request form, which is available from the Department. The form shall contain such questions and requests for information as are necessary for evaluating the relief requested.
   (c) Notice. Notice shall be provided in accordance with section 30-139, notice of public hearings.

2. **The previous request for zoning relief included a desire to provide housing for 7 residents at the 4416 dwelling unit. Kindly advise if you are requesting to house 7 people at the 4416 dwelling unit or if you are requesting to house a maximum of 6 people as was approved previously.**

(a) 4412 W. Tradewinds Avenue

This dwelling unit is part of a duplex connected with 4416 W. Tradewinds Avenue, and contains three (3) bedrooms. Meridian desires to provide housing to its residents of up to two (2) clients per bedroom, for a total of six (6) residents.

(b) 4416 W. Tradewinds Avenue

Similar to the 4412 property, this dwelling unit also contains three (3) bedrooms. However Meridian desires to provide housing for up to seven (7) of its residents, as one of the bedrooms is exceptionally large and is used to provide sleeping accommodations for no more than three (3) residents.

3. **Confirm that the request to house a maximum of 6 residents at the 4412 dwelling unit is still accurate.**
4. **Confirm that you are requesting the same relief below as was previously outlined in the previous application.**

6. **Specific Regulations and/or Procedure(s) from which the Accommodation is Sought.**

Chapter 30 of the Town's Code of Ordinances comprises its "Unified Land Development Regulations" or "Zoning Code" (hereinafter "ULDR"). See ULDR Section 30-1. Meridian is seeking a reasonable accommodation from two (2) provisions of the Town's ULDR as follows: (i) a reasonable accommodation from the Town's application of the term "Two Family Dwelling" set forth in ULDR Section 30-221(a)(1) and the term "Family" as defined within ULDR Section 30-11(c)(2); and (ii) a reasonable accommodation from the Town's reasonable accommodation public notice and hearing requirements set forth in ULDR Section 30-138(c).

(a) Application from ULDR Section 30-221(a)(1) - "Two Family Dwelling" and ULDR Section 30-11(c)(1) – Definition of "Family".

Meridian is seeking a reasonable accommodation from the Town's application of the term "Two Family Dwelling" as that concept is used in ULDR Section 30.221(a)(1), which code section provides:

> *No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling or two-family dwelling (duplex).*

The term "Two-Family Dwelling (Duplex)" has the same meaning as the term "Dwelling, duplex or two-family" as defined within ULDR Section 30-11(c)(2), which provides:

> *A building containing two single-family dwelling units, totally separated from each other by one dividing partition common to each unit, and contained entirely under one roof and designed for or occupied by two single-family housekeeping units, each unit having direct and individual access to the outside. A two-family dwelling (duplex) is a building on a single lot.*

The term "single-family housekeeping unit" is not a defined term in the ULDR. However, the term "Dwelling, single family" is so defined and means:

> *A building comprised of a completely detached residential dwelling unit, designed for and occupied by one family only.*

5. Confirm that you are requesting the same relief below as was previously outlined in the previous application.

6. **Specific Regulations and/or Procedure(s) from which the Accommodation is Sought.**

Chapter 30 of the Town's Code of Ordinances comprises its "Unified Land Development Regulations" or "Zoning Code" (hereinafter "ULDR"). See ULDR Section 30-1. Meridian is seeking a reasonable accommodation from two (2) provisions of the Town's ULDR as follows: (i) a reasonable accommodation from the Town's application of the term "Two Family Dwelling" set forth in ULDR Section 30-221(a)(1) and the term "Family" as defined within ULDR Section 30-11(c)(2); and (ii) a reasonable accommodation from the Town's reasonable accommodation public notice and hearing requirements set forth in ULDR Section 30-138(c).

ULDR Section 30-11(c)(2) then defines "Family" to mean, in relevant part:

> *One person or a group of two or more persons living together and interrelated by bonds of consanguinity, domestic partnership, marriage or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a*

5

> *single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.*

Kindly provide responses at your earliest convenience. Please don't hesitate to contact me if you have any questions. I have attached a copy of the previously approved zoning relief order and application for ease of reference.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Thursday, April 15, 2021 8:16 AM

EXHIBIT C

Jhanelle Campbell

From: Bill Rodman <brodman@thesourcefl.com>
Sent: Wednesday, April 21, 2021 4:24 PM
To: Jhanelle Campbell
Cc: Town Manager; Sydney Ramirez; Bethany Banyas
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Categories: Read and Completed

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

Good afternoon Jhanelle,

Please see my responses below for the current application process. Also if there is any way that we could push the hearing date out until June that would be much appreciated. I unfortunately will be out of town mid to late May and would like to be able to prepare for anything that may be needed or required.

Thank you so much for your assistance

THE SOURCE

Bill Rodman
Director of Operations
The Source Treatment Center

Office 954-489-5700 | Cell 954-288-2674
brodman@thesourcefl.com
www.thesourcetreatmentcenter.com
1730 E Commercial Blvd, Fort Lauderdale, FL 33334

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Wednesday, April 21, 2021 11:13 AM
To: Bill Rodman <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
Subject: RE: LBTS Zoning Relief and BTR Application 4412/4416 West Tradewinds

Good morning Mr. Rodman,

Kindly advise on the below points of clarification. It is important that we receive this information to complete the review of your application.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Monday, April 19, 2021 5:10 PM
To: 'Bill Rodman' <brodman@thesourcefl.com>
Cc: Town Manager <townmanager@lauderdalebythesea-fl.gov>; Sydney Ramirez <sydneyr@lauderdalebythesea-fl.gov>; Bethany Banyas <Bethanyb@lauderdalebythesea-fl.gov>
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2. **The previous request for zoning relief included a desire to provide housing for 7 residents at the 4416 dwelling unit. Kindly advise if you are requesting to house 7 people at the 4416 dwelling unit or if you are requesting to house a maximum of 6 people as was approved previously. ONLY 6 RESIDENTS**

   (a) 4412 W. Tradewinds Avenue

   This dwelling unit is part of a duplex connected with 4416 W. Tradewinds Avenue, and contains three (3) bedrooms. Meridian desires to provide housing to its residents of up to two (2) clients per bedroom, for a total of six (6) residents.

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   Similar to the 4412 property, this dwelling unit also contains three (3) bedrooms. However Meridian desires to provide housing for up to seven (7) of its residents, as one of the bedrooms is exceptionally large and is used to provide sleeping accommodations for no more than three (3) residents.

3. **Confirm that the request to house a maximum of 6 residents at the 4412 dwelling unit is still accurate. YES THIS IS CORRECT**
4. **Confirm that you are requesting the same relief below as was previously outlined in the previous application. YES THIS IS CORRECT**

6. **Specific Regulations and/or Procedure(s) from which the Accommodation is Sought.**

Chapter 30 of the Town's Code of Ordinances comprises its "Unified Land Development Regulations" or "Zoning Code" (hereinafter "ULDR"). See ULDR Section 30-1. Meridian is seeking a reasonable accommodation from two (2) provisions of the Town's ULDR as follows: (i) a reasonable accommodation from the Town's application of the term "Two Family Dwelling" set forth in ULDR Section 30-221(a)(1) and the term "Family" as defined within ULDR Section 30-11(c)(2); and (ii) a reasonable accommodation from the Town's reasonable accommodation public notice and hearing requirements set forth in ULDR Section 30-138(c).

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> *single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.*

Kindly provide responses at your earliest convenience. Please don't hesitate to contact me if you have any questions. I have attached a copy of the previously approved zoning relief order and application for ease of reference.

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Sent: Thursday, April 15, 2021 8:16 AM