



**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 28, 2022
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Chris Vincent called the meeting to order at 6:33 p.m. Also present were Vice Mayor Edmund Malkoon, Commissioner Alfred “Buz” Oldaker, Commissioner Theo Pouloupoulos, Commissioner Randy Strauss, Town Manager Linda Connors, Town Attorney Susan Trevarthen, Deputy Town Manager/Public Works Director Ken Rubach, Assistant to the Town Manager Courtney Easley, Director of Budget and Finance Lucila Lang, Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, Special Events and Community Marketing Coordinator Katie Anderson, and Town Clerk Katrina Adler.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was determined that Items 12c, Nonprofit Funding Requests, and 8b, the April 2022 Finance Report, would be heard prior to Presentations at tonight's meeting.

14. NEW BUSINESS

b. FY23 Non-Profit Funding Request

Budget and Finance Director Lucila Lang explained that no funding requests were submitted by new agencies; however, the funding request from the Lauderdale-By-The-Sea Merchants Association was moved from the Marketing and Development budget account to nonprofit funding requests, as this organization is a 501(c)3.

The Commission heard presentations on the funding requests from a number of nonprofit agencies that serve Town residents, including:

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- 2-1-1 Broward
- Area Agency on Aging of Broward County
- Broward Children's Center
- Center for Hearing and Communication
- Early Learning Coalition Broward County
- Lauderdale-By-The-Sea Merchants Association
- Goodman Jewish Family Services of Broward County
- Hillsboro Lighthouse Preservation Society
- House of Hope
- South Florida Lionfish Derby
- South Florida Wildlife Center
- Women in Distress of Broward County

Vice Mayor Malkoon added a request from the Lauderdale-By-The-Sea Garden Club for \$1000, as this entity is also a nonprofit. Some of the funds requested by the Garden Club would be used toward a District luncheon scheduled in October 2022.

Mayor Vincent noted that the fiscal year (FY) 2022 nonprofit contributions totaled \$68,259. Requests for FY 2023, including the Garden Club request, total \$65,490.

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to approve at the amounts stated, including \$1000 for the Garden Club. Motion carried 5-0.

Mayor Vincent thanked all representatives of organizations who were in attendance to make their nonprofit requests for FY 2023.

8. TOWN MANAGER REPORT

a. April 2022 Finance Report

Budget and Finance Director Lang provided the April 2022 Finance Report, noting that the June 1, 2022 taxable value assessment has been issued by the Broward County Property Appraiser's Office. The final valuations will be provided in early July. The June 1 values estimate an 8.64% increase in property values, reflecting increases in the average market values of both condominiums and single-family homes.

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5. PRESENTATIONS

a. Presentation of the Comprehensive Annual Financial Report (CAFR)

David Caplivski, representing Grau and Associates, auditors, presented the Town's Comprehensive Annual Financial Report (CAFR), which must be submitted annually to the state. Financial statements from the fiscal year (FY) 2021, which ended on September 30, 2021, were audited for this report. The Town received an unmodified or "clean" opinion on these statements, which is the best opinion an auditor can give.

Grau and Associates made two recommendations to the Town. They proposed an annual capital asset inventory, and also suggested that the Town try to obtain more information from Fort Lauderdale regarding monthly accounts receivable balances. Town Staff has indicated they will implement both recommendations. Mr. Caplivski characterized Town Staff's cooperation with the audit procedure as excellent.

Commissioner Oldaker stated his support for seeking additional accounts receivable information from Fort Lauderdale with regard to water and sewer billing.

Mayor Vincent asked if Grau and Associates has noted a correlation between decreasing or maintaining millage rates and the revenue stream necessary to run the Town. Mr. Caplivski noted that the Town has not issued any debt for some time and has been able to keep costs under control. He has not recognized any deficiencies in any areas that might cause concern.

b. 4th of July

Special Events and Marketing Manager Debbie Hime presented an overview of the Town's upcoming 4th of July celebration, which will include a parade, a water slide and other children's attractions, and a fireworks show. Family Fun Day will begin at 11 a.m. in El Prado Park, and fireworks will begin at 9 p.m. and last approximately 21 minutes. She recognized several sponsors who contributed a total of \$7100 toward this year's event, as well as Commissioner Pouloupoulos, who has served as Chair.

Broward Sheriff's Office (BSO) strongly encourages residents and visitors not to drive to the beach. Anglin Square may close to vehicular traffic if it becomes very busy, at approximately 8 p.m. Traffic on El Mar Drive will be turned around at the Oriana until at least one hour after the fireworks display, and the Commercial Boulevard bridge will

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remain in the down position from 9 to 11 p.m. All north- and southbound traffic on A1A will be diverted west on Commercial Boulevard.

Commissioner Poulopoulos recognized Special Events and Marketing Manager Hime and Town Staff for their hard work toward this event, as well as BSO and Volunteer Fire Department (VFD) personnel.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. BSO May 2022 Report

BSO Captain Tom Palmer recognized Deputy Alin Pitulan and Deputy Pedro Fernandez as Deputies of the Month for May 2022.

Commissioner Oldaker requested additional information on an incident that occurred behind Walgreen's. Captain Palmer replied that this was reported as a disturbance by a group of juveniles and resulted in the retrieval of a stolen firearm and ammunition, leading to an arrest.

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

b. VFD May 2022 Activity Report

VFD Chief Judson Hopping commented that the Department regularly takes injured birds from the Town's beach to the South Florida Wildlife Center, which was one of the nonprofit presenting agencies at tonight's meeting.

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

c. AMR May 2022 Activity Report

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

8. TOWN MANAGER REPORT

a. Town Manager Report for June 28, 2022

Town Manager Linda Connors advised that Bugfest will be held from July 26 through July 30, 2022. Highlights will include a kickoff party, awards ceremony, concert, and underwater cleanup. Additional information is available at [discoverLBTS/Bugfest](https://discoverLBTS.com/Bugfest).

The Town Manager also introduced Assistant to the Town Manager Courtney Easley, who joined Town Staff on June 20, 2022.

Town Manager Connors recalled that in the previous year's budget, the Commission approved an update to the Town's aging financial software. Town Staff has worked with Tyler Technologies to provide background information before the new system goes live. The upgrade will provide efficiencies and allow for better service to vendors as well as providing additional Staff time.

Director of Budget and Finance Lang added that accounts payable will be the first module to switch to Tyler Technologies on July 11, 2022. Modules will continue to make the change through January 2023. Tyler Technologies will also be used for the Town's business tax receipts (BTRs), and Development Services Staff will soon begin training to change that system to the new provider as well.

Town Manager Connors concluded that the Town is currently in the design phase of the Codrington Drive drainage improvement project, which is included in the Capital Improvement Plan (CIP). Town Staff will meet with Codrington Drive residents on June 29, 2022, to discuss this project and share any information and/or concerns. The design phase is currently 75% complete.

Mayor Vincent asked if there are any steps the Town could take to force Fort Lauderdale to address drainage issues. Deputy Town Manager/Public Works Director Ken Rubach advised that in 2021, Town Staff reached out to Fort Lauderdale to discuss this, clarifying that both the source and receiving properties are private homes that were built prior to current stormwater regulations. Town Attorney Susan Trevarthen noted that it may be possible to develop agreements between these private parties, although the process could be lengthy.

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Town Manager Connors recalled that some years ago, an easement in the subject area was vacated by the Town and additional land given to the property owners. This means the Town no longer has an easement there that can be used for drainage purposes.

c. Public Works Quarterly Report

Deputy Town Manager/Public Works Director Rubach provided the quarterly update for the Public Works Department, which included the following:

- Public art restoration
- Progress toward the introduction of a computerized parking permit system, which will allow residents to purchase parking permits online; rollout of this system is expected in fall 2022
- Stormwater improvements at the Datura Portal which make the basin easier to clean
- Ongoing beach and dune maintenance
- Temporary lighting upgrades to Friedt Park prior to long-term lighting fixture replacement
- Installation of new pay stations at the Visitors Center and the Hibiscus Portal and removal of parking meters
- Landscaping upgrades at Town Hall
- Improvements to the Town's Geographic Information Systems (GIS) program, including utility and vacation rental maps

Commissioner Oldaker commented that there have been ongoing discussions regarding traffic calming measures on Seagrape Drive, as motorists use this as a "cut-through" area during rush hours. He asked if the Town could deploy electronic signs on Seagrape Drive, particularly near its intersection with Hibiscus Drive. Deputy Town Manager/Public Works Director Rubach replied that he would look into this with BSO Captain Palmer. Commissioner Oldaker also suggested consideration of in-pavement lights and/or speed humps in this area.

Commissioner Pouloupoulos asked if Public Works is responsible for seaweed raking on the beach. Deputy Town Manager/Public Works Director Rubach confirmed that this duty is contracted out through Public Works. It was clarified that it can be difficult to keep pace with removal of heavy seaweed, particularly during turtle nesting season. There is no seasonal increase for removal.

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

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen briefly reviewed two recent bills that went before the Governor for approval. The Governor vetoed Senate Bill (SB) 620, which would have required taxpayers to pay damages if a local government Ordinance resulted in a business losing 15% or more of its revenues. This was due to the recognition that the language in the bill could have led to unforeseen consequences and expensive litigation. The Governor has suggested that a better approach to this issue is targeted preemption legislation.

The Governor signed House Bill (HB) 105 into law, which permits local governments to regulate smoking on their public beaches and parks. Town Staff is working to bring forward a Resolution at the next Commission meeting to implement this regulation. The bill includes an exemption for cigars.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Renewal of Town Contracts

Town Manager Connors recalled that in February 2022, Staff brought forward a list of Town contracts which are up for renewal, which was approved. Since that time, Staff has determined that there were nine additional contracts up for renewal which were not included on that list. They recommend approval of the contracts' renewal options. Town Clerk Katrina Adler is continuing to review and update Town documents as necessary.

Vice Mayor Malkoon asked for additional information on a planning services contract. Town Manager Connors replied that the Town's Development Services Staff has always required the use of a consultant to assist them with certain projects, such as large Site

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Plans or Comprehensive Plan review. When these contract services are necessary in the case of Site Plans or legal review, the applicant pays for them.

Commissioner Oldaker asked that Staff bring back a master report of all Town contracts for the Commission's review. Town Manager Connors explained that Staff had thought the list presented in February was this master list, but later identified additional documents that were not included at that time.

Commissioner Pouloupoulos noted that Flynn Engineering is listed twice on the document, once under Engineering Consulting and again under Town Engineer, with two different contract expiration dates. Deputy Town Manager/Public Works Director Rubach advised that if the Town Engineer performs services as a contracting engineer, he cannot provide engineering review of his own work. The Town Engineer's contract is also used for specific design projects or construction observation. The Town Engineer does not perform both functions on the same project.

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

13. NEW BUSINESS

a. Rate for Attorney Services

Town Manager Connors noted that the firm of Weiss Serota Helfman Cole and Bierman has provided Town Attorney services since 2008. In 2014, their rate was \$221/hour, which increased to \$226/hour in 2017. This rate continued even though the contract allowed for a 3% annual increase if requested.

The firm is now requesting a new letter of engagement which would allow for a rate of \$250/hour. Staff recommends approval of this letter and execution of the retainer.

Town Attorney Trevarthen noted that if an inflation factor were applied to the firm's hourly rate, it would increase to roughly \$270. The firm would also appreciate a new procedure to request administration of a yearly adjustment.

Vice Mayor Malkoon observed that continuity in services is an important factor, and that Weiss Serota has a clear understanding of the Town's history. He felt the proposed rate would be more than competitive and did not take issue with any of the Item's

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recommendations. He cautioned, however, that because the hourly rate is increasing, this does not mean the budget will increase by the same percentage.

Commissioner Pouloupoulos agreed with the Vice Mayor's comments, noting that the proposal is for a blended rate: any attorneys from the firm will charge the same rate, irrespective of their experience.

Commissioner Strauss agreed with the previous comments, particularly noting the availability of the Town Attorney to the Commission and Staff.

Commissioner Oldaker emphasized that while the Commissioners are prohibited from discussing Town business with one another due to the constraints of the Sunshine Law, they are able to reach out to the Town Attorney for information as needed.

Mayor Vincent characterized the blended rate as "blended resources" that are similar to the services the Town receives from BSO. He also agreed that the Town Attorney's knowledge of the Town and its history is irreplaceable, and her availability is very helpful to the Commission.

Town Manager Connors added that she has worked successfully with several members of Weiss Serota's team on issues of development services, contractual services, procurement, and others. Now that the Town is more fully staffed, there is a greater opportunity to lean on Staff more often and Weiss Serota less often. She and Town Attorney Trevarthen will work toward creating standard contracts and teaching Staff how to draft some legal documents for attorney review. This will help Town Staff continue to grow and responsibly administer taxpayer dollars.

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

- b. Resolution 2022-26 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH JANICE M. RILEY INC. DBA THE PAVING LADY FOR ASPHALT PATCHING ON EL MAR DRIVE, UTILIZING THE CITY OF AVENTURA CONTRACT PROCURED PURSUANT TO BID NUMBER 20-03-19-3 FOR MAINTENANCE AND REPAIR FOR CITY STREETS AND FACILITIES, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT WITH JANICE M. RILEY INC. DBA THE PAVING LADY, IN THE AMOUNT NOT TO**

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EXCEED \$63,798.54, WITH A 15% CONTINGENCY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Deputy Town Manager/Public Works Director Rubach explained that over the past few years, spot repairs have been made on El Mar Drive, focusing on sidewalks and potholes as well as minor patching within swales. Staff determined that over 1000 square yards of work remain to be done, which is beyond their capability. The Paving Lady has done small projects within the Town in the past and has successfully contracted with the city of Aventura as well.

Commissioner Oldaker asked if a piggyback agreement must be executed per project or if the Town may continue to use this contractor in the future for smaller projects. Deputy Town Manager/Public Works Director Rubach advised that this depends upon the scope and size of the project. It may be possible, once this contract is complete, to request additional general paving services for smaller projects below the purchasing policy's cost threshold. The Town's purchasing policy requires either a certain number of quotes or references an existing piggyback contract in order to move forward without entering into a major contract.

Vice Mayor Malkoon asked if there has been consideration of paving the entire roadway on El Mar Drive over a longer period of time, noting that some of the drainage issues on the road are related to its slope. Deputy Town Manager/Public Works Director Rubach replied that he would rather take a conservative approach and address the swales first before an overall direction for improvements to El Mar Drive has been determined.

Mayor Vincent asked if Public Works Staff had assessed the needs for swale repairs on El Mar Drive, or if a cross-check might be necessary. Deputy Town Manager/Public Works Director Rubach stated that Staff marked the areas in need of repair and the company with whom the contract would be executed has measured them. He was comfortable proceeding with the numbers provided.

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

d. Fiscal Year 2022-2023 5-Year Preliminary Capital Improvement Plan Proposal

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Deputy Town Manager/Public Works Director Rubach explained that this Item provides an overview of the Capital Improvement Plan (CIP) items proposed for the FY 2023 and FY 2024 budgets. He listed the following items for FY 2023:

- Offsite roof replacement for the two remaining roofs within the Town Hall campus; a portion of this expense may be eligible for a hardening grant
- Bougainvillea/Poinciana Complete Streets project
- Final phase of canal dredging
- Pedestrian/Americans with Disabilities Act (ADA) improvements at crosswalks
- Beach Portal design
- New finance software
- Friedt Park playground improvements
- Stormwater rate study
- Downtown refurbishment
- Roadway paving and refurbishment, based on reexamination of Town roadways and pavement ratings to determine whether or not conditions have changed
- Jarvis Hall audiovisual equipment upgrades

Commissioner Oldaker invited Deputy Town Manager/Public Works Director Rubach to attend an upcoming Broward Metropolitan Planning Organization (MPO) Board meeting and view that entity's audiovisual system.

It was determined that the CIP projects proposed for FY 2024 would be reviewed at a later date. The Commissioners may also schedule individual meetings with Town Manager Connors, Deputy Town Manager/Public Works Director Rubach, or Director of Budget and Finance Lang to discuss those items.

14. COMMISSIONER COMMENTS

None.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

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17. RESOLUTIONS – PUBLIC COMMENTS

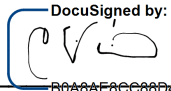
None.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

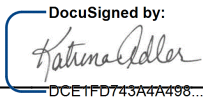
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:51 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk

7/28/2022

Date