

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 23, 2020
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:31 p.m. Also present via teleconference were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, 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, Public Information Officer Steve d’Oliveira, Senior Office Specialist Lisa Slagle, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Moment of Silence

All present observed a moment of silence in memory of Bud Bentley.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Manager Bill Vance requested that Item 13.b be deleted from the Agenda.

5. PRESENTATIONS

5.a Presentation of the Comprehensive Annual Financial Report (Lucila Lang, Finance Director)

David Caplivski of Grau and Associates provided a brief presentation on the Comprehensive Annual Financial Report (CAFR). The Town received an unmodified opinion on its financial statements. As of September 30, 2019, the balance sheet showed a total net position of governmental activities at \$33.4 million and a total net position of business activities at \$19.7 million. The General Fund had an end balance of \$8,386,635. The Internal Control Report did not identify any deficiencies considered to be internal weaknesses. There were no findings for the current year.

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The Commission accepted the CAFR by unanimous consensus.

6. PUBLIC COMMENTS

Town Clerk Tedra Allen read the following public comment:

- Barbara Cole, resident, extended her condolences to the family of former Town Manager Bud Bentley

With no other individuals submitting comments at this time, Mayor Vincent closed public comment.

7. PUBLIC SAFETY DISCUSSION

7.a AMR May 2020 Report (Chief Brooke Liddle, AMR)

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

8. TOWN MANAGER REPORT

8.a June Finance Report (Lucila Lang, Finance Director)

In addition to the written report, Finance Director Lang advised that the Town has generated nearly \$77,000 thus far in business income, which is 96% of the budget for fiscal year (FY) 2019-20. The General Fund contains roughly \$8.4 million, with \$4 million in expenses anticipated through the remainder of the current fiscal year.

With regard to the Truth in Millage (TRIM) process, the Town will receive adjusted figures on July 1, 2020. The Town then has 35 days to provide millage rate information to the Broward County Property Appraiser's Office, including the dates of public budget meetings.

The Commissioners accepted the report without discussion.

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

Assistant to the Town Manager Neysa Herrera reported that on June 18, 2020, the Broward County Board of County Commissioners approved the first cycle of surtax funding for municipal capital projects, including \$240,000 for the design phase of El Mar

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Drive improvements. The next step includes an inter-local agreement between the Town and the County.

Broward County has released Emergency Order 20-17, which requires retail businesses and restaurants to post signage related to social distancing and face coverings throughout their establishments. Signs are available on the Broward County website in English, Spanish, and Creole. Most restaurants have already posted these signs.

Broward County Commissioner Lamar Fisher was the guest speaker at the June 12, 2020 webinar hosted by the Lauderdale-By-The-Sea Chamber of Commerce and the Lodging Association. Broward County Commissioner Chip LaMarca spoke at the June 19 webinar regarding local use of state resources.

Downtown Lauderdale-By-The-Sea employees who need to apply for parking permits may do so by phone at (954) 640-4200. Permits will be delivered to their places of employment.

In addition to funding available through the Broward Metropolitan Planning Organization (MPO), other funding opportunities are available to the Town, including the FY 2020 Coronavirus Emergency Supplemental Funding. The Town is eligible for \$50,000 in grant monies related to the prevention of and response to COVID-19. The Town has submitted an application to this grant program.

The 2020 U.S. Census is ongoing, and all residents are strongly encouraged to fill out their forms. The Census deadline has been extended through October 31, 2020.

Short-term vacation rental operations were permitted to resume on June 15, 2020 under Broward County Emergency Order 20-15. Code Enforcement Staff is in communication with these operators to guide them through the reopening process. Staff will offer a series of workshops to inform operators of guidelines. Additional information is available at bethanyb@lbts.gov or (954) 640-4220.

180 responses were received for the Pedestrian and Bicycle Circulation Enhancement Plan survey, which was posted on the Town's website. Data is now being analyzed by the Town's consultant.

The bathometric survey for a dredging study has been completed, and initial review of this survey did not reveal any immediate areas of concern. The benthic survey, which will assess the health of coastal waters, has not yet been scheduled, but is anticipated

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within the next 90 days. The Chappelle Group, which is the Town's consultant, is compiling preliminary information regarding dredging quantities.

Grading for the Friedt Park courtyard improvements has been completed and paving is underway, with completion anticipated within one week. Other capital projects include:

- Delivery of the wheel loader approved by the Town Commission
- Replacement/replanting of Downtown landscaping
- Patriotic Town decorations in honor of the July 4 holiday
- Cleaning of the Terra Mar storm sewer system
- Paver maintenance on Sea Grape Drive

Public Information Officer/Information Technology (IT) Administrator Steve d'Oliveira is working to compile the July/August/September 2020 issue of *Town Topics*, which will be available in early July.

On June 9, 2020, a Town photo shoot was organized to show visitors that the Town's restaurants and businesses are safe. Special Projects Coordinator Debbie Hime has coordinated this project.

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that the Governor's Office has issued an Emergency Order extending municipalities' ability to hold virtual meetings through August 1, 2020.

The Town is in continued dialogue with FDG South regarding settlement of the foreclosure litigation. A Special Town Commission Meeting is tentatively scheduled for June 30, 2020, at 6 p.m. This will include a public hearing regarding the settlement.

10. APPROVAL OF MINUTES

10.a June 9, 2020 Town Commission Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

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11.a HR Compensation Consultants, LLC Proposal for Market Study) (Lisa Slagle, Senior Office Specialist)

Senior Office Specialist Lisa Slagle advised that HR Compensation Consultants has completed a study of all the Town's job descriptions, which are now compliant with the requirements of the Americans with Disabilities Act (ADA) and have been approved by legal counsel. The next step will be review of pay ranges.

Town Manager Vance stated that the conclusion of the compensation study is expected to occur during the budget process. The study is intended to establish a benchmark to be used in the future.

Town Attorney Trevarthen read the title into the record at this time:

A Resolution of the Town of Lauderdale-By-The-Sea, Florida, approving the amendment to the agreement with HR Compensation Consultants, LLC to provide for a compensation market study; authorizing execution of the amendment; providing for severability and for an effective date.

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

13.a August Meeting Schedule (Tedra Allen, Town Clerk)

The Commissioners tentatively confirmed July 21, 2020 as their regular meeting date for that month, with the next regular meeting date for August 2020 to be confirmed at the time of the July meeting.

13.b Waiver of Lien Release Application Fee – 1931 Waters Edge (Linda Connors, Development Services Director)

This Item was deleted from the Agenda and will be addressed administratively.

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14. COMMISSIONER COMMENTS

The Mayor, Vice Mayor, and Commissioners expressed their sympathies for the recent passing of former Town Manager Bud Bentley, who served the Lauderdale-By-The-Sea community for several years.

Commissioner Strauss urged residents to wear masks in public and support local retail and restaurants.

Vice Mayor Oldaker advised that he represented the Town at a recent Chamber of Commerce meeting at which funding information was shared and discussed.

Mayor Vincent reported that he and other Broward County mayors and officials have had extensive discussions regarding the response to the growing number of COVID-19 cases in South Florida. All must be vigilant in ensuring that current guidelines are followed. Broward County will issue a new Emergency Order to provide Code Enforcement and local Police with greater leverage to ensure compliance with CDC standards. This order is expected to take effect on Friday, June 26, 2020. The Mayor thanked all involved in the ongoing efforts against the pandemic.

15. ORDINANCES 1ST READING

15.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 2, "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 stated that Staff has looked into actions they can take during the COVID-19 pandemic to assist businesses and residents. These opportunities may only be realized if certain Code requirements are relaxed. Staff does not wish to make Ordinance Amendments, but hopes to achieve greater flexibility.

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Development Services Director Connors noted that Town Code establishes a time frame in which notice must be sent for business tax receipt (BTR) renewals, as well as deadlines for the application of late fees. Under current circumstances, Staff feels these time frames may be relaxed. The proposed Ordinance would allow the Commission to waive Code requirements by Resolution for a maximum six-month time frame. The second reading of Ordinance 2020-06 would be set for the July 21, 2020 meeting.

Vice Mayor Oldaker asked if the proposed waiver would apply to the entire Code or if it would be applicable within certain parameters. Town Attorney Trevarthen explained that the waiver would function within parameters, including:

- The Commission must identify the extraordinary circumstance that calls for the Code waiver
- Relief from Code must be applied equitably to all similarly situated entities
- The Commission may establish a shorter time frame than six months for deviation from Code
- The waiver may be restricted to financial or regulatory relief

Commissioner Oldaker asked if it might be possible for this Ordinance to undergo its second reading sooner than July 21. Town Attorney Trevarthen replied that this would require a special meeting with 10 days' advertisement of the second reading. Development Services Director Connors noted that BTR renewals are scheduled to be sent out in July, which would make the July 21 meeting appropriate.

Mayor Vincent emphasized that the ability to "fast-track" important waivers to Ordinances would not be undertaken lightly; however, important issues may arise which need to be addressed quickly by Resolution. Town Attorney Trevarthen pointed out that extraordinary circumstances may require timely action. It was also noted that restrictions on use of the proposed Ordinance may be tightened, such as a shorter maximum time frame. She strongly recommended that the Ordinance be treated with care.

Commissioner Sokolow pointed out that the Commission would be able to define extraordinary circumstances, which could include natural disasters as well as the COVID-19 pandemic; furthermore, the Ordinance would simply shorten the time frame in which action may be taken. He was in favor of the proposal.

Commissioner Malkoon observed that existing State and County Emergency Orders already permit the Town to take emergency action as necessary. He felt the proposed Ordinance should include an expiration date. Town Attorney Trevarthen noted that each

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exercise of power would be limited to a six-month maximum, and agreed that the Ordinance itself could be scheduled to sunset by a certain date. She added that current funding programs and other forms of relief are only possible under a state of emergency, but it is not known how long the current emergency may continue.

Town Manager Vance stated that the proposed Ordinance guarantees the Commission's involvement with unique situations that may arise, including their ability to negotiate time frames and terms of potential agreements and establish other parameters as necessary.

Development Services Director Connors cautioned that if the Ordinance establishes its own sunset date, this could prevent its use in other emergency situations, such as a hurricane.

Vice Mayor Oldaker commented that the Ordinance could be applicable to issues such as signage as well as to fees. He pointed out, however, that there could be unforeseen circumstances to the Ordinance.

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

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

None.

18. QUASI JUDICIAL PUBLIC HEARINGS

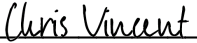
None.

19. ADJOURNMENT

Town Manager Vance stated that Staff hopes to continue use of water barriers in the Downtown area for at least another 30 days. They will produce any documentation necessary for this budget transfer at the July 21 meeting.

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With no other business to come before the Commission at this time, the meeting was adjourned at 7:50 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

7/22/2020

Date