

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 25, 2021
6:30 PM**

1. CALL TO ORDER

Mayor Chris Vincent called the meeting to order at 6:33 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, Town Engineer Jay Flynn, Planner Sue Leven, Special Events Manager Debbie Hime, Public Information Officer/IT Administrator Steve d’Oliveira, and Town Clerk, Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Patrick C. Jackson gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Presentation of the Comprehensive Annual Finance Report (CAFR)

Director of Finance and Budget Lucila Lang introduced David Caplivski of external audit firm Grau and Associates, who presented the Town’s the Comprehensive Annual Finance Report (CAFR). This report includes the Town’s external audit for fiscal year (FY) 2020, completed by Grau and Associates.

Mr. Caplivski reported that the Town’s FY 2020 financial statements received a clean or unmodified opinion, which means there were no material misstatements. Property tax revenue increased by \$104,000, while revenue from charges for services increased by \$1 million. This was primarily due to the collection of a large Code Enforcement fine of

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\$1.6 million. This amount was assigned to future capital projects as of September 30, 2020.

Compliance reports include an assessment of the Town's internal controls. Grau and Associates had two findings, one of which showed that Police Department expenditures exceeded appropriations due to a lack of budget amendment. The other finding addressed the Town's investment policy and continuing education. Management has responded to both findings and committed to making appropriate changes in the next fiscal year.

Vice Mayor Oldaker requested clarification of the "clean" audit designation. Mr. Caplivski explained that this is the best opinion that a governmental body can receive for audit and financial statements.

Commissioner Malkoon asked for additional information regarding the auditors' recommendation for threshold analysis of internal controls. Mr. Caplivski stated that Grau and Associates included a letter that recommended changes, although these did not rise to a level requiring inclusion in the internal control report. He characterized these as opportunities for improvement. One example is the threshold on procurement policies, for which the audit firm recommends a cost-benefit analysis to determine whether these thresholds remain at an appropriate level.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, recalled that at a previous workshop meeting, she had requested that El Mar Drive be included in the FY 2021-2022 budget. She pointed out that \$1.6 million from the Holiday Inn settlement, as well as the \$677,000 from the Oriana settlement, were set aside specifically for use on this roadway. She concluded that the Town should make location changes for Broward Sheriff's Office (BSO) staff in the Downtown area due to heavy pedestrian traffic on weekends.

Lee Gottlieb, resident, spoke on Item 17a, which addresses dune management. He recalled that in the past, the Town has partnered with environmental volunteer agencies to build dunes on its beaches. He emphasized the importance of developing an urban beach dune management and maintenance plan for Lauderdale-By-The-Sea to serve as a framework for the Town and its property owners.

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Pastor Patrick C. Jackson, resident, advised that his church offers outreach to the homeless community through its nonprofit, Camp Victory Resorts for the Homeless, which provides meals, clothing, and other items and services free of charge. He encouraged Town residents to consider assisting this nonprofit, and provided contact information by phone (786-702-6525) and email (actionnpack@yahoo.com).

Michael Kelly, resident, expressed concern with a nearby condominium neighbor who uses medical marijuana, as he himself and his fiancée experience respiratory issues. He noted that the state of California requires individuals using medical marijuana to do so within an indoors or otherwise enclosed environment. He requested that the Commission consider a similar requirement.

Cynthia Gaynor, resident, provided written public comment in opposition to the possibility of a temporary speed hump on Spanish River Drive, citing damage to vehicles. She did not feel speeding was a concern on this street.

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

Mayor Vincent observed that the Town may not be able to create restrictive measures that apply to smoking condominiums. It is likely that changes of this nature would have to be done at the state level.

7. PUBLIC SAFETY DISCUSSION

a. AMR April 2021 Report

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

8. TOWN MANAGER REPORT

a. April 2021 Finance Report

Director of Finance & Budget Lang advised that the \$1.6 million that has been transferred from the General Fund to the Capital Fund will be allocated to El Mar Drive improvements, as determined in the previous Town Commission meeting. She added that the Parking Fund shows significant improvement from April 2020 to April 2021, with an increase of \$231,000.

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Vice Mayor Oldaker noted that the exact amount of the transfer is \$1.65 million. He also commented that while the \$677,000 from the Oriana settlement is restricted specifically to use on El Mar Drive, the additional funding from the Florida Development Group (FDG) mitigation is not subject to the same restriction and may be used elsewhere on capital projects if needed.

Mayor Vincent recalled that in earlier years, the Town had previously collected mitigation funds on other FDG-owned properties, and suggested that the Commission combine these funds and earmark them for use on El Mar Drive as well. He asked that Staff bring back a total of these funds to be used to the benefit of El Mar Drive.

b. Town Manager Report

Interim Town Manager Linda Connors provided an update on the Capital Improvement Plan (CIP) projects to which the Commission had agreed in March 2021. The Visitors Center and Terra Mar drainage projects have been completed, and the Dune Master Plan and Palm Club sewer project are on tonight's Agenda. The A1A Pine Avenue to Terra Mar Drive project is led by the Florida Department of Transportation (FDOT), which has not yet begun.

The Town is moving forward with repairs to the Bel Air seawall, which is currently being reviewed for permitting. Dredging is also being reviewed for permitting. The Codrington Drive drainage project was brought before the Commission on April 13, 2021, at which time the Commission recommended outreach to Fort Lauderdale. Director of Public Works Ken Rubach has met with that city and further updates will be provided at the June 29, 2021 Commission meeting. The Bougainvillea Drive/Poinciana Street drainage project will begin after the Codrington Drive project commences.

Work has begun on the street sufficiency study. A consultant has been hired to assist with permitting for the A1A/Hibiscus Drive crosswalk. FDOT approval is necessary to begin this project.

Building permits have been submitted for repairs to the Town Hall roof, and painting will begin once work on the roof has been completed. Work has not yet begun on pedestrian amenities discussed in March 2021.

The Commission allocated \$100,000 for lateral sewer lining, which is expected to begin in July 2021. Roughly 25 laterals will be lined using these monies from the Sewer Fund.

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Interim Town Manager Connors advised that hurricane season begins on June 1, and urged residents to be prepared for these emergencies. Town Staff will meet with hurricane preparedness vendors on June 4 to ensure that all parties are ready to take action in the event of an emergency.

Before the June 8 Town Commission meeting, a workshop is scheduled at 5 pm. to discuss the Downtown area. On June 29, the Visitors Center will also be discussed at a 5 p.m. workshop. Staff is working to schedule a presentation on Florida-friendly landscaping in July.

Mayor Vincent addressed flooding on Codrington Drive, noting that some sections of this roadway have historically been prone to flooding. He asked Public Works Director to research how long more severe flooding has occurred in these sections and bring this information back at the June 29 meeting. Public Works Director Rubach replied that he would review notes on this area and speak to longtime residents who may be able to provide anecdotal information.

Commissioner Malkoon recalled that during hurricane season 2020, a number of Broward municipalities worked with Fort Lauderdale, which served as a hurricane debris disposal site. He asked if this is a possibility again in 2021. Public Works Director Rubach advised that Pompano Beach has also indicated that the Town may use its site as long as both municipalities use the same debris management contractor. This will mean the Town has access to two debris disposal locations.

9. TOWN ATTORNEY REPORT

Mayor Vincent noted that there had been discussion at previous Commission meetings regarding permitted and specialty uses. Town Attorney Susan Trevarthen advised that Staff plans to bring an Ordinance before the Commission in June 2021 for first reading.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

None.

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12. OLD BUSINESS

None.

13. NEW BUSINESS

a. BugFest-By-The-Sea 2021

Public Information Officer/IT Administrator Steve d'Oliveira reported that the ninth annual BugFest-By-The-Sea will be slightly scaled down in 2021. It will include the following events:

- Kickoff party at Plunge
- Chef competition/diver awards party at Ocean Plaza Pavilion
- Dive Hard benefit concert at Plunge
- Pier cleanup at Anglin's Pier

Staff is requesting Commission approval for on-street parking on El Mar Drive for the concert event. The Commission agreed by consensus to permit this parking for the concert.

b. Palm Club Sewer Request for Qualifications (RFQ) Construction Management at Risk (CMAR) Selection

Public Works Director Rubach explained that the Palm Club septic-to-sewer project will replace the existing septic systems with a gravity sewer, which will transport waste to a force main and then to a treatment facility. The design process for this project has been completed. Staff has ranked three firms and recommends ManCon Construction in first place, followed by Whiting Turner. Public Works Director Rubach requested that the Commission allow the Interim Town Manager to negotiate a contract with ManCon, which will be brought back for approval at a subsequent meeting.

Commissioner Sokolow requested clarification of the anticipated timeline for this project. Public Works Director Rubach replied that it is expected to last over two fiscal years, estimating eight to twelve months depending upon weather and other factors. The contractor will install a gravity sewer and lift station to connect to the improvements made by private homeowners.

Commissioner Strauss made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-32, establishing the RFQ rankings and authorizing the

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Interim Town Manager to negotiate a contract with ManCon Construction for CMAR services for the Palm Club sewer project; upon successful negotiation, the Interim Town Manager will present the negotiated contract to the Commission for approval. Motion carried 5-0.

c. Fiscal Year 2021-2022 BSO Proposed Budget

Finance Director Lang stated that the proposed BSO budget for FY 2021-2022 is \$5.3 million, which represents an increase of roughly \$206,000 or 6%. The largest increase comes in personal services, where one Deputy Sheriff Sergeant will be added and the part-time receptionist position will be reduced to one. BSO Captain Thomas Palmer recalled that the Deputy Sheriff Sergeant position was discussed at a previous meeting and received consensus for inclusion in the proposal.

Commissioner Malkoon addressed the \$80,000 to be budgeted for Downtown, asking if this is part of the Town's overtime agreement with BSO. Interim Town Manager Connors replied that this amount would cover the cost of enhanced coverage Downtown, which would be similar to the service provided since January 2021. It would provide one Deputy in four-hour shifts from Thursday through Sunday. The \$80,000 would be over and above the \$5.3 million budget.

Capt. Palmer recalled that BSO had provided the Town with a memorandum of understanding (MOU) that is separate from the Police services agreement. The \$80,000 would be dedicated to this high-visibility service in the Downtown area during the tourist season, and can be stopped or started at any time. The service would be renewed on October 1, 2021 if that is the Commission's desire.

Commissioner Malkoon commented that he was in favor of continuing BSO's high-visibility presence Downtown at least through the remainder of FY 2021. Commissioner Sokolow agreed that the additional \$80,000 should be planned in the budget.

Vice Mayor Oldaker observed that in addition to BSO's enhanced Downtown presence, he was in favor of an increased Marine Unit presence, as there has been significant speeding on the Town's waterways. He requested that Marine Unit figures be provided for further review. He also asked if a County traffic enforcement entity will be present in the Town. Capt. Palmer advised that this group is currently traveling throughout Broward County and he hopes to have it back in the Town in summer 2021. While the previous group is a regional asset that is available upon request, the group he hopes to bring to

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Lauderdale-By-The-Sea in summer consists of motor units from throughout Broward County.

Vice Mayor Oldaker also inquired about the availability of message board signs, which can provide information on parking, street closures, special events, and other issues. Capt. Palmer replied that the Town owns one such unit approaching the end of its useful life, and has recently purchased a second unit. He also borrows additional sign units from other jurisdictions for special events. Vice Mayor Oldaker was in favor of using these signs to emphasize traffic regulations at locations throughout the Town.

Interim Town Manager Connors provided the requested information on the Marine Unit's FY 2020 budget: an eight-hour shift two days a week, typically weekends, would be \$2100 per week, while an eight-hour shift seven days a week would be closer to \$7400 per week. Capt. Palmer advised that there is an additional cost for the Marine Unit vessel's fuel, which is included in the quoted price. The vessel costs \$50 per hour.

Commissioner Strauss also agreed with the proposed additional seasonal expenditures for Downtown. He agreed with Vice Mayor Oldaker that a larger Marine Unit presence is needed, and was in favor of Saturday and Sunday shifts. He continued that he has also discussed the possible use of traffic calming devices on El Mar Drive with Captain Palmer, as there has been speeding on this roadway as well. He requested that this be brought back to the Commission for further discussion in the near future.

Vice Mayor Oldaker suggested reaching out to Sea Ranch Lakes to share the expense of an increased Marine Unit presence. Capt. Palmer advised that this has already been done, but Sea Ranch Lakes did not wish to participate at this time.

Mayor Vincent asked if the Town has jurisdiction to lower the speed limit on El Mar Drive, which is 25 miles per hour (mph). Capt. Palmer replied that he would look into whether this lower speed is an option for a mixed-use roadway.

Commissioner Sokolow made a motion, seconded by Commissioner Malkoon, to approve the FY 2021-2022 proposed budget with the addition of \$80,000 for enhanced BSO coverage. Motion carried 5-0.

14. COMMISSIONER COMMENTS

Commissioner Malkoon advised that he had attended a recent Buzz About Art event held by the Chamber of Commerce at the Plunge Hotel. He recognized resident Ann Marchetti

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for her work in putting together this event, and spoke in favor of more Town events involving public art in the future.

Vice Mayor Oldaker thanked Public Works for putting up the Town's Memorial Day decorations. He also expressed concern with the communications equipment used at Commission and other public meetings. Interim Town Manager Connors advised that she has asked Public Information Officer d'Oliveira to look into this issue.

Commissioner Strauss urged all residents to prepare for hurricane season.

Commissioner Sokolow advised that he was happy to see the plans for the upcoming Fourth of July and BugFest celebrations, as these were signs that the Town is returning to normalcy following the pandemic.

The Commission wished residents a happy Memorial Day holiday.

15. ORDINANCES 1ST READING

- a. Ordinance 2021-03 -- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY AMENDING THE TEXT OF THE COASTAL MANAGEMENT ELEMENT; PROVIDING FOR TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES, AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE TOWN COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Planner Sue Leven explained that this Ordinance addresses the Peril of Flood Act, which passed in 2015 and updates Florida Statutes regarding flooding. It recognizes the importance of planning against future flood risks, and addresses redevelopment strategies and engineering solutions to combat sea level rise.

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In order to conform to the requirements of the Peril of Flood Act, the Town must consider development and redevelopment strategies that reduce losses from coastal flooding, identification of site development practices to reduce these losses, consistency with the Florida Building Code, and continued participation in the community rating system used by the National Flood Insurance Program, among other activities.

The Town was approached several years ago by the South Florida Regional Planning Council (SFRPC) to support a grant that would assist municipalities in meeting the state's Peril of Flood requirements through amendments to the Coastal Management Element (CME) of the Town's Comprehensive Plan. The Town agreed to support this grant, which was approved. Staff from Lauderdale-By-The-Sea and other South Florida municipalities worked with SFRPC over the course of the project.

Staff requests that the Commission vote to approve the amendments included in their backup materials, which apply to the goals, objectives, and policies of the CME and would bring the Town into compliance with state mandates and adopt up-to-date Peril of Flood language into the Comprehensive Plan. This will reflect what the state would like to see from the Town with regard to meeting the Peril of Flood Act requirements.

Vice Mayor Oldaker commented that the document also provides information on continued participation in the Community Rating System for the National Flood Insurance Program, which helps lower flood insurance for any resident who wishes to purchase it.

Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the proposed Ordinance amending the CME of the Town's Comprehensive Plan on first reading. Motion carried 5-0.

16. ORDINANCES 2ND READING

None.

17. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2021-30 - A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE RANKINGS FOR REQUEST FOR QUALIFICATIONS NO. 21-03-02 FOR CONSULTING SERVICES RELATED TO THE CREATION OF A DUNE MASTER PLAN; AUTHORIZING THE INTERIM TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE NUMBER**

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ONE RANKED FIRM, MOFFAT & NICHOL, INC. IN AN AMOUNT NOT TO EXCEED \$75,000; PROVIDING FOR AN EFFECTIVE DATE (Exhibit 1)

At this time Mayor Vincent opened public comment.

Barbara Cole, resident, asked to know which individuals served on the Town's Evaluation Committee for this selection, and expressed disappointment that Lee Gottlieb, who had provided public comment earlier, was not one of this committee's members.

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

Public Works Director Rubach explained that the Evaluation Committee was comprised of himself, Neysa Herrera, Assistant to the Town Manager, and Mike Walker, Buildings and Public Lands Supervisor. Mr. Gottlieb was involved in a previous aspect of the dune planning process.

When Broward County became aware that the Town was involved in a dune reclamation project, however, the County wished to be apprised of any further permits for dune reclamation, and indicated that they could object to the permitting process at the local level. Public Works Director Rubach concluded that while Broward County has some input on beach projects such as renourishment, this decision ultimately lies with the Florida Department of Environmental Protection (DEP) in Tallahassee.

Commissioner Strauss asked how the dune management project fits with the beach renourishment project on which the Commission recently voted. Public Works Director Rubach replied that the dune project is expected to establish a baseline topography of the beach. He strongly emphasized the importance of dunes in mitigating the effects of serious storms.

Commissioner Strauss asked if the dune project must be undertaken prior to beach renourishment. Public Works Director Rubach advised that this was not necessary, as the two projects are complementary. He characterized the dunes as a "sand bank," as they can provide sand for small renourishment projects over time.

Assistant to the Town Manager Neysa Herrera concluded that the Town has the opportunity to secure a \$30,000 grant to offset some of the project's costs. The grant award will be made in summer 2021.

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Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve the Evaluation Committee's rankings and authorize the Interim Town Manager to negotiate and execute an agreement with the number one-ranked firm, Moffat & Nichol, in an amount not to exceed \$75,000. Motion carried 5-0.

b. Resolution 2021-31 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ESTABLISHING A FEE SCHEDULE FOR THE RENTAL OF KEYS TO ACCESS THE TOWN'S TENNIS AND PICKLEBALL COURTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

It was clarified that Resolution 2021-31 is retroactive to January 2021, when the emergency treatment of this program expired.

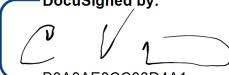
Commissioner Sokolow made a motion, seconded by Vice Mayor Oldaker, to approve Resolution 2021-31, formally establishing an annual fee of \$120 for tennis court keys, prorated at \$10 per month; this fee will be retroactive to January 15, 2021. Motion carried 5-0.

18. QUASI JUDICIAL PUBLIC HEARINGS

None.

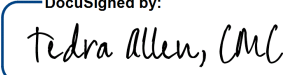
19. ADJOURNMENT

With no other business to come before the Commission at this time, the meeting was adjourned at 8:01 p.m.

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Mayor Chris Vincent

ATTEST:

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Town Clerk Tedra Allen

6/10/2021

Date