



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Wednesday, September 13, 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 Pouloupoulos, 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

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Suicide Prevention Proclamation

Mayor Vincent read a Proclamation recognizing September 2023 as Suicide Prevention Month in Lauderdale-By-The-Sea. Linda Thompson-Gonzales accepted the Proclamation on behalf of the Broward League of Women Voters and the Florida Chapter of the American Academy of Pediatrics. She noted that the national mental health crisis number is 988.

6. PUBLIC COMMENTS

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At this time Mayor Vincent opened public comment.

Howard Goldberg, resident, stated that the Chamber of Commerce has partnered with Walgreen's to provide flu shots to Town residents and employees on Friday, September 15, 2023 from 9 a.m. until 4 p.m. He urged all residents to spread the word about this offer.

Mr. Goldberg continued that a special event will be held on Wednesday night, September 20, 2023 for Taco Craft. He added that Wild Berry Salon and Big Cat Bikes would like to hold an anniversary celebration in the Plaza located west of A1A, and concluded that the Chamber is supportive of this proposed event.

Ken Brenner, resident, expressed concern with the proposed timing and location of the anniversary event for Wild Berry Salon and Big Cat Bikes. He was also concerned with the procedure for special event applications, stating that the application for this event includes flaws in dates and notices.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors reported that the Town won a Sensational Award from the Florida Festivals and Events Association for its "Golf Cart Dos and Don'ts" video. She recognized Assistant to the Town Manager Courtney Easley for preparing this application.

Beginning in October 2023, there will be a \$25 resident and \$50 non-resident annual fee for users of the Community Center. Registration and passes will be available at Town Hall.

The Downtown enhancement project has been underway for approximately two months and remains on schedule. Town Manager Connors encouraged all residents to visit

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restaurants and businesses in the Downtown area, which remain open during the project.

Town Staff has met with both State Senator Jason Pizzo and State Representative Chip LaMarca to invite them to see the completed Codrington Drive drainage project, as they both helped secure funding for that project. Staff also advised these officials of the Town's needs in the future with regard to grant applications. The Town Manager, Deputy Town Manager/Public Works Director, and Mayor will meet again with Senator Pizzo to discuss resiliency issues, and another meeting with the Senator is planned for a discussion of the community's needs.

The Town has begun a grant program through which Staff plans to apply more aggressively for grant funds in the future. They have applied for \$25,000 from the Florida Division of Arts and Culture for the Downtown Music Series, as well as for \$200,000 for Friedt Park improvements, \$50,000 for the Beach Portal, \$350,000 for hazard mitigation projects, and \$100,000 for Phase 1 of the Community Center improvements. If awarded, these grants will all come in fiscal year (FY) 2025.

The Planning and Zoning Board will meet on September 19, 2023, and the Town's second budget hearing is scheduled for 5:01 p.m. on September 26, 2023, followed by the regular Town Commission meeting. A Special Magistrate meeting is scheduled for September 28, 2023 at 6 p.m.

Commissioner Oldaker thanked Staff for their outreach to Senator Pizzo and Representative LaMarca, as well as for the update on grant applications. He addressed upcoming Town meetings, requesting that the October 10, 2023 Commission meeting be rescheduled to October 3 or October 17. It was determined that the meeting would be rescheduled to October 17.

b. July 2023 Finance Report

Assistant Finance Director Edner Saint-Jean presented the July 2023 Finance Report, stating that through that month, the Town received a total of \$9,922,690 in ad valorem taxes. He also noted that parking revenue is 1.27% higher than expected.

At this time Mayor Vincent reopened public comment.

Jack Burns, resident, stated that Fire/Rescue services currently respond to distressed swimmers in the ocean. He explained that he is a regular swimmer, and there have

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been two calls which reported that he was a swimmer in distress. When this occurred, the responding units did not see him attempting to flag them down or wave them away. This lack of situational awareness, as well as an apparent lack of understanding of the ocean's current by rescue personnel, could result in a double drowning. Mr. Burns expressed concern not only with safety but with potential liability and provided safety information to the Commission through the Town Clerk.

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

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that she was asked to provide information regarding development within the Town. The Town has prioritized the regulation of this development in order to ensure compatibility with the community, and to protect property rights by providing for the preservation of nonconformities in a structured manner. The Town's Charter strictly limits the height of any new development in Lauderdale-By-The-Sea.

If the conditions and time frames of the Charter are met, there is the potential for redevelopment of taller nonconforming structures. A statement will be placed on the Town's website so anyone interested in development in the Town can easily see what is permitted.

10. APPROVAL OF MINUTES

a. Approval of Minutes for 8-15-23 Regular Town Commission Meeting

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

11. CONSENT AGENDA

a. Special Event – Wild Berry Anniversary

b. Resolution 2023-49 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH LMK PIPE RENEWAL, LLC, FOR CURED IN PLACE PIPE LINING AT 4807 W.

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TRADEWINDS AVENUE IN THE AMOUNT NOT TO EXCEED \$41,622.81; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT WITH LMK PIPE RENEWAL, LLC; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE

c. Boo! By The Sea 2024

- d. Resolution 2023-54 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE / HARDSCAPE IMPROVEMENTS WITHIN THE RIGHT OF WAY OF STATE ROAD A1A – NORTH OCEAN BOULEVARD; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CONFLICTS, AND FOR AN EFFECTIVE DATE (Exhibit 1)**

Commissioner Poulopoulos made a motion, seconded by Commissioner Strauss, to approve Consent Agenda Items 11a, 11b, 11c, and 11d. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Resolution 2023-51 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH JANICE M. RILEY INC. DBA THE PAVING LADY FOR SIDEWALK INSTALLATION ON HIBISCUS AVE FROM BOUGAINVILLE DR TO SEA GRAPE DRIVE, IN AN AMOUNT NOT TO EXCEED \$49,886.44; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE**

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

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Deputy Town Manager/Public Works Director Ken Rubach recalled that in 2021, a section of sidewalk east of Bougainvilla Drive was completed to extend north and provide access for residents to cross the street safely. The proposed project is the western half of this sidewalk, which will connect Bougainvilla Drive to Sea Grape Drive. It will include roughly 239 lineal ft. of sidewalk, as well as 211 ft. of concrete curb and gutter work, to provide protection for pedestrians.

Commissioner Oldaker stated that he was happy to see this project implemented and added that he would also like to see a link between this portion of sidewalk and the median between A1A and Bougainvilla Drive.

Vice Mayor Malkoon also thanked Staff for their work on this project, including outreach to nearby property owners.

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

b. Traffic Calming Study for South Silver Shores

Deputy Town Manager/Public Works Director Rubach explained that Town Staff met with residents of the South Silver Shores area on June 29, 2023 to hear concerns regarding that neighborhood. Items discussed included maintenance of Florida Power and Light (FPL) poles, on which the Town has been working with that utility to determine potential solutions. Other concerns included removal of parking spaces along Basin Drive and the condition of the Benihana site.

Residents have asked to look into traffic calming options for the neighborhood. One of the Town's engineering firms has provided a scope of work which would include project management coordination and data collection. The Broward Sheriff's Office (BSO) has conducted some traffic counts for the area. Other concerns include crime, as there have been two auto thefts.

While Staff recommends a traffic study, they recommend delaying this item until more is known regarding potential developments to the east of the neighborhood, as well as any other options that may be identified.

Commissioner Oldaker advised that he had attended the neighborhood meeting in June and was in favor of moving ahead with a formal traffic study rather than awaiting future developments. Commissioner Pouloupoulos agreed that the neighborhood's concerns

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should be addressed independently of other potential developments in the area. He pointed out that a traffic study could aid future developers as well as the residential community.

Vice Mayor Malkoon and Mayor Vincent also concurred, both noting that South Silver Shores residents have requested a traffic study for some time.

Deputy Town Manager/Public Works Director Rubach advised that another resident meeting is scheduled in South Silver Shores on September 27, 2023.

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

Jim McManamon, resident, thanked the Commission and Staff for understanding the concerns of South Silver Shores residents.

c. Special Event Application for Chanukah Festival Sunday, December 10, 2023

Senior Events and Marketing Coordinator Katie Anderson stated that a special event application has been submitted for the annual Chanukah Festival in Connie Hoffmann Plaza on Sunday, December 10, 2023. The event will include a live band, a menorah lighting ceremony, complimentary food, and more. A 3x10 banner will be hung behind the stage. Approximately 100 spectators are expected, and there will be 10 volunteers.

In 2022, the Aruba Beach Café removed its outdoor dining tables and assisted in catering the event, as well as with setup and cleanup. Town Staff and Aruba understand that the Applicant is coordinating these details directly with Aruba again in 2023. Setup will begin at 1 p.m., with an actual event start time of 5:30 p.m. The event will conclude at 8:30 p.m., after which time cleanup will begin and is expected to be complete by 10:30 p.m.

Because the menorah lighting ceremony predates the Town's Plaza use fees, the Commission has consistently waived these fees in the amount of \$425 in the past. Additional fees, also traditionally waived by the Town, include the application and electrical service fees. The Applicant requests that these fees be waived again in 2023. This waiver is also consistent with the Commission's treatment of fees associated with the annual Community Church Easter Sunrise Service, which is also held at Connie Hoffmann Plaza. The total waiver requests are \$550.

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In addition to the fee waiver, the Applicant requests seven undesignated parking permits from 3 p.m. to 10 p.m., which is a value of \$183.75. This is an increase from the previous year's request for two spaces.

The Applicant also requests that the Town co-sponsor the event with a financial sponsorship of \$10,000. In 2022, the Town Attorney advised that co-sponsorship is possible if there is no indication that the Town is advancing or disparaging any faith or belief, and if a disclaimer is provided. The Town has not previously sponsored this event and chose not to change this approach the previous year. It was also noted that the funding request was not included in the Town's budget.

Staff recommends approval of the Chanukah Festival with the conditions outlined in the pending permit, approval of waiving the \$550 fees, and approval of the seven requested parking permits. Staff does not recommend co-sponsorship of the event.

Commissioner Oldaker observed that some recent special events have used the El Mar Drive median for parking, and asked if this was an option in lieu of the requested permits. Deputy Town Manager/Public Works Director Rubach replied that this is left to the discretion of the Town Manager, with appropriate signage.

Commissioner Strauss recalled that he had been in favor of co-sponsorship of the Chanukah event in 2022 once it was determined that doing so would not violate the establishment clause in the U.S. Constitution. He remained in favor of sponsorship in 2023, stating that there has been an increase in anti-Semitic activity in Broward County and throughout Florida. He emphasized the importance of promoting understanding and awareness of Jewish culture in the community.

Commissioner Pouloupoulos stated that while he agreed sponsorship would not violate the establishment clause, the Town does not co-sponsor religious events. He cautioned against any activity that did not adhere to the separation of church and state.

Mayor Vincent advised that while he understood both sides of the sponsorship issue, the Town has sponsored the annual Christmas-By-The-Sea event, which he felt was difficult to separate from a religious event even though no prayers are said as part of the ceremony. He agreed that anti-Semitism is an ongoing issue and concluded that he was willing for the Town to co-sponsor the Chanukah Festival.

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Vice Mayor Malkoon observed that there was no religious symbolism or service as part of the Town's Christmas-By-The-Sea event, and that the ceremony is commercial in nature. He agreed with Commissioner Pouloupoulos that co-sponsorship of one religious event could create a slippery slope if other requests come forward. He also noted that the event is not budgeted and recommended that a funding request be made in the future.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, to approve items 1 through 3 and deny the co-sponsorship request, with parking to be left to the discretion of the Town Manager. Motion carried 5-0.

d. Resolution 2023-47 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A REVOCABLE LICENSE AGREEMENT WITH ARUBA BAY, INC. FOR USE OF THE OCEAN PLAZA FOR OUTDOOR DINING; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CONFLICTS, AND FOR AN EFFECTIVE DATE.

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

Town Manager Connors noted a correction to Resolution 2023-47, noting that Aruba has requested the use of roughly 800 sq. ft. of the Plaza. The Staff Report incorrectly shows that Aruba was paying \$18 per square foot, when the actual calculation is \$34 per square foot. She recommended approval of the use with this amount corrected from \$18 to \$34.

Commissioner Strauss commented that the previous year's agreement has showed the success of outdoor dining for both Aruba and the Town.

Commissioner Strauss made a motion to approve at \$34 per square foot.

Commissioner Oldaker noted that this agreement is the result of a successful compromise between the Town and Aruba, as outdoor dining in the Plaza is a different proposal from other restaurants' outdoor café agreements.

Commissioner Oldaker seconded the motion.

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Vice Mayor Malkoon advised that the agreement for use of the Plaza had been based on the circumstances of the COVID-19 pandemic. Now that the Downtown sidewalks are being expanded and most of the public has returned to pre-pandemic levels of activity, he did not feel the conditions are the same. He recalled that when the agreement had originally been approved, he had emphasized that his support was for a one-time-only exception. He concluded that the Plaza should be returned to the general public.

Motion carried 4-1 (Vice Mayor Malkoon dissenting).

14. COMMISSIONER COMMENTS

Commissioner Strauss wished a happy Rosh Hashanah/New Year to all who celebrate.

Commissioner Oldaker reminded all present that hurricane season is ongoing through the month of October.

Commissioner Pouloupoulos recognized the recent passing of former BSO Officer Terry Kyle and extended condolences to his family.

15. ORDINANCES 1ST READING

- a. **Ordinance 2023-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING MARCH 19, 2024 FOR THE TOWN’S 2024 GENERAL MUNICIPAL ELECTION DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2024 GENERAL MUNICIPAL ELECTION TO OCCUR FROM NOON ON TUESDAY, JANUARY 2, 2024 THROUGH NOON ON TUESDAY, JANUARY 9, 2024, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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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Commissioner Poulopoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

16. ORDINANCES 2ND READING

- a. Ordinance 2023-05 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 9, “FIRE PREVENTION AND PROTECTION,” OF THE CODE OF ORDINANCES BY AMENDING ARTICLE I “IN GENERAL” AND ARTICLE II “FIRE DEPARTMENT” TO ADOPT THE CITY OF POMPANO BEACH’S FIRE PREVENTION CODE AND FEE SCHEDULE; AMENDING ARTICLE VI “FIRE PREVENTION SPECIAL ASSESSMENT” TO CLARIFY AND UPDATE PROVISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND 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

None.

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 7:46 p.m.



Mayor Chris Vincent

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ATTEST:



Town Clerk

10/20/2023 | 6:43 AM PDT

Date