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MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 27, 2020
6:30 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:32 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

Commissioner Malkoon requested the addition of an Item under New Business addressing a Lauderdale-By-The-Sea Merchants' Association event. This was added as Item 13b.

Mayor Vincent requested that Consent Agenda Item 11c be moved to New Business as well. This was added as Item 13c.

Town Manager Bill Vance requested that Item 5a be deferred to the November 10, 2020 meeting.

5. PRESENTATIONS

a. The Pedestrian and Bicycle Circulation Enhancement Plan (Linda Connors, Development Services Director)

This Item was deferred to the November 10, 2020 meeting.

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

6. PUBLI C COMMENTS

At this time Mayor Vincent opened public comment.

Rabbi Benzion Singer, resident, advised that he has submitted an application for the Town's annual Chanukah celebration, proposing an outdoor program that follows Centers for Disease Control (CDC) guidelines regarding social distancing and the wearing of masks. The event will be livestreamed on social media so individuals may watch from their homes.

Mayor Vincent stated that he would like to evaluate the proposed event and its seating arrangements in the Dune Plaza in order to limit in-person attendance within CDC guidelines and follow other safety recommendations. Approval would be predicated upon the assumption that no more restrictive public health guidelines have been enacted by the time of the event.

Town Manager Vance noted that Staff could vet the proposed Chanukah event as well as the reopening of the Farmer's Market in advance and provide an update to the Commission at the November 10, 2020 meeting.

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

Commissioner Strauss made a motion, seconded by Vice Mayor Oldaker, to move this request forward with monitoring and guidelines followed, with an update to be provided in November. Motion carried 5-0.

Town Clerk Tedra Allen read the following public comments:

- Savannah Lewis, resident of Fort Lauderdale, spoke in favor of retaining the El Mar Drive median
- Maria Giordano, resident, spoke in favor of retaining the El Mar Drive median
- Julieann Scalisi, resident, spoke in favor of retaining the El Mar Drive median
- Lee Ann Klepper, resident, spoke in favor of retaining the El Mar Drive median

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

7. PUBLIC SAFETY DISCUSSION

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None.

8. TOWN MANAGER REPORT

a. July 2020 Finance Report (Lucila Lang, Finance Director)

Finance Director Lucila Lang advised that the Town is still posting entries from September 2020 and is on target for a positive balance of approximately $1 million, as well as fines received from the Florida Development Group (FDG). The books have been opened for the current fiscal year and revenues and expenses are being allocated.

Town Manager Vance added that the Town is preparing a Coronavirus Aid, Relief, and Economic Security (CARES) Act application through Broward County.

Vice Mayor Oldaker asked if $1,650,000 received from FDG should be moved into the Town's Capital Improvement Program (CIP) and dedicated to the El Mar Drive or other projects. Mayor Vincent noted that these dollars have not been earmarked for any purpose other than the General Fund.

Town Manager Vance clarified that the funds received from FDG are in the General Fund balance, which serves as a savings account. The Town continues to pursue Broward County transportation surtax funding for the El Mar Drive project, which means the Town's financial needs for this project are not yet known.

Mayor Vincent stated that he would prefer to see a comprehensive breakdown of any reallocation so the Commission can make an informed decision and hear recommendations from the Town Manager and Finance Director.

The Commissioners accepted the report without further discussion.

b. August 2020 Finance Report (Lucila Lang, Finance Director)

The Commissioners accepted the report without discussion.

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

Assistant to the Town Manager Neysa Herrera reported that on October 16, 2020, Broward County released Emergency Order 28, which extends the time permitted for

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on-premises consumption of food and alcohol until midnight. It also prohibits dining service between midnight and 5 a.m. Alcohol consumption in open containers or “to-go” cups remains prohibited in public spaces.

Social distancing and facial covering requirements, as well as sanitation and safety requirements to prevent the spread of COVID-19, remain in place. The Emergency Order is posted on the Town and County websites.

The Florida Department of Revenue has reviewed and approved the Town’s millage certification.

Capital Improvement Program (CIP) projects are as follows:

- The dredging study has been completed and Staff will continue to work with the Chappell Group for bid specifications for fiscal year (FY) 2022
- The Terra Mar drainage improvement project will begin on November 2, 2020; Municipal Services Director Ken Rubach has met with Terra Mar residents to review the Action Plan for this project
- The Stormwater Master Plan update has been completed, and consultant Baxter and Woodman will give a presentation on this Item at the November 10, 2020 Commission meeting
- All security camera devices, conduits, and wiring have been moved onto camera poles; Town-wide security camera installation will conclude on January 1, 2021
- The Hibiscus Avenue/A1A crosswalk has been completed

The Municipal Services Department has completed the following:

- Re-striped parking along Commercial Boulevard
- Sprayed and removed weeds from parking spaces along Harbor Drive
- Replaced the Yield sign and pole on Basin Drive
- Painted faded poles and seating at tennis courts shelter
- Removed and replaced bushes in the center median of Commercial Boulevard
- Installed decorative shale in Downtown planting beds

Over the weekend of October 24-25, the Town experienced torrential rain, which contributed to flooding on most Town roadways. The Broward Sheriff’s Office (BSO), Volunteer Fire Department (VFD), and Public Works Staff mobilized to monitor flooded roadways, clean catch basins to improve flow into the storm sewer system, and removed any accumulated debris from the roadways.

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Special Projects Coordinator Debbie Hime has completed the design of the new Datura Portal sign as part of the Town's efforts to enhance its tourism markets with the hashtag #DiveLBTS. The Town has partnered with local businesses to take underwater videos and photos of diving to be posted on the City's diving pages on DiscoverLBTS.com.

Mayor Vincent commented that he had received a text from Fort Lauderdale Mayor Dean Trantalis regarding adherence to hours of operation and non-sale of alcohol after midnight in municipalities surrounding Fort Lauderdale. Mayor Vincent asserted that the Town is enforcing this prohibition among its businesses.

Mayor Vincent also addressed the recent flooding, noting that it had extended from Terra Mar Drive through other roadways to the west. Municipal Services Director Rubach explained that no system is likely to be able to drain all the water from a torrential event; however, the Terra Mar drainage project is expected to mitigate the issue. Catch basins at the end of east Terra Mar Drive will be connected to a new mainline to assist with drainage.

Mayor Vincent requested clarification from BSO Captain Thomas Palmer that the Town's security cameras are not intended to be accessed by any residents for personal benefit through public records requests. Captain Palmer confirmed that the videos are not available for that purpose and will be used only to assist in crime-related incidents.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen noted that the Governor's Emergency Order permitting virtual meetings is set to expire at the end of October. It is not yet known whether the Governor will extend this order, which provides the Commission with the flexibility to continue to meet in a virtual format if they wish. She asked if the Commission would like an opinion on the possible issuance of an Emergency Order from the Mayor to justify the continuation of a virtual or hybrid meeting format. If no action is taken, the Commission will need to meet in person beginning November 10.

Town Attorney Trevarthen continued that she needs direction from the Commission regarding any documents that must be prepared, and pointed out that if the Commission does not provide this direction at tonight's meeting, it would be difficult to secure a collective decision in the future while meeting the requirements of the Sunshine Law. Legal interpretation of this issue turns on the existence of a Town Emergency Order justifying the ability to continue to hold virtual meetings.

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

The Commissioners agreed by consensus to direct the Town Attorney to prepare a Town Emergency Order, which can be acted upon or not in the future if the Governor does not extend his own Emergency Order permitting virtual meetings.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. Visitor's Center Financial Assistance (Bill Vance, Town Manager)

Vice Mayor Oldaker recalled that at the October 13, 2020 meeting, the Commission voted to approve $13,000 for the Visitor's Center. He noted that this amount will count toward the proposed $25,000 cap on assistance for this purpose.

Town Manager Vance advised that he understood the $25,000 total will be dedicated to payroll reimbursements, which will provide additional flexibility for the operation of the Visitor's Center and allow the Chamber of Commerce to continue to work with the Town's Merchants' Association. CIP investments are also planned to restore portions of the facility.

Eva Marissa, Chair of the Lauderdale-By-The-Sea Chamber of Commerce, stated that the Chamber will provide a monthly report on how the requested funds are allocated. She reiterated that the primary intent of the funding was to keep Visitor's Center staff employed.

Town Manager Vance further clarified that after due diligence, he had expanded the original request to exceed the original allocation of $13,000 toward a total of $25,000, of which 100% would be dedicated toward Visitor's Center payroll reimbursements for personnel. The additional $12,000 would go toward Visitor's Center expenses rather than to the Chamber itself.

Vice Mayor Oldaker made a motion, seconded by Commissioner Strauss, to approve 11a for up to $25,000. Motion carried 5-0.

b. 2020-2021 Farmer's Market Plan (Bill Vance, Town Manager)

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

Mayor Vincent stated that he would recommend use of the same criteria the Town Manager had proposed for vetting the Town's upcoming Chanukah event.

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Commission Meetings in November and December (Tedra Allen, Town Clerk)

The Commissioners agreed by consensus to cancel the second Town Commission meetings in November and December, holding the scheduled meetings on November 10 and December 8, 2020.

b. LBTS Merchants Shop Small Event (Commissioner Malkoon)

Commissioner Malkoon explained that the Town's business community has recently formed the Lauderdale-By-The-Sea Merchants' Association, which has requested support for an upcoming event to promote small businesses. The request includes up to $5000 for banners and other promotional materials, as well as flexibility on the display of these items.

Special Projects Coordinator Debbie Hime further clarified that the "Shop Small" event will extend over four Saturdays, beginning the Saturday after Thanksgiving (November 28, 2020). The Town will also provide support on social media. CDC guidelines will continue to be followed, and large crowds are not anticipated.

It was clarified that the Merchants' Association is separate from the Chamber of Commerce, although the Chamber plans to provide assistance a well.

Commissioner Malkoon made a motion, seconded by Commissioner Sokolow, to have the Town assist the Merchants' Association as planned, up to $5000, and work with them for banners and other materials to promote the event. Motion carried 5-0.

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

c. Purchase of Vermeer / Vactron Vacuum Unit (Ken Rubach, Municipal Services Director)

Mayor Vincent explained that this Item was moved to New Business from the Consent Agenda because there has been neither Commission discussion of nor Staff outreach regarding this proposed purchase. He felt purchasing items of this nature should be brought forward and discussed with backup materials, including reasons why the equipment is needed, rather than included on the Consent Agenda.

Municipal Services Director Rubach advised that the requested item would serve multiple functions and improve safety and efficiency in Town Departments. He cited the recent cleaning of catch basins as an example of its use: these facilities could be cleaned multiple times per year with the requested equipment.

Mayor Vincent expressed concern with the prospective purchase of equipment that could be provided by subcontractors. Municipal Services Director Rubach noted that the equipment could assist with more operations than are covered by those vendors, including excavations around utilities. Purchasing the equipment would allow for its immediate use during an emergency instead of waiting for a contractor. Mayor Vincent pointed out that situations of this type are not common to the Town, and restated his concern with the timing of the proposed expense during the ongoing pandemic.

Town Manager Vance observed that what the Town has done with regard to storm drainage in the past is not sufficient. He felt it would be preferable to purchase equipment that would allow the Town to address the situation in-house over bringing in a contractor to perform this work. While the Town has emergency provisions within its contracts, it is likely to take longer to assemble an emergency crew than to undertake improvements with Town Staff.

Vice Mayor Oldaker commented that the previous weekend's flooding might be an example of how Town-owned equipment could be used to address emergency conditions before a contractor could be on-site. He noted that the proposed equipment is versatile and would have maintenance uses in addition to emergencies.

Commissioners Malkoon and Strauss added that they would like to see analysis of the funds that could be saved by purchasing equipment and bringing certain work in-house rather than using a contractor. Commissioner Sokolow recommended a more

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comprehensive cost analysis of whether it would be better to purchase equipment or to expand the use of contractors to cover a wider variety of services.

It was determined that the Item would be brought back with additional information at the November 10, 2020 meeting.

14. COMMISSIONER COMMENTS

Commissioner Strauss reminded all in attendance to wear masks and shop locally.

Commissioners Strauss and Malkoon also wished the proprietors of the Blue Moon Fish Company a happy 24th anniversary.

Commissioner Malkoon observed that there have been requests for better ways to disseminate information from the Town to local news sources. He suggested a dedicated page on the Town's website including information related to COVID-19 and various Emergency Orders, including updates for businesses.

Vice Mayor Oldaker thanked Municipal Services Staff for their work in addressing storm sewer issues the previous weekend.

Mayor Vincent stated that the Town is moving forward with the printing of banners to show different proposals for the El Mar Drive project. The banners will be placed in El Prado Park and advertised in the *Pelican* and on the Town's website.

15. ORDINANCES 1ST READING

a. **Ordinance 2020-10 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 17 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," ARTICLE 1 "IN GENERAL," BY AMENDING SECTION 17-14 "PERSONS WHO MAY USE TENNIS COURTS; ACCESS TO TENNIS COURTS; ISSUANCE OF KEYS; FEES" TO REMOVE THE FEES FROM THE TOWN CODE SO THEY CAN BE ADOPTED BY RESOLUTION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Ken Rubach, Municipal Services Director)**

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

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

Municipal Services Director Rubach explained that this Ordinance would allow Staff to remove the current fees from the Code of Ordinances to a schedule of fees so they may be changed in the future by Resolution rather than by Ordinance. The proposed fee reduction would be from $179/year to $120/year beginning in 2021.

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

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

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 8:05 p.m.

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Mayor Chris Vincent

ATTEST:

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Tedra Allen, CMC
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12/11/2020

Town Clerk Tedra Allen Date

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

Public Comment
Town Commission Meeting
October 27, 2020

Savanah Lewis (93 words)
Good morning. I am a local down here in Ft. Lauderdale. Grew up going to the beaches every weekend with my family, walking around the little neighborhoods and enjoying the beauty that Florida has to offer.

I'm contacting you with my concerns of the city wanting to remove the medians and use for truck parking!! How awful?! Keep the trees and the greens. We don't need to make this place any more of a concrete jungle.

I'm against the removal of the medians on El Mar in Lauderdale-by-the-Sea.
SAVE THE MEDIANS!!
Thank you

Maria Giordano (57 words)
Hello. I would like to express my support for keeping the median. It is part of the unique charm of LBTS & gives it the small town feel that attracts so many people. I loved it when I first visited over 30 years ago, for the multiple visits over these years and on my morning walks now.

Julieann Scalisi, resident (39 words)
Please do not do things that will take away from the uniqueness and charm of our hometown, Lauderdale by the Sea. The width and length of our medians make our roads less congested and more homey feeling.
Thank you,

Barbara Cole, resident (260 words)
Mayor, Commissioners-
On the agenda tonight is the presentation for the Pedestrian Circulation Plan Study. After reading the 121 page draft and as a longtime resident of our town I am once again sorry to see yet again those who initiate and present these plans do not understand the unique qualities of Lauderdale-by-the- Sea.

Many have chosen to reside here due to not having the sidewalk, bike paths and all the other laundry list item bells and whistles seen in studies like this. Just like the El Mar Drive Project we are going against our chosen MIMO branding for no reason other than making our town into a city. Why can't we fix what needs fixing, deal with any real safety issues and allow our town to be the laid back special little gem it has always been with no sidewalk streets and no unnecessary eminent domain impacts pushed on those who love it the way it is? Sometimes the best thing you all can do for those you represent is to do nothing.

You already have a rapid growing number of people asking to save the medians and reduce the impact of the design plan on El Mar Drive and there is no doubt that response will expand to much of what is being proposed in this new plan both short term and long-term. Hopefully this study will go on top of all the previous studies we have had and await the next administration and commission led study to be placed on top of it in the future!

DocuSign Envelope ID: 462D3770-3513-4053-B27E-F500513E2C71

Thank you,

Stuart Dodd, resident (313 words)

Mayor, Vice Mayor, Commissioners, and Town staff

I read with interest the 121 page report on Pedestrian circulation plan study and hope it wont be another report that gets shelved only to gather dust. I see three accidents on El Mar – two pedestrian and one vehicular. The following questions need to be asked

1) Was alcohol involved?
2) Did they occur at intersections?

If at inter-sections then consider the expenditure of some more white paint. How about painting the word "Stop" in the roadway? At Datura it is completely faded and at Hibiscus completely missing. I would go on to ask if only 3 accidents in seven years, then why do we need a 6-foot buffer between pedestrians and cars as accidents at junctions aren't going to benefit from the buffer zone. I would guess that in seven years there has not been one accident where a car wandered off course and on to the sidewalk. Yet one of the current El Mar Drive plans for this beautiful road brings it down to one lane, a wide sidewalk and a buffer zone leaving and a useless left over piece that is good for nothing.

Next I would ask where we can better spend the money to prevent more accidents. Try analyzing Bounganvilla southbound. You don't need a degree in road engineering to notice why there is a problem. Just drive down it and look carefully - there has been no expenditure in any paint whatsoever. There is absolutely nothing to show the edge of the sidewalk and the beginning of the roadway. At least consider a yellow line or even painting a chevron in the valley gutter as well. It may not appear as an option in that "Green book" but if it improves safety, slows the traffic and prevents more accidents then I vote for it.

Many thanks for listening

Respectfully

Lee Ann Klepper, resident (140 words)

I have been power walking El Mar Drive for 35 years and have met many new friends who walk, run and ride bikes. I am in favor of keeping the median as it is now with the charm of the trees and lushness that is so unique to this quaint area. Please leave the median as it is. I proudly wear my yellow shirt claiming "no deal" as I walk. People have stopped me to ask about the median. One gentleman today told me he moved to El Mar Drive a month and a half ago due to the village homeyness of the street and area. As a suggestion.....what needs to be improved is.....repaving the street and improve the street drainage. Leave the road as it is. Kudo's to Christie and Sally for stepping up to help save the median.