

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 28, 2019
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:34 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Randy Strauss, Town Manager Bill Vance, Deputy Town Manager Tony Bryan, Town Attorney Susan L. Trevarthen, 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

Pauline Brooks McGuinness gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

5.a Update in Strategic Marketing Plan Current Projects

Special Projects Coordinator Debbie Hime advised that Lauderdale-By-The-Sea was one of 10 Broward communities recently honored at the Sunsational event. Recent efforts have included:

- Photo shoot of Town hotels for inclusion in marketing materials
- Brief videos to be featured on Facebook
- Social media influencers/bloggers event in April 2019

Items featured on LBTSevents.com will be moved to DiscoverLBTS.com on Monday, June 3, 2019. The Town is researching a tourism mobile app that will include information from the walking map and Town website.

The Town is currently advertising to the summer travel market using geo-targeted ads. Branding guidelines have recently been updated and have been provided to the Commission. Special Projects Coordinator Hime reminded all present that the Town's annual 4th of July event is coming soon.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

A representative of the Community Church noted that there are flags on Seagrape Drive but not Bougainvillea Drive in advance of the upcoming 4th of July event. Municipal Services Director Ken Rubach clarified that this is because there are no streetlight poles on Bougainvillea Drive.

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

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

8.a Town Manager Report

The report was accepted without discussion.

Commissioner Oldaker noted that the temporary parking lots on the former Villa Caprice and Holiday Inn properties are under construction. The Town will continue to follow up on this issue.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a May 14, 2019 Town Commission Meeting

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

11. CONSENT AGENDA

11.a Bugfest-By-The-Sea (July 23-27, 2019)

11.b Special Event Application – Community Church Ocean Baptism on Saturday, November 2, 2019

Vice Mayor Sokolow made a motion, seconded by Commissioner Malkoon, to approve the Consent Agenda. Motion carried 5-0.

12. OLD BUSINESS

12.a FY 19 Action Plan Status

The report was accepted without discussion.

12.b El Mar FDOT Design Project

Town Manager Bill Vance advised that he has submitted an email copy of the grant agreement with the Florida Department of Transportation (FDOT) in relation to the grant agreement for El Mar Drive improvements. Design work is approximately 30% complete. Supplementary costs associated with complementary Town infrastructure improvements are budgeted at \$150,000; however, this cost is expected to increase to roughly \$270,000. The existing agreement between the Town and FDOT requires Lauderdale-By-The-Sea to work with FDOT project administrators. Town Manager Vance concluded that he is still investigating the possibility of flexibility on this issue.

Mayor Vincent asked if there is clarity regarding the amount of FDOT's grant funding for the project, which has an estimated overall cost of \$4 million. It was clarified that the Broward Metropolitan Planning Organization (MPO) will provide \$1.9 million of this funding, while the Town is expected to pay the balance of the approximate costs. The Town's allocation from the state may increase. Town Manager Vance advised that this will depend upon the Town's comfort level with the project once the design process is complete.

Commissioner Malkoon recalled that he and Town Manager Vance had received an email from former Town Commissioner Mark Brown expressing his concern that this project might be moved to a lower priority. He has reached out to Broward MPO Executive Director Greg Stuart, who confirmed that this would not be an issue.

12.c REVIEWING A DRAFT PURCHASE AGREEMENT FOR THE REAL PROPERTY LOCATED AT 4433 BOUGAINVILLEA DRIVE; DIRECTING STAFF TO PRESENT A FINAL PURCHASE AGREEMENT FOR APPROVAL AT THE JULY 9 COMMISSION MEETING

Town Manager Vance stated that the Town and the Community Church came to terms on a cost of \$15,000 for property acquisition and three directional signs. The Church has requested that their signs be placed at least 10 ft. from the street. A public hearing will be scheduled in conjunction with this acquisition of property. The Commissioners agreed by consensus to proceed with the purchase.

13. NEW BUSINESS

13.a Update to Schedule of Authorized Positions Commissioner Oldaker

Town Manager Vance reported that Deputy Town Manager Tony Bryan will be moving on from his current position with the Town. Individuals who have expressed interest in this position are qualified to serve in other capacities, such as Finance Department Director. This position can be compensated by the salary vacated by Deputy Town Manager Bryan.

Town Manager Vance also recommended that the Town de-fund the Assistant Town Manager position and instead create the position of Assistant to the Town Manager. He explained that he is in need of additional assistance and resources in his office. The Town is expected to save approximately \$60,000 in association with these personnel changes.

Mayor Vincent advised that the Town cannot create the position of Finance Manager; however, a Finance Director may be put into place to oversee significant state documents. Town Attorney Susan Trevarthen clarified that the state does not place specific minimum qualifications on this position, nor are there such requirements in the Town's Charter.

Commissioner Oldaker requested additional information on the responsibilities of a Finance Director and Assistant to the Town Manager so the Commission would have clarity on the individuals who oversee specific items. Mayor Vincent replied that Commissioners direct inquiries to the Town Manager, who in turn directs the individuals

in these positions to respond to the Commission. Town Manager Vance expressed confidence in both the proposed Finance Director and the proposed Assistant to the Town Manager.

Town Manager Vance added that the Finance Director will be responsible for the Town's Finance Department, including bills, audits, and payroll, while the Assistant to the Town Manager will actively assist the Town Manager in the daily operations of his Department. It was further clarified that the new Finance Director will not assume all the responsibilities of the former Deputy Town Manager position.

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

13.b AUTHORIZE NEGOTIATIONS FOR INTERLOCAL AGREEMENT WITH THE CITY OF FORT LAUDERDALE FOR HURRICANE / DISASTER DEBRIS REMOVAL AND DISPOSAL

Town Manager Vance advised that Staff recently held its initial hurricane preparedness meeting, with a second meeting anticipated in the near future. One issue identified was the need to have an agreement in place with a neighboring municipality for a staging area for debris rather than depending upon the availability of County sites. Town Attorney Trevarthen has prepared an agreement proposal with the city of Fort Lauderdale. The same agreement will be sent to the city of Pompano Beach as well.

Town Attorney Trevarthen stated that the agreement expands slightly on a previous hurricane debris agreement signed immediately after Hurricane Irma. It has not yet been reviewed or approved by Fort Lauderdale's Legal Department. Staff is requesting consensus to move forward with approval of the agreement, which would be brought back to the Commission for further review in the event substantial changes are made.

Commissioner Malkoon made a motion, seconded by Commissioner Strauss, to approve, with Town Manager Vance to bring back a similar item with the city of Pompano Beach. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Oldaker recognized several members of Staff for their work on recent and upcoming Town events. He requested that a future Agenda include an update on the

Town's actions in relation to international recycling issues, as overseas countries may no longer accept recyclable materials from the United States.

The Mayor, Vice Mayor, and Commissioners thanked Deputy Town Manager Tony Bryan for his years of service to the Town.

Mayor Vincent asked that Staff follow up on the status of the Town's geo-fencing with regard to e-scooters.

15. ORDINANCES 1ST Reading

None.

16. ORDINANCES 2ND Reading

16.a Ordinance 2019-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS,” OF THE TOWN’S CODE OF ORDINANCES TO CREATE SECTION 5-8, “PROHIBITION ON DISTRIBUTION OR SALE OF PLASTIC STRAWS”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

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

Town Attorney Trevarthen recalled that Staff received direction from the Commission at first reading to remove the restriction on use of plastic straws. The Ordinance applies only to their sale or distribution. The Ordinance provides for a delayed enforcement date of August 15, 2019 so there can be an educational process regarding plastic straws. Staff will bring forward a Resolution establishing amounts for penalties prior to the enforcement date. The Commission may provide direction regarding penalties if that is their desire.

Mayor Vincent stated that he would like to see the penalties imposed by other coastal Florida cities, as the Town's penalties should be in line with these amounts. Vice Mayor Sokolow proposed a graduated amount, with penalties increasing for multiple offenses.

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

17. RESOLUTIONS – PUBLIC COMMENTS

- 17.a Resolution 2019-14 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2018 / 2019 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT “A”; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2018 / 2019 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE**

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

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

18. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Items. Individuals wishing to speak on the Items were sworn in at this time.

- 18.a Request for extension of a Site Plan Modification (2018-L2-SPM-04) approval for 4625 N. Ocean Drive (Sea Garden) to correct a renovation undertaken by a prior owner without permits.**

Development Services Director Linda Connors explained that the request is for an extension of the Site Plan at the subject address. Site Plan approval was granted nearly one year ago to renovate a hotel and increase the site's intensity through addition of units. The Applicant is still going through the building permit process, with all necessary permits approved save electrical. The request is made in order to prevent the permit from expiring at 12 months. Staff recommends a 90-day extension, although the Commission may grant up to one year if that is their desire.

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

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Commissioner Oldaker requested clarification of a proposed state bill that addresses the purchase of a property with an open permit. Development Services Director Connors replied that she and Town Attorney Trevarthen would look further into this issue and clarify it at a subsequent meeting.

19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 7:32 p.m.



Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Allen



Date