



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 14, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were 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, Director of Finance and Budget 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

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to excuse Commissioner Pouloupoulos’ absence from the May 24, 2022 meeting and Vice Mayor Malkoon’s absence from tonight’s meeting. Motion carried 4-0.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Gary Kareff, founding partner of Community Farmers Markets of South Florida, expressed concern that the Town has indicated it may seek a new partner for its Farmers Market. He noted that the market has become an integral part of the

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Lauderdale-By-The-Sea community, and emphasized that any such market will take on a life of its own over time.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. Town Manager Report for June 14, 2022

Town Manager Linda Connors stated that the Sea Shorts Festival is ongoing. This event includes seven 10-minute comedies held at the Community Center. Shows are scheduled for Friday at 7 p.m. and Saturday and Sunday at 2 p.m.

Both the Special Magistrate and the Town Commission have requested a monthly update by Code Staff regarding the condition of the pier. In May 2022, Senior Code Officer Bethany Banyas met with the pier's owner, contractor, and project engineer, who continue to review the results of the underwater survey. The mixture of concrete required for repairs is currently on six-month back order, and the forms that must be used underwater are similarly delayed. The responsible parties are seeking alternative sources for these materials.

A fine of \$53,000 was certified by the Special Magistrate for the pier in 2021. This case remains under the jurisdiction of the Special Magistrate. An additional daily fine of \$200 has accrued since January 27, 2022 and is also under the Special Magistrate's jurisdiction, as it has not been certified. Monthly status meetings are required and will continue, as will site checks and Staff conferences with the contractor.

Town Manager Connors continued that a tropical disturbance dropped more than nine inches of rain on the Town, mostly within a period of fewer than 12 hours. While there were some flooding notifications, all streets drained within several hours of the end of rainfall. The Town will continue to monitor its systems and determine how improvements may be made.

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Deputy Town Manager/Public Works Director Ken Rubach also addressed the flooding that resulted from the recent tropical event, explaining that the ground was already saturated in the Terra Mar area at the time the disturbance occurred. Given this level of saturation, he was pleased with the performance of drainage systems. He noted that East Terra Mar Drive, in particular, has significantly improved its drainage over the past two years.

Mayor Vincent asked if Deputy Town Manager Rubach was satisfied with the conditions in the Town's annexed areas, which have experienced serious flooding issues as well. Deputy Town Manager Rubach replied that while a large storm should not be used as a benchmark for flooding, he was satisfied with the conditions in these locations.

Town Manager Connors continued that a budget meeting to establish the ad valorem tax rate is scheduled for Tuesday, July 12, 2022, at 5:30 p.m. The first public hearing on the budget will be held on Wednesday, September 14 at 6 p.m. and the final public budget hearing is scheduled for Tuesday, September 27, also at 6 p.m.

The Town has made changes to its Special Events Staff, including the hiring of new Special Events and Community Marketing Coordinator Katie Anderson. She will work with Debbie Hime on special events, community shuttle programs, and other projects.

Staff has suggested that the Town cancel its first Commission meeting in August, which would be the August 9, 2022 meeting. The Commissioners agreed with this recommendation by consensus.

Town Manager Connors advised that a list of upcoming meetings is included in her written report.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen requested that the Commission schedule its annual ethics training session immediately prior to the June 28, 2022 Commission meeting, with a break scheduled between the two meetings. It was determined that this meeting would be held on June 28 at 4 p.m.

10. APPROVAL OF MINUTES

- a. May 10, 2022 Regular Town Commission Minutes
May 16, 2022 Town Commission Workshop Minutes**

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May 24, 2022 Regular Town Commission Minutes

Commissioner Oldaker made a motion, seconded by Commissioner Poulopoulos, to approve all minutes. Motion carried 4-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. East Commercial Revitalization Project

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, suggested that the Commission continue to maintain existing conditions while seeking the materials to move forward with this project. She also noted that the current configuration of the Ocean Plaza is unobtrusive and continues to provide a view, and recommended keeping this area “as open as possible.”

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

Town Manager Connors introduced Hugh Johnson of Architectural Alliance Landscape (ALL), who had prepared a presentation using the information gathered at the May 16, 2022 Town Commission workshop as well as input from Downtown businesses and residents. The Town Manager also confirmed that Staff is aware of the delays in acquiring construction materials. If the project is approved, Staff hopes to move forward in securing the materials and permitting as soon as possible to ensure there are no delays.

Mr. Johnson advised that there has been significant public and business participation on this issue. Meetings began on April 20, 2022, and the project has been “fast-tracked” for the past two months. Early suppositions acknowledged that the sidewalk in the subject area needed to be moved to the edge of Commercial Boulevard. There was also a desire to separate dining from the pedestrian area to avoid conflicts. Other considerations included shade structures for outdoor dining, as well as lighting and signage options and landscaping upgrades.

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With these needs in mind, the meetings on May 4, 2022 reviewed a number of design options, including different shade structures, lighting, and signage. Plans included moving the sidewalk to the edge of Commercial Boulevard. There was consensus not to move forward with shade structures due to maintenance and weather concerns.

The third set of meetings was held on May 17, 2022. Design options were further developed at this time, including continued exploration of making the sidewalks on Commercial Boulevard as wide as possible. It was determined that traffic lanes on this roadway were slightly wider than they are west of A1A, which provided an opportunity to narrow these lanes to 10 ft. The most recent proposal presented was a 10 ft. sidewalk on the edge of Commercial Boulevard, which was driven in part by the existing trees and width of the traffic lanes.

Another issue raised by the public and business owners was that of pedestrian crosswalks across Commercial Boulevard. There is an alignment issue with east and west Commercial which makes the use of crosswalks challenging.

Mr. Johnson showed a rendering of the overall plan, noting that the boundaries include north and south A1A, Commercial Boulevard, part of El Mar Drive, and the Town square. Plans include moving the main pedestrian thoroughfare to the edge of Commercial Boulevard and reducing traffic lanes to 10 ft. in width, which provides for 11 ft. 6 in. sidewalks on both sides of the roadway. There are intermittent entrances into the dining area adjacent to storefronts on Commercial Boulevard. These openings have been widened to 9 ft.

On A1A, the 5 ft. sidewalk will be widened to 8 ft. and landscape buffers will be created. Outdoor dining extends to the end of the block. Backout parking spaces will be removed on A1A.

On El Mar Drive, a parallel parking space will be removed to allow for a more landscaped streetfront. New pavers will be added on the east and west sides of this roadway, as well as in parts of the north side.

The overall result is wider sidewalks on both sides of Commercial Boulevard so traffic is completely separate from the dining areas in front of shops. Intermittent signage and entries will be developed. There are openings in the landscaping on both the north and south sides of A1A. Mr. Johnson showed some street sections of the plans, noting that there is a 15 to 17 ft. wide outdoor dining area with a landscape buffer that retains

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existing trees. Another suggestion is a low dividing wall at the edge of the landscaping on both sides of the street.

Removing the backout spaces on A1A will result in a dining area of roughly 20 to 23 ft., a low barrier, a landscaped area, and an 8 ft. sidewalk. At the intersection of A1A and Commercial Boulevard looking east, there will be 11 ft. 6 in. sidewalks.

Recommendations include pedestrian walkways across A1A with different paving materials along the pedestrian routes which are different from those in the dining areas. There may also be alternatives to the existing tree grates, as there is some buckling in these features. For lighting, there was consideration of upgrading streetlights, although there would be no new wiring. Additional bollards and signage options were also considered, including signage with the Town's logo. Light discs on the street's edge may be an alternative to bollards.

Landscape recommendations include maintaining the existing buttonwood trees on the street edge, with additional trees added along A1A and Commercial Boulevard.

Mayor Vincent asked if there is a net gain of seating for each restaurant, noting that this was one of the goals of the redesign. Mr. Johnson explained that the walkway in front of the storefronts shares dining space and existing trees remain in the same places. All the space from the trees to the storefront is used toward dining.

Town Manager Connors advised that what is currently in place is a pedestrian pathway roughly 8 ft. wide. With the removal of this pathway, the restaurants are expected to see a gain. Mr. Johnson added that the space that would be used for dining previously accommodated both a pedestrian path and dining. The proposed design should result in "a significant gain" of dining space. He estimated that this net gain was approximately 1000 to 1200 sq. ft. on both the north and south sides. Mayor Vincent recommended that this space be considered in terms of seating rather than in square footage.

Town Manager Connors noted that the addition of seating will also depend upon the size and layout of the furniture provided by restaurants. The design is intended to accommodate pedestrians primarily on the outside of the dining area, which will allow for more efficient use of dining space. The restaurants along A1A, where backout parking will be removed, will gain significant dining space. Mr. Johnson estimated this increase as more than 100%.

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Commissioner Strauss observed that he would like to see different designs for the landscaped area, including different types of materials that may be used. He asked why the A1A design is at 8 ft. rather than the 11 ft. width proposed for Commercial Boulevard, pointing out that there is adequate dining space in this area. Because this is a north/south corridor with significant pedestrian traffic, he suggested that the same width be provided.

Commissioner Strauss also addressed the bollard and lighting suggestions, asking if the bollards are intended to serve as safety measures as well as visual design. He concluded that it has not yet been fully determined how many tables should be allowed in the outdoor dining area, and requested high and low parameters for the number of tables that can be accommodated without crowding. He emphasized the importance of providing a benefit to pedestrians as well as to restaurants and diners.

Mr. Johnson advised that there are maximum/minimum ranges of the seating that can be arranged within the square footage available. He noted that the sidewalk on A1A is currently 5 ft. wide; the team felt confident that the highest pedestrian traffic volume in the area is located along Commercial Boulevard, which meant the greatest need for wider sidewalks was in that area. He added that there is some flexibility in this sidewalk width due to the width of the outdoor dining section.

Mr. Johnson continued that the landscaping buffer is not expected to take up significant room: it is designed to be varied and interesting, with a width of 3 to 5 or 6 ft. The proposed wall would be a permanent structure with a height between 16 and 22 to 23 in. The bollards suggested for the edge of the roadway are not intended to stop traffic, but to create an edge while they enhance safety.

Commissioner Oldaker advised careful consideration of the materials used to construct the bollards due to the salt environment near the ocean. Mr. Johnson confirmed that materials can be marine grade.

Commissioner Oldaker also addressed the shell product proposed for the pavers, asking if this is considered a specialty material that could be difficult to replace if necessary. Mr. Johnson replied that this would be an artistic paver product, which uses the highest density concrete produced in South Florida. This is recommended due to the high volume of traffic expected in the pedestrian area. These pavers are equal in quality to the products constructed in the northeast and Midwest, and would require a lesser shipping cost. There is currently a three-month lead time on the product.

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Commissioner Oldaker also noted that raising the Commercial Boulevard and El Mar Drive crosswalks might potentially improve safety by acting as speed bumps. He also requested additional information about the material that would be used for the proposed wall. Mr. Johnson replied that this would have to be poured with steel inside the material. It may be necessary to pour the wall off-site in sections and assemble it on-site.

Commissioner Oldaker also recommended considering other lighting options besides the bollards. Mr. Johnson noted that one option could be in-ground lights, which can provide a directional path. These could also be implemented in crosswalks.

Commissioner Pouloupoulos asked what the approval process and timetable from the Florida Department of Transportation (FDOT) might be for narrowing traffic lanes on Commercial Boulevard. Mr. Johnson advised that approval from FDOT would not be necessary, as the sections in question are local roadways.

Commissioner Pouloupoulos also requested clarification of the estimated turnaround time for the project once ground has been broken, noting the importance of timing to the businesses in the subject area as well as to returning residents and tourists. Mr. Johnson estimated that if all products and materials are stockpiled in place, this could be a four-month process.

Commissioner Pouloupoulos also requested additional information on the disc lighting mentioned earlier. Mr. Johnson replied that these typically rise up to 2 in. above the sidewalk. Commissioner Pouloupoulos cautioned that this could become a trip hazard. Mr. Johnson noted that these discs are mounted with a profile, which could improve their safety. With regard to bollards, he added that there are structures capable of withstanding vehicular impact, although he noted that these typically have a lesser aesthetic appeal.

Mayor Vincent asked if there has been consideration of extending the plans to El Mar Drive and removing the parking on the west side of that roadway while leaving median parking intact. Mr. Johnson recalled that there are some Americans with Disabilities Act (ADA) -compliant spaces on El Mar Drive that would need to be replaced if they are moved. Mayor Vincent noted that the extension of plans onto El Mar Drive could provide additional opportunities to some businesses there.

Mr. Johnson noted that an existing parallel parking space on El Mar Drive would be removed in order to create more landscaping on a corner. Mayor Vincent suggested

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consideration of vacating an additional area to create more parking in that area. Town Manager Connors recalled that there had also been discussion of establishing a drop-off area for ride-sharing services on El Mar Drive rather than having those services stop on either A1A or Commercial Boulevard.

Commissioner Strauss commented that he had thought the redesign would include an “El Mar to A1A” element, with changes to the Village Grille and Mulligan’s as a second phase of the project. Mayor Vincent advised that he felt these changes could be incorporated as part of a single phase, emphasizing the importance of addressing the Downtown area as a whole. Mr. Johnson added that the area on El Mar Drive to which the Mayor and Commissioner had referred would be given the same improvements, such as pavers, as the other locations; however, the sidewalk on El Mar Drive would not be extended. It was clarified that business owners on El Mar Drive who participated in the public meetings were in favor of extending the pavers onto their street.

Town Manager Connors recalled that Staff had received direction to remove parking on Commercial Boulevard and A1A, and to move the ADA-compliant parking spaces lost from those areas onto El Mar Drive. She noted that at least two restaurants in the area had not been interested in expanding their outdoor seating. Mayor Vincent stated, however, that the changes are proposed on a Downtown-wide basis rather than business by business, and recommended reviewing the project on a large scale.

Town Manager Connors noted that one idea discussed with some Downtown restaurants was the extension of new pavers all the way to the beach; however, there had been a request that this not be done due to the intrusion of sand onto the pavers, which would require significantly greater maintenance. This was why the pavers had not been extended further.

Peggy Mohler, owner of the Aruba Beach Café, advised that her business and potentially others would like to be included in the additional outdoor seating provided to other Downtown restaurants. She confirmed the explanation provided by Town Manager Connors regarding why pavers should not be extended to the beach.

Town Manager Connors suggested that if the Commission wishes Staff and the consultants to move forward with the proposed plan, including the changes discussed at tonight’s meeting, this would complete the Town’s contract with Mr. Johnson. No cost estimates for construction would be possible until full plans have been drawn and engineering and surveying incorporated into the process. At that time the Town can have a better idea of the project’s costs and time frame.

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The Commission agreed by consensus to proceed with the plans, including the following changes:

- Greater incorporation of El Mar Drive, including relocation of ADA parking spaces as well as possible additional outdoor dining space for restaurants
- A potential ride-sharing and/or delivery drop-off/pickup area on El Mar Drive
- Increased sidewalk width along A1A to make this more similar to what is provided along Commercial Boulevard
- Possibility of a raised or patterned crosswalk to provide traffic calming
- Reducing traffic lanes from 11 ft. to 10 ft.

Town Manager Connors concluded that if the Commission provided this direction via a vote, Mr. Johnson could develop a proposal for the construction phase of the project. In order to provide greater consistency, she recommended waiving the requirement for a request for proposal (RFP) for another design consultant and remaining with Mr. Johnson's firm. Town Attorney Trevarthen advised that Staff would look into how this could be accomplished.

It was clarified that the changes involving El Mar Drive would be voted upon separately from the changes to proposals for Commercial Boulevard and A1A. Town Attorney Trevarthen explained that Commissioner Pouloupoulos would need to recuse himself from the vote involving changes to El Mar Drive.

Mayor Vincent asserted that he would also like the vote on El Mar Drive to include extension of the redesign into the Plazas, as well as to incorporate a plan for the potential use of dining in the Plazas for Aruba Beach Café and possibly other businesses as well. It was noted that this would not include extension of pavers into the pavilion area due to the increased maintenance they would require.

Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, for the plan as presented, including a widened A1A and elevated crosswalks if feasible. Motion carried 4-0.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, for the above plans regarding El Mar Drive. Motion carried 3-0. (Commissioner Pouloupoulos abstained.)

**b. Resolution 2022-24: A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING**

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**THE PURCHASE OF A/V EQUIPMENT FOR JARVIS HALL FROM
BASE 4 TECH, LLC DBA VIBE DESIGN GROUP IN AN AMOUNT NOT
TO EXCEED \$30,340.19; AUTHORIZING THE TOWN MANAGER TO
EXECUTE THE PURCHASE ORDER; AND PROVIDING FOR AN
EFFECTIVE DATE**

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

Deputy Town Manager Rubach recalled that at the April 12, 2022 meeting, Town Manager Connors had requested permission to look into what could be done to improve the Town's audiovisual equipment. This was authorized and a quote was procured on May 13 from the Town's A/V vendor. The equipment is scheduled for installation later in the week.

Deputy Town Manager Rubach further clarified that the costs include addressing the root causes of equipment issues. Hand-held microphones and other upgrades will be provided at a later time.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

13. NEW BUSINESS

**a. Resolution 2022-25 – A RESOLUTION OF THE TOWN COMMISSION
OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,
ADOPTING THE TOWN CRISIS COMMUNICATION PLAN**

Town Manager Connors recalled that the Town hired Conceptual Communications to provide Public Information Officer (PIO) services, and they have completed a Crisis Communication Plan.

Hayley Zagacki, representing Conceptual Communications, explained that a crisis is considered to be a significant event or incident that disrupts, or has the potential to disrupt, the Town's normal operations or quality of life for its residents. Examples may include extreme flooding or a storm event, a mass shooting, or a media situation involving a member of Town Staff. The purpose of a Crisis Communication Plan would be to outline the roles, responsibilities, and procedures for sharing information with the Town's stakeholders, including the media.

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The Plan establishes a Crisis Communications Team consisting of Town Staff and contractors who are trained in crisis communications. This team would disseminate accurate information on behalf of the Town as quickly as possible, and would remain committed to being first, correct, and consistent when providing updates in real time.

The Plan will update the Town's communications platforms to ensure they are the lead source for information. This will require coordination with the Town's Public Safety PIOs to ensure consistent messaging and no compromise of integrity.

Members of Lauderdale-By-The-Sea's Crisis Communication Team will include:

- Broward Sheriff's Office (BSO) Captain Tom Palmer
- Volunteer Fire Department (VFD) Chief Judson Hopping
- Town Manager Linda Connors
- Deputy Town Manager/Public Works Director Ken Rubach
- The Town's PIO team

The PIO team is trained in crisis communications and will convene daily, with regular telephone calls, to drive the strategy of these communications and ensure that accuracy is maintained. The team will also determine whether or not a spokesperson is needed, based upon the circumstances and any need for official statements on behalf of the Town. A list is provided in the backup materials with greater detail regarding suggested spokespersons for varying situations.

Should a crisis occur, the Police or Fire Chief would alert the Town Manager, who would send an initial alert to the Mayor, Commission, and Town Staff. The Town Manager would then alert the PIO team, which would begin working with BSO and the Fire Chief to assess the situation. The PIO team would track social media and distribute initial pre-approved statements. They would then track media mentions and respond to media inquiries. A plan would be implemented depending upon the crisis. Once the crisis has passed, the team would create a post-crisis communications report.

Commissioner Oldaker requested additional information on the Commission's role in the Crisis Communication Plan. Ms. Zagacki replied that once the PIO team has determined whether or not a spokesperson is needed, the Mayor or a member of the Commission would act in this role for the Town. The Commission would be regularly updated by the Town Manager on the substance of daily PIO meetings, particularly with regard to next steps.

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Commissioner Oldaker noted that there may be non-critical circumstances about which residents may wish to have more information. Ms. Zagacki advised that this would depend upon whether or not the situation is deemed a crisis. The Crisis Communication Plan includes a “red plan,” which would involve a major emergency, as well as a “yellow plan,” which may be a situation for which advance planning is possible. She offered the example of flooding within the Town as one such crisis. For events not considered crises, the PIO team would continue its regular duties and provide updates through social media, email, text alerts, or website updates.

Commissioner Strauss asked if the Commission and Town Staff have adequate communications tools available in case cellular or landline services are lost. Ms. Zagacki stated that this could be discussed further with the Town Manager and Deputy Town Manager. Some options for messaging in the event these services are unavailable could include electronic message boards or the public address system available through Police patrol cars. Mayor Vincent noted that isolated radio communications have been used in the past during severe weather events.

Commissioner Poulopoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. Fiscal Year 2022-2023 BSO Proposed Budget

Director of Finance and Budget Lucila Lang advised that in addition to the budget presented by BSO, the Town has a separate Memorandum of Understanding (MOU) with that entity for \$80,000 worth of additional shifts at different times. She also noted that there is a significant increase in a line item for computers, which increased from roughly \$1900 to nearly \$23,000. This represents a shift from another line item for computers, which decreased from \$26,000 to \$0.

The total increase for the fiscal year (FY) 2022-2023 budget will be 5.6%. Monthly payments will increase from \$448,242.25 to \$473,451.83.

BSO Captain Tom Palmer added that one reason for the budget increase is the separate line item providing a high-visibility Police presence Downtown, which began during an early phase of the COVID-19 pandemic.

Commissioner Oldaker requested additional information on a section of the budget referring to retirement. Captain Palmer explained that these line items are dictated by salaries and Florida Retirement System (FRS) classification. They are calculated

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annually by BSO's budget division and are determined by the level of staffing. Much of this section is statutory and cannot be negotiated by the Town.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve the Item. Motion carried 4-0.

14. COMMISSIONER COMMENTS

Commissioner Pouloupoulos noted that the Town's 4th of July celebration is approaching, and hoped to see a large community presence at these day-long events. He thanked Special Events and Marketing Coordinator Debbie Hime for her work toward the events.

Commissioner Oldaker expressed concern with a Stop sign erected on Bougainvillea Drive, pointing out that many drivers do not stop at this point. He suggested that a raised crosswalk at this location could help control this traffic.

Mayor Vincent reported that Jan's Homemade Candies was rated the best chocolate shop in the state of Florida on Yelp.

Commissioner Strauss thanked Development Services Director Jhanelle Campbell and Assistant Development Services Director Chris Suneson for working with him during the previous week. He also recommended that residents set aside emergency supplies and take photos and videos of their homes in recognition of hurricane season.

The Commissioners took a brief recess at this time.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- a. **Ordinance 2022-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-241 (e) “INTRA LOT PLACEMENT” TO REMOVE MINIMUM SEPARATION REQUIREMENTS FOR GROUPED STRUCTURES AND BUILDING AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE**

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

Development Services Director Jhanelle Campbell advised that this Ordinance would codify distances between structures, which would allow for the circulation of air and light between buildings and lessen the likelihood of fire spreading from one building to another in the RM-25 zoning district. Current regulations require buildings to be separated by 20 ft. when located on the same lot; however, this requirement is already regulated by Florida Building and Fire Code.

The change will allow for greater flexibility of building placement on lots and eliminate conflicts between zoning regulations and Florida Building Code for approximately 53 nonconforming structures. Staff recommends approval of the Ordinance.

Commissioner Poulopoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. Ordinance 2022-02 – 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 ARTICLE V “ZONING,” SECTION 30-311 “BOATS, BOAT LIFTS, BOAT HOUSES, MOORING, AND DOCKING” AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

Nectaria Chakas, representing 4403 Tradewinds, LLC, stated that her client is supportive of this Ordinance, which would change setback requirements from 5 ft. to 10 ft.

Debbie Nagy, resident, requested that the Town consider Florida Department of Environmental Protection (DEP) regulations addressing state-owned submerged lands before adopting the proposed Ordinance. She requested the addition of a more descriptive regulation addressing large party boats and other commercial vessels, as well as the number of boats that may dock at a facility.

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Ms. Nagy emphasized that her home is subject to noise from the neighboring commercial property and its dock. She felt the Town's response to her concerns demonstrated selective enforcement of its regulations. She concluded that the Ordinance should include greater setbacks than those currently proposed.

Stephen Nagy, resident, stated that he owns the property at 4423 West Tradewinds Avenue and opposes the proposed Ordinance. He requested that the Commission table this Item while judicial review of the variance is underway. He characterized the proposed Ordinance as "expanding the use" of 4403 Tradewinds Avenue.

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

Development Services Director Campbell recalled that Staff was provided with consensus direction to process a Code Amendment at the March 22, 2022 Commission meeting. This amendment would increase the allowable width of docks on the Intracoastal Waterway and prohibit finger piers. Staff reviewed this Code Section and compared it to the Code of other jurisdictions. This was followed by updates to definitions and clarification of regulations.

Staff presented the proposed Ordinance at the April 27 Planning and Zoning Board meeting, where that advisory body recommended approval of the Ordinance by a 5-0 vote. They also recommended a 25 ft. setback for marine structures on commercial properties which abut residential properties. Staff researched this issue further and recommended a 10 ft. setback for commercial properties on the Intracoastal Waterway which abut one or more residential properties.

The Ordinance was presented for first reading at the May 10 Commission meeting, at which the Commission voted to approve the Ordinance with the following conditions:

- Standards for waterways over 100 ft. and under 100 ft. should be segregated
- Removal of the finger pier ban
- Consider boat lift standards, particularly the measurement from the water's edge instead of from the property line

The boat lift changes will be presented in an upcoming Ordinance, as Staff needs to conduct additional research on how this could affect the navigational channel of a waterway.

The following terms are clarified in Ordinance 2022-02:

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- Docks
- Finger piers
- Boat lifts
- Dolphins

As part of their review, Staff also inventoried the Town's canals, including their locations and widths. Development Services Director Campbell reviewed this information, noting that there are six small canals within Town limits, ranging from 80 ft. to 100 ft. in width. The Intracoastal Waterway is approximately 300 ft. wide. There are no waterways less than 50 ft. wide. All docks are currently regulated under a 100 ft. width, with a maximum length of 8 ft. on a 100 ft. waterway.

To keep most existing docks conforming to regulations, Staff proposes that canals be regulated at 100 ft. and under or 100 ft. and more. They also propose establishing a new canal width of over 100 ft., which would apply to the Intracoastal Waterway and permit docks to be constructed at no more than 15 ft. from the property line and maintaining a 5 ft. building setback. The Planning and Zoning Board has suggested the addition of a 25 ft. setback for commercial properties adjacent to residential properties on the Intracoastal Waterway. Staff recommends that this setback be 10 ft.

Staff also recommends reestablishment of regulations for finger piers so they can review the entirety of Code to determine how this may work in the future. For properties that are 100 ft. wide or greater, the proposed setback is 10 ft. for commercial properties adjacent to residential properties on the Intracoastal Waterway. Boat lifts and dolphins would be required to be 5 ft. for residential and 10 ft. for commercial properties adjacent to residential properties on the Intracoastal Waterway.

The proposed Ordinance defines the terms cited earlier, removes regulations for waterways 50 ft. or less in width, retains most regulations for waterways 100 ft. or less in width, and creates regulations for the Intracoastal Waterway that are the same as regulations for smaller canals, with the exception of commercial properties adjacent to residential properties. Staff recommends approval of the Ordinance.

Commissioner Pouloupoulos addressed some of the concerns raised during public comment, stating that he understood the history of the issue. He felt the extension of the proposed side setback from 5 ft. to 10 ft. represented a middle ground. He added that implementing a side setback of 25 ft. would be limiting the adjacent commercial property's use of their land and would not significantly affect noise generated by that property.

Lauderdale-By-The-Sea
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Mayor Vincent commented that he has spoken with Town Staff and the Town Attorney regarding this Ordinance in order to hear all possible information on the Item. He pointed out that the Town does not govern or issue the permits that allowed the commercial property's dock to be built: this is overseen by state and/or county agencies as well as the U.S. Army Corps of Engineers. He added that the Town Attorney has assured him that changing the Ordinance is allowed, and he is comfortable with his and the other Commissioners' evaluation and discussions of this Item.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to adopt Ordinance 2022-02 with the recommendations of Town Staff. Motion carried 4-0.

17. RESOLUTIONS – PUBLIC COMMENTS

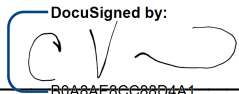
None.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

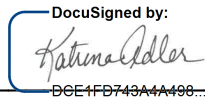
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:05 p.m.

DocuSigned by:

B0A0AE0CC88D4A1...

Mayor Chris Vincent

ATTEST:

DocuSigned by:

DCE1FD743A4A498...

Town Clerk

7/21/2022

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Poulopoulos, Theophilos George</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Lauderdale-by-the-Sea Commission</i>	
MAILING ADDRESS <i>1460 S. Ocean Blvd., #403</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Lauderdale-by-the-Sea</i>	COUNTY <i>Broward</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>06/14/2022</i>		NAME OF POLITICAL SUBDIVISION: <i>Lauderdale-by-the-Sea</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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JUN 24 2022
BY: *KA*

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thyphitos George Parigaris, hereby disclose that on June 14th, 2022:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Spiro Mureklos;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 12a. of the June 14, 2022 meeting agenda dealt with voting on whether the commission approved of removing public parking to extend the sidewalks adjacent Mulligans Restaurant of which my father-in-law, Spiro Mureklos, is the landlord of. The extension of the sidewalks for increased outdoor dining would benefit Spiro's property, and therefore I abstained from voting on that measure as it applied to his company's property.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

06/24/2022
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.