

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 10, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:52 p.m. Also present via teleconference were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Town Manager Bill Vance, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Finance Director Lucila Lang, Municipal Services Director Ken Rubach, Development Services Director Linda Connors, Jay Flynn, Town Engineer, Special Projects Coordinator Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – MOMENT OF SILENCE

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Clerk Tedra Allen noted that the ratification of Emergency Orders has been added as Item 17b.

5. PRESENTATIONS

a. Stormwater Master Plan Update Presentation (Ken Rubach, Municipal Services Director)

Jeff Hiscock, representing consultant Baxter and Woodman, showed a PowerPoint presentation on the Town’s Stormwater Master Plan update. The original Stormwater Master Plan was developed in 2011. The update considered geographical information system (GIS) data within the City, as well as infrastructure added since 2011. The consultants also updated Florida Department of Transportation (FDOT) drainage systems information. This resulted in the addition of 92 new inlets and 59 new manholes, as well as 153 new pipes accounting for approximately 11,000 linear ft.

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The consulting team created a drainage survey, which was placed online to solicit feedback from residents on different types of problems, their locations, and other specific information. 41 individuals responded to the survey.

Each issue was characterized in one of three different ways:

- Nuisance flooding in ponded/trapped/depressed areas
- Uniform flooding in areas susceptible to high-intensity rainfall
- Severe flooding due to drainage to a low area with undersized outfall pipes

Current Federal Emergency Management Agency (FEMA) flood zone maps were drawn in 2014 and were based on 100-year rain events and storm surge. New zones were developed in 2019 but have not yet been adopted, although they are considered more accurate than the 2014 maps. Town Engineer Jay Flynn's office uses the 2019 zones to evaluate new development.

The updated model was used to run multiple storm scenarios, including a three-year storm (6.4 in. of rainfall/24 hours) and 100-year storm (18.5 in./3 days). Another consideration was sea level rise projections, which used a 2019 update from the Southeast Florida Regional Climate Change Compact. The team used an intermediate to high projection for 2060, which showed a mean tide elevation of 1.8 ft. King tides add another 1.5 ft. to this elevation. Even in the absence of storm events, sea level rise and king tides will inundate some areas with severe flooding.

Upland areas are expected to experience ponding rather than flooding. The solution to these areas is exfiltration trenches, which are perforated pipes surrounded by rock and filter fabric. Road re-grading, resurfacing, and buildup can address depressed areas within roadways. In areas that experience severe flooding, short-term recommendations include pipe improvements, while long-term improvements include the addition of pump stations. Check valves are recommended based upon the severity of the flooding associated with king tides.

Town Manager Vance observed that the draft Stormwater Master Plan update seems to be pointing toward upcoming budgetary discussions and capital improvements in the next fiscal year. Short-term projects in the Capital Improvement Program (CIP) are scheduled to begin in the next month. A utility rate study is recommended to determine the best stormwater rate and how to apply it. Grant funds and loan opportunities are available to the Town, and stimulus funding may also be a possibility.

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Mayor Vincent commented that while there may be temporary solutions to alleviate flooding, its root cause is not going to improve in the coming years. Mr. Hiscock advised that flooding can be mitigated for roughly the next 60 years, but he was unsure of how it could be effectively addressed beyond that time frame.

Commissioner Malkoon asked if existing outfall pipes are at a height that takes sea level rise into account. Mr. Hiscock replied that there is currently less difference between the roadways and the Intracoastal Waterway, which slows the flow of draining water. A higher differential could contribute to a higher rate of discharge. Pumps will ultimately be necessary to compensate for this difference. Existing pipes are already at or below sea level.

Commissioner Strauss asked how recent rainfall events could be characterized. Mr. Hiscock replied that recent rain events could be considered hundred-year storms, and both rainfall and rainfall intensity are expected to increase in the future as a result of climate change.

Commissioner Sokolow asked if minor drainage issues could be alleviated without addressing the system along El Mar Drive. Mr. Hiscock replied that this may be possible for El Mar Drive, which includes small areas of exfiltration. He recommended looking at detailed surveys to determine whether or not more improvements are necessary, such as resurfacing.

Town Manager Vance stated that Staff will verify the proposed improvements and bring back more information for the Commission's consideration during the budget process.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Town Clerk Allen read the following public comment:

- Barbara Cole, resident, extended thanks to the Town and the Commission for its role in handling the COVID-19 pandemic

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

7. PUBLIC SAFETY DISCUSSION

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

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) advised all Town residents to bring any holiday gifts or other valuables into their homes rather than leaving them in their cars during the upcoming holiday season.

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

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

Commissioner Malkoon thanked BSO and the Volunteer Fire Department (VFD) for patrolling the Town in public safety vehicles during recent storm events.

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

c. AMR October Report (Chief Brooke Liddle, AMR)

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Bill Vance, Town Manager)

Assistant to the Town Manager Neysa Herrera reported that the Town has created an outdoor exhibit to help residents visualize the three design options proposed for the El Mar Drive project. It will be in place through Saturday, November 14, 2020, and residents may ask questions of EDSA design consultants and provide feedback by filling out a survey on the Town's or the project's website.

The Pelican Hopper route change took effect on Monday, November 9, 2020 and will continue on Mondays, Wednesdays, and Fridays due to COVID-19 restrictions. The new route excludes the Terra Mar area until construction there has been completed and includes the Island Shops in Pompano Beach.

In June 2020, the Town submitted an application to the Florida Department of Law Enforcement (FDLE) for an emergency supplemental funding program during the

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ongoing COVID-19 pandemic. FDLE has approved the request \$50,000 pertaining to the prevention, preparation, and response to the coronavirus.

Responses to the Town's request for proposal (RFP) for auditing and financial analysis services are due November 19, 2020. The Audit Committee will review and rank the proposals, and the recommended firm will be presented to the Town Commission at the December 8, 2020 meeting.

The Public Works Department and City Staff have completed the following:

- Trimmed and cleaned flowerbeds at the entryways on West Tradewinds Avenue and Basin Drive
- Cut back trees to clear a Stop sign at the Fire Department
- Repaired pavers on Commercial Boulevard
- Replaced a "Children Playing Safely" sign
- Painted rusted pay station surfaces in Commercial Plaza
- Replaced a number of parking meters with "Parking Options" signage
- Replaced tissue dispensers in Friedt Park restrooms
- Replaced old parking signs on Palm Avenue
- Straightened the Stop sign at Tradewinds Avenue and Oceanic Avenue

Other completed projects include:

- Resurfacing of bocce courts at Friedt Park
- Installed security cameras throughout the Town
- Temporarily removed the bike rack at SW Commercial Boulevard and El Mar Drive for repainting

On Monday, November 9, 2020, the recently purchased loader successfully opened Town roads and expedited debris removal after Hurricane Eta. BSO, VFD, and the Public Works Department coordinated these efforts.

The Town will celebrate Veterans' Day by displaying the American flag and a banner honoring veterans in front of Town Hall.

The Lauderdale-By-The-Sea Merchants' Association continues to promote its "Shop Small" event, which will take place every Saturday between Thanksgiving and Christmas. The Chamber of Commerce will promote this event through its member newsletter, social media, and calendar. Special Projects Coordinator Debbie Hime will also promote the event through a targeted Facebook campaign.

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While Christmas-By-The-Sea has been cancelled, the VFD will escort Santa Claus and Mrs. Claus throughout Town neighborhoods. Signs will be posted along the route so families may attend, and a map of the route will be provided. More information is available at discoverLBTS.com.

Commissioner Malkoon asked when camera installation on El Mar Drive is expected to be complete. Town Manager Vance replied that while completion is scheduled by January 1, 2021, it may be completed sooner.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. October 13, 2020 Ethics Training Minutes (Tedra Allen, Town Clerk)**
- b. October 13, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

- a. Proposed Chanukah Celebration Update – December 13, 2020**

Town Manager Vance recalled that at the October 27, 2020 Commission meeting, it was proposed that the Town's Chanukah celebration be located in the Downtown area. After Staff discussions, the Town Manager and Town Attorney are comfortable with a recommendation to locate the event in El Prado Park.

Rabbi Benzion Singer commented that he had been under the impression the event would be held at the Dune Plaza, based on information submitted in the special event

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application. His most recent communication with Staff had not suggested a change to the El Prado location.

It was clarified that the Town Manager and Town Attorney's concerns with holding the Chanukah celebration in Dune Plaza were related to the possibility of the general public within the area. Rabbi Singer clarified that his proposal was for an event that would be livestreamed online so participants could attend remotely. Volunteers would be present at the event location to ensure that Centers for Disease Control (CDC) guidelines and protocols are met. The proposed event would be much smaller than previous holiday events.

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to approve the Chanukah celebration in Dune Plaza and waive the fee. Motion carried 5-0.

It was noted that public comments on this Item submitted in advance of tonight's meeting were included in the Commissioners' backup materials. No additional public comments were received during the meeting.

13. NEW BUSINESS

- a. Proposal by Broward County Transit (BCT) to relocate Bus Stop 946 and install a new shelter and associated amenities in front of 2000 S. Ocean Boulevard (Royal Coast Condominiums) (Linda Connors, Development Services Director)**

Development Services Director Linda Connors explained that Town Staff has worked with Broward County Transit (BCT) over the last year to establish a number of bus stops throughout the Town. The Town is now considering opportunities to add more bus shelters. In some cases, BCT has asked the Town to consider relocating existing bus stops in order to address safety and access issues.

One such stop is Bus Stop 946, which is located just north of Sea Watch on the Ocean restaurant, near the beach access area and Royal Coast Condominiums. BCT suggests relocating this stop closer to the traffic light and away from the beach access area so it is closer to the crosswalk. The current location does not provide sufficient right-of-way for construction of a bus shelter.

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Development Services Director Connors briefly reviewed the proposed relocation of the bus stop. If the Town wishes to install another bus shelter in this area, it would need to be at the proposed location, as there are no other options to accommodate the facility. Kurt Petgrave, representing BCT, explained that moving the stop closer to the restaurant would present a safety concern. The proposed location would lie completely within the public right-of-way.

Vice Mayor Oldaker expressed concern with the coordination between agencies necessary to provide both a bus stop and a crosswalk. It was clarified that crosswalks cannot be installed at all bus stop locations throughout the County; however, it is possible for this location to mitigate the safety of transit riders crossing the street to access buses. The proposed relocation would also mitigate sight triangle issues.

Commissioner Malkoon pointed out that there have been no issues with the existing bus stop, and that residents oppose the proposed relocation. Mr. Petgrave confirmed that if residents are satisfied with the current location and the City does not wish to use surtax funding to construct a shelter at the new location, BCT would be amenable to leaving the stop as is.

Town Clerk Allen advised that the great majority of public comments received on this Item were in opposition to moving the bus stop.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to leave Bus Stop 946 where it is and not have a shelter.

It was clarified that should this Item be brought back in the future, the Commission may reconsider their decision at that time.

Motion carried 5-0.

b. Contract with PayByPhone Technologies, Inc. for Payment of Parking Fees by Phone (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach noted that this Item would renew the Town's current "piggyback" contract with the city of Miami. The Town collects a convenience fee for payment and forwards it to the contractor at the end of each month. There is no fiscal impact to the Town.

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

c. Collection of Sidewalk Café Fees for FY21 (Linda Connors, Development Services Director)

Development Services Director Connors advised that the Town collects annual fees from businesses with sidewalk cafés in October. Fees are \$18/sq. ft. east of Seagrape Drive and \$10/sq. ft. west of this street. Because many businesses have experienced difficulties related to the ongoing COVID-19 pandemic, Staff recommends waiving the collection of these fees for six months and reconsidering their collection in the second half of the fiscal year.

Commissioner Sokolow asked how the waiver of these fees would affect the Town's budget. Development Services Director Connors replied that the Town had budgeted for \$35,000 in sidewalk café fees, which would be halved by the proposal.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Staff's recommendation for a six-month waiver. Motion carried 5-0.

d. Visitor Center Improvements (Bill Vance, Town Manager / Ken Rubach, Municipal Services Director)

Town Manager Vance recalled that during the budget process, Town Staff and Chamber of Commerce leadership were happy to receive support from the Commission in the form of \$75,000 worth of funding for Visitors' Center improvements in fall 2020. Tonight's request is for Staff to proceed with as many itemized improvements as possible, including pursuit of building permits, electrical and heating, ventilation, and air conditioning (HVAC) improvements, fire suppression, and structural improvements. Conceptual prices are not to exceed the budgeted \$75,000. Staff would bring any unexpected costs back to the Commission for approval.

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

14. COMMISSIONER COMMENTS

The Mayor, Vice Mayor, and Commissioners thanked the Town's veterans for their service in honor of Veterans' Day and wished all in attendance a happy Thanksgiving.

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Commissioner Strauss encouraged all in attendance to shop local businesses.

Mayor Vincent noted that the Town will continue to do its best to address flooding and related complications.

Vice Mayor Oldaker advised that another tropical storm has formed and appears to be following a similar path to recent Tropical Storm Eta. He advised all residents to be vigilant of weather events. He also pointed out that very large vessels are traveling the Intracoastal Waterway during high tides, and asked Staff to reach out to waterfront residents to determine if these boats have caused property damage. He encouraged these residents to contact Staff if any damage has occurred.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- a. Ordinance 2020-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS;” ARTICLE V, “ZONING;” SECTION 30-261 “B-1 A BUSINESS DISTRICT – BUSINESS,” SECTION 30-271 “B-1 DISTRICT – BUSINESS,” SECTION 30-313 “GENERAL PROVISIONS” TO MODIFY REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Connors advised that the Town’s Planning and Zoning Board recommended approval of the Ordinance at their October 7, 2020 meeting. The Commission also recommended approval upon first reading.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to adopt the Ordinance on second reading. Motion carried 5-0.

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17. RESOLUTIONS – PUBLIC COMMENTS

- a. **Resolution 2020-41 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2020 / 2021 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2020 / 2021 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Lucila Lang, Finance Director / Ken Rubach, Municipal Services Director)**

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

Finance Director Lucila Lang stated that this Resolution would authorize the use of appropriated funds for Visitors' Center and Merchants' Association items.

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

- b. **Resolution 2020-46 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RATIFYING AND APPROVING ALL EMERGENCY ORDERS AND ACTIONS TAKEN BY THE MAYOR CONCERNING OR RELATED TO THE COVID-19 EMERGENCY; AUTHORIZING THE MAYOR TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THE RESOLUTION; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

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

Town Attorney Trevarthen explained that while the Commission has met virtually since March 2020 as permitted under the Governor's Emergency Order, that Order expired on November 1, 2020, making it necessary for the Town to create a mechanism to

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continue meeting virtually through an Emergency Order of its own. The Resolution ratifies each order that has happened since the beginning of the COVID-19 pandemic.

Mayor Vincent noted that discussions of the necessity of meeting in a virtual or hybrid format will continue into calendar year 2021. Town Attorney Trevarthen added that the Resolution is written in an open-ended fashion referring to either the end of Florida's state of emergency or action by the Mayor to terminate the Resolution itself.

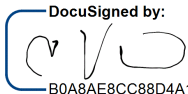
Vice Mayor Oldaker made a motion, seconded by Commissioner Malkoon, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

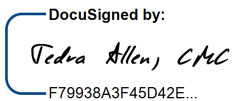
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 9:24 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

12/11/2020

Date

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Public Comment

Barbara Cole, resident

Town Manager, Mayor, Commissioners et al-

Tonight is the only meeting this month as we get ready to celebrate Thanksgiving 2020. I wanted to extend what I am thankful for in this most challenging year we have all faced. I am thankful for living in a country, state and town that faced this Covid virus with strength, action and care for its citizens. I am thankful knowing we are a nation that rises to challenges with innovation, alliances, and determination. I am thankful that when the TV, cell phones, social media and pundits are turned off people can still be engaging, civil and respectful of each other. I am thankful for my family and friends.

And I am most thankful that it is only 51 days to say goodbye to 2020!

Happy Thanksgiving to you all!