TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 9, 2019
6:30 PM

1. CALL TO ORDER

Mayor Vincent called the meeting to order at 6:32 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, 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

Pastor Fred Powell gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve Commissioner Strauss's absence. Motion carried 4-0.

5. PRESENTATIONS

5.a 25 Years of Service Proclamation

Mayor Vincent read a Proclamation in honor of Michael D. Walker, who has served the Town of Lauderdale-By-The-Sea for 25 years.

5.b 4th of July Recap

Special Projects Coordinator Debbie Hime showed a brief video of the Town's recent 4th of July event. She thanked the Volunteer Fire Department (VFD), the Broward Sheriff's Office (BSO), and Town Staff for their efforts in making the event a success. Commissioner Oldaker extended his thanks as well.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Mac Millan, resident, stated his opposition to any development plan that would close a portion of El Mar Drive, and expressed concern that the offer from Concord Wilshire may constitute land banking. He reviewed additional concerns with the proposed development, including public access to the beach.

Ron Piersante, resident, congratulated Michael D. Walker for his years of service to the Town.

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO June 2019 Report

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

7.b VFD June Report

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

8. TOWN MANAGER REPORT

8.a Town Manager Report

Town Manager Bill Vance advised that parking and transportation improvements on Bougainvillea Drive are ongoing. A special meeting is scheduled for Thursday, July 11, 2019 at 7 p.m. so the Commission can formally consider the acquisition of a small piece of church property in support of this project.

The Palm Club sewer improvements have been initiated, and Municipal Services Director Ken Rubach has met with the leadership of the Palm Club condominium association. The Town anticipates a design costing approximately $400,000, which will

come before the Commission at their July 23, 2019 meeting. These funds are proposed for inclusion in the fiscal year (FY) 2019-2020 budget. Broward County and the city of Pompano Beach will each provide additional support in the amount of $150,000 to offset design costs.

Town Manager Vance continued that the Fort Lauderdale City Commission is considering the Town's proposal seeking assistance with temporary hurricane debris staging areas. This agreement is necessary in order for the Town to qualify for any potential Federal Emergency Management Administration (FEMA) assistance in the event of a storm.

A supplemental design accommodation in the amount of $300,000 is proposed for the El Mar Drive improvement project. This will also come before the Commission at the July 23, 2019 meeting. Town Manager Vance and Municipal Services Director Rubach will verify the percentage of completion associated with design of this project, including aspects requested by the Town.

Town Manager Vance advised that the FY 2019-2020 budget is balanced and essentially complete, with additional comments to be addressed regarding taxable value. He requested direction from the Commission regarding one-on-one meetings with them to conclude the budget process.

The Datura Portal is scheduled for demolition on July 15, 2019.

Town Manager Vance noted that entities in- and outside the Town are seeking opportunities to pursue investments and meet with various members of Town Staff to discuss these opportunities. Development team meetings will be scheduled once per week from 1 p.m. to 5 p.m. each Thursday afternoon, beginning in August, at no expense to potential investors. Town Manager Vance characterized this proposal as a means to enhance what Town Staff already does.

Commissioner Malkoon commented that he had spoken with Town Manager Vance regarding the Town's parking system and mobile app, which requires users to enter a space number. He pointed out that other municipalities do not have this requirement, instead using the vehicle's license plate number as a point of reference, and suggested that the Town consider simplifying their parking system by adopting this change.

Commissioner Malkoon continued that the current app also requires individuals seeking to extend their parking time to pay for a full hour instead of smaller increments. He

requested that the Town consider changing this requirement as well. Municipal Services Director Ken Rubach advised that incremental parking time is available in some Town lots, but not via the mobile app.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a June 11, 2019 Town Commission Meeting Minutes

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

11. CONSENT AGENDA

11.a Budget Transfer – IT Infrastructure

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

12. OLD BUSINESS

12.a Friedt Park Courtyard

Municipal Services Director Rubach explained that the Friedt Park plaza has fallen into a state of disrepair, with improvements needed for pavers, fountains, landscaping and vegetation, streetlights, and other parts of the courtyard that are currently unusable. He reviewed proposed upgrades to landscaping, streetlight fixtures, and furniture. The Park will be improved in a manner that will encourage its use as a gathering place in the community. Municipal Services Director Rubach concluded that Staff is seeking direction from the Commission on the proposed design of the improvements.

The Commission discussed the location of Friedt Park's property line, which abuts the nearby Community Church of Lauderdale-By-The-Sea. Municipal Services Director Rubach confirmed that the proposed park improvements would extend directly up to this property line. He added that there is little topsoil and mostly sand in the subject area, which means the design will need to include vegetation that thrives in sand.

Commissioner Malkoon recalled that a design was originally submitted in 2017. Municipal Services Director Rubach advised that this estimate was over one year old, which meant the Town should reach out to State Contracting once again for an updated estimate. An additional parking component would have brought the total estimate from $168,000 to roughly $300,000 at the time.

Town Engineer Jay Flynn recommended the addition of shade on the south end of the children's park, as there are no shade structures or trees in that area. Town Manager Vance suggested that he, Municipal Services Director Rubach, and Town Engineer Flynn continue to work together to review what was planned in the past, as well as proposed prices.

Pastor Fred Powell, representing the Community Church, stated that the Church will be happy to see the Friedt Park project get underway. He continued that the Church was interested in working with the Town on both the design and implementation of improvements to Friedt Park, including its playground. Town Manager Vance confirmed that Staff would work with the Church and Pastor Powell on this project.

It was determined that Staff would bring back a proposal to a subsequent Commission meeting.

13. NEW BUSINESS

13.a August Meeting Schedule

The Commissioners agreed by unanimous consensus to cancel the August 13, 2019 meeting, with the second meeting tentatively scheduled for August 27, 2019 in case any items of importance should arise.

It was noted that September 2019 meeting dates have not yet been scheduled. Finance Director Lucila Lang advised that proposed budget meeting dates are September 12 and September 26, 2019. Staff will work with the Town Attorney to advertise these dates.

13.b Town Commission Ranking of the Respondents to the Town Engineer Request for Qualifications (RFQ)

Development Services Director Linda Connors stated that the Town's contract with Flynn Engineering expired at the end of May 2019, although it has been extended for three months in order to allow time for the request for qualifications (RFQ) process to select a Town Engineer. Four responses were received and reviewed by a Staff committee consisting of Development Services Director Connors, Municipal Services Director Rubach, and Town Planner Jhanelle Campbell.

The committee selected Flynn Engineering as the top respondent, followed by Baxter and Woodman, formerly known as Mathews Engineering. The selection process for a Town Engineer requires ranking by the Town Commission, after which time Staff moves forward with the process to establish a contract. If Staff cannot come to an agreement with Flynn Engineering, they will come back to the Commission with a recommendation for the second-ranked candidate.

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to accept the recommendation of Staff to rank Flynn Engineering #1 and attempt to negotiate a contract with them, ranking Baxter and Woodman #2. Motion carried 4-0.

14. FY20 BUDGET

14.a 2019 Gross Taxable Value

Town Manager Vance advised that the Town is experiencing continued growth in taxable property value and is in a positive position financially. He was able to develop a balanced budget proposal with a proposed millage rate of 3.4467, which is 20/1000ths above the rollback rate of 3.4442. The existing millage rate is 3.5989.

Town Manager Vance continued that in the past, the Commission has notified Broward County of the Town's existing millage rate, which provides flexibility to diverge from this rate in September. At the July 23, 2019 meeting, Staff will seek direction from the Commission regarding the millage rate to be sent to the County.

Vice Mayor Sokolow suggested that the Town initially print its Truth in Millage (TRIM) notices with the existing millage rate, which will appear to be a tax increase of approximately 5%. This will provide the Town with flexibility in case additional projects are identified that would require maintaining this rate.

The Commission agreed by consensus to have Staff would bring this Item back with a TRIM notice of a 3.5989 millage rate.

15. COMMISSIONER COMMENTS

Vice Mayor Sokolow and Commissioner Oldaker congratulated Town Staff, the VFD, and BSO on the recent 4th of July event.

Commissioner Oldaker noted that this year's 4th of July Parade opened with the national anthem and Pledge of Allegiance, which he felt was a strong addition to the event.

16. ORDINANCES 1ST READING

16.a 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 SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Development Services Director Connors characterized this as a housekeeping Item which addresses Code in the Town's annexed area. While chain link fence has not been historically allowed unless it is screened from the public right-of-way, it was allowed in the north section of the Town without a screening requirement. Staff recommends an Amendment to the Ordinance which would delete references to specific residential zoning districts and add the phrase "residential zoning districts" to incorporate districts to both the north and south.

Code also includes a provision for this area addressing zero lot line development. Because this is not permitted within the Town, Staff recommends this language be removed.

Commissioner Oldaker commented that most chain link fencing is approximately 4 ft. in height, and asked if there is the potential for individuals to erect a 6 ft. chain link fence. Development Services Director Connors confirmed this, noting that this fencing must be screened. The Planning and Zoning Board recommended approval of the proposed

Ordinance, along with a recommendation that roughly 30 properties in the north part of the Town provide landscaped screening for their chain link fences over a two-year period.

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 4-0.

16.b Ordinance 2019-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS" ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION M "B-1 DISTRICT REGULATIONS," SECTION 30-271 "B-1 DISTRICT – BUSINESS" OF THE CODE OF ORDINANCES TO PERMIT WATERFRONT HOTELS AS A CONDITIONAL USE, MODIFYING DISTRICT REGULATIONS AND ESTABLISHING SPECIFIC CONDITIONAL USE REQUIREMENTS FOR WATERFRONT HOTEL USES AND FURTHER AMENDING SUBDIVISION Q "SUPPLEMENTAL REGULATIONS"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Development Services Director Connors recalled that in February 2019, the Commission asked Town Staff to bring a request before the Planning and Zoning Board to consider the addition of hotel use to the B-1 districts. Hotels are currently not allowed in all business districts.

In 2011, the Town established a number of planning priorities, including modification of Code to encourage investment in and redevelopment of existing hotels. One reason behind this initiative was the loss of a significant number of Town hotels in previous years, which contributed to the decline of Commercial Boulevard. In order to commit to hotel revitalization, the Town amended Code to encourage hotel use, adopt temporary hotel improvement programs, and update hotel parking regulations to encourage redevelopment.

Development Services Director Connors advised that the Town has not had as much success in maintaining and encouraging businesses in the western plazas, where high turnover and vacancy rates continue. Staff hopes to find ways to encourage movement from the east to the west. One possible way to do this is to add hotels in the western B-

1 district. Staff reviewed the Town's Comprehensive Plan to confirm that it supports this change, and undertook policy directives to discuss the possibility while preserving commercial aspects of the Town amid hospitality uses. Rooftop uses, swimming pools, and parking requirements were also discussed.

After significant review, the Planning and Zoning Board suggested that hotel uses be allowed within commercial districts. One proposal was to allow commercial uses on waterfront parcels in the B-1 district only. Another recommendation was to make this a conditional use, which means it would go before the Planning and Zoning Board as well as the Town Commission prior to approval. Auxiliary effects to the surrounding neighborhoods would be addressed during the approval process. There will be a minimum of 30% square footage of commercial use, and 60% of hotel parking should be on-site. Should the hotel wish to use valet parking, the agreement must come through the Town Commission for approval as part of the Site Plan.

Conditions include a minimum hotel room size, exclusive of restrooms, in order to avoid the trend of "micro-rooms." Another condition is a setback requirement that mirrors neighboring properties: for example, if the hotel is adjacent to a residential district, it should follow residential district setback requirements. The Planning and Zoning Board also recommended that hotels in the B-1 be allowed to have swimming pools as part of the conditional use.

The Planning and Zoning Board also asked that Town Staff review current hotel parking requirements, which provide one space per hotel room, and to review the actual ratio of hotel rooms to parking spaces, as many Town hotels were constructed prior to 1995. Staff is currently researching this information and will provide it at the next Planning and Zoning Board meeting.

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

Mayor Vincent recognized the efforts of the Planning and Zoning Board in developing their recommendations, as well as Town Staff in providing support and information.

Commissioner Malkoon commented that while he is in favor of allowing waterfront hotels as a conditional use, he would like more information on the minimum size requirement for hotel rooms. Development Services Director Connors confirmed that there was significant discussion of room size by the Planning and Zoning Board. She

did not feel that advisory body would be concerned if the minimum size recommendation were increased.

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

16.c Ordinance 2019-08: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 6.5 "CODE ENFORCEMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 6.5-14, "SCHEDULE OF CIVIL PENALTIES"; 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.

Mayor Vincent recalled that he had requested this Ordinance go into effect no earlier than May 1, 2020, which gives Town businesses time to acclimate to the new regulation. Town Attorney Susan Trevarthen advised that while the Ordinance establishes an enforcement date of August 2019, the Town Manager has discretion to defer this date.

Mayor Vincent requested feedback on how enforcement of the Ordinance will be addressed. Town Attorney Trevarthen replied that an educational program is planned, with the option of warnings during the delayed enforcement period. Town Manager Vance added that the Town has the option of sending mailers to affected businesses and working with local newspapers, the newsletter, and the Town's public access channel to disseminate information.

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

17. ORDINANCES 2ND READING

None.

18. RESOLUTIONS – PUBLIC COMMENTS

18.a Resolution 2019-17 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, BROWARD COUNTY, AND PARTICIPATING MUNICIPALITIES, FORMALIZING THE SHARED DESIRE TO ESTABLISH AND IMPLEMENT A REGIONAL SOLID WASTE AND RECYCLABLES SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE MOU; PROVIDING FOR CONFLICTS, AND FOR AN EFFECTIVE DATE

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

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

19. QUASI JUDICIAL PUBLIC HEARINGS

None.

20. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:18 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen

8-27-19
Date