



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 15, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:33 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Director of Budget and Finance Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, Special Events and Marketing Coordinator Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that the A1A safety audit and an update on the pier be heard under Presentations.

5. PRESENTATIONS

a. Safety Audit Presentation

Town Manager Linda Connors advised that some months ago, the Florida Department of Transportation (FDOT) performed a safety audit of the Town’s A1A corridor. Veronica A. Altuve, P.E., representing FDOT, presented the results of the audit, which evaluates all roadway uses with an emphasis on bicycle and pedestrian safety and identifies opportunities for improvement. FDOT is currently in the process of finalizing implementation plans for the corridor.

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The audit was a multi-disciplinary effort including Town Staff, law enforcement, FDOT District 4 Staff, and a consultant. The team held four separate site visits at different hours of the day and night. The study area was the entire section of A1A within Town limits, which includes eight traffic signals, three pedestrian signals at mid-block crosswalks, two rapid-flashing beacons, and one crosswalk at 1800 S. Ocean Boulevard, on which FDOT is currently working with the Town to implement rapid-flashing beacons. The study also takes into account lighting on both sides of the dividing line, along with curbs, bicycle lanes, and other features.

FDOT made recommendations for the roadway in four different sections. Long-term corridor-wide recommendations for A1A include crossway texture markings as requested by the Town, Americans with Disabilities Act (ADA) curb ramps at some locations, pedestrian signs, and signal backplates with reflective borders.

Location-specific short-term recommendations include areas where there is significant pedestrian activity. These include signal equipment maintenance at A1A/Flamingo Avenue, upgraded rapid-flashing beacons at Hibiscus Avenue, possible pedestrian clearance improvement at Datura Avenue, and a possible mid-block crosswalk at S. Ocean Drive. Evaluation for this crosswalk will begin in January or February 2023. Paving markings and signs may be incorporated at Commercial Boulevard, along with delineators/traffic separators in some areas.

Location-specific short-term recommendations for A1A/Commercial Boulevard include consideration of a possible all-red phase, which would stop vehicles for pedestrians at all four ways of the intersection. An alley north of Commercial Boulevard also requires pavement marking signs and delineators. Washington Avenue and Terra Mar Drive require signal equipment maintenance.

Location-specific long-term recommendations include potential reconstruction at Ocean Drive, as well as a proposed curb extension at Commercial Boulevard. This can be done in partnership between FDOT and the Town. Signal markings and signs are recommended at El Prado Avenue, and equipment upgrades and installation of a pedestrian refuge are proposed at Pine Avenue. Pavement markings are also recommended at 200 Ocean Boulevard, and the Town has requested consideration of a mid-block crosswalk at Palm Court Drive.

FDOT is in the process of further vetting all recommendations to ensure they are physically constructible and would not be detrimental to other roadway users in the area.

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Vice Mayor Malkoon addressed the A1A/Commercial Boulevard location, explaining that northbound traffic on A1A can block southbound traffic in order to turn left and enter the A1A parking lot. Ms. Altuve advised that this can be studied further.

Commissioner Strauss expressed concern with a right-turn arrow for westbound traffic on Commercial Boulevard approaching A1A. He explained that the sun can make it difficult to see this signal, and requested that this be considered by FDOT as well.

Commissioner Oldaker requested additional information on recommendations for the Hibiscus Drive crosswalk. Ms. Altuve stated that the rapid-flashing beacon equipment is not up to standard at this location. A lighting study is being programmed for the entire corridor, as the consultant observed there are dark sections of the roadway.

Commissioner Oldaker continued that there is little difference in traffic volume along the entire length of A1A, and asked why designs are not uniform for various crosswalks and signage along this corridor. Ms. Altuve replied that she could review the evaluations to determine why different recommendations were made, but noted that FDOT's traffic engineering manual has certain requirements for different types of traffic controls. These are based in part on the number of people using a crosswalk every day, as well as which traffic controls are appropriate for a given location.

Mayor Vincent asked which locations require additional ADA curbing or other ADA-related improvements. Ms. Altuve explained that some locations lack the correct slope, while some yellow detectable warnings appear to be worn out. She emphasized that this requires maintenance rather than the addition of new features.

Town Manager Connors addressed issues with the Pier that occurred during the recent Hurricane Nicole, stating that immediately following the storm, the Town's Building Official examined this property and closed it to public use. The structure was declared unsafe and the property owner instructed to hire a structural engineer. Town Staff is waiting for more information so they can further evaluate the situation.

David Atkison, owner's representative for Fisherman's Pier, Inc., explained that the owner has contacted a structural engineer. The combination of large waves and a king tide on November 10, 2022 resulted in damage to the Pier, which was already under repair and remediation at the time. The owner has made the U.S. Coast Guard aware of the situation, and SOS beacons have been installed at the structure as a temporary lighting solution. A spotlight has also been installed nearby in case of emergency.

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Mr. Atkison advised that he will work with the owner's engineer to ensure a proper inspection report is completed. He will also work with architects and civil engineers to determine solutions for both the owner and the Town. He concluded that a marine biologist has been contacted to evaluate the situation and ensure against any damage to marine life.

Mayor Vincent commented that the Town's greatest concern regarding the Pier is for public safety, including safety of surrounding navigable waters, which is being overseen by the Coast Guard. Mr. Atkison replied that there will be additional safety mechanisms in place to prevent public access to the pier. The owner has also reached out to the U.S. Army Corps of Engineers and is awaiting a response from that entity.

Town Manager Connors concluded that once the Town has received reports on this matter, they will be prioritized in the Town's Building Department. She has also reached out to the Town's state advocate, Candice Ericks, to ensure assistance in prioritizing any other state and/or federal reviews that may be necessary.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Alex Kublickis, resident, expressed concerns regarding the Pier, recalling that it was first damaged in 2017 by Hurricane Irma and has deteriorated in condition since that time. He requested clarification of the Pier's ownership.

Brian Kuzman, resident, also shared concerns regarding the Pier, stating that it has deteriorated significantly in recent years.

Joe Martino, resident, reminisced about the Pier's importance to the Town.

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

Mayor Vincent requested that the Town Attorney provide a brief overview of the Town's responsibilities regarding the Pier. Town Attorney Susan Trevarthen explained that the Town has a cooperative role in addressing the Pier, including permitting and assurance of public safety surrounding the structure. She confirmed that the Pier is private property and the owner's responsibility.

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7. PUBLIC SAFETY DISCUSSION

a. BSO October 2022 Report

Captain Tom Palmer of the Broward Sheriff's Office (BSO) provided a brief update on a recent traffic crash, which resulted in a fatality. The preliminary investigation has determined that a driver experienced a medical episode which resulted in the crash.

Captain Palmer also recognized Deputy Adam Yates for his role in apprehending an individual with a warrant for arrest.

Commissioner Oldaker commented that BSO's presence in the Town, and their initiative in addressing traffic issues, has been noticed by residents.

Vice Mayor Malkoon recognized Captain Palmer and Town Manager Connors for their quick response following the damage to the Pier. Captain Palmer advised that BSO has increased its beach patrols since the storm, and the Marine Unit will monitor the area surrounding the Pier.

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

b. AMR October 2022 Report

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

8. TOWN MANAGER REPORT

a. Town Manager Report for November 9, 2022

Town Manager Connors encouraged all present to attend the Town's annual Christmas-By-The-Sea event on December 7, 2022. She noted that the recent Veterans Day event was a success.

The Town has renewed its contract with The Urban Beekeepers to care for its apiary. The bees were recently moved due to the installation of a generator, and will not return

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until after work on the Municipal Services building has been completed, most likely in early February 2023.

The Town is working on its contract with the Volunteer Fire Department (VFD), which has been extended for 90 days. The contract is expected to come before the Commission in January 2023.

Town Manager Connors provided an update on recent Code Compliance activity regarding the three properties discussed at the October 25, 2022 meeting. The Special Magistrate has authorized the Town to abate the violations at 230 Pine Avenue; however, since that time, the property owner has removed the bees from the property and addressed trash and litter issues. The property is now in compliance.

The Town has hired a contractor to screen the unsecured pool at the 2036 Coco Palm Place property. The cost of the work will be billed to the property and assessed as a lien if it is not paid. The property owner at 4326 N. Ocean Drive has hired an attorney, and the Town will either work toward resolution or move toward foreclosure.

Town Manager Connors continued that the Town has purchased new covers for the Downtown barricades. She commended Public Works Staff for their work in both preparing for and cleaning up after the storm.

The next Commission meeting is scheduled for December 13, 2022.

Commissioner Oldaker thanked Town Staff for providing a golf cart safety video for residents and visitors.

Captain Palmer advised that the annual Winterfest Boat Parade is scheduled for Saturday, December 10, 2022, with the bridge to remain upright and closed to vehicular traffic beginning at 8:30 p.m. The Boat Parade is expected to end close to 11:00 p.m. BSO Staff will be on hand to redirect traffic and electronic message boards will be deployed following Christmas-By-The-Sea. The nearest open bridge will be at Atlantic Boulevard. Additional information on bridge closures will be available on the Winterfest Boat Parade website.

b. August 2022 Finance Report

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Director of Budget and Finance Lucila Lang noted that some adjustments have been made to the Town's Capital Improvement Plan (CIP) in fiscal year (FY) 2023. The total dollar amount remains the same.

Commissioner Oldaker asked if the Town's investment policies could be revisited, with the intent of taking advantage of any changes in interest rates. Director of Budget and Finance Lang stated that she and Town Manager Connors will meet with Truist Bank to discuss options. They will also speak to a representative of an investment firm toward the end of calendar year 2022. She recommended that the Commission consider how the Town wishes to move forward with any large purchases or expenditures that may be pending.

Director of Budget and Finance Lang asked if the Commission wished to consider increasing the \$2.5 million in its Emergency Fund due to the current economic climate, concluding that she and Town Manager Connors will provide a report on their discussions with Truist Bank and the investment firm.

Mayor Vincent suggested that a workshop could be scheduled for further discussion of financial issues. Town Manager Connors replied that Staff will review meetings scheduled in calendar year 2023 and provide a comprehensive list of these meetings to the Commission.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- **6-28-22 Ethics Training Minutes**
- **10-6-22 Regular Town Commission Meeting Minutes**
- **10-11-22 Ethics Training Minutes**
- **10-11-22 Regular Town Commission Meeting Minutes**

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

11. CONSENT AGENDA

None.

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12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. Authorize the Town Manager to Negotiate a Contract for the Purchase of the 9-unit multi-family property located at 4512 Bougainvilla Drive**

Town Manager Connors reported that the property owner of 4512 Bougainvilla Drive contacted the Town to determine whether or not they were interested in purchasing this property. This would provide an opportunity for the Town to consider making improvements to its Public Safety facility. She added that the Town has performed two appraisals on the property.

Commissioner Strauss made a motion, seconded by Commissioner Oldaker, to authorize Town Staff to negotiate the purchase of 4512 Bougainvilla Drive. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Strauss reported that the recent Veterans Day event was well-attended. He recognized Town Staff for their efforts in making this event a success.

Commissioner Oldaker thanked Town Staff, as well as BSO, AMR, and VFD staff, for their work over recent weeks in dealing with emergent events. He also recognized the Veterans Day event as a success, and encouraged all present to attend Christmas-By-The-Sea.

Vice Mayor Malkoon recognized Commissioner Strauss's work on the Veterans Day event. He added that he and Special Events and Marketing Manager Debbie Hime have contacted the city of Wilton Manors for insight on preparations for their upcoming anniversary, and will reach out to Town residents for materials that may be used in Lauderdale-By-The-Sea's anniversary celebration.

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Commissioner Pouloupoulos thanked BSO for their presence on Halloween, and noted that Boo-By-The-Sea was a success. He recognized Staff for their work in cleanup efforts following the hurricane.

Mayor Vincent also noted that the Veterans Day event was a success despite inclement weather.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

The following Items were taken out of order on the Agenda.

d. Resolution 2022-50 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S POLICIES FOR THE USE OF THE OCEAN PLAZA; PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE DATE.

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

Town Manager Connors explained that Resolution 2022-50 reflects the Commission's decisions made at their October 11, 2022 meeting, which would allow the Aruba Beach Café to continue their use of a small portion of the Connie Hoffmann Ocean Plaza for outdoor dining. Staff requests approval of the Resolution, which amends the current policies for the use of Ocean Plaza by limiting Aruba's use to approximately 800 sq. ft., with a minimum of 48 hours' notice required for the removal of outdoor dining when necessary to accommodate a Town or Commission-approved event.

Aruba Beach Café would be required to maintain Ocean Plaza by cleaning the pavers in the leased area and keeping that location free of litter and debris. They must follow all the requirements of a revocable license agreement with the Town in the area used for

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outdoor dining. Annual approval would be necessary to renew Aruba's use of the Ocean Plaza prior to October 1 of each year.

Should the Commission approve this policy change, Staff will move forward with a revocable license similar to the one currently in place for sidewalk cafés. Staff recommends approval of Resolution 2022-50.

Commissioner Oldaker noted that any Town-approved events would be determined in well in advance, and asked how the 48-hour time frame for notice was determined. Town Manager Connors replied that if an emergent issue arose, this would provide sufficient time to make any changes to the area. She added that she has spoken with Aruba Beach Café and their counsel, and they are amenable to this time frame.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve Resolution 2022-50. Motion carried 4-1 (Vice Mayor Malkoon dissenting).

- c. Resolution 2022-49 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH PLANTATION FARMERS MARKET CO-OP LLC DBA COMMUNITY FARMERS MARKETS OF SOUTH FLORIDA FOR THE TOWN'S FARMERS MARKET PURSUANT TO REQUEST FOR PROPOSAL NO. 22-08-01; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Strauss made a motion, seconded by Commissioner Pouloupoulos, to approve Resolution 2022-49. Motion carried 5-0.

- a. Resolution 2022-51 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING AND AUTHORIZING IMPLEMENTATION OF THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE**

This Item was tabled until the December 13, 2022 meeting.

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- b. Resolution 2022-52 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2021/2022 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2021/2022 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.**

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

Assistant Finance Director Edner Saint-Jean noted that as FY 2021-2022 ended, an amendment was necessary under the process outlined in Florida Statute 16.241, which required the amendment to be completed in no more than 60 days after the end of the fiscal year.

Director of Budget and Finance Lang further clarified that the backup materials show the design costs for Codrington Drive in one line item and the remaining expenses separately. There was no adjustment to the final budget, only to those line items.

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

- e. Resolution 2022-53 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING AND AWARING AN AGREEMENT TO AHTNA MARINE & CONSTRUCTION COMPANY, LLC FOR CANAL DREDGING SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Assistant to the Town Manager Courtney Easley recalled that in 2020, as part of the five-year CIP, the Town’s canal system was surveyed. It was determined that four of the six canals required dredging, based on elevation levels recommended by the U.S. Army Corps of Engineers. The Town issued a request for proposal (RFP) for canal dredging services. Staff and the Chappell Group held a pre-bid meeting on August 16, 2022, with

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potential respondents. Eight bidders attended this meeting, and two responses were received at the end of the RFP process. The evaluation process resulted in the award of 270 points out of a possible 300 to Ahtna Marine and Construction, with 217 points awarded to Custom Built Marine.

Staff originally budgeted \$231,000 for this project based on previous bid amounts for other projects. The recommended contractor requests \$374 per cubic yard, which, with a 10% contingency, brings the total cost of the project to \$296,635.68. Due to this increase in costs, Staff recommends only dredging Canal B and the Silver Shores Canal in FY 2022-2023. Staff recommends selecting and awarding the agreement to Ahtna Marine and Construction in an amount not to exceed \$296,635.68.

Commissioner Oldaker asked if the two canals cited above have the greatest need for dredging. It was confirmed that they have the highest amount of cubic yardage to be removed.

Vice Mayor Malkoon recognized Deputy Town Manager/Public Works Director Ken Rubach for his work on this matter. He requested additional information on the plans for deposit and removal of dredged material on a Bel Air lot used for its storage. Mike Gonzalez, representing Ahtna Marine and Construction, explained that the material will be excavated and placed on a barge, which can hold 100 cubic yards per trip. It will be offloaded onto the Bel Air lot.

Tyler Chappell, representing the Chappell Group, advised that the contractor will provide notice to houses in the subject lot's surrounding neighborhood to inform them of when they will be working and what the work will entail. An individual will be on-site to answer any questions or address concerns.

Commissioner Strauss requested clarification of the reason for the significant increase in the amount of material to be dredged. Mr. Chappell recalled that the original estimate occurred in 2021, and has incurred escalating construction costs since that time. Another consideration is that the original estimate did not include offload site costs or landfill costs.

Mr. Chappell continued that sediment testing will be done as the material is offloaded to ensure it is within the threshold of what can be disposed of via landfill. If testing meets the necessary threshold for residential use, the material can remain on the lot if necessary.

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Commissioner Oldaker asked how long it might take to dredge the Silver Shores Canal, pointing out that barge activity could block traffic on that waterway. Mr. Gonzalez explained that the barge is roughly 130 ft. x 40 ft. The contractor has significant experience in dredging in similar areas and will limit any blocking of marine traffic. He estimated that the project will last for roughly 30 days.

Commissioner Oldaker recommended that information be posted on the Town's website as well as disseminated in other ways, noting that the canal can be very busy during the tourist season. Mr. Gonzalez also noted that boaters can contact the barge operator via radio if necessary, although he felt it was likely they will have sufficient room to navigate around the barge.

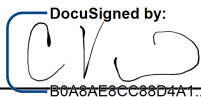
Commissioner Pouloupoulos made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

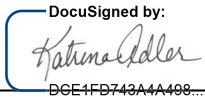
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:24 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk

12/29/2022

Date