TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 10, 2018
6:30 PM

1. CALL TO ORDER, VICE MAYOR ELLIOT SOKOLOW

Vice Mayor Sokolow called the meeting to order at 6:31 p.m. Also present were Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, 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

Deacon Jose Enrique Lopez gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

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

7. PUBLIC SAFETY DISCUSSION

a. VFD June Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

a. Town Manager Report (Bud Bentley, Town Manager)

Special Projects Coordinator Debbie Hime thanked all who participated in the Town's 4th of July events, and recognized Commissioner Oldaker, Town Staff, the Broward Sheriff's Office (BSO), and the Volunteer Fire Department (VFD) for their work in organizing these events. The Vice Mayor and Commissioners extended their thanks to Staff as well.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

a. FY 2019 Proposed Fire Assessment Fee (Tony Bryan, Deputy Town Manager)

b. VFD FY 2019 Budget Request (Tony Bryan, Deputy Town Manager)

c. 2018 Gross Taxable Value (Tony Bryan, Deputy Town Manager)

Commissioner Oldaker encouraged members of the public to read the backup materials and supporting documents related to these Items, as they include significant numbers for the upcoming budget process.

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

12. OLD BUSINESS

a. A1A Parking Lot GMP (Don Prince, Municipal Services Director)

Municipal Services Director Don Prince stated that the guaranteed maximum price (GMP) for the A1A parking lot expansion and Poinciana Street/Bougainvillea Drive realignment is $1.188 million. He emphasized that businesses in this area do not want the projects to be undertaken all at once. Staff feels that by dividing the project, they can complete the A1A lot first and then use this area for construction during the roadway realignment. Because construction rates are currently high, Staff recommends locking in the GMP at this time to prevent costs from escalating further.

Vice Mayor Sokolow asked if dividing the project into two phases would incur double costs for mobilization. Municipal Services Director Prince replied that while there is a chance these costs would increase, locking in the GMP at this time would offset some of the mobilization costs.

Commissioner Malkoon addressed the design of the A1A lot, pointing out that the current entrance and exit onto A1A results in a queue for vehicles making a left turn. He asked if the proposed entrance could be modified to address this safety issue. Municipal Services Director Prince stated that Staff would have engineers look into a possible modification.

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

Commissioner Oldaker made a motion, seconded by Commissioner Strauss, to authorize the appropriate Town officials to execute an agreement with State Contracting and Engineering Corporation to expand the A1A Parking Lot including the improvements to Bougainvilla and Poinciana in two phases for a GMP of $1,188,883. Motion carried 4-0.

b. Broward County's Proposed 2018 Transportation Surtax (Bud Bentley, Town Manager)

Town Manager Bud Bentley recalled that this Item was briefly discussed at the June 24, 2018 meeting, at which time the Commission requested that it be placed on an upcoming Agenda for more substantive discussion. He explained that the County has requested its municipalities identify any large specific transportation-related projects they would like to submit to the County for consideration. This will be of interest to voters as they evaluate their support for the 2018 surtax referendum. A list of potential projects is included in the Commissioners' backup materials.

Vice Mayor Sokolow suggested that the Town consider proposing a project at the intersection of A1A and Commercial Boulevard, such as modification of the intersection to improve pedestrian safety and traffic flow. Commissioner Strauss noted that a safety project proposed on the east side of the bridge at Commercial Boulevard could improve both pedestrian and traffic safety, recalling that a traffic safety study was recommended for this location at a previous meeting. Commissioner Malkoon suggested that a signalization project on A1A may be appropriate.

Commissioner Oldaker expressed concern that the Town may not receive as many funds from the estimated surtax revenue as they might expect, as revenue would be divided among all Broward municipalities. The approval process for projects has not yet been determined.

The Commissioners agreed by consensus to submit the list of projects included in their backup materials, as well as the additional projects discussed at tonight's meeting.

13. NEW BUSINESS

a. Preliminary Capital Improvement Plan (Bud Bentley, Town Manager)

Town Manager Bentley advised that the Capital Improvement Plan (CIP) before the Commissioners is a five-year plan. As part of the annual budget process, the Commission is asked to adopt projects for the fiscal year (FY) 2018-19.

In the FY 2018-19 budget, the CIP includes the following:

- Drainage projects, including swale reclamation
- Update the Drainage Master Plan
- Streetscapes for the El Mar Greenway project
- Neighborhood projects
- Other projects

Town Manager Bentley pointed out that not all costs in the CIP are estimates: some amounts are "placeholders," as the costs of those items have yet to be determined. He added that cost estimates for the Bel Air project are design costs only, with construction costs to be estimated at a later date.

The El Mar Greenway streetscapes are projected to cost just over $2 million in addition to FDOT funding, with the $677,000 Oriana settlement portion dedicated for pedestrian improvements. FDOT has agreed to a joint project agreement, which means they will

design and bid the project to include improvements desired by the Town, such as outside sidewalks and additional drainage. These improvements will not include irrigation, landscaping, or pedestrian lighting, although it will include the installation of conduits so lighting can be installed by the Town at a later date.

The Hibiscus Drive project included under neighborhood projects has increased to $200,000, which reflects the full costs of improving the block, making a connection to A1A, installing a sidewalk, and providing an in-ground warning system for the crosswalk across A1A.

The Palm Club sewer project is budgeted at $150,000 for design costs, with capital construction costs expected in 2021-2022. This is consistent with the Town's obligation under the settlement agreement, which has been approved but is currently being appealed.

The staghorn coral planting project in conjunction with Nova Southeastern University is included in the FY 18 Action List. The Town is working with Nova toward a second contract for additional planting(s) in 2018. Once planting is complete, funds will go toward monitoring expenses in subsequent years of the project.

Town Manager Bentley concluded that a $50,000 placeholder item is included for Town Hall Complex improvements. He noted that these will need to include Americans with Disabilities Act (ADA) access improvements to Development Services, as well as the relocation of offices within that building.

Town Manager Bentley next addressed the Parking Fund, which reflects costs associated with the A1A parking lot as well as funds for Anglin Courtyard. The Courtyard improvement project returned costs much higher than anticipated, and Staff continues to meet with contractors and designers to reduce these expenses.

Staff proposes that the Parking Fund contribute $500,000 per year for two years to fund the El Mar Greenway project. This is because parking funds are not restricted and maintain healthy balances. These funds can be used toward projects that offer a community benefit. It also frees up additional monies for other projects, such as the Terra Mar drainage project.

Town Manager Bentley continued that the Town's interlocal agreement with Pompano Beach does not require the Town to provide any funds toward the improvement of the

Terra Mar bridge. The design and construction of this project is expected to take approximately three years.

At this time Vice Mayor Sokolow opened public comment.

Charles Mangano, resident, referred to a crosswalk proposed for his neighborhood, which he felt would constitute a safety hazard for pedestrians. He did not feel the existing conditions in this area should be changed at this time, or that a public safety issue exists at the location.

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

Town Manager Bentley moved on to the Unfunded List, asking that the Commissioners identify any items on this list that they wished to have addressed in the FY 2018-19 budget. He noted that the Commission has authorized Staff to proceed in securing a proposal for a stormwater utility tax study. He concluded by clarifying that the line item "Neighborhood Grant" has been changed to "Neighborhood Plan," which will allow the Town to undertake projects that can have a more significant impact on neighborhoods.

Commissioner Malkoon stated that neighborhood projects should have greater priority in the future, pointing out that the Town has undertaken several projects in the recent past to improve the Town's commercial areas.

The Commissioners agreed by consensus to accept the preliminary CIP report.

14. COMMISSIONER COMMENTS

Commissioner Oldaker stated that he is proud to represent the Town and its residents through service on the Commission.

Commissioner Strauss thanked BSO Captain Tom Palmer for giving him a tour of the Town's substation, and advised that he will request the feasibility of the Water Taxi be placed on the next Commission Agenda. He encouraged residents to provide public input on this issue.

Vice Mayor Sokolow thanked Commissioner Oldaker and Town Staff for their efforts in making the Town's 4th of July events a success.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

i. Ordinance 2018-24 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13, NOISE, TO ADDRESS GENERATORS; AND BY AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, SECTION 30-313, GENERAL PROVISIONS, TO ADDRESS GENERATORS AND SETBACKS FOR WATERFRONT ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

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

Development Services Director Linda Connors explained that this Ordinance would amend the section of Code related to generators. In 2015, Section 30-313 was updated, which included tying the noise levels permitted for generators to the Town's Noise Ordinance. It was noted, however, that the Noise Ordinance's criteria cannot be met by generators. The result is a proposed Ordinance amending the generator section of Code to allow for a measurement from 25 ft. from the generator itself, with a limit of 70 acoustic decibels (dBA) rather than the Noise Ordinance limit of 60 dBA. Staff also added criteria that require generators to be in good working order, and that they be used only during times of power outages or specific testing.

Development Services Director Connors continued that while amending Section 30-313, Staff also addressed accessory buildings and structures. When this Section was amended in 2015, its specificity of language regarding waterfront accessory structures was lost. The proposed Ordinance would restore this specificity by adding regulations that do not allow accessory structures in a setback area on waterfront properties. Staff also combined two sub-paragraphs limiting the height of accessory buildings to 12 ft.

Commissioner Oldaker asked if the regulations governing generators are typically limited to use during emergencies. Development Services Director Connors confirmed this, noting that there are also regulations overseeing construction generators; however, the use of these devices is limited to the first 30 days of construction projects. She advised

that Staff would look into whether or not a Governor's declaration of an emergency would affect generator regulations.

Commissioner Oldaker noted that although regulations limit residences to one generator per single-family dwelling, some households may have more than one temporary generator for emergency situations. He suggested that the Town may wish to be more lenient in this area. He also asked how the Town might determine whether or not a generator is in good working order.

Development Services Director Connors replied that if a generator that is not in good working order is used, Code Enforcement would be able to identify this as a Code violation. The procedure in place for permanent generators allows Staff to test the device to ensure it is within certain noise limitations.

Commissioner Malkoon asked if Staff has looked into the issue of generators used on boats at the marina. Development Services Director Connors stated that boats in the marina would not be allowed to run off the use of generators outside a state of emergency.

Commissioner Malkoon requested clarification of setback requirements for a waterfront home. Development Services Director Connors replied that this would depend upon the home's zoning district. Commissioner Malkoon expressed concern that incorrect information may have inadvertently been provided to a resident planning construction of an accessory structure.

Town Manager Bentley advised that Town Staff are not design professionals, and that homeowners have a responsibility to understand Code regarding plans for their properties. Vice Mayor Sokolow noted that design professionals are expected to submit designs that are in accordance with Code requirements.

Vice Mayor Sokolow also recommended that Staff change the Ordinance's language regarding good repair, as this was a very subjective statement. He added that it may not be realistic to expect the Commission to oversee proper maintenance of equipment, and concluded that both these items should be addressed before second reading. Town Manager Bentley noted that this language refers to whether or not the equipment conforms to manufacturers' specifications, including whether or not a generator's muffler has been removed or modified.

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve with language revisions in line 127 and consideration of allowing more than one generator per property. Motion carried 4-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:55 p.m.

Mayor Chris Vincent

ATTEST:

Town Clerk Tedra Allen 7-24-18 Date