

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 8, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:30 p.m. Also present were Vice Mayor Alfred “Buz” Oldaker, Commissioner Edmund Malkoon, Commissioner Elliot Sokolow, Commissioner Randy Strauss, Interim Town Manager Linda Connors, Assistant to the Town Manager Neysa Herrera, Town Attorney Susan Trevarthen, Director of Public Works Ken Rubach, Director of Finance and Budget Lucila Lang, Acting Development Services Director Jhanelle Campbell, Special Events and Marketing Manager Debbie Hime, and Public Information Officer/IT Administrator Steve d’Oliveira, Town Clerk, Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Vincent requested that Item 13a be heard out of order on tonight’s Agenda.

13. NEW BUSINESS

a. Five-Year Renewal of Broward County Sheriff Office Contract with the Town

Captain Thomas Palmer of the Broward Sheriff’s Office (BSO) provided a presentation on the five-year renewal of the Town’s contract with BSO. The main difference between this contract and previous contracts is the addition of a fourth Sergeant position, as approved by the Commission, for the upcoming 2021-2022 fiscal year (FY).

Sheriff Gregory Tony thanked the Commission for their continuing support.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

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

5. PRESENTATIONS

a. Ericks Consulting Legislative Update

Candice Ericks and Lauren Jackson, representing Ericks Consultants, reviewed the 2021 Florida Legislative Session, which they characterized as difficult. Major legislation passed during this session addressed social media, resiliency investments, and bonuses for first responders. In terms of local government, legislation was passed that limited the duration of local emergency orders and preempted energy infrastructure ordinances. The Town's advocacy team, among other advocates, was successful in preventing the passage of vacation rental preemption, although this issue is expected to return the following year.

Ms. Jackson continued that the legislature passed a landmark sea level rise/resiliency package, which was developed in conjunction with the American Flood Coalition. It includes a grant program that can fund risk assessment and costs for local governments with a 50% match. This program is funded using American Rescue Plan (ARP) dollars as well as documentary stamp tax distribution revenues, and will be funded at a minimum of \$117 million each year.

The Town continues to work with the Department of Environmental Protection (DEP) to seek a funding opportunity for its septic-to-sewer project. Ms. Ericks advised that the team met with DEP, as well as with State Representative Chip LaMarca's office, to discuss this project and seek federal funding. She suggested that the Town consider a number of different agencies as well as the DEP when seeking grant funding.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Pamela Fletcher, representing Broward College, thanked the Commission for their FY 2020 donation, which provided classroom equipment and supplies. She requested 2021 funds for equipment and supplies as well.

Charlotte Mather-Taylor, representing the Area Agency on Aging of Broward County, noted that new programs to assist seniors were created during the COVID-19

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

pandemic, including a telephone reassurance and pen pal program, as well as scheduling of vaccination appointments, among others. These services are open to all senior citizens in the Town, regardless of income. The agency is requesting \$8,759 in matching funds for FY 2022.

Barbara Cole, resident, addressed BSO services in the Downtown area, noting that there has been a BSO presence on recent weekends, which had a significant impact. She encouraged residents to come to future business workshops, and concluded that the Town should consider retaining Community Center Director Armilio Bien-Aime as a permanent employee.

Alessandra Medri, representing the South Florida Wildlife Center, requested support for this nonprofit agency from the Town. She provided a brief history of the Center, which is Florida's largest wildlife veterinary hospital, and requested that the Town consider supporting the Center again in FY 2021-2022.

Ken Herman, representing the Hillsboro Lighthouse Preservation Society, thanked the Town for its support in previous years. It is a volunteer organization under contract from the U.S. Coast Guard and operates on donations from municipalities and the public. In November, any Lauderdale-By-The-Sea resident may visit the lighthouse free of charge.

Claudia Welsh Goodman, representing Goodman Jewish Family Services (JFS) of Broward County, advised that JFS offers a range of programs and services, including emergency financial assistance to families, meal services, behavioral health services, and a domestic abuse program and clothing pantry. They also serve the needs of 985 Holocaust survivors in the Broward community. They are requesting \$15,000 from the Town for the financial assistance program in FY 2021-2022.

Pastor Patrick C. Jackson, representing Camp Victory Resorts for the Homeless, stated that this organization will serve approximately 350 to 500 homeless individuals at an upcoming anniversary event, with free haircuts, clothing, personal items, and meals. Donations may be made at (786) 702-6525.

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

7. PUBLIC SAFETY DISCUSSION

None.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

8. TOWN MANAGER REPORT

a. Town Manager Report

Interim Town Manager Linda Connors provided an update on the Town's Human Resources (HR) Department. Over the last two years, the Town has not given performance evaluations as required by its personnel manual. Senior Office Specialist Lisa Slagle is working to ensure that evaluation forms are updated to more accurately reflect each position. Staff will work throughout the summer to ensure that these evaluations occur.

The Town's solid waste contract will expire on November 30, 2021. Staff is working on the final extension of this contract, which will be presented to the Commission on June 29, 2021.

Electrical poles on A1A between Palm Avenue and Flamingo Avenue are damaged, and Staff is working toward their replacement.

At the May 10, 2021 Commission workshop, there was discussion of providing natural gas to the Town. Staff was asked to research whether or not this had been discussed in the past, or whether a survey on this utility was offered to residents. There was no record of any such activity in the past. Staff hopes to move forward during the regular season with a survey to determine residents' interest.

Hurricane season began on June 1, 2021. All residents are urged to be prepared for weather emergencies. Staff has met with contractors to ensure that they are ready to serve the Town if the need arises, and Town Departments have had individual and joint meetings as well.

Interim Town Manager Connors concluded by wishing longtime resident Everett Sorensen a happy 90th birthday on behalf of the Town.

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

10. APPROVAL OF MINUTES

- a. May 11, 2021 Town Commission Workshop Minutes**
- b. May 11, 2021 Town Commission Meeting Minutes**
- c. May 25, 2021 Town Commission Meeting Minutes**

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

11. CONSENT AGENDA

None.

12. OLD BUSINESS

a. Codrington Drive Complete Streets Design

Public Works Director Ken Rubach recalled that at a previous meeting, the Commission had requested that Staff gather more information from the city of Fort Lauderdale in relation to this project. He and Town Engineer Jay Flynn met with Fort Lauderdale staff to examine the right-of-way, which is significantly lower than adjacent properties and permits drainage without runoff through those properties. Fort Lauderdale city staff advised that there are no back yard easements and they are not liable for any of the water that is draining from the backyards. The Town has reached out to Codrington Drive residents for historical information on drainage issues.

Commissioner Strauss requested additional information on the liability or non-liability regarding drainage. Public Works Director Rubach explained that there is no easement on either the Fort Lauderdale side or the Lauderdale-By-The-Sea side: these easements were returned to the residents in the late 1980s and are considered private property. When the properties were platted, significant stormwater regulations were not required. There is no way of controlling excess stormwater from the commercial entity.

In addition to water flowing from these properties, water from the right-of-way causes flooding in front of the homes. Public Works Director Rubach advised that the back yard drainage is a separate issue: however, most of the properties in this area are sloped toward the back, which means it would take significant rain for any water from these

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

private properties to intrude onto the street. Most residents are concerned with water accumulation in the street in front of their homes.

Commissioner Strauss expressed concern with creating a street drainage plan while water continues to flow from the commercial property. Public Works Director Rubach stated that he would defer to the Town Attorney regarding any authority to compel private entities in another municipality to address water flowing from their properties.

Interim Town Manager Connors noted that Codrington Drive has only two outfall drains on its west end. The proposed project would help ensure that water flowing from the street is addressed through new outfalls and/or drains. Public Works Director Rubach noted that there will also need to be mitigation of stormwater issues on the east end of Codrington Drive, which will be taken into consideration during the design of the project.

Vice Mayor Oldaker requested updates from Staff on continued meetings with Codrington Drive residents. Public Works Director Rubach explained that Staff will meet individually with residents to hear their input and encourage participation, as their information is as valuable as geographic or topographic detail. Staff will advertise the dates on which they will be available for discussion with residents.

Mayor Vincent commented that a new topographical survey will be conducted of Codrington Drive, which should help identify the deficiencies of certain properties. He noted that Staff will have up-to-date information on hand before reaching out to residents. He pointed out that even if properties are identified from which water flows into the right-of-way or elsewhere, the Town cannot force those properties to add or improve their drainage unless they are undergoing redevelopment.

Town Attorney Susan Trevarthen stated that she would work with Staff as more information becomes available on the state of drainage in the subject area. It may be possible that drainage issues are the basis for private cause of action between property owners; however, the Town hopes to accomplish as much as possible through its project to ameliorate these conditions.

Mayor Vincent asked if the Town may provide financial assistance to properties that need to improve their drainage. Town Attorney Trevarthen confirmed that Staff will look at these questions once they have better information and determine how far the Town may go to address the problem, or suggest other resources to the property owners in question.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

Commissioner Strauss made a motion, seconded by Commissioner Malkoon, to approve and authorize the Interim Town Manager to execute the Baxter and Woodman work authorization, subject to the terms and conditions of the continuing contract for the Codrington Drive drainage and Complete Streets design. Motion carried 5-0.

13. NEW BUSINESS

b. FY22 Non-profit Funding Request

At this time Mayor Vincent opened public comment.

Will Spencer, representing 2-1-1 Broward, thanked the Commission for previous years of support. He noted that the data provided represents only one quarter of the agency's total COVID-19 impact, including 404 referrals to individuals with simple needs or in crisis. Approximately 800 Town residents are assisted by 2-1-1 Broward services.

Pablo Calvo, representing Early Learning Coalition (ELC) of Broward County, explained that this agency is the local designated administrator of local, state, and federal funds for subsidized child care. More than 96% of ELC's centers have reopened at 80% to 85% capacity. 100% of Town funding serves families that live and work in Lauderdale-By-The-Sea.

Pastor Patrick Jackson, representing Camp Victory Resorts for the Homeless, stated that his organization works to bring homeless individuals in South Florida "from victims to victory."

William McGough and Bethany Burkhardt, representing the Broward Children's Center, thanked the Town for its previous support. Their funding has enabled the Center to help children communicate with their families during continued lockdown of facilities.

Tracy Perez, representing the Center for Hearing and Communication, stated that this organization provides education to the community as well as assistance to those with hearing loss. The Center works with these individuals and provides mental health counseling for all ages, as well as assistive devices, family education, and workforce participation.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

Representative from House of Hope, advised that this organization helps individuals overcome substance abuse and/or mental health issues. They also assist with education and job placement.

Michael Barron, representing Women in Distress of Broward County, advised that support from local municipalities is important to agencies seeking federal, state, and County grants. These dollars target Town residents and provide matching dollars for grant funds. He thanked the Town for its years of support to the organization.

Steve d'Oliveira stated that Lionfish Derby targets an invasive species that has no natural predators in South Florida. Removing these fish from the ecosystem benefits the environment. The Town has the opportunity to join McDougal House and Shipwreck Park in Pompano Beach in acting as title co-sponsor for next year's Lionfish Derby event at a cost of \$5000.

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

Commissioner Strauss disclosed that he is a member of the Board of Directors for the Broward Children's Center.

Finance Director Lucila Lang explained that the presentation of FY 2021-2022 nonprofit funding requests is part of the Town's annual budget process. Staff has received formal requests from each agency, which are included in the Commission's Agenda packets. This year's requests include new additions from JFS and the Lionfish Derby. If the requests are approved as presented, the result will be a budget increase of \$20,000, or 37.55%, over the previous fiscal year.

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve all the recommendations, with a reduction of the request by Goodman JFS of Broward County from \$15,000 to \$5000. Motion carried 5-0.

c. Continued Use of Andy Royston, of Tropical Sun Design, as Sole Branding Provider

Special Events and Marketing Manager Debbie Hime recalls that the Town's branding was selected in 2012 as part of its redevelopment. The design and fonts continue to reflect the Town's character. Andy Royston of Tropical Sun Design has continued to provide branding and marketing throughout the last five years.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

Special Events and Marketing Manager Hime advised that there is a section in the Town's Purchasing Manual which exempts budgeted services that involve special skills, ability, training, or expertise of a unique, original, or creative nature from the competitive solicitation requirement. Staff has determined that Mr. Royston's services fall within this exemption and has decided to proceed without considering alternative providers.

Vice Mayor Oldaker made a motion, seconded by Commissioner Sokolow, to approve the continued use of Andy Royston of Tropical Sun Design as sole branding vendor / artist. Motion carried 5-0.

14. COMMISSIONER COMMENTS

The Mayor and Commissioners wished all present a happy Father's Day.

Mayor Vincent stated that the Town is looking forward to its 2021 Fourth of July celebration. As Chair of this year's event, he invited all residents to join in three events planned for the Fourth: a parade at 10 a.m., a Family Fun Day from 11 a.m. to 3 p.m. in El Prado Park, and a fireworks display from 9:00 p.m. until 9:20 p.m.

Mayor Vincent also congratulated the Novak family and the High Noon Hotel for 60 years in business.

Commissioner Malkoon thanked Staff for their work on several issues, including hurricane preparedness.

Vice Mayor Oldaker also praised Town Staff for its proactive stance on hurricane season.

Commissioner Strauss remembered former Town Manager Bud Bentley, who passed away on this date in 2020. He also urged all residents to prepare for hurricane season.

15. ORDINANCES 1ST READING

None.

16. ORDINANCES 2ND READING

None.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2021-33 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, UPDATING THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the amendment to the Town's Comprehensive Emergency Management Plan. Motion carried 5-0.

- b. Resolution 2021-35 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, DECLARING ZONING IN PROGRESS FOR PREPARATION OF AMENDMENTS TO CHAPTER 30, "UNIFIED LAND DEVELOPMENT REGULATIONS" TO EVALUATE LISTED USES AND REVISE PROCESSES AND DEFINITIONS AS THEY RELATE TO THE TOWN'S BUSINESS ZONING DISTRICTS, INCLUDING THE DETERMINATION OF SIMILAR USES; PROVIDING FOR AUTHORIZATION, CONFLICTS, AND FOR AN EFFECTIVE DATE.**

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, felt that recent Downtown businesses run counter to everything that the City is trying to do, and hoped this Resolution would stop any further proliferation of these types of establishments.

Town Attorney Trevarthen explained that the impact of Resolution 2021-35 applies to any new business coming into the Town that does not squarely fit within the Town's listed permitted uses in B-1 or B-1-A districts. The effect of the zoning in progress would be to pause this process while the Town finalizes any necessary refinements to regulations. There have been no such applications within the time frame under discussion at this point, and the process currently listed in Code is being followed.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
June 8, 2021

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

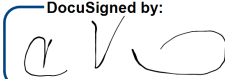
Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

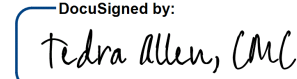
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:25 p.m.

DocuSigned by:

B0A8AE8CC88D4A1

Mayor Chris Vincent

ATTEST:

DocuSigned by:

E79938A3E45D42E

Town Clerk Tedra Allen

7/6/2021

Date