



APPROVED
MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 26, 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 Eliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Assistant Town Attorney James White, Director of Finance and Budget Lucila Lang, Municipal Services Director Ken Rubach, Acting Development Services Director Jhanelle Campbell, Special Projects Coordinator Debbie Hime, Town Engineer Jay Flynn, Senior Office Specialist Lisa Slagle, 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

None.

5. PRESENTATIONS

**a. South Florida Water Management Request for Irrigation Ordinance
(Jhanelle Campbell, Acting Development Services Director)**

Acting Development Services Director (A/Development Services Director) Jhanelle Campbell recalled that in September 2020, Staff brought forward an item in which the South Florida Water Management District (SFWMD) asked the Town to adopt an irrigation Ordinance. At that meeting, the Town Commission directed Staff to monitor the response of other municipalities and bring back additional information for the Commission's consideration.

Robert Wanvestraut, representing SFWMD, explained that this initiative was driven by the District's Executive Governing Board. The year-round irrigation Ordinance was last updated in 2010 but was not adopted by all South Florida municipalities. SFWMD has worked with its Office of Counsel to develop model Code language for the Ordinance.

The year-round Ordinance was developed as a means to protect local drinking water and environmental water resources. As SFWMD covers 16 Florida counties, they cannot enforce these regulations without cooperation at the local level. SFWMD feels local adoption of the proposed Ordinance is an important step in solidifying local ownership of the Ordinance. Mr. Wanvestraut emphasized that the proposal is about compliance rather than enforcement. SFWMD believes when a municipality is seen as leading this effort, it will foster compliance from its residents.

Interim Town Manager Linda Connors stated that the Town will work with its marketing team to ensure that residents are aware of rules and regulations regarding year-round watering. She proposed providing information on this issue in *Town Topics*, providing an information booth at the Farmers' Market, and providing other marketing steps that would encourage compliance with the regulations.

Mr. Wanvestraut advised that SFWMD's intent is to encourage seamless adoption of the Ordinance everywhere. Mayor Vincent replied that the Town's preference is to educate residents about the proposed Ordinance rather than taking an enforcement approach. He recommended partnership with SFWMD in this effort, as the Town did not wish to enforce the Ordinance on behalf of the County or SFWMD, but preferred to act in partnership with those entities to educate the public. The Commission agreed by consensus to work toward a goal of increased public awareness.

Mr. Wanvestraut noted that SFWMD has a cooperative funding program for water conservation that may be used by all municipalities and utilities. He proposed that this program may help educate residents on appropriate management of their irrigation systems. Mayor Vincent emphasized again that the Town plans to take a proactive and educational approach on this issue, adding that release of funding should not be contingent upon the adoption of an Ordinance. He pointed out that most residents are already aware of these rules and follow them.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, requested that the Commission look at alternative designs for El Mar Drive in advance of further discussion of this project in October 2021, and did not feel existing conditions constitute a significant safety hazard

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

7. PUBLIC SAFETY DISCUSSION

a. BSO December 2020 Report (Captain Tom Palmer, BSO)

Captain Tom Palmer of the Broward Sheriff's Office (BSO) recognized Deputy Mark Wendt as Deputy of the Month for December 2020. Deputy Wendt's quick response to an incident of retail theft led to the apprehension of the suspect.

Commissioner Strauss asked if the Citizen Observer Patrol (COP) program would be reinstated in the future. Capt. Palmer advised that this program remains on hold due to COVID-19 safety measures.

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

b. VFD December 2020 Report (Chief Judson Hopping, VFD)

Volunteer Fire Department (VFD) Chief Judson Hopping related an incident involving a garbage truck on fire, which resulted in major and minor explosions.

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

8. TOWN MANAGER REPORT

Interim Town Manager Connors stated that Staff is working to reopen Town Hall. Beginning on Saturday, January 30, 2021, the Public Works Department will resume full-time activity using procedures with which they are safe and comfortable. Jarvis Hall will be used as an additional break room to provide for social distancing. Specific cleaning procedures will be required for Town vehicles.

All Town Departments will be staffed until 4:30 p.m. each afternoon to respond to questions from the public. Staff plans to discuss how to continue moving forward at an upcoming meeting.

Mayor Vincent emphasized the importance of maintaining safety protocols associated with the ongoing COVID-19 pandemic. Commissioner Strauss recommended that the Commission discuss a timeline and necessary procedures for the resumption of meetings in person at City Hall. Mayor Vincent noted that Interim Town Manager Connors will report back on Staff's comfort level with reopening at a subsequent Commission meeting.

Commissioner Sokolow suggested that the Town work with a larger organization to set up a COVID-19 vaccination site in Lauderdale-By-The-Sea. Interim Town Manager Connors recalled that the Town was invited to use a small amount of vaccine provided by Oakland Park, and reached out to the VFD and Armilio Bien-Aime to review a list of residents with special needs. Mayor Vincent added that the Town may also wish to provide additional vaccination information on local channel 78.

Town Attorney Trevarthen further clarified that the rules of Florida's vaccination programs require that they are open generally rather than limited to residents of Lauderdale-By-The-Sea. Individuals seeking vaccination must show that they are residents of Florida.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. **January 8, 2021 Special Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. **January 8, 2021 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

a. Contract for Auditing and Financial Analysis Services (Lucila Lang, Director of Finance & Budget)

Director of Finance and Budget Lucila Lang recalled that in September 2020, the Commission authorized the Town Manager to negotiate a contract for auditing and financial analysis services and bring it back to the Commission for approval. The contract was signed before it was brought back to the Commission. The services provided will be for the Town as well as the VFD Pension Plan for five years, in an amount not to exceed \$222,000.

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

b. Parking Fund Transfer (Lucila Lang, Director of Finance & Budget)

Finance Director Lang recalled that Vice Mayor Oldaker had brought this Item to the Commission's attention at a previous meeting. She and Interim Town Manager Connors have worked with former Town Manager Connie Hoffman to review the budget and determined that \$698,905 can be transferred back into the Parking Fund.

Interim Town Manager Connors further clarified that the items were reversed as shown on the Commission's backup materials. These funds were transferred into the General Fund from the Parking Fund. This Item would reverse that transfer, as these dollars are not necessary at this time. If the amount is moved back into the Parking Fund, it will remain available for other expenses in the future. Vice Mayor Oldaker thanked Staff for looking into this issue and bringing it forward as an Agenda Item.

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

12. OLD BUSINESS

a. BSO High Visibility Expenditures FY20/21 (Linda Connors, Interim Town Manager)

Interim Town Manager Connors explained that she and BSO Capt. Palmer have worked together on this issue. Prior to reopening after the first wave of the pandemic, 16 shifts were added in high-visibility Downtown areas. This helped with the added requirements

of enforcement related to the pandemic. The cost of these additional shifts was approximately \$18,000 every two weeks.

From October 1, 2020 to February 9, 2021, this cost will increase to \$162,400. The Town's fiscal year (FY) 2020-2021 budget includes only \$80,000 in overtime for the entire year. Staff requests that half of this overtime budget be used, with the other half remaining in the budget for future needs. This would result in a bill of approximately \$123,000 due to BSO. Staff is seeking the Commission's approval because this amount exceeds the \$15,000 limit within which the Town Manager's authority is sufficient.

Interim Town Manager Connors continued that the date of February 9, 2021 was selected because she and Capt. Palmer will bring forward an Agenda Item at that evening's scheduled Commission meeting. This memorandum will outline the extra services provided, as well as options for reducing their costs. They will also bring forward a memorandum of understanding (MOU) with Broward County, as these services are over and above the services included in the Town's contract as well as over the amount of overtime in the budget. At present, Staff is asking that the Commission authorize the payment of expenditures that have already occurred.

Vice Mayor Oldaker asked where the estimated \$123,000 would come from. Finance Director Lang replied that the Unassigned Fund Balance included roughly \$3 million, which can cover this expense. Interim Town Manager Connors advised that they are working together to bring forward other reconciliations and recommendations at upcoming meetings.

Vice Mayor Oldaker also asked if the Commission would see a reconciliation of expenses and reimbursements related to the COVID-19 pandemic from the previous year. Interim Town Manager Connors confirmed that this information will be provided, noting that some of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds received by the Town were used to pay for these additional expenses.

Mayor Vincent asked if additional CARES funding for reimbursement is anticipated at this time. Interim Town Manager Connors replied that the Town does not anticipate any further funding from this source.

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

13. NEW BUSINESS

a. Payment to Town Manager Upon Separation (Linda Connors, Interim Town Manager)

Finance Director Lang advised that as the former Town Manager was terminated effective January 8, 2021, he receives 20 weeks' severance pay. The gross amount due him would be \$65,848. Accrued vacation time would add roughly \$11,400 to this amount. No sick leave, deferred compensation, or other time has accrued.

Finance Director Lang noted that the only change to these figures is a medical insurance expense. The total expense to the Town for the separation would be \$85,829.53.

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

14. COMMISSIONER COMMENTS

Commissioner Malkoon reported that Delicacies will hold a benefit for the Community Church on February 1, 2021 at 6:30 p.m. He continued that he is appreciative of Interim Town Manager Connors' leadership and the support she has received from Staff as well as from former Town Manager Connie Hoffman.

Commissioners Sokolow and Strauss also recognized the contributions of Interim Town Manager Connors and all of Town Staff during a difficult time.

Commissioner Strauss encouraged residents to visit the Farmers' Market and thanked the public for the continued wearing of face coverings or masks.

Mayor Vincent and Vice Mayor Oldaker thanked Interim Town Manager Connors for her patience and dedication in this new position during a transitional period.

15. ORDINANCES 1ST READING

- a. Ordinance 2021-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING AND RE-NAMING CHAPTER 6.5 “CODE ENFORCEMENT”; AMENDING SECTIONS 6.5-5, ENTITLED “CONDUCT OF HEARING” AND 6.5-13 ENTITLED “CODE CITATION FORM”; TO CLARIFY THE PROCEDURES FOR THE ISSUANCE OF CITATIONS, IMPOSITION OF CIVIL PENALTIES AND**

**ADMINISTRATIVE HEARINGS RELATED TO CITATIONS; PROVIDING
FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE.**

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

A/Development Services Director Campbell explained that this Ordinance is a means to enhance the established process for Special Magistrate hearings. It also updates and clarifies outdated language. Civil citations are currently a Code Compliance measure that is used in other Broward County municipalities, and Staff feels they can enhance the Town's existing Special Magistrate process. Affected items include transient violations such as those involving bulk trash, commercial vehicles, and recreational vehicle (RV) storage.

The Ordinance was developed in accordance with Florida Statute 162. Warnings would continue to be issued prior to any tickets. The maximum fee for a first violation would be approximately \$250, with repeat violations costing \$500.

Vice Mayor Oldaker requested clarification of the backup services available to Staff in the event of any issues that may arise. A/Development Services Director Campbell stated that she and Interim Town Manager Connors have discussed the possibility of asking BSO personnel to accompany Code Officers in the event that a difficult citation must be issued.

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

16. ORDINANCES 2ND HEARING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2021-03 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PURSUANT TO TOWN CODE SECTION 2-27, "WAIVER OF CODE REQUIREMENTS," FINDING THAT THE COVID-19 PANDEMIC CONTINUES TO BE AN EXTRAORDINARY CIRCUMSTANCE AND CONTINUING TO WAIVE**

THOSE CODE REQUIREMENTS FOR PERMITTED SIDEWALK CAFÉS AND FOR BUSINESS TAX RECEIPTS THAT WERE PREVIOUSLY WAIVED BY RESOLUTION 2020-39 FROM JANUARY 15 THROUGH JULY 15, 2021 UNLESS FURTHER EXTENDED BY THE TOWN COMMISSION; PROVIDING FOR EXPIRATION, CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (Jhanelle Campbell, Acting Development Services Director)

Town Clerk Allen noted a scrivener's error: the correct title is Ordinance 2021-03.

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

Commissioner Strauss recalled that former Town Manager Bill Vance had stated he would provide backup information on potential revenue losses related to this Item. Interim Town Manager Connors replied that the Town budgeted \$35,000 for sidewalk café fees in FY 2021; this Resolution would waive two-thirds of this amount. Delinquent business tax receipt fees would be negligible. She added that prior to July 15, 2021, Staff will make a recommendation on how and when to resume these fees.

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

- b. Resolution 2021-05 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADJUSTING THE SALARY OF INTERIM TOWN MANAGER TO AN AMOUNT REFLECTIVE OF THE ATTENDANT RESPONSIBILITIES; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE. (Mayor Chris Vincent)**

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

Mayor Vincent advised that in consideration of the greatly increased responsibilities assumed by Interim Town Manager Connors, the Commission recommends increasing her salary by 18% during her time in this role, retroactive to January 9, 2021. He felt this increase is well-deserved considering the amount of work taken on during the interim period. The Interim Town Manager will revert to her current salary upon return to her position as Development Services Director.

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

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen 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.

**a. Administrative Adjustment (2020-L2-AA-02) for 1624 Bel Air Avenue
(Jhanelle Campbell, Acting Development Services Director)**

A/Development Services Director Campbell stated that the request is for the construction of a new single-family home on an existing foundation which encroaches 5 in. into the 25 ft. front setback, as well as a request for an encroachment of 2 ft. 11 in. into the front setback to construct a new entryway. The property was previously destroyed by fire, which means it may be replaced if an application is received within one year of the date of destruction; however, the Town did not receive the application within that time frame.

The Planning and Zoning Board reviewed the application at its January 6, 2021 meeting and recommended approval. Notice was provided to all property owners within 300 ft. of the property. The Town received one response in opposition to the project. Staff recommends approval of the request.

It was noted that no members of the public had expressed intent to speak on this Item.

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

19. ADJOURNMENT

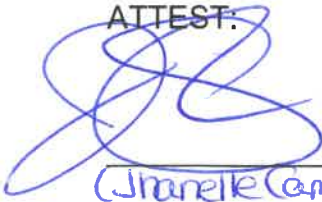
With no other business to come before the Commission at this time, the meeting was adjourned at 7:50 p.m.



Mayor Chris Vincent

Lauderdale-By-The-Sea
Virtual Town Commission Meeting
January 26, 2021

ATTEST:



(Jhanelle Campbell)
Town Clerk Tedra Allen



Date