

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 13, 2021
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 Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Eliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Public Works Ken Rubach, Director of Finance and Budget Lucila Lang, Town Engineer Jay Flynn, Acting Development Services Director Jhanelle Campbell, Planner Sue Leven, Special Events and Marketing Manager Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Patrick C. Jackson gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Town’s 2021 4th of July Celebration

Special Events and Marketing Manager Debbie Hime reported that the Town’s Fourth of July celebration was a success, and thanked all present for their attendance and support, as well as the Broward Sheriff’s Office (BSO) and Volunteer Fire Department (VFD).

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

Barbara Cole, resident, stated her opposition to a pending conditional use application which will be heard at the next meeting. She noted that the Planning and Zoning Board had expressed concerns with this application and had indicated that they felt “their hands were tied” as an advisory body.

Pastor Patrick C. Jackson, resident, reported that his nonprofit organization, Camp Victory Resorts for the Homeless, held a successful Community Day in Fort Lauderdale on Father’s Day. The next Community Day is scheduled for August 15, 2021, at HOPE South Florida. He invited all present to attend, volunteer, or donate.

Ken Brenner, resident, also opposed the upcoming conditional use application for a single-family residence on El Mar Drive and requested that there be additional discussion of this item by the Planning and Zoning Board, as he felt it was presented to them without adequate backup material or context.

Scot Sasser, resident, also opposed the upcoming conditional use application, noting that the Planning and Zoning Board spent a great deal of time discussing whether or not the proposed development met Code. He did not feel there was clear resolution of this issue.

The following individuals provided written public comments:

- Peggy Mohler, resident, opposed development of single-family homes on El Mar Drive, as this is a Downtown business and hotel district
- Wayne Dillistin, resident, asked that the conditional use application be sent back to the Planning and Zoning Board for further discussion, as he felt the Board was not provided with historic data and backup on this item

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

7. PUBLIC SAFETY DISCUSSION

a. VFD June 2021 Report

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

8. TOWN MANAGER REPORT

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

a. Town Manager Report for July 13, 2021

Interim Town Manager Linda Connors provided an update on the Town's Community Investment Program (CIP) projects. Work has begun on the roof of Town Hall, and the Terra Mar drainage project has been completed. The Town has received notice of the transfer of funds to the Florida Department of Transportation (FDOT) for the A1A Pine Avenue to Terra Mar Drive project, which is expected to begin next week.

The Palm Club sewer project is on tonight's Agenda, and Staff is also in process with the Bel Air seawall and is seeking a canal dredging permit. Funding for the preliminary design for the Codrington Drive drainage project has been approved by the Commission, and the contractor is moving forward. The first draft of a street sufficiency study has been completed and will be brought before the Commission at a subsequent meeting.

A permit has been approved for the A1A/Hibiscus Drive crosswalk, and Staff is working to finalize paperwork on this project. The crosswalk is expected to be completed later in the year. The painting of Town Hall has been postponed until work on the roof is complete. The Town is also finalizing the draft grant agreement related to the Dune Master Plan, which will be brought forward at an August 2021 meeting. Grant funds allocated to this project are expected to result in a savings of \$30,000.

Public Works Staff is working to complete a number of lateral sewer linings. The El Mar Drive sidewalks are now complete; however, as portions of this sidewalk was damaged by recent severe rains, the contractor plans to smooth them over once more.

There has been some deterioration of the sculptures on Commercial Boulevard and in Anglin Plaza, and an art restorer has recommended emergency repairs. The fiscal year (FY) 2021-2022 budget will include maintenance funds for public art.

Staff proposes a workshop before the next scheduled Commission meeting to discuss landscaping as well as the proposed millage rate. There will be a rescheduled discussion of marina right-of-way at the August 10, 2021 meeting.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen briefly addressed public comments regarding a pending conditional use application. She explained that Code requires prior notice to be provided in advance of discussion of a specific application; however, the public

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

comments made at tonight's meeting have been recorded and will be incorporated into the record of the upcoming quasi-judicial hearing on this item.

Town Attorney Trevarthen advised that conditional use applications go before the Planning and Zoning Board for review and recommendation before they are brought before the Commission in a quasi-judicial format. The Commission makes the final decision on the application and is not required to agree with the recommendation of the Planning and Zoning Board. She emphasized that the Commission may only discuss such an application within the scope of a quasi-judicial hearing.

When the quasi-judicial item is brought before the Commission, there will be the normal procedures for hearing a record of evidence, which will include the record of the Planning and Zoning Board meeting at which the application was discussed. Town Attorney Trevarthen noted that single-family use has been permitted in the RM-25 zoning district for decades: the only difference in this case is that the conditional use process was added more recently.

Commissioner Malkoon requested clarification of the Commission's options at the quasi-judicial hearing. Town Attorney Trevarthen explained that the item will be brought before them for a decision, which must be within the scope of both the evidence presented and Code. The Commission will need to show that there is a basis in Code and/or the evidence for any motion made at that time.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. 2021 Gross Taxable Value

Finance Director Lucila Lang reported that this information was provided to the Town by the Broward County Property Appraiser's Office. It estimates the ad valorem taxes the Town would receive in FY 2022 if either the current millage rate or the rolled-back rate is adopted.

The Commission will meet on July 27, 2021 to establish a proposed millage rate for FY 2022. Prior to that meeting, they will be presented with the Town Manager's recommended budget for their review.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

Volunteer Fire Department (VFD) FY22 Budget Request

Finance Director Lang advised that this request includes the purchase of a new truck for approximately \$918,000. There is currently a balance of \$1.5 million in the Fire Fund. The purchase would leave roughly \$664,000 in the Fire Fund.

Mayor Vincent noted that there is currently an audit of the VFD underway, as well as an evaluation of the Department by an outside agency. He requested that this Item be deferred until both reports are complete so the Commission has a full understanding of any nuances or concerns.

Commissioner Malkoon requested clarification of the renewal date for the Town's contract with the VFD. Interim Town Manager Connors clarified that this date will come in October 2021, and the Town is expecting audit information to be available in September. The budget will need to be approved before all audit information is complete. If necessary, there is language in the existing contract to allow an extension.

Commissioner Malkoon asked when the last rate study was performed for the VFD. Interim Town Manager Connors confirmed that this was done in 2016. The FY 2021 budget had originally included funding for a fire assessment study; however, this was replaced by the audit. The FY 2022 budget will include funds for a fire assessment fee study. There are sufficient funds in the Fire Fund to cover the VFD's budget, as well as an excess amount to fund any capital replacements for equipment or vehicles. VFD Chief Judson Hopping noted that Lauderdale-By-The-Sea is the only Broward County municipality that funds its Fire Department entirely through the fire assessment fee.

The Commissioners agreed by consensus that this Item would be deferred to the July 27, 2021 meeting pending additional information.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Palm Club Sewer Proposal

At this time Mayor Vincent opened public comment.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

Town Clerk Tedra Allen read the following public comment, which was submitted in writing:

- Stuart Dodd, resident, advised that under the Man-Con proposal, there is \$55,000 in the contract to provide a generator, and asked why this amount would be spent on this backup generator on private property when there are existing lift stations in the Town without generators; he felt a better use of these dollars would be a mobile generator that would benefit the entire Town, including the Palm Club

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

Public Works Director Ken Rubach stated that the equipment in question is a diesel-driven BI cast pump which allows for variable speeds based on flow and necessity. Because existing equipment at lift stations is computer-based, it is powered by a digital control box, which cannot operate if damaged. The proposed BI cast pump acts as a redundant system that is separate from the lift station and can continue to function if the lift station system fails. This is the pump system used by Pompano Beach.

Mayor Vincent asked if the diesel-driven backup system is dedicated exclusively to the Palm Club. Public Works Director Rubach confirmed that this system will be built into the wet well itself and cannot be moved from one station to another.

Vice Mayor Oldaker requested clarification that the Palm Club sewer system will be turned over to Pompano Beach when installed. Public Works Director Rubach stated that this is correct. Pumps and sewer lines associated with the south end of Town will remain under Lauderdale-By-The-Sea's ownership, while Pompano Beach maintains the lift stations to the north.

Town Attorney Trevarthen read Resolution 2021-38 into the record:

A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, awarding the request for qualifications 21-01-02 for construction management and risk services for the Palm Club Sewer Project to Man-Con, Inc., the most qualified, responsive, and responsible firm; approving a guaranteed maximum price; authorizing the Interim Town Manager to execute a work authorization; and providing for an effective date.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

Barbara Cole, resident, stated that she was not in favor of the Town paying for the Palm Club sewer project, as it is on private property.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the Man-Con guaranteed maximum price and authorize the Town Manager to execute work authorization. Motion carried 5-0.

b. Dee Jay Beach Resort (4617 El Mar Drive)

Acting Development Services Director Jhanelle Campbell advised that this request is for an extension to complete construction for Dee Jay Beach Resort. This property suffered extensive damage due to a fire in August 2020. The Building Official has requested that the property owner provide a professional engineer's report which states that the building is structurally sound. Once that report has been received, the Building Official and Fire Marshal will review it to determine whether the building may remain or must be demolished and reconstructed.

To date, the property owner has submitted an exploratory demolition permit. This process is ongoing, and the results of this review are still pending. If the building is found to be structurally sound, the owner may submit a building permit to complete renovation and restore the building. If not, the owner must go through the Site Plan process to reestablish the structure.

Town Code states that nonconforming buildings destroyed by fire may be rebuilt with their nonconformities within 12 months. This property is currently in the eleventh month of these parameters. The owner requests an additional six months, which is allowable per Town Code.

Nemia Schulte, representing the property owner for 4617 El Mar Drive, stated that demolition of the property's interior and equipment has been completed. A structural engineer is creating a report, which is expected to be submitted to the Building Department by the end of the week, to show that the building can be repaired. If this report is approved, the owner's architect is prepared to submit construction documents. She emphasized that the owner's team is working as quickly as possible in order to remain within the nonconforming structure. This is the first request for an extension.

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

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

14. COMMISSIONER COMMENTS

Vice Mayor Oldaker recognized Special Events and Marketing Manager Debbie Hime for her work on the Fourth of July event. He asked if there are any Town issues related to recent and expected heavy rainfall. Public Works Director Rubach replied that no issues are anticipated, although if this weather occurs, Staff will ensure there is no debris blocking catch basins.

Commissioner Strauss also praised the Fourth of July Parade.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

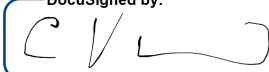
None.

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 7:45 p.m.

DocuSigned by:

B0A8AE8CC88D4A1

Mayor Chris Vincent

ATTEST:

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 13, 2021

DocuSigned by:

F79938A3F45D42E...

8/3/2021

Town Clerk Tedra Allen

Date