

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 11, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were 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, 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

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to excuse Vice Mayor Sokolow's absence from tonight's meeting. Motion carried 4-0.

The Commissioners agreed by unanimous consensus to defer Item 13a, the Town Manager's evaluation, to the February 25, 2020 meeting.

5. PRESENTATIONS

5.a Glass & Mixed Paper Market Update

Recycling Coordinator Vicki Eckels recalled that the Commission had made a decision in December 2019 to omit non-recyclable materials such as glass from the Town's recycling program. She introduced Dawn McCormick, Director of Communications for Waste Management, Inc., who would address this topic further.

Ms. McCormick explained that recycling markets have been very challenging in recent years: while in the past, 30% to 40% of all recyclable material went to China, that country has now closed its doors to recyclables. If there is no end market for a collected material, recycling it can do more harm to the environment than good. Two of the materials without a current end market are glass and mixed paper.

Recycling Coordinator Eckels advised that the state's view of recycling was based on determining which materials do the most to reduce greenhouse gases. Ms. McCormick added that Florida has a 70% recycling goal by the year 2020; however, the state has acknowledged that this cannot be reached. The current total is approximately 48%.

Some materials, such as aluminum, have significant environmental benefit when recycled, while others, such as glass, have a very small benefit. The most valuable materials to recycle are plastic bottles and jugs, aluminum, and cardboard. The state of Florida recycles only 16% of its plastic water bottles and aluminum cans, which means there is an opportunity to increase their recycling.

5.b Sea Shorts Play Festival Presentation (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira announced that the semi-annual Sea Shorts Play Festival will be held the weekends of February 14-16 and February 21-23, 2020. Friday and Saturday shows are at 7 p.m., and Sunday shows are at 4 p.m. All shows are free. Plays can be submitted to this festival via Town Hall in the future.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she had emailed the Commissioners regarding the Town Manager's evaluation to suggest that more comprehensive evaluations be made.

John Graziano, resident, spoke positively about sidewalk cafés in the Town.

Angela Aldahwi, resident, advised that she was opposed to the prospective increase in the Town's sewer rates, as there have been multiple increases in the past five years. She felt the Town should seek other ways of raising funds.

Ms. Aldahwi continued that metered parking on Bougainvillea Drive was installed without the notice or knowledge of residents in that area. These residents have had several meetings to discuss this issue, which has negatively affected parking as well as quality of life in the surrounding area. She did not believe this parking could bring in significant revenue, and requested that this issue be looked into further.

Kim Hayes, resident, also addressed the metered parking on Bougainvillea Drive, which she also felt created a safety hazard for individuals crossing the street. Speeding also remains an issue in this area.

Ken Brenner, resident, asked if Consent Item 11a, asked questions regarding the proposed building fee study, including costs he felt were excessive for maintenance work.

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

7. PUBLIC SAFETY DISCUSSION

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

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) addressed speeding on Bougainvillea Drive, stating that BSO has deployed portable signs and other equipment to measure and record speeds. Speed humps are not an option for Bougainvillea Drive, as a County bus route uses this roadway.

Commissioner Strauss observed that the Town's crime statistics were unusually high in January 2020. Capt. Palmer confirmed that these figures are higher than they were in January 2019; however, most recent crimes have been followed by arrests.

Mayor Vincent recalled that when a median was installed on Bougainvillea Drive, residents in the subject area had raised concerns regarding traffic flow, as well as how it would affect nearby businesses and the Plaza. He recommended meeting with Capt. Palmer and the Town Manager to revisit this project.

Commissioner Malkoon recalled a previous discussion which had raised the possibility of moving two to three metered parking spaces which partially blocked an entrance to and from a property on Bougainvillea Drive.

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

7.b VFD January 2020 Report (Chief Judson Hopping, VFD)

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

7.c AMR January 2020 Report (Chief Brooke Liddle, AMR)

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

8. TOWN MANAGER REPORT

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

Assistant to the Town Manager Neysa Herrera reported that the Town's Candidates' Forum is scheduled for March 2, 2020 at 7 p.m. in Jarvis Hall.

Town Manager Bill Vance advised that pedestrian plan efforts, spearheaded by the Development Services Department, began in late January 2020 with the collection and review of data. Next steps include a community workshop prior to development of a draft plan and its presentation to the Town's Planning and Zoning Board, which is expected in April or May 2020.

Commissioner Oldaker requested that the Town Manager's written report include more detailed information than it currently contains in order to keep the community informed.

Commissioner Malkoon recalled that it had also been suggested that the Town Manager's Report include a monthly report on upcoming Community Center events. Town Manager Vance replied that Community Center Director Armilio Bien-Aime has indicated he would provide a quarterly report.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen addressed the state of the Town's foreclosure proceedings against properties owned by Florida Development Group (FDG). The stay of foreclosure expired on February 7, 2020, and is followed by a 20-day period in which

FDG must file its response to the foreclosure complaint. At that time the Town will have a better idea of how FDG plans to proceed.

10. APPROVAL OF MINUTES

10.a January 14, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

10.b January 28, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

11.a Building Fee Study (Linda Connors, Development Services Director)

Development Services Director Linda Connors explained that the state of Florida has passed a bill requiring municipalities to be more transparent with regard to their building fees. These fees are required to help the Town provide the Building Department's services, as well as utilities, rent, and Town Staff time.

The study is intended to review the fees collected and make sure that they are allocated to the Building Department. It will review the building and permit fees of nearby municipalities to ensure that Lauderdale-By-The-Sea's fees are in line with the surrounding area. Development Services Director Connors noted that in some municipalities, engineering fees accompany permit fees.

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

12. OLD BUSINESS

12.a Approval of a GMP with State Contracting for Friedt Park Courtyard (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach recalled that in 2019, Town Staff met with the Friedt Park Beautification Committee, which confirmed their selection of a drawing made in 2017. Because the parking component would have required extra drainage and doubled the price of the project, the Committee elected to move forward with the project without additional parking.

The concept selected for the courtyard includes new lighting, pavers, upgraded landscaping, seating areas, and green space for various activities. Municipal Services Director Rubach showed a visual of the current condition of this space, with inoperable light poles, damaged pavers, and other areas in need of maintenance or replacement, followed by a rendering of the plans for the courtyard.

Commissioner Oldaker requested more information regarding a line item for "earth work." Municipal Services Director Rubach explained that this includes removal of the existing surface and digging below it. This will be the most expensive aspect of the project. He added that when drainage is eventually installed on Bougainvillea Drive or Poinciana Street, the Town may wish to provide appropriate drainage for the park at that time. Plans include the use of synthetic turf.

Commissioner Malkoon recommended that when electrical upgrades are made, additional plugs be provided so they can accommodate speakers or other necessary outdoor event equipment.

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

13. NEW BUSINESS

13.a Town Manager's Performance Evaluation

This Item was deferred to the February 25, 2020 meeting.

13.b Election Day Regulations (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen advised that Staff has composed a list of ethical Election Day practices, including Florida Statutes. They have also reached out to several Broward County municipalities for information on these practices. The Commission may decide if they wish to move forward with these regulations on Election Day.

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

13.c Approval of a GMP with State Contracting for Jarvis Hall / Community Center Portico (Ken Rubach, Municipal Services Director)

Municipal Services Director Rubach stated that the portico of Jarvis Hall is a heavily used area in need of renovation, including new tile flooring, installation of a railing around the perimeter, and repair of the base beneath the tile. He showed a visual of existing conditions as well as a rendering of the proposed repairs.

Commissioner Oldaker asked if another surface type could be used for the flooring, such as a poured concrete surface. Municipal Services Director Rubach replied that tile is the most cost-effective option.

Mayor Vincent noted that not all areas requiring restoration and remediation work are identified. Municipal Services Director clarified that these include stucco work and pressure washing. Mayor Vincent also emphasized the necessity of good traction on the surface, pointing out that weather conditions can affect traction. Municipal Services Director replied that Staff would bring in a sample of the tile before making the final decision.

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

14. COMMISSIONER COMMENTS

Commissioner Malkoon noted that resident Alison Zach had put together a plan for planters containing native pollinators near the Town's apiary. He thanked all responsible for their work on this project, suggesting that in the next budget, access could be improved to this facility. He also recommended consideration of using native plants in the Town's medians.

Commissioner Oldaker complimented the median in the southern entrance to the Town, which was recently remodeled and landscaped by Municipal Services Staff.

Commissioner Strauss encouraged all present to visit the Farmers' Market on Sunday mornings in El Prado Park.

15. ORDINANCES 1ST READING

15.a Ordinance 2020-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, “UTILITIES,” OF THE TOWN’S CODE OF ORDINANCES BY AMENDING ARTICLE II, “SANITARY SEWER SYSTEM,” SECTION 20-19 “RATES AND CHARGES”; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

Finance Director Lucila Lang recalled that there had been questions regarding the rates paid by residents to the north of Town, whose services are provided by the city of Pompano Beach. She noted that Pompano Beach’s sewer rates are higher than the Town’s: a single-family home would pay an average of \$17.83 in Lauderdale-By-The-Sea, while another \$4.15 would be added for flow charges in Pompano Beach.

Commissioner Strauss emphasized the importance of understanding that Pompano Beach treats sewage from Lauderdale-By-The-Sea. Fort Lauderdale charges homes on the south end of the Town for processing sewage, which is then credited back to the Town and paid to Pompano Beach. Charges are determined by the metered amount of water used.

Finance Director Lang explained that she used consumption information from 2019 as well as the new flat rate to determine what the Town’s rates would be. In 2019, they paid \$698,695, while in 2020 they expect to pay roughly \$818,000.

Town Manager Vance advised that the Ordinance would raise the Town’s sewer rates by 15%, which would allow them to achieve more revenues than expenditures in association with bills from Pompano Beach.

Mayor Vincent recalled a question raised during Public Comment regarding other ways to raise the Town’s revenues. Town Manager Vance stated that the Sewer Fund is an Enterprise Fund, which is intended to be self-sufficient. The current Sewer Fund

balance is \$1.2 million, which he felt was a comfortable reserve amount but should not be used otherwise. The proposed increase is intended to meet the additional charges required by Pompano Beach.

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

16. ORDINANCES 2ND READING

16.a Ordinance 2020-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17, “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES,” ARTICLE VI, “SIDEWALK CAFÉS” TO MODIFY APPLICATION, PERMIT, LICENSE, AND OPERATION REGULATIONS RELATED TO SIDEWALK CAFÉS AND TO REORGANIZE THE ARTICLE TO STREAMLINE AND IMPROVE FUNCTIONALITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR 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 Connors recalled that this Ordinance came before the Commission for first reading on January 14, 2020. It is the result of a Commission Workshop held in May 2019. Some of the changes established by the proposed Ordinance include:

- Reorganization for ease of reference
- Addition of standards that were previously included as policies
- Limiting the size of umbrellas
- Prohibiting tents/canopies
- Establishing the number of people allowed to one per 10 square feet of chairs and one barstool for each 24 in. of barstool space
- Establishing a buffer zone
- Setting a minimum width of 7 ft. west of Ocean Drive and 5 ft. for other areas to maintain a pedestrian path

References to fees no longer collected were deleted, and definitions were amended for clarification.

New concepts include establishment of procedures to accept payment for sidewalk cafés that are available for fewer than 12 months per year. Live/amplified music is prohibited within sidewalk café areas, and a time requirement is required for Staff's review of applications. Fire Department review must also be provided to ensure ingress/egress. Lights, decorations, and other objects not specifically approved as part of the café permit are not allowed in the area, and furniture and fixtures may be stored in a neat and orderly manner no earlier than 10:30 p.m. Chained furniture may be placed in a sidewalk café by 10:30 a.m.

Development Services Director Connors concluded that the Ordinance's language was amended throughout the Ordinance to more clearly express the Town's requirements. The Planning and Zoning Board recommends approval of the Ordinance.

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

16.b Ordinance 2020-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” DIVISION 2 “DISTRICTS,” SUBDIVISION L “B-1-A DISTRICT REGULATIONS,” AND SUBDIVISION M “B-1 DISTRICT REGULATIONS” TO MODIFY REGULATIONS AND STANDARDS RELATED TO OUTSIDE SEATING FOR RESTAURANTS ON PRIVATE PROPERTY, OTHER THAN A SIDEWALK; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

Development Services Director Connors advised that this Ordinance is a companion item to the sidewalk café regulations. Sidewalk cafés are on public property, while outdoor dining is outside on private property. The Ordinance amends regulations for consistency with those of sidewalk cafés. The Ordinance passed on first reading at the January 14, 2020 meeting and was recommended for approval by the Planning and Zoning Board.

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

Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 11, 2020

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

17. RESOLUTIONS – PUBLIC COMMENTS

None.

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 8:02 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date

Meeting Date: February 11, 2020

Public Comments are limited to three (3) minutes.

✓ Barbara Cole LBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

John Graziano LBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

DAW McMillan LBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Angela Aldahwi 4309 Bougainville Dr
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

Kim Marie Hayes 4305 Bougainville Dr
PRINT NAME AND ADDRESS

Meeting Date: February 11, 2020

Public Comments are limited to three (3) minutes.

KEN BREWER UBTS
PRINT NAME AND ADDRESS

Public Comments are limited to three (3) minutes.

PRINT NAME AND ADDRESS

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