



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 17, 2023
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:34 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 James White, 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Old Business Item 12.a, Reconsideration of Downtown Music Event, be heard immediately following Presentations.

5. PRESENTATIONS

a. Presentation by Broward County Mayor Lamar Fisher

b. Nova Southeastern University Coral Restoration Program

The Commission viewed a presentation on Nova Southeastern University’s coral restoration program, which has been underway at three sites over the last five years. The University has conducted over 20 monitoring events. Continuing efforts include maintenance of coral nurseries and exchanges between colonies in different regions of Florida, which will help create a larger genotype bank.

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The following Item was taken out of order on the Agenda.

12. OLD BUSINESS

a. Reconsideration of Friday Night Music Event

Mayor Vincent recalled that at the September 26, 2023 Town Commission meeting, the Commission voted 4-1 against scheduling the 2024 Friday Night Music Series. As he had voted with the majority at that time, he now requested that this Item be reconsidered. If there is consensus in favor of reconsideration, he wished to deliberate and vote upon this Item at tonight's meeting so the Item would be "fast-tracked" and would not have to be revisited at a subsequent meeting.

The Commissioners agreed by consensus to reconsider the Item.

Mayor Vincent requested that Staff provide a brief presentation on what has happened since the previous vote.

Senior Special Events and Marketing Coordinator Katie Anderson explained that since the September 26, 2023 meeting, a number of Town businesses have formed a committee and reached consensus that there is support for the 2024 Friday Night Music Series. That committee has agreed to help raise funds toward the cost of the event. The owners of some Downtown restaurants have used their collective buying power to secure sponsors for the event. She concluded that the Town is supportive of the 2024 Friday Night Music Series with the involvement of the community.

Mayor Vincent thanked the committee for recognizing the need for a vibrant Downtown business environment, and noted that the Commission is aware of what those businesses have gone through in recent months while Downtown improvements are under construction. He was in favor of a partnership between the Town and these businesses, and of a plan that would not fund the event using only taxpayer money.

Vice Mayor Malkoon also thanked the businesses which have worked with Town Staff to reach a compromise on the event. He emphasized the importance of a vibrant Downtown business environment to the Town.

Commissioner Pouloupoulos recalled that his concern with the proposed event, both in 2024 and in previous years, had been with taxpayers funding a program that will

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primarily benefit businesses. While he was in favor of proceeding with the event, his remaining concern was with the dates, which are during the height of the tourist season. He suggested pushing the proposed dates back so the event will run through March, April, May, and June 2024 rather than beginning in January. He felt this would have a positive effect during the off-season when less pedestrian traffic is expected.

Commissioner Pouloupoulos added that he was not in favor of closing Commercial Boulevard to accommodate the event.

Commissioner Oldaker advised that he had spoken with both Town Staff and representatives of Downtown businesses about the proposed event. He emphasized the importance of partnership and approaching the event from a different perspective.

Commissioner Strauss observed that Town residents as well as businesses are appreciative of and benefit from the event. He also recalled that he has been in favor of having businesses act as partners in the event.

Mayor Vincent requested additional information on the details of the proposed event. Senior Special Events and Marketing Coordinator Anderson explained that the Town will coordinate with the Broward Sheriff's Office (BSO) and the Pompano Beach Fire Department, with Town Staff overseeing setup and breakdown of the event. The Town will discuss issues such as signage with the businesses prior to the beginning of the event, and will serve as the main point of contact to provide commentary between the Commission and the businesses going forward.

Marc Falsetto, representing Tacocraft, pointed out that the past summer has been difficult for Downtown businesses due to weather and heat as well as the ongoing Downtown renovation project. Many businesses felt the 2024 Friday Night Music Series would be a good way to welcome both residents and tourists back to the Downtown area. By leveraging the relationships of key Downtown businesses, a minimum of \$5000 per event has been raised.

Mr. Falsetto briefly addressed the event dates, advising that he was in favor of beginning in January 2024; however, he emphasized that the businesses are open-minded and will continue to meet on a monthly basis. They are also leveraging existing relationships with staging, sound, and lighting professionals, which lowered the price of these services by 60%.

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Mayor Vincent also addressed the event dates, stating that he felt the businesses know what is best in this case. He suggested that if costs can be controlled, there may be an opportunity to schedule a sixth event.

Town Manager Linda Connors stated that Staff is aware of what other municipalities are planning, which has affected the proposed dates for the Friday Night Music Series. Staff is working to consistently plan the event on the third Friday of each month, with the exception of March 2024. She also noted that partnership with the businesses will save the Town significant money, which may make it easier to add more events.

Senior Special Events and Marketing Coordinator Anderson reviewed the proposed rescheduled 2024 event dates:

- January 26
- February 23
- March 22
- April 26
- May 24

Commissioner Poulopoulos made a motion, seconded by Commissioner Oldaker, to approve the Item and its requested dates. Motion carried 5-0.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Linda Thompson Gonzalez, resident, stated that the Solid Waste Disposal/Recyclable Processing Authority's Governing Board met for the first time the previous week. This Board consists of representatives of 28 Broward municipalities working to address the County's solid waste crisis. She recognized Commissioners Oldaker and Strauss, as well as Technical Advisor Susan Leven, for their work on this matter.

Ms. Thompson Gonzalez continued that the creation of this Authority will free Broward municipalities from the dictates of a for-profit approach to waste disposal and recycling, which has been inconsistent throughout the County. This change can provide towns and cities with the opportunity to realize significant cost savings while contributing to a cleaner environment.

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Ms. Thompson Gonzalez advised that in light of the potential savings and other benefits, she has recommended the insertion of the word “organics” into the inter-local agreement. There is no language in Florida Statutes that would prohibit this inclusion.

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 Connors reported that Boo!-By-The-Sea is scheduled for Saturday, October 28, 2023 from 10 a.m. to 1 p.m. The event will feature games, entertainment, and food. The Town is partnering with its businesses located on the west side for this event.

Downtown construction continues and is moving quickly. Most infrastructure improvements are complete and the contractors are working on putting the area back together. Existing trees are being replaced with coconut palms, and pavers are being replaced along El Mar Drive and the sidewalk on the north side. The wall is being constructed on the south side of the street. The project remains on schedule.

Sea Shorts is underway, with performances scheduled for October 20 and 21, 2023 at 7 p.m. and October 22 at 4 p.m. This event features nine original short plays. Doors open 30 minutes before showtime. The event is free of charge.

The Hibiscus Drive project is complete between Sea Grape Drive and Bougainvillea Drive.

The Town is working on a recycling drive initiated by Town Staff. Any residents with old and/or unused sneakers are encouraged to bring these to the Town, where they will be recycled. Collection locations include Town Hall, the Visitors Center, and the Community Center.

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A citizen participation meeting is scheduled at 6 p.m. on October 23, 2023 regarding 4305 Bougainvillea Drive. The next Town Commission meeting is October 24 at 6:30 p.m. A Special Magistrate meeting will be held on October 26 at 5 p.m. The next Planning and Zoning Board meeting is scheduled for November 1 at 6 p.m.

Vice Mayor Malkoon requested additional information on the Town's Circuit-By-The-Sea program, asking if presentations are planned to discuss the level of service during the coming tourist season. Town Manager Connors stated that three Circuit vehicles are in use during the off-season. When the tourist season begins, another Circuit vehicle will be added for a total of four. The Town will monitor this schedule.

Town Manager Connors added that if a resident's initial Circuit request shows a long wait time, this may recalibrate to a more reasonable time within a few minutes. He requested a presentation from Circuit addressing concerns regarding these time frames, as well as reasons for cancellations.

Commissioner Oldaker thanked all parties involved in the completion of the Hibiscus Drive sidewalk/crosswalk project.

b. August 2023 Finance Report

Assistant Finance Director Edner Saint-Jean presented the August 2023 Finance Report, noting there were no significant changes. The Building Department collected nearly \$2 million, which exceeded the budgeted amount. Revenue from the Parking Fund was 44% higher than budgeted in fiscal year (FY) 2023. Overall expenditures and revenues met expectations. Staff is currently working on the Town's audit.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for 9-13-23 and 9-26-23.

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

11. CONSENT AGENDA

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- a. **Resolution 2023-59: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE UPDATED BROWARD COUNTY ENHANCED LOCAL MITIGATION STRATEGY PLAN; PROVIDING FOR IMPLEMENTATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**
- b. **Resolution 2023-61: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE LEASE AGREEMENTS WITH ENTERPRISE FM TRUST FOR A 2024 CLUB CAR CARRYALL 750 LSV AND A 2024 FORD ESCAPE SUV, PURSUANT TO THE TERMS AND CONDITIONS OF THE OPEN-END MASTER EQUITY LEASE AGREEMENT BETWEEN THE TOWN AND ENTERPRISE FM TRUST; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE.**
- c. **Hardship Parking Permit Applications**

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

13. NEW BUSINESS

a. Veterans Day 2023 Ceremony

Senior Special Events and Marketing Coordinator Anderson stated that the Town's annual Veterans Day ceremony is scheduled for Saturday, November 11, 2023 in El Prado Park from 10 a.m. to 11:30 a.m., with Jarvis Hall to serve as a backup location in the event of inclement weather. She thanked Commissioner Strauss for serving as Chair of this year's event.

The Veterans Day program will feature the Pompano Beach Fire Department's Honor Guard, BSO's Rifle Volley, Honor Flight, and more. Veterans are encouraged to register for the event so they can be recognized during the program. Registration forms are available at Town Hall, the Visitors Center, the Community Center, and on the Town's website. Registrants are asked to submit a photograph from their time in service with their registration.

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Senior Special Events and Marketing Coordinator Anderson added that an email was sent to all Town businesses regarding a tent at the ceremony. Any businesses with promotions may provide information at this tent. Staff recommends approval of the November 11 Veterans Day ceremony.

Commissioner Strauss also encouraged all residents to attend this annual event.

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

- b. Resolution 2023-60: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH JANICE M. RILEY INC. DBA THE PAVING LADY FOR BOLLARD INSTALLATION AND PAVEMENT RESURFACING ON EL MAR DRIVE AND COMMERCIAL BOULEVARD IN AN AMOUNT NOT TO EXCEED \$224,584.49; 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.

Deputy Town Manager/Public Works Director Ken Rubach stated that this request would install in-ground bollards in two phases. The Town currently uses a combination of “water walls” and BSO vehicles to serve as deterrents. In-ground bollards can be removed and reinstalled as needed, which is less cumbersome than the water barricades. They would be stored in the Public Works building when not in use.

The first phase would be completed on Commercial Boulevard between A1A and El Mar Drive, which is currently closed. Contingency funds were used to purchase the first set of bollards. The cost of the project’s second phase is significantly lower, as the bollards have already been purchased. This phase will place bollards on El Mar Drive and repave that section of roadway between two alleyways, providing new asphalt and pavement markings.

Deputy Town Manager/Public Works Director Rubach added that the bollards are traffic-rated and will serve in the same capacity as the current water wall. BSO vehicles will still be used to provide an additional level of security.

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

14. COMMISSIONER COMMENTS

Vice Mayor Malkoon advised that he recently represented Lauderdale-By-The-Sea at the Greater Fort Lauderdale Board of Realtors' Mayors' Breakfast. Topics addressed at this meeting included "selling" the Town as well as affordability. He also encouraged residents to support Sea Shorts, which he recently attended.

Mayor Vincent thanked Vice Mayor Malkoon for attending the Mayors' Breakfast.

15. ORDINANCES 1ST READING

- a. Ordinance 2023-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I "IN GENERAL," SECTION 30-11 "DEFINITIONS" AND ARTICLE V "ZONING," SECTION 30-311 "BOATS, BOAT LIFTS, BOATHOUSES, MOORING, AND DOCKING" AND 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.

Development Services Director Jhanelle Campbell recalled that at a March 2022 Town Commission meeting, the Commission directed Staff to review the marine structure Code of neighboring municipalities. As a result of this research, Staff learned that the Town's regulations were much more restrictive than other municipalities' regulations. They brought forth Ordinance 2022-02 to address the following key issues:

- Clarification of definitions
- Removal of duplicative terms
- Institution of regulations for waterways both wider and narrower than 100 ft.
- Establishment of a new side setback for docks at commercial properties abutting residential properties

Ordinance 2022-02 did not address any changes to the distances of marine structures other than docks. In April 2023, Staff was directed to review regulations for those

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structures in other municipalities. Staff is now bringing forward an Ordinance to address these items, which include:

- Removal of the requirement for the navigational channel to be the center 40% of the width of the waterway
- Extension of the allowance for boat lifts to protrude into the waterway from 20% to 25%
- Relocation of setbacks for marine structures in waterways over 100 ft. in width to the correct location

Development Services Director Campbell noted that, for example, 20% of an 80 ft. waterway would be 16 ft. By changing this percentage to 25%, an extra 4 ft. of space is provided, which affects the property owner's ability to have both a dock and a boat lift while still providing space for boats to enter and exit the waterway.

At the September 19, 2023 Planning and Zoning Board meeting, Staff presented the proposed Ordinance for consideration and received a 4-1 vote in favor of approval. Staff feels the proposed changes will increase flexibility for residents to install boat lifts and docks on their properties. Staff recommends approval of the Ordinance.

Commissioner Strauss commented that the proposed Ordinance establishes a clear and practical way of dealing with boat lifts and docks. He thanked Staff for their work on the updated regulations.

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

16. ORDINANCES 2ND 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;**

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**PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE
DATE.**

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

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve.

Vice Mayor Malkoon requested that changes to the Commission's Code of Ethics, including use of Form 6 for reporting requirements, be highlighted so new elected officials would be aware of it.

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 7:49 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk

11/17/2023 | 6:58 AM PST

Date