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TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, April 12, 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 Alfred "Buz" Oldaker, Commissioner Edmund Malkoon, Commissioner Theo Poulopoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Development Services Director Jhanelle Campbell, and Special Events and Marketing Manager Debbie Hime.

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

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

John Graziano, resident, stated that residents of Terra Mar Island would like the Town to continue discussions with Pompano Beach on providing additional safety measures to Terra Mar Drive between A1A and the bridge. He felt the two municipalities should be able to reach an agreement to add features that would increase safety.

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Ronald Rupp, resident, suggested that Pompano Beach consider adding yellow lines to Terra Mar Drive to designate a sidewalk area, and add a speed bump to control traffic. He expressed concern that pedestrians would continue to walk in the street.

Jon Haselton, resident, stated that while he had originally been in favor of adding a sidewalk on Terra Mar Drive, he was now in favor of painted lines to designate a pedestrian area.

Bill Ciani, resident, advised that he wished to reverse his earlier position on maintaining parking spaces in front of his tenant businesses in the Downtown area. He would like this area to be part of other Town plans for continued outdoor dining, as he plans to bring a restaurant into one of these properties.

Karen Sylvester, resident, confirmed that the current pedestrian environment on Terra Mar Island is unsafe, and she would like to see a sidewalk installed there.

Richard Malfitano, representing the Manor Club condominium, stated that 100% of this membership has voted in favor of adding a sidewalk on Terra Mar Drive due to safety concerns.

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

7. PUBLIC SAFETY DISCUSSION

a. BSO March 2022

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Detective Danny Mursell and Detective Glenn Genovese as Deputies of the Month for March 2022.

Vice Mayor Oldaker noted the occurrence of unsafe driving practices at a number of locations on Commercial Boulevard, and pointed that he had not seen a BSO presence on this roadway in some time. Capt. Palmer replied that a Deputy had issued multiple citations for speeding on Commercial Boulevard the previous day. He cited additional locations in Town where dangerous driving occurs, and concluded that BSO will continue to address this issue.

Mayor Vincent commented that he had noticed a number of ride-sharing pick-ups and drop-offs on the sidewalk in the Downtown area north of Commercial Boulevard, and

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expressed concern that ride-sharing services should be put on notice to discontinue this practice. Capt. Palmer stated that he has witnessed this activity as well, and suggested that the Town may wish to consider designating pick-up and drop-off locations or taking steps to close off dangerous areas.

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

8. TOWN MANAGER REPORT

a. Town Manager Report for April 12, 2022

Town Manager Linda Connors addressed the Downtown redesign, stating that the Town has hired consultant Hugh Johnson to participate in this process and has scheduled community meetings on April 20 and May 4, 2022, at 6 p.m. in Jarvis Hall. A Commission workshop has been scheduled for May 17, and the project will be brought forward to the Commission at their June 7 meeting. The Town will issue a blast email to residents and will meet separately with affected businesses.

Town Manager Connors recalled that resident Bill Ciani had requested that the Town reconsider the use of the parking spaces in front of his property on Ocean Drive, as stated during Public Comment. She requested direction on whether or not this should be added to the April 26, 2022 Commission Agenda for further discussion. There was Commission consensus to develop design options both with and without these additional spaces with consultant Hugh Johnson.

Town Manager Connors continued that she had included the Town Commission meeting calendar in the backup materials, as she would like to ensure this information is posted on the Town's website. Normally one meeting is eliminated in the months of August, November, and December due to summer and holiday breaks.

Commissioner Strauss pointed out that the May 4 community meeting is scheduled at the same time as a Planning and Zoning Board meeting. Town Manager Connors replied that Development Services Director Jhanelle Campbell plans to move the Planning and Zoning Board meeting to the following week.

Commissioner Poulopoulos noted that he had a scheduling conflict with the April 20 Downtown redesign meeting, which he wished to attend. There was consensus to move this meeting date to April 19.

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There was Commission consensus to proceed with single monthly meetings in the months of November and December, with a decision to be made regarding the August meeting(s) closer to that month.

Town Manager Connors continued that the Town's parking meters now accept American Express. Staff is now working to ensure this payment is also accepted at Town Hall. They have also worked closely with Conceptual Communications, which was hired to provide the Town's Public Information Officer (PIO) services. Thus far, blast emails have been sent out in advance of today's Commission meeting, and Conceptual Communications has drafted an edition of *Town Topics*. The Town will have social media accounts on the NextDoor, Facebook, and Twitter platforms, and Staff is working to finalize a social media policy. Residents may visit the Town website to register for updates on different issues.

The Town is updating its comprehensive Emergency Management Plan with consultant Whitt O'Brien, which will perform this update at just under $15,000, or less than half the budgeted amount.

The Broward League of Cities' 65th Annual Gala is scheduled for May 13, 2022. The Town has budgeted a donation of $5000 for this event. There was Commission consensus to proceed with this amount.

The Town is seeking volunteer applications for Visitors Center staff. The facility's hours of operation are currently 9 a.m. to 4 p.m.

Assistant to the Town Manager Neysa Herrera has tendered her resignation. Town Manager Connors thanked her for her assistance.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. Approval of Minutes: March 22, 2022 Special Town Commission Meeting & March 22, 2022 Town Commission Meeting

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

11. CONSENT AGENDA

a. Special Event Application from Even Keel Fish Shack for Rose Wall and Beverage Tasting Sunday, May 8, 2022

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

12. OLD BUSINESS

a. Discussion of Plaza Policies

At this time Mayor Vincent opened public comment.

Ann Marchetti, resident, stated that she represented the interests of several Lauderdale-By-The-Sea restaurants including Ocean 101, Aruba Beach Café, Taco Craft, Even Keel, Village Grille, and Mulligan's. Since the onset of the COVID-19 pandemic, Town restaurants have been creative in their efforts to provide dining options, which included seating patrons in sidewalk café settings and in one-third of Ocean Plaza.

Ms. Marchetti characterized the proposed rent of $8000/month as unusually high, describing the going rate for rental in the Town at approximately $33 per square foot. She asked that the Town charge for plaza space in a manner similar to its charge for sidewalk café space. She noted that the restaurant owners and staff help to keep Plaza space clean and organized.

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

Town Manager Connors recalled that the Commission discussed this ongoing use of the Ocean Plaza at their January 25, 2022 meeting, recommending that Staff develop additional policies for this use. They were also asked to amend the existing policies which did not allow for restaurant use of the Plazas on a regular basis. She has partnered with the Town Attorney's Office to draft language for Commission consideration, with the intent of bringing the Item back as a Resolution after the

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Commissioners have reviewed the policies and made any recommendations for change. The two locations in question are the Ocean and Dune Plazas.

Some of the items presented for discussion and deliberation include:

- Allowing eligible users, which are the adjacent Aruba Beach Café and Pier Restaurant, to rent one-third of the Plaza
- Additional requirements for cleaning and maintenance of the Plaza
- Recommended rental of $8000 for purposes of discussion
- Continue to allow the rental of the Plaza by other organizations, with the clarification that Town businesses may rent the area no more than four times per year, Town nonprofit organizations to no more than two rentals per year, and out-of-town 501(C)3 organizations to one rental per year; if the Plaza is rented by other organizations more than 14 times per year, the Town would provide a refund to the restaurant(s)
- Restrictions similar to those in the sidewalk café agreements, including restrictions on use during holidays

Regarding the costs associated with the Plazas, Town Manager Connors recalled that these locations were originally built for public use. For this reason, the Ocean Plaza is a very different environment from the sidewalk cafés used by other Downtown restaurants, and the costs associated with renting the Plazas would differ accordingly. In addition, sidewalk café fees were established roughly nine to ten years ago; since the redesign of the Downtown area to accommodate these spaces, a number of significant issues have arisen, including the cost of maintaining pavers. Staff will bring back recommendations on increasing sidewalk café fees in order to support the costs of sidewalk maintenance.

Vice Mayor Oldaker commented that the proposed changes are not meant to be permanent: instead the Downtown restaurants are being granted use of these spaces for a specific amount of time. They are asked to apply for this use and abide by any rules associated with the agreement with the Town.

Vice Mayor Oldaker requested that the Town Attorney clarify the difference between sidewalk café licenses and rental of Plaza space. Town Attorney Trevarthen explained that both the Plazas and the sidewalks are public property, and both programs are in the nature of revocable licenses. What is offered is a program that allows public property to be used for private business.

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Town Attorney Trevarthen continued that in order to make the agreement work for both the businesses and the Town, policies and conditions are included in the agreements for use of this public space. She emphasized that a revocable license is not at all like a landlord/tenant relationship.

Commissioner Poulopoulos stated that he has been advised to refrain from voting upon this Item due to a personal conflict. He will file the appropriate paperwork to support his abstention. He has, however, been informed that he may participate in discussion of this issue.

Commissioner Poulopoulos continued that he was in favor of the Town's continued support of its businesses. He felt the Town should continue to engage in partnership with these businesses, with compromises made on both sides. He was supportive of the concept of dividing Ocean Plaza in order to assist businesses that do not have sidewalk areas, and felt the matter should be discussed further with both the businesses and the public before a vote is taken.

Commissioner Malkoon recalled that over the past two years, the Commission has done what it could to support Town businesses that were affected by the pandemic, including the waiver of parking and sidewalk café fees, greater lenience with regard to Code, and other efforts, such as the use of Plaza space and parking spaces for outdoor dining. At present, however, the Town's restaurants have recovered. He characterized the continued use of outdoor dining space as a want rather than a need, stating that the Plazas represent civic space and should be preserved for residents and visitors.

Mayor Vincent recalled that the COVID-19 pandemic has led to various lifestyle changes, which include potential changes to the use of the Ocean Plaza. He felt the use of this space by restaurants has been successful, and that the previous two years have served as a trial period for the proposed change. He also noted that any changes will not be granted in perpetuity, as there is the potential for additional policy changes in the future.

Commissioner Strauss advised that he agreed with the Mayor and Vice Mayor that the Commission would have the opportunity to revisit this issue annually to ensure it is still working as intended. He noted that this concept will also apply to the fees charged for the use of public space.

Vice Mayor Oldaker recommended review of the proposed agreement prior to determining consensus on how to proceed.

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Town Manager Connors stated that the first paragraph addresses eligible users of the Ocean Plaza, allowing for the limited rental of the Ocean and Dune Plazas by Town-based businesses and nonprofit entities as well as out-of-town nonprofit entities. The spaces would not be rented for events that are not open to the general public. It also allows for the Town to authorize private use of the Dune Plaza for a significant event that benefits the Town.

The Ocean Plaza may also be used in this way, with the addition that restaurants adjacent to this space, the Aruba Beach Café and the Pier Restaurant, may use the portion of this Plaza that is located closest to their businesses. This means Aruba may continue within the area it is currently using, with the Town to retain the center third of the space and the remaining third of this space to be used by the Pier Restaurant.

Vice Mayor Oldaker addressed the first paragraph's use of the phrase "one third," pointing out that there are no dimensions drawn to indicate this space. He recommended that the common area of the Plaza include the line of palm trees. Town Manager Connors noted that these trees would currently serve as the border between the common and the rented area, as they provide a natural border area through the empty space between the trees and the end of the wall.

Vice Mayor Oldaker explained that he did not want the trees to be seen as structures when they are part of the Plaza. Town Manager Connors pointed out that because the south end of the Plaza is not currently being used, Staff could propose different barrier scenarios for the Commission's approval.

Mayor Vincent noted that both Mulligan's and the Village Grille are adjacent to the Dune Plaza; should they wish to use this space in the future, they would have to cross a lane of traffic to reach the space, while this condition does not exist for the restaurants proposing continued use of the Ocean Plaza. He emphasized the difference between the potential uses of the different Plazas.

[A brief recess due to technical issues occurred at this time.]

Town Manager Connors continued that the next section of the proposal addresses fees and costs of Plaza dining options. For purposes of discussion, this section refers to a nonrefundable rental fee of $8000 for each restaurant, which would be charged monthly; in the event the Plaza is used by the Town for more than 14 days throughout the year, the Town would reimburse the costs to either restaurant. The amount would

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be pro-rated and paid in advance, and the restaurant would inform the Town of the months in which they would like to use the Plaza space. If they do not provide this information, the Town assumes a 12-month rental.

Mayor Vincent asked how the $8000 fee was calculated. Town Manager Connors replied that this figure was recommended to her by one of the restaurants.

Mayor Vincent asked if the intent is to keep these fees in line with the costs associated with sidewalk cafés. Town Manager Connors explained that this had not been her intention, as the two options are different; in addition, the costs of sidewalk cafés have not been revisited by the Commission in over 10 years. For the purposes of tonight's discussion, the $8000 was entirely arbitrary.

Mayor Vincent requested clarification that the restaurant which had suggested the $8000 figure intended to use the Plazas itself. Town Manager Connors confirmed this.

Mayor Vincent asked for additional clarification of the difference between sidewalk cafés and the proposed Plaza program. Town Manager Connors stated that this was due to the elevation of importance of the space; in addition, the Town's sidewalk cafés are not oceanfront space. She emphasized that the Plazas were designed as public space.

Mayor Vincent pointed out that it has not been determined yet whether the original intent of the Plazas as public space is currently more important than their proposed use by the restaurants. Town Manager Connors replied that Staff recommends the Town recognize the benefit of using oceanfront plaza space and charge a fee that is commensurate with its use. Mayor Vincent advised that his intent was to determine how the $8000 figure for discussion purposes was determined, based upon square footage and the premium associated with use.

Mayor Vincent also asked if the Town would be saving money by no longer being responsible for the full Plaza area, as the restaurants would be paying for the use of some space and maintaining its upkeep. Town Manager Connors stated that the restaurants renting the Plaza space would take over the responsibility of upkeep of their space.

Town Manager Connors continued that the current cost of sidewalk cafés, which was established 10 years ago, is $18 per square foot. In addition, the Commission asked the restaurants with sidewalk cafés to pay a daily fee associated with cleaning the sidewalk, based on the square footage of each sidewalk café. This is currently three cents per

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square foot. She reiterated that Staff believes these costs should be revisited and possibly updated.

Mayor Vincent estimated that a restaurant using 100 square feet of sidewalk café space is paying $1800 annually. If this premium were applied to Plaza space it would come to approximately $1500/month, not including the costs of cleaning.

Development Services Director Jhanelle Campbell reported that the sidewalk café fee is $18/sq. ft. on the east side of Town; the western Plazas pay $10/sq. ft. With regard to cleaning, the Ordinance passed to address this established a cost of three cents per square foot, with cleaning to occur up to five times per week. The addition of cleaning costs would significantly increase the cost of rental by an estimated $3000 or more per year.

Commissioner Strauss observed that as public space approaches the beach, the costs per square foot tend to increase incrementally and could differ from one Plaza to another as well. Town Attorney Trevarthen clarified that the policy to which the Town Manager had referred was not written with the intent of bringing dining space into the Dune Plaza.

Town Manager Connors suggested that the proposed costs of Plaza space be presented for discussion at a subsequent meeting, along with the proposed increases in sidewalk café space, in order to consider these two types of spaces as similar to one another.

Commissioner Malkoon asked if the Town is aware of similar use of public plaza space by a private entity in other locations. Town Manager Connors confirmed that they are not. Commissioner Malkoon continued that the uniqueness of this circumstance would lead to a different type of calculation than sidewalk café space. He recalled that during the height of the COVID-19 pandemic, the Downtown sidewalks were used to house tables and the full right-of-way was blocked off to accommodate this use. While he was not in favor of the private use of civic space, he suggested providing additional tables and vacating the nearby sidewalk right-of-way as another option.

Mayor Vincent commented that the design of the space is less important than establishing the proper cost or fee for premium public space. Commissioner Malkoon reiterated that he was not in favor of setting this fee or allowing for private use of this space.

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Mayor Vincent stated that when the costs are brought back in a discussion of updated sidewalk café rates, the conversation should also include historical data on these costs. Vice Mayor Oldaker added that there will also need to be a full calculation of the exact square footage proposed for private use.

Commissioner Strauss requested clarification that the cleaning costs would remain the same regardless of whether the space is located on the east or west side. This was confirmed.

The next paragraph of the proposal addresses conditions for dining, which are similar to those set forth in the regulations governing sidewalk cafés. It includes approval of furniture by the Town, allocation of a certain number of tables based on the requirements of Florida Building Code, requirement to remove furniture if a hurricane warning is issued, requirement to empty trash cans located adjacent to the Plaza, and payment for any damages to the pavers, landscaping, or other public improvements.

The next paragraph addresses indemnification, while the next paragraph deals with use of the Plaza on holidays: the Commission may decide to make the Ocean Plaza for use by other commercial businesses or nonprofit organizations that serve Town residents on specific holidays. Town Manager Connors explained that this was included because the Town permits use of the Plaza during Chanukah. Rentals for Plaza dining will not be considered on days or evenings in which special events with which this would interfere or conflict are planned. Town Manager Connors asked if the Commission wishes to continue allowing use of the Plaza on days such as the Fourth of July, when Downtown is typically busy.

Mayor Vincent addressed a clause which states that the renter would pay the Town's costs to replace any and all landscaping or public improvements, including pavers, which are damaged or stained as a result of private use. He recommended that the Town evaluate the condition of these items prior to rental and document this condition with photos, and that language to this effect be inserted into a contract.

Vice Mayor Oldaker also addressed paragraph 3, Item C, which deals with the emptying of trash cans adjacent to the rented areas of Ocean Plaza. He requested clarification of this requirement. Town Manager Connors explained that there have been issues in the past with sidewalk cafés using Town garbage cans for their own overflow. The intent is to include trash cans in the general vicinity, and to designate which receptacles the restaurants would be responsible for emptying.

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Town Manager Connors asked if the Commission wished to limit the use of the Plaza for dining on the same day as a planned special event, or if they wished the restaurants to be able to continue using the space. Commissioner Strauss suggested that the Town designate specific days, such as the Fourth of July, Memorial Day, Veterans' Day, or Labor Day, on which the Plaza would be reserved for Town use. This would give the restaurants sufficient time to plan for the loss of that space on certain days. It was clarified that this would also apply to Town-sponsored events, such as Christmas-By-The-Sea or Bugfest.

Commissioner Poulopoulos asked if there are any non-Town-sponsored events for which the Ocean Plaza is used. Town Manager Connors replied that while there have been no such events thus far, the Town's policy for its Plazas allows for their rental for non-Town-sponsored events. She cited the example of the Arts and Crafts Fair, which was previously sponsored by the Chamber of Commerce.

Commissioner Malkoon asked if this would also apply to events such as dances. Town Manager Connors explained that this is a Town-sponsored event. She asked the Commissioners if they wished the restaurants to remove their tables from the Plaza on these days, if they would allow the restaurants to continue their use of the space, or if they wished to enumerate other holidays.

Town Attorney Trevarthen noted that there have been no business-sponsored special events planned in the Plaza in the past. Commissioner Poulopoulos asked if the Town might wish to leave this option open. It was noted that this contingency is included in the document for up to 14 days per year, with 30 days' advance notice.

Peggy Mohler, owner of the Aruba Beach Café, recalled that during Town events such as Chanukah and Bugfest, the restaurant had continued its use of the Plaza. She emphasized the partnership aspect of the agreement between the restaurants and the Town for use of the Plaza space.

Mayor Vincent asked if there had been an opportunity for Ms. Mohler to review the proposed policies with the Town Manager. Ms. Mohler replied that there has been no previous dialogue about these policies. Mayor Vincent recommended that the two affected restaurants may want an opportunity to discuss this further with Town Staff before any decision is made.

Ms. Mohler also emphasized that Aruba's employees maintain the area and keep it clean, and do not use the Town's trash cans. She felt the proposed contract should be

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based on the past two years' experience of the Town working with the subject restaurants.

Ken Brenner, resident, noted that if the restaurants and the Town enter into an agreement with which they are not pleased, they may rescind or amend that agreement. He also noted that fees may be set by Resolution and can also be amended.

Town Manager Connors noted that many of the items included in the proposed contract are already included in the Plaza policies that were adopted by the Commission, and many of the issues raised during discussion of the proposed contract also apply to sidewalk cafés. She pointed out that Staff must consider any issues that have arisen in the past, or that may occur in the future, when drafting the document: it is not related to the specific performance of a business with which the Town has partnered for the use of public space.

Town Manager Connors continued that the contract stipulates there may be no sales of manufactured products in Ocean Plaza during the rental period, and the Town reserves the right, with notice, to require a renter to remove furniture during Town-sponsored events. Approval of the rental of Ocean Plaza is conditional at all times, and the renter has no vested right. The Town Manager may revoke the contract if its requirements, or Town Code, are broken, or if the renter fails to pay required fees or exceeds the approved square footage.

Town Manager Connors concluded that this outlines the proposed agreement for the use of Ocean Plaza. She did not recall any significant changes that would apply to the use of Dune Plaza, although she reiterated that Staff does not recommend renting this space to adjacent restaurants, as there are traffic-related concerns.

Mayor Vincent asked if the Dune Plaza might also be rented for other uses. Town Manager Connors reiterated that this Plaza's location makes its conditions very different from those associated with the Ocean Plaza. She recalled that the Town has previously attempted to hold events in this space, but has been less successful due to the dangers posed by traffic.

Town Manager Connors summarized the discussion, including the combination of some paragraphs. She reiterated that the costs associated with Plaza rental would be brought forward at the same time that costs associated with sidewalk cafés are brought forward for review and potential update, following discussions with the affected businesses.

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Town Manager Connors added that she would also ask Town Staff to look at the other side of the Plaza to ensure a clear understanding of the space involved and to provide the Commission with options. This would also follow her discussions with the restaurant owners who would be using the Plaza.

Town Manager Connors recommended not scheduling a specific date on which this discussion would be brought back, as Staff will need to update the document discussed tonight and meet with the Commissioners and affected businesses. Costs will not be estimated until Staff has met with all of the restaurateurs and sidewalk café owners in the Downtown area during summer 2022.

13. NEW BUSINESS

The following Item was taken out of order on the Agenda.

f. Terra Mar Sidewalk Discussion

At this time Mayor Vincent opened public comment.

Mary Ellen Renuart, Secretary of the Terra Mar Island Civic Association, stated that the island's configuration with one entrance and exit makes it perfect for pedestrian activity. She cautioned, however, that there is no pedestrian access from the bridge on Terra Mar Drive to A1A, nor is there a way to warn drivers that pedestrian use is high in this area.

Ms. Renuart continued that the Town has indicated they would like to address this issue by providing a sidewalk, marking the roadway, providing signage, or other traffic calming actions, such as installing speed bumps. In the area where vehicles turn from A1A onto Terra Mar Drive, there is no signage to slow drivers. Ms. Renuart requested that the Town address this issue and identify a solution before there is an accident in the area.

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

Public Works Director Ken Rubach provided a brief overview of the history of Terra Mar Island, recalling that in 2018 a proposal from Pompano Beach was brought before the Town which stated that that city was issuing a bond to pay for the bridge. The Town

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agreed to participate in this process. Residents met with Pompano Beach to discuss the bridge and expressed a desire to have a sidewalk installed as well.

In 2019 and 2020, there were conversations indicating that the installation of a sidewalk was not part of the bond issue and would be approached as a separate project when funds were available for it. After another year, Pompano Beach prepared two proposals, one of which would cost roughly $167,000 and another for $175,000, using pre-design figures. The Town Engineer reviewed these proposals and advised that these estimated amounts may be low.

Public Works Director Rubach continued that this Item has been brought forward to determine the Town's level of interest in pursuing a sidewalk. If not, Staff may continue working with Pompano Beach to identify another solution to address Terra Mar Island residents' needs and concerns.

Commissioner Malkoon advised that there have been multiple suggestions regarding a proposed sidewalk, and asked if there may be an opportunity for the Town to contribute to striping the area if Pompano Beach chooses to pave it. Public Works Director Rubach explained that Florida Statutes do not allow pedestrians to walk on pavement unless there is no sidewalk; however, if an entity begins striping the area, that entity assumes liability if a pedestrian in the striped area is struck by a vehicle.

Public Works Director Rubach continued that residents have suggested other options, such as a speed hump or signage. He has also looked into the possibility of a bike lane. He pointed out that there are issues with parking on both sides of the subject area, as there would need to be a buffer area between parking spaces and a bike lane, which may not be possible. He felt speed humps or signage could be "easy fixes" for the problem, and that Pompano Beach may be amenable to these options.

Commissioner Malkoon asked if Pompano Beach has plans to pave the roadway. Public Works Director Rubach replied that paving is not included in the interlocal agreement related to the bridge project. This agreement is for the substructure and the pavement deck. Paving the entire street is also not mentioned in Pompano Beach's general obligation bond.

Commissioner Malkoon suggested that if it becomes clear that Pompano Beach plans to move forward with paving the roadway, the Town may be able to contribute some funds toward any project following paving, such as striping or providing speed humps. He added that another possibility could be for the Town to make improvements several

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years into the future and invite Pompano Beach to participate in that effort. He concluded, however, that in principle, he took issue with the idea of the Town spending its own funds on another municipality.

Public Works Director Rubach advised that Pompano Beach undertook efforts to improve the bridge on its own, although the bridge is evenly divided between that city and Lauderdale-By-The-Sea. The right-of-way, however, is fully owned by Pompano Beach, and they ultimately control what can be done to that area.

Commissioner Malkoon asked what liability the Town might incur if they provided striping or a speed hump in the area and damage to a vehicle occurred. Town Attorney Trevarthen advised that there is a required process for the installation of traffic calming measures which takes these possibilities into consideration. The Town would need to hear the opinions of the professionals who advise on these potential solutions.

Vice Mayor Oldaker asked if it would be possible to identify a representative from Pompano Beach, whether it is an elected official or another entity, with whom the Town can work to reach a solution on this issue. Public Works Director Rubach stated that over the last three years, there has not been a favorable response from any elected official of that city: Town Staff has primarily worked with Pompano Beach's city staff to reach a point at which the Town's proposal for improvements to the right-of-way is being discussed. He recommended that he keep working with Pompano Beach's city engineer as a contact.

Commissioner Strauss asked if Pompano Beach would give the Town permission to make improvements using the Town's own money. Public Works Director Rubach replied that Pompano Beach's city engineer has indicated they would be open to permitting the Town's use of Pompano Beach right-of-way to make improvements. He added that the figures quoted earlier are likely within the range of actual costs.

Commissioner Strauss asked what might change if Terra Mar Island came up with funds on its own for the proposed improvements. Public Works Director Rubach advised that while Pompano Beach would likely allow this, it would still need to be accomplished through an interlocal agreement in which the Town acted as contractor for the project.

Commissioner Poulopoulos asked if the Terra Mar Island Civic Association has reached out to Pompano Beach to ask them to make improvements other than the addition of a sidewalk on their right-of-way. It was clarified that Pompano Beach had originally proposed a sidewalk. When Terra Mar residents asked if they could participate in the

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design of the sidewalk, they had first indicated willingness; however, they have since come to the conclusion that Lauderdale-By-The-Sea should be responsible for improvements.

Vice Mayor Oldaker pointed out that the budget process for all municipalities will begin over the next few weeks, and the Commission may revisit this issue as part of that process. He noted that there are other issues such as the Hibiscus Drive crosswalk which took a number of years to accomplish.

Public Works Director Rubach reiterated that any process involving design and construction is a slow-moving effort, and the intent was to determine whether or not the Commission wished Staff to explore this issue further.

Mayor Vincent stated that the figures quoted earlier are only estimates, and the actual cost of improvements could be significantly higher than anticipated. He concluded that he was in favor of continuing this dialogue toward improving Terra Mar Drive, and that Pompano Beach should be involved in some manner. He agreed that this can be considered for inclusion in the Town's Capital Improvement Program (CIP) during the upcoming budget process.

Public Works Director Rubach confirmed that Town Staff would reach out to Pompano Beach staff once again for further discussion.

a. Designation of Vice Mayor

Assistant to the Town Manager Neysa Herrera advised that the Town Charter calls for the designation of a Vice Mayor to preside in the absence of the Mayor. No individual member of the Town Commission may serve two consecutive terms as Vice Mayor. Tonight's Agenda also includes the adoption of Resolution 2022-14 under Item 17a, which designates a Commissioner as Vice Mayor.

Vice Mayor Oldaker nominated Commissioner Malkoon for the position of Vice Mayor.

Mayor Vincent advised that he felt Commissioner Strauss has earned the opportunity to serve as Vice Mayor following the results of the 2022 election. He clarified that this was not a formal motion.

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Commissioner Malkoon indicated his willingness to serve as Vice Mayor if the nomination is seconded. Commissioner Strauss stated that he would also be willing to accept this position.

Commissioner Poulopoulos seconded the nomination of Commissioner Malkoon. Motion carried 5-0.

b. Appointment of a Town Representative to the AMR Review Board (EMS Review Committee)

Assistant to the Town Manager Herrera recalled that Vice Mayor Malkoon has served on the American Medical Rescue (AMR) Review Board since 2018. This Board consists of AMR's Medical Director and AMR Staff, and examines patient care reports, and ensures the protection of information under federal law. They typically meet on a quarterly basis.

Commissioner Poulopoulos indicated his interest in this position.

Vice Mayor Malkoon made a nomination, seconded by Commissioner Oldaker, to appoint Commissioner Poulopoulos to the AMR Board. Motion carried 5-0.

c. 2022-23 Broward League of Cities, Board of Director Appointments

Assistant to the Town Manager Herrera advised that under the Broward League of Cities' By-laws, each municipality shall appoint a Director, Alternate, and Second Alternate to attend and vote at any Board of Directors or General Membership meeting for the League. At present, Vice Mayor Malkoon is the Director representing Lauderdale-By-The-Sea, Commissioner Strauss serves as Alternate, and Mayor Vincent is Second Alternate. The new term will begin on May 13, 2022 and end in May 2023.

The Commissioners determined by consensus that these positions would remain the same for the next term.

Commissioner Oldaker made a motion, duly seconded, to keep the status quo. Motion carried 5-0.

d. Appointment of a Town Representative to the Broward Metropolitan Planning Organization (MPO)

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Assistant to the Town Manager Herrera stated that the Broward Metropolitan Planning Organization (MPO) Board is comprised of 25 voting members who are representatives of local governments. They are responsible for developing transportation plans within the planning area, transportation, and funding allocations in Broward County. Commissioner Oldaker is the Town's current representative to the MPO.

Commissioner Oldaker indicated his willingness to continue as the Town's representative.

Vice Mayor Malkoon made a motion, duly seconded, to reappoint Commissioner Oldaker to the Broward MPO. Motion carried 5-0.

e. Appointment of a Town Representative to the Hillsboro Inlet District

Commissioner Strauss advised that he has served as the Hillsboro Inlet District's representative for the last four years. This District meets one Monday night per month.

Commissioner Oldaker made a motion, seconded by Commissioner Poulopoulos, for Commissioner Strauss to continue as Hillsboro Inlet District representative. Motion carried 5-0.

g. Commission Meeting Procedures

It was determined by consensus that discussion of Commission meeting procedures would be postponed until the April 26, 2022 meeting.

14. COMMISSIONER COMMENTS

Vice Mayor Malkoon thanked outgoing Assistant to the Town Manager Neysa Herrera for her service to the Town.

Vice Mayor Malkoon recalled that he recently attended a Broward League of Cities meeting at which there was discussion of the interlocal agreement (ILA) that has been in development regarding waste management in the Broward area. This document will be presented for approval later in 2022. He also noted that he has worked with Special Events and Marketing Manager Debbie Hime to discuss potential plans for the Town's 75th anniversary celebration, and requested that a Committee comprised of residents, businesses, and Staff be seated to address this event.

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Commissioner Poulopoulos also recognized Assistant to the Town Manager Herrera for her service to the Town.

Mayor Vincent also thanked Assistant to the Town Manager Herrera for her service, particularly during the difficulties of the COVID-19 pandemic.

Commissioner Strauss recognized the Assistant to the Town Manager as well, and congratulated Vice Mayor Malkoon on his new position.

Commissioner Oldaker thanked Assistant to the Town Manager Herrera for her service and assistance, and congratulated Vice Mayor Malkoon as well. He added that he felt there should be signage showing the names of the Town's Plazas at their locations.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2022-14 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF EDMUND MALKOON AS VICE MAYOR; PROVIDING FOR CONFLICT; PROVIDING FOR 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.

b. Resolution 2022-15 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING RESIDENT MEMBERS TO THE FIREFIGHTERS

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PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE.

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

Vice Mayor Malkoon noted that one prospective appointee to the Firefighters Pension Trust Fund Board has also submitted an application to serve on the Planning and Zoning Board. Town Attorney Trevarthen advised that the same individual may not serve on both Boards, as each position is considered an office. She added that there are no alternates to this Board.

Vice Mayor Malkoon nominated Ken Brenner to the Firefighters Pension Trust Fund Board. Commissioner Poulopoulos nominated Paul LaCoursiere.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to endorse these two nominations. Motion carried 5-0.

c. **Resolution 2022-16 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING MEMBERS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

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

Mayor Vincent nominated Wayne Dillistin to the Planning and Zoning Board. Commissioner Strauss nominated Randy Whitford, Commissioner Oldaker nominated Ron Piersante, Vice Mayor Malkoon nominated Karen Sylvester, and Commissioner Poulopoulos nominated Patricia Omana. Mayor Vincent nominated Denise Lambert as Alternate.

It was noted that the position of Second Alternate will be vacant for the time being, and the Town will continue to solicit applications for this seat.

Commissioner Poulopoulos made a motion, seconded by Commissioner Strauss, to nominate the above slate as appointed. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

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None.

19. ADJOURNMENT

Town Manager Connors advised that due to technical difficulties with the microphone system, she had spoken with representatives of consultant Conceptual Communications, who had recommended their replacement. She noted that the cost of replacing this equipment may exceed the Town Manager's spending authority of $15,000. While the microphones do not fall under the category of emergency expenses, she recommended that their purchase be expedited in order to continue Town meetings uninterrupted.

Town Attorney Trevarthen stated that the Commission may grant the Town Manager authority to seek out the best possible deal for this equipment and bring the purchase back for Commission ratification.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to approve the authority for the Town Manager to spend over $15,000 for a new microphone system. Motion carried 5-0.

With no other business to come before the Commission at this time, the meeting was adjourned at 9:58 p.m.

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Mayor Chris Vincent

ATTEST:

DocuSigned by:
Katrina Adler
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Town Clerk

6/2/2022

Date