

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 26, 2019
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:39 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Deputy Town Manager Tony Bryan, Town Attorney Susan L. Trevarthen, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, Project Manager Kathie Margoles, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Malkoon requested that a Resolution addressing home rule of vacation rentals be placed on the Agenda as Item 16b. A brief presentation was also added as Item 11c.

5. PRESENTATIONS

a. Pier Restoration Update

Spiro Marchelos, owner of Fisherman's Pier, explained that the pier is undergoing repairs for damage experienced during Hurricane Irma. Nick Terziev of Double P Construction, contractor, stated that his company is in the process of making under- and above-water restorations to the pier. These restorations are subject to daily weather and water conditions. Repairs are being made with redundancies in mind in order to prevent compromising the integrity of the structure.

Mr. Marchelos noted that extensions may be requested in order to address any Code violations that may have existed on the site. Mayor Vincent requested that the contractor provide copies of on-site logs to a building official so the Town is kept apprised of progress. Mr. Terziev agreed to provide these materials upon request.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Ron Piersante, resident, expressed his appreciation for outgoing Town Manager Bud Bentley and his service to the Town.

Barbara Cole, resident, also stated her appreciation for Town Manager Bentley and welcomed new Town Manager Bill Vance. She continued that she is concerned with the future development of El Mar Drive, including plans for a walkway in the median.

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

7. PUBLIC SAFETY DISCUSSION

Howard Goldberg, resident, recalled that a pancake breakfast was recently held to raise funds for the Town's Volunteer Fire Department (VFD). He presented the Commission with a check for \$2000 raised from this event.

a. BSO February 2019 Report (Captain Tom Palmer)

Captain Tom Palmer of the Broward Sheriff's Office (BSO) advised that there have recently been several calls regarding scams. One common scam includes allegations that the Internal Revenue Service (IRS) is contacting individuals to request funds in the form of gift cards or via wireless transaction. Captain Palmer emphasized that the IRS will never contact individuals by phone.

Another recent scam asks individuals to send gift cards as bail for a relative in a detention facility. Gift cards cannot be used for this purpose. Captain Palmer encouraged anyone who feels they are targeted by these or other scams to contact BSO. He cautioned that the scammers' phone numbers may use local area codes and/or prefixes.

Commissioner Strauss added that another recent scam is a call or email allegedly from Florida Power and Light (FPL). He urged any resident receiving this call to contact FPL using the number on their utility bill rather than the number or email sent as part of this message.

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

8. TOWN MANAGER REPORT

a. February Finance Report (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan stated that the Finance Report includes an error regarding the parking revenue allocation: the allocation between accounts is incorrect. This will be corrected in the next Finance Report.

Commissioner Oldaker commented that cap invoices appear to be falling well behind schedule. Deputy Town Manager Bryan confirmed this, explaining that there had been an issue with the company failing to send invoices to the Town. This is because the contractor has taken over the reconciliation process from the Town.

b. Town Manager Report (Bill Vance, Town Manager)

Town Manager Bill Vance stated that the transition process has been very positive and efficient, and thanked former Town Manager Bud Bentley and Town Staff for their assistance in bringing him up to date.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. March 12, 2019 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

Items 11a and 11c were pulled for additional discussion.

a. Micro Bee Apiary at Town Hall – Contract with The Urban Bee Keepers (Kathie Margoles, Project Manager)

Mayor Vincent noted that the initial cost of the micro-apiary will be \$7500, with a second expenditure of funds required upon completion of the structure. The Town will own the structure itself and the fence around it. Project Manager Kathie Margoles confirmed that The Urban Bee Keepers are responsible for stocking the apiary and the hive's annual operating costs, including maintenance of the structure.

Commissioner Malkoon recognized resident Ann Marchetti, who was integral to the development of this program, and Assistant Town Manager Sharon Ragoonan for work done toward this project.

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

b. Special Event Application – TacoCraft Cinco de Mayo 5-5-19 (Debbie Hime, Special Projects Coordinator)

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

c. Visitor Center Employee Nomination for Greater Fort Lauderdale Convention and Visitors Bureau SunSational Service Courtesy Award at the National Tourism Day Luncheon, May 8, 2019 (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime noted that the most recent edition of *Town Topics* includes a feature story on the Town's Visitors Center and volunteer manager Veronica Pietronuto, who has been nominated for the SunSational Service Courtesy Award. The May 8, 2019 Tourism Day luncheon will be held at the Convention Center. The Visitors Center will be closed on May 8 so volunteers and others may attend.

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

12. OLD BUSINESS

a. FY19 Action Plan Update

Town Manager Vance advised that he will provide comment on the fiscal year (FY) 2019 Action Plan Update at the April 9, 2019 meeting. Items completed throughout the year will be noted as part of these updates.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Mayor Vincent expressed his condolences on the recent passing of former Town Commissioner Jim Pollack.

Commissioner Malkoon extended his thanks to former Town Manager Bentley for his service and welcomed new Town Manager Vance.

Commissioner Oldaker addressed previously existing signage on I-95, which had directed individuals to the Town and its Visitors Center. He requested information on why these signs were no longer in place. It was noted that these signs were installed in the late 1990s.

15. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2019-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5 “BEACHES AND WATERWAYS” OF THE TOWN’S CODE OF ORDINANCES TO CREATE SECTION 5-8, “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Kathie Margoles, Project Manager)**

At this time Mayor Vincent opened public comment.

Riley Kramer-Dew, resident, thanked the Commission for consideration of this Ordinance.

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

Vice Mayor Sokolow recommended that the Ordinance may be more enforceable if the word "use" is removed from its language, noting the proximity of other municipalities that are not subject to the Ordinance. He added that there is consideration at the state level of preempting local regulation of the sale and/or distribution of plastic straws, and noted that the Town may wish to wait for the outcome of this proposed action before passing the Ordinance.

Town Attorney Susan Trevarthen advised that the Ordinance would not be enforced until June 2019. She suggested that the Commission may wish to consider deferring second reading of the Ordinance until after the completion of the legislative session, at which point they will know whether or not they may enact the Ordinance. She concluded that the Commission may determine whether or not they wish to include the word "use" in the Ordinance's language before proceeding.

Mayor Vincent referred to the penalties written into the Ordinance, pointing out that the Town will need to discuss these further upon or before second reading.

Town Attorney Trevarthen continued that in other municipalities' Ordinances on this issue, the penalty for use by individuals was lower than the penalty for stores selling or distributing straws. It was noted that penalties are typically established by Resolution, which would be presented to the Commission upon second reading of the Ordinance. It was determined that the penalty would be set at \$150, with additional information to come on the penalties enacted by other municipalities.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve the Ordinance on first reading with the deletion of the "use" condition, with a penalty of \$150 for noncompliance, and deferring the second reading until after the end of the legislative session. Motion carried 5-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2019-06 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING AN ACTING TOWN MANAGER TO SERVE IN THE EVENT THE TOWN MANAGER IS ABSENT OR DISABLED; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Bill Vance, Town Manager)**

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

Mayor Vincent advised that this Resolution is already in place and is being updated.

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

- b. Resolution 2019-07 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE LEGISLATIVE CHANGES PROHIBITING LOCAL REGULATION OF VACATION RENTALS; PROVIDING FOR DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE (Commissioner Malkoon)**

Commissioner Malkoon explained that he had received inquiries regarding Senate Bill (SB) 824, which would preempt home rule of vacation rentals by any town. SB 824 would completely defeat all local regulation of vacation rentals, leaving regulations that apply to all residential uses as the Town's only option.

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

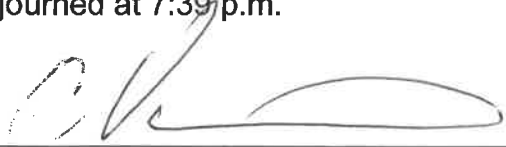
Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

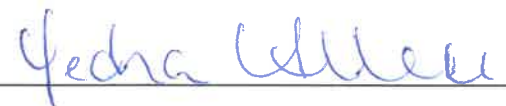
18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:39 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date