

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, August 10, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Eliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Finance and Budget Lucila Lang, Town Engineer Jay Flynn, Acting Development Services Director Jhanelle Campbell, , Special Events and Marketing Manager Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Patrick C. Jackson gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Resolution 2021-46 be included as Item 17d for Town Commission discussion and possible action.

5. PRESENTATIONS

a. BugFest-By-The-Sea 2021

Public Information Officer/IT Administrator Steve d’Oliveira provided a brief recap of the 9th annual Bugfest-By-The-Sea, which was held in the last week of July. 100 divers participated in the lobster-diving contest, and 30 divers assisted with the collection of debris from beneath Anglin’s Pier. \$10,000 in cash and dive gear were given as prizes. Additional events included a kickoff party, lobster-hunting seminar, and lobster chefs’ competition, among others.

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Public Information Officer d'Oliveira added that a Lionfish Derby will be sponsored by the city of Pompano Beach in 2022. Lauderdale-By-The-Sea will co-sponsor this event.

b. Boo! By The Sea and Veterans' Day 2021

Special Events and Marketing Manager Debbie Hime reminded all present that plans are underway for upcoming special events. Boo! By The Sea will be held on Saturday, October 30, 2021, and the Veterans' Day event will be held on Thursday, November 11, 2021, at 10 a.m. in El Prado Park. Commissioner Strauss volunteered to serve as Chair of the Veterans' Day event.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Ann Marchetti, representing the Lauderdale-By-The-Sea Chamber of Commerce, recalled that at the June 29, 2021, workshop, the Commission received a letter requesting that a liaison between the Commission and Downtown businesses be identified. The businesses have specifically requested that Mayor Vincent be this liaison so a follow-up meeting can be scheduled to determine next steps.

Ms. Marchetti also expressed concerns for iguana control, as the houses in some neighborhood homes are very close to one another and shooting pellet guns would be dangerous. She requested help from the Town in dealing with this invasive species.

Patrick C. Jackson, resident, advised that his organization, Camp Victory Resorts for the Homeless, will partner with Hope South Florida on a back-to-school event on Sunday, August 15, 2021. Backpacks, bicycles, haircuts, and showers will be provided to individuals in need. Donations may be made through CampVictoryResorts.org.

Town Clerk Tedra Allen read the following written public comment:

- Barbara Cole, resident, asked the Commissioners to reach out to their constituents for input regarding an application for a residence on El Mar Drive.

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

7. PUBLIC SAFETY DISCUSSION

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a. VFD July 2021 Report

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

b. BSO July 2021 Report

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) advised that the documentation provided to the Commission includes quarterly calls for service through June 2021, as well as traffic crash and citation data. He cautioned that it is difficult to compare 2021 data to 2020 data, as the latter was affected by the COVID-19 pandemic. The 2021 data is more comparable to 2019.

Commissioner Strauss noted that a crash "hot spot" was identified on A1A at one of the busiest intersections in Florida, as well as another area west on Commercial Boulevard toward the bridge. He asked how this information might be used in conjunction with a traffic study being performed by a consultant. Capt. Palmer advised that the consultant would pull this traffic data and include it in the study.

Vice Mayor Oldaker recalled that at the June 27, 2021, meeting, the Commissioners discussed a potential traffic study at the intersection of Bougainvillea Drive and Commercial Boulevard, where traffic often goes through the intersection rather than turning. He requested that law enforcement keep an eye on this area.

Vice Mayor Oldaker continued that the state of Florida recently passed a bill addressing traffic laws that apply to cyclists. He requested additional information on this bill. Capt. Palmer stated that BSO will meet with the Florida Department of Transportation (FDOT) to discuss the bill and will provide this information to the Commission.

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

c. 2020 Uniform Crime Report (UCR) Annual Crime Statistics

Capt. Palmer reported that there was a total increase of six crimes from the previous year. The document also included a snapshot of the Town's statistics over the past 10 years, which shows that crime has declined steadily over that time.

d. AMR July 2021 Report

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

8. TOWN MANAGER REPORT

a. June Finance Report

The Commissioners accepted the report without discussion.

b. Town Manager Report

Interim Town Manager Connors advised that while there is no written report for tonight's meeting, she has received a number of phone calls requesting clarification of what is included in the sidewalk café and parking areas Downtown. One request was to replace existing tents with white tents in backout parking areas on Commercial Boulevard and A1A. She asked if the Commission wished to decide whether or not to exclude this area on A1A.

Commissioner Malkoon replied that his understanding had been the area would include backout parking on both roadways. He asked if businesses providing their own tents would be asked to replace them with the white tents. Interim Town Manager Connors replied that this is left to the Commission's discretion.

All current tents meet Fire Code requirements, and there has been discussion of tacking or bolting the tents down for greater stability due to their size. In addition, all tents are considered temporary structures, and are approaching 180 days in use. Interim Town Manager Connors suggested that the Commission review information on these structures to satisfy the life safety requirements of Building Code.

Interim Town Manager Connors continued that she has met with one of the architects who assisted in the redesign of Commercial Boulevard to discuss the possibility of removing parking spaces. There will be further exploration of this option and the Interim Town Manager will provide an update on these discussions at the next meeting.

Commissioner Malkoon advised that there is ongoing discussion of a potential addition to the Town's budget to address the needs of the Downtown area. Staff has received an estimate of the potential costs of a redesign and is requesting \$350,000 in next year's

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budget so the funds will be available for an additional Capital Improvement Program (CIP) item in fiscal year (FY) 2022.

Commissioner Sokolow cautioned that a budget modification may be premature at this time. He pointed out that a redesign of the Downtown area would spend significant funds to eliminate parking and recommended that this possibility be placed on a future Agenda or that a workshop be scheduled for additional discussion.

Commissioner Sokolow also recalled that the Commission had reached a decision that all tents would be replaced by white Town-furnished tents and did not feel this should be changed without more discussion. He concluded that both these issues, and any potential budget amendment, should come back to the Commission for further consideration.

Vice Mayor Oldaker agreed that this issue seemed to be moving too quickly, recalling that at the June 29, 2021, meeting, the Commission made the definitive point that all existing tents would be replaced by white tents. This was intended to provide a consistent look for the Downtown area during a temporary period. He was in favor of enforcing this decision, as determined on June 29.

With regard to the budget, Vice Mayor Oldaker pointed out that there is extra money that has not been appropriated toward any specific project. This includes both General Fund and Parking Fund dollars. He recommended leaving the potential redesign of Downtown in the CIP so it can be discussed, and the Commission may determine how to pay for it.

Interim Town Manager Connors advised that the proposed project would come back before the Commission for a final decision; however, as it has been previously discussed, she wished to ensure that funds were available for allocation if it is the Commission's will to proceed with this item.

Mayor Vincent felt it was inaccurate to suggest that giving up parking spaces for restaurant tents was an uneven exchange, as the restaurants are paying for their use of this space. If parking is vacated on Commercial Boulevard, the Town's right-of-way would be rented as such. Businesses have also agreed to provide assistance with cleaning.

Mayor Vincent continued that with respect to the temporary white tents, he was not certain that this applied to tents on A1A. He noted that backout parking on A1A is a

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legal nonconforming use, and there has been discussion of vacating this parking and creating a right-of-way that could be used by businesses. If this parking is removed, it cannot be brought back. Mayor Vincent noted that this type of parking is perceived as a safety hazard by state and county authorities due to the proximity of a busy intersection. Because these spaces are already in a buffer zone, no barricades would be necessary if tents are placed there.

Mayor Vincent continued that uniformity of tents did not need to be maintained at the expense of businesses that have already purchased their own tents. He concluded that the discussion of temporary practices did not need to be discussed in a separate workshop, although he felt a workshop was appropriate if the Commission wished to discuss the potential redevelopment of Commercial Boulevard.

Commissioner Sokolow pointed out that the issue under discussion was not on tonight's Agenda, and the public has not had an opportunity to opine on it. He felt the discussion was out of order for that reason.

Commissioner Malkoon recalled that the Commission had voted for all of Downtown, including backout parking areas, to be used as outdoor restaurant space. His understanding was that this meant all tents must be uniform. He concluded that if anyone wished to change this, it should be brought back for reconsideration.

Commissioner Strauss requested additional clarification regarding the 180-day time frame, recalling that the Commission had voted to continue allowing outdoor tents until October. Acting Development Services Director Jhanelle Campbell further explained that according to her conversation with the Building Official, tents or canopies may not exceed a 180-day time frame without requiring more permanent solutions that would have to go through the building permit process. This would require consideration of wind loads and options for the secure reinforcement of tents to the ground.

A/Development Services Director Campbell added that Building Code requires canopies to be secured. The Building Official has interpreted this to mean they should be bolted to the ground.

Commissioner Strauss asked if the 180-day timeline would be disrupted if a weather event required the tents to be taken down for a short period of time. A/Development Services Director Campbell replied that she had not discussed this with the Building Official and would reach out to him for clarification and provide the information to the Commissioners either via email or at the next meeting.

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Regarding uniformity of tents, Commissioner Strauss recalled that when the Commission had voted to require some uniformity on the east-west corridor of Commercial Boulevard. He did not recall inclusion of the north-south corridor on A1A or El Mar Drive.

Mayor Vincent stated that his understanding of the issue of securing tents was that this should be done regardless of whether the tents are provided by the City or by an individual business. He requested additional clarification of the threshold by which tents should be bolted, as per guidance from the Building Official.

Interim Town Manager Connors recalled that the consensus of the Commission at the June 29, 2021, meeting was for uniformity of the Downtown area, including backout parking on A1A, using white tents. They had also discussed the requirements of Florida Building Code, which defines "temporary" as "180 days or less." Any structures remaining past 180 days would need to be secured. If a storm occurs, the tents will need to be taken down. She concluded that Staff would investigate whether or not the time frame re-sets if tents were taken down and then re-installed.

Town Attorney Susan Trevarthen advised that the Town had adopted a Resolution which acknowledged continuing extraordinary circumstances and allowed tables to be placed in parking areas. There was also discussion of waiving fees for the sidewalk cafés in these parking areas. The uniform appearance of tents was part of this additional discussion, although it was not explicitly included in the Resolution as drafted. There were references to the backout parking on A1A as part of the overall conversation.

Town Attorney Trevarthen continued that the Commission has made a decision and the Interim Town Manager has indicated her interpretation of the direction she received. This would continue unless the Commission gives her different direction.

Mayor Vincent reiterated that he did not wish to tell a business that they must remove a temporary tent because its color was not consistent with other tents in the area. He added that the discussion is likely to continue to change as new ideas and clarifications are brought forward.

Commissioner Malkoon noted that because the Commission has voted upon this item before, it would need to be brought back for reconsideration in the event they wished to make a change. Any individual who voted on the prevailing side of this issue may bring

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it back at the next meeting. Mayor Vincent stated again that the Commission may discuss the issue at tonight's meeting without formal reconsideration.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that progress is being made on the Ordinances discussed with the Commission and expect to bring them forward for consideration in September 2021. These Ordinances address business uses, as well as concepts regarding the RMM-25 zoning on El Mar Drive. An Ordinance addressing zoning-in-progress is being drafted and Town Staff is providing input.

Commissioner Malkoon requested a brief summary of a recent Florida law addressing anonymity in Code reporting. Town Attorney Trevarthen explained that this law took effect on July 1, 2021, and states that a Code Inspector can no longer initiate enforcement proceedings for potential Code violations by way of anonymous complaint. An individual reporting a potential violation must provide his/her name and address to the appropriate local authority before an Officer may take action.

Town Attorney Trevarthen added that there is an exception to this law: if the Code Inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare, or threatens imminent destruction of habitat or sensitive resources, the requirement of name and address may be waived.

Mayor Vincent asked if failure to provide name and address would mean Code Compliance does not act upon it at all. Town Attorney Trevarthen replied that Code Compliance may not initiate enforcement proceedings in this case: they may speak to the individual but would not be able to enforce an anonymous complaint. She noted that there may also be times at which Code Compliance receives multiple sources of information, which means they could move forward with enforcement efforts based on that information.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

- a. Special Event Permit Application for Weekly Monday Moonlight Yoga Classes**

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Special Events and Marketing Manager Hime explained that this request is for an annual permit for Mind's Eye Day Spa. The time for these classes would be 7 p.m., and the business would observe turtle season precautions and would pay for parking.

Commissioner Strauss noted that the business has requested a waiver of the \$800 fee for the program. Special Events/Marketing Manager Hime advised that while this request was made, Staff did not recommend the waiver, as participants will be charged for the class. Morning yoga classes from January to April will continue to be free of charge to residents.

Vice Mayor Oldaker noted that the classes would be held between two residential buildings, and that amplification is requested. It was clarified that amplification would be limited to a small speaker with a headset, which is the same as what is used at the morning classes.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to approve weekly Monday Moonlight Yoga Classes without waiving the fee. Motion carried 5-0.

12. OLD BUSINESS

a. Surfside Donation

Assistant to the Town Manager Neysa Herrera recalled that at the July 27, 2021, meeting, the Commission had directed Staff to survey the actions of communities of similar size to Lauderdale-By-The-Sea to determine the average donations being made to the city of Surfside. Staff reached out to eight municipalities and learned that the only one making a monetary donation was the town of Miami Lakes, which donated \$3000 through its own community foundation. Staff recommends that the Commission consider a donation in the amount of \$1000.

[The Item died for lack of motion.]

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

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Vice Mayor Oldaker wished a happy remainder of the summer to all present.

Commissioner Strauss thanked all who participated in Bugfest-By-The-Sea. He also reminded residents to review their preparations for hurricane season.

Commissioner Malkoon addressed the concern raised during public comment regarding iguanas, recalling that the Town has previously negotiated with trappers to provide its residents with preferential pricing. More information is available on the Town's website. He suggested that the Town review what other municipalities are doing with regard to this invasive species.

Commissioner Malkoon continued that he will attend the upcoming Florida League of Cities meeting on Thursday, August 12.

Mayor Vincent asked that any residents with concerns regarding hurricanes reach out to Town Staff for information and/or assistance. He also requested additional information from Staff regarding iguanas on Town properties. Commissioner Strauss recalled that in the past, the Commission held a workshop for concerned residents and trappers. He recommended a thorough community response to eliminating iguanas.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2021-43 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO THE PIGGYBACK AGREEMENT WITH KILOWATT ELECTRIC COMPANY FOR ELECTRICAL MAINTENANCE SERVICES; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AMENDMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Interim Town Manager Connors stated that Kilowatt Electric Company has provided electrical maintenance for the Town over the last two years. The Town has run through the funds approved for this purpose and is now requesting that the use of additional funds be permitted. If the Town may continue to use Kilowatt's services, they do not have to enter into the RFP process at this time.

Vice Mayor Oldaker made a motion, seconded by Commissioner Sokolow, to approve Resolution 2021-43. Motion carried 5-0.

- b. Resolution 2021-44 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH KILOWATT ELECTRIC COMPANY FOR LICENSED ELECTRICAL CONTRACTOR SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Interim Town Manager Connors advised that this is also a "piggyback" agreement to Kilowatt's contract with the city of Coral Springs.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-44. Motion carried 5-0.

- c. Resolution 2021-45 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO THE MARKETING SERVICES AGREEMENT WITH CONCEPTUAL COMMUNICATIONS, LLC; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AMENDMENT; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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Special Events/Marketing Manager Hime explained that in July 2018, the Commission approved a new Strategic Marketing Plan created by Conceptual Communications, which took effect in January 2019. This moved the Town's marketing from 90% print to 95% digital. An additional \$5000 would be added to the marketing budget for the remainder of FY 2021, and \$15,000 would be included in the FY 2022 budget.

Commissioner Strauss made a motion, seconded by Commissioner Sokolow, to approve Resolution 2021-45. Motion carried 5-0.

- d. Resolution 2021-46 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING THE BROWARD COUNTY AUDIT OF THE ANIMAL CARE AND ADOPTION DIVISION, REPORT NO. 21-05, DATED DECEMBER 16, 2020; PROVIDING FOR ITS SUPPORT OF THE IMPLEMENTATION OF GUIDELINES AND BEST PRACTICES BY THE ANIMAL CARE AND ADOPTION DIVISION WITH THE GOAL OF PROVIDING BETTER CARE FOR THE DOGS AND CATS MAINTAINED AT THE BROWARD COUNTY ADOPTION SHELTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Mayor Vincent explained that Broward County's audit of the Broward County Adoption Shelter recently found that the facility failed to provide adequate care for animals there. The Resolution supports all recommendations in that audit and recommends their implementation. He strongly emphasized his support for the Resolution.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-46. Motion carried 5-0.

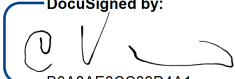
18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

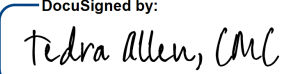
With no other business to come before the Commission at this time, the meeting was adjourned at 8:27 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

9/21/2021

Date