

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 12, 2019
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:33 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, Assistant to the Town Manager Neysa Herrera, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Town Engineer Jay Flynn, Special Projects Coordinator Debbie Hime, Planner Sue Leven, Town Engineer Jay Flynn, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend George Hunsaker gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

5.a Highlights from Special Events (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime presented highlights from Town special events, including the recent Boo-By-The-Sea and Veterans' Day activities. Dancing-By-The-Sea will be held on the second and fourth Sundays of each month through May 2020 from 5 to 7 p.m. The Farmer's Market will begin on December 1, 2019 and will last through the first weekend in May 2020 from 9 a.m. through 2 p.m.

Christmas-By-The-Sea is scheduled for Wednesday, December 4, 2019 from 5:00 to 8:30 p.m. This event will include a visit from Santa Claus, tree lighting, live entertainment, and a holiday market. Emails will be sent to local businesses to ensure

they are aware of street closures. Downtown will close to vehicular traffic at 8 a.m. with the exception of turnarounds. Vendors will be in place by 4:15 p.m.

Special Projects Coordinator Hime thanked all the members of Staff, as well as members of the Broward Sheriff's Office (BSO), Volunteer Fire Department (VFD), and volunteers, who have assisted with events throughout the year.

6. PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

John Ahumada, resident, expressed concern with materials regarding the reporting of Code violations by vacation and short-term rental properties, which could discourage a sense of community among neighbors. He felt it would be more effective to use technology to identify violations.

Charles Mangano, resident, requested an update on the possibility of a Concord Wilshire project at the former Holiday Inn property.

John Macmillan, resident, stated that he had presented an offer on the Holiday Inn property in the past, which was rejected by the previous Town Commission. He hoped that both hotels and condominiums would be considered for this property.

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO October 2019 Report (Captain Thomas Palmer, BSO)

Captain Tom Palmer of BSO recognized Senior Deputy Ben Koos as Deputy of the Month for the second time in 2019. He noted that his October 2019 report includes additional information on the homicide that occurred in the Town the previous month. Information provided by the Town's license plate reader (LPR) and surveillance cameras were important components of this case.

Captain Palmer emphasized that Lauderdale-By-The-Sea has been and continues to be a historically safe community with little violent crime. Beginning on the day of the homicide, BSO has received assistance from the neighboring communities of Sea

Ranch Lakes, Pompano Beach, Weston, Oakland Park, and others. Bike and beach patrols will be made more visible, and law enforcement maintains a presence throughout the Town at all hours. There is also supplemental assistance for traffic enforcement efforts on A1A and Commercial Boulevard.

Commissioner Oldaker advised that he has met with Captain Palmer and Town Manager Bill Vance to discuss BSO activity following the recent homicide. BSO performs due diligence on an ongoing basis to determine what the Town needs to provide safety for its residents. Over the past three years, Lauderdale-By-The-Sea has experienced its lowest rate of overall crime in the current ten-year period.

Commissioner Strauss asked if the Town can secure a greater law enforcement presence on its canals following recent thefts from boats in Fort Lauderdale and Pompano Beach. Captain Palmer replied that while the Town does not have a dedicated Marine Unit, they have the option of paying for additional patrols on the canals; however, he cautioned that there is no crime trend at present to justify this expense.

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

7.b VFD October 2019 Report (Chief Judson Hopping, VFD)

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

7.c AMR October 2019 Report (Chief Brooke Liddle)

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

8. TOWN MANAGER REPORT

8.a Preliminary FY 2019 Financials (Lucila Lang, Finance Director)

The report was accepted without discussion.

9. TOWN ATTORNEY REPORT

Mayor Vincent requested that Town Attorney Susan Trevarthen address the issue of a previous offer on the Holiday Inn property, which was raised during Public Comment. Town Attorney Trevarthen explained that while the Town does not control private real estate transactions, individuals sometimes request opinions or input on what projects might be considered desirable. Any property owner may file an application according to their rights under the Town's Comprehensive Plan and Zoning Code.

Town Attorney Trevarthen advised that there has been some informal communication with Florida Development Group (FDG) and Staff is awaiting re-submittal of plans. FDG is working to formalize its Site Plan Application and bring it before the Commission for action. The Commission authorized the filing of foreclosure action in spring 2019, followed by a decision to pause this litigation due to interest from Concord Wilshire. It is possible that FDG may request additional time from the Commission to meet its deadlines in this process.

Mayor Vincent noted that he has requested a minimum of two workshops be held with Town residents before any Site Plan Application is brought back before the Commission for presentation and/or action.

10. APPROVAL OF MINUTES

10.a October 22, 2019 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

11.a 2019 Ford F-150 Aerial Lift Truck Lease (Ken Rubach, Municipal Services Director)

11.b Piggyback of Electrical Maintenance Services Contract (Ken Rubach, Municipal Services Director)

11.c December 10, 2019 Public Input Workshop Request – Dog Beach Possibilities

11.d Special Event Application from LBTS Restaurants for New Year's Eve Celebration Tuesday, December 31, 2019 - Wednesday, January 1, 2019 (Debbie Hime, Special Projects Coordinator)

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve Items 11a through 11d. Motion carried 5-0.

12. OLD BUSINESS

12.a EV Charging Station Update (Ken Rubach, Municipal Services Director / Bill Vance, Town Manager)

Municipal Services Director Ken Rubach advised that at the direction of the Commission, Staff has looked into several charging options. They are currently seeking direction to move forward into the next phase, which will include exploring potential locations and providing power. Town Manager Bill Vance noted that Staff is not requesting the expenditure of any funds at this time.

Commissioner Strauss commented that he was in favor of adding electric vehicle charging stations, and noted that there are options for sponsorship or advertising to offset their costs. He added that electrical outlets beside Town golf cart parking could be another positive step in the future.

13. NEW BUSINESS

13.a El Mar Design Direction (Ken Rubach, Municipal Services Director / Jay Flynn, Town Engineer / Bill Vance, Town Manager)

Municipal Services Director Rubach stated that cost estimates show the El Mar Drive project would need to be a Consultants' Competitive Negotiation Act (CCNA) project, which means it must go out for bid.

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, thanked the Commission for the decision to undertake the El Mar Drive project as a Town project rather than having the Florida Department of Transportation (FDOT) involved. She recommended that the Commissioners speak to local hoteliers who may be interested in projects on this roadway.

With no other individuals wishing to speak on this Item, Mayor Vincent closed public comment.

Town Manager Vance advised that the CCNA process includes a request for professional qualifications (RFQ). Staff will analyze the resources of different engineering firms and rate their ability to meet the project's needs before making a formal recommendation to the Commission.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to authorize the Town Manager to begin the process of preparing an RFQ in compliance with the CCNA process for selection of a design consultant for the El Mar Drive project. Motion carried 5-0.

13.b Palm Club Sanitary Sewer Design (Ken Rubach, Municipal Services Director / Jay Flynn, Town Engineer / Bill Vance, Town Manager)

Municipal Services Director Rubach explained that in 2017, Mathews Consulting was selected through the RFQ process for the initial design of the Palm Club sewer project. Staff has worked with the Town Attorney and Mathews Consulting to amend the language of this agreement. There are some cost increases related to timing, and it is also necessary to include a lift station generator as part of the project.

It was noted that \$400,000 has been budgeted in the Capital Improvement Program (CIP) for the Palm Club project. The Town will continue to pursue appropriation or grant funds for approximately 50% of this project from the state of Florida.

Commissioner Oldaker made a motion, seconded by Vice Mayor Sokolow, to execute the amended and restated agreement with Baxter and Woodman as provided by the Town Attorney. Motion carried 5-0.

13.c Bougainvillea / Poinciana & West Business Plazas Lighting (Ken Rubach, Municipal Services Director)

Municipal Services Director Rubach explained that these Plazas are targeted for lighting upgrades. Staff has met with electricians and will bring more information back to the Commission as it becomes available. He added that Staff can look into the possibility of extending lighting from the Plazas to the back of Town Hall and parking spaces on Bougainvillea Drive.

14. COMMISSIONER COMMENTS

All the Commissioners recognized the efforts of Town Staff and Commissioner Strauss regarding the Veterans' Day event.

Commissioner Oldaker shared the Police phone number, (954) 764-HELP, that residents may use to reach BSO dispatch if the need arises, and complimented Staff for their quick response in removing graffiti from the former Holiday Inn building.

Vice Mayor Sokolow recognized the contribution of former Town Commissioner Stuart Dodd for encouraging the purchase of the Town's LPR cameras.

15. ORDINANCES 1ST READING

15.a Ordinance 2019-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING MARCH 17, 2020 FOR THE TOWN'S 2020 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2020 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON THURSDAY, JANUARY 2, 2020 THROUGH NOON ON THURSDAY, JANUARY 9, 2020, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Tedra Allen, Town Clerk)

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

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

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2019-41 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A LONGEVITY BONUS PAYMENT PROGRAM; ESTABLISHING ELIGIBILITY REQUIREMENTS AND QUALIFICATIONS; AUTHORIZING THE TOWN MANAGER TO ADMINISTER THIS PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE (Bill Vance, Town Manager)

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve Resolution 2019-41, which adopts changes to the Personnel Manual by adding a section entitled VII. Salary Administration, L. Longevity Program. 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 Item. Individuals wishing to speak on the Item were sworn in at this time.

**18.a Site Plan Modification for 4208 N. Ocean Drive (Blue Strawberry)
(Linda Connors, Development Services Director)**

Sue Leven, Planner, stated that Staff discovered during the review process that multiple units were created without a permit on this property. They have been working with the owner to bring the property into compliance.

The property consists of two buildings, each originally approved with 15 units. Over time, the number of units in each building has increased to 18. As the owner wishes to maintain the property at 36 units rather than the original 30, Staff requires that several criteria be met:

- Lot area: the property's grandfathered lot area is larger than its actual size
- Parking: 27 spaces are required, including 21 grandfathered spaces and six spaces for the additional units; the owner proposes to include bicycle racks to make up for one space and was granted an administrative adjustment for the remaining three

- Configuration: there will be 21 kitchen units and 15 units without a kitchen, which meets the maximum space requirement of 52,260 sq. ft.

The parking requirement will be met through 20 on-site parking spaces, one ADA-compliant space, three compact spaces, bicycle racks, and an administrative adjustment. The Planning and Zoning Board recommends approval of the Application by a vote of 5-0.

Vice Mayor Sokolow asked when the six units were added to the property. Planner Leven replied that this occurred before the current owner took possession of the site.

At this time Mayor Vincent opened public comment.

John Ahumada, resident, stated that he was supportive of the request, as this would make it easier for businesses such as the Blue Strawberry to survive in a competitive environment.

With no other individuals wishing to speak on this Item, Mayor Vincent closed public comment.

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

**18.b Site Plan Modification for 4433 Poinciana Street (Bonnan by the Sea)
(Linda Connors, Development Services Director)**

Planner Leven stated that this property was approved for the construction of an eight-unit residential building. Although their building permit was received in May 2019, construction has not yet begun. The Applicant has approached the Town with regard to the addition of a ninth unit. The project had originally been approved as nine units, but could not accommodate the parking requirement. The Applicant requested the change after the building permit was issued. Staff recommended that they seek an administrative adjustment and Site Plan modification.

There is no proposal to change the existing parking and Site Plan, which were previously approved, except for the addition of a one-bedroom unit where a "party room" had previously been located. The site has sufficient lot area to support a ninth unit. An administrative adjustment for two parking spaces was granted by the Board of

Lauderdale-By-The-Sea
Regular Town Commission Meeting
November 12, 2019

Adjustment. The Planning and Zoning Board recommended approval of the Site Plan modification at their November 6, 2019 meeting.

At this time Mayor Vincent opened public comment.

John Ahumada, resident, stated that he was supportive of the project.

With no other individuals wishing to speak on this Item, Mayor Vincent closed public comment.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, 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 7:52 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date