



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 28, 2024
6:30 PM**

1. CALL TO ORDER, MAYOR EDMUND MALKOON

Mayor Edmund Malkoon called the meeting to order at 6:30 p.m. Also present were Vice Mayor Randy Strauss, Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Events and Marketing Manager 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.

The following Items were taken out of order on the Agenda.

6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Spiro Marchelos, resident, requested an update on when the Anglin's Pier sign will be replaced. He also stated that there have been drownings in the Town over the last three months, and strongly recommended that lifeguards be posted on the beach to protect the public.

Stuart Dodd, resident, cautioned against any attempt to modify the Town's height limits as currently stated in the Charter. He also recalled that a 2012 request by a hotel to

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

change its height limits by adding rooftop amenities was denied, and warned that approving a similar request by another property at this time could set an unwanted precedent if approved.

Father Peter Zougros, representing St. Demetrius Greek Orthodox Church in Fort Lauderdale, emphasized the need for lifeguards on the Town's beach, pointing out that most other coastal communities have them. He felt that deaths on the Town's beach over the past few months may have been prevented if lifeguards had been present.

Howard Goldberg, resident, advised that Pompano Beach Patrol consists of 17 full-time and 25 part-time employees, including lifeguards, although their beach is smaller than Lauderdale-By-The-Sea's beach. He recommended that the Commissioners have an open dialogue with residents about these concerns.

Brian Paperny, resident, stated that it has been 90 days since the death of Sloan Mattingly on a Town's beach and no action has been taken to further address beach safety. He felt the Town should act now and determine how they will implement changes. Mr. Paperny also stated he was not in favor of increasing the Town's height limitations.

Barbara Simonian, resident, stated that she was fully supportive of some type of lifeguard system on the Town's beach, as she has witnessed incidents in which lives were at risk in the water. She asserted that the Town must make a plan for greater safety and should be proactive instead of reactive.

Ms. Simonian also addressed the crosswalk at the Plunge Hotel, noting that a post at that intersection partially blocks the view of pedestrians preparing to cross that street. She concluded that there are beachgoers who bring dogs on the beach and do not clean up after them properly.

Ann Marchetti, resident, suggested that the Town conduct a survey of its residents so they may weigh in on the issue of beach safety and lifeguards. She recommended listening to residents, and pointed out that there are funds available to provide lifeguards if that is the residents' consensus.

Ms. Marchetti also proposed that the Town Commission hold a workshop at which residents and the Commission may engage in dialogue. She concluded that signage should be posted on the beach immediately to caution residents against digging, and was in favor of increasing beach patrols.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Jackie Bonanni Rubino, resident, requested additional information about the most recent death that occurred on the beach.

Manuel Fagundes, resident, recalled that when the Town was considering extending a contract to Pompano Beach Fire Rescue, a representative of that organization had suggested that they could provide the Town with lifeguards for an additional \$200,000. He suggested that this amount could have saved lives lost on the beach.

Terry Lee, resident, expressed concern with where lifeguards or beach patrols might be posted, pointing out that the Town has several portals leading to the beach. He felt a beach patrol would have a more flexible presence than a lifeguard.

Robert Karley, resident, stated that he was a former member of the Town's Volunteer Fire Department (VFD) and had participated in beach patrols which addressed safety issues such as digging holes on the beach. He felt the Town should do something more than it is doing at present and arrive at a solution.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO April 2024 Public Safety Report

Broward Sheriff's Office (BSO) Captain Bill Wesolowski reviewed the April 2024 Public Safety Report, noting that Detective Benya Koos was the Deputy of the Month in April. He also thanked visitors and residents of the Town for their support of the Law Enforcement Torch Run, which benefited the Special Olympics.

Mayor Malkoon requested updates on public safety cases involving the Town's beaches. Captain Wesolowski confirmed that there are three current death investigations being conducted by BSO's Homicide Unit. Because these are active cases, he could only provide limited information on them.

Captain Wesolowski recalled that the first incident occurred on May 3, 2024, when an individual collapsed on shore after participating in a beach dive. Lifesaving measures were attempted by trained bystanders, BSO Deputies on beach patrol, and Pompano Beach Fire Rescue personnel. The individual was pronounced deceased after being transported to Holy Cross Hospital.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

The second incident occurred on May 22, 2024 and involved a 52-year-old male who was brought to shore by concerned citizens who were in the water. Lifesaving efforts were made by bystanders, BSO Deputies, and Pompano Beach Fire Rescue. The most recent incident occurred over the past weekend when a 73-year-old resident collapsed on the beach.

Captain Wesolowski emphasized that he would not speculate further on any of these incidents, as they remain current investigations. It can take up to three months for the Coroner's Office to issue autopsy results.

Mayor Malkoon requested additional information on BSO's all-terrain vehicle (ATV) beach patrols, asking if these occur on a regular schedule. Captain Wesolowski replied that Deputies working in the Town have time in which they can patrol the beach, although they may be called away if a priority issue occurs.

Commissioner DeNapoli asked if there is any expectation of when information on any of the three deaths may become available. Captain Wesolowski replied that he did not have a time frame in mind, although he noted that the report on Sloan Mattingly's death is expected within the short term.

Commissioner DeNapoli also requested feedback on a slight increase in crime over the previous year. Captain Wesolowski explained that because every case of auto burglary is a separate incident, burglaries of multiple vehicles in the same parking lot can result in this increase. There have been 11 such burglaries this year, which resulted in an increase in Part 1 crimes for the current year. BSO continues to work to keep these numbers in check.

Commissioner Pouloupoulos addressed the death that occurred on May 22, requesting additional information on the lifesaving measures provided to that individual. Captain Wesolowski replied that another person in the water had helped bring that individual to shore and was performing CPR when BSO arrived. The BSO Detectives responded directly from their District Office across the street. Pompano Beach Fire Rescue also responded and attempted to administer lifesaving measures.

Vice Mayor Strauss asked if BSO's beach patrols are coordinated in conjunction with Pompano Beach Fire Rescue, as that entity also performs beach patrols. Captain Wesolowski replied that this is not currently done, although he felt it was a good suggestion.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner Poulopoulos requested additional information on whether or not Pompano Beach Fire Rescue has a set schedule for its beach patrols. Pompano Beach Fire Inspector Ashley Zalewski replied that there are attempts to provide consistent patrols among the three shifts, usually once in the morning and once in the afternoon. These patrols include border-to-border travel on ATVs on the beach.

5. PRESENTATIONS

a. Legislative Update from Senator Pizzo

Florida State Senator Jason Pizzo reported that the Town had requested \$1 million for a new public safety facility design, which has been fully funded and is expected to be signed by the Governor as part of his budget. He also addressed short-term rentals, stating that Senate Bill (SB) 280, which would further limit home rule, is expected to be vetoed by the Governor.

There are now a number of recurring and expanded sales tax holidays, including one scheduled from June 1 through June 14, 2024 and another from August 24 through September 2024, which address disaster preparedness supplies. A sales tax holiday for recreational items will begin on July 1, 2024. There will also be a skilled worker sales tax holiday as well as an additional \$450 million allotted for toll relief.

The My Safe Florida Home Program has been expanded from single-family detached homes to include a pilot program for condominiums. Senator Pizzo encouraged residents to visit [MSFLH.com/condos](https://www.msflh.com/condos) for additional information. This program will award up to \$175,000 to each participating condominium association for the purposes of mitigation, which should also reduce their insurance costs.

Senator Pizzo continued that a condominium bill he had filed five years ago passed in the recent legislative session. He noted that condominium association fees were artificially suppressed for several years at the expense of deferred maintenance on a number of buildings. The Florida Legislature is working with banking partners to allow residents to tap into equity in order to meet these assessment costs by pledging the income from the building rather than requiring income qualification.

Senator Pizzo emphasized his commitment to opposing bills that restrict home rule, and pointed out that a key nonpartisan issue on the 2024 ballot will be residents' ability to vote on whether or not to increase their homestead exemptions by another \$25,000.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Mayor Malkoon stated that one concern for Town residents has been the state preemption of anonymous Code complaints, and asked if there is any consideration of removing this preemption. Senator Pizzo replied that he expected this preemption to be repealed.

Senator Pizzo also noted that he had introduced a bill during the recent session which addressed street racing or street “takeovers” which prevent first responders from accessing intersections. The bill has been signed into law by the Governor and now allows Officers to seize vehicles taking part in these incidents.

Commissioner Graziano expressed concern with the state of home rule, and thanked Senator Pizzo for his office’s responsiveness.

Mayor Malkoon requested an update on upcoming legislation related to insurance. Senator Pizzo stated that while he did not believe government should dictate the market, he expected to see future pressure related to the stress tests available to insurance companies. Some tightening on Citizens Insurance is also expected, as the rapidity of this company’s growth is unsustainable, and they are carrying a number of unsound policies.

Senator Pizzo continued that Florida Statute 718 requires condominium associations to have their buildings regularly appraised. He also addressed bundling of home and other insurance policies, an increase in the deductible that a commercial building can carry for Fannie Mae/Freddie Mac approval, the possibility of allowing return on investment in savings, and the lack of a state “bailout” for condominiums experiencing significant increases in their assessments.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors stated that on May 22, 2024, 122 individuals participated in a celebration of Bollywood at the Community Center. She encouraged all residents to attend these types of community events.

A proposed Commission schedule including regular meetings and planned workshops is included in the Commissioners’ backup materials. Additional meetings can be scheduled if necessary. The final ethics training session is tentatively scheduled for October 8, 2024.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

At the previous Commission meeting, a Town resident had requested that overnight parking be available closer to their residence. Staff recommends that the parking lot at the Visitors Center, which includes nine spaces, be made available for overnight parking at a rate of \$112.35 per month. This is the same rate as the A1A parking lot. If the Commission concurs on this proposed solution, a formal Agenda Item will be brought back to them. There was Commission consensus to proceed with this proposal.

A cookout was held the previous week to celebrate Public Works Staff. Three public works employees were recognized for their longevity of service: Gordon Chase and Will Gordon have been with the Town for 20 years, and Mike Walker has been with the Town for 30 years.

Ordinances 2024-04 and 2024-05, which address Charter amendments and digging on the beach, have been moved to the Thursday, June 6, 2024 meeting. This meeting will also include a discussion of Commission procedures. The Town's Planning and Zoning Board will meet on June 5 and the Commission will hold a budget workshop immediately before the Commission meeting scheduled for June 11, 2024.

Mayor Malkoon addressed digging on the beach, advising that the Town must hold two readings of proposed Ordinances before they become law. No signage can be posted on the beach until this Ordinance is passed upon second reading.

Commissioner DeNapoli asked if any decisions have been made with regard to maximizing the Town's interest on income. Town Manager Connors replied that Staff is working on this issue and will bring it back to the Commission at the June 11 meeting.

b. March 2024 Finance Report

Director of Budget and Finance Lucila Lang stated that the Town has collected an average of \$64,000 in interest income since December 2023. In March, the Town collected \$66,482.88 in this income.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes for April 30, 2024

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried by 5-0 roll call vote.

11. CONSENT AGENDA

a. Renewal of Town Contracts

Commissioner Pouloupoulos made a motion, seconded by Vice Mayor Strauss, to approve. Motion carried by 5-0 roll call vote.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Commissioner Graziano – Consider recognizing all federal holidays

Commissioner Graziano stated that he felt the Town should recognize all federal holidays, including Columbus Day/Indigenous Peoples Day as well as Juneteenth. These holidays would be budget-neutral, as they do not cost the Town any money and residents do not expect Town offices to be open on those days. He emphasized that this would be a positive step for both residents and Town Staff. The addition of these federal holidays would not affect the current floating holidays available to Staff.

Commissioner Pouloupoulos asked how these holidays are currently addressed by the Town. Town Manager Connors clarified that if the two additional holidays are recognized, some Public Works Staff would remain to ensure any emergencies could be addressed. These Staff members would receive overtime pay.

Vice Mayor Strauss requested confirmation that the two floating holidays would not be taken away from employees. Town Manager Connors recommended that these holidays remain, as Staff often use them for religious holidays not formally recognized by the Town. The two additional holidays would fall on the specific dates on which the federal government recognizes them.

Vice Mayor Strauss also asked for clarification that the addition of these two holidays would be budget-neutral, as well as an explanation of what this term meant. Town

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Manager Connors replied that the cost to the Town would be insignificant, as only a few Staff members would work on those days at overtime rates. Non-essential Staff, including Development Services and the main Town offices, would not work.

Vice Mayor Strauss asked why these two holidays were not historically observed. Town Manager Connors explained that Juneteenth is a relatively new federal holiday, but did not have specific information on Columbus Day/Indigenous Peoples Day.

Vice Mayor Strauss also requested clarification of whether or not there is regular garbage pickup on federal holidays. Town Manager Connors advised that only Christmas Day is exempt from garbage pickup.

Town Manager Connors requested consensus from the Commission so Staff can bring back a Resolution to amend the personnel manual, with appropriate backup. There was consensus from the Commission to bring this item back.

b. Special Event Application: COQUI Surf Camp 2024

Events and Marketing Manager Katie Anderson stated that the COQUI Surf Foundation is a nonprofit organization which has submitted a special event application to host their surf camp in the Town over the summer. The event has been hosted in Lauderdale-By-The-Sea for the past two years with no reported incidents.

The event would begin on Monday, June 17 and will run through Friday, August 9, 2024 on a Monday-through-Friday basis, with the exception of Thursday, July 4. Setup would begin at 8 a.m. with parent drop-off at 8:30, and camp would run from 9 a.m. to 2 p.m., with pickup from 2 to 2:30 p.m. Cleanup will be concluded by 3 p.m.

The camp will include activities such as surf instruction, paddleboarding, arts and crafts, yoga, music introduction, and more. The Applicant anticipates approximately 20 campers per day, with five spectators and six camp volunteers. A battery-operated amplified system may be used at times to give instruction.

The Applicant proposes to use four branded canopies during event hours, two of which will be located on the beach and two within El Prado Park as a designated check-in space. The Applicant also requests permission to include two yard signs in El Prado Park during camp hours, which would direct participants and parents to the check-in location.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

The Applicant requests use of a resident parking space at El Prado Park for unloading from 8 to 8:30 a.m. and loading from 2:30 to 3 p.m. Staff recommends allowing up to two cars to park along the outside northbound lane of El Mar Drive to load and unload. This is the same manner in which loading and unloading is done for the Farmers Market.

The Applicant also requests permission for parents to pull up along the outside northbound lane of El Mar Drive for pickup and drop-off. Staff finds no issue with that request.

The Applicant requests that information on the Surf Camp be posted on the DiscoverLBTS web page, as well as posting of fliers Downtown. In the past, the Town has not permitted use of its web page for any events other than those directly overseen by the Town. Staff recommends inclusion in the weekly *Town Topics* email in lieu of this request, as well as posting on social media outlets.

The completed Application was received on May 9, 2024, which is 39 days prior to the event. The special event application process requests that applications be submitted 60 days prior to the event date. If they are not received within this time, a late fee is added to the \$100 application fee, bringing the total fee to \$250. As a nonprofit organization providing a benefit to the community, the Applicant requests that this fee be waived.

Staff recommends approval of the special event application for COQUI Surf Camp, with the provisions outlined in the event permit. Staff also requests Commission direction on the approval of the use of El Mar Drive for loading/unloading and drop-off/pickup, with either the requested use of the DiscoverLBTS site or the Staff suggestion to include the information elsewhere as well as the waiver of the \$250 application fee.

Vice Mayor Strauss commented that COQUI Surf Camp has been very popular for the last few years, and he was in favor of approving the Application and waiving the fee. He further clarified that he was in favor of Staff's recommendations regarding the marketing outlets and the use of El Mar Drive.

Commissioner Pouloupoulos asked why private events are not included on the DiscoverLBTS site. Town Manager Connors explained that this site has traditionally been retained as the Town's official website and other parties have not been encouraged to use it. The *Town Topics* email blasts often discuss events within the Town which are not Town-sponsored.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner Poulopoulos stated that he did not object to listing the event on the Town's website as well as including it in email blasts.

Commissioner Graziano asked if the upcoming Dive Into Summer event is posted on the Town's website. Town Manager Connors explained that this is a Town event which supports and incorporates SCUBA For Good and is listed on the Town's website. Commissioner Graziano suggested that this distinction be discussed further at a later time. Town Manager Connors agreed, adding that Conceptual Communications could also be present for that discussion.

Vice Mayor Strauss made a motion, seconded by Commissioner Graziano, to approve with the \$250 waiver, use of El Mar Drive, and Staff's recommendation regarding non-placement of promotion on the DiscoverLBTS page. Motion carried 5-0.

- c. Resolution 2024-20: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH CROWDER GULF JOINT VENTURE, INC. FOR DISASTER DEBRIS RECOVERY SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Deputy Town Manager/Public Works Director Ken Rubach explained that Crowder Gulf Joint Venture, Inc. has traditionally provided disaster debris services for the Town. Using Pompano Beach's contract with this provider would allow the Town to take advantage of economies of scale. The Town would also use the same debris management site as Pompano Beach, which is significantly closer than other such sites, which are located in West Broward. There is no cost to the contract unless the Town uses this service.

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 5-0.

- d. 4326 North Ocean Drive – Tax Sale**

At this time Mayor Malkoon opened public comment.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Howard Goldberg, resident, commended the Town Manager for taking proactive steps to address the subject property, which he described as a blight on the community.

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

Town Manager Connors stated that 4326 N. Ocean Drive is located two properties north of the South A1A parking lot. Over \$1 million in municipal Code fines have accrued on the property, although there are currently no active Code violations.

The Town received a notice of tax sale on the property, which gives them an opportunity to acquire it at less than market value. It is a four-unit multi-family purchased by 4326 Ocean Drive, LLC in 2003 and is not homesteaded. It has been vacant since 2016, and no active business tax receipt (BTR) license has been issued on the property since 2004. The property manager for the owner lives overseas and the property has been neglected for a significant length of time.

On May 10, 2024, the Town received notice that the property was scheduled for a public deed auction due to unpaid taxes in the amount of \$48,721.79 if paid by June 11, 2024. This amount will be the minimum bid at auction if the taxes are not paid in advance.

The Town has two options: they may take no action, and under Florida Statutes Section 197.582, the Town's liens will survive the issuance of a tax deed if they are not fully satisfied from the proceeds of the auction. If there is a surplus following the payment of taxes owed, the Town will receive notice and may make a claim for that surplus. The Town's claim would be evaluated based on established lien priority. There are multiple liens on the property, and the Town would not know how much they could collect or whether or not their liens would be satisfied by the auction. It is unlikely all liens would be fully satisfied.

The Town's other option is to participate in the tax sale. The tax liens will survive the deed at auction and must be addressed by the purchaser, which might make the property less likely to be purchased by an outside party. If the Town's liens are not mitigated, their amount could strip any equity from the property following the issuance of the tax deed.

While a complete appraisal of the property has not been made, the Broward County Property Appraiser lists its value at just over \$1 million. The Town may bid on the property, although they cannot be credited for the liens and would have to spend money to purchase it. If the Town acquires the property, they would then have options on what can

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

be done. The property could be sold to a reasonable owner, its redevelopment could be restricted, and the property can reenter the Town's tax rolls.

If the Town wishes to participate in the auction, they are required to place a 5% deposit on their total anticipated bid with the County by June 6, 2024. This amount would represent the high end of what the Town could bid.

Town Attorney Susan Trevarthen advised that upon investigating the status of the subject property in greater detail, it seems possible that the Town may take first priority for the liens. In addition, some of the Town's liens are repair liens, which means the Town actually took action on the property when the owner did not respond in a timely manner. These liens have higher priority than Code liens.

Town Attorney Trevarthen further clarified that the taxes in this case are County taxes. She concluded that if the Commission wishes the Town to take action, they will need to authorize Staff to proceed with the 5% deposit at tonight's meeting, as the deposit must be submitted before close of business on June 6, 2024.

Commissioner DeNapoli requested clarification of the property's worth in its current state. Town Manager Connors reiterated the property's assessed value according to the Property Appraiser's website, adding that its market value listed by the Property Appraiser's Office is \$1.015 million, while its assessed Save Our Homes value is \$753,000.

Commissioner DeNapoli also asked for more information regarding other liens on the property. Town Attorney Trevarthen explained that based on previous extensive litigation associated with the subject property, some of the other liens have been nullified.

Town Attorney Trevarthen continued that if the Town allows the sale to unfold without taking action, there will be uncertainty for the parties bidding on the property, which may depress its price and affect which parties are interested in bidding on it. The value of the Town's participation in the auction is that if the Town becomes the owner, they may decide what to do with the liens and would have some control over the party to whom the property would later be sold.

Commissioner DeNapoli commented that if the Town held the liens on the property, they would lose the \$48,721.79 in County taxes but could waive the liens from the Town itself. The risk would be that there may be another bidder who might bid to raise the price. He concluded that the Town would need to give authorization of a maximum bid.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Town Attorney Trevarthen advised that the Town may be the only bidder at the auction, or there may be other bidders present who drive up the price for a variety of reasons. She cautioned that while the scenario described by Commissioner DeNapoli may be the best possibility, it may not be the most likely one. The Town may lose more than the \$48,721.79 to the County, depending upon the other liens and the Town's position to accept them.

Commissioner DeNapoli requested clarification of what the Town's maximum bid might be. Town Manager Connors replied that discussing the maximum bid during a public hearing could place the Town in a poor position, and reiterated that if the Commission has interest in participating in the auction, they would need to deposit 5% of their maximum bid, which is fully refundable. She suggested that the Commission assign a liaison to this matter.

Vice Mayor Strauss observed that while the Town would lose the amount required to pay back County taxes, purchasing the property would put them in the best position regarding the receipt of liens. He asked for additional information on the closure of any other liens as well as clarification of any other issues related to the property. He pointed out that there may be existing civil litigation associated with the property, including any criminal litigation, which could come into play if fraudulent issues exist on the property.

Town Attorney Trevarthen explained that there has been a final agreed judgment in the past which is not subject to appeal, and the mortgage on the property is no longer an issue. There may be other issues; however, given the amount of the Town's lien, there may be no funds left over for other entities with liens.

Commissioner Pouloupoulos asked for clarification of the Commission's intent if the Town should purchase the property at the tax deed sale, as well as the current condition of the property and whether or not it is marketable. He recalled that there was a major bee infestation of the property, which has been uninhabited since 2016, and there may be other issues as well. This could make it more difficult for the Town to "flip" the property. It is also not possible to perform due diligence prior to a tax deed sale. He concluded that he was not in favor of participating in the auction.

Commissioner DeNapoli stated that he shared Commissioner Pouloupoulos's concerns regarding the Town's goal; however, if the Town does nothing, and another party purchases the property, the Town could end up in the same position as at present.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner Pouloupoulos noted that purchasing the property and selling it for a profit would enable the Town to fund some needed programs; however, he reiterated his concern that there may be major repairs to make.

Vice Mayor Strauss advised that if the Town purchased the property at auction, they would be able to control what happens to it, and the structure could be demolished and the land sold as an empty lot. While he was not in favor of the Town flipping the property, the opportunity remains to seize a property at potentially low risk. He also pointed out that the Town may not win at auction. He concluded that there was not a great risk in participating in the auction and possibly purchasing the property for the right price.

Commissioner DeNapoli observed that the greatest risk he saw, beyond the \$48,721.79 investment, was the possibility of dealing with other liens through litigation, quiet title, or other actions of that nature, which could come with minor litigation costs.

Town Manager Connors requested that the Commission first determine whether or not they want the Town to participate in the tax deed sale. If so, the next steps would be to agree on a maximum bid in order to provide a deposit, and to determine whether or not to assign a Commission liaison.

Commissioner Pouloupoulos asked if a title search has been completed for the property. Town Attorney Trevarthen confirmed this, adding that while there is no formal opinion of title, the Town is working to evaluate raw information. She also recommended that if the Town chooses to participate in the auction, they refine their approach to the bidding prior to June 6, 2024. She agreed that a public debate regarding a proposed bid would not be in the Town's best interests.

Commissioner DeNapoli asked if the title search is available to the Commissioners. Town Attorney Trevarthen replied that this could be provided for review.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, to move forward with participation in the sale. Motion carried 4-1.

Commissioner DeNapoli indicated that he would be willing to act as Commission liaison for the purposes of the sale. The Commissioners agreed by consensus to appoint Commissioner DeNapoli to this role.

Town Manager Connors advised that the Town must still establish a maximum bid in terms of the deposit. It was noted that while this would show how much the Town is willing

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

to spend, Staff cannot proceed without Commission authorization of the maximum, as that amount would exceed the Town Manager's spending authority.

Commissioner Graziano asked if the Town could appoint two Commissioners with experience in these issues to represent the Town's interests. Town Attorney Trevarthen explained that this would not be permissible under Florida's Sunshine Law. While the full Commission can be briefed and updated on this matter as it moves forward, only one Commission liaison can be assigned.

It was noted that Commissioner DeNapoli may have a scheduling conflict for the day of the auction. Vice Mayor Strauss offered to serve as a backup in the event Commissioner DeNapoli is unavailable to provide guidance on that day. The Commission agreed by consensus to appoint Vice Mayor Strauss as alternate liaison.

Commissioner Graziano made a motion, seconded by Vice Mayor Strauss, to approve 5% of one million as the maximum amount the Town can authorize. Motion carried 4-1.

e. South Silver Shores Traffic Study

Deputy Town Manager/Public Works Director Rubach recalled that on June 30, 2023, Staff met with concerned residents of the South Silver Shores neighborhood to discuss traffic-related issues, including cut-through traffic, excessive speeds, and cars lingering in the area. Following that meeting, Staff evaluated parking spaces on Basin Drive and determined that these would be removed and replaced by a No Parking zone.

On September 27, 2023, a second meeting with residents was held after engineering firm Baxter and Woodman was hired by the Commission to perform a study of neighborhood traffic, including counts, speeding, and other data related to the residents' concerns. During that meeting, there was discussion of the traffic counters' locations, resulting in the addition of a counter to Basin Drive at residents' request. They also requested that the study be done during the tourist season. The study began in January 2024.

A final meeting with South Silver Shores residents was held on May 15, 2024 to discuss the results of the study. Data showed that Basin Drive had the highest traffic counts, with an average of 556 vehicles per day entering or leaving the neighborhood. There were 688 anticipated trips for that area, which means the actual traffic count was lower than expected.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

With regard to speeding, 93% of traffic travelled at or below the posted speed limit of 25 miles per hour (MPH), with 6% travelling between 25 and 30 MPH. This came to 99% of traffic travelling below 30 MPH, which is the speed above which tickets would typically be issued.

Based on this data, Baxter and Woodman made the following recommendations:

- Additional speed limit signs should be added in the area to increase driver awareness
- Southbound West Tradewinds Avenue should be temporarily closed south of Basin Drive to prevent unwanted traffic from potentially entering the neighborhood

When this was discussed with neighborhood residents, they were intrigued by the option of the temporary closure. Staff clarified that water barricades would be used to prevent southbound traffic south of Basin Drive from entering the neighborhood. A full-time closure would cost approximately \$15,000, with additional costs associated with any further upgrades such as landscaping or beautification. These changes would be addressed through the Town's Capital Improvement Program (CIP) as traffic calming and beautification line items.

Residents also proposed considering the possible closure of West Tradewinds Avenue north of Basin Drive. Staff and the engineering firm initially determined that, due to the location of nearby business, this would essentially result in a dead end and would require a cul-de-sac in order to prevent drivers from cutting through a private parking lot. A cul-de-sac would impinge upon properties on both sides of the street and was determined not to be a viable option.

Residents also suggested that the Town vacate a portion of the subject roadway and sell it to Benihana restaurant. Deputy Town Manager/Public Works Director Rubach explained that if the Town chose to proceed with this option, they would need to reach out to the Florida Department of Transportation (FDOT) to find out if this is acceptable. The Town would need to retain its utility easements.

Residents also discussed general beautification of the subject area, noting that the Town has worked with other neighborhoods to install landscaping that would be maintained by the neighborhoods themselves.

Deputy Town Manager/Public Works Director Rubach concluded that Staff is seeking direction on the following items:

- Whether or not to proceed with a temporary road closure

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

- The Commissioners' thoughts on general beautification of the area
- Whether or not to approach FDOT with the option of a road closure, and if so, whether or not to also approach Benihana

Commissioner DeNapoli stated that he was in favor of the proposed temporary road closure so the Town can see how this would affect the neighborhood. Deputy Town Manager/Public Works Director Rubach added that this step would allow the Town to take more traffic counts to determine whether or not the closure would have any impact.

Vice Mayor Strauss asked if there has been any feedback from the owners of the properties immediately south and east of Benihana on the proposed temporary closure as well as other potential steps. Deputy Town Manager/Public Works Director Rubach replied that these residents have not attended the neighborhood meetings and advised that Staff can reach out to them prior to the proposed temporary closure. Notice would also be provided to the entire neighborhood.

Vice Mayor Strauss concluded that he was also in favor of the temporary closure, as this would provide some idea of the effectiveness of the change.

Deputy Town Manager/Public Works Director Rubach advised that the owner of Benihana has not provided any input on the proposed temporary closure, as that business's traffic would not be affected by the closure. He characterized the business's reactions to previous changes as very responsive.

Mayor Malkoon also felt a temporary closure was sensible and suggested that Staff may want to look into covers for the barricades. Deputy Town Manager/Public Works Director Rubach confirmed that Staff would look into this further.

There was Commission consensus to proceed with the temporary closure, with appropriate notification.

Regarding the approach of FDOT for a potential road closure, Commissioner DeNapoli recommended first determining the effectiveness of the temporary closure. There was consensus on this issue as well.

Mayor Malkoon requested additional information on the proposed beautification measures in the neighborhood. Deputy Town Manager/Public Works Director Rubach replied that this has not yet been determined. There is no irrigation available in the subject

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

area, although a zeroscape may be appropriate with the installation of minimal irrigation. Staff would reach out to the residents of any affected properties to hear their input.

Vice Mayor Strauss asked if the proposed beautification would be only on the south side of the temporary barriers in order to ensure the barriers are visible to drivers. Deputy Town Manager/Public Works Director Rubach replied that signage to indicate that the roadway is inaccessible would accompany any beautification efforts. There are also other opportunities for beautification aside from a permanent island, such as plantings in the right-of-way.

There was Commission consensus to proceed with the proposed beautification efforts.

f. Hamilton's Valet Parking Request

Deputy Town Manager/Public Works Director Rubach stated that Hamilton's Valet has requested permission to use the Town's parking lot located near Commercial Boulevard and Seagrape Drive for its valet services due to the impending loss of approximately 20 spaces in their existing rented lot. While this request is not feasible due to the Town's parking regulations, the Town may be able to accommodate the request on weekdays in the South Ocean parking lot at Datura Avenue and A1A between Monday and Thursday. This is the only time at which Staff believes the lot would have sufficient capacity, as it is often 90% full Friday through Sunday.

Staff is seeking Commission direction on whether or not to explore the possibility of leasing spaces to Hamilton's Valet for days and times as specified by the Town.

Commissioner DeNapoli advised that he was in favor of the proposal.

Vice Mayor Strauss recommended that if the Town moves forward with this change, Staff should reach out to other nearby valet services and establishments. Deputy Town Manager/Public Works Director Rubach replied that the capacity within the proposed lot is very limited. He asked if the Commission wished for Staff to research this further before making a decision at tonight's meeting, pointing out that if the requested spaces were made available to Hamilton's Valet, there would be no other spaces within that lot for other valet services.

Mayor Malkoon asked if Staff planned to bring back an agreement on the proposed arrangement for the Commission to vote upon. Town Manager Connors confirmed that

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

this would be done. She further clarified that there would be a fee charged to Hamilton's Valet for use of the parking spaces.

Commissioner DeNapoli agreed with Vice Mayor Strauss's recommendation to look into the impact of the proposed agreement with other valet services, but reiterated his desire to move forward on examining the proposal.

Mayor Malkoon commented that while he was in favor of the Town earning revenue on the empty spaces during weekdays, he was concerned that the roadway is limited to one lane during rush hour and is subject to traffic backup. Deputy Town Manager/Public Works Director Rubach replied that he was not certain the Town would be able to specify the route used by the valet service. Town Attorney Trevarthen pointed out that the route would be open to negotiation, as the valet service would benefit from the proposed agreement.

Commissioner Pouloupoulos agreed with the Vice Mayor's and Commissioner DeNapoli's concerns, adding that if the Town entered into an agreement of this nature with Hamilton's Valet, it could constitute a slippery slope, as there are multiple parking companies operating in the Town who may immediately request more parking spaces. He emphasized the value of the spaces to a valet company, and requested clarification of which business is serviced by Hamilton's Valet. It was clarified that the service is used by Aruba Beach Café.

Hamilton Souza, owner of Hamilton's Valet, stated that his drivers would use El Mar Drive and A1A to reach the lot and would use Commercial Boulevard and A1A to return to the restaurant. In addition to Aruba, the service also works for the Plunge Hotel and Blue Moon Fish Company; however, the requested parking spaces would be specific to Aruba.

Commissioner Pouloupoulos asked if Hamilton's Valet typically fills the 20 requested spaces seven days per week. Mr. Souza replied that he did not believe the spaces would be used Monday through Thursday during the day, but would like for them to be available, as the service has lost 20 parking spaces. If they cannot be replaced, it would place significant pressure on the valet service.

Commissioner Pouloupoulos asked how much Hamilton's Valet would charge per hour for the spaces. Mr. Souza replied that there are no hourly rates, noting that a guest at Aruba's would pay \$10 at dinner or lunch. Beach parking at another lot is \$25 for the entire day.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner Pouloupoulos asked if any other private business has ever approached the Town to lease spots in a parking lot, or if Staff was aware of similar requests in other municipalities. Deputy Town Manager/Public Services Director Rubach replied that he has not previously been approached for this purpose and was not aware of similar agreements in any of the other communities for which he has worked, although he was aware of such arrangements in other municipalities.

Town Manager Connors recalled that the Town previously had an agreement with Hamilton's Valet to provide service using the vacant Holiday Inn site; however, this was a significantly long time ago and had not been successful. She compared that arrangement to the Town's current agreement with Florida Development Group (FDG) for use of their lot.

Commissioner Pouloupoulos concluded that he supported the proposal, but expressed concern that the parking lot was purchased to generate revenue for the Town which could fund capital improvement projects and other needs without taking on debt or bonds. He did not want beachgoers to complain that there was no parking available to them because spaces in a public lot were leased to a private entity.

Commissioner Graziano asked if all 20 spaces would be paid for from Monday through Thursday. Deputy Town Manager/Public Services Director Rubach replied that this would be part of the contract negotiations. Commissioner Graziano encouraged this requirement. Town Attorney Trevarthen added that the Commissioners would ultimately be asked to approve or deny the contract.

Commissioner Pouloupoulos offered to serve as Commission liaison to review the contract and participate in negotiations.

Vice Mayor Strauss reiterated his concern with consulting other valet companies and nearby businesses. He was in favor of the agreement if no conflicts with these parties are identified. Commissioners DeNapoli and Pouloupoulos indicated that they shared this concern as well.

There was Commission consensus to bring this issue back, and for Commissioner Pouloupoulos to serve as Commission liaison. Deputy Town Manager/Public Works Director Rubach confirmed that he would look into whether other companies may have similar requests, and would bring back the results of this outreach for further Commission discussion.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

14. COMMISSIONER COMMENTS

Commissioner DeNapoli advised that he is the Town's representative on the Broward Metropolitan Planning Organization's (MPO's) Board of Directors. The MPO serves as a planning arm for FDOT, as well as for use of Broward County's penny sales tax. Its Board consists of elected officials from throughout the County who were appointed by their governing bodies.

Commissioner DeNapoli reported that the MPO's Transportation Improvement Program (TIP) is a five-year programming report which they can prepare for every municipality. The report for Lauderdale-By-The-Sea shows the following ongoing projects:

- Commercial Boulevard resurfacing
- Rehabilitation of electrical, mechanical, and structural components of the Commercial Boulevard Bridge
- Traffic signal upgrades along A1A
- Resurfacing of A1A along a stretch south of Pine Avenue to Flamingo Avenue

The TIP also includes a feasibility study for bicycle and pedestrian features on the Commercial Boulevard Bridge.

These projects receive funding from roughly seven to 10 different sources, including state, federal, and Florida's Turnpike Enterprise dollars. Commissioner DeNapoli will also advocate for other improvements within the Town as a member of the MPO Board, and will forward any MPO correspondence to Town personnel in order to ensure all application deadlines are met.

Commissioner DeNapoli also reported that newly released figures from the Broward County Property Appraiser's Office indicate that, based on sales from January 1 through December 31, 2023, Lauderdale-By-The-Sea's taxable value has increased by 8.06% from the previous year. The Town's median home sale price is \$1,369,700.

Commissioner DeNapoli also thanked all who attended last week's vacation rental workshop, and was confident the Town can develop solutions to remain on the right track. He added that he is a longtime advocate of stepping up the Town's beach patrols, and has asked for the cost of an increase over the full season, not only during spring break. Information on this service will be forthcoming at a subsequent meeting. He has also recommended approval upon first reading of a sand hole Ordinance, with language modifications.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Commissioner DeNapoli also addressed public comments regarding the Town's height restrictions, asserting that he had heard no discussion of this and has no intention of recommending that they be changed. He encouraged all present to remain apprised of the facts when discussing potential "hot-button" issues such as this one.

Commissioner Poulopoulos recalled that he had received several emails in recent weeks following deaths on the Town's beaches. While these incidents remain under investigation, he continued to express concern that the Town is the only Broward municipality with a commercial Downtown area which does not provide lifeguards on its beaches. While all tragedies may not be preventable, he did not see liability or cost as potential concerns, nor was he proposing a tax increase to fund lifeguards. He recommended that the Town look into what the costs would be to fund appropriate measures to prioritize safety for residents and visitors.

Commissioner Poulopoulos continued that he planned to reach out to Staff and Pompano Beach Fire Rescue on this issue, as he did not feel the Town can rely upon current beach patrol service by either Pompano Beach or BSO. He emphasized that this service is not part of those organizations' jobs, and the Town should investigate the costs of regular beach patrols as well as lifeguards in the Downtown area. He concluded that this would remain a priority for him.

Commissioner Graziano stated that he has not heard any discussion of changing the Town's height restrictions. He also encouraged the other Commissioners to consider the potential benefits of providing an additional three-day weekend in October if the two remaining federal holidays are observed, as this could benefit the Town's businesses.

With respect to lifeguards, Commissioner Graziano noted that he has received several emails on this issue, many of which indicate that tourists seem more vulnerable than residents on the Town's beaches. He suggested this may be a reason not all residents are in favor of adding lifeguards, although most seem in favor of additional beach patrols. He did not know what this might entail until the Commission has seen a comprehensive report.

Mayor Malkoon reiterated that no changes are planned for the Town's height restrictions. He recalled that since the new Commission was seated, they have prioritized beach safety and have asked Staff to bring back information on that topic. He also noted that there are posts on the beach which provide life preservers.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

Mayor Malkoon continued that one concern is the Town's millage rate and ensuring that funding sources are in place if the Town chooses to move forward with a greater safety presence on the beach. He has asked Staff to look into how this service could be provided through fees rather than funding through taxpayers. This may be useful for other public safety measures as well.

Mayor Malkoon advised that he and the Town Manager have attended meetings of the Galt Mile Association, which is comprised of four condominium buildings located in Lauderdale-By-The-Sea. They have also attended the Mayors' district meeting with Broward County Commissioner Lamar Fisher, at which they advocated for use of the County's penny surtax to fund Circuit service in the Town.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item.

- a. Conditional Use (2024-CUS-01) request to install a sign with a maximum letter height of 18 inches where 12 inches is permitted per Town Code Section 30-510 at 4200 El Mar Drive.**

Town Manager Connors recalled that in 2011, the Town Commission established Mid-century Modern as the Town's preferred architectural style. This style is primarily represented along El Mar Drive through many older buildings and signage.

The Town has found that in encouraging Mid-century Modern as an architectural style, signage in that style does not always meet the Town's Sign Code. In recognition of this

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024

discrepancy, the Commission developed a process by which they can approve a sign that is Mid-century Modern in nature but does not necessarily meet Sign Code requirements.

Ocean Time LLC, which is located at 4200 El Mar Drive, is an example of this: the property has been renovated and now proposes a sign which exceeds the Town's maximum letter height for the RM-25 zoning district. The sign itself, however, does not exceed the size limitations of Code. The sign's design will retain the same historic letter size and style, although its border and architectural detail will not be included.

Town Manager Connors continued that the letter size for the proposed sign is 18 in. rather than the 12 in. allowed by Code. Notice was sent to all property owners near the subject site according to Code requirements. The Town has not received any correspondence on this issue. A public participation meeting was held on April 10, 2024, and a summary of this meeting is included in the Commission's backup materials.

Staff has reviewed the Application and recommends approval with nine conditions.

The Applicant indicated that he was available to respond to any questions.

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

Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve per Staff recommendation. Motion carried 5-0.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:30 p.m.



Mayor Edmund Malkoon

ATTEST:

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 28, 2024



7/11/2024 | 3:50 PM EDT

Katrina Adler, Town Clerk

Date