

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 9, 2021
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 Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Finance and Budget Lucila Lang, Director of Public Works Ken Rubach, Acting Development Services Director Jhanelle Campbell, Special Projects Coordinator Debbie Hime, Town Engineer Jay Flynn, Human Resources Manager Lisa Slagle, and Public Information Officer/IT Administrator Steve d'Oliveira, 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

a. Jack Holland Proclamation (Steve d'Oliveira, Public Information Officer)

Commissioner Strauss advised that Jack Holland has recently retired from the Hillsboro Inlet District Board of Commissioners after 35 years of service, during which he oversaw a number of important projects.

Mayor Vincent read a Proclamation recognizing March 9, 2021 as Jack Holland Day.

6. PUBLIC COMMENTS

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At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, addressed the Town Manager search, requesting that a list of challenges that would face the new Town Manager be removed, with the focus on serving as a steward of the Town
- Debra Hixson, who was newly elected to the Broward County School Board, introduced herself
- Sarah Leonardi, also newly elected to the Broward County School Board, introduced herself

7. PUBLIC SAFETY DISCUSSION

a. BSO February 2021 (Captain Tom Palmer, BSO)

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Detective Glenn Genovese as February 2021's Deputy of the Month. Detective Genovese was instrumental in identifying a vehicle used in a number of shoplifting cases, which led to an arrest.

Capt. Palmer continued that in recent weeks, he has been in contact with several coastal Chiefs of Police as well as Broward County Parks and Recreation with regard to spring break. An emergency lane has been implemented to allow access to emergency vehicles, and the beach is being patrolled more actively. No incidents have been reported thus far.

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

8. TOWN MANAGER REPORT

a. Town Manager's Report March 9, 2021 (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors requested direction from the Commission regarding upcoming special events in summer 2021, including Bugfest-By-The-Sea as well as the Town's Fourth of July celebration. Staff is working to identify ways to adjust these activities in order to meet COVID-19 precautions. The Town's fireworks provider

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has requested that they be informed by March 15, 2021 of whether or not fireworks will be needed for the event.

Mayor Vincent was in favor of entertaining the possibility of special events once more and recommended that Staff reach out to nearby municipalities to determine what they are doing for the holiday. He was also in favor of moving forward with Bugfest. The Commissioners agreed by consensus to proceed with planning for these events.

Commissioner Malkoon asked if the events are included in the current budget and if the Town would use the FDG property. Interim Town Manager Connors replied that plans include use of the FDG property. Plans are in place to identify alternatives if necessary.

Interim Town Manager Connors also requested feedback from the Commission regarding dogs in Town parks. A number of dogs and owners have congregated in the Friedt Park area without following rules that require dogs to be leashed. Town Code also states that dogs are prohibited from the park. Before preparing signage to remind owners of these regulations, Staff requested direction from the Commission on whether or not Code should be changed to permit dogs on beaches and/or in parks.

Commissioner Malkoon recommended no changes to Code. Mayor Vincent also felt more research would be necessary before making any changes to Code, pointing out that El Prado Park and Friedt Park are the Town's only green spaces.

Interim Town Manager Connors advised that any Ordinance prepared by Staff can be specific to the green spaces and may follow any directive the Commission wants, such as limiting dogs to a certain area of a park.

Mayor Vincent was not in favor of permitting dogs at El Prado Park, but recognized there are opportunities at Friedt Park outside its grassy area. He felt there should be more detailed discussion of this issue before a draft Ordinance is prepared. Possible options may include a fenced portion of the FDG property currently used for parking.

Commissioner Sokolow stated that until the Town is willing to enforce its Ordinances with consequences, some dog owners will continue not to comply with the law by allowing their pets on the beach or in Town parks. Interim Town Manager Connors noted that Code Compliance Staff has recently begun patrolling the beach to inform owners that dogs are not allowed there. The month of March 2021 is designated as a time to inform the community that the Ordinance is in place. After one warning has been given, ticketing may begin.

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Interim Town Manager Connors continued that Staff is working closely with WastePro to ensure its service meets the needs of the community. They have identified a number of collection issues occurring in the Downtown area, and suggest that on busier days such as Saturdays, Sundays, and Mondays, the Town permit WastePro to collect trash one hour earlier in order to be outside of the Town before crowds begin. The Commission agreed by consensus to proceed with this change on a trial basis. If there are no unintended consequences, the time change can be an amendment to the next agreement.

Vice Mayor Oldaker expressed concern with stakeholders in the area as well as with nearby residential and hospitality properties that would be affected by the change. Interim Town Manager Connors stated that many of these stakeholders have made complaints about garbage left late in the day to be picked up. The program is on a trial basis until it is determined how all of these parties are affected.

Interim Town Manager Connors addressed the Town's workshop schedule, noting that the workshop to discuss the 2021 Capital Improvement Plan (CIP) was held prior to tonight's Commission meeting. On March 23, 2021, there will be a workshop to discuss the five-year CIP, which will be included in the FY 2022 budget. She recommended that this workshop begin at 5 p.m. On April 6, at 5:30 p.m., a workshop is scheduled to discuss the Broward County transportation surtax program, as well as some of the items recently identified in the pedestrian study. On May 11, at 5 p.m., she also recommended a workshop to discuss the Downtown area, including COVID-19-related restrictions that are set to expire in mid-July.

Commissioner Malkoon suggested that the discussion of the Downtown area be moved up to the April 6 meeting, as there are a number of issues in need of address. It was determined that this change would be made.

b. January 2021 Finance Report (Lucila Lang, Director of Finance & Budget)

Finance Director Lucila Lang presented the January 2021 Finance Report, noting that the Town has collected up to 90% of its ad valorem revenues. Utility and franchise taxes had been at 26% prior to the January payment; as of today, these are at 35.7%. A chart comparing revenues generated by Town parking lots was provided, showing that while there is a decrease in overall revenue, the El Prado lot is the Town's number-one

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revenue producer, providing 18.6% of revenue. The second most productive lot is the A1A lot at 17.74%, and the oceanfront meters produce 16.83%.

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. February 9, 2021 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Town Manager Search Consultant (Susan Trevarthen, Town Attorney)

Town Attorney Susan Trevarthen reported that Staff has prepared a draft request for proposal (RFQ) in case the Town opts to retain a search consultant to assist in identifying new Town Manager candidates. An example of the RFQ used during the previous Town Manager search was also provided. Information regarding the Town and its priorities can be updated by a search consultant working with Staff. She concluded that the Commission itself cannot serve as selection committee for this RFQ. Responses may be sent directly to a Commission meeting, or a member of Staff can be assigned to review the responses.

Town Attorney Trevarthen recalled that at the February 23 Commission meeting, there was discussion of the Florida City/County Managers' Association (FCCMA), which has a Senior Advisor Program that can assist with a Town Manager search. She has not yet received word of whether or not any FCCMA members may be interested in assisting the Town as consultant for the Town Manager search in lieu of bringing in a firm.

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Town Attorney Trevarthen clarified that senior advisors affiliated with FCCMA may be available to provide a variety of consulting services to municipalities to assist with the search for a Town Manager. The Town would have the opportunity to specify the parameters of this search. It was determined that the Town Attorney would wait for a response from FCCMA and report back to the Commission.

13. NEW BUSINESS

a. Special Event, Park and Film Permits Discussion (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime explained that the Town is hearing interest in different types of permitting and would like to hear the Commission's recommendation on how to proceed. One special event requested in May 2021 is a church baptism with approximately 70 people on the beach. The Town would determine whether or not County permission is required before approving this event.

Regarding film permits, the Town has an inter-local agreement (ILA) with Broward County in which the County sends the Town a permit for signature once they have determined that COVID-19 guidelines are met. A small number of film permits have come through from the County thus far.

For weddings, the Town recommends a hybrid between County Emergency Orders and the Town's Resolution 2017-41, which includes special event permitting and fees. Special event applications would be taken on a case-by-case basis, with determination to be made that these fit within County and Town guidelines. Staff would bring these permits forward for Commission approval.

Special Events Coordinator Hime continued that in most cases, the Town asks that a wedding involving more than 40 individuals be arranged through a hotel. All requests would be asked to sign the Town's COVID-19 agreement. It was determined that the Town's pre-COVID-19 standard of no more than 40 individuals would be observed.

b. Speed Hump Request for Spanish River Drive (Neysa Herrera, Assistant to the Town Manager)

Assistant to the Town Manager Neysa Herrera explained that the Town received this request on February 18, 2021, including a petition signed by 12 of the 18 property

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owners on this street. Staff has certified these signatures and confirmed that this accounts for over 51% of these property owners.

The next step, should the Commission decide to move forward, would be to ask Broward County to conduct a speed study and accident data review to indicate whether or not a speed table is warranted at the subject location. This would determine whether or not the County or the Town would assume liability for installation of speed humps. If the Commission directs Staff to move ahead with this step, the results of the study would be brought back to them for a final decision.

Town Engineer Jay Flynn has determined that the installation of speed humps at the subject location would cost the Town approximately \$10,000. The Commission would have the final say in award of the contract once all policy steps have been observed.

Mayor Vincent asked if it is required that the Town go through the County for the speed study and accident data, or if they might move forward with a decision prior to the study. Town Attorney Trevarthen replied that the Town may proceed in either case; the lack of a study would only affect which party is responsible for costs and liability. She offered to look further into this issue.

Vice Mayor Oldaker asked where the speed humps would be positioned on the street. Mayor Vincent reiterated that an outside consultant or engineer would determine this placement.

Public Works Director Rubach explained that the County would not prohibit the Town from installing speed humps if the Town assumes liability and the Town Engineer determines the location. In the event that speed humps are found to be unwarranted, but the community still wants them, the Town may look into whether it can hold itself harmless and the neighborhood association assume liability.

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

c. Vacation Leave Accruals for Calendar Year 2020 (Lisa Slagle, Human Resources Manager)

Human Resources Manager Lisa Slagle stated that in 2020, after the COVID-19 pandemic began, the Town Manager at that time had verbally communicated to Town employees that unused vacation time could be rolled over at the end of the year. The

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Town's personnel manual states that an employee may not roll forward more than 120 hours: if they have accrued more vacation at the end of the year without using this time, those hours would be considered forfeit.

This policy was never put forth in written format and brought to the Commission for approval, and Human Resources Manager Slagle advised that she lacks authority to override this regulation. She requested guidance from the Commission, noting that there are multiple options, such as:

- Allowing employees who kept their time, thinking they would be able to use it in 2021, to cash out this time as a one-time payment
- Allowing the forfeit hours to be restored, with the understanding that they must be used by December 31, 2021
- Maintain the forfeiture of vacation hours

Staff recommends allowing employees the option of cashing out their hours or restoring them for this year.

Mayor Vincent advised that a Resolution be drafted to allow this one-time exception to be made, as the personnel manual was adopted by Resolution. Town Attorney Trevarthen advised that she could bring this Resolution back at the next meeting.

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve the plan [to allow employees to choose between the options of cashing out their hours or rolling them into 2021]. Motion carried 5-0.

d. Work Authorization to Strutt Consulting for planning consultant services related to updating the Town's Comprehensive Plan (Jhanelle Campbell, Acting Director of Development Services)

Acting Development Services Director Jhanelle Campbell reported that the FY 2021 budget was approved including \$40,000 for Comprehensive Plan updates. The Town plans to conduct the first phase of these updates, of which key tasks are listed under the Agenda Item.

In 2019, the Town issued an RFP selecting several planning firms that could provide planning services as needs arise. Staff recommends use of Strutt Consulting for this task due to the firm's long-standing relationship with the Town. Costs are estimated at \$28,000. The remaining \$12,000 of the budgeted \$40,000 would be used to update

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maps and graphs within the Comprehensive Plan, as these are outside the consultant's scope of work.

Interim Town Manager Connors characterized this Item as a cleanup issue, which would update language and eliminate completed goals, objectives, and policies. No new goals and policies are proposed for inclusion in the Comprehensive Plan at this time.

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

14. COMMISSIONER COMMENTS

Vice Mayor Oldaker addressed the issue of dogs in Town parks and on beaches, requesting that Staff define the difference between the El Mar Drive median and the designation of a park. This would help residents better understand where they may walk their dogs. Interim Town Manager Connors replied that official park spaces are outlined in the Comprehensive Plan. This Plan can be brought back to the next Commission meeting for clarification.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS

- a. **Resolution 2021-15 -- A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING FLORIDA SENATE BILL 596 AND HOUSE BILL 6023, WHICH REPEALS THE TREE PRUNING, TRIMMING, AND REMOVAL PREEMPTION; PROVIDING DIRECTION TO TOWN OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE. (Jhanelle Campbell, Acting Director of Development Services)**

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

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Acting Development Services Director Campbell advised that at present, Town Code requires a permit from Broward County to remove trees from residential or commercial properties in many instances. Florida Statute 163 preempts the Town's ability to regulate the removal of trees. The Resolution supports repeal of this language.

Commissioner Sokolow made a motion to approve.

Mayor Vincent cautioned that the proposed Resolution does not restore home rule: instead, it allows the County to determine what trees are sufficient for homeowners to keep on their property. Florida Statute 163 allows the Town the opportunity to hire its own arborists rather than remain under the guidance of the County. While he was in favor of municipalities and counties opining on what should be permitted on public property, he opposed allowing them to opine on what belongs on private property.

Commissioner Sokolow withdrew his motion to approve.

Commissioner Sokolow asked for the position taken by the Florida League of Cities on this issue. Town Attorney Trevarthen replied that prior to last year's Statute, counties and cities were able to regulate trees on commercial property. The Statute states that a local government may not require a notice, application of approval, permit, fee, or mitigation for pruning, trimming, or removal of a tree on residential property if that property owner obtains documentation from a certified arborist or a Florida-licensed landscape architect that the tree represents a danger to persons or property.

Commissioner Strauss asked if there are consequences to voting against the proposed Resolution. Town Attorney Trevarthen advised that there are no direct consequences; however, a vote in its favor informs the Florida Legislature that the Town would like to remove the 2019 preemption from state law.

The Resolution died for lack of motion.

b. Resolution 2021-16 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE AGREEMENT WITH BROWARD COUNTY FOR DISBURSEMENT OF FUNDS IN THE AMOUNT OF \$4,580.00 FROM THE BROWARD COUNTY TREE PRESERVATION TRUST FUND; AUTHORIZING THE INTERIM TOWN MANAGER TO EXECUTE THE AGREEMENT;

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PROVIDING FOR AN EFFECTIVE DATE. (Neysa Herrera, Assistant to the Town Manager)

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

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

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

19. ADJOURNMENT

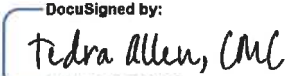
With no other business to come before the Commission at this time, the meeting was adjourned at 8:13 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

4/15/2021

Date