



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 25, 2023
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:32 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Assistant to the Town Manager Courtney Easley, Director of Budget and Finance Lucila Lang, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. U.S. Small Business Administration Presentation

Timothy Watson, Public Affairs Specialist for the U.S. Small Business Administration (SBA), provided information about the Economic Injury Disaster Loan for small businesses and nonprofit organizations. The deadline for application for this loan is June 29, 2023 for Hurricane Ian and September 23, 2023 for Hurricane Nicole. He will ensure that Town Staff has all relevant information and documentation related to these loans.

Mr. Watson explained that Economic Injury Disaster Loans (IEDLs) have an interest rate of approximately 3.04% for businesses and 1.875% for nonprofits. Qualifying entities may receive up to \$2 million in funding. He plans to work with local Chambers of Commerce and similar organizations to spread the word about these loans, which will have zero

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

interest for up to 12 months. No collateral will be requested of loan recipients receiving \$25,000 or less.

The SBA coordinates its efforts with the Federal Emergency Management Agency (FEMA) in some counties, helping to operate disaster recovery centers. While there are none of these centers in Broward County, SBA staff can process loans and provide updates.

The SBA also offers Physical Damage Loans, for which the January 12, 2023 deadline and its 30-day extension period have already passed. Individuals who are applying for this loan at present would need to provide an explanation of why they missed this deadline in order for their application to be processed.

Commissioner Oldaker asked if events such as the recent flooding in Fort Lauderdale provide opportunities for SBA loans. Mr. Watson replied that he would look into the possibility of loans addressing flooding, pointing out that different organizations, such as the SBA and FEMA, can provide different types of funding.

Commissioner Oldaker asked if residential businesses, including hospitality and rental properties as well as small “mom-and-pop” businesses, may qualify for these loans. Mr. Watson replied that all businesses and nonprofits can qualify if their paperwork is complete, their credit history is sound, and they can repay the loan.

Mayor Vincent recalled that the SBA also offered IEDL loans at an interest rate of 3.75% during the height of the COVID-19 pandemic, as well as a program that offered forgiveness of these loans. Mr. Watson confirmed that some of these loans were forgiven during the pandemic, although the forgiveness program came to an end. This is not yet an option for the two hurricanes, although he planned to raise the topic of possible forgiveness with SBA directors. He concluded that he would forward additional information to the Mayor and Commissioners.

6. PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, expressed concern with the Town’s subsidy of Circuit service. She also addressed future discussions of the Town’s budget, recalling that some residents had not agreed with the items removed from the fiscal year (FY) 2022-2023 budget in order to lower the Town’s millage rate.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

Paulie Mangiardi, resident, addressed the Town's payment structure for sidewalk cafés, recalling that there had been some miscommunication regarding the time frame for the 2023 payment. He had been informed that the account would have to go into collections and payments made through that entity before re-applying for the permit. He was concerned with this procedure, which would require the removal of his sidewalk café in the meantime.

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

7. PUBLIC SAFETY DISCUSSION

a. AMR March Report

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

b. BSO March Report

Broward Sheriff's Office (BSO) Captain Tom Palmer recognized Deputy of the Month Ben Koos for his investigation of thefts and arrest of suspects.

Captain Palmer also reminded all present that BSO will hold a Senior Seminar from 12 p.m. to 3 p.m. on April 26, 2023 in Jarvis Hall.

Commissioner Oldaker asked if the current trend toward theft of catalytic converters targeted specific vehicles. Captain Palmer replied that commonly targeted vehicles include Mitsubishis, particularly the Outlander. He added that these thefts are trending nationwide. Prevention measures are available, although they can be expensive. He also urged the public not to store key fobs in their vehicles.

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

c. VFD March Report

Volunteer Fire Department (VFD) Chief Judson Hopping advised that the Fort Lauderdale Air and Sea Show is scheduled for Saturday and Sunday, April 29-30, 2023.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

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

8. TOWN MANAGER REPORT

a. Town Manager Report for April 25, 2023

Mayor Vincent requested that the cost of subsidizing Circuit service be addressed during the Town Manager Report. Town Manager Linda Connors explained that the total budgeted cost of Circuit is just over \$200,000, although the final cost may be less, as it has not operated for the entire fiscal year. Circuit is available seven days per week and offers more hours than the Broward County shuttle program.

Town Manager Connors continued that the former Pelican Hopper service was covered by a Broward County surtax grant. The Town hopes to identify grant funds in FY 2023-2024 which will cover Circuit service and has already submitted one grant application for this purpose. The Town will also reach out to Broward County and request that they provide the surtax money not used for the Pelican Hopper toward Circuit service. She noted that the County is considering a potential microtransit scenario that could begin at the end of the current calendar year.

Town Manager Connors stated that the company that provides drivers for the Pelican Hopper has informed the Town that they cannot provide drivers at the contracted rate. The Town had previously “piggybacked” on a contract which is coming to an end and will not be renewed. The Pelican Hopper is also limited in its hours and days of operation, and can take up to one hour to make its loop of the Town. These are all reasons why the Town has moved forward with Circuit.

Mayor Vincent observed that Circuit provides better service to Town residents and visitors, as it can pick up passengers at specific locations rather than at bus stops. Town Manager Connors also noted that Circuit offers vehicles that are compliant with the Americans with Disabilities Act (ADA) upon request in its mobile app. It also provides “wave-and-ride” service and is accessible by telephone for individuals who do not use smartphones.

Vice Mayor Malkoon recalled that prior to Broward County surtax funding, the Town had paid for the Pelican Hopper service. He hoped that the County would be responsive to microtransit options, which are also being considered by other Broward communities.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

Town Manager Connors also addressed Mr. Mangiardi's concerns raised in public comment, recalling that during the COVID-19 pandemic, the Commission voted against collecting sidewalk café fees for just under two years. When these fees were renewed, she had informed businesses via mail that the Town would once more collect the fees. Letters were sent in January 2023, stating that the bill would be due by March 31. Another letter was sent in March as well, as there were several businesses whose sidewalk café fees were in arrears. Thus far, only four have not paid their fees and have been given until the end of the current week.

Town Manager Connors continued that if payment is not made, it is the Town's policy that they will remove sidewalk café furniture unless the business chooses to remove it themselves. If the Town removes the furniture, they will charge removal, delivery, and storage fees. She also recalled that the Commission recently increased the Town's ability to use collection services for garbage and sidewalk café accounts in addition to parking.

Mayor Vincent asked when Mr. Mangiardi had been notified of the amount he owed for his sidewalk café. Development Services Director Jhanelle Campbell replied that the restaurant in question was already one fiscal year behind on its payment. The Town received this payment for FY 2022 in March 2023. The invoices sent out in March 2023 were for FY 2023. Code offers the option of quarterly payment, and the bill Mr. Mangiardi had received was for three quarters of FY 2023.

Development Services Director Campbell further clarified that one other restaurant has reached out to Town Staff regarding their payment. The Town has not heard from the remaining two restaurants which have not paid.

Mayor Vincent asked if there are any options the Town can offer to afford the business more time. It was determined that payments may be made over the next two weeks prior to the May 9, 2023 Commission meeting by all of the restaurants which currently owe sidewalk café fees.

Town Manager Connors advised that Staff is working to transition the Town's communications from Granicus to Civic Plus, which should be ready for launch in June 2023. This is expected to be a more user-friendly format.

A water main break occurred on Tradewinds Avenue, resulting in impacts to the storm sewer in that area. Emergency repairs were made at a cost of \$48,250. Town Manager Connors recognized Man-Con, Inc. for their responsiveness to this emergency.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

Town Manager Connors continued that a number of community events are coming to an end along with the tourist season. These include Yoga-By-The-Sea, which ends on April 27, 2023; Dancing-By-The-Sea, which ends on May 28; and the Farmers Market, which ends on May 7. The final Friday Night Music event will be held on May 19, 2023. She encouraged residents to take advantage of these seasonal events before they come to an end.

b. Q1 2023 Visitor Center Quarterly Report

Assistant to the Town Manager Courtney Easley stated that within the last quarter, an updated Town brochure has been produced. Businesses may pick up these brochures at the Visitor Center or they can be delivered to the businesses. They will also be available at Town Hall and at Town events such as the Farmers Market.

In January 2023, the Visitor Center began opening for Saturday hours from 9 a.m. to 12 p.m. Since that time, they have averaged approximately 13 visitors per Saturday. There has been a 16% increase in walk-in visitors from the previous quarter to the current quarter, as well as an increase in new international travelers.

Mayor Vincent asked if Staff has compared the Visitors Center numbers from the time before the Center was staffed by the Town. Assistant to the Town Manager Easley replied that this has not yet been done, but there are plans to compare current numbers with pre- and post-COVID-19 numbers. Data collection is underway.

c. February 2023 Finance Report

Director of Budget and Finance Lucila Lang recalled that in the past, she was asked to include the Fund Balance in the Finance Report. This will begin next month. She also noted that a report on American Rescue Plan Act (ARPA) funding has been completed. The two items for which the Town plans to use these funds are the Downtown refurbishment and Codrington Drive projects.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that there are potentially problematic bills under discussion in the Florida Legislature, although she noted that it is typically unlikely for bills to move forward if they have not already done so by this point in the Legislative Session.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

10. APPROVAL OF MINUTES

a. 4-11-23 Regular Town Commission Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Marine Structures Discussion

Development Services Director Campbell recalled that the Commission had directed Staff to review Town Code in order to compare the Town's marine regulations with those of other jurisdictions. The result was Ordinance 2022-02, which clarifies definitions, removes duplicative terms, and distinguishes between waterways over and under 100 ft. in width.

While the Ordinance addresses docks, it did not address other marine structures in the waterway. Town Staff has determined that many of the Town's regulations for these structures are more restrictive than those of other communities. They also are not consistent with U.S. Army Corps of Engineers or Broward County Department of Environmental Protection (DEP) regulations. Staff noted that there are a number of existing waterway structures which do not conform to Town Code, and requests direction regarding whether or not to conduct additional research and bring back an Ordinance to address these structures.

Mayor Vincent asked if the structures in question are exempt from legal nonconforming status, as well as whether or not they constitute a danger. Development Services Director Campbell replied that they are not dangerous, referring the Commissioners to a channel survey, Exhibit 2, included in their backup materials. There are a number of boats and structures which currently extend into the navigable waterway. The Town has adopted a navigational channel of 40% of the waterway. Many other municipalities have a navigable area of 25% of the waterway.

Town Attorney Trevarthen pointed out that part of the Town's definition of the navigable channel is specific to Lauderdale-By-The-Sea, as it addressed partition of the marina.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

The general measurements of the channel, however, may be revisited if it is the Commission's desire.

Commissioner Strauss commented that there are two issues related to this Item: the Town's interior canals as well as the Intracoastal Waterway itself. He noted that a percentage of the waterway as a navigable channel is the norm, measured from the property line rather than the wet face of the seawall.

Commissioner Strauss recommended that the Commission also consider the extension of boat lifts past the 15 ft. seawalls on the Intracoastal Waterway, noting that the width of this waterway makes it unlikely that structures 15 ft. into the waterway would have significant effect.

Mayor Vincent asked if there are times in which the property line runs at an angle to the seawall, which could affect the measurement. Commissioner Strauss agreed that the Commission will need to make a decision on whether to measure from the seawall or from the property line.

Tyler Chappell, consultant, recommended the use of the property line for measurement, as the seawall can encroach into the waterway. If a property line and seawall are not aligned, a dock can be placed at an angle to provide a straight-line effect.

Town Manager Connors stated that if the Commission directs Staff to proceed, these details will be fleshed out further as part of an Ordinance, which would go before the Planning and Zoning Board and then to the Commission.

Commissioner Oldaker asked if the proposed Ordinance would have any effect on the uses permitted behind residential properties, or if these would remain the same. Development Services Director Campbell replied that Staff's intent was to address only marine structures. Commissioner Oldaker advised that he would like Code to also address the types of commercial vessels that may be docked behind residential properties, as most of the Town's canals are residential. He noted that there are some visible commercial vessels already docked behind some residences, and pointed out that commercial vehicles are not permitted to be docked in front of homes.

Commissioner Strauss pointed out that there are commercial boats docked in the marina basin which do not operate their business at that location, and that storing a commercial boat behind a residence does not necessarily mean the business is being operated from that residence. He did not feel this should be prohibited. Commissioner Oldaker offered

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

the example of a vehicle advertising a business, which cannot be parked in front of that individual's residence.

Mayor Vincent recommended that this issue be separated from the discussion of marine structures and brought back separately if the Commission wishes to further address the docking of commercial vessels.

Vice Mayor Malkoon observed that Town Code states watercraft docked on any Town canal or waterway may be used as a place to conduct business or professional services. Development Services Director Campbell explained that doing business on a boat, such as a charter, is not the same: charter boats do not conduct their business from the marina, but park their boats there when business is done. This could also be said of commercial boats docked behind a residential property.

The Commissioners agreed by unanimous consensus to direct Staff to proceed with an Ordinance addressing marine structures.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

None.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2023-19 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT FOR A SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

**COUNTY, FLORIDA; PROVIDING FOR EXECUTION,
IMPLEMENTATION, AND FOR AN EFFECTIVE DATE.**

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

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

- b. Resolution 2023-20 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AMENDMENT TO MEMORANDUM OF POST CLOSING PAYMENTS FOR THE REAL PROPERTY LOCATED AT 4312 N. OCEAN DRIVE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE AGREEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.**

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

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

- c. Resolution 2023-21 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A WORK AUTHORIZATION WITH STATE CONTRACTING & ENGINEERING CORPORATION FOR PRE-CONSTRUCTION SERVICES FOR THE DOWNTOWN ENHANCEMENT PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, requested that the Commission discuss traffic in relation to this project, as well as signage informing the public that Downtown businesses and restaurants will remain open during construction. She also recommended regular updates on the progress of the Downtown project.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
April 25, 2023

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

Town Manager Connors stated that Staff has already begun outreach via Conceptual Communications, which is preparing a campaign so the public will be aware of what is happening in the Downtown area. It is premature to begin this campaign, however, until State Contracting and Engineering has put together a plan, including a construction timeline. State Contracting will also provide a Maintenance of Transportation (MOT) plan. Once a plan is in place, Staff will meet with the businesses to let them know what is planned and to hear any feedback.

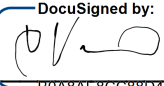
Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

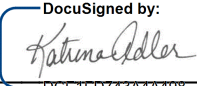
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:52 p.m.

DocuSigned by:

B0A8AE8CC88D4A1...

Mayor Chris Vincent

ATTEST:

DocuSigned by:

DCE1FD743A4A498...

Town Clerk

5/11/2023 | 5:54 AM PDT

Date