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TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, October 26, 2021
6:30 PM

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:37 p.m. Also present were Vice Mayor Alfred "Buz" Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Public Works Director Ken Rubach, Director of Finance and Budget Lucila Lang, Acting Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, Human Resources Manager 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

Mayor Vincent advised that Item 17b would be heard at this time.

17. RESOLUTIONS – PUBLIC COMMENTS

b. Resolution 2021-62 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AN AGREEMENT WITH WILLIAM BOCK FINE ART, LLC, FOR ART RESTORATION AND MAINTENANCE 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.

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Barbara Cole, resident, stated that she wished backup materials had been provided on this Item, including information on the warranties and maintenance of the subject artwork. She requested that the Commission provide more information on the original project and artist during their discussion.

Town Clerk Tedra Allen read the following written comment:

- Roseann Minnet, resident, advised that more backup information should have been provided for the public in relation to this item, including whether or not the original artist was contacted and whether or not Staff had conducted sufficient due diligence on this Item

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

Public Works Director Ken Rubach explained that Staff had reached out to the original artist responsible for the artwork but elected to have the sculptures assessed by another party, William Bock, due to expenses requested by the original artist. Art conservator Mr. William Bock characterized the project as restoration, as the sculptures have experienced varying levels of deterioration over time. He has worked with other South Florida municipalities on public art collections and their restoration, and has provided the Town with a report of what would be necessary to restore Lauderdale-By-The-Sea's public art.

Public Works Director Rubach continued that the cost of the contract covers any work that may need to be done, as well as any ongoing maintenance that may be deemed necessary. The cost would be on a budgeted basis for works approved by the Town Commission prior to any further expenditure of funds.

Commissioner Strauss stated that the Commission should review and determine why the subject artwork was not maintained adequately up to this point, and they should look into this type of maintenance more closely in the future when making investments. Commissioner Malkoon advised that he was glad to see plans for the restoration of public artwork, as well as a plan for its future upkeep.

Commissioner Sokolow also agreed that a saltwater environment creates significant wear, and a continuous maintenance program may be the best choice going forward. Mayor Vincent recalled the concerns that were raised when the subject artwork was first approved by a previous Commission, which included a discussion of its expected longevity during exposure to the elements.

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Art conservator William Bock advised that the issue with many outdoor sculptures is ongoing maintenance to prevent deterioration of materials. He briefly reviewed the damage to the artwork, assuring the Commission that it did not seem necessary to resurface all of the sculptures. He estimated that the budget for the first year would be less than half of what is allocated, and that it could be expected to decrease in subsequent years until all the artwork has been stabilized. He felt more accurate projections of overall longevity and costs could be provided after the first year, and that the Town would be able to handle most of this maintenance on its own after this time.

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

18. PRESENTATIONS

b. The Cookie Shop

Mayor Vincent read a Proclamation in honor of The Cookie Shop and its proprietors, Julie and John O'Connor, who will be closing the business at the end of October and retiring after 57 years. He presented them with a key to the Town.

19. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, expressed concern with the Commission's recent vote to approve the Town Manager, as she felt more due diligence should have been conducted prior to this action. She did not feel this process had been handled properly.

Ann Marchetti, resident, addressed Resolution 2021-63, a "piggyback" agreement on the city of Wilton Manors' marketing contract. She advised that the Town's businesses would prefer to take steps such as issuing a new survey and making updated decisions on the demographics of visitors the Town wishes to attract.

Town Clerk Allen read the following written public comment:

- Roseann Minnet, resident, recognized The Cookie Shop for its years as a successful Town business

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

20. PUBLIC SAFETY DISCUSSION

b. AMR September 2021 Safety Report

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

21. TOWN MANAGER REPORT

a. 3rd Quarter Welcome Center Report

The Commissioners accepted the report without discussion.

b. Town Manager Report

Town Manager Linda Connors invited all present to attend the roundtable discussion on Wednesday, October 27, 2021 on the potential expansion of outdoor dining in the Downtown area. The discussion will be led by consultant Stephen Fett.

The Town is moving forward with its Dune Master Plan, including a site assessment, flora inventory, engineering, and modeling.

The Volunteer Fire Department (VFD) operational audit will incorporate feedback from Town residents. Town Manager Connors advised that the Commission has not yet reviewed this draft document and no decision has been made regarding any replacement of existing Town amenities with a Fire Station.

Boo-By-The-Sea is scheduled to begin at 2 p.m. in the West Plazas for children aged 3 to 11. The Town's Veterans' Day celebration is scheduled for Thursday, November 11, 2021.

Mayor Vincent reiterated that there are no plans to use any portion of Friedt Family Park for purposes other than park space and encouraged any future Commissions to make the same commitment.

5. TOWN ATTORNEY REPORT

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Town Attorney Susan Trevarthen advised that the Florida League of Cities has begun providing alerts for potential Florida Legislature bills. Senate Bill (SB) 280 is of particular concern, as it would amend the standards and processes used by Florida courts to assess the validity of municipal Ordinances. It would impose new and substantive requirements on municipalities as they go about the adoption and enforcement of Ordinances.

Town Attorney Trevarthen added that this legislation is overly broad and addresses all Ordinances. The bill includes provisions addressing attorneys' fees for successful challenges and would allow suits to be lodged against special assessments or fees that do not specifically relate to the regulation of businesses.

Town Attorney Trevarthen continued that the Florida League of Cities has identified this as a bill worth monitoring, as it is likely to pass. A number of proposals have been made which could lessen the impact of SB 280. It is hoped that the Town's elected officials at the state level will be receptive to these suggestions. SB 620 constitutes a second part of this bill and discusses actions such as suit of cities for business damages in greater depth.

Commissioner Sokolow commented that these bills constitute major attacks on home rule, and if passed, would result in the Town's inability to regulate businesses. Commissioner Strauss asked what action the Town and its citizens could take to prevent passage of SB 280. Town Attorney Trevarthen replied that relationships with elected representatives and state senators are key in ensuring that those individuals know the Town's concerns. She noted that the Town's lobbyists may be able to provide further information on how the Town may address this issue.

Commissioner Strauss noted that the Commission may also wish to pass a Resolution addressing this legislation. Town Attorney Trevarthen confirmed that many communities may take this step, and a significant response from communities may attract attention from the State Legislature.

Vice Mayor Oldaker asked if SB 280 is similar to House Bill (HB) 403, which was discussed at a previous Commission meeting. Town Attorney Trevarthen stated that the bill has been characterized as a priority of the future leadership of the State Senate and is expected to pass in some form. The Florida League of Cities is currently engaging with sponsors and supporters of this legislation in an attempt to improve it. Additional

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information is available on the Advocacy page of the Florida League of Cities' website. SB 280 is a top priority of the League.

6. APPROVAL OF MINUTES

a. September 28, 2021 2nd Public Budget Hearing Minutes; September 28, 2021 Town Commission Meeting Minutes; October 4, 2021 Special Town Commission Meeting Minutes; October 12, 2021 Town Commission Meeting Minutes

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

7. CONSENT AGENDA

None.

8. OLD BUSINESS

None.

9. NEW BUSINESS

a. LBTS Community Church Monthly Flea Market beginning Nov. 6, 2021

Commissioner Malkoon advised that the Lauderdale-By-The-Sea Community Church will use a portion of the Friedt Park courtyard for this event but had not been aware a special event permit was required. They had requested placement of this Item on tonight's Agenda for consideration.

Special Events and Marketing Manager Hime added that the request also includes use of a portion of the right-of-way for this event, as well as a request for waiver of the $15 fee per event. The event is intended to raise money for the Church and would also include music.

Commissioner Sokolow clarified that the music to be provided at the event would not be amplified. He requested that this be more clearly stated in the event agreement.

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Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve, including waiving the fee and requiring music to be non-amplified. Motion carried 5-0.

10. COMMISSIONER COMMENTS

Vice Mayor Oldaker congratulated Town Manager Connors on her appointment to this position, and recognized Staff for the assistance they provided her during her tenure in the interim position.

Commissioner Malkoon encouraged residents to attend the upcoming Boo-By-The-Sea and Veterans' Day events.

Commissioner Strauss recognized The Cookie Shop for their long-term success in the Town and encouraged public safety during upcoming Halloween events. He invited all Town veterans to attend the Veterans' Day event.

Commissioner Sokolow encouraged participation in the roundtable discussion scheduled for October 27, 2021.

Mayor Vincent reminded all present of Boo-By-The-Sea on Saturday, October 30, from 2 to 5 p.m. in the West Business District Plazas. Businesses and volunteers will provide games and trick-or-treating. He thanked the Village Grille, Aruba's, and Taco Craft for supporting small businesses on the west side of Town by sponsoring street performers in the Plazas.

11. ORDINANCES 1ST READING

a. **Ordinance 2021-13: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 2, "ADMINISTRATION," ARTICLE II, "TOWN COMMISSION," SECTION 2-25 "CAMPAIGN FINANCE RESTRICTIONS" TO AMEND THE CAMPAIGN CONTRIBUTION LIMITS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

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Barbara Cole, resident, stated that she was glad to see this Item on the Agenda due to the rising costs associated with campaigns.

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

Town Attorney Trevarthen explained that this Item was brought forward due to a preemptive State Statute: while the Town previously had authority to set a $300 cap on contributions, a bill passed in the last State legislative session requires that contributions of up to $1000 per allowed. No other changes are proposed.

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

b. Ordinance 2021-14: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 19, "TRAFFIC AND MOTOR VEHICLES," ARTICLE I "IN GENERAL" TO ADJUST THE FEES ASSOCIATED WITH PARKING VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

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

Public Works Director Rubach recalled that at the September 28, 2021 Commission meeting, Staff requested direction from the Commission with regard to changing citation fees. The Commission asked Staff to prepare an Ordinance that would raise fees for normal violations to $30 and for violations related to improper use of electric vehicle (EVs) and/or golf cart/motorcycle spaces to $40. A second reading of this Ordinance is scheduled for December 14, 2021.

Commissioner Strauss recommended that the Town provide ample signage for EV and golf cart spaces so motorists are aware that other vehicles may not be parked in those spaces. Public Works Director Rubach advised that new signs have been erected clarifying what may or may not be parked in these spaces.

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

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12. ORDINANCES 2ND READING

a. Ordinance 2021-12: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2021 RESTATED SOLID WASTE, BULK WASTE, AND RECYCLING COLLECTION SERVICES AGREEMENT WITH WASTE PRO USA, INC.; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

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

Assistant to the Town Manager Neysa Herrera stated that this Ordinance unanimously passed first reading in September 2021.

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

13. RESOLUTIONS – PUBLIC COMMENTS

a. Resolution 2021-61 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH R.T.R. FINANCIAL SERVICES INC. FOR DEBT COLLECTION SERVICES RELATED TO OUTSTANDING PARKING CITATIONS, UTILIZING THE CITY OF DEERFIELD BEACH CONTRACT PROCURED PURSUANT TO REQUEST FOR PROPOSALS NO. 21-03-JW FOR DEBT COLLECTION 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.

Public Works Director Rubach explained that unpaid parking fines typically occur from out-of-state or rental vehicles. Over the last five years, the Town has lost roughly $500,000 in parking revenue from unpaid fines. The service provider associated with this contract does not receive any payment unless it collects money.

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Vice Mayor Oldaker asked if there is a way for the contractor to focus on specific rental car companies, irrespective of the vehicles' license plates. Public Works Director Rubach replied that the contractor reaches out to the companies' corporate offices, which bill the violator.

Commissioner Malkoon asked if the contractor will seek to recoup any of the $500,000 from previous years. Public Works Director Rubach stated that they will attempt to collect these funds as well as fees going forward. The violators have received multiple notifications and the violations are past the point of appeal. He advised that he would provide additional information on the success rate for that city in the future.

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

c. **Resolution 2021-63 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH CONCEPTUAL COMMUNICATIONS, LLC FOR MARKETING AND PUBLIC RELATIONS SERVICES, UTILIZING THE CITY OF WILTON MANORS CONTRACT PROCURED PURSUANT TO REQUEST FOR PROPOSAL NO 2016.11 FOR MARKETING AND PUBLIC RELATIONS SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, stated that she did not understand the need for this additional marketing, and felt the Town should instead consider the wishes of its business and hotelier community.

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

Mayor Vincent requested that public comments made regarding marketing be addressed. Special Events and Marketing Manager Debbie Hime advised that the Town markets to an age group of 35 to 54, not limited to families. All 36 of the Town's hotels are considered, not only those that are part of the Lodging Association.

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Mayor Vincent asked if the target age group is more likely to have children. Special Events and Marketing Manager Hime replied that the Town already attracts visitors over the age of 54 and does not attempt to attract those aged 25 or younger. She added that the Town's marketing budget was cut by roughly $30,000 for fiscal year (FY) 2021-2022 and is now very small in comparison to previous years' marketing budgets.

Special Events and Marketing Manager Hime continued that the current budget is so small that the Town is partnering with entities such as Visit Florida or Visit Lauderdale, which reach out to a broad audience across a target market. Mayor Vincent emphasized the importance of Town businesses rather than the Town itself determining whether or not they would like to include different demographics.

Commissioner Strauss expressed concern with the possibility of marketing that could discourage parents of young children from visiting Lauderdale-By-The-Sea. Commissioner Sokolow noted the importance of marketing to specific demographics in ensuring that the Town's hotels, restaurants, and other businesses continue to be successful.

Commissioner Malkoon recalled that businesses have been surveyed in the past to determine the clientele they hoped to attract and asked if this survey has been updated. Special Events and Marketing Manager Hime replied that Staff will reach out to all 36 of the Town's hotels as well as other businesses. She added that the proposed piggyback contract with Wilton Manors is very broad in scope and allows for more activity in the future, including major press and other customized efforts.

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

d. Resolution 2021-64 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING LINDA CONNORS AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN LINDA CONNORS AND THE TOWN ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

At this time Mayor Vincent opened public comment.

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Barbara Cole, resident, expressed concern with the salary proposed for the new Town Manager, which is equal to the former Town Manager's final salary. She suggested that there be additional discussion of this amount by the Commission at tonight's meeting.

Town Clerk Allen read the following public comment:

- Roseann Minnet, resident, stated that she would have preferred the new Town Manager's starting salary to be lower, as she does not have the same background experience of previous individuals in this position

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

Commissioner Strauss advised that he was charged with drafting the Town Manager's contract with assistance from the Town Attorney. They used the Town's prior agreements for this position as a structure. He strongly believed that the salary and benefits of the Town Manager position should be commensurate with the job and has reviewed the salaries offered by similarly situated municipalities, with the understanding that the cost of living in Broward County is significantly higher than in other locations.

Commissioner Strauss continued that he took into account the previous Town Manager's salary, previous contracts, and the cost-of-living calculation in 2022 dollars. He noted that this amount is proposed with the understanding that it is possible the Town Manager may not receive a raise over the next three years. He also reminded all present of the Town Manager's lengthy tenure with Lauderdale-By-The-Sea as well as her experience in the position of Interim Town Manager.

Commissioner Strauss continued that he took into consideration a $6000 direct payment to the previous Town Manager for moving expenses and an annual $1200 toward communication expenses, which will not be extended to Town Manager Connors. This will result in $3600 savings to the Town over a three-year period. He requested input from the other Commissioners on his summation of this process.

Commissioner Sokolow agreed with Commissioner Strauss' review of the negotiation process, which he felt was fair and equitable on both sides. He emphasized that it is preferable to promote from within an organization. Commissioner Malkoon noted the thoroughness of the process and pointed out that the contract's early termination clause would require this payment to be made over three years rather than all at once. Vice Mayor Oldaker advised that he has participated in the hiring of three Town Managers thus far and noted that former Town Manager Bud Bentley was also appointed from

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within. He felt Commissioner Strauss had negotiated a contract that was in the best interests of the Town.

Mayor Vincent noted that the Town Manager has had significant tenure with the Town, which played a role in her appointment to the interim position. He added that the cost of fully vetting a candidate is always worthwhile. Mayor Vincent concluded that he would vote in favor of Resolution 2021-64 so the Town may move forward.

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

14. QUASI JUDICIAL PUBLIC HEARINGS

None.

15. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:42 p.m.

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Mayor Chris Vincent

ATTEST:

DocuSigned by:
Tedra Allen, CMC
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Town Clerk Tedra Allen

12/20/2021

Date

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Town Commission Meeting
October 26, 2021
Public Comments

Roseann Minnet, resident (274 words)
Item 5a: A "BIG" Thank you to the Cookie Shop. The have been an integral part of our Town for decades. I wish them well on their next adventure. I personally will miss Friday Pie Day and waiting in line during the Holidays for the famous Apple and Pumpkin Pies. Thank you for making LBTS your home for so many years.

Item 17b: I was perplexed by the backup information provided for this item. I served on the Commission when we contracted with the artist, Laura Huck. I called the Town Manager to ask if Laura had been called to discuss doing this project. The Manager did inform me the artist was called. For members of the public who rely on these agenda items, I find them very ill-person and lacking the pertinent information needed. If the artist was called, it should have been included. Also has staff done their due diligence and researched this person. $200,000 is quite a sum of money. Please make sure taxpayers' money is being properly spent.

Item 17d: Appointment of Town Manager Linda Connors: I wish our new Town Manager well. Line came on board with Connie Hoffmann and Bud Bentley, 2 amazing mentors for Town Manager Connors. I hope TM Connors will surround herself with the team of experts this Town deserves. I would have preferred seeing a starting salary lower, knowing Ms. Connors will be getting on the job training. She does not have the background to compare her to other starting salary Town Managers. This Town depends on your leadership to make the right decisions and carry on the history of our quaint unique Town.