



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 13, 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, 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

Pompano Beach Fire Inspector Ashley Zalewski honored the C shift crew of the Pompano Beach Fire Department (PBFD), which recently responded to a medical emergency and saved the life of an individual in cardiac arrest. She noted that the Broward Sheriff’s Office (BSO) also responded to this call.

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

7. PUBLIC SAFETY DISCUSSION

a. PBFD January 2024 Public Safety Report

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Fire Inspector Zalewski reported that during the month of January, the PBFD responded to 152 calls for service with an average response time of 5 minutes 40 seconds. The Fire Department provides closest unit response, which means if their rescue unit is out on a call when another call comes in, the closest unit must respond. This means the unit at the Lauderdale-By-The-Sea station is required to respond if they are the closest unit, even if the call to which they respond is not located in the Town.

The Department was present at the recent Friday Night Music event and held an Open House at the Fire Station.

Commissioner Oldaker asked if some of the more exceptional response times could be removed from the report, as these skew the average. Fire Inspector Zalewski replied that the PBFD is in the process of implementing a new reporting system which may be able to break down the different types of calls.

Commissioner Oldaker also requested an explanation of the PBFD's certification. Fire Inspector Zalewski explained that in order to be hired by the PBFD, an individual must be both a Firefighter and a paramedic, which is the highest level of emergency response. This means they can respond to a range of medical emergencies. There are also emergency medical technicians (EMTs) with extensive experience who can assist in certain emergencies. Paramedics must renew their licenses every two years.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Ken Brenner, resident, noted that the Town has negotiated higher interest rates on taxpayer funds held at Truist Bank. He suggested that these funds be used toward some of the items removed from the current year's budget, such as road resurfacing and addressing of flooding in neighborhoods.

Howard Goldberg, resident, thanked Town residents for the turnout at the recent fish fry event, which was held the previous week. He invited all residents to attend the Fort Lauderdale Marathon, which is scheduled on Sunday, February 18, 2024 from 6 a.m. until 12 p.m.

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Mr. Goldberg requested the use of Jarvis Hall on March 16, 2024 for the Chamber of Commerce's second annual Health Fair, which will be held in conjunction with Imperial Point Hospital. The event is free of charge and will run from 9 a.m. to 1 p.m.

John Graziano, resident, addressed Agenda Item 13.c, which will discuss the sale of food and alcohol on the beach. He was not in favor of this proposal.

Richard DeNapoli, resident, wished all present a happy Valentine's Day.

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

Town Manager Linda Connors showed a video highlighting the Annual Report for fiscal year (FY) 2023. She thanked Town Staff for their work on all the projects noted in the video, which will be posted on the Town's website.

7. PUBLIC SAFETY DISCUSSION

a. BSO Presentation

BSO Captain Bill Wesolowski reported that the A1A marathon is scheduled for Sunday, February 18, 2024, which will affect traffic along El Mar Drive, Palm Avenue, and A1A. Businesses will not be affected, although traffic delays are expected. BSO personnel will monitor intersections throughout the marathon route.

Captain Wesolowski continued that BSO has implemented a program called "While You Were Sleeping," which allows Deputies to communicate with property owners regarding concerns such as open garage doors and unsecured vehicles. Cards will be placed in the mailboxes or doors of these homes to alert residents of crime prevention opportunities.

Captain Wesolowski also played a brief video from BSO which is intended to encourage residents to lock their cars and secure their belongings. There were 17 auto thefts in Lauderdale-By-The-Sea in 2023, including five golf carts. Seven of the stolen cars had key fobs left within the vehicles. He also noted that the signals from key fobs left in proximity to doors can be reproduced by criminals. The video will be shared through the Town's social media.

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Commissioner Strauss asked if there are any methods that can prevent the reproduction of key fob signals. Captain Wesolowski advised that keys can be wrapped in aluminum foil to disrupt the transmission of signals. Keeping keys away from the front door area is another method of prevention.

Commissioner Poulopoulos asked if a license plate reader (LPR) camera for the Town is located at the north portal is still out of order. Captain Wesolowski replied that one of these two cameras is still down following a crash. The Town has purchased replacement equipment which has not yet arrived. The other Town camera system, which includes approximately 81 cameras throughout the Town, is being upgraded.

Commissioner Poulopoulos also asked if more sophisticated auto thieves have learned how to circumvent old-fashioned deterrents, such as “the club” or other devices. Captain Wesolowski noted that these deterrents can still be effective.

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

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Connors advised that the Town is applying for a grant to fund the replacement of surveillance cameras.

Construction on the Bel Air seawall has been completed and Staff is adjusting the level of the nearby sprinkler system, as the new seawall is significantly higher than the old one. Property owners will be billed in March 2024 for their share of the seawall’s construction costs.

Staff has worked with Truist Bank to improve the Town’s bank services. This includes an increased interest rate, which is generating approximately \$30,000/month. These funds are not budgeted.

There has been discussion in the past of a new Public Safety building, and the Town has purchased property for this building. Staff recommends that the increased interest generated by banked funds be reserved for use on this building. Commissioner Oldaker requested that this proposal be brought back as an Agenda Item at a future meeting so

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the Commission can further discuss the interest generated by the Town's accounts before committing those funds to a specific use.

Vice Mayor Malkoon observed that it made sense to segregate the interest funds while awaiting a discussion on their use. He also thanked Town Staff for their leadership in addressing the Bel Air seawall repairs, and suggested that in the future, the Commission may wish to restore benches and park amenities at that location.

Town Manager Connors continued that two members of Town Staff participated in a recent "Career Safari" event at Winston Park Elementary. She added that she will speak at the International City/County Managers' Association (ICMA) Conference regarding the recent Downtown enhancement project.

Town Manager Connors requested the following changes to upcoming meeting dates:

- March 26, 2024: as this meeting follows the upcoming election, this date would be changed to April 2, 2024 in order to allow time for certification of election results
- September 11, 2024: the first municipal budget hearing, which had been scheduled for this date, would be changed to September 12, 2024
- September 24, 2024: this meeting would be changed to September 17, 2024 to allow the Town Manager to speak at the ICMA conference

The Commissioners agreed to these proposed changes by consensus.

Town Manager Connors advised that there have been several requests from residents to expand the Town's recycling options. Glass will continue to be excluded from the program due to its negative value; however, aluminum, more plastics, uncoated paper board, newspapers, office paper, and cardboard containers can now be recycled. The Town is working with Conceptual Communications to prepare advertising on this topic.

b. Development Services Report Q1-FY24

Development Services Director Jhanelle Campbell reported that from October to December 2023, the Department received 18 applications and issued 14 new business tax receipts (BTRs). Two issues were addressed before the Commission during this same reporting period. Several permit applications were received, including right-of-way permits, lien searches, and architectural reviews.

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During the same reporting period, Code Compliance investigated 103 incidents, and 54 cases are currently under the Special Magistrate's jurisdiction, with 109 cases under the Code Officer's jurisdiction. The Town has 144 registered vacation and short-term rentals.

The Building Department took in \$385,137.63 in building permit fees during the same reporting period, one of which was for a job which cost over \$100,000.

Commissioner Oldaker referred to the map on the Town's website which shows the locations of registered vacation rental properties. He asked if the turnaround time for addition of a new vacation rental has been shortened. Development Services Director Campbell confirmed that this time frame has been narrowed; however, the process can be held up if inspections of vacation rental units show that unpermitted work has been done. The properties cannot be licensed until these issues are addressed.

c. Business Outreach Team Report – January 2024

Assistant to the Town Manager Courtney Easley reported that the Business Outreach Team (BOT) was created in January 2024 to help support the Town's businesses. Since January 10, 2024, the team has visited 25 businesses to introduce themselves and provide information about Town events. There is also a business resource page on the Town's website. A dedicated email address, businessteam@lbtz-fl.gov, reaches all team members. The team's goal is to resolve most issues between 24 and 48 hours.

d. 75th Update

Senior Special Events and Marketing Coordinator Katie Anderson advised that the Town is roughly six weeks into its 75th anniversary celebration. She thanked Vice Mayor Malkoon for his support and direction throughout this ongoing event.

Anniversary banners have been displayed in Connie Hoffmann Plaza and Ocean Plaza as well as in medians, at several neighborhood entrances, and along El Mar Drive, A1A, and Commercial Boulevard. Town Staff email signatures have been updated to reflect the anniversary, and the Town's website includes a dedicated landing page. The weekly *Town Topics* e-blasts include facts about the Town's history.

Each of the Town's five annual events in 2024 will be enhanced with an anniversary component. There are also two new events, Taste of the Beach in March and a Founders' Day picnic in the fall. Taste of the Beach is scheduled for Wednesday,

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March 6, 2024 and will be held in El Prado Park and its parking lot from 5 p.m. to 8 p.m. There will be live music in the Park. Tickets are \$25 and can be purchased on the Town's event website. Senior Special Events and Marketing Coordinator Anderson recognized Peggy Mohler, owner of the Aruba Beach Café, for her assistance in planning this event.

Commissioner Oldaker asked if Taste of the Beach will use tents. Senior Special Events and Marketing Coordinator replied that it is not intended to be a covered event. The destination in case of rain will be Jarvis Hall.

Commissioner Oldaker asked if the Town has a budget line item for anniversary events. Senior Special Events and Marketing Coordinator Anderson explained that some costs are factored into the individual plans for events, and there is also an individual 75th anniversary budget.

Vice Mayor Malkoon recognized Senior Special Events and Marketing Coordinator Anderson for her work on the 75th anniversary events. Branded merchandise is also available at Town Hall and the Visitors Center, and residents are encouraged to share photographs and memories as well.

e. December 2023 Finance Report

Director of Budget and Finance Lucila Lang advised that \$7.5 million in ad valorem tax revenues were collected during December 2023 for a total of \$10.5 million through that month. An additional \$300,000 has been collected since that time. \$673,000 was collected in December for the Fire Fund Assessment for a total of \$931,000, with another \$20,000 collected since then.

The December Parking Fund shows a 2.7% decrease (approximately \$5000). Director of Budget and Finance Lang noted that the decrease may have been due to the bad weather we had during that time.

Commissioner Oldaker addressed the cash investment report, noting that this report shows strong interest rates. Town Manager Connors added that Truist Bank has reached out to Staff to schedule a meeting for further discussion of additional ways to invest.

9. TOWN ATTORNEY REPORT

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None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for January 9, 2024

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Special Event Application – Community Church Easter Sunrise Service, March 31, 2024

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

b. Special Event Application – Chamber of Commerce Health Fair, March 16, 2024

It was noted that this event requests a fee waiver. Town Manager Connors recalled that this fee was waived in 2023 and Staff recommends its waiver again in 2024.

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

c. Discussion on Permitting Hotels with Restaurants to Serve Food and Alcohol on the Beach

At this time Mayor Vincent opened public comment.

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Joe Imbrogno, general manager of Plunge Beach Resort, stated that this business is seeking approval to serve food and beverages from their restaurant to patrons using the Resort's beach chairs. The Resort has over 100 rooms and is authorized to provide food and beverage service in their lobby restaurant and behind the pool deck. Service would be provided during restaurant hours when beach chairs are rented from 12 noon to 3 p.m.

Mr. Imbrogno noted that Fort Lauderdale has tested a pilot program for this type of service for two years. Those licensed businesses provide food and beverages, including alcohol, to beach patrons. He pointed out that unlike these businesses, which must cross A1A to provide service, Plunge is directly adjacent to the beach. Other municipalities allowing food and beverage service on the beach include Hallandale Beach, Hollywood, and Deerfield Beach. Plunge would exclusively cater to patrons renting its beach chairs and would be responsible for appropriate consumption, use of recyclable items, and daily cleanup.

Mr. Imbrogno recalled that some Commissioners had expressed interest in expanding food and beverage service to include restaurants on the beach which are not attached to hotels. The only two such businesses are Aruba Beach Café and Anglin's Beach Café, which already serve food and beverage on the beach as permitted by their property lines.

With no other individuals wishing to speak on this Item, Mayor Vincent closed public comment.

Mayor Vincent asked if food and beverage service would be considered an off-premise service. It was clarified that this would instead be an extension of service to hotel patrons.

Development Services Director Campbell advised that one major difference between the proposed program and the pilot program in Fort Lauderdale would be that other beachgoers are not permitted to walk up and purchase food. Service would only be provided to hotel patrons using the hotel's beach chairs. The only other property that would be able to take advantage of the proposed program would be the former Holiday Inn site, which is currently a vacant lot.

Service would be provided from 12 p.m. to 3 p.m., seven days per week. Resort patrons would be identified by wristbands.

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Commissioner Strauss expressed concern with the possibility of litter on the beach, but noted that he had been assured by hotel management that this would not become an issue.

Commissioner Oldaker observed that there is little information in the backup materials for this Item which can be shared with the community. He also pointed out that the Town strives to be different from the other nearby municipalities which provide this type of service, and recommended an organized approach to the request. He was in favor of hearing more public input on the proposal.

Commissioner Pouloupoulos commented that the proprietor of Plunge had advised the resort would carry additional insurance, and asked if they will also need to carry any additional liability insurance to serve alcohol on a public beach. Mr. Imbrogno replied that there was no such need to the best of his knowledge, the resort's license covers this service. Their blanket liability coverage already extends to the beach, and the chairs are viewed as an extension of the business's outlets. He added that he will follow up and look into this further.

Commissioner Pouloupoulos also asked if the beach chairs are located on Plunge property. Development Services Director Campbell replied that they are on Town property. Town Attorney Susan Trevarthen further clarified that because the Town's beaches have been renourished over the years, this converts the beach to public property; however, the location of private property lines up and down the beach vary.

Development Services Director Campbell addressed the insurance question, explaining that when sidewalk cafés are permitted, restaurants are required to provide insurance and to add the Town to this insurance. She suggested that a similar step could be followed for beach service. Town Attorney Trevarthen noted that should the Commission choose to move forward with this program, additional implementation details will need to be worked through, including some of the components being discussed at tonight's meeting.

Commissioner Pouloupoulos stated that he shared some of Commissioner Oldaker's concerns that this pilot program could constitute a slippery slope for the Town. At present, Code states any hotel or facility wishing to implement beach service must have at least 100 rooms, which would not apply to most of the Town's hotels. He noted that if the pilot program is successful, there could be requests to change Code. While he did not object to a pilot program, he agreed that the Town should not seek to emulate larger

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beachfront communities. He also expressed concern that the program could affect Downtown restaurants.

Mayor Vincent reiterated that Plunge is currently the only hotel in the Town which would be able to provide food and beverage service on the beach under Code. Town Attorney Trevarthen further clarified that the relevant zoning district includes a provision that allows restaurants in hotels with over 100 rooms to provide the proposed service.

Mayor Vincent confirmed that he was in favor of the pilot program because he did not anticipate additional applications being received in the future. The Town would be able to monitor the program's success. He also noted that the Town does not stop beachgoers from bringing alcohol to the beach, and he was more comfortable with the oversight that the resort would provide.

Vice Mayor Malkoon was also comfortable with a pilot program if all details can be worked through. He was also in favor of keeping the Town's businesses, including hospitality providers, competitive with other hotels of comparable size that provide similar services.

Town Manager Connors addressed Commissioner Oldaker's concerns regarding a lack of backup documentation, explaining that the Town is seeking additional backup information. This was why the proposal is for a pilot program so more information can be gathered. The program would include definite start and end dates, after which time it would be brought back to the Commission with backup information and details so the Commissioners can make an informed decision on whether or not to continue the program.

Commissioner Pouloupoulos asked what metrics would be used to measure the success of the pilot program, as well as when the program would begin. Town Manager Connors replied that she was in favor of beginning it immediately once all licensing is complete. Code Enforcement will visit the Plunge property on a periodic basis to see how the program is working. She was also confident that Town residents would let Staff and the Commission know if concerns arise.

Staff will work with the Plunge, as well as with Code Enforcement and Development Services Staff, to collect data on the program and monitor how the area in question is maintained. All of this information will be brought back to the Commission at the end of the pilot program.

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Commissioner Strauss made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 4-1 (Commissioner Oldaker dissenting).

d. Resolution 2024-08: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JUSTFOIA, INC. FOR SOFTWARE TO PROCESS REQUESTS FOR PUBLIC RECORDS, LOBBYIST REGISTRATION, AND LIEN SEARCHES FOR A ONE-YEAR TERM WITH AUTOMATIC RENEWALS; PROVIDING FOR EXECUTION, IMPLEMENTATION, CONFLICTS, AND AN EFFECTIVE DATE.

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

Town Manager Connors advised that a prompt response to requests for public records is one of the Town's statutory responsibilities. The Town Clerk has identified a new public records request system, JustFOIA, Inc., which is used widely by many municipalities and would improve and update the Town's responses to these types of requests. The software is streamlined and user-friendly for both Town Staff and the public and tracks public records requests.

The software will also allow the Town to add more services to the system: for example, lien search requests can be provided and tracked as well, which will add greater transparency and ability to respond. The Town's lobbyist registration system can also be added to the platform at no extra cost.

The cost of the program for FY 2024, including setup fees, would be \$6820. Future fees would be just under \$5000 annually, with a 5% annual increase. Most of this expense is because most public records requests and lien searches come from the Building Department. For this reason, fees could come from the Building Fund and would not affect the Town's millage rate. Staff recommends moving forward with the purchase.

Commissioner Strauss asked if the Town charges a fee for public records requests, noting that this would allow the Town to recoup some of its investment in the program. Town Manager Connors replied that there is a small charge if the request requires a significant amount of copying. There is a charge for lien searches. She confirmed that the Town would be able to recoup part of its investment in this way.

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Commissioner Strauss also asked if the system would include an artificial intelligence (AI) component. Town Manager Connors replied that she was not certain. Staff will continue to be responsible for fulfilling any public records requests.

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

14. COMMISSIONER COMMENTS

Commissioner Strauss wished all present a happy Valentine's Day.

Commissioner Oldaker complimented the annual report video and recommended that the proposed recycling program changes be presented to the community to avoid confusion. It was confirmed that Town Staff will work with Conceptual Communications to ensure awareness of the change, using flyers, video, email blasts, presentations to neighborhoods and condominiums, and other means.

Commissioner Oldaker also requested a future Agenda Item introducing the Town's website to residents who may not know how to use it effectively. He also addressed beach renourishment, requesting that information on this topic be provided on the website so the public is more aware of this program. He concluded that the Town should consider implementing more electronic speed limit signs and may wish to seek out a source of funding for these instruments.

Commissioner Pouloupoulos wished his daughter Nicola a happy birthday.

Vice Mayor Malkoon also addressed the annual report video and was in favor of making the video more public to increase transparency among residents. He also cautioned that some actions that might be sensible in other municipalities might make less sense in Lauderdale-By-The-Sea, but recommended keeping an open mind on these activities as long as they do not interfere with the Town's unique nature.

Mayor Vincent also addressed the food and beverage pilot program, emphasizing the need to be careful in recognizing where comments from the public may be coming from and the validity and substance of any complaints. He reiterated that the Plunge is the only hotel that could move forward with a food and beverage service program on the beach due to their size. He felt the greatest concern was monitoring of the program and did not expect the program to create any issues.

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15. ORDINANCES 1ST READING

- a. Ordinance 2024-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 17, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES,” ARTICLE VI, “SIDEWALK CAFES” TO MODIFY REGULATIONS RELATED TO MAINTENANCE OF RIGHT OF WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

Development Services Director Campbell recalled that in 2021, the Commission amended Code to establish a charge for the cleaning of sidewalk café areas. She noted, however, that businesses have not been charged this fee to date due to the ongoing impact of the COVID-19 pandemic as well as the Downtown enhancement project.

After the enhancement project’s completion, Staff requested direction from the Commission regarding implementation of the fee. In January 2024, Staff was directed to change the sidewalk café cleaning fee from mandatory to optional. The Ordinance before the Commission would achieve this request.

Staff also recognizes that additional changes will need to take place due to the new configuration of the Downtown outdoor dining areas. These changes will be brought before the Commission at a later date.

Commissioner Oldaker requested additional information on the change of the fee from mandatory to optional. Development Services Director Campbell explained that the language was changed from “shall” to “may” so in the future, should the Commission decide to institute the fee once again, it can be done without bringing forward another Ordinance.

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

16. ORDINANCES 2ND READING

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None.

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 8:21 p.m.



Mayor Chris Vincent

ATTEST:



Katrina Adler, Town Clerk

4/4/2024 | 6:49 AM PDT

Date