

**MEETING MINUTES
TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
VIRTUAL REGULAR MEETING MINUTES
Broadcast from Jarvis Hall
4505 Ocean Drive
Tuesday, June 9, 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, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Moment of Silence

All in attendance observed a moment of silence.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

Town Clerk Tedra Allen read the following public comments:

- Barbara Cole, resident, expressed concern with the El Mar Drive project, stating that plans should include upgrades to lighting, sidewalks, landscaping, and drainage but should make few other changes

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO May 2020 Report (Captain Thomas Palmer, BSO)

Captain Thomas Palmer of the Broward Sheriff's Office (BSO) recognized Deputy Eddie Hernandez as Employee of the Month.

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

7.b VFD May 2020 Report (Chief Judson Hopping)

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

8. TOWN MANAGER REPORT

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

Assistant to the Town Manager Neysa Herrera reported that on May 29, 2020, Broward County Administrator Bertha Henry issued Emergency Order 20-14, which expanded beach activities permitted within Broward County. The order also addresses community rooms and permits doubles matches of racquet sports. Broward beaches are now open to picnicking, sunbathing, and use of canopies, lounges, and coolers. Organized sports such as volleyball are prohibited, and group gatherings of more than 10 people are not allowed.

Beachgoers must maintain social distancing both on the beach and in the water, with the exception of members of the same household. Beach equipment provided by vendors or hotels must be sanitized between rentals. Changing rooms, pavilions, playgrounds, and exercise equipment areas remain closed.

On June 4, 2020, the Broward County Surtax Oversight Board recommended the El Mar Drive improvement project for Cycle 1, which includes the current year. On June 16, the Broward County Board of County Commissioners will consider and approve the allocation

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of surtax funds for municipal projects. The funding recommended for Cycle 1 is \$240,000, which will help cover design costs.

Code Inspector Terry-Anne Boyd-Reynolds represented Lauderdale-By-The-Sea at a recent panel held by Sea Turtle Conservancies on May 28, 2020. Staff and Code Officers continue to work with beachfront properties to ensure compliance with turtle lighting requirements.

The Development Services Department is testing the possibility of allowing virtual building inspections. This initiative is expected to begin in July 2020. The Development Services is also conducting website upgrades to ensure its pages are easily navigable for forms and applications.

On Friday, June 5, 2020, Broward County issued Emergency Order 20-15, which addresses reopening of short-term vacation rental properties. The order will take effect on Monday, June 15.

The Seaside Villas are undergoing major renovations and a building application has been submitted to the Town. The Development Services Department is awaiting the re-submittal of this application addressing Staff comments. Staff holds bi-weekly meetings with the applicant to guide them through the process.

As of June 8, 147 responses have been submitted to the Pedestrian and Bicycle Circulation Enhancement Plan, which is available online. This public outreach allows residents and businesses to provide input on creating and improving pedestrian and bicycle connectivity within the Town. The deadline for responses is June 16, 2020.

Plans for the Terra Mar drainage improvement project are complete, and State Contracting has submitted a proposal that is under review by the Town Engineer and the design firm responsible for the project. The Town Manager recommends a start date for construction in autumn 2020.

Municipal Services Director Ken Rubach is in contact with the Florida Department of Transportation (FDOT) regarding the installation of a crosswalk at A1A and Hibiscus Avenue. FDOT is working to negotiate items not included in the initial contract. Once prices have been agreed upon, a supplemental agreement will be issued by FDOT, followed by an order to the Town. The goal is to initiate installation within the next 90 days.

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This year's Florida Legislative Session allocated \$250,000 for the design of the Palm Club sewer project. Staff is waiting for the Governor's signature. These funds will help cover the project's design.

Jarvis Hall exterior portico repairs are ongoing: the flooring has been completed, and the railing is expected to arrive the week of June 19. Design firm Baxter and Woodman is currently reviewing the Stormwater Master Plan, based upon responses and feedback from residents submitted by May 31. The Town received 50 comments on this project from residents. If any individuals wish to report additional areas of concern, they are encouraged to submit comments to TianaG@lbts-fl.gov.

Friedt Park courtyard improvements are ongoing, with earth work and grading currently underway. Concrete has been poured, and electrical conduits and irrigation sleeves have been installed. Substantial completion of the project is anticipated in mid-July.

Other ongoing projects include:

- Speed sign on Commercial Boulevard/E Tradewinds Avenue, to be replaced with permanent signage upon FDOT approval
- Installation of bus shelters at five locations in the Town; Staff is awaiting drawings from Broward County Transit (BCT) to identify locations and hopes to work with BCT to expedite this process
- The Florida Department of Environmental Protection (DEP) has approved relocation of a sea grape colony to the Pine Avenue portal; relocation will commence when turtle season ends
- New streetlight fixtures have been installed in the West Commercial plazas
- Staff has begun replacing turtle lights east of A1A on the Commercial Boulevard/El Mar Drive corridor

While the COVID-19 pandemic has given mixed paper a positive value as a recyclable material, Recycling Coordinator Vicki Eckles recommends that the Town continue to exclude it from the recycling program. The Town is still experiencing significant contamination of recyclable materials.

The Commissioners discussed the presentation, with Commissioner Malkoon requesting an update on the reopening of Town Hall. Town Manager Bill Vance replied that this is anticipated after the July 4 holiday. Town Staff has maintained effective operations while observing safety protocols for employees. All Department Heads and the Town Manager have worked together to create a list of concerns to be met before employees can safely re-enter the workplace.

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Vice Mayor Oldaker asked if the Town could consider the possible inclusion of a dog park within Friedt Park, using many of the same regulations practiced in Wilton Manors. He also requested an update on the status of the pier renovation. Town Manager Vance advised that financial challenges associated with the COVID-19 pandemic have delayed work on the pier. Meetings will be scheduled to determine how this project will continue to move forward.

Commissioner Sokolow requested additional information on the Town's recycling program. Town Manager Vance stated that he and Finance Director Lucila Lang are reviewing the financial aspects of the Town's solid waste contract as well as recyclables. At present, solid waste revenues significantly exceed the costs of subsidizing recycling.

8.b Code Compliance Status Report (Linda Connors, Development Services Director)

Development Services Director Linda Connors recalled that Town Manager Vance had previously requested an update on the Code Compliance Department. The Code Compliance team consists of three individuals. As of May 2020, there are approximately 84 cases that have active violations. Among these cases, there are:

- 48 cases working through the Code Office that have not yet gone before the Special Magistrate
- 20 cases that have gone before the Special Magistrate and are going through that process
- 16 cases which include liens on property

Of the 48 cases still within the Code Compliance Department, five are related to Building Code, six are related to business tax receipt (BTR) and licensing, 17 are related to Sign Code, and 20 are related to property maintenance. She added that compliance is not the highest priority during the ongoing pandemic.

Code Compliance uses a number of tools to bring properties into compliance, including proactive outreach through *Town Topics* as well as the Town website. If communication does not result in compliance, the Town provides a notice of violation, followed by the Special Magistrate process.

Most Code violations do not go before the Special Magistrate, as the Town's Code Officers often gain compliance before this process can begin. Approximately 21% of these cases go before the Special Magistrate and 9% become liens. The Town has also used

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non-traditional resources to bring properties into compliance, including foreclosure, receivership, use of the County's Unsafe Structures Board, and nuisance abatement. Because these options are often expensive, they are only used for the most problematic properties.

Another tool the Town has used recently is enhanced communication, which includes procurement of a nuisance contractor. The contractor will allow the Town to place a lien on troubled properties without use of Municipal Services Staff. They are also working to implement a process to allow Code Officers to write a direct ticket to properties in violation of Code. These tickets may be appealed through civil action.

The Town has approximately \$10.9 million in liens on properties at present. Each month, Staff provides a report showing the status of properties with \$75,000 or more in liens. There are 10 such properties, which have accrued \$9.6 million in liens together and constitute 87% of Code liens. The remaining \$1.3 million is made up by 15 properties with smaller liens.

Mayor Vincent recalled that at a recent Commission meeting, a decision was made to no longer provide the report of properties with more than \$75,000 in liens: these will be brought forward only at the request of the Commission. Town Manager Vance advised that he is working with Development Services Director Connors to eliminate as many Special Magistrate cases as possible. In addition, the majority of the \$9.6 million total in liens is associated with Florida Development Group (FDG) properties. This has led to elimination of the report.

Cases that require use of the Town's additional tools often necessitate time and extra consideration as they move forward through the Town Attorney's Office. The mitigation process allows the Commission to bring forward a property with liens and determine the amount with which they wish to proceed to bring that property into compliance.

Development Services Director Connors addressed the mitigation process, which allows liens to be mitigated as a means to encourage compliance. Between 5% and 100% of liens can be collected, based upon the impact that the violation has had on the Town. She emphasized that it is unusual to collect 100% of liens, as they are primarily a tool by which the Town encourages individuals to maintain their properties.

Mayor Vincent observed that it may be useful for the Commission to discuss the mitigation process in the future, as individuals may assume their liens will be reduced significantly through this process and therefore take no action to maintain their properties. Town

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Attorney Susan Trevarthen advised that she is in favor of retaining the mitigation process, as most cities have a similar program in place. She reminded the Commission that there is no automatic percentage to which liens are mitigated, and decisions are based on established mitigation criteria.

Development Services Director Connors advised that there are cases in which an individual has requested mitigation for a lien but received no reduction, depending upon the circumstances of the situation. Town Attorney Trevarthen noted that Lauderdale-By-The-Sea's policy allows the Town Manager to make these administrative decisions only if more than 50% of a lien has been paid.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that the Town Manager forwarded an email from Broward County to the Commission regarding the June 16, 2020 Board of County Commissioners meeting. This meeting will discuss two potential Charter questions, which would have to go before the voters for approval. One question addresses the circumstances in which the County Commission's Ordinances could take precedent over Town Ordinances if they leased or owned property within the Town for regional purposes. This raises significant questions regarding home rule. The Commissioners agreed by consensus to hear more information on the proposed Charter question before making a decision on input.

Town Attorney Trevarthen continued that a virtual Executive Session is planned for Thursday, June 11, 2020.

10. APPROVAL OF MINUTES

10.a May 26, 2020 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

11.a 2020 Amendments to the Interlocal Agreements between Broward County and the Town of Lauderdale-By-The-Sea Providing for Division and Distribution of the Proceeds of:

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- The “additional” local option gas tax agreement levied in 1994 provides for Cities to receive 51.27% of three cents of gas tax. The Cities’ share of this gas tax has increased over the years due to annexations; however, there were no annexations of populated areas effective September 2019, so the Cities’ share of the three cents of gas tax will remain the same as last year. As a result, this amendment adjusts each City’s percentage share of the 51.27% based on updated population figures.
- The “transit gas tax” agreement levied in 2001 provides for Cities to receive 26% of the proceeds of one cent of gas tax. This amendment includes adjustments to each City’s percentage share based on updated population figures. (Lucila Lang, Finance Director)

Town Attorney Trevarthen recommended that the Commission vote separately on the two Resolutions, which she read into the record.

Resolution 2020-22 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2020 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR DISTRIBUTION OF THE PROCEEDS OF THE THREE CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL; AUTHORIZING EXECUTION OF THE 2020 AMENDMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2020-22. Motion carried 5-0.

Resolution 2020-23 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2020 AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR DISTRIBUTION OF THE PROCEEDS OF THE FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL; AUTHORIZING EXECUTION OF THE 2020 AMENDMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

It was noted that no public comments were submitted with respect to either Resolution.

Commissioner Malkoon made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2020-23. Motion carried 4-0. [Mayor Vincent did not vote due to technical difficulties.]

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12. OLD BUSINESS

12.a El Mar Drive Project – Public Participation Meeting #3 (Linda Connors, Development Services Director)

Development Services Director Connors advised that the second survey regarding the El Mar Drive project was posted on May 13, 2020 and concluded on May 27.

Jeff Suiter and Alex Fenech, representing consultant EDSA, noted that almost 250 residents responded to the survey. He noted that the El Mar Drive project has been approved by the County's Oversight Board to receive transportation surtax funding for its design phase.

Mr. Fenech reviewed the second survey, which asked five questions intended to clarify the consultants' understanding of the current conditions of El Mar Drive as well as the public's wants and needs. When asked what traffic calming measures they preferred, respondents indicated that these included:

- Tree planting on both sides of the roadway
- Textured pavement at intersections
- Pedestrian "bump-outs" to slow traffic
- Speed bumps or elevation changes, such as "tabletops" at intersections

With regard to the walking experience on El Mar Drive, respondents clearly indicated they wanted a designated pedestrian sidewalk. There was no significant interest in a shared-use path for both pedestrians and cyclists. Respondents expressed overwhelming interest in a dedicated bike lane as opposed to shared lanes.

Regarding landscaping, respondents expressed interest in a combination of formal and linear approaches to palms and shrubs. The team will further explore the right plants and applications for landscaping as the design process continues. Respondents were also asked for a preferred right-of-way configuration, and a majority showed support for reducing the median where possible and providing a designated bike lane and pedestrian path.

Another 32.9% of respondents recommended keeping the current configuration with sidewalks on the outside, two lanes in each direction, and a generous median. An option to reduce median width, implement one traffic lane in each direction, and provide a shared-use path on the perimeter of the right-of-way received 22.1% of the total.

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Conclusions from the second survey include:

- Consider different planting options, including an informal landscaping approach
- Explore traffic calming measures
- Look into separating pedestrian/cyclist/vehicular uses
- Prioritize the movement of pedestrians

Mr. Fenech concluded that this feedback will be taken into consideration as the design process continues. A physical land survey has been completed, and EDSA will work with its design team and Town Staff to continue to develop plans.

Mr. Suiter observed that many of the proposed safety features, such as lighting, will also be studied further as part of the project's conceptual design. Results will be posted to the project's website. Individuals may ask questions via the web page or may call or email EDSA directly.

Vice Mayor Oldaker commented that many pedestrians use two north/south lanes as their walkway rather than either sidewalk, and asked if any space will remain for this purpose. Mr. Suiter advised that pedestrians may be choosing to walk in the roadway because there are obstacles on the 5 ft. sidewalks. The team hopes to encourage use of a wider, safer pathway by pedestrians, keeping walkers to the outside edges of the roadway rather than the inner lane. The Town may wish to consider a "road diet" to give more space to pedestrians.

Commissioner Malkoon asked if the team plans to investigate the use of softer and/or more pervious materials for the sidewalk. Mr. Suiter replied that once a road profile has been selected, the team will explore potential materials and finishes, keeping maintenance costs and longevity in mind.

Mayor Vincent asked if there has been consideration of condensing portions of El Mar Drive to a single lane. Mr. Suiter noted that the design process has not yet reached this stage. Mr. Fenech encouraged the Commission and all residents to check the project website, www.LBTSEIMar.com, for updates.

13. NEW BUSINESS

13.a Artificial Grass Discussion (Linda Connors, Development Services Director)

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Development Services Director Connors advised that residents have requested the Town look into the possibility of allowing artificial turf under the Town's Code. There is a wide range of quality among available options. She asked that the Commission consider permitting a test case of artificial turf, and work with a landscaper and property owner to ensure that Code includes the appropriate language for regulating the use of these materials.

Town Resident Scot Sasser has offered the use of his yard for the installation of artificial turf so the Town can determine what is necessary for Code. Staff requests the Commission permit this test case, which may be followed with a draft Code amendment.

Development Services Director Connors continued that at present, a minimum of 25% of a property must be pervious. It can be a challenge for larger homes to meet this requirement. If a property owner uses artificial turf to meet this requirement, the Town must ensure that it is pervious, drains properly, and is safe for the environment.

Commissioner Malkoon expressed concern with issues that can accompany artificial turf products, such as loss of habitat, leaching of toxic materials into the ground, and maintenance/replacement. He also noted that it may be advisable to use public rather than private property as a test area, as artificial turf is not a permitted use. He concluded that he would like the Town to consider xeriscaping as a sod alternative, as this method uses native ground covers and may be less expensive than artificial turf.

Development Services Director Connors advised that a test of artificial turf will allow the Town to consider various alternatives and ensure that the materials are environmentally sound. She suggested that one option may be limiting these alternatives to areas where grass will not grow. With regard to xeriscaping, she noted that Town Planner Sue Leven is working to draft an Amendment to Landscape Code related to this method.

Commissioner Sokolow asked what entity would assume the costs of a test case. Development Services Director Connors replied that Mr. Sasser has agreed to pay for the test turf. Commissioner Sokolow felt the test on private property should be allowed if this is the case.

Vice Mayor Oldaker asked if the Town uses artificial turf in Friedt Park. Municipal Services Director Rubach replied that artificial materials are used in the center of this facility, but noted that a test on private property would occur in the Terra Mar neighborhood, where flooding is not uncommon. This would allow Staff to judge the permeability of turf under flood conditions.

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Mayor Vincent pointed out that artificial turf is common in a number of western states due to drought and the need for water conservation. Town Manager Vance stated that he and Town Attorney Trevarthen can work with Town Staff to determine how the test might be carried out in a legally appropriate manner under Code.

The Commissioners agreed by 4-1 consensus to allow a pilot project to move forward, with Vice Mayor Oldaker in favor of postponement and outreach to artificial turf manufacturers rather than permitting a test on private property.

13.b LBTS Visitor Center ADA Improvements (Bill Vance, Town Manager)

Town Manager Vance recalled that after October 1, 2019, there was a push to bring the Town's Visitors' Center into compliance with Americans with Disabilities Act (ADA) requirements. The Town and Chamber of Commerce have created a plan to carry out these improvements. Town Manager Vance recommended using resources previously earmarked for the Town's Fourth of July event toward these improvements.

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

14. COMMISSIONER COMMENTS

Commissioner Strauss recalled that in 2019, the Commission opted to meet only once per month during July and August, and proposed the same for 2020, with meetings to be scheduled for July 21 and August 18 if the Commission agrees.

Commissioner Sokolow recommended that the Commission wait until the next June meeting to determine how to proceed with the proposed cancellations, as the meeting schedule will be affected by dates related to approval of the millage rate.

Vice Mayor Oldaker recognized the Mayor, Town Manager, Town Staff, BSO, and the Fire Department for their work during Phase 1 reopening of Town businesses and amenities. He also thanked the first responders who assisted in the care of a resident struck by a car.

Mayor Vincent thanked all who have helped during the COVID-19 pandemic and the Town's reopening efforts.

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15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

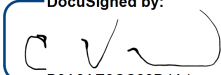
None.

18. QUASI JUDICIAL PUBLIC HEARING

None.

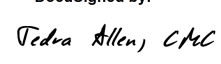
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:36 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

7/2/2020

Date