



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 24, 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 Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, 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, Assistant Development Services Director Chris Suneson, Special Events and Marketing Manager Debbie Hime, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Fred Powell gave the Invocation.

All present observed a moment in silence in recognition of the tragedy in Uvalde, Texas.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Legislative Update – Candice Ericks

Candice Ericks and Lauren Jackson, representing Ericks Consulting, reported that the 2022 Florida Legislative Session ended in March, but was followed by two special sessions, one of which is still ongoing.

Ms. Jackson stated that the current special session began on May 23, 2022 and addresses property insurance. A bill has also been introduced to address condominium reform. A number of bills which were not approved during the regular session have been

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reintroduced, including bills regarding milestone inspections and reserve funds for condominiums.

The previous special session dealt with Congressional redistricting, which is currently in litigation. The redistricting map was first overturned and then reinstated. This primarily affects North and Central Florida and the Tampa Bay area.

The regular legislative session passed a \$112 billion budget, which was over the Governor's recommendation of \$99.7 billion. The Governor is currently reviewing the budget and some vetoes are expected. The budget includes over \$500,000 for the Town's Codrington Drive drainage improvements. State Representative Chip LaMarca assisted in securing these funds.

The budget also includes over \$500 million for flooding and sea level rise grants, over \$400 million for affordable housing, and \$100 million for the Hometown Heroes program, which has just been released by the Florida Housing Finance Program. This is a down payment assistance program for critical public workers.

A cybersecurity bill was passed which requires local governments to meet certain standards by a set date. This affects both hardware and procurement contracts as well as training. The state has appropriated \$30 million in funding for the training portion as well as another \$30 million for grants which will help local governments meet these standards. Ransomware payments are banned, which may result in a small short-term increase in the Town's insurance rates.

House Joint Resolution (HJR) 1 addresses housing affordability by placing a referendum on the ballot which would expand homestead exemptions by another \$50,000 of value for critical public workers. This group includes classroom teachers, firefighters, emergency responders, Police Officers, correctional officers, child welfare workers, active duty military, and members of the Florida National Guard. It is difficult to estimate the impact this would have on individual municipalities, as it is not currently known where these workers live. This exemption would be permanent as long as the individual is eligible.

Preemptions passed during the Legislative Session include:

- Addition to House Bill (HB) 921, which addresses campaign finances: use of public funding for voter education and further local voter outreach is restricted; the Florida League of Cities is developing guidelines for local governments regarding this bill
- Senate Bill (SB) 620, which is before the Governor but has not yet been signed, would allow local businesses to file claims against local governments if a Charter

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Amendment or Ordinance causes them to lose 15% or more of their profits; this bill was primarily driven by the pet retail industry

- Additional exemptions, which address immigration, religious institutions, local tax referenda requirements, and real property rights

SB 280, which would have required business impact statements for all local ordinances, did not pass, although it is expected to come back. Ms. Jackson again recognized Representative LaMarca for his assistance in identifying a compromise on a bill addressing private providers and Certificates of Occupancy issues.

A number of preemptions were not passed, including those related to vacation rentals and sovereign immunity. Bills which passed allowed counties and municipalities to regulate smoking in public, permission for the Florida Department of Environmental Protection (DEP) to develop standards if none have been established by the federal Environmental Protection Agency (EPA), a cleanup for tree-trimming preemption, a bill allowing more options for legal notices, school safety and law enforcement packages, a resiliency and flooding package, and a number of tax holidays.

Ms. Ericks reported that just under 10 agencies and Departments in Florida are under new leadership, including the Departments of Education and Transportation. The team will continue to update the Town as these positions are filled. She concluded that State Senator Gary Farmer is not running for reelection, so the Town will have a new Senator.

Mayor Vincent thanked the team for their work in securing funds for the Codrington Drive project. He requested additional information on the bill addressing condominiums. Ms. Ericks replied that the primary focuses are milestone inspections and reserve funds due to the 2021 condominium collapse in Surfside, Florida.

Mayor Vincent also requested more information regarding property insurance. Ms. Jackson replied that this issue is a battle between attorneys and insurance agencies, as both entities are trying to address reinsurance. Other issues being addressed include bad faith claims, attorneys' fees, contingencies involving multipliers, and greater oversight in the insurance market.

Commissioner Oldaker commented that many insured individuals have never filed a claim, but are still subject to significant rate increases each year. He asked if this is recognized by any of the legislation passed. Ms. Jackson replied that she had not read any details related to this possibility, noting that much of the discussion focuses on roof repairs and/or replacement.

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Commissioner Oldaker also expressed concern regarding the effect of increasing property values and insurance rates on rented properties when these increases are passed on to renters who may be unable to afford them. Ms. Ericks stated that she would look for answers to the Commissioner's questions and return them to him. She emphasized that the consulting team is engaged and involved in local discussions on affordable/workforce housing, as this need is significant. Many of these issues may not be addressed at the state level.

Vice Mayor Malkoon requested additional information on mitigation grants for roofing. Ms. Jackson confirmed that this program will be funded at \$150 million.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. BSO April 2022 Report

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) recognized Deputy Kratz as the April 2022 Deputy of the Month, highlighting his work related to an auto theft. He encouraged all residents to ensure their vehicles are locked.

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

b. VFD April 2022 Report

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

c. AMR April 2022 Report

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

8. TOWN MANAGER REPORT

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a. March 2022 Finance Report

Commissioner Strauss noted that over the past six months, the increase in the Town's parking revenue has been greater than expected at over 72%.

b. Town Manager Report for May 24, 2022

Town Manager Linda Connors recalled that a special Commission workshop was held on May 16, 2022, to discuss prospective changes to the Downtown area. Consultant Hugh Johnson will come back before the Commission at their June 14 meeting to discuss final concepts and approval. Community participation is encouraged at this meeting.

The Sea Shorts Festival will be held on June 3 and 10 at 7 p.m., June 4 and 5 at 2 p.m. and 7 p.m., and June 5 and 12 at 2 p.m. Admission is free and no reservations are necessary.

Hurricane season begins on June 1, 2022 and continues through November 30. The state of Florida will honor a tax holiday from May 28 through June 10, 2022 for hurricane disaster preparedness materials.

The Town has hired two new members of its Municipal Services Department and filled two vacancies for the Visitors Center. Final interviews for the Assistant II position are scheduled for later this week.

c. Development Services Quarterly Report

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes: April 26, 2022

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

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11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. The Town's Special Event "BugFest" July 26-30, 2022

Special Events and Marketing Manager Debbie Hime noted that 2022 is the 10th anniversary of BugFest. She briefly reviewed planned events, including diver training, underwater cleanup, and other SCUBA- and water-related activities.

Town Manager Connors advised that Staff recommends approval of the event, as well as approval of use of the inside median lanes on El Mar Drive for parking during the BugFest kickoff.

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

b. Fees for Expanded Sidewalk Café Dining in Parking Spaces and on Ocean Plaza

Commissioner Oldaker recalled that over the last several meetings, the Commission had discussed concepts for separating the costs associated with use of the Ocean Plaza from the costs of sidewalk cafés in the larger Downtown area. During this discussion, however, no plans were made to modify the fees associated with use of these areas. The current charge for sidewalk cafés is \$18 per square foot, while there is no established fee thus far for use of the Ocean Plaza.

Commissioner Oldaker suggested that for purposes of discussion, the \$18/sq. ft. fee be extended to apply to the former parking spaces currently being used for sidewalk cafés as well as to the Ocean Plaza. He shared this information with the Aruba Beach Café prior to tonight's meeting, and the owners of that restaurant offered \$34/sq. ft. for use of the Ocean Plaza. Commissioner Oldaker recommended acceptance of this offer.

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Mayor Vincent recalled that when this issue was discussed at previous meetings, the recommendation had been for \$18/sq. ft. for restaurants east of Sea Grape Drive and \$10/sq. ft. for restaurants west of this location. The proposed \$34/sq. ft. fee for the Ocean Plaza would represent roughly the same 80% increase for that space as the increase from the west to the east of Sea Grape Drive.

Commissioner Oldaker further clarified that the proposed increases would be retroactive to April 15, 2022 and would extend through November 10, 2022.

Vice Mayor Malkoon asked if the new agreement will need to be formalized in writing. Town Attorney Susan Trevarthen advised that she would work with the Town administration on this issue now that the status of use of public space has been clarified.

Vice Mayor Malkoon expressed concern that this change should reflect only the action taken by the Commission at tonight's meeting. Town Attorney Trevarthen confirmed this, noting that the Commission has already approved use of these public spaces by previous motion. It may not be necessary for it to come back before the Commission for more formal approval.

Commissioner Strauss asked if the \$18/sq. ft. fee is the same fee that has been in effect for the last 10 years. Town Manager Connors replied that later in the summer, the Town plans to meet with Downtown businesses to discuss their concerns as well as the Town's expenses and arrive at an updated price that can be recommended to the Commission for approval.

Commissioner Strauss asked if the sidewalk cleaning fee had been considered. Town Manager Connors replied that this will be discussed in conjunction with other fees at the summer meeting, noting that there has been less cleaning in recent times because the Town plans to replace the existing pavers. She emphasized the need to prepare for proper maintenance in advance of changes to the Downtown area. There was no cleaning fee included in the previous amount.

Mayor Vincent added that Staff should identify the exact number of parking spaces available for use by each restaurant, and that the businesses will need to sign an agreement ensuring that they are being charged appropriately for the use of this space. Town Manager Connors confirmed that Development Services Staff will address this.

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Commissioner Strauss made a motion, seconded by Vice Mayor Malkoon, to adopt the recommendation. Motion carried 4-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss encouraged residents to take videos and photos documenting the status of their homes prior to hurricane season, as well as photos of important papers.

Vice Mayor Malkoon also recommended hurricane preparedness, noting that there are still ongoing supply chain issues that should be considered. He added that he has met with Town Staff regarding the Town's upcoming 75th anniversary, concluding that an email will be sent to residents soliciting suggestions for this event.

Commissioner Oldaker thanked Town Staff for their assistance in preparing the Commission's Agenda Items, as well as the Commission's work in addressing sidewalk café licensing and use of the Ocean Plaza.

Mayor Vincent reiterated Commissioner Strauss's recommendations regarding preparations for hurricane season.

15. ORDINANCES 1ST READING

- a. **Ordinance 2022-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 2, "ADMINISTRATION," ARTICLE II "TOWN COMMISSION," SECTION 2-18 "SPECIAL MEETINGS" TO ALLOW FOR INDIVIDUAL NOTICE OF A SPECIAL COMMISSION MEETING TO BE PROVIDED VIA EMAIL.**

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

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

16. ORDINANCES 2ND READING

None.

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17. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2022-23 Firefighters Pension Trust Fund Board of Trustees

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

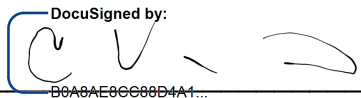
Commissioner Oldaker made a motion, seconded by Vice Mayor Malkoon, to approve. Motion carried 4-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

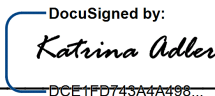
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:43 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk

6/23/2022

Date