

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 11, 2019
6:30 PM**

1) CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:33 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Town Attorney Susan L. Trevarthen, 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

Rabbi Benzion Singer gave the Invocation.

4) ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5) PRESENTATIONS

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

Mayor Vincent noted that the Town's annual external audit of financial records for the fiscal year (FY) ending September 30, 2018 has been completed. Staff and the external auditors have prepared the attached Comprehensive Annual Financial Report (CAFR) for that fiscal year.

Finance Director Lucila Lang introduced David Caplivski, Audit Manager for Grau and Associates. Mr. Caplivski reported that the CAFR received an unmodified or "clean" opinion on its financial statements for FY18. The Town's total ending net position was approximately \$51 million, which is comprised of \$33 million from governmental activities and \$18 million from business activities. This represents an increase of \$2 million from

the previous fiscal year. The General Fund balance at year's end was \$7.2 million, which represents an increase of \$1.2 million from FY17.

There were no significant changes to the disclosure format of the CAFR except for those required by the new accounting standard. The Town complied with all Florida Investment Statutes. No material weaknesses, significant deficiencies, or other findings related to internal control were noted.

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

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

6) PUBLIC COMMENT

At this time Mayor Vincent opened public comment.

Mary Crawford, resident, expressed concern with speeding traffic on Algiers Avenue. She suggested that a four-way Stop sign be placed at the intersection of Algiers Avenue and Tradewinds Avenue to address this safety issue. Ms. Crawford added that there are also issues with dog owners who do not clean up after their pets and soliciting on private property.

Lynnette Sonntay, resident, also stated her concern with speeding on Algiers Avenue, which has resulted in accidents and near misses. She also advocated for a Stop sign in the neighborhood, as well as an increased Police presence.

The Kramer family, residents, thanked the Commission for their passage of a Resolution banning the use of plastic straws in the Town.

Patty Riley, resident, advised that speeding traffic on Algiers Avenue is dangerous to children, pedestrians, and pets. She suggested speed humps or other traffic calming devices, as signage does not control the problem.

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

Town Manager Bill Vance stated that he and Broward Sheriff's Office (BSO) Captain Tom Palmer would work together to address the situation on and near Algiers Avenue.

7) PUBLIC SAFETY DISCUSSION

7.a VFD May Report

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

7.b BSO May Report

BSO Captain Palmer addressed speeding on Algiers Avenue and East Tradewinds Avenue, stating that he would ensure a Police presence in the area. He added that traffic calming devices such as speed humps would be investigated as a possible solution, although the Town's speed hump policy would need to be observed before any installation could begin.

Development Services Director Linda Connors advised that Staff recently put out a request for proposal (RFP) for a pedestrian study, which will include looking into areas where "cut-through" traffic is common to determine how the Town can address safety concerns.

Mayor Vincent pointed out that many Stop signs in the subject area are set back significantly from the street, while landscaping is placed forward in a way that may obstruct vision. Development Services Director Connors replied that Code Compliance Officers can investigate these concerns. Captain Palmer noted, however, that State Statutes regulate the placement and height requirements of traffic signs, and not all traffic studies result in signage or other devices. He encouraged residents to email him regarding traffic concerns.

Commissioner Oldaker requested additional information on the increased number of citations in the BSO May Report. Captain Palmer replied that there have been concerns regarding common locations in Town, which has led to increased traffic enforcement on westbound Commercial Boulevard and other areas. He continued that in his next report, he can add a section showing "hot spots" for traffic citations and/or crashes, some of which may be affected by temporary construction.

Captain Palmer continued that there are three traffic zones within Lauderdale-By-The-Sea:

- Zone One: from the Town's southern border to southern Commercial Boulevard
- Zone Two: from the beach to the Intracoastal Waterway
- Zone Three: from the north side of Commercial Boulevard to the Sea Ranch condominiums, excluding Sea Ranch Lakes

Reports identify the number and types of citations and warnings issued in each zone. Most of the Town's traffic infractions occur in Zone Two. Captain Palmer added that many of the individuals recently issued citations are Town residents.

Captain Palmer concluded that a recent case involving the Town's camera surveillance system led to an arrest, which would likely have gone unsolved without this technology. Town Manager Vance noted that the Town's Municipal Services Department has been involved with improvements to this camera system.

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

8) TOWN MANAGER REPORT – The Town Manager to answer any questions the Commission may have.

Commissioner Malkoon noted that the Town's Comprehensive Emergency Management Plan (CEMP) must be reviewed and re-adopted by the Commission every five years, and is due for an update in June 2019. This includes clarification of the Town's line of succession, which is an Agenda Item later in the meeting. Town Manager Vance replied that he will meet with the Development Services Department to discuss this update in greater detail.

Commissioner Oldaker requested an update on the deployment of portable speed limit signs, suggesting that it may be wise to purchase additional mobile signs in the next budget to address residents' safety concerns. Municipal Services Director Ken Rubach advised that this Department is awaiting approval from the Florida Department of Transportation (FDOT) for solar-powered, semi-permanent signs; which will be deployed once Staff has been trained on their use.

9) TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen reported that she has received inquiries regarding the use of e-scooters in the Town. The Commission adopted a Resolution in January 2019 recognizing that these devices were not legal on Town streets. As the Town has not provided for their use on sidewalks, this meant they may not be legally used here. She explained that the Florida Legislature has recently passed a bill to regulate these scooters under the category of "micro mobility devices." The bill has not yet been sent to the Governor for further action.

Town Attorney Trevarthen continued that Fort Lauderdale has recently decided these devices may not be used on its barrier island through mid-August, which will likely affect the number of devices brought into Lauderdale-By-The-Sea. Fort Lauderdale has a series of Ordinances and approvals related to their individual arrangements with micro mobility platforms; they have passed an Ordinance that further regulates the devices' use during spring break, the 4th of July, and other peak events.

Commissioner Strauss asked what residents can do if they see e-scooters used within the Town. Town Attorney Trevarthen replied that there is a procedure in place to collect these scooters and notify their platform. Town Manager Vance encouraged residents to contact his office if they wish to report use of the scooters.

10) APPROVAL OF MINUTES

10.a May 16, 2019 Town Commission Workshop

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

11) CONSENT AGENDA

11.a Special Event Application for 34th Annual International Coastal Cleanup, Saturday, September 21, 2019

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

12) OLD BUSINESS

12.a Taco Craft's Request to Extend Special Event Permit for Three Months

Special Projects Coordinator Debbie Hime explained that Taco Craft submitted a Special Event Application in February 2019, which was approved for three months, with the ability to extend the permit for the remaining nine months with the Town Manager's approval. They are requesting three months' extension, with a reduction in the proposed entertainment hours from 12 p.m. to 9 p.m. No additional spectators are expected for this entertainment, and the stage will have a new location.

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

12.b East Terra Mar Drainage Design

Municipal Services Director Rubach and Jeff Hiscock of Mathews Consulting reviewed the proposed drainage design for East Terra Mar Island, which is partially located in the city of Pompano Beach. Because the island is subject to frequent street flooding, residents have raised concerns regarding sea level rise and king tides. The existing system was modified in 2005 to include exfiltration trenches and a raised inlet; however, these do not connect to any outfall pipes.

The Town's recent study considered connecting multiple exfiltration pipes to a permitted 24 in. outfall pipe, which would prevent water from overflowing into the streets. These improvements would significantly reduce both flood stages and duration of flooding.

Staff has met with Broward County to determine whether or not the proposed system is acceptable, and the County agreed to the idea of interconnected pipes. It was determined that because the exfiltration trenches had originally been intended to address ponding, there would be no need to compensate for the potential loss in water quality.

The design contract for the drainage project will include:

- Surveys and technical work
- Production of construction drawings
- Assistance with bidding
- Construction management services

Costs associated with inspection of the system are included in the proposal for design services from Mathews Consulting. Inspection is required every five years to ensure that all facilities are as permitted. Mathews will confer with the County when their application is submitted, as their services include redesign of the system.

While swales are not required as part of the project, they are recommended for any homeowners who may wish to install them. Any ponding in front of these homes would occur within the swales. Commissioner Oldaker noted that neighborhood programs are available to help interested residents cover the costs of swale installation.

Commissioner Strauss asked if connecting the exfiltration system to the 24 in. outflow pipes would result in backflow of salt water onto the property. It was clarified that in-line check valves would prevent backflow. The Town will also coordinate installation with Pompano Beach to prevent backflow. One long-term recommendation proposes that the overall system be tied together with an underground pump station in the right-of-way within approximately 15 to 20 years. A pump would remove water forced into the system by intruding tides.

Town Manager Vance advised that while this was projected to be an \$800,000 project, the Town successfully negotiated a more targeted plan with the County to deal directly with areas that experience significant ponding. They feel this maximizes the Town's investment to address the most egregious situations with a minimum of inconvenience to the community. Costs are projected in the range of \$500,000.

Commissioner Malkoon commented that he had hoped to see a plan that would be effective over the long term for this low-lying area of the Town. It was clarified that in addition to the pump station recommended for the future, a second pump station is recommended in coordination with Pompano Beach to serve the 18 in. pipe on the north end of the island. Water storage beneath the roadway is not proposed for Terra Mar due to its high water table.

Vice Mayor Sokolow asked how often 3- to 6 in. flooding can be expected to occur in a year within normal weather patterns. It was clarified that the 3 in. flood typically occurs once every one to two years, with the 6 in. flood once every five years. This is why installation of the pump station is not recommended immediately. The station's cost is estimated at \$800,000.

Commissioner Oldaker cautioned that this system is not expected to address extraordinary circumstances. Mr. Hiscock explained that the system will prevent water backflow during king tides, when there is no rainfall; however, events such as storm surges, in which there is significant rainfall during raised tides, a gravity-based drainage system will not be able to alleviate all water intrusion.

At this time Mayor Vincent opened public comment.

Ray Renuart, resident, requested clarification of the expected time frame for completion of the project. Municipal Services Director Rubach estimated that after the bid process, which is estimated at two months, design will take approximately eight months, followed by 10 months for construction.

Kay Hall, resident, asked for more information on the project's construction phase and what this will mean for Terra Mar residents. It was clarified that construction will be limited to East Terra Mar Drive, which will be at least partially closed and reopened in phases. The contractor will need to determine where utilities are located, which may affect the placement of pipes beneath the roadway. Municipal Services Director Rubach assured homeowners that access to their driveways will be maintained.

Mary Ellen Himes-Renuart, resident, advised that although the number of times the island is expected to experience 3 to 6 in. flooding is limited, it is not uncommon for flooding in the roadways to occur much more often.

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

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve work authorization for Mathews Consulting, not to exceed \$97,985.00. Motion carried 5-0.

13) NEW BUSINESS

13.a Datura Portal Structural Damage Report

Mr. Hiscock of Mathews Consulting showed photographs of damage to this structure following the 2018 hurricane season, including cracks in the concrete substructure. A structural engineer is reviewing the damage and is expected to make a determination later this week. Mathews is requesting \$20,000 up front in order to expedite repairs. Inspections of the Washingtonia Avenue and Palm Avenue portals showed small cracks in the Palm structure but no present damage to Washingtonia. The same issue is not expected to recur in these portals.

Mayor Vincent expressed concern with the level of deterioration in only a 12-year period. Mr. Hiscock advised that it was likely water had entered the structure from its top, resulting in cracks.

Commissioner Strauss asked if it is possible to make any aesthetic improvements to the structure while repairs are underway. Mr. Hiscock replied that this would most likely result in another project.

Vice Mayor Sokolow commented that rusting of the portal's rebar can be expected every seven to 10 years due to its proximity to the ocean. He emphasized the importance of proper waterproofing when repairs are made, which may require the removal of coral and beginning the project from scratch. Mr. Hiscock added that epoxy will be applied to the rebar.

Commissioner Malkoon made a motion, seconded by Commissioner Oldaker, to approve up to \$20,000 from account 001-541-000-500-520 to expedite repairs following a report from the structural engineer. Motion carried 5-0.

14) COMMISSIONER COMMENTS

Commissioner Oldaker thanked local press for running an article on the South Florida Wildlife Center's recent presentation to the Commission. He continued that the signs related to e-scooters present an eyesore in some locations, and suggested that the Town address this concern. Municipal Services Director Rubach replied that there are plans to replace these with less flexible signage.

Commissioner Oldaker also requested confirmation that multiple sources will be used to provide residents with information on approaching storms during the 2019 hurricane season. Municipal Services Director Rubach stated that he monitors multiple forecasting services websites, including the National Hurricane Center, for the best information available.

Commissioner Oldaker concluded that preparations for the Town's 4th of July event are drawing to a close, and this is expected to be a very successful event.

Commissioner Strauss advised that several residents have asked why the Town has no dog park or designated dog-friendly portion of its beach. He will request that this be discussed further as an Agenda Item in the future.

Mayor Vincent advised that although jackets are required, ties will not be necessary at the dais through approximately Labor Day (September 2, 2019).

15) ORDINANCES 1ST READING

None.

16) ORDINANCES 2ND READING

None.

17) RESOLUTIONS – PUBLIC COMMENTS

17.a Resolution 2019-15 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA; APPOINTING AN ACTING TOWN MANAGER TO SERVE IN THE EVENT THE TOWN MANAGER IS ABSENT OR DISABLED; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

Mayor Vincent advised that he is fully supportive of this change, which was discussed with Town Manager Vance. He also thanked Municipal Services Director Rubach for assuming the responsibilities of Town Manager, should an event occur that necessitated this plan.

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

17.b Resolution 2019-16 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH JAMES OBER; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO OBTAIN EXECUTION OF AND IMPLEMENT THE AGREEMENT; PROVIDING AN EFFECTIVE DATE

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

Mayor Vincent recognized Town Attorney Trevarthen and Town Staff for their work related to this case, as well as Commissioner Strauss for his insight. He characterized this case as indicative of the Town's respect for its communities and residents.

Vice Mayor Sokolow stated that he did not consider this case to establish a precedent that was likely to be repeated.

Commissioner Malkoon recalled that residents of the Terra Mar neighborhood had reached out to him regarding the subject property's status as an eyesore. He agreed that this mediation effort may save the Town from future issues in the future. He did not characterize the case as a defeat.

Commissioner Strauss noted that it was not common for a small town to enter into a lengthy process such as this case; however, properties such as this are considered blights on their surrounding communities. The Town had sought to address the case at multiple levels over a long period of time.

Town Attorney Trevarthen also thanked Commissioner Strauss for his input on the mediation, as well as former Town Manager Bud Bentley, who had participated in the process post-retirement. She agreed with Vice Mayor Sokolow that this type of case is unlikely to recur.

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

Commissioner Oldaker requested that a Memorandum of Understanding (MOU) from the Broward League of Cities be presented as a future Agenda Item. The MOU presents a unified approach to solid waste issues between Broward County and its municipalities.

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 8:10 p.m.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 11, 2019



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date