



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 12, 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

Senior Special Events and Marketing Coordinator Katie Anderson thanked all who attended the recent Taste of the Beach event, which was held Wednesday, March 6, 2024 in El Prado Park. She noted that 19 Town restaurants participated in the event, and recognized the Aruba Beach Café for providing support and insight.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

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Spiro Marchelos, resident, stated that on November 7, 2023, the Anglin's Pier sign posted on A1A and Commercial Boulevard was removed during the Downtown renovation period without his consent, with the intent that this would be discussed by the Town Commission in January 2024. He requested that a decision be made on this issue, emphasizing his plans to rebuild the Pier.

Ken Brenner, resident, asked why there is no further discussion of the recent tragedy that occurred on the Town's beach planned for tonight's meeting, and recommended that this issue remain relevant until action is taken.

Richard DeNapoli, resident, advised that there is currently a bill in the Florida Legislature which would further limit the Town's ability to regulate short-term rental properties. The proposed legislation would allow a short-term rental to accrue five Code Enforcement violations before suspension may occur. He suggested that Code Enforcement's presence be increased on weekends to address violations.

Howard Goldberg, 1960 Ocean Mist Drive, reminded all present that on Saturday, March 16, 2024, from 8 a.m. to 1 p.m., the second annual Health Fair Day will be held in Jarvis Hall. The Chamber of Commerce and Broward Health Imperial Point Hospital are sponsors of this event.

Mr. Goldberg also thanked the Town Manager, Town Staff, and participating vendors who helped make Taste of the Beach a success. He continued that the Town must find a way to ensure that existing regulations are followed for short-term rentals, and thanked the Mayor and Commissioners for their service to the Town.

Ron Piersante, resident, also thanked the Mayor and Commissioners for their service, and asserted that the Town has never looked better.

Ann Marchetti, resident, addressed grant applications submitted by the Town in order to reduce its reliance on revenue generated by millage rates. She requested clarification of when a vote was taken on a public safety complex and when a public discussion of the proposed complex would be held.

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

7. PUBLIC SAFETY DISCUSSION

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None.

8. TOWN MANAGER REPORT

a. Town Manager Report for March 12, 2024

Town Manager Linda Connors reported that the Town is working with a new parking company and can now access employee parking permits online. Employees with permits may now create accounts with automatic renewals, upload all necessary documents, and purchase permits online. It is hoped that residential parking permits can also be accessed in the future using this system.

The Downtown enhancement project has won the Florida Public Works Project of the Year award for road and highway projects costing less than \$5 million.

The Town has secured over \$200,000 in grant funds for improvements to Friedt Park, as well as \$50,000 for the beach portals and \$1 million for a Public Safety building. These grants are subject to final state budget approval and will be finalized when the Governor signs the budget into law by July 2024.

Staff is working on a number of projects that may receive Broward County surtax funding. Surtax funds are requested for the Town's Circuit program in the category of traffic calming measures. The Town Manager has reached out to Broward County Commissioner Lamar Fisher for support in this effort. The Town continues to seek other grant opportunities for Circuit as well.

Municipal elections are scheduled for Tuesday, March 19, 2024. A Special Magistrate Meeting is scheduled for March 28, and a Special Commission Meeting is planned for April 2, 2024.

Commissioner Oldaker addressed Circuit funding, asking if Staff has contacted other communities who use this service to determine whether they are taking similar action. Town Manager Connors replied that the city of Pompano Beach received a grant from the Florida Department of Transportation (FDOT) and the Town is considering an application for the same grant. Other municipalities are charging minimal amounts for Circuit service.

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Town Manager Connors added that the Town has also reached out to Circuit to amend their agreement with this provider. Staff is looking into how other municipalities fund their Circuit programs.

Mayor Vincent requested an update on the status of the Pier sign. Town Manager Connors replied that the Town removed the sign when the Downtown sidewalk was expanded, as it would have been in the middle of the sidewalk. The sign is currently in storage. She will schedule a full discussion of this issue on a later Agenda. Mayor Vincent stated that lines of communication will be kept open between the Commission, Staff, and Mr. Marchelos.

Commissioner Pouloupoulos asked if the April 2 Town Commission meeting will begin at the regular time of 6:30 p.m. or at an earlier time so the Oath of Office can be administered to newly elected and returning officials. Town Manager Connors replied that while the event is scheduled for 6:30 p.m., it can be held earlier if that is the Commission's desire. It was determined that the meeting would begin at its regular time.

Vice Mayor Malkoon addressed the Town's security cameras, some of which are not working at present, and recommended that the incoming Commission include these devices in the next budget.

Mayor Vincent recognized the ongoing success of the Circuit-By-The-Sea program. Town Manager Connors noted that over 7000 rides were taken on Circuit in January and February 2024.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen stated that Senate Bill (SB) 280 has passed in the Florida Legislature and is unlikely to be vetoed by the Governor. Before 2011, the Town Commission enacted rules which applied to single-family and townhouse vacation rentals. Those regulations continue to be grandfathered.

Since 2011, the Town has been preempted from either lengthening the required minimum stay at a vacation rental or regulating the frequency with which a property is rented. In 2014, the Florida Legislature ceded some power back to the Town, allowing them to adapt and apply most existing vacation rental rules to duplex, triplex, and quadruplex properties. The requirement of a seven-day minimum stay and other minor regulations could not be applied.

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At the end of the recent legislative session, the Florida Legislature created a narrow loophole for County vacation rental regulations, although these do not apply to any Florida municipality. The result is that the Town's regulations of two-, three-, and four-unit buildings are now questionable. While the Statute provides for some regulation, it will be necessary to look into the details of the new legislation and possibly modify regulations of multi-unit vacation rentals.

Town Attorney Trevarthen added that SB 280 also states fees must be "reasonable." There is background case law which can be applied to determine whether a fee is reasonable. The amount is tied to the costs of administering a vacation rental program. The Commission and Staff may wish to discuss this further going forward.

Much of the action in SB 280 would happen at the state level. The bill requires five Code Enforcement violations to occur before a property's license can be suspended. This substantially lessens the Town's ability to take action against problematic rental properties.

Town Attorney Trevarthen concluded that she would continue to work with Staff and the incoming Commission before SB 280 becomes law on July 1, 2024.

Town Manager Connors emphasized that the Town had attempted to influence this legislation as it moved through the Florida Legislature. The Town's representatives at Ericks Consulting reached out to her several times and both parties worked to identify potential allies in the State Legislature. A more detailed legislative update is scheduled for the Town's April 23, 2024 meeting. Town Attorney Trevarthen added that the Florida League of Cities also pushed against the bill.

10. APPROVAL OF MINUTES

a. Approval of Minutes for February 13, 2024

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

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None.

13. NEW BUSINESS

a. Application for Relief of Code Compliance Lien at 4109 N. Ocean Drive, Lauderdale-By-The-Sea, FL, 33308

Development Services Director Jhanelle Campbell stated that the Application requests relief from a Code Compliance lien at 4109 N. Ocean Drive. The Town received the mitigation application in January 2024. The property was purchased by its current owners in September 2021.

The lien on this property is for violations of building safety inspection program requirements, as the property's 40-year inspection report was not submitted to the Town. The owner, 4051 N. Ocean LLC, was issued a notice of violation in January 2022 for failure to comply with the Broward County building safety inspection program. The property owner was given until February 7 to obtain a building safety inspection report.

The violation went through several Code Compliance hearings and a new property manager came on board. The issues on this property began to be resolved quickly at this time; however, the Town moves quickly to cite properties that do not comply with building safety inspection reports, which led to the lien.

To date the lien is \$112,000. The property owner has offered a total settlement of \$12,000. The property is currently in full compliance. The owner also owns a number of other properties in Town and is actively working to bring them into compliance as well.

Elie Mamoun, property owner, stated that he took ownership of the subject property approximately eight months ago and addressed the violations on the property. He has submitted applications to the Town for work on his other properties.

Mayor Vincent commented that he had asked the Development Services Director for her opinion of the 10% mitigation request and she had indicated that this amount would be valid. He did not take issue with the proposed mitigation amount.

Commissioner Oldaker stated that he also agreed with the proposed mitigation.

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Commissioner Poulopoulos observed that the intent of Code fines is to hold owners accountable and ensure that projects are completed to Code standards. He also did not take issue with the proposed mitigation.

Development Services Director Campbell added that one aspect of the mitigation request is to make the payment over a three-month period. The typical payment period is 30 days. Mr. Mamoun stated that he would waive this request and make the payment within the 30-day period.

Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to accept the mitigation amount of \$12,000 to be paid within 30 days. Motion carried 5-0.

b. Special Event Application: Community Christian Church Spring Beach Baptism, May 18, 2024

Senior Special Events and Marketing Coordinator Anderson stated that the Community Christian Church has submitted a special event application for a spring beach baptism scheduled for Saturday, May 18, 2024, with the date of Saturday, May 25 reserved in case of inclement weather. This is a long-standing community event which is held each spring and fall.

Setup for the event will begin at roughly 7 a.m. and the event itself will be scheduled for 8 a.m. It will conclude at 10 a.m. and cleanup will be complete by 11 a.m. The event is proposed for the section of the Town's beach east of El Prado Park. Approximately 45 participants and 45 volunteers/spectators are expected to be in attendance.

The Application includes the following requests:

- Event setup will include two canopies in El Prado Park, four folding tables, placement of two directional A-frame signs in and near the Park to direct attendees to the event space, camera equipment on the beach, and a small amplified sound system

The Applicant has already paid the \$100 application fee. Staff recommends approval of the Application with the conditions outlined in the event permit (Exhibit 2).

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

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14. COMMISSIONER COMMENTS

Mayor Vincent read Proclamations recognizing and thanking Vice Mayor Malkoon and Commissioner Oldaker for their years of public service to the Town.

Vice Mayor Malkoon read a Proclamation recognizing Mayor Vincent for his service to the Town.

Town Manager Connors presented Vice Mayor Malkoon, Commissioner Oldaker, and Mayor Vincent with tokens of appreciation from Town Staff.

Broward County Commissioner Lamar Fisher also recognized Mayor Vincent for his years of public service and wished the best for all candidates for office in the upcoming municipal election.

Commissioner Strauss thanked Mayor Vincent, Vice Mayor Malkoon, and Commissioner Oldaker for their leadership and service.

Commissioner Pouloupoulos also recognized the outgoing elected officials.

Commissioner Oldaker thanked his fellow elected officials as well.

Vice Mayor Malkoon also thanked his fellow elected officials and encouraged residents to exercise their right to vote in the upcoming election.

Mayor Vincent concluded by reading an open letter to the Town's residents thanking them for the opportunity to serve the public and recognizing the contributions of Town Staff.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

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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 7:44 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

4/15/2024 | 6:40 AM PDT

Date