

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 11, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 7:06 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot 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 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. May 16-22 is National Public Works Week

Mayor Vincent read a Proclamation recognizing the week of May 16-22, 2021 as National Public Works Week.

b. Proclamation Honoring Town Residents Roberta and Larry Insel

Mayor Vincent read a Proclamation in honor of residents Roberta and Larry Insel for their volunteer service with Meals on Wheels and the Broward County Humane Society. May 20, 2021 was proclaimed to be Roberta and Larry Insel Day in Lauderdale-By-The-Sea.

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c. Proclamation for “National Police Week” and “National Peace Officers Memorial Day” (Captain Thomas Palmer, BSO)

Mayor Vincent read a Proclamation recognizing May 15, 2021 as National Peace Officers Memorial Day and the week of May 9-15, 2021 as National Police Week.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she hoped the “disconnect” between Town officials and residents that occurred through Zoom meetings would no longer exist. She recommended that the Commissioners familiarize themselves with the Town’s history and requested that roundtable meetings be reinstated.

Ron Piersante, resident, addressed the upcoming Fourth of July celebration, stating that he was concerned with the expense of \$42,500 for the annual fireworks display. He did not feel this event assisted Town businesses as intended.

Scot Sasser, resident, advised that a letter he had sent to a previous Commission meeting may have been misunderstood. He emphasized that there was no intent to criticize any Commissioners or Town employees, but only a desire to point out that some types of businesses did not match the Commission’s vision for the Town. He requested that this be discussed further by the Commission at a subsequent meeting and recommended that the Commission review applications from existing businesses to determine whether they were sufficiently forthcoming when they applied to open within Lauderdale-By-The-Sea.

Eva Marissa, resident, Chair of the Chamber of Commerce, invited the Commissioners and all present to the upcoming “Buzz About the Art” event at the Plunge on May 19, 2021. Social distancing will be observed, and masks are required.

Ms. Marissa also noted that the Downtown Business District has requested the Chamber’s assistance in making sidewalk cafés permanent in some form. The Chamber has advised these businesses that the Chamber will not assist them until they are compliant with the Town’s Code. Once compliance has been reached, the Chamber requests a workshop between business leaders and Commissioners in June or July 2021.

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Ann Marchetti, resident, advised that the Chamber of Commerce requests a workshop with the Commission regarding the Town's Welcome Center and the value it brings to the community. She recommended that this meeting be scheduled in early June 2021.

Patrick Jackson, resident, provided contact information for Camp Victory Resorts for the Homeless, which would resemble a military base in Broward County. Ted Powder, also representing Camp Victory, emphasized the organization's charge to assist veterans in need of help.

Town Clerk Tedra Allen read the following written comments:

- John Graziano, resident, requested that the difference between "smoke shops" and medical marijuana dispensaries be further clarified, as there may be some confusion among residents
- Bob Noll, resident, requested that the Town's prohibition of dogs on the beach be strictly enforced
- Deborah Palmer, resident, recommended that funds be diverted from street lighting into drainage and low-cost indirect lighting
- Jose Gonzalez, resident, asked that residents have the opportunity to participate in the decision-making process for the Town's Capital Improvement Plan
- Ted and Dale Conner, residents, stated their support for a speed bump on Spanish River Drive, noting that a petition has been submitted on this issue
- Mary Veldheer, seasonal resident, recommended that El Mar Drive be left in its current configuration while receiving funds for improvements.

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

7. PUBLIC SAFETY DISCUSSION

a. VFD April 2021 Report (Chief Judson Hopping)

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

b. BSO April 2021 Report (Captain Thomas Palmer)

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) advised that a breakdown of BSO's calls for service during the first quarter of 2021 are included in the Commissioners' backup materials and will be provided on an ongoing basis. He also

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reported that the Citizens' Observer Patrol (COP) program is active once more and performing outdoor patrols.

Vice Mayor Oldaker commented that Police service calls have increased significantly throughout the first quarter. Captain Palmer replied that BSO is experiencing its highest-ever volume of calls, including service calls, which he characterized as a catchall category among dispatch codes. These may include bicycle patrols, "walk and talk" deputy meetings, welfare checks, and other nonspecific interactions.

Vice Mayor Oldaker also addressed traffic citations, noting that warnings are logged. Captain Palmer advised that the report breaks down citations into moving and non-moving violations and are actual written warnings. These numbers may differ from the number of traffic stops at the end of the report, as these may involve verbal warnings only.

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors stated that beach renourishment has been postponed until November 2022 to avoid disturbing turtle nesting season. Development Services Staff is working with Downtown businesses to ensure compliance regarding noise, sidewalk café configuration, and fire safety issues in parking areas. Staff will begin issuing citations for violations the following week.

The fiscal year (FY) 2020-2021 Development Services budget includes funds set aside for a new business tax receipt (BTR) program; however, Staff determined that they would first proceed with new software for the Finance Department to ensure that systems are integrated. Development Services will postpone a request for proposal (RFP) for this program until 2022.

Public Works Staff responded to a sinkhole and broken pipe on Imperial Lane. Although the cost of repairing the pipe was quoted as \$68,000, Public Works Director Ken Rubach determined that this pipe can be lined in the same way as other pipes throughout the Town. This reduced costs from roughly \$68,000 to \$7000.

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The Lauderdale-By-The-Sea Chamber of Commerce has requested a presentation on the Visitors' Center, as noted during Public Comment. Interim Town Manager Connors proposed that this meeting be held on June 8, 2021. Commissioner Malkoon has also requested that a guest speaker be scheduled for a presentation on "Florida-friendly" landscaping, which is proposed for a July 2021 Commission meeting.

Interim Town Manager Connors added that while the Chamber of Commerce had requested a meeting with Downtown businesses over the summer, she would recommend postponing this meeting in October 2021, as presentations, special meetings, and budget meetings will be scheduled through September.

Commissioner Malkoon suggested scheduling the Downtown business discussion earlier in the year due to the potential urgency of these issues. Interim Town Manager Connors explained that the Downtown business owners have expressed a desire to permanently remove parallel parking spaces in this area. Mayor Vincent also felt the discussion with Downtown business owners be scheduled in a workshop format at an earlier date and recommended that this be held in June or July, with Commission consensus.

The following dates were established for workshop meetings and presentations:

- June 8: Discussion with Downtown businesses and Chamber of Commerce
- June 29: Chamber of Commerce/Visitors Center discussion
- July 13: Florida-friendly landscaping

Interim Town Manager Connors concluded that Staff is working to make Town television channel 78 more interesting. Three months' worth of Town Topics programs have been filmed thus far. The channel will be used more often to provide public information.

Mayor Vincent requested an update on the issue of dogs on the beach by Code Enforcement. Interim Town Manager Connors reported that Code Enforcement Staff periodically talks with individuals who bring their dogs to the beach at different times of day. Mayor Vincent noted that this is a difficult ordinance to enforce and on which to follow up, as Code Enforcement cannot have a 24-hour presence on the beach.

Commissioner Malkoon asked if any Code changes will be required for the Town's upcoming pilot project of a dog park area at Friedt Park. Interim Town Manager Connors replied that Staff is already working on amendments to Chapter 4, "Animals," of the Town's Code.

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9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen addressed public comment regarding businesses permitted by the Town, clarifying that the Commission enacted an Ordinance prohibiting medical marijuana dispensaries within Town limits. She emphasized that this is a distinctly different use from “smoke shops” or “head shops.”

Mayor Vincent recalled that in 2010, the Commission had discussed various uses in a workshop format, including prohibition of certain types of businesses. He requested an update on this, including whether the Town may take any prohibitive action at this time.

Town Attorney Trevarthen advised that a Florida Statute authorizes tobacco shops to sell a number of smoking devices as long as these do not exceed 25% of the store’s overall revenue. She further recalled that the Commission had discussed several other uses at the 2010 workshop, and that she has spoken with individual Commissioners on this topic as well. While the Town is constrained in regulating a number of uses, Staff is currently working on a definition of “specialty shops” that can be added to Code.

Town Attorney Trevarthen further clarified that a number of the uses that may potentially fall into the category of specialty shops have particular Constitutional protections, which makes the subject more complex.

Mayor Vincent observed that there are currently two to three smoke shops in the Town and expressed concern with how certain specialty shops may be classified. He was also concerned with how the most recent specialty shop was permitted, noting that the intent was for unnamed non-permitted uses to come before the Commission. He wished to ensure that if this issue arises again before the Town has taken further action, it would come before the Commission as intended.

Town Attorney Trevarthen stated that the answer is to create a definition of specialty shops. She acknowledged the concern by the Mayor and Town Staff and advised that if an application for another specialty shop came forward, they would need to confer to determine how to proceed.

Mayor Vincent clarified that the objection is not to smoke shops in general, but the sale of certain smoking paraphernalia. He asserted that he wished to ensure that the Commission is aware of this issue and is prepared to make a decision on future business applications, including the possible application of conditional use criteria.

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Town Attorney Trevarthen confirmed that any additional applications would be brought to the Commission for discussion, and that Staff would bring back a strategy that includes address of specialty shops. Interim Town Manager Connors further clarified that the store in question includes a retail component, including clothing, incense, gift items, and other merchandise as well as smoking paraphernalia.

Commissioner Malkoon asked how the Town might measure the percentage of a business's revenue that comes from sale of specific items. Town Attorney Trevarthen replied that once a business is in place, this becomes a question for Code Enforcement.

Commissioner Strauss recalled that at a previous meeting, he had encouraged the drafting of an Ordinance that would allow the Commission to address nonconforming or specialty uses on a case-by-case basis. He reiterated this recommendation, pointing out that this would provide an additional level of review for incoming businesses that may be questionable.

10. APPROVAL OF MINUTES

- a. April 27, 2021 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

- a. Approving the 2021 Amendments to the Interlocal Agreements between Broward County and the Town of Lauderdale-By-The-Sea providing for Division and Distribution of the proceeds of the three-cent local option gas tax and the fifth-cent local option gas tax on motor fuel for transit.**
- b. Approving the 2021 Wastewater Billing Services Agreement between the Town of Lauderdale-By-The-Sea and the City of Fort Lauderdale (Lucila Lang, Director of Finance & Budget)**
- c. Letter of Support for Justice Assistance Grant-Countywide (JAG-C) (Neysa Herrera, Assistant to the Town Manager)**

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

12. OLD BUSINESS

a. Results of Speed Study for Speed Hump on Spanish River Drive (Linda Connors, Interim Town Manager)

Interim Town Manager Connors recalled that on March 9, 2021, a request was brought forward from residents on Spanish River Drive to establish a speed hump in their neighborhood. The next step was to forward this request to Broward County's Traffic Engineering for a speed study, which was conducted on April 14, 2021. The neighborhood's eastbound lane registered 78 vehicles, while the westbound lane registered 90. Broward County standards state that the 85th percentile of traffic must be eight or more miles over the speed limit, which is 25 miles per hour (mph).

The April 14 study found that the average eastbound speed was 22 mph, while the average westbound speed was 25 mph. The 85th percentile was 29 and 30 mph, respectively. This means the criteria for a speed hump were not met.

Interim Town Manager Connors advised that the Commission may take this into consideration regarding whether or not they would like to have further discussion of a speed hump in the subject community. The cost would be approximately \$10,000 for construction. A temporary speed hump is also an alternative.

Commissioner Strauss recommended temporary speed humps, as this would provide an opportunity to test whether drivers can be trained to slow down. He added that he had discussed with Staff the possibility of purchasing a number of these temporary devices and using them in other areas of the Town, such as El Mar Drive, where speeding occurs.

Commissioner Malkoon agreed with the suggestion of temporary speed humps as well, and asked that Staff review the study procedure, as it may need an update. He felt the current procedure subjects residents to an additional level of red tape.

Commissioner Malkoon made a motion, seconded by Commissioner Sokolow, to approve a temporary speed hump on Spanish River Drive. Motion carried 5-0.

13. NEW BUSINESS

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a. 4th of July Celebration (Judson Hopping, VFD / Debbie Hime, Special Events Manager)

Special Events Manager Debbie Hime advised that Staff, the Volunteer Fire Department (VFD), and BSO recommend holding the Fourth of July parade in 2021, although they do not recommend the usual “family fun day” event, as this would be a large public gathering. The fireworks display would be based at the vacant FDG lot, with an alternative location to be approved by the Fire Marshal.

All conditions and permitting required for this event are included in the Commissioners’ backup materials, including the following items for the Commission’s consideration:

- Consider selection of an event Chair
- Approve payment to the VFD for the services they provide
- Blocking of fireworks area to vehicular traffic

Staff also proposes that visitors’ and beachgoers’ cars not be parked on El Mar Drive’s median lanes during the day in order to reduce crowding.

VFD Chief Judson Hopping advised that the Fourth of July falls on a Sunday in 2021, and the Department will be willing to support whatever decisions the Commission may make about programming.

The Commissioners discussed the proposal, with Mayor Vincent stating that he did not object to any of the proposed events and was in favor of resuming family fun day as well. Commissioners Sokolow and Malkoon agreed as well. Mayor Vincent also volunteered to chair the event.

It was determined that signage advertising the event would be placed in Town neighborhoods, and parking would be permitted on El Mar Drive.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker to approve a full Fourth of July celebration including a parade, family fun day, and fireworks, with Mayor Vincent to act as Chair. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Vice Mayor Oldaker requested that residents take note of new signage at the Hibiscus Avenue/Bougainvillea Drive intersection and crosswalk.

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Commissioner Malkoon thanked Town Staff for their work during the pandemic and adherence to multiple regulations and emergency orders.

Mayor Vincent welcomed all back to Jarvis Hall.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- a. Ordinance 2021-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT SECTION 6-4 "STREET CLOSURES," SECTION 14.5-68 "EXCLUSION OF PUBLIC AREAS," SECTION 20-23 "DEFINITIONS" TO CHANGE REFERENCES OF THE "MUNICIPAL SERVICES DEPARTMENT" TO "PUBLIC WORKS DEPARTMENT"; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE (Neysa Herrera, Assistant to the Town Manager)

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

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

17. RESOLUTIONS – PUBLIC COMMENTS

None.

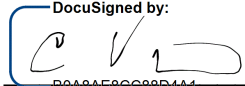
18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:28 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

6/10/2021

Date