



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Wednesday, August 24, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:32 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, Director of Budget and Finance Lucila Lang, Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, 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

Mayor Vincent requested that Item 15.a be heard prior to Presentations on tonight's Agenda.

15. ORDINANCES 1ST READING

- a. Ordinance 2022-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 5 “BEACHES AND WATERWAYS,” ARTICLE II “BEACH REGULATIONS,” TO CREATE SECTION 5-37 “SMOKING PROHIBITED ON BEACH” TO PROHIBIT SMOKING AT PUBLIC BEACHES; AMENDING CHAPTER 14.3 “PARKS AND RECREATIONAL FACILITIES,” SECTION 14.3-4 REGULATION OF GENERAL CONDUCT – PERSONAL BEHAVIOR TO PROHIBIT SMOKING AT PARKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

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At this time Mayor Vincent opened public comment.

Michael Morelli, resident, thanked the Commission for considering this Item. He advised that there is widespread support for this change.

Ann Marchetti, resident, strongly supported the proposed Ordinance as a public health issue as well as a littering issue.

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

Assistant to the Town Manager Courtney Easley explained that Ordinance 2022-09 would prohibit smoking within public parks and on the beach in Lauderdale-By-The-Sea. It follows House Bill (HB) 105, known as the Florida Clean Indoor Air Act, which was passed in June 2022 by the Florida Legislature and allows counties and municipalities to restrict smoking within the boundaries of any public beaches or parks they own. This restriction does not include unfiltered cigars, which will continue to be permitted.

HB 105 is designed to mitigate litter from cigarette butts in recreational spaces. Staff recommends approval of the Ordinance.

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

5. PRESENTATIONS

a. Marty Kiar, BCPA

Broward County Property Appraiser (BCPA) Marty Kiar explained that there are a number of functions to his office, including determination of the value of every piece of property in Broward County for tax purposes. He encouraged Town residents to use the BCPA.net website to see their property records and contact him no later than September 19, 2022 with any issues that may require adjustment.

Mr. Kiar continued that his office also provides tax saving exemptions to qualifying property owners. These include the homestead exemption for primary residences, which saves residents money and protects taxable value from increasing by more than 3% per year. Additional exemptions are also available to reduce a property owner's tax bill.

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All residents receive a Truth in Millage (TRIM) notice in the mail, which ensures that residents are not overpaying their property taxes. This notice shows the taxable value of property, all current tax exemptions, and the dates and times on which local government will discuss tax rates. Mr. Kiar encouraged all residents to read this notice thoroughly and contact his office with any issues.

Property values in Lauderdale-By-The-Sea, and throughout Broward County, have increased by 16.64% since the previous year. Taxable value is used to determine municipal millage rates, which in turn determines the amount of revenue to be generated to provide services to the Town. In 2022, this taxable value is approximately \$3.041 billion, which represents a 9.39% increase.

Some Town residents qualify for a low-income senior citizen exemption, as well as a long-term senior exemption for which 11 Town residents currently qualify. This exemption is not offered in every Broward County municipality: qualifying individuals must have lived in their homes for at least 25 years and earned less than \$32,561 the previous year. The value of the home must also be under \$250,000 at the time this application is submitted to the County. Additional exemptions for which Town residents may qualify include exemptions for widows, disabled veterans, and disabled veterans over 65 years of age.

The average assessed value for a single-family home in Lauderdale-By-The-Sea is \$688,089, with an average taxable value of \$648,000. The average sale price for a single-family home in the Town is \$1,714,156, which is a substantial increase from the previous year. The average market value for a condominium parcel is \$508,000, while the average taxable value for these parcels is \$419,000 and the average sale price is \$669,195. Most of this increase is driven by people moving to the Town from out-of-state.

Mr. Kiar noted that title fraud is an issue in South Florida, as criminals file false deeds for properties and attempt to use them to extort money from the actual homeowners. Broward County offers a program known as Owner Alert, which notifies residents if a document alleging ownership change of their property has been filed. This program is free to the public at web.BCPA.net/owneralert or through the BCPA website. This will ensure that any property owner is informed via email of the filing of fraudulent documentation. The BCPA office works with law enforcement to build criminal cases against individuals perpetrating this type of fraud.

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Commissioner Oldaker requested clarification of the basis for the 3% cap on homesteaded property values. Mr. Kiar explained that the base value of a property is determined by its price when purchased; after this, the assessed value cannot increase more than 3% per year if the home is maintained in its current form.

Commissioner Strauss requested additional information on a total disability exemption that is available. Mr. Kiar advised that there are multiple disability exemptions, some of which are based on income. He cited the exemptions available to permanently disabled veterans whose disability was service-connected, combat-disabled veterans over age 65, individuals who are confined to wheelchairs, and other income-based full exemptions. Smaller exemptions which will take effect or increase in 2023 include exemptions for the visually impaired, widows' exemptions, and others. A list of these exemptions is available on the BCPA website.

Commissioner Strauss asked if homeowner residents who use their properties as short-term rentals qualify for homestead exemptions. Mr. Kiar advised that this depends upon circumstances: if a property is rented for 30 days per year for two consecutive years, the owner automatically loses the homestead exemption. This exemption is also lost if the owner rents the property for six months and one day. For homeowners outside these categories, the BCPA must interpret whether or not the owner intends to return to the property and make it their permanent residence.

Bill Barringer, also representing BCPA, added that the valuation of Airbnb properties takes into account the income stream for these properties, which may raise their value. The standard appraisal practice states that these properties are valued upon comparable sales. This will remain in effect unless the Florida Legislature changes the way in which single-family homes may be valued.

Commissioner Strauss also asked if the BCPA website reflects those homeowners who have signed up for the Owner Alert program. Mr. Kiar replied that this has been discussed as an option, but has both positive and negative aspects. The office is working to determine the best way to move forward with this program.

Vice Mayor Malkoon asked if the BCPA can project the anticipated direction of property values in the future. Mr. Kiar stated that it is difficult to anticipate property values, as there may be significant changes in the market from one year to the next. He recalled that a recent presentation by the Florida Department of Revenue, which governs all property appraisers' offices in the state, indicated that Department does not believe the

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current market will result in a crash: it is believed to be more likely that these values will level out over time.

Mayor Vincent requested additional clarification of short-term rentals, noting that the rental of a property does not automatically cancel an owner's homestead. Mr. Kiar confirmed this, adding that renting a portion of the property formerly resulted in an adjustment to ensure the homestead benefit applied to the portion not being rented, while the rented property was calculated at market value. This was recently determined by the Fifth District Court of Appeals to be unconstitutional. Owners may now rent out a significant portion without removal of the homestead exemption.

Mayor Vincent also addressed veterans' exemptions, asking if a property held in trust with proof of residency would qualify for an exemption. Mr. Kiar confirmed that under Florida law, trusts may have a homestead exemption and may also qualify for other exemptions, such as veterans' exemptions. He recommended that counsel representing individuals who plan to change their deeds reach out to the BCPA before taking action to ensure they are compliant with the law.

b. Proclamation for Suicide Prevention Month

Mayor Vincent read a Proclamation recognizing September 2022 as Suicide Prevention Month in Lauderdale-By-The-Sea.

c. 10th Anniversary of Bugfest Post Event Recap

Special Events and Marketing Manager Debbie Hime gave a presentation on the Town's 10th annual Bugfest event, and thanked participants, sponsors, and Staff. The 2022 event had over 105 registered divers, which was a 45% increase over the previous year. Divers pulled roughly 719 lbs. of lobsters from local waters.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Steph Stein, Broward County resident, noted that the majority of Broward County municipalities no longer include invocations at governmental meetings. She strongly emphasized the need for separation of church and state.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO Public Safety Report – July 2022

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Deputy Manuel Alvarez-Jacinto as Deputy of the Month for July 2022.

Commissioner Oldaker requested an update on motorcycle Deputies. Captain Palmer replied that there are no motorcycle Deputies currently being trained; however, he has assigned a former motorman to the Traffic unit. He added that there were traffic enforcement campaigns on Commercial Boulevard and A1A prior to the beginning of the new school year.

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

b. VFD July 2022 Report

Volunteer Fire Department (VFD) Chief Judson Hopping recalled a recent incident in which the Department responded to a gas grill explosion. Two engines were dispatched to the residence and extinguished the flames. BSO and American Medical Response (AMR) also responded and treated injuries.

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

c. AMR July 2022 Report

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

8. TOWN MANAGER REPORT

At this time Mayor Vincent opened public comment.

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Ron Piersante, resident, complimented Town Manager Linda Connors for eliminating parking behind a store on Basin Drive, which had constituted a safety issue due to congestion in the area. He also congratulated Development Services Director Jhanelle Campbell, who recently graduated from the Urban Land Institute's (ULI's) Leadership Program.

Ann Marchetti, resident, stated her support for Staff's recommendation against a dog park in Lauderdale-By-The-Sea, noting that there are other nearby municipalities that offer these facilities.

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

a. Town Manager Report for August 24, 2022

Town Manager Linda Connors advised that Staff does not recommend moving forward with implementation of a dog park due to limited space and expenses. Maintenance of a dog park would cost approximately \$40,000 annually.

The Town has received contractors' estimates for work on the Commercial Boulevard median near Tradewinds Avenue; however, as these estimates were very high, Staff plans on reopening the bid process. Patching has been completed on El Mar Drive, and public parking on a portion of Basin Drive has been eliminated. Fire hydrants have been flushed throughout the Town. Town Manager Connors also congratulated Development Services Director Campbell on her recent graduation from the ULI's Leadership Institute.

The Town has implemented upgrades to the Comcast cable and AT&T systems used to broadcast Town Commission meetings, which are expected to address a number of issues. Another item related to these upgrades will be brought forward in September. Town Manager Connors recognized Deputy Town Manager/Public Works Director Ken Rubach for his work toward these improvements.

Town Manager Connors concluded that Wednesday meetings will continue in the month of September. Budget hearings are scheduled for September 14 and September 28, 2022, both at 5:30 p.m.

b. May 2022 Finance Report

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Director of Budget and Finance Lucila Lang advised that the Town has approximately \$1.6 million in expenditures, of which roughly \$831,000 comes through transfers from the Town's Parking Fund to the Capital Improvement Program (CIP) Fund. Other expenditures were \$791,000.

c. June 2022 Finance Report

Finance Director Lang noted that the June 2022 Finance Report is presented in a new format, which allows individuals reviewing the document online to see all items processed within a particular line item. She briefly reviewed additional changes to the report for the Commission's benefit, noting that additional modules are expected through the beginning of 2023.

d. Quarter 2 2022 Visitor Center Report

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes:

7-12-22 Regular Town Commission Meeting Minutes

7-26-22 Regular Town Commission Meeting Minutes

7-26-22 Special Town Commission Meeting Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

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13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Commissioner Strauss noted that 2022 is the 30th anniversary of Hurricane Andrew, and strongly encouraged residents to practice emergency preparedness.

Vice Mayor Malkoon reported that he recently attended the 100th anniversary event for the Florida League of Cities.

Commissioner Oldaker congratulated Development Services Director Campbell on her graduation and Finance Director Lang on the finance program. He also suggested that the Town make a special effort to ensure the next session of the Florida Legislature addresses the cancellation of windstorm insurance, which may affect a number of properties in Lauderdale-By-The-Sea.

16. ORDINANCES 2ND READING

- a. Ordinance 2022-05 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV “DEVELOPMENT PERMITS – APPLICATIONS, REQUIREMENTS, AND REVIEW PROCEDURES,” SECTION 30-114, “CITIZEN PARTICIPATION REQUIRED,” MODIFYING THE APPLICABILITY OF AND REQUIREMENTS FOR THE CITIZEN PARTICIPATION REQUIREMENTS; AND FURTHER AMENDING SECTION 30-139 “NOTICE OF PUBLIC HEARINGS” TO ESTABLISH NOTICE REQUIREMENTS FOR CITIZEN PUBLIC PARTICIPATION MEETINGS; PROVIDING FOR CODIFICATION; SEVERABILITY, CONFLICTS, AND FURTHER PROVIDING FOR AN EFFECTIVE DATE.

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

Development Services Director Jhanelle Campbell advised that after first reading of Ordinance 2022-05, Staff amended the Ordinance to include requirements for right-of-way vacations and variances, clarify the deadline for notice of citizen participation

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meetings, and add requirements for posting this notice on the property and on the Town website. The revised Ordinance also includes a requirement for public participation meetings for conditional use requests for signs, as per the Planning and Zoning Board's recommendation. The Ordinance excludes public participation meeting requirements for variances related to single-family homes, as requested by the Commission upon first reading. Staff recommends adoption of the Ordinance with those changes.

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

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2022-38 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED CITY OF SUNRISE ET. AL. VS. BROWARD COUNTY; AND PROVIDING AN EFFECTIVE DATE**

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

Assistant to the Town Manager Easley recalled that in 1986, Lauderdale-By-The-Sea and other municipalities signed an inter-local agreement with Broward County for solid waste disposal services. This agreement provided for the creation of the Broward Solid Waste Disposal District, which expired in 2013. Upon its expiration, the County and its municipalities did not agree on the distribution, assets, or liabilities in the district, which resulted in litigation. Settlement of this litigation paid the municipalities \$32 million and the land was to be sold.

Since that time, there have been two amendments to the settlement agreement, which were approved in 2016 and 2018 respectively. The third amendment would extend the sale delay period until October 11, 2023. This date has been requested so the Solid Waste Working Group, which is composed of Broward County and municipalities' elected officials, can continue work on recommendations to a regional solid waste management system. Staff recommends approval of the Resolution.

Commissioner Oldaker advised that he is a member of the Solid Waste Working Group. He congratulated Broward County Commissioner Beam Furr, who has been instrumental in the Working Group's efforts.

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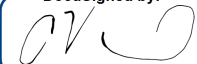
Commissioner Oldaker made a motion, seconded by Commissioner Pouloupoulos, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

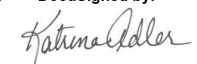
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:09 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk

9/15/2022

Date