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TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, September 26, 2023
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 Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Theo Poulopoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Senior Special Events and Marketing Coordinator Katie Anderson, and Town Clerk Katrina Adler.

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **INVOCATION**

All present observed a moment of silence.

4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

5. **PRESENTATIONS**

   a. **Recognition by FCCMA for Lauderdale-By-The-Sea's council-manager form of government for 35 years.**

Sarah Hannah-Spurlock, representing the Florida City and County Management Association (FCCMA), explained that this organization is a nonprofit corporation comprised of 626 practicing public administrators in various local governments across Florida. Their primary mission is to enhance professionalism and advocate for the council-manager form of government as a system upholding the highest ethical and professional standards.

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Ms. Hannah-Spurlock presented the Town with a certificate commemorating their 35th year as a council-manager form of government, as recognized by the International City/County Management Association.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

Mayor Vincent read a Proclamation recognizing October 2023 as Fire Prevention Month in Lauderdale-By-The-Sea. Fire Marshal Pete McGinness advised that the Pompano Beach Fire Department will hold an Open House event prior to the October 17, 2023 Town Commission meeting.

a. BSO August 2023 Public Safety Report

Broward Sheriff's Office (BSO) Captain Tom Palmer reported that Detective Ben Koos is the Deputy of the Month, citing the Detective's work on a fraud case in coordination with the Tampa Police Department and Florida Highway Patrol.

Captain Palmer continued that BSO holds an annual awards ceremony to recognize exemplary acts by its employees. This year, the Alpha Green (midnight) shift was recognized for the work they did near the end of calendar year 2022, including two burglaries and two missing persons recoveries.

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

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors stated that the Sea Shorts Players have requested free parking during their rehearsals and performances, as well as blocking off parking in the Town Hall parking lot for patrons during performances. These requests are consistent with previous Commission action. Sea Shorts will be held on October 13-15 and 20-22, 2023. The Commission agreed by consensus to grant the parking requests.

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Town Manager Connors continued that sidewalk café fees for restaurants will be due with the new fiscal year beginning October 1, 2023. The Downtown area remains under construction and is ahead of schedule. Construction is expected to be complete by mid-November. Because sidewalk cafés cannot operate during construction, they will not be charged for that time period. The Town Manager suggested giving affected sidewalk cafés relief for the first full quarter of fiscal year (FY) 2023-2024, which runs from October through December.

Ann Marchetti, resident, thanked the Commission for what they have done on behalf of the Downtown businesses, and requested that they consider waiving the sidewalk café fees for the next full year due to the impact of construction. She estimated that the businesses have seen a 30% to 45% loss in sales since construction began. She also suggested that the Commission determine how Commercial Boulevard can be at least partially reopened, and requested additional signage as well as Code relaxation so businesses can hang banners. She concluded that the Town may wish to consider “mini-grants” that can be awarded to the businesses, using dollars from COVID-19 pandemic relief and/or ad valorem revenues.

Town Manager Connors requested Commission direction on the proposed waiver as well as whether it would apply to one, two, three, or four quarters of the coming fiscal year.

Commissioner Strauss observed that he was in favor of waiving sidewalk café fees for the first quarter of FY 2023-2024, with Staff to bring back additional information on what further waivers would mean financially at the next Commission meeting. He pointed out that this request could also be considered by the Commission on a quarter-by-quarter basis.

Commissioner Poulopoulos also recommended that the Commission consider the request on a quarter-by-quarter basis. He requested clarification that the waiver would only apply to restaurants east of Commercial Boulevard. Town Manager Connors explained that her suggestion would be to apply the waiver to all restaurants in the Commercial Boulevard area east of A1A.

Vice Mayor Malkoon concurred with waiving the fee during the first quarter of FY 2023-2024, with the option of approving additional quarters later on. He noted that the Town deliberately undertook the Downtown project during the slower season in order to have

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a lesser impact on businesses. He added that he was not certain Commercial Boulevard can be reopened at this time.

Deputy Town Manager/Public Works Director Ken Rubach advised that Town Staff will consult with the Florida Department of Transportation (FDOT) regarding when Commercial Boulevard can be reopened. He pointed out that this is the main staging area for the Downtown project, and concluded that while it will be reopened as soon as possible, the Town cannot open the roadway too soon while safety remains a concern.

Mayor Vincent also acknowledged that FDOT maintains authority over the roadway and reiterated that the project remains ahead of schedule. Town Manager Connors added that the Town had chosen this season for the project because holidays such as Mother's Day and the Fourth of July would be over before the project began.

Commissioner Oldaker also agreed with waiving fees for the first quarter of FY 2023-2024 as well as addressing subsequent periods on a quarter-by-quarter basis. He also agreed that Staff should bring back an analysis of the financial aspects of further waivers so the Commission can make an informed decision.

Commissioner Oldaker also addressed the Fort Lauderdale International Boat Show, suggesting that attendees of that annual event could be brought into the Town via Circuit. He noted that this may require further meetings of Town Staff and businesses to consider ideas to attract attendees to Lauderdale-By-The-Sea.

There was Commission consensus on waiving the first quarter sidewalk café fees for affected restaurants, with Staff to bring back an Agenda Item in December 2023 to discuss the next quarter for businesses east of A1A.

Town Manager Connors continued that BSO is participating in the national "Coffee with a Cop" event on October 4, 2023. She encouraged the public to visit the Village Grille on that day from 8 a.m. to 10 a.m. and meet the Town's Deputies.

Legislation was passed the previous year which allowed the Town to stop printing advertisements for public meetings in the *Sun-Sentinel* or other local print newspapers. The cost of this requirement ranged from $40 to $800 per advertisement. The Town now posts notices on its website, as well as on a link on Broward County's website.

On September 15, 2023, State Senator Jason Pizzo invited all the municipalities he represents to meet and discuss resiliency and emergency operations in those areas.

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The Senate Majority Leader and Director of Florida's Department of Emergency Management were also present. The Town was able to sign up for new initiatives that allow them access to 20% of Category A and B funding following a disaster.

90% of the concrete work for planters and curbs in the southern block of the Downtown project has been completed, and 50% of the same work has been completed on the northern block. Trees will be replaced at Dune Plaza once the pavers have been installed. The project is expected to be substantially complete in mid-November.

Commissioner Oldaker noted that the Town's second Commission meeting in October has been rescheduled to October 17, 2023.

Mayor Vincent commented that he and Town Manager Connors have met with Senator Pizzo a second time to discuss potential grants as well as home rule and pending legislation. Some of the issues raised with the Senator included insurance, regulation of vacation rentals, the condition and protection of condominium buildings, and the impact of the recent Live Local Act on the Town. They also discussed the Town's public safety facilities and potential funding for a new public safety building.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen addressed the Town's new voting system, explaining that the Commission's Meeting Procedures Resolution specifies how voting will occur. Any Commissioner may demand clarification of the positive and negative votes when a voice vote is taken, and the Mayor casts the final vote. She concluded that Staff will continue to work with the new system and can modify the Resolution at any time.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. Hardship Parking Permit Applications

b. Resolution 2023-57: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A WORK AUTHORIZATION WITH BAXTER & WOODMAN, INC. FOR THE SOUTH SILVER SHORES TRAFFIC CALMING STUDY; AUTHORIZING

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THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ken Brenner, resident, requested clarification of why the Town's contract was granted to Baxter and Woodman, Inc. without first going out for bid. He expressed concern that South Silver Shores residents will be able to provide proper input on the traffic calming study.

Deputy Town Manager/Public Works Director Rubach explained that the Town's procurement policy as stated in its purchasing manual allows for previously bid professional services to be used. The Town has a list of these services in which Baxter Woodman is included along with other firms that serve the Town. Baxter Woodman will also attend the upcoming meeting with South Silver Shores residents to hear their ideas. No work will be done prior to that meeting.

c. **Lauderdale-By-The-Sea Garden Club request for Jarvis Hall Use and Parking Permits in Fiscal Year 24**

d. **Lauderdale-By-The-Sea Woman's Club request for Jarvis Hall Use and Parking Permits Request for FY24**

Vice Mayor Malkoon made a motion, seconded by Commissioner Oldaker, to approve Consent Agenda Items a, b, c, and d. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. **Resolution 2023-59: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING POLICIES AND PROCEDURES FOR NAMING OF TOWN-OWNED PROPERTIES AND FACILITIES; PROVIDING FOR EXECUTION, IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.**

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

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Assistant to the Town Manager Courtney Easley stated that this Item proposes policies and procedures for the naming of Town-owned properties and facilities. An individual recommended for the naming of a facility or property should exhibit a significant local or national contribution to the Town and should have a documented history of achievement in private, public, or military service.

The proposed policy does not include the naming of streets, as this would require additional approvals from other state and local entities, as well as additional mailing requirements.

Staff recommends not naming any non-permanent amenities, such as park benches, trees, or any items that could be moved over time. Another consideration would be to limit naming to individuals who are not in public office at the time the naming request is made.

Naming opportunities will be initiated by a Commissioner. A group of residents or an organization may reach out to a Commissioner for consideration; upon approval and direction from the Commissioner, Staff would then compile information and present it as an agenda item. The Commission will determine whether the Town or the proposing organization will incur costs associated with the request. Staff recommends approval of the proposed policy.

Commissioner Strauss felt the policy's criteria were sound, but noted that there may be instances in which an individual for whom naming of a facility is proposed may not meet 100% of these criteria. He felt the Commission would be capable of "balancing the criteria" in these cases.

Mayor Vincent requested clarification that the policy permits open interpretation in the future. Assistant to the Town Manager Easley confirmed this and advised that the policy may also be amended if the Commission wishes.

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

b. Application for Relief of Code Compliance Liens at 230 Pine Avenue, Lauderdale-By-The-Sea, FL 33062

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Development Services Director Jhanelle Campbell stated that Staff received this mitigation application on August 30, 2023. The subject property has been cited for several Code Compliance issues, including:

- Work without a permit
- Tree removal without a permit
- Exterior maintenance issues
- Building disrepair

These issues, and the fines associated with them, are outlined in greater detail in the Staff Report. The property is considered one of the top three nuisance properties in the Town, and the Town has spent $2000 to abate Code issues, including overgrown grass, garbage/junk removal, and securing the property due to a compromised garage door. The Commission previously granted Town Staff permission to pursue foreclosure on the property due to the nature and gravity of its Code Compliance violations.

Development Services Director Campbell also noted that the property has been cited five additional times for various violations, four of which resulted in liens recorded against the property. These violations ranged from property maintenance in 2017 and 2022, overgrown vegetation, garbage and litter, and a bee infestation. All five of these violations were ultimately complied with, and a total of $20,600 in associated liens has been paid. The Applicant has also paid $850 in administrative costs, $752.41 for a demolition permit and erection of a construction fence, as well as the required $500 mitigation application fee.

The remaining three violations before the Commission have a total amount due of $323,500. These violations are reflected in the Staff Report. The property owner is requesting an 88% reduction, offering a settlement of $40,000 for the three remaining liens. All three of the violations have been brought into compliance.

Staff recommends that the Commission hear from the Applicant’s representative and determine the appropriate mitigation amount. The Applicant is asked to present evidence of the sale of the property and provide full payment of the mitigated amount by October 26, 2023. Staff also recommends that conveyance of the property to the new owner be complete by that date as one term of the mitigation agreement. Failure to meet the terms of the mitigation agreement would result in the filing of a new Code Compliance case. The existing liens would not be released unless the actions recommended by the Commission are completed. If a new Code Compliance case must be filed against the owner, new fines could be assessed if the violations are not brought into compliance.

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Nicholas Rieck, Applicant, explained that in 2021, he entered into a partnership "on paper" with an individual who was acting on behalf of her son, who owns several assets in South Florida. It soon became apparent that the individual's son did not intend to operate within the partnership as planned. Loans were taken out against the properties, and Mr. Rieck did not have control of funds as the property began to accrue significant fines for Code violations.

Mr. Rieck continued that the partner regularly allows distressed properties to go into foreclosure. Since Mr. Rieck has taken control of the property, it has been brought into compliance, $20,600 has been paid in fines, and permits have been obtained after the fact. He has secured a prospective buyer who is waiting until after tonight's lien mitigation hearing to close on the property.

Mr. Rieck concluded that he is in regular contact with the prospective buyer. His only other option is to allow the property to go into foreclosure. He offered to provide additional documentation of his claims if that is the Commission's wish.

Eileen Suarez, appearing with the Applicant, stated that beginning earlier in 2023, the partner Mr. Rieck had named hired her to "run interference with" the Town and find out what was required to bring the property into compliance. She has worked to address the bee issue and has dealt with a fine associated with removal of a tree limb by a neighbor. She was unable to attend a Special Magistrate meeting related to these issues.

Ms. Suarez felt the property would generate significantly more funds for the Town once it has been sold, which would not be the case if Mr. Rieck had to pay the full amount of the fines. She requested consideration of the Applicant's position by the Commission.

Mayor Vincent noted the hardship the subject property has caused to its neighbors over time, as well as the Applicant's response to the Town. Ms. Suarez asserted that the partner's employees' hands were tied until the Applicant took over the property.

Commissioner Oldaker recalled that the property in question has been discussed over a long period of time by the Commission, and asked if Staff can confirm the Applicant's story. Development Services Director Campbell replied that since she has interacted with the Applicant and Ms. Suarez, the process of bringing the property into compliance has been significantly smoother.

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Commissioner Poulopoulos asked if the title for the property was transferred from the partner to the Applicant, or if it remains under the partner's corporate name. Ms. Suarez replied that the property is still under the corporate name, for which she holds power of attorney. She advised that while the title remains with the partner's company, the company's attorneys have agreed that the Applicant will take control of the property "to deal with what's going on."

Commissioner Poulopoulos asked if Ms. Suarez had exclusive power of attorney to sell the property. Ms. Suarez replied that exclusive power of attorney was granted to her by the corporation to deal with the property. While she had not included sale of the property in her contract with the company, she assumed that she has control over the property.

Commissioner Poulopoulos explained that he wanted to ensure the Applicant has authority to sell the property. Ms. Suarez stated this was the case, adding that while she is working with the property's Code issues, she has no part in its sale.

Town Attorney Trevarthen advised that the Commission should have no involvement in reading the Applicant's corporate documents; furthermore, Staff has made their recommendation in a way that would not require the Commission to do so. The request is for an 89% reduction in fines, and Staff's recommendation includes conditions. If the conditions are not met, the property will come before the Commission again.

Commissioner Strauss explained that his concern had been that the Applicant's partner could potentially be able to keep any agreement from being made with the Applicant. With the Town Attorney's assessment of the situation, his concern was addressed. Town Attorney Trevarthen further clarified that by October 26, 2023, the sale of the property must be completed and the payment made.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to proceed with the 89% reduction to $40,000 with the terms suggested by Staff. Motion carried 5-0.

c. 2024 Friday Night Music Series

Peggy Mohler, business owner, stated that she was in favor of the Friday Night Music Series, but felt it needed to be fair. She did not want the event to be held at the Dunes Plaza, and requested roadway signage for Downtown businesses, particularly during the current Downtown construction. She cited hardships to these businesses, pointing

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out that blocking Commercial Boulevard would harm them further if no signage is provided. She concluded that the Town and its businesses should work together as a team.

Bill Ciani, resident, commented that the Friday Night Music Series has always been located at one end of the Town, and he felt it should be moved to the other end between the Taco Craft and Even Keel restaurants. This would give all Downtown restaurants the opportunity to benefit from the event. He was also in favor of providing signage for Downtown businesses.

Ken Brenner, resident, asked why the Town was sponsoring the Friday Night Music Series, pointing out that most municipalities do not become involved with private businesses. He recommended that the businesses affected by the event have input into its plan and concluded that he felt enough of the Town's time and money has been spent east of A1A.

Senior Special Events and Marketing Coordinator Katie Anderson introduced the 2024 Friday Night Music Series, noting that these concerts have become a community favorite event. During the previous year, the Town used extra funds from an auction to operate the Friday Night Music Series monthly from February through May. The Commission budgeted $50,000 in the FY 2023-2024 budget to continue the events, which are estimated to cost roughly $10,000 each. This covers stage rental, lighting, sound, a BSO presence, signage, and more.

The Town proposes five Friday night concert events in 2024, which will run from 6 p.m. to 10 p.m. Proposed road closure and stage setup will begin at approximately 1 p.m. The proposed 2024 dates are as follows:

- January 19
- February 16
- March 22
- April 19
- May 17

Staff has reviewed the calendars of Pompano Beach and Fort Lauderdale and determined that the proposed dates do not conflict with currently published major events in those cities.

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While in the past, one band has played for the entirety of each event, Town Staff recommends the option of an opening band followed by a main act if the budget and entertainment schedules permit.

In previous years, the music events have been set up on El Mar Drive between the Village Grille and 101 Ocean restaurants. Discussions on shifting this event site arose during Staff recap meetings for the 2023 Series, where public safety and attendee comfort were discussed. Staff supported the proposed stage relocation with these needs in mind. They have reviewed location options with several Downtown businesses and received a request to present alternative locations for the Commission's consideration. These alternative locations were attached to the Staff Report.

Options A and B include a stage location on Commercial Boulevard, which would require the closure of Commercial Boulevard between Ocean Drive and El Mar Drive from 1 p.m. through the end of the event. This location does not require any parking space closures, eliminates issues with the route for Aruba Beach Café's valet parking, and provides more pedestrian space and eliminates congestion between the back of the stage and barricades. The proposed change in location would also allow El Mar Drive to remain open throughout the day and evening. Estimated public safety costs are within the budget established for each event.

Another alternative would be placement of the stage by the plaza, which would require closure of the drive accessing Anglin's Pier and Aruba Beach Café from 3 p.m. through the end of the event and its breakdown. This alternative would not require parking space closures with the exception of the horseshoe, and the stage would remain open. This option, however, would provide substantially less room for attendees, providing mostly standing room only. BSO would recommend an additional Deputy due to additional closures and relocation of valet parking if this alternative is used.

An additional location on El Mar Drive was also presented. This scenario would require the closure of the entirety of Commercial Boulevard from A1A to the beach, as well as the closure of El Mar Drive both east and west of its turnaround. No though traffic would be allowed Downtown from roughly 1 p.m. through breakdown of the event space. Parking spaces along El Mar Drive would be closed on both the east and west sides. Due to the requirement of additional closures, BSO would require eight Deputies as well a supervisor, which would substantially increase BSO costs. An additional fire safety detail would be required as well. Should this option be selected, the Town would need to reduce the number of series events.

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After reviewing the proposed options, Staff recommends options A and B, alternating placement of the stage between 101 Ocean/Harat's-By-The-Sea and Taco Craft/Even Keel. Once the 2024 Series has been approved and a site plan selected, Staff will move forward to secure bands for the events.

Vice Mayor Malkoon addressed option D, noting that this option mirrors the configuration used for Christmas-By-The-Sea from a road closure standpoint. The stage can be placed anywhere in the square.

Vice Mayor Malkoon asked Ms. Mohler if she had an issue with the closure of Commercial Boulevard. Ms. Mohler replied that her restaurant has lost significant revenue, and the closure of that roadway would further affect business. She asserted that no business owners were approached for input on the proposed event dates, and again requested signage for Downtown businesses.

Vice Mayor Malkoon asked if Staff had held conversations with any of the businesses that would be affected by the proposed events. Senior Special Events and Marketing Coordinator Anderson replied that she and the Town Manager spoke with a number of businesses to show them the proposed site plans and let them know that the proposed 2024 Friday Night Music Series would come before the Commission at tonight's meeting. Most of the responses indicated positive support.

Vice Mayor Malkoon commented that it might be preferable to seek sponsorships for these events so they would not be taxpayer-funded and suggested that some businesses might be willing to help the Town save some costs. He also recommended that permitting for the event be considered at the same time as sidewalk café permits, which would provide businesses a seat at the table for discussion of the event. He emphasized that the intent of the event is to help the Town's businesses.

Vice Mayor Malkoon concluded that the event should be held in a location to which most Downtown businesses have access.

Commissioner Strauss expressed concern with the dates proposed for the events. Town Manager Connors replied that Staff is seeking to maintain a standard time frame, such as the first or second weekend of each month. She added that each week may pose a different issue in scheduling, such as proximity to holidays. Commissioner Strauss recommended flexibility in the proposed dates. He concluded that he was in favor of options A and B and noted that if a selected location does not work out, it can be brought back to the Commission for a change.

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Commissioner Poulopoulos advised that he was not a proponent of the Friday Night Music Series unless sponsorships are pursued, as he did not feel the Town's taxpayers should pay for the event. He also noted that the event helps some businesses more than others, and that the different staging options make a significant difference in which businesses benefit from the event.

Commissioner Poulopoulos asked if there have been any major public safety-related incidents with the event stage on El Mar Drive. BSO Captain Tom Palmer replied that one concern from the previous year was the size and placement of the stage.

Commissioner Poulopoulos continued that because Commercial Boulevard is the main artery to the Downtown area, limiting access on that roadway would be detrimental to those businesses. He recommended that the event remain on El Mar Drive, with changes to the staging as necessary.

Commissioner Oldaker stated that he felt the Downtown refurbishment project provided a perfect venue for the Friday Night Music Series, and pointed out that the events would only be scheduled one Friday night per month. He also felt options A and B were suitable and noted that changes could be made if the locations are not appropriate.

Commissioner Oldaker also addressed signage, suggesting that Staff work with Downtown businesses to determine the best alternate routes. He concluded that there are larger parking lots available on A1A in addition to valet parking or the lot on El Mar Drive. He also reminded all present that Circuit can provide transportation options for attendees who may not wish to drive.

Deputy Town Manager/Public Works Director Rubach explained that placing any signage on A1A would require permitting from FDOT unless the Town can partner with private properties.

Ms. Mohler reiterated that her sales are down significantly since construction began on the Downtown project, not including September. She has also had to lay off staff. She stated that the Town's signage is both insufficient and difficult to read and recommended the use of roadway-sized signs. She concluded that closing Commercial Boulevard would be harmful to restaurants.

Mr. Ciani advised that he represented four restaurants which were his tenants, and again stated that the event should be moved to a different Downtown location.

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Mayor Vincent commented that in the past, Friday Night Music was not a Town-sponsored event, but was put on by two restaurants to the benefit of all Downtown businesses. He asserted that many of the Downtown businesses have requested the return of events to assist them, but now that the event series is proposed, there is criticism that it would be taxpayer funded. He suggested that if the businesses can come up with a better plan, they should present it to Town Staff.

Mayor Vincent continued that he was open to setting aside plans for the Friday Night Music Series until the affected businesses brought forward a proposal. He concluded that it would be unlikely to reach an agreement that satisfies all affected parties, and that he was taken aback by the resistance to the proposal.

Commissioner Oldaker commented that he agreed with the Mayor that the Town was seeking to spend money with the intent of helping its businesses. He suggested that action on the 2024 Friday Night Music Series be postponed until the October 17, 2023 Commission meeting, by which time the public can provide additional feedback.

Vice Mayor Malkoon also felt the businesses should bring forward a proposal with the intent of partnership with the Town, including how both parties will contribute to the partnership.

It was suggested by Commission consensus that the Item would be brought back at the October 24, 2023 meeting for additional consideration. Town Manager Connors added that Staff meets every Monday to discuss the ongoing construction project, and will email the business community to request their ideas and proposals. Public Safety Officers will also be present to provide input.

Commissioner Poulopoulos requested clarification of what the Town is trying to achieve when the Item is brought back on October 24, including what is asked of the businesses and how any plans might be funded. He pointed out that the original Friday Night Music events were held by two businesses, while the current proposal is for an event, funded by taxpayer dollars, to be determined by the Downtown businesses. He asked what will be required of businesses that bring forward plans, as well as whether or not the Town would reach out to the public for their feedback as well. He concluded that the Town should not be paying for an event of this nature without some type of private contribution or sponsorship.

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Commissioner Poulopoulos made a motion, seconded by Vice Mayor Malkoon, to set aside the Friday Night Music Series and give it back to the private entities.

Commissioner Poulopoulos further clarified that an affirmative vote on his motion would mean the Town was no longer a sponsor of the Friday Night Music Series, which would be returned to private entities if they wish, with any required permits to be submitted to the Town for consideration.

Motion carried 4-1 (Commissioner Strauss dissenting).

14. COMMISSIONER COMMENTS

None.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

a. ORDINANCE 2023-03: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE I "IN GENERAL" OF THE CODE OF ORDINANCES TO UPDATE REGULATIONS REGARDING CONSTRUCTION FENCING REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

Development Services Director Campbell explained that Chapter 6 of the Town's Code of Ordinances requires installation of temporary perimeter fencing on certain construction projects. To clarify existing language, Town Staff has proposed the changes outlined in the Staff Report to ensure that construction fences will be uniform in appearance when installed.

At the August 15, 2023 Commission meeting, Staff presented the proposed Ordinance for review, and it was unanimously approved upon first reading, with the insertion of the

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words “to a structure” at line 31. The updated Ordinance is now before the Commission for final approval.

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

b. ORDINANCE 2023-04: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 14.3 “PARKS AND RECREATIONAL FACILITIES” OF THE TOWN CODE OF ORDINANCES TO DEFINE AND REGULATE DESIGNATED CHILDREN’S PLAY AREAS AND TO OTHERWISE UPDATE AND CLARIFY CHAPTER 14.3; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

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

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

17. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2023-58: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2022/2023 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2022/2023 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

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

Assistant Finance Director Edner Saint-Jean explained that the FY 2022-2023 budget must be presented to the Commission to address any inconsistencies between the amount budgeted and the amount incurred. This must be completed no later than 60 days after the end of the fiscal year.

Staff requests approval of the following amendments to the FY 2022-2023 budget:

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- General Fund: removal of a purchase of a Bougainvilla Drive property
- Additional revenue from different sources
- Expenditure for municipal elections
- Contractual services
- Capital Fund: Downtown refurbishment project
- Building Fund: additional revenue from building permits

Commissioner Poulopoulos requested clarification of the Capital Improvement Fund budget amendment, including why funds are being reallocated from Friedt Park to the Downtown refurbishment project. He pointed out that the Town is required to address some legal issues related to Friedt Park.

Deputy Town Manager/Public Works Director Rubach advised that this change is because the work on the Downtown project is budgeted in the current fiscal year. Money budgeted for the Friedt Park improvements has been moved to the next year.

Commissioner Oldaker advised that all the items included in the proposed budget amendment have already been discussed by the Commission throughout the year. He characterized the amendment as a formality.

Commissioner Oldaker made a motion, seconded by Commissioner Poulopoulos, 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 8:58 p.m.

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Mayor Chris Vincent

ATTEST:

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Katrina Adler

10/20/2023 | 6:43 AM PDT

Town Clerk

Date