

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 14, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:34 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, Assistant to the Town Manager Neysa Herrera, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent advised that Agenda Items 11c and 17b would be deferred at Staff's request.

Town Manager Bill Vance explained that Item 17b, which is a Resolution addressing the proposed dog beach, is being deferred because a vote would be premature at this time. There is additional work that must be done to create a new Ordinance on this topic. He noted, however, that there were individuals present in the audience who wished to provide feedback on this topic.

At this time Mayor Vincent opened public comment on the subject of a dog beach.

Lizzie Mack, resident, spoke in favor of creating a dog beach, and proposed a fenced dog park. She reviewed the benefits of a dog beach/dog park, including multigenerational recreation and social interaction.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 14, 2020

Jeffrey Yocom, resident, also spoke in favor of a dog park or beach. He recommended that an area south of the Washington Avenue portal be converted to a dog beach and open before 9 a.m. and after 4 p.m.

Summer Goldstein, resident, was also in favor of a dog beach, and requested that the Commission consider evening hours during the trial period.

George Hagstoz, resident, spoke in favor of a dog beach and felt owners would self-police regarding cleanup.

Richard Felago, resident, stated he was opposed to a dog beach, as not all pets are well-behaved in public.

George Herrera, resident, also spoke against a dog beach. He did not believe owners would clean up after their pets.

Denise Patreghani, resident, spoke in favor of a dog park, and pointed out that dogs are already on the beach in non-designated areas.

Dr. Pam Herrera, resident, opposed a dog beach for reasons related to infection control, as dog waste is an environmental pollutant.

Ron Piersante, resident, also opposed to a dog beach due to health concerns. He felt it would be difficult to regulate this type of facility and was in favor of a fenced dog park.

Deborah London, resident, stated that a pet-friendly environment would increase property values, and added that she visits dog beaches in other towns.

Dorothy Perrotta, was not in favor of a dog beach due to health and noise concerns. She pointed out that dogs could disturb sea turtle nesting sites on the beach.

Kim Birch, resident, also opposed a dog beach and expressed concern with the health issues that could be created by dog waste. She was also concerned with the proposed location near the former Holiday Inn property.

Steven (last name inaudible), resident, opposed the dog beach, as it would add no value to local properties or the community at large.

Karen Fontano, resident, opposed the dog beach at the currently proposed location, and expressed concern with potential health issues related to dog waste.

Mark Goldstein, resident, suggested that an enclosed park area would be better for dogs.

Bobbie Kelly, resident, felt creating a dog beach would be inconsistent with the Town's Ordinances addressing single-use plastic and protecting sea turtle nesting sites.

Melissa Patucci, resident, stated that she was in favor of an enclosed area for dogs, as well as assurance that dogs allowed in the area must be vaccinated.

With no other individuals wishing to speak at this time, Mayor Vincent closed public comment. He reiterated that the Item was deferred from tonight's Agenda.

Commissioner Strauss advised that he has spoken to several residents regarding the potential creation of a dog beach. He noted that a pilot program with restrictive rules regarding location, hours, and time frame could help determine if a dog beach is in the best interest of the Town. The proposed regulations would require dogs on the beach to be controlled and would limit hours of operation from 6 a.m. to 10 a.m. in a restricted location. Owners must obtain permits for dogs using the beach and clean up after their pets as necessary. Dogs would not be allowed in protected areas where sea turtle nests are located.

Commissioner Strauss continued that a pilot program for a dog beach is proposed from February 1, 2020 until September 30, 2020. If rules are violated, the area would be shut down. He pointed out that dogs currently on the beach may be service animals, which may not be prohibited. He also felt that dog owners would police themselves regarding cleanup and other potential concerns on a dog beach.

Vice Mayor Sokolow stated that further discussion of an Item that has been pulled from the Agenda is not appropriate.

Mayor Vincent read an email from individuals who were opposed to a dog beach, as they were concerned with the possibility of nuisances, waste, and dog bites.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, addressed the Town's beach management plans, stating that multiple entities, departments, and consultants should walk the beach to determine how it is best maintained and protected.

John Graziano, resident, thanked the Town Commission for opposing state legislation that would eliminate the Town's vacation rental regulations. He requested that the Town's legal team continue to oppose legislation that would limit home rule.

Charles Mangano, resident, addressed Agenda Item 11a, explaining that he was informed by the Florida Department of Transportation (FDOT) that a crosswalk could not be constructed in proximity to his property or to another nearby crosswalk.

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

7. PUBLIC SAFETY DISCUSSION

7.a VFD December 2019 Report (Chief Judson Hopping)

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

7.b AMR December 2019 Report (Chief Brooke Liddle)

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

7.c BSO December 2019 Report (Captain Thomas Palmer)

Mayor Vincent thanked Broward Sheriff's Office (BSO) Staff and additional security personnel for their assistance with the Town's New Year's Eve event.

Commissioner Oldaker noted that the Town's license plate reader (LPR) cameras are often a contributing factor to the solution of crimes. Captain Thomas Palmer of BSO

advised that this information can be accessed at the regional level, and the Town shares information with other nearby cities such as Pompano Beach.

Captain Palmer added that in recent weeks there has been an increase in reports of attempted scams, including Internal Revenue Service (IRS) scams. He encouraged individuals who suspect fraud to contact BSO.

Commissioner Malkoon addressed the presence of homeless individuals near the Palm Avenue portal. Captain Palmer replied that this issue is being monitored. He noted that while services and assistance are offered to these individuals, homelessness is not a crime in and of itself.

Commissioner Strauss requested an update on Safer Watch. Captain Palmer explained that this is a mobile app that allows individuals to report crimes. It is monitored by BSO's dispatch center and can upload photos or video. The app is not intended for use in emergencies.

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

8. TOWN MANAGER REPORT

8.a Town Manager Report (Bill Vance, Town Manager)

Town Manager Vance recognized Assistant to the Town Manager Neysa Herrera and Information Technology (IT) Administrator/Public Information Officer Steve d'Oliveira for their work on communications equipment improvements, including new phones and microphones.

The Town Manager and Municipal Services Director are seeking to develop a five-year Beach Re-nourishment and Maintenance Plan, which will be proposed at the January 28, 2020 meeting.

The El Mar Drive project continues to move forward, with a Request for Qualifications (RFQ) advertised beginning January 9, 2020. Public input throughout 2020 will be a key aspect of this project.

The Lauderdale-By-The-Sea Chamber of Commerce is in the process of establishing a Town representative to actively support their efforts. Town Manager Vance emphasized the importance of a positive working relationship between the Chamber and the Town.

The Development Services Department, in conjunction with Broward County Transportation officials, hopes to expedite efforts to construct numerous bus shelters in the Town throughout 2020 and 2021. They are pursuing assistance with resources for this project, including the possibility of using Broward County transportation surtax revenue.

Arbor Day will be celebrated on Friday, January 17, 2020 at 10 a.m. in front of Town Hall. The Town is pursuing designation as a Tree City, USA by the National Arbor Day Foundation. Municipal Services Director Ken Rubach is working with the Friedt Park Advisory Group to coordinate revitalization proposals associated with improvements to this park. Informal discussions of a confined dog park are included in this process.

Mayor Vincent noted that the Town understands its responsibilities for Code enforcement regarding beach maintenance and re-nourishment. He emphasized the importance of communication between all agencies involved in the maintenance process.

Mayor Vincent requested more information on the Chamber of Commerce's *ex officio* position for a Town representative on its Board of Directors. Ann Marchetti, representing the Chamber of Commerce, explained that several Chambers throughout the nation work cooperatively with the towns in which they operate. They plan to further discuss this concept.

Commissioner Malkoon requested an update on the closure of the qualifying period for the March 2020 elections. Town Clerk Tedra Allen advised that three seats are up for reelection in 2020: the Mayor, Seat 3 (occupied by Commissioner Malkoon) and Seat 4 (occupied by Commissioner Oldaker). Because the Commissioners are unopposed, they will not participate in the election process. Mayor Vincent and resident John Graziano will each run for the position of Mayor.

8.b CIP Updates (Bill Vance, Town Manager)

Commissioner Malkoon also requested an update on the pier. Town Manager Vance replied that he has discussed options with Development Services Director Linda Connors to support and expedite completion of this project. Approximately 20 of 45 pylons have been restored or replaced thus far.

Commissioner Strauss recalled that he had requested information on the state of the Town's sewer infrastructure. Town Manager Vance advised that he has met with management representatives and utility leaders in Pompano Beach regarding a significant increase in rates, which will be passed on to sewer customers in Lauderdale-By-The-Sea. It was noted that the Town's investments in lining their sewer system has provided significant dividends, with low infiltration and inflow in the system.

Commissioner Oldaker asked if the Town is permitted input on the design of Broward County bus shelters. Town Manager Vance confirmed that the Town is actively involved in this process. Planner Susan Leven will serve as the contact person for Broward County.

8.c Action Plan (Bill Vance, Town Manager)

Town Manager Vance explained that he is still working with Department Heads on the Action Plan, with a deadline of January 15, 2020.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a December 10, 2019 Commission Workshop Minutes

10.b December 10, 2019 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

11.a Granting an Easement to the Florida Department of Transportation ("FDOT") in association with the Installation of a Crosswalk at A1A / N Ocean Drive and Hibiscus Avenue (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach addressed the concerns raised by Mr. Mangano during Public Comment regarding the crosswalk proposed for A1A/N Ocean Drive and

Hibiscus Avenue, south of the Chamber of Commerce building and providing access to and from the beach.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve 11a. Motion carried 5-0.

11.b Approving Piggyback Agreement for Licensed Electrical Contract with Kilowatt Company (Ken Rubach, Municipal Services Director)

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve 11b. Motion carried 5-0.

11.c ADA Sidewalk Compliance Study (Ken Rubach, Municipal Services Director)

Item 11c was withdrawn at Staff's request.

12. OLD BUSINESS

12.a Census Update (Linda Connors, Development Services Director)

Development Services Director Linda Connors advised that Development Services Staff, led by Planner Jhanelle Campbell, is working with Broward County on the upcoming 2020 U.S. Census. The Town has established a Complete Count Committee, which has met for the past three months. She strongly emphasized the importance of counting as many individuals as possible. Residents who are present in April, when the census process begins, are encouraged to complete their census information in Lauderdale-By-The-Sea.

13. NEW BUSINESS

13.a Sewer Rates (Bill Vance, Town Manager / Lucila Lang, Finance Director / Ken Rubach, Municipal Services Director)

Town Manager Vance advised that because there is no wastewater treatment plant in Lauderdale-By-The-Sea, the city of Pompano Beach permits the Town's wastewater to travel through its system to reach the County's treatment plant. In December 2019, the Town received a letter informing them that their sewer rate increases from Broward County will be passed on to Lauderdale-By-The-Sea, increasing the flat rate by approximately 25%. The typical monthly payment of roughly \$26,000 will increase to

\$33,000. Sewer volume costs will also increase. These increases were a result of new management at the Broward County wastewater treatment plant.

Town Manager Vance stated that Town Staff, including Finance Director Lucila Lang and Municipal Services Director Rubach, reviewed current rates and arrived at an across-the-board proposal to increase sewer rates by 15%, which would result in projected revenues of approximately \$33,000 more than the Town will need to pay Pompano Beach to cover their increased treatment costs. Two public hearings are scheduled in February 2020 to discuss the 15% sewer rate increase.

Town Manager Vance continued that the Town is working closely with both Fort Lauderdale and Pompano Beach to make \$500,000 worth of water meter improvements in order to activate a 16 in. water line that extends through the Town.

Finance Director Lucila Lang noted that residents will receive notice that sewer rates will increase, and will be informed of the two hearings scheduled for February 2020. The average cost per residential household will be approximately \$9. These increased revenues will begin in April 2020. From that month forward, the Town will be able to exceed the amount budgeted for service by roughly \$33,000.

13.b Application for Relief of Code Enforcement Lien at 4312 Seagrape Drive (Code Case 17-110014) (Linda Connors, Development Services Director)

Development Services Director Connors stated that 4312 Seagrape Drive is a five-unit multi-family residential property. A notice of violation for work without a permit was issued in November 2017. After several extensions were granted by the Special Magistrate, the property came into compliance in November 2019. There are \$56,100 in liens on the property. The Applicant is requesting that these fines be reduced by 95% and has offered a settlement of \$2805.

Certain criteria are used by the Town to analyze mitigation, including:

- Nature and gravity of the violation
- Action taken to correct the violation

The property came into compliance 561 days after a second extension was granted by the Special Magistrate and a total of 652 days from the date of the original notice of violation. The permit cost the Applicant approximately \$1100. The Applicant expended

roughly \$60,000 in costs by hiring a new contractor who had to redo most of the work. The permit was applied for in March 2018 but not issued until July 2018.

R.D. Lottie, Applicant, asserted that he took full responsibility for the issue. He was unaware of the Code violation for some time, as he was in and out of town and could not check his mail regularly. The original contractor did not perform the work correctly, including failure to secure permits in a timely manner.

Mayor Vincent asked if Mr. Lottie had been required to pull permits for work on investment properties prior to this incident. Mr. Lottie replied that work done on his other properties was minor and had not necessitated permits.

Vice Mayor Sokolow commented that because the fine is significantly more than the cost of the project, he was willing to consider mitigation of up to 90%. Development Services Director Connors further clarified that the notices sent to Mr. Lottie's address were returned. Mr. Lottie replied that while a certified letter had been sent to his home address, he was not in town to sign for its receipt.

Development Services Director Connors advised that Staff recently received complaints from neighbors of the property that construction material was left in the subject property's side yard; however, this was addressed immediately.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, for a 90% reduction of the lien to \$5610 within 30 days. Motion carried 4-1 (Commissioner Malkoon dissenting).

13.c Letter requesting Broward County to fund the ADA improvements to the bus stops and sidewalks at Town Intersections through the Transportation Surtax Program (Bill Vance, Town Manager)

Town Manager Vance stated that this Item reflects the Town's continued pursuit of transportation surtax funding for bus shelters. He recognized Assistant to the Town Manager Neysa Herrera for her diligence in seeking these funds. As shelters and stops are added or enhanced, they will also be brought into compliance with the Americans with Disabilities Act (ADA).

The Commissioners approved the Item by unanimous consensus.

**13.d Future Charter Questions for the November 2020 Election
(Commissioner Malkoon)**

Commissioner Malkoon explained that while it is too late to add any Charter Amendments to the March 2020 elections, it is still possible to place them on the November 2020 ballot. This proposed Amendment would honor the right for a purchaser to construct new development to the current five-story height if an existing structure is demolished.

Town Attorney Susan Trevarthen advised that the Town's Charter currently requires construction to begin within six to 12 months following site plan approval. The Item proposed by Commissioner Malkoon would remove this time constraint and allow nonconformity to remain in place regardless of the delay between demolition and new construction.

To proceed with a Charter Amendment, the Town would need to draft an Ordinance and bring it before the Town Commission for first and second reading with public hearings. This information would then be sent to the Supervisor of Elections for inclusion on the November 2020 ballot.

The Commissioners discussed the proposal further, with Commissioner Strauss requesting clarification of whether the Commission could continue to vote for extensions for the subject property or if the number of extensions is limited. Town Attorney Trevarthen noted that the current Charter language allows the Commission to grant "one or more six-month extensions" to the time period. There is no maximum number of extensions.

Town Attorney Trevarthen continued that the proposal brought forward by Commissioner Malkoon applies to the two gateway properties on El Mar Drive, as they currently include structures that exceed the height limit and are situated in proximity to one another.

Commissioner Malkoon stated that he had received emails proposing other Charter Amendments. Information on these items is included in the backup materials, and these items could be placed on the November 2020 ballot as well.

Mayor Vincent requested Town Attorney Trevarthen's opinion on the proposal. Town Attorney Trevarthen replied that the current Charter requirement(s) may have been drafted out of a desire to prevent the redevelopment process from being completely open-ended. There are different potential approaches to the Amendment, including removal of the time limit altogether or replacing the existing limit with a longer time period.

Vice Mayor Sokolow observed that the proposed Amendment could result in the possibility of more buildings over three stories in height on the northern end of the Town. Town Attorney Trevarthen advised that if the Commission wishes to pursue the proposed Amendment, she will work to keep its parameters as narrow as possible in keeping with Commissioner Malkoon's suggestion.

The Commissioners agreed by consensus to explore the possibility of the Charter Amendment by directing the Town Attorney to draft the subject Ordinance and hearing it presented before the public.

13.e Neighborhood Lighting (Commissioner Malkoon)

Commissioner Malkoon recalled that several public comments in the past have raised the issue of neighborhood lighting. While temporary solutions have been implemented in some areas, he recommended pursuing a formal neighborhood lighting plan.

Commissioner Oldaker noted that there has been resistance in some neighborhoods to increased lighting. Mayor Vincent emphasized the importance of communication with residents who would be affected by the proposed plan. Municipal Services Director Rubach advised that while no studies or surveys have been done thus far, the Town could gather this information. Commissioner Malkoon noted that there has been no professional lighting plan to show to neighborhood associations in the past.

Town Manager Vance stated that he and Municipal Services Director Rubach would be working closely with FDOT and Florida Power and Light (FPL) on commercial lighting enhancements on Ocean Drive, Commercial Boulevard, and other locations.

13.f Historic Anglin Home (Commissioner Malkoon)

Commissioner Malkoon commented that the Anglin family home on North Ocean Drive is currently on the market. The Commissioners' backup materials include files from the state of Florida which recognize the home as a historic property. Before the Town adopted a Historic Preservation Ordinance, the property was under preliminary site approval for historic designation. The property owner is aware that this item is on tonight's Commission Agenda, and the realtor for the property has indicated that they would prefer the Town consider purchasing the building.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 14, 2020

Town Attorney Trevarthen advised that the Town's purchasing manual includes a process for the acquisition of property. Requirements include obtaining appraisals and providing public notice.

Commissioner Malkoon further clarified that the subject property includes three lots, including one vacant lot, the house itself, and a lot south of the house with a wooden structure.

Mayor Vincent requested additional information on the issue of historic preservation within Lauderdale-By-The-Sea. Development Services Director Connors replied that the Town has jurisdiction over historic preservation. Broward County is moving forward with an Ordinance that would allow it to preempt local jurisdiction unless a community becomes a Broward Certified Local Government (CLG).

For a property to be designated as historic, an applicant must submit a report stating why it is historic. The Town's Historic Preservation Board, which is also the Town's Board of Adjustment, then makes a recommendation, and the property comes before the Commission for final deliberation. Alternatively, the County could designate a property as historic without requiring an application to the Town. Lauderdale-By-The-Sea would need to become a CLG in order to preserve home rule on this issue.

It was suggested that Staff look further into the possibility of purchasing the Anglin property. Vice Mayor Sokolow cautioned that there are significant costs involved in this process, including the cost of appraisal as well as legal fees. Commissioner Malkoon noted that the Anglin family may be waiting to hear the Town's response before deciding about the disposition of the property.

Development Services Director Connors advised that a building with a historic designation in the National Register is not protected from demolition. Buildings with historic designations at the County or municipal level, however, must typically meet certain criteria before they may be demolished. She concluded that it would not be impossible for a purchaser to demolish the Anglin home if they wished.

Commissioner Oldaker pointed out that the Town has multiple major projects on the horizon, including the El Mar Drive, Terra Mar Island, Fire Department, and Palm Club projects, which are likely to be costly.

There was no consensus to take steps toward the purchase of the Anglin property currently.

14. COMMISSIONER COMMENTS

Vice Mayor Sokolow, Commissioner Strauss, and Mayor Vincent congratulated Commissioners Malkoon and Oldaker on their reelection to the Town Commission.

Commissioner Oldaker recognized the work of public safety personnel in making the Town a safe and pleasant environment.

Commissioner Strauss reminded all present to exclude glass from their recyclable materials. He also noted that the Hillsboro Inlet District has rebuilt its south jetty at a cost of roughly \$1.8 million, with great success.

15. ORDINANCES 1ST READING

15.a Ordinance 2020-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE VI, “SIDEWALK CAFÉS,” TO MODIFY APPLICATION, PERMIT, LICENSE, AND OPERATION REGULATIONS RELATED TO SIDEWALK CAFÉS AND TO REORGANIZE THE ARTICLE TO STREAMLINE AND IMPROVE FUNCTIONALITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors recalled that in May 2019, a public workshop was held to discuss various Downtown issues, including regulation of sidewalk cafés under the current Ordinance. Since that time, the Town Attorney and Development Services Director have worked to reorganize these regulations, incorporating some of the policies and procedures discussed at that workshop.

The Ordinance was reorganized to make it easier to read, which included deletion of existing regulations. Another change was the addition of standards previously regulated as policies. These policies are now being incorporated into Code. They include the following:

- Size and sidewalk distance requirements for umbrellas

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 14, 2020

- Prohibition of tents and canopies in a sidewalk café area
- Establishing buffer zones from landscaping
- Establishing a pedestrian path of 7.5 ft. on Commercial Boulevard east of A1A and 5 ft. in other areas
- Establishing density at one person per 10 sq. ft. of sidewalk café area

The Ordinance also deletes the following Code provisions:

- Reference to an additional fee no longer charged by the Town
- Prohibition against fixed furniture

Definitions were amended and added for clarity, and procedures and requirements were added for both review of applications and response of applicant to staff in a timely manner. Fire Department review is required to ensure safe ingress/egress to buildings.

Another topic discussed at the 2019 workshop was music. Ordinance 2020-02 prohibits live or amplified music in the sidewalk café area and requires that speakers projecting onto the sidewalk café to be turned inward. The Ordinance prohibits the tying of lights or other decorations onto Town property, including trees and landscaping. Storage is allowed on the sidewalk in a neat and orderly manner, with tables and chairs to be secured within a set time frame.

This Ordinance was presented to the Planning and Zoning Board in December 2019 and was unanimously approved.

The Commissioners discussed the Item, with Commissioner Oldaker asking if most businesses have their own audio infrastructure for music that would be subject to the new Ordinance. Development Services Director Connors replied that the Ordinance was sent to the Chamber of Commerce as well as the owners of businesses with sidewalk cafés, but no feedback was received. Town Manager Vance added that he was not aware of any locations in which speakers were pointed away from the business itself.

Development Services Director Connors continued that she had received one response to the Ordinance from a business, but the individual had not expressed concern.

Commissioner Strauss advised that his concern was for inadvertent violations, such as businesses with speakers beneath their eaves. Development Services Director Connors stated that Staff would review the Ordinance to determine if this could be further clarified.

Mayor Vincent commented that he would like to see the size of sidewalk café umbrellas limited to 9 ft. rather than 8.5 ft., as most umbrellas available for purchase are within a range of 8 to 9 ft. Development Services Director Connors explained that the Town hoped to encourage use of smaller umbrellas to maintain the ambience of the area as well as consistency. She felt 8.5 ft. was as large a size as the area could accommodate.

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve the Ordinance on first reading as written. Motion carried 4-1 (Mayor Vincent dissenting).

15.b Ordinance 2020-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2, “DISTRICTS,” SUBDIVISION L, “B-1-A DISTRICT REGULATIONS,” AND SUBDIVISION M, “B-1 DISTRICT REGULATIONS,” TO MODIFY REGULATIONS AND STANDARDS RELATED TO OUTSIDE SEATING FOR RESTAURANTS ON PRIVATE PROPERTY, OTHER THAN A SIDEWALK; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors advised that this Ordinance is a companion Item to the regulation of sidewalk cafés, although it refers to regulations for outside dining on private rather than public property. These regulations were made consistent with those of Ordinance 2020-02. The Planning and Zoning Board voted unanimously to approve the Item as written.

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

16. ORDINANCES 2ND READING

16.a Ordinance 2019-11 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, GRANTING TO PEOPLE’S GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, A

FLORIDA CORPORATION, A NONEXCLUSIVE FRANCHISE IN THE TOWN OF LAUDERDALE-BY-THE-SEA; AUTHORIZING PEOPLE'S GAS SYSTEM TO USE THE PUBLIC RIGHTS-OF-WAY AND STREETS OF THE TOWN, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATING, AND EXTENDING GAS LINES IN THE STREETS AND PUBLIC PLACES OF SAID TOWN; PROVIDING FOR A FRANCHISE FEE; PROVIDING FOR TERMS AND CONDITIONS OF SUCH GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Bill Vance, Town Manager)

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

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

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2020-01 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A GRANT AGREEMENT FOR THE FUNDING OF \$18,507.00 THROUGH THE BROWARD COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2019 / 2020 FOR THE SENIOR CENTER ACTIVITIES PROGRAM; AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE GRANT AGREEMENT; AUTHORIZING THE EXPENDITURE OF TOWN MATCHING FUNDS IN THE AMOUNT OF \$55,623.00 TO COVER THE REMAINING COSTS OF THE PROGRAM; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

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

- 17.b Resolution 2020-04 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A LIMITED SUSPENSION OF ITS ENFORCEMENT OF THE PROHIBITION AGAINST DOGS ON THE BEACH AS SPECIFIED HEREIN, WHILE CONSIDERING OPTIONS FOR LEGALIZATION; ESTABLISHING THE SCOPE OF THE TRIAL DOG BEACH AND AUTHORIZING TOWN STAFF TO REFRAIN FROM REINFORCING AGAINST CONDUCT THAT CONFORMS WITH THIS RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE (Neysa Herrera, Assistant to the Town Manager)**

Item 17b was withdrawn at Staff's request.

- 17.c Resolution 2020-05 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO OPPOSE LEGISLATIVE CHANGES PROHIBITING THE LOCAL REGULATION OF VACATION RENTALS; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE**

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

Commissioner Oldaker explained that he had placed this Item on the Agenda in response to the state's attempts to override home rule and prevent local regulation of vacation rental properties. He noted that the subject bill has passed Committee in the Florida Legislature and has advanced to the Senate.

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

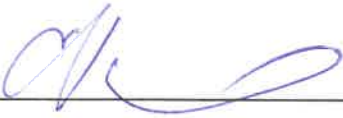
18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:40 p.m.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 14, 2020



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date

Town Commission Meeting

Meeting Date: January 14, 2020

Public Comments are limited to three (3) minutes.

 Lizzy Muck 4349 Boganville Dr. unit 2 LBTS
PRINT NAME AND ADDRESS Dog Beach

Public Comments are limited to three (3) minutes.

 Barbara Cole LBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

 John A. Graziano - 3230 Spanish River Dr
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

 GEORGE N. HERRERA - ROYAL COAST CONDO -
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

 DR S. PAMELA HERRERA - ROYAL COAST CONDO.
PRINT NAME AND ADDRESS

Meeting Date: January 14, 2020

Public Comments are limited to three (3) minutes.

Q Jeff Ycom Berginville Dr. LBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Q Dorothy Perrotta - Royal Coast
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Q R.D. Lottie III - 4312 Sea Grape Dr
PRINT NAME AND ADDRESS 13 B.

Public Comments are limited to three (3) minutes.

Q Denise Patregiani
PRINT NAME AND ADDRESS
1530 S. Ocean Blvd #701

Public Comments are limited to three (3) minutes.

Q Deborah London /2829 NE 33rd, Felland
PRINT NAME AND ADDRESS #601 33306

Town Commission
Meeting Date: January 14, 2020

Public Comments are limited to three (3) minutes.

~~Denise Alexander~~

PRINT NAME AND ADDRESS

~~1300 S Ocean Blvd #709~~

Public Comments are limited to three (3) minutes.

Q George Hagstoz 1900 Oceanwalk Lane #100

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Q 5400 N. OCEAN BLVD #61
L.B.T.S. FL 33308-2310
RICHARD FELAGO

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

~~Linda Gratz 2139 OAKTREE OAKLAND PARK FL 33309~~

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Q Charles Mangano 4137 Bayview
11a.

PRINT NAME AND ADDRESS

Meeting Date:

January 14, 2020

Public Comments are limited to three (3) minutes.

P Summer Goldstein

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

P Bob Piersante

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

P Kim Birch

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Check Spelling
P Peter Marator

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Check Spelling
P Karen Fontana - Caribo

PRINT NAME AND ADDRESS

Town Commission Meeting

Meeting Date:

January 14, 2020

Public Comments are limited to three (3) minutes.

✓ Mark Goldstein

PRINT NAME

ADDRESS

ITEM #

Public Comments are limited to three (3) minutes.

★ Bobby Kelly
Caribe

PRINT NAME

ADDRESS

ITEM #

Public Comments are limited to three (3) minutes.

Check
Spelling. Melissa Patucci

PRINT NAME

ADDRESS

ITEM #

Public Comments are limited to three (3) minutes.

PRINT NAME

ADDRESS

ITEM #

Public Comments are limited to three (3) minutes.

PRINT NAME

ADDRESS

ITEM #

https://www.thecentersquare.com/florida/after-years-of-wrangling-florida-vacation-rental-preemption-bills-poised/article_f4d5dd54-3627-11ea-b227-bf2101445437.html

TOP STORY

After years of wrangling, Florida vacation rental preemption bills poised for 2020 adoption

By John Haughey | The Center Square
Jan 13, 2020



Mark Winfrey | Shutterstock.com

Among the many aspects of Florida's on-going preemption battles between the Legislature and local governments is the tussle over who should regulate the state's \$31 billion short-term vacation rental industry.

Local governments insist they have the jurisdiction under the Florida Constitution's "home rule" provisions.

Republican lawmakers maintain the U.S. Constitution gives property owners the ultimate “home rule” authority and that the state is best-suited to protect that right by uniformly regulating home-sharing digital platforms such as Airbnb, HomeAway, VRBO and MisterB&B.

Bills seeking to prohibit local governments from regulating vacation rentals have been introduced in the Legislature going back at least to 2014. In two of the last three sessions, the House has adopted vacation rental preemption bills that were not heard in the Senate.

It appears, however, companion Senate-House bills seeking to clip local governments’ authority in regulating vacation rentals could fare better in 2020 when the 60-day legislative session begins Tuesday.

A mid-December Mason-Dixon survey showed 84 percent of respondents support residents’ right to rent homes and, significantly, 55 percent – including 63 percent who identified as Democrats – say the state, not local governments, should regulate vacation rentals.

Another indication is Airbnb, the largest of the digital platforms used by 45,000 Floridians to rent properties to 4.5 million guests in 2018, is gearing up to apply pressure during the session.

Airbnb in December added \$250,000 to the \$1 million it set aside in 2017 to “seed” a People Versus The Powerful (PVP) political action committee chaired by its Southeastern U.S. Public Policy & Government Relations Director Thomas Martinelli.

The boost indicates Airbnb will aggressively lobby for Senate Bill 1128, filed by Sen. Manny Diaz, R-Hialeah Gardens, and House Bill 1011, sponsored by Rep. Jason Fischer, R-Jacksonville.

The companion bills “protect from local regulation rentals offered via an ‘advertising platform,’ which provides software and online access to listings for ‘transient public lodging establishment[s]’ in the state.

“Property owners who choose to use their property as a vacation rental have constitutionally protected property rights,” according to the bills, noting the state already regulates hotels and motels and should also do so for digital vacation rentals, too.

Under SB 1128/HB 1011, homeowners seeking to rent properties as vacation rentals through the digital sites must secure a Vacation Rental Dwelling License from the state’s Department of Business & Professional Regulation and verify compliance quarterly.

“Some local governments have forgotten this foundational principle of our country and are infringing on citizens’ rights,” Fischer said when he filed HB 1011 on Dec. 19.

“Today’s patchwork system, where every city or county regulates vacation rentals differently, is unworkable and broken,” he said. “As a top destination for both in-state and out-of-state travelers, Florida must establish a fair and consistent approach for vacation rentals.”

Fischer said HB 1011 “strikes the balance of protecting the property rights of vacation property renters and the privacy rights of their neighbors.”

HB 1011 has been referred to the House Workforce Development & Tourism and Government Operations & Technology Appropriations subcommittees, and Commerce Committee where first hearings have not been scheduled.

Diaz's SB 1128, filed Dec. 4, will be heard by the Senate Innovation, Industry & Technology Committee Monday before going before the Senate's Commerce & Tourism and Rules committees.

The bills will be opposed by local governments, the hotel and motel industry and Our Neighborhoods, a coalition of community leaders, homeowners and homeowner association presidents, with the Florida League of Cities spearheading the effort.

Opponents maintain state regulation of the hotel industry is inadequate, the bills only benefit digital platforms and imposing uniform statewide rental standards is unfair to local residents who may not want them in their neighborhoods or, at least, want a say in how they are permitted to operate.

During the 2019 session, HB 987, assembled by the House Business & Professions Subcommittee and shepherded by Rep. James Grant, R-Tampa, passed three committee hearings but never made it to the floor for a House vote.

During the 2018 session, HB 773, sponsored by the House Government Accountability Committee and carried by Rep. La Rosa, R-St. Cloud, was approved by the House but benched in Senate committees.

The ultimate determination regarding which "home rule" prevails – local governments' or homeowners' – could be determined by the courts.

In October, 11th Circuit Court Judge Michael Hanzman struck down Miami Beach's 2016 vacation rental ordinances, including its ban on "home-sharing" and fines that exceed state law limits, such as \$1,000 per day penalties for the first code infraction and \$5,000 per day for repeat code violations.

Airbnb challenged Miami Beach's short-term rental ban as unconstitutional and alleged the fines – the nation's stiffest – as punitive.

The city is appealing.

John Haughey

The Center Square Contributor