



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 23, 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 (by phone), Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Public Works Supervisor Leroy Chasmer, 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, Events and Marketing Manager Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Presentation of Bioswales

Allison Zack, representing the Lauderdale-By-The-Sea Garden Club, gave a presentation on bioswales, explaining that the Garden Club proposes a bioswale project in conjunction with the Town.

Ms. Zack addressed the intrusion of saltwater as an aspect of sea level rise, which is expected to increase by 40 in. between 2017 and 2070. Stormwater management will include the need to decrease flooding and erosion, retaining runoff water, filtration of

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pollutants, and more. It will also lead to a need to decrease saltwater intrusion and replenish aquifers with more purified stormwater.

One step that the Town can take, along with other Broward municipalities, is development of bioswales, which capture runoff and temporarily store it. Bioswales allow runoff water to slowly seep into the soil before filtering down through the roots of native plants. The water then goes into secondary filtration by gravel or stone before purified water reaches the aquifer.

The Garden Club proposes to use funds provided to them by the Town to create a demonstration bioswale project at a location in Town where there is an existing need. This can show how bioswales work and educate the community about the importance of water conservation. The Club would identify a location, develop a timeline, and create a plan.

Commissioner Pouloupoulos asked if the Garden Club has identified specific locations within the Town where the bioswale demonstration could be installed. Ms. Zack replied that criteria for selection include a location that is currently having issues with stormwater, as well as a place with high visibility so passing drivers and pedestrians could see signage with bioswale information. She concluded that the Garden Club was willing to follow the Town's recommendation.

Commissioner Graziano asked if the selected location has to have a grass foundation, or if bioswales could be placed in areas where there is currently concrete. Ms. Zack advised that there are multiple ways to install bioswales, depending upon the flow of water.

Commissioner Graziano encouraged the Town to support the proposed bioswale project. Ms. Zack added that other Florida municipalities, including Sarasota Bay, Melbourne, and Coral Springs already have similar programs in place, and the Town could reach out to those locations for more information.

Mayor Malkoon noted that there are likely to be questions about the concept, such as whether or not bioswales could become a breeding ground for insects. He pointed out that bioswales would have to be designed properly to retain water and allow it to filter correctly. There are multiple designs for these features.

With Commission consensus, Mayor Malkoon directed Staff to meet further with the Garden Club to discuss a bioswale project.

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6. PUBLIC COMMENTS

At this time Mayor Malkoon opened public comment.

Marc Pearson, resident, addressed new construction at 1931 Coral Reef Drive, expressing concern that the house is not being constructed in accordance with Town Ordinances. He has communicated these concerns to Town Staff via email. He felt existing Ordinances provide sufficient guidance to ensure that the house cannot be constructed at its location, as well as potential remedies for the property.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO June 2024 Public Safety Report

Broward Sheriff's Office (BSO) Captain Bill Wesolowski reported that the June 2024 Employee of the Month is Deputy Brann Redl, who led the response to a fire at the Blue Moon restaurant. He also notified Oakland Park authorities of an individual cashing stolen checks.

Captain Wesolowski advised that there was one automobile theft in the Town in June, and strongly emphasized the importance of locking unattended vehicles and securing keys. There was also a theft of approximately \$15,000 worth of designer sunglasses by a group of recognized offenders.

Captain Wesolowski also addressed Operation Summer Splash, which brought more than 12 motorcycle Deputies as well as BSO's traffic Deputy to the Town. In less than six hours, these Deputies wrote 114 citations in Lauderdale-By-The-Sea for speeding, center lane passing, and illegal left turns, among other violations.

Vice Mayor Strauss stated that he has heard concerns from residents regarding electric bicycles, which can travel at high speeds and may not follow traffic regulations. Captain Wesolowski replied that BSO is aware of these vehicles and the concerns about them, as electric bicycles exceed the expected speed of ordinary bicycles.

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Commissioner Graziano asked if a No U-Turn sign could be installed at the corner of A1A and Commercial Boulevard. Captain Wesolowski advised that the statistics gathered by BSO do not support a need for this signage, as there have been very few accidents at that intersection in relation to U-turns. Commissioner Graziano expressed concern with the intersection and its surrounding area.

8. TOWN MANAGER REPORT

a. Town Manager Report

Town Manager Linda Connors stated that the Town has a beach wheelchair to provide accessibility to beachgoers. The Town has ordered a second beach wheelchair. Both will be available on a first come, first served basis. Individuals interested in providing wheelchair access to the beach are asked to contact Town Hall at 640-4200 to reserve a chair.

Staff has researched ways to improve safety on the Town's beaches. One option is the use of digital warning signs which display ocean conditions through a link with the National Weather Service. The signs cost approximately \$26,000 each, with additional annual costs of roughly \$850/year for the connection. She requested consensus of whether or not the Commission wished to hear more information on this option.

Commissioner Pouloupoulos asked how many signs would be posted. Town Manager Connors replied that signs could be posted Downtown and at El Prado Park to see how they work. The signs would replace flags denoting the conditions of the water. Commissioner Pouloupoulos expressed concern with the costs associated with the proposed signage.

Commissioner Graziano added that he also saw no need to bring back more information on the sign proposal.

Vice Mayor Strauss also recognized that the cost would be very high, and asked if there are any competing vendors who might offer the system at a lower price. Deputy Town Manager/Public Works Director Ken Rubach replied that there are no such alternatives. Vice Mayor Strauss requested that more information be provided if a less expensive alternative is identified.

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Mayor Malkoon asked which entity is currently responsible for updating the flag system. Town Manager Connors advised that there is currently no flag system, which had previously been updated by the Volunteer Fire Department (VFD) on a periodic basis.

It was determined that there was no consensus to bring back more information on this proposal.

Town Manager Connors continued that the Town has purchased a second Mobi-mat, which is expected to be available for use by the end of July. New beach access signs will be posted to identify Americans with Disabilities Act (ADA) -accessible entrances.

Conceptual Communications has submitted its third quarter report, which showed over 100,000 web and social media users have visited the Town's 75th Anniversary page. 189 new individuals have signed up for emails from the Town, and there are 233 new social media followers.

The Town's second budget meeting in September is scheduled for September 17, 2024; however, because Florida Statutes do not allow conflicts between Broward County's and a municipality's second budget hearing, this date must be changed. The Commission agreed by consensus to reschedule this meeting for Wednesday, September 18, 2024 at 5:30 p.m.

Town Manager Connors addressed the concern raised during Public Comment for 1931 Coral Reef Drive, stating that she, the Development Services Director, and the Town Attorney have looked into the matter and do not believe the house fails to meet Code requirements. Single-family homes are exempt from the requirement to meet architectural review standards, and the building is within the height limitations established by Code.

Commissioner Pouloupoulos requested additional information about a door on the building's roof. Town Manager Connors replied that the stairwell conforms to the 33 ft. height limitation from the first habitable floor. In the RS-4 zoning district, there is no ability to use roof access for recreational activities. The property owner is aware of this limitation.

b. Development Services Quarterly Report

Development Services Director Jhanelle Campbell provided the quarterly report from April through June 2024, noting that the Town had 21 new businesses open. The

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majority of those businesses were vacation and short-term rentals. There were also 219 new Code Compliance incidents which were investigated. As of today's date, there are 149 registered vacation and short-term rental units in the Town.

During the last quarter, a total of \$670,957.85 was collected by the Building Department. 17 permit applications have been received with a job value of over \$100,000.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes

Mayor Malkoon advised that the June 25, 2024 Special and Regular Commission meetings were presented for approval.

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Resolution 2024-27 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING THE AMENDED SCHEDULE OF PARKING FEES AND METER RATES; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.**

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

Public Works Supervisor Leroy Chasmer recalled that parking fees were established in 2015 based on recommendations from Desmond and Associates. Since that time, the Town has periodically increased these fees to maintain consistency with neighboring communities. The fee structure was last reviewed in January 2023, at which time the Commission approved a \$5 increase to daily parking rates and a 50-cent increase to general hourly rates, also establishing a \$21 fee for special events.

Staff conducted a survey of surrounding municipalities to determine their current parking fees and meter rates and compare these with the Town's rates. Based on the survey results, which were included in the Commission's backup materials, Staff recommended a \$5 increase to both residential and employee permits for a new monthly rate of \$32 and a new annual rate of \$55 for senior citizens and \$65 for residential permits. Staff also recommends a 50-cent increase to general parking rates for a total of \$1.75 west and \$4 east of Seagrape Drive.

Staff recommends removing the daily rate for the Town's A1A and South Ocean parking lots. This change would bring those rates into conformity with the rates of other Town-owned lots and will not affect the length of time in which cars are allowed to park.

With these increases, the Town expects to collect approximately \$430,000 in the Parking Fund, which would be a 14% increase.

Commissioner Graziano asked what the increase would be if residents and employees are not charged an increase in parking permit fees. Public Works Supervisor Chasmer replied that permits for employees are currently \$27, while permits for seniors are \$50 and permits for residents are \$60.

Commissioner Graziano asserted that he was not in favor of increasing residential or employee parking fees. He did not take issue with raising the parking fees east and west of Seagrape Drive.

Deputy Town Manager/Public Works Director Ken Rubach clarified that the employee and resident permit rate increase would yield \$10,000 in revenue, with \$6000 from employees and \$4000 from residents.

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Commissioner DeNapoli advised that he was not in favor of raising annual parking rates for residents. He noted that parking rates have an impact on Town businesses, particularly those located along the western corridor.

Commissioner Pouloupoulos agreed with Commissioner Graziano, stating that he was not opposed to increasing meter rates east and west of Seagrape Drive but did not wish to increase the employee or residential rates. Vice Mayor Strauss also agreed, adding that he opposed establishing an hourly meter rate which exceeded those of Fort Lauderdale or Pompano Beach.

Vice Mayor Strauss made a motion to raise metered parking to the Staff-recommended amounts and not raise the resident or employee parking.

Town Manager Connors requested that the **motion** also eliminate the flat rates in Town parking lots. The A1A and South Ocean lots currently have a flat rate of \$21, which would be removed.

Vice Mayor Strauss added the following **amendment** to his **motion**: to remove the flat rates on those two parking lots.

The motion was duly seconded. Motion carried 5-0.

Deputy Town Manager/Public Works Director Rubach stated that the new rates would take effect on August 15, 2024.

Vice Mayor Strauss requested an update regarding the status of four “supercharger” stations in the A1A lot, as well as information on the payment plan for these stations. Deputy Town Manager/Public Works Director Rubach replied that Florida Power and Light (FPL) is running wires for this installation, and he anticipated the charging stations to be live within the next two weeks. FPL has its own pricing scheme, which means drivers must pay to use the stations in addition to payment of parking fees.

14. COMMISSIONER PRESENTATIONS

None.

15. COMMISSIONER COMMENTS

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Commissioner Pouloupoulos addressed the recent assassination attempt on a former President, urging residents to reflect upon this as a unifying moment for the nation. Commissioner DeNapoli, Vice Mayor Strauss, and Mayor Malkoon echoed best wishes for the former President as well as the call for national unity.

Commissioner Pouloupoulos also recalled that in 2023, the Commission passed an Ordinance addressing child safety in the Town's playground. To further protect the community, he requested that Staff explore further measures that can be taken to strengthen the Town's Ordinances with respect to sex offender residency requirements.

Vice Mayor Strauss advised that Florida's lobster mini-season begins on July 24, 2024, and pointed out that Lauderdale-By-The-Sea is one of the best diving locations in the United States. He encouraged safety during this season.

Mayor Malkoon noted that there is no Commission meeting planned until the end of August 2024. He planned to attend the Florida League of Cities conference in Hollywood and provide a report at the next meeting.

16. ORDINANCES 1ST READING

None.

17. ORDINANCES 2ND READING

- a. Ordinance 2024-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE I “IN GENERAL,” SECTION 30-11, “DEFINITIONS” AND SECTION 30-154 “PROHIBITED USES” TO MODIFY, CLARIFY, AND FURTHER DELINEATE REQUIREMENTS RELATED TO MARIJUANA; PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICTS; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

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

Development Services Director Campbell recalled that the Florida Supreme Court recently approved the inclusion of a November 2024 ballot question regarding the legalization of marijuana for adult personal use. A “yes” vote would support legalizing

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marijuana use for adults 21 years of age or older, allowing individuals to possess up to 3 ounces of marijuana. A “no” vote would oppose this legalization in Florida.

Should the ballot question be approved, the approval of marijuana for adult personal use would take effect six months after the vote. This would allow frameworks to be established. As a result, the Town found it necessary to update its Ordinance as presented. The Commission voted to approve the suggested changes upon first reading.

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

b. Ordinance 2024-07 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CREATING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “DEVELOPMENT PERMITS – APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” SECTION 30-125 “UNITY OF TITLE OR COVENANT IN LIEU OF UNITY OF TITLE” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

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

Development Services Director Campbell advised that the Ordinance puts forth regulations allowing for flexibility in the types of developments that can come before the Town. In particular, the covenant in lieu of unity of title allows for multiple owners to exist over more than one parcel, and allows for the development of a project over multiple phases. Unity of title regulations have also been included for second reading.

Development Services Director Campbell further clarified that the parameters for unity of title and covenant in lieu of unity of title require that the subject property be developed in accordance with an approved Site Plan. The subject property may be allowed to develop in phases, which must be consistent with the overall Site Plan. The covenant in lieu of unity of title must be recorded within the public record, must run with the land, and shall be binding on all successors.

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When the proposed Ordinance was presented for first reading, it was passed 5-0 by the Commission with no amendments. The Town's Planning and Zoning Board also recommended approval of the Ordinance.

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

18. RESOLUTIONS – PUBLIC COMMENTS

None.

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:46 p.m.



Mayor Edmund Malkoon

ATTEST:



Katrina Adler, Town Clerk

9/20/2024 | 4:13 PM EDT

Date