



**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 21, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present via teleconference were Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Town Manager Bill Vance, 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 – MOMENT OF SILENCE

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

Town Clerk Tedra Allen read the following public comments:

- Barbara Cole, resident, commended the Town for the demolition of the old Holiday Inn structure, and requested that public notice of meetings related to the El Mar Drive project be accompanied by alerts and informational updates to stakeholders and the general public, as well as video of public meetings
- Ken Brenner, resident, advised that the Town's fire assessment fee should be based on the assessed value of the property rather than on the use of the building, which would provide for a more equitable assessment.

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7. PUBLIC SAFETY DISCUSSION

7.a June 2020 AMR Report (Chief Brooke Liddle)

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

7.b VFD June 2020 Report (Chief Judson Hopping)

Commissioner Sokolow made a motion, seconded by Commissioner Strauss, to approve. Motion carried 4-0.

7.c BSO June 2020 Report (Captain Thomas Palmer)

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) stated that Deputy George Figueroa is the current Employee of the Month. He added that Deputies continue to be assigned to the Downtown area to maintain contact with the public and business owners. Town Manager Bill Vance advised that this service will qualify the Town to pursue additional funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Vice Mayor Alfred "Buz" Oldaker re-joined the meeting at this time.

Mayor Vincent observed that the consensus from the weekly Broward County Mayors' conference call was to continue with current restrictions and not to increase closures. Requirement of facemasks will continue to be enforced, and any spikes in the report of COVID-19 infections will be monitored.

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

8. TOWN MANAGER REPORT

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

Town Manager Vance addressed COVID-19-related enforcement, pointing out that because it is not possible to observe appropriate social distancing while walking in the Downtown area, facemasks are important. He was supportive of BSO's enforcement

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efforts in this regard. Official regulations state that individuals must wear masks in areas where they cannot observe social distance.

Commissioner Sokolow cautioned residents against commenting on enforcement of mask regulations, advising that this is better left to enforcement entities. Mayor Vincent noted that restaurants and other businesses are within their rights to advise individuals on their properties of the mask requirement.

Assistant to the Town Manager Neysa Herrera reported that Broward County Emergency Order 20-22, which was released the previous week, includes:

- County-wide curfew from 11 p.m. to 5 a.m. until August 1, 2020
- Short-term vacation rentals that are not actively managed by on-site owners or management 24-hours per day are not permitted to operate on or after July 20, 2020, through August 20
- Private gatherings on residential properties may not exceed 10 individuals
- Ordering food or beverages from a bar counter is still not prohibited: restaurant patrons must order and consume food and drinks at tables; on-site food and beverage consumption is suspended from 10 p.m. to 5 a.m.

While the Town has experienced losses due to the COVID-19 pandemic, it remains eligible for several funding opportunities. Finance Director Lucila Lang has submitted an application for a fiscal year (FY) 2020 Coronavirus Emergency Supplemental Funding Program grant in the amount of \$50,000. These funds must pertain to prevention, preparation, and response to the pandemic. The Florida Department of Law Enforcement has approved the application and has requested that the Town submit expense receipts.

Other financial updates include:

- The Building Department collected \$65,000 in permit fees in the month of June, which approaches a pre-COVID-19 level of activity
- June parking revenues rebounded to over \$200,000, which exceeds the amount collected in June 2019

The El Mar Drive project design team is currently working through the conceptual design phase of this project. This includes several strategic milestones which allow for feedback and review opportunities with Town Staff, the Commission, and community stakeholder groups. They are as follows:

- July 10: the Town's design team met with consultant EDSA to review the preliminary concept package

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- July 16: concept package was submitted to Town Staff
- July 17: design team held a meeting to review this package and prepare for a meeting of elected officials
- July 20: design team met individually with the Mayor, Vice Mayor, and Commissioners
- July 27: stakeholder meeting is scheduled
- August 11: presentation of conceptual design package to Town Commission
- August 12: if conceptual design has been approved, detailed design phase will begin

Plans for the Terra Mar drainage improvement project are 100% complete and will be brought before the Commission in August for direction regarding the construction schedule.

On July 16, 2020, the Town Manager, Municipal Services Director, Town Engineer, and staff from Baxter and Woodman met with residents from the Palm Club to discuss the draft design of that project, which is 75% complete. Staff also met with Baxter and Woodman on July 2 to review preliminary findings and discuss the Stormwater Master Plan update. A full report will be submitted to the Commission in August.

The bathometric survey for the Town's dredging study has been completed. Initial review of this survey did not reveal any areas of concern. The benthic survey has also been completed and its data is being analyzed. A full report will be submitted to the Commission at the conclusion of the study. The Chappelle Group, consultant, has compiled preliminary quantities for sediment removal, which will be discussed upon presentation of the report and incorporated into the FY 2021 Capital Improvement Plan.

Repairs to the Jarvis Hall portico are ongoing. The flooring is complete, and railing has been installed. Staff has painted the walls and ceilings and replaced ceiling fans. Friedt Park courtyard improvements are also underway, with the installation of pavers, electrical conduits and wiring, and irrigation pipe complete. Landscaping is scheduled for the current week. Town Staff has requested that EDSA submit a design proposal for a potential dog park as well as upgrades to the playground. A draft concept will be presented to the Friedt Park Advisory Committee for further discussion this summer.

The Holiday Inn demolition is currently underway. Town Staff will continue to monitor this work and update the Commission during subsequent Town Manager Reports.

Other projects underway throughout the Town include:

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- Discussion with the Tennis Club of a pickleball court
- Landscaping installation in beds on Commercial Boulevard east of A1A
- Electric vehicle (EV) charging station is now operational at the A1A parking lot
- Collaboration of Staff with the Florida Department of Transportation (FDOT) on a study for a crosswalk on A1A between Palm Club Drive and Bel Air drive

Waste management contractor WastePro has provided notice of a change to their schedule for properties located on and south of Tradewinds Avenue and west of Seagrape Drive. Collections will change from Tuesday and Friday to Monday and Thursday service, effective August 6, 2020.

The Community Center continues to broadcast several classes and programs online until they may resume in person. Interested parties may email Armilio Bien-Aime at armiliob@lbts-fl.gov to receive emails on these programs.

All residents are strongly encouraged to wear facemasks and remain 6 ft. apart.

Vice Mayor Oldaker requested additional information on vacation rental regulations. Town Manager Vance replied that there have been requests for the Town to adopt a position on this issue. Considerations include whether the properties have been problematic in the past or are well-run. The Town hopes to assist investors as long as this investment is not to the detriment of neighbors.

Finance Director Lucila Lang advised that the City has collected \$215,000 in parking revenue in the month of June. Of these, \$15,000 were parking fines, \$2500 were permits, and the remainder came from parking lots.

8.b May Finance Report (Lucila Lang, Finance Director)

Finance Director Lang confirmed that funds deposited into the Town's General Fund related to the agreement between the Town and Florida Development Group (FDG) were not earmarked or directed toward any single project.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

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10.a June 23, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

10.b June 30, 2020 Special Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

11.a Resolution 2020-26 Approving Temporary Work Easement for the Purpose of Beach Re-nourishment (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach explained that this Resolution authorizes Broward County, through the Army Corps of Engineers, to perform beach re-nourishment services, which require an easement to allow equipment on the beach. This was last done in 2016. Re-nourishment replaces sand washed away during storms and does not affect dunes. The project will not begin before December 2020 and will be completed before turtle season in 2021.

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

11.b Lauderdale-By-The-Sea Volunteer Fire Department Purchase (Lucila Lang, Finance Director / Chief Judson Hopping, VFD)

Finance Director Lang explained that the Volunteer Fire Department (VFD) had allocated \$50,000 for the replacement of vehicles. Replacement of this first vehicle would be in the amount of just over \$18,000. This is a budgeted item.

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

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11.c Conceptual Communications Work Authorization #4 for Professional Services (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime advised that these are funds that would be necessary in the event of unprecedented issues or additional advertising. Roughly \$7500 remains within the first work authorization. Authorization #4 would carry the Town through approximately September 2020.

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

13.a Five-Year Update to Lauderdale-By-The-Sea's Comprehensive Emergency Management Plan (CEMP) (Bill Vance, Town Manager)

Town Manager Vance explained that this was primarily an update of the names to be contacted in the event of operational issues in responding to a disaster. He noted that the Development Services Director and members of her Department have identified several supplemental opportunities to strengthen this plan. Recommendations for the Commission's consideration will be brought forward over the next few months.

Vice Mayor Oldaker requested additional information on the designation of municipal officials in the event of an emergency. Town Manager Vance replied that Captain Palmer serves as the emergency services/public safety point person, working closely with the Town Manager, VFD Chief Hopping, and Municipal Services Director Rubach.

The Resolution was read by title:

A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, updating the Town's Comprehensive Emergency Management Plan by amending the line of succession during the absence or disability of the Town Manager; providing for conflicts; providing for severability; and 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 Sokolow made a motion, seconded by Commissioner Strauss, to approve. Motion carried 5-0.

13.b Reopening LBTS Public Restroom Discussion (Commissioner Randy Strauss)

Commissioner Strauss advised that the Town's six public restrooms, located near the beach on El Mar Drive, are currently closed. He recommended that these facilities be re-opened, and the portable units being used in lieu of them removed. The cost of keeping the restrooms open is considered an everyday expense.

Town Manager Vance stated that the Town has the opportunity to contract with an outside cleaning service to maintain these public facilities in accordance with Broward County Emergency Orders, as he felt using Town employees to keep these restrooms clean would be an unnecessary risk to Staff.

Mayor Vincent recalled that the Town's beaches were closed on March 18, 2020, in response to the COVID-19 pandemic, followed shortly by the close of several businesses. The restrooms were closed at that time as well. Municipal Services Director Rubach agreed that using an outside contractor for cleaning was the best option.

It was determined by consensus that the restrooms would be reopened administratively, at the Town Manager's discretion.

13.c August Meeting Dates (Tedra Allen, Town Clerk)

Town Clerk Tedra Allen noted that the Commission typically meets only once during the month of August. It was decided by consensus that the Commission would meet on August 11, 2020, and determine the need for a second meeting at that time.

14. COMMISSIONER COMMENTS

The Commissioners, Vice Mayor, and Mayor extended their condolences to former Commissioner Mark Brown on the death of his partner.

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Vice Mayor Oldaker strongly emphasized the importance of wearing facemasks in public during the ongoing pandemic.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

16.a Ordinance 2020-06 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE TOWN’S CODE OF ORDINANCES AT CHAPTER 2 “ADMINISTRATION,” ARTICLE I “TOWN COMMISSION,” BY CREATING SECTION 2-27 “WAIVER OF CODE REQUIREMENTS,” AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND 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 Linda Connors recalled that this Ordinance was presented for first reading in June 2020. Provisions that may be relaxed during the ongoing pandemic are codified under Section 2-27, which would allow greater flexibility under Code during extraordinary circumstances. A Resolution must be passed to identify this extraordinary circumstance, including the length of time during which requirements would be relaxed and identification of the persons, properties, and/or businesses that would be affected by the waiver. The waiver would be limited to a six-month time period, but may be extended by Resolution if necessary.

Upon first reading, the Commission requested additional language to limit the scope of the proposed Ordinance. Staff recommends an amendment stating that waivers granted pursuant to Section 2-27 are intended to provide temporary relief from the obligations or fees provided for under Town Code. It may not be construed to authorize a permanent variance, and may not permit the installation or construction of permanent structures.

Commissioner Sokolow commented that the phrase “must not exceed six months” under Section 2-27 could limit the Commission’s ability to renew the Resolution. Development Services Director Connors pointed out that the Ordinance also states that if the Town Commission finds the extraordinary circumstances still exist at the time the

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waiver would expire; they may further extend the waiver by Resolution. The emergency time frame may not last for more than six months.

James White of Weiss Serota Helfman Cole and Bierman, Acting Town Attorney, stated that if it is the Commission's wish, the Ordinance may be drafted in a way that would only permit extension of the time frame by Commission action. Mayor Vincent proposed that the Ordinance be scheduled to sunset in one year in order to trigger the Commission to consider its extension.

Acting Town Attorney White confirmed that the Ordinance may be scheduled to sunset upon a date certain, or unless further extended by the Town Commission.

It was further clarified that should an individual or business apply for a waiver with fewer than six months left on the Ordinance, the waiver would be set to expire no later than the sunset date of the Ordinance unless the Commission agrees to extend the waiver's time frame.

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

17. RESOLUTIONS – PUBLIC COMMENTS

17.a RESOLUTION 2020-28 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SUB-RECIPIENT AGREEMENT WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR COVID-19 PANDEMIC DR-4486 FEMA PUBLIC ASSISTANCE GRANT; AUTHORIZING THE EXPENDITURE OF MATCHING FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

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

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17.b RESOLUTION 2020-29 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A PROPOSED MILLAGE RATE FOR THE 2020 / 2021 FISCAL YEAR; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY; AND PROVIDING AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

Vice Mayor Oldaker recommended increasing the proposed millage rate to 3.75 so it may be reduced when it is revisited. The rate may be lowered later but may not be increased. Commissioner Sokolow stated that keeping the millage rate at 3.5, in conjunction with increased property values, could bring in approximately \$300,000 in additional revenue. He was not in favor of increasing taxes to this extent unless necessary, nor of the proposed 3.75 millage rate, even though that would not be the final number.

Mayor Vincent observed that it may be better to remove unnecessary expenditures from the proposed budget to maintain the millage rate of 3.5. Commissioner Malkoon was also in favor of maintaining the 3.5 millage rate, pointing out that 3.5 is not the rolled back rate but would provide an additional cushion for the Town. Commissioner Strauss agreed with the proposed 3.5 rate as well.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to set the tentative millage rate at 3.50. Motion carried 4-1 (Vice Mayor Oldaker dissenting).

17.c RESOLUTION 2020-30 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN'S GEOGRAPHICAL BOUNDARIES, KNOWN AS FIRE PROTECTION ASSESSMENT AREA – TOWNWIDE;

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ESTABLISHING THE ESTIMATED RATES FOR FIRE PROTECTION SERVICES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL FOR FIRE PROTECTION ASSESSMENT AREA – TOWNWIDE; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEROF; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE (Lucila Lang, Finance Director)

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

Mayor Vincent advised that in 2016, a fire assessment study was conducted to establish new fees. The assessment is revisited approximately every five years. He recommended that the Town retain a consultant to revisit the fire assessment methodology.

Acting Town Attorney White noted that the methodology is a legal standard based on Florida case law, and is generally based on the need for fire services and the risk involved. He did not recommend any changes for the coming fiscal year, but recommended a methodology study in advance of the next fiscal year's fire assessment.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to adopt the fire fee as presented in the Resolution. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARING

Acting Town Attorney White explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item. Individuals wishing to speak on the Item were sworn in at this time.

18.a Site Plan Modification for 4433 Poinciana Street (Bonnar By The Sea) (Linda Connors, Development Services Director)

Development Services Director Connors stated that a Site Plan was approved on the subject property for a nine-unit residential building. The Applicants wish to change their Site Plan from nine apartment units to an 18-unit hotel. The property is located in the RM-25 zoning district, in which hotels are allowed at double the density of residential

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development. The Site Plan meets the Town's zoning Code requirements and Land Use regulations.

Changing the planned building to a hotel means its parking requirements would be one space per unit. The proposed Site Plan includes 14 parking spaces, which is based on a reduction of the two spaces approved by the Commission in 2019. The Applicant will provide bicycle racks in lieu of additional parking spaces, which is permitted by Code.

The proposed Amendment went to the Planning and Zoning Board in June 2020 and was unanimously recommended for approval, with standard conditions as outlined in the Staff Report. These conditions addressed the following:

- Adequacy of stormwater facilities
- Amendment to the landscape plan
- Building permit requirements
- Construction requirements
- Site Plan does not confer the right to a permit from state or federal agencies
- Site Plan creates no liability on the Town's part
- All applicable state and federal permits must be obtained before construction begins
- Town Clerk shall certify there are no outstanding fines owed to the Town, and that any such fees must be paid before issuance of a permit

Notice was sent to the surrounding public. One comment was received in response, which is attached in the backup materials. Staff recommends approval of the Application.

It was noted that the Applicant has maintained the façade and footprint of the original project. Increasing the number of units required creation of a second means of egress for fire safety purposes.

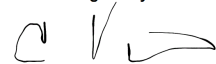
At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

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

19. ADJOURNMENT

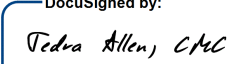
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With no other business to come before the Commission at this time, the meeting was adjourned at 8:40 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

9/14/2020

Date