

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 10, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:38 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, Town Attorney, Elen Gantner, Assistant to the Town Manager Neysa Herrera, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Town Engineer Jay Flynn, Special Projects Coordinator Debbie Hime, Vicki Eckels, Recycling Coordinator, Public Information Officer Steve d’Oliveira, Planner Jhanelle Campbell, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation. All present also observed a moment of silence for Wilton Manors Mayor Justin Flippen, who recently passed away.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

5.a Census Update (Linda Connors, Development Services Director)

Town Planner Jhanelle Campbell addressed the upcoming 2020 U.S. Census, explaining that the data collected through this process is typically used for statistical purposes. Up to \$1.5 trillion in annual federal funding is at stake, as well as the number of representatives allotted to a state.

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During the 2010 U.S. Census, only 46% of Lauderdale-By-The-Sea households responded, which was significantly below the County and state averages of 65%. A Complete Count Committee has been established, and regular updates have been posted in *Town Topics* as well as the Town's website and the Nextdoor app.

Important dates associated with the 2020 Census include:

- Response period beginning Thursday, March 12, 2020
- Census Day of April 1, 2020
- Response period extends through the end of July 2020

The goal is to encourage individuals to respond online rather than having census takers go door-to-door throughout the community. Planner Campbell emphasized that official census takers will be properly dressed to reflect the Census logo and will carry branded equipment. Individuals with concerns regarding census takers can contact the Regional Census Bureau at (470) 889-6800.

Planner Campbell challenged Town residents to increase their Census 2010 response rate by at least 20%. She may also make presentations to homeowners' associations upon request, and messages about the census will be shared on the Town's public access channel.

5.b Mixed Paper Update (Vicki Eckels, LBTS Recycling Coordinator)

Recycling Coordinator Vicki Eckels explained that as a result of lobbying efforts by Broward County, the Town's recycling contractor recently reversed course with regard to acceptance of mixed paper. This follows a recent vote by the Commission to exclude mixed paper from recyclable materials. She recommended that the Town make no changes to this current policy, as mixed paper carries a negative value.

The only paper product currently permitted among recyclables is corrugated cardboard. Other permitted materials include plastic containers with a bottleneck or flip-top, as well as metal cans. Coordinator Eckels advised that having a simpler stream of allowable materials is likely to reduce contamination.

Commissioner Strauss requested an update on glass recyclables. Coordinator Eckels emphasized that glass has never been a recyclable material for the Town. Commissioner Oldaker asked when new cart stickers will be provided to reflect recent updates regarding accepted materials. Coordinator Eckels replied that she hopes to provide a decal with a QR code which will allow individuals to visit the Town's website or another site where

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correct information is available. This allows information to be updated in real time rather than providing new decals that may go out of date.

Vice Mayor Sokolow pointed out that the public sees mixed messages regarding paper recyclables, and recommended that the Town provide clear messaging to explain the discrepancies between Town and County policies. Coordinator Eckels advised that any paper products used physically, such as tissue or napkins, should never have gone into the recycling stream, which many people did not understand. She is continuing community outreach to address any confusion over paper.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Former Mayor Scot Sasser, resident, thanked the Commission, Staff, businesses, and residents for their outpouring of love and support during a recent health issue.

Jake Sasser, resident, advised that the Commission's work does not go unnoticed by the Town's younger residents, and he looked forward to future efforts.

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO February 2020 Report (Captain Thomas Palmer, BSO)

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) reported that Deputy Eddie Hernandez is the current Deputy of the Month. He advised that in coordination with Municipal Services Director Ken Rubach, BSO has deployed a portable speed sign to provide information on speeding concerns and traffic counts on Bougainvillea Drive. BSO Staff will increase traffic enforcement in the subject location.

Captain Palmer also briefly addressed the COVID-19 virus, cautioning residents that scam artists are taking advantage of this illness. He emphasized that the Centers for Disease Control (CDC) will not request personal information or payment. If any residents are concerned with the possibility of a scam, they are encouraged to contact BSO to verify information.

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Mayor Vincent recalled a report of continued speeding and/or drag racing near Commercial Boulevard from approximately 8 p.m. to 10 p.m. Captain Palmer advised that BSO has not received any calls to report this activity, but law enforcement will remain vigilant.

Commissioner Strauss proposed moving the portable sign slightly farther south. Captain Palmer explained that the sign was in its current location to address the concerns of residents. The sign may be moved in the future. The Commissioners discussed other traffic-related concerns, including an increase of drivers making prohibited left turns on parts of Commercial Boulevard and Bougainvillea Drive.

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

7.b VFD February 2020 Report (Chief Judson Hopping)

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

7.c AMR February 2020 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

8.a Town Manager Report (Bill Vance, Town Manager / Neysa Herrera, Assistant to the Town Manager)

Assistant to the Town Manager Neysa Herrera advised that the International City and County Management Association recently recognized Town Manager Bill Vance for his 25 years of service in local government.

The Town recently received its final reimbursement payment from the Federal Emergency Management Agency (FEMA) for \$72,247 related to debris removal. Another \$12,000 is pending in administrative costs. State Representative Chip LaMarca was instrumental in pursuing this reimbursement, as were Town Staff, Ericks Consulting, and others.

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The 46th cycle of the Community Development Block Grant (CDBG) is now open. A public hearing is scheduled for March 31, 2020 to discuss the Town's CDBG application, and a Resolution to authorize the Town Manager to execute and submit the application will be on the Agenda.

The Lauderdale-By-The-Sea Chamber of Commerce will hold a networking/marketing session on March 22, 2020 in Jarvis Hall, beginning at 8 a.m.

In accordance with the goals of the Safety Committee, ADT has installed a new alarm system, including panic buttons, at various Town facilities, including Town Hall, Parking Services, Development Services, the Community Center, and the Visitors' Center. The Safety Committee has also scheduled cardiopulmonary resuscitation (CPR) training for March 12 and 26, 2020, in Jarvis Hall. These sessions are provided for Town employees and are open to the Mayor and Commissioners as well.

Development Services Director Linda Connors coordinated inspection of the Florida Development Group (FDG) property with the Town's Fire Marshal and Building Official on February 28, 2020. A report on this inspection is still pending.

Municipal projects throughout the Town include:

- Hibiscus Avenue/A1A crosswalk to be completed by the end of April 2020
- Sidewalk improvements to ensure all Town sidewalks meet the standards of the Americans with Disabilities Act (ADA)
- Installation of power for outlets and lighting in the West Commercial Plaza began on March 5, 2020, to increase visibility of businesses in the West Commercial District and enhance safety
- South Median landscaping project is 45% complete and expected to be completed the week of March 13, 2020
- Proactive sanitary sewer report for the 4300 block of Bougainvillea Drive
- Painting of the Visitors' Center is expected to be complete this week
- An annex to the Sea Lord Hotel is under construction and will include 14 hotel units
- A new business, The Spoiled Bee, which offers natural and botanical cosmetics and skin care, has opened on Seagrape Drive

Some of the Town's sustainable environmental efforts currently underway include:

- A new informational beach sign on Datura Avenue, developed in conjunction with Smart Reef, to show divers and snorkelers where to find attractions

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- To preserve and protect the Town's beaches, Staff has installed beach cleaning basket stations by El Prado Park and is investigating receptacles for cigarette butts; this will be a discussion Item at a Commission meeting in April

Recent community events include:

- February 26, 2020: Masquerade Ball at the Community Center
- February 29, 2020: regional flower show hosted by the Garden Club
- March 11, 2020: 8th annual Community Center Art Exhibit in Jarvis Hall
- Dancing-By-The-Sea classes on the second and fourth Sundays of each month from 5 p.m. to 7 p.m. in the Downtown Ocean Plaza
- Farmers' Market in El Prado Park on Sundays from 9 a.m. to 2 p.m.
- Yoga-By-The-Sea on Tuesdays and Thursdays at 7 a.m.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen announced an attorney-client session in the case of *Town of Lauderdale-By-The-Sea v. Florida Development Group*, Case #18-029224, under Florida Statute Section 286-0118. The date has yet to be determined.

10. APPROVAL OF MINUTES

10.a February 25, 2020 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

Commissioner Oldaker requested that Item 11.b be pulled for discussion.

11.a Special Event Application for Cinco de Mayo Event on Tuesday, May 5, 2020 (Debbie Hime, Special Projects Coordinator)

11.b Hardship Parking Permit Application (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach advised that while hardship parking permit applications are due in September, Ocean Treasure was not open for business at that

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time and has now submitted an application. The allotment will include one additional pass for the Beachview Apartments.

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

11.c Piggyback Agreement for Disaster Debris Recovery Services with Crowder Gulf Joint Venture, Inc. (Ken Rubach, Municipal Services Director)

11.d FY2019-2020 Budget Amendment (Lucila Lang, Finance Director / Ken Rubach, Municipal Services Director)

11.e Reschedule Meeting Starting Time (Bill Vance, Town Manager)

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

12. OLD BUSINESS

12.a Datura Portal (Ken Rubach, Municipal Services Director)

Municipal Services Director Rubach recalled that in June 2019, routine maintenance on the Town's portals indicated that the Datura Portal must be demolished due to structural issues. As the Town moves forward with the El Mar Drive project, Staff has discussed the possibility of using that project as a blueprint for future modifications to other structures, including the Datura Portal. Staff requests input from the Commission regarding how to move forward.

Commissioner Oldaker asked if the Town wishes to deviate from the existing theme of the portals. Municipal Services Director Rubach replied that there is consideration of taking no action at this time, but incorporating any future modification of the portals to complement the theme to be developed along El Mar Drive.

The Commission determined that repairs to the Datura Portal would be deferred until further notice. Future repairs may consider using the same theme as the El Mar Drive project. There are no current safety considerations regarding the portal which must be addressed immediately.

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13. NEW BUSINESS

13.a Town Manager Salary Increase Consideration (Bill Vance, Town Manager)

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she supports a salary increase for the Town Manager.

Ron Piersante, resident, advised that he was also supportive of a salary increase for the Town Manager.

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

Mayor Vincent advised that he had asked each Commissioner to meet independently with the Town Manager to discuss a fair monetary increase based on the evaluation of his performance completed in February 2020. He reviewed several of the Town Manager's successes from his first year with Lauderdale-By-The-Sea:

- Implemented design of the Palm Club Septic Sewer and Wastewater project
- Worked with Broward County on Terra Mar Island stormwater improvements
- Worked with Vice Mayor Sokolow and Town Engineer Jay Flynn to expedite the request for qualifications (RFQ) process for the design of El Mar Drive without the involvement of the Florida Department of Transportation (FDOT)
- Installed a new phone system, Information Technology (IT) server, and other equipment upgrades in Jarvis Hall
- Completed landscape improvements to the Bougainvillea Drive/Poinciana Drive parking lot
- Prepared the FY 2020 budget passed by the Commission while maintaining the second-lowest millage rate in Broward County
- Worked with the Commission and Town Attorney to understand policies put into place to protect the Town from undesirable properties by using the foreclosure process
- Created a Beach Management Program to protect natural resources and habitats
- Working on a resiliency program to help mitigate the effects of sea level rise and protect the Town's assets

Mayor Vincent concluded that he felt this summary would guide the Commission to determine a fair and worthy compensation for Town Manager Vance.

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The Commissioners discussed the Item further, with Vice Mayor Sokolow stating that he approved of the Town Manager's style in dealing with Staff, residents, and businesses. He proposed a 7.5% increase in the Town Manager's salary. Commissioner Strauss added that he was impressed with the Town Manager's willingness to be available to the Commissioners and residents, and agreed with the Vice Mayor regarding the increase.

Commissioner Malkoon commented that the overall scores of the Town Manager's performance evaluation merit an increase, although he felt it should be more conservative than the proposed 7.5%. Commissioner Oldaker advised that he was in favor of a 5% increase, which was equal to the amount received by other members of Town Staff.

Mayor Vincent stated that he had discussed a potential increase with Town Manager Vance, with the possibility of a consistent merit increase in the second year of his contract and a full evaluation including possible extension of contract following his third year with the Town.

Town Manager Vance recognized the work of Town Staff in producing positive results over the past year, noting that one dilemma facing him in the second year of this contract was knowledge of the previous Town Manager's compensation. He also hoped to minimize this difference after his second year on the job, followed by a 0% to 3% increase after the third year if evaluations remain satisfactory.

Commissioner Malkoon asked if the three-year proposal would replace or negate performance reviews. Town Manager Vance advised that while his contract calls for performance reviews, he was a proponent of open and regular communication, which could eliminate the need for annual evaluations. Commissioner Malkoon suggested that this proposed policy change could be a discussion Item at a subsequent Commission meeting.

Commissioner Malkoon made a motion for [a] 4% [increase]. [The motion died for lack of second.]

Commissioner Oldaker made a motion for a 5% increase with an extension of the Town Manager's current contract to five years. [The motion died for lack of second.]

Vice Mayor Sokolow made a motion for a 7.5% salary increase for the Town Manager. [The motion died for lack of second.]

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Commissioner Strauss made a motion, seconded by Vice Mayor Sokolow, to increase the Town Manager's current total compensation of \$160,000 by 7% (to \$11,200).

Town Manager Vance clarified that upon acceptance of his position with the Town, he had requested adding \$10,000 in proposed deferred compensation to his actual salary of \$150,000. He is paid \$160,000 with no deferred compensation account. Town Attorney Trevarthen added that the Town Manager's contract lists a salary of \$150,000 plus \$10,000 in deferred compensation. She concluded that the \$160,000 could be treated as salary if that is the desire of the Commission.

Motion carried 4-1 (Commissioner Malkoon dissenting).

13.b El Mar Design (Jay Flynn, Town Engineer / Ken Rubach, Municipal Services Director / Bill Vance, Town Manager)

Mayor Vincent reviewed the specifications of the RFQ issued on January 6, 2020 for the design and upgrade of El Mar Drive. Town Engineer Jay Flynn noted that the Town's selected consultant was EDSA. The RFQ included streetscape improvements, sidewalks, bike lanes, new pavement and drainage, and pedestrian-scale and turtle-friendly lighting.

The first steps of this process will be community outreach and surveying services, which will provide sufficient background information for the project's designers to prepare construction documents. Town Engineer Flynn emphasized the importance of community outreach, which will begin on March 31, 2020 at 6:30 p.m., immediately following the Commission meeting, which will begin at 6 p.m. rather than 6:30.

EDSA will also design, maintain, and host a website that will be used throughout the El Mar Drive project. A link will be posted on the Town's website so residents can remain updated on the design and community outreach processes.

Staff has negotiated with EDSA and total contract costs are listed under the Agenda Item at \$455,656. This includes roughly \$70,000 to recreate the previous survey, utility locations, and other necessary services. Staff recommends that the Commission approve the proposal, which will allow the Town Manager to authorize and execute the contract with EDSA.

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Town Manager Vance emphasized the importance of the public's role in providing input on the project's design and establishing a vision for the Commission. They hope to complete design work in 2020 and enter into a contract to complete the project by the first quarter of 2022. A preliminary schedule is listed under the Agenda Item. Town Engineer Flynn estimated that a second RFQ for a construction manager at risk could be issued in summer 2020. This is the recommended delivery method, which has previously been used for projects on East and West Commercial Boulevard.

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

13.c First Amendment to E-911 Participation Agreement (Bill Vance, Town Manager)

Town Manager Vance advised that the Town is working with Broward County regarding anticipated "e-911" enhancements. While these services have been provided with County tax dollars in the past, the Town would need to financially contribute to the current plan. Costs would cover a basic level of service, with the option of purchasing additional levels of service if needed. The Town Manager was not able to clarify what would constitute a basic level of service or how much this service might cost. He requested direction to continue to seek this information and communicate it to the Commission on the March 31, 2020 Agenda.

Vice Mayor Sokolow made a motion, seconded by Commissioner Strauss, to table the Item to the March 31 meeting. Motion carried 5-0.

13.d Town Participation in the Broward League of Cities 63rd Annual Gala (Commissioner Oldaker)

It was clarified that the Broward League of Cities 63rd Annual Gala is scheduled for May 16, 2020, barring unforeseen developments. The Town's sponsorship provides a donation toward funding the Broward League of Cities. It was noted that Premiere sponsorship costs \$5000.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve sponsorship at the Premiere level. Motion carried 5-0.

14. COMMISSIONER COMMENTS

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Mayor Vincent encouraged all residents to vote on Tuesday, March 17, 2020.

Commissioner Oldaker stated that he had attended a service in memory of Wilton Manors Mayor Justin Flippen, who had passed away unexpectedly. Mayor Flippen's passing was a great loss for Wilton Manors and the Broward community.

Commissioner Strauss wished all present a safe and happy St. Patrick's Day and encouraged them to vote as well. He also encouraged residents to attend the Farmers' Market in El Prado Park.

15. ORDINANCES

15.a Ordinance 2020-04 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO AMEND REGULATIONS AND PROHIBITIONS APPLICABLE TO SIGNAGE, REVISE SIGN REQUIREMENTS AND STANDARDS, SIGN REGULATIONS BY SIGN TYPE AND ZONING DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE. (Linda Connors, Development Services Director)

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

Development Services Director Linda Connors stated that this proposed Amendment to the Sign Code Ordinance is based on feedback provided at a workshop in May 2019. The Planning and Zoning Board recommended approval of the Ordinance by a vote of 5-0.

Suggested changes to the Sign Code include:

- Allowing one sandwich board (A-frame) sign per business west of and fronting onto Commercial Boulevard
- Placing sandwich board signs adjacent to buildings and maintaining a minimum pedestrian pathway

Since approval by the Planning and Zoning Board, Staff has recommended that some of the larger hotels in the RM-25 zoning district be allowed to include sandwich board signs as well. Staff also recommends additional regulations for these signs, including a requirement that they be removed and placed indoors when storm warnings are issued,

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indoors when businesses are closed, not stored inside landscaping, and have a minimum size of 42 in. x 22 in. The signs would be prohibited from being anchored or attached to poles, boxes, or other structures. The Town reserves the right to remove any such signs that are not in compliance with these regulations.

Another request regarding Sign Code was to review regulations regarding letter size, which is an issue specific to corner properties on Commercial Boulevard and Ocean Drive. Some years ago, the Town established a letter size requirement of 18 in. due to the speed of traffic in this area. East of Ocean Drive, however, the recommended size was 12 in. per letter. This created difficulties for corner properties facing both roadways. For the sake of continuity, the Ordinance would allow these properties to have 18 in. letters.

The Ordinance would also amend the language referring to monument signs to establish maximum size at 32 sq. ft. north of Pine Avenue and to remove existing inconsistencies that resulted from a merger of Broward County and Town Ordinances some years past. Another change is to clarify Code to refer to exemptions specifically for permanent signs in the Midcentury Modern style, such as wall, pole, or monument signs and excluding temporary or window signs.

The only change recommended by the Planning and Zoning Board was the location of sandwich board signs, which that Board recommended be permitted throughout the B-1 zoning district. This change was reflected in the final Ordinance. The prohibition of signs on the beach or dunes was also clarified to ensure consistency. This prohibition does not affect signs placed on the beach by the Town.

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

16. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:37 p.m.

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Mayor Chris Vincent

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ATTEST:

DocuSigned by:
Tedra Allen
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4/23/2020

Town Clerk Tedra Allen

Date