

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, December 8, 2020
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 Randy Strauss, Town Manager Bill Vance, Assistant to the Town Manager Neysa Herrera, Assistant Town Attorney James White, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Town Engineer Jay Flynn, Special Projects Coordinator Debbie Hime, Public Information Officer/IT Administrator Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Malkoon made a motion, seconded by Vice Mayor Oldaker, to excuse Commissioner Elliot Sokolow's absence. Motion carried 4-0.

5. PRESENTATIONS

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

Mayor Vincent read a Proclamation recognizing January 15, 2021 as Arbor Day. Town Manager Bill Vance noted that the Town is pursuing recognition as a Tree City USA as identified by the National Arbor Day Foundation.

5.b Paula Mangano Proclamation

Mayor Vincent read a Proclamation in honor of longtime resident Paula Mangano, who recently celebrated her 100th birthday.

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6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Town Clerk Allen read the following public comment:

- Barbara Cole, resident, spoke in opposition to the proposed El Mar Drive designs
- Stuart Dodd, resident, recommended lighting improvements, including lighting of pedestrian signage, on A1A
- Byron LaVan, resident, spoke in opposition to the proposed El Mar Drive designs
- Cynthia Mattia, resident, spoke in opposition to the proposed El Mar Drive designs

Resident Cristie Furth submitted public comment by video, and also stated her opposition to the proposed El Mar Drive designs.

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO November 2020 Report (Captain Tom Palmer, BSO)

Vice Chair Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

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

Assistant to the Town Manager Neysa Herrera reported that a request for qualifications (RFQ) for a comprehensive operations audit of the Town's Volunteer Fire Department has been posted on the Town's website and advertised in the *Sun-Sentinel*. Responses are expected by December 18, 2020, at 2 p.m.

In June 2020, the Town submitted an application for fiscal year (FY) 2020 Coronavirus Emergency Supplemental Funding for prevention, preparation, and response to the COVID-19 pandemic. The Town has received \$44,635 in these funds and expects approximately \$5000 in the near future.

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The Town has budgeted \$75,000 for capital improvement projects in the FY 20-21 budget. Terra Mar drainage improvements began in the first week of November and are anticipated to be complete in spring 2021. Improvements to the Visitors' Center are currently underway.

Ongoing projects in the Town include:

- Clearance of a Stop sign in the Bel Air community
- Replacement of rusted signage in an alleyway beside the Beach Portal
- Replacement of a pole on Basin Drive
- Removal of dead palm tree on Imperial Lane
- Placed holiday lights on trees in the Plazas
- Straightened parking signage in front of Town Hall

Public restrooms continue to be cleaned three times per day to prevent the spread of COVID-19.

Community Center Manager Armilio Bien-Aime continues to provide online programming for residents and Senior Center members.

The Farmers' Market opened on Sunday, December 6, 2020. The Town is supporting this initiative with signage and logistical assistance.

The Lauderdale-By-The-Sea Merchants' Association "Shop Small" event continues every Saturday through December 19, 2020 from noon to 5 p.m. The public is encouraged to visit any small shops in the Town and enjoy special offers, events, and savings. A Christmas Ride-By-The-Sea was held on December 2, 2020.

The Florida Municipal Communications Association recently recognized the Town's reopening campaign for its outstanding social media content. The Town continues to promote its businesses and hotels through social media and digital campaigns.

Vice Mayor Oldaker noted that Broward County Commissioner Lamar Fisher recently made a \$5000 contribution to the Visitors' Center using funds remaining in his annual office budget. This contribution will help cover salary expenses.

Mayor Vincent advised that the Town had sent out a blast email encouraging residents to submit public comments in advance of the first January 2021 Commission meeting. This session is scheduled for January 6 from 5 p.m. to 8 p.m. There have been requests

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for additional morning and afternoon hours to provide greater flexibility for residents to provide comments. He recommended that Town Manager Vance determine the best days on which to provide these opportunities.

8.b September 2020 Finance Report (Lucila Lang, Finance Director)

Finance Director Lucila Lang estimated that 99% of the Town's expenses for FY 2020 have been posted. After tonight's meeting, the audit for FY 2020 may begin.

Town Manager Vance advised that an Agenda Item for the Commission's January 12, 2021 meeting will address the \$1.6 million received as a result of successful negotiations regarding the removal of the Holiday Inn structure. He recalled that the Mayor and Vice Mayor had requested additional discussion of where these funds might be placed within Town reserves.

Vice Mayor Oldaker recalled that in FY 2019, the Town had transferred approximately \$698,000 to meet budget needs. He noted that Finance Director Lang's report shows a \$1 million surplus from FY 2019. If the \$698,000 is subtracted from this, the result is a smaller surplus. He proposed that there be discussion at the January 12, 2021 meeting of replenishing the Town's Parking Fund with the \$698,000, as it is not needed within the FY 2019 budget. He explained that since a surplus exists, his recommendation was for the Town to repay the Parking Fund for dollars moved into the General Fund.

Vice Mayor Oldaker concluded that he would defer additional discussion of this item to the January 12, 2021 meeting.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a October 27, 2020 Town Commission Ethics Training Minutes (Tedra Allen, Town Clerk)

10.b October 27, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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10.c November 11, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to approve 10.a, 10.b, and 10.c. Motion carried 4-0.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

12.a Crosswalk at A1A & Hibiscus Discussion of Additional Signage (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach recalled that in 2017, the Florida Department of Transportation (FDOT) performed a study to examine the need for additional warning lights at the crosswalk at A1A and Hibiscus Avenue. He had discussed the issue further with Town Staff and Vice Mayor Oldaker in 2018 and 2019, as FDOT had taken no action to improve lighting, although the Town expressed concern for the safety of pedestrians.

The crosswalk was planned to be constructed in April 2020 but was delayed due to the COVID-19 pandemic. Since October 2020, FDOT has indicated it is willing to make safety improvements to the crosswalk, including flashing beacon lights. The Town may install these lights, or may wait for FDOT to do so over a time frame of approximately two years.

The proposed flashing beacons would cost approximately \$20,000 to \$25,000. Provision of in-ground lighting would be another \$40,000 to \$45,000. Decorative pavement treatment would cost another \$10,000. Municipal Services Director Rubach estimated that the total would be between \$60,000 and \$80,000.

Vice Mayor Oldaker stated that the proposed lighting and pavement improvements are crucial due to the position of the crosswalk sign and a lack of signage on both sides of the street. He expressed concern with continued safety at the subject location, which sees heavy traffic on A1A, and suggested that Parking Fund dollars could be applied toward this project. Commissioner Malkoon added that he is also in favor of designating

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the crosswalk path with a different pavement material in order to ensure that pedestrians see the path.

Municipal Services Director Rubach continued that FDOT is putting together a submittal package on the Town's behalf. He characterized current FDOT staff as receptive to the Town's request. He will continue to discuss this issue with them on a weekly basis and provide the Town Manager with updates. Permits are typically approved within a 90-day time frame, although FDOT staff hopes to speed up this process. Legal negotiations between FDOT and the Town may also take up to 180 days.

13. NEW BUSINESS

13.a Auditor Selection Committee Ranking of Audit Firms (Lucila Lang, Finance Director / Tedra Allen, Town Clerk)

Finance Director Lang advised that the Town issued a request for proposal (RFP) for audit and financial analysis services and obtained information from four Certified Public Accountant (CPA) firms. The Audit Selection Committee, which consisted of the Town's Audit Committee as well as Vice Mayor Oldaker, ranked the firms and made a recommendation in favor of Grau and Associates.

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to direct the Town Manager and Town Attorney to draft an agreement with Grau and Associates for the Commission's review and approval. Motion carried 4-0.

14. COMMISSIONER COMMENTS

Commissioner Malkoon encouraged residents to attend the Shop Small events sponsored by the Town's Merchants' Association.

Commissioner Strauss congratulated Special Projects Coordinator Debbie Hime on the recent successful "drive-by" Christmas-By-The-Sea event. He encouraged residents to shop and eat locally and wear masks. He also spoke in favor of placing cigarette receptacles on the Town's beaches. He concluded that a number of residents have proposed a dog park area behind City Hall, and he plans to discuss this possibility further with the Town Manager.

Vice Mayor Oldaker advised that he will raise the topic of the Town's finances for further discussion at the January 12, 2021 meeting. He noted that the Town has met with

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Broward County Commissioner Lamar Fisher regarding boat traffic on the Intracoastal Waterway to discuss potential ways to more effectively regulate boat speeds.

Mayor Vincent thanked the Commission for their support during the ongoing COVID-19 crisis and meeting the challenges it has presented throughout the year. The Broward County mayors continue to participate in conference calls to discuss the situation and do not anticipate further restrictions at this time; however, because more public events are being permitted, the County has expressed a desire to step up its enforcement efforts and ensure that participants adhere to public safety guidelines.

The Mayor, Vice Mayor, and Commissioners wished happy holidays to all.

Development Services Director Linda Connors provided a brief update on a number of properties on El Mar Drive, including:

- Former Holiday Inn site: the building is gone and landscaping and fencing have been installed; there are no applications or expressions of interest in this property at present
- Eastward Strand property: the Town has spoken with the property owner, who has submitted a permit application that is under review; the Town hopes to facilitate the planned project as quickly as possible, with construction to begin after the new year
- Sea Lord site: the property owner plans to have contractors on the property by the second week in December
- Corner property across from Ocean 101: construction is underway but no applications have been submitted thus far, although it is expected to be retail development

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

16.a Ordinance 2020-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 17 “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” ARTICLE I “IN GENERAL,” BY AMENDING SECTION 17-14 “PERSONS WHO MAY USE TENNIS COURTS; ACCESS TO TENNIS COURTS; ISSUANCE OF KEYS; FEES” TO REMOVE THE FEES FROM THE

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**TOWN CODE SO THEY CAN BE ADOPTED BY RESOLUTION; AND
PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE
(Ken Rubach, Municipal Services Director)**

Municipal Services Director Rubach advised that this Item will remove the schedule of fees from the Town's Code of Ordinances. The schedule may then be approved by Resolution. Key rates have also been lowered to \$120/year or \$10/month.

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

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

17. RESOLUTIONS – PUBLIC COMMENTS

**17.a Resolution 2020-47 – Budget Transfer – Enhanced COVID-19 BSO
Patrol Services (Bill Vance, Town Manager)**

It was clarified that this Resolution would amend the Town's FY 2020-2021 budget to authorize appropriations and expenditures in accordance with the amended budget.

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

Vice Mayor Oldaker requested that this Resolution be deferred until the January 12, 2021 meeting so additional information can be provided.

Town Manager Vance explained that a number of months ago, the federal government allocated funds to each state through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Broward County has informed the Town that it can pursue \$596,000 of CARES Act funding before December 10, 2020. Roughly \$150,000 would be dedicated to housing assistance, with \$40,000 to small business assistance. These funds would be administered by the County. Another \$406,000 is dedicated to reimburse the Town for COVID-19-related expenses.

With the Resolution, Staff proposes that the Town receive the \$406,000 they are due and dedicate \$388,000 of these federal dollars to the Public Safety/BSO Fund to cover the expense of additional BSO shifts in the Downtown area throughout the remainder of

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the fiscal year. Town Manager Vance emphasized that this is a reimbursement of funds that would continue to be used toward public safety. If the Town feels these services are no longer necessary, the budget could be amended and the funds placed in the Town's savings account.

Mayor Vincent commented that he was not certain he wished to commit these funds at present. If the County cannot guarantee reimbursement, the Town may wish to provide additional public safety services using County Code Enforcement Staff.

Mayor Vincent asked if funds to be provided through Florida Department of Law Enforcement (FDLE) can be used toward public safety if needed. Town Manager Vance confirmed this, adding that the services in question would be discontinued prior to January 12, 2021. He pointed out that if these services continue through that date, they would require the expenditure of funds not appropriately budgeted for them; however, other sources of funding may be available to pay for these services.

Town Manager Vance noted that there is no guarantee that individual municipalities would qualify for future CARES Act funding. The County has \$596,000 for which the Town has already submitted 90% of its application. These are strictly reimbursement dollars for funds the Town has already spent related to additional BSO services in the Downtown. Adoption of the Resolution would prevent a disruption in additional BSO services.

The Commissioners agreed by consensus to defer the Item to the January 12, 2021 meeting, pending additional information from Staff.

18. QUASI JUDICIAL PUBLIC HEARINGS

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

18.a Administrative Adjustment for 1572 Blue Water Terrace (Linda Connors, Development Services Director)

Development Services Director Connors stated that this request is for the construction of a garage on the subject property at an angle which makes it difficult to meet setback requirements. Town Code allows the Commission to approve an administrative

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adjustment for setbacks and overhangs equal to or less than 5 ft. or 30%, whichever is less.

Plans for the building show that the garage addition would encroach into the setback area by a total of 25 sq. ft., with the roof overhang encroaching by approximately 4.5 ft. Both the addition and the overhang meet administrative adjustment criteria.

A number of criteria must be considered in order to approve the request:

- The adjustment does not result in an increase in density
- The adjustment does not provide for building height that exceeds zoning Code
- The adjustment does not encroach into an easement
- The adjustment is required to compensate for some unusual aspect of the proposed development site

Staff has found all of these criteria to have been met. The Planning and Zoning Board recommended approval of the application as well.

The Town has posted notice of the administrative adjustment request on the subject property and submitted letters of notice to properties within 300 ft. of the subject property. Staff received one email in support of the request and no communications that opposed it. The letter of support is included in the Staff Report.

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

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 4-0.

**18.b 240 E. Commercial Blvd. / Site Plan Amendment and Conditional Use
Application for Mixed Use Development in the B-1 Zoning District
(Linda Connors, Development Services Director)**

Development Services Director Connors stated that this request is for mixed-use development in a three-story building on the south side of Commercial Boulevard. The first story is a lobby and parking area, while the second and third stories are office space. The Applicant hopes to convert the third story into two residential units. Code allows for this mixed use on commercial property; however, it is subject to conditional use approval by the Commission, as well as the allocation of flex units on commercial

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land use. In addition to conditional use and allocation of flex units, the Applicant also requests a Site Plan amendment to improve its parking layout.

The criteria for mixed-use development include:

- There cannot be more residential than commercial square footage
- Commercial development cannot exist on top of residential development
- Residential development is not permitted on the first floor of the property

Staff has reviewed the Application and found it to meet Code requirements. They are asking the Applicant to amend the existing Site Plan in order to improve parking, including provision of a space which meets the requirements of the Americans with Disabilities Act (ADA) and cessation of use of a swale. Reconfiguration of parking will include a landscaped island at Staff's request. The addition of residential use will require less parking than the previous commercial use.

The Town has 419 available flex units, of which two will be allocated to the subject property. The Town will provide a letter to the Broward County Planning Council informing them of the reduction of the Town's pool of units by two.

Staff recommends approval of all three Applications. The Planning and Zoning Board has reviewed the Applications and also recommends approval. Staff has requested the following conditions be met:

- Provision of a landscaped island
- Provision of an ADA-compliant parking space

The Commissioners disclosed any ex parte communications on the Item at this time.

Development Services Director Connors advised that Staff has received one email regarding the Applications, which is included in the Staff Report. The email came from a nearby property owner who expressed concern with the conversion of office space to residential units, as the Town has a limited amount of available office space.

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

Mayor Vincent observed that the Town sees very few requests for mixed-use development and/or flex units. There are two pools of flex units, from which more than 10% of units may not be allocated to any single project.

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Commissioner Strauss asked if the residential units could be switched back to office or business space in the future. Development Services Director Connors confirmed that this could be done.

Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 4-0.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:00 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

Date

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Public Comments

Barbara Cole, resident (242) words
Mayor, Commissioners

I thank you for moving the El Mar Drive Project to January 12, 2021 in order to let your constituents enjoy their holiday time and to allow you all to spend some more time listening to those you represent. By now you have the results of the latest survey from the banner presentation as well as the growing number of civic activists voicing their wants and concerns along with hoteliers and businesses impacted by COVID-19 wanting no additional impact with a project in 2021.

I ask you to add another component to your decision making by going back to the Sept. 22, 2019 Commission Meeting and listening to our Town Engineer at 1:37 talk about his disagreement with FDOT and his plan for El Mar which is Plan 1! Maybe you like me did not recall this - it's an eye opener! EDSA followed this exact plan unbeknownst to many!

Again, I along with many would like yet another look at why we find ourselves facing a full overhaul on a street not needing one for drainage, traffic calming and more importantly changing the pedestrian morning usage of all of El Mar Drive that should be branded by our town as an asset rather than an illegal act!

I wish you all a wonderful holiday and a happy new year ready to openly listen to your constituents at the podium when Jarvis is opened to allow them to be recorded!

Stuart Dodd, resident (Item12a) (96 words)

I was delighted to see this on the agenda – I raised this issue because I was driving southbound on A1A and in the dark suddenly saw a pedestrian crossing the road. It is a badly lit section and really quite dark. The pedestrian sign posts themselves are not lit. If FDOT could install the flashing markers in the road as well as flashing street signs this would greatly reduce the traffic speed at this point on A1A and greatly contribute to the safety of pedestrians in our town.

Thank you for your attention on this matter

Byron LaVan, resident (483 words)

After reviewing the three options suggested by the Commissioners and Planners, my wife and I are opposed to all three options. There is not a fourth option which is to vote for no changes on El Mar Drive except for a few minor improvements to the sidewalks and sewers. The Planners probably don't even live in this area and will not be affected if an option for change occurs on El Mar Drive. We live on El Mar Drive and will be greatly

affected by the changes, if they were to go through. We pay substantial taxes and believe our voices should have weight.

Why are the Commissioners and Planners so concerned about the commercial truck parking on El Mar Drive. The drivers are doing a good job now – delivering their packages and not staying double parked for any length of time. In the options it describes “pull-off” spaces for truck parking. If we have the “pull-off” spaces for truck parking during the delivery hours, the visitors coming after hours would park in these pull-off spaces which would create unsightly parking along El Mar Drive. The Township has provided an abundance of public parking for El Mar Drive. These spaces are between the Villas on El Mar Drive.

Approximately three years ago the Township wanted to put horizontal parking up and down El Mar Drive. At a Township meeting (which was filled with El Mar residents) we opposed the plan which the Township agreed to cancel at that time.

Now the plan is back: bigger and bigger – only with larger and more expensive plans, but with the same result – more parking on El Mar Drive, more people brought into our area for the benefit of the bars and restaurants on the Commercial circle.

We bought a condo on El Mar Drive approximately four years ago. El Mar Drive is what we were looking for in a street: tree lined, colorful flowers, easy access to a small street without much car traffic and an all-around charming feeling. The car drivers, bikers, joggers and walkers can and will get along as they have for many years. No one is in harm's way.

Questions: Who is going to pay for all of these “improvements?” Who is going to maintain these “improvements?” How much will this project cost the taxpayers? Who will benefit from these “improvements?” How long will the project take? What kind of construction mess will the project create? What are the goals of the Commissioners? We have no drainage problems now, how can we be assured that the project will not create drainage problems in front of our condo and along El Mar Drive?

I feel this is a ridiculous and expensive and unnecessary use of our money. If the Township is looking for a way to spend money, underground utilities would be an asset.

Sometimes, it's best to leave a good thing alone.

Byron LaVan

Cindy Mattia, resident (55 words)

Greetings Town Commission,

Recently, I was dismayed to find out that those surveys that did not chose 1 of the 3 streetscape designs was discarded. Unfortunately, this shines a negative light on both the Town Commission and EDSA. Please do not discount the voices of those who do not want El Mar Drive streetscape changed.