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MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 31, 2020
6:00 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:00 p.m. Also present via teleconference were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, Municipal Services Director Ken Rubach, Lucila Lang, Finance Director and Town Clerk Tedra Allen.

Mayor Vincent read a statement pursuant to Executive Order 20-69, which was issued by the Office of Governor Ron DeSantis on March 20, 2020. The Order permits municipalities to conduct public meetings without the physical presence of a quorum or a specific physical location. The Order also allows municipalities to hold meetings using communications and/or media technologies. Mayor Vincent also issued an emergency Order on March 27, 2020, establishing uniform rules of procedure for Town virtual meetings in accordance with Executive Order 20-69.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. PUBLIC COMMENTS

Town Attorney Susan Trevarthen explained that all interested parties are required to abide by all state, County, and local emergency orders, and are encouraged to remain at home to practice social distancing. For this reason, the public may not attend this virtual meeting at Jarvis Hall. The Town is using the cloud platform Zoom to hold this meeting. To ensure that the public is able to view the meeting, the Town will broadcast it online, live, with closed captioning, as is customary. The public may view the meeting on the Town's website, www.lbts-fl.gov, on local Comcast channel 78 and local AT&T U-verse channel 99. Notice for tonight's virtual meeting detailed these special procedures.

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The backup materials for each Agenda Item are available online on the Town's website. Any individual may be heard by the Town Commission on matters relating to the Town by emailing public_comments@lbts-fl.gov. The deadline by which public comments must be submitted for each segment of the meeting will occur when the Mayor closes the comment periods for each Item. All public comments will be included in the public record for the virtual meeting.

In accordance with the Americans with Disabilities Act (ADA) and Florida Statute Section 286.26, individuals with disabilities who may require accommodations to participate in the meeting were asked to contact the Town Clerk no later than two days prior to tonight's meeting.

At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comments at this time:

- Jeff Yocum, resident, suggested that the Mayor consider a proposal to reopen beaches in Broward County and Lauderdale-By-The-Sea for exercise purposes
- Islandgirl30488@gmail.com, suggestedew that the Town allow residents, particularly those who live in beachfront condominiums, to use the beach while practicing social distancing, beginning April 1, 2020, as the Governor's order for beach closures will expire on March 31, 2020
- Carolann Sharkey, resident, requested that the Town's beaches be opened to residents for walking only
- Barbara Cole, resident, congratulated Mayor Vincent on his reelection

With no other individuals submitting comments at this time, Mayor Vincent closed public comment.

5. CONSENT AGENDA

5.a Purchase of a 2020 Case 61G Wheel Loader (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach stated that the request is for a front-end loader that will be used for a variety of tasks, including beach maintenance and emergency operations. A loader is used for removing debris from the beaches and roadways and providing emergency responders with access to those sites.

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Mayor Vincent observed that the number of large-scale uncertainties facing the Town, including the COVID-19 pandemic, made him unsure that this was an appropriate time to approve purchase of a loader. The cost of the item is just under $200,000. He requested that the Item be deferred until a later date, pointing out that lost revenues from the Town's Parking Fund are expected for at least 30 days.

Commissioner Malkoon stated that he shared the Mayor's concerns in light of the present economic uncertainty. He also recommended deferral of the Item, noting that the Town recently re-approved its contract with Crowder Gulf Joint Venture for disaster recovery services and the Florida Department of Transportation (FDOT) is responsible for maintenance of state roads during an emergency.

Commissioner Strauss advised that his concern is for the coming hurricane season, and asked Municipal Services Director Rubach to clarify the time frame in which the equipment could be purchased if the Item is deferred. Municipal Services Director Rubach replied that there is a 60- to 90-day window for sales of this equipment, with the possibility that the COVID-19 pandemic may delay production further. He also noted that the Town spends approximately $6000/month to rent a loader with attachments. The loader is expected to have a useful life of 12 to 15 years.

Commissioner Strauss expressed concern that postponing the purchase of equipment until after hurricane season could result in higher costs, but also asked if the uncertain state of the economy might result in a lower cost in the future. Municipal Services Director Rubach replied that pricing is based on information from the Florida Sheriffs' Association, and is typically set in the fall of the year. Commissioner Strauss suggested that the Item be deferred for no more than four to six weeks.

Commissioner Oldaker commented that the availability of this equipment was of concern to him, particularly in light of the unpredictable nature of storms and other emergencies. He did not feel deferral of the Item was worth the risk, noting that the Town has budgeted for the loader. Vice Mayor Sokolow agreed with Commissioner Oldaker, pointing out that rental of a front-end loader is difficult once a storm occurs. He felt the Town should not defer this Item, noting that beach management is one of the Town's priorities in the current year.

Town Manager Bill Vance commented that $175,000 for the front-end loader is included in the current budget, and the Town has roughly $13 million in reserve despite significant forthcoming capital improvement expenses. Should a storm event occur, the Town's contractors typically stage over a large area and may take some time to provide services

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to Lauderdale-By-The-Sea. He emphasized the importance of opening roads following a weather event, which would occur in a more timely fashion if the Town has in-house equipment.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 3-2 (Mayor Vincent and Commissioner Malkoon dissenting).

6. NEW BUSINESS RELATED TO ELECTION RESULTS

6.a Certification of Election Results (Tedra Allen, Town Clerk)

Mayor Vincent thanked all who participated in the election of March 17, 2020, including both in-person and absentee voters.

Town Clerk Allen advised that she received the certified election results from the Office of the Broward County Supervisor of Elections. Staff requests that the Commission accept these results as provided. The Commission agreed by consensus to accept the results of the March 17, 2020 election.

6.b Swearing In / Oath of Office (Tedra Allen, Town Clerk)

Town Clerk Allen stated that all newly elected officials have been sworn in at Town Hall, with appropriate social distancing. A ceremonial swearing-in will be held once the current state of emergency has passed.

6.c Commission Personal Code of Conduct

Town Attorney Trevarthen recalled that the Commission Personal Code of Conduct was created by the officials elected in 2010. Every two years, the Commission has determined whether or not to continue with the practice of signing the document. She emphasized that the Personal Code of Conduct does not carry the force of law or other legal consequence, but functions as an agreement among Commissioners. In the event of an issue, the Commission would vote on whether or not censure is necessary. All five officials would sign the document, including those who were not up for reelection.

The Commissioners agreed by consensus to sign the Personal Code of Conduct again for the next two years.

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6.d Commission Remarks

Commissioner Malkoon thanked the voters for the opportunity to serve again as Commissioner and recognized the other reelected officials. He encouraged the Commission to look after the Town and each other as neighbors during this difficult time.

Commissioner Malkoon added that he has spoken with Town Manager Vance and other parties with regard to assisting elderly residents in need of food, medication, or other necessities during the emergency. One such resource is 2-1-1 Broward. He recommended supporting local businesses, including restaurants and businesses with an online presence.

7. NEW BUSINESS

7.a COVID-19 (Coronavirus) Update

Mayor Vincent recalled that his declaration of emergency for the COVID-19 pandemic occurred on March 12, 2020. He thanked Town Manager Vance, Town Attorney Trevarthen, Town Staff, the Town Commission, the Broward Sheriff's Office (BSO), the Volunteer Fire Department (VFD), and American Medical Response (AMR) for their efforts during this time, as well as citizens and businesses for their cooperation. He emphasized that decisions related to the pandemic were timely and necessary, and the Town remains in contact with state and local authorities to coordinate actions and prevent unwarranted stress to neighboring municipalities.

Mayor Vincent also addressed the frustrations and anxieties related to the pandemic, which affect everyone in the community. He was confident that the Town would learn to adjust to temporary conditions, and advised that residents should trust and adhere to recommendations set forth by the U.S. Centers for Disease Control (CDC) and other public health officials. Social gatherings are limited to families or social circles; social distancing must be practiced; and individuals should both sanitize and wash their hands regularly. Following these guidelines will help to stop the spread of COVID-19 and return to normal circumstances.

Town Manager Vance has worked with BSO and the VFD to maintain beach patrols, about which the public has been cooperative and understanding. The restrictions faced by the Town are the same as most others within Broward County and many other areas of Florida.

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Captain Thomas Palmer of BSO advised that following beach closures, the Town had reached out to BSO regarding enforcement and the possibility of issuing citations. He urged residents to follow safety recommendations for their own well-being and that of others.

Town Manager Vance noted that the possibility of issuing citations arose from coordination of emergency management between his and Captain Palmer's offices. Very few citations have been issued thus far, as public cooperation has increased.

Mayor Vincent stated that most beaches were closed by orders of individual mayors of coastal communities. Because the Town is part of a densely populated area, leaving its beaches open while others were closed would have overwhelmed the Town and its emergency and public safety personnel. It would also defeat the purpose of the CDC's guidelines discouraging social gatherings. The Town will continue to monitor the ongoing situation, and if a solution is identified that would allow closures to be relaxed, it will be considered; however, reopening beaches is not under consideration at present.

8. RESOLUTIONS – PUBLIC COMMENTS

8.a Resolution 2020-11 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF LAUDERDALE-BY-THE-SEA FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM AND FIRST AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

At this time Mayor Vincent opened public comment on Resolution 2020-11, which he closed upon receiving no input.

Vice Mayor Sokolow requested clarification of the costs and level of services associated with the E-911 agreement. Town Manager Vance replied that this is the first step to initiate negotiations: the interlocal agreement is a work in progress for which no specific information is currently available on the capacity or cost of service. He did not see a need

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to supplement the services received in the past, although the Town will transition from payment for emergency services with County dollars to municipal taxes.

Town Attorney Trevarthen advised that cities affected by the interlocal agreement have negotiated the agreement extensively. She characterized this agreement as a substantial improvement over a previous agreement which ultimately did not pass.

Commissioner Strauss pointed out that there is no similar or competing service available in the area at this time. It was also noted that municipalities have the option of withdrawing from the agreement after one year.

Vice Mayor Sokolow observed that the Town made a significant investment in new radios in recent years and will now need to spend more money on this system if frequencies are changed. He acknowledged that the Town has little choice in this matter.

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

8.b Resolution 2020-14 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2020 / 2021; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

At this time Mayor Vincent opened public comment on Resolution 2020-14, which he closed upon receiving no input.

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

8.c Resolution 2020-15 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, CONFIRMING THE DECLARATION OF EMERGENCY ISSUED BY THE MAYOR CONCERNING THE COVID-19 EMERGENCY; RATIFYING AND APPROVING ALL EMERGENCY ORDERS AND ACTIONS TAKEN BY THE MAYOR CONCERNING OR RELATED TO THE COVID-19

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EMERGENCY; AUTHORIZING THE MAYOR TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

At this time Mayor Vincent opened public comment on Resolution 2020-15.

Jules and Donna Ridolfi, residents, encouraged all Town residents to work together to slow the spread of the COVID-19 virus by remaining at home.

With no other individuals wishing to speak on this Resolution, Mayor Vincent closed public comment.

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

9. ADJOURNMENT

Mayor Vincent again urged all residents to remain calm and use common sense to protect themselves and their families during the pandemic. The Town website will continue to be updated with the most current information to address changes in town or throughout Broward County. He also recommended watching local news for additional updates and expressed confidence in the Lauderdale-By-The-Sea community to weather this crisis.

With no other business to come before the Commission at this time, the meeting was adjourned at 6:58 p.m.

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Chris Vincent
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Mayor Chris Vincent

ATTEST:

DocuSigned by:
Tedra Allen
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4/23/2020

Town Clerk Tedra Allen Date