

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, May 14, 2019
6:30 PM**

1. CALL TO ORDER, MAYOR CHRIS VINCENT

Mayor Vincent called the meeting to order at 6:31 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, Project Manager Kathie Margoles, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor Fred Powell gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Town Attorney Susan Trevarthen requested that Item 17.a be changed to Item 18.a.

5. PRESENTATIONS

5.a South Florida Wildlife Center (Director Renata Schneider, South Florida Wildlife Center)

South Florida Wildlife Center Director Dr. Renata Schneider provided a presentation to the Commission on the facility, which treats 12,000 to 13,000 animals per year. The Center has a staff of 45 individuals, including three veterinarians. The facility is leased from the Port and is currently seeking a lease extension. Public hearings are scheduled for May 21 and June 4, 2019 to discuss the renewal. Dr. Schneider also noted that the current hospital cannot withstand a hurricane beyond the strength of a Category 2, which means animals must be evacuated in the event of a storm. A new hospital would provide more space and greater hurricane safety.

The Center is a 501(C)3 nonprofit organization that receives no government funding and operates on grant funds and donations. There are 200 active volunteers assisting the facility, which is an affiliate of the Humane Society of the United States. Individuals interested in volunteering may contact southfloridawildlifecenter.org.

5.b National Public Works Week (Ken Rubach, Municipal Services Director)

Municipal Services Director Ken Rubach recognized the contributions of the Town's Municipal Services Department Staff in both every day and emergency situations.

Mayor Vincent read a Proclamation declaring May 19-25, 2019 as National Public Works Week.

5.c "National Police Week" and "National Peace Officers Memorial Day" Proclamation (Captain Thomas Palmer, BSO)

Broward Sheriff's Office (BSO) Captain Thomas Palmer advised that May 15 of each year is National Peace Officers Memorial Day in honor of members of law enforcement who have fallen during the performance of their duties. There have been 42 deaths in the line of duty thus far in 2019.

Mayor Vincent read a Proclamation recognizing May 15, 2019 as National Peace Officers Memorial Day and the calendar week in which it falls as National Police Week.

5.d EMS Week 2019 Proclamation (Chief Brooke Liddle, AMR)

American Medical Response (AMR) Chief Brooke Liddle stated that Emergency Medical Services (EMS) week recognizes emergency medical responders and those who support their work.

Mayor Vincent read a Proclamation declaring May 19-25, 2019 as National Emergency Medical Services Week.

5.e Tedra Allen Day (Mayor Chris Vincent)

Mayor Vincent read a Proclamation in honor of the contributions of Town Clerk Tedra Allen, including her Certified Municipal Clerk certification, and recognizing May 14, 2019 as Tedra Allen Day.

6. PUBLIC COMMENTS

At this time Mayor Vincent opened public comment.

Randel Sands, resident of Fort Lauderdale, recalled that he recently freed a nurse shark tangled in fishing line off the Town's shore. He expressed concern with the amount of garbage on the Town's reef and requested to meet with the Town Commission to discuss additional ways to improve conditions, particularly with regard to fishing waste near the pier.

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

7. PUBLIC SAFETY DISCUSSION

7.a BSO April 2019 Report (Captain Thomas Palmer, BSO)

Captain Palmer reported that a serial thief who had targeted multiple local businesses was identified and recently apprehended, as was another individual who had stolen three kayaks.

Commissioner Oldaker asked how the public could be best informed of incidents of concern that arise in the Town. Captain Palmer advised that there is an active network using the social media app NextDoor: although BSO does not use this platform, he has created a personal account for the Town so information can be disseminated accurately. He has also created a Twitter account for Lauderdale-By-The-Sea. He clarified that the Code Red system is used strictly for public safety threats, while social media can often address non-emergent situations.

Town Manager Bill Vance recommended that the Town use its public access television channel more actively to provide information to the public. There is also the potential for the Town to communicate with residents via text message.

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

7.b AMR April 2019 Report (Chief Brooke Liddle, AMR)

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

7.c VFD April 2019 Report (Chief Judson Hopping, VFD)

Commissioner Oldaker recalled that at the recent Air and Sea Show, which had a more significant presence in Lauderdale-By-The-Sea than in previous years, there were safety issues involving Jet Skis in the designated ocean swimming area. He requested a stronger law enforcement/safety presence in the water at next year's event.

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

8. TOWN MANAGER REPORT

8.a March 2019 Finance Report (Tony Bryan, Town Manager)

The Commissioners accepted the report without discussion.

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

The Commissioners accepted the report without discussion.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

10.a April 23, 2019 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)

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

11. CONSENT AGENDA

Commissioner Oldaker made a motion, seconded by Commissioner Malkoon, to approve Items 11b and 11d. Motion carried 5-0.

11.a PayByPhone Transaction Fee (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan explained that the Town currently pays the transaction fee when individuals use PayByPhone. This Item asks the Commission to consider transferring this charge to the actual user. The Town is one of only two Florida cities to absorb this transaction fee rather than passing it on to the customer.

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

11.b Authorization to Purchase Two Global Metro Multi-Space Pay Stations (Tony Bryan, Deputy Town Manager)

11.c Health Insurance Agent on Record (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Bryan advised that because there are fewer than 50 Town employees, Lauderdale-By-The-Sea is considered a small insurance group. This means its insurance company files its rates with the state of Florida, it files the plan as well, with no rating based on experience or opportunity to negotiate. The Town's premiums are based on a census of employees as well as the selected plan. He and Town Manager Vance agreed that the Town should remain with its agent of record for at least another year.

Commissioner Strauss asked how much leverage the health insurance administrator has with the health care company to address problems, such as issues with health care bills. Deputy Town Manager Bryan replied that the administrator advocates on behalf of covered employees and their family members.

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

11.d Payment to Town Manager Upon Separation (Tony Bryan, Deputy Town Manager)

11.e Bougainvillea Parking Project (Ken Rubach, Municipal Services Director)

Municipal Services Director Rubach stated that when previous work was done in the Town's Plazas, commercial businesses were allowed to place banners to mitigate the disruption caused by construction work. This Item would allow businesses on Bougainvillea Drive and Poinciana Drive, which will be affected by storm sewer construction, to erect banners without requiring permits.

Construction is expected to begin the following week, with a staging area on Poinciana Drive. A portion of roadway north of Commercial Boulevard will be closed for the construction of the storm sewer. Warning signs will be posted on the roadway, and once a Maintenance of Traffic (MOT) agreement has been signed, it will be posted on the Town's website.

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

12. OLD BUSINESS

None.

13. NEW BUSINESS

None.

14. COMMISSIONER COMMENTS

Vice Mayor Sokolow congratulated Town Clerk Allen on her certification.

Commissioner Strauss reported that the recent Air and Sea Show was a success.

Commissioner Oldaker thanked the presenter and public commenter who had addressed wildlife issues in the area. He requested an update on the status of the Town's electronic speed limit signage. Municipal Services Director Rubach replied that the Florida Department of Transportation (FDOT) must approve these devices before they may be installed.

Commissioner Oldaker continued that the Town should pursue reopening the parking spaces on the former Villa Caprice lot for the general public to use near the beach. Town Manager Vance observed that Development Services Director Linda Connors has

reached out to the management of this property to determine if contractual relationships can be rekindled, particularly with regard to parking.

Commissioner Oldaker concluded by recommending that the Town make a donation to the South Florida Wildlife Center as part of the charitable contributions in its fiscal year (FY) 2020 budget.

Mayor Vincent recognized local photographer James Schot for his recent photographs of the Air and Sea Show. He continued that a workshop is scheduled for 5:30 p.m. on Thursday, May 16, 2019.

Commissioner Malkoon advised that he attended a meeting of the Tourist Development Council to discuss funding for the Town's Visitors Center. He recognized the support of Broward County Commissioner Lamar Fisher during this discussion. He also attended the SunSational Award ceremony at which Town volunteers were recognized for their outstanding service.

Commissioner Oldaker advised that the Town's annual 4th of July event is less than two months away.

15. ORDINANCES 1ST READING

15.a Ordinance 2019-06 -- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SETTING MARCH 17, 2020 FOR THE TOWN'S 2020 GENERAL MUNICIPAL ELECTIONS DATE TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION DATE AS ALLOWED BY SECTION 101.75, FLORIDA STATUTES; ESTABLISHING THE QUALIFYING PERIOD FOR THE 2020 GENERAL MUNICIPAL ELECTIONS TO OCCUR FROM NOON ON THURSDAY, JANUARY 2, 2020 THROUGH NOON ON WEDNESDAY, JANUARY 8, 2020, AS REQUIRED BY THE SUPERVISOR OF ELECTIONS; PROVIDING FOR THE DATE ON WHICH ELECTED OFFICIALS TAKE OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Tedra Allen, Town Clerk)

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 on first reading. Motion carried 5-0.

16. ORDINANCES 2ND READING

16.a Ordinance 2019-01 – AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2019 RESTATED SOLID WASTE, BULK WASTE, AND RECYCLING COLLECTION SERVICES AGREEMENT WITH WASTE PRO USA, INC. (“2019 RESTATED COLLECTION AGREEMENT”); AUTHORIZING AMENDMENTS, INCLUDING COMMINGLED WASTE, NUMBER OF CARTS IN DUPLEXES, PENALTIES; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Kathie Margoles, Project Manager)

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 approve. Motion carried 5-0.

17. RESOLUTIONS – PUBLIC COMMENTS

17.b Resolution 2019-13 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, URGING THE VOLUNTARY REDUCTION AND ULTIMATE ELIMINATION OF SINGLE USE PLASTICS; PROVIDING FOR CONFLICTS, AND FOR AN EFFECTIVE DATE (Kathie Margoles, Project Manager)

Mayor Vincent stated that in response to recent legislation allowing home rule on this issue, he would like to discuss the possibility of returning Ordinance 2019-13 for second reading rather than passing this Resolution.

Town Attorney Trevarthen recalled that an Ordinance prohibiting single-use plastic straws had previously passed upon first reading. Because the Florida Legislature had taken up a bill that would have preempted this prohibition, the Commission instead elected to proceed with the Resolution rather than passage of Ordinance 2019-13 on second reading. As the Governor vetoed the bill prohibiting this aspect of home rule, however,

the Town now has the authority to proceed to second reading of the Ordinance if they wish. The Ordinance's prohibition applies to plastic straws only.

Vice Mayor Sokolow asked if the Ordinance includes penalties. Town Attorney Trevarthen replied that the Ordinance provides for penalties to be adopted by Resolution, which can accompany the second reading. The Commission may determine what they would like the penalties to be.

The Commissioners agreed by consensus to bring Ordinance 2019-13 back for second reading.

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 Resolution 2019-12 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE REQUEST TO VACATE A TEN (10) FOOT PORTION OF A UTILITY EASEMENT GENERALLY LOCATED AT 236-238 GARDEN COURT, AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)

Development Services Director Linda Connors explained that this Item relates to the Sky 230 development, which is completing its requirement to vacate a utility easement so future property owners will have a clear title. The Planning and Zoning Board recommended approval of the vacation, as did all affected utility companies. If the Item is passed by the Commission, it will advance to the Broward County Board of County Commissioners for further deliberation.

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

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

19. ADJOURNMENT

Lauderdale-By-The-Sea
Regular Town Commission Meeting
May 14, 2019

With no other business to come before the Commission at this time, the meeting was adjourned at 7:49 p.m.

A handwritten signature in black ink, appearing to be "Chris Vincent", written over a horizontal line.

Mayor Chris Vincent

ATTEST:

A handwritten signature in blue ink, appearing to be "Tedra Allen", written over a horizontal line.

Town Clerk, Tedra Allen

A handwritten date "5-28-19" in blue ink, written over a horizontal line.

Date