

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, February 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, Public Works Director Ken Rubach, Acting Development Services Director Jhanelle Campbell, Sydney Ramirez of Development Services, Special Projects Coordinator Debbie Hime, Town Engineer Jay Flynn, Senior Office Specialist Lisa Slagle, Waste and Recycling Coordinator Vicki Eckels, and Public Information Officer/IT Administrator Steve d'Oliveira.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

All present observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Item 13.d be pulled from tonight's Agenda. It was determined that any public comment submitted addressing Item 13.d would be available upon request.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Sydney Ramirez of Development Services read the following public comments:

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- Ron Piersante, resident, thanked the Commission, Municipal Services Director Ken Rubach, and Municipal Services Staff for helping to fund the remodeling of the Town's Visitors' Center
- John Graziano, resident, suggested that the Town take an alternative approach to hiring independent consultants by having qualified in-house employees assume many of the responsibilities of routine work
- Rael Gilchrist, resident, requested authorization to provide rooftop access for an outdoor kitchen and cabana at his home. He noted that a letter has also been sent to the Commission with this request. Mayor Vincent recommended that Mr. Gilchrist contact Jhanelle Campbell in Development Services for additional information.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

- 8.a October 2020 Finance Report (Lucila Lang, Director of Finance & Budget)**
- 8.b November 2020 Finance Report (Lucila Lang, Director of Finance & Budget)**

Director of Finance and Budget Lucila Lang presented the October and November 2020 Finance Reports, which bring the Town to 16.6% of its fiscal year. The Town has collected roughly one quarter of the ad valorem property taxes and fire assessment fees from 2020, with other revenues slowly coming in as well.

Amendments for fiscal year FY2020 will not come before the Commission, as the time in which amendments for that year's budget may be made has already passed. A number of amendments for FY 2021 will be brought forward in March.

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Vice Mayor Oldaker addressed ad valorem tax revenues for November 2020, asking if these are received by the Town as soon as they are paid. Director Lang replied that \$2.2 million of the \$9 million budgeted has been received. A larger portion is expected from December 2020 and additional smaller portions in January and February 2021. The County pays these revenues as they are received.

8.c Town Manager's Report for February 9, 2021 (Linda Connors, Interim Town Manager)

Interim Town Manager Linda Connors stated that COVID-19-related cleaning of Town Hall led to an expenditure of approximately \$40,000, which is over the \$15,000 limit that can be approved by the Town Manager; however, the Governor's and Mayor's Emergency Orders permitted approval of this emergency expenditure. Cleaning services are a budgeted item and necessary for Staff safety. These services are expected to continue throughout the year.

The Town was ranked fourth of 18 applicants for a \$30,000 grant toward its Dune Master Plan. It is also moving forward with a Fire Department Evaluation and Audit request for proposal (RFP), for which responses were received in December 2020. An audit review committee has been established and will meet on February 19, 2021. It is hoped that this Item will be on the February 23, 2021 Commission Agenda.

The Public Works Department has requested approval of an emergency authorization for new fuel tanks for the Town's generators. Interim Town Manager Connors has given this approval for \$23,000. Municipal Services Director Ken Rubach has secured emergency generators in the event they become necessary.

Eastward Strand parking will no longer be available beginning February 16, 2021, as buildings in this area will soon be renovated.

The Town has received a draft request for qualifications (RFQ) for the Palm Club sewer project and hopes to bring a recommendation to the Commission for consideration in April 2021.

Work on the Terra Mar Drive Bridge is expected to begin later this week, with no significant impact expected on island residents. This is a Pompano Beach project.

The Town continues to find ways to improve resident services and contacts between residents and employees. These include a new initiative to make parking passes for

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residents and businesses available for purchase online. This initiative is in the testing phase at present and will hopefully move forward in March 2021.

The pedestrian study drafted by the Corradino Group in 2020 will be presented to the Commission at the February 23, 2021 meeting. This study makes recommendations on projects to enhance pedestrian safety.

Commissioner Malkoon requested clarification of plans to reopen Town facilities, including Town Hall and Jarvis Hall. Interim Town Manager Connors replied that over the last two weeks, the Public Works Department has resumed full-time work. Broward County survey results are being examined to determine if Town Hall can be safely reopened for both Staff and the public. Staff is also considering how to reopen Jarvis Hall for Commission meetings and other public functions. She anticipated a recommendation could be made at the February 23 meeting.

Mayor Vincent commented that an independent contractor has been hired by the Palm Club to bring services from the street to homes using lateral lines. This work is not done in coordination with the Town. Municipal Services Director Rubach confirmed that the Town is still working with the Palm Club to ensure necessary easements before the RFQ is issued to secure a contract.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a January 26, 2021 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

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None.

13. NEW BUSINESS

13.a Ranking of Proposals for IT Support (Steve d'Oliveira, IT Administrator)

Interim Town Manager Connors noted that no public comments were submitted regarding this Item.

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

13.b El Mar Drive Design – EDSA Additional Services Agreement #2 (Jay Flynn, Town Engineer)

Town Engineer Jay Flynn advised that this Item is EDSA's second request for additional services on the El Mar Drive design project. The current phase of this project was originally budgeted for 45 days; however, this phase has gone more than 231 days past this time frame. He has reviewed the request and recommended approval as submitted.

Commissioner Malkoon stated that he would have liked to see a more detailed list of the items and their cost breakdown performed during this time frame. Interim Town Manager Connors confirmed that she had reviewed the agreement with Town Engineer Flynn and questions were answered to her satisfaction. There was no overlap in services. She noted that EDSA and the design team are meeting later in the week to review the process of educating the public on this project, as she was not in favor of an open-ended budget for this purpose. The team will return to the Commission with an estimate of what this budget would be. Staff hopes to have greater involvement in order to further reduce costs to the Town for the educational process.

Commissioner Sokolow recommended against any further action involving EDSA at this time, as there appears to be significant public opposition to the El Mar Drive project. He noted that the project is most likely to include only cosmetic repairs and lighting, and there is little to be done in the way of education to counter public sentiment. He advised, however, that he was not in favor of giving up on the project, and wished to hear from more of the Town's residents on how the project should go forward.

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Commissioner Strauss was not in favor of spending additional resources on the project, recalling that the Commission had voted at an earlier meeting to revisit the El Mar Drive project again in October 2021. His primary concern was for sidewalk repairs, which had been postponed while the larger project was discussed, and recommended spending Town funds only on these repairs as a safety issue.

Mayor Vincent agreed with Commissioner Sokolow regarding feedback from residents, and suggested ceasing all work on the project until it is discussed again in October 2021. He was supportive of additional expenditures due to EDSA for services rendered.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve EDSA's extra [funds]. Motion carried 5-0.

It was confirmed that all services from EDSA regarding the El Mar Drive project would be suspended until October 2021, with the exception of any necessary safety repairs. These repairs would be assessed by Staff, including Interim Town Manager Connors and Municipal Services Director Rubach, and the Town would then make a decision on what can or cannot be done.

Commissioner Sokolow proposed that Special Projects Coordinator Debbie Hime could prepare an outreach campaign and/or resident survey for residents to determine what the greater community would like to do, pointing out that negative responses to the proposed designs had acknowledged the need for sidewalk repairs and drainage and lighting improvements. He was not in favor of postponing any action on the project until October.

Commissioner Strauss commented that it was his understanding that the Commission would revisit the project in October and decide at that time whether or not to move forward with it. He opposed any further expense on the project until that time, again advocating for sidewalk repair in accordance with Code and engineering standards.

Vice Mayor Oldaker recalled that the original purpose of postponing further action on the project until October was to provide time to improve public awareness and interaction. He expressed concern with the proposal to take no additional action until that date.

Commissioner Malkoon noted that Staff can continue to take certain actions between the present and October using the surveys, plans, and narratives already prepared with

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EDSA. Mayor Vincent agreed, stating that surveys and public education have already been undertaken with regard to the project.

Interim Town Manager Connors requested clear direction for Staff on whether or not to move forward with additional public outreach and education. She added that Staff and the Commission will need to be prepared to make a decision on how to move forward in October, noting that roughly \$300,000 in surtax funds will be available for a limited time for a project that improves pedestrian safety.

Town Engineer Flynn reminded the Commission that EDSA and Staff have provided extensive surveys, the results of which were a majority in favor of one lane of traffic, improved sidewalks, and bike lanes. He emphasized that it would make no sense to improve sidewalks without also improving drainage, as drainage improvements would require work beneath the new sidewalks.

Commissioner Sokolow requested that this Item be placed on the Agenda for the February 23, 2021 meeting to provide further direction for Staff. Interim Town Manager Connors confirmed that this would be done.

13.c Resolution 2021-06 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE PURCHASE OF STORM SHUTTERS FOR TOWN HALL; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH LEVINSON BUILT, LLC FOR THE PURCHASE AND INSTALLATION OF STORM SHUTTERS FOR TOWN HALL, IN AN AMOUNT NOT TO EXCEED \$16,073.00; PROVIDING FOR AN EFFECTIVE DATE (Ken Rubach, Municipal Services Director)

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

Municipal Services Director Rubach explained that Staff has reviewed the Town's facilities and identified storm shutters as a critical need. The current shutters on Town Hall are over 25 years old. The addition of impact-resistant windows was also considered but ultimately not pursued due to their cost.

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

13.d Consider Removing Town Back Out Parking (Mayor Chris Vincent)

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This Item was removed from the Agenda.

13.e Application for Relief of Code Compliance Lien at 2031 Coco Palm Place (Jhanelle Campbell, Acting Director of Development Services)

Acting Director (A/Director) of Development Services Jhanelle Campbell stated that this Application requests relief of Code fines associated with four separate liens. The hearing costs associated with each lien has been paid at a total of \$575. The total lien amount is \$40,640. The Applicant has paid the required \$500 lien mitigation application fee, as well as \$1207 in additional hearing costs and abatement costs for other Code violations on the same property.

The Applicant requests 96% mitigation, which would leave \$2000 in liens. If paid, this would bring the total amount paid by the Applicant to \$4282. Staff recommends that any payment be required to be received within 30 days, which would be Tuesday, March 9, 2021.

Alvaro Leal, Applicant, advised that he has owned the property in Lauderdale-By-The-Sea for 15 years and lives in Los Angeles. He had no knowledge of the lien until it had accrued significantly.

A/Director Campbell noted that the green card associated with the oldest of the liens on the subject property, Case 10-KN002, was not returned to the Town; however, a representative of the Applicant appeared at the initial Code hearing for this case. For Cases 11-KW00684 and 11-KW00566, Staff received signed and dated green cards. For Case 13-08-0043, Staff did not receive a signed or dated green card, but notice was posted on the property, which is an acceptable form of notice for Code violations. All subsequent orders and certifications of lien were sent via certified mail to the address of record in Burbank, CA.

Vice Mayor Oldaker requested more information the lien addressing sewer connection. A/Director Campbell explained that although the City did not receive a signed and dated green card for this item, a representative of the owner appeared at the Special Magistrate hearing. The compliance date established by the Special Magistrate was not met, which meant the violation continued to accrue, totaling \$30,150. Notes from 2011 state that the Code Officer attempted to contact the Applicant several times, with no response.

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Vice Mayor Oldaker requested clarification that if the green card, or returned receipt, was not signed or delivered, the entire package is returned to sender by the Post Office. A/Director Campbell confirmed this, advising that the Town does not receive the green card unless the package is signed for. If the mail had not been delivered properly, the Town would have had the full package returned. Town Attorney Susan Trevarthen clarified that a representative of the Applicant had attended the Special Magistrate hearing, which meant actual notice had been received.

Interim Town Manager Connors advised that the issue is not the fact that the sewer system was not connected: it is the timeliness in which the connection was made. The connection was not made within the time frame for compliance issued by the Special Magistrate.

Mayor Vincent asked if the Town is aware of whether or not the subject property was occupied during the 200 days in which the sewer connection remained in violation. He pointed out that if no resident was using sewer or water infrastructure, the nature of the violation is less severe. He concluded that he was not in favor of a 96% lien reduction.

It was determined that the subject property was not occupied during the time the liens accrued. Commissioner Sokolow noted that he would be willing to reduce the lien to approximately \$4000, which is roughly 10%.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to reduce the lien to a settlement of \$4000 on the current liens.

Commissioner Malkoon offered the following **amendment** to the **motion**: that the amount be paid within 30 days. Commissioner Sokolow accepted the **amendment**.

Mayor Vincent acknowledged that the Applicant had paid roughly \$2282 in additional fees associated with the lien and the mitigation process.

Motion carried 4-1 (Vice Mayor Oldaker dissenting).

13.f Green Yard Waste Program (Vicki Eckels, Waste and Recycling Coordinator)

Waste and Recycling Coordinator Vicki Eckels recalled that in 2013, the Town began a pilot yard waste program to determine if enough yard waste could be collected to save money on its disposal and pay for a pickup route. The intent was to undertake a yard

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waste program without raising rates. This goal has not come to fruition, and there are no more yard waste carts. The Commission is asked to make a decision to either formalize a yard waste program, purchase more carts, launch a yard waste collection route, or terminate the program.

Vice Mayor Oldaker asked if the program's failure to reach its goal might be related to the fact that most residents use lawn services and do not require yard waste containers. Coordinator Eckels explained that in the future, if residents would like large yard waste carts, they will need to purchase one from WastePro if the program is terminated. It was confirmed that households may place yard cuttings into their black garbage containers if they do not have yard waste containers.

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

13.g Town Manager Selection (Mayor Chris Vincent)

Mayor Vincent recalled that after termination of the previous Town Manager on January 8, 2021, he had requested that the Town advertise and accept applications for this position, while at the same time submitting an RFP for a search firm that would review potential candidates and report back to the Commission with recommendations. Since that time, Interim Town Manager Connors has indicated that she is interested in the permanent position, as is former Mayor Scot Sasser.

Mayor Vincent requested feedback from the Commissioners on how to move forward with these candidates. One option is to continue to move forward with advertisements of the position as well as with a search firm. Another possibility is to hold a special meeting to discuss the two known candidates. He emphasized that no decision on the position would be made at tonight's meeting.

At this time Mayor Vincent opened public comment.

Ms. Ramirez read the following comments submitted by the public:

- Barbara Cole, resident, emphasized that the next Town Manager should understand Lauderdale-By-The-Sea is a small town rather than a city
- Cristie Furth, resident, spoke in favor of a transparent process, with community outreach, that would result in a Town Manager who understands the community's values
- Ken Brenner, resident, spoke in favor of Town Manager candidate Scot Sasser

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- Wayne Dillistin, resident, spoke in favor of Town Manager candidate Scot Sasser
- Peggy Mohler, resident, spoke in favor of Town Manager candidate Scot Sasser
- Enrico & Claudio Di Buono, residents, spoke in favor of Town Manager candidate Scot Sasser
- Shanna Hendrick, resident, spoke in favor of Town Manager candidate Scot Sasser
- Mary Kourakin, resident, spoke in favor of Town Manager candidate Scot Sasser
- Alanna and Reg Brady, residents, spoke in favor of Town Manager candidate Scot Sasser
- Shevaun Steward Kuhn resident, spoke in favor of Town Manager candidate Scot Sasser

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

Mayor Vincent requested input from the other Commissioners, as well as from Interim Town Manager Connors and former Mayor Scot Sasser.

Mr. Sasser explained that he has spoken with the current Mayor and Commissioners, the Town Attorney, and Interim Town Manager Connors regarding the position. He determined that the position would be personally fulfilling; however, he noted that he would have a number of limitations due to his current employment, which would need further discussion. He emphasized that he did not wish to circumvent the evaluation process or create a conflict with his candidacy.

Interim Town Manager Connors stated that she has strong feelings about serving the Lauderdale-By-The-Sea community and is interested in professional growth within the Town's structure. She noted that she and Mr. Sasser are both capable and qualified, and would bring different qualities to the position. She recommended filling the position with an individual who has intimate knowledge and understanding of the Town.

Vice Mayor Oldaker acknowledged some discomfort with the process at tonight's meeting, and recommended that the Commission hold a special meeting for further discussion of this topic.

Commissioner Malkoon commented that he was also uncomfortable with the way the process has unfolded at tonight's meeting, pointing out that this Agenda Item was added with no backup information on what would be discussed. He advised that other individuals may be interested in the Town Manager position and welcome the

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opportunity to submit their own comments. He concluded that he would like a full vetting process for applicants and was in no rush to fill the position.

Commissioner Sokolow advised that the Town has a unique opportunity to consider two qualified candidates for the position. He cautioned that a lengthy process could cost be unfair to either or both known candidates, and recommended that a special meeting be held to determine how to proceed.

Commissioner Strauss also felt the Commission should hold a special meeting the following week to discuss how to proceed, particularly with regard to the time constraints noted by Mr. Sasser. He emphasized that both known candidates are excellent and have contributed greatly to the Town.

Mayor Vincent explained that this Agenda Item had been intended to immediately follow a motion made at a previous meeting regarding the pursuit of applications for the Town Manager position, but had been delayed in order to allow Interim Town Manager Connors time to become acclimated to the position and its responsibilities.

Mayor Vincent requested that Town Attorney Trevarthen address the process for appointment of a Town Manager. Town Attorney Trevarthen advised that Section 5.3 of the Town Charter provides two standards for the position:

- That there be education, experience, and accepted competencies and practices of local public management
- Alternatively, the Town Manager may be appointed on the basis of education and experience in accepted competencies and practices of local public management, which is determined by the Town Commission to be commensurate to those listed in the prior sentence

Town Attorney Trevarthen stated that she has provided an opinion that both known candidates fall within parameters for which the Commission could determine their backgrounds to be commensurate with the requirements of the Charter.

Commissioner Malkoon expressed concern that if the Town Commission met the following week to further discuss the Town Manager position, this would not allow sufficient time for outside candidates to submit their resumes and make themselves known to the Commission. He felt the Commission should not rush the selection process in order to ensure that the position is adequately filled.

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Mayor Vincent recalled that in the recent past, there have been appointments of two Town Managers under an abbreviated process that was consistent with the Town Charter. He added that he did not have any issues with moving forward under the opinion offered by Town Attorney Trevarthen and calling a special meeting for further discussion of this topic.

Commissioner Sokolow suggested that the Commissioners hold individual meetings with Interim Town Manager Connors and Mr. Sasser over the next seven days, offering the same opportunity to any other qualified candidates who may apply for the position as well.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to have a special meeting next Thursday [February 18, 2021] to further discuss and potentially vote on a Town Manager candidate, or make a decision not to select one at this time and go back to the same process as last time.

Commissioner Strauss offered an **amendment** to Commissioner Sokolow's **motion**: that the special meeting be held on Wednesday, February 17, 2021 rather than on Thursday. Commissioner Sokolow **accepted** the **amendment**. It was determined that the meeting time would be 6:30 p.m.

Motion carried 4-1 (Commissioner Malkoon dissenting).

Commissioner Malkoon requested clarification that the process would move forward with only the two known candidates, with no searches or acceptance of other applications planned. Mayor Vincent replied if another application is received, the Commission should consider it as well.

Mayor Vincent continued that the process described so far does not prevent the Commission from making any decisions after the special meeting, as the outcome of that discussion is not yet known. Commissioner Malkoon reiterated that the process as described would give preference to two individual candidates.

Town Attorney Trevarthen requested further clarity regarding additional applications, including a deadline by which these should be submitted and what documentation applicants are asked to provide. It was determined that all applicants, including the known candidates, would be asked to provide resumes and submit their applications to the Town Clerk by Friday, February 12, 2021.

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14. COMMISSIONER COMMENTS

Commissioner Malkoon advised that a resident of the Town's Bel Air community is part of the COVID-19 response team at Holy Cross Hospital. He has asked this individual if there may be an opportunity to partner with the Town in offering vaccinations. The response team is awaiting inventory to find out how much vaccine Holy Cross may receive. Commissioner Malkoon suggested that the Commission meet to establish a plan if there is sufficient inventory of vaccines to schedule an event. He and Interim Town Manager Connors will participate in a conference call with the individual to determine if partnership is feasible. He noted that a number of residents may be limited in their ability to travel in order to receive the vaccine.

Mayor Vincent expressed best wishes to the family of Town Clerk Tedra Allen.

Vice Mayor Oldaker observed that speed signs have been placed on Commercial Boulevard once more. He also acknowledged the regularity of Marine Unit patrols by the Broward Sheriff's Office (BSO) on the Town's waterways. He concluded that the Town was recently featured in the *Sun-Sentinel* as a growing vacation site for the 18-to-24-year-old demographic.

The Commission took a brief recess from 9:13 p.m. to 9:19 p.m.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2021-07 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE SECOND AMENDMENT AND RESTATEMENT OF THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT WITH BROWARD COUNTY, THE BROWARD METROPOLITAN PLANNING ORGANIZATION, AND OTHER BROWARD MUNICIPALITIES; AUTHORIZING EXECUTION OF THE SECOND

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**AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE (Exhibit 1)
(Neysa Herrera, Assistant to the Town Manager)**

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

Town Attorney Trevarthen recalled that the Commission first approved this agreement a few years ago as the global interlocal agreement that governs Broward County's transportation surtax program. It has been amended since that time and its adoption by other Broward municipalities has already begun. She emphasized the importance of Lauderdale-By-The-Sea's participation in the surtax program, pointing out that the agreement in no way ties the Town to any particular project.

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

**17.b Resolution 2021-08 – A RESOLUTION OF THE TOWN OF
LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING A SECOND
ALTERNATE BOARD MEMBER TO THE PLANNING AND ZONING BOARD;
PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE
(Tedra Allen, Town Clerk)**

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

Interim Town Manager Connors explained that there is a vacancy on the Planning and Zoning Board, which will be filled by the First Alternate. The public has had the opportunity to submit applications for consideration in filling this vacancy. Each Commissioner in turn may appoint members to Town advisory bodies. The Second Alternate will be appointed by Commissioner Malkoon.

Commissioner Malkoon thanked all residents who had submitted applications for the Second Alternate position. He recommended the appointment of Karen Sylvester.

Commissioner Malkoon made a motion, seconded by Vice Mayor Oldaker, to appoint Karen Sylvester as Second Alternate on the Planning and Zoning Board. Motion carried 5-0.

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Vice Mayor Oldaker commented that Alternates on advisory bodies are encouraged to attend all meetings and participate in discussion, although they may not vote.

17.c Resolution 2021-10 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING EXECUTION OF THE MEMORANDUM OF UNDERSTANDING (MOU) WITH BROWARD SHERIFF'S OFFICE FOR ADDITIONAL SERVICES UPON THE TOWN'S REQUEST, IN AN AMOUNT NOT TO EXCEED \$____; PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Interim Town Manager / Tom Palmer, BSO Captain)

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

Town Attorney Trevarthen noted that no amount is cited in Resolution 2021-10 because the Commission will address the amount they wish to authorize as part of the discussion of this Item.

Interim Town Manager Connors explained that the Item before the Commission is a Memorandum of Understanding (MOU) for BSO to provide additional services outside the Town's general contract. It also contemplates an enhanced visibility patrol. At the January 26, 2021 meeting, the Commission authorized additional spending necessary for services provided by BSO through February 9, 2021, with the understanding that this topic would be considered at tonight's meeting.

Beginning in May 2020, BSO provided 16 additional sworn Deputies at six hours per shift to complement normal staffing, primarily in the Downtown corridor. She has discussed the necessity of these additional shifts with BSO Captain Tom Palmer, as the impact of these shifts on the budget would be more than \$300,000. Both agreed that having additional shifts Downtown during the season is appropriate; however, they also agreed that 16 shifts were not necessary in the off-season. Their recommendation is to include one Deputy from 6 p.m. to 12 a.m., Thursdays through Sundays. This will have an impact of approximately \$70,000. Funds are available in the Town's General Fund Unappropriated Fund Balance to pay for these services.

Another aspect of this request is approval of the MOU, which would ensure that BSO has agreed to provide at least two additional Officers for the Town, with the intent that they will first be selected from the pool of Officers already assigned to the Town. If none of these Officers are available, Captain Palmer would have the authority to select these

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individuals. The MOU is necessary because this agreement is outside the existing contract.

Captain Palmer advised that since the additional staffing has begun, it has proven to be successful, and BSO has heard positive feedback from the community as well as from Town businesses. He reviewed a number of recent incidents on which the high-visibility patrol has had positive effects. He stated Thursday through Sunday represented the Town's busiest hours during the season.

Commissioner Malkoon requested clarification of how existing payments would change under the proposed agreement. Interim Town Manager Connors replied that the recommended reduction in services would cost only an additional \$70,000, which both she and Captain Palmer feel would be sufficient to the Town's needs. If it is later determined that no additional shifts are needed, the MOU provides for discontinuation of these services.

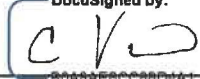
Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the Resolution incorporating the \$70,000 that Staff is recommending. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARING

None.

19. ADJOURNMENT

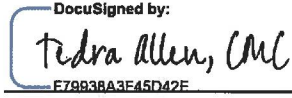
With no other business to come before the Commission at this time, the meeting was adjourned at 9:42 p.m.

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Mayor Chris Vincent

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ATTEST:

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Town Clerk Tedra Allen

3/10/2021

Date

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1. Ron Piersante, resident

Mayor, Vice Mayor, Commissioners:

As a long-time volunteer at the Chamber/Visitor Center I want to thank you for funding the remodeling of the building. This was long overdue, and without the help of Ken Rubach, Municipal Services Director and his staff, I am not sure the project would have been done in record time.

When I contacted Ken advising him the entire inside of the building had to be completely emptied and everything placed in the POD, he arranged to have five of his people meet me at 6:30 a.m. on a Monday morning to start the job. To be honest I was skeptical that everything would fit in the POD but they neatly arranged everything and got the entire contents in the POD in less than two hours. I was not surprised how efficient they were.

One month later he arranged for his people to return and bring everything back in and placed it where I wanted it, and any surplus items took them away.

I could not have accomplished this without Ken and his staff, and I want to thank them for a great job, nothing was damaged or broken.

Also, the staff that take care of the grounds at the building do a fantastic job cutting the grass, shrubs, etc, on a regular basis, and the building always looks well-manicured.

I believe the Town and the Citizens of LBTS can be proud of the Visitor Center, and in normal times with thousands of tourists from all over the world that come here for information will show them that LBTS facilities are top notch, and one of the finest towns to visit in Florida.

Again, thanks to the Commission, Ken and his staff, for making this possible.

2. John Graziano, resident

In LBTS Independent contractors (consultants) seemed to be rehired every year to work on town business as if in an employee capacity. They give advice and counsel on how the Town Manager, our elected officials and staff leadership consider projects and procedures and therefore have significant influence on decisions. That is what a consultant who has been pre screened and hired to perform a task after it was determined that staff cannot or we do not have enough work for a staff position.

I suggest that we have outgrown this system and would encourage the Interim Town Manager and the Commission to see the value of an alternative approach and not think that because a consultant is not normally eligible for employee benefits that it is being fiscally responsible. In-house, qualified employees are by design legally responsible and legally loyal to their employers. Employees also help to preserve institutional knowledge for the democratically elected Commission. Consultants, who also work for a corporation or firm, even unintentionally, can have conflicted loyalties by design.

LBTs is no longer a sleepy little Town but rather a vibrant active community with a significant robust commercial district as well as a permeant and tourist/visitor base. We have the funds and plenty of work needing professional expertise and the amount of money we have spent annually on consultants for routine work has proven this out. We don't want a bloated bureaucracy but appropriate staff to manage the work-load. We could hire employees to do the routine work and only non-routine specialty work would then be considered for engaging a consultant. The Town Manager could evaluate when and if we need to hire a consultant for a defined period or until an issue is resolved and then submit the potential contract to the Commission for consideration.

When there is a decision to hire an independent contractor there should be formal accountability and written restrictions in contracts and their employing corporate entities and firms. Requirements in the contracts, if not already in place, should include submission of financial disclosure forms by the independent contractor as well their employing firms and be submitted 60 days prior to contract initiation or renewal are considered and authorized. These efforts could further protect public funds, continue to enhance good and efficient government leadership and in the long run promote quality staffing and have little if any budget impact.

3. Barbara Cole, resident

Mayor, Commissioners-

On tonight's agenda there is discussion under New Business for selection of a new Town Manager. As you prepare for this all-important selection after the last hire resulted in a big- city style Town Manager at odds with our town in his execution of duties, spending and acquisitions as well as pushing new unwanted development by the residents residing in the old LBTs part of town - remember it all! There needs to be a litmus test on each applicant to make sure the next Town Manager understands we are a Town and not a city. We are led by active involved residents and their representative commissioners and not by the Town Manager/ staff/ consultants and contracted employees. We want the small town - no sidewalk, no El Mar Drive redesign, no 5 Star resorts that are overdeveloped and try to take away town streets retained! This decision will be front and center along with El Mar Drive for the 2022 Municipal election and candidates will need to run on both to win their seats! The active involved residents- old and new are watching to see how each of you handle this! This must be transparent and any red- flag candidates should be discarded immediately. Thank you.

4. Ina Marjakangas, business owner

Greetings,

I wanted to reach out to the commission regarding Agenda 13d – Removal of town parking on the north east corner of A1A and Commercial Blvd. As you are aware, this past year has been challenging for me: at times terrifying, but mostly exhausting. I have experienced embarrassment and humiliation at the hands of our former town manager due to the barricades. I cannot state this enough: As a brick-and-mortar retail shop in a tourist destination I require visibility and accessibility to stay in business.

I am not averse to the removal of the parking spaces. I do not believe that they have a significant impact on my business that would merit keeping them. However, I implore you to please consider the visual impact and accessibility these changes would have on my business. Please do not bulldoze and barricade me. Please consider creating a beautiful space that will contribute to the overall aesthetic and experience of the town.

"The true test of any society can be found in how it treats its most vulnerable."

-Gandhi

Warm and sunny regards,

What an incredibly wonderful option. Scott Sasser is the perfect candidate for the position of town manager. He is well known and much respected. He is fair and reasonable and knows the intricacies and nuances of Lauderdale By The Sea.

5. Christie Furth, resident – NB 13g

As a long-time resident I have seen many Town Managers come and go. The success of the good ones started with knowing the applicant's background and how prepared they were in understanding the uniqueness of our special little town, demonstrating a desire to protect and enhance Lauderdale by the Sea, and a willingness to listen and value the input and opinions of our citizens. The bad ones came in with either the mindset of remaking the Town in an image of their own choice or soon succumbed to being subjugated by paid Town Staff, as we have recently witnessed.

A fast-tracked appointment lacking open to the public candidate presentations, commission discussions, and pertinent questioning from the public does not promote assurances to those you represent that we will have a better outcome this go around.

Please take the time to reject cronyism and find a fresh new face with legitimate town management credentials who will show real interest in our town history and will appreciate the community values and pride that have always set Lauderdale by the Sea apart from its neighbors. Finding a Town Manager well-rooted in community outreach would go a long way in repairing the loss of confidence so many of us have with the Commission as we fought so hard to be heard with the El Mar Drive Project.

Thank you.

6. Ken Brenner, resident

I am in support of our Town giving strong consideration to Scot Sasser on becoming Town Manager. He has proven his dedication and commitment as both a former Commissioner and Mayor. His willingness to listen and do what is in the best interest of the Town has been demonstrated countless times on issues and concerns that were addressed while he was on the dais. I appreciate that there should be a process and it needs to be transparent.

I also believe that when an opportunity is before us, we need to be open and take the time to evaluate and weigh the pros and cons of the situation. The past two years we have all endured an out of touch ill-suited Manager whose management style was not what the Town needed nor deserved. We already know that having Scot in this position it would be a dramatic positive change for all those that live, work, and call this Town home.

7. Wayne Dillistin, resident

Regarding the Town Manager Position, please after all we have been though with the last manager, Scott Sasser is the right person at the right time for this position. I am all for the commission doing what it needs to fast track all other interviews with others if that's the commission's prerogative. If ever there was a time too fast track the process for filling this position it is now. The commission has done it in the past for the wrong people now please do what is right and get the process done in the time constraints to get the right person for the job.

8. Peggy Mohler, business owner

Good Evening,

This is the time to fast track the process for filling the position with Scott Sasser you know what you're getting. we had a great team with Connie and Bud- Look at the team we can have now Scott and Linda they know the town!!

Thank you.

9. Enrico & Claudia Di Buono, business owner

To whom it may concern;

The following email is regarding the Town Manager Position. Given Scot Sasser's past as Mayor of LBTS we as business owners believe this is the right fit for our town. Scot Sasser is the right person for this position as he is extremely fair, attentive and has a love for our town. He demonstrated all these qualities during his time as Mayor. Our town needs this right now.

As business owners in LBTS we have seen lots of changes in our town and how it was being managed under the old leadership. Our town was divided and not fairly managed. With all that we are going through now is the time for change and knowing that our former Mayor is willing to help run this town is absolutely fantastic. We ask the commission to please fast track the process for filling this position. We stand behind Scot Sasser as Town Manager.

10. Shanna Hendrick, resident

Regarding the Town Manager Position, please after all we have been though with the last manager, Scott Sasser is the right person at the right time for this position. Interview who must but all of YOU KNOW PERSONALLY AND POLITICALLY HE IS THE RIGHT CHOICE.

If ever there was a time too fast track the process for filling this position it is now. The commission has done it in the past for the wrong people now please do what is right and get the process done in the time constraints to get the right person for the job. SHOW THAT WE VOTED IN THE RIGHT PEOPLE FOR THE RIGHT REASON!!!!!!

11. Mary Kourakin, resident

Regarding the Town Manager Position, please after all we have been though with the last manager, Scott Sasser is the right person at the right time for this position. Interview who must but all of YOU KNOW PERSONALLY AND POLITICALLY HE IS THE RIGHT CHOICE. If ever there was a time too fast track the process for filling this position it is now. The commission has done it in the past for the wrong people now please do what is right and get the process done in the time constraints to get the right person for the job.

12. Alana & Reg Brady, resident

Good Evening,

This letter is in regard to the Town Manager position. Scot Sasser is the person for the job. As town residents, we would be lucky to have Scot for the position of Town Manager, since we have seen him at work as a Commissioner and as Mayor and know he has proven to be a loyal servant of this town, which he truly loves. Scott really has the town at heart and wants to see everything run smoothly. We hope you would consider Scot Sasser without any delay for the position of Town Manager.

13. Shevaun Steward-Kuhn, resident

Dear Mayor and Commissioners, I want to formally voice my support for Former Mayor Scot Sasser to fill our Town Manager position. He is knowledgeable, well respected and has the perfect personality for the job. He has demonstrated his love for our town and I can think of no better person to be our next Town Manager. Thank you for considering my opinion when the time comes to make a decision.