



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 9, 2024
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, 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. Proclamation for Major Thomas Palmer

Mayor Vincent read a Proclamation in honor of the recent promotion of Major Thomas Palmer of the Broward Sheriff’s Office (BSO). The Town Commission, Staff, and all present recognized Major Palmer for his years of service to the Lauderdale-By-The-Sea community. Captain Bill Wesolowski also recognized Major Palmer for his service to the Town on behalf of BSO.

b. Arbor Day Proclamation

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Mayor Vincent read a Proclamation declaring Friday, January 19, 2024 as Arbor Day in Lauderdale-By-The-Sea.

6. PUBLIC COMMENTS

Mayor Vincent noted that all qualified candidates for local public office were present at tonight's meeting and invited them to announce their candidacies during public comment. Commission candidates Ken Brenner, Richard DeNapoli, John Graziano, and Howard Goldberg and Mayoral candidate Ann Marchetti introduced themselves to all present, as did current elected officials Edmund Malkoon and Buz Oldaker, who are also candidates for Mayor.

At this time Mayor Vincent opened public comment.

John Graziano, resident, expressed his appreciation for the service of Major Thomas Palmer, who has been vital to the safety of the community.

Howard Goldberg, resident, requested that the Commission waive parking permit fees for a fish fry scheduled on February 9, 2024. The event will be held at the Plunge Hotel from 6 p.m. until approximately 9 p.m. and will raise funds for the Chamber of Commerce. He also requested that payment of sidewalk café fees by Downtown businesses be deferred for an additional six months in recognition of the hardships the businesses experienced during the Downtown renovation project.

Ina Marjakangas, business owner, also advocated for further deferral of the Downtown sidewalk café fees to compensate for the construction period. She also asked what compensation is being considered for small businesses based in the Lauderdale-By-The-Sea community, including retail and businesses located on the west side of A1A. She also expressed concern with the existing Downtown directional signage.

Ken Brenner, resident, thanked Major Thomas Palmer for his service to the community. He added that he would like to see the Town's 75th anniversary celebration held at no cost to residents, and concurred with Ms. Marjakangas's comments regarding sidewalk café fees and additional compensation for businesses west of A1A.

Mr. Brenner also addressed the Town's recently established Business Enhancement Team, characterizing it as a step in the right direction. He also thanked the Commission and Staff for the Pier update to be heard during tonight's meeting and recommended similar updates for all Town projects affecting residents.

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Yann Brandt, resident, expressed concern with parking at Benihana's restaurant, stating that the situation is "out of control" due to valet and delivery driver parking. Vehicles wait in driveways in the surrounding residential neighborhood, which is a safety risk. He requested assistance through Code Compliance to encourage the business to take these concerns seriously.

Richard DeNapoli, resident, thanked Major Thomas Palmer for his service to the community as well as the current Mayor and Town Commission as well as other candidates for office.

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

At this time Mayor Vincent opened public comment on Item 8.a.

Ann Marchetti, resident, thanked the Town for the Arbor Day Proclamation on behalf of the Garden Club and invited all present to celebrate the 100th anniversary of that organization on Friday, January 19, 2024 at 11 a.m.

Ms. Marchetti also requested that the Town consider ways to assist its businesses, including the structure of fees. She concluded that she would like the Town to hear resident input on its vulnerability assessment and address the concerns cited in that document.

Town Manager Linda Connors announced that Captain Bill Wesolowski and Lieutenant Christopher Sutter will now share responsibility for the Town's BSO district. The Captain and Lieutenant introduced themselves at this time.

Town Manager Connors continued that a Business Enhancement Team has been created to streamline the relationship between the Town and its business community.

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The team will include the Development Services Director and Assistant Director, the Assistant to the Town Manager, members of the Public Works Department, the Senior Special Events and Marketing Coordinator, and BSO Lieutenant Sutter. The first meeting of this team is scheduled for Wednesday, January 10, 2024. The team will find additional ways the Town can work with its businesses and ensure clear communication between these parties.

Mayor Vincent requested an update on the issue described at Benihana's restaurant during public comment. Town Manager Connors advised that Town Staff has met with the affected neighborhood to discuss these issues, which include traffic calming as well as the relationship between that neighborhood and the business. While the Commission has approved a traffic study for the neighborhood, residents have requested that this study be put on hold until the tourist season begins on January 22, 2024.

Town Staff has also established a relationship with Benihana's for business development. She noted that there have been complaints regarding deliveries which resulted in the restaurant making changes intended to prevent roadway blockages. Changes were also made to the restaurant's valet services. The Business Enhancement Team will reach out to the restaurant once more to discuss these concerns.

Mayor Vincent emphasized the need to ensure the business is responding to the Town's requests, including the issuance of citations and/or tickets as necessary. Town Manager Connors confirmed that this is a top priority of Town Staff.

Town Manager Connors also noted that consultant Baxter and Woodman has been hired to address traffic calming in the South Silver Shores community. The Town has also received complaints regarding West Tradewinds Avenue north of Commercial Boulevard and the Bel Air Drive neighborhood. She has requested cost estimates from the consultant for studies in those areas and confirmed that Baxter and Woodman will work on those communities as well.

Town Manager Connors added that the request on behalf of the Chamber of Commerce regarding the waiver of parking fees for the February 9, 2024 fish fry was included in the written report. This would also permit median parking for the event. There was Commission consensus to waive this fee.

Town Manager Connors also proposed that the Commission consider making an early payment on the South Ocean parking lot. These payments were staged with an

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installment of \$800,000 in 2024, with the final installment to be paid in 2025. Money is available in the Town's Parking Fund to make this payment, which has been budgeted. Approximately \$150,000 in parking in lieu of payment (PILOP) fees is also available for this use. Making this payment in February rather than in May can save the Town an estimated \$100,000. The amendment to this contract can be brought back at the next Commission meeting.

The Commission agreed by consensus to make an early payment toward the South Ocean parking lot.

Commissioner Strauss briefly addressed the parking fee waiver request, pointing out that private parking belonging to the Plunge Hotel is not affected by the waiver of fees. He cautioned that residents parking in that area could be ticketed by the hotel rather than by the Town. Town Manager Connors further clarified that the waiver would affect median parking only.

Town Manager Connors continued that the Town has received a \$200,000 resiliency grant from the Florida Department of Environmental Protection (DEP). This grant will allow the Town to identify issues to be addressed for resiliency and provide data in support of further grant applications.

The Lauderdale-By-The-Sea Community Center Seaside Players will present Neil Simon's *The Dinner Party* in Jarvis Hall on January 12, 13, 19, and 20, 2024. Sunday matinees will be held on January 14 and 21. Seats may be reserved via email.

Mayor Vincent addressed the request for relief for Downtown businesses, asserting that the Commission is pro-business and actively seeks to ensure the success of the Town's business community. He cautioned that the Town is not obligated to take continued financial steps to support its businesses, as they have already provided significant relief. He also emphasized the importance of treating all businesses equally regardless of their location, and concluded that a great deal has already been done in support of Town businesses.

Vice Mayor Malkoon asked if the Business Enhancement Team deals strictly with businesses located east of A1A. Town Manager Connors explained that the team works with Town businesses in general.

Vice Mayor Malkoon also noted that the Commission has also taken significant steps to assist businesses and has requested suggestions from the business community, but

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has not heard any proposals. He recommended that businesses work together to come up with ideas and bring them to the Business Enhancement Team.

Commissioner Oldaker also agreed that the Commission has taken steps to assist the Town's business community, regardless of location. He encouraged businesses to reach out directly to Commissioners in addition to working with the Business Enhancement Team.

b. Pier Discussion

Town Manager Connors noted that a representative of Anglin's Pier was unable to attend tonight's meeting, but plans to attend the January 23, 2024 Commission meeting for a more detailed discussion.

Development Services Director Jhanelle Campbell recalled that in 2017, Anglin's Pier was damaged by Hurricane Irma and has remained in a state of disrepair since that time. The Pier is privately owned, and its owner obtained permits to make repairs following that hurricane; however, subsequent storms have further damaged the structure, which required filings for additional permits.

Following more recent storms, Town Staff has noted an increase in comments and concerns regarding additional damage to the Pier. Development Services Director Campbell noted that a timeline of activity is included in the Commissioners' backup materials and will be posted on the Town's website along with a list of frequently asked questions (FAQs). This information will be regularly updated.

Development Services Director Campbell continued that the Pier has been cited for a violation. This case is currently under the purview of the Special Magistrate. Representatives of Pier ownership will be present at the next Code hearing, which will be held on Thursday, January 25, 2024 at 5 p.m. Staff continues to monitor the situation through the Special Magistrate process and fines continue to accrue at a rate of \$200/day.

Mayor Vincent requested additional information on the damage sustained by the Pier in December 2023. Development Services Director Campbell replied that additional debris fell into the water and washed onto the shore. Cleanup was addressed by the Town's contractor as well as the Pier owner. DEP is aware of the structure's status and also continues to monitor the situation.

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Vice Mayor Malkoon emphasized the importance of transparency throughout this process, and added that he and Town Staff have contacted elected officials to determine if there are additional steps the Town can take to facilitate repairs.

Commissioner Oldaker suggested that posted information list the different jurisdictions involved in the Pier process and their roles in this process. Development Services Director Campbell confirmed that in addition to the building permit that must be obtained through the Town, the Pier must also go through DEP, Broward County, and U.S. Army Corps of Engineers processes. A total of three permits must be issued through these agencies in addition to the Town's permit.

Town Manager Connors further clarified that the Town reviews its building permit, while the other entities review the impact on the environment, including the ocean.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen reported that the Florida Legislative Session began earlier in the day.

10. APPROVAL OF MINUTES

a. Approval of Minutes for December 12, 2023

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Sidewalk Café Discussion – Fees

Development Services Director Campbell stated that the expansion of sidewalk cafés is now complete, and Development Services Staff has met with the affected businesses to update their sidewalk café agreements. The current fee is \$18/square foot on the eastern side of the business district and has not changed since approximately 2014.

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In 2021, the Commission established a cleaning fee for sidewalk cafés. These fees have not been assessed due to the COVID-19 pandemic as well as the subsequent expansion project. The current cleaning fee is four cents per square foot. If enacted, this fee would increase sidewalk café costs significantly, as reflected in the Commissioners' backup materials.

Because the businesses are already absorbing increased costs following the recent sidewalk café square footage expansion, Staff recommends removing the cleaning fee and charging only \$18/square foot. If this recommendation is approved, an Ordinance will be brought back at the January 23, 2024 Commission meeting.

Vice Mayor Malkoon stated that he agreed with Staff's recommendation, and noted that Downtown businesses seem to be doing well following the recent construction. He noted that the Town seeks to facilitate a conducive environment for businesses, as demonstrated by previous fee waivers.

Commissioner Oldaker recalled that in December 2023, the Town approved a cleaning contract, and requested clarification of how this affects sidewalk cafés and other outdoor spaces. Deputy Town Manager/Public Works Director Ken Rubach replied that the contract covers both sidewalk café areas and pedestrian areas. Development Services Staff has worked with Downtown businesses to define the sidewalk café areas which would have been subject to the four-cent cleaning fee. There was no consideration of including public areas within this fee.

Deputy Town Manager/Public Works Director Rubach concluded that after reviewing figures, the Town Manager and Development Services Staff determined that the Town was able to cover the cost of cleaning sidewalk café areas with the funds that are currently being collected.

The Commission agreed by consensus to have Staff bring back an amended Ordinance at the January 23rd meeting to change the Ordinance's language regarding the cleaning fee from "shall" to "may," as well as to delete the fee itself from the Resolution.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

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Commissioner Oldaker stated that he expected the transition to new BSO leadership to be seamless, and that the community will remain in good hands with Captain Wesolowski.

Commissioner Pouloupoulos agreed, echoing Commissioner Oldaker's confidence in BSO leadership. He hoped that the candidates for local office will expect the same commitment to safety in the community, and also hoped the Town's public safety building will be completed in the near future. He concluded by thanking Town Staff for their recent assistance with the celebration of the Epiphany.

Commissioner Strauss expressed confidence in BSO leadership and wished all present a happy New Year. He encouraged residents to visit the Farmers Market on Sundays.

Vice Mayor Malkoon thanked BSO Staff for its commitment to public safety. He encouraged residents to attend the 100th anniversary Garden Club tree planting ceremony on January 19, 2024, and concluded that on January 27, the Garden Club will hold a fundraiser at Jarvis Hall.

Mayor Vincent thanked the candidates for local office for their presence at the meeting, and suggested that a Candidates' Forum be discussed as an Agenda Item for the January 23, 2024 so they can meet and greet residents.

Town Manager Connors confirmed that Staff will reach out to the League of Women Voters to determine their availability for a Candidates' Forum.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

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Town Attorney Susan Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Items. Any individuals wishing to speak on the Items were sworn in by the Town Clerk.

- a. **Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures and Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level II Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court (“Property”).**
- b. **Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 4 “Adjustments To The Code – Procedures and Requirements,” Section 30-128 “Administrative Adjustments” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested a Level II Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 241 Shore Court (“Property”).**

Development Services Director Campbell stated that the requests for the properties at 231 and 241 Shore Court would allow the construction of a fence or wall in the area between the structures and the rear wall at a distance of 3 ft. 6 in. where 5 ft. is required from the property line. Duplexes are currently under construction on both lots. The Applicant wishes to install an accessory structure in the rear yard of each property to provide separation between the yards of each duplex.

Town Code Section 30-313.s.1 requires walls to be separated from the main structure and to be 5 ft. from the rear property line. An administrative adjustment permits a 30% encroachment, or 1.5 ft., for a required 5 ft. rear setback. A gap between the structure and the freestanding wall ensures that the structure is considered an accessory structure rather than a wall.

Development Services Director Campbell stated that based on Staff’s review of the criteria for an administrative adjustment, Staff recommends approval of the requests. In

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accordance with Town Code Section 30-139, public notice was sent to all properties within a 300 ft. radius of the subject site and posted on the subject property as well as on the Town's website. Staff did not receive any comments regarding the Application.

Craig Lowy, representing the Applicant, stated that he felt the proposal for the two properties is sufficient.

Mayor Vincent noted that conditions of approval are also included in the Commissioners' backup materials.

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

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

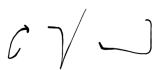
Development Services Director Campbell advised that she had directed Staff to further research duplexes and separating walls, and noted that Lauderdale-By-The-Sea is one of only a very few communities which does not allow this within Code. She stated that an Ordinance can be brought forward to allow this in the future.

Motion carried 5-0.

It was clarified that the **motion** referred to both Items 18.a and 18.b, which were presented together.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:57 p.m.



Mayor Chris Vincent

ATTEST:

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Katrina Adler, Town Clerk

2/20/2024 | 10:13 AM PST

Date