



DRAFT
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 11, 2022
6:30 PM

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Eliot Sokolow, Commissioner Randy Strauss, Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen (attending via Zoom), Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Development Services Director Jhanelle Campbell, Planner Sue Leven, Special Events and Marketing Manager Debbie Hime, Human Resources Manager Lisa Slagle, and Public Information Officer/IT Administrator Steve d’Oliveira.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Items 17a, 17c, and 17d be heard immediately after public comment.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Michael and Paula Morelli, residents, advocated for legislation that would enable Florida municipalities to implement smoke-free beaches. Mr. Morelli felt the Town’s steps to

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curtail smoking debris on its beaches were insufficient, and pointed out that other cities, such as Fort Lauderdale, have passed Resolutions asking the Governor and State Legislature to allow cities and towns to prohibit smoking on beaches. He requested that the Town consider passing a similar Resolution.

Barbara Cole, resident, asked that Commissioners running for reelection and candidates for future elections learn from the Mayor's experience and practice in his office. She also spoke in favor of more Commissioner-led public meetings, and congratulated Mayor Vincent on running unopposed for his final term.

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

The following Items were taken out of order on the Agenda.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. RESOLUTION 2022-01 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH THE CHAPPELL GROUP, INC., FOR BIDDING AND ENGINEERING OVERSIGHT SERVICES FOR THE CANAL DREDGING PROJECT, IN AN AMOUNT NOT TO EXCEED \$72,204.69; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Public Works Director Ken Rubach stated that Phase 1 of the canal dredging process began in 2021 with the securing of all necessary permits, which was done by the Chappell Group, Inc. The permitting phase is now complete and the Town is in the bidding phase, to be followed by dredging. He explained that this Item would provide for the Chappell Group's continued assistance in preparing the bid and overseeing the rules and regulations associated with canal dredging.

Commissioner Strauss made a motion, seconded by Vice Mayor Oldaker, to move forward with the agreement. Motion carried 5-0.

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- c. RESOLUTION 2022-03 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A WORK AUTHORIZATION WITH BAXTER & WOODMAN, INC. FOR THE PREPARATION OF THE CYCLE 1 STORMWATER AND WASTEWATER NEEDS ANALYSIS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Public Works Director Rubach explained that in 2021, a number of South Florida communities experienced infrastructure issues. As a result, the State Legislature imposed a mandate requiring all municipalities to provide reports on how they plan to maintain their stormwater and wastewater infrastructure over the next 20 years.

The Town Commission took proactive steps to ensure a stormwater study was done to lay out the Town's plans over this time frame. The wastewater portion of this study is expected to be easily achieved, as the Town has recently lined all its sewer mains. The lining of laterals and overall system maintenance will be part of this plan.

Vice Mayor Oldaker asked if the state will provide any necessary funding for either study. Public Works Director Rubach replied that competitive grant funds are available; however, there is no funding from the state for this process. It was noted that one purpose of the study is to place Town projects on a list through which they will be eligible for grant funds.

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

- d. RESOLUTION 2022-04 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING AN AGREEMENT WITH MATRIX CONSULTING INC. D/B/A MATRIX CONSULTING GROUP, LTD FOR THE COMPLETION OF A FIRE ASSESSMENT FEE STUDY; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE**

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

Assistant to the Town Manager Neysa Herrera explained that this Item is for a fire assessment rate study. The Town has maintained one of the lowest fire assessment rates in Broward County, with no increase to this rate for approximately six years. As part of the fiscal year (FY) 2021-2022 budget process, the Town allocated \$30,000 for this study. They currently have an agreement with Matrix Consulting Group for the comprehensive operations of the Town's Volunteer Fire Department (VFD). Staff recommends that Matrix be retained for the fire assessment study due to their familiarity with the VFD.

The Town's purchasing manual provides for professional services exceeding \$15,000 to be exempted from competitive requirements if the Town Commission considers this to be in the best interests of the Town.

Mayor Vincent commented that there have been concerns from business owners regarding the fire assessment fees they pay in comparison to the fees paid by private residences. Representatives of Matrix Consulting, Inc. confirmed that this will be examined as part of the study, along with how the current rates were established and options for calculating new rates. Another consideration may be whether all commercial businesses should be assessed the same rates or whether some types of commercial businesses should pay different rates depending upon the type of commercial use.

Town Attorney Susan Trevarthen advised that the Town must follow a particularly methodology in calculating the fire assessments, which is based upon classes of use and demand for services.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO December 2021 Report

Captain Tom Palmer of the Broward Sheriff's Office (BSO) stated that the number of Part 1 crimes reported in the Town in 2021 have decreased in comparison to 2020. Official figures will be provided over the next two months.

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Captain Palmer added that a planned Shred-a-Thon by BSO, originally scheduled for January 22, 2022, has been postponed. The rescheduled date has yet to be determined.

Mayor Vincent asked if any particular crimes were especially diminished and whether a correlation of this decrease might be related to the COVID-19 pandemic. Captain Palmer replied that trends throughout Broward County have not been consistent.

Vice Mayor Oldaker advised that he has heard positive feedback from residents in his neighborhood regarding the presence of patrol vehicles.

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

b. AMR December 2021 Report

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

8. TOWN MANAGER REPORT

a. November 2021 Finance Report

Director of Finance and Budget Lucila Lang noted out that the Florida Development Group (FDG) payments for the Palm Portal and the Parking Fund have been broken down in the November report. She added that the General Fund's cash investment report includes approximately \$11 million, of which \$1.668 million has been transferred into the Capital Improvement Fund.

Vice Mayor Oldaker pointed out that revenues are listed in the November 2021 report as slightly higher than anticipated at 18.1%. Finance Director Lang added that revenues were significantly higher in November 2021 than the previous year, even with ongoing COVID-19-related restrictions.

b. Town Manager Report

Town Manager Linda Connors reported that the Visitors Center is now under Town Management, and recognized Special Events and Marketing Manager Debbie Hime for

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her work during this transition. While there have been staffing issues, it is expected that the Visitors Center will soon be back to 100%.

The Town has hired an Assistant Development Services Director, Chris Gratz, who has worked in other Broward County municipalities in the past in addition to private sector experience.

Qualifying for the 2022 election ended on Monday, January 10. Commission Districts One and Two are both up for election this year. The election is scheduled for March 8, 2022.

Planning and Zoning Board membership ends at the time of the March election, and the Commission will be asked to appoint new members to this Board during the second meeting of that month. Any residents interested in serving on this advisory body are encouraged to apply through the website or at Town Hall.

Town Manager Connors noted that the current Omicron variant of the COVID-19 virus has been very contagious, resulting in staffing difficulties for Town businesses, services, and vendors. Affected services include BSO and solid waste contractor Waste Pro. She requested understanding for these entities during this phase of the pandemic.

Commissioner Malkoon asked if any candidate debates or events are planned prior to the March 8, 2022 election. Town Attorney Trevarthen recalled that in the past, the League of Women Voters reached out to the Town to plan these events. Town Manager Connors offered to reach out to this organization.

Mayor Vincent addressed the public comment provided by Michael Morelli, stating that he would ensure that informational pamphlets provided by Mr. Morelli are copied and distributed to the other Commissioners. He and Commissioner Strauss expressed interest in bringing this issue back for further discussion at a subsequent meeting.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen reported that the Florida legislative session began today. A number of bills of interest to the Town and other local governments are moving through the committee process, including bills addressing vacation rentals, pet stores, and municipal liability for Ordinances. The proposed Statute that would restore home rule to ban smoking on beaches has not yet been scheduled for a hearing.

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10. APPROVAL OF MINUTES

a. December 14, 2021 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

a. Special Event Application for the Publix Fort Lauderdale A1A Marathon on Sunday, February 20, 2022

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

12. OLD BUSINESS

a. Audit of the Lauderdale-By-The-Sea Volunteer Fire Department – Final Report

Assistant to the Town Manager Herrera recalled that Matrix Consulting Group was selected by the Commission to conduct a comprehensive operations audit of the Town's VFD. To understand the Town's level of service, Matrix's project team conducted interviews with Town Staff and elected officials as well as members of the VFD.

In September 2021, a draft report was presented outlining the first findings of this evaluation. Residents were then provided the opportunity to add feedback via email. This public feedback has been analyzed and addressed in the update of the Matrix report, which is before the Commission tonight. Next steps will be to discuss the findings with the Commission and implement the recommendations the Commission feels would be in the best interests of the Town.

Also in 2021, the Town approved a one-year contract with the VFD. The purpose of entering into a one-year rather than a multi-year contract was to incorporate the results of the study into the drafting of a new contract. The report's recommendations will also be used to plan future budgets.

Robert Finn, representing Matrix Consulting Group, provided a brief update on the audit, recalling that the audit was intended to look at the VFD's regional response system in

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Broward County. The County has adopted a “closest unit” response, which allows the dispatch center to determine where the most appropriate apparatuses are located regardless of jurisdiction and send them to a call.

The audit also considered the VFD’s response data, its organization and management structure, how well initial responses and mutual aid work in the community, risks and the VFD’s ability to mitigate them, and comparisons to national best practices and standards for agencies of like size.

Matrix interviewed a number of employed and elected Town officials, as well as VFD Staff, and collected data sets from the VFD, BSO, and dispatch agencies. They found call demand to be approximately 550 calls per year. Call processing at the dispatch center is slightly longer than the industry standard of 60 seconds, at one minute and 18 seconds 90% of the time.

Turnout times were somewhat long, although travel time was consistent at six minutes 90% of the time. Recommendations include adding performance standards to the VFD contract in terms of emergency response, including standards for turnout and travel times. Matrix also recommends continuing to staff command positions and deploy three additional personnel from the Engine Company on a daily basis.

In terms of organization, Matrix recommended reorganizing command staff to bring multiple personnel under a single title and developing a succession plan for the Fire Prevention Division to improve depth. Annual evaluations of calls can help to determine what kinds of public events may be necessary to educate the public.

Because Fort Lauderdale and Pompano Beach experience a number of high-risk incidents and critical calls, Matrix recommends formal training with these entities so all parties understand how services would be deployed and emergencies would be mitigated. Best practices include both in-person and online training, as this combination maximizes the opportunity for personnel to attend training events. An annual evaluation of training programs would ensure that Staff is receiving the training they need.

The existing contract includes language addressing the Beach Patrol but does not specify how often or when these patrols should occur. Matrix recommends improving this language, as well as authorizing an Assistant Fire Marshal position to ensure succession planning and depth.

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Matrix recommends continuing the VFD's annual audit to ensure that costs and expenses align with the Town's budget and expenditures. They also recommend developing an apparatus and vehicle inventory requirement and replacement plan. Key performance indicators may be included in the contract to clarify what the Town expects of the VFD's performance. A general facility assessment was conducted to plan for the future and improve living quarters for the VFD.

After meeting with personnel, the audit was opened to public comments. This feedback requested that no Fire Station be built where the Town's tennis courts are currently located. Additional comments received included a recommendation to review post-incident analysis of the Bel Air fire, as well as a comment on looking into how promotions occur within the organization and another suggesting that the Town contract with Fort Lauderdale, Pompano Beach, or both to provide fire services. Mr. Finn cautioned that it would remain in the Town's best interest to continue to staff resources within the Town.

Based on these comments, Matrix reviewed the post-incident analysis of the Bel Air fire, as well as the VFD's policy manual and contracts and by-laws. While a post-incident analysis was conducted for this fire, it was not required and was done up to two months after the event. They recommended adding into the VFD's contract that post-incident analyses be provided to the Town Manager once these documents are completed.

Regarding policies and by-laws, Matrix found that the signature page was signed but not dated to show when signatures occurred and changes were adopted. He recommended that a date line be added for clarification. All policies met best practice standards for volunteer agencies.

Mr. Finn noted that the Bel Air post-incident analysis generated several recommendations, including improvements to operations, command, and dispatch. Matrix recommended developing a policy to require not only a report but a post-incident analysis session with responders from other municipalities.

Mayor Vincent asked if the recommended succession plan is standard for VFDs of the Town's size. Mr. Finn explained that the key change would be aligning positions more closely with fire prevention duties. A succession plan would ensure that, if the Fire Marshal were unavailable, there are other qualified fire investigators with whom the Town has some kind of agreement.

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Mayor Vincent also asked if there is a particular time frame in which it is recommended that a post-incident analysis be sent to the Town Manager. Mr. Finn replied that the typical standard is to provide this report within two weeks of the event.

Commissioner Sokolow asked if the Town has no control over call processing time. Mr. Finn confirmed this. Commissioner Sokolow also noted that the VFD has an Insurance Services Office (ISO) rating of 2 out of 10, and asked if the ratings of Fort Lauderdale's and Pompano Beach's Fire Departments are known. Mr. Finn replied that Fort Lauderdale is rated 1 but did not know Pompano Beach's rating. He added that there is no difference between a 1 and 2 rating in terms of insurance rates.

Commissioner Strauss asked if there is an intra-Town agreement for training with Fort Lauderdale and Pompano Beach. Mr. Finn advised that this would need to be developed. At present, there is only a mutual aid agreement between the municipalities.

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

13. NEW BUSINESS

a. Canal Dredging

It was noted that this Item was previously discussed.

14. COMMISSIONER COMMENTS

Vice Mayor Oldaker recalled that he has used the Hibiscus Drive crosswalk a number of times, and recognized the Town's accomplishment in its implementation. He also encouraged all residents to vote in the upcoming election.

Commissioner Strauss noted that the Town has an active bocce ball league as well as tennis, pickleball, and basketball. He also encouraged all present to vote.

Commissioner Sokolow congratulated Mayor Vincent on his unopposed reelection, and wished the other Commissioners who have registered as candidates the best of luck.

Commissioner Malkoon also congratulated Mayor Vincent and offered good luck to all candidates.

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15. ORDINANCES 1ST READING

- a. **ORDINANCE 2021-15 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14 “OFFENSES,” ARTICLE I “IN GENERAL,” SECTION 14-33, “SALE OF NICOTINE VAPORIZERS OR LIQUID NICOTINE” TO CONFORM TO CHANGES IN STATE LAW, AND REQUIRING BUSINESSES SELLING TOBACCO PARAPHERNALIA TO CONCEAL THEIR INVENTORY FROM OUTSIDE OF THEIR PREMISES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she had not previously realized Ordinance 2021-15 was tied to Ordinance 2021-10, and suggested that the Commission discuss this further. She concluded that she was in favor of the proposed changes for tobacco paraphernalia shops.

Adam Steinberg, representing Grateful J’s, pointed out that the Ordinance uses the phrase “concealing the paraphernalia,” which he did not believe is reflected in state law. If the Ordinance is passed to require tobacco paraphernalia stores to conceal their inventory, this would mean requiring drapes or blackout curtains on the windows, which would incur additional expense. He also pointed out that some of the equipment in question qualifies as art, and that concealing merchandise would restrict the ability of stores from displaying their goods.

Mr. Steinberg continued that his client has already removed some of the inventory that can be classified as tobacco paraphernalia from his window display, and items close to windows have been moved to another location in the store. He reminded the Commission that his client spent a significant amount of money in the permitting and opening of the store and is now faced with the possible restrictions of Ordinance 2021-15, as well as the possibility of amortization as noted in Ordinance 2021-10. He requested additional dialogue to reach a compromise.

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

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Development Services Director Jhanelle Campbell advised that on November 9, 2021, Staff presented Ordinance 2021-10, which includes a reference to amortization and established definitions of “tobacco paraphernalia” and “tobacco paraphernalia stores.” These definitions only included devices that fall outside statutory definitions for nicotine dispensing devices in Florida Statute 569.31. The Ordinance also established a definition for “tobacco paraphernalia store,” which means stores in which tobacco paraphernalia constitutes more than 5% of the inventory.

When Ordinance 2021-10 was discussed upon first reading, the Commission raised the possibility of amortizing the two existing tobacco paraphernalia stores out of the Town. Direction was ultimately given to Staff to remove amortization from the Ordinance. Staff was also asked to determine whether or not Town Code could be amended to require that the display of tobacco paraphernalia be concealed from public view. Ordinance 2021-15 accomplishes this request, and also addresses a number of changes required for the Town to come into conformance with state law.

During the 2021 Florida legislative session, Chapter 2021-14 was passed, which updated several regulations and terms, which are included in the Commissioners’ backup materials. These changes initiated the need for the Town to update its provisions to conform to state law. Ordinance 2021-15 would:

- Increase the minimum age for purchase or possession of nicotine products and tobacco products from 18 to 21 years, and revises all related definitions accordingly
- Require all dealers of nicotine products and tobacco products to comply with Florida Statute Chapter 569, as may be amended from time to time
- Designate Town Code Compliance Officers as “nicotine product enforcement officers,” who may enforce Florida Statute Section 386.212, 569.11, or 569.42 as may be amended
- To address the Town Commission’s direction of November 9, 2021, by requiring any business selling tobacco paraphernalia to conceal its inventory of this paraphernalia from view of the public outside its premises

Staff recommends approval of the Ordinance in conjunction with Ordinance 2021-10.

Development Services Director Campbell showed photographs from both the Town’s affected stores at this time, noting that the photos were taken earlier in the same day. She noted that most of the paraphernalia has been moved away from one store’s windows, although a second store still displays these items.

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Commissioner Strauss noted that it is difficult to see the paraphernalia in the windows of Hollywood Tobacco at night, although it had been easier to see these items in the window of Grateful J's before they were relocated. He pointed out that the back of the store includes several shelves of this paraphernalia and the interior of the store is well-lit. He felt this defeated the purpose of removing the paraphernalia from the windows.

Commissioner Strauss continued that the concealment of these products from the outside of the store(s) is similar to what is required of a liquor store or adult bookstore. He suggested that the second reading of Ordinance 2021-10 be tabled and brought back at the same time as second reading of Ordinance 2021-15 so they can be considered together. He added that without the requirement for concealment of paraphernalia, he would not be in favor of removing the amortization element of Ordinance 2021-10. He concluded that he has not yet seen what he would consider to be 100% cooperation in concealment of items by the two businesses.

Commissioner Malkoon requested additional information on the issue of window signage. Development Services Director Campbell referred the Commission to Exhibit 3 of the second reading of the Town's B-1 Ordinance, which includes extensive analysis of windows. Town Staff has not yet received a sign application from either business, although they have received a call from a sign company associated with Grateful J's to determine signage requirements. The company advised that they will submit sign applications to the Town by Friday, January 15, 2022.

Town Manager Connors reminded all present that when the COVID-19 pandemic first began, its effect on Town businesses led to a relaxation of enforcement, including window sign requirements. Roughly two years later, Staff is reaching out to businesses once again to ensure compliance in window signage.

Development Services Director Campbell stated that, based upon Town Code's definition of "window," and the fact that all separators between each pane of glass are less than 6 in., she has determined that Grateful J's has a total of six windows, including four windows and two doors. Each door is considered a separate window, and each window can be no less than 75% transparent from the exterior. There may be no more than three signs per window. She advised that she will calculate the percentages of window usage to determine what can remain and what must be removed.

Because the signs were installed without a permit, there is a double fee charge for each permit. Each window requires a separate permit. Mayor Vincent noted that during the pandemic, there was no relaxation of the requirement for sign permits. He requested an

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update on work done within the store without a permit. Development Services Director Campbell replied that the Town, in conjunction with the Building Official, had determined this did not constitute a viable work-without-permit issue. She offered to provide the Commissioners with a summary of this issue after tonight's meeting.

Mayor Vincent addressed Mr. Steinberg's concern, raised during public comment, that concealment is not part of any Florida Statute. Town Attorney Trevarthen advised that Staff had researched this request and found no preemption of a local government's ability to create and enforce such a requirement. She added that Ordinance 2021-15 is written in a way that places these restrictions on any business selling tobacco paraphernalia, not only the two stores discussed thus far. The concealment requirement is not limited to stores where a minimum of 5% of their goods are paraphernalia.

Mayor Vincent also addressed amortization, requesting the Town Attorney's opinion on Commissioner Strauss's suggestion to bring Ordinances 2021-10 and 2021-15 back together. Town Attorney Trevarthen replied that there is no barrier to this request. She reminded the Commission that Ordinance 2021-10 is pursuant to a zoning in progress, which was extended through the end of January 2022. The two items could be brought forward together at the Town's second January 2022 meeting.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to adopt Ordinance 2021-15 as written on first reading. Motion carried 5-0.

16. ORDINANCES 2ND READING

- a. ORDINANCE 2021-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” SECTION 30-1, “DEFINITIONS,” TO DEFINE TOBACCO PARAPHERNALIA STORES; AMENDING SUBDIVISIONS L AND M, B-1-A AND B-1 DISTRICT REGULATIONS, TO CHANGE THE LISTS OF PERMITTED AND CONDITIONAL USES AND CREATE SUPPLEMENTAL REGULATIONS; CREATING SECTION 30-281 TO PROVIDE FOR AMORTIZATION OF EXISTING TOBACCO PARAPHERNALIA STORES IN THE B-1 ZONING DISTRICTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

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Barbara Cole, resident, stated that she did not understand why the Town would remove the possibility of amortization as a tool to regulate certain Town businesses. She did not feel the subject business(es) have acted in good faith since the first reading of Ordinance 2021-10. She concluded that p.13, lines 450-458 of the Ordinance constitute “an after-the-fact acknowledgment that the business is coming,” and that the Commission should have been informed of these plans.

Adam Steinberg, representing Grateful J’s, also addressed amortization, recalling that there are many reasons for not using this practice as a regulatory tool. He emphasized that his client had gone through all the necessary steps to bring his business into the community, and did not feel that business has been problematic.

Mayor Vincent explained that there have been no allegations of illegal activity by the subject business: the Town has opted to remove this type of business as a permitted use.

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

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to defer Ordinance 2021-15 until the next Commission meeting. Motion carried 5-0.

Town Attorney Trevarthen clarified that the next Commission meeting is scheduled for January 25, 2022.

17. RESOLUTIONS – PUBLIC COMMENTS

- b. RESOLUTION 2022-02 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, WAIVING THE PURCHASING MANUAL REQUIREMENTS AS IN THE BEST INTERESTS OF THE TOWN; APPROVING A PURCHASE OF A LICENSE PLATE RECOGNITION UNIT FOR PARKING SERVICES FROM MUNICIPAL CITATION SOLUTIONS, LLC; AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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Public Works Director Rubach advised that the Town currently uses one license plate recognition system in Parking Services. As the Town becomes busier, it can be a challenge to have only one such unit. In addition, having an extra unit will free Staff to be able to address either customer service or equipment issues on a timely basis. While the license plate recognition system itself is not proprietary, the Town must use its current parking company to maintain this system in order to keep it in a single database.

Vice Mayor Oldaker asked if the Commission may see a presentation on how the license plate recognition system works. Public Works Director Rubach confirmed that either a brief video presentation or a ride-along can be scheduled.

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

- e. RESOLUTION 2022-05 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF A 75 SABER QUINT AERIAL LADDER FROM TEN-8 FIRE & SAFETY, LLC, UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION COOPERATIVE PURCHASING CONTRACT FSA20-VEF14.02, IN AN AMOUNT NOT TO EXCEED \$887,740; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, expressed concern that it would take over 17 months to construct a new fire truck when the VFD's current contract is only 12 months. She also asked if the Town has ever purchased a new truck for the VFD before now.

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

VFD Chief Judson Hopping clarified that the truck that will be purchased if Resolution 2022-05 passes was purchased in 1994 and is now 27 years old. Replacement of vehicles is recommended every 10 years. Mayor Vincent added that the Commission's approval of the VFD audit showed that they were comfortable with the assessment of the Fire Department and were willing to continue working with them.

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Commissioner Strauss asked what would become of the old ladder truck when it is replaced. Chief Hopping advised that truck manufacturing companies can put buyers in touch with third-party dealers who market older vehicles. Proceeds from the sale of the existing vehicle would go back into the Fire Fund or the Town. No estimates of the vehicle's worth have been conducted thus far, as the truck will remain in service for another 17 months.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to approve Resolution 2022-05. Motion carried 5-0.

f. RESOLUTION 2022-06 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2021 / 2022 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A,” AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2021 / 2022 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Director of Finance and Budget Lucila Lang noted that most of the proposed budget transfers would come from FY 2020-2021. The reason for the transfer is that the VFD had ordered a new Ranger in 2020-2021, which has not yet come in.

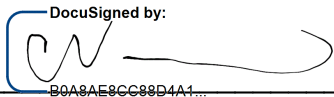
Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:23 p.m.

DocuSigned by:

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Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 11, 2022

Mayor Chris Vincent

ATTEST:

DocuSigned by:
Neyra Herrera Cuella
512BA6A7F69D4E9...

2/22/22

Town Clerk

Date