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TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 26, 2022
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 Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Theo Poulopoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Development Services Director Jhanelle Campbell, and Special Events and Marketing Manager Debbie Hime.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Arbor Day Proclamation

Mayor Vincent read a Proclamation recognizing April 29, 2022 as Arbor Day. The Town will host a tree-planting ceremony on that day at the southeast corner of the Town's tennis courts beginning at 10 a.m.

Members of the Garden Club were present to accept the Proclamation.

6. PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

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Happy Vasil, resident, expressed concern with traffic on Seagrape Drive due to speeding and littering, and requested assistance from the Town.

Phil Vasil, resident, also stated his concerns with traffic on Seagrape Drive.

David Wessels, resident, also addressed traffic on Seagrape Drive, pointing out that most traffic on this street does not slow down where a speed hump is located. He added that a number of commercial vehicles also use this roadway, despite signage prohibiting this traffic. He recommended additional enforcement in the area.

Howard Goldberg, resident, stated that the Chamber of Commerce will request the waiver of a fee for events planned on May 3, 2022, during National Business Week. He added that the Chamber has entered into a partnership with the Canadian Chamber of Commerce.

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

7. PUBLIC SAFETY DISCUSSION

a. AMR March 2022 Report

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

b. VFD March 2022 Report

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

Mayor Vincent addressed the traffic concerns raised by residents of Seagrape Drive, including speeding, “cut-through” traffic, and the presence of commercial vehicles. Captain Tom Palmer of the Broward Sheriff’s Office (BSO) advised that over the past several years, the Town has twice requested that Broward County make the intersection of Seagrape Drive and Washingtonia Avenue a three-way stop; however, after conducting traffic surveys, the County has indicated that there was insufficient information to justify this change.

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Captain Palmer continued that the Town installed LED stop signs near this intersection, and BSO Staff conducts enforcement activities in this area. He advised that BSO will deploy measures in this area to determine speeds and will report this information back to the Town. Regarding commercial vehicles, he noted that Broward County states the prohibition of these trucks is not enforceable. He concluded that he would speak further with residents of this area.

Commissioner Oldaker requested that both North and South Seagrape Drive be investigated to determine what can be done about traffic. He also stated his concern that the traffic signs and measures the Town tries to implement on Commercial Boulevard are often ignored by drivers, and asked if patrols could be increased. Captain Palmer advised that there have been BSO Deputies assigned strictly to traffic enforcement on Commercial Boulevard when available. He added that he would discuss the addition of Deputies as part of the Town's upcoming budget conversations.

8. TOWN MANAGER REPORT

a. Town Manager Report for April 26, 2022

Town Manager Linda Connors asked the Commission to select a Chair to assist Staff with the upcoming Fourth of July and Veterans' Day events. It was decided that Commissioner Poulopoulos would assist with the Fourth of July and Commissioner Strauss would assist with Veterans' Day.

Town Manager Connors reported that the Chamber of Commerce has requested use of the Dune Plaza on May 3, 2022 from 2 p.m. to 6 p.m. to celebrate Small Business Week. She recommended the waiver of a special event application as well as a waiver of the fee. The Commission agreed to both waivers by unanimous consensus.

Town Manager Connors continued that meetings between Staff, residents, and Downtown businesses regarding the Downtown redesign have been successful. The next meetings are scheduled for the morning and evening of May 4, 2022. A Commission workshop will be scheduled for 6 p.m. on Monday, May 16, 2022 to discuss this issue further.

Town Manager Connors announced that in addition to the *Town Topics* digital e-blasts, the Town now has an official presence on Facebook, Twitter, and NextDoor. Residents will be able to sign up for this information on the Town's website within a few days.

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Town Manager Connors concluded that the positions of Assistant to the Town Manager and Special Events and Community Marketing Coordinator are now open.

Commissioner Oldaker asked if the Town has maintained its vacation rental map so it remains up-to-date. Development Services Director Jhanelle Campbell replied that this map was last updated in November 2021, although there is a more recent list of these properties.

Commissioner Oldaker explained that he has heard questions from residents due to the sale of houses in residential neighborhoods, many of which become vacation rental properties. Development Services Director Campbell confirmed that the Town has seen an increase in applications for these properties. She added that the map will be updated more frequently, as it now uses geographic information system (GIS) technology.

Commissioner Oldaker also requested an update on Terra Mar Island. Public Works Director Ken Rubach replied that he and the Town Manager will meet with Pompano Beach's Assistant City Manager to discuss this further.

Mayor Vincent requested a brief overview of recent vacation rental complaints. Development Services Director Campbell replied that the most common concern is renters who are on the property for fewer than seven days. Town Manager Connors added that because the Town is preempted from most regulation by the state, they may only require a minimum stay in single-family homes and town homes. Duplexes, triplexes, and quadruplexes may not regulate the length of stay, although there are maximum occupancy limits.

Mayor Vincent asked if figures are available showing the number of verified complaints regarding these properties. Development Services Director Campbell replied that once a complaint is received, Code Enforcement follows up on it, as this is a Commission priority. She offered to bring back these numbers at the next meeting.

Mayor Vincent cautioned all present that vacation rentals are an allowable business in Florida and must be treated as such unless they have violated Town Code. Town Manager Connors added that these properties, however, are required to meet the same standards for noise as other residents. She encouraged individuals who have experienced noise issues with any nearby properties to contact BSO on their non-emergency line immediately, even at night. If the property responsible for the violation is a vacation rental, BSO will ensure Code Enforcement receives a copy of the complaint report. If residents do not call Code Enforcement or BSO while the issue is occurring,

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there will be no evidence with which the property can be brought before the Special Magistrate.

Vice Mayor Malkoon commented that the purchasers of many vacation rentals are now corporations, and asked if there is anything in state law that would preempt the Town from limiting the number of properties owned by a single entity. Town Attorney Susan Trevarthen confirmed that hedge fund investment in vacation rentals is a growing trend. The Town may not regulate on the basis of ownership alone. She concluded that there is no clear solution that may be enacted through an Ordinance.

b. February 2022 Finance Report

Director of Finance and Budget Lucila Lang advised that the Town has submitted its American Rescue Plan Act funding report through April 30, 2022. She added that Conceptual Communications, acting in the capacity of Public Information Officer, has developed a donation request form, which is available online for use during the upcoming budget preparation process.

Commissioner Oldaker noted that during the month of March 2022, the Town realized nearly $360,000 in parking revenue.

c. Q1 2022 Visitor Center Report

Town Manager Connors advised that each month, a different Town Department will provide the Commission with a quarterly report. Next month the report will be presented by Development Services, followed by Public Works.

Special Events and Marketing Manager Debbie Hime provided a report from the Visitors Center, stating that this building can be a major asset for the Town. Additional analytics are also available on the DiscoverLBTS.com website.

9. TOWN ATTORNEY REPORT

Commissioner Poulopoulos requested an update on Senate Bill (SB) 620. Town Attorney Trevarthen replied that as of April 25, 2022, this bill has not yet been presented to the Governor for further action.

10. APPROVAL OF MINUTES

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None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Special Event Application for Coqui Surf Camp

It was clarified that this request is from a nonprofit organization which wishes to host a surf or paddleboard camp at El Prado Park and El Prado Beach for four weeks in June 2022, lasting from 8 a.m. to 2:30 p.m. Monday through Friday. The Town has conducted due diligence on this request. The event will include lifeguard training for camp counselors. It was noted that children crossing the street will be accompanied by a counselor. Because the entity is a nonprofit organization, the Town has the option to lower or waive the special event fee.

Craig Tolz, owner and coordinator of Coqui Surf Camp, explained that the camp will provide instruction for young campers learning to surf and paddleboard. They will learn about ocean safety, weather conditions, marine life, conservation, and coastal cleanup. Additional activities may include arts and crafts, music lessons, yoga, gymnastics, and martial arts.

It was clarified that trained lifeguards will be on hand throughout the extent of the camp. Mayor Vincent requested that the camp be mindful of nearby residences when using loudspeakers or other amplification.

At this time Mayor Vincent opened public comment.

Jerry Gruher, resident, advised that he is a volunteer at the camp, and hoped the event can be beneficial to the Town.

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

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The Commissioners determined by consensus to waive the special event fee for the camp.

Commissioner Poulopoulos made a motion, seconded by Commissioner Strauss, to approve and to waive the fee. Motion carried 5-0.

b. Authorize the Town Manager to Negotiate a Contract for the Purchase of the 4312 N. Ocean Drive Parking Lot

Public Works Director Rubach recalled that in 2015, the Town entered into an agreement with Flamingo East to develop a parking lot with cost sharing. The owner of the lot will receive 85% of the revenue, with the Town to receive the remaining 15%. 1/20th of the cost of the lease, approximately $208,000, will be used toward improving the land.

As the lot has become more commonly used in recent years, the property owner has approached the Town with regard to selling the parcel. Public Works Director Rubach explained that the Town's purchasing policy determines how property may be acquired. The first step requires appraisal of the property, followed by permission from the Town Commission for the Town Commission to negotiate further. The existing lease is set to expire in 2035, and the Town has two 10-year options to renew it. This would follow even if the current owner sells the property.

Mayor Vincent stated that he was in favor of acquisition of the property, noting that it is contiguous with other parcels owned by the Town and provides a substantial benefit. Commissioner Oldaker agreed, noting that other Town parking lots are currently at full capacity.

Commissioner Strauss clarified that the Commission is not voting to purchase the property at tonight's meeting, but to give the Town Manager the authority to negotiate. He was also in favor of the proposed purchase.

Vice Mayor Malkoon observed that the cost of land is becoming more expensive, and added that the revenue raised by the parcel would be used toward its purchase. Commissioner Poulopoulos agreed as well, requesting additional details on the negotiation process as it continues, including whether or not there are other offers on the table, as well as how the purchase would be financed.

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Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to authorize the Town Manager to negotiate a contract for the purchase of the property at 4312 N. Ocean Boulevard. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Poulopoulos stated that he had recently walked Terra Mar Drive following the discussion at the previous Commission meeting, and had noticed the traffic safety issues reported by residents. While he was not certain that this experience justified the cost of implementing a sidewalk, he felt steps should be taken to improve safety, as there is significant pedestrian activity. He suggested that the addition of hedges on the corner between A1A and Terra Mar Drive could prevent vehicles from driving over the curb to make a right turn onto the roadway.

Commissioner Oldaker advised that the Town should address similar safety issues on Hibiscus Drive between Bougainvillea Drive and Seagrape Drive.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

a. **Resolution 2022-17 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

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

Town Attorney Trevarthen recalled that this Item was carried over from the April 12, 2022 Agenda.

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Commissioner Oldaker commented that it may be appropriate to have the parties in charge of public safety contracts be present at least on a quarterly basis to present the reports. He also requested clarification of whether Resolutions moved under the heading of Consent Agenda would still be read into the record. Town Attorney Trevarthen replied that this would not be necessary for Consent Resolutions, although if one of these Items is pulled for additional discussion, its title would be read.

Commissioner Strauss addressed the possibility of providing a single representative speaker with 10 minutes on an Item rather than having testimony offered by multiple representatives, suggesting that this be limited to occasions where three or more representatives are present. He also spoke in favor of the proposal to revise Code to allow for use of email notices.

Town Attorney Trevarthen clarified that a group providing testimony would receive the sum total of their shared time; if more than three representatives of a group will speak, the total testimony would be limited to 10 minutes unless the Mayor approves a longer time period.

Mayor Vincent observed that in the past, motions have not been read back to the public by the Town Clerk after their adoption unless requested by a member of the Commission. This procedure would be formally deleted as part of the proposed changes. He pointed out that Commissioners will still have the opportunity to request that a motion be read back prior to a vote in order to ensure clarity on its language. Town Attorney Trevarthen encouraged that this be done in the future if there are any questions regarding a motion's language prior to a vote.

Mayor Vincent advised that he had worked with Town Manager Connors and Town Attorney Trevarthen on other small language amendments to the procedures.

Commissioner Oldaker made a motion, seconded by Commissioner Poulopoulos, to approve with the addition of having the public safety Captains show up quarterly, as well as providing notice for special meetings via email. Motion carried 5-0.

b. Resolution 2022-18 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING POLICIES FOR THE USE OF THE TOWN'S OCEAN AND DUNE PLAZAS AND BEACH PAVILION BY ENTITIES OTHER THAN THE TOWN.

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At this time Mayor Vincent opened public comment.

Bill Ciani, resident, advised that he had measured the Beach Pavilion and determined that the width of the gateway to the beach is 71 ft. One restaurant is currently using 27 ft. on one side, and he presumed the other restaurant will use the same dimensions on the opposite side, leaving a 17 ft. space for beach access.

Ann Marchetti, resident, stated that she represented the Aruba Beach Café and Anglin's Pier restaurants. Both entities agreed with the Town Manager's memo on this topic; however, she noted that the diagrams provided in the Commissioners' backup materials are not consistent with the current configuration of the Plaza as used by the Aruba Beach Café. She noted that both residents and visitors seem satisfied with the existing boundaries, and asked for a minimum of two weeks' notice if the space currently used by the Café were to be reduced by any amount.

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

Town Manager Connors recalled that during the height of the COVID-19 pandemic, the Town opened its Ocean Plaza to allow its use by the adjacent Aruba Beach Café and Anglin's Pier restaurants. The Commission has been asked to continue to allow use of the Plaza by the two restaurants.

In January 2022, the Commission directed Staff to amend the existing policies for the use of Ocean Plaza, the Beach Pavilion, and Dune Plaza. Staff reviewed the existing procedures, which provided for use only four times a year by businesses, and amended these to allow adjacent property owners to use a portion of the Plaza for dining.

Many of the terms included in the new policy are similar to those used for sidewalk café policy. The Town Manager has worked closely with the management of the two affected restaurants, and has also spoken with their ownership to ensure they are comfortable with the language presented.

One question discussed at the April 12, 2022 meeting addressed fees for both the Plaza and sidewalk cafés, as the sidewalk café fees had not been revisited in several years. The Commissioners had asked if these costs could be reconsidered along with the costs associated with use of the Plaza. Staff recommends language regarding fees that would tie these fees to a Resolution approved by the Commission, which will be

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considered during summer 2022 following additional discussion with sidewalk café owners.

If the Commission votes to continue allowing the use of the Plaza by the Aruba Beach Café and Anglin's Pier, Staff recommends holding these fees until the reconfiguration of the Plaza and the Downtown are complete.

The question before the Commission at tonight's meeting is whether or not they wish to allow the restaurants to continue using the Plaza, and if so, in what configuration. There are three alternatives for this continued use, two of which are reflected in the Commissioners' backup materials. The alternatives are as follows:

- Placing the gate immediately behind the pillar at the Plaza entrance, which is the existing configuration; the table layout would remain similar as well
- Aligning the area with the palm trees on the outside of the Plaza, which would require removing one row of seating along the gate
- Moving the gates at the rear of the palm trees, which would require the removal of two full rows from the seating area

A fourth proposal that may be considered is no continued use of the Plaza.

Commissioner Strauss requested clarification of what Exhibits 3 and 4 in the backup materials would look like. Town Manager Connors replied that Exhibit 3 would remove one row of tables, while Exhibit 4 represents the existing conditions.

Commissioner Strauss also pointed out that whatever version is approved by the Commission, it will be reviewed annually, using some of the same criteria used for approval of sidewalk cafés. The Town will also remain able to use the area for special events.

Mayor Vincent commented that he had expected to see more explicit versions of the proposed configurations for the Commission's consideration. The lack of these visuals made it difficult for him to vote on the proposals. He strongly emphasized the importance of having a plan to go forward, and recalled that the intent of this discussion is to identify the best possible design that will benefit the Town as well as both restaurants. He recommended a more creative design reflecting what the finished product might look like before voting on square footage.

Mayor Vincent also addressed the concern regarding the gateway to the beach raised during public comment, pointing out that this opening will continue to exist. He felt,

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however, that there should be other options and ideas clearly presented for consideration.

Commissioner Oldaker stated that many Town residents are not aware that the discussion of continued outdoor dining in the Plaza is underway, and he wished to ensure that these residents have the opportunity to provide comments on the proposal. He noted that they may attend the upcoming community meeting or reach out to Commissioners or Town Staff in order to give input before a decision is made. Mayor Vincent observed that there have already been a number of public meetings, and reiterated that he wanted to vote on a more detailed proposal for the subject area.

Vice Mayor Malkoon stated that he had also received calls from members of the community on this topic, and pointed out that there are a number of residents who do not wish to see public space used for private business. He reiterated his position from the April 12, 2022 meeting, which recommends preserving public space, particularly on the oceanfront. The specific designs presented did not change his position.

Commissioner Poulopoulos advised that he would need to abstain from voting upon this Item due to a conflict. He noted, however, that there should be some type of partnership between the Town and the businesses in question, and recognized the value of outdoor seating for restaurants. He asserted that if the Plaza space is to be used by the two restaurants, he would like to see a design that complements the Pavilion.

Commissioner Strauss observed that he also felt the issue of allowing the restaurants to use the Plaza had already been decided, as it has been discussed for months. He cautioned against the use of barriers or metal fences that would separate the Plaza into portions, as it would be difficult to clear these barriers when the Pavilion is used for special events.

Town Manager Connors suggested that in order to provide more detailed renderings, the Town's consultant should become more involved in the design of the space. She recommended postponing further discussion of this Item until the second meeting in May, as the first May meeting will include a number of Ordinances proposed by the Development Services Department. This would allow the consultant time to provide the design.

Town Manager Connors also requested that in the interim between discussions of this Item, the Commission determine whether or not to allow the use of the Plaza to continue until a final decision is made.

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Commissioner Poulopoulos commented that he was under the impression the Commission had already voted to allow the continued use of the Plazas by the restaurants. He requested clarification of whether or not this has been decided. Town Manager Connors replied that no decision has been made on the policy thus far. She recalled that at the January 23, 2022 meeting, the Commission had asked Staff to bring back an amendment so the Commission may vote on whether or not to amend this policy and allow use of the Plaza by businesses for more than four nights per year. She concluded that the Commission had voted to bring back this policy for a decision.

Mayor Vincent stated that his understanding was that the Commission has already voted to allow the use of the Plaza. Town Manager Connors replied that the Commission had discussed whether or not to continue with outdoor use, and asked Staff to bring back the policy. Mayor Vincent asserted that while there has been no vote thus far on the policy, the Commission had agreed to allow the use.

Town Manager Connors recalled that a good deal of information had been presented as part of the policy, and the Commission had indicated that they wished to consider whether or not to move forward with a change. Mayor Vincent asked why the policy was brought back if the Commission had not wished to vote on the use of the Plaza.

Vice Mayor Malkoon noted that the existing policy currently does not allow use of the Plaza by the businesses, which was why an amended policy must come back to the Commission for a vote. Mayor Vincent stated that the consensus had been to allow the Plaza to be used. He felt if the Commission had been adamant about not allowing use of the Plaza by the restaurants, they would not have asked that the policy be brought forward to discuss changes to it.

Vice Mayor Malkoon described the Commission’s decision as wishing to explore a change in policy rather than voting to change the policy. Mayor Vincent advised that the Commission had agreed to discuss the change to policy.

Peggy Mohler, owner of the Aruba Beach Café, stated that both the April 12 meeting and tonight’s meeting had been confusing. She expressed frustration with the lack of a a decision on how to move forward.

Ann Marchetti, resident, stated that while the Town has been supportive of its businesses throughout the COVID-19 pandemic, she felt what they are being put through at present is unreasonable. She recalled that she had provided the results of a

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survey of residents and visitors at a previous Commission meeting which reflected that 98% of respondents were in favor of continued use of public space for outdoor dining.

Town Attorney Trevarthen advised that the minutes of the January 25, 2022 meeting reflect extensive discussion of the Ocean Plaza with multiple points of view. A motion was made by Commissioner Strauss at that meeting, and seconded by former Commissioner Elliot Sokolow, to move forward with the proposed plan. It was also noted that the Town Manager had confirmed Staff could bring back a Resolution addressing policy changes, based on the Commissioners' input.

Town Manager Connors explained that she had spoken about this issue with Ms. Mohler on a number of occasions, as Ms. Mohler had indicated. Because there was some question of the dimensions as they were drawn on a computer, she had asked Town Engineer Jay Flynn to assist her in calculating the square footage. She and Town Engineer Flynn had made these measurements, which differed from the numbers provided by Aruba Beach Café as well as from the numbers in the computer rendering.

Town Manager Connors continued that she had then spoken with Ms. Mohler to determine three options for the proposed configuration, which included measurements from the knee wall, the outside of the tree, and the inside of the tree. She pointed out that voting "no" on these options constituted a fourth option. She also noted that the Commissioners may vote against making any amendments to the policy, to change the policy to reflect the existing configuration, or for either of the two remaining options on either the outside or inside of a palm tree. She characterized this as a temporary measure, which was why no elaborate designs had been discussed regarding the use of the space for outdoor dining.

Town Manager Connors added that she had spoken with Ms. Mohler about the possibility of using planters similar to those in the Dune Plaza as a barrier to the walkway. Ms. Mohler had recommended against this, and the Town Manager had agreed with this assessment. They also discussed the planters being used on the Aruba Beach Café's boundary, which are low in height. Town Manager Connors recalled that she had discussed this option with Commissioner Strauss, who recommended that if this type of planter was used, it should be higher so it does not constitute a trip hazard.

Another option for a barrier is the fencing currently used by Aruba Beach Café. Town Manager Connors noted that neither the Café's ownership nor Town Staff felt these would be appropriate, and that one recommended alternative is a covering for this fencing, although it was not available at this time. She pointed out that in order to

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maximize the space available for tables, the most appropriate configuration would be “a straight line with some minimal, movable barrier.”

Because there had been a difference in the square footage calculations, Town Manager Connors added that she had discussed this issue with Ms. Mohler and agreed on the location of the proposed fencing. They also agreed that they would measure the proposed square footage together. The only remaining issue to be discussed was the cost, which both parties agreed to talk about further when the sidewalk café fees for other businesses are addressed.

Town Manager Connors continued that there were no plans or discussions at the previous meetings suggesting the need for a more elaborate design. She has received one phone call from a resident who opposed the reconfiguration of the Plaza, and has spoken in person with another resident who opposed the plans. She concluded that over the last three weeks, the Town has worked to get more residents involved through email notification.

If the Commission elects not to proceed with any of the proposed policy changes, the Town would continue to follow its current policy regarding use of the Plaza, which limits the use of Plaza dining to four times per year.

Mayor Vincent observed that there should have been sufficient time to discuss different designs for the placement of tables with both restaurants. He stated again that he was displeased with what was presented to the Commission for a vote at tonight’s meeting, and that more information should have been provided, such as a floor plan. Town Manager Connors pointed out that floor plans are not required for sidewalk café areas, and that the vote to use parking spaces to expand sidewalk café dining had not required a policy change.

Town Attorney Trevarthen clarified that current policy allows the use of the Plaza four times per year. The current use was established through COVID-19 emergency orders, followed by Resolutions that recognized the extraordinary circumstances made necessary during recovery from the pandemic. These actions were the basis for allowing the current use of Plaza space: it has not gone through the policy change process. When the Commission requests a change to a Resolution, Staff brings back a written Resolution for Commission review, which must be voted upon.

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Town Attorney Trevarthen concluded that in January 2022, the Commissioners had endorsed bringing back an updated Resolution, which has been brought before them tonight for consideration.

Mayor Vincent suggested that the Commission may amend the proposed Resolution in order to require more specific design for the use of the Plaza by the restaurants. Town Attorney Trevarthen confirmed that the Commission may make "any number of amendments" to the proposed Resolution. If they wish to consider the Item further, they may also vote to defer the Resolution until more detailed visuals are provided.

Commissioner Strauss made a motion to adopt the policy changes as written in the proposed Ordinance.

Mayor Vincent ceded the gavel to Vice Mayor Malkoon at this time.

Mayor Vincent seconded the motion.

Commissioner Strauss **restated** his **motion** as follows: **motion to adopt Resolution 2022-18 as stated, with accompanying exhibits.**

Town Manager Connors noted that the Resolution includes a blank space in which the size of the area to be used could be inserted. She requested that the Commission provide Staff with direction on the size of the Plaza area.

Mayor Vincent noted that the additional detail he would like to see would include a floor plan for the use of tables. Town Manager Connors replied that Staff would bring back a floor plan with three options: one with seating at the knee wall, one with seating at the outer edge of the first row of palm trees, and one with seating at the inner edge of the first row of palm trees. The Commissioners agreed by consensus that the drawings should reflect these configurations.

Town Attorney Trevarthen recalled that the Resolution was originally written to state "up to one-third of the area of the Ocean Plaza;" however, the actual amount of space has yet to be determined. She recommended that this not be left blank. Commissioner Strauss stated that he would like the phrase "up to one-third" to remain. Town Attorney Trevarthen advised that this language can be amended at a later time if that is the Commission's wish.

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Town Attorney Trevarthen stated that the **motion** on the table would adopt Resolution 2022-18 as it appears in the backup materials, with the addition of the words “one-third” in the blank in Section 1B, and with separate direction to bring back layouts for what the configuration might look like.

Commissioner Oldaker reiterated that his concern, as previously indicated, was for more community input on this issue. He recalled that Staff meetings with the business community had been well-attended, while the community meeting had had significantly lower attendance.

Mayor Vincent referred to the survey results provided by Ms. Marchetti at a previous meeting as public input. He pointed out the volume of responses received had been significant, and was not certain how much more could be done to stimulate public input. Commissioner Oldaker continued that there are residents who are totally unaware of the ongoing discussion, and requested that more time be taken to discuss this issue.

Commissioner Strauss reiterated that the Commission already voted to move forward on this issue at their January 25, 2022 meeting after several months of discussion and community involvement.

Motion failed.

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 9:07 p.m.

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Mayor Chris Vincent

ATTEST:

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Katrina Adler
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5/31/2022

Town Clerk

Date

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Pariopoulos - Theophilos - George	Lauderdale-by-the-Sea Commission
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
1460 S. Ocean Blvd. #403	☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
Lauderdale-by-the-Sea / Broward	Lauderdale-by-the-Sea
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
04/26/2022	☑ ELECTIVE ☐ APPOINTIVE

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).

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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.

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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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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, Theophilos George Poutopalos, hereby disclose that on April 26th, 20 22:

(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 Marchelos;

___ 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:

Resolution 2022-18 - Adopting Policies for the use of the Town's Ocean Plaza by Entities other than the Town. I abstained from voting on this resolution on April 26, 2022. One of the parties seeking permission to use the Town's Ocean Plaza is Anglin's Beach Café, LLC which is owned by my father-in-law, Spiro Marchelos. My relationship with Anglin's Beach Café, LLC was previously been disclosed to the Town Attorney and Town Manager.

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.

04/26/2022
Date Filed

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.