TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 10, 2019
6:30 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 7:18 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, Assistant to the Town Manager Neysa Herrera, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Recycling Coordinator Vicki Eckels, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Benzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

5.a Solstreet Presentation (Mayor Vincent)

Mayor Vincent explained that the Town is considering the designation of a drop-off/pickup area for ride sharing services in order to lessen congestion in the Downtown area. Once designated, this area will include a shelter and amenities. Solstreet is one prospective provider of these features.

Lisa Smith, representing Solstreet, showed a PowerPoint presentation on the company's solar charging bench, which allows users to charge their cell phones. The bench is entirely solar-powered. When permanently installed, the bench can withstand wind speeds of up to 150 miles per hour. The digital text is available in multiple languages and is similar in technology to a Kindle device. An engineering report with

installation guidelines is available, and the engineering company is certified within the state of Florida. More information is available at solstreet.net.

5.b Arbor Day Proclamation (Bill Vance, Town Manager)

Mayor Vincent stated that Lauderdale-By-The-Sea has the opportunity to be designated a Tree City, U.S.A. by the National Arbor Day Foundation. This is a significant quality-of-life opportunity for the Town to become an active proponent of tree planting and beautification efforts. The Town will work closely with the Garden Club to achieve this distinction.

Mayor Vincent read a Proclamation which designated Friday, January 17, 2020 as Arbor Day in Lauderdale-By-The-Sea and encouraged all citizens to plant trees.

5.c Christmas-By-The-Sea Recap (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime showed video highlights of the Town's recent Christmas-By-The-Sea event on December 4, 2019. She thanked Town Staff and community volunteers for their hard work in making this event a success.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Brian McSweeney, resident, expressed concern with the Circuit ride-sharing service operating in the Town. He felt the company's characterization as "a free ride" subsidized by sponsorship was incorrect, as drivers may accept tips. He did not feel this business is consistent with the character of Lauderdale-By-The-Sea, and that it should be investigated.

Charles Mangano, resident, requested information on activity at the former Holiday Inn property. He also asked for an update on the proposed El Mar Drive project.

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

Town Attorney Susan Trevarthen addressed the concerns raised by Mr. McSweeney, stating that the Circuit service has no permit relationship with the Town. Town Manager

Bill Vance added that he has requested that the service provide correspondence of intent and proof of liability insurance, both of which have been submitted. The Town will continue to monitor the business's progress.

7. PUBLIC SAFETY DISCUSSION

7.a BSO November Report (Captain Tom Palmer)

Broward Sheriff's Office (BSO) Captain Tom Palmer recounted an incident in which the Town's license plate reader (LPR) cameras assisted with the apprehension of a criminal.

Captain Palmer reviewed additional activity from the month of November 2019, stating that a new temporary speed sign has been deployed in the area of West Trade Winds Avenue in response to residents' concerns. He concluded that BSO offers free vacation house watch service for individuals leaving town to ensure their homes are secure in their absence.

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

7.b VFD November Report (Chief Judson Hopping)

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

7.c AMR November Report (Chief Brooke Liddle)

Mayor Vincent advised that information packets are available on Emergency Medical Services (EMS) transportation rates for non-emergency service to residents. Many residents may not be aware that there are costs associated with this type of transportation.

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

8. TOWN MANAGER REPORT

8.a Town Manager Report (Bill Vance, Town Manager)

Town Manager Vance reported that Municipal Services Director Ken Rubach had assisted in painting BSO and Volunteer Fire Department (VFD) offices on A1A. This work is now complete. The Municipal Services Director and Town Manager are working to create a five-year beach re-nourishment and maintenance plan proposal, which will be brought before the Commission for consideration and potential implementation.

Terra Mar stormwater improvement plans are complete, and the project can go out for bid in early 2020. Routine Capital Improvement Program (CIP) updates will be included on Town Agendas in the future.

The Town Manager and Chamber of Commerce representatives will meet with general contractors to negotiate implementation of Americans with Disabilities Act (ADA) compliance plans for the Visitors' Center and Chamber of Commerce office.

Once the Town Commission determined that the Town would not proceed with plans including a median path on El Mar Drive, the Town decided to pursue Broward County transportation surtax resources in early 2020 to help fund a revised El Mar Drive project. Town Staff is also moving forward on the request for qualifications (RFQ) process for an engineering firm to assist with the public design phase. This process is expected to begin in early 2020, with the goal of completing design efforts during that year and moving forward with construction activities in 2021.

Town Manager Vance concluded that the Town is working with BSO to determine potential options to address increased truck traffic on Town roadways.

Commissioner Malkoon requested an update on the transfer/backup of data from the Town's website. Town Manager Vance replied that the contract with provider Granicus did not originally include a deadline for this process. With the assistance of the Town Attorney, a 90-day time frame was negotiated for the completion of the transfer. Approximately 60 of the 90 days have expired thus far.

Commissioner Malkoon also asked when updated goals and an Action Plan for the Commission and the Town could be provided. Town Manager Vance replied that these could be included in the Commissioners' informational materials at the first meeting in January 2020. Completed projects will be removed from the Action Plan.

8.b Finance Director October 2019 Report (Lucila Lang, Finance Director)

Commissioner Oldaker requested that financial forecasting of Town fund balances, such as the Parking Fund, be incorporated into future reports.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a November 12, 2019 Town Workshop Minutes

November 12, 2019 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

Items 11a, 11b, and 11c were pulled for additional discussion.

11.a Beach Cleaning Services Contract (Ken Rubach, Municipal Services Director)

Municipal Services Director Rubach explained that the Town previously had a five-year contract with its beach cleaning services provider. The contract expired in 2019. The Town considered increasing services to address large amounts of seaweed as well as the number of times the beach is cleaned.

Mechanical cleaning of the south beach will increase from six to seven days per week, and sanitization will increase from four to seven days as well. On the north beach, mechanical cleaning will increase from five to seven days per week and sanitization will remain the same. These changes affected the cost increase of the contract from roughly $162,000 to approximately $246,000, or just over 50%. There will be 312 additional services per year.

Commissioner Oldaker also requested additional information of how trash on the beach is addressed, as discussed during the workshop preceding tonight's meeting. Municipal Services Director Rubach replied that there are several trash cans along the beach, which are emptied in the morning when other debris is cleared.

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

11.b Phase 3 Camera Purchase & Installation (Ken Rubach, Municipal Services Director)

Commissioner Oldaker advised that he wanted the public to be aware when the Town makes investments in cameras in different areas of the Town. Captain Palmer stated that the third phase of installation includes cameras in the Terra Mar and Bel Air neighborhoods, as well as the beach portals, the Square, Imperial Lane, and Hibiscus Drive. The cameras can accommodate two to three weeks' worth of recording time.

Mayor Vincent requested additional information regarding case law as applied to video cameras. It was clarified that public records requests are not allowed in the case of video/LPR cameras unless a crime has been committed. Footage is used only for law enforcement purposes.

Commissioner Strauss requested information on the equipment's warranty due to weather conditions in South Florida. Municipal Services Director Rubach advised that of more than 50 cameras in the Town, only one minor issue has occurred. The cameras have proved to be reliable and the contractor responsible.

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

11.c 2020 Nissan Versa Lease – Parking Services (Ken Rubach, Municipal Services Director)

Commissioner Malkoon asked if "Pay by Plate" service is now active at the parking lot on Bougainvillea Drive. Municipal Services Director Rubach confirmed that this is currently the only location at which this service is active. LPR cameras will be used only to read plates. The 2020 Nissan Versa cited in this Item will replace an electric golf cart that is presently in use. There will be no staffing changes.

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

11.d Special Event Application for the Sunday, January 26, 2020 A1A Marathon and Sunday, February 14, 2020 A1A Marathon (Debbie Hime, Special Projects Coordinator)

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve Item 11d. Motion carried 5-0.

12. OLD BUSINESS

12.a Request for Further Stay of Town's Foreclosure Lawsuit Against FDG South so that Concord Wilshire Capital, LLC Can Continue to Pursue Redevelopment (Susan Trevarthen, Town Attorney)

Town Attorney Trevarthen explained that this Item is a continuation of action taken in spring 2019 by the Commission regarding the former Holiday Inn site on the south end of Town. This site is owned by Florida Development Group (FDG). Due to a lack of progress on the property, the Commission authorized the initiation of foreclosure action against FDG to address the $7.5 million in Code liens that had accrued at that time.

Following the filing of foreclosure action, the Town received a request from FDG as well as from an interested purchaser, Concord Wilshire Capital, LLC, for the Town to allow more time so the two parties may work together on a contingent purchase/sale agreement. The Commission consented to a stay, which prevents the foreclosure litigation from moving forward so FDG may negotiate with the prospective purchaser. The stay included a provision for due diligence and entitlements so Concord Wilshire could familiarize itself with the property and engage in processes which could lead to approval of its development plans before closing on the site.

The Town established requirements for Concord Wilshire, including initial submission of a Site Plan approval application and an application for mitigation of Code liens on the property.

At present, the period of the stay is about to expire. The Commission must decide whether or not to grant Concord Wilshire and FDG additional time. No plans for the development of the property are before the Commission at this time. There is an agreement between FDG and Concord Wilshire which is contingent upon whether or not the Commission agrees to extend the stay on foreclosure litigation. The requested stay would extend through November 30, 2020. An outline of the remaining steps of the process is included in the Commission's backup materials. Additional hearings before

the public, the Planning and Zoning Board, and the Commission would be required before any development approval could be granted.

Town Attorney Trevarthen emphasized that if the need to amend Code arises for certain aspects of the development process, Concord Wilshire is requesting an additional three-month delay to account for the planning and zoning/public reading process. This would apply only to items controlled by Town Code.

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she opposed the stay of litigation as well as plans for the site.

Stuart Dodd, resident, advised that he opposes the stay as well as the most recent Site Plan, which was submitted to the Town late the previous week.

John MacMillan, business owner, felt the Town had missed an opportunity by failing to accept a cash offer he had presented for the former Holiday Inn property.

Mark Stern, resident, also opposed the stay, as the process is already lengthy and there are other options open to the buyer and seller.

E.J. Wojtowicz, resident, opposed the stay and did not feel it was appropriate to the character of the Town.

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

The Commissioners discussed the Item, with Commissioner Oldaker requesting clarification of any potential repercussions to denying the stay. Town Attorney Trevarthen replied that the most recent agreement between FDG and Concord Wilshire indicates that the buyer's ability to proceed is conditioned upon a positive vote. Should the stay not be approved, their continuing interest in the property could cease.

Commissioner Oldaker observed that the Commission has made no decision on a particular approach to the subject property, as they are waiting for a developer to come forward with proposals. A workshop is anticipated in January 2020 to present any such proposals to the public.

Commissioner Oldaker asked if it might be possible to shorten the length of the requested stay, or if it could be terminated if certain milestones are not met. Town Attorney Trevarthen pointed out that a list of items remains to be accomplished prior to Site Plan approval. One reason for this approach is that the building on the property has nonconforming rights, which must be acted upon within six months of Site Plan approval according to the Town's Charter.

Commissioner Malkoon expressed concern with the public input related to the site's design. He noted that the developer has not responded to public input received earlier in the year and may not fully understand what the Town's residents want. He did not feel it was appropriate to extend the process for another year and suggested that a shorter time frame could be a possibility.

Vice Mayor Sokolow recalled that Town residents had clearly expressed their opinions regarding the workshop proposal to close El Mar Drive. He noted he is also asked, on a regular basis, about plans for the former Holiday Inn property. He concluded that residents would need to make a decision about what they want to see on the subject property, and that a shorter stay in which a workshop is scheduled, and public input is heard should be considered.

Commissioner Strauss recalled that at a previous meeting, there was mention of at least one workshop at which the developer will present prospective plans to the public for comment. He felt a stay of a full year, however, was not appropriate, and that 60 to 90 days would be more reasonable.

Commissioner Oldaker asked what outcome might trigger the potential deal to fall through. Town Attorney Trevarthen advised that the project has been portrayed as contingent upon an application to vacate or modify El Mar Drive. She clarified that FDG is the property owner and Concord Wilshire is the contingent purchaser. Commissioner Oldaker commented that he did not see any significant changes to the developer's plans that would respect the wishes of the Town as expressed at the 2019 workshop.

Commissioner Malkoon noted that the Commission could advise the developer that should they provide plans for a project without vacation of El Mar Drive, the Town and the developer might then reach an agreement for a longer stay if certain milestones are met. He did not feel there was any purpose to a stay in which the developer continued to propose the same design. Commissioner Strauss added that the Commission may still stay the foreclosure at a later time if an acceptable deal is brought forward.

Mayor Vincent stated that Concord Wilshire was advised to hold two public workshops with presentations. While he agreed a stay of one year was not appropriate, he felt it would be wise to give them time to continue through the regulatory process and decide on next steps.

Commissioner Oldaker asked if the Commission would continue to give the developer additional time if the next public workshop shows more plans that do not meet the Town's wishes for the property. Mayor Vincent advised that Concord Wilshire is aware of what they will need to do, and the workshop(s) will provide the opportunity for them to make their decision. He also advised caution regarding the disposition of the site, which may sit empty for several years if FDG continues to own it.

Town Attorney Trevarthen clarified that if the Commission does not grant another stay, they will not have the opportunity to do so if the developer comes forward with prospective plans in the next four days, as this is the final meeting of 2019.

Chris Nieberding, representing Concord Wilshire, stated that the developer is in the process of establishing an outreach process, including a website. If there is no stay of foreclosure, their contract with FDG would be terminated and there is no reason for further outreach. He affirmed that they hoped to schedule a public workshop for January 16, 2020 and recommended that the Commission's decision be mindful of the time frame required for the approval process.

Commissioner Strauss observed that he would not wish to attend a January workshop that did not reflect updates to the proposed plans. Mr. Nieberding advised that the extension Concord Wilshire has negotiated with FDG is contingent upon the date of November 30, 2020; however, if the Commission granted a shorter extension, Concord Wilshire would be willing to try to persuade FDG to accept it.

Vice Mayor Sokolow made a motion to grant a 60-day extension to the foreclosure.

Commissioner Malkoon proposed the following amendment to the motion: to include the preference or direction of the Town that plans do not include the vacation or building over of El Mar Drive, and to schedule a workshop as well. The amendment was not accepted.

Commissioner Malkoon explained that he was not in favor of reviewing additional plans that included a restriction of or encroachment onto El Mar Drive. Vice Mayor Sokolow

asserted that the Town has made its wishes clear regarding the workshop, and that it is Concord Wilshire's prerogative to determine what further action they will take. The Town is not a party to the business decision between Concord Wilshire and FDG. The 60-day extension would expire on February 7, 2020.

It was determined that FDG would need to indicate their consent to the proposed 60-day stay by December 21, 2019. Should they not provide this consent, the Town would move forward with foreclosure.

Vice Mayor Sokolow's motion was restated as follows: to extend the foreclosure stay through February 7, 2020, on the condition that the Town receives written evidence that FDG has agreed to this new plan and extended the option for Concord Wilshire to proceed. Commissioner Strauss seconded the motion. Motion carried 4-1 (Commissioner Malkoon dissenting).

13. NEW BUSINESS

13.a Downtown Code Enforcement (Noise and Sidewalk Crowds) (Bill Vance, Town Manager)

Town Manager Vance explained that there have been issues related to crowded sidewalks, loud music, and other concerns in the Downtown area. To address these concerns, the Town Manager and Development Services Director are working closely with BSO, Code Enforcement, business owners, and property owners to ensure that conditions remain as safe as possible, particularly at the intersection of A1A and Commercial Boulevard. He expected that business owners would comply with any public safety-related requests made by BSO personnel.

Mayor Vincent asked what might happen if entities are noncompliant with these requests or if repeat offenses occur. Town Manager Vance replied that should this happen; he would put together a recommendation to address the modification of sidewalk café permits at the earliest opportunity.

Captain Palmer advised that when BSO personnel observe a violation, they ensure it is documented, including the use of body-worn cameras. If businesses are unable to cooperate with the requests of BSO, they would be informed that further action may be necessary, including review or modification of sidewalk café permits.

Town Attorney Trevarthen clarified that sidewalk café permits are not a conditional use but a licensed use. The agreement lists several obligations that must be met by the permit holder. Should the permit holder fail to meet these obligations, they can lose the agreement. Action of the Town Commission is not required for the permit holder to be placed on notice; however, the Town Attorney recommended providing written notice to those parties. Town Manager Vance added that this can be done administratively, and the Commission may provide the forum for a hearing if necessary.

Commissioner Malkoon asked how volume control is managed without sound checks. Town Manager Vance advised that businesses are asked to turn their speakers away from the street and into the establishment. Mayor Vincent added that the Town is responsible for enforcing its Ordinances and may not ignore continued breaches of policy.

Development Services Director Linda Connors stated that current Code regarding the suspension or revocation of a sidewalk café permit requires the Town Manager to serve the licensee with a written notice of Ordinance violation, by certified mail or hand delivery, at the business address listed on the application. The licensee is advised of a reasonable time frame in which to eliminate the violation. They also have the opportunity to request a hearing before the Town Commission unless an emergency situation exists. No advance notice is required in the event of an emergency that poses danger to public health, safety, or welfare.

Commissioner Strauss emphasized the importance of documenting all interaction, including verbal requests, in the event that a violation occurs.

14. COMMISSIONER COMMENTS

The Commissioners wished happy holidays to all present.

Mayor Vincent advised that on Wednesday, December 11, 2019, from 7:30 p.m. to 8:30 p.m., a "Hypnosis Show" will be presented at Jarvis Hall. Admission is free.

15. ORDINANCES 1ST READING

15.a Ordinance 2019-11 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, GRANTING TO PEOPLE'S GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, A

FLORIDA CORPORATION, A NONEXCLUSIVE FRANCHISE IN THE TOWN OF LAUDERDALE-BY-THE-SEA; AUTHORIZING PEOPLE'S GAS SYSTEM TO USE THE PUBLIC RIGHTS-OF-WAY AND STREETS OF THE TOWN FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATING, AND EXTENDING GAS LINES IN THE STREETS AND PUBLIC PLACES OF SAID TOWN; PROVIDING FOR A FRANCHISE FEE; PROVIDING FOR TERMS AND CONDITIONS OF SUCH GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Bill Vance, Town Manager)

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she was in favor of the Ordinance.

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

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

16. ORDINANCES 2ND READING

16.a Ordinance 2019-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 9, "FLOOD PREVENTION AND CONTROL," TO UPDATE REGULATIONS IN ORDER TO COMPLY WITH THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED FLOODPLAIN MANAGEMENT ORDINANCE AND CONFORM WITH STATE CITATIONS AND MANDATES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

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

16.b Ordinance 2019-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING MARCH 17, 2020 FOR THE TOWN'S 2020 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2020 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON THURSDAY, JANUARY 2, 2020 THROUGH NOON ON THURSDAY, JANUARY 9, 2020, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Tedra Allen, Town Clerk)

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

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

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2019-42 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2018/2019 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2018/2019 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

Commissioner Oldaker requested additional information regarding an overtime adjustment in Municipal Services. Municipal Services Director Ken Rubach replied that this adjustment covers all special events, including community events, hurricane preparations, and any emergency or after-hours issues.

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

17.b Resolution 2019-43 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, MODIFYING THE PARKING FEES BY UPDATING THE HOURLY AND DAILY PARKING METER RATES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE (Bill Vance, Town Manager)

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

Town Manager Vance advised that the Town is able to charge $2.25 per hour throughout the Town for parking. Lauderdale-By-The-Sea has one of the lowest parking rates in South Florida. Because future investments, such as the El Mar Drive project, will require significant resources, he recommended that $2.25/hour be established as the uniform rate east of Seagrape Drive.

Mayor Vincent noted that there have been requests from West End businesses that coin meters be placed in the area as an option for short-term customers. Municipal Services Director Rubach advised that a coin option is available.

Town Manager Vance explained that because $2.25 is the maximum the Town may currently charge; rates may be raised to this level throughout the Town. A new parking study is anticipated in fiscal year (FY) 2021. It was clarified that the Commercial Boulevard business district will continue to charge 75 cents per hour for parking.

Mayor Vincent observed that there is a parking area on East Tradewinds Avenue in which parked pickup trucks extend into the roadway. Municipal Services Director Rubach replied that Staff would look into this and make modifications accordingly.

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

17.c Resolution 2019-44 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH CALVIN GIORDANO & ASSOCIATES FOR CODE COMPLIANCE SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING

FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors recalled that Calvin, Giordano and Associates has served as the Town's Code Compliance team since 2011. Their contract expired in September 2019. A request for proposal (RFP) was issued, which received one response from Calvin, Giordano.

Since that time, Staff has improved upon the level of staffing recommended by that agency, which changes the amount initially proposed in the response. It is still a lower amount than what was originally budgeted for FY 2019-2020. The contract is for three years with two one-year renewal terms, as well as an annual escalator clause based on the April 2019 consumer price index (CPI). The contract includes one full-time Code Officer at 40 hours, one Code Officer at 30 hours, and one part-time Officer that averages to roughly six hours per week. The part-time Officer will provide assistance in the Downtown area. The annual fee is $253,482 for salaries, expenses, and information technology (IT) services.

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

17.d Resolution 2019-45 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH THE CORRADINO GROUP FOR CONSULTANT SERVICES RELATED TO THE PEDESTRIAN AND BICYCLE CIRCULATION ENHANCEMENT PLAN; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors stated that this Item addresses the contract for the Town's Walkability and Bike Master Plan, which is a priority of the FY 2019 Action Plan. It received one response at bid from the Corradino Group. Staff has met with the

Corradino Group, which plans to hold one public workshop to discuss preliminary findings and gather public input. They will also review existing documents, consult with BSO and Development Services Staff, and prepare recommendations to address needs that specify both benefits and disadvantages. Finally, they will provide cost estimates to help the Town determine how to budget funds to improve pedestrian and bicycle services.

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

17.e Resolution 2019-46 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING THE REMOVAL OF GLASS FROM THE LIST OF MATERIALS THAT CAN BE COLLECTED IN CURBSIDE RECYCLING PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE (Bill Vance, Town Manager)

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

Recycling Coordinator Vicki Eckels advised that glass has never had value as a recyclable material and should never have been included as an approved material. She noted that this change will require a significant public education campaign.

Commissioner Oldaker added that the County-wide working group, which is seeking to establish a destination for solid waste, is determining how this effort will be structured.

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

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item. Individuals wishing to speak on the Item were sworn in at this time.

18.a Site Plan Modification for 100 Commercial Boulevard (Linda Connors, Development Services Director)

Development Services Director Connors stated that the request would add a 500 sq. ft. mezzanine to an existing building, which increases the intensity of the site. The Planning and Zoning Board recommended approval of the modification by a vote of 5-0. The site's footprint will not change with this exterior renovation

Due to the addition of 500 sq. ft., two parking spaces will also be added. The Applicant is participating in the Town's Payment in Lieu of Parking (PILOP) program.

Ten conditions are attached to the Application and are included in the Commissioners' backup materials. The conditions include:

- Obtain a letter of approval from Recycling Coordinator Vicki Eckels regarding the building's trash and recycling plan
- Replacement of ground cover in vehicular use area
- Update the most recent plans for the site, with an updated revision date
- Provide a full sidewalk easement on the existing plan
- Correct the site's legal description in Broward County Records Office
- Ensure that Site Plan Modification does not take effect until the PILOP application is finalized and payment is made to the Town
- Approved Site Plan does not create a right for the Applicant to obtain a permit from state or federal agencies, and does not create liability on the part of the Town for issuance of approval if the Applicant fails to fulfill the obligations proposed by those agencies or violates state or federal law
- Town Clerk shall certify there are no outstanding fines, fees, taxes, or other charges owed by current or past owners of the subject property; if these exist, the Town will issue only the building permit necessary to correct the violation until all outstanding debts are paid in full
- All applicable state and federal permits shall be obtained before construction commences

Mayor Vincent observed that the mezzanine is intended for storage only and will not be used by the public and asked why the Applicant is required to pay for two additional parking spaces under the PILOP program in this case. Development Services Director Connors explained that Code requires parking in retail and office space according to the total square footage of the property.

Town Attorney Trevarthen further clarified that Code requires everything within a building's exterior walls to be counted toward its gross floor area, which in turn determines the parking requirement. Some cities have a more refined definition that

allows for the exclusion of certain areas from the parking count. The Commissioners agreed by consensus to bring this portion of Code before them for amendment.

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

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

18.b Site Plan Modification for 4329 El Mar Drive (Seaside Villas f/k/a Eastward Strand) (Linda Connors, Development Services Director)

Development Services Director Connors stated that the owners of this property have submitted an application to renovate five existing buildings. Upon review of the Site Plan, they realized that unpermitted construction was done prior to their purchase of the property. This had increased the number of units to 31. The Applicants have submitted a Site Plan that shows the increase of the number of units from 28 to 30, 20 units with kitchens and 10 without. This will meet the grandfathered density requirements of the site.

The Applicant plans total renovation of the buildings to enhance landscaping, add two ADA-compliant parking spaces, and renovate the buildings' exteriors. The Planning and Zoning Board recommended approval by a vote of 5-0.

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

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

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 10:30 p.m.

Mayor Chris Vincent

ATTEST:

_____ _____

Town Clerk Tedra Allen Date

Town Commission Meeting

Meeting Date: Dec 10, 2019

Public Comments are limited to three (3) minutes.

✓ BARBARA COCE LGBTS 12(a)

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

✓ Stuart Dodd LGBTS 12(a)

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

~~John Frasure LGBTS~~

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

✓ BRIAN L M-Sweeney 4237 Bougainvilla Drive Apt 2

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

John MACMILLAN 12a.

PRINT NAME AND ADDRESS

Town Commission Meeting

Meeting Date: Dec 10, 2019

Public Comments are limited to three (3) minutes.

✓ Charles Mangano

PRINT NAME AND ADDRESS

4137 Bobhnwild Ave
Land of the Sea

Public Comments are limited to three (3) minutes.

✓ MARK Stern 246 Codrington DR

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

E. J. Wojtowicz 244 Imperial

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

PRINT NAME AND ADDRESS

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