

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION REGULAR MEETING AGENDA

Jarvis Hall

4505 Ocean Drive

Tuesday, February 10, 2015

7:00 PM

- 1. CALL TO ORDER, MAYOR SCOT SASSER**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. INVOCATION - Father Michael J. Greer**
- 4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
- 5. PRESENTATIONS**
- 6. PUBLIC COMMENTS**
- 7. PUBLIC SAFETY DISCUSSION**
- 8. TOWN MANAGER REPORT**
 - a. Town Manager Report (Connie Hoffmann Town Manager)
- 9. TOWN ATTORNEY REPORT**
- 10. APPROVAL OF MINUTES**
 - a. January 13, 2015 Town Commission Meeting Minutes (Tedra Smith Town Clerk)
 - b. January 27, 2015 Commission Workshop Minutes (Tedra Smith Town Clerk)
- 11. CONSENT AGENDA**
- 12. OLD BUSINESS**
 - a. Discussion about Town Sponsored Special Events (Connie Hoffmann Town

Manager)

- b. Adoption of Work Plan & Priorities for Remainder of FY15 (Connie Hoffmann Town Manager)

13. NEW BUSINESS

- a. Town Manager Bonus (Vice Mayor Chris Vincent)

14. ORDINANCES – PUBLIC COMMENTS

- a. Ordinances 1st Reading
- b. Ordinances 2nd Reading
 - i. Ordinance 2015-01 - AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14.5 “PEDDLERS AND SOLICITORS” BY CREATING ARTICLE III “STREET PERFORMING” TO PROVIDE FOR PERMITTING AND REGULATION OF STREET PERFORMANCES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Pat Himelberger Assistant to the Town Manager)
 - ii. ORDINANCE 2015-02 AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS” ARTICLE II, “BEACH REGULATIONS”, OF THE CODE OF ORDINANCES, TO PERMIT APPROVED SPECIAL EVENT ACTIVITIES ON THE BEACHES; AMENDING CHAPTER 14.5 “PEDDLERS AND SOLICITORS” TO ADDRESS VENDING AND PROMOTIONAL ENTERTAINERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Town Planner / Asst. Development Services Director)

15. RESOLUTIONS – PUBLIC COMMENTS

- a. RESOLUTION 2015-05 A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR FEES FOR DEVELOPMENT REVIEW PERMITS AND LICENSES RELATED TO ENGINEERING, PORTABLE STORAGE UNITS, NEWSRACKS, SIDEWALK CAFES, DEVELOPMENT APPLICATIONS, AND CODE MITIGATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE (Linda Connors, Town Planner/Asst. Development Services Director)
- b. RESOLUTION 2015-06 A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-

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THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Town Planner/Asst. Development Services Director)

16. **QUASI JUDICIAL PUBLIC HEARINGS**
17. **COMMISSIONER COMMENTS**
18. **ADJOURNMENT**
19. **FUTURE REGULAR COMMISSION AGENDA ITEMS**

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, at the far right end of the dais.

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

Town Commission Regular Meeting Agenda
Tuesday, February 10, 2015



Agenda Item Memorandum

Administration

Connie Hoffmann

Department

Department Director

COMMISSION MEETING DATE - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> February 10, 2015 – Regular Meeting 7:00 PM	

**Subject to Change*

- | | | | |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input checked="" type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2015 – PART OF THE STRATEGIC PLAN:

SUBJECT TITLE: TOWN MANAGER REPORT

EXPLANATION:

Environmental Award

Through the efforts of Commissioner Brown, Don Prince and Lee Gottlieb of YEA, the Town is receiving an Emerald Award from the County for the sea oat plantings projects we’ve done in the past 12 months in Town. The awards ceremony will be at 9:00 a.m. March 14 in conjunction with Water Matters Day at Tree Tops Park in Davie. Commissioner Brown will be attending to accept our award, but we would also like to extend the invitation to any other Commissioners who can attend to accept the award with Commissioner Brown.

Speed Humps/Tables in Terra Mar

The Terra Mar Island Civic Association submitted a request to the Town this past September to install one additional speed hump on East Terra Mar Drive and two new ones on West Terra Mar Drive to curtail speeding. The Commission was generally receptive to the idea but asked staff to have the appropriate studies done.

We utilize the County for such studies and they evaluate two criteria to determine whether a speed table is warranted – speed of the cars and accident data. The speed limit in Terra Mar is posted at 25 mph. The speed study conducted over two days in October by the County Traffic Engineering Department indicates that traffic speeds do not justify a traffic table on Terra Mar Drive. Their results were as follows:

1740 E Terra Mar Drive:

- **Northbound** – 68 vehicles per day (VPD) with an average speed of 21 miles per hour (MPH) and an 85th percentile speed of 30 MPH.
- **Southbound** – 68 VPD with an average speed of 17 MPH and an 85th percentile speed of 23 MPH.

1741 W Terra Mar Drive:

- **Northbound** – 43 VPD with an average speed of 21 MPH and an 85th percentile speed of 28 MPH.
- **Southbound** – 57 VPD with an average speed of 21 MPH and an 85th percentile speed of 27 MPH.

About 6% of the vehicles exceeded the speed limit in the two day period, and many of those were going 26 mph. It should be noted the studies only counted traffic from 9 am to 9 pm.

Staff also sought and received a copy of the City of Fort Lauderdale’s policy for determining whether speed humps or tables are warranted (attached as an exhibit). Their policy is that at least 30% of the traffic must be

traveling above the speed limit and the 85th Percentile speed must be at least 6 mph above the speed limit. The Terra Mar request would not meet their standards either.

It is interesting to note that Fort Lauderdale also requires that 60% of the residents directly impacted by the installation of the proposed speed hump must support its installation. They adopted that because they had numerous experiences of installing speed humps that neighborhood associations requested, then having many complaints from residents in the neighborhood after they were installed.

The County's position is that the determination of whether to install speed tables is a local decision, however, they will not accept responsibility (i.e. liability) for any traffic devices installed that do not meet their warrants.

The cost to install speed humps is expensive if they are done as a stand-alone project and significantly less if they are done in conjunction with other street work being done in close proximity. For example, in 2011 we had the contractor who was doing drainage work for us in South Silver Shores install the speed humps on South Sea Grape for approximately \$2,500 each. In 2013, the Bel Air drainage contractor installed them for \$3,000 each. Don Prince recommends we budget \$6,000 per speed table for all installation costs - materials, installation, signage and striping – as we have no roadwork scheduled in the northern neighborhoods and will have to pay a contractor's mobilization costs. (The Town Engineer reports that Fort Lauderdale is spending about \$10,000 per speed hump for all associated costs, including design.)

We do have funds available for the design of speed humps, but did not budget funds in this fiscal year for installation. The Neighborhood Grant budget is fully committed, most of which is going to Terra Mar. If the Commission wishes to proceed, there are several funding options to consider. We could pull money from the sidewalk repair account, which would obviously limit the work we do on sidewalks this year. Or we could design the speed humps this year wait and install them in the next fiscal year as a neighborhood grant.

Staff does recommend that the Commission require that the neighborhood association get a petition signed by 60% of the property owners in support of the speed humps before proceeding and that we do that in the future on other such requests.

EXPECTED OUTCOME: Commission direction.

**EXHIBITS: Terra Mar Island Civic Association letter
City of Fort Lauderdale Speed Hump Policy**

Reviewed by Town Attorney
 Yes No

CITY OF FORT LAUDERDALE SPEED HUMP INSTALLATION POLICY

Definition of a Speed Hump

Speed humps are raised areas in the roadway pavement surface extending across the roadway. Speed humps are roadway geometric design features that create a gentle vehicle rocking motion that causes most vehicles to slow to approximately 15 miles per hour (MPH) or less at each hump, and approximately 25 MPH to 30 MPH between properly spaced humps. Speed humps should not be confused with speed bumps which cause discomfort to motorists and a shock to vehicles only at low speeds. Typical speed humps that are deployed within the City are of the following type:

- a. Parabolic/Rounded Top Speed Hump – An asphalt hump that is 12 feet length and has nominal height of 3 1/2 “at its highest height (Exhibit 1-a).
- b. Flat Top Speed Hump/Table - An asphalt hump that is 22 feet length (consisting of 6’ inclined ramp, 10” flat raised flat section and 6’ declining ramp section) and has nominal height of 4” at its highest height (Exhibit 1-b).
- c. Speed Cushion - An asphalt hump that is 6.5’ length and 6.75’ in width with incline/ramp of 24” and a nominal height of 3”. Cushions are placed along the roadway in pairs with a separation of 24” to accommodate vehicles with a wide wheel axle base e.g. boat trailers and cyclist (Exhibit 1-c).

Eligibility Criteria

Survey

A notification will be mailed out to neighbors who would be directly impacted by the installation of speed humps on the roadway, to ascertain their preference for speed humps. The City utility billing address database will be used to determine who will be notified. The neighbors contacted will be able to respond via City website or by phone. The City will require 60% of neighbors (property owners and/or occupants) responding as minimum support to progress with the speed hump process. A 60% favorable support is the same threshold required for utility undergrounding. If the responses do not meet the minimum support threshold, the City will coordinate with proper entities that requested the installation of speed humps.

Engineering Study

Since speed humps may divert traffic to other street facilities, an estimate of the amount and location of that diversion will be made so that the potential impacts of the proposed humps can be fully considered. If the humps are expected to create equal or greater traffic problems on another residential street, they will either not be installed, or humps will be considered for the other impacted facilities.

Street Classification and Use

Speed humps will not be installed on any "Collector" roads that carry more than 6,000 vehicles per day (vpd), and will not be installed on any higher category roads than "Collectors." Speed humps will not usually be installed on any cul-de-sacs; however, because of the differing types of land uses found on some cul-de-sacs, the Commission may consider the installation of speed humps on

a case-by-case basis.

Street Width and Number of Lanes

Speed humps will be used only on streets with no more than two travel lanes, or where the overall Pavement width is not greater than 40 feet. In addition, the pavement shall have good surface and drainage qualities. Speed humps are generally placed in a series of 250 to 500 feet apart, at property lines, to minimize noise.

Street Grades

Speed humps will only be considered for use on streets with grades of 8-percent or less approaching the hump. When installed on streets with significant down-grades, special care shall be taken to ensure that vehicles will not approach the humps at excessive speed.

Horizontal and Vertical Curves

Speed humps will not be placed within severe sharp horizontal or vertical curves that might result in substantial lateral or vertical forces on a vehicle traversing the hump. Humps will be avoided within horizontal curves of less than 300 feet centerline radius and on vertical curves with less than the minimum safe stopping sight distance. If possible, humps will be located on tangent rather than curve sections.

Sight Distance

Speed humps will generally be installed only where the minimum safe stopping sight distance (as defined in AASHTO's "A Policy on Geometric Design of Streets") can be provided.

Traffic Speeds.

Speed humps will generally be installed only on streets where the posted speed limit is 35-mph or less. Speed humps will be carefully considered on streets where the majority of vehicles travel at relatively fast speeds, such as 45-mph or greater. Installation of speed humps will be considered on roads where the 85th percentile speed (average of both directions) is at least 10-mph above the posted speed limit.

Funding may be extended to include roads which are expected to have traffic diverted to them as a result of speed hump installation.

Traffic Volumes

Rounded profile (TRRL) or "flat top" speed humps will be considered for installation on streets with an average daily traffic volume of between 500 to 3,000 vehicles per day (vpd). Only "flat-top" speed humps will be installed on roads with a traffic volume of between 3,000 and 6,000 vehicles per day (maximum volume).

Traffic Safety

Proposed speed hump locations will be evaluated to determine that such an installation will not introduce increased accident potential for the subject street.

Vehicle Mix

Speed humps will not normally be installed on streets that carry significant volumes (greater than five (5%) percent) of long wheel-base vehicles or emergency routes unless there is a reasonable alternative route for those vehicles. Special consideration will also be given to motorcycles, bicycles and other types of special vehicles that use the street. The impacts that speed humps might have on these individual vehicle types will be considered in the decision to install humps, and ultimately considered in their design and location.

Transit Routes

Speed humps will not generally be installed along streets with established transit routes.

Schools and Parks

If the street is immediately adjacent to a school or public park, at least 30% of the traffic must be traveling at or above the posted speed limit and the 85th Percentile Speed (average of both directions) is at least 6-mph above the posted speed limit.

Neighbor Support

Neighbor support for the installation of speed humps shall be documented by a City-conducted notification of all properties with addresses on the road and, when appropriate, the surrounding neighborhood.

Payment for Speed Hump Installation

Speed Humps that meet the criteria will be funded based on available City funding.

Emergency Response

If the street is a primary or secondary route for emergency response vehicles, the Fire-Rescue Department will be contacted. If the Fire-Rescue Department objects to the installation of speed humps on the street, the City Manager shall make the final decision.



Terra Mar Island Civic Association

P.O. Box 610055 • Pompano Beach, FL 33061-0055
www.terramarisland.org • bod@terramarisland.org

Dear Mayor Sasser and Commissioners of Lauderdale by the Sea,

We, the Board of The Terra Mar Civic Association are most concerned about the street safety in our neighborhood. There is continuous speeding on the half mile stretch of West Terra Mar Drive, on the half mile stretch of East Terra Mar Drive. There exists one speed bump on the entire island located on East Terra Mar, but there is no speed bump on the west side. Indeed, several more speed bumps should be installed.

Our lovely neighborhood is a great place for walkers and children, and the excessive speed on East and West Terra Mar is of great concern to us. One of our neighbors was almost hit by a speeder while she was standing at her mailbox.

We are requesting that you approve the installation of several additional speed bumps: Two on West Terra Mar Drive and an additional one on East Terra Mar. Locations of the speed bumps can be discussed for the best possible results.

Thank you for your consideration in making our neighborhood safer.

Respectfully,

A handwritten signature in black ink, which appears to read "Mike Mulka". To the right of the signature, the date "9/10/14" is written in the same ink.

Mike Mulka, President and

The Board of the Terra Mar Civic Association



Agenda Item Memorandum

Town Clerk

Department

Tedra Smith

Department Director

COMMISSION MEETING DATE	
<input checked="" type="checkbox"/>	February 10, 2015– Regular Meeting 7:00 PM

**Subject to Change*

- | | | | |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2014 – PART OF THE STRATEGIC PLAN

SUBJECT TITLE: Approval of Meeting Minutes:

EXHIBITS:

1. January 13, 2015 Town Commission Meeting Minutes
2. January 27, 2015 Town Commission Workshop Minutes

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 13, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 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, Assistant to the Town Manager Pat Himelberger, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Pastor Jim Goldsmith

Pastor Jim Goldsmith gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Staghorn Coral Restoration Project (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira reported on progress on the joint project between the Town and Nova Southeastern University's Oceanographic Center to create a staghorn coral reef.. Planting in Lauderdale-By-The-Sea will occur in three locations starting at the end of January 2015, including out from Anglin's Pier, in an area south of Washingtonia Park, and near the *Copenhagen* wreck.

6. PUBLIC COMMENTS

Alex Kublickis, resident, expressed concern about Item 13b, which asks the Commission for direction on a possible Code change that would allow overnight stays on vessels moored at the Town's marina for up to 60 consecutive nights. He felt that it is unlikely to increase business within the Town and concluded that the proposed amendment would only benefit the prospective purchaser of the marina.

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7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann reported that the Insurance Services Organization, which rates communities' firefighting capacity, has improved the Town's rating from a 3 to a 2, which will result in lower fire insurance premiums for commercial properties. The Commissioners congratulated the Volunteer Fire Department for achieving this improvement.

The El Mar restroom project will begin with a design meeting later in the week. In March two alternative conceptual designs will be brought back to the Commission. Town Manager Hoffmann invited the Commissioners to provide input on design features they would like to see incorporated into the building. It was decided that the possibility of additional uses of the building would be discussed further on the next Commission Agenda.

Municipal Services Director Don Prince reported that construction of the Pine Avenue drainage project between Bougainvillea and Poinciana Drives revealed several unmarked utilities which the contractor would have to work around. State Construction has submitted a \$30,000 change order, which staff recommends not be approved due to cost and timing. That particular tie in would be nice to have, but not essential and could be postponed to a later project.

It was decided by consensus that the Town Commission will meet on January 27, 2015 at 5:30 p.m. for a workshop to discuss goals for fiscal year 2015.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. November 18, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**
- b. December 8, 2014 El Mar Greenway Workshop Meeting Minutes (Tedra Smith, Town Clerk)**

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- c. **December 9, 2014 Special Town Commission Meeting Minutes (Presentation of Parking Study Results & Recommendations) (Tedra Smith, Town Clerk)**
- d. **December 9, 2014 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve these four items. Motion carried 5-0.

11. CONSENT AGENDA

Items 11d and 11e were pulled for additional discussion.

- a. **Special Event Permit for Lauderdale-By-The-Sea Turtle Fest (Pat Himelberger, Assistant to the Town Manager)**
- b. **Execution of Easement for Bus Shelter at 221 Commercial Boulevard (Pat Himelberger, Assistant Town Manager)**
- c. **Work Authorization for Comprehensive Planning Issues (Linda Connors, Assistant Development Services Director / Town Planner)**

After discussion, Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve a, b, and c. Motion carried 5-0.

- d. **Special Event Application for Sunday TV Night Proposed for Sunday, February 1, 2015 (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd suggested that the Town consider an agreement with a valet company for this event due to a lack of parking in the area.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to include valet services with normal insurance requirements. Motion carried 5-0.

- e. **Special Event Application for Taste of the Beach proposed for Wednesday, February 25, 2015 (Pat Himelberger, Assistant to the Town Manager)**

Town Manager Hoffmann advised that Taste of the Beach will be held in Friedt Municipal Park rather than El Prado Park. Because this is a residential area, she requested that the decibel limit listed in paragraph 14 be amended so it may not exceed 60 to 65 dBc.

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Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve as amended. Motion carried 5-0.

12. OLD BUSINESS

a. El Mar Greenway Concept Decision (Connie Hoffmann, Town Manager)

Greg Stuart, Executive Director of the Broward Metropolitan Planning Organization (MPO), and Jennifer Fierman of the Florida Department of Transportation (FDOT) showed a PowerPoint presentation including typical sections of the proposed El Mar Greenway. Ms. Fierman emphasized the need for the Commission and residents to remain involved with the process once the design phase begins.

She reviewed the typical sections, which included the following features:

- A widened median with multi-purpose lanes
- Opportunities for landscaping, benches, and other amenities
- Repurposing of one travel lane in each direction for one half-block on the north and south ends of the greenway
- Bringing the roadway and sidewalks into compliance with the Americans with Disabilities Act (ADA) standards

The Commissioners discussed the presentation, with Commissioner Brown noting that the El Mar Greenway would be part of a larger greenway project that will extend throughout the County. MPO Executive Director Stuart estimated that construction of the El Mar Greenway could begin within three fiscal years.

Commissioner Sokolow asked if power lines on El Mar Drive could be placed underground as part of the greenway project. MPO Executive Director Stuart noted that lines are being undergrounded in another municipality as part of the greenway project, but at that municipality's expense, as undergrounding is not typically part of projects of this nature. The Commissioners also discussed including Palm Avenue between A1A and El Mar Drive in the greenway if sufficient MPO funds are available.

Commissioner Brown made a motion, seconded by Commissioner Sokolow, that the Town move forward with the El Mar Greenway conceptual design to allow the MPO and FDOT to begin the next steps of identifying a funding source and hiring a design team, with the understanding that the Town will continue with public input to discuss and refine all of the specific design elements.

At the recommendation of Town Manager Hoffmann, Commissioner Brown agreed to amend his motion to specify that the greenway would occupy the median, with an average width of 22 ft.

Motion carried 5-0.

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13. NEW BUSINESS

a. Veterans' Day Events (Commissioner Mark Brown)

Commissioner Brown explained that in recent years, the Town's Halloween special event has become more labor-intensive and few Town residents attend the event. He recommended that the Commission consider replacing the Halloween event with a Veterans' Day event. The Commissioners agreed to discuss the Town's full slate of sponsored special events at the January 27 workshop.

b. Overnight Stays on Boats at Marina in the B-1 Zoning District (Bud Bentley, Assistant Town Manager)

Mayor Sasser opened public comment.

Hannah Hempstead, resident, provided the Commissioners with a petition signed by 50 residents in opposition of any change to the existing Code regarding overnight stays on vessels moored within the Town. She stated that the only beneficiaries of the proposed change would be the sellers and proposed buyer of the marina, and requested that current Code be enforced to prevent living aboard vessels.

John Lanata, President of the Morningstar Condominium Association, advised that he represents owners at 4337 Sea Grape Drive and a management company at 231 Marine Court, all of whom would be directly affected by the proposed Code change. He questioned the definition of the subject property as a marina rather than as a mooring facility and cited concerns including noise and pollution.

Susan Kaufman, resident, stated that live-aboard vessels differ greatly from traveling vessels. She advised that she has witnessed discourtesy, debris, noise, and boat traffic concerns near the marina, and concluded that 60 days is too long to allow individuals to remain aboard their boats.

Ed Ellis, resident, asserted that he has never witnessed the installation of a marina in a single-family neighborhood. He felt the proposed amendment should not be approved unless the marina's buyer purchase sewage pumping equipment for the site, and expressed concern with the potential for noise as well.

Scott Kuhn, resident, advised that residents have complained about undesirable activities at the marina. He noted the tendency for pollution to collect in the canal, and did not feel the dock site was prepared to become a working marina at this time.

Nancy Dvorak, resident, stated that the ecological impact of several boats in a small area would be significant and contribute to traffic issues.

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Shevaun Steward Kuhn, resident, said she did not feel a transient marina would improve the nearby residential area. She asked that the Commission review the increased number of calls to the Broward Sheriff's Office (BSO) in relation to vessels moored at the location since the previous summer.

Fernando Pulido, resident, did not feel the subject site was appropriate for the development of a marina, and would continue to generate complaints from the community to law enforcement.

Ron Piersante, resident, stated that the proposed amendment would benefit only the marina buyer and not the surrounding residents. He confirmed that the residents' concerns regarding noise are justified.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

Assistant Town Manager Bud Bentley advised that the marina has been in operation since the 1960s as a legal nonconforming use, as the Town's zoning Code does not include a designation for marinas. Staff recommends regulation establishing a conditional use permit be required in order for the marina to offer overnight stays. The permit would establish conditions to limit the impact of the facility on surrounding property.

Asst. Town Manager Bentley continued that enforcement would be the responsibility of the marina operator as a way to protect his investment, as the conditional use permit may be revoked in the event of noncompliance. The conditional use permit would prohibit noise after 10 p.m. and provide for the eviction of problem vessels at the Town's request. The proposed Code change would allow for transient boaters, but not live-aboard boaters.

Town Manager Hoffmann advised that this Item is on the Agenda because the prospective marina owner has stated that he would not proceed with the purchasing the marina property unless overnight stays were allowed. Staff and the Town Attorney's office has invested a great deal of time and research into investigating this matter and she felt this threshold issue of "stay aboards" needed to be decided before more time and energy is invested.

The Commissioners discussed the issue, noting that most of the public speakers expressing concern with the proposed Code change identified themselves as boaters.

BSO Captain Wood confirmed that there have been Police calls related to the property.

Mayor Sasser, Vice Mayor Vincent, Commissioner Brown, and Commissioner Sokolow agreed by consensus that they were not in favor of the proposed conditional use permit at this time, although Commissioner Dodd noted that he would be in favor of the use if it

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were accompanied by stringent conditions to ensure the facility's compliance with Code. He felt that the marina needed stay aboards to be economically viable.

Asst. Town Manager Bentley advised that staff would be bringing forward an amendment to Chapter 5 of the Code to improve the language prohibiting habitation aboard vessels to allow for better enforcement of the existing Code. He clarified that he brought this up so that when that issue reappears on a subsequent Agenda, residents would not mistake that future Item for the same one they had addressed at tonight's meeting.

At this time the Commissioners took a brief recess.

c. Town Manager Evaluation (Tedra Smith, Town Clerk)

The Town Clerk advised that the overall rating of the Manager's performance by the Commission was 4.87 out of a possible 5. Commissioners briefly reviewed the document and confirmed their confidence in Town Manager Hoffmann.

d. Discussion regarding removing required parking spaces to allow for outdoor dining at Chatham House Restaurant and Pa D's Pizzeria and Grille (Mayor Scot Sasser)

Mayor Sasser explained that the subject property owner wants to add a sidewalk café to his business to increase exposure to a recessed property. Some parking spaces must be removed from the parking lot in order to accommodate a sidewalk café. Resident Jim Silverstone, representing the property owner, stated that the end result to the proposed change would be an improvement to the Town and the A1A corridor, and any risk would be assumed by the owner.

Asst. Town Manager Bentley advised that the applicable Code section states that legally established parking spaces may not be removed for a nonconforming use. He suggested that the owner consider reconfiguration of the parking lot in order to create more compact spaces and tandem/employee parking, which would result in a net parking increase rather than a deficit. The owner could then apply for an administrative adjustment.

The Commissioners discussed the Item, noting that parking has not historically been an issue on the subject property, as well as Staff's work toward a solution. They agreed by consensus to forward this Item to the Board of Adjustment.

14. ORDINANCES

Ordinances 1st Reading

None.

Lauderdale-By-The-Sea
Town Commission Regular Meeting
January 13, 2015

Ordinances 2nd Reading

- i. Ordinance 2014-20 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, approving the First Amendment to the Restated Solid Waste and Recyclable Collection Franchise Agreement with Waste Pro USA, Inc.; authorizing a six-month extension of the first renewal term; authorizing execution of the First Amendment to the Restated Franchise Agreement; providing for conflicts, severability, and for an effective date (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment.

James Woods, stated that he is employed by Republic Services, which is a major solid waste/recycling company. He encouraged the Commissioners to accept requests for proposal (RFPs) for this service, as the industry is very competitive.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

Asst. Town Manager Bentley confirmed that the proposed amendment would extend the contract from June to November 2015, after which time the Town may send out an RFP for services if they wish. It was noted that the collection agreement with Waste Pro USA Inc. includes solid waste, recyclables, and bulk waste; the Town also has a separate disposal contract with Sun Bergeron.

Town Manager Hoffmann clarified that the Town would have to notify Waste Pro of its intent not to extend the contract in June and send out an RFP long before the contract expires in November.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt this Ordinance on second reading. Motion carried 5-0.

15.RESOLUTIONS – PUBLIC COMMENTS

- i. 2015-01 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, opposing variance application P&Z #14-1100016 – A request for a variance to the height limitations of the Air Park Overlay Zoning District in the City of Pompano Beach, Florida, for property generally located at 1380 South Ocean Drive, Pompano Beach, Florida (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment.

Lauderdale-By-The-Sea
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Fred Goodman, resident, addressed the prospective development of two lots in the Pompano Beach overlay near his residence. He advised that the developer wishes to build to heights of 296 ft. and 190 ft. on these lots. Mr. Goodman expressed concern with the impact these buildings might have on traffic, as well as the precedent that approval of the variance might establish.

George Kilberg, resident, stated that development of the subject property should remain within the limits of Code.

With no other individuals wishing to speak on the Item, Mayor Sasser closed public comment.

The Commissioners reviewed the Item, noting that the Town Planner's recommendation that the Town request that Pompano deny approval of the variance application. Several issues are noted in the Staff report, including Pompano Beach's variance and hardship procedures, which staff feels are not being abided by at this time. Mayor Sasser advised that residents of Terra Mar Island have been notified of a public hearing in Pompano Beach, which was delayed in order to allow input from those individuals. It was clarified that a vote in support of the Resolution would reflect objection to the variance.

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

- ii. 2015-02 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of Planning & Zoning Board Members; providing for conflict; providing for an effective date (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment.

Barbara Cole, encouraged greater participation in the planning process by younger residents.

Edmund Malkoon, resident, recommended providing an new opportunity for other residents who may wish to participate, or participate again, on Town advisory entities to submit applications.

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

Commissioner Dodd stated that he would provide a letter from former Planning and Zoning Board member Yann Brandt as part of the public record.

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Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to appoint Patrick Murphy to the Planning and Zoning Board. Motion carried 5-0.

- iii. **2015-03 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, providing for the appointment of a member to the Audit Committee; providing for conflict; providing for an effective date (Tedra Smith, Town Clerk)**

Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to appoint Ron Piersante to the Audit Committee. Motion carried 5-0.

Town Manager Hoffmann noted that Mr. Murphy and Mr. Piersante had been Alternates to their respective Boards before their appointments at tonight's meeting. She advised that there are now vacancies in the Alternate positions.

16. QUASI JUDICIAL PUBLIC HEARINGS

None.

17. COMMISSIONER COMMENTS

Commissioner Dodd reported that there was no Hillsboro Inlet meeting. The Coastal Oceans Task Force recently met to prepare recommendations for implementation of a marine sanctuary by the appropriate governing body. He strongly asserted his support for the proposed sanctuary.

Mayor Sasser recognized the election of resident Paige Vincent to the Westminster Academy Winter Court.

Commissioner Brown expressed his condolences to the family and friends of resident Ben Freeny, who recently passed away. He also noted that the Sun Trolley is expected to extend its route into the Town in March 2015.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 10:00 p.m.

Mayor Scot Sasser

Lauderdale-By-The-Sea
Town Commission Regular Meeting
January 13, 2015

ATTEST:

Town Clerk Tedra Smith

Date

Tedra Smith

From: Stuart Dodd <stu4boats@bellsouth.net>
Sent: Tuesday, January 13, 2015 10:31 PM
To: Tedra Smith
Cc: Yann Brandt
Subject: FW: Planning and Zoning Board

Follow Up Flag: Follow Up
Due By: Tuesday, January 13, 2015 10:50 PM
Flag Status: Flagged

Please find below the resignation letter from Mr. Yann Brandt – I would appreciate it if it could be included in the minutes.

Many thanks
Stuart Dodd

From: yann@yannbrandt.com [mailto:yann@yannbrandt.com]
Sent: Friday, December 05, 2014 9:54 PM
To: stuarddodd@lauderdalebythesea-fl.gov
Subject: Planning and Zoning Board

Commissioner Dodd,

As you are aware I have unfortunately been absent at recent P&Z meetings. Due to recent job changes, I have increased my travel tremendously and have been out of town during scheduled and extra meetings held. I am very fond of serving the Town and the P&Z board. However, I do not feel it correct that your voice, as my appointing Commissioner, be absent at this many meetings. Please know that I have always communicated by absence with Town staff to make sure an alternate has been available.

I have always prided myself on being the member that does not take all recommendations for granted and approve them without question. Often a losing vote 4-1, I always felt fulfilled to make the point for the institutional memory and long term vision for Lauderdale-By-The-Sea. As you make a recommendation to replace me on the P&Z board, please choose someone that will continue to question the status quo. A member that will not allow the strong agenda of the current administration to go unchecked. These are important times in Town.

I hereby resign from the Planning and Zoning Board, please forward along to the Town Clerk on my behalf.

Best Regards,

Yann Brandt
242 Lombardy Avenue
Lauderdale-By-The-Sea, FL 33308



Town of Lauderdale-By-The-Sea

4501 N. Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Phone (954) 640-4210
Fax (954) 640-4211

Dear Residents Adjacent to the Silver Shores Waterway:

At the January 13th Town Commission meeting, the Commission will discuss allowing overnight stays on boats at an approved marina in a business zoning district. There are only three properties in Town that this could apply to and they are all located at the north end of the Silver Shores Waterway. One property has been operating a marina at this location since the 1960's. Since your propriety is on the Silver Shores Waterway, we wanted you to be aware of this discussion and have a copy of the attached agenda report.

The January 13th Commission meeting starts at 7:00 pm in Jarvis Hall. If you have an interest in this topic but cannot attend, you could drop off your comments to the Town Clerk Tedra Smith, or send her an email at TedraS@lbts-fl.com before Tuesday at 4:30 pm and she will provide copies to the Mayor and Commissioners. Commission meetings are shown on channel 78 (Comcast) and also on AT&T Uverse. You can see past Commission meeting on the Town's website.

Please feel free to call or email me if you have questions. If you would like to be added to my email list to receive information about the Overnight Stay Ordinance or the submerged land lease for the marina, (explained in the attached material), please send me an email with 'marina' in the subject line.

Best,

A handwritten signature in black ink that reads "Bud Bentley". The signature is written in a cursive, flowing style.

Bud Bentley

Assistant Town Manager

954-640-4212 or ATM@lbts-fl.gov

Tedra Smith

From: Bud Bentley
Sent: Sunday, January 11, 2015 4:44 PM
To: Assistant Town Manager; Chris Vincent; Connie Hoffmann; Elliot Sokolow; Karen Bertocci; Mark Brown; Markbro26@aol.com; Scot Sasser; stu4boats@bellsouth.net; Stuart Dodd; Tedra Smith; Town Attorney (Susan Trevarthen)
Cc: Tedra Smith
Subject: Overnight Stays on Silver Shores Waterway

FYI

From: Terry Paterson [mailto:terry@patersondevelopment.com]
Sent: Sunday, January 11, 2015 1:09 PM
To: tedras@lbts-fl.com; Bud Bentley; Linda Connors
Subject: Overnight Stays on Silver Hores Canal

To whom it may concern,

Sky 230 agrees with all the Towns research and has no problems with the Towns recommendations.

Often i hear Town Commisioners voice concerns that "if we allow this for this one propety, what is stopping all the others from wanting the same thing?". Obviously there are many factors to that answer, but as far as Sky 230 goes, that will never happen. Sky 230 HOA will clearly say "No overnight stays now or ever in the future". And it would never be in a residential developments best interest to allow that in their own docks.

Terry Paterson
President
Paterson Project Management, Inc
www.Patersondevelopment.com
Patco Windows, Inc
www.Patcowindows.com
Sky 230 Townhouse Development
www.Sky230.com
1512 SW 13th Ct
Pompano Beach, FL 33069
Cell: 954 410 0297

Tedra Smith

From: northrup.kathleen <northrup.kathleen@yahoo.com>
Sent: Sunday, January 11, 2015 8:05 PM
To: Tedra Smith
Subject: Fwd: Town Marina Proposal

Follow Up Flag: Follow Up
Due By: Monday, January 12, 2015 8:37 PM
Flag Status: Completed

Sent from my Verizon Wireless Tablet

----- Original message -----

Subject:Town Marina Proposal
From:"northrup.kathleen" <northrup.kathleen@yahoo.com>
To:tedras@lbts-fl.com
Cc:dscott8@ec.rr.com

Tedra:

I am the owner of two properties affected by the proposed marina and the issue of the submerged land rights.

· 4318 E Tradewinds and the Tradewinds Professional Building at the corner of East Tradewinds and Basin Dr.

I paid taxes on 1/19 of the submerged land rights for 8 years. Based on this I believe I have a legal right to 1/19 ownership of the submerged land rights.

If any individuals should have a right to the submerged land/water rights it should be the existing residents along the waterway.

No one should be given leased rights to the submerged land along the waterway that can impact my ability to use the waterway, or my ability to provide and use dockage at my personal dock or the dockage at my business.

Kathleen Northrup

Sent from my Verizon Wireless Tablet

Tedra Smith

From: jilennon@comcast.net
Sent: Monday, January 12, 2015 8:35 PM
To: Tedra Smith
Subject: Commission Meeting Regarding Overnight Stays At Marina Notice

Follow Up Flag: Follow Up
Due By: Monday, January 12, 2015 8:36 PM
Flag Status: Completed

Hello Ms. Smith,

My name is Jacqueline Lennon, my husband Sean and I reside full time at 301 Tropic Drive.

As homeowners and taxpayers we are fully opposed to making any changes to our current ordinance. We feel it will negatively impact the town and its citizens. That is what should be of utmost importance to the Mayor and Commissioners and not revenue for a potential buyer. As stated in the Agenda Memorandum, Mr. Henne will not make Lauderdale By The Sea his home, since he needs to "fly in several times a year. "

Please confirm receipt of this email and that it was forwarded to the appropriate parties, since we will not be able to attend Commission meeting.

Thank you for bringing this to our attention.

Jacqueline & Sean Lennon

Tedra Smith

From: Rita Borgeson <ritaborgeson@hotmail.com>
Sent: Tuesday, January 13, 2015 10:00 AM
To: Tedra Smith
Cc: Assistant Town Manager
Subject: Marina

My first issue here is the delivery of the meeting notification which was dropped into our mailbox on Sunday January 11,2015. No such notices should be delivered into a postal box by unauthorized persons. Certainly 24 hour advance notice is not a sufficient time frame for such a complicated issue.

Increased boat traffic up and down the canal will put additional strain on our sea walls.

Is there an environmental impact study available for the increased use of the waterway and how it will impact the waterway itself and surrounding properties ?

How much impact will this have on police/ fire services ?

Manatees are often I this basin canal- along with other sea life. What is the impact here.

If overnight stays are permitted at said marina, what will be the result if properties with dockage along the canal request that this be allowed at their docks. Parking , noise , litter and sewage disposal now become an issue in a residential neighborhood.

How often will environmental police be available to enforce arising issues ?

There are many more issues that need to be addressed and not enough notice has been given to the neighboring property owners to review and comment on this proposal .

Rita Borgeson, Milda Brieze
4306 East Tradewinds Ave
LBTS, FL 33308

Sent from my iPad

Tedra Smith

From: john.lanata2131@comcast.net
Sent: Tuesday, January 13, 2015 12:00 PM
To: Tedra Smith
Subject: Basin drive Marina and purposed liveaboard regulations.

Dear Commissioners,

I am John Lanata a resident of 223 Marine Ct, Lauderdale by the Sea. I am also the president of Morningstar Condo Asso. In addition I represent the owners of 4337 Seagrape Dr, located directly north of Morningstar and the management company for 231 Marine Ct ,located directly west of Morningstar.

These three properties make up the east end and the south end of the yacht basin on the south/east side.

In a letter sent to you by Shevan Steward-Kuhn she points out the difficulties that have been occurring unchecked since the current owners and operator, absentee owners and then newly appointed manager, Bill Henne. I have observed what she describes and am in agreement with her comments.

Let me add some additional information. On two occasions I have found people passed out in our Seagrape court yard. They wandered in some time during the night and passed out near our washer and dryers. when they left in the morning they went back to the marina where ever they were visiting. Over the Christmas holidays one of the current owners, Tony, from the Orlando area was staying aboard his boat at the marina for about 10 days. His had kids running up and down the docks and screaming at night at each other. Just the type of behavior that bothers our home owners.

In addition Bill Henne , who is the potential buyer left for the Bahamas on 12/21/14 and returned on or about 1/2/15 and proceed to live aboard till I think 1/8/15.

this is the same person who knows full well the law and is suppose to be there as the manager to be sure no one is living on their boats. What's that all about. These are the people who will be enforcing the new by-law

I have a major issue with the length of the boats that the marina is currently renting to. Just yesterday a 80 plus yacht pulled in making it the 4th 75 to 80+ boat at the marinas. What gives them the right to have large yachts there blocking the water way. Clearly the marina was never built for yachts greater than 45 feet. If you look at the piling ,dolphin locations it becomes clear what the intent of the size boats were. Because the boats are so large it will be almost impossible for them to get in and out of the marina safely. Just last week one of the neighbors with a 56 boat tried to leave and had a very rough time of it almost crushed a docked boat at 231 Marine court. His navigation was impaired by the 80 footer docked there.

In short they placement of large yachts at the marina is a navational hazard. Not only that but the large yachts seem to violate the current by-law. if not the letter but surely the intent,

when i spoke to Bill Henne he said that all he was interested in for the live aboard situation was to be able to fly in , take a couple of day to provision his boat and leave weather permitting and stay maybe 5 days total. In reverse come back from a Cruise and do the reverse. take 2 or 3 days to clean the boat up get back on a plan and leave. That is what he wanted and that is what sounded reasonable to me. maybe this happens 4 -6 times a year.

what's before you is nothing like what Bill described that he wanted. i am in total opposition of the proposed by-law change.

Item No. 10.a.

Another issue is the physical condition of the marina. The electrical is dangerous and does not meet code. The conduit is sagging and in some areas is in the water. The docks are unsafe. The pilings are rotten and unsafe. The location of the pilings are not conducive to the type of boats that should be docked there.

Some where the by-laws there needs to be a stipulation that the boat are to be backed in. Most noise weather day or night comes from the cockpits of the boats. If the boats are backed in therein the noise is confined to the rear of the vessel. that noise goes towards commercial property not down the canal bothering the residences.

There is a major concern about discharge of waste into the dead end yacht basin. I don't believe some Micky mouse portable system will be adequate to handle the needs.

Some other items for consideration for live aboards is: who is to monitor the days aboard? Whats to prevent the yacht owners from renting their boats and having spring breakers on board for a week. In other words not only is the amount of time inappropriate but so are the conditions. I would ask you table or defeat this proposed by-law.

I would have thought the proper process would be to first get a submersed land lease that was agreed on by both parties. I have great concerns about the 1/19 share of the basin that Bill Henne owns. That means he is a partner of the towns. What about a capital improvement budget for the marina. I would suggest all these items be resolved before a by-law is considered.

I would like to be able to address the commission this evening but i do not know the process. please advise.

Thank you for your consideration.
John Lanata

Tedra Smith

From: Ken Brenner <ken@interiordigs.com>
Sent: Tuesday, January 13, 2015 12:23 PM
To: Tedra Smith; scott Sasser; Mark Brown; Elliot Sokolow; Chris Vincent
Subject: marina agenda item

For the record, as a resident in the area. I am not in favor of allowing the marina to provide overnight stays as is proposed on the agenda item 13b New Business.

Regards,

Ken Brenner
258 Commercial Blvd.

Tedra Smith

From: David Nixon <david.d.nixon@gmail.com>
Sent: Tuesday, January 13, 2015 2:55 PM
To: Tedra Smith
Subject: Transient rental Marina

Very bad idea

*Requested By:
Tannah Hempstead*

January 13, 2013. To the Mayor, Vice, Major, Commissioners and Town Managers of Lauderdale-by-the-Sea:

The following people STRONGLY OPPOSE the changing of the existing code which forbids habitation on boats in the town of LBTS. ALL individuals below reside in the neighborhood along the waterway or in close proximity to the Basin Street Docks. You are welcome to discuss the project with any of these names individually. If requested, we can provide signatures to further promote our opposition.

Page 1 of 2

- Cathy Moore - 4243 E. Tradewinds Ave.
- April Holmes - 4243 E. Tradewinds Ave.
- Kathleen Northrup - 4322-4330 E Tradewinds Ave. AND 4318 E. Tradewinds Ave.
- Terrie Haddan - 4313 E. Tradewinds
- Dale Howell - 4313 E. Tradewinds
- Ginny Briscuso - 262 Miramar Ave
- Raymond Briscuso - 262 Miramar Ave
- Tom Carr - 254 Miramar Ave
- Marilyn Carr - 254 Miramar Ave
- Tony Ventrone - 250 Miramar
- Philip (Jerry) Sehl - 250 Miramar Ave
- Ron Kosiorek - 4318 E. Tradewinds, #2
- Cathy Kosiorek - 4318 E. Tradewinds, #2
- Hannah Hempstead - 274 AND 275 Capri Avenue
- Herb Schwartz - 263 Capri
- Les Pratt - 270 Capri Ave
- Jan Pratt - 270 Capri Ave
- Shevaun Steward-Kuhn - 258 Miramar Ave.
- Scott Kuhn - 258 Miramar Ave.
- Pam Roberts - 274 S. Tradewinds Ave.
- Tom Criqui - 274 S. Tradewinds Ave.
- Becky Fröhlich - 275 S Tradewinds Ave.
- June Lassell - 250 S. Tradewinds Ave.
- Norene Shiring Keyser - 4313 W. Tradewinds Ave.
- Fran Scheffler - 250 Capri Ave.
- Pamela Mereider - 266 Capri Ave.
- Larry Mereider - 266 Capri Ave.
- Peggy Silverstone - 278 Miramar Ave
- Jim Silverstone - 278 Miramar Ave
- Mary Ann Wardlaw - 279 Capri Ave.
- Ken Wardlaw - 279 Capri Ave.
- Yann Brandt - Ulvic Properties, owner 267 Capri
- Pam Lawrence - 262 Capri Ave.
- Alan Goldman - 235 Hibiscus
- Gail Goldman - 235 Hibiscus
- John McCall - 271 S. Tradewinds Ave.
- Judy McCall - 271 S. Tradewinds Ave.
- Wally Wjtczak - 282 Capri Ave.
- E. Pilar Wjtczak - 282 Capri Ave.
- Beth Kanaly - 263 S Tradewinds Ave.
- Nancy Dvorak - 267 S Tradewinds Ave.
- Louis Dvorak - 267 S Tradewinds Ave.
- John Lambrunides - 259 Capri
- Amy Lambrunides - 259 Capri
- Kenneth Brenner - 258 Commercial Blvd.
- Wayne Dillistin - 258 Commercial Blvd.

Leslie Rankin – 273 Miramar Ave
John Rankin -- 273 Miramar Ave
Jeffrey Margaritell - 273 Miramar Ave
Marsha Painter – Basin Drive

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL WORKSHOP
Jarvis Hall
4505 Ocean Drive
Tuesday, January 27, 2015
5:30 PM**

1. CALL TO ORDER

Mayor Scot Sasser called the meeting to order at 5:30 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, Assistant to the Town Manager Pat Himelberger, Town Attorney Susan L. Trevarthen, and Town Clerk Tedra Smith.

2. DISCUSSION ITEM

a. Goal Setting for the Remainder of FY 15 (Connie Hoffmann, Town Manager)

Mayor Sasser suggested that the Commissioners be polled to determine which of the many goals in the list provided by the Town Manager would be priorities in the new fiscal year. Town Manager Connie Hoffmann advised that it would also be helpful to identify any tasks or priorities that the Commissioners felt could be deferred until another year.

The Commissioners discussed these Items and noted which items they felt should be prioritized in FY 2015, with Commissioner Brown stating that he would follow up on the issue of legislation regarding the placement of license plate reader (LPR) cameras in the DOT right of way. He explained that the Florida League of Cities is advancing the issue. Commissioner Brown added that he also hoped to secure an agreement to bring the Sun Trolley to Lauderdale-By-The-Sea. His other priorities included the El Mar Drive restroom project and completing the Commercial Boulevard streetscape.

Commissioner Dodd advocated bringing pressure on the Florida Development Group to complete the projects at the Holiday Inn and Villa Caprice, which he characterized as eyesores. Town Manager Hoffmann noted that the Florida Development Group is approaching a deadline established as part of the lien mitigation, and expects to submit their plans for approval by the end of February 2015. The other Commissioners agreed that the developer should be held to the requirements of the mitigation plan.

Vice Mayor Vincent recalled that Staff has done a great deal of work on the Town's Sign Ordinance in the last year, and stated that the Commission should support Staff as they work to enforce Sign Code and other new Ordinances, as businesses have now had

Lauderdale-By-The-Sea
Special Workshop
January 27, 2015

sufficient time to make any necessary changes. Town Manager Hoffmann advised that the following Ordinances must still be addressed:

- Update of the Town's Comprehensive Plan
- Alignment of the Town's zoning Code with County Code in the north beach area
- Rewrite of Chapter 10 (Solid waste issues)

She continued that while the Comprehensive Plan update cannot be completed in FY 2015, the consultants are on schedule regarding its review process.

Town Manager Hoffmann requested direction regarding the recent parking study, asking if Staff should seek out additional parcels the Town might purchase for a new surface parking lot or lots. Commissioner Brown felt that the Town Manager has already been authorized to seek appraisals for strategic properties that might be for sale. Mayor Sasser asked if the Commission felt the Town should be acquiring properties for other strategic uses. The Commissioners agreed that there were no additional uses identified at this time, other than parking lots, for which the Town might have a need for properties.

Town Attorney Susan Trevarthen commented that the FY 15 goals might also include work on the submerged lands issue, as well as address pending litigation. The Commissioners noted Item 39 spoke to resolving legal rights to use submerged lands owned by the Town within the Silver Shores basin.

Mayor Sasser reviewed the backup materials to determine which strategic goals could be deferred past 2015, noting that some items, such as public safety goals, will be addressed as part of the regular business of the Town and/or are included on upcoming regular meeting agendas. They also discussed prospective street lighting upgrades, such as decorative or solar lighting, placement of lighting poles, and costs. It was noted that the latter item was scheduled for discussion on the Commission' regular agenda for that evening.

The Commission determined that crime prevention through environmental design and neighborhood watch programs would remain priorities for the Broward Sheriff's Office. It was suggested that information on arrests made as a result of LPR cameras could be included in the monthly BSO report, as well as statistical evaluations of complaint outcomes and other measurable outcomes submitted by BSO on a regular basis.

There was also discussion of preventing negative impacts from commercial development or redevelopment from affecting the Town's residential neighborhoods. Town Manager Hoffmann advised that this may be a very difficult goal to achieve given land constraints in the alleys, and recommended deferring it to another year, to which the Commission agreed. Other goals, such as encouraging the Town's residential neighborhoods to participate in the Neighborhood Improvement Grant program, were noted to be ongoing.

Lauderdale-By-The-Sea
Special Workshop
January 27, 2015

Drainage issues that pose significant threats to property were also reviewed, with the clarification that this item applies primarily to redeveloped residential or commercial properties. Town Manager Hoffmann recommended that the Town Engineer review the Town's drainage requirements and suggest any necessary changes.

Other goals deferred to subsequent years included streetscape and pedestrian improvements on El Mar Drive, as well as creating a brochure and walking tour related to the Town's Midcentury Modern architecture. Commissioner Brown noted he will work with the MPO to provide funding so that design of the El Mar Greenway can take place in the following year or sooner.

The Commissioners also discussed a proposal to return zoning Code to the requirement of a 25 ft. rear setback on waterfront lots. It was agreed that this item would remain a priority in FY 2015, but would be restated for greater clarity. Identification and preservation of historic buildings and structures was also retained as a priority, as were tennis and bocce court improvements for Friedt Park, which are included in the FY 2015 budget.

Priorities related to support of the hotel industry were noted to be ongoing at the Staff level. It was agreed that recommendations on policy and rate strategies recommended by the Town's parking consultant would remain a priority, as these have yet to be implemented. Enforcement of Town Code, including nuisance abatement policies, was also retained. Review of Landscape Code was deferred to FY 16. Review of the Town's pay plan was retained, as this has not been done in many years. Continuation of the Town's partnership with Nova Southeastern University to plant staghorn coral, as well as continued planting of sea oats, were also retained as priorities.

b. Discussion about Town-Sponsored Special Events (Connie Hoffmann, Town Manager)

The Commissioners determined that the discussion of Town-sponsored events would be deferred to the regular meeting Agenda.

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

3. ADJOURNMENT

With no further business at this time, the workshop was adjourned at 6:39 p.m.

Mayor Scot Sasser

Lauderdale-By-The-Sea
Special Workshop
January 27, 2015

ATTEST:

Town Clerk Tedra Smith

Date



Agenda Memorandum

Town Manager's Office

Connie Hoffmann

Department

Town Manager

COMMISSION MEETING DATE: February 10, 2015

- | | | | |
|---------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input checked="" type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Discussion about Town Sponsored Special Events

EXPLANATION: At the January 13th Commission meeting, Commission Brown scheduled an agenda item recommending the Commission consider organizing a Veteran's Day Event and dropping the Halloween event. At the January 27th meeting, the majority of Commissioners voiced support for eliminating the Easter and Halloween events. There was discussion about a Veteran's Day event, but no decision was reached on that issue. Commissioner Brown asked that a final vote on all matters be delayed until the public could express their opinion at the February 10th meeting.

The current Town sponsored Special Events are:

1. LBTS Fest, now Turtle Fest
2. Easter Egg Hunt & Hat Contest
3. 4th of July Festivities
4. Bugfest (multiple events)
5. Halloween Night Celebration
6. Christmas by the Sea

FYI, in the past twelve months, the Town also co-sponsored the Hanukah Menorah Lighting Event and the first Foot Volley Tournament.

Expected Outcome: Commission decision on which events to sponsor in calendar year 2015.

Reviewed by Town Attorney
 Yes No



Agenda Item Memorandum

Administration

Connie Hoffmann

Department

Department Director

COMMISSION MEETING DATE - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> February 10, 2015 – Regular Meeting 7:00 PM	

***Subject to Change**

- Presentation Reports Consent Ordinance
- Resolution Quasi-Judicial Old Business New Business

FY2015 – PART OF THE STRATEGIC PLAN:

SUBJECT TITLE: ADOPTION OF WORK PLAN & PRIORITIES FOR REMAINDER OF FY15

EXPLANATION: At both the January 27 workshop and Commission meeting, the Commission reviewed a long list of possible objectives and tasks that support the Strategic Plan and narrowed the list down to a manageable work plan. The Commission directed that their discussion be reflected in a smaller list to be brought back for adoption at the February 10th meeting.

RECOMMENDATION: That the Commission adopt the work plan laid out in the exhibit to this agenda item as the FY15 Work Plan.

EXHIBITS: Memo Dated February 3rd from Town Manager on FY15 Work Plan & Priorities

Reviewed by Town Attorney
 Yes No

Town of Lauderdale-by-the-Sea

OFFICE OF THE TOWN MANAGER

Memorandum

Date: February 3, 2015

To: Mayor Scot Sasser
Vice Mayor Chris Vincent
Commissioner Mark Brown
Commissioner Stuart Dodd
Commissioner Elliot Sokolow

From: Connie Hoffmann, Town Manager

Subject: **STRATEGIC PLAN:** AGREED-UPON WORK PLAN/PRIORITIES FOR THE
REMAINDER OF FY15 (i.e. FEBRUARY – SEPTEMBER)

This memo summarizes the work priorities agreed upon by the Town Commission at the January 27th workshop meeting. The items the Commission determined are top priorities are highlighted in yellow.

STRATEGIC THEME #1: PUBLIC SAFETY

1. Annually evaluate changes in UCR statistics for LBTS against crime trends in Broward County for that same period of time. (Capt. Wood)
2. Prepare a report every six months on the number and nature of complaints received about LBTS BSO personnel's behavior and the outcome of investigations into those complaints. (Capt. Wood)

3. Review emergency medical services provider's monthly call response data to verify that the contract standard for response time is met. (Town Mgr)

STRATEGIC THEME #2. PROTECT & ENHANCE THE LBTS SMALL TOWN, SEASIDE VILLAGE WAY OF LIFE

4. Implement the neighborhood grant projects approved by the Commission for Bel Air and Terra Mar neighborhoods. (Don Prince & Pat H)
5. Review drainage provisions in Chapter 30 to evaluate the drainage requirements in the current code and consider revisions to 1) actively encourage the use of pervious materials to allow rain to get back into the water table; 2) provide that driveways constructed of pervious materials need not provide a catch basin and could maintain a higher grade to prevent water from the roadway draining into their property and revise as necessary. (Town Engineer & Linda C)
6. Work with the Sun Trolley Board to include Lauderdale-By-The-Sea as a stop on their Sun Trolley route. (Comm. Brown)
7. Advocate for the El Mar Greenway to be added to the MPO's project list and then for funding to be provided for the design. (Comm. Brown)
8. Design and construct the central Commercial Boulevard streetscape project from A1A to Seagrape Drive. (Town Mgr)
9. Reverse the rear yard setback changes made in 2007 or 2008 for waterfront property. (Linda C)
10. Develop programs or regulations to encourage the preservation of MIMO buildings. (Mayor & Linda C)
11. Implement Phase 1 Friedt Park improvements. (Don P & Pat H)
12. Explore options for a location to shoot the 4th of July fireworks show and finalize one by June 1st. (Bud B & Comm. Sokolow)

STRATEGIC THEME #3. FOSTER THE ECONOMIC VITALITY OF THE TOWN

- 13.** Fast track review of hotel redevelopment proposals and keep pressure on developer to complete renovations of the former Holiday Inn, Villa Caprice, and 4660 hotels. (Linda C, Town Atty & Commission)
- 14.** Make final determinations on the policies and rates and strategies recommended by the parking consultant. (Bud B & Commission)
- 15.** Utilize the Nuisance Abatement Ordinance to force corrective action on properties with criminal activity that meet the statutory definition of a nuisance property. (Town Mgr, Capt. Wood, Code Enforcement)
- 16.** Design and begin construction of drainage improvements to Basin Drive. (Don P)
- 17.** Pursue purchase of a viable, centrally-located parcel for use as a surface parking lot. (Bud B)
- 18.** Resolve issues regarding use of submerged lands owned by the Town in the Silver Shores Basin. (Bud B & Town Atty)
- 19.** Evaluate RFP responses, select a responsible company to take over Parking services in the Spring, and have a smooth transition between contractors. (Bud B & Tony B)

STRATEGIC THEME # 4. PROVIDE EFFICIENT & EFFECTIVE GOVERNMENT SERVICES

- 20.** Keep the Town's millage rate and Fire Assessment Fee in the lowest quartile of all Broward cities. (Town Mgr, Tony B & Commission)
- 21.** Survey other cities' residential garbage collection rates and consider that in the determination of whether to extend the garbage collection contract in June. (Bud B & Commission)
- 22.** Communicate the Town's annual priorities on the website. (Steve D)
- 23.** Communicate designs, schedule and progress on major capital projects to residents and affected businesses. (Steve D)
- 24.** Survey other municipalities and modify the Town's pay plan (including Commission salaries) to insure our pay rates are competitive. (Town Mgr & Commission)

STRATEGIC THEME #5. ENVIRONMENTALLY RESPONSIBILITY

25. Monitor our contractor's timeliness and quality of reporting on the Bio-Rock Reef Project. (Town Mgr)

26. Monitor contract with Nova to install staghorn corals on several sites off of LBTS. (Steve D)

27. Undertake additional sea oat plantings to stabilize our beaches. (Don P)

28. Design and begin construction of a public bathroom facility at the El Mar site south of Commercial Blvd. (Town Mgr)



Agenda Item Memorandum

Town Commission

Chris Vincent

Department

Vice Mayor

COMMISSION MEETING DATE - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> February 10, 2015 – Regular Meeting 7:00 PM	

***Subject to Change**

- Presentation Reports Consent Ordinance
- Resolution Quasi-Judicial Old Business New Business

FY2015 – PART OF THE STRATEGIC PLAN:

SUBJECT TITLE: TOWN MANAGER BONUS

EXPLANATION:

It occurred to me that we have rated the Town Manager's performance as exceeding our expectations for four years in a row, but have never increased her salary or given her a bonus to recognize her performance. The year for which we evaluated her recently was the one in which the Commercial Boulevard projects were completed on time and to great public acclaim, so I think we need to recognize that with some form of bonus. In speaking with the Manager about this, she was reluctant for me to propose a cash bonus, citing how much of a team effort the projects were.

RECOMMENDATION: I still think we need to do something and suggest we give her some extra vacation time this year in recognition of all that was accomplished last year.

Reviewed by Town Attorney
 Yes No



Agenda Memorandum

Administration

Pat Himelberger

Department

Assistant to the Town Manager

COMMISSION MEETING DATE: - 7:00 PM

- Presentation
- Reports
- Consent
- Ordinance
- Resolution
- Quasi-Judicial
- Old Business
- New Business

FY2014 – PART OF THE STRATEGIC PLAN:

SUBJECT TITLE: Second Reading of Ordinance 2015-01, Proposed Amendment to Chapter 14.5, Creating Article III Street Performing.

EXPLANATION: At the January 27, 2015 Town Commission meeting, the Commission approved on first reading Ordinance 2015-01, proposed amendments to Chapter 14.5, creating Article III Street Performing. The proposed ordinance regulates street performers with regards to time, place and manner to ensure the safety of the performers and the general public while causing minimal disruptions of the Town residents to enjoy public areas or businesses to conduct and operate their businesses.

Vice Mayor Vincent expressed concern about street performers wearing Town-issued badges which might convey an impression that the street performer is somehow sanctioned by the Town. Captain Wood feels strongly that it would make enforcement easier and less intrusive if the permit is readily visible to the police officers. We believe the design of the permit badge can be such that it will allow BSO to easily identify performers who are permitted in public areas without conveying that the performance is sanctioned by the Town. Thus the following revisions to the language in Ordinance 2015-01 are proposed:

Lines 122,123 Upon issuing a permit, the Town shall also issue the performer a printed copy of this Article and an identification tag, containing the name, photograph, permit number and expiration date of the permit.

Lines 132,133 A performer shall wear ~~show~~ the identification tag ~~performance permit while performing within the Town.~~ ~~to any police officer of the Town upon request.~~

RECOMMENDATION: That the Commission adopt Ordinance 2015-01 with the noted changes on Second Reading.

Exhibits: Ordinance 2015-01

Reviewed by Town Attorney
 Yes No

ORDINANCE 2015-01

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14.5 “PEDDLERS AND SOLICITORS” BY CREATING ARTICLE III “STREET PERFORMING” TO PROVIDE FOR PERMITTING AND REGULATION OF STREET PERFORMANCES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

1 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
2 Ordinances (the “Code”) are periodically necessary in order to ensure that the Town’s
3 regulations are current and consistent with the Town’s planning and regulatory needs; and

4 **WHEREAS**, the Town Commission recognizes that street performers can, when
5 carefully regulated, provide a public amenity that enhances the character of a downtown
6 pedestrian environment; and

7 **WHEREAS**, the Town Commission desires to permit performances in a manner
8 consistent with the overall public interest; and

9 **WHEREAS**, the Town Commission recognizes that street performers seek to and do
10 draw crowds to their performances which can create serious safety problems by impacting the
11 ability of pedestrians to move safely on sidewalks and through crosswalks, and impeding the
12 response time of safety personnel; and

13 **WHEREAS**, street performances can also impact access to and egress from businesses;
14 and

15 **WHEREAS**, the Town Commission finds that street performers often interact closely
16 with the public including children; and

17 **WHEREAS**, the Town Commission finds that the permitted presence of a street
18 performer in the Town is perceived by the public as non-threatening; the Town’s allowance of
19 the activity thus creating in the public a sense of security and trust; and

20 **WHEREAS**, the protection of the public, particularly children, from felons and sex
21 offenders, is a critical concern; and

22 **WHEREAS**, the Town Commission recognizes that street performers are engaged in
23 First Amendment activities; and

24 **WHEREAS**, the Town Commission desires to impose reasonable time, place and
25 manner restrictions on street performers to the extent necessary to ensure the safety of
26 performers, their audience, and the general public and to prevent unreasonable interference with
27 residents’ enjoyment of peace and quiet in their homes or the ability of businesses to operate and
28 conduct their business; and

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

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

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

38 **SECTION 2.** Amendment. Chapter 14.5, “Peddlers and Solicitors,” of the Code of
39 Ordinances, is hereby amended by creating Article III, “Street Performing,” as follows¹:

40 **CHAPTER 14.5 - PEDDLERS AND SOLICITORS**

41

42 * * *

43 **ARTICLE III. STREET PERFORMING**

44 **DIVISION 1. GENERALLY**

45 **Sec. 14.5-61. Intent and Purpose.**

46 The Town Commission finds that allowing street performers in the Town provides a public amenity
47 that enhances the character of the downtown, and seeks to encourage performances in a manner
48 consistent with the overall public interest. The Town Commission also recognizes that street
49 performers seek to and do draw crowds to their performances. This can create serious safety
50 problems by impacting the ability of pedestrians to move safely on sidewalks and through
51 crosswalks, and impeding the response time of safety personnel. It can also impact access to and
52 egress from businesses.

53 Cognizant that street performers are engaged in First Amendment activities, this Article imposes
54 reasonable time, place and manner restrictions on street performers to the extent necessary to
55 ensure the safety of performers, their audience, and the general public and to prevent unreasonable
56 interference with residents’ enjoyment of peace and quiet in their homes or the ability of businesses
57 to operate and conduct their business.

58 The purpose of this Article is to encourage and permit street performance in public areas.

59 **Sec. 14.5-62. Definitions.**

60 For the purpose of this Article, the following words and phrases shall have the meanings hereinafter
61 set forth except where such terms are used in a context which clearly indicates a different meaning.

62 *Perform* means to do an action or activity for the purpose of entertaining, which may include, but is
63 not limited to, the following: acting, singing, playing musical instruments, pantomime, juggling, magic,
64 dancing and reciting. “Perform” shall not include the production of items for sale.

65 *Performance Site* means the area, 20 feet in radius surrounding the Performer when he or she is
66 performing.

¹ All text is new text. Additions to the proposed text between first and second reading are shown in underline.
Deletions to the proposed text between first and second reading are shown in ~~striketrough~~.

67 *Performance Permit* means a performance permit issued by the Town to an individual or group of
68 people to allow that individual or group to Perform within the Town as specified in the Permit
69 pursuant to this Article.

70 *Performer* means a person or group of persons who has obtained a permit pursuant to this Article.

71 *Public Areas* means the sidewalks, parks, playgrounds and all other public ways located in the
72 Town, except those portions of the streets and roadways intended for use by vehicular traffic within
73 the Town.

74 *Town* means Town of Lauderdale-By-The-Sea

75 *Town Manager* means the Town Manager of the Town or his or her designee.

76 **Sec. 14.5-63. Prohibitions.**

77 (a) No person may perform in the public area without having obtained a performance permit issued
78 under Section 14.5-64.

79 (b) A performer may not use any power source that poses a fire or public safety hazard or any
80 generator. A performer may not connect or maintain an electrical cord to an adjacent building or to a
81 Town power source.

82 (c) A performer may not use electric or electronic amplification.

83 (d) A performer may not litter his or her performance area, and is responsible for maintaining his or her
84 performance area, free of litter.

85 (e) A performer may not utilize during his or her performance, or prevent the public from utilizing, any
86 public bench or waste receptacle. No street performer shall block access to an entrance to a
87 building or bicycle rack.

88 (f) A performer may not place any object on a public sidewalk that results in less than an eight-foot
89 contiguous sidewalk width being kept clear for pedestrian passage.

90 (g) A performer may not perform with more instruments, props, equipment or other items than such
91 performer can reasonably transport or remove at one time.

92 (h) A performer may not place his or her instruments, props, equipment, or other items anywhere other
93 than a performance site during his or her performance.

94 (i) A performer may not leave his or her instruments, props, equipment or other items unattended.

95 (l) A performer may not block or obstruct a curb cut.

96 (j) A performer may not generate noise or sound that violates the provisions of Chapter 13 "Noise" of
97 this code.

98 (k) A performer shall not use an animal as part of his or her act while on public property, unless the
99 performer is licensed by the United States Department of Agriculture under the Animal Welfare Act
100 and provides the Town written proof thereof.

101 (l) A performer may offer recordings of his or her own work provided he or she submitted samples of
102 such with his or her permit application.

- 103 (m) A performer may not engage in harassment or coercion of a passerby.
- 104 (n) A performer may not establish a performance site within 10 feet of the closest intersection or within
105 30 feet of another permit holder. In no case shall a performer perform anywhere within a
106 performance site closer than 10 feet to an intersection.

107 **Sec. 14.5-64. Permit.**

- 108 (a) A permit shall be issued by the Town to each applicant meeting the requirements of this Article
109 within 7 days of receipt by the Town of a complete application and a fee established by resolution of
110 the Town Commission subject to the provisions of Section 14.5-71.
- 111 (b) A completed application for a permit shall contain the applicant's name, address, date of birth, photo,
112 telephone number, and copy of the driver's license or other government issued identification of the
113 applicant, and shall be signed by the applicant.
- 114 (c) The Town shall refer the application to the Chief of Police, who will conduct a background check on
115 the applicant. Upon receipt of the appropriate reports, the Chief of Police shall forward them to the
116 Town, together with any other relevant information from the files regarding the applicant.
- 117 (d) A permit shall be valid from the date on which it is issued through December 31 of the year in which
118 it is issued.
- 119 (e) A permit shall contain the name, picture and permit number of the applicant plus the months and
120 year in which the permit is valid.
- 121 (f) A permit shall be non-transferable.
- 122 (g) Upon issuing a permit, the Town shall also issue the performer a printed copy of this Article and an
123 identification tag, containing the name, photograph, permit number and expiration date of the permit.

124 **Sec. 14.5-65. Denial of Permit.**

- 125 The Town shall deny an applicant's application for a street performer's permit if an
126 investigation of the applicant or if the applicant's application indicates that the applicant:
- 127 (1) Has failed to pay required permit fees;
- 128 (2) Has been convicted of a felony or as a sex offender by any state or Federal court
129 within the past five years; or
- 130 (3) Is a registered sex offender in any state.

131 **Sec. 14.5-66. Display of Permit.**

132 A performer shall wear ~~show~~ the identification tag performance permit ~~while performing within the~~
133 Town under the Permit. ~~to any police officer of the Town upon request.~~

134 **Sec. 14.5-67. Permitted Performances.**

- 135 (a) Performances may take place in the following locations:
- 136 (1) In public areas, except those excluded pursuant to Section 14.5-68; or

137 (2) On private property, if the performer has obtained the written permission of the owner of such
138 property or other person with authority to grant such permission with respect to such property;

139 (b) Performances may take place between 10:00 a.m. and 10:00 p.m. Sunday - Thursday, 10:00 a.m.
140 and 10:30 pm Friday and Saturday unless otherwise restricted by the Town Manager.

141 (c) A performer may not block the passage of the public through a public area. If a sufficient crowd
142 gathers to see or hear a performer such that the passage of the public through a public area is
143 blocked, a police officer may disperse the portion of the crowd that is blocking the passage of the
144 public. Said police officer may require the performer to relocate to a location that can accommodate
145 the crowd.

146 (d) No performer shall perform at a distance of less than 30 feet from another performer that already is
147 performing.

148 (e) No performer shall perform at a distance of less than 50 feet from the boundaries of a Town
149 permitted Special Event.

150 (f) The use of a performance site by a permit holder is on a daily, first-come, first served basis. No
151 permit holder may reserve a location; and each permit holder shall abandon a location of the end of
152 his or her working day, including the removal of all personal property of the permit holder.

153 **Sec. 14.5-68. Exclusion of Public Areas.**

154 At the discretion of the Director of Municipal Services or Town Manager, certain designated areas
155 may be excluded from further performances in public emergencies, to prevent conflict with permitted
156 special events, construction or Town activities, or for other health or safety reasons.

157 **Sec. 14.5-69. Acceptance of Contributions.**

158 (a) A performer may accept contributions during the performance and such acceptance shall not
159 constitute a violation of "begging" or "panhandling" conduct under the provisions of Section 14-7. No
160 performer shall solicit donations verbally. However, a box, jar, musical case or similar item may be
161 left open to indicate that donations will be accepted without violation of Section 14-7 of the Code.

162 (b) Performing, and related acceptance of contributions, if such occur in a performance site and as
163 provided in this Article, will not constitute violations under the provisions of Sections 14-11 or 14-17.

164 **Sec. 14.5-70. Compliance.**

165 The conduct and behavior of all performers will be in compliance with the existing codes, which
166 include, but are not limited to, the Noise Ordinance and the laws on the obstruction of sidewalks and
167 other passageways, as well as off-site vending, pamphleteering, advertising or solicitation.
168 Performances must not contain any obscenity as defined by state law.

169 **Sec. 14.5-71. Enforcement, Suspension or Revocation of Permit.**

170 (a) Any performance permit may be revoked for the protection of the public by the Town Manager after
171 due hearing for the following reasons:

172 (1) Violation of any section of this article or the Code of Ordinances;

173 (2) Inaccuracies or misrepresentations upon initial application for the performance permit;

- 174 (3) Conviction of felony or as a sex offender by any state or Federal court within the past five years;
- 175 (4) Current registration as a sex offender in any state; or
- 176 (5) Any other matters the Town Manager finds affect the health and safety of the residents.

- 177 (b) In the event the Town determines there are grounds for suspension, revocation or other action, as
178 provided in this Article, the Town shall schedule a hearing before the Town Manager and notify the
179 permittee in writing and the grounds upon which such action is proposed, no less than 7 days prior to
180 the date of the hearing. In the event of an emergency the hearing may be held no less than 24
181 hours after notice to the permittee.

- 182 (c) Notice shall be deemed given when a notice has been properly addressed to the address as
183 provided by the permittee on the performance permit application, stamped and deposited in a U.S.
184 Postal depository or collected by an employee of the U.S. Postal Service,. Emergency notice shall
185 be attempted by all available avenues including hand delivery.

- 186 (d) The Town Manager may:
 - 187 (1) Find no violation.
 - 188 (2) Temporarily suspend the permit for a time period relative to the severity of the violation, as
189 determined appropriate by the Town Manager.
 - 190 (3) Revoke the permit for the remainder of its term.
 - 191 (4) Direct or take such other action as deemed appropriate by the Town Manager including but not
192 limited to setting a fine amount not to exceed \$250 depending on circumstances, or establishing
193 other conditions of the performance permit.
 - 194 (5) Should the facts and circumstances suggest the public is endangered or may be harmed if
195 immediate action is not taken, the Town Manager may suspend or revoke a permit immediately
196 subject to appeal as provided herein. Such appeal shall not stay the suspension or revocation
197 or other action of the Town Manager.
 - 198 (6) A finding of violation twice within a one-year period shall require revocation of the permit for the
199 remainder of its term.

- 200 (e) Nothing in this Article shall take away other enforcement powers of the Town, Special Magistrate or
201 any other agency provided by the Code or statute.

202 **Sec. 14.5-72. Appeal of denial or Town Manager’s order.**

- 203 (a) Any applicant or permittee may appeal the denial of an application or the order of the Town Manager
204 by filing an appeal thereof with the office of the Town Clerk on such forms as the Town Clerk may
205 prescribe for such purpose. Such application shall contain the following information:
 - 206 (1) Name, home and business address and telephone number of the appellant;
 - 207 (2) A copy of the denial or order being appealed;
 - 208 (3) A description of the facts, circumstances or defenses of the appellant supporting the appeal;
 - 209 (4) If the appeal concerns a suspension or revocation, then a copy of the applicable performance
210 permit; and
 - 211 (5) The appropriate appeal fee as established by resolution of the Town Commission.

- 212 (b) Upon the filing of an appeal, the Town shall schedule a hearing before the Town Commission at the
213 next regular meeting of such Commission occurring more than 15 days from the date of the filing of

214 such appeal and shall provide no less than 10 days written notice of the hearing date to the
215 appellant.

216 (c) At any hearing in connection with the appeal, the appellant shall be entitled to appear in person or
217 through counsel and to submit such evidence as the appellant shall deem appropriate. The formal
218 rules of evidence shall not apply, but the Mayor of the Town Commission shall conduct such hearing
219 so as to ensure the appellant a full opportunity to respond to the action being appealed. Hearsay
220 evidence shall be accepted, but the Town Commission shall determine its probative value.

221 (d) The Town Commission shall determine whether, under the facts and circumstances of each matter,
222 the denial of the application or order of the Town Manager was reasonably justified.

223 (e) The Town Commission's finding shall constitute a final determination subject to judicial review in a
224 court of competent jurisdiction.

225

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

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

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

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

239 Passed on the first reading, this ___ day of _____, 2015.

240 Passed and adopted on the second reading, this ___ day of _____, 2015.

241

242

243

244

MAYOR SCOT SASSER

245

First Reading

Second Reading

246

Mayor Sasser

247

Vice-Mayor Vincent

248

Commissioner Brown

249

Commissioner Dodd

250

Commissioner Sokolow

251

252 ATTEST:

253

254

Tedra Smith, Town Clerk

255

256 APPROVED AS TO FORM:

257

258

259

Susan L. Trevarthen, Town Attorney

260



Agenda Item Memorandum

Development Services

Department

Linda Connors

Town Planner/Asst. Development Services Director

COMMISSION MEETING: February 10, 2015 – 7:00 P.M.

- Presentation
- Reports
- Consent
- Ordinance
- Resolution
- Quasi-Judicial
- Old Business
- New Business

SUBJECT TITLE: Second Reading for Ordinance 2015-02 Solicitation and Vending.

EXPLANATION: Solicitation is regulated by the Town in Chapters 5, “Beaches and Waterways” and 14.5, “Peddlers and Solicitors” of our Town Code of Ordinances. The sections of these code chapters have not been updated since 1962 and 1989 respectively.

Ordinance 2015-02 updates the solicitation and vending sections of the code, allowing solicitation on the beach as part of a Town approved special event, and reorganizes the Town’s code regarding garage sales. The Commission approved Ordinance 2015-02 on first reading at their January 27, 2015 meeting. Since that time, staff amended the proposed ordinance as follows (double strikethrough indicates change from first reading):

Sec. 14.5-45. Photograph and identification tag.

In connection with the issuance of a vendor's license by the Town, the ~~Town Chief of Police~~ shall cause an identification tag to be issued to each approved applicant for a vendor's license. On the face of each vendor's license, there shall be placed the following:

- (1) A photograph of the applicant;
- (2) The license number;
- (3) The license holder's name ~~and address~~;
- (4) ~~The name and address of the firm or organization which the applicant represents or is employed by;~~
- ~~(5) The expiration date of the license.~~
- ~~(6) The seal of the Town.~~

RECOMMENDATION: Staff recommends approval of Ordinance 2015-02 on second reading.

EXHIBITS: 1 – Ordinance 2015-02

Reviewed by Town Attorney
 Yes No

ORDINANCE 2015-02

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS” ARTICLE II, “BEACH REGULATIONS”, OF THE CODE OF ORDINANCES, TO PERMIT APPROVED SPECIAL EVENT ACTIVITIES ON THE BEACHES; AMENDING CHAPTER 14.5 “PEDDLERS AND SOLICITORS” TO ADDRESS VENDING AND PROMOTIONAL ENTERTAINERS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

1 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
2 Ordinances (the “Code”) are periodically necessary in order to ensure that the Town’s
3 regulations are current and consistent with the Town’s planning and regulatory needs; and

4 **WHEREAS**, the Town desires to update regulations for garage sales addressed in
5 Chapter 14.5, “Peddlers and Solicitors;” and

6 **WHEREAS**, soliciting on the public beaches is prohibited in Chapter 5, “Beaches and
7 Waterways” and in Chapter 14.5, “Peddlers and Solicitors;” and

8 **WHEREAS**, the Town Commission desires to update the Code to provide for
9 commercial activities on the beach when approved as part of a special event permit; and

10 **WHEREAS**, the Town Commission desires to provide regulations addressing the
11 activities of “promotional entertainers” working in the Town; and

12 **WHEREAS**, the Town Commission finds that activities involving the solicitation and
13 canvassing of money provides opportunities for fraud against unsuspecting citizens; and

14 **WHEREAS**, the Town Commission finds that the prevention of burglary and other
15 criminal activities is a critical concern; and

16 **WHEREAS**, the Town Commission finds that residents have a right to a degree of
17 privacy in their own home; and

18 **WHEREAS**, the Town Commission finds that it is necessary to regulate such vendors
19 and solicitors by requiring a permit for operating within the Town, providing for time limitations
20 and additional regulations to protect those soliciting and those being solicited; and

21 **WHEREAS**, the selling and vending of merchandise, products and services in and
22 adjacent to public right-of-way, streets and sidewalks creates congestion and traffic and
23 pedestrian safety issues; and

24 **WHEREAS**, the Town Commission finds that Commercial Boulevard, Ocean
25 Boulevard/State Road AIA and El Mar Drive present an increased and significant danger for use
26 by distracted drivers, pedestrians and vendors and solicitors, and pose the greatest threat to traffic
27 and public safety in reference to activities and use by vendors and solicitors.

28 **WHEREAS**, the Town Commission finds that amendment of the Town's regulations
29 concerning vending and soliciting is necessary for protection of the health, safety, and welfare of
30 the residents of the Town; and

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

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

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

40 SECTION 2. Amendment. Article II, “Beach Regulations,” of Chapter 5, “Beaches
41 and Waterways,” of the Code of Ordinances, is hereby amended as follows¹:

42 **Chapter 5 - BEACHES AND WATERWAYS**

43 **ARTICLE II. - BEACH REGULATIONS**

44 **Sec. 5-22. - Soliciting on the beach.**

- 45 (a) It shall be unlawful to solicit on the public beach except in conformance with a special event
46 application approved by the Town Commission, provided that this provision shall not apply
47 to ~~newspaper boys~~, persons operating under beach franchises and established business
48 operations conducted entirely within an enclosed building or structure.
- 49 (b) The term "solicit" or "soliciting" shall mean and include any one or more of the following
50 activities:
 - 51 (1) Seeking to obtain orders for the purchase of goods, merchandise, foodstuff, services or
52 any other thing of any kind, character or description whatsoever for any kind of
53 consideration whatsoever;
 - 54 (2) Selling goods, merchandise, foodstuff, services or other thing of any kind, character or
55 description whatsoever, for any kind of consideration whatsoever;
 - 56 (3) Selling or seeking to obtain subscriptions to books, magazines, periodicals, newspapers
57 and every other type or kind of publication for any kind of consideration whatsoever;
 - 58 (4) Seeking to obtain gifts, or contributions of money, clothing or any other thing for any
59 reason whatsoever;
 - 60 (5) Seeking to obtain orders for, or selling real estate of any kind, character or description
61 whatsoever for any kind of consideration whatsoever;
 - 62 (6) Renting or seeking to obtain orders for the rental of goods, merchandise, foodstuff,
63 services, real estate or any other thing of any kind, character or description whatsoever,
64 for any kind of consideration whatsoever;

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~.

- 65 (7) Promoting sales or rentals of real estate, services or goods by the offering of any free
- 66 services or goods of any kind, character or description whatsoever as an inducement to
- 67 examine the desirability of such purchase or rental;
- 68 (8) Placing or carrying, or causing to be placed or carried any showboard, placard or sign
- 69 for the purpose of accomplishing any of the activities set forth in subparagraphs (1)
- 70 through (7) above.

71 * * *

72 **SECTION 3.** Amendment. Chapter 14.5, “Peddlers and Solicitors,” of the Code of
73 Ordinances, is hereby amended as follows²:

74 **CHAPTER 14.5 - PEDDLERS AND SOLICITORS**

75 **ARTICLE I. GARAGE SALES**

76 **Sec. 14.5-1. Purpose.**

77 For the purpose of this section, the following definitions shall apply unless the context
78 clearly indicates or requires a different meaning:

- 79 (1) *Garage sale.* Any sale of used merchandise ~~owned by the person conducting the sale or~~
80 ~~his immediate family, and sold at his a~~ place of residence.
- 81 (2) *Rummage sale.* A sale of donated articles by a civic, charitable, or religious
82 organization ~~in a shopping center or other public area serving the public generally.~~

83 **Sec. 14.5-2. Permit required.**

84 No person or organization shall conduct a garage sale or rummage sale as herein defined
85 without first having obtained a permit from the Town for such sale. There shall be no fee for the
86 permit.

87 **Sec. 14.5-3. Signs; ~~display of items for sale.~~**

- 88 (1) Sign location. Any person conducting a garage sale shall be permitted to post ~~only a~~
89 total of three signs to advertise the sale as described below.
- 90 (a) ~~Signs shall be distributed by placing~~ one sign may be placed at the site of the garage
91 sale;
- 92 (b) ~~and the other~~ No more than two signs may be placed at the street intersections
93 ~~corners~~ closest to the property.

² Additions to existing text are shown in underline. Deletions are shown in ~~strike through~~. Deletions between first and second reading are shown in ~~double strike through~~.

94 (c) No signs may be placed which interfere with pedestrian or vehicular traffic or on the
95 property of others without the permission of the property owner.

96 (2) Size. ~~Any signs which interfere with the flow of pedestrian or vehicular traffic may be~~
97 ~~removed by the Town with any attendant costs charged to the person conducting the~~
98 ~~sale. The Ssigns shall not exceed three square feet each.~~

99 (3) Removal. All signs must be removed within 24 hours of the completion of the garage
100 sale. Failure to remove signs within 24 hours shall result in a \$25.00 fine. ~~The sign shall~~
101 ~~conform with the Town's requirements for residential "For Sale" signs (i.e. only one sign~~
102 ~~is permitted on the property; this sign is not to exceed three square feet; an exempt sign~~
103 ~~permit is required). All merchandise must be displayed in a garage, driveway, carport, or~~
104 ~~roofed porch. Garage sales shall be limited to a total of four days in a ten-day period,~~
105 ~~during any six-month period. No more than three rummage sales, not to exceed three~~
106 ~~days each, shall be conducted by any organization in any 12-month period, where the~~
107 ~~rummage sale is conducted in a public shopping center or other public area serving the~~
108 ~~public generally.~~

109 **Sec. 14.5-4. Display of items for sale.**

- 110 (1) Garage sales. All merchandise must be:
111 (a) displayed in a garage, driveway, carport, or roofed porch;
112 (b) displayed only during the hours of operation of the sale; and
113 (c) secured at night.

114
115 (2) Rummage sales. Location of the merchandise shall be reviewed as part of the rummage
116 sale permit. Merchandise must be displayed only during the hours of operation of the
117 sale and secured at night.

118 **Sec. 14.5-5. Duration.**

- 119 (1) Garage sales. Garage sales shall be limited to a total of four days during any six-month
120 period.
121 (2) Rummage sales. No more than three rummage sales, not to exceed three days each, shall
122 be conducted by any organization in any 12-month period.

123 **Secs. 14.5-16—14.5-25. Reserved.**

124 **ARTICLE II. OFF-PREMISES VENDORS**

125 **DIVISION 1. GENERALLY**

126 **Sec. 14.5-26. Definitions.**

127 For purposes of this article, the following definitions shall apply:

128 Associated with a business means representing a business, as an owner, employee or
129 volunteer, or working with or for a business, with or without compensation. A Promotional
130 Entertainer shall be presumed to be Associated with a business upon any act that promotes a
131 particular business or invites or refers another person to patronize a particular business.

132 Off-premises vending means vending on or from any street, sidewalk or other public
133 thoroughfare or from or on the beach or from or on any public swale area or on or from any
134 public parking lot or on or from any public property or on or from any place other than the place,
135 or within four (4) feet of the place at which such product, real property, time share interest or
136 service is to be sold, served or delivered, and such phrase shall include invitations or enticements
137 to meet with someone offering any product, real property, timeshare interest or service for sale or
138 transfer.

139 Promotional entertainer means any person who, by means of words, activities,
140 advertisement, handbill, inducement, solicitation or otherwise, attempts to directly or indirectly
141 draw attention or direct or encourage any person to patronize any business or who offers any
142 type of product, service, or entertainment, for free or for a fee, on behalf of a business. The term
143 includes face painters, balloon artists or distributors, magicians and other artists in any way
144 associated with a business.

145 Solicit, solicitation or soliciting shall mean and include any one or more of the following
146 activities:

- 147 (1) Seeking to obtain orders for the purchase of goods, merchandise, foodstuff, services or
148 any other thing of any kind, character or description whatsoever for any kind of
149 consideration whatsoever;
- 150 (2) Selling goods, merchandise, foodstuff, services or other thing of any kind, character or
151 description whatsoever, for any kind of consideration whatsoever;
- 152 (3) Selling or seeking to obtain subscriptions to books, magazines, periodicals, newspapers
153 and every other type or kind of publication for any kind of consideration whatsoever;
- 154 (4) Seeking to obtain gifts, or contributions of money, clothing or any other thing for any
155 reason whatsoever;
- 156 (5) Seeking to obtain orders for, or selling real estate of any kind, character or description
157 whatsoever for any kind of consideration whatsoever;
- 158 (6) Renting or seeking to obtain orders for the rental of goods, merchandise, foodstuff,
159 services, real estate or any other thing of any kind, character or description whatsoever,
160 for any kind of consideration whatsoever;
- 161 (7) Promoting sales or rentals of real estate, services or goods by the offering of any free
162 services or goods of any kind, character or description whatsoever as an inducement to
163 examine the desirability of such purchase or rental;
- 164 (8) Placing or carrying, or causing to be placed or carried any showboard, placard or sign
165 for the purpose of accomplishing any of the activities set forth in subparagraphs (1)
166 through (7) above.

167 Timeshare interest means any interest in a timeshare project.

168 *Timeshare project* means any real property subject to a timeshare or interval ownership plan
 169 of development.

170 *Vending* means any of the following:

- 171 (1) selling or marketing or offering to sell or market by virtue of any act of solicitation
 172 anywhere within the Town, any product, real property, timeshare interest or service;
- 173 (2) Seeking any donation of any kind, or who personally hands to or seeks to transmit by
 174 hand or receive by hand any thing of any kind, whether or not payment in exchange is
 175 required or requested, to any person who operates or occupies an motor vehicle of any
 176 kind, which vehicle is engaged in travel on or within any portion of any of the roads
 177 designated in Section 14.5-27, whether or not such vehicle is temporarily stopped in the
 178 travel lanes of the road;
- 179 (3) The activities of a promotional entertainer, when conducted consistent with the
 180 requirements of this Article, shall not be considered vending;

181
 182

183 *Vendor* means any person, other than a promotional entertainer, who, by means of
 184 advertisement, handbill, inducement, solicitation or otherwise, attempts to directly or indirectly
 185 sell or take orders for the sale and purchase of any product, real property, timeshare interest or
 186 service or to entice or induce any person to patronize any business, meet with a salesman or
 187 attend a sales presentation, the purpose of which is to sell any product, real property, timeshare
 188 interest or service.

189 *Vendor's license* means a regulatory license which serves as a written grant of authority
 190 issued by the Town of Lauderdale-By-The-Sea to a vendor pursuant to this article whereby such
 191 vendor is authorized to engage in off-premises vending in the Town.

192 **Sec. 14.5-27. Vending and promotional entertainment ~~p~~Prohibited in certain areas.**

193 (1) Prohibition. Except as approved by the Town Commission as part of a special event
 194 application ~~it~~ shall be unlawful for any person to conduct off-premises vending or to
 195 operate as a promotional entertainer:

- 196 a. on or upon any of the sandy beaches within the Town;
- 197 b. on or within 250 feet of Commercial Boulevard;
- 198 c. on or within 250 feet of Ocean Boulevard/State Road AIA;
- 199 d. on or within 250 feet of El Mar Drive.

200 (2) Exception. Subject to the other limitations imposed hereby, ~~the off-premises vending~~
 201 promotional entertainers may be operate:

- 202 a. ~~conducted~~ upon any public thoroughfare street or sidewalk, or right of way,
 203 provided such sidewalk or right of way is immediately adjacent to and within 4
 204 feet of the confines of the premises of the business with which they are
 205 associated;

206 b. if associated with a sidewalk cafe, within the approved boundaries of the
207 sidewalk café;

208 (3) ~~provided that no such off-premises vending~~ Promotional entertainers or their activities
209 shall not impede pedestrian or motor vehicle traffic upon the public thoroughfares,
210 streets, sidewalks.

211 (4) ~~and Vending and promotional entertainer activities shall otherwise be conducted in a~~
212 manner that ~~to~~ ensures the peace, safety and welfare of persons frequenting such areas.

213 **Sec. 14.5-28. Prohibited conduct of vendors.**

214 No vendor shall vend or solicit:

215 (1) In such a way that would restrict or interfere with the ingress or egress of the abutting
216 property owner or tenant, or create or become a public nuisance, increase traffic
217 congestion or delay or constitute a hazard to traffic, life or property, or an obstruction to
218 adequate access for fire, police or sanitation vehicles.

219 (2) By hand signal, flag or motion on the street.

220 (3) By placing or carrying or causing to be placed or carried any showboard, placard or
221 sign.

222 (4) With the use of any table, crate, carton, rack or any other device.

223 (5) Any product, merchandise or items [when] not licensed to do so by the Town.

224 (6) Without the vendor's license or identification tag required by sections 14.5-41 and 14.5-
225 45 hereof.

226 (7) At any location where the sidewalk is not over four feet in width.

227 (8) Within ~~ten~~ four feet of an entranceway to any building.

228 (9) Within ten feet of any crosswalk or intersection.

229 (10) In such a manner that would obstruct pedestrian traffic.

230 (11) Within 20 feet of a bus stop.

231 (12) To any person who has directed the vendor to stop, cease or desist from further
232 conversation or activity in furtherance of such vending.

233 **Secs. 14.5-29—14.5-40. Reserved.**

234 ***DIVISION 2. LICENSE***

235 **Sec. 14.5-41. License, identification tag required for off-premises vending.**

236 It shall be unlawful for any person to conduct the activity of off-premises vending within the
237 Town without first obtaining a vendor's license and identification tag therefor. Each person
238 conducting such activity, as well as such person's employer, shall be required to be obtain such

239 vendor's license, but a corporate or limited partnership employer shall not be required to obtain
240 an identification tag. No such license shall be transferable.

241 **Sec. 14.5-42. Applications for vendor's license; investigation and issuance; term.**

242 (a) Applications for a vendor's license required by section 14.5-41 shall be made to the Town
243 Clerk upon such forms as may be so required during regular business hours at Town Hall.
244 Such application shall be sworn to or affirmed and shall be filed with the Town Clerk. Every
245 application shall contain the following:

246 (1) The name, home and business address, and a copy of the driver's license or other
247 government issued identification, of the applicant and the name and address of the
248 employer, if other than the applicant.

249 (2) A complete description of the type of product, real property, timeshare interest or
250 service to be sold or offered for sale.

251 (3) If the applicant is a corporation, the name and address of its registered agent and
252 whether or not the corporation is authorized to do business in the State of Florida.

253 (4) If the applicant is a limited partnership, the name of the general partner (if the general
254 partner is a corporation, then the applicant shall submit the required information for
255 corporate applicant in addition to the information concerning the limited partnership)
256 and whether or not the partnership is authorized to do business in the State of Florida.

257 (5) If the applicant is an individual, the name and address of the applicant's immediate
258 supervisor.

259 (6) Whether or not the applicant has been previously licensed by the Town.

260 (7) Whether or not the applicant has been found guilty of or has pleaded guilty or nolo
261 contendere to a felony relating to any vending business in this State or in any other state
262 or Federal court, regardless of whether a judgment of conviction has been entered by
263 the court having jurisdiction of such cases.

264 (8) Whether or not the applicant has been found guilty of, or has pleaded guilty or nolo
265 contendere to, a felony relating to a battery or a physical violence on any person in this
266 State or in any other state or Federal court, regardless of whether a judgment of
267 conviction has been entered by the court having jurisdiction of such cases.

268 (9) Whether or not the applicant has lost any privilege or had any license to do business
269 revoked by any local, State or Federal government and, if so, the nature of such
270 privilege or license and the reason for such revocation.

271 (10) Whether or not the applicant has lost any privilege or had any license to do business
272 suspended by any local, State or Federal government and, if so, the nature of such
273 privilege or license and the reason for such suspension.

274 (11) Whether or not the applicant has filed a petition to have the applicant's debts discharged
275 by a bankruptcy court having jurisdiction of such cases.

276 (b) ~~Any vendor engaged in the business of off-premises vending in the Town on a temporary~~
277 ~~basis shall be required to obtain the vendor's license required by this division in the same~~

278 manner and shall be subject to the same fees as a vendor engaged in the business of off-
279 premises vending on a permanent basis within the Town.

280 (e) To obtain a vendor's license, an applicant shall appear personally before the Town and file a
281 written application for a vendor's license. Each license application shall be accompanied by
282 the appropriate vendor's license fee required to be paid hereby, which shall be retained by
283 the Town to defer administrative costs and expenses incurred irrespective of the issuance or
284 denial of the application. Each license shall be issued for a one-year period for a term
285 commencing October 1 and ending the following September 30.

286 (c~~d~~) The Town shall refer the application to the Chief of Police, who will conduct a background
287 check on the applicant. ~~who shall fingerprint and photograph the applicant and obtain~~
288 ~~reports from the Department of Legal Affairs of the State of Florida and the Department of~~
289 ~~Justice of the United States Government of any record regarding the applicant which is~~
290 ~~available from such agencies.~~ Upon receipt of the appropriate reports, the Chief of Police
291 shall forward them to the Town, together with any other relevant information from the files
292 regarding the applicant and the firm which the applicant plans to represent in the Town.

293 (d~~e~~) Upon receipt of the background check information ~~such material~~ from the Chief of Police,
294 the Town shall, within 1530 days, either:

295 (1) Notify the applicant that the license has been denied and the reason for such denial; or

296 (2) Issue a vendor's license.

297 If the Town disapproves the issuance of the applicable vendor's license, its reasons for
298 disapproval shall be specified in writing, a copy of which shall be delivered to the applicant.

299 **Sec. 14.5-43. Denial of vendor's license.**

300 The Town shall deny an applicant's application for a vendor's license if an investigation of
301 the applicant or if the applicant's application indicates that the applicant:

302 (1) Has failed to pay required licensing fees;

303 (2) Has criminal prosecution pending against him/her in any state or Federal court for fraud
304 or a felony;

305 (3) Has been convicted of fraud or felony by any state or Federal court within the past five
306 years; or

307 (4) Has obtained a license by fraud or deceit;

308 (5) Has negligently or intentionally misrepresented or concealed information required by
309 this division in an application for a vendor's license.

310 **Sec. 14.5-44. Fees.**

311 Each applicant shall pay a nonrefundable application fee ~~of \$100.00~~ for application and
312 investigation, and a nonrefundable, nonproratable vendor's license fee ~~of \$100.00~~ upon the
313 issuance of a license. Such application fee and license fee shall be set by resolution of the Town
314 Commission.

315 **Sec. 14.5-45. Photograph and identification tag.**

316 In connection with the issuance of a vendor's license by the Town, the Town Chief of Police
 317 shall cause an identification tag to be issued to each approved applicant for a vendor's license.
 318 On the face of each vendor's license, there shall be placed the following:

- 319 (1) A photograph of the applicant;
- 320 (2) The license number;
- 321 (3) The license holder's name ~~and address~~;
- 322 (4) ~~The name and address of the firm or organization which the applicant represents or is~~
 323 ~~employed by;~~
- 324 ~~(5) The expiration date of the license; and~~
- 325 ~~(6) The seal of the Town.~~

326 **Sec. 14.5-46. Identification to be worn during solicitation.**

327 While conducting off-premises vending within the Town, each vendor must wear an
 328 identification tag in a manner visible to the consumer.

329 **Sec. 14.5-47. Revocation of vendor's license.**

330 (a) Grounds for revocation. Any vendor's license may be revoked for the protection of the
 331 public by the Town Manager after due hearing for the following reasons:

- 332 (1) Violation of any section of this article or the Code of Ordinances.
- 333 (2) Inaccuracies or misrepresentations upon initial application for license.
- 334 (3) Failure to deliver purchased item, product, real property, timeshare interest or service
 335 within a reasonable period of time.
- 336 (4) Public misrepresentation of any product, real property, timeshare interest or service.
- 337 (5) Any other such matters as the Town Manager deems appropriate, that may justify
 338 suspension or revocation of the license

339 (b) In the event the Town determines there are grounds for suspension, revocation or other
 340 action, as provided in this Article, the Town shall schedule a hearing before the Town
 341 Manager and notify the licensee in writing and the grounds upon which such action is
 342 proposed, no less than 7 days prior to the date of the hearing. In the event of an emergency
 343 the hearing may be held no less than 24 hours after notice to the licensee.

344 (c) Notice shall be deemed given when a notice has been properly addressed to the address as
 345 provided by the licensee on the performance permit application, stamped and deposited in a
 346 U.S. Postal depository or collected by an employee of the U.S. Postal Service,. Emergency
 347 notice shall be attempted by all available avenues including hand delivery.

348 (d) The Town Manager may

- 349 (1) Find no violation;

- 350 (2) Temporarily suspend the license for a time period as determined appropriate by the
351 Town Manager;
- 352 (3) Revoke the license for the remainder of its term.
- 353 (4) Direct of take such other action as deemed appropriate by the Town Manager including
354 but not limited to setting a fine amount not to exceed \$250 depending on circumstances,
355 or establishing other conditions of the license.
- 356 (5) Depending on the circumstances and facts the Town Manager may suspend or revoke a
357 license immediately subject to appeal as provided herein. Such appeal shall not stay the
358 suspension or revocation or other action of the Town Manager.
- 359 (6) A finding of violation twice within a one-year period shall require revocation of the
360 license for the remainder of its term.
- 361 (e) Nothing in this Article shall take away other enforcement powers of the Town, Special
362 Magistrate or any other agency provided by the Code or statute.

363 **Sec. 14.5-48. Appeal of denial or revocation of vendor’s license.**

- 364 (a) Any applicant or licensee may appeal the denial of an application or the revocation of a
365 license by filing an appeal thereof with the office of the Town Clerk on such forms as the
366 Town Clerk may prescribe for such purpose. Such application shall contain the following
367 information:
 - 368 (1) Name, home and business address and telephone number of the appellant;
 - 369 (2) If the appeal concerns a revocation, then the number of the applicable vendor's license;
 - 370 (3) The reasons for denial of the application or revocation of the license, as applicable;
 - 371 (4) The defenses of the applicant or the licensee to the denial of the application or
372 revocation of the license, as applicable.
- 373 (b) Upon the filing of an appeal, the Town shall schedule a hearing before the Town
374 Commission at the next regular meeting of such Commission occurring more than 15 days
375 from the date of the filing of such appeal and shall provide no less than 10 days written
376 notice of the hearing date to the appellant. Upon the filing of an appeal, duly executed under
377 oath, the Town Clerk shall forward such application to the Town Manager. The Town
378 Manager, upon receipt of an appeal, shall cause the same to be brought before the Town
379 Commission at the next regular meeting of such Commission occurring more than 15 days
380 from the date of the filing of such appeal. The Town Manager shall notify the applicant or
381 licensee of the date, place and time at which the Town Commission shall hear the appeal. At
382 any proceedings in connection with the appeal, the applicant or licensee, as applicable, shall
383 be entitled to appear in person or through counsel and to submit such evidence as the
384 applicant or licensee shall deem appropriate. The formal rules of evidence shall not apply,
385 but the Mayor of the Town Commission shall conduct such hearing so as to ensure the
386 applicant or licensee a full opportunity to respond to the disapproval or revocation being

387 ~~appealed. Hearsay evidence shall be accepted, but the Town Commission shall determine its~~
388 ~~probative value.~~

389 (c) At any hearing in connection with the appeal, the appellant shall be entitled to appear in
390 person or through counsel and to submit such evidence as the appellant shall deem
391 appropriate. The formal rules of evidence shall not apply, but the Mayor of the Town
392 Commission shall conduct such hearing so as to ensure the appellant a full opportunity to
393 respond to the action being appealed. Hearsay evidence shall be accepted, but the Town
394 Commission shall determine its probative value.

395 (d) The Town Commission shall determine whether, under the facts and circumstances of each
396 matter, the denial of the application or order of the Town Manager was reasonably justified.

397 (e) The Town Commission’s finding shall constitute a final determination subject to judicial
398 review in a court of competent jurisdiction.

399

400 **Sec. 14.5-49.—14.5-60. Reserved.**

401

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

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

411 **Section 6. Conflicts.** All prior ordinances or resolutions, or parts thereof, in conflict
412 herewith are hereby repealed to the extent of said conflict.

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

415 Passed on the first reading, this ___ day of _____, 2015.

416 Passed and adopted on the second reading, this ___ day of _____, 2015.

417

418

419

420

MAYOR SCOT SASSER

421

First Reading

Second Reading

422 Mayor Sasser

423 Vice-Mayor Vincent

424 Commissioner Brown

425 Commissioner Dodd

426 Commissioner Sokolow

427

428 ATTEST:

429

Tedra Smith, Town Clerk

431

432 APPROVED AS TO FORM:

433

434

Susan L. Trevarthen, Town Attorney

436



Agenda Item Memorandum

Development Services

Department

Linda Connors

Town Planner/Asst. Development Services Director

COMMISSION MEETING: February 10, 2015 – 7:00 P.M.

- | | | | |
|---|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Resolution 2015-05 Amending Fee Schedule.

EXPLANATION: The attached Resolution 2015-05 combines the Special Event and Public Use Fees schedule last adopted in Resolution 2014-20 and the Development Review Permit and License Fee Schedule last adopted in Resolution 2014-30 in addition to other fees that had been separately approved but not included in either schedule.

Resolution 2015-05 also establishes several new fees pursuant to existing procedures or newly adopted ordinances as discussed below. The new “Special Event, Public Use, License, and Development Review Permit Fee Schedule” provides for all these related fees in one place. Fees that are new, and not previously included in either schedule or adopted by other Commission action, are shown in underline.

The Commission adopted Ordinance 2014-15, providing for Medical Marijuana Permits and tonight is considering adoption of Ordinance 2015-01 providing for application and permits for street performers and Ordinance 2015-02 updating licensing regulations for vendors. These ordinances require Commission to set application and permit fees by resolution. The following fees are recommended to cover administrative costs associated with the review and issuance of the applications and permits:

Fees to be established pursuant to new Ordinances 2015-01 & 2015-02	
Medical Marijuana Application (per Applicant/Owner)	\$900
Medical Marijuana Application (per Employee)	\$250
Medical Marijuana Permit	\$500
Street Performer’s Permit	\$50
Vending Application	\$75
Vendor’s License	\$75



Town staff has also reviewed the Development Services fees and procedures and suggests the following additions to the current fee schedule:

New Development Services fees for existing services	
ROW Re-inspection fee	\$100
Vacating or Abandoning Streets or Other Dedicated Property	\$500
Outdoor dining - amendment to approved application	\$100
Sidewalk Café – amendment to approved application	\$100
Vested Rights Determination	\$150
Zoning Relief Request	\$500
Landscape Permit	No Charge ¹
Lien Letter (issued within 10 business days)	\$50
Expedited Lien Letter (issued within 3 business days)	\$150

¹Historically, the Town has not required a permit fee since the applicant is already responsible for County permit fees and review.

We have deleted the DRC pre-application meeting fee since the DRC process was eliminated from our code. Finally, we found that some previously established fees had not been included in either of the fees schedules. These include the following fees which have been included in the new consolidated fee schedule:

Existing fees being incorporated into Resolution 2015-05	
Extension Application	\$250
Administrative Adjustment	
Level 1	\$150
Level 2	\$350
Appeals of Administrative Decision (single family)	\$350
Conditional Use – Sign	\$100
Site Plan	
Level 1 Modification	\$150
Level 2 Modification	½ cost of site plan application

RECOMMENDATION: We recommend the Commission approve Resolution 2015-05 (**Exhibit 1**).

EXHIBITS: 1 –Resolution 2015-05

Reviewed by Town Attorney? Yes No

RESOLUTION 2015-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING USER, PERMIT AND LICENSE FEES AND COMBINING ALL FEES INTO A SINGLE SPECIAL EVENT, PUBLIC USE, LICENSE, AND DEVELOPMENT REVIEW FEE SCHEDULE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 1 “General Provisions,” Section 1-13 “Fees,” of the Code of Ordinances provides that, except as otherwise provided by the Code or other applicable law, fees related to any process or approval established by the Code (including but not limited to service, application, permit, license and user fees) may be established, repealed and amended by resolution of the Town Commission; and

WHEREAS, On September 24, 2012, the Town Commission adopted Resolution No. 2012-35 establishing fees for the Rental of Jarvis Hall; and

WHEREAS, On September 23, 2014, the Town Commission adopted Resolution 2014-20 revising fees for the Rental of Jarvis Hall and adopting and combining fees for Parks and Special Events; and

WHEREAS, On April 9, 2013, the Town Commission adopted Resolution 2013-15 setting land development application, permit and license fees; and

WHEREAS, On August 20, 2013, the Town Commission adopted Resolution 2013-35 which amended the Development Review Permit and License Fee Schedule to include newly adopted application procedures as well as several existing applications which did not have a fee associated with them but require significant work by the Town; and

31 **WHEREAS**, On November 12, 2013, the Town Commission adopted Resolution
32 2013-46 amending the Development Review Permit and License Fee Schedule to set fees
33 for permit extensions and new development procedures; and

34 **WHEREAS**, on September 29, 2014, the Town Commission adopted Resolution
35 2014-30 amending the Development Review Permit and License Fee Schedule to
36 consolidate fees and include missing fees; and

37 **WHEREAS**, The Town Commission desires to adopt fees related to Medical
38 Marijuana Permits, Street Performers and Vending pursuant to Ordinances 2014-15,
39 2015-01 and 2015-02 respectively; and

40 **WHEREAS**, the Town Commission desires to delete the DRC pre-application
41 meeting fee which is no longer applicable; and

42 **WHEREAS**, the Town Commission desires to update the Development Review
43 Permit and License Fee Schedule to establish additional fees for permits or reviews
44 which require Town staff and resources; and

45 **WHEREAS**, the Town desires to include existing fees which were previously
46 established but not included in the Development Review Permit and License Fee
47 Schedule; and

48 **WHEREAS**, the Town desires, to the extent feasible, to combine special event,
49 user, permit, and development review fees into a single Fee Resolution, including
50 merging the previously adopted Development Review Permit and License Fee Schedule
51 and the Special Event and Public Use Fee schedule into a single consolidated fee
52 schedule.

53 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN**
54 **COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA,**
55 **FLORIDA:**
56

57 **SECTION 1. Fees.** Pursuant to Section 1-13, Lauderdale-By-The-Sea Code of
 58 Ordinances, the schedule of fees for Special Events, Public Uses, Licenses and
 59 Development Review are hereby adopted as follows¹:

<u>Special Event, Public Use, License, and Development Review Permit Fee Schedule</u>		
	Type of Activity, Permit or License	Fee
Engineering Fees (Chapter 6)		
1.	Engineering Plans (Section 6-73)	
1a.	Projects up to \$100,000.00	\$300.00
1b.	Projects \$100,000.01 – \$300,000.00	\$500.00
1c.	Projects over \$300,000.01	\$800.00
2.	Public ROW/Utility Easements (Section 6-74)	4% of estimated construction price with minimum fee of \$400
3.	<u>ROW Re-Inspection Fee</u>	<u>\$100</u>
Portable Storage Unit Provisions (Chapter 6)		
4.	Permit application: Single family/duplex zoning	\$25.00
5.	Permit application: Multi-family, commercial or PUD	\$50.00
<u>Extension of Construction Time Limits (Chapter 6)</u>		
6.	<u>Extension Application</u>	<u>\$250</u>
<u>Medical Marijuana Permit (Chapter 12)</u>		
7.	<u>Permit Application</u>	

¹ Text shown in underline reflect newly established fees or text changes not previously adopted by the Town Commission.

7a.	<u>Permit Application per Applicant/Owner</u>	\$900
7b.	<u>Permit Application per employee</u>	\$250
8.	<u>Annual Medical Marijuana Permit</u>	\$500
Parks (Chapter 14.3)		
9.	Parks use permit	
9a.	Parks use permit (single day)	\$100 (single day)
9b.	Parks use permit (multi-day)	Approved by Town Manager
10.	Plazas and Pavilion	See Resolution 2014-18
<u>Vending/Soliciting (Chapter 14.5)</u>		
11.	<u>Vendor's application fee</u>	\$75
12.	<u>Annual Vendor's License fee</u>	\$75
<u>Street Performing (Chapter 14.5)</u>		
13.	<u>Street performing annual permit fee</u>	\$50
<u>Vacating or abandoning streets, alleys or other dedicated property (Chapter 17)</u>		
14.	<u>Application fee per abandonment</u>	\$500
News racks (Chapter 17)		
15.	Certificate of Compliance	\$50.00
Sidewalk Café (Chapter 17)		
16.	Outdoor dining: Application fee (non-refundable) on private property	\$150.00
17.	<u>Outdoor dining: Application to amend approved outdoor dining area</u>	\$100
18.	Sidewalk Café application fee (non-refundable) on public property	\$175.00

19.	Annual Permit Fee	
19a.	Seating capacity from 1 to 15	\$105.00
19b.	Seating capacity from 16 to 50	\$150.00
19c.	Seating capacity from 51 or more	\$225.00
20.	Right-of-Way (ROW) License Fee (Begins on the 13 th month after the ROW permit is approved. Not available to an affiliated business at the same location.)	\$18 per square foot per year or \$10 per square foot per year for restaurants in the four West Commercial Plazas.
21.	<u>Sidewalk Café: Application to amend approved sidewalk cafe</u>	<u>\$100</u>

Jarvis Hall (Chapter 17)

	User	Deposit	Rental Fee
22.	Resident	\$100	\$-0-
23.	Civic Association, non-profit located in Town or charity event that benefits Town residents	\$100	\$-0-
24.	Business (located in Town)	\$100	\$-0-
25.	Governmental entity or agency	\$-0-	\$-0-
26.	Non-Profit (located out of Town)	\$-0-	\$100 per event
27.	Non-resident	\$300	\$200 for up to 3 hours, then \$50 per hour
28.	Business (located out of Town)	\$300	\$300 for up to 3 hours, then \$50 per hour
29.	Special services, including but not limited to, opening and closing services beyond what is normally provided and special set-ups	N/A	Town cost as determined by the Town Manager
30.	Events (local or non-local user) that charges admission or registration or sell commercial products or services	TBD	To be determined by the Town Manager based on purpose, number of attendees, and impact on the facility

Special Events (Chapter 17)

	<u>Event Type</u>	<u>Fee</u>
31.	Special Event application shall be filed with the Town at least 60 days in advance of the proposed event date.	As specified in this Resolution
32.	Special Event application filed after the application deadline, but no later than 30 days prior to the event	a. Double the application fee, plus b. cost recovery fees for the costs for Town staff (including police and fire services) and any consultant time attributable to the processing of the application, not to exceed a cap of \$1,500
33.	Special Event application filed later than 30 days prior to the event	Shall not be accepted
34.	Single day events on private property that do not involve road closures or use of El Mar Drive for parking	\$100
35.	Events, based on private or public property, that use public property that do not involve road closures or use El Mar Drive for parking	
35a.	Less than 75 people	\$100 per event day
35b.	75 -200 people	\$150 per event day
35c.	More than 200 people	\$200 per event day
36.	Events, based on private or public property, that use public property and involve road closures or use El Mar Drive for parking	\$300 per event day
37.	Recurring events, based on private or public property, that involve the use of public property, including road closures or use EL Mar Drive for parking	
37a.	For six months or less	\$500
37b.	For more than six months (not to exceed 12 months)	\$800
Chapter 30 (Development Review)		
	Type of Activity, Permit or License	Fee
38.	<u>Administrative Adjustment</u>	
38a.	<u>Level 1</u>	<u>\$150</u>
38b.	<u>Level 2</u>	<u>\$350</u>
39.	Architectural Review (30-951)	Consultant review fee
40.	Appeals of Administrative Decisions	

Item No. 15.a.

40a.	<u>Appeal of a Level 1 Development Review Decision</u>	<u>\$200</u>
40b.	<u>Appeals of Administrative Decision (single family)</u>	<u>\$350</u>
40c.	Appeals of <u>all other</u> Administrative Decisions	\$900
40d.	Appeal from Revocation or Suspension of Vacation Rental Certificate or of Vacation Resident Agent Status	\$500
41.	Conditional Use	\$500
41a.	<u>Conditional Use – Sign</u>	<u>\$100</u>
41b.	Conditional Use Level 1 Amendment	\$55
41c.	Conditional Use Level 2 Amendment	\$150
41d.	<u>Conditional Use Transfer Fee</u>	<u>\$100</u>
42.	Flex Allocation/Reserve	\$150
43.	<u>Landscape Permit</u>	<u>No Charge</u>
44.	Land Use Plan Amendment	\$900
45.	Parking Exemption/Reduction	\$250
46.	Parking Other Than On-site Review	\$250
47.	Planned Unit Development	\$1,800
48.	Plat	\$900
49.	Request for Extension of <u>Development Permit</u>	\$55 <u>150</u>
50.	Rezoning	\$900
51.	Sign (Zoning Review)	
51a.	Permanent (<u>window, wall, etc...</u>)	\$50
51b.	Temporary Sign (<u>banners</u>)	\$30
52.	Site Plan	
52a.	New submittal	\$900
<u>52b.</u>	<u>Level 1 Modification</u>	<u>\$150</u>
<u>52c.</u>	<u>Level 2 Modification</u>	<u>½ cost of site plan application</u>
53.	Vacation Rental Certificate (New and Renewal)	
53a.	Application	\$250
53b.	Inspections	
53b1.	Inspection (required), Re-Inspections and No Show Inspections	\$75
53b2.	Inspection, Re-Inspections and No Show	\$75

	Inspections due to Code Violation	
54.	Variances	
54a.	Variance Application, <u>single family</u>	\$350
54b.	<u>Variance Application, all other</u>	<u>\$900</u>
55.	<u>Vested Rights Determination</u>	<u>\$150</u>
56.	Zoning Letter	\$55
57.	<u>Zoning Relief Request</u>	<u>\$500</u>
Telecommunication Towers and Antennas		
58.	Application	<u>\$0-No Charge</u>
CODE MITIGATION (Resolution 2014-22)		
59.	Application for Code Lien and Fine Mitigation	\$500
<u>MISCELLANEOUS</u>		
60.	<u>Lien Letters</u>	
60a.	<u>Lien Letter (issued w/in 10 business days)</u>	<u>\$50</u>
60b.	<u>Expedited Lien Letter (issued within 3 business days)</u>	<u>\$150</u>
61.	Plan Copies	\$40 deposit, any additional copy charges incurred due at pickup

60

61 **SECTION 2. Conflict.** Resolutions 2012-35, 2013-15, 2013-35, 2013-47, 2014-
62 20, and 2014-30 specifically, and all resolutions or parts of resolutions in conflict
63 herewith, be and the same are hereby repealed to the extent of such conflict.

64 **SECTION 3. Severability.** The provisions of this Resolution are declared to be
65 severable and if any section, sentence, clause or phrase of this Resolution shall for any
66 reason be held to be invalid or unconstitutional, such decision shall not affect the validity
67 of the remaining sections, sentences, clauses, and phrases of this Resolution, but they

68 shall remain in effect, it being the legislative intent that this Resolution shall stand
69 notwithstanding the invalidity of any part.

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

72 **PASSED AND ADOPTED** this ____ day of _____, 2015.

73

74

75

MAYOR SCOT SASSER

76 **ATTEST:**

77

78

Tedra Smith, Town Clerk

79

80

81

Approved as to form:

82

83

84

Susan L. Trevarthen, Town Attorney

85



Agenda Item Memorandum

Development Services

Department

Linda Connors

Town Planner/Asst. Development Services Director

COMMISSION MEETING: February 10, 2015 – 7:00 P.M.

- | | | | |
|---|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Resolution 2015-06 Appointing an Alternate Member to the Planning and Zoning Board.

EXPLANATION: The Planning and Zoning Board has a vacancy for an alternate board member. The vacant appointment was originally appointed by Commissioner Brown. The applications that we have on file are attached as **Exhibit 1**.

RECOMMENDATION: We recommend the Commission name an alternate and approve Resolution 2015-06 (**Exhibit 2**) which appoints the alternate selection for the remaining duration of the two year term that ends March 8, 2016.

EXHIBITS: 1 – PZB Applications
2 – Resolution 2015-06

Reviewed by Town Attorney?

- Yes No

EXHIBIT 1



TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD AND COMMITTEE

Name of Board: Planning + Zoning
 Applicant Name: ERIC YANKWITT
 Street Address: 5450 N Ocean Blvd #48
 City State Zip Code: LSTS FL 33308
 Home Phone: _____ Cell Phone: 954 601-2274
 Email Address: YankwittLawFirm@gmail.com
 Occupation: Accounting / Law
 Business Address: 2304 E Atlantic Blvd 2nd Fl Pompano 33062
 Work Phone: 954 449-4368
 Fax Number: 954 763-2825

Are you a Town resident? Yes No _____ How long? 7 Years _____ Months

Are you a registered voter within the Town? Yes No _____

Are you presently serving or have you ever served on any other board/committee? Yes No _____

If so, which one(s)? Planning + Zoning

Please list your background experience, education, experiences, interests/hobbies which qualify you to serve on this board/committee:

Experience: MEMBER OF MANY BOARDS, SOME ARE
HOMEOWNERS COALITION OF HOMEOWNERS - CONDO ASSOCIATION, IDA
PROGRAM, LEADER OF LIFES - EDUCATION, HEALTH DEPT - COMMUNITY OUTREACH

Education: Accountant & Attorney, INSURANCE

Interests/Hobbies: Dance, Movies, Theater + my improving golf
game

Applicant Signature [Signature] Please attach additional page, if needed

Name (printed) Eric Yankwitt Date: 3/14/14

- Making false statements herein may be cause for removal by the Town Commission
- Please return your completed form to the Town Clerk's Office



TOWN OF LAUDERDALE-BY-THE-SEA
APPLICATION FOR BOARD AND COMMITTEE

Name of Board: Planning & Zoning
Applicant Name: John A Lanata
Street Address: 223 MARINE CT #108
City State Zip Code: LBTS, FL, 33308
Home Phone: Cell Phone: 954-529-1982
Email Address: John.Lanata2131@comcast.net
Occupation: General contractor / Real Estate Developer
Business Address: Same
Work Phone: Same
Fax Number: N/A

Are you a Town resident? Yes [X] No ___ How long? 8 Years ___ Months

Are you a registered voter within the Town? Yes [X] No ___

Are you presently serving or have you ever served on any other board/committee? Yes ___ No [X]

If so, which one(s)?

Please list your background experience, education, experiences, interests/hobbies which qualify you to serve on this board/committee:

Experience: SEE ATTACHED.

Education:

Interests/Hobbies: YACHTING, BOATING

Please attach additional page, if needed

Applicant Signature

[Handwritten Signature]

Name (printed)

John A. LANATA

Date:

1/21/15

- Making false statements herein may be cause for removal by the Town Commission
Please return your completed form to the Town Clerk's Office

JOHN A. LANATA
223 Marine Ct, Fort Lauderdale, FL. 33308
954-529-1982
John.Lanata2131@comcast.net

John A. Lanata
11/21/15

Executive Summary

A versatile and seasoned Senior construction Executive with over 30+ years experience in all aspects of the development and construction process including due diligence, concept planning, entitlement process(PUD), budget development, logistics, political interfacing and staffing for large scale projects (2,000 acres +), island construction projects, multi-million home and condo construction, apartment building renovations and horizontal infrastructure installation.

Professional Accomplishments

Kingdom Construction Corp- present

Calvary Chapel Fort Lauderdale - 2010-2012

Property manager, special project manager.

Vice President of Development - Ginn Resorts, Port St. Lucie, FL (2003 - 2009)

Freeport, Grand Bahamas

- Due diligence on two separate billion dollar developments (20 billion / 5 billion)
- All phases of entitlement / planning along with assembling the development team
- worked with community leaders and public officials to enhance the image of the company within the country

Port St. Lucie, Florida

Tesoro

- Responsible for planning, entitlement and development of 1,440 acres (a community of 938 high-end single family homes and two golf courses with 600 million in sales)
- Completion of Phase I and Phase II of the property
- Construction of the guardhouse, swim & racquet club, turf care center and two oversized 18 hole golf courses, infrastructure including, but not limited to, water, sewer, drainage, roads totaling over 80 million
- All landscape to support high-end resort and amenities

Tesoro Preserve

- Responsible for infrastructure development of 340 acres, 440 density unit project - including 68 lots on an island and 372 lots on the mainland (30 million in build out)
- Construction support of successful \$103 million sales launch in December 2004
- Responsible for design, construction and installation of project amenities including common area landscaping, entry features and clubhouse

1

Watersong (Hutchison Island)

An oceanfront enclave of 121 single-family lots

- Responsible for build out of infrastructure and all amenities of direct ocean front property (9 million)

Construction Manager - Fisher Island Holdings, Miami Beach, FL (2001 - 2003)

An exclusive private island community off the coast of Miami Beach accessible only by water with 878 residences (31 single-family homes / 847 multi-family units)

- Successfully and profitably managed the development of two tracts of 31 single-family homes
- Assisted with planning, entitlement and construction of 3-10 story mid-rise residences and over parking as part of a 25 million dollar building
- Residences are 3,800 sq. ft. to 6,500 sq. ft. under air and range in price from \$2.8 million to \$6 million
- Obtaining approvals and permits as it relates to lot design, platting and home layout design
- Actual construction of all infrastructures per plans and specs including roadways, water, sewer, drainage, paving, telephone/cable, etc.
- Communicated professionally with all interdepartmental and outside team members by providing information and feedback when needed to ensure the highest possible customer satisfaction

General Manager - Kingdom Development Corporation, Ft. Lauderdale, FL (1996 - 2001)

- Owned and operated a mid-size real estate development and construction company
- Developed a 72 acre parcel consisting of a 172,000 sq. ft. church and classroom complex, a 55,000 sq. Ft. office building, a 3 story - 40,000 sq. ft. school and senior center using tilt wall construction
- Specialized in government and bank foreclosures, remodeling, sales and raw land development

Director of Operations - Custom Home Division, Miller Construction Co., Ft. Lauderdale, FL (1993 - 1996)

- Successfully and profitably managed all business operation in relation to the construction of multi-million dollar homes in the Ft. Lauderdale, Florida area
- Brought to completion five homes ranging in size from 4,000 to 10,000 sq. ft. and priced from \$1.2 million to \$10.2 million dollars
- Ensured that all owner change orders were implemented and properly invoiced
- My achievements in this position resulted in the company receiving the 1995 Craftsmanship Award for Best Home of the Year in Broward County

Manager - Dade/Broward Division, Turtle Beach Construction Company, North Palm Beach, FL (1992 - 1993)

- Initiated a new division for this construction company to rebuild upscale homes after the Hurricane Andrew disaster
- Recommendations resulted in the acquisition of several million dollar contracts through a number of prior insurance contacts in Massachusetts

Risk Manager - New Medico Associates, Boston, MA (1991 - 1992)

- Management control and functional reorganization of this company's insurance policies and procedures for property casualty, employee benefits, workers compensation and automobile coverage resulted in the first year saving of \$2.5 million dollars
- Implementation of a new medical benefits plan saved \$10 million dollars in a \$65 million dollar budget in 12 months

General Manager - Lanata Development Group, Cohasset, MA (1985 - 1991)

- Erected, marketed and sold over 300 residential housing units in Massachusetts and Florida with prices ranging from the \$130,000 to the \$1 million dollar range

Assistant Vice President - Operation, Boston University, Boston, MA (1975 - 1985)

- Managed all aspects of non-academic profit centers with an annual budget of \$25 million dollars and 750 employees
- Converted the non-income producing Food Service Center into a \$7 million dollar annual profit center
- Substantially increased profitability in all departments assisting the school in becoming the nation's second largest private university

Education

Bentley College, Waltham, Massachusetts

Bachelor's Degree in Accounting and Finance, 1972

- Intensive study of all aspects of business management with an emphasis on academic, as well as, practical applications

Professional Affiliations / Licenses

• Licensed Yacht Broker	State of Florida	1992 - Inactive
• Licensed General Contractor	State of Florida	1991 - Present
• Manager Community Association	State of Florida	1991 - Inactive
• Licensed Real Estate Broker	State of Massachusetts	1986 - Present
Construction Supervisor	State of Massachusetts	1982 - Present

Community Interests

- Founding Member - National Home Builders Association
- Chairman of the board / Special Projects Manager - Habitat for Humanity
- President - His Caring Place Ministry
- Deacon - Calvary Chapel
- Member - Rotary Club
- Foster Care Parent - State of Florida

RESOLUTION 2015-06

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 30-23, Board and agency procedures, expenses and staffing, of the Town of Lauderdale-By-The-Sea Code of Ordinances, the Town Commission shall appoint five members and two alternates to the Planning and Zoning Board (“Board members”), to serve without compensation and at the pleasure of the Town Commission; and

WHEREAS, the Board members shall not be Town employees or elected officials, and must be Town residents and qualified voters of the Town; and

WHEREAS, the Town Commission shall appoint Board members in even numbered years to coincide with the election of the members of the Town Commission; and

WHEREAS, pursuant to Section 30-23, the Board members (including the order of priority of the alternates) shall be appointed to two-year terms at the second Town Commission meeting following each election; and

WHEREAS, the Town of Lauderdale-By-The-Sea Municipal Election was held on March 11, 2014; and

WHEREAS, at the second Town Commission meeting following the election, March 25, 2014, the Town Commission appointed five members, a first alternate and a second alternate to the Planning and Zoning Board; and

WHEREAS, Patrick Murphy was previously an alternate and was confirmed as a regular member of the Board on January 13, 2015; and

WHEREAS, Patrick Murphy’s confirmation as a regular member resulted in a vacancy for the 1st alternate position; and

