

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, August 27, 2019
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 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, Development Services Director Linda Connors, Special Projects Coordinator Debbie Hime, Public Information Officer 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

Commissioner Malkoon requested that an update on the recent Florida League of Cities Conference be added under Presentations.

Mayor Vincent deferred Item 13.a and recommended that the Commissioners meet with Staff to discuss the Item further before it is brought back at the September 12, 2019 meeting.

5. PRESENTATIONS

5.a El Mar Greenway Presentation

Town Manager Bill Vance advised that improvements related to the El Mar Greenway are 60% complete. A public meeting will be held in September 2019 to provide more information on the project. Tonight's presentation will include the supplemental design investments the Town would need to make for the project to proceed.

Nisar Khan of Erdman Anthony, consultant to the Florida Department of Transportation (FDOT), recalled that the proposal of an El Mar Greenway was first discussed by a steering committee in 2010. There were no plans at that time for a median walkway. In 2014, the Broward Metropolitan Planning Organization (MPO) and FDOT began discussion of a greenway in the median of El Mar Drive. FDOT made presentations to show ideas for a walkway and other improvements. In 2016-17, FDOT added the proposed greenway to its annual work program.

The scope of work for FDOT included milling and resurfacing a portion of El Mar Drive, providing a concrete walkway in the median, retrofitting ramps at crosswalks in compliance with the Americans with Disabilities Act (ADA), adding drainage and a pervious area, and preparing a vegetation disposition plan to relocate existing trees and plants during walkway construction. FDOT's project schedule required finalization of this work to be completed by February 2020, with an official construction schedule to be determined in the later stages of the project. The Town has recommended to FDOT that the construction timeline extend from March to December 2021.

In addition to the scope of work, the Town also requested that certain items be incorporated into the FDOT contract. These elements included widening of the roadway and median, replacement of an open swale with a curb and gutter, and widening of sidewalks on both sides to 6 ft. The Town signed a local funding agreement with FDOT for design services for these improvements.

Typical sections include vehicular travel and bicycle lanes, sidewalks, median, lighting, landscaping, and drainage for the roadway. Some areas included on-street parking. When FDOT presented the project to the Town in 2015, they provided two typical sections reflecting these elements. The Town requested a wider median at the two ends of the project, which are south of Hibiscus Avenue and north of Washingtonia Avenue. In a current typical section, the median is 36 ft. wide and features an 8 to 10 ft. concrete walkway, a 14 ft. shared lane for cyclists and vehicles, and 6 ft. sidewalks on both sides.

Because these elements were not included by FDOT in the project's current scope, the Town requested that Erdman Anthony submit a proposal to include them. The proposal was submitted in May 2019. The items would be included once FDOT construction is complete. The Town's preference is to complete the project in two phases, one south and one north of Commercial Boulevard. Town Manager Vance received verification that construction could be completed within a nine-month time frame, and did not wish to eliminate the possibility of completing construction in a single phase.

Mr. Khan continued that Town Manager Vance had requested that FDOT add pedestrian lighting and irrigation plans to their current scope for the project. FDOT had agreed to consider this request. If this is done, it would add to the anticipated timeline of their contract and would allow for a single contractor to be responsible for 100% of the improvements.

Vice Mayor Sokolow commented that he had understood FDOT to make a clear commitment to lighting and conduits, as well as underground piping for sprinklers. He continued that he had understood the walkway to have always been included in the project, and emphasized that he had heard no discussion of adding to the proposed six-to nine-month timeline of the project. Because the project uses state and/or federal funds, FDOT is required to supervise the contractor.

Town Manager Vance advised that with a deadline of nine months, the total project cost would be approximately \$4 million, with the Town to provide \$2 million in matching funds. Once the sidewalks, drainage, lighting, and irrigation foundation are installed, FDOT would seek to close out the project, at which time the Town may begin work on landscaping improvements and sprinkler heads. Mr. Khan clarified that his understanding was that FDOT would provide lighting conduits but not full lighting for the greenway.

Mayor Vincent commented that the Town's \$280,000 contribution seemed significant for the landscaping plan, lighting conduits, and sprinkler heads. Mr. Khan explained that this amount would cover pedestrian lighting, existing street lighting, photometric analysis, plans for hardscaping and furniture in the median, and irrigation.

Vice Mayor Sokolow observed that while the walkway must be concrete in accordance with FDOT specifications, it can incorporate decorative painting or stamping if the Town wishes. Mr. Khan noted that the current scope only provides for plain concrete.

Commissioner Malkoon asked if French drains are part of the current plan, pointing out that this system cannot be implemented in all neighborhoods due to the water table elevation. Mr. Khan replied that engineers have analyzed the soil in the subject area and believe French drains are a workable solution. Mayor Vincent added that the project should take potential sea level rise into consideration. Mr. Khan stated that project's scope does not include address of sea level rise.

Commissioner Malkoon also asked if the conduits for lighting could be used to bury power lines as well. Mr. Khan explained that the lighting conduits will carry cable and conductors but not the actual power lines.

Town Manager Vance concluded that the Commission will be asked to make a decision on the El Mar Greenway at the September 12, 2019 meeting.

At this time Mayor Vincent opened public comment.

Stuart Dodd, resident, recalled that several years ago, the Town held a charrette which discussed several features that could be placed in the median of a greenway. Consensus at that time was that a softer surface should be used for the proposed walkway rather than concrete. He added that the Town cannot afford to lose either a traffic lane or temporary event parking on El Mar Drive.

Mayor Vincent asked if FDOT could add another element to the concrete walkway at the Town's expense. Mr. Khan felt this would be possible. He added that parking and lane conversion would only occur in two small sections of the project, and the multi-use lane would not exclude parking.

Christi Furth, resident, asked how the proposed 24 to 36 ft. median and 6 ft. sidewalks would affect the multi-use lane. She advised that many residents hope the multi-use lane will remain along El Mar Drive for pedestrian activity as well as for parking and other uses.

Diana Kugler, resident, felt the Town should not wait any longer to implement the El Mar Greenway and associated improvements, and recommended that the Town walk away from partnership with the Broward MPO and/or FDOT and design its own project.

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

Mayor Vincent concluded that the El Mar Greenway will be discussed at the September 12, 2019 meeting before the Commission makes a final decision on how to proceed. Members of the public were invited to submit any additional ideas to the Commission prior to this date. It was also determined that a written summary, specifications of the project, and scope of work will be included in the September 12 Agenda packet.

Mr. Khan advised that FDOT will also hold a public informational meeting for the project to discuss the project's current scope, tentatively scheduled for September 26, 2019. It was further clarified that the Town's planned improvements, including sprinkler heads and landscaping, would not be duplicated by FDOT's plan.

5.b Florida League of Cities Update

Commissioner Malkoon explained that he had attended the recent Florida League of Cities conference held in Orlando. Approximately 900 municipal officials were in attendance. While there, he spoke with Mayor Dean Trantalis of Fort Lauderdale regarding water interconnection plans between the two municipalities, and learned that additional grant funding may be available for the Town's sewer project.

The conference featured presentations dealing with hurricane preparedness and recovery, which Commissioner Malkoon hoped to discuss at greater length with the Commission during a special meeting. Additional sessions dealt with water, ADA compliance for websites, cybersecurity, and other concerns.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

7.a AMR July 2019 Report

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

7.b BSO July 2019 Report

Captain Tom Palmer of the Broward Sheriff's Office (BSO) encouraged all present to monitor potential storm conditions and weather updates. Extensive information and checklists are available on Broward County's website at broward.org/hurricane. He noted that Lauderdale-By-The-Sea is a mandatory evacuation zone for hurricanes rated Category 1 or higher. He also recommended the mobile app Safewatch for storm information and updates.

Captain Palmer also reminded all residents to keep their vehicles locked, as there have been car break-ins and two auto thefts within the Town. All of the targeted vehicles had been left unlocked.

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

7.c VFD July 2019 Report

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

8. TOWN MANAGER REPORT

8.a Town Manager Report

Town Manager Vance stated that Town Staff has begun hurricane preparation in coordination with BSO and the VFD. The community will be kept informed via the access channel and text notifications.

Development team meetings are ongoing, with future topics of temporary commercial parking on El Mar Drive, leisure business interests, recreational beach rentals, and more.

The northern part of Town Hall, along with BSO and the VFD, recently lost telephone and computer capabilities as well as air conditioning for a short time. These will be addressed further through business Items on tonight's Agenda.

Town Hall Staff, Town Manager's Staff, and the Finance and Municipal Services Departments met with the Town's Federal Emergency Management Administration (FEMA) on August 23, 2019 to discuss final reimbursements associated with Hurricane Irma. The Town has received approximately half of these reimbursements, which date back to 2017. Another \$135,000 is anticipated once the Florida Department of Emergency Management completes its review.

Initial wiring, audio, and video upgrades to Jarvis Hall have been successfully completed, and turtle shields have been installed by Florida Power and Light (FPL) on the new El Mar Drive streetlights. The first Lauderdale-By-The-Sea Police Safety Committee meeting is scheduled for Wednesday, August 28, 2019 at 9:00 a.m. This Committee works to continually enhance the Town's safety practices within the workplace.

Commissioner Malkoon requested that the Commission receive an Action Plan update at the second meeting of each month. Town Manager Vance confirmed this would be done.

Commissioner Malkoon continued that while FPL has recently replaced most wooden light poles with concrete, several wooden poles remain on Seagrape Drive and other locations, where they may present a hazard in the event of a storm. Municipal Services Director Ken Rubach advised that this is a region-wide issue, and the Town is working to determine ownership of the remaining poles and plan for their removal.

Commissioner Strauss commented that he has asked the Town Manager to look into establishing a dog-walking or dog-friendly recreational area on the beach. Mayor Vincent noted that this issue was previously raised; however, there is no way to guarantee that waste would be picked up. It was determined that the Town would look into what other cities have done regarding use of public beaches.

Mayor Vincent asked if there is a way for the proposed El Mar Greenway to accommodate delivery vehicles in front of hotels and other businesses on El Mar Drive. Town Manager Vance proposed scheduling a work session prior to the next meeting so members of the community may express their views.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a July 9, 2019 Town Commission Meeting Minutes

10.b July 11, 2019 Special Commission Meeting Minutes

10.c July 23, 2019 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

11.a Tree Trimming Services Agreement

11.b Authorize Negotiations for Interlocal Agreement with the City of Pompano Beach for Hurricane/Disaster Debris Removal and Disposal

11.c VFD Budget Transfer

11.d Contingency Fund Request to Upgrade IT Infrastructure and Town Hall Window Tinting

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

13.a Guaranteed Maximum Price (GMP) for Fire Station #12 Site Improvements

This Item was deferred to the September 12, 2019 meeting.

14. COMMISSIONER COMMENTS

Commissioner Oldaker observed that he and Town Manager Vance have held extensive discussions related to hurricane preparedness, and he was confident of the Town Manager's ability to address hurricane-related issues, including agreements with other municipalities for debris removal and staging.

Commissioner Strauss advised that he is the Town's representative to the Hillsboro Inlet District, which recently began rebuilding the south jetty. The project has a cost of approximately \$1.8 million and is nearing completion. He encouraged residents to take a look at this project.

Vice Mayor Sokolow recommended that the Town seek rough estimates from other engineering firms for the El Mar Greenway project in order to more accurately determine its costs. Town Manager Vance suggested reviewing Erdman Anthony's proposal with the assistance of Town Engineer Jay Flynn.

Mayor Vincent reported that he met with other Mayors from District 22, which is represented by Congressman Ted Deutch. He raised two issues of concern: the zip code issue for the north end of the Town, and the need for additional funds to complete the

ongoing sewer issue. A member of Congressman Ted Deutch's office may be able to assist the Town with regard to the zip code issue in the Town's annexed area.

Commissioner Malkoon stated that Youth Environmental Awareness will hold a fundraiser on Thursday, August 29, 2019 at Mulligan's from 5 p.m. to 8 p.m. He also reminded all present that the Town's regular Commission meetings will be held on the second and fourth Thursdays in September, immediately following the budget meetings.

The Commissioners determined by unanimous consensus to move the first October 2019 meeting from Tuesday, October 8 to Monday, October 7 in observance of Yom Kippur.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

- i. Ordinance 2019-05 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V “ZONING,” SECTION 30-313 “GENERAL PROVISIONS,” TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETE ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM RESIDENTIAL PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

Development Services Director Linda Connors recalled that this Item came before the Commission for first reading on July 9, 2019. The intent was to “clean up” portions of Code as they applied to the northern annexed area. In the Town proper, chain link fences are required to be shielded from the right-of-way by landscaping. The amendment also removes language referring to zero lot line properties, as it is not relevant to the Town.

Development Services Director Connors noted that roughly two dozen properties will be affected by the proposed Ordinance. These properties will have two years in which to

come into compliance. Chain link fencing is not required to be removed, but must be screened with landscaping within two years if it is visible from the right-of-way. Letters will be sent to the property owners notifying them of the two-year time frame. Mayor Vincent recommended that a schedule of notices be determined for these properties.

Vice Mayor Sokolow asked why the affected property owners were not notified and asked for their input before the Ordinance is passed. Development Services Director Connors advised that the Ordinance was advertised and publicized at a Planning and Zoning Board meeting as well.

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

17. RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2019-23 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING AND RE-ADOPTING THE BUILDING PERMIT AND INSPECTION FEE SCHEDULE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

Development Services Director Connors stated that this Resolution accompanies Resolution 2019-25, which would adopt Jay Flynn as the Town Engineer once more. The Town has worked with Mr. Flynn to streamline the Building Department process and make it more transparent so individuals are aware of the fees they must pay.

The current process requires individuals to pay Building Department fees first, with engineering fees paid at the end of the process. Because Mr. Flynn charges the Town an hourly rate, the Town charges customers this hourly rate in turn. The streamlined process would establish an initial submittal fee, including inspection fees, for building permit types. The hourly time spent on each permit will be averaged out as part of the initial submittal and review fees. This will also bring the Town's fees in line with those charged by other nearby municipalities.

The Town also requests the addition of flood plain management review to the process. Staff has spoken with the state's flood plain management team, which reviewed the Town's process and recommended requiring this type of review for permits. This will result

in the addition of a \$125 fee, with an additional \$125 to be added if the permit must be re-reviewed. Mr. Flynn has already been doing this work as part of the permitting process.

Town Manager Vance advised that not only would the proposed Resolution help Town Staff, it is also more customer-friendly. Town Engineer Jay Flynn stated that flood plain management review is triggered by any new construction other than a driveway. This ensures that the Town remains in compliance with FEMA's Community Rating System (CRS). Existing flood maps are checked to determine if the construction conforms to flood plain management specifications.

Mayor Vincent asked if flood plain review could be incorporated into the fee schedule for standard review rather than separating it out. Town Engineer Flynn advised that this type of review is charged separately in other cities. He acknowledged that the system may be different for Lauderdale-By-The-Sea, where his role is that of an outside consultant. He felt the Resolution would provide a more streamlined process than reconciling the cost of his service to the permit.

Vice Mayor Sokolow expressed concern with the 3% permit fee for projects that are additions or alterations, which he felt should be re-addressed. He pointed out that little is done in exchange for this money other than certifying inspection logs, and that it violates the intent of state laws on permit fees relative to costs. While he planned to vote in approval of the Resolution, he emphasized the need to revisit permit fees for alterations.

Town Manager Vance stated that Staff would move forward with everything included in the Resolution, but would take a closer look at the section referred to by the Vice Mayor. Mayor Vincent added that he would also like to revisit possible "fast-tracking" for small projects that do not require engineering input.

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

17.b Resolution 2019-24 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, WAIVING THE TOWN PURCHASING MANUAL; APPROVING THE EMERGENCY PURCHASE OF AN AGREEMENT WITH COMCAST BUSINESS FOR BUSINESS VOICE EDGE SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE AND IMPLEMENT THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

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

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

17.c Resolution 2019-25 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING AND AUTHORIZING AN AGREEMENT WITH FLYNN ENGINEERING SERVICES, P.A., FOR TOWN ENGINEER SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Strauss, to approve.

Commissioner Malkoon requested clarification of the cost of Town Engineer services during the current fiscal year. Development Services Director Connors replied that this can be provided at the next Commission meeting. Town Manager Vance added that the majority of Town Engineer services are generated by covering the costs of development services; other Town initiatives are paid by an hourly rate.

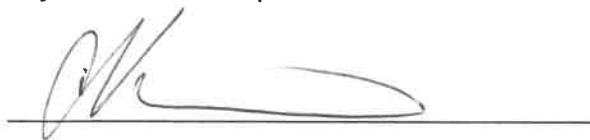
Motion carried 5-0.

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 8:39 p.m.

A handwritten signature in dark ink, appearing to be 'CV', is written over a horizontal line.

Mayor Chris Vincent

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ATTEST:



Town Clerk Tedra Allen



Date